

# United States Senate

WASHINGTON, DC 20510

February 14, 2000

The Honorable Janet Reno  
Attorney General  
United States Department of Justice  
Washington, D.C. 20530  
Re: A# 72 438 529

Dear Ms. Reno:

We write to express our support for the asylum application of Ms. A-, a Jordanian woman whose family has consistently expressed its intention to kill her if she returns to Jordan. A- fled to the United States in 1991 to escape death in an "honor killing," a widespread Jordanian practice in which women are murdered by their families for shaming or dishonoring them.

A-'s plight has been brought to light by numerous news organizations, including National Public Radio and the Washington Post. According to these accounts, A-, then 27, fell in love with H-, a 26-year-old Palestinian, during the summer of 1991. H- asked A- to marry him, but her father forbade the marriage because H- was Palestinian and had a low-paying job. Because H- and A- had had premarital sex, A- was faced with the possibility that she might be pregnant and the certainty that her future husband, whoever he might be, would know that she was no longer a virgin. Either outcome could bring shame and dishonor to her family. Fearing for her life, A- escaped with H- to the United States.

It has been reported that A- and H- married in the U.S. and have since had three children. Meanwhile, there are credible reports that A-'s father has explicitly and repeatedly called for her death, presumably because A- had premarital sex, left Jordan without her family's permission, and married against her family's wishes. In a June 1, 1995 letter to A- that has been submitted as evidence in the asylum proceedings, A-'s sister wrote that their father had met with their nuclear family, uncles, and cousins to demand that they kill A- wherever they might meet her.

Despite this evidence that A- faced death if she returned to Jordan, an immigration judge denied her asylum request on January 8, 1998. The judge found that although "honor killings" did occur in Jordan, they were violent episodes in specific families, not a pattern and practice against Jordanian women generally. A-'s fear was thus a "personal problem." Regrettably, the Board of Immigration Appeals affirmed the lower court's decision on August 20, 1999. It ruled that A-'s fear of being killed was speculative, and that in any event, any harm she suffered would be the result of a "personal family dispute."

In our view, the BIA's decision here contradicts its own landmark 1997 opinion granting asylum to Fauziya Kasinga, who faced female genital mutilation (FGM) if forced to return to her native Togo. In *Matter of Kasinga*, the BIA found that women fearing FGM were a "social

group" and thus eligible for asylum. If women facing FGM are a social group, then women facing the widespread practice of "honor killings" deserve the same classification. Either could be classified as a "personal problem," but neither should be.

The prevalence of "honor killings" in Jordan reinforces the comparison between this practice and FGM – both practices are widespread in their societies. The 1998 U.S. State Department Report on Human Rights Practices reported that more than 20 "honor killings" were reported in Jordan that year, and speculated that the actual number was probably four times as high. Jordanian officials publish crime statistics showing that one-quarter of Jordan's murders are "honor killings." Disturbingly, this form of vigilante justice often proceeds on rumor alone – Dr. Hani Jahshan, the deputy medical examiner of Jordan, told the New York Times that as often as not, his autopsy of a woman slain for premarital sex will show that she is still a virgin.

Making matters worse, "honor killings" are not treated as murders under Jordanian law. Rather, they are prosecuted as "crimes of honor" and are typically punishable by a few months' imprisonment. Attempts to change this regime have fallen on deaf ears: Jordan's parliament has rejected a proposal twice in the last two months that would have increased the penalties for "honor killings," despite the public support of Jordan's royal family for reforms. In other words, the government has shown that it is unwilling or unable to protect Jordanian women from this violence, just as some African governments have been unwilling or unable to protect their female citizens from FGM. If anything, the parliament's recent endorsement of the status quo will increase the danger A- faces if she is forced to return.

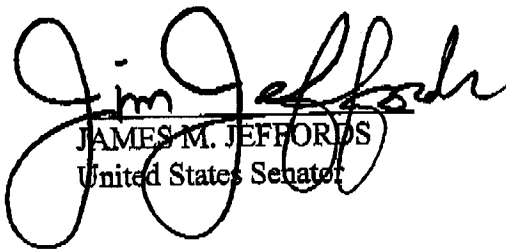
The stakes in this case could not be higher. There is clear evidence that A- faces death if she is returned to Jordan, and that the Jordanian government will provide no more than a slap on the wrist to her murderers. Returning A- to Jordan would fly in the face of the BIA's enlightened decision in *Kasinga*, and seriously damage America's earned reputation as a haven for the oppressed. It would also raise questions about the ability of our asylum system to address forms of persecution directed at women.

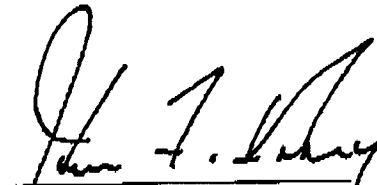
Indeed, the BIA has already raised such questions in previous decisions that moved away from the precedent set by *Kasinga*, which recognized gender-based violence as persecution on account of membership in a particular social group. Some of us wrote to you last November, asking that you review *Matter of R.A.*, in which the BIA denied the asylum request of a Guatemalan woman who faced likely death at the hands of her husband if she were forced to return home. The Jordanian case, *Matter of R.A.*, and other recent decisions indicate that the BIA lacks sufficient understanding of current standards in both United States asylum law and policy and international human rights law, which recognizes that women's persecution often takes gender-specific forms, including "honor killings," domestic violence and rape. We ask that you exercise your authority pursuant to 8 C.F.R. 3.1(h) to review and reverse these cases. As an internationally recognized leader in the field of women's human rights, your guidance and arbitration is needed to ensure that asylum laws are uniformly applied.

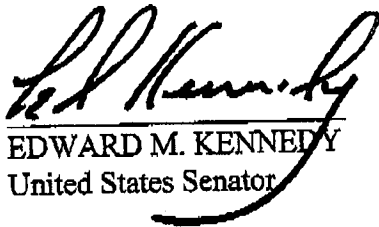
Sincerely,

  
PATRICK J. LEAHY  
United States Senator

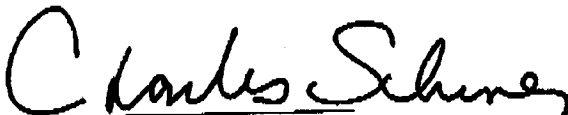
  
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