From: Alison Griffith
To: Sarah Brenes; Lindsey Greising; Hanne Sandison
Subject: Fwd: [mn-dakotas] IJ Miller Individual Hearing
Date: Wednesday, December 18, 2019 11:21:14 AM
Attachments: ij miller caselaw.pdf
PastedGraphic-1.tiff

Oof

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From: anthony sosa <asosa.esq@gmail.com>
Sent: Wednesday, December 18, 2019 11:18:36 AM
To: Kim Hunter <Kim@kimhunterlaw.com>
Cc: Iris Ramos Nieves <iris@irisramoslaw.com>; Alison Griffith <agriffith@advrights.org>
Subject: Re: [mn-dakotas] IJ Miller Individual Hearing

CAUTION: EXTERNAL

Hello,

I am replying to all who asked for shared responses. While, I didn't receive any responses I can now share my own experience from yesterday:

My CL is a Honduran gay man fleeing persecution as LGBT and also because of a parallel intrafamily feud that resulted in two murders and crosses over into the LGBT claim. The LGBT persecution was the prominent claim.

IJ Miller denied the claim for the following reasons:

* Not credible
* Honduran homosexual men do not constitute a PSG
* Amorphous
* Not particular
* Not defined
* Too diffuse
* No social distinction within Honduran society

* No nexus: The fact that Honduran police does not offer protection to LGBT (as my client was expressly told after trying to report an anti-LGBT motivated assault) cannot be imputed to the Honduran government as an unwillingness to protect. After all, there is a law prohibiting discrimination and the government is trying to do their best with limited resources.

* Past persecution: There was no past persecution because the client's sexual exploitation as a child and teenager **may have been consensual**. Here, OCC tried really hard to have the client admit to being a prostitute but the client firmly held on to a need for food and money as the reason for the exploitation. I objected and reminded the IJ that a 12-year-old child cannot consent and he seemed to backtrack a little but nonetheless included his finding in the oral order. Also, there was an assault by a family member motivated by LGBT hate. According to the IJ, not past persecution because it was simply a familial conflict and not necessarily hate

related.

*Matter of L-E-A-: Asylum laws are not meant to fix all the problems in the world…..

* 2018 DOS Human Rights Report: I submitted information explaining how the Trump administration has watered down the report particularly regarding LGBTI conditions. I submitted a 2015 report to illustrate the difference in detail and specificity. Asked him to consider other country condition reports with better data. He adopted the 2018 report findings.

* Like Sardelli, he also has a case law handout. (see attached)

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On Dec 16, 2019, at 4:07 PM, Kim Hunter <Kim@kimhunterlaw.com> wrote:

Please share responses, Tony.

Thank you,
Kim Hunter

From: anthony sosa <asosa.esq@gmail.com>
Sent: Monday, December 16, 2019 4:05 PM
To: AILA Minnesota - Dakotas Chapter Distribution List <mn-dakotas@lists.aila.org>
Subject: [mn-dakotas] IJ Miller Individual Hearing

Hello:

I have an upcoming individual hearing with IJ Miller. I am wondering if anyone who has

had one with him is willing to share impressions and experience offline.

Thanks,

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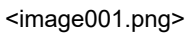

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