

New Orleans vs. Nawlins: You Can't Say That! Proper Articulation of Particular Social Groups

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Daniel Thomann (DL), Chicago, IL

Paul Zoltan, Dallas, TX

Marco Balducci, New Orleans, LA

Introduction

- Historical background of “particular social groups”
- Factors under *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985)
- Particularity and social visibility – *Matter of C-A-*, 23 I&N Dec. 951 (BIA 2006)
- Social distinction – *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014) and *Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014)

Updates on PSG Analysis

- Domestic violence based PSGs
- Family as a PSG
- Gang based claims
- Other novel developments?

Best Practices in PSG Formulation

- Avoid circular PSGs
- Try to use established PSGs or non-PSG grounds
- Brief the BIA criteria when advancing novel PSGs
- There is no blanket rejection of gang based claims!
- Keep your PSGs simple
- Build your record for appeal
- Vet your client thoroughly
- DV claims: consider alternative PSGs
- DV claims: recognize and explain the dynamics of DV
- Don't forget about nexus!

Establishing Nexus

- What is it?
- Mixed motives
- The *Mogharrabi* factors
 - Applicant possesses a belief or characteristic that the persecutor wants to overcome
 - Persecutor is aware of this belief or characteristic
 - Persecutor has the means or ability to harm applicant
 - Persecutor has the inclination to harm applicant
- How do you prove it?

Concluding Thoughts

- I can't stress this enough...
- Words of encouragement?
- Questions?