



U.S. Citizenship  
and Immigration  
Services

[REDACTED]

Date: JAN [REDACTED] 2022

Re: [REDACTED] - A# [REDACTED]  
[REDACTED] - A# [REDACTED]

**NOTICE OF INTENT TO DENY**

Dear Mr. [REDACTED]

The purpose of this letter is to notify you of the intent to deny your request for asylum. U.S. Citizenship and Immigration Services (USCIS) has carefully considered your written application and accompanying documents, available country conditions materials, and your testimony to reach this determination for the reasons given below.

In presenting your request for asylum, you indicated that you are a 2[REDACTED]-year-old male native and citizen of Afghanistan, who was paroled into the United States at Washington, DC on [REDACTED] as an Operation Allies Refugee (OAR) until [REDACTED] 2023. You are currently in lawful status.

You fear that you will be killed by members of the Taliban in Afghanistan on account your imputed political opinion in opposition to the Taliban due to your previous work with the United States government.

Applicants may apply for asylum only if they demonstrate by clear and convincing evidence that they filed the asylum application within one year after their date of last arrival in the United States, unless there are either changed circumstances which materially affect asylum eligibility or extraordinary circumstances related to the delay in filing the asylum application. 8 U.S.C § 1158(a)(2)(B), (D). The asylum application must be filed within a reasonable period given the circumstances. 8 C.F.R. § 208.4(a)(4), (5). You filed your application on [REDACTED] 2021.

You established by clear and convincing evidence that the application was filed within one year after your date of last arrival in the United States. Documentary evidence and DHS records demonstrate you last arrived on [REDACTED] 2021. Therefore, you filed a timely application.

You testified as follows: You were born in [REDACTED] Afghanistan during the time where the Taliban controlled Afghanistan. However, you never interacted with Taliban members or any other armed groups. In 20[REDACTED] you started working as a mechanic for your family's construction company [REDACTED] this company, and you, also worked with the United States government. When the Taliban returned to power in 2021, you stopped working [REDACTED] and the United States government. Your family members that worked for the United States government has since left Afghanistan. The only family members you have that have not left Afghanistan are the ones that did not work for the United States government.

You have never been physically harmed, threatened, or mistreated in any way while you lived in Afghanistan. However, you fear that you will be killed by Taliban members if returned to Afghanistan. You believe that Taliban members will kill you because they think that you are against them since you worked for the United States government. Your family members living in Afghanistan have not been harmed, threatened, or questioned about you. However, you believe that Taliban members have spies and learned of everyone that worked with the United States government so now they are seeking to kill everyone. You do not believe that you could live safely in Afghanistan and that there would be no one to protect you upon return since the Taliban are currently in power.

Your testimony was detailed, consistent, and plausible. Considering the totality of the circumstances and all relevant factors your testimony is found credible.

In order to receive asylum, an asylum-seeker must establish past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. 8 USC. § 1158, 1101(a)(42); 8 C.F.R. § 208.13(b).

You did not claim and the evidence does not indicate that you experienced past persecution.

You claim to have a fear of future persecution. To establish a well-founded fear of future persecution, applicants must show that their fear is both subjectively genuine and objectively reasonable. Applicants may establish an objectively reasonable fear by demonstrating that there is a reasonable possibility of suffering persecution.

Accordingly, it is the applicant's burden to establish that:

- (1) the applicant possesses (or is believed to possess) a protected characteristic;
- (2) the persecutor is already aware, or could become aware, that the applicant possesses that characteristic;
- (3) the persecutor has the capability of persecuting the applicant; and
- (4) the persecutor has the inclination to persecute the applicant on account of that protected characteristic.

*See Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987).

You fear that you will be killed by members of the Taliban if you return to Afghanistan. The harm you fear, death, is serious enough to rise to the level of persecution.

However, you have failed to establish all four prongs of the *Mogharrabi* test for well-foundedness.

With respect to your imputed political opinion, you have not proven that your feared persecutors are already aware, or could become aware, that you possess that characteristic. You stated that the Taliban have spies everywhere so they are able to find out about everyone that worked for the United States government and kill them. However, this is speculative at best. There is no evidence to indicate that any Taliban members know anything of your past employment history, and you were unable to provide any specific or persuasive evidence to demonstrate that the Taliban are aware of your past employment history. Danish Immigration Services also reported, "As such, whether or not an Afghan previously employed by international organisations or foreign states risks being targeted by the Taliban may depend on their previous tasks and their previous employers. The Afghan professor of law elaborated that the number of Afghans who have worked for either an international organisation or a foreign country in Afghanistan is so high that the Taliban does not possess the capacity to target all of them even if they wanted to." See Danish Immigration Service, *Afghanistan: Recent events, December 2021*, accessed on January 20, 2022, available at: [https://www.ecoi.net/en/file/local/2065558/afghanistan\\_recentevents2021.pdf](https://www.ecoi.net/en/file/local/2065558/afghanistan_recentevents2021.pdf).

Furthermore, even if the Taliban became aware of your imputed political opinion based on your previous employment history, you have not established that they are inclined to persecute you. When asked why you believed the Taliban will target you upon return, you answered that it was because they are targeting everyone who worked with the United States government. However, you did not testify to anyone asking about or looking to harm you in Afghanistan, putting into question if anyone will be inclined to persecute you upon return.

Despite country reports indicating that the Taliban are openly targeting people and their family members, you do not seem to fall within the realm of the people they are targeting due to the work you did with the United States government as a mechanic, and the fact that no one in your family still living in Afghanistan have been harmed, threatened, or questioned about you. "However, on 19 August 2021, a RHIPTO Center intelligence report referred to by Reuters presented information claiming that the Taliban had compiled a blacklist and were hunting down people with suspected links to the previous administration or to US-led forces, noting that those 'particularly at risk are individuals in central positions in military, police and investigative units." See EASO - European Union Agency for Asylum (formerly: European Asylum Support Office, EASO): *Afghanistan Country Focus - Country of Origin Information Report*, January 2022, [https://www.ecoi.net/en/file/local/2066332/2022\\_01\\_EASO\\_COI\\_Report\\_Afghanistan\\_Country\\_foe\\_us.pdf](https://www.ecoi.net/en/file/local/2066332/2022_01_EASO_COI_Report_Afghanistan_Country_foe_us.pdf) (accessed on 20 January 2022). "Members of forces collaborating with foreign troops, contractors and 'spies' were seen by anti-government groups as responsible for killing Afghan civilians and were considered targets. Individuals not on the payroll of the foreign forces but doing general maintenance jobs, have not been as systematically targeted, although attacks occurred... A source has reported that the Taliban rounded up Afghans on a blacklist and targeted people with suspected links to the previous administration or US-led forces. House-to-house searches to find blacklisted individuals were also reported in at least four provincial cities. The Taliban are also said to visit local mosques and police offices to receive information on certain individuals." See EASO - European Asylum Support Office, *Country Guidance: Afghanistan; Common analysis and guidance note*, November 2021, accessed on January 20, 2022, available at: [https://www.easo.europa.eu/sites/default/files/Country\\_Guidance\\_Afghanistan\\_2021.pdf](https://www.easo.europa.eu/sites/default/files/Country_Guidance_Afghanistan_2021.pdf). Another report stated, "During the course of the Taliban offensive, as well as after the conquest of Kabul, there

have been reports of the Taliban targeting members of the civilian population and the Afghan military as well their families. According to SER, members of Taliban have been going door to door and arresting or threatening family members of targeted individuals." See Ministry of Immigration and Integration, The Danish Immigration Service, County of Origin (COi) Brief Report - *Afghanistan: Recent developments in the security situation, impact on civilians, and targeted individuals*, September 2021, accessed on January 20, 2022, available at: [https://www.ecoi.net/en/file/local/2060188/Afghanistan\\_Targetedindiv\\_FINAL.pdf](https://www.ecoi.net/en/file/local/2060188/Afghanistan_Targetedindiv_FINAL.pdf). Though it is not expected or required for the Taliban to fully divulge their intentions of wanting to persecute you, the fact that they have been openly threatening and persecuting those they are targeting but never tried to contact you or your family and mentioned anything about you at any time indicate that they have no inclination to persecute you on account of a protected ground.

As such, there is not sufficient information to demonstrate that your feared persecutors are aware of your imputed political opinion and would be inclined to persecute you because of it. Therefore, you failed to meet all four required criteria to establish that you have a well-founded fear of persecution.

An applicant can establish a well-founded fear of persecution by showing that he or she will be singled out for persecution or that there is a pattern or practice of persecution of groups of persons similarly situated to the applicant on account of one of the five characteristics in the refugee definition. 8 *C.F.R.* § 208.13(b)(2)(iii).

You have also failed to establish a well-founded fear of persecution by showing that there is a pattern or practice of persecution of groups of persons similarly situated to you on account of one of the five protected grounds.

The Court of Appeals for the Eighth Circuit has interpreted "pattern or practice" to mean something "on the order of organized or systematic or pervasive persecution," but held that it does not require a showing of persecution of all the members of the group. See *Makonnen v. INS*, 44 F.3d 1378, 1383 (8th Cir. 1995); *Feleke v. INS*, 118 F.3d 594 (8th Cir. 1997); see also *Lie v. Ashcroft*, 396 F.3d 530 (3d Cir. 2005) (adopting Eighth Circuit's definition of "pattern or practice" of persecution). Country conditions above indicate that the Taliban are not and do not have the capability to systematically persecute everyone who previously worked with the foreign government. Furthermore, you have failed to establish that you would be viewed similarly to other individuals who are seen as in opposition to the Taliban because of your work with the United States government, such that you would be subjected to a pattern or practice of persecution based on your imputed political opinion. The Taliban has not threatened or harmed you or anyone in your family because of your imputed political opinion during a time when they have persecuted others and their family members. See *Id.* In addition, the lack of harm you and your family have suffered demonstrate that it is also less likely that the government would view you as a political opponent similar to others who are persecuted. As such, while the Taliban is known to harm individuals they deemed against them, you have failed to establish that you are similarly situated to these types of individuals who may be subjected to a pattern or practice of persecution because of their actual or imputed political opinion.

Therefore, you failed to establish a well-founded fear of persecution on account of a protected ground.

For the foregoing reasons, USCIS does not find you eligible for asylum status in the United States.

You can provide rebuttal to this notice in support of your request. You have sixteen (16) days [10 days plus 6 days for mailing] from the date of this notice to submit such rebuttal or additional evidence.

Failure to respond to this notice within this allotted time may result in the denial of your request for asylum.

Please direct **any** response to the address on this letterhead. Mark the contents as follows:

Attention: File Number A- Rebuttal --

Sincerely,



Director  
Boston Asylum Office

CC:

