

United States of America

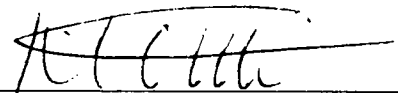
DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

April 22, 2002

CERTIFICATION

BY VIRTUE OF the authority vested in me by Title 8, Code of Federal Regulations, Part 103 a regulation issued by the Attorney General pursuant to Section 103 of the Immigration and Nationality Act,

I HEREBY CERTIFY that the annexed documents are originals, or copies thereof, from the records of the said Immigration and Naturalization Service, Department of Justice, relating to File No. A72 454 775, of which the Attorney General is the legal custodian by virtue of Section 103 of the Immigration and Nationality Act.



Richard Gottlieb
Officer in Charge
Charlotte, North Carolina



NOTICE OF APPEAL TO THE BOARD OF IMMIGRATION APPEALS
OF DECISION OF IMMIGRATION JUDGE

P. Antipasto

In the Matter:
*HAMMAD, MOHAMMAD
Youssef*

Fee Stamp

File Number: A 72 - 454 - 775

April

- 1. Appellant is currently DETAINED NOT DETAINED.
- 2. Specify reasons for this appeal and continue on separate sheets if necessary. If the factual or legal basis for the appeal is not sufficiently described the appeal may be summarily dismissed.

(see attachment)

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- 3. I do do not desire oral argument before the Board of Immigration Appeals in Falls Church, Virginia.
- 4. I am am not filing a separate written brief or statement.

[Signature]
Signature of Appellant
(or attorney or representative)

(print or type name)

Dec 27, 1993
Date

ALVIA G. RIEFKOHL, J.D.
181 SOUTH RIVERSIDE AVE.
STE. 131
CROTON-ON-HUDSON, NY 10520

Address (number, street, city, state, Zip code)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed first class, postage prepaid, on Dec 27, 1993 served in person to Ali Antipasto in Unit 26 Federal Plaza, 14th Floor, NY 10036

[Signature]
Signature of Appellant
(or attorney or representative)

1. **Filing.** This notice of appeal with a Certificate of Service on the opposing party must be filed with the Office of Immigration Judge having administrative control over the Record of Proceeding within 10 calendar days (or 13 calendar days if mailed) after service of the decision of the Immigration Judge. The Notice of Appeal is not to be forwarded directly to the Board of Immigration Appeals (BIA).
 2. **Fees.** A fee of one hundred and ten dollars (\$110) must be paid for filing this appeal. It cannot be refunded regardless of the action taken on the appeal. (Only a single fee need be paid if two or more persons are covered by a single decision.) **DO NOT MAIL CASH. ALL FEES MUST BE SUBMITTED IN THE EXACT AMOUNT.** Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States Currency. If appellant resides in Guam, check or money order must be payable to the "Treasurer of Guam." If appellant resides in the Virgin Islands, checks or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other appellants must make the check or money order payable to the "Treasurer of the United States." When check is drawn on account of a person other than the appellant, the name and "A" number of the appellant must be entered on the face of the check. If appeal is submitted from outside the United States, remittance may be made by bank international money order or foregoing draft drawn on a financial institution in the United States and payable to the "Treasurer of the United States" in United States currency. Personal checks are accepted subject to collectibility. An uncollected check will render the appeal form and any document issued pursuant thereto invalid.
 3. **Counsel.** In presenting and prosecuting this appeal, the Immigration and Naturalization Service (INS) may be represented by appropriate counsel. An appellant, other than the INS, may be represented at no expense to the Government by counsel or other duly authorized representative. Pursuant to 8 C.F.R. 3.36(d), a separate notice of appearance must be filed with this notice of appeal.
 4. **Briefs.** When a brief is filed, it shall be submitted to the Office of the Immigration Judge having administrative control over the Record of Proceeding in this matter within the time designated by the Immigration Judge. Pursuant to 8 C.F.R. 3.30(a), a copy shall be served on the opposing party. The Immigration Judge, or the BIA for good cause, may extend the time of filing a brief or reply brief. The BIA in its discretion may authorize the filing of briefs with it, in which event the opposing party shall be allowed a specified time to respond.
 5. **Oral argument.** No personal appearance by the appellant or counsel is required. The BIA will consider every case on the record submitted, whether or not oral representations are made. Oral argument shall not be heard on appeal from an order of an Immigration Judge denying a motion to reopen or reconsider or a stay of deportation, unless specifically directed by the BIA. Otherwise, oral argument may be requested. If approved, oral argument in any case should not extend beyond fifteen (15) minutes, unless additional time is granted by the BIA pursuant to a request made in advance of the hearing. No interpreters are furnished by the Government for the argument before the BIA.
- An appellant will not be released from detention or permitted to enter the United States to present oral argument to the BIA personally. The appellant, however, may make arrangements to have someone represent him/her before the BIA. Unless such arrangements are made at the time the appeal is taken, the Board will not calendar the case for argument.
6. **No appeal.** There is no appeal from an order of an Immigration Judge granting voluntary departure for a period of at least thirty days if the sole ground of appeal is that a greater period of departure time should have been fixed.
 7. **Summary dismissal of appeals.** The BIA may deny oral argument and summarily dismiss any appeal in which (i) the party concerned fails to specify the reasons for his/her appeal on the reverse side of this form, (ii) the only reason specified by the party concerned for his/her appeal involves a finding of fact or conclusion of law which was conceded by him/her at the hearing, (iii) the appeal is from an order that grants the party concerned the relief which he/she requested, or (iv) if the BIA is satisfied from a review of the record, that the appeal is frivolous or filed solely for the purpose of delay.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS

IN THE MATTER OF

HAMMAD, MOHAMMAD YOUSEFF
A 72 464 775

APPELLANT

MEMORANDUM IN SUPPORT OF APPEAL

APPLICANT IS A 20 YEAR OLD SINGLE MALE, NATIVE AND CITIZEN OF LEBANON. HE LEFT LEBANON FOR THE UNITED STATES SOMETIME IN APRIL OF 1992, STOPPED IN VENEZUELA FOR 40 DAYS AND REACHED THE UNITED STATES IN JUNE OF THE SAME YEAR. THE APPLICANT WAS PLACED IN EXCLUSION PROCEEDINGS AND APPLIED FOR POLITICAL ASYLUM AND WITHHOLDING OF DEPORTATION. THE IMMIGRATION JUDGE DENIED BOTH RELIEFS AND ORDERED APPLICANT EXCLUDED AND DEPORTED FROM THE UNITED STATES.

APPLICANT COMES FROM THE SOUTHERN PART OF LEBANON WHERE ATTEMPTS AT STABILIZATION OF CIVIL AND POLITICAL ORDER HAVE FAILED. THE REGION IS TORN BY FIGHTING BETWEEN TWO OPPOSING FACTIONS: THE SOUTH LEBANESE ARMY, A MILITARY GROUP OF THE INVADING ISRAELI MILITARY AND HEZBOLLAH, A TERRORIST MUSLIM GROUP CONTROLLED BY THE SYRIAN INVADING FORCES. NEITHER GROUP IS SANCTIONED NOR RECOGNIZED BY THE GOVERNMENT OF LEBANON, THE UNITED NATIONS NOR THE GOVERNMENT OF THE UNITED STATES. THE STATE DEPARTMENT OPINION READS "OBVIOUSLY IT IS TOO EARLY TO SAY THAT A LASTING PEACE HAS BEEN ESTABLISHED...THE GOVERNMENT'S WRIT DOES NOT YET EXTEND TO ALL PARTS OF THE COUNTRY...HAS BROUGHT A RELATIVE CALM IN GREATER BEIRUT,...(EXCEPT FOR A FEW POTENTIALLY CONFLICTIVE AREAS OF SOUTH LEBANON)," "IN MID-MAY, (SIC), 1993 HIZBOLLAH LAUNCHED ROCKET ATTACKS ON ISRAELI/SOUTH LEBANON ARMY POSITIONS WHICH WAS FOLLOWED BY HEAVY ISRAELI/SLA RETALIATION." THE SAME OPINION MENTIONS HEAVY FIGHTING ONCE AGAIN IN LATE JULY 1993.

APPLICANT TESTIFIED THAT BOTH GROUPS ACTIVELY RECRUIT MALES TO JOIN THEM FIGHTING THE OTHER GROUP. HE STATED THAT THERE IS CONSTANT FIGHTING AND THIS IS CONFIRMED BY THE STATE DEPARTMENT OPINION. APPLICANT ALSO TESTIFIED THAT HIS FATHER, HIS BROTHER A COUSIN AND HIMSELF WERE VARIOUSLY DETAINED BY HIZBOLLAH AND THE SLA. ONE COUSIN WAS KILLED BY HEZBOLLAH. APPLICANT'S FATHER WAS DETAINED QUESTIONED AND TORTURED BY HEZBOLLAH AND ON RELEASE WAS SO ILL THAT HAD TO BE HOSPITALIZED. HE DIED AS A CONSEQUENCE OF THE TORTURE. HIS BROTHER WAS ALSO DETAINED BY THE SAME GROUP, QUESTIONED AND TORTURED, SHORTLY THEREAFTER HE FLED TO GERMANY. AT THIS TIME TWO SISTERS, A COUSIN AND HIS BROTHER FLED TO GERMANY. HE HAS TWO BROTHERS IN THE UNITED STATES, ONE A LAWFUL RESIDENT AND THE OTHER A STUDENT WITH A VALID VISA.

APPLICANT WAS DETAINED AND QUESTIONED BY BOTH HEZBOLLAH AND THE SLA. BOTH GROUPS WERE SEEKING TO RECRUIT HIM, THE SLA CLAIMING THAT ON REACHING 18 YEARS OF AGE HE HAD TO DO MILITARY DUTY; HOWEVER THE SLA IS NOT PART OF THE LEBANESE ARMED FORCES. BOTH GROUPS OPERATE OUTSIDE OF INTERNATIONAL TREATIES AND CONVENTIONS WITHOUT COLOR OF LAW.

APPLICANT WAS RELEASED BY BOTH GROUPS AFTER DETENTION AND INTERROGATION DUE TO THE FACT HE WAS STILL A HIGH SCHOOL STUDENT AND A PROMISE EXTRACTED THAT ON COMPLETION OF STUDIES HE WOULD COLLABORATE WITH EACH GROUP. HE DID OUT OF FEAR AND ANONYMOUSLY POST NOTES FOR THE SLA ON THE SCHOOL BULLETIN BOARD BUT REFUSED TO JOIN EITHER SIDE IN ACTIVE PARTICIPATION. FURTHER, HE TESTIFIED THAT WHEN THE TIME CAME WHEN HE WAS EXPECTED TO JOIN THESE GROUPS HE FLED HIS COUNTRY FOR SAFE HEAVEN IN THE UNITED STATES.

APPLICANT IS A YOUNG MAN IN FEAR FOR HIS LIFE WHOSE FAMILY HAS SUFFERED GREAT LOSSES AS A RESULT OF THE ARMED CONFLICT IN SOUTHERN LEBANON. THIS SITUATION IS SO PUBLIC THAT NATIVES OF LEBANON WERE GRANTED TEMPORARY PROTECTED STATUS IN THIS COUNTRY. IN NARRATING HIS EXPERIENCES TO THE COURT, APPLICANT WAS CANDID AND FORTHCOMING. HE WAS CONFUSED AND NERVOUS CREATING A DISCREPANCY ON THE TIME FRAME OF THE EXPERIENCES THAT PROPELLED HIM TO FLEE TO THIS COUNTRY, BUT THE SUBSTANTIVE CONTENT OF HIS APPLICATION PREVAILED IN HIS TESTIMONY.

THE IMMIGRATION JUDGE STATED CORRECTLY THAT THERE WAS NO DOUBT THAT APPLICANT HAS SET GROUNDS FOR OBJECTIVE FEAR FOR HIS LIFE AND LIBERTY, WHICH LEADS TO CONCLUDE THAT HARM IS LIKELY OR PROBABLE. THEN THE IMMIGRATION JUDGE ERRS IN STATING THAT SHE CAN NOT CONCLUDE HE HAS ESTABLISHED FEAR OF PERSECUTION SINCE THERE IS NO OUTSIDE PROOF OF HIS STATEMENTS, TOTALLY DISCOUNTING THE INFORMATION CONTAINED IN THE STATE DEPARTMENT'S OPINION WHICH CORROBORATES THE CONDITIONS IN SOUTHERN LEBANON.

APPLICANT DOES NOT HAVE TO SUBMIT CORROBORATING EVIDENCE TO QUALIFY FOR POLITICAL ASYLUM, CASE LAW ESTABLISHES THAT FEAR OF PERSECUTION IS SUBJECTIVE AND OFTENTIMES ONLY THE APPLICANT'S TESTIMONY IS AVAILABLE TO THE TRIER OF THE FACTS. YET IN THIS CASE THERE IS CORROBORATION BOTH BY THE STATE DEPARTMENT OPINION AND PAST ACTIONS OF THE GOVERNMENT OF THE UNITED STATES TOWARDS LEBANESE NATIONALS.

HE HAS TESTIFIED TO THE FACT THAT HIS FAMILY HAS BEEN SINGLED OUT BY BOTH OF THESE ILLEGAL GROUPS. HE ALSO TESTIFIED THAT HE FOUND OUT THAT AFTER HIS DEPARTURE HIS MOTHER HAD BEEN PULLED IN FOR QUESTIONING ON THE WHEREABOUTS OF HER CHILDREN. HIS FATHER IS DEAD AS A CONSEQUENCE OF

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... A 72-454-775

TORTURE, TWO COUSINS HAVE DIED , HIS OLDER BROTHERS AND SISTERS HAVE BEEN FORCED TO FLEE THEIR HOMELAND AND ONLY HIS MOTHER AND TWO YOUNGER SIBLINGS REMAIN. THE GOVERNMENT HAS NOT PRESENTED ANY EVIDENCE TO CONTRADICT APPLICANT'S TESTIMONY.

FOR ALL OF THE ABOVE IT IS SUBMITTED THAT THE JUDGE ERRED IN FACT AND IN LAW BY DISMISSING APPLICANT'S TESTIMONY AND DENYING ASYLUM AFTER FINDING THAT APPLICANT HAD SET GROUNDS FOR OBJECTIVE FEAR FOR LIFE AND LIBERTY AND HARM WAS LIKELY AND PROBABLE , THUS BRINGING HIM WITHIN THE PURVIEW OF ALL RECENT DECISIONS AND DEFINITIONS OF ASYLUM AS CONTEMPLATED BY THE ACT.

RESPECTFULLY SUBMITTED,

ALVIA G. RIEFKOHL, JD
FOR THE APPLICANT