



U.S. Department of Justice

Executive Office for Immigration Review

Office of the General Counsel

5107 Leesburg Pike, Suite 2600
Falls Church, Virginia 22041

February 17, 2010

Kannon K. Shanmugam, Esquire
Law Offices of Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005-5901

Dear Mr. Shanmugam:

This is in response to your letter to Attorney General Eric H. Holder, Jr., dated January 20, 2010. In your letter, you request the Attorney General's certification and review of two decisions by the Board of Immigration Appeals (Board) under 8 C.F.R. § 1003.1(h)(1)(i). The first relates to the Board's decision issued in the case of your client, Balmoris Alexander Contreras-Martinez (A098 115 469), on October 29, 2008. The second involves the precedent decision of *Matter of S-E-G*, 24 I&N Dec. 579 (*S-E-G*), which was decided by the Board on July 30, 2008, and upon which the Board relied in part in dismissing Mr. Contreras-Martinez's appeal. Your letter was forwarded to the Executive Office for Immigration Review (EOIR) for a response.

Although we understand the concerns you have raised regarding the Board's decision in Mr. Contreras-Martinez's case, and in *S-E-G*, the Attorney General has declined to refer the case for review under 8 C.F.R. § 1003.1(h)(1)(i), a decision which lies within his sole discretion.

As you point out, Mr. Contreras-Martinez filed a petition for review with the United States Court of Appeals for the Fourth Circuit, seeking its review of the Board's decision in his case. Notably, in denying the petition on October 13, 2009, the Fourth Circuit relied upon *S-E-G* in finding no error in the Board's denial of Mr. Contreras-Martinez's claims to asylum and withholding of removal.

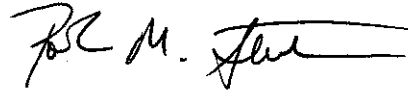
Your letter indicates that you filed a petition for a writ of certiorari in the Supreme Court of the United States on January 11, 2010. You also provided a copy of the petition for certiorari in which you raise several arguments urging the Court to grant the petition and to reject the definition of "particular social group" as set forth in *S-E-G*. Accordingly, any issues you may have regarding *S-E-G* and its application to Mr. Contreras-Martinez's case may be raised in the course of Mr. Contreras-Martinez's pending litigation. The matter is now before the Court and a decision on the petition will be forthcoming.

Mr. Kannon K. Shanmugam, Esquire

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Please be assured that the United States Department of Justice has considered your concerns regarding "particular social group" claims to asylum and withholding of removal. We appreciate you contacting the Department and thank you for writing to the Attorney General about this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. M. Stutman", with a long horizontal flourish extending to the right.

Robin M. Stutman
General Counsel

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