UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - TED TURNER DRIVE IMMIGRATION COURT

Respondent Name:
VIJANDRE, JACOB IRA AZURIN

To:
Malik, Shamaila Sarah
511 E John Carpenter Fwy
Suite 500
Irving, TX 75062

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
03/06/2026

☐ Unable to forward - no address provided.

☑ Attached is a copy of the **decision of the Immigration Judge.** This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

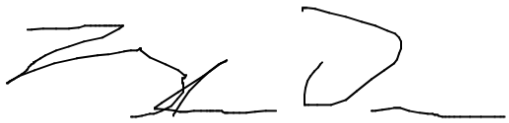
Immigration Court

☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

☐ Attached is a copy of the decision of the immigration judge relating to a **Credible Fear Review.** This is a final order. No appeal is available.

☐ Other:

Date: 03/06/2026



Immigration Judge: Doughty, Blake 03/06/2026

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Respondent Name : VIJANDRE, JACOB IRA AZURIN | A-Number : [redacted]

Riders:

Date: 03/06/2026 By: Conyers, Mikayla, Court Staff

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ATLANTA – W. PEACHTREE STREET
ATLANTA, GEORGIA

Matter of	
VIJANDRE, JACOB IRA AZURIN,	File Number: [redacted]
The respondent	In Removal Proceedings

Charge:	Section 237 (a) (1) (B) of the Immigration and Nationality Act ("INA" or "the Act"), as amended, in that after admission as a nonimmigrant under Section 101 (a) (15) of the Act, you have remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States.
Applications:	Asylum, pursuant to section 208 of the Act; Withholding of Removal, pursuant to section 241(b)(3) of the Act; Withholding of Removal, under Article 3 of the United Nations Convention Against Torture or Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment, pursuant to 8 C.F.R. § 1208.16; in the alternative Voluntary Departure under section 240B(b) of the Act.

On Behalf of the respondent:	On Behalf of the Department:
Shamaila Sarah Malik, Esq.	Melony Velez, Assistant Chief Counsel
Malik Law Firm, PLLC	Department of Homeland Security
511 E John Carpenter FWY, Suite 500	401 W. Peachtree Street, Suite 2850
Irving, Texas 75062	Atlanta, Georgia 30308

DECISION OF THE IMMIGRATION JUDGE

I. BACKGROUND

Jacob Ira Azurin Vijandre ("the respondent") is an adult male native and citizen of the Philippines. On or about September 25, 2001, he was admitted to the United States at Los Angeles, California, as a nonimmigrant with authorization to remain in the United States for a temporary period not to exceed March 15, 2004. *See* Exh. 1.[1] The Department of Homeland Security ("DHS"

[1] The record of these proceedings is maintained in electronic format through the EOIR Courts and Appeals System ("ECAS"). Throughout this decision, the Court will identify specific pages of admitted evidence by citing to the pagination generated when a filing is uploaded to the Electronic Record of Proceedings ("eROP"), which is the official record of these proceedings. 8 C.F.R. §§ 1001.1(cc), 1003.31 (2024).

or "the Department") alleges that the respondent remained in the United States beyond March 15, 2004, without authorization from the Immigration and Naturalization Service or its successor the DHS. *See id.*

On October 7, 2025, the Department issued the respondent a Form I-862, Notice to Appear ("NTA"), charging him as inadmissible under section 237(a)(1)(B) of the Act as amended, in that after admission as a nonimmigrant under section 101(a)(15) of the Act, the respondent has remained in the United States for a time longer than permitted, in violation of this Act or any other law of the United States. *See id.*

On November 6, 2025, at a master calendar hearing, the respondent, through counsel, admitted receipt and service of NTA, waived formal reading of charge and explanation of rights, admitted allegations 1-4 but denied removability pursuant to INA section 237(a)(1)(B). On the same date, the Court reviewed the evidence submitted by both parties as to removability and heard arguments. After arguments, the Court sustained the charge pursuant to INA section 237(a)(1)(B) and directed Philippines as country of removal.

On November 19, 2025, the respondent filed a Motion for Voluntary Departure, asking for Post-Conclusion Voluntary Departure under section 240B(b) of the Act in the alternative to any other applications filed. *See* Exh. 4.

On November 20, 2025, the respondent filed a Form I-589, Application for Asylum and for Withholding of Removal ("asylum application"), with the Court, requesting relief in the form of asylum under section 208 of the Act, withholding of removal under section 241(b)(3) of the Act, and withholding of removal under the United Nations Convention Against Torture ("CAT"). Exh. 3. The respondent filed an updated asylum application on November 17, 2025. Exh. 5.[2]

On January 6, 2026, the respondent had an individual merits hearing before the Court, during which the Court took evidence and heard arguments regarding his applications for relief. At the conclusion of the hearing, the Court reserved its decision on the respondent's application.

II. EVIDENCE PRESENTED

The evidentiary record consists of documentary exhibits 1 through 15, and the testimony of the respondent, Krystle Canare, Mohammed Ayachi, and Omar Khattab. As discussed on the record, Exhibits 1-12 and 14 were admitted. Exhibit 13, page 25 was admitted for rebuttal/impeachment; the remaining portion of Exhibit 13 was marked for identification only based on the respondent's objection to untimely submission on day of hearing January 6, 2026. Exhibit 15 was marked for identification only based on DHS's objection to the untimely submission on day of the hearing on January 6, 2026.

All evidence admitted into the record or marked for identification has been previously identified and labeled by the Court during these proceedings in the electronic record. The entirety of the testimony was taken on January 6, 2026. All witnesses testified in English.

[2] The respondent was sworn to the asylum application provided in Exhibit 12. Counsel for the respondent explained on the record it is identical to the application filed in Exhibit 5.

The Court has considered all documentary evidence whether it is expressly referred to in this decision or not. The testimony provided in support of the respondent's applications, although considered by the Court in its entirety, is not fully repeated herein because it is part of the record. The Court has considered the arguments of both parties and the entire record carefully.

III. FINDINGS OF FACT

The respondent is a 38-year-old, native and citizen of the Philippines. He entered the United States from Mexico on September 25, 2001, when he was 14 years old. The respondent has worked for American Airlines for approximately 10 years and holds the position of senior safety specialist. He is part of care team that responds to emergencies to provide support for people who have lost loved ones and is a Red Cross training first aid responder which requires certification.

The respondent is also active as a martial arts instructor and a photographer and uses his art to engage in advocacy "for what is right and just." The respondent testified that he uses photography to raise awareness and cover stories about human rights issues.

The respondent testified he has only been employed without authorization one time. Otherwise, he has worked lawfully since receiving employment authorization in conjunction with Deferred Action for Childhood Arrivals ("DACA"). The respondent asserts that he has reported income for the purpose of paying taxes owed in the United States. The respondent testified that he has never been arrested or charged for a criminal offense; that he has only been arrested as related to his current immigration detention.

The respondent has not returned to the Philippines since he left in 2001. He came to United States when after his father, who was trained as an aircraft mechanic, was the beneficiary of a visa petition filed by his employer. Thereafter, the respondent was admitted to the United States as a nonimmigrant visitor on September 25, 2001, and remained in the United States without authorization after March 15, 2004. The respondent believes he was the beneficiary of a derivative visa that was "compromised" because of the date of his scheduled flight on September 11, 2001. The respondent received DACA in 2013. USCIS terminated the respondent's DACA status on September 22, 2025, based on his social media posts which expressed support for organizations and individuals who are known to engage in acts of terrorism. Exh. 7.

The respondent's father now lives in Australia. Exh. 12 at 10. His mother and two of his siblings live in the Philippines. *Id.* Another sibling lives here in the United States. *Id.*

The respondent was raised as a Mormon Christian (Church of Jesus Christ of Latter-Day Saints). He converted to Islam in 2022 The respondent fears persecution in the Philippines based on his Muslim faith. He believes that the Muslim minority has experienced persecution and that there is a pattern of Muslims being killed in the southern Philippines.

The respondent is also afraid of returning to the Philippines because his case is "publicly known" and the current president, Ferdinand R. Marcos, Jr., is the son of former dictator. He believes that President Marcos targets journalists and activists for arrest and execution. The respondent believes he will be targeted by the Marcos regime if he returns to the Philippines.

The respondent self-identifies as a journalist and activist. The respondent testified that if he is sent back to the Philippines, he would continue his online activism and posting about human rights violations to include mistreatment of indigenous peoples in the Philippines.

The respondent uses his photojournalism and social media platforms to advocate for what he believes is "true and right," which includes providing support for organizations and individuals who are known to engage in acts of terrorism presents He has multiple social media sites he regularly uses including Instagram, YouTube, and Facebook. He also has an X account that he claims to "barely use." Prior to detention, the respondent posted to social media on a weekly basis. He posted to his various social media accounts and had approximately 9,000 followers.

Although the respondent denied expressing support for terrorism in his online social media posts, this denial is unequivocally rebutted by the evidentiary record. The content of the social media posts in question demonstrates the respondent's support for the Holy Land Foundation ("HLF") and convicted terrorist Aafia Siddiqui.

Members in the HLF were convicted of providing material aid and support to a designated terrorist organization, Hamas. Exh. 7 at 5. The respondent acknowledged his understanding that HLF is a designated terrorist organization. However, he asserts that the HLF members did nothing wrong. The respondent understands that the HLF members were convicted of certain crimes, although he denies knowing the specifics of those criminal convictions. Despite asserting that he was ignorant of the precise nature of those convictions, the respondent asserts that based on his "research" he believes the HLF criminal who were convicted are innocent. Given the respondent's acknowledged ignorance of the specific criminal convictions, the Immigration Court reasonably concludes respondent's belief in their innocence is based on ideological affinity with HLF rather than a factual understanding of the criminal conduct.

Aafia Siddiqui was a member of Al-Qaida. Exh. 7 at 5. She was found guilty and sentenced to 86 years in prison for the attempted murder and assault of U.S. nationals and U.S. officers and employees in Afghanistan. Exh. 7 at 19. On July 17, 2008, Siddiqui apprehended by authorities in Afghanistan who found several items in her possession, "including handwritten notes that referred to a 'mass casualty attack'" which listed numerous locations in the United States, "including Plum Island, the Empire State Building, the Statue of Liberty, Wall Street, and the Brooklyn Bridge. *Id.* Other notes in Siddiqui's possession referred to the construction of 'dirty bombs,' and discussed various ways to attack 'enemies,' including by destroying reconnaissance drones, using underwater bombs, and deploying gliders." *Id.* When questioned by authorities, Siddiqui "grabbed a U.S. Army officer's M-4 rifle and fired it at another U.S. Army officer and other members of the U.S. interview team. *Id.* During the shooting, Siddiqui exclaimed her intent and desire to kill Americans." Siddiqui also assaulted one of the U.S. Army interpreters when he attempted to grab the rifle from her. *Id.* "Siddiqui subsequently assaulted one of the FBI agents and one of the U.S. Army officers, as they attempted to subdue her." *Id.* All of these facts were published publicly. *Id.*

Regardless of these facts that came out at her trial, the respondent believes that Aafia Siddiqui is innocent. He does not believe Aafia Siddiqui committed any acts of violence them based on unspecified information he was able to find "online." The respondent testified that he made social media posts about Aafia Siddiqui for the purpose of advocating for her to receive better prison conditions and "due process." He also admitted raising funds to be used for her legal defense and litigation related to the conditions of her imprisonment.

The respondent was also asked about his posts on social media supporting the Fort Dix 5 and the Somali 3. Exh. 13 at 35. The respondent testified that he is generally aware of cases for Fort Dix 5 and the Somali 3, although he does not know the specifics regarding the convictions. The respondent indicated that he did not know the precise nature of the convictions.

The Fort Dix 5 refers to Mohamad Ibrahim Shnewer, brothers Dritan Duka, Shain Duka and Eljvir Duka and Serdar Tatar who were convicted with conspiracy to murder members of the U.S. military. Exh. 7 at 22. According to public reports, Dritan Duka, Shain Duka were arrested on May 7, 2007, in Cherry Hill while "meeting a confidential government witness to purchase four automatic M-16 rifles and three semi-automatic AK-47 rifles to be used in a future attack on military personnel. The other defendants were arrested at various locations at about the same time." *Id.* At their trial, it was found by the jury that the men obtained "a detailed map of Fort Dix, where they hoped to use assault rifles to kill as many soldiers as possible." *Id.*

The Somali 3 refers to Guled Omar, Abdirahman Daud, and Mohamed Farah who were convicted in June 2016 for their plans to travel to Syria and join the Islamic State. *Id.* at 25. They were convicted of numerous federal charges including conspiracy to commit murder overseas and conspiracy to provide material support to a terrorist organization. *Id.*

He also falsely testified that he never solicited funds on behalf of either group. According to the record, the respondent posted about both groups which requested an "URGENT: Help Fund Legal Support for 7 Political Prisoners." Exh. 13 at 35. The posts specifically listed the Fort Dix 5 and Somali 3. The post included own comments in support of the fundraising appeal as well as a link to donate funds in support of releasing the convicted terrorists in both groups. *Id.*

The respondent was asked about a social media post he made in October 2024 which stated: "a Warrior who fights the enemy alongside his fellow men CANNOT be assassinated. There is no assassination when it comes to a Warriors Death, it is only that! A WARRIORS DEATH." Exh. 7 at 25. The post goes on to say, "A Warrior of Islam can never be assassinated for DEATH IS OUR VICTORY!! It is the inescapable process for us to meet Allah; what is more victorious than than!!" *Id.* However, the respondent testified that he did not recall making the post, even after DHS refreshed his memory in the stand.

The respondent's cousin, Krystle Canare, testified that she is a community activist working with pro-democracy and human rights organizations. She testified that she was "doxed" and experienced derogatory remarks by people in the Philippines via social media whiles she was in the United States in 2020 on the basis of her advocacy activities. She traveled to the Philippines in 2019 but was not harmed or threatened at that time.

IV. ANALYSIS

A. Credibility and Corroboration

In all applications for asylum, withholding of removal, and protection under CAT, the Court must make a threshold determination of the noncitizen's credibility. *See Matter of O-D-*, 21 I&N Dec. 1079, 1081 (BIA 1998). In making this determination, "[t]here is no presumption of credibility," and the noncitizen maintains the burden to prove his or her eligibility for relief by credible evidence. *See* INA §§ 208(b)(1)(B), 241(b)(3)(C). Consequently, credibility is of the utmost importance and may be outcome determinative. *See id.* Applications filed after May 11,

2005, are governed by the Real ID Act. *See id.* As the respondent's applications were filed after May 11, 2005, the Real ID Act applies to the case.

Under the REAL ID Act, the Court considers the totality of the circumstances and all relevant factors in making a credibility determination, including: (1) the applicant's demeanor, candor, and responsiveness; (2) the inherent plausibility of the applicant's account; (3) the consistency between the applicant's or witness's written and oral statements, the internal inconsistencies of each statement, and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim; (4) the consistency of the applicant's statements with other evidence of record, including the reports of the Department of State on country conditions; and (5) any other relevant factor. INA §§ 208(b)(1)(B)(iii), 241(b)(3)(C); *see also Matter of B-*, 21 I&N Dec. 66, 70 (BIA 1995).

An applicant's own testimony is sufficient to meet his or her burden of proof if it is "believable, consistent, and sufficiently detailed to provide a plausible and coherent account of the basis for his alleged fear." *Matter of Dass*, 20 I&N Dec. 120, 124 (BIA 1989); *Matter of Mogharrabi*, 19 I&N Dec. 439, 445–46 (BIA 1987), overruled on other grounds by *Pitcherskaia v. INS*, 188 F.3d 641–48 (9th Cir. 1997); 8 C.F.R. § 1208.13(a), 16(b). "Indications of reliable testimony include consistency on direct examination, consistency with the written application, and the absence of embellishments." *Shkambi v. U.S. Att'y Gen.*, 584 F.3d 1041, 1049 (11th Cir. 2009) (*citing Ruiz v. U.S. Atty. Gen.*, 440 F.3d 1247, 1255 (11th Cir. 2006)). In contrast, an applicant's testimony is not credible when it is inconsistent, contradictory with current country conditions, or inherently improbable or implausible. *See Matter of S-M-J-*, 21 I&N Dec. 722, 729 (BIA 1997).

After considering the totality of the circumstances and all relevant factors, the Court finds the respondent is not credible. The respondent was evasive and noncommittal about his activity on social media. In particular, the respondent denied making statements in Exh. 7 at 15 even when confronted with them. Moreover, the respondent denied knowledge about Fort Dix 5 and the Somali 3 which was rebutted by DHS rebuttal/impeachment evidence at Exh 13 at 35.

The respondent claimed that he did not make the posts raising funds for Fort Dix 5 and the Somali 3 himself. He testified that they were "collaboration posts" with others and does not recall posting it and does not remember who he was collaborating with. However, it appears that the respondent not only posted the flyer soliciting funds, but paired it with his own words, stating "Political Prisoners. Entrapped. Overcharged. Decades behind bars for cases built on informants and coercion. We're filing for their release but can't do it without you." *Id.* When asked about this written statement, the respondent merely stated, "based on what the caption is, that's what it says." The respondent did not accept responsibility for the post and denied knowledge of Fort Dix 5 and the Somali 3 wrongdoings.

The Eleventh Circuit Court of Appeals ("Eleventh Circuit") has held that even a single inconsistency can support an adverse credibility determination. (*See Xia v. U.S. Att'y Gen.*, 608 F.3d 1233, 1240 (11th Cir. 2010)). The inconsistencies noted above support such an adverse credibility determination.

Even in the absence of the specific inconsistencies and evasiveness during the respondent's testimony, the respondent's worldview is informed by extremist ideology to such an extent that he no longer has the ability to provide reliable or credible factual statements. The record demonstrates

that the respondent is so heavily influenced by fringe online elements with whom he interacts that he no longer has meaningful grasp of truth about terrorism and terrorists. The respondent's worldview has been twisted so that he is unable to accept or acknowledge that Hamas, HLF, Aifia Siddiqui, the Fort Dix 5, or Somali 3 are dangerous and reprehensible terrorists despite such information being a matter of public record. The respondent's assertion that he does not support violence or terrorism, is predicated on his insistence that none of the people he supported are terrorists and (at least with regard to Hamas) that they are engaged in righteous "armed resistance." To the extent that the respondent has been radicalized beyond any ability to grasp objective truth, the respondent is not credible.

In light of any credibility issues, reliable corroboration of the respondent's claims is of increased importance. *See* INA §§ 208(b)(1)(B)(ii), 241(b)(3)(C); *Yang v. U.S. Att'y Gen.*, 418 F.3d 1198, 1201 (11th Cir. 2005) ("The weaker an applicant's testimony . . . the greater the need for corroborative evidence." (citing *Matter of Y-B-*, 21 I&N Dec. 1136, 1139 (BIA 1998))). When assessing the satisfaction of the applicant's burden of proof in her claim of persecution, courts have recognized the difficulties the applicant may face in obtaining documentary and other corroborative evidence. *See Mogharrabi*, 19 I&N Dec. at 445. As such, "[u]nreasonable demands are not placed on an . . . applicant to present evidence to corroborate particular experiences (e.g., corroboration from the persecutor)." *S-M-J-*, 21 I&N Dec. at 725. However, where it is reasonable to expect corroborating evidence for certain alleged facts pertaining to the specifics of an applicant's claim, such evidence must be provided if the applicant has the evidence or can reasonably obtain it. *Id.* If such evidence is unavailable, the applicant must explain its unavailability, and the applicant's explanation should be included in the record. *Id.* at 724. Conversely, if an applicant provides no evidence of persecution besides her incredible testimony, an adverse credibility determination is sufficient grounds for the Court to deny the applicant's request for asylum, withholding of removal, and protection under CAT. *See Ruiz*, 440 F.3d at 1254; *Forgue v. U.S. Atty. Gen.*, 401 F.3d 1282, 1287 (11th Cir. 2005); *D-Muhumed v. U.S. Att'y Gen.*, 388 F.3d 814, 819 (11th Cir. 2004); *Lyashchynska v. U.S. Att'y Gen.*, 676 F.3d 962, 967 (11th Cir. 2012).

The respondent did not present any evidence that his collaborators made the post rather than himself. Crystal Canare claimed she had never seen him support terrorism, but also that she was not aware that the respondent had advocated the release of Fort Dix 5. Omar Catab also claimed he had no knowledge of the respondent supporting terrorism and never saw anything problematic with his social media posts. However, the Court does not find these opinions enough to overcome the fact that the respondent made these posts, commented on them, and then denied knowledge of their existence. To the contrary, the witnesses' lack of awareness of these social media posts supporting known terrorists calls into question how well the witnesses knew the respondent.

Reliable corroboration of the respondent's claims is of increased importance in this case due to the credibility issues discussed above. *See* INA §§ 208(b)(1)(B)(ii), 241(b)(3)(C); *Yang*, 418 F.3d at 1201 ("The weaker an applicant's testimony, . . . the greater the need for corroborative evidence." (citing *Y-B-*, 21 I&N Dec. at 1139)). It is the respondent's burden to demonstrate that his testimony is credible; however, he has failed to do so. When coupled with the Court's adverse credibility finding, the respondent's lack of reliable corroborative evidence is fatal to his asylum claim. *See Lyashchynska*, 676 F.3d at 967 (holding that an adverse credibility finding coupled with a lack of corroborating evidence requires that an Immigration Judge deny the applicant's claim).

In addition, because the respondent's withholding of removal and CAT claims are based on the same allegations, his failure to testify credibly and reasonably corroborate his claim are fatal to these claims as well. *See Forgue*, 401 F.3d at 1287–88 n.4 ("Because [the respondent] has failed to establish a claim of asylum on the merits, he necessarily fails to establish eligibility for withholding of removal or protection under CAT." (citing *Al Najjar v. Ashcroft*, 257 F.3d 1262, 1292–93 (11th Cir. 2001))); *see also Mehmeti v. U.S. Att'y Gen.*, 572 F.3d 1196, 1201 (11th Cir. 2009); *Matter of H-L-H- & Z-Y-Z-*, 25 I&N Dec. 209, 218 (BIA 2010), *abrogated on other grounds by Hui Lin Huang v. Holder*, 677 F.3d 130, 138 (2d Cir. 2012)). Accordingly, the Court finds that the respondent has failed to reasonably corroborate his claims with evidence.

Therefore, the Court denies the respondent's applications for asylum and withholding of removal under the Act, and for protection under CAT. In the alternative, the Court will address further issues discussed on the record.

B. Bars to Asylum and Withholding

The Court finds that the respondent is ineligible for asylum and withholding of removal as he is subject to the material support bar under 8 U.S.C. § 1182(a)(3). Even assuming *arguendo* that the respondent application should not be denied based on the adverse credibility determination, he would be ineligible for relief under the Act as he would be found inadmissible for providing material support to a terrorist organization. After considering the arguments presented by the DHS and the respondent regarding the application of the terrorism bar, the Court finds that the respondent has engaged in terrorist activity within the meaning of section 212(a)(3)(B)(iv)(VI) through the provision of material support in the soliciting funds, endorsement, and advocacy.

The terrorism bar, found at 8 U.S.C. § 1182(a)(3), provides that any noncitizen who "has engaged in terrorist activity" or "is a member of a terrorist organization" is inadmissible to the United States. 8 U.S.C. § 1182(a)(3)(I), (IV), (V), (VI), VII), (VII); INA § 212(a)(3)(B)(i)(I), (VI). The INA provides three classifications for foreign terrorist organizations -Tiers I, II, and III. INA § 212(a)(3)(B)(vi). A "Tier I' terrorist organization is one that has been designated as such under section 219 of the INA. INA § 212(a)(3)(B)(vi)(I). A 'Tier II' terrorist organization is "otherwise designated" by the Department of State as a terrorist organization upon publication in the Federal Register after a finding that the organization engages in certain terrorist activities defined under the INA. INA § 212(a)(3)(B)(vi)(II). A 'Tier III" terrorist organization is defined as a "group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, terrorist activity." INA § 212(a)(3)(B)(vi)(III).

To be statutorily barred, it is not necessary that the applicant be convicted of a terrorist act; rather, it suffices that the Attorney General knows or has reasonable grounds to believe that the individual "has engaged," "is engaged," or "is likely to engage" in terrorist activity. INA §§ 212(a)(3)(B)(i)(I)–(II). An alien can "engage" in a terrorist activity by:

(1) committing or inciting another to commit a terrorist activity under circumstances indicating an intention to cause death or serious bodily injury.

(2) preparing or planning a terrorist activity;

(3) gathering information on potential targets for a terrorist activity;

(4) soliciting things of value for (a) a terrorist activity or (b) a terrorist organization;

(5) soliciting any individual to engage in (a) activities described in this section or (b) for membership in a terrorist organization;

(6) committing an act that the actor knows, or reasonably should know, affords material support.

INA §§ 212(a)(3)(B)(iv)(I)–(VI).

The Court must review whether the actions taken by the respondent constituted "material support" as used in INA section 212(a)(3)(B) which describes material support as "including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training."

Last, for undesignated terrorist organizations, the terrorist activities bar does not apply if the noncitizen "can demonstrate by clear and convincing evidence that [he] did not know, and should not reasonably have known, that the organization was a terrorist organization." INA § 212(a)(3)(B)(iv)(VI)(dd).

Considering the following, the Court finds that the respondent provided material support to terrorist organizations and is barred from relief. The respondent testified that he has multiple social media sites he regularly used including Instagram, YouTube, and Facebook. He also has an X account that he claims to "barely use." According to the respondent he posted to various social media accounts once per week and had approximately 9,000 followers. Through these posts he solicited funds, recognized, and advocated for the release of convicted terrorists.

1. Hamas and HLF

There is no doubt that Hamas is a designated terrorist organization under section 219 of the INA. *See* 62 Fed. Reg. 52650 (October 9, 1997); 77 Fed. Reg. 44307 (July 27, 2012). Even though Hamas is now part of the government of the Occupied Territories, the Department of State has declined to remove them from the foreign terrorist organization list, and they remain a Tier I terrorist organization for the purposes of the INA. INA § 212(a)(3)(B)(iv)(II).

The respondent acknowledged during his testimony to awareness that Hamas is a designated terrorist organization. The respondent testified that has not supported Hamas; however, the respondent stated his believes that Hamas has the "right to engage in armed resistance." The respondent testified that "if they commit crimes they are accused of" he would condemn them, but the respondent stated his belief that Hamas did not commit such acts.

Although HLF was not designated as a terrorist organization under section 219 of the Act or otherwise designated by the Secretary of State, the Court finds that HLF constitutes a terrorist organization as defined in section 212(a)(3)(B)(vi)(III) of the Act, inasmuch as it is a group of two or more individuals that has committed acts that the organization knows, or reasonably should know affords material support to a terrorist organization described in section 212(a)(3)(B)(vi) of the Act. See 8 U.S.C. §§ 1182(a)(3)(B)(vi)(III), 1182(a)(3)(B)(iv)(VI)(cc). HLF is an organization that was designated by the United States Department of Treasury as a terrorist organization in

2001. *See* Exec. Order No. 13224, 66 Fed. Reg. 49079 (Sept. 23, 2001). The designation of the HLF as a Specially Designated Global Terrorist ("SDGT") was upheld by the United States Court of Appeals for the District of Columbia. *See Holy Land Foundation v. Ashcroft*, 33 F.3d 156 (D.C. Cir. 2003). The decision from the D.C. Circuit provides that the Treasury Department's designation of the HLF as a SDGT was based, in part, upon evidence indicating that HLF leaders were actively involved in meetings with terrorist leaders of Hamas and that HLF had financial connections to Hamas, including the funding of Hamas-controlled charitable organizations and providing financial support to the orphans and families of Hamas martyrs and prisoners. *See Holy Land Foundation v. Ashcroft, supra*, at 161. Thus, the Court finds that the HLF is a Tier III terrorist organization as defined in section 212(a)(3)(B)(vi)(III) of the Act.

The respondent acknowledged during his testimony to awareness that the HLF is a designated as terrorist organization. The respondent conceded his awareness of the criminal convictions of the HLF including Shukri Abu-Baker for conspiring to provided material support to terrorist organizations. Thus, the Court finds that he has not shown by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization. INA § 212(a)(3)(B)(iv)(VI)(dd).

Although the respondent generally asserted that he did not intend to present HLF in a positive light, he made social media posts in which he advocated for release of the HLF and amplified social media posts from other individuals similarly advocating for their release from prison.

2. Aafia Siddiqui and Al-Qaida

The respondent concedes his awareness that Aafia Siddiqui is a person who was associated with extremists and was convicted of crimes in the United States. She was "named as a courier and financier of Al-Qaida." Exh. 7 at 5. It is well established that Al-Qaida is a foreign terrorist organization and was designated as such. *See* INA § 212(a)(3)(B)(vi)(I)-(II); Amendment of the Designation of al-Qa'ida in Iraq, et al., as a Specially Designated Global Terrorist Entity Pursuant to Executive Order 13224, 77 Fed. Reg. 4082 (Jan. 26, 2012) (renewing terrorist organization designation from 2004).

Although the respondent claims to be unaware that her conviction related to attempted murder of U.S. service members, it is a matter of public record that she was apprehended in Afghanistan, assaulted U.S. law enforcement and military personnel, and was eventually convicted of (1) one count of attempting to kill U.S. nationals outside the United States; (2) one count of attempting to kill U.S. officers and employees; (3) one count of armed assault of U.S. officers and employees; (4) one count of using and carrying a firearm during and in relation to a crime of violence; and (5) three counts of assault of U.S. officers and employ. Exh 7 at 19. The respondent states that based on his independent "research" he believes she is innocent of any crimes. He conceded he made social media posts in support of Aafia Siddiqui including a link to a favorable documentary about her. The respondent testified that he solicited funds for her legal defense and advocated for better prison conditions.

Given the research the respondent claimed he conducted, he would have been aware that Aafia Siddiqui was known to be a member of Al-Qaida. The respondent claimed he did "a lot of research" on Aafia Siddiqui. He conceded he knew she was involved with Islamic extremists. In addition, it was a matter of public record that she was a courier and financier for the organization.

3. Fort Dix 5

It is a matter of public record that the Fort Dix 5 were convicted for conspiracy to murder members of the members of the U.S. Military and related firearms offenses. *See* Exh 7 at 22-23.

The Department submitted (and the court admitted for rebuttal and impeachment only) evidence that the respondent had not only reposted a fundraising call for the Fort Dix 5 but that he also commented "Political Prisoners. Entrapped. Overcharged. Decades behind bars for cases built on informants and coercion. We're filing for their release but can't do it without you." Exh. 13 at 35. The Court finds this social media rebuts the respondent's testimony that he lacked awareness of the specifics of accusations against the Fort Dix 5.

The Court finds that Fort Dix 5 is a Tier III terrorist organization. A "terrorist organization" has three statutory meanings. *See* INA §§ 212(a)(3)(B)(vi)(I)-(III). Relevant to this case, it may refer to an "undesignated" terrorist organization, which is defined as "a group of two or more individuals, whether organized or not, which engaged in, or has a subgroup which engages in," terrorist activity as defined by INA §§ 212(a)(3)(B)(iv)(I)-(IV). *See* INA § 212(a)(3)(B)(vi)(III). "Terrorist activity" is any activity that is unlawful under the laws of the place where it is committed or under the laws of the U.S. and which involves certain proscribed conduct, including:

> (I) The high jacking or sabotage of any conveyance (including an aircraft, vessel, or vehicle).
>
> (II) The seizing or detaining, and threatening to kill, injure, or continue to detain, another individual in order to compel a third person (including a governmental organization) to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detained.
>
> (III) A violent attack upon an internationally protected person (as defined in section 1116(b)(4) of title 18, United States Code) or upon the liberty of such a person.
>
> (IV) An assassination.
>
> (V) The use of any—
>
> (aa) biological agent, chemical agent, or nuclear weapon or device, or
>
> (bb) explosive, firearm, or other weapon or dangerous device (other than for mere personal monetary gain), with intent to endanger, directly or indirectly, the safety of one or more individuals or to cause substantial damage to property.
>
> (VI) A threat, attempt, or conspiracy to do any of the foregoing.

INA § 212(a)(3)(B)(iii).

The Fort Dix 5 were five men who were convicted of conspiring to perpetuate a violent attack on members of the United States military, which directly falls into the definition of an undesignated terrorist organization.

For undesignated terrorist organizations, the terrorist activities bar does not apply if the

noncitizen "can demonstrate by clear and convincing evidence that [he] did not know, and should not reasonably have known, that the organization was a terrorist organization." INA § 212(a)(3)(B)(iv)(VI)(dd).

The respondent testified that he is generally aware of case for Fort Dix 5 but claimed he does not know the specifics regarding the conviction and has not seen any evidence in support of their innocence. The respondent indicated that he did not know the offenses for which the men were convicted. He also admitted he advocated their release.

However, the Court found the respondent incredible for his alleged unawareness. The respondent had posted on his social media accounts specific information regarding the Fort Dix case. Exh. 13 at 35. He called the group "political prisoners." *Id.* Thus, the Court finds that the respondent has not demonstrated that by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization. INA § 212(a)(3)(B)(iv)(VI)(dd).

4. Material Support

The Board of Immigration Appeals ("Board") has held that the list of activities designated as "material support" is non-exhaustive and even minimal assistance to a terrorist organization constitutes material support. *See Matter of S-K-*, 23 I&N Dec. at 941; 944 (BIA 2006). Additionally, there need not be a link between the provision of material support to the terrorist organization, and the intended use by that recipient organization of the assistance to further a terrorist activity. *See Matter of S-K-*, 23 I&N Dec. at 941; 944 (BIA 2006) (finding that the intent of the respondent in making a donation to a terrorist organization or the intended use of the donation by the recipient is not considered in assessing whether the alien provided material support to a terrorist organization under INA§ 212(a)(3)(B)(iv)(VI); and "Congress intentionally drafted the terrorist bars to relief very broadly, ... and it did not intend to give us discretion to create exceptions"). The respondent admitted to raising and contributing funds to Aafia Siddiqui, a member of Al-Qaida. INA § 212(a)(3)(B)(iv) (soliciting funds). His intent for the funds to be used for her legal defense is irrelevant.

In addition, the respondent's assertions that based on his independent research that he is not convinced that these groups and individuals did not commit these criminal acts calls into question the respondent's relationship to the truth. The available evidence indicates he is so heavily influenced by fringe online elements with whom he interacts that he no longer has meaningful grasp of truth regarding terrorism and terrorists.

The respondent's activities were consistent with activism on behalf of and rallying support in favor of and endorsing terrorists and organizations. On October 17, 2024, the respondent posted to social media "Let's change the nomenclature here, a Warrior who fights the enemy alongside his fellow men CANNOT be assassinated. There is no assassination when it come[s] to a Warriors Death, it is only that! A WARRIORS DEATH. A Warrior of Islam can NEVER BE assassinated for DEATH IS OUR VICTORY. It is the inescapably process for us to meet Allah; what is more victorious than that." Exh. 7 at 15. The respondent asserts in testimony that he does not remember making this post.

His activities (and framing of those activities) were not generalized concern with due process.

The respondent's inability to acknowledge and condemn the terrorism of Hamas, HLF, Aafia Siddiqui, and Fort Dix 5, and advocate for the release of such members and the Somali 3 supports the conclusion that he was endorsing and advocating for these organizations rather than expressing innocent concern for legal due process.[3] This alone constitutes some evidence from which a reasonable factfinder could conclude that one or more grounds for mandatory denial of an application for relief may apply, and (in light of the shifted burden) the respondent has not proved by a preponderance of the evidence that such grounds do not apply.

Thus, the Court concludes the respondent has failed to rebut the evidence that "he engaged in terrorist activity" provided by the Department. As such, the Court finds that Respondent provided material support to a Tier I, as well as Tier III terrorist organizations to which he knew or should have reasonable known was a terrorist organization and is barred from seeking asylum and withholding of removal. However, the Court will continue to make findings in the alternative as to relief.

C. Asylum under section 208 of the Act (alternative findings)

An asylum applicant must prove by clear and convincing evidence that their asylum application was timely filed. 8 C.F.R. § 1208.4(a)(2)(i)(A)–(B). Pursuant to INA § 208(a)(2)(B), an applicant must file their asylum application within one year of the date of their arrival in the United States or April 1, 1997, whichever is later. *See also* 8 C.F.R. § 1208.4(a)(2)(ii).

In addition, the applicant in an asylum adjudication bears the burden of establishing statutory eligibility by showing that they meet the definition of a refugee found in section 101(a)(42)(A) of the Act. INA § 208(b)(1)(B)(i); 8 C.F.R. § 1208.13(a). An asylum applicant may demonstrate that they are a refugee in either of two ways. 8 C.F.R. § 1208.13(b). First, they may show that they have suffered past persecution on account of their race, religion, nationality, membership in a particular social group, or political opinion. 8 C.F.R. § 1208.13(b)(1). Second, they may show that they have a well-founded fear of future persecution on account of a protected ground through credible testimony that they subjectively fear persecution, and evidence that this fear is objectively reasonable. *See INS v. Cardoza-Fonseca*, 480 U.S. 421, 430–31 (1987); *Al Najjar v. Ashcroft*, 257 F.3d 1262, 1289 (11th Cir. 2001); 8 C.F.R. § 1208.13(b)(2).

In order to demonstrate past persecution or a well-founded fear of future persecution on account of race, religion, nationality, membership in a PSG, or political opinion, an applicant must show: (1) that the harm rises to the level of persecution; (2) the required nexus exists between the persecution and at least one of the five protected grounds listed in the Act's refugee definition; and (3) that the past or future harm or suffering was or will be inflicted either by a government agent or by persons or an organization that the government was unable or unwilling to control. INA § 101(a)(42)(A); *Matter of Acosta*, 19 I&N Dec. 211, 222–23 (BIA 1985), *modified on other grounds by Mogharrabi*, 19 I&N Dec. at 446–47. In addition, the applicant's fear of future

[3] As the Exhibit 13 at 35 was only admitted for rebuttal/impeachment only given its untimely filing, the Court did not consider the solicitation of funds for the Fort Dix as "material support."

persecution must be country-wide. *See Matter of C-A-L-*, 21 I&N Dec. 754, 757 (BIA 1997); *Matter of R-*, 20 I&N Dec. 621, 625–26 (BIA 1992); *Acosta*, 19 I&N Dec. at 235.

If an applicant demonstrates they have suffered past persecution, a rebuttable presumption of a well-founded fear of future persecution will be triggered. 8 C.F.R. § 1208.13(b)(1); *see also Matter of Chen*, 20 I&N Dec. 16, 18 (BIA 1989). This presumption can be rebutted if DHS establishes by a preponderance of the evidence that there has been a "fundamental change in circumstances," which results in the applicant no longer having a well-founded fear of future persecution upon being returned to their home country, or that the applicant could avoid future persecution by internal relocation in their home country, and it would be reasonable to expect them to do so. 8 C.F.R. § 1208.13(b)(1)(i).

Finally, asylum is a discretionary form of relief. *Cardoza-Fonseca*, 480 U.S. at 443; *Mogharrabi*, 19 I&N Dec. at 447. Therefore, once an applicant has established statutory eligibility for asylum, they must also demonstrate that he or she warrants a favorable exercise of discretion. *Matter of H-*, 21 I&N Dec. 337, 347 (BIA 1996).

The Court finds that the respondent is ineligible for asylum as he filed an untimely asylum application and has not established a nexus to a protected ground.

1. The respondent's asylum application is time barred and he has not established an exception.

An applicant for asylum must file his asylum application within one year of the date of his arrival in the United States or April 1, 1997, whichever is later. INA § 208(A)(2)(B); 8 C.F.R. § 1208.4(a)(2)(ii). However, an applicant can file his asylum application after this deadline if he establishes the existence of "changed circumstances" that materially affect his eligibility for asylum or "extraordinary circumstances" relating to his delay in filing, and that he filed the application "within a reasonable period," given those changed or extraordinary circumstances. INA § 208(a)(2)(D); 8 C.F.R. § 1208.4(a)(4)–(5).

It is undisputed that the respondent filed his asylum applications more than one year after the date of their arrival in the United States. The respondent arrived in the United States on September 25, 2001, and he filed the asylum applications more than a year later, on November 20, 2025. *Compare* Exh. 1 to Exh. 5. The respondent alleges that extraordinary circumstances prevented him from filing in a timely manner.

8 C.F.R. § 1208.4(a)(5) provides that the term "extraordinary circumstances" shall refer to events or factors beyond the noncitizen's control that caused the failure to meet the one-year deadline. Such circumstances shall excuse the failure to file within one year so long as the alien filed the application within a reasonable period given those circumstances. The burden of proof is on the applicant to establish that the circumstances were not intentionally created by the noncitizens through his or her own action or inaction, that those circumstances were directly related to the noncitizen's failure to file the application within the one-year period, and that the delay was reasonable under the circumstances.

These circumstances may include: serious illness or mental or physical disability of significant duration, including any effects of persecution or violent harm suffered in the past, during the one-year period after arrival; legal disability (e.g., unaccompanied minor or mental impairment) during

the first year after arrival; ineffective assistance of counsel; the applicant maintained TPS, lawful immigrant or nonimmigrant status, or was given parole, until a reasonable period before the filing of the asylum application; the applicant submitted an asylum application prior to the expiration of the one-year deadline, but the application was rejected by the service and was refiled within a reasonable period thereafter; the death or serious illness or incapacity of the applicant's legal representative or a member of the applicant's immediate family.

The respondent asserts that his DACA status between 2013-2025 constituted an extraordinary circumstance under 8 CFR 1208.4(a)(5) arguing that it is akin to maintaining lawful status as described by 8 C.F.R. § 208.4(a)(5)(iv). However, because the DACA status was not accorded to the respondent until approximately 2013 (over 10 years after his arrival in the U.S.), the respondent has not shown this to be an extraordinary circumstance related to the one-year filing deadline.

Additionally, while the Court acknowledges that legal disability, such as being a minor, may constitute extraordinary circumstances excusing the failure to timely file an asylum application, the respondent turned 18 in 2005 and did not receive DACA until 2013, so any such expectation that his DACA status was approved does not explain why he did not file his application for asylum from the date he turned 18 in 2005 through the date he received DACA. See 8 C.F.R. § 1208.4(a)(5)(ii).

Neither the application nor the respondent's testimony indicates that the I-589 was delayed based on materially changed circumstances such as respondent's religious conversion, governmental changes in Philippines, or the respondent's political activism. Rather he claims that it was not filed timely because he had a change in his DACA status. *See* Exh. 4 at 11. Accordingly, such changed circumstances are not being considered as potential exceptions to the one-year filing deadline. The Court finds the respondent's previous DACA status did not materially affect his eligibility for asylum rather it merely delayed his removal proceedings.

Based on the reasons for late filing presented by the respondent, the Court finds that he did not establish the existence of any exceptional circumstance relating to the delay in filing the asylum application which would sufficiently account for the late filing. Accordingly, the Court finds that the respondent is statutorily barred from receiving asylum under section 208(a)(2)(B) of the Act because he has not met his burden to demonstrate that his asylum application was filed within one year of his arrival in the United States or that he qualifies for an exception to the deadline.

The Court, however, will continue with the case analysis in the alternative assuming *arguendo* that the asylum application was timely filed or that he met an applicable exception.

2. The respondent has not presented a nexus to a protected ground. [4]

An asylum applicant must also demonstrate that they were or will be persecuted on account of one of five protected grounds: race, religion, nationality, membership in a particular social group, or political opinion. INA § 101(a)(42)(A); *INS v. Elias-Zacarias*, 502 U.S. 478, 481 (1992); *Matter of W-G-R-*, 26 I&N Dec. 208, 224 (BIA 2014); *see also Matter of Sanchez & Escobar*, 19 I&N Dec. 276, 285 (BIA 1985) ("It is not enough to simply identify the common characteristics of a statistical grouping of a portion of the population at risk . . . . [T]here must be a showing that the claimed persecution is on account of the group's identifying characteristics."). The "on account

[4] The respondent does not allege past persecution in the Philippines.

of" language requires an applicant to establish there is a nexus between the protected conduct—here, religion or political opinion—and the persecution. *See Morales*, 488 F.3d 884, 890 (11th Cir. 2007); *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208, 212–14 (BIA 2007). To establish the nexus, the respondent bears the burden of establishing that his membership in the particular social group or political opinion, was or will be "at least one central reason" for his persecution. *See Perez-Zenteno v. U.S. Att'y Gen.*, 913 F.3d 1301, 1307 (11th Cir. 2019) (quoting INA § 208(b)(1)(B)(i), 8 U.S.C. § 1158(b)(1)(B)(i)). The protected ground "cannot be incidental, tangential, superficial, or subordinate to another reason for harm." *Sanchez-Castro v. U.S. Att'y Gen.*, 998 F.3d 1281, 1286 (11th Cir. 2021).

a. Religion

When assessing an asylum claim based on religious persecution, the Court must look to the "relevant persecutory activities that are unique to religious persecution." *Shi*, 707 F.3d at 1235. Such activities may include the interruption of religious services, forced declarations seeking to prevent the respondent from attending church, destruction of church property, confiscation of religious materials, arrest and detention related to religious practice, and other attempts to coerce the respondent into abandoning his or her religious convictions and practices. *Min Yong Huang*, 774 F.3d at 1347.

Religion is explicitly listed under the INA as a protected ground. *See* INA §§ 101(a)(42)(A), 208(b)(l)(B)(i). The respondent claims fear of persecution passed on his religion. He converted to Islam in 2022. Nevertheless, the Court notes that establishing a protected ground, alone, is not sufficient to establish that the respondent is a refugee, and therefore that he is eligible for the relief sought. Even when a respondent is able to establish one or more protected grounds, he must establish that the alleged persecution or feared future persecution was or would be on account of the proffered protected ground.

Muslims make up 6% of the population in the Philippines. *See* Exh. 12 at 79, 268, 294. The National Commission for Muslim Filipinos ("NCMF"), a government agency, estimates the number is actually 10 to 11%. *See id.* at 294. Muslims in the Philippines are often stereotyped as violent or terrorists. *Id.* There are also numerous reports of discrimination. *Id.*

There are Muslim representatives in Filipino government. At the end of 2023, there were 11 Muslims in the 312-member House of Representatives and one Muslim in the 24-member Senate. Muslim individuals served as presidential advisers on Muslim Affairs, Human Rights Commissioner, and head of the NCMF. *See* Exh. 12 at 292.

According to country reports, the Filipino government is aware of the discrimination and human rights abuses that Muslims are suffering in the Philippines. However, the evidence also makes clear that the government is actively attempting to curtail such violence. In January 2023, the House of Representatives overwhelmingly approved the Magna Carta of Religious Freedom Act which specifies the rights of individuals related to religious beliefs as well as punishment of those who contravene such rights. *Id.* When minorities expressed concerns that the bill favored Christians, the Senate held a hearing in August 2023 to further address the legislation. *Id.* 292-93.

In May of 2023, the Supreme Court of the Philippines, ruled that "red-tagging," labeling human rights advocates, unions, religious groups, academics, environmental activists, Indigenous peoples

organizations, and media organizations as fronts for or clandestine members of insurgent and other political groups, and similar related statement and claims constituted threats to a person's right to life, liberty or security. *See* Exh. 8 at 49.

The Filipino Constitution provides for the free exercise of religion and religious worship and prohibits the establishment of a state religion. Exh. 8 at 8. The Filipino government recognizes sharia in all parts of the country through a presidential decree. Sharia courts handle only cases relating to personal status laws affecting family relations and property for Muslims and do not handle criminal cases. The BARMM is a Muslim-led region established by the central government in 2019, with jurisdiction over five provinces and three major noncontiguous cities. The Bangsamoro Organic Law provides the framework for the transition to greater autonomy for the area's majority Muslim population. Exh. 8 at 10

Given the evidence in the record, the government of Philippines allows Muslim representation, is active in working to protecting the rights of the Muslim minority and has a process to prosecute those who target Muslims for their beliefs. Thus, the Court does not find the respondent had demonstrated he would suffer persecution based on his religion.

b. Political Opinion

In order to establish persecution on account of a political opinion, an applicant must establish that he or she will be persecuted because of his or her actual or imputed political opinion, not because of the persecutor's political motives. *See Elias-Zacarias*, 502 U.S. at 482; *Sanchez*, 392 F.3d at 437–38. When an applicant alleges that he or she was persecuted on account of a political opinion, the Court should consider several factors, including the applicant's expressions of their views; evidence that the persecutor was motivated by the applicant's opinions; and government-wide patterns, such as pervasive corruption. *See Matter of N-M-,* 25 I&N Dec. 526, 532-33 (BIA 2011). Political opinion encompasses more than electoral political and formal political ideology or action; it may be expressed by both affirmative and negative conduct. *See Mandebvu v. Holder*, 755 F.3d 417, 428–32 (6th Cir. 2014) (*Elias-Zacarias,* 502 U.S. at 486 (Stevens, J., dissenting)) (applicant claiming protected status based on political opinion need not show that he took the affirmative action of joining a political party . . . political opinion may be expressed by both affirmative and negative conduct in the form of making statements to fellow teachers and students).

An applicant who fears persecution "on account of" a political opinion must demonstrate that the protected ground was or will be one central reason for persecuting the applicant. *J-B-N- & S-M-*, 24 I&N Dec. at 214. *See* REAL ID Act § 101(a)(3), 119 Stat. at 303. Since the law makes motive critical, the applicant must provide some evidence—direct or circumstantial—of the persecutor's motive. *INS v. Elias-Zacarias*, 502 U.S. 478, 482–83 (1992). When determining whether an applicant fears persecution on account of political opinion, the Court looks to "the *victim's* political opinion, not the persecutor's." *See Carrizo v. U.S. Att'y Gen.*, 652 F.3d 1326, 1331 (11th Cir. 2011) (emphasis in original) (quoting *Elias-Zacarias*, 502 U.S. at 482)).

The respondent did not state a clear political opinion that Court would find should be protected based on the law. The respondent has not been to the Philippines since he was 14 years old. He has never been harmed or threatened in the Philippines or by anyone in the Philippines. The respondent submitted reports of Filipino Muslims, like his cousin, who were activists in the Philippines. Some were not allowed to enter the country. Exh. 12 at 60-69. However, the

respondent's cousin went to the Philippines but was not threatened or harmed when she was there. The record contains articles about Brandon Lee, a Chinese American an ingenious people's activist who was allegedly shot in his backyard by a man in 54th Infantry Battalion in the Philippines in 2019. Id. at 83-84, 98-133.

Under the Anti-Terrorism Act ("ATA") of 2020 and Executive Order 70, the police and military personnel in the Philippines are permitted to detain suspects without a warrant or formal charges for up to 24 days. Exh. 12 at 92. There are many mentions in the evidence that claim the laws are abused to target activists in the Philippines. *See* Exh. 12. However, in 2024, there were key developments in the human rights situation in the Philippines with respect to judicial independence and integrity. Politically motivated charges against Nobel Peace Prize recipient Maria Ressa and former senator and human rights advocate Leila de Lima were dismissed. In addition, according the 2024 Philippines Human Rights Report, in January 2024, "the Supreme Court issued a set of rules for persons seeking "judicial relief from their designation as terrorist (sic)' under the act or from a related asset freeze. The rules would allow claimants to address detention without judicial arrest warrants, surveillance orders, freeze orders, restrictions on travel, and other matters." Exh. 12 at 310. In addition, in 2022 the Supreme Court declared the part of the law defining terrorism, deeming it "overbroad and violative of freedom of expression" to be unconstitutional. *Id.*

Last, the respondent has been vocal about his support for certain terrorist groups and individuals, as mentioned above, however, the Court does not find that these opinions should be protected, as they label him a supporter of those whom the United States would also not protect. As such, the Court finds that the respondent has not demonstrated a well-founded fear of persecution based on political opinion.

c. Particular Social Group

The respondent bears the burden of demonstrating that an alleged particular social group is cognizable and that he is, in fact, a member of that group. *See W-G-R-*, 26 I&N Dec. at 222–23. To constitute a "particular social group," the respondent must establish that the group is (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); *see also Matter of A-R-C-G-*, 26 I&N Dec. 388, 392 (BIA 2014).

An immutable characteristic is one that the group's members either cannot change or should not be required to change because it is fundamental to the members' identities. *M-E-V-G-*, 26 I&N Dec. at 230–31 (citing *Acosta*, 19 I&N Dec. at 233). In addition, a particular social group "must be defined by characteristics that provide a clear benchmark for determining who falls within the group." *W-G-R-*, 26 I&N Dec. at 214 (citing *Matter of A-M-E- & J-G-U-*, 24 I&N Dec. 69, 76 (BIA 2007)), *reversed in part on other grounds by Reyes v. Lynch*, 842 F.3d 1125 (9th Cir. 2016). In other words, the group must be defined with sufficient particularity and have well-defined boundaries; the group may not be amorphous or overbroad. *Id.* Lastly, the group must be socially distinct within [Filipino] society; that is, the group must be perceived as a distinct group by [Filipino] society and set apart from the general population in some significant way. *Id.* at 216. Social distinction does not require ocular visibility, and members of the society need not be able to easily identify individual members of the group, provided that society "perceives, considers or recognizes persons sharing the particular characteristic to be a group." *Id.* at 217.

The respondent presented seven proposed social groups: (1) "converted Muslim" and (2) "a Muslim who has been falsely accused of supporting terrorism by the US government" (3) "human rights defender and activist" (4) "deportee of the United States," (5) "activist who is pro-democracy" (6) "relative of politically vocal people who are involved in political activism in the Philippines who have received threats," and (7) "public figure."

i. "Converted Muslim"

Although "Converted Muslims" is immutable given its religious nature and particular in that is separates between Muslims and other religions as well as those born into the religion and those who converted in life, the Court does not find that the group is social distinct. There is no evidence that "converted Muslims" are viewed as socially distinct from other Muslims by Philippines society.

ii. "A Muslim who has been falsely accused of supporting terrorism by the U.S. government"

There is no evidence in the record that "a Muslim who has been falsely accused of supporting terrorism by the U.S. government" is viewed as socially distinct group in the Philippines. There are no country conditions evidence that refers to this classification of people being viewed as a distinct and separate group of people.

Moreover, there is not clear delineation as to how such a group is particularized, e.g. who or how it is determined if the accusations are "false." A particular social group "must be defined by characteristics that provide a clear benchmark for determining who falls within the group." *W-G-R-*, 26 I&N Dec. at 214 (citing *Matter of A-M-E- & J-G-U-*, 24 I&N Dec. 69, 76 (BIA 2007)), *reversed in part on other grounds by Reyes v. Lynch*, 842 F.3d 1125 (9th Cir. 2016). In other words, the group must be defined with sufficient particularity and have well-defined boundaries; the group may not be amorphous or overbroad. *See id.*

In the present case, the Immigration Court has determined that the respondent has supported terrorism. Accordingly, the allegations are not objectively "false." To the extent that the respondent's proposed particular social group depends on subjective perception within Filipino society of these allegations as false (despite evidence to the contrary), the respondent has not demonstrated that Filipino society delineates people as a particularized group on this basis.

iii. "human rights defender and activist"

First, the Court does not find the group is immutable. The proposed group emphasize on a member's social activism—"human rights defender" and "activist respectively. Neither of these terms encompass characteristics that the groups' members either cannot change or should not be required to change given that social activism is most akin to occupation status, which is not immutable. *See Ospina Hernandez v. U.S. Att'y. Gen.*, 404 F. App'x 387, 390 (11th Cir. 2010) (noting that if an applicant can change jobs, employment would not be an immutable characteristic that is fundamental to one's identity); *De Paula v. U.S. Att'y. Gen.*, 269 F. App'x 879, 883 (11th Cir. 2008).

Second, the group is not particular as the terms "defender" and "activist" are concepts that are vague and subjective without evidence demonstrating a particularized definition. *W-G-R-*, 26 I&N

Dec. at 214. In addition, although the respondent may view himself in the United States as a "human rights defender and activist," the respondent has not demonstrated that this flattering self-perception is consistent with a particularized and social distinct concept in the Philippines.

iv. "deportee of the United States"

Similar to the respondent's group, "deportee of the United States," in *Matter of W-G-R-*, 26 I&N Dec. 208, 222-23 (BIA 2014), the Board found that the proposed particular social group of "deportees from the United States to El Salvador" is "too broad and diverse a group to satisfy the particularly requirement for a particular social group" and lacked the requisite "social distinction" to qualify as a valid particular social group. The Court finds the same here as "deportee of the United States" is too broad a group to be particular. There is also no country conditions evidence that demonstrates that the group is socially distinct within the Philippines.

v. "activist who is pro-democracy"

The Court finds that "activist who is pro-democracy" is not cognizable as it not immutable. As mentioned above, the term "activist" is not immutable or particular. As the Philippines is a democracy, the context of an "activist who is pro-democracy" could have radically different meanings to people from across the political spectrum. *W-G-R-*, 26 I&N Dec. at 214. Thus, the respondent has not shown such a group is immutable or has a common particularized definition within Filipino society.

vi. "relative of politically vocal people who are involved in political activism in the Philippines who have received threats"

As to "relative of politically vocal people who are involved in political activism in the Philippines who have received threats," counsel alleged that this is a family ties particular social group which refers to the respondent's cousin, Ms. Canare.

The Attorney General has explained that "most nuclear families are not inherently socially distinct," and therefore are not properly defined as particular social groups. *Matter of L-E-A- II*, 25 I&N Dec. 581 (A.G. 2019).[5] The Board noted that although "kinship ties" are an immutable characteristic, "[n]ot all social groups that involve family members meet the requirements of particularity and social distinction." *Id.* at 42–43 (citing *Acosta*, 19 I&N Dec. at 233). Rather, whether familial relationship establishes a particular social group "depend[s] on the nature and degree of the relationships involved and how those relationships are regarded by the society in question." *Id.* at 43.

The Court agrees that the members of an immediate family may constitute a particular social group. It has long been recognized that family ties may meet the requirements of a particular social group depending on the facts and circumstances in the case. *Matter of C-A-*, 23 I&N Dec. 951,959 (BIA 2006) ("Social groups based on innate characteristics such as sex or family relationship are generally easily recognizable and understood by others to constitute social groups."), clarified by *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014), and *Matter of W-G-R-*, 26 I&N Dec. at 216;

[5] Recently in *R-E-R-M- & J-D-R-M-*, the Attorney General overruled *L-E-A- III* and directed immigration judges and the BIA to, once again, apply *L-E-A- II*. *See R-E-R-M- & J-D-R-M-*, 29 I&N Dec. at 202, 205.

Matter of Acosta, 19 I&N Dec. at 233 (stating that "kinship ties" is a common, immutable characteristic), modified on other grounds; *Matter of Mogharrabi*, 19 I&N Dec. 439, 441 (BIA 1987). Not all social groups that involve family members meet the requirements of particularity and social distinction. *See, e.g., Matter of S-E-G-*, 24 I&N Dec. 579, 585 (BIA 2008) (holding that a group comprised of "'family members,' which could include fathers, mothers, siblings, uncles, aunts, nieces, nephews, grandparents, [and] cousins" of "Salvadoran youth who have been subjected to recruitment efforts by MS-13 and who have rejected or resisted membership in the gang" is too amorphous to constitute a cognizable particular social group), clarified by *Matter of M-E-V-G-*, 26 I&N Dec. at 247, and *Matter of W-G-R-*, 26 I&N Dec. at 215. However, even if the family particular social group is cognizable, a respondent must still demonstrate that the family relationship is one central reason for the persecution. *See Rodriguez v. U.S. Att'y Gen*., 735F.3 l331 (members of a family targeted by a drug-trafficking organization in Mexico because a family member sought criminal justice against a member of the organization is not a social group).

The facts of the respondent's claims indicate the group encompasses the members of a family. The group hinges on the relationship between certain family members, a trait that members cannot, and should not, be required to change, thus constituting an immutable characteristic. *See M-E-V-G-*, 26 I&N Dec. at 231. Therefore, the group is immutable.

Although immutable as "relatives," the Court finds the respondent's group to lack particularity as it could encompass more than immediate family members. *See, e.g., Matter of S-E-G-*, 24 I&N Dec. 579, 585 (BIA 2008) (holding that a group comprised of "'family members,' which could include fathers, mothers, siblings, uncles, aunts, nieces, nephews, grandparents, [and] cousins" of "Salvadoran youth who have been subjected to recruitment efforts by MS-13 and who have rejected or resisted membership in the gang" is too amorphous to constitute a cognizable particular social group), clarified by *Matter of M-E-V-G-*, 26 I&N Dec. at 247, and *Matter of W-G-R-*, 26 I&N Dec. at 215. The respondent himself is not an immediate family member of Ms. Canare, but her first cousin.

The family group is also not socially distinct within the society in question. Social distinction does not require ocular visibility, and members of the society need not be able to easily identify individual members of the group, provided that society "perceives, considers or recognizes persons sharing the particular characteristic to be a group." *See W-G-R-*, 26 I&N Dec. at 217. The respondent has not provided any evidence that demonstrates that the group is a socially distinct in recognized within Filipino society. Moreover, the respondent has not established how Filipino society would delineate or recognize such people.

vii. "public figure"

The respondent has not demonstrated that a person's status as a "public figure" is immutable. *M-E-V-G-*, 26 I&N Dec. at 230–31 (citing *Acosta*, 19 I&N Dec. at 233). Assuming *arguendo* that the respondent's flattering self-perception of himself as a "public figure" is accurate, such a group is not immutable as it will always be subject to the nature and duration of interest from members of the public.

Thus, the Court finds that the respondent's particular social groups are not cognizable. As such, the Court further finds that the respondent has not demonstrated statutory eligibility for asylum as he has not demonstrated a nexus to a protected ground.

3. *The Court does not find the respondent merits a favorable exercise of discretion*.

In addition to establishing statutory eligibility for asylum, an applicant must demonstrate that he or she merits relief as a matter of discretion. *See Cardoza-Fonseca*, 480 U.S. at 428 n.5; 8 C.F.R. § 1208.14(a). The Court may consider all surrounding circumstances when deciding whether an applicant merits a favorable exercise of discretion. *See Matter of A-H*, 23 I&N Dec. 774, 782–83 (AG 2005). Relevant factors include the presence of the applicant's family members in the United States, the applicant's manner of entry, any length of time the applicant remained in a third country and the potential for long-term residence there, and humanitarian considerations. *See Matter of Pula*, 19 I&N Dec. 467, 473–74 (BIA 1987) *superseded by statute on other grounds*. Central to a discretionary finding in past persecution cases should be careful attention to compelling, humanitarian considerations that would be involved if the refugee were to be forced to return to a country where he or she was persecuted in the past. *See Matter of H-*, 21 I&N Dec. 337, 347 (BIA 1996); 8 C.F.R. 208.13(b)(1)(ii). Where no adverse factors exist in a case, asylum should generally be granted in the exercise of discretion. *See, e.g., Matter of S-P-*, 21 I&N Dec. 486, 497 (BIA 1996); *Matter of Izatula*, 20 I&N Dec. 149, 154 (BIA 1990).

The respondent has been in the United States since he was 14 years old. He came to the United States on a visa and was properly admitted in 2001. He has been gainfully employed and has family in the United States. The Court heard many witnesses speak on behalf of the respondent's life and character. They expressed their view on the respondent's activism and willingness to help others in need. However, the Court does not find these positive equities outweigh the respondent's social media activity and his inability to acknowledge or condemn convicted terrorists and designated terrorist organizations which the Court believes indicates he is at a high risk of radicalization. Thus, the Court finds that the respondent has not demonstrated a favorable exercise of discretion.

Given the dispositive issues above, the Court need not examine the remaining elements of the claim for asylum. *Matter of A-B-*, 27 I&N Dec. 316, 340 (A.G. 2018) (reinstated by *Matter of S-S-F-M-*, 29 I&N Dec. 207 (A.G. 2025) which overruled *Matter of A-B-*, 28 I&N Dec. 307 (A.G. 2021)); *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (per curiam) ("As a general rule courts and agencies are not required to make findings on issues the decision of which are unnecessary to the results they reach.").

D. Withholding of Removal under Section 241(b)(3) of the Act

In contrast to asylum, withholding of removal under the Act confers only the right not to be deported to a particular country, rather than the right to remain in the United States. *See INS v. Aguirre-Aguirre*, 526 U.S. 415, 419 (1999). Under INA § 241(b)(3)(A), an Immigration Judge is prevented from removing a noncitizen to a country where there is a clear probability that "the alien's life or freedom would be threatened in that country because of the alien's race, religion, nationality, membership in a particular social group, or political opinion." *See also INS v. Stevic*, 467 U.S. 407, 430 (1984). The applicant bears the burden of demonstrating that it is "more likely than not" that he will be persecuted on account of a protected ground in the country from which he seeks withholding of removal. (*See* INA § 241(b)(3)(C); *Stevic*, 467 U.S. at 424; *Sepulveda*, 401 F.3d at 1232. Because the "clear probability" standard for withholding of removal is higher than the "well-founded fear" standard for asylum, if an applicant is unable to establish a well-founded fear of persecution, they are "'generally precluded from qualifying for either asylum or

withholding of [removal].'" *Sepulveda*, 401 F.3d at 1232–33 citing *Mazariegos*, 241 F.3d at 1324–25 n.2; *see also Cardoza-Fonseca*, 480 U.S. at 438–4.

As explained *supra*, the Court finds the respondent is ineligible for asylum because he has not demonstrated that he suffered past persecution or has a well-founded fear on account of a protected ground. Because the respondent "has not satisfied the lower burden of proof for asylum, it follows that he has not met the higher burden for withholding of removal." *See H-L-H- & Z-Y-Z-*, 25 I&N Dec. at 218). Therefore, the Court finds the respondent is ineligible for withholding of removal under the Act because he has not established a clear probability of persecution upon his removal to the Philippines.

E. Relief under the Convention Against Torture

An applicant for withholding of removal under CAT bears the burden of proving that it is "more likely than not" that he will be tortured if removed to the proposed country of removal. 8 C.F.R. § 1208.16(c)(2). "Torture" is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person." 8 C.F.R. § 1208.18(a)(1). "Torture" is an "extreme form of cruel and inhuman treatment and does not include lesser forms of cruel, inhuman or degrading treatment or punishment that do not amount to torture." 8 C.F.R. § 1208.18(a)(2). Additionally, to constitute "torture," the "act must be directed against a person in the offender's custody or physical control." 8 C.F.R. § 1208.18(a)(6). Further, the pain or suffering must be inflicted "by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." 8 C.F.R. § 1208.18(a)(1). "Acquiescence of a public official" requires that the public official, "prior to the activity constituting torture, have awareness of such activity and thereafter breach his or her legal responsibility to intervene to prevent such activity." 8 C.F.R. § 1208.18(a)(7); *see also Reyes-Sanchez v. U.S. Att'y Gen.*, 369 F.3d 1239, 1242–43 (11th Cir. 2004); *S-V-*, 22 I&N Dec. at 1316–17. This standard differs substantially from the standard for government action in asylum and withholding under the Act.

In assessing whether an applicant has satisfied the burden of proof, the Court must consider all evidence relevant to the possibility of future torture, including: evidence of past torture inflicted upon the applicant; evidence that the applicant could relocate to a part of the country of removal where he is not likely to be tortured; evidence of gross, flagrant, or mass violations of human rights within the country of removal; and other relevant information regarding conditions in the country of removal. 8 C.F.R. § 1208.16(c)(3). If an applicant is unable to establish a well-founded fear of persecution, the noncitizen necessarily fails to establish that it is more likely than not that he or she will be tortured based on a protected factor. *See Mehmeti*, 572 F.3d at 1201; *Al Najjar*, 257 F.3d at 1303–04; 3 *Forgue*, 401 F.3d at 1288 n.4.

The Court finds that the respondent has not established that it is more likely than not that he will be tortured by or with the consent or acquiescence—including willful blindness—of a Filipino official or other person acting in an official capacity. *See* 8 C.F.R. §§ 1208.16(c)(2), 1208.18(a)(1).

The respondent has not been to the Philippines since arriving in United States in 2001 as a 14-year-old child. The respondent himself has never been harmed or threatened in the Philippines. To extent that his cousin, Ms. Canare, experienced online harassment from individuals she believes to be in the Philippines, this happened while she was in the United States and she was never

physically harmed or directly threatened, including during the times she was in the Philippines as late as 2019.

The Court acknowledges the Philippines has had credible reports of human rights violations, specifically in reference to Muslims and activists. *See* Exh. 12 *generally*. However, a pattern of human rights violations alone is not sufficient to show the respondent is in danger of being tortured; rather, specific grounds must indicate that he will *personally* be at risk of torture by or with the acquiescence of the Filipino government. *Matter of J-E-*, 23 I&N Dec. 291, 300-01 (BIA 2002); *see Jean-Pierre v. U.S. Att'y Gen.*, 500 F.3d 1315, 1324 (11th Cir. 2007). However, as mentioned above, there have been numerous developments as to the Filipino government working towards addressing human rights issues in the country. *See supra* Part IV.C.(a-b).

The record of evidence does not indicate that any government officials in the Philippines will target the respondent if he returns to the Philippines. The Filipino government has been actively working to protect the rights and freedoms of Muslims and political activists. *Id.* The respondent's cousin, also active in the Philippines, was not harmed or threatened when she visited there.

In addition, the Court does not find the Filipino government would acquiescence to the respondent being tortured upon his return. The acquiescence standard for protection under the regulations CAT differs from the unable-or-unwilling standard for asylum and withholding of removal; the potential for private actor violence coupled with a speculation that police cannot or will not help is insufficient to prove acquiescence. *Matter of M-S-I-,* 29 I&N Dec. 61 (BIA 2025). Acquiescence requires a greater degree of governmental complicity than is required to establish a government is unable or unwilling to protect a respondent in the asylum context. *Matter of O-A-R-G-,* 29 I&N Dec. 30 (BIA 2025). The Court reiterates that the government appears to be actively working on protecting the rights of the minorities in the Philippines by passing laws and judgements to curtail human rights violations in the country.

Given the lack of evidence suggesting the respondent will more likely than not be tortured in the Philippines, his claim is overly speculative. *Matter of J-F-F-*, 23 I&N Dec. 912, 917-18 (AG 2006) (speculative harm arising from a chain of suppositions is insufficient to meet the more likely than not burden for CAT relief).

Therefore, the Court will deny the respondent's application for protection under CAT because he has not established that it is more likely than not that he will be tortured at the instigation of or with the consent or acquiescence of a public official upon his removal to the Philippines. As such, the respondent's application for relief under CAT is denied.

F. Voluntary Departure under section 240B(B)

At the conclusion of removal proceedings, the Court may grant voluntary departure in lieu of removal. INA § 240B(b). To establish eligibility for post-conclusion voluntary departure, a respondent must demonstrate that he or she: (1) has been physically present in the United States for at least one year immediately preceding service of the NTA; (2) is, and has been, a person of good moral character for at least five years immediately preceding his or her application for voluntary departure; (3) is not removable under section 101(a)(43) (aggravated felony) or section 237(a)(4) (security and related grounds) of the Act; (4) has not been previously granted voluntary departure after having been found inadmissible under section 212(a)(6)(A) of the Act (present

without admission or parole); and (5) has established by clear and convincing evidence that he or she has the means to depart the United States and intends to do so. INA § 240B(b)(1), (c); *Matter of Arguelles*, 22 I&N Dec. 811, 813–17 (BIA 199); 8 C.F.R. § 1240.26(c)(1). Because voluntary departure is ultimately a discretionary form of relief, a respondent bears the burden to establish both that he or she is eligible for relief, and that he or she merits a favorable exercise of discretion. *See Matter of Thomas*, 21 I&N Dec. 20, 22 (BIA 1995).

The Court finds that the respondent has not demonstrated good moral character in the last five years or merits a favorable exercise of discretion. To make the good moral character determination, the Court looks to section 101(f) of the Act, which enumerates eight *per se* categories which bar a finding of good moral character.[6] In addition to these *per se* categories, section 101(f) of the Act includes a "catch-all" provision stating that noncitizens who do not fall into one of the enumerated categories barring good moral character "shall not preclude a finding that for other reasons such person is or was not of good moral character." Thus, where a respondent does not fall into one of the enumerated categories barring good moral character, the Immigration Judge makes a discretionary inquiry into whether the aliens conduct as a whole falls within the catch-all provision. *See Matter of Turcotte*, 12 I&N Dec. 206, 208 (BIA 1967).

In the present case, the respondent does not appear to fall into any of the *per se* categories requiring a finding of a lack of good moral character. *See* INA § 101(f). However, the Court finds that the respondent has various negative factors present in his case which apply to the catch-all provision and balancing test for a determination of good moral character.

As to positive factors, the Court acknowledges that the respondent has lived in the United States since 2001 after a lawful admission. He has been gainfully employed and has family in the United States. Witnesses testified to the respondent's activism and willingness to help others in need. However, the Court does not find these positive equities outweigh the respondent's social media activity, solicitation of funds for a terrorist, and his inability to acknowledge or condemn convicted terrorists and terrorist organizations. Thus, the Court finds that the respondent has not demonstrated good moral character in the last five years as thus, also has not demonstrated that a

[6] The eight categories which per se require a finding that a noncitizen lacks good moral character include: 1) a habitual drunkard; 2) a member of one or more of the classes of persons, whether inadmissible or not, described in paragraphs (2)(D), (6)(E), and (10)(A) of section 212(a) of this Act; or subparagraphs (A) and (B) of section 212(a)(2) and subparagraph (C) thereof of such section (except as such paragraph relates to a single offense of simple possession of 30 grams or less of marihuana), if the offense described therein, for which such person was convicted or of which he admits the commission, was committed during such period; 3) one whose income is derived principally from illegal gambling activities; 4) one who has been convicted of two or more gambling offenses committed during such period; 5) one who has given false testimony for the purpose of obtaining any benefits under this chapter; 6) one who during such period has been confined, as a result of conviction, to a penal institution for an aggregate period of one hundred and eighty days or more, regardless of whether the offense, or offenses, for which he has been confined were committed within or without such period; 7) one who at any time has been convicted of an aggravated felony (as defined in subsection (a)(43) of this section); or 8) one who at any time has engaged in conduct described in section 1182(a)(3)(E) of this title (relating to assistance in Nazi persecution, participation in genocide, or commission of acts of torture or extrajudicial killings) or 1182(a)(2)(G) of this title (relating to severe violations of religious freedom). INA § 101(f).

favorable exercise of discretion is warranted. Therefore, the Court denies the respondent's application for voluntary departure under INA section 240B(b).

V. CONCLUSION

The Court finds that the respondent was not credible and did not provide sufficient corroborating evidence. In addition, the Court finds the respondent ineligible asylum and withholding of removal as he is subject to the material support bar under 8 U.S.C. section 1182(a)(3).

Furthermore, the respondent is ineligible for asylum as he filed his application more than one year after his entry and has not demonstrated exceptional circumstances. The respondent further ineligible for asylum as he has failed to demonstrate persecution based on a protected ground. The respondent has also not demonstrated that he merits a favorable exercise of discretion for asylum purposes. As the respondent is not statutorily eligible for asylum, he is also not eligible for withholding of removal under the Act.

The Court further finds that the respondent is not eligible for protection under CAT because he has not shown that it is "more likely than not" that he will be tortured "at the instigation of or with the consent or acquiescence of a public official" upon his return to the Philippines.

Last, the Court finds that the respondent is not eligible for voluntary departure as he has not demonstrated good moral character in last five years or that he merits a favorable exercise of discretion.

As a result, the Court denies the respondent's applications for asylum and withholding of removal under the Act and protection under CAT. As the respondent has filed no other applications for relief, they are ordered removed to the Philippines. Accordingly, the Court enters the following orders:

ORDERS

IT IS HEREBY ORDERED THAT the respondent's application for asylum under section 208 of the Act is **DENIED**.

IT IS HEREBY FURTHER ORDERED THAT the respondent's application for withholding of removal under section 241(b)(3) of the Act is **DENIED**.

IT IS HEREBY FURTHER ORDERED THAT the respondent's application for relief under the Convention Against Torture, pursuant to 8 C.F.R. section 1208.16 is **DENIED.**

IT IS HEREBY FURTHER ORDERED THAT the respondent's application for Voluntary Departure, pursuant to section 240B(b) of the Act is **DENIED.**

IT IS HEREBY FURTHER ORDERED THAT the respondent shall be **REMOVED** to **THE PHILIPPINES** from the United States pursuant to the charge in the Notice to Appear.

March 6, 2026

Date

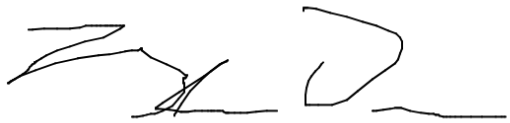
Blake Doughty
United States Immigration Judge
Atlanta, Georgia

Failure to Depart Warnings: The Court has ordered you removed from the United States. If you willfully fail or refuse to apply for the required travel documents to depart the United States, to present yourself for removal as instructed, to depart the United States as instructed, or to take any action, or conspire to take any action, to prevent or hamper your departure, you will be subject to a civil monetary penalty per day you are in violation (amount subject to inflation). INA §§ 240(c)(5), 274D(a); 8 C.F.R. §§ 240.83(b)(14) and 1240.13(d).

In addition, you may also be subject to criminal penalties, including monetary penalties and up to 10 years in prison. INA § 243(a).

NOTICE OF THE RIGHT TO APPEAL: You are hereby notified that both parties have the right to appeal the Immigration Judge's decision in this case to the Board of Immigration Appeals ("Board"). 8 C.F.R. § 1003.38(a). A Notice of Appeal (Form EOIR-26) must be submitted to the Board within 30 calendar days from the issuance or mailing of this decision. 8 C.F.R. § 1003.38(b). If the final date for filing falls on a Saturday, Sunday, or legal holiday, the filing date is extended to the next business day. Id. If no appeal has been taken within the time allotted to appeal, the Immigration Judge's decision becomes final. Id. By failing to timely file an appeal, a party irrevocably relinquishes the opportunity to obtain review of the Immigration Judge's decision and challenge the ruling.

Order of the Immigration Judge



Immigration Judge: Doughty, Blake 03/06/2026

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Respondent Name : | A-Number :

Riders:

Date: 03/06/2026 By: Conyers, Mikayla, Court Staff