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# BY HAND

U.S. Citizenship and Immigration Services Arlington Asylum Office

1525 Wilson Blvd., 3rd Floor

Arlington, VA 20598

## Re: Letter Brief in Support of Ms. B’s Application for Asylum (A#XXX-XXX-XXX)

Dear Sir or Madam:

We write to request that Ms. B be granted asylum in the United States because she has suffered past persecution, has a well-founded fear of future persecution, and will likely be killed by the Taliban if forced to return to Afghanistan. Ms. B has been persecuted on account of her political opinion, religion, ethnicity, and membership in social groups.

## Factual Overview of Ms. B's Case

Ms. B is a former Afghan policewoman who worked to promote the rights of women and children in Afghanistan.1 After Ms. B's husband was reportedly killed by his Taliban cousins, Ms. B was confronted by emissaries of her husband's extended family, which is active in the Taliban, who suggested, and ultimately demanded, that Ms. B quit her job as a policewoman and to enter into a polygamous marriage with a cousin of her husband.2 After refusing, in February of 2013, Ms. B received a letter with the Taliban's official stamp, which stated that Ms. B would be killed both for her role as a policewoman cooperating with international organizations and because she refused to go to her husband's home town with her

1 Exhibit 1, Affidavit of Ms. B in support of her application for asylum, **¶** 36-56 ["Affidavit of Ms. B"].

2 *Id.* at ¶ 31-35, 62-65; *see also* Exhibit 12, Signed Letter from RB, Ms. B's father.

children.3 Despite having received the letter, Ms. B continued with her work, and in March 2013, the Taliban sent a second letter threatening Ms. B's life.4

By referring both to her job and to her children, the Taliban letters made clear that the threats against Ms. B were related both to her personal and professional life. In Ms. B's personal life, as an Afghan widow she is susceptible to Afghan tradition, which tolerates forced marriage of widows to a relative of the widow's husband.5 Ms. B's family ties to her persecutors give Ms. B reason to take the threats seriously. Ms. B, a Shia Muslim, has never met her husband's immediate Sunni family, nor has she met any members of her husband's extended family who were active in the Taliban.6 Ms. B did not learn of her husband's family's connection to the Taliban until more than two years into her marriage, when a family dispute resulted in the murder of her husband's brother by her husband's Taliban cousins.7 The personal element of the threats Ms. B received were not simply pressure from family to marry against her will-it was a serious death threat made credible by the blood feud that had already claimed the life of Ms. B's husband and his brother, the emissaries of her husband's Taliban cousins who contacted her, and by the Taliban stamp on the letters to Ms. B.

The Taliban letters were not merely personal threats with official stamps. Both letters threatened death on account of Ms. B's role as a policewoman.8 The role as an Afghan police officer is, of course, in of itself not without risks. But Ms. B was not just a police officer. She was a female police officer in a country where societal elements such as the Taliban violently oppose a woman's right to be a police officer, and she worked within the police force to further human rights that the Taliban opposed. In her role within the Ministry of Interior, Ms. B supported compliance with international human rights standards, responded to policewomen's claims of harassment and assault by male police officers, and created an internal policy on gender discrimination and harassment.9 In her official role, Ms. B zealously defended the rights of women and children and was outspoken in her support of gender equality.10 When policewomen's complaints against male police officers were not taken seriously within the Ministry of the Interior, Ms. B surreptitiously informed the Afghan Independent Human Rights Commission and the

3 Exhibit 1, Affidavit of Ms. B, **¶** 68; Exhibit. 8, Copy of Letter to Latifa from Taliban threatening her life, Issue No. 523, dated 10/05/1434 ["First Taliban Letter"].

4 Exhibit. 9, Copy of Letter to Latifa from Taliban threatening her life, Issue No. 523, dated 10/05/1434 ["Second Taliban Letter"].

5 Exhibit 17, U.S. State Department, Bureau of Democracy, Human Rights and Labor, *Afghanistan 2010 Human Rights Report,* 42 ["2010 State Department Report"].

6 Exhibit 1, Affidavit of Ms. B, **¶** 22, 24.

7 *Id.* at **¶** 20, 27-28.

8 Exhibit 8, First Taliban Letter; Exhibit 9, Second Taliban Letter.

9 Exhibit 1, Affidavit of Ms. B, **¶** 36-56.

10 *Id.*

United Nations Assistance Mission in Afghanistan.11 Ms. B authored several articles for the XXXX Magazine, many of which addressed the rights of women and children. 12 In an interview with Afghan radio during which she was identified by name, Ms. B explained the need for more Afghan policewomen.13 Ms. B also put her name to an open letter to Afghan President Hamid Karzai, which demanded a government response to violence against women.14 In sum, Ms. B's role as a policewoman was a politically charged one, and the zeal with which Ms. B performed her duties amounted to political activism.

Ms. B's role as a police officer offered no protection against Taliban threats. 15 Indeed, Ms. B's place of work-far from being a place of refuge-was itself the source of harassment, threats, and discrimination. Ms. B was the victim of sexual harassment, 16 and in the course of Ms. B's work fielding complaints of policewomen, the policemen against whom complaints were made would make harassing calls to Ms. B, and they threatened that once there was no longer any Western presence in Afghanistan, Ms. B would be unable to continue her work.17

As detailed in Ms. B's affidavit, Ms. B has been persecuted by the Taliban for her work as a policewoman promoting human rights, and she justly fears that she will be persecuted by the Taliban if forced to return to Afghanistan. Ms. B fears that she will be abducted, tortured, and killed by the Taliban and that her children will be taken from her.18 Ms. B's account is corroborated by reports by the U.S. State Department, human rights organizations, and the media.

# CONDITIONS IN AFGHANISTAN

Violence is widespread in Afghanistan, but particularly at risk are women, who continue to experience "endemic violence and societal discrimination."19 Violence against women is widely

11 *Id.* at **¶** 50-51.

12 *Id.* at **¶** 53.

13 *Id.* at **¶** 60.

14 Exhibit 10, Copy of photograph of Ms. B signing an open letter to Afghan President Hamid Karzai regarding the state of human rights and women's rights in Afghanistan.

15 *See, e.g.,* Exhibit 1, Affidavit of Ms. B, **¶** 81 (noting that she is unable to trust even her coworkers from the Department of Gender and Human Rights); note 27 below (listing sources documenting other policewomen who have been recently assassinated).

16 *Id.* at **¶** 46, 54 (relating the suggestions of superior male officers that Ms. B meet them alone when Ms. B under consideration for promotion); *see also* Exhibit 13, Signed Affidavit of

Expert, Ph.D., Director of Program, Northeastern University, **¶** 17 ["Affidavit of Dr. Expert"] (noting the impropriety of such sexual advances in Afghan society).

17 Exhibit 1, Affidavit of Ms. B, **¶** 45.

18 Exhibit 1, Affidavit of Ms. B, **¶** 4, 6.

19 Exhibit 15, 2012 State Department Report, 1.

tolerated,20 and female victims of violence rarely are able to gain help from authorities .21 Traditional, informal mechanisms of dispute resolution, which continue to settle a majority of conflicts, are particularly discriminatory against women.22

Women in the public sphere are particularly susceptible to violence. 23 As the U.S. State Department noted in a 2012 report, women who take on public roles that "challenge[] gender

20 Exhibit 17, 2010 State Department Report, 38 ("Many elements of society tolerated and practiced violence against women.")

21 Exhibit 15, U.S. State Department, Bureau of Democracy, Human Rights and Labor, *Afghanistan 2012 Human Rights Report,* 33 ["2012 State Department Report"] (noting results of a survey regarding violence against women: "less than one in five respondents said that an organization, institution, or authority existed in their area where women can go to have their problems resolved, while more than three-quarters said that there was no such organization in their area"); Exhibit 20,

U.S. State Department, Bureau of Democracy, *Human Rights and Labor, Afghanistan 2007 Human Rights Report,* 5 ("Authorities rarely prosecuted abusers and seldom investigated complaints of violent attacks, rape, murders, or suicides of women. If cases came to court, the accused were often exonerated or punished lightly."); Exhibit 23, UNAMA, Still a Long Way to Go: Implementation of the Law on Elimination of Violence Against Women in Afghanistan, 4 (2012) ("UNAMA observed that ANP in some areas appeared to be powerless before perpetrators [of violence against women] while in other areas ANP seemed to favour perpetrators due to alleged corruption and lack of impartiality in administering justice.").

22 Exhibit 15, 2012 State Department Report, 13 (noting that an estimated 80% of disputes are settled by traditional *shuras,* which in many cases did not "respect the constitutional rights of ... women"); *id.* at 38-39 (noting that women's limited access to money and need for a male guardian affects women's access to justice and that the informal system of justice "generally discriminate[] against women"); Exhibit 21, UNHCR, UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Afghanistan, 50-51 (2013) ["2013 UNHCR Asylum Eligibility Guidelines"] (noting that "the vast majority of cases, including instances of serious crimes against women, are still being mediated by traditional dispute resolution mechanisms," the decisions of which "place women and girls at risk of further victimization").

23 Exhibit 15, 2012 State Department Report, 28 ("Women active in public life continued to face levels of threats and violence and were the targets of attacks by the Taliban and other insurgent groups."); Exhibit 16, U.S. State Department, Bureau of Democracy, Human Rights and Labor, *Afghanistan 2011 Human Rights Report,* 37 ("Women who took on public roles that challenged gender stereotypes (such as female lawmakers, NGO leaders, and news broadcasters) received 'night letters' most often sent by conservative elements, political powerbrokers, or insurgents to intimidate them and their families."); Exhibit 21: 2013 UNHCR Asylum Eligibility Guidelines, 37- 38 ("[W]omen in the public sphere and those holding public office have been increasingly subjected to threats, intimidation and violent attacks."); Exhibit 22, UNAMA & UNHCR, Afghanistan Annual Report of 2012: Protecting Civilians in Armed Conflict, 4 (2013) ("Particularly disturbing were targeted killings of women by Anti-Government Elements demonstrated by the killings of the head and deputy head of the Laghman Department of Women's Affairs in August and December 2012."); Exhibit 13, Affidavit of Dr. Expert, 115;*see also, e.g.,* Exhibit 27, Human Rights

stereotypes" continue to face intimidation and death threats.24 The Afghan government has proven unwilling or unable to protect women in the public sphere against such threats, and even where women in public life are assassinated, the Afghan authorities have done little or nothing to bring the killers to justice.25 Women in the public sphere who advocate for women's rights are specifically targeted. 26

Among women who take on public roles, Afghan policewomen are particularly vulnerable, and at least four police women were assassinated in 2013 alone.27 Ms. B personally knew three policewomen who have been subjected to assassination attempts, one of which resulted in death.28 From within the police departments themselves, Afghan policewomen face rape and sexual

Watch, *The 'Ten-Dollar Talib' and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation,* 33 (2010) *["The Ten-Dollar Talib"]* (noting the murder with impunity of three women in public life: police officer MK, journalist ZZ, and women's affairs director SA); Exhibit 26, Oxfam, *Women and the Afghan Police,* 173 Oxfam Briefing Paper, 28 (Sept. 10, 2013) (reporting the 2012 car-bomb killing of Hanifa Safi, a provincial Head of Women's Affairs and the fatal drive-by shooting of Hanifa Safi's successor).

24 Exhibit 15, 2012 State Department Report, 38.

25 Exhibit 27, *The Ten-Dollar Talib,* 33 ("The government has barely mustered a response even when very high-profile women are killed, attracting much media attention. It has never brought to justice the killers of several prominent women in public life, including SA, MK, ZZ and SA."); Exhibit 44, Orzala AshrafNemat, *Afghanistan Must Stop the Murder of its Female Leaders,* The Guardian (Jul. 17, 2012) ("[T]he Afghan government does almost nothing about such [assassinations of female leaders] ... ; there is rarely any serious effort to catch the perpetrators.").

26 *See* Exhibit 21, 2013 UNHCR Asylum Eligibility Guidelines, 36 ("Women's human rights defenders are reportedly increasingly facing threats, intimidation and attacks “) E;xhibit 27, *The*

*Ten-Dollar Talib,* 5-6; Exhibit 25, UNAMA, *Silence is Violence: End the Abuse of Women in Afghanistan,* 10 (July 8, 2009) (noting that women have been targeted for "advocating in public for the respect of women's rights").

27 *See* Exhibit 29, Emma Graham-Harrison, *Top Afghan Policewoman Killed Months after Predecessor's Assassination,* The Guardian (Sept. 16, 2013) (reporting the assassinations of Lieutenant Nigara, Third Lieutenant Islam Bibi, and Sergeant Shah Bibi); Exhibit 30, Nesar Ahmad, *Afghan Militants Target Female Police Officers,* Central Asia Online (Jul. 31, 2013) (reporting the assassination of Policewoman Parveena); *see also* Exhibit 28a, Heath Druzin, Afghan Policewoman Killed in Pakistan, Fourth in a Year From One Province, Stars and Stripes (Feb. 11, 2014) (reporting that Afghan policewoman Rabia's February 2014 abduction and subsequent execution in Pakistan "suggests the killers were tipped off as to her whereabouts, adding a chilling twist to the assassination campaign against Afghan policewomen").

28 Exhibit 1, Affidavit of Ms. B, **¶** 47-48.

Harassment,29 and Afghan policewomen report that they are expected to perform sexual favors to keep their jobs30 or in order to be promoted.31 Societal disfavor of female police officers is extreme enough to convince many policewomen to avoid wearing uniforms32 and even to hide their vocations from family members. 33

Afghan widows are also particularly vulnerable. 34 As the U.S. State Department described conditions in 2010, "[s]ince widows were perceived as their in-laws' property, they could be forced to marry a brother-in-law, who might already have a wife; the late husband s family seized any property he left."35 Afghan widows are routinely forced into marriages through the threat of physical violence and the threat of losing their children 36 and women facing forced marriage find little or no protection from Afghan law.37

29 *See, e.g.,* Exhibit 28, Alissa J. Rubin, *Afghan Policewomen Say Sexual Harassment is Rife,* New York Times (Sept. 16, 2013); Exhibit 34, Amie Ferris-Rotman, *Once a Symbol of New Afghanistan, Can Women Policewomen Survive?,* Reuters (Dec. 19, 2012).

30 Exhibit 34, Amie Ferris-Rotman, *Once a Symbol of New Afghanistan, Can Women Policewomen Survive?,* Reuters (Dec. 19, 2012).

31 Exhibit 35, Quil Lawrence, *For Aghan Policewomen, Sex Abuse is a Job Hazard,* All Things Considered, NPR News (Mar. 8, 2012).

32 *See* Exhibit 32, *Afghan Police Force Recruits Women to Fight Crime and Stigma,* United Nations Development Programme (May 18, 2013) (noting that wearing police uniforms on the streets

"can-and has-proven to be a death sentence" for policewomen); Exhibit 33, U.S. Army Sgt. 1st Class John Brown, *Female Afghan Police Make their Mark,* ISAF News List (Feb. 4, 2013) ("In many cases, due to insurgent activity, many female AUP/ABP [Afghan Uniformed Police/Afghan Border Police] choose not to wear their uniforms to work.").

33 Exhibit 33, U.S. Army Sgt. 1st Class John Brown, *Female Afghan Police Make their Mark,* ISAF News List (Feb. 4, 2013); *see also* Exhibit 36, Lianne Gutcher, *Fighting is Cultural, Criminal for Afghan Policewomen,* USA Today (Sept. 9, 2011) (reporting on a policewoman whose husband divorced her because she was a policewoman and remarried her only when she claimed she had quit the force despite continuing in the job secretly).

34 *See, e.g.,* Exhibit 21, 2013 UNHCR Asylum Eligibility Guidelines, 56; Exhibit 13, Affidavit of Dr. Expert, **¶** 12, 15 (noting that widows have always been vulnerable in Afghanistan and will

be especially vulnerable after the withdrawal of Western forces in 2014).

35 Exhibit 17, 2010 State Department Report, 42.

36 Exhibit 24. UNAMA, *Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan,* 27-29 (Dec. 2010); *see also id.* at 29 (reporting representative cases of widows being forced to marry, including a woman from Ghazni who was forced to marry or lose her children at the ultimatum of a delegation that included a mullah).

37 *See* Exhibit 23, UNAMA, Still a Long Way to Go: Implementation of the Law on Elimination of Violence Against Women in Afghanistan, 11-12 (2012) (noting that the women running away from

Religious and ethnic minorities are also at risk in Afghanistan, 38 and the Taliban has a history of targeting minority ethnic groups.39 Mixed marriages, such as that between Ms. B and her husband, are especially disfavored, having reportedly been annulled as against Islam. 40 And access to justice is particularly difficult for minorities: Shia are subject to a 2009 Shia Personal Status Law, which discriminates against women by denying them rights to child custody and freedom of movement,41 and minorities are discriminated against in in formal, traditional forms of

J•usti•ce.42

# MS. B IS STATUTORILY ELIGIBLE FOR ASYLUM.

Ms. B is eligible for asylum on the grounds that she has been persecuted on account of her political opinion, religion, ethnicity, and membership in particular social groups. Ms. B has been persecuted on account of her membership in social groups which include women in the public sphere, Afghan women who refuse to conform to Afghan customs relating to women's behavior, Afghan policewomen, and Afghan widows. In addition , Ms. B has a well-founded fear of future persecution on account of these same grounds.

## Ms. B Has Been Persecuted.

Ms. B has been persecuted both through death threats by the Taliban and by continued harassment and discrimination by her superiors and fellow police officers within the Afghan National Police and Afghan Ministry of the Interior. The Taliban letters that Ms. B has received amount to persecution for the simple reason that they are death threats.43 Moreover, Ms. B has good reasons to take the death threats seriously. Ms. B received the Taliban death

forced marriages are often imprisoned for moral crimes and that legislation ostensibly meant to protect women from violence-the Law on Elimination of Violence Against Women-"offers no protection for the woman or girl who runs to escape ... forced marriage").

38 Exhibit 13, Affidavit of Dr. Expert, **¶** 15 ("In areas governed by the Taliban, Shia Muslims and non-Pashtuns are especially vulnerable“) Exhibit 21, 2013 UNHCR Asylum Eligibility

Guidelines, 45 ("[V]iolent attacks against the Shia population continue to occur”)

39 *See* Exhibit 13, Affidavit of Dr. Expert, **¶** 8 (noting that certain ethnic groups, "such as Shia Hazara" have been "targets of Taliban terror").

40 Exhibit 15, 2012 State Department Report, 15.

41 Exhibit 27, *The Ten-Dollar Talib,* 6.

42 Exhibit 15, 2012 State Department Report, 15 (noting that in many cases traditional dispute resolution through *shuras* did not respect the rights of minorities).

43 *See, e.g., Crespin-Valladares v. Holder,* 632 F.3d 117, 126 (4th Cir. 2011) (citing *Liv. Gonzales,* 405 F.3d 171, 177 (4th Cir. 2005)) (noting the court's "express holding that the 'threat of death' qualifies as persecution"); *see also Kantoni v. Gonzales,* 461 F.3d 894 (7th Cir. 2006) ("A credible threat that causes a person to abandon lawful political or religious associations or beliefs is persecution.").

threats after months of being followed and approached by multiple emissaries of her persecutors. 44 The first letter from the Taliban made clear that the Taliban knew both of Ms. B ' s personal life as a widow and mother and of her professional life as a policewoman who worked with international organizations.45 Ms. B knew, then, that the death threats she received from the Taliban were not instances of scattershot intimidation, but were rather deliberate and specific targeting of Ms. B personally. Ms. B also knew that other policewomen have been killed following similar death threats from the Taliban.46

The Taliban death threats against Ms. B were in part attempts to force Ms. B into a marriage with a cousin of her husband. Forced marriage is in of itself a violation of basic human rights, 47 and thus amounts to persecution.48

The Taliban is an entity that the Afghan government is unable or unwilling to control and thus their persecution entitles Ms. B to asylum.49 Taliban death threats against women in similar positions to Ms. B have been carried out with impunity. 50 Indeed, Ms. B was

44 *See* Exhibit 1, Affidavit of Ms. B, **¶** 57-68. Although the warnings Ms. B received when she was first approached were not always explicit threats and were not claimed to have been made on behalf of the Taliban, *see id* at **¶** 64-65 (recounting attempts of the men who approached

her to act "friendly"), the first letter made clear that the men who had approached Ms. B threatened her on behalf of the Taliban. Exhibit 8, First Taliban Letter (noting that Ms. B had "been warned several times" but "did not accept *our* words" (emphasis added)).

45 *Id*

46 *See, e.g.,* Exhibit 1, Affidavit of Ms. B, **¶** 48 (recounting the assassination of MK after receiving Taliban death threats).

47 U.S. State Department, Foreign Affairs Manual, 7 FAM 1459, *available at* <http://www.state.gov/documents/organization/86802.pdf> "The Department considers a forced marriage to be a violation of basic human rights.").

48 *See, e.g., Gao v. Gonzales* 440 F.3d 62, 66 (2d Cir. 2006) (noting that the" government appears to concede, as it must, that forced marriage is a form of abuse that rises to the level of persecution") *vacated on procedural grounds by Keisler v. Gao,* 552 U.S. 801 (2007).

49 *See, e.g., Crespin-Valladares,* 632 F.3d at 128 ('"[P]ersecution' under the INA encompasses harm inflicted by either a government or an entity that the government cannot or will not control.").

so Exhibit 27, *The Ten-Dollar Talib,* 33 ("The government has barely mustered a response even when very high-profile women are killed, attracting much media attention. It has never brought to justice the killers of several prominent women in public life, including SA, MK, ZZ and SA."); Exhibit 44, Orzala Ashraf Nemat, *Afghanistan Must Stop the Murder of its Female Leaders,* The Guardian (Jul. 17, 2012) ("[T]he Afghan government does almost nothing about such [assassinations of female leaders] ... ; there is rarely any serious effort to catch the perpetrators.").

brazenly approached by her persecutors in the building of the Ministry of the Interior, while she was at work.51

The threats, harassment, and discrimination Ms. B faced from her superiors and fellow police officers within the Department of the Interior also amounted to persecution. As a whole the threats to Ms. B's livelihood constitutes an economic restriction so severe that it constitutes a threat to Ms. B's freedom.52

## Ms. B Was Persecuted On Account Of Protected Grounds.

Ms. B was persecuted on account of her political opinion, religion, ethnicity, and membership in social groups. The persecution of Ms. B can reasonably be attributed to motivations on account of these protected grounds.53

Social Groups

Ms. B can establish her membership in the following social groups: women in the public sphere, Afghan women who refuse to conform to Afghan customs relating to women's behavior, Afghan policewomen, and Afghan widows. Each of these groups is a cognizable social group under

51 Exhibit 1**,** Affidavit of Ms. B, **¶** 63-65.

52 *See Fatin v. INS,* 12 F.3d 1233, 1241 (Alito, J.) (3d Cir. 1993) (recognizing "economic restrictions so severe that they constitute a threat to life or freedom" as persecution). Even where no single act of discrimination and harassment amounts to persecution, in the cumulative such acts may amount to persecution. *See Poradisova v. Gonzalez,* 420 F.3d 70, 79-80 (2d Cir. 2005) (noting that the cumulative effect of incidents may amount to persecution where individual incidents do not

themselves); United States Bureau of Citizenship and Immigration Services, *Considerations for Asylum Officers Adjudicating Asylum Claims from Women,* 9 (26 May 1995) ("[D]iscriminatory practices ... "can accumulate over time ... so that they may rise to the level of persecution."(internal quotation omitted)), *available at* [http://www.refworld.org/docid/3ae6b31e7.html.](http://www.refworld.org/docid/3ae6b31e7.html)

53 While Ms. B cannot establish the exact motivation of her persecutors, she is not required to. *See INS v. Elias-Zacarias,* 502 U.S. 478,483 (1992) (noting that evidence of persecutor's motivation can be "direct or circumstantial"); *Matter of Fuentes,* 19 I. & N. Dec. 658, 662 (BJ.A. 1988) ("[A]n applicant does not bear the unreasonable burden of establishing the exact motivation of a 'persecutor' where different reasons are possible."); *Matter of J-B-N & S-M,* 24 I. .& N. Dec. 208, 213-14 (BJ.A. 2007) (holding that the REAL ID Act has not "radically altered" the BIA standard in mixed motive cases, which are viable as long as the protected ground is not "incidental, tangential, superficial, or subordinate to other forms of harm").

8 U.S.C. § l 10l(a)(42)(A) because "the members of the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences."54

* Women in the Public Sphere

In Afghanistan, women in the public sphere are often perceived as transgressing social norms and are targeted by the Taliban.55 Ms. B was certainly within the public sphere simply by virtue of her working for the police, but more importantly, she was an active participant in the public sphere through her outspoken advocacy of women's rights and of policewomen. 56 Because Ms. B's activities with the police force were publicly known, and because the Taliban targets women in the public sphere, it is clear that the persecution Ms. B suffered was motivated by Ms. B's status as a woman in the public sphere. Moreover, one of the emissaries who confronted Ms. B on behalf of the Taliban told her to quit her job, noting that "their culture did not permit a woman to work and that it wasn't allowed for a bride of that family to work." 57

* Afghan Women Who Refuse to Conform to Afghan Customs Relating to Women's Behavior

Women who refuse to conform to customs relating to women's behavior can form a cognizable social group because their beliefs may be "so fundamental to [their] identity or conscience that [they] ought not be required to change."58 Ms. B refused to conform to Afghan

54 *Matter of Acosta,* 19 I. & N. Dec. 211,233 (BJ.A. 1987) *overruled in part on other grounds by INS v. Cardoza-Fonseca,* 480 U.S. 421 (1987) *as recognized by Matter of Mogharrabi,* 19 I. & N. Dec. 439 (BJ.A. 1987).

55 Exhibit 15, 2012 State Department Report, 38 ("Women who took on public roles that challenged gender stereotypes (such as female lawmakers, political leaders, NGO leaders, police officers, and news broadcasters) continued to be intimidated by conservative elements or received death threats to their or their families' lives.").

56 *See* Exhibit 1, **¶** 52 (noting that because of Ms. Bayt's training of police, she "was known as a policewoman who supports women's rights and human rights"); *id.* at, 53 (recounting gender­ focused articles Ms. B wrote); *Id.* at, 60 (recounting an radio interview of Ms. B, in which she advocated for the recruitment of women police).

57 Exhibit 1, Affidavit of Ms. B, **¶** 66.

*58 Fatin v. INS,* 12 F.3d at 1241 (recognizing that "Iranian women who *refuse to conform* to the government's gender-specific laws and social norms "may well satisfy" the BIA's definition of [social group], for if a woman's opposition to the Iranian laws in question is so profound that she would choose to suffer the severe consequences of noncompliance, her beliefs may well be characterized as 'so fundamental to [her] identity or conscience that [they] ought not be required to be changed."' (quoting *Acosta,* 19 I. & N. Dec. at 234)); *see also Safaie v. INS,* 25 F. 3d 636, 640 (8th Cir. 1994) (recognizing that "Iranian women who advocate women's rights or who oppose Iranian customs relating to dress and behavior ... may well satisfy the definition" of social group) *superseded by statute on other grounds as recognized by Rife v. Ashcroft,* 374 F.3d 606, 614-15 (8th Cir. 2004).

customs that would require that she marry a relative of her husband and that she not work outside the home.59 The fact that Ms. B's refusal to conform persisted despite the overt threat of death in the first Taliban letter demonstrates that her beliefs were fundamental to her identity and conscience. The Taliban death threats resulted directly from Ms. B's refusal to marry a relative of her husband and quit her job,60 and thus she has been persecuted on account of her refusal to conform to customs relating to women's behavior.

* Afghan Policewoman

Afghan policewomen constitute a cognizable social group because Afghan policewomen share a characteristic that they "should not be required to change because it is fundamental to their individual identities or consciences." 61 Afghan policewomen do not simply face the dangers inherent to the job working for the police. By joining the police force, they have chosen to face societal disapproval so strong, the mere act of wearing a uniform on the street can be a death sentence.62 As *policewomen,* then, they face not just the ordinary dangers of a dangerous job, but also the repercussions of the essentially political act of taking on a job that a violent element of society believes that women should not hold.63 Ms. B, in particular, believed her job to be so important that she did not quit, despite her father's advice, after receiving the fast Taliban letter.64 The fact that the Taliban letters Ms. B received threatened her life and demanded that she quit her job with the police, amply demonstrates that Ms. B's persecution was on account of her job with the police.

* Afghan Widows

Afghan widows are viewed by society as being the property of their late husbands' families and subject to forced marriage.65 Furthermore, Afghan widows are a cognizable social group because they share the immutable past experience of losing a husband.66 Ms. B's persecutors

1. Exhibit I, Affidavit of Ms. B, **¶** 4, 64.
2. *Id.* at **¶** 64-65; Exhibit 8, First Taliban Letter; Exhibit 9, Second Taliban Letter.
3. *Acosta,* 19 I. & N. Dec. at 233.
4. Exhibit 32, *Afghan Police Force Recruits Women to Fight Crime and Stigma,* United Nations Development Programme (May 18, 2013) (noting that wearing police uniforms on the streets "can-and has-proven to be a death sentence" for policewomen).

63 *Compare Fuentes,* 19 I. & N. Dec. at 660-62 (finding that perils faced by a member of the Salvadoran police force were "perils arising from the nature of their employment and domestic unrest rather than 'on account of [a protected characteristic]"'); *with Khattak v. Holder,* 704 F.3d 197,204 (1st Cir. 2013) *("Fuentes* did not hold that a police officer is ineligible for asylum ifhe is targeted due to the political views that he has expressed on the job or off.").

1. Exhibit 1, Affidavit of Ms. B, **¶** 66.
2. Exhibit 17, 2010 State Department Report, 42.
3. *See Ngengwe v. Mukasey,* 543 F.3d 1029, 1034 (8th Cir. 2008) (holding that Cameroonian widows constituted a social group under the INA because "[w]idows share the past experience of losing a husband-an experience that cannot be changed"); *see also Gao v. Gonzales,* 440 F.3d at 70

demanded that she, as a widow, marry a relative of her husband, and threatened her with death when she refused.67 Thus, Ms. B was persecuted on account of being an Afghan widow.

Political opinion

Advocates of women's rights such as Ms. B face threats from the Taliban and other

Insurgent groups.68 Ms. B believes that all human rights should be the rights of women as well as men, and in particular that Afghan women should have the right to be policewomen. 69 Ms.

B' support for human rights and women's rights was publicly known,70 but even if Ms. B's political opinions were not known, they would have been imputed through her work with the Gender and Human Rights Division of the Afghan Ministry of the Interior and with International Human Rights Organizations. 71 Because Ms. B's political opinions were publicly known, and because the Taliban targets individuals sharing Ms. B's political opinions, it is reasonable to believe that the persecution of Ms. B was motivated by Ms. B's political beliefs.

Religion and Ethnicity

As a member of a religious and ethnic minority, Ms. B is particularly at risk. 72 As a member of a Shia minority, Ms. B is also a member of the B clan, which itself is part of the Qizilbash ethnicity.73 Conditions in Afghanistan,74 as well Ms. B's personal experience with

(recognizing as a cognizable social group "women who have been sold into marriage ... and who live in a part of China where forced marriages are considered valid and enforceable").

67 Exhibit l, Affidavit of Ms. B, **¶** 64-65, 68; Exhibit. 8, First Taliban Letter.

68 *See* Exhibit 21, 2013 UNHCR Asylum Eligibility Guidelines, 36 ("Women's human rights defenders are reportedly increasingly facing threats, intimidation and attacks”) E;xhibit 27, *The*

*Ten-Dollar Talib,* 5-6; Exhibit 25, UNAMA, *Silence is Violence: End the Abuse of Women in Afghanistan,* 10 (July 8, 2009) (noting that women have been targeted for "advocating in public for the respect of women's rights").

69 Exhibit 1, Affidavit of Ms. B, **¶** 36.

70 *Id.* at **¶** 52.

71 *See Sagaydak v. Gonzales,* 405 F.3d 1035, 1042 (9th Cir. 2005) (finding asylum seeker's status as a government employee sufficient to show an imputed political opinion: "[asylum seeker] was aligned with the political opinion of his employer simply by the fact that he worked as a government official enforcing government policy").

72 Conditions in Afghanistan often make discrimination against religious minorities and ethnic minorities indistinguishable. *See* Exhibit 1, Affidavit of Ms. B, **¶** 11 (noting that Ms. B is

often assumed to be ethnically Hazara because she is Shia); Exhibit 21, 2013 UNHCR Asylum Eligibility Guidelines, 45 (noting that ethnicity and religion are often "inextricably linked" in Afghanistan, making it difficult to distinguish risks based on ethnicity from those based on religion).

73 Exhibit 1, Affidavit of Ms. B, **¶** 11.

discrimination against Shia Muslims,75 make it reasonable to believe that Ms. B's status as a religious and ethnic minority is one central reason for the persecution against Ms. B.

## Ms. B has a well-founded fear of future persecution.

Because Ms. B has suffered past persecution, she is entitled by 8 C.F.R. § 208.13(b)(l) to a rebuttable presumption of a well-founded fear of future persecution. 76 Furthermore, none of the grounds for rebuttal allowed by § 208.13(b)( l ) apply to Ms. B ' s case. Conditions in Afghanistan have worsened since Ms. B’s life was threatened .77 In addition , Ms. B is unable to relocate within Afghanistan because the Taliban has broad reach throughout Afghanistan .78 The fact that Ms. B was pursued in Kabul by the Taliban in Ghazni demonstrates that Ms. B cannot avoid persecution by distancing herself from the source of her threats.79 Furthermore, Ms. B is severely limited in her mobility within Afghanistan by social restrictions against females traveling by themselves and against females living without male relatives.80

If Ms. B were to return to Afghanistan, she would continue to face persecution as a former police officer.81 Notably, in the letters Ms. B received from the Taliban the threats of

74 See notes 38--42 above and accompanying text.

75 Exhibit 1, Affidavit of Ms. B, **¶** 56 (relating Ms. B's denial of promotion on account of her status as a Shia Muslim).

76 8 C.F.R. § 208.13(b)(l).

77 *See, e.g.,* Emma Graham-Harrison, *Top Afghan Policewoman Killed Months after Predecessor's Assassination ,* The Guardian (Sept. 16, 2013) ("Worsening violence across the country has bred greater dangers for women, with the numbers killed or injured in the first half of this year nearly two thirds higher than the same period of last year”).

78 *See* Exhibit 13, Affidavit of Dr. Expert,, 22 (noting the difficulty of Ms. B's relocating within Afghanistan "given the reach of the Taliban network"); Exhibit 21, 2013 UNHCR Asylum Eligibility Guidelines, 76.

79 *See* Exhibit 1, Affidavit of Ms. B, **¶** 157-69.

so *See* Exhibit 21, 2013 UNHCR Asylum Eligibility Guidelines, 76 ("In light of traditional restrictions on women's freedom of movement, coupled with low employment rates for women, UNHCR considers that an [internal flight or relocation alternative (IFA/IRA) is not reasonable for women who are single heads of household with no male protection, as they will not be able to lead a life without undue hardship, including in urban areas."); Affidavit of Dr. Expert, 122 (noting the difficulty of Ms. B's relocating within Afghanistan given "women's lack of mobility"). To the extent that any relocation within Afghanistan were feasible for Ms. B, it would certainly be unreasonable to expect Ms. B to relocate. *See* 8 C.F.R. 208.13(b)(3) (listing factors adjudicators should consider to determine reasonableness of relocation, including: ongoing civil strife, and "social and cultural constraints" such as "gender" and "social and familial ties").

81 A former occupation can form the basis of a well-founded fear of future persecution. *See, e.g., Sepulveda v. Gonzales,* 464 F.3d 770, 772-73 (7th Cir. 2006) (Posner, J.) (holding that membership in the social group consisting of former employees of the Colombian Attorney General's Office

death were not conditional upon Ms. B's continued work for the Afghan police-the letters merely stated that Ms. B would be killed because she had previously refused the Taliban's demands that she quit her job. 82 Moreover, the death threats in these letters attempt to subjugate Ms. B as a widow, denying her rights of independence, and stating that because she refused to relocate with her children to Ghazni Province, for the purpose of marrying a Taliban cousin of her husband, she will be killed.

Ms. B fears not only that the Taliban will carry out its repeated threats of death if she is forced to return to Afghanistan, but also that she will be abducted in an attempt to force her to marry a Taliban cousin of her husband.83 The fact that pressure to marry one of these Taliban cousins was followed by death threats upon Ms. B's refusal amply demonstrates that any such a marriage would be forced.84 Ms. B's fears of future persecution are exacerbated by the fact that she is of minority ethnicity and religion.85

\* \* \*

Ms. B has suffered past persecution and has a well-founded fear of future persecution. Ms. B is not subject to any statutory grounds for denial of asylum: she has never persecuted others, has never been convicted of a crime, is not a danger to the security of the United States, and did not apply for asylum more than one year after her arrival in the United States.86 Ms. B is thus eligible for asylum, and furthermore, she merits a discretionary grant of asylum. The serious Taliban threats against Ms. B are humanitarian concerns that favor a grant of asylum.

Additionally, the people of the United States, and their government, should welcome those who have been persecuted because they have sought to promote human rights. If Ms. B were to return to Afghanistan, she would likely be abducted, tortured, and killed by the Taliban. For the foregoing reasons, we respectfully request that the United States grant Ms. B's application for asylum.

could constitute a basis for asylum); *Fuentes,* 19 I. & N. Dec. at 662 (noting that "fear arising

from ... status as a former member of the national police" could form a basis for asylum because it is an "immutable characteristic").

82 *See* Exhibit. 8, First Taliban Letter; Exhibit. 9, Second Taliban Letter.

83 Exhibit 1, Affidavit of Ms. B, **¶** 4.

84 *See Matter of A-T,* 241. & N. Dec. 296, 302-03 (B.I.A. 2007) (recognizing forced marriage, as opposed to arranged marriage, as a possible basis of fear for future persecution) *vacated on other grounds by* 24 I. & N. Dec. 617 (A.G. 2008).

85 Exhibit 13, Affidavit of Dr. Expert, 12 (noting that after the withdrawal of Western forces, "Afghan Shia are bound to be targeted").

86 Ms. B arrived in the U.S. on February 24, 2013. *See* Exhibit 2, Copy of Ms. B's passport, including visa to travel to the United States.