

Case No. 11-1989

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

JOHANA CECE,
Petitioner,

v.

ERIC H. HOLDER, JR.,
Attorney General of the United States,
Respondent.

**On rehearing en Banc of a Petition for Review
of the Decision of the Board of Immigration Appeals
in Case No. A096 158 857**

**BRIEF OF *AMICUS CURIAE* OF
CENTER FOR GENDER & REFUGEE STUDIES
IN SUPPORT OF PETITIONER**

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STATEMENT OF INTEREST OF *AMICUS CURIAE*

The Center for Gender & Refugee Studies (“*Amicus*”), at the University of California, Hastings College of the Law, has a direct and serious interest in the development of norms consistent with international refugee and human rights law pertaining to the protection of women under the Refugee Act of 1980 and the Convention Against Torture. Through its scholarship, expert consultations, and litigation, *Amicus* has played a central role in the development of law and policy related to gender-based asylum claims. *Amicus* has filed briefs, both as *amicus* and as counsel of record, regarding human trafficking, female genital cutting (“FGC”), domestic violence, forced marriage, rape, and other gender-based forms of persecution before the Board of Immigration Appeals and in the Second, Fourth, Fifth, Sixth, Eighth, and Ninth Circuits.

Amicus has a particular interest in the instant case because the decision of the Board of Immigration Appeals (“BIA”)—which found that the petitioner has not articulated a legally sound social group or a nexus thereto—is at odds with the law of this Circuit and of other Circuit Courts of Appeal. *Amicus* is concerned that, if allowed to stand, the BIA’s decision could lead to unsettled law and adversely impact the lives of the many women who have suffered past persecution and/or fear future persecution because of their gender.

Amicus also has a particular interest in the instant case because it involves sex trafficking of women, which is a pervasive form of gender-based harm affecting women worldwide. *Amicus* has published papers on the topic of sex trafficking and

has assisted attorneys representing the victims of sex trafficking in at least 200 asylum proceedings. *Amicus* has provided technical assistance to attorneys in at least 50 cases where individuals sought asylum from Albania, at least 35 of which involved claims that the applicant feared trafficking and/or forced prostitution if returned to Albania.

SUMMARY OF ARGUMENT

There should be no doubt that the forced trafficking of women for prostitution is gender-motivated. Women worldwide, especially young, single women, are kidnapped and/or deceived into prostitution due to gender norms that deprive women of equality and protection in society and that view women as sexual commodities to be bought and sold. This is particularly true in Albania, which the State Department condemns as a source country for women being trafficked for the purposes of sexual exploitation.

Despite the overwhelming evidence that women are subjected to sex trafficking because of their gender, the BIA concluded that Petitioner Johana Cece failed to prove nexus to a protected ground and rejected the gender-based social groups proffered by Ms. Cece—“young, single women in Albania” and “young women in danger of being trafficked as prostitutes in Albania.” This was error for two reasons.

First, the BIA ignored ample record evidence of nexus between the harm Ms. Cece fears and the gender-based social groups she proposes. Ms. Cece testified that she was singled out by an Albanian gang member and targeted for trafficking *because* she was a young, single woman, and that she fears being trafficked in the

future for that same reason. Her country conditions expert, Dr. Bernd Fischer, testified that sex traffickers in Albania seek out and prey on young, single women and are motivated to prey on the women because of these characteristics. And, as discussed above, trafficking for prostitution worldwide is a form of gender-motivated harm, and young women are especially vulnerable to this threat. This evidence establishes the requisite nexus to a protected ground.

Second, the BIA erroneously rejected the social groups advanced by Ms. Cece, which are not defined *solely* by her past harm, but which are permissibly based on her gender, nationality, and other immutable or fundamental characteristics. To the extent that the proposed social group “young women in danger of being trafficked as prostitutes in Albania” refers to persecution, it is permissible (and non-circular) because it describes a fear of *future* harm. Social groups referring to future harm, particularly social groups where the applicant fears future female genital cutting, have been widely accepted. Accordingly, the BIA’s rejection of Ms. Cece’s proposed social groups was legally incorrect.

Finally, two of the statements made by the panel in rejecting one of Ms. Cece’s proposed social groups should not impact the *en banc* Court’s decision. In distinguishing this case from decisions recognizing broadly defined social groups in the female genital cutting context, the panel concluded that Ms. Cece failed to prove that “sex trafficking poses the same particularized and inescapable threat to all young Albanian women” and that “trafficking is ‘deeply imbedded’ in Albanian culture.” This is not what the law requires. Although nationwide prevalence of

persecution of a proposed social group may in some cases be *relevant* to establish the group's cognizability, it is in no way *necessary*. And, even if Ms. Cece were required to prove that sex trafficking is a pervasive threat to Albanian women, the record compels such a conclusion. Numerous country conditions reports in the record clearly establish that sex trafficking remains a serious problem in Albania. The State Department has denounced the Albanian government for failing to fully comply with even the minimum standards for the elimination of trafficking. As Dr. Fischer explains, Albanian women face a very significant threat of being forced to work as prostitutes because of their particular vulnerability in society. This threat should not be ignored.

ARGUMENT

I. The BIA erred in concluding that Ms. Cece was not persecuted on account of her membership in a particular social group defined by her gender, nationality, and other immutable or fundamental characteristics.

A. The BIA erred when it concluded that Ms. Cece failed to prove nexus between the feared harm and her proposed social groups.

The BIA concluded that Ms. Cece “failed to produce evidence from which it is reasonable to conclude that the harm threatened was motivated, even in part, by an actual or imputed protected ground” and that “there is no basis upon which to conclude that the applicant has established that she fears persecution based upon one of the protected grounds under the Act.” *Matter of Cece*, A096 158 857 (BIA March 31, 2011). This conclusion grossly disregards ample record evidence that (1) Ms. Cece was targeted for, and fears being trafficked for, prostitution specifically

because she is a young, single woman in Albania; (2) Albanian women, and women more broadly, are trafficked for prostitution because of their gender; and (3) women who have been targeted for trafficking in the past are at particular risk of future trafficking.

In order to establish nexus to a protected ground, Ms. Cece must show that her membership in a social group based on her gender, nationality and other immutable or fundamental characteristics is at least “one central reason” that she fears trafficking. 8 U.S.C. §§ 1101(a), 1158(b)(1)(B); *Martinez-Buendia v. Holder*, 616 F.3d 711, 715 (7th Cir. 2010). Both direct and circumstantial evidence supports this conclusion.

1. Ms. Cece was targeted, and will be targeted in the future, because she is a young, single Albanian woman.

Ms. Cece testified credibly¹ that Reqi, the gang leader who began targeting her two weeks after her parents left her alone in Albania, suddenly became interested in her because she was “a single young girl living by [her]self” and therefore “was a very good target to be trafficked as a prostitute.” Certified Administrative Record (hereafter “AR”) 403-04; *see also* AR 416 (testifying that she would be targeted if returned to Albania because she is a “single young girl living by herself”); AR 417 (testifying that she feared harm because, if returned to Albania, she would be a “single young woman living by herself”); AR 424 (testifying that she was targeted because she was “a single girl in Albania”); AR 439 (same).

¹ The Immigration Judge found Ms. Cece’s testimony credible. AR 113, 130, 131.

The gender-based targeting of women for trafficking is particularly prevalent in Albania. The United States Department of State Report provides that “Albania is a source country for women and children trafficked for the purposes of sexual exploitation and forced labor.” AR 574; *see also* AR 583 (Human Rights Watch report); AR 587 (Amnesty International report); AR 591-592, 597 (Save The Children publication). Dr. Fischer testified that sex traffickers “prey upon young women” in Albania. AR 226. He noted in his declaration that trafficking is a “serious and growing problem in Albania” and that most trafficked women “are young and single like Ms. Cece.” AR 546; *see also* AR 593 (Save the Children publication noting that traffickers target “the most vulnerable girls and women in society”). According to Dr. Fischer, the situation “has reached such serious proportions that many families refuse to allow their daughters to leave the house.” AR 546.

The motivation for the forced trafficking of women for prostitution in Albania cannot be considered “in a vacuum,” but must be understood in the socio-cultural, legal, and political context in which it takes place. *See Garcia-Martinez v. Ashcroft*, 371 F.3d 1066, 1075 (9th Cir. 2004); *INS v. Elias-Zacarias*, 502 U.S. 478, 483-84 (1992) (evidence of nexus may be direct or circumstantial); Asylum and Withholding Definitions, 65 Fed. Reg. 76,588, 76,593 (Dec. 7, 2000) (evidence of “patterns of violence [that] are (1) supported by the legal system or social norms in the country in question, and (2) reflect a prevalent belief within society, or within relevant segments of society” is relevant to determining whether the persecution is “on

account of” a protected characteristic); Asylum Officer Basic Training Course Participant Workbook, Female Asylum Applicants and Gender-Related Claims, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, 26 (March 12, 2009)² (evidence of patterns of violence in the society against individuals similarly situated to the applicant that are (1) supported by the legal system or social norms in the country in question, and (2) reflect a prevalent belief within society, are relevant to the nexus determination).

The Gender Alliance for Development Center explains that “[t]he trafficking of Albanian women and girls is linked to a cultural bias that considers women as human beings without rights and totally dependent on men. Gender inequalities and traditional mentalities are key factors related to gender violence and human trafficking in Albanian society.” Milva Ekonomi, et al., *Creating Economic Opportunities for Women in Albania: A Strategy for the Prevention of Human Trafficking*, GENDER ALLIANCE FOR DEVELOPMENT CENTER, 18 (March 2006) (hereafter “GADC Report”).³ These are exactly the types of gender-related social norms that are critical to the nexus analysis in this case. *See Sarhan v. Holder*, 658 F.3d 649, 656 (7th Cir. 2011) (considering cultural context of honor killings and noting that the perpetrator is motivated to kill his victim “because society has deemed that this is a permissible—maybe in some eyes the only—correct course of

² Available at [http://www.uscis.gov/USCIS/Humanitarian/Refugees%20&%20Asylum/Asylum/AO BTC%20Lesson%20Plans/Female-Asylum-Applicants-Gender-Related-Claims-31aug10.pdf](http://www.uscis.gov/USCIS/Humanitarian/Refugees%20&%20Asylum/Asylum/AO%20BTC%20Lesson%20Plans/Female-Asylum-Applicants-Gender-Related-Claims-31aug10.pdf).

³ Available at <http://www.unifem.sk/uploads/doc/Albania%20report%20final.pdf>.

action and the government has withdrawn its protection from the victims”); *Al-Ghorbani v. Holder*, 585 F.3d 980, 998 (6th Cir. 2011) (citation and internal quotation marks omitted) (considering the “overall context of the applicants’ situation,” and Yemeni traditions regarding marriage and honor in determining nexus to social group of young people who opposed Yemeni cultural and religious marriage customs).

The record evidence demonstrates that Albanian society, and the Albanian authorities, tolerate and indeed contribute to the trafficking of women. Dr. Fischer testified that

The police and Albanian authorities in general will likely be of little help in protecting Ms. Cece from [trafficking], in part because many are directly involved in trafficking of prostitutes ... [T]rafficking cannot flourish without cooperation of state officials and law enforcement authorities. This is, without a doubt, the case in Albania ... There is, then, little in the way of deterrence and gangs, like the one that has targeted Ms. Cece, continue to function with impunity.

AR 546-47. The Department of State corroborates this testimony, noting that “implementation of Albania’s anti-trafficking tools remain[s] inadequate and a critical area of concern.” AR 574.

The record also demonstrates that Albania is a country without adequate safeguards for women in general. Dr. Fischer noted that the United Nations Women’s Anti-Discrimination Committee “expressed deep concern over the regression of women’s progress in Albania,” and specifically noted that women were not able to resort to judicial authority when their rights were violated. AR 549; *see also* AR 578 (State Department report noting that Albania does not have legislation addressing domestic violence or violence against women even though violence

against women and spousal abuse are “serious problems”). Similarly, the Gender Alliance for Development Center notes that “Albania’s main poverty-reduction organizations lack a gender perspective, thereby reinforcing and perpetuating gender discrimination and inequality.” GADC Report at 35. The evidence that traffickers of women in Albania operate with impunity, and often with the cooperation of a government that fails to safeguard the rights of women, further supports the argument that the harm Ms. Cece fears is gender-motivated.

In short, Ms. Cece’s testimony that she was targeted, and will continue to be targeted, because she is a young, single woman in Albania, along with the ample evidence that women are subjected to trafficking because of their gender and their particular vulnerability in Albanian society, establishes nexus to a protected ground. The BIA erred when it overlooked this evidence and concluded that Ms. Cece failed to establish nexus.

2. Women worldwide, especially young, single women, are subjected to trafficking and forced prostitution because of their gender.

The situation for Ms. Cece and other women in similar circumstances in Albania is not unique; women worldwide are subjected to trafficking and forced prostitution because of their gender. The UNHCR’s Guidelines on International Protection provide that “[t]he forcible or deceptive recruitment of women and children for the purposes of forced prostitution or sexual exploitation *is a form of gender-related violence.*” UNHCR Guidelines on International Protection: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to Victims of Trafficking and Persons at Risk of Being Trafficked, 7 April

2005, HCR/CIP/06/07, ¶ 19 (hereafter “UNHCR Trafficking Guidelines”) (emphasis added); *see also* UNHCR Guidelines on International Protection: Gender-Related Persecution Within the Context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol Relating to the Status of Refugees, 7 May 2002, HCR/GIP/02/01, ¶ 18 (“The forcible or deceptive recruitment of women or minors for the purposes of forced prostitution or sexual exploitation *is a form of gender-related violence or abuse that can even lead to death*”) (emphasis added).

Certain subsets of women within a particular society, including single women like Ms. Cece, are especially vulnerable to being trafficked. UNHCR Trafficking Guidelines ¶ 38 (“single women” are a particular subset of women who are targets for traffickers due to “their vulnerability in certain social settings”); Stephen Knight, *Asylum from Trafficking: A Failure of Protection*, IMMIGRATION BRIEFINGS, July 2007, at 4-7 (same); *see also* Special Rapporteur on Trafficking in Persons, *Second Rep. on Trafficking in Persons, Especially Women and Children*, General Assembly, ¶¶ 21-22, U.N. Doc. A/65/288 (Aug. 9, 2010) (by Joy Ezeilo) (noting that “sex discrimination and inequality” are “underlying factors that render people vulnerable to trafficking” and that “[w]omen are recognized as the group particularly affected by” failure to protect vulnerable groups against trafficking).

Trafficking has become such a pervasive problem that Congress passed the Trafficking Victims Protection Act of 2000, noting that trafficking “is a modern form of slavery” that affects “primarily women and children.” 22 U.S.C. § 7101(b)(1). Indeed, this very Court has acknowledged that trafficking is a severe form of

violence against women. *Sarhan*, 658 F.3d at 661-62 (noting that human trafficking and slavery are among “the most severe abuses that women face around the globe”). There should, therefore, be little question that the trafficking Ms. Cece fears is “on account of” a gender-defined social group.

B. Ms. Cece’s proposed social groups—defined by her gender, nationality, and other characteristics—are cognizable.

Ms. Cece advanced two social groups defined, in part, by her gender and nationality: “young women in danger of being trafficked as prostitutes in Albania” and “young, single women in Albania.” Petitioner’s Supplemental Brief (“PSB”) at 5; Petitioner’s Brief (“PB”) at 20; AR 19-21, 333-34. Both are legally sound. As the panel correctly noted, a social group generally cannot be defined solely by the harm suffered by the applicant—for example, the social group “trafficked women” would be impermissibly circular under current application of asylum law. *Cece v. Holder*, 668 F.3d 510, 513 (7th Cir. 2012), *reh’g en banc granted, opinion vacated* (May 31, 2012); *Jonaitiene v. Holder*, 660 F.3d 267, 271-72 (7th Cir. 2011) (a social group “cannot be defined *merely* by the fact of persecution”) (emphasis added). Ms. Cece’s proposed social groups are legally permissible, and do not suffer from this defect, for two reasons.

First, as explained by Petitioner and *amicus* National Immigrant Justice Center (“NIJC”), and as noted by the dissent, Petitioner’s groups are not defined *solely* by the feared harm. *Cece*, 668 F.3d at 514 (Rovner, J., dissenting); PSB at 6; NIJC Brief at 4-6. They are permissibly based on her gender and her nationality—immutable characteristics that have formed the basis of social groups accepted by

both the BIA and Circuit Courts of Appeal nationwide. *See id.*⁴ And Ms. Cece’s proposed social groups also are permissibly based on the immutable or fundamental characteristics of her youth and status of being single.⁵ Because these arguments have been presented to the Court at length, *amicus* CGRS will not repeat them here.

⁴ For examples of approved social groups based on gender, nationality and other characteristics, see *Agbor v. Gonzales*, 487 F.3d 499, 502 (7th Cir. 2007) (women who fear they will be victims of FGC); *Lin v. Ashcroft*, 385 F.3d 748, 752 (7th Cir. 2004) (Chinese women who face forced sterilization); *Yadegar-Sargis v. INS*, 297 F.3d 596, 603 (7th Cir. 2002) (Christian women in Iran who do not wish to adhere to the Islamic female dress code); *Perdomo v. Holder*, 611 F.3d 662, 669 (9th Cir. 2010) (Guatemalan women); *Bi Xia Qu v. Holder*, 618 F.3d 602, 607-08 (6th Cir. 2010) (women who are sold or forced into marriage and involuntary servitude); *Ngengwe v. Mukasey*, 543 F.3d 1029, 1034 (8th Cir. 2008) (Cameroonian widows); *Mohammed v. Gonzales*, 400 F.3d 785, 797-98 (9th Cir. 2005) (females of a certain tribe or nationality); *Niang v. Gonzales*, 422 F.3d 1187, 1200 (10th Cir. 2005) (female members of the Tukulor Fulani tribe); *Fatin v. INS*, 12 F.3d 1233, 1240 (3d Cir. 1993) (Iranian women who refuse to conform to the Iranian government’s gender-specific laws and social norms); *In re Kasinga*, 21 I.&N. Dec. 357 (BIA 1996) (women who fear they will be subjected to FGC).

⁵ *See Matter of S-E-G-*, 24 I.&N. Dec. 579, 583-84 (BIA 2008) (recognizing that youth or age may be immutable characteristics for purposes of social group analysis); *Mohammed*, 400 F.3d at 797 (“young girls” of the Benadiri clan constitute a social group); UNHCR Guidelines on International Protection: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 22 December 2009, HCR/GIP/09/08, ¶ 49, *available at* <http://www.unhcr.org/refworld/docid/4b2f4f6d2.html> (childhood is an immutable characteristic); *Al-Ghorbani*, 585 F.3d at 995 (“young, westernized people” may constitute a social group); *id.* at 996 (recognizing marriage as fundamental characteristic); Brief of Department of Homeland Security at 20, *Matter of R-A-*, A73 753 922 (Feb. 19, 2004), *available at* http://cgrs.uchastings.edu/pdfs/dhs_brief_ra.pdf (describing “circumstances in which a woman’s marital status should be considered immutable”); *Arias De Alvarado v. Holder*, 420 F. App’x 83 (2d Cir. 2011) (“single mothers without male protection” may be a cognizable social group); *Archila-Rivera v. Holder*, 449 F. App’x 664 (9th Cir. 2011) (“unmarried, indigent women” may constitute a particular social group); Asylum and Withholding Definitions, 65 Fed. Reg. at 76,593 (“there may be circumstances in which an applicant’s marital status could be considered immutable”).

Second, to the extent that one of Petitioner’s proposed social groups also refers to the persecution she fears, it is entirely proper because it describes a fear of *future* persecution. Social groups that describe fear of future persecution, such as future FGC, have been widely accepted. “The case law is quite clear that women who fear being circumcised should they return to their home countries are members of a discrete social group for purposes of the statute.” *Agbor v. Gonzales*, 487 F.3d 499, 502 (7th Cir. 2007) (quoting *In re Kasinga*, 21 I.&N. Dec. at 365-66); *see also Balogun v. Ashcroft*, 374 F.3d 492, 499 (7th Cir. 2004) (noting that government does not dispute that fear of future FGC meets the nexus and social group requirements); *Abay v. Ashcroft*, 368 F.3d 634, 642-43 (6th Cir. 2004) (mother and daughter both eligible for asylum based on fear of daughter’s future FGC).⁶

II. Ms. Cece need not prove that sex trafficking poses a threat to all Albanian women.

The panel applied an incorrect legal standard when it concluded that Ms. Cece failed to articulate a legally sound social group because she did not prove that “sex

⁶ Moreover, where past harm to an individual is a characteristic that places the individual at risk of future harm—as is the case for Ms. Cece—persecution may properly be included in the social group definition. *See Lukwago v. Ashcroft*, 329 F.3d 157, 174 (3d Cir. 2003) (“children from Northern Uganda who have escaped from involuntary servitude after being abducted and enslaved by the LRA” was a cognizable social group for the purposes of fear of *future* harm); *Gomez-Zuluaga v. Attorney General*, 527 F.3d 330, 345-46 (3d Cir. 2008) (“women who have escaped involuntary servitude after being abducted and confined by the FARC” is a cognizable social group for the purposes of fear of future persecution); *Bi Xia Qu*, 618 F.3d at 607-08 (“women in China who have been subjected to forced marriage and involuntary servitude” constitute a particular social group). Similarly, Ms. Cece’s past experience of being singled out by an Albanian gang member heightens her risk of being trafficked in the future; as Dr. Fischer explained, it makes her an “ideal target.” AR 476, 504.

trafficking poses the same particularized and inescapable threat [that female genital cutting poses] to all young Albanian women.” *Cece*, 668 F.3d at 513. The law does not require all members of a protected group to be at risk of persecution in order for one member of that group to be eligible for asylum. A social group is simply a group of individuals, like members of a certain race or religion, who *may* be subjected to persecution and *may* be eligible for asylum. *See* 8 U.S.C. § 1101(a)(42)(A) (defining race and religion as protected characteristics for the purposes of asylum). Whether any or all members of that group are at risk of persecution requires separate analyses of nexus and well-founded fear. *See, e.g., Fatin*, 12 F.3d at 1240 (holding that “women” may constitute a social group, but concluding that the applicant had not established well-founded fear of persecution because not every Iranian woman feared persecution based solely on her gender).

In *Agbor v. Gonzales*, on which the panel relied, the Court *rejected* the BIA’s conclusion that the applicant was ineligible for asylum because FGC “is not widely practiced” in Cameroon. *Agbor*, 487 F.3d at 503. The Court noted that although the BIA was correct that FGC was not widely practiced in the Cameroonian population at large, certain categories of Cameroonian women were more likely to be targeted for the practice. *See id.* In *Agbor*, the record evidence showed that FGC was *not* practiced on 80 to 97 percent of Cameroonian women. *Id.*⁷

⁷ *Agbor* did not, as the panel decision suggests, involve the question of whether the petitioner had articulated a cognizable social group. The question presented to the Court was whether the BIA erred in concluding that the petitioner did not have a well-founded fear of future persecution.

Moreover, even if nationwide prevalence of persecution of the proposed social group may be *relevant* to support an applicant’s eligibility for asylum—as in *Hassan v. Gonzales*, 484 F.3d 513, 518 (8th Cir. 2007), on which the panel also relied—such prevalence is in no way *necessary*.

III. Although Ms. Cece need not prove that trafficking is “deeply imbedded” in Albanian culture, the record compels such a conclusion.

Similarly, there is no requirement that the harm Ms. Cece fears be “deeply imbedded” in Albanian society, as the panel stated. *Sarhan*, cited by the panel, is illustrative. In *Sarhan*, the Court found that the petitioner, who had been accused of marital infidelity, belonged to the particular social group “women in Jordan who have (allegedly) flouted repressive moral norms, and thus who face a high risk of honor killing.” *Sarhan*, 658 F.3d at 656. There, the State Department reported only 17 instances of honor killings in a country of 6 million. *Id.* at 658. The Court found that the applicant nonetheless had established social group membership, reasoning “[t]hat there are few publicly recorded instances of killings within a particular social group does not mean that the U.S. government is free to remove someone who has experienced a direct and credible threat of such a killing.” *Id.*

The panel relied in part on *Mohammed*, 400 F.3d at 797-98, for the proposition that Ms. Cece failed to prove that trafficking of women is “deeply imbedded” in Albanian culture. But *Mohammed* does not require the applicant to show that the feared harm is “deeply imbedded” in society in order to establish social group membership. The *Mohammed* Court noted that there were at least two ways to define the social group of the applicant, a Somalian woman who had been forcibly

subjected to FGC: either based on her gender and clan or, because FGC was “not clan specific” and was so widely practiced throughout Somalia, based on her gender and nationality. *Id.* at 796-97. Thus, the “deeply imbedded” nature of FGC showed only that the practice was not limited to women of a particular tribe. *Mohammed* did not apply or create a requirement that the harm feared or suffered by the applicant be widespread in her society.

Moreover, even if such a requirement applied in this case, Ms. Cece would meet it. The record is rife with evidence that sex trafficking is a pervasive threat to Albanian women. *See supra*, pp. 5-9. Dr. Fischer testified that trafficking is a “scourge” and “a very serious problem” in Albania, and that “thousands” of Albanian women have been trafficked for prostitution. AR 223-24, 226; *see also* AR 602 (Association of Albanian Girls and Women report noting that over 6,000 Albanian girls and women are or have been victims of trafficking for forced prostitution); 574 (Department of State report noting that Albania is a “tier 2” country whose government does not fully comply with the minimum standards for the elimination of trafficking); 592 (Save The Children report noting that trafficking “is still a very serious problem” in Albania); 583 (Human Rights Watch report noting that “the government’s failure to take effective measures to curb human trafficking” is one of Albania’s “serious human rights challenges”).

In addition, gender inequality in general is deeply rooted in Albanian society. *See Women and Children in Albania: Double Dividend of Gender Equality*, INSTAT

CENTER FOR SOCIAL RESEARCH, 5, 8 (2006)⁸ (“[d]ue to its strong patriarchal Balkan traditions, Albanian society has traditionally been dominated by males”). Albanian women have historically been considered inferior to men. *Id.* This inequality and perceived inferiority are root causes of Albania’s trafficking problem. Accordingly, even if the Court were to require a showing that trafficking of women is “deeply imbedded” in Albanian society—which the law does not require—Ms. Cece has made that showing.

CONCLUSION

For the foregoing reasons, *Amicus* respectfully requests that the Court grant Ms. Cece’s Petition for Review, reverse in part, and remand for further proceedings.

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Respectfully submitted,

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⁸ Available at http://www.childinfo.org/files/Albania_Women_Children_Report.pdf.

CERTIFICATE OF COMPLIANCE

I, Simona A. Agnolucci, hereby certify that this brief complies with Cir. R. 29-2(c)(3) because it is proportionately spaced, is produced in 12-point Century Schoolbook font, including footnotes, and contains 4,631 words, which is not in excess of 7,000 words, excluding the material not counted under Fed. R. App. P. 32.

/s/ Simona A. Agnolucci
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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2012, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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