

Terrorism-Related Inadmissibility Grounds (TRIG) in Venezuelan Adjudications

Asylum HQ Quality Assurance Branch



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Introduction

We will focus on the following topics:

- Colectivos – Potential Tier III groups?
- Unknown colectivos as potential Tier III groups
- Leadership authorization for unknown/unnamed groups
- Demonstrations
 - La Resistencia
 - Attending demonstrations/guarimberos
 - Throwing rocks & other objects at demonstrations
 - Providing support at violent demonstrations



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Colectivos

The term “colectivos” generally refers to groups engaged in activities in support of the governments of Hugo Chavez and Nicolás Maduro.

- Some are violent, some are not.
- Given variety and types of colectivos, not all are Tier III.
- The violent activities of some colectivos may bring them into the definition of Tier III.
- Though some are closely linked with government officials/communal councils, and even receive funding or weapons from the state, they are not part of the government.
- See [RAIO TRIG Research on Colectivos](#)
- See [RAIO TRIG Research on Tupamaros](#)



No COI Found/Unknown group?



- Testimony alone can be sufficient to establish that an unknown group meets the Tier III definition, notwithstanding the absence of COI about the group.



Practice: Unknown colectivo

Facts: Applicant testified that he was forced to give \$20 to armed members of an unknown “colectivo” who were wearing Chavez t-shirts, called him “escualido” and “filthy oppositionist” and threatened to kill him at gunpoint.

Analysis: Based on COI indicating pro-Chavez armed colectivos have been involved in killing opposition protesters, the colectivo to whom the applicant gave money constitutes a Tier III organization because it committed acts that constitute terrorist activities under INA § 212(a)(3)(B)(iii)(V)(b), in that colectivos have used firearms with intent to endanger the safety of one or more individuals for other than mere personal monetary gain.

Question: Is the Tier III determination based on the correct evidence?



Practice – TRIG?

- Applicant was a doctor at a clinic in Venezuela. In May 2017, on her way to work, she saw armed colectivos in the streets attacking anti-government protesters and destroying property. Throughout the day, she heard from patients and on social media that the violence by colectivos was continuing. At night, two men arrived, dressed like pro-govt colectivo members, but unarmed. One of them had a wound on his leg, which he said was due to cutting himself with glass by accident at work. Though unarmed, they detained her and forced her to treat the wound. She bandaged the wound, but was unable to provide further treatment due to lack of supplies.
- Did this applicant afford material support to a Tier III group or to individuals who have committed terrorist activity?



Uddin Guidance

- See [Original OCC Guidance](#) (Oct. 23, 2017)
- See [RAIO TRIG FAQ on Uddin & Leadership Authorization](#) (Feb. 27, 2019).



No Evidence of Leadership Authorization

What if I can't find any evidence of leadership authorization?

- If a well organized armed group at least part of whose purpose is to commit violence, i.e. militia or armed wing, is carrying out violence, you can conclude that leadership authorizes the violent activities.
- If open source materials contain no mention at all of leadership and its stance on violence, and the organization itself was not organized to carry out violence (such as a political party or student union), then you may not be able to conclude that the organization is Tier III.



Uddin Example – Unknown/Unnamed group

- Three armed men broke into the applicant's home and threatened him and his family. He was told that if he did not stop engaging in political activity, he and his family would be killed. The men then forced the applicant at gunpoint to give them \$200. He does not know what organization the men were affiliated with.
- Analysis: See Example 2 in [RAIO TRIG FAQ on Uddin & Leadership Authorization](#) (Feb. 27, 2019).



Demonstrations – La Resistencia

Based on recent research, “La Resistencia” is a general term for uprisings, spontaneous and organized, violent and non-violent, against the government of Nicolas Maduro.

Individuals claiming affiliation with “La Resistencia” should be asked for more information about their activities and those of their colleagues to determine whether these comprise terrorist activity as defined by INA 212(a)(3)(B).



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Attending Demonstrations

Does attending a demonstration implicate TRIG?

- No, simply standing/walking/marching is not TRIG.

Guarimbas - Does blocking a street (street barricade) to prevent entry by the GNB implicate TRIG?

- No. Simply blocking a street to prevent movement does not meet the definition of “terrorist activity” or “engaging in terrorist activity.”

What if the protests turns violent, and others around the applicant start to use weapons?

- Applicant not responsible for acts of all at demonstrations
- Explore the violence that occurred at demonstration & applicant’s involvement in that violence.

See [RAIO TRIG FAQ on Attending Demonstrations](#) (March 26, 2019).



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Demonstration – Thrown objects as terrorist activity?

Maybe, depending on the circumstances.

- (1) Must be considered a weapon or dangerous device; AND
(2) the applicant must have had the intent to endanger a person or persons or cause substantial damage to property.
- The adjudicator must analyze both the objects thrown and the circumstances under which they were thrown.
- It is possible to throw stones or other items and not pose any real danger to well-armed and protected individuals.
- See: [RAIO TRIG FAQ on Throwing Stones and Other Objects](#) (Jan. 9, 2019).



Practice – TRIG?

- Applicant testified that he threw stones of various sizes and bottles at National Guard in order to slow the guardsmen down and give protesters time to run away and avoid being hit by rubber pellets and tear gas canisters.
- Did applicant commit a terrorist activity? Do we have enough information to make this determination?



Material support to demonstrators

What if applicant provides material support to protesters at a violent demonstration?

- Providing food and medical supplies to protesters who have engaged in terrorist activity may qualify as material support.
- Support to individuals at a violent protest versus support to individuals who committed violence. The former is not TRIG, the latter is TRIG.



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Practice

- An applicant attended a demonstration that began peacefully, but became violent after some demonstrator threw rocks at the police, who retaliated by firing tear gas canisters and rubber bullets into the crowd, and beating the demonstrators who did not disperse. The applicant did not participate in any of the violence, and later helped to administer first aid to some of the injured demonstrators. The applicant did not personally know or recognize any of the injured demonstrators, and also did not know if they belonged to any groups or parties, or if they had thrown rocks during the demonstration.
- See last example in [RAIO TRIG FAQ on Attending Demonstrations](#).



Practice – TRIG?

Applicant provided first aid to protesters who were injured at a demonstration that turned violent. He knew that one of the protesters he administered first aid to had thrown a tear gas canister back at the National Guard.

Did applicant's actions constitute material support to a person who had committed a terrorist activity? Do we need to know anything else?



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Venezuela: 2017 Protests



Overview

- 4 uninterrupted months (Apr. 1 to Jul. 31)
 - Government: 9,436 protests (78 per day)
 - OVCS: 6,729 protests (56 per day)
- At least 124 deaths
- Injuries: 1,958 to 12,000?
- Over 5,000 arrests



Causes

- Long-term
 - Political crisis
 - Humanitarian crisis
- Short-term
 - Supreme Court rulings (late March)
 - Repression of protests
 - Call for elections for Constituent Assembly (May 1)





2 million people, all ages and social classes

Goals

- Various political & social demands
- Political opposition
 - New elections (“*elecciones ya*”)
 - Release of political prisoners
 - Creation of a humanitarian channel
 - Full recognition of the National Assembly

Leadership & Awareness

- Convened and organized at the national level by the MUD & its leaders
- But also erupted spontaneously
- Intense use of social media to share information



Methods

- Emphasis on marches and concentrations of people
- Other forms of protest
 - Street closures (*trancazos*)
 - Barricades (*guarimbas*)
 - Sit-ins (*plantones*)
 - Banging of pots (*cacerolazos*)
 - Looting (*saqueos*)
 - Music festivals
 - Rallies at night



Repression by Security Forces & *Colectivos*



Use of Violence by Protesters

- Protests = mostly peaceful & non-violent
 - Vast majority of demonstrators shunned violence
 - Opposition leaders
 - Rejected & condemned violence
 - Issued instructions that protests should be peaceful
- Some groups of protesters used violence
 - Typically in response to violence by security forces
 - Targets = security forces, vehicles, government buildings
 - *La Resistencia*

Throwing Objects

- Molotov cocktails
- Pupotov cocktails
- Paint bombs
- Rocks/stones
- Blunt objects
- Tear gas canisters
- Eggs







Other Forms of Violence

- Attacks on government & private buildings
- Looting
 - Unclear how much looting and vandalism is related to protests
- Hijacking of vehicles
- Threats & verbal abuse
- Closure of roads with obstacles/blockades
- Lynching
 - At least 4 people allegedly killed by anti-government groups or individuals
- Statutes of former President Hugo Chavez damaged or destroyed

La Resistencia



La Resistencia

- Groups of anti-government protesters, usually on the frontlines of protests, who clashed with security forces
- Other names: *Chamos de la Resistencia; Los Escuderos; Los Guerreros; Protectores; Guarimberos; Encapuchados*
- Other potential meanings of the term?

Members



Appearance



Actions/Role in Protests

- Positioned at the front of demonstrations
- Clash with security forces
 - Defensive vs. offensive actions
 - Use of violence (rudimentary weapons)



Organization



- Not a consolidated group, but rather loose-knit groups of youth
 - Difficult to know how they are organized & coordinate
 - Unclear if they have leadership or direction
 - Individuals may have specific roles or functions

Perceptions of *La Resistencia*

- Opposition supporters
 - Support
 - Offer protection & energy at protests
 - Viewed as symbols of resistance or heroes
 - May provide with food, drink, lodging, etc.
 - Oppose
 - Undermine claim to be entirely non-violent
- Government
 - “Terrorists”



Relationship with the Political Opposition

- No evidence of a formal, systematic link
 - Unable to control the youth movement
 - Opposition leaders ask that they not lead demonstrations
 - Claim not a part of the political opposition
 - Politicians, analysts, members of *La Resistencia*



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