



MEMORANDUM IN SUPPORT OF [REDACTED]'S AFFIRMATIVE
APPLICATION FOR ASYLUM

[REDACTED] ([REDACTED]) submits this application for asylum on the basis of his well-founded fear of persecution by the Taliban in Afghanistan. This well-founded fear is based on his actual and imputed political opinion as a former government employee whose work and training involved collaboration with the United States, a Fulbright Scholar in the United States, the son of a former Director of Women's Affairs of the Ghazni Province, and the former Vice-Dean of Law and Political Science and Teaching Assistance at the Fanoos Institute of Higher Education. [REDACTED] also fears that his participation in the Afghan Fulbright Scholar program places him in a particular social group that the Taliban will target. Additionally, [REDACTED] is Tajik, which is an ethnic minority that the Taliban have been targeting for persecution.

In addition to the required identity documents, [REDACTED] also submits extensive evidence regarding his actual and imputed political opinion and the resulting danger should he return to Afghanistan. This includes evidence of his work with the former government and extensive international training, his mother's work, threats by the Taliban against his mother, and the dangerous conditions faced by Afghans in similar situations who remain in Afghanistan.

[REDACTED] is eligible for asylum because he is afraid that if he is forced to return to Afghanistan, he will be targeted by the Taliban for persecution, including physical harm, imprisonment, torture, or even death due to his political opinions and ethnicity (which would fall under both race and particular social group). This fear is well-founded, as a reasonable person in [REDACTED]'s circumstances would also fear persecution upon return to Afghanistan.

As such, [REDACTED] respectfully requests that his application for asylum be granted so he may remain in the United States, where he is free to pursue his career in diplomacy and peacebuilding and express his views without fear of persecution.

I. [REDACTED] Has A Well-Founded Fear Of Future Persecution Based On Protected Grounds

To qualify for asylum, an individual must be a refugee under the definition provided in the Immigration and Nationality Act.¹ As such, they must have experienced past persecution and/or have a well-founded fear of future persecution based on one of the protected grounds of race, religion, nationality, political opinion, or particular social group.² The fear must not only be subjective, but also objectively reasonable.³ Subjective fear "is established via the applicant's credible testimony that his fear

¹ 8 U.S.C. § 1158.

² 8 U.S.C. § 1101(a)(42).

³ *Ramsameachire v. Ashcroft*, 357 F.3d 169, 178 (2d Cir. 2004).

is genuine” and objective reasonability “is largely dependent upon the context and believability [the applicant] can establish for his claims through presentation of reliable, specific, objective supporting evidence.”⁴

a. Political Opinion

To successfully establish persecution based on political opinion, “an asylum applicant must show that the persecution arises from his or her own actual or imputed political opinion.”⁵ To qualify for asylum on grounds of imputed political opinion, the applicant must show “direct or circumstantial evidence from which it is reasonable to believe that those who harmed the applicant were in part motivated by an assumption that his political views were antithetical to those of the government.”⁶

██████████ has a well-founded fear of future persecution based on the actual and imputed opinions apparent in his work for the former government, his Fulbright Scholarship, his association with his mother, and his work as an educator. ██████████’s fear is both subjective and objective, as he credibly believes that he will be subject to persecution on the basis of his political opinions and there is objective evidence that the actual and imputed political opinions he cites as grounds for his fear have been the basis of Taliban persecution.

As described in his Declaration, ██████████’s work with the former Afghan government involved training with different entities of the U.S. government, such as the United States Embassy in Kabul and the United States Institute of Peace, and openly criticizing the Taliban in publications under the Heart of Asia-Istanbul Process (HoA-IP).⁷ Collaboration and training with the United States in diplomacy and government work is contrary to the Taliban’s highly conservative view and disdain for the United States and those who associate with the United States. As part of his training with the Ministry of Foreign Affairs, ██████████ participated in the United States-China joint Afghan Diplomatic Training Program. Other participants in this program who are still in Afghanistan have received P-1 letters from the U.S. State Department, due to the risk posed to individuals with connections to the U.S. government.⁸ ██████████’s work with the HoA-IP explicitly condemned the Taliban’s use of violence, their targeting of certain other groups such as activists, journalists, civil service employees, and human rights defenders, and their association with terrorist organizations such as Al-Qaida. The Taliban continues to use violence, maintain those associations, and target those same groups today.

██████████’s participation in such trainings and projects is noted in the Ministry of Foreign Affairs records (including his employee file), which the Taliban have possession of as they now administer the Ministry of Foreign Affairs. This means that the Taliban possess direct evidence that ██████████’s political views, as reflected in his training and work, are antithetical to those of the current government. They are antithetical due to his association with the United States as well as the critical nature of his work regarding the Taliban’s tactics. Additionally, while working for the Ministry of Foreign Affairs, ██████████ was trained to identify and respond to the threat of “sticky bombs” as they

⁴ *Id.* (citing *Cordero-Trejo v. INS*, 40 F.3d 482, 491 (1st Cir. 1994)).

⁵ *Hongfang Xu v. Wilkinson*, 843 Fed. Appx. 349, 350 (2d Cir. 2021) (citing *Koudriachova v. Gonzales*, 490 F.3d 255, 263 (2d Cir. 2007)).

⁶ *Matter of S-P-*, 21 I. & N. Dec. 486, 494 (BIA 1996).

⁷ See Exhibits A, O, S, T, W, X.

⁸ See Exhibit ZZ.

were being used to target government officials.⁹ This demonstrates that he and other similarly situated government officials were already being targeted for violence by the Taliban while ██████████ was still in Afghanistan and the Taliban had not yet risen to power.

Additionally, ██████████ has a well-founded fear of persecution based on his notification letter to the Ministry of Foreign Affairs that he was leaving to pursue his Master's degree in the United States as a Fulbright Scholar.¹⁰ This evidence of ██████████'s acceptance of Western education and the United States is antithetical to the extremely conservative and politicized Islamic beliefs of the Taliban government.¹¹ The Fulbright Scholarship program seeks to educate participants to contribute to "a more peaceful, equitable, prosperous, and just world."¹² There is a narrative among the Taliban that "a 'good Muslim' would not leave and that many who left for the West were not 'good enough Muslims'."¹³ ██████████'s Fulbright Scholarship and studies in the United States would place him in this category of a "not good enough Muslim" and heighten his risk of persecution. Many other Fulbright scholars and alumni fear such persecution based on the Taliban's animosity towards those with "western" associations and ideas, especially those with the United States.¹⁴ Some Afghan Fulbright Scholars have received a letter indicating P-1 priority status.¹⁵ ██████████ has not personally received such a letter, but the same issues placing those other Fulbright scholars at a heightened risk similarly apply to ██████████'s circumstances.

Furthermore, ██████████'s association with his mother serves as grounds for a well-founded fear of future persecution based on imputed political opinion. As described in his Declaration, ██████████'s mother is the former Director of Women's Affairs in Ghazni Province. In her role, she advocated for gender equality and worked on numerous projects and program in furtherance of women's rights. Many of these projects were in cooperation with the Provincial Reconstruction Team, which consisted of U.S. and Polish military forces. These views and collaborations are also antithetical to the extremely conservative and politicized Islamic beliefs of the Taliban government. Before the Taliban's rise to power, they had already attempted to assassinate ██████████'s mother twice.¹⁶ On one of these instances, they also targeted ██████████'s father because he was associated with and accompanying ██████████'s mother.

The Taliban have been seeking out and disappearing women's rights advocates as well as those who worked with United States forces.¹⁷ There are also reports that the Taliban harm the families of those they deem as somehow opposed or contrary to their ideals or rule.¹⁸ The Taliban is likely to have access

⁹ See Exhibits BBB and CCC.

¹⁰ See Exhibit A.

¹¹ [UK Home Office Country Policy and Information Note Afghanistan: Fear of the Taliban](#) p. 27-29; EASO Country of Origin Information Report, https://coi.easo.europa.eu/administration/easo/PLib/2022_01_EASO_COI_Report_Afghanistan_Country_focus.pdf p 56.

¹² <https://eca.state.gov/fulbright/about-fulbright/fulbright-program-overview>.

¹³ EASO Country of Origin Information Report, https://coi.easo.europa.eu/administration/easo/PLib/2022_01_EASO_COI_Report_Afghanistan_Country_focus.pdf page 57.

¹⁴ See Exhibits MM; see also Exhibits GG and KK.

¹⁵ See Exhibit AAA.

¹⁶ See Exhibit AA.

¹⁷ <https://www.hrw.org/news/2022/01/24/afghan-womens-rights-activists-forcibly-disappeared>; see also Exhibits GG and KK.

¹⁸ See Exhibits XX and YY.

to the information in the Afghan national identification system that connects him to his mother.¹⁹ This is direct evidence from which it is reasonable to believe that the Taliban are reasonably likely to harm ██████████ due to an assumption that his political views were antithetical to those of the Taliban. The Taliban have targeted those previously involved in both women's rights and cooperation with United States forces, such as ██████████'s mother. ██████████ also holds the same beliefs in gender equality and women's rights as his mother.

Regardless of whether the Taliban knows that ██████████ actually shares these beliefs, the Taliban has a recorded history of imputing the perceived wrongs and opinions of one family member to others to exact punishment.²⁰ The Taliban will be able to connect ██████████ to his mother through the national biometric identification system they now control. This system is largely based on familial connections, so ██████████ will be associated with his mother therein.²¹ As such, ██████████ has a reasonable well-founded fear of persecution based on the history of the Taliban attempting violence against his mother, their shared views on gender that are antithetical to the Taliban's ideology, and the availability of records connecting ██████████ to his mother.

Finally, ██████████'s former position as Vice-Dean of Faculty of Law and Political Science and Teaching Assistance at the Fanoos Institute of Higher Education also places him at risk due to his actual expressed and imputed political opinions. Other academics in law and political science have been disappeared, detained, or attacked by the Taliban.²² These academics were also critical of the Taliban government before their persecution. Because ██████████ was both an academic and critical of the Taliban as part of publicly available work, he reasonably fears persecution on the basis of the political opinion imputed to him as a former academic.²³

b. Particular Social Group

To successfully establish persecution based on membership in a particular social group, the applicant must show that they are "a member of a group of persons all of whom share a common, immutable characteristic."²⁴

██████████ has a well-founded fear of persecution based on membership in the particular social groups of Afghan Fulbright Scholars that is both subjective and objective. Afghan Fulbright Scholars satisfy the definition member of a particular social group for the purposes of asylum. First, being an Afghan Fulbright Scholar is an immutable characteristic because once one is accepted into and a part of the program, they cannot retroactively change that. It is a prestigious award and professional asset that carries through the remainder of their careers. This demonstrates social distinction. Second, Afghan Fulbright Scholars are a group that can be defined with particularity. According to a spokesperson for the

¹⁹ See Exhibit WW.

²⁰ <https://www.nytimes.com/2019/07/10/world/asia/taliban-revenge-afghanistan.html>; see also <http://countrystudies.us/afghanistan/57.htm> (on importance of familial connections in Afghanistan); Norwegian Country of Origin Report, "Afghanistan: Tazkera, passports and other ID documents," p. 7.

²¹ See Exhibits VV and WW.

²² See Exhibits PP-RR.

²³ See Exhibit A.

²⁴ See *Paloka v. Holder*, 762 F.3d 191, 195 (2d Cir. 2014) (citing *Matter of Acosta*, 19 I. & N. Dec. 211, 233 (BIA 1985)). The group must also be defined with particularity and be socially distinct within the society in question. *Matter of M-E-V-G*, 26 I. & N. Dec. 227, 237 (BIA 2014).

Department of State, there have been only 950 total Afghan Fulbright Scholars since 2003 and 109 Afghan Fulbright Scholars who began their Fulbright studies in the United States in 2021 like ██████████²⁵ This is a clearly defined group, as there is a hard line between those who have and those who have not participated in the Fulbright Program. Third, Afghan Fulbright Scholars are socially distinct due to the notoriety and prestige associated with being awarded a Fulbright Scholarship. It is a longstanding and distinguished program known in Afghanistan and globally.²⁶ Before the Taliban takeover, it was a standout professional asset that significantly aided in the progress of one's career, especially those in government. ██████████ has his status as a Fulbright Scholar displayed on both his Twitter and LinkedIn pages, indicating the importance and notoriety of such distinction.

██████████ has a well-founded fear of persecution based on his designation as an Afghan Fulbright Scholar. In addition to the political opinion that will be imputed to ██████████ based on his participation in the Fulbright Program, he also fears that mere status as a Fulbright Scholar will be reason enough for persecution. Due to the letter in his Ministry of Foreign Affairs employment record indicating his participation, the Taliban know of ██████████'s status as a Fulbright Scholar. ██████████ has also been quoted in articles regarding the issues facing Afghan Fulbright Scholars in the United States.²⁷ Additionally, ██████████ notes his status as a Fulbright Scholar (or "Fulbright student") in his social media profiles such as his LinkedIn and Twitter profiles.²⁸ As such, ██████████ is highly visible as a member of this particular social group which, due to its embrace of Western education and ideas, is likely to be persecuted by the Taliban in Afghanistan. This fear of persecution on the basis of particular social group of Afghan Fulbright Scholars is subjectively genuine in that ██████████ genuinely holds this fear. The fear is also objective in that there is evidence, as cited, that the characteristics of the group (namely the association of the group with the United States and therefore ideas and practices contrary to the Taliban's ideology) are reasonably likely to cause members to be subject to persecution by the Taliban.

c. Ethnicity

In the context of asylum cases, "ethnicity" is used to describe a category which falls within the protected grounds of both race and nationality.²⁹

██████████ has a well-founded fear of persecution based on his ethnicity that is both subjective and objective. ██████████ is Tajik, an ethnic minority in Afghanistan that makes up approximately 27% of the population.³⁰ The Taliban is a predominantly Pashtun group.³¹ Ethno-centrism and tribal beliefs are a large part of the Taliban's group identity. This is in part due to the perceived alienation of Pashtuns from government participation despite being the largest ethnic group.³² ██████████ fears that his ethnicity as a Tajik will place him at risk of persecution, as there have been increasing reports of violence and

²⁵ <https://abcnews.go.com/Politics/afghan-fulbright-semi-finalists-in-limbo-after-US-withdrawal/story?id=81649720>.

²⁶ See Exhibit A.

²⁷ See Exhibits MM-OO.

²⁸ See Exhibit A.

²⁹ *Shoafera v. INS*, 2000 U.S. App. LEXIS 31361 (9th Cir. Sept. 7, 2000).

³⁰ <https://minorityrights.org/minorities/tajiks/>

³¹ See Exhibit TT.

³² https://carnegieendowment.org/files/taliban_winning_strategy.pdf.

executions of Tajiks on the basis of their ethnicity.³³ ██████████'s ethnicity is indicated on his national ID card (tazkera) and in the biometric identification system the Taliban now controls.³⁴

Additionally, ██████████ speaks Dari rather than Pashto. Pashto is the language primarily used by Pashtuns, whereas Dari is spoken primarily by Tajiks.³⁵ This language difference has also been cited as part of the tension between Pashtuns, including the Taliban, and Tajiks because Dari was the language used most commonly in government affairs rather than Pashto despite both languages being designated as official languages of the government.³⁶ Because of the escalating violence against Tajiks by the Taliban and the ease of which the Taliban will be able to identify ██████████ as Tajik, ██████████'s fear of persecution on the basis of his ethnicity is reasonable. ██████████'s fear is subjectively sincere and based on the objective evidence that reliably and specifically demonstrates a danger on the basis of Tajik ethnicity.

II. Internal Relocation Is Not An Option

Due to the above stated bases of ██████████'s well-founded fear of persecution and the Taliban's access to information demonstrating ██████████'s falling under these bases, ██████████ cannot safely relocate within Afghanistan. The Taliban is the current government and thus have control of the country's resources and information. In cases where the persecutor is the government or the persecution is government-sponsored, internal relocation is presumed unreasonable.³⁷

III. Conclusion

Based on the aforementioned factors, ██████████ meets all the legal requirements to qualify for asylum. Please process this case and approve his asylum application as early as possible.

³³ See Exhibit TT.

³⁴ See Exhibits A, VV, and WW.

³⁵ <https://www.rferl.org/a/1104868.html>.

³⁶ *Id*; see also Exhibit A.

³⁷ 8 C.F.R. § 208.13(b)(3)(ii).