



U.S. Department of Justice

Executive Office for Immigration Review

*Board of Immigration Appeals
Office of the Clerk*

*5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041*

P [REDACTED], Y [REDACTED] V [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

**DHS/ICE Office of Chief Counsel - LOS
606 S. Olive Street, 8th Floor
Los Angeles, CA 90014**

Name: [REDACTED]

A [REDACTED]-977

Date of this notice: 11/6/2019

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

Donna Carr

Donna Carr
Chief Clerk

Enclosure

Panel Members:
Malphrus, Garry D.
Liebowitz, Ellen C
Baird, Michael P.

U.S. IRAC
User team: Docket

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Falls Church, Virginia 22041

File: A [REDACTED]-977 – Los Angeles, CA

Date: NOV – 6 2019

In re: Y [REDACTED] V [REDACTED] P [REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Pro se

ON BEHALF OF DHS: Kaitlin DeStigter
Associate Legal Advisor

APPLICATION: Asylum; withholding of removal; Convention Against Torture

This case is presently before us pursuant to a February 28, 2019, order of the United States Court of Appeals for the Ninth Circuit granting the Government's motion to remand. On August 27, 2019, we requested supplemental briefing from both parties. The Department of Homeland Security (DHS) filed a motion to remand in lieu of a supplemental brief. The respondent did not respond to the request for supplemental briefing. The record will be remanded to the Immigration Court.

This case was remanded for further evaluation of whether "women in El Salvador" constitutes a particular social group. The DHS has requested remand of the proceedings to the Immigration Court for consideration of whether the proffered group of "women in El Salvador" meets the particularity requirement for a particular social group and for a definitive or circumstance-specific finding regarding social distinction. *See Matter of A-B-*, 27 I&N Dec. 316, 319 (A.G. 2018) (quoting *Matter of M-E-V-G-*, 26 I&N Dec. 227, 237 (BIA 2014)); *see also Matter of W-G-R-*, 26 I&N Dec. 208, 212-18 (BIA 2014), *aff'd in pertinent part and vacated and remanded in pertinent part on other grounds sub nom. by Reyes v. Lynch*, 842 F.3d 1125 (9th Cir. 2016), *cert. denied sub nom. Reyes v. Sessions*, 138 S. Ct. 736 (2018).

Given the remand and our limited fact-finding ability, we will remand this case to the Immigration Court. 8 C.F.R. § 1003.1(d)(3)(iv). Remand will allow the Immigration Judge to conduct additional fact-finding that may be necessary for the required "evidence-based inquiry" as to whether the social group of "women in El Salvador" meets the requirements of particularity and whether that group is perceived as "distinct" in El Salvadoran society. *See Matter of A-B-*, 27 I&N Dec. at 340-41 (emphasizing the importance of Immigration Judges as fact-finders); *Matter of M-E-V-G-*, 26 I&N Dec. at 241-44; *Matter of W-G-R-*, 26 I&N Dec. at 221; *Pirir-Boc v. Holder*, 750 F.3d 1077, 1084 (9th Cir. 2014).

If the social group is found to be cognizable under the Act, the Immigration Judge should consider whether the respondent has demonstrated a nexus between the social group of "women in El Salvador" and the past harm she suffered or future harm she fears. We express no opinion regarding the ultimate outcome of the respondent's case.

ORDER: The record is remanded for further proceedings consistent with the foregoing opinion and the entry of a new decision.



FOR THE BOARD