

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
201 VARICK STREET, ROOM 1140
NEW YORK, NEW YORK**

File No: A 040-123-949

Date: October 4, 2012

In the Matter of: :

NASSAR, Nazih :
a.k.a. NASSER, Nazih :

Respondent :
_____ :

**IN REMOVAL
PROCEEDINGS**

CHARGES:	INA § 237(a)(2)(B)(i)	Controlled Substance Offense
	INA § 237(a)(2)(A)(iii)	Aggravated Felony (Illicit Trafficking)
	INA § 237(a)(2)(A)(iii)	Aggravated Felony (Attempt or Conspiracy)
APPLICATION:	INA § 208	Asylum
	INA § 241(b)(3)	Withholding of Removal
	8 C.F.R. § 1208.16(c)	Convention Against Torture

ON BEHALF OF THE RESPONDENT

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ON BEHALF OF DHS

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AMENDED DECISION AND ORDERS OF THE IMMIGRATION JUDGE

In this removal proceeding, the Respondent conceded removability under INA § 237(a)(2)(B)(i) (controlled substance offense) and applied for asylum, withholding of removal under the Immigration and Nationality Act (“INA”) and protection under the Convention Against Torture (“CAT”). Based upon the Respondent’s criminal convictions, the Court held, and the

parties did not contest, that he is eligible only for deferral of removal under CAT. The Respondent and his expert witness testified in support of his claim. The Respondent argued that if returned to Lebanon, he will be tortured by the government when passing through Lebanese government checkpoints. He also argued that, due to the violence in northern Lebanon, where he will have to live, he will be tortured by, or with the acquiescence of, the Lebanese government. For the reasons that follow, the Court finds that it is more likely than not that the Respondent will be tortured if returned to Lebanon and grants the Respondent deferral of removal under CAT.

I. Procedural History

Nazih Nassar, a.k.a. Nazih Nasser, (“the Respondent”) is a native and citizen of Lebanon. [Exh. 1]. On November 29, 1986, he was admitted to the United States (“U.S.”) as a lawful permanent resident. Id. On July 31, 2003, he pleaded guilty to attempted criminal sale of a controlled substance in the fourth degree, in violation of New York Penal Law (“NYPL”) § 110-220.34. [Exh. 3]. On December 5, 2011, the Department of Homeland Security (“DHS”) served the Respondent with a Notice to Appear (“NTA”) charging him with removability under INA §§ 237(a)(2)(A)(iii) (illicit trafficking aggravated felony & attempt or conspiracy) and 237(a)(2)(B)(i) (controlled substance offense). [Exh. 1]. On December 7, 2011, he was convicted of conspiracy to distribute and possess with the intent to distribute marijuana, in violation of 21 U.S.C. §§ 846, 841(b)(1)(C). [Exh. 12]. On June 18, 2012, DHS served the Respondent with a Form I-261, Additional Charges of Inadmissibility/Deportability, alleging the December 2011 conviction in support of the removability charges. [Exh. 19].¹

On December 22, 2012, the Respondent admitted the four allegations in the NTA and conceded removability under INA § 237(a)(2)(B)(i) (controlled substance offense). Accordingly, the Court held that DHS established removability by clear and convincing evidence. 8 C.F.R. §§ 1240.8, 1240.10(c). The Respondent contested the two removability charges under INA §§ 237(a)(2)(A)(iii) (aggravated felonies). DHS designated Lebanon as the country of removal, and the Respondent applied for asylum, withholding of removal under the Immigration and Nationality Act (“INA”), and protection under the Convention Against Torture (“CAT”). [Exh. 5].

On June 18, 2012, the Respondent conceded that his December 2011 conviction constituted an aggravated felony and a particularly serious crime. Accordingly, the Court held that he was ineligible for asylum and withholding of removal under the INA. See INA §§ 101(a)(43)(B), 208(b)(2); see also 8 C.F.R. § 1208.13(c)(1).

II. Evidence

Exh. 1: Notice to Appear (served 6/9/10);

¹ Although the Form I-261 mistakenly alleges the Respondent was convicted of 18 U.S.C. §§ 846, 841(b)(1)(C), instead of 21 U.S.C. §§ 846, 841(b)(1)(C), it correctly states the case number—10 Cr. 00464-10—and the name of the offense—conspiracy to distribute and possess with intent to distribute marijuana. On September 10, 2012, the Respondent admitted this allegation. See [Exh. 19].

- Exh. 2: Copy of Immigrant Visa Face Sheet (dated 11/29/86);
- Exh. 3: Certificate of Disposition, NYPL §§ 110-220.34 & Indictment (No. QN10003/2003) (received 2/22/12);
- Exh. 4: RAP sheets (dated 2/22/12 & 6/9/10);
- Exh. 5: Form I-589, Request for Asylum in the United States (filed 2/22/12);
- Exh. 6: The Respondent's declaration from I-589 (dated 2/22/12);
- Exh. 7: Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *Lebanon Country Reports on Human Rights Practices*,
 Tab 1: 2011 Report (May 2012)
 Tab 2: 2010 Report (April 2011)
- Exh. 8: Post-Sentence/Waiver Report, NYPL §§ 110-220.34 (received 3/12/12);
- Exh. 9: Pre-Sentence Investigation Report, 21 U.S.C. §§ 846, 841(b)(1)(C) (dated 8/5/11);
- Exh. 10 (ID): Report of the Social and Political Status of the Alawite Community in Lebanon and Syria, Eric M. Davis, Ph.D (dated 4/4/12) & Davis Curriculum Vitae;
- Exh. 11: Background Documents, pp. 35-56, (received 4/12/12);
- Exh. 12: Conviction Records
 Tab 1: Judgment, 21 U.S.C. §§ 846, 841(b)(1)(C) (filed 1/30/12),
 Tab 2: Indictment, 10 Cr. 000464, (filed 5/27/10),
 Tab 3: Notice of Appeal (filed 4/30/12);²
- Exh. 13: The Respondent's birth certificate (dated 4/18/12);
- Exh. 14: Document indicating sale of real estate in Lebanon (received 6/18/12);
- Exh. 15: Letter from Siham Nassar, the Respondent's mother (dated 3/19/12);
- Exh. 16: Bureau of Democracy, Human Rights and Labor, U.S. Dep't of State, *Algeria International Freedom Reports*,
 Tab 1: 2011 Report
 Tab 2: 2010 Report
- Exh. 17: 2011 Tax Return for the Respondent's S Corporation & Certificate of Incorporation in Suffolk County (received 6/18/12);
- Exh. 18: Expert Report, Melani Cammett, Ph.D (dated 8/2/12) & Cammett Curriculum Vitae;
- Exh. 19: Form I-261, Additional Charges of Inadmissibility/Deportability (dated 6/18/12);
- Exh. A: Frivolous Warnings

III. Testimony

A. Dr. Cammett

On September 12, 2012, the Respondent's expert witness³, Melani Cammett, Ph.D, testified as follows. She is an expert on Lebanese politics, routinely spending time in Lebanon to conduct research, writing books and articles about Lebanese politics, and teaching political science at Brown University. [Exh. 18 at 7].

² This document relates to Skender Cakoni, one of the Respondent's co-defendants. See [Exh. 12, Tab 2]. The Respondent is not referenced anywhere in this document. *Id.*, Tab 3.

³ Following voir dire, the Court designated Ms. Cammett as an expert witness regarding country conditions in Lebanon.

Dr. Cammett testified that Lebanon has a population of approximately four million people; 30%-40% are Shia; 20% are Sunni; 30% are Christian. Approximately 2% to 4% of the Lebanese population are Alawi, an off-shoot of Shia Islam. Except for a few wealthy intellectuals, the entire Alawi population lives in the city of Akkar and the neighborhood of Jabel Mochsen in Tripoli, located in northern Lebanon. The Alawi generally support Bashar al-Asad, an Alawi who heads the Syrian regime. The Sunni population in neighboring Dab El-Tabbaneh supports the Future Movement, which opposes the Asad regime.

According to Dr. Cammett, one's sectarian affiliation is highly politicized in Lebanon. One's sectarian identity is ascribed by others based upon where one lives, and one's self-identification is of no consequence. Security and military organizations are highly factionalized. The internal security ("ISF") and the police, both of which operate government checkpoints, are allied with the Future movement. As a very small minority, the Alawi have never obtained institutional representation in the internal security forces or the military. As a result, there is almost no Alawi in the ISF or the military today.

Dr. Cammett further testified that the politics of Syria significantly affect Lebanon. For example, "[t]here is a lot of tension about what Syria is doing in Lebanon," and since 2005, the "major political cleavage" in Lebanon has been "whether a given political organization supports Asad or not." Further, although Alawis and Sunnis in northern Lebanon have a history of fighting one another, the fighting has increased due to the current conflict in Syria. Additionally, Sunnis opposed to the Asad regime often cross the Lebanon border, which is located close to Jabel Mochsen. Finally, there have recently been clashes between the Lebanese government and Alawis in Jabel Mochsen. Consequently, Jabel Mochsen is currently experiencing "the most active fighting since the [Lebanese] civil war."

According to Dr. Cammett, if the Respondent were to return to Lebanon under these conditions, "he would almost 100% go to Jabel Mochsen," an Alawi neighborhood in the North of Lebanon, because he has no family in Lebanon and would not be well-received in any other community. Although his name or appearance, by themselves, would not identify him as an Alawi, investigations "never stop there" because "people question you and you can't get out of where your family is from." Because "everyone has a demographic map in their mind," "the minute [the Respondent] answer[s]" where his family is from, people will learn that he is Alawi. Moreover, the Respondent could not give vague answers because people know your sectarian identity. He also could not lie about where his family is from because Lebanon is a small country and the officials would verify the information he gave with the local community.

Dr. Cammett also testified that "there is no question" that to travel to Jabel Mochsen, the Respondent would have to pass through government checkpoints controlled by the ISF because there is a "ton of government checkpoints" in northern Lebanon, the North is "heavily" policed and the Alawi community is "penned in right now." At such a checkpoint, the Respondent would have to show his identification papers, and nobody would believe that, after having lived in the United States for an extended period of time, he was in Lebanon for any reason other than to fight with the Alawi cause. Dr. Cammett also testified that "[t]here's no question" that, given the current political climate, he would be detained once he was discovered to be Alawi because

he would be presumed to be a direct or indirect agent of Asad. In support of her conclusion, Dr. Cammett recounted the story of how the Lebanese government detained a “high level government minister” closely connected with Asad and accused him of supporting the Syiran regime.

Dr. Cammett further testified that if the Respondent fell into the hands of a group hostile to the Syrian government, he would be tortured, harmed or disappeared. Although Dr. Cammett could not name a reported incident where an Alawi was tortured at a checkpoint, she testified that there was “no question” that the Respondent would be presumed to be fighting on behalf of Asad. The Respondent’s risk of torture was further “elevated” because he is unknown in the community and his age and his gender would raise suspicions. Although Dr. Cammett recognized the difficulty inherent in estimating the likelihood that the Lebanese government would torture the Respondent, she opined that it was “at least greater than 50% because the Future Movement, which controls the ISF and government forces, is heavily policing” the areas surrounding the neighborhood where the Respondent would have to live.

According to Dr. Cammett, once the Respondent arrives in Jabel Mochsen, he would be in danger from exposure to the “explosive level” of violence in the area caused by the Syrian conflict. As a recent arrival with no family in the neighborhood, he would be viewed with suspicion, but he would be expected to take up arms and fight with the Alawi cause. In addition to the possible torture at government checkpoints, the Respondent faces an even greater likelihood of torture from the sectarian violence in northern Lebanon because although there is a central government, it does not have control over the country, including armed non-governmental militia groups.

B. The Respondent

The Respondent testified that he is an Alawi and that he would live in northern Lebanon if removed. He has no family in Lebanon, but his parents and maternal aunts live in Syria. He expressed fear of being tortured at a checkpoint.

IV. Legal Standards and Analysis

A. Credibility

In all applications for relief the Court must determine whether the witnesses testified credibly. INA § 240(c)(4)(B). The Court may, after considering “the totality of the evidence, and all relevant factors,” base a credibility determination on: the demeanor, candor, or responsiveness of the applicant or witness; the inherent plausibility of the account; the consistency between oral and written statements; the internal consistency of such statements; the consistency of such statements with evidence of record; and any inaccuracy or falsehood in such statements, “without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant’s claim”; or any other factor. INA § 240(c)(4)(B); see also Matter of J-Y-C-, 24 I&N Dec. 260, 266 (BIA 2007); Diallo v. U.S. Dep’t of Justice, 548 F.3d 232, 234 n.1 (2d Cir. 2008).

Here, both Dr. Cammett and the Respondent testified credibly. INA § 240(c)(4)(B). Both their testimonies were consistent with their written statements and with the other documentary evidence. They also testified without any internal contradictions.

B. Convention Against Torture

The Respondent argues that if returned to Lebanon he will be tortured by the government when passing through the Lebanese government checkpoints. He also alleges that, due to the violence in northern Lebanon, where he will have to live, he will be tortured by, or with the acquiescence of, the Lebanese government. Accordingly, the Respondent argues he is eligible for deferral of removal under CAT. The Court agrees.

The CAT and its implementing regulations provide that no person may be removed to a country where it is “more likely than not” that such person will be subject to torture. See 8 C.F.R. §§ 1208.16-1208.18. To constitute “torture,” the harm must be specifically intended to inflict severe physical or mental pain or suffering and must be at the instigation of, or with the consent or acquiescence of a public official. 8 C.F.R. § 1208.18(a); Matter of J-E-, 23 I&N Dec. 291, 297-99 (BIA 2002). Acquiescence of a public official “requires only that the official know of or remain willfully blind to an act and thereafter breach their legal responsibility to prevent such activity.” Khouzam v. Ashcroft, 361 F.3d 161, 171 (2d Cir. 2004); see also 8 C.F.R. § 1208.18(a)(7).

The applicant for CAT protection bears the burden of proof. 8 C.F.R. § 1208.16(c)(2). A pattern of human rights violations alone is not sufficient to show that a particular person would be in danger of being subjected to torture upon his return to that country. Matter of S-V-, 22 I&N Dec. 1306, 1313 (BIA 2000). An applicant must establish that someone in his particular alleged circumstances is more likely than not to be tortured in the country designated for removal. Mu-Xing Wang v. Ashcroft, 320 F.3d 130, 144 (2d Cir. 2003) (general evidence regarding the imprisonment of military deserters was insufficient to establish CAT protection); J-E-, 23 I&N Dec. at 303-04 (general evidence regarding harm suffered by criminal deportees in deplorable prison conditions was insufficient to establish CAT protection); Matter of M-B-A-, 23 I&N Dec. 474, 478-79 (BIA 2002). An applicant cannot meet the burden of proof by stringing together a series of suppositions to show that torture is more likely than not to occur unless the evidence shows that each step in the hypothetical chain of events is more likely than not to happen. Matter of J-F-F-, 23 I&N Dec. 912, 917-18 (A.G. 2006); see also Savchuck v. Mukasey, 518 F.3d 119, 123-24 (2d Cir. 2008).

In assessing whether the applicant has satisfied the burden of proof, the Court must consider all evidence relevant to the possibility of future torture. 8 C.F.R. § 1208.16(c)(3). U.S. State Department Country Reports are “highly probative evidence” on country conditions, and “should be accorded special weight.” Matter of H-L-H- & Z-Y-Z, 25 I&N Dec. 209, 213 (BIA 2010), remanded on other grounds sub nom. Hui Lin Huang v. Holder, 677 F.3d 130, (2d Cir. 2012); Tu Lin v. Gonzales, 446 F.3d 395, 400 (2d Cir.2006). The omission of an event from a State Department report is not dispositive evidence that the event does not occur because “the Country reports [], no matter how well-researched, cannot be expected to capture all of the

details of every abuse in a given country.” Diallo v. U.S. Dep’t of Justice, 548 F.3d 232, 237 (2d Cir. 2008).

Here, the Court finds that if the Respondent is returned to Lebanon, it is more likely than not that he will be tortured by the Lebanese government when passing through government checkpoints. See Hui Lin Huang, 677 F.3d at 134-35 (2d Cir. 2012) (indicating that determining “what will occur in the future and the degree of likelihood of the occurrence” is a question of fact). Although this conclusion requires a series of suppositions, the Court makes the factual determination that each link in the hypothetical chain of events is more likely than not to occur. Cf. J-F-F-, 23 I&N Dec. at 917-18; see also Hui Lin Huang, 677 F.3d at 134-35.

First, upon his return to Lebanon, the Respondent will have to pass through several government checkpoints. Dr. Cammett testified that northern Lebanon is heavily policed and contains “a ton of government checkpoints.” Both the 2011 and 2010 Department of State Country Reports for Lebanon corroborate this fact, indicating that, “[t]he government maintained security checkpoints primarily in...restricted areas.” [Ex. 7, Tab 1, at 14; Tab 2, at 17].⁴ Further, Dr. Cammett explained that the number of government checkpoints, especially in northern Lebanon, has recently increased due to the Syrian conflict’s effect on the current political climate. Unsurprisingly, the Country Reports do not indicate the likelihood that a given individual would pass through one of these checkpoints, but Dr. Cammett, who has spent a considerable amount of time in Lebanon, testified that “there is no question” that as soon as the Respondent enters northern Lebanon, the only region he can realistically live, he will have to pass through a government checkpoint. Moreover, there is no evidence in the record contradicting this assertion.

Second, it is more likely than not that the checkpoints are controlled by groups that are hostile toward Alawis. Dr. Cammett credibly testified that the government checkpoint is operated by Lebanon’s police and the ISF, both of which are composed of members who support the Future Movement and oppose the Asad regime. See [Exh. 7, Tab 1, at 3 (indicating that the “ISF...enforces laws, conducts searches and arrests, and refers cases to the judiciary)]. Further, because the Alawis are such a small minority, the police and the ISF contain very few, if any, Alawi members.

Third, it is more likely than not that the government officials will discover the Respondent’s sectarian identity at the checkpoint. Generally, “national identity cards and [official registry] documents” identify one’s religion, but citizens have the right to remove such information [Exh. 16, Tab 2, at 3; see also Exhs. 7, Tab 2, at 12; Tab 1, at 16]. However, Dr. Cammett explained that an investigation at a government checkpoint “would never stop there” because “people question you and you can’t get out of where your family is from, and the minute you answer that” the authorities will know your sectarian identity. Moreover, Dr. Cammett added that the Respondent could not give vague answers because the officials press people until they discover their sectarian identity, and that he could not lie about where his family is from

⁴ Although Dr. Cammett did not use the phrase “restricted area,” the thrust of her testimony indicated that northern Lebanon is such an area, testifying that more checkpoints exist in the North, that the North is heavily policed and that the Alawi community is “penned in right now.”

because Lebanon is a small country and the officials would verify the information he gave with the local community.

Finally, it is more likely than not that given the Respondent's particular characteristics—sectarian identity, lack of family ties, prolonged absence from Lebanon, limited Arabic proficiency, gender and age—the Lebanese authorities would view him as an Asad supporter, detain him and torture him. Dr. Cammett testified that, given the current political climate, the officials at a government checkpoint would not believe that someone who had spent such a prolonged period outside of Lebanon was returning for any reason other than to fight for the Alawi cause and the authorities would presume him to be an agent of Asad. Dr. Cammett also stated that the Respondent's age, gender, lack of family ties, limited Arabic proficiency would "elevate" his risk and cause him to be "viewed with suspicion." As a result, Dr. Cammett testified that "[t]here is no question" that he will be detained at a checkpoint and offered a recent example of an Asad supporter who was detained. Finally, she opined that given the religious and political affiliation of the entities operating the checkpoints, the probability that the Respondent would be tortured was "at least" greater than 50%.

The Department of State reports corroborates Dr. Cammett's testimony. According to the 2010 Country Report, Lebanese law "does not specifically prohibit torture or cruel, in human or degrading treatment or punishment." [Exh. 7, Tab 2, at 8]. Both the 2010 and 2011 Country Reports indicate that the use of torture by Lebanese security forces was "common" and "often used to obtain confessions or encourage suspects to implicate other individuals." [Exhs. 7, Tab 1, at 3; Tab 2, at 8]. Similarly, the 2010 Country Report states that "[s]ecurity forces arbitrarily arrested and detained individuals" and that "[t]orture remained a problem." [Exh. Y, Tab 2, at 5]. More specifically, the 2011 Country Report indicates that torture occurred in "certain police stations" and by the "ISF," which are the same entities that, according to Dr. Cammett's credible testimony, oppose Alawis and the Asad regime and that operate the government checkpoints through which the Respondent will have to pass. [Exhs. 7, Tab 1, at 3; Tab 2, at 8]. Indeed, even Lebanese "authorities acknowledged violent abuse sometimes occurred during preliminary investigations at police stations or military installations where suspects were interrogated without an attorney." [Exhs. 7, Tab 1 at 3; Tab 2, at 8]. These abuses include

"[h]anging by the wrists tied behind the back, violent beatings, blows to the soles of the feet, electrical shocks, sexual abuse, immersion in cold water, extended periods of sleep deprivation, being forced to stand for extended periods, threats of violence against relatives, deprivation of clothing, withholding of food, being deprived of toilet facilities, and continuous blindfolding."

[Exhs. 7, Tab 1 at 4; Tab 2, at 8]. Security forces also used "arbitrary arrest and detention, including incommunicado detention," which is consistent with Dr. Cammett's testimony that security forces may make the Respondent disappear. Although the Country Reports do not mention checkpoints specifically, the 2011 report notes that compared to an "arrest on an outstanding warrant," torture is more likely to occur "during the course of an investigation," which is essentially the nature of these checkpoints. [Exh. 7, Tab 1, at 4]. Additionally, the law "permits military intelligence personnel to make arrests without warrants in cases

involving...civilians suspected of espionage, treason, or weapons possession,” and “[d]e facto impunity reportedly existed for security force officials.” Id.

Although the Country Reports do not specifically report torture of Alawis by security officials, the Respondent is likely to be tortured not only because he is Alawi but also because of his individual characteristics, and “the Country reports [], no matter how well-researched, cannot be expected to capture all of the details of every abuse in a given country.” Diallo, 548 F.3d at 237. Moreover, Dr. Cammett credibly testified that torture of an Alawi with the Respondent’s individual characteristics—sectarian identity, lack of family ties, prolonged absence from Lebanon, limited proficiency in Arabic, gender and age—was even greater than the likelihood for other Alawis because of the current conditions in Lebanon related to the conflict in Syria and the tension surrounding Syria’s suspected activities in Lebanon.

The Court also finds that it is more likely than not that the Respondent will be tortured living in Jabel Mochsen. See Hui Lin Huang, 677 F.3d at 134-35 (2d Cir. 2012) (indicating that determining “what will occur in the future and the degree of likelihood of the occurrence” is a question of fact). Although this conclusion requires a series of suppositions, the Court makes the factual determination that each link in the hypothetical chain of events is more likely than not to occur. Cf. J-F-F-, 23 I&N Dec. at 917-18; see also Hui Lin Huang, 677 F.3d at 134-35.

First, it is more likely than not that the Respondent will have to live in or near Jabel Mochsen. Dr. Cammett was certain that the Respondent would live in an Alawi community, testifying that he would not be well-received in any other community and that “he would almost 100% go to Jabel Mochsen to be received at all.” The 2011 International Freedom report, indicating that “[d]ivisions and rivalries among various [religious] groups have existed for many centuries” and that “group identity was highly significant in most aspects of cultural interaction,” corroborates Dr. Cammett’s testimony. [Exh. 16, Tab 2, at 2].

Second, while in Jabel Mochsen, it is more likely than not that, as an Alawi, the Respondent will be targeted and killed during sectarian violence. Dr. Cammett described the current violence in northern Lebanon as “explosive.” The Respondent’s background evidence corroborates this testimony, reporting the death of twenty three people in Tripoli in February 2012 during the “fierce clashes...between Lebanese Sunni Muslims hostile to Syria’s regime and Alawites who support it.” [Exh. 11 at 35]. Similarly, there was another report of a shootout between Alawi, Sunni and the Lebanese Army in late-March. Id. at 52. Likewise, the State Department also reported that in June 2011 there was a clash between Alawi in Jabel Mochsen and Sunnis in Dab El-Tabbaneh, leaving seven people dead and more than ten people wounded. [Exh. 7, Tab 1, at 2]. Further, when asked on cross-examination whether there were clashes between the government and the Alawis, Dr. Cammett answered affirmatively, explaining that the government has exchanged fire with Alawi groups and describing the Jabel Mochsen and the surrounding area as “an active fighting zone.” Although the Country Reports do not specifically report fighting between the government and the Alawis, “the Country reports [], no matter how well-researched, cannot be expected to capture all of the details of every abuse in a given country.” Diallo, 548 F.3d at 237.

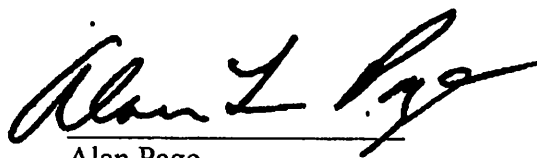
Thus, the Court finds that it is more likely than not that the Respondent will be tortured if returned to Lebanon. See 8 C.F.R. §§ 1208.16-1208.18. Specifically, it is more likely than not that upon passing through government checkpoints, he will be tortured by the Lebanese security forces who believe, based on the Respondent's individual characteristics, that he is in Lebanon to fight for Assad. It is also more likely than not that he will be tortured during the sectarian violence that currently occurs as a consequence of the conflict in Syria. Thus, the Respondent has established eligibility for deferral of removal under the CAT. Id. Accordingly, the following Orders will be entered:

ORDERS

IT IS HEREBY ORDERED that the Respondent's application for asylum under INA § 208(a) be **DENIED**.

IT IS FURTHER ORDERED that the Respondent's application for withholding of removal under INA § 241(b)(3) be **DENIED**.

IT IS FURTHER ORDERED that the Respondent's application for deferral of removal under the Convention Against Torture be **GRANTED** with reference to Lebanon.



Alan Page
Immigration Judge