

Attorney General Quotes from *Matter of L-E-A-*

Discussion:

- “The fact that a criminal group—such as a drug cartel, gang, or guerilla force—targets a group of people does not, standing alone, transform those people into a particular social group.” (27 I&N Dec. at 582)
- “In the ordinary case, a family group will not meet that standard [of distinction], because it will not have the kind of identifying characteristics that render the family socially distinct within the society in question.” (27 I&N Dec. at 586)
- “Further, as almost every alien is a member of a family of some kind, categorically recognizing families as particular social groups would render virtually every alien a member of a particular social group.” (27 I&N Dec. at 593)
- “If Congress intended for refugee status to turn on one’s suffering of persecution ‘on account of’ family membership, Congress would have included family identity as one of the expressly enumerated covered grounds for persecution.” (27 I&N Dec. at 593)
- “While many family relationships will be immutable, some family-based group definitions may be too vague or amorphous to meet the particularity requirement—i.e., where an applicant cannot show discernible boundaries to a group. *See, e.g., S-E-G-*, 24 I&N Dec. at 585 (noting that the “proposed group of ‘family members,’ which could include fathers, mothers, siblings, uncles, aunts, nieces, nephews, grandparents, cousins, and others, is . . . too amorphous a category” to satisfy the particularity requirement.).” (27 I&N Dec. at 593)
- “Asylum applicants generally seek to establish family-based groups as ‘particular social groups’ by raising one of two principal arguments.” (27 I&N Dec. at 594)
 - Specific family unit = PSG
 - **“But to qualify under the statute and Board precedent, when an applicant proposes a group composed of a specific family unit, he must show that his proposed group has some greater meaning in society.”** (27 I&N Dec. at 594) (not ambiguous at all!)
 - Collection of familial relatives with a particular characteristic
 - E.g., family members of persons who have been killed by gangs, etc.
 - “This is a common approach in asylum cases concerning gang violence.” (27 I&N Dec. at 595) (This reads like an adjudicator/litigator handbook!)
- “This opinion does not bar all family-based social groups from qualifying for asylum. To the contrary, in some societies, an applicant may present specific kinship groups or clans that, based on the evidence in the applicant’s case, are particular and socially distinct.” (27 I&N Dec. at 595)

- Quote from WRG:
“To have the ‘social distinction’ necessary to establish a particular social group there must be evidence showing that society in general perceives, considers, or recognizes persons sharing the particular characteristics to be a group.” *W-G-R-*, 26 I&N Dec. 208 at 217 (BIA 2014)