Applicant: Jonathan Ulises Rivera Rafael

A-Number: A#221-397-911

WRITTEN STATEMENTS IN SUPPORT OF ASYLUM APPLICATION

+1 510 714 0100 +1 619 960 8262 PO BOX 90487 / ZIP CODE 92169

WRITTEN STATEMENTS IN SUPPORT OF ASYLUM APPLICATION
JONATHAN ULISES RIVERA RAFAEL
A#221-397-911

I. INTRODUCTION

Jonathan Ulises Rivera Rafael ("Jonathan" or "the Applicant"), a seventeen-year-old unaccompanied child from El Salvador, respectfully submits this memorandum in support of his Form I-589, Application for Asylum, pursuant to Section 208 of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1158.

On July 18, 2026, while Jonathan was alone cleaning his bus at the Cojutepeque terminal, a group of men in ski masks, with tattoos visible on their arms and necks, surrounded him, demanded money, and told him that they knew who he was, where he lived, and who his family was. Jonathan was seventeen years old. Unable to identify the men, and believing that the police would not protect him, he stopped working, became afraid to go out into the street, and ultimately fled El Salvador. After his departure, an unidentified caller telephoned his grandmother's private landline asking specifically for his whereabouts and refused to identify himself.

As set forth below, and evaluated with the attention to age and development that the law requires in children's claims, Jonathan has established a well-founded fear of persecution on account of his membership in a particular social group and his imputed political opinion, and the threat he endured constitutes past persecution. He is not subject to any bar to asylum and merits a favorable exercise of discretion.

II. STATEMENT OF FACTS

The following facts are drawn from Jonathan's signed declaration ("Decl.") and his Form I-589.

A. Jonathan's Background

Jonathan was born on March 7, 2009, in Cojutepeque, Cuscatlán, El Salvador, and lived in Cantón San Antonio, Cojutepeque, from birth until he left the country in August 2026. (Decl. ¶¶ 1–2.) He was raised by his maternal grandmother, María Victoria Rafael Fernandez, his aunt, Norma Liliana Ruiz Rafael, and his mother, Alba Yanira Rafael, until his mother fled to the United States approximately three years ago. (*Id.* ¶ 3.) His mother now lives in the United States, where her own defensive asylum application is pending. (*Id.*) His father, José Tomás Rivera Reyes, is a bus driver on Route 175A who lives with a separate family in Ojos de Agua; Jonathan never lived with him. (*Id.*)

When he was fourteen, Jonathan began working as a *cobrador* (bus fare collector) on Route 113, which runs daily between the Cojutepeque bus terminal and San Salvador. (*Id.* ¶ 4; Form

I-589, Part A.III (employment from November 2023). He worked a rotating morning shift of three to four hours, typically beginning between 7:00 and 9:00 a.m., and attended school in the afternoon. (Decl. ¶ 4.)

B. The July 2026 Threat

On or about July 18, 2026, between 8:30 and 9:00 a.m., Jonathan was alone in the parking area of the Cojutepeque terminal, cleaning the bus. (*Id.* ¶ 5.) A group of unfamiliar men wearing ski masks approached and surrounded him. (*Id.*) They were dressed in black, and Jonathan could see tattoos on their arms and necks. (*Id.*) The men aggressively demanded money and stated that they knew who he was, where he lived in Cantón San Antonio, and who his family was. (*Id.*)

Terrified, Jonathan did not give them any money and stepped up into the bus to put distance between himself and the men. (*Id.* ¶ 6.) At around that moment, other people began moving through that area of the terminal, and the men left. (*Id.*) Based on their appearance, their tattoos, their threatening demeanor, and their statement that they knew where he lived and who his family was, Jonathan believes the men were gang members (*pandilleros*). (*Id.*)

Jonathan told his grandmother, his father, and the bus driver what had happened, and his mother was also informed. (*Id.* ¶ 7.) His father warned him to be very careful. (*Id.*) The family did not report the encounter to the police because Jonathan did not know the men's identities and because, in his experience, "it takes a whole lot for them to actually do something or take action, and they do not really protect people when things like this happen." (*Id.*) Jonathan continued working for about three more days and then stopped, becoming afraid to go out into the street. (*Id.* ¶ 8.)

C. Flight and Continued Search

Fearing that the men or their associates would return to demand money or harm him and his family, Jonathan left El Salvador on August 22, 2026. (*Id.* ¶¶ 8–9.) He passed through Guatemala and Mexico in approximately ten days without seeking protection there, because he knew no one in those countries, had no legal status there, and his sole intention was to reach a place where he could feel safe again. (*Id.* ¶ 9.) He arrived at the U.S. border on August 31, 2026, near Rio Grande City, Texas, where he was processed as an Unaccompanied Alien Child ("UAC") and placed in the custody of the Office of Refugee Resettlement ("ORR"). (*Id.* ¶¶ 1, 10; Form I-589, Part A.I.) He remains at the Compass Connections shelter in San Antonio, Texas. (Decl. ¶ 1.)

After Jonathan left, his grandmother received a call on her private, unlisted landline from an unknown number. The caller asked specifically where Jonathan was and did not identify himself when his grandmother asked who was calling. (*Id.* ¶ 11; Support Letters from Alba Yanira Rafael, Ex. 1; María Victoria Rafael Fernandez, Ex. 2; and Norma Liliana Ruiz Rafael, Ex. 3.) The family does not share that number. (Decl. ¶ 11.) Jonathan believes the men are still looking for him because he did not pay, because he left his job, and because they

may want to forcibly recruit him. (*Id.*) He cannot live with his father, who has his own separate family and household, and he does not believe the police can protect him. (*Id.* ¶ 12.)

III. USCIS HAS INITIAL JURISDICTION OVER THIS APPLICATION

Under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), § 235(d)(7)(B), codified at INA § 208(b)(3)(C), 8 U.S.C. § 1158(b)(3)(C), an asylum officer has initial jurisdiction over any asylum application filed by an unaccompanied alien child, including a child who is in removal proceedings. *See also* USCIS, RAIO Directorate, *Children's Claims* Lesson Plan 19 (May 11, 2017) ("The Asylum Division has initial jurisdiction over the asylum claims filed by UACs, including those who are in immigration court proceedings.").

DHS designated Jonathan a UAC upon his apprehension on August 31, 2026, and he remained a seventeen-year-old child in ORR custody when he filed his Form I-589 on October 6, 2026. USCIS therefore has initial jurisdiction over his application.

As an unaccompanied alien child, Jonathan is also exempt from the one-year filing deadline and from the safe-third-country bar. INA § 208(a)(2)(E), 8 U.S.C. § 1158(a)(2)(E). In any event, he filed within approximately five weeks of his arrival.

IV. LEGAL STANDARD

An applicant is eligible for asylum if he is a "refugee," meaning a person unable or unwilling to return to his country of nationality "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." INA § 101(a)(42)(A), 8 U.S.C. § 1101(a)(42)(A). The protected ground must be "at least one central reason" for the persecution. INA § 208(b)(1)(B)(i); *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 212–14 (BIA 2007). Where the persecutor is a private actor, the applicant must show that the government is unable or unwilling to control it. *Matter of Acosta*, 19 I&N Dec. 211, 222 (BIA 1985).

The applicant's testimony may be sufficient to sustain his burden if it is credible, persuasive, and refers to specific facts. INA § 208(b)(1)(B)(ii). Credibility is assessed under the totality of the circumstances. INA § 208(b)(1)(B)(iii).

A. Children's Claims Require Age-Appropriate Analysis

The Board has recognized that, in evaluating whether harm suffered by a minor rises to the level of persecution, "it is necessary to consider the respondent's age and the cumulative nature of the harm, including the severity, frequency, context, and circumstances." *Matter of I-U-V-*, 29 I&N Dec. 816, 816 (BIA 2026) (headnote). USCIS training similarly instructs asylum officers that a child's age and development affect both the evaluation of harm and the assessment of testimony, and that "[p]sychological harm may be a particularly relevant factor to consider." USCIS, *Children's Claims* Lesson Plan, *supra*, at 12. Persuasive circuit

authority applies the same principle. *See Liu v. Ashcroft*, 380 F.3d 307, 314 (7th Cir. 2004) (harm a child fears or has suffered "may be relatively less than that of an adult and still qualify as persecution") (quoting INS, *Guidelines for Children's Asylum Claims* (Dec. 10, 1998)); *Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042, 1046 (9th Cir. 2007).

These principles apply equally to credibility. Jonathan was seventeen when the threat occurred, gave his account through an interpreter, and was interviewed while in federal custody far from his family. Any gaps in his recollection of dates or peripheral details should be evaluated in light of his age, the brevity and shock of the encounter, and the circumstances of his flight.

V. JONATHAN HAS ESTABLISHED PAST PERSECUTION AND A WELL-FOUNDED FEAR OF FUTURE PERSECUTION

A. The Threat Jonathan Suffered Constitutes Past Persecution

Persecution includes "a threat to the life or freedom of, or the infliction of suffering or harm upon," a person on account of a protected characteristic. *Acosta*, 19 I&N Dec. at 222. The Fifth Circuit has held that "[t]hreats of death and other serious harms constitute persecution when they are objectively credible," and that the Board errs by "effectively requiring physical injury to establish past persecution." *Argueta-Hernandez v. Garland*, 87 F.4th 698 (5th Cir. 2023). The Board, in turn, has explained that threats rise to the level of persecution when they are "objectively credible and issued by a person or persons with the immediate ability to carry them out," as opposed to threats that are "vague, anonymous, or used merely to intimidate." *Matter of E-M-F-S-*, 29 I&N Dec. 379, 384 (BIA 2026).

The threat against Jonathan was neither vague nor anonymous. It was delivered in person, by a group of masked men with visible tattoos who surrounded him at his workplace while he was alone, and who "aggressively demanded money." (Decl. ¶ 5.) The men had already located him; they told him they knew who he was, where he lived in Cantón San Antonio, and who his family was. (*Id.*) That statement was not idle intimidation but a demonstration that the men possessed the information and the immediate means to reach Jonathan and his family at home. The documentary evidence confirms that this is how gang extortion operates: the extortionist's threat concerns "the consequences threatened if the victim does not comply with the extortionist's demands, such as . . . violence, or the death of the victim or their family members." (Country Conditions Reports, Ex. 8.) The subsequent call to his grandmother's private landline confirms that the threat was not hollow.

Evaluated, as *I-U-V-* requires, in light of Jonathan's age and the full context of the harm, the encounter had a severe and concrete impact. A seventeen-year-old, without a parent in the household, was confronted by a group of masked men who made clear that his home and family were within their reach. Jonathan was "overcome with fear and nervous shock," stopped working within days, became afraid to go out into the street, and ultimately left his country and family. (Decl. ¶¶ 6, 8.) The cumulative effect of the threat, the loss of his ability

to work and move freely, and the continued effort to locate him after his departure rises to the level of persecution.

If past persecution is established, Jonathan is entitled to a presumption of a well-founded fear of future persecution. 8 C.F.R. § 208.13(b)(1).

B. Independently, Jonathan Has a Well-Founded Fear of Future Persecution

Even absent past persecution, an applicant establishes a well-founded fear by showing a subjectively genuine fear that is objectively reasonable. 8 C.F.R. § 208.13(b)(2). The standard is met if a reasonable person in the applicant's circumstances would fear persecution, *Matter of Mogharrabi*, 19 I&N Dec. 439, 445 (BIA 1987), and may be satisfied even where the likelihood of persecution is well below fifty percent. *INS v. Cardoza-Fonseca*, 480 U.S. 421, 440 (1987).

Jonathan's fear is genuine. It caused him to abandon his job, become afraid to go out into the street, and leave his country. (Decl. ¶¶ 8, 11–12; Support Letters from Alba Yanira Rafael, Ex. 1; María Victoria Rafael Fernandez, Ex. 2; and Norma Liliana Ruiz Rafael, Ex. 3.) He fears that, if returned, he will be located by the same men, threatened again, pressured into gang recruitment, or harmed for not complying with their demands. (Decl. ¶¶ 11–12.) His fear is also objectively reasonable, for three reasons.

First, the men who threatened Jonathan identified him personally and told him they knew where he lived and who his family was. (Decl. ¶ 5.) Jonathan would return to that same home, the only place he has ever lived. (*Id.* ¶ 2.)

Second, the unidentified call to his grandmother's private landline after his departure shows a continuing interest in locating him. The caller asked "specifically" for Jonathan's whereabouts, on a private number the family does not share, and refused to identify himself. (Decl. ¶ 11; Support Letters from Alba Yanira Rafael, Ex. 1; María Victoria Rafael Fernandez, Ex. 2; and Norma Liliana Ruiz Rafael, Ex. 3.)

Third, the documentary evidence confirms that the gangs remain active in El Salvador and have targeted and sought to recruit children, which is precisely what Jonathan fears. (Decl. ¶¶ 11–12.) In February 2025, the U.S. Department of State designated MS-13 a Foreign Terrorist Organization, finding that it "actively recruits, organizes, and spreads violence in several countries," including El Salvador, and "uses public displays of violence to intimidate civilian populations to obtain and control territory." (Country Conditions Reports, Ex. 3.) In September 2025, the Department likewise designated Barrio 18, finding that it "has conducted attacks against security personnel, public officials, and civilians in El Salvador." (Country Conditions Reports, Ex. 4.) InSight Crime reports that, although the state of emergency has weakened the gangs, "remnants of MS13 and Barrio 18 remain active in some parts of El Salvador." (Country Conditions Reports, Ex. 6.)

Children are a particular target. Human Rights Watch found that children it interviewed had been victimized "by the gangs that abused them and, in some cases, tried to recruit them—often through force, coercion, or deception," and that poverty and "lack of educational and work opportunities" have enabled "gangs to prey on them." (Country Conditions Reports, Ex. 2.) Human Rights Watch documented the case of a sixteen-year-old in Jonathan's own department of Cuscatlán: "Years before, gang members had tried to recruit him and had threatened to kill his mother." (*Id.*) Extortion, moreover, remains a significant source of gang revenue in El Salvador, estimated at "between $190 million and $240 million" annually, and "extortion itself facilitates criminal governance processes." (Country Conditions Reports, Ex. 7.)

The Salvadoran government reports that gang violence and extortion have declined. Even so, Human Rights Watch cautions that, while "[e]xtortion has also decreased, authorities reported," the "lack of transparency about crime rates and reports of manipulation make it hard to precisely assess the extent of the reduction of violence." (Country Conditions Reports, Ex. 2.) Aggregate statistics, moreover, do not rebut the specific, individualized evidence in this case: Jonathan himself was personally identified, threatened, and searched for in 2026.

C. The Salvadoran Government Is Unable or Unwilling to Protect Jonathan

Jonathan's decision not to report the threat does not defeat his claim. The Board has recognized that "it may be futile or dangerous for an abused child to seek protection from the authorities." *Matter of A-G-O-F-*, 29 I&N Dec. 772, 774 (BIA 2026) (citing *Matter of C-G-T-*, 28 I&N Dec. 740, 743 (BIA 2023)). Jonathan was a child; the men who threatened him were masked and unidentifiable; and he had no means of giving the police information that would allow them to identify or apprehend anyone. (Decl. ¶ 7.) His experience in his community was that the police "do not really protect people when things like this happen," and that "[f]or them to do something and protect us, it takes a long time." (*Id.* ¶¶ 7, 12.)

The documentary evidence supports that assessment. Human Rights Watch found that "[t]he mass abuse-ridden arrests have done little to deliver meaningful justice for victims of gang violence," and that the crackdown "has overwhelmed El Salvador's already fragile judicial system." (Country Conditions Reports, Ex. 2.) The Global Initiative Against Transnational Organized Crime reports that, in extortion cases, "criminal prosecutions have shown that members of state security forces and/or public officials are linked to these criminal networks," and that these crimes "have been known to have repercussions on the credibility of government employees and the criminal justice system, which knows of these practices yet leaves them unpunished." (Country Conditions Reports, Ex. 8.) Freedom House further reports that "[h]igh-level politicians from all major parties have been accused of links to organized crime," that journalists "have regularly uncovered evidence of covert negotiations between the Bukele government and gang leaders," and that "[a] criminal investigation into the government's negotiations was shut down." (Country Conditions Reports, Ex. 5.) A child

who cannot identify his persecutors, in a system marked by these failures, has no realistic path to state protection.

D. Internal Relocation Would Not Be Reasonable

In assessing whether relocation is reasonable, adjudicators consider, among other factors, "social and cultural constraints, such as age, gender, health, and social and familial ties." 8 C.F.R. § 208.13(b)(3). Each of these factors weighs against relocation here.

Jonathan is a seventeen-year-old child. His only caregivers, his grandmother and aunt, live in the home the men said they knew. His mother lives in the United States and is also seeking protection. His father has "his own separate family and household," and Jonathan has never lived with him. (Decl. ¶¶ 3, 12.) Relocating would require a child to live alone, without family support, in an unfamiliar community.

Relocation would also expose Jonathan to a separate and well-documented danger. Human Rights Watch reports that, "[s]ince March 2022, police officers and soldiers have conducted hundreds of indiscriminate raids, particularly in low-income neighborhoods, arresting over 80,000 people, including some 3,000 children," and that poverty and social exclusion have led "security forces to stigmatize [children] as criminals and harass them." (Country Conditions Reports, Ex. 2.) The sixteen-year-old documented by Human Rights Watch had moved with his family to San José Guayabal, in Cuscatlán, to escape gang violence, only to be arrested there; he reported that soldiers "simulated his execution on a deserted road" and that he was held "in an overcrowded cell, where 70 children shared three beds." (*Id.*) InSight Crime further reports that, in July 2026, Amnesty International found that "more than 90,000 people had been detained since the state of emergency began and that at least 470 had died in state custody." (Country Conditions Reports, Ex. 6.) A young man arriving alone in a new community, without family or local ties to vouch for him, would face a heightened risk of exactly this kind of arbitrary detention and abuse.

VI. JONATHAN WAS TARGETED ON ACCOUNT OF A PROTECTED GROUND

A. Nexus Standard

A protected ground need not be the only reason for the harm, but it "cannot be incidental, tangential, superficial, or subordinate to another reason for harm." *Shaikh v. Holder*, 588 F.3d 861, 864 (5th Cir. 2009); *see J-B-N- & S-M-*, 24 I&N Dec. at 214. The Fifth Circuit has emphasized that "the nexus requirement is not an 'either-or' proposition," and that an adjudicator errs by treating extortion as the only possible motive. *Argueta-Hernandez*, 87 F.4th 698. The existence of a financial demand therefore does not foreclose a finding that a protected characteristic was also a central reason for the harm.

B. Jonathan's Particular Social Group

A cognizable particular social group must be (1) composed of members who share a common immutable characteristic, (2) defined with particularity, and (3) socially distinct within the

society in question. *Matter of M-E-V-G-*, 26 I&N Dec. 227, 237 (BIA 2014); *Matter of W-G-R-*, 26 I&N Dec. 208, 212–18 (BIA 2014); *Acosta*, 19 I&N Dec. at 233. The group must exist independently of the harm. Social distinction is generally measured on a countrywide basis. *Matter of S-E-M-Z-*, 29 I&N Dec. 680, 685 (BIA 2026).

Jonathan is a member of the following particular social group:

- **Salvadoran children who worked as fare collectors in the public transportation sector.**

Immutability. The group is defined by characteristics that Jonathan cannot change or should not be required to change. A child cannot change his age. And the experience of having worked as a child on a bus route is a past experience that, "by definition, cannot be changed." *Matter of O-A-R-G-*, 29 I&N Dec. 30, 32 (BIA 2025); *see Acosta*, 19 I&N Dec. at 233 (shared past experience may be immutable). This group is distinguishable from adults who voluntarily accept dangerous employment in exchange for compensation, such as police officers or soldiers. *Cf. O-A-R-G-*, 29 I&N Dec. at 32 n.4. Jonathan began this work at fourteen, while still attending school. (Decl. ¶ 4.)

Particularity. The group has clear boundaries. Membership turns on objective, verifiable criteria: Salvadoran nationality, age under eighteen, and work as a fare collector on public buses. Unlike a group defined by age alone, such as "Brazilian children," which the Board found too "large [and] diffuse," *Matter of A-G-O-F-*, 29 I&N Dec. at 773, this group is narrowed by an additional, concrete characteristic that makes its members readily identifiable.

Social distinction. Salvadoran society recognizes child workers on public buses as a distinct group. Fare collectors are visible daily on fixed routes, and public transport workers are among the recognized targets of gang extortion in the region. The Global Initiative Against Transnational Organized Crime, in its manual on extortion in Guatemala, El Salvador, and Honduras, quotes an anti-extortion prosecutor in neighboring Guatemala explaining that "there is usually an attack on the victim, such as an assault against drivers of urban or intercity buses, motorcycle taxi drivers or employees of small shops. Generally, if the victim does not agree to the payment, they are attacked." (Country Conditions Reports, Ex. 8.) Children, in turn, are recognized as a group that gangs specifically prey upon, particularly where they lack "educational and work opportunities." (Country Conditions Reports, Ex. 2.) Young workers on public buses thus stand at the intersection of two groups that Salvadoran society perceives as distinct and vulnerable to gang targeting.

Nexus. The men approached Jonathan at the bus terminal, while he was performing his work, and while he was alone. (Decl. ¶ 5.) They knew who he was. It was his role as a child fare collector, a young worker who handles cash, works fixed hours at a known location, and lacks the ability to resist, that made him visible and vulnerable to the men who targeted him.

Whatever financial motive the men also had, Jonathan's membership in this group was at least one central reason why they chose him. *See J-B-N- & S-M-*, 24 I&N Dec. at 214.

C. Political Opinion (Actual and Imputed)

Asylum protects persons persecuted on account of an actual or imputed political opinion. INA § 101(a)(42)(A). The Board has held that "a 'political opinion' under the INA requires an expression, either through active or indirect conduct, of a belief or conviction regarding a discrete cause which is related to a government," including "a de facto government." *Matter of D-G-E-A- & N-G-G-E-*, 29 I&N Dec. 570, 573, 576 (BIA 2026). Although "disapproval of or opposition to criminal gangs is not sufficient" on its own, *id.* at 576, the Board did not foreclose claims in which the persecutor in fact exercises governmental authority. It rejected the claim in *D-G-E-A-* because "the record evidence d[id] not establish that the gangs exercise actual sovereignty or control where they operate." *Id.* at 577. The record here differs on that point.

1. Salvadoran gangs have exercised de facto governmental authority. The gangs in El Salvador have not merely committed crimes; they have controlled territory, taxed the population, and bargained with the State. The U.S. Department of State found that MS-13 "uses public displays of violence to intimidate civilian populations to obtain and control territory and manipulate the electoral process in El Salvador," and that it has attacked "El Salvador government officials and facilities." (Country Conditions Reports, Ex. 3.) Barrio 18 has likewise "conducted attacks against security personnel, public officials, and civilians in El Salvador." (Country Conditions Reports, Ex. 4.) In gang-controlled territories, "[e]xercising their power, gangs demand money through extortion," known in El Salvador as "'the rent' or 'the fear tax.'" (Country Conditions Reports, Ex. 8.) Extortion, in turn, "facilitates criminal governance processes." (Country Conditions Reports, Ex. 7.)

The Salvadoran government has repeatedly treated the gangs as a counterpart in negotiations. Freedom House reports that journalists "have regularly uncovered evidence of covert negotiations between the Bukele government and gang leaders, chiefly to rein in gang-related crimes in exchange for various concessions," and that armed violence declined "due to alleged secret negotiations between the Bukele government and the country's gangs." (Country Conditions Reports, Ex. 5.) InSight Crime documents that, in 2012, the government, together with leaders of the Catholic Church, "secretly negotiated a truce between Barrio 18 and MS13, granting concessions to imprisoned gang leaders in exchange for a reduction in violence." (Country Conditions Reports, Ex. 6.) Human Rights Watch concluded that the truce "had the unintended consequence of increasing gangs' awareness of their political power," and that "[r]epeatedly, they have unleashed waves of violence, seemingly to push the government into making concessions." (Country Conditions Reports, Ex. 2.)

An organization that controls territory, collects a "fear tax," attacks government officials and facilities, seeks to manipulate elections, and negotiates concessions from the national government is exercising the attributes of a de facto government. That is the showing the record in *D-G-E-A-* lacked.

2. Within that system, non-compliance with a gang's demand is understood as defiance of its authority. Extortion is the instrument through which the gangs assert their control: "[b]y exploiting the fear instilled in victims by the violence perpetrated by extortionists . . . criminal groups increase their territorial control." (Country Conditions Reports, Ex. 7.) Non-compliance is met with punishment: the threatened consequences of refusing to pay include "violence, or the death of the victim or their family members." (Country Conditions Reports, Ex. 8.)

Jonathan did not give the men any money. (Decl. ¶ 6.) He then stopped working and left the country. (*Id.* ¶¶ 8–9.) In a system in which compliance with gang demands functions as submission to gang authority, his non-compliance and flight were reasonably perceived by the gang as a rejection of its authority. Jonathan himself fears being "harmed for defying their demands." (*Id.* ¶ 12.)

3. The gang's continued pursuit supports an imputed political opinion. An applicant "need not provide direct proof of his persecutors' motives," but "must provide some evidence of it, direct or circumstantial." *INS v. Elias-Zacarias*, 502 U.S. 478, 483 (1992). The circumstantial evidence here is that the men did not abandon their interest once Jonathan stopped working. After he fled, someone called his grandmother's private, unlisted landline asking specifically for his whereabouts. (Decl. ¶ 11.) By then, Jonathan no longer worked on the bus and was no longer a ready source of money. A continued search for a child who had left his job and his country is consistent with an effort to reassert authority over someone perceived as having defied it, and not only with a demand for payment.

4. Mixed motives do not defeat the claim. A protected ground need only be "at least one central reason" for the persecution. INA § 208(b)(1)(B)(i); *J-B-N- & S-M-*, 24 I&N Dec. at 214. As the Fifth Circuit has held, nexus "is not an 'either-or' proposition." *Argueta-Hernandez*, 87 F.4th 698. The gang's financial interest therefore does not exclude a finding that the opinion imputed to Jonathan was also a central reason for the threat and the continued search.

Jonathan acknowledges *Matter of L-A-L-T-*, 29 I&N Dec. 269, 276 (BIA 2025), and *D-G-E-A-*. He submits that the record in this case, which documents the gangs' territorial control, taxation of the population, attacks on the State, and negotiations with the government, satisfies the de facto government standard those decisions recognize. In the alternative, he preserves this ground for any further proceedings.

VII. NO BARS APPLY AND JONATHAN MERITS A FAVORABLE EXERCISE OF DISCRETION

Jonathan is not subject to any mandatory bar to asylum. He has never been arrested, charged, or convicted of any crime in El Salvador or any other country; he has never harmed anyone; he was not firmly resettled in any third country; and, as a UAC, he is exempt from the one-year deadline and the safe-third-country bar. INA § 208(a)(2)(E), (b)(2).

The equities strongly favor a grant. Jonathan is a child who fled alone. He has no criminal history. His mother lives in the United States, and he is awaiting reunification with her. Nothing in the record weighs against a favorable exercise of discretion.

VIII. CONCLUSION

Jonathan was seventeen years old when masked men confronted him alone at his workplace, demanded money, and told him they knew where he and his family lived. Their continued effort to locate him after he fled confirms that his fear is real and reasonable. Evaluated with the attention to age that the law requires, the record establishes past persecution and a well-founded fear of future persecution on account of his membership in a particular social group and his imputed political opinion, and the government of El Salvador cannot protect him.

WHEREFORE, the Applicant respectfully requests that the Asylum Office grant his affirmative application for asylum pursuant to INA § 208.

Sincerely,



Otavio Haverroth Silva
Bar N. 343486
Attorney at Law