

Congress of the United States

Washington, DC 20515

September 18, 2000

The Honorable Janet Reno
Attorney General
Department of Justice
10 Street and Constitution Ave., N.W.
Washington, D.C. 20530

Dear Attorney General Reno:

We write to express our increasing concern over the United States' treatment of women fleeing severe human rights abuses, whose claims to asylum protection in the United States are being contested by the Immigration and Naturalization Service and denied by the immigration courts.

As you know, last year, in its published decision in Matter of R A, the Board of Immigration Appeals (BIA) reversed a grant of asylum to a Guatemalan woman who fled ten years of brutal domestic abuse by her husband after she was unable to gain protection from the police and courts. The BIA agreed that what Ms. Alvarado suffered was persecution, that her government would not protect her, and that her fear of future persecution is well-founded. Yet the Board reasoned that her husband did not abuse her because of her membership in a social group.

We are deeply troubled by this decision. Matter of R A will severely limit the social group category under which gender-related claims to asylum are often made, and it is inconsistent with a growing body of precedent in the United States and internationally. We, therefore, request that you act quickly to reverse the Board's decision and restore Ms. Alvarado's grant of asylum.

Since Matter of R A, the BIA has itself denied asylum in at least five other domestic violence cases, and many more cases have been rejected by immigration judges and asylum officers. Even more troubling, however, is the wide-ranging negative impact of that decision's social group ruling on women's asylum cases that involve such serious human rights abuses as forced prostitution, honor killing, and rape. The following are just a few examples that have been highlighted by Amnesty International:

- Ms. O, a young woman from a former Soviet republic, was abducted by a local organized crime leader who wanted her to engage in sexual relations with him. When she refused, she was raped by this man and gang-raped by a number of his friends. He told her that "you're now working for me, and you're my property." Ms. O was then forced to have sex nightly with her abductor's friends and guests in his home, including the police chief and the mayor. The immigration judge denied Ms. O asylum, telling her attorney that he was barred from granting a gender social group claim by Matter of R A.
- Ms. A is a Jordanian woman who fears becoming a victim of honor killing by her family. Honor killing is a well-documented practice in Jordan, and Ms. A presented credible evidence to support her claim. Yet her request for protection in the U.S. was dismissed by an Immigration Judge and the BIA as being a "personal family dispute" not subject to protection under the