



**U.S. Department of Justice**

Executive Office for Immigration Review

*Board of Immigration Appeals  
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**Name: V [REDACTED] -G [REDACTED], ... A [REDACTED] -748  
Riders: [REDACTED]**

**Date of this notice: 4/13/2020**

Enclosed is a copy of the Board's decision and order in the above-referenced case.

Sincerely,

*Donna Carr*

Donna Carr  
Chief Clerk

Enclosure

Panel Members:  
Goodwin, Deborah K.

Seal of the  
User team: Docket

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Falls Church, Virginia 22041

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Files: [REDACTED]-748 – Los Angeles, CA  
[REDACTED]

Date: APR 13 2020

In re: H [REDACTED] F [REDACTED] V [REDACTED]-G [REDACTED]  
[REDACTED]

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENTS: Ramiro J. Lluís, Esquire

APPLICATION: Asylum; withholding of removal; Convention Against Torture

This case was last before us on November 21, 2018, when we dismissed the respondents'¹ appeal from an Immigration Judge's decision dated September 28, 2017, which denied all forms of relief. On September 18, 2019, the United States Court of Appeals for the Ninth Circuit granted the Government's motion to remand this matter for further proceedings addressing the respondent's applications for asylum and withholding of removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act, 8 U.S.C. §§ 1158, 1231(b)(3). See Ninth Circuit's Remand at 1-2. The Ninth Circuit's order identified a need for additional analysis as to the respondents' proposed particular social group, on which they relied for their claim to relief.² For the following reasons, we will remand the record for further proceedings.

The Ninth Circuit notes that the respondent's appeal raises her membership in the particular social group of "Guatemalan married women viewed as property by virtue of their position within a domestic relationship who are unable to leave the relationship." In our November 2018 order, we applied the Attorney General's decision in *Matter of A-B-*, 27 I&N Dec. 316 (A.G. 2018), which vacated a previous Board decision finding cognizable an analogous group.³ The Ninth Circuit's remand indicates that further findings are necessary on the issues of the particularity and social distinction of the respondent's proposed group.

We observe that in *Matter of A-B-*, the Attorney General stated that "[s]ocial groups defined by their vulnerability to private criminal activity likely lack the particularity required under *M-E-V-G-*, [26 I&N Dec. 227 (BIA 2014)], given that broad swaths of society may be susceptible to victimization." *Matter of A-B-*, 27 I&N Dec. at 335. The Attorney General also determined that "married women in Guatemala who are unable to leave their relationship" was not

¹ The lead respondent is an adult female (A202-140-748) and the co-respondent is her minor child. References hereafter to "the respondent" refer to the lead respondent.

² The Ninth Circuit's order does not disturb our prior determination that the respondent did not establish eligibility for protection under the Convention Against Torture.

³ *Matter of A-B-* vacated *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014).

proven to have the “social distinction” to be a particular social group, citing “significant room for doubt that Guatemalan society views these women . . . as members of a distinct group . . . rather than each as a victim of a particular abuser in highly individualized circumstances.” *Matter of A-B-*, 27 I&N Dec. at 336.

Given that the Attorney General’s decision was issued after the Immigration Judge denied the respondent’s applications for relief, and in view of the Ninth Circuit’s order remanding this record, we will remand the record to give the Immigration Judge an opportunity to make factual findings regarding the social distinction and particularity of the respondent’s proposed particular social group, considering the guidance in *Matter of A-B*.<sup>4</sup>

The following order is therefore entered.

ORDER: The record is remanded for further proceedings consistent with this order.

  
FOR THE BOARD

<sup>4</sup> Although the respondent argued on appeal that the Immigration Judge should have interpreted her claim as impliedly raising other particular social groups, such as “women in Guatemala” and “family,” we declined to consider these groups for the first time on appeal. *Matter of W-Y-C- & H-O-B-*, 27 I&N Dec. 189 (BIA 2018). The Ninth Circuit’s remand does not disturb this part of our November 2018 order.