

Attn: ZCH000

Closing Statement for John Doe A# 900000000

Officer Roe:

John Doe (John) is a single, Tajik, Shiite, 17-year-old high school student and Afghan National fleeing Taliban rule. He is eligible and deserving of asylum under §208 of the INA. John's asylum claim is based on political opinion, religion, race and membership in a particular social group as an ethnically Tajik, religiously Shiite, free-thinking student, son of a former Afghan government employee and former female teacher, and past persecution of himself and family members. The Taliban who now control the government in his home country, do not count members of the Shi'a community as true Muslims and have traditionally targeted the community long before they took over the country. The Shi'a are a religious minority in Afghanistan. The Taliban are Sunni, and John believes that the Taliban target the Shi'a because they are more moderate in their faith. The Taliban blow up their mosques and no longer allow worship except in a Sunni Mosque. John and his younger siblings are without their parents in the U.S. and pray now at home since there is no Shi'a Mosque in the community in which they were relocated. He was threatened and physically hurt by Taliban and Taliban sympathizers before he evacuated with his siblings to the U.S. Shortly after the Taliban took over the country, he went by himself to get groceries and was accosted by a couple Taliban soldiers who wanted to check his phone. He believed because he was young, they wanted to check it for social media contents. When he did not give them his phone, they beat him with a pipe and the butt of a long gun on the back and shoulder. He had bruises on his back but could not report it to authorities or get medical assistance because the Taliban had taken over the country. The soldiers warned him that the next time they saw him, they would take him along with them. He said they beat him because they are "not human." He had, in fact posted on social media about human rights and gender equality and how the Taliban was stupid in the way they were so fundamentalist. He also expressed these views with his friends and classmates. After the Taliban took-over, he removed his posts in fear. He was also harmed twice when trying to enter the Kabul airport with his siblings to evacuate. Each time he was approached by a Taliban soldier yelling obscenities at him and beating him from the right side. He was visibly upset and had to take a break when he recounted the Taliban's treatment of him at the airport. He was also threatened by a Taliban sympathizer who had been his classmate. The classmate, Jerry, knew about John's progressive, "western" opinions from class, and called him on the phone when the Taliban took over, saying he would "enjoy killing" John. Jerry is a fundamentalist, Sunni, Pashto, and now a member of the Taliban. The worst, most traumatizing event, however, was the bombing near his school which was run by the German Embassy. He believes they were targeted because of their "support of the foreigners." This incident affected him more mentally than physically, but that mental effect of the bombing makes him try not to think about the past.

His existence as a free-thinking, progressive student stands completely opposed to Taliban rules which require strict adherence to Saria Law, with beards and traditional dress. He, therefore, faces persecution at the hands of the Taliban who now control Afghanistan. A few months ago, the Taliban came and searched the family home asking his parents where he, his brother, and particularly, where his little sister was. He became visibly upset talking about the Taliban asking about his little sister. His parents said they did not know where the children were, and the Taliban ordered the parents to find their children. If he

came back to Afghanistan, the Taliban would know he had left. They would also know that he would not support their fundamentalism, and he would be targeted and killed. Since arriving with the U.S., John has been appointed a guardian. He has been pictured in stories on the internet, in his high school yearbook in the U.S., and posts on social media. He has certainly impressed the friends he has made and teachers (see support letters from Jane Doe included at interview and from his ESL instructor attached)

John Doe's persecutors- the Taliban, have indeed imputed political opinion to him due to his known ideology, outward appearance, and evacuation after the fall of Afghanistan. He has a well-founded fear of persecution based on the Taliban's past treatment of the Shi'a, the Taliban's past threats to him, and the Taliban asking about his and his younger siblings' whereabouts when the Taliban came to his parents' home. He believes the Taliban by now know that he has escaped to the U.S. and he supported the U.S.-backed Afghan government. His upbringing and cultural identity make him different and opposed to Taliban rule and make him a target. He, as evidenced by his studies in the German-backed school in Afghanistan and social media posts, is politically opposed to the Taliban government and to further impute political opposition, he left Afghanistan when the Taliban took over. Political opinions that give rise to asylum claims are defined as "opinions not tolerated by the authorities or are attributed by them to the applicant." *UN Handbook on Procedures and Criteria for Determining Refugee Status* (Geneva 1992) at ¶180. In *INS v. Cardoza-Fonseca*, 480 U.S. 241 (1987) the Supreme Court found that the UN Handbook provides significant guidance in determining an asylum applicant meets the conditions required as a "refugee." As such, an imputed political opinion, whether correctly or incorrectly attributed by the persecuting authority, is a basis for asylum within the meaning of INA §208. This doctrine has been an integral part of analysis in many asylum cases. See *Aguilera-Cota v. INS*, 914 F.2d 1375 (9th Cir. 1990) and progeny. Therefore, the proper focus is not on the actual beliefs of John but must be on the "motivation of the persecutor." *Hernandez-Ortiz v. INS*, 777 F.2d 509 at 516 (9th Cir. 1987). In looking at John from the persecutor's perspective, one considers actions of John, the Taliban would consider attributing a political opinion to the victim. His relation to his parents who worked with foreign supporters of the old Afghan regime and taught young girls in a school, being a Shiite and student, and refusal to abide by fundamentalist Sharia law all add up against the political ideas of the Taliban and his evacuation to the U.S. after their take-over are actions the Taliban would say prove John Doe's opposition to their political control.

John has demonstrated through his emotional testimony, his asylum application, and supporting documents that the Taliban military will harm, torture, or kill him because of her political opinions, imputed and real, if he is returned to Afghanistan. Based on the foregoing reasons, it is respectfully requested John Doe's application for Asylum be granted.

Respectfully Submitted,

Catholic Charities Attorney Representative