

# No. 26-118

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

— C O G —  
*Petitioner,*

*v.*

TODD BLANCHE, Acting U.S. Attorney General,  
*Respondent.*

ON PETITION FOR REVIEW OF AN ORDER  
OF THE BOARD OF IMMIGRATION APPEALS

**BRIEF OF AMICI CURIAE CENTRAL AMERICAN LEGAL  
ASSISTANCE; THE BRONX DEFENDERS; BROOKLYN  
DEFENDERS SERVICES; CATHOLIC CHARITIES COMMUNITY  
SERVICES, ARCHDIOCESE OF NEW YORK; CATHOLIC  
MIGRATION SERVICES; CO-COUNSEL NYC; HUMAN RIGHTS  
FIRST; THE LEGAL AID SOCIETY; LEGAL SERVICES NYC;  
MAKE THE ROAD NEW YORK; UNLOCAL  
IN SUPPORT OF THE PETITIONER**

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**RULE 26.1 CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure, Amici Curiae certify that they do not have parent corporations and that no publicly held corporation owns 10% or more of their stock.

Dated: June 18, 2026

Respectfully submitted,

*/s/ Heather Axford*

Heather Axford

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## STATEMENT OF INTEREST

*Amici curiae* are eleven not-for-profit organizations that represent asylum seekers throughout New York City. In their work, *amici* regularly represent clients fleeing persecution, and regularly provide training and materials to support other attorneys on asylum law.<sup>1</sup>

Together, *amici* have represented thousands of individuals and families fleeing severe violence in their home countries by providing full representation to asylum seekers in removal proceedings or limited scope assistance to *pro se* asylum seekers. *Amici* share a significant interest in ensuring that families fleeing persecution are not subjected to an unreasonable and unlawful legal standard.

## SUMMARY OF ARGUMENT

*Amici*—nonprofit organizations that collectively represent thousands of asylum applicants—respectfully submit this brief in support of the Petitioner, C [REDACTED] O [REDACTED] G [REDACTED] (Mr. G [REDACTED]).

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<sup>1</sup> *Amici* certify, in accordance with Federal Rule of Appellate Procedure 29(a)(4), that no *amicus curiae* is a corporation, no party counsel authored any part of the brief, and no person or entity contributed money to prepare or file the brief other than *amici*.

For decades, the Board of Immigration Appeals (BIA or Board) steadfastly upheld the unremarkable proposition that family is one of the most readily identifiable groupings in societies all over the world. But since 2019, asylum seekers who have suffered or fear persecution on account of their kinship ties, along with their counsel, have contended with vastly fluctuating agency precedent impacting their eligibility for protection. The agency's<sup>2</sup> current interpretation in *Matter of L-E-A-*, 27 I&N Dec. 581, 595 (AG 2019) (hereinafter *L-E-A- II*), which suggests that only families that have “greater societal import” constitute a cognizable particular social group (PSG), is inconsistent with prior definitions of PSG at both the agency and circuit court level. It also leaves unprotected asylum seekers who face persecution on account of a characteristic that they cannot change and cannot hide.

Asylum seekers who are detained and/or lack representation are particularly affected by the agency's inconsistent and currently overly narrow interpretation of “particular social group.” Unrepresented asylum seekers do not have the benefit of counsel to brief and re-brief

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<sup>2</sup> This brief uses the term “the agency” to encompass precedential decisions by the BIA and by Attorneys General.

legal arguments every time the agency reverses itself on their asylum eligibility. In New York, an increasingly large percentage of asylum seekers are detained;<sup>3</sup> this population is disproportionately unrepresented and thus more likely to forego review of erroneous denials of their asylum claims due to a lack of resources, representation, and conditions of confinement.

Current agency policy and case law limiting access to full merits adjudication of asylum claims through “pretermission” of applications without a hearing,<sup>4</sup> as well as ongoing efforts to curtail access to meaningful adjudication on appeal, mean all *bona fide* asylum seekers are at risk of erroneous denials of their asylum claims without recourse. This risk is exacerbated even more so where agency precedent is ever-

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<sup>3</sup> As of April 4, 2026, Immigration and Customs Enforcement (ICE) was detaining 60,311 noncitizens, over 70 percent of whom had no criminal convictions. Transactional Records Access Clearinghouse, *Immigration Detention Quick Facts*, <https://tracreports.org/immigration/quickfacts/> (last visited June 16, 2026).

<sup>4</sup> Joseph Gunther and Brandon Marrow, *No Hearing Necessary: Updated Report on Pretermission and Third-Country Deportations in Immigration Court*, BACKLOG IMMIGRATION (Mar. 16, 2026) <https://bklg.org/blog/pretermission-03-26/> (finding an astronomical rise in pretermissions by immigration judges, with the Department of Homeland Security sometimes filing over 1,000 such motions per day.)

changing. As discussed below, after three decades of holding out “kinship ties” as a prototypical ground for protection, the agency has issued four precedential decisions that see-saw between upholding longstanding precedent and abruptly departing from it. With these 180-degree-changes, asylum seekers’ lives hang in the balance.

Given the importance of the issue and the need for clear guidance from the Circuit, *amici* urge this Court to grant this petition for review and find that *Matter of L-E-A- II*, 27 I&N Dec. 581 (AG 2019), on which the BIA based its denial of asylum to Mr. G [REDACTED], was wrongly decided.

## ARGUMENT

### I. Family Has Long Been Recognized as a Prototypical Particular Social Group

#### A. *Matter of Acosta* Establishes the Immutable Characteristic Standard for Social Group Cognizability

The Immigration and Nationality Act (INA) defines a refugee as:

any person who is outside any country of such person’s nationality . . . who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. . .

8 U.S.C. § 1101(a)(42); *see* 8 U.S.C. § 1158(b)(1)(B)(i). The BIA first interpreted the phrase “particular social group” in its foundational decision, *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985). To discern the scope of this protected ground, *Acosta* looked to the *eiusdem generis* canon of statutory construction, which provides that “general words used in an enumeration with specific words should be construed in a manner consistent with the specific words.” *Id.* at 233. The Board reasoned that the other protected grounds were each based on “an immutable characteristic” that “either is beyond the power of an individual to change or is so fundamental to individual identity or conscience that it ought not be required to be changed.” *Id.* The Board thus defined “particular social group” to be consistent with the other grounds, requiring that a group be defined by a “common characteristic that ... the members of the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences.” *Id.*

The Board consistently analyzed proposed groups under *Acosta*, rejecting and accepting groups based on their immutable/fundamental characteristics. *See Matter of Toboso-Alfonso*, 20 I&N Dec. 819, 822

(BIA 1990) (accepting “homosexuals” in Cuba as immutable); *Matter of Fuentes*, 19 I&N Dec. 658, 661-62 (BIA 1988) (rejecting “national policeman” while accepting “former member[s] of the national police” on immutability grounds).

*Acosta’s* commonsense test won approval in every court of appeals to consider it, including this Court.<sup>5</sup> The United Nations High Commissioner for Refugees (UNHCR) also endorsed the immutable or fundamental characteristic approach. See UNHCR, *Guidelines on International Protection: “Membership of a particular social group” within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, ¶ 6, U.N. Doc. HCR/GIP/02/02 (May 7, 2002).

After more than twenty years of applying the *Acosta* standard, the Board began imposing additional requirements that eventually crystalized into “particularity” and “social distinction.” In *Matter of C-A-*, the Board stated that it “continue[d] to adhere to the *Acosta* formulation[,]” but rejected a proposed group of “noncriminal

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<sup>5</sup> *Vumi v. Gonzales*, 502 F.3d 150, 155 (2d Cir. 2007); see Isaac T.R. Smith, *Searching for Consistency in Asylum’s Protected Grounds*, 100 IOWA L. REV. 1891, 1901 & n.56 (2015) (listing cases).

informants” for failing to meet what it referred to for the first time as the “requirement of particularity,” deeming the group “too loosely defined.” 23 I&N Dec. 951, 956-57 (BIA 2006). The Board also found that the proposed group failed to satisfy the new element of “recognizability, i.e., the social visibility, of the group in question.” *Id.* at 959-62. The Board applied these two elements in subsequent PSG decisions. *See, e.g., Matter of A-M-E- & J-G-U-*, 24 I&N Dec. 69, 75-76 (BIA 2007); *Matter of S-E-G-*, 24 I&N Dec. 579, 586-88 (BIA 2008); *Matter of E-A-G-*, 24 I&N Dec. 591, 594 (BIA 2008).<sup>6</sup>

This social visibility element was subsequently renamed “social distinction.” *Matter of M-E-V-G-*, 26 I&N Dec. 227, 236 (BIA 2014). In 2014, the Board formally held that a group must satisfy immutability, particularity, and social distinction, while continuing to cite the *Acosta* standard. *Id.*; *Matter of W-G-R-*, 26 I&N Dec. 208, 212 & n.2 (BIA 2014).

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<sup>6</sup> The imposition of these new requirements caused significant confusion across the country. *See, e.g., Henriquez-Rivas v. Holder*, 707 F.3d 1081, 1088 (9th Cir. 2013) (en banc); *Gatimi v. Holder*, 578 F.3d 611, 615 (7th Cir. 2009); *Valdiviezo-Galdamez v. U.S. Att’y Gen.*, 663 F.3d 582, 594 (3d Cir. 2011).

## **B. The Board of Immigration Appeals Has Long Recognized Family as a Particular Social Group**

Throughout the evolving PSG analysis, family has consistently been recognized as a PSG by the BIA. In *Acosta*, the BIA listed “kinship ties” as a clear example of a PSG, because the group is “innate.” 19 I&N Dec. at 233. Thereafter, virtually every time the Board has clarified the concept of “particular social group,” it has held up families as the paradigmatic example. See *Matter of H-*, 21 I&N Dec. 337, 342 (BIA 1996) (en banc) (noting that “clan membership ... is inextricably linked to family ties”); *Matter of Kasinga*, 21 I&N Dec. 357, 365-66 (BIA 1996) (en banc) (citing *Matter of H-* for the proposition that “identifiable shared ties of kinship warrant characterization as a social group”); *Matter of V-T-S-*, 21 I&N Dec. 792, 798 (BIA 1997) (en banc) (analogizing the group “Filipino[s] of mixed Filipino-Chinese ancestry” to “kinship ties”); *Matter of C-A-*, 23 I&N Dec. 951, 959 (BIA 2006) (stating that “[s]ocial groups based on ... family relationship are generally easily recognizable and understood by others to constitute social groups”).

Even in *M-E-V-G-* and *W-G-R-*, where the BIA set forth the additional PSG requirements of particularity and social distinction, the

Board cites favorably to its own prior case law recognizing family as a PSG. *M-E-V-G-*, 26 I&N Dec. at 246 (“[S]ocial groups based on innate characteristics such as sex or family relationship are generally easily recognizable and understood by others to constitute social groups.” (citing to *Matter of C-A-*)); *W-G-R-*, 26 I&N Dec. at 216 (“[I]n Somali society, clan membership is a ‘highly recognizable’ characteristic that is ‘inextricably linked to family ties.’” (citing *Matter of H-*)). Each time that the Board has refined the definition of particular social group over the past four decades, it has returned to family ties as the touchstone for this protected ground.

### **C. Federal Courts of Appeals Have Long Recognized Family as a Particular Social Group**

In addition to the BIA, for decades federal courts of appeals, including this Court, have uniformly found that family units can constitute viable PSGs. In *Vumi v. Gonzales*, 502 F.3d 150, 155 (2d Cir. 2007), the Second Circuit remanded Ms. Vumi’s case because the BIA failed to consider whether her membership in her individual family constituted membership in a PSG. This Court recognized that although the BIA had not categorically held that family group membership must be accepted as a PSG, “the Board has held unambiguously that

membership in a nuclear family *may* substantiate a social-group basis of persecution)”; thus, the BIA was required to consider Ms. Vumi’s claim. *Id.* See also *Celedon-Herrera v. Lynch*, 627 F. App’x 6, 8 (2d Cir. 2015) (unpublished) (citing *Vumi* for the proposition that “kinship ties or membership in a family ‘may form a cognizable shared characteristic for a particular social group.’”).

Several courts of appeals have found family membership to be one of the clearest examples of a cognizable PSG. The First Circuit has held that “there can, in fact, be no plainer example of a social group based on common, identifiable characteristics than that of the nuclear family.” *Gbremichael v. INS*, 10 F.3d 28, 36 (1st Cir. 1993). The Ninth Circuit has expressly called family units “prototypical,” *Sanchez-Trujillo v. INS*, 801 F.2d 1571, 1576 (9th Cir. 1986), and “quintessential,” *Rios v. Lynch*, 807 F.3d 1123, 1128 (9th Cir. 2015), particular social groups. The Fourth Circuit has agreed that the family provides a prototypical example of a particular social group. *Crespin-Valladares v. Holder*, 632 F.3d 117, 125 (4th Cir. 2011) (holding that the BIA committed legal error in finding a PSG defined by family not to be cognizable). The Sixth, Seventh, and Eighth Circuits have also found that families can

be particular social groups. *See Al-Ghorbani v. Holder*, 585 F.3d 980, 995 (6th Cir. 2009) (“[A] family is a ‘particular social group’ if it is recognizable as a distinctive subgroup of society.”); *Ayele v. Holder*, 564 F.3d 862, 869 (7th Cir. 2009) (“Our circuit recognizes a family as a cognizable social group under the INA.”); *Bernal-Rendon v. Gonzales*, 419 F.3d 877, 881 (8th Cir. 2005) (“[P]etitioners correctly contend that a nuclear family can constitute a social group ....”). The remaining circuits have, at a minimum, approvingly recited that portion of *Acosta* that holds up “kinship ties” as an example of a valid basis for social group definition. *Rivera-Barrientos v. Holder*, 666 F. 3d 641, 648 (10th Cir. 2012); *Castillo-Arias v. U.S. Att’y Gen.*, 446 F. 3d 1190, 1193 (11th Cir. 2006); *Ontunez-Tursios v. Ashcroft*, 303 F. 3d 341, 362 (5th Cir. 2002) (Weiner, J., dissenting); *Fatin v. INS*, 12 F. 3d 1233, 1239-40 (3d Cir. 1993).

**D. Family Has Long Been Recognized as a Particular  
Social Group under International Law and by State  
Parties to the Refugee Convention**

Interpretations of PSG outside the United States are consistent with the great weight of domestic circuit authority in recognizing family groups. Because the asylum provisions of the INA implement U.S.

treaty obligations, U.S. courts look to guidance from the UNHCR as well as the views of other state parties to inform its statutory interpretation. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 436-37 (1987).

UNHCR recognizes that “a family unit” is a “classic” PSG because it “is widely perceived as a cognizable unit, the members of which are readily distinguishable from society at large.” UNHCR, UNHCR *Position on Claims for Refugee Status Under the 1951 Convention Relating to the Status of Refugees Based on a Fear of Persecution Due to an Individual’s Membership of a Family or Clan Engaged in a Blood Feud*, ¶ 18 (March 17, 2006). Other signatories to the treaty likewise accept social groups based on ordinary families. For example, the U.K. House of Lords unanimously approved a family-based social group, with Lord Rodger writing specifically to explain that *any* family could qualify—not just, e.g., families of political leaders. *Sec’y of State for the Home Dep’t v. K.* [2006] UKHL 46, [2007] 1 AC 412 (HL) [¶¶ 19, 44, 62, 107, 117] (U.K.). The same is true of appellate courts in New Zealand, Ireland, Australia, and Canada. *See A.V.B. v. Refugee Appeals Tribunal* [2015] IEHC 13 ¶¶ 27-28 (H. Ct.) (Ir.); *Refugee Appeal Nos. 76485*,

76486, 76487 [2010] NZRSAA 71 at ¶¶ 79–82 (N.Z.) (“The proposition that membership of a family can constitute a [PSG] is uncontroversial.”); *STCB v Minister for Immigration and Multicultural and Indigenous Affairs* [2006] HCA 61 ¶ 32 (Austl.) (explaining “a family [is] capable of constituting a [PSG]” but denying on nexus); *Estrada v. Minister of Citizenship and Immigration of Canada*, [2015] F.C. 1019 (Can.) (“[T]hat the family is a valid social group for the purposes of seeking refugee protection is well-established.” (citation modified)). This jurisprudence “provide[s] respected and significant confirmation for [this Court’s] own” position. *Roper v. Simmons*, 543 U.S. 551, 578 (2005).

## **II. The BIA Abruptly Departed from Agency Precedent Recognizing Family as a PSG When It Issued *Matter of L-E-A- II***

In 2017, the BIA again affirmed that family group membership could constitute a cognizable PSG in *Matter of L-E-A- I*, 27 I&N Dec. 40, 42 (BIA 2017). While the Board ultimately denied Mr. L-E-A-’s claim on nexus grounds, *id.* at 47, it affirmed its prior holdings finding the family unit to be a viable PSG, *id.* at 42 (collecting cases). “We have long recognized that family ties may meet the requirements of a particular

social group depending on the facts and circumstances in the case. (collecting cases).” *Id.* The BIA found that whether or not a specific family group is cognizable must be determined on a case-by-case basis, and had “no difficulty identifying the respondent, a son residing in his father’s home, as being a member of the particular social group comprised of his father’s immediate family.” *Id.* at 43.

Two years later, although the BIA remanded *L-E-A- I*, and the case was pending before the immigration judge (IJ), the Attorney General issued another precedential decision, *Matter of L-E-A- II*, 27 I&N Dec. 581 (AG 2019), reaching a conclusion at odds with *L-E-A- I*, and upending decades of settled law. In *L-E-A- II*, the Attorney General held that “in the ordinary case, a nuclear family will not, without more, constitute a ‘particular social group’ because most nuclear families are not inherently socially distinct.” 27 I&N Dec. at 589. The Attorney General also applied the “social distinction” prong of PSG in a completely new way. *Id.*

In *M-E-V-G-*, the Board defined “social distinction” as whether the proposed PSG is a “significantly distinct group within the society,” 26 I&N Dec. at 241, “that is, recognized in the society in question as a

discrete class of persons,” *id.* at 249. In so doing, the Board refined the PSG definition to ensure that the group had some definition beyond immutability. But in *L-E-A- II*, the Attorney General created an entirely new concept of social distinction, *only* in the context of family as a PSG—that the family must have “greater societal import” in order to be deemed “distinct.” 27 I&N Dec. at 595. There is nothing in the plain language of the statutory text or any prior case law that supports this interpretation that a family must essentially be famous to be cognizable.

Two years after *L-E-A- II*, a different Attorney General issued *Matter of L-E-A- III*, 28 I&N Dec. 304 (AG 2021), vacating *L-E-A- II* and determining that *L-E-A- II*’s “analysis is inconsistent with the decisions of several courts of appeals that have recognized families as particular social groups.” 28 I&N Dec. at 305. In that decision, the Attorney General opined that the definition of PSG should be left to rulemaking. *Id.* The attorney general found “further support for vacating *L-E-A- II* in the fact that its analysis of ‘particular social group’ was unnecessary to decide this case because the Board had rejected respondent’s asylum

claim on another ground.” *Id.* at 305, n. 2. In other words, the PSG analysis in *L-E-A- II* was dicta.

Four years later, an Attorney General under the current administration, reinstated *L-E-A- II* in *Matter of R-E-R-M- & J-D-R-M-*, 29 I&N Dec. 202 (AG 2025). In discussing a family-based case that had been remanded to the BIA by the Ninth Circuit as a result of *L-E-A- III*'s reinstatement of *L-E-A- I*, the Attorney General vacated *L-E-A- III* and reimplemented *L-E-A- II*, in part because the rulemaking referenced by *L-E-A- III* never happened. 29 I&N Dec. at 204.

As a result of the agency changing the legal standard for evaluating family-based PSGs four times in fewer than ten years, very few federal court decisions have addressed the radical narrowing of family PSG cognizability under *L-E-A- II* and now *R-E-R-M- & J-D-R-M-*.

### **III. Precedent on This Issue Is Necessary Making Clear that the Nuclear Family Can Constitute a Cognizable Particular Social Group Without “Greater Societal Import”**

#### **A. This Court Should Not Defer to the Agency’s Interpretation Set Forth in *L-E-A- II***

In 2024, the Supreme Court issued *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 400–02 (2024), returning the primary

statutory interpretation authority to courts and making clear that an agency can no longer override circuit court law. And yet, in September of 2025, the Attorney General issued *R-E-R-M- & J-D-R-M-*, seeming to override all relevant circuit court law. The Attorney General argued that she could do so because the interpretation in *L-E-A- II* was the one “most faithful to the text, purpose, and policies underlying the asylum statute.” 29 I&N Dec. at 204. But for the reasons described herein, it is not, and *amici* urge this court to follow its sister courts in rejecting such a restrictive interpretation of particular social group. Such unreasonable, inconsistent, and results-driven agency analysis could not have passed muster even under *Chevron*, and certainly not now that the courts owe no such deference to the agency.<sup>7</sup>

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<sup>7</sup> See Jason Cade, Welcome to the Trump Administration’s Board of Immigration Appeals. The Immigrant Always Loses., 136 Yale Law Journal Forum, forthcoming 2026, Last revised: 7 Jun 2026, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=6506380](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=6506380). (“The Trump Administration has used the attorney general’s self-referral power and a reconstituted, ideologically aligned Board to engineer a body of precedents that reliably produces one result: removal.”).

## **B. Particular Social Group Cognizability Must Be Evaluated on a Case-By-Case Basis**

In Mr. G [REDACTED]'s case, the IJ rejected the cognizability of his family-based social group in two sentences, observing that *L-E-A- II* “found that a nuclear family was not a particular social group” and that the court was “obviously bound by this decision that would negate *any claim based on a social group.*” Administrative Record (AR) at 52 (emphasis added). The Board affirmed the IJ’s denial, which it characterized as based on Mr. G [REDACTED]’s failure to show his “parents’ ‘nuclear family’ is socially distinct as viewed by Honduran society, as opposed to as viewed by those he fears themselves.” AR4. The BIA’s analysis is invalid because it failed to provide full consideration of the cognizability of Mr. G [REDACTED]’s social group based on the record in this case.

The Board’s analysis directly conflicts with the longstanding principle—recognized by both the Board and this Court—that social group cognizability must be decided on a case-by-case basis. *See Ordonez Azmen v. Barr*, 965 F.3d 128, 135 (2d Cir. 2020); *see also R-E-R-M- & J-D-R-M-*, 29 I&N Dec. at 205 (social group cognizability

should be resolved through case-by-case adjudication not “broad-based rulemaking”).

A categorical rule also conflicts with the Board’s instruction that social groups are not to be assessed “in isolation, but rather in the context of the society out of which the claim for asylum arises.” *See M-E-V-G-*, 26 I&N Dec. at 238. Because the context-specific assessment necessarily requires examination of the record, the Board may not categorically reject a group based solely on its similarity to groups rejected in other cases. *Ordonez Azmen*, 965 F.3d at 135 (citing *Pirir-Boc v. Holder*, 750 F.3d 1077, 1084 (9th Cir. 2014)); *Titichamale v. Garland*, No. 20-3236, 2024 WL 119647 at \*4 (2d Cir. Jan. 11, 2024) (unpublished); *M-E-V-G-*, 26 I&N Dec. at 251. And this required analysis only makes sense: an applicant who is able to marshal significant evidence of the particularity and social distinction of his group should not be foreclosed from presenting his claim because a different applicant, with a different set of facts and societal context, preceded him. *See Diaz-Reynoso v. Barr*, 968 F.3d 1070, 1086 (9th Cir. 2020).

### **C. Family in Honduras Is a Highly Distinct Social Group**

Ordinary families meet the Board's three-part test, as invariably recognized by the courts and the agency until *L-E-A- II*. The Board has repeatedly affirmed that kinship ties are an immutable or fundamental characteristic. *See* Section I.B., *supra*. In addition, it is rarely disputed that family groups are sufficiently particular because they are "discrete and have definable boundaries" which are easily established by examining the biological, legal, and cultural customs that define families in a given society. *M-E-V-G-*, 26 I&N Dec. at 239.

These groups are also socially distinct because families are universally understood to be the fundamental unit of society. *See, e.g., Matter of C-A-*, 23 I&N Dec. at 959 (family is an easily recognizable group); *see W-G-R-*, 26 I&N Dec. at 217 (explaining that social distinction focuses on whether societies "in general perceive[], consider[], or recognize[]" the group)." Family ties are ingrained in naming customs and addressed in legal structures, including family, penal, and intestacy laws. Their salience can also be understood from country conditions reports, news articles, and expert witness testimony. *M-E-V-G-*, 26 I&N Dec. at 244.

Here, the record amply demonstrates the cognizability of family social groups in Honduras. Mr. G [REDACTED] lived with his parents from birth, as is common in nuclear families, and later lived with his sister. AR150. His familial relationships are repeated on official documents in the record, including his and his sisters' birth certificates, which record their parents' names and that they are mother and father to each child. AR160, AR165, AR170. Mr. G [REDACTED]'s declaration and his witnesses' statements all identify themselves by their familial relations to each other. AR195 ("my brother had to flee"); AR199 ("our minor son. . . had to flee"). The existence and use of specific terms such as "parents," "sister," and "brother" by Mr. G [REDACTED] and his witnesses shows how socially distinct family is. AR150 (Mr. G [REDACTED]'s declaration referencing his family members). The primacy of family is also reflected in Honduran law, which specifically punishes people who incite discrimination or violence against a "person, group, or organization" based on "family" and "family affiliation." AR364<sup>8</sup>; *see* *Henriquez-Rivas v. Holder*, 707 F.3d 1081, 1092 (9th Cir. 2013) (en

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<sup>8</sup> The *existence* of this provision supports the social distinction of the group but does not equate to effective *enforcement* of the provision. The latter issue is not before this Court.

banc) (observing that it is “difficult to imagine better evidence” of a PSG’s social visibility than a special law “tailored to [that PSG’s] characteristics”).

#### **IV. There Are Other Limiting Factors in Asylum Law Beyond the Cognizability of the Protected Characteristic**

Too often the BIA has focused on the potential size of a particular social group or, as here, a concern that every asylum seeker would be a member of a particular social group. *See Matter of L-E-A- II*, 27 I&N 593 (“as almost every [noncitizen] is a member of a family of some kind, categorically recognizing families as particular social groups would render virtually every [noncitizen] a member of a particular social group.”). But possessing a protected characteristic is only one element of many that an asylum seeker must prove to qualify for asylum.

Virtually every person possesses numerous protected characteristics pursuant to the refugee definition. Every person has a race; religion (or lack thereof); nationality (or lack thereof); and holds one or more political opinions (or lack thereof). Under the doctrine of *ejusdem generis*, it is therefore unsurprising that virtually every person belongs to one, and often several, particular social groups. Although not at issue in this petition for review, there are numerous limiting factors

in asylum law beyond establishing a protected characteristic such as membership in a PSG.

**A. Asylum Can Only Be Granted If the Adjudicator Finds a Nexus to a Protected Characteristic**

One of the most significant limiting factors in asylum law is nexus. It is not sufficient that an asylum seeker possesses a protected characteristic and suffers harm—pursuant to the INA the protected characteristic must be “at least one central reason” for the harm. 8 U.S.C. § 1158(b)(1)(B)(i). Indeed, the agency has held that the nexus requirement is “where the rubber meets the road . . . .” *Matter of A-B-*, 27 I&N Dec. 316, 338 (AG 2018) (quoting *Cece v. Holder*, 733 F.3d 662, 673 (7th Cir. 2013) (en banc)).

The BIA in this case based its holding on *L-E-A- II*. (“We affirm the denial of the respondent’s applications for asylum and statutory withholding of removal because he has not shown that his parents’ ‘nuclear family’ is socially distinct as viewed by Honduran society, as opposed to as viewed by those he fears themselves, as necessary to establish membership in a valid particular social group under *L-E-A- II* (IJ at 6).”) AR4. However, *L-E-A- II* never had to reach the issue of PSG

cognizability because it affirmed the denial of asylum based on lack of nexus in *Matter of L-E-A- I*, 27 I&N Dec. 40 (BIA 2017).

In *L-E-A- I*, the BIA concluded that the cartel's actual motive was not Mr. L-E-A-'s family group membership, but rather "to increase its profits by selling contraband in [Mr. L.E.A.'s father's] store." 27 I&N at 46. Thus, the agency precedent, which underpins the holding in this case, never needed to reach the issue of the cognizability of Mr. L.E.A.'s PSG because the BIA had already denied his case on nexus grounds.

Similarly, in *Matter of M-R-M-S-*, 28 I&N Dec. 757, 759, 762 (BIA 2023), vacated and remanded *sub nom* by *O.C.V. v. Bondi*, 153 F.4th 974 (10th Cir. 2025), decided by the BIA after *L-E-A- II* had been vacated, the Board held that "family ties may meet the requirements for a particular social group" but nonetheless denied asylum, upholding the IJ's finding that "the cartel was motivated by a desire to control the respondents' land rather than their family membership."

This Court has likewise limited asylum eligibility based on the nexus requirement. In *Garcia-Aranda v. Garland*, 53 F.4th 752, 757 (2d Cir. 2022), the BIA had assumed the validity of the PSG defined as "the Valerio family." Nonetheless, this Court upheld the BIA's asylum denial

because it found that some members of the family had been targeted “on account of their involvement in the drug trade and refusal to pay extortion” and, later, for their perceived wealth, not because of any animus toward the family itself. *Id.* at 758. *See also Thayalan v. U.S. Att’y Gen.*, 997 F.3d 132, 142-44 (3d Cir. 2021); *Orellana-Recinos v. Garland*, 993 F.3d 851, 856-59 (10th Cir. 2021); *Sanchez-Castro v. U.S. Att’y Gen.*, 998 F.3d 1281, 1286-88 (11th Cir. 2021); *Fuentes v. Barr*, 969 F.3d 865, 871-72 (8th Cir. 2020).

**B. Asylum Can Only Be Granted If the Adjudicator Finds that P the Government Was Unable or Unwilling to Protect the Asylum Seeker**

Under 8 U.S.C. § 1101(a)(42), an asylum seeker must also demonstrate that they are “unable or unwilling to avail” themselves of the protection of that country because of persecution or well-founded fear of persecution” on account of one of the protected grounds. *See also* 8 C.F.R. § 1208.13(b)(1), (b)(2)(i)(C).<sup>9</sup> Where the persecutor is a non-state actor, the applicant must show that their home government is

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<sup>9</sup> The most recent versions of some immigration regulations are enjoined by federal litigation. Citations to 8 C.F.R. § 1208.13 are to the 2020 version, which is currently in effect. *See* [https://nipnlg.org/sites/default/files/2025-03/EOIR\\_reg-chart.pdf](https://nipnlg.org/sites/default/files/2025-03/EOIR_reg-chart.pdf).

unwilling or unable to control the persecutor. *See Scarlett v. Barr*, 957 F.3d 316, 328 (2d Cir. 2020); *see also Singh-Kar v. Bondi*, 137 F.4th 94, 101 (2d Cir. 2025).

In *amici*'s experience, many family-based claims involve non-state actors such as powerful gangs and narco-traffickers, such that the asylum seeker must satisfy an adjudicator that their harm involved the requisite level of state action (or inaction) to satisfy their burden of proof for asylum.

**C. In Cases Based on Fear of Future Persecution, Asylum Is Granted Only If the Asylum Seeker Cannot Safely Internally Relocate**

In many cases, asylum seekers also must establish that they could not reasonably be expected to relocate within their country of persecution. 8 C.F.R. § 1208.13(b)(3)(i) (“In cases in which the applicant has not established past persecution, the applicant shall bear the burden of establishing that it would not be reasonable for him or her to relocate, unless the persecution is by a government or is government-sponsored”). *Bhagtana v. Garland*, 93 F.4th 592 (2d Cir. 2023) (substantial evidence supported the BIA’s finding that petitioner could safely relocate within India); *Singh v. Garland*, 11 F.4th 106 (2d Cir.

2021) (IJ did not err in finding that petitioner could safely relocate within India).

#### **D. Other Bars Limit the Availability of Asylum**

There are numerous additional “bars” to asylum such that even applicants who can establish that they are refugees may still be ineligible for this relief, including: a strict one-year filing deadline for asylum; a firm resettlement bar for refugees who previously settled in other countries; criminal and terrorism related bars; and bars to asylum for those found to have engaged in persecution. *See generally* 8 C.F.R. §§ 1208.13(a)(2), (b)(2)(A); *see also, e.g., Hernandez v. Sessions*, 884 F.3d 107 (2d Cir. 2018) (material support bar); *Suzhen Meng v. Holder*, 770 F.3d 1071 (2d Cir. 2014) (persecutor bar); *Tchitchui v. Holder*, 657 F.3d 132 (2d Cir. 2011) (firm resettlement bar); *Guo Qi Wang v. Holder*, 583 F.3d 86 (2d Cir. 2009) (serious non-political crime bar); *Nethagani v. Mukasey*, 532 F.3d 150 (2d Cir. 2008) (particularly serious crime bar).

**V. *Amici* Have Seen How the Most Vulnerable Asylum Applicants Are Most Negatively Affected by the Agency’s Inconsistent Approach to Family as a PSG**

**A. *Pro Se* Asylum Applicants Are Particularly Impacted by the Agency’s Inconsistent Approach to Family as a Particular Social Group.**

In New York, about a quarter of respondents in removal proceedings—many of whom have claims for asylum or statutory withholding of removal—have no attorney. That percentage is higher, closer to 40%, for respondents on the detained docket, as organizations have struggled to keep up with ICE’s detention of an unprecedented number of New Yorkers.<sup>10</sup> Several *amici* in this case are members of the Pro Se Plus Project (PSPP), a collaborative formed in January of 2023 to maximize the individual organizations’ capacities to assist recently arrived asylum seekers in removal proceedings in New York City. Other *amici* are not members of the PSPP but provide robust assistance to *pro se* asylum seekers and support Community Based Organizations serving community members who do not have attorneys. *Amici* provide

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<sup>10</sup> Vera Institute of Justice, *Immigration Court Legal Representation Dashboard*, <https://www.vera.org/ending-mass-incarceration/reducing-incarceration/detention-of-immigrants/advancing-universal-representation-initiative/immigration-court-legal-representation-dashboard> (updated through May 2026).

advice and counsel, assistance with *pro se* motions and applications, and trial preparation for asylum seekers appearing *pro se*; at times, their attorneys appear as “friend of the court” on behalf of unrepresented immigrants.

*Pro se* asylum seekers are particularly vulnerable to the whims of an agency that has lurched back and forth over who can make out an asylum claim. When an asylum seeker is represented by competent counsel, that counsel will play an active role in developing the record through submission of a written declaration, documentary evidence, and direct testimony, getting relevant facts into the record. That counsel is also responsible for keeping abreast of changing asylum law and can submit briefing and participate in oral argument to address eligibility in light of new case law.

As the Fourth Circuit recognized in *Quintero v. Garland*, 998 F.3d 612, 647 (4th Cir. 2021), “In our country, few populations are as vulnerable as noncitizens facing removal proceedings who are unable to secure the assistance of adequate counsel. Yet the consequences they may face are severe: family separation, prolonged detention, and deportation to a country where persecution or even death awaits.”

The difficulty of establishing asylum eligibility is especially apparent when cases involve a particular social group analysis, one of the more complicated aspects of asylum law. The Sixth Circuit, in *Tista Ruiz de Ajujalip v. Garland*, recognized as much when it reversed an agency denial where the IJ had insisted that the asylum seeker, rather than her counsel, answer complicated questions about the “social distinction” of her PSG in her asylum claim. 114 F.4th 487, 501 (6th Cir. 2024) (citing to *Cantarero-Lagos v. Barr*, 924 F.3d 145, 154 (5th Cir. 2019) (Dennis, J., concurring) (“Someone who faces persecution on account of a protected ground is no less deserving of asylum’s protections because of her inability to exactly delineate a convoluted legal concept.”)).

It is unfortunate that immigration law is as notoriously impenetrable as its stakes are high, with often tragic results for noncitizens who lose their cases due to a lack of understanding of what must be proven. Inconsistent agency precedent exacerbates this problem. Even experienced immigration attorneys struggle to stay on top of constant changes made through agency precedent—in family-based cases, precedent that has changed repeatedly over the course of

several years. And the stakes are high—a wrongfully denied claim results in an individual being sent to a place where they face persecution and torture. *Quintero*, 998 F.3d at 632-33, (“[N]eedless to say, these cases *per se* implicate extremely weighty interests in life and liberty, as they involve individuals seeking protection from persecution, torture, and even death.”) citing *Xue v. Bd. Of Immigration Appeals*, 439 F.3d 111, 113-14 (2d Cir. 2006) (“We should not forget, after all, what is at stake. For each time we wrongly deny a meritorious asylum application, we risk condemning an individual to persecution.”); *Matter of Pula*, 19 I&N Dec. 467, 474 (BIA 1987) (“[D]iscretionary factors should be carefully evaluated in light of the unusually harsh consequences which may befall an [noncitizen] who has established a well-founded fear of persecution; the danger of persecution should generally outweigh all but the most egregious of adverse factors.”).

**B. Detained Asylum Seekers Are Particularly Impacted by the Agency’s Inconsistent Approach to Family as a Particular Social Group.**

Over the past year, immigrant New Yorkers have been detained at unprecedented rates. By the middle of 2025, the New York Immigration

Courts were considered an epicenter of ICE’s detention efforts.<sup>11</sup> *Amici* include several organizations involved in the New York Family Unity Project and the Rapid Response Legal Collective, both of which represent thousands of detained New Yorkers each year.

In addition to the fact that detained immigrants are more likely to be unrepresented than non-detained immigrants, detained immigrants face other hurdles to fulsome adjudication of their asylum claims. In *amici’s* experience, erroneous asylum denials often go unreviewed. Many applicants cannot afford to pursue appeals and lack the education or English-language ability to write appellate briefs without representation. In other situations, long delays or the stress of detention lead applicants to forego meritorious BIA appeals and petitions for review and return to their home countries, where they have experienced and fear persecution.

Where an immigrant is detained, they are often removed quickly after their case is concluded. The agency’s unreasoned decision in *L-E-A- II*, reimplemented through *R-E-R-M- & J-D-R-M-* in 2025, made

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<sup>11</sup> Carol Guzy, *ICE Arrests at New York Court*, WORLD PRESS PHOTO (July 16, 2025), <https://www.worldpressphoto.org/collection/photo-contest/2026/Carol-Guzy/1>.

meritorious asylum claims suddenly subject to denial exactly as detention drastically increased. In practical terms, this regression in the law made it even harder for individuals to fight their cases. Clear precedent from this Court will give detained immigrants more legal certainty that could allow them to win protection in immigration court or, if they are denied asylum, help them and their attorneys (where they have attorneys) make decisions about whether to seek appellate review even when it means they have to remain detained longer.

**C. Absent Clarity from This Court, Agency Efforts to Curtail Full Merits Adjudication of Asylum Claims and Access to Full Appellate Consideration Will Make Denial of *Bona Fide* Claims More Likely.**

Over the past year, the BIA has issued several precedential decisions condoning the pretermission of pending asylum applications without ever holding a hearing. *Matter of H-A-A-V-*, 29 I&N Dec. 233 (BIA 2025) (IJ may pretermite without full evidentiary hearing where the preliminary factual allegations do not establish prima facie eligibility for asylum); *Matter of C-A-R-R-*, 29 I&N Dec. 13 (BIA 2025) (IJ is not required to consider an asylum application on the merits if it is incomplete, and incomplete applications may be considered waived or abandoned); *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec 291 (BIA 2025)

(requiring prepermission of asylum applications where DHS intends to remove the noncitizen to a third country pursuant to so-called Asylum Cooperative Agreements). As a result, *amici* have had clients' cases pretermitted during preliminary "master calendar" hearings and witnessed many other respondents, both represented and unrepresented, have their asylum applications denied or dismissed without a trial.

In *amici's* collective decades of experience, this prepermission of claims at very early stages of proceedings, before a respondent even has an opportunity to develop claims, is completely unprecedented. Moreover, *amici* have witnessed IJs pretermittting asylum claims without engaging in case-by-case analysis, citing BIA precedent as a categorical basis to deny asylum. The danger of erroneous premissions in family-based cases will be especially high if this Court upholds the BIA's decision in this case, which applies *L-E-A- II* without engaging in an individualized cognizability analysis to deny the family-based claims.

In addition, the Department of Justice is in the process of proposing new federal rules for the way that the BIA would handle

immigration appeals. *See* Appellate Procedures for the Board of Immigration Appeals, 91 Fed. Reg. 5267 (Feb. 6, 2026). Major proposed changes include that almost all appeals would be summarily dismissed without briefing within two weeks and only cases where a majority of judges think further BIA review is required would be briefed and adjudicated on the merits. Although the U.S. District Court for the District of Columbia granted in part plaintiffs’ motion for summary judgment because of the government’s failure to provide a sufficient notice and comment period, the government defendants have appealed that decision and the rule’s fate remains unclear. *See Amica v. EOIR*, 822 F. Supp. 3d 119 (D.D.C. 2026), *appeal docketed*, No: 26-cv-00696 (D.C. Cir. May 11, 2026). *Amici* fear that the new exorbitant BIA appeal fee of \$1030 and the unlikelihood of meaningful BIA appellate consideration will result in many *bona fide* refugees foregoing review of erroneous denials of their asylum claims.

## CONCLUSION

Given the considerations stated above, amici respectfully urge this Court to grant the petition for review and vacate *L-E-A- II*.

Dated: June 18, 2026

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE

1. Pursuant to Fed. R. App. P. 32(g)(1), the undersigned hereby certifies that this brief complies with the type-volume limitation of Federal Rules of Appellate Procedure 29(b)(4) and 32(a)(7)(B)(iii). It contains 6,833 words, excluding the cover page, tables, and certificates.
2. The brief has been prepared in proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font in compliance with Fed. R. App. P. 32(a)(5) and 32(a)(6). As permitted by Fed. R. App. P. 32(a)(7)(B), the undersigned has relied upon the word count feature of this word processing system in preparing this certificate.

Dated: June 18, 2026

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## CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2026, a true and correct copy of the foregoing document was filed with the Clerk of Court using the ACMS system, which will send notice of electronic filing to all ACMS participants, resulting in service upon all counsel of record.

Dated: June 18, 2026

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## APPENDIX A

### STATEMENTS OF INTEREST OF AMICI CURIAE

**Central American Legal Assistance (“CALA”)** is a Brooklyn based non-profit organization that has been representing immigrants in removal proceedings since 1986. CALA’s client population is comprised primarily of trauma survivors from Central and South America who are applying for asylum and other humanitarian relief. CALA represents several hundred asylum seekers in removal proceedings each year, the majority of whom have been persecuted by non-state actors, including powerful Central American gangs and narco-trafficking organizations.

**The Bronx Defenders** is a nonprofit provider of innovative, holistic criminal defense, family defense, social work support, immigration, and other civil legal advocacy to low-income Bronx residents. It represents individuals in approximately 20,000 cases each year and reaches hundreds more through outreach programs and community legal education.

The Immigration Practice of The Bronx Defenders provides removal defense services to detained New Yorkers as part of the New York Immigrant Family Unity Project at the Varick Street Immigration

Court and also represents non-detained immigrants in removal proceedings. The Bronx Defenders' representation extends to affirmative immigration applications, motions to reopen, appeals and motions before the BIA, petitions for review, and federal district court litigation and appeals.

**Brooklyn Defender Services (“BDS”)** is one of the largest public defense offices in New York State, representing low-income people in criminal, family, civil, and immigration proceedings each year. Since 2009, BDS has counseled thousands of clients in immigration matters. The BDS Immigration Practice represents detained and non-detained people in removal proceedings and affirmatively before the United States Citizenship and Immigration Services. BDS also regularly litigates immigration cases in U.S. federal courts, including habeas petitions seeking release from unlawful detention and petitions for review before U.S. circuit courts. For over 30 years, BDS has worked, in and out of court, to protect and uphold civil rights and change laws and systems that perpetuate injustice and inequality.

**Catholic Charities Community Services, Archdiocese of New York (“Catholic Charities”)**, is a New York-based, non-profit

organization that has provided immigration legal services to vulnerable New Yorkers for nearly 50 years, serving residents of New York City and the Lower Hudson Valley. Through its Division of Immigrant & Refugee Services, Catholic Charities offers critical legal representation and pro se services to immigrants seeking asylum and other humanitarian relief. In recent years, Catholic Charities has represented hundreds of asylum seekers in removal proceedings, most of whom are seeking protection in the U.S. from non-state actors.

**Catholic Migration Services (“CMS”)**, a non-profit based in Brooklyn and Queens, has been providing immigration legal services to low-income immigrant New Yorkers for more than 50 years. Every year, our legal staff provides direct representation to over a hundred individuals in removal proceedings, a majority of whom are asylum applicants. Since the beginning of 2023, our Pro Se Plus team has provided limited legal assistance to hundreds of unrepresented asylum-seekers who navigate removal proceedings without attorneys. Many of our clients and Pro Se Plus program participants have suffered or fear future persecution and torture by non-state actors, including gangs, guerillas, and armed groups.

**Co-Counsel NYC (“Co-Counsel”)** is a New York City-based nonprofit legal services organization that responds to the complex and evolving legal needs of immigrant communities facing deportation. Co-Counsel’s attorneys have collectively handled thousands of cases involving humanitarian forms of immigration relief, including asylum, and have robust appellate experience. Through training, supervision, and co-counseling, we support attorneys, paralegals, and community advocates as they respond to the legal needs of their communities. Because the proper standard for determining whether immediate family constitutes a cognizable particular social group is central to the claims of the clients and communities Co-Counsel serves and trains others to represent, Co-Counsel has a substantial interest in the resolution of this question by the Court.

**Human Rights First** is a non-governmental organization established in 1978 that advocates for human rights globally and U.S. compliance domestically with this country’s human rights commitments. Through offices in New York, Washington, D.C., and Los Angeles, Human Rights First provides pro bono legal representation to refugees, working in partnership with volunteer lawyers at leading law

firms to represent without charge asylum applicants unable to afford counsel. Human Rights First has conducted research, issued reports, and provided recommendations to the United States government regarding compliance with its legal obligations under international law, including, as most relevant to this case, under the 1951 Refugee Convention and its 1967 Protocol. Human Rights First has worked, and is still working, with many asylum seekers affected by the shifting agency interpretations of “particular social group” at issue in this appeal and has a deep interest in the outcome of this case.

**The Legal Aid Society (“LAS”)** has been a tireless advocate for those least able to advocate for themselves over its 150-year history. Over 2,300 staff members operate across all five New York City boroughs in our Civil, Criminal Defense, and Juvenile Rights Practices – guided by the fundamental principle that nobody should be denied justice because of poverty. Since the 1980s, LAS has maintained a citywide Immigration Law Unit within the Civil Practice and is a recognized leader in the delivery of free, comprehensive, and high-caliber immigration legal services to low-income immigrants in New York City. Staff represent immigrants before U.S. Citizenship and

Immigration Services (USCIS), before immigration judges in removal proceedings, on appeals to the Board of Immigration Appeals (BIA), and in federal court on habeas corpus petitions and petitions for review. Over the most recent year, ILU assisted in over 8,400 individual legal matters benefiting over 4,000 New Yorkers citywide. We currently represent hundreds of asylum seekers in immigration court proceedings, as well as assist hundreds of others on a limited scope basis through our legal clinics. In addition to direct legal services, we conduct outreach presentations with community members and grass-roots organizations and provide critical immigration legal information to New Yorkers through our website and dedicated legal helpline telephone bank. We also provide regular trainings to immigrant-serving advocates from community-based organizations, state and local agencies, and judicial and legislative staff. Partnerships with other non-profit organizations and coordination of a successful *pro bono* program with nearly 70 participating law firms enable the ILU to maximize resources to meet the increasing demand for representation.

**Legal Services NYC (“LSNYC”)** is one of the largest civil legal services providers in the United States, with over 700 staff that help

over 100,000 low-income New Yorkers in a wide range of civil legal services, including immigration, housing, family, and education law.

LSNYC represents hundreds of asylum seekers before the USCIS Asylum Offices and in removal proceedings in Immigration Court.

Many of these asylum-seekers have fled their home countries because of threats and harm they suffered due to their familial relationships or memberships in family units. LSNYC has an interest in ensuring that Immigration Courts follow fair and predictable legal standards that comply with longstanding precedent and principles of humanitarian law.

**Make the Road New York (“MRNY”)** is a nonprofit, membership-based community organization that integrates adult and youth education, legal and survival services, and community and civic engagement, in a holistic approach to help low-income New Yorkers improve their lives and neighborhoods. MRNY has over 28,000 members, and its five offices are spread throughout New York City, Long Island, and Westchester. MRNY is at the forefront of numerous initiatives to analyze, develop, and improve civil and human rights for immigration communities, including issues related to detention and

deportation of immigrant community members. Its attorneys and accredited representatives regularly represent both detained and nondetained clients in the greater New York City area in immigration matters, including in reinstatement and administrative removal proceedings. MRNY also assists a large number of pro se individuals as part of its public-education to provide community education and survival services.

**UnLocal** is a community-centered organization that provides legal representation and education to New York's immigrant communities. UnLocal's legal services include participation in the Pro Se Plus Project and Rapid Response Legal Collaborative. Such services include filing asylum applications, preparing individuals to represent themselves during merits hearings, assisting in responding to motions to pretermite, and appeals. As a result, UnLocal's advocates have experienced the difficulties of advising and representing immigrants subject to flip-flopping agency interpretations of asylum law as well as the limitations on pro se and/or detained immigrants' ability to pursue their appellate rights.