

ALCALDIA MUNICIPAL

SAN PABLO TACACHICO, DEPTO. DE LA LIBERTAD, EL SALVADOR, C.A.



La Infrascrita Jefe del Registro del Estado Familiar

CERTIFICA: que a página VEINTISIETE del tomo UNO del Libro de Partidas de Defunción Número CIENTO OCHO que esta Oficina lleva en el año de dos mil diez, se encuentra asentada la que literalmente dice: Partida Número veintisiete, BENITO ANTONIO ZALDIVAR PALLESA, sexo masculino, de veintiuno años de edad, Agricultor, estado civil soltero; originario de esta Ciudad, con partida de nacimiento número quinientos setenta y uno, del año mil novecientos ochenta y ocho, del domicilio de cantón San Isidro de esta Jurisdicción, de Nacionalidad Salvadoreña, hijo de CARLOS ZALDIVAR MOJICA, Agricultor y de ROSA MAGALI PALLESA HERNANDEZ, Oficios Domésticos, del domicilio de Estados Unidos de América, falleció a las catorce horas, del día veintiocho de febrero de dos mil diez, en Unidad de Salud de San Juan Opico, La Libertad, a consecuencia de HERIDA PERFORANTE DE TORAX, PRODUCIDA POR PROYECTIL DISPARADO POR ARMA DE FUEGO, con asistencia médica, atendido por la Dra. Consuelo Morales Sol Romero, Médico Forense de Sta. Tecla; Dio estos datos Mateo Meza Clavel, documento único de identidad número cero dos millones noventa y un mil ochocientos veinticinco guión siete, quien manifiesta ser Amigo y no firma por no saber, pero para constancia, estampa su huella digital juntamente con el Infrascrito Jefe del Registro del Estado Familiar Oficina del Registro del Estado Familiar: San Pablo Tacachico, tres de marzo de dos mil diez.-D. M. de Mejía.-/- RUBRICADAS.- Es conforme con su original con el cual se confrontó y para los efectos de Ley se expide la presente en la Oficina del Registro del Estado Familiar San Pablo Tacachico el día tres de marzo de dos mil diez



Delia Noemy Medina de Mejía
Delia Noemy Medina de Mejía
 Jefa del Registro del Estado Familiar



TRANSLATION OF DEATH CERTIFICATE

Municipal Department
San Pablo Tacachico, El Salvador

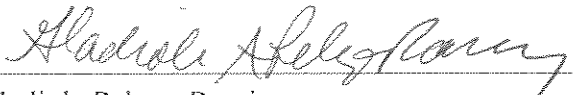
The undersigned clerk of the registry of vital records certifies that on page twenty seven of book one of the book of death records, death record one hundred and eight, that this office has kept during the year two thousand and ten, you will find that the certificate number twenty seven states: BENITO ANTONIO ZALDIVAR PALLESA, sex masculine, of twenty one years of age, farmer, civil status single, originally from this city, with certificate of birth number five hundred seventy one of the year one thousand nine hundred and eighty eight, domiciled in San Isidro within this jurisdiction, of Salvadorean nationality, son of CARLOS ZALDIVAR MOJICA, farmer, and of ROSA MAGALI PALLESA HERNANDEZ, domestic duties, domiciled in the United States of America, died at fourteen hundred hours on the twenty eight day of February of two thousand and ten, in the health unit of San Juan Opico, La libertad, as a result of a perforation to his Thorax that was produced by a projectile that was shot by a firearm, with medical assistance, attended by Dr. Consuelo Morales Sol Romero, the Forensic Dr. of the state of Tecla; these facts were given by Mateo Meza Clavel, identification document number zero two million ninety one thousand eight hundred twenty five dash seven, who presents himself to be a friend and does not sign because he does not know how, but verifies his identity by digital fingerprint along with the undersigned clerk of the registry of vital records, San Pablo, Tacachico, the third of March of two thousand and ten.-D.M. de Mejia.//-stamped with official approval- in accordance with the original document with which this was compared and by law issued by the office of registry of vital records
San Pablo Tacachico on this the third day of March of two thousand and ten.

Delmy Noemy Medina de Mejia
Clerk of the registry of vital records

CERTIFICATE OF TRANSLATOR

I, Gladiola Pelayo-Ramirez, hereby swear that I am fluent in the English and Spanish languages, and that the above is an accurate translation of the foregoing Certificate from the registrar of vital records.

Date: 3-6-2010



Gladiola Pelayo-Ramirez
Law Offices of Roy Petty
(479) 621-9150

Falls Church, Virginia 22041

File: A97 736 084 - Kansas City

Date: APR 30 2007

In re: BENITO ANTONIO SALDIBAR-PAYES a.k.a. Benito Antonio Zaldivar Pallesa

IN REMOVAL PROCEEDINGS

APPEAL

ON BEHALF OF RESPONDENT: Roy Petty, Esquire

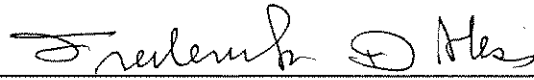
ON BEHALF OF DHS: Karl V. Cozad
Deputy Chief Counsel

The respondent, a native and citizen of El Salvador, appeals the November 3, 2005, decision of the Immigration Judge which denied the applications for asylum and withholding of removal under sections 208 and 241(b)(3) of the Immigration and Nationality Act (Act), 8 U.S.C. §§ 1158, 1251(b)(3), and for protection under the Convention Against Torture (CAT), 8 C.F.R. §§ 1208.16(c), 1208.18. The appeal will be dismissed.

We have considered the respondent's arguments on appeal. We agree with the Immigration Judge that the respondent failed to demonstrate either past persecution or a well-founded fear of persecution "on account of" any of the five enumerated grounds in the Act. See section 101(a)(42)(A) of the Act, 8 U.S.C. § 1101(a)(42)(A); *INS v. Cardoza-Fonseca*, *supra*; *Matter of Mogharrabi*, *supra*; 8 C.F.R. §§ 1208.13, 1208.16. On appeal, the respondent contends that he is a member of a particular social group defined as "young men without parents who are recruited for gangs." We agree with the Immigration Judge that the respondent has not established a particular social group for the reason that it is overly broad. See generally *Matter of Acosta*, 19 I&N Dec. 211, (BIA 1985), *modified on other grounds*, *Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987). The respondent indicated that when his parents left El Salvador for the United States, he was left to live with his grandfather and that made him a target for recruitment by gangs. The respondent indicated that the gang members threatened to hurt his family if he did not join, but neither the respondent nor anyone in his family has ever been harmed. The respondent never told the police or anyone else about his problems with the gangs. Even assuming that the respondent could establish that he was a member of a particular social group within the meaning of section 101(a)(42) of the Act, the respondent has failed to establish that the unidentified persecutor(s) are a group the government cannot or will not control. With respect to protection under the CAT, the record does not indicate that it is more likely than not that the respondent will face torture by or with the acquiescence of the government of El Salvador upon return to El Salvador. See 8 C.F.R. § 1208.16(c)(2). Accordingly, the appeal will be dismissed.

A97 736 084

ORDER: The appeal is dismissed.



FOR THE BOARD