

# 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

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Letter to Attorney General

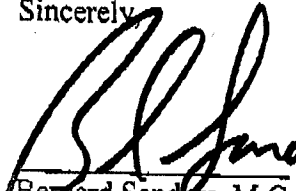
asylum laws. The INS has agreed to stay the appeal in the case pending a possible decision by your office on Matter of R A.

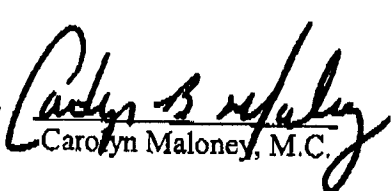
- Ms. M is a young Chinese woman who had to deal with sexual advances from her manager at a hotel where she worked. One night he began to sexually assault her. Afraid that she was about to be raped, she stabbed his leg with a pair of scissors. Ms. M was detained by the police for thirty days; she never had a trial but was told that she would receive a three-year sentence for stabbing the hotel manager. When her parents begged the manager to drop the charge, he demanded a large sum of money, and the manager offered to let the applicant work off the debt at a hair salon. The salon turned out to be a front for a brothel run with police cooperation, and Ms. M was not permitted to leave. She was able to escape and make it to the United States. The INS has appealed from an Immigration Judge's decision granting her asylum.

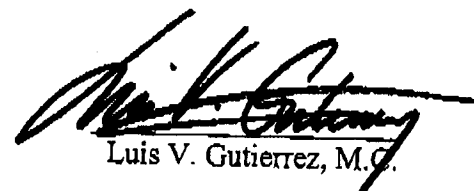
We are deeply concerned by these negative decisions. U.S. and international human rights law recognize that violations can be committed by private actors (such as family members who threaten "honor killings" and criminals who traffic in women) as well as by governments. In the U.S., legal authority for grants in gender cases is provided by the landmark decision, Matter of Kasinga, which established that a woman fleeing female genital mutilation could qualify for political asylum. And decisions in the United Kingdom and Canada recognize gender persecution as a valid grounds for asylum where there is a failure of state protection. The U.S. is now falling unacceptably behind.

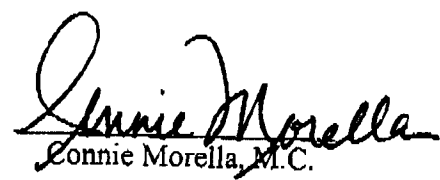
As illustrated by the cases above, too many U.S. decision-makers fail to recognize that harms unique to women — such as forced marriage and the repressive practices of the Taliban — may constitute persecution. We are deeply concerned by the apparent gross misunderstanding of the law demonstrated by the characterization of honor killing as a "personal family dispute." We request a meeting with your office to discuss this issue and what is being done to address this growing gap in the United States protection of women fleeing severe human rights abuses.

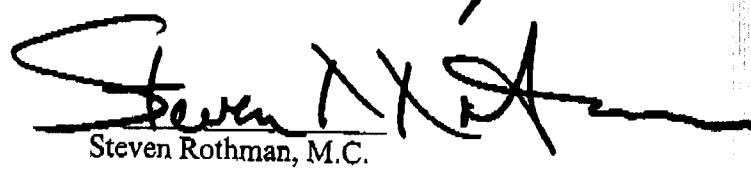
Sincerely,

  
Bernard Sanders, M.C.

  
Carolyn Maloney, M.C.

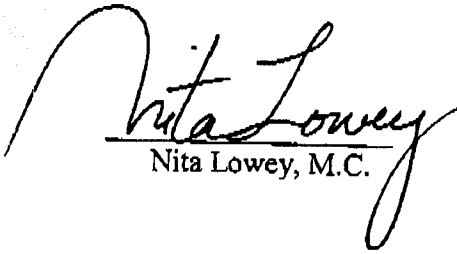
  
Luis V. Gutierrez, M.C.

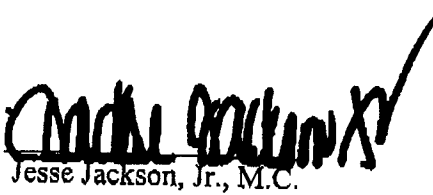
  
Connie Morella, M.C.

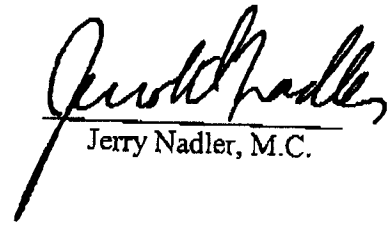
  
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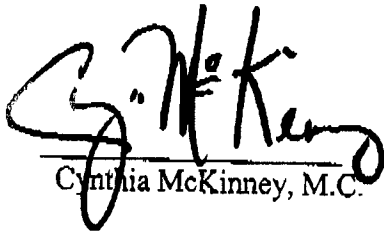
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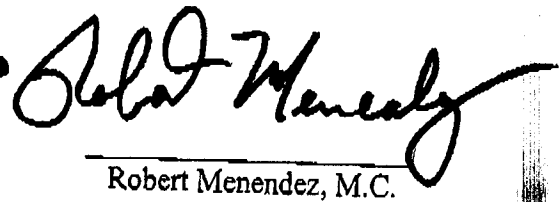
  
Nita Lowey, M.C.

  
Jesse Jackson, Jr., M.C.

  
Jerry Nadler, M.C.

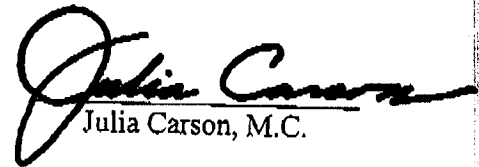
  
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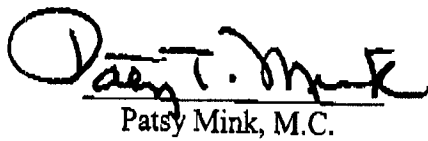
  
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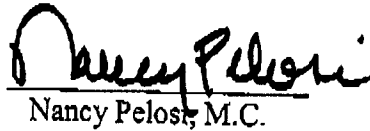
  
Robert Menendez, M.C.

  
Bob Filner, M.C.

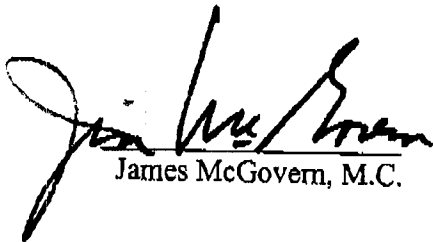
  
Maxine Waters, M.C.

  
Julia Carson, M.C.

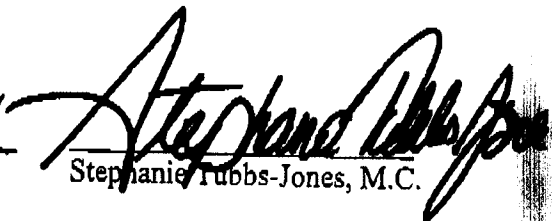
  
Patsy Mink, M.C.

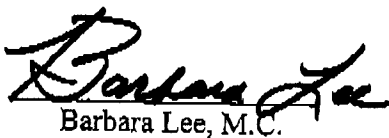
  
Nancy Pelosi, M.C.

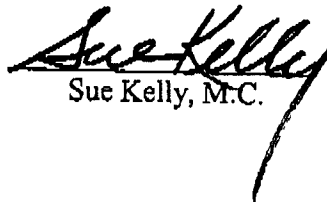
  
Marcy Kaptur, M.C.

  
James McGovern, M.C.

  
Lucille Roybal-Allard, M.C.

  
Stephanie Tubbs-Jones, M.C.

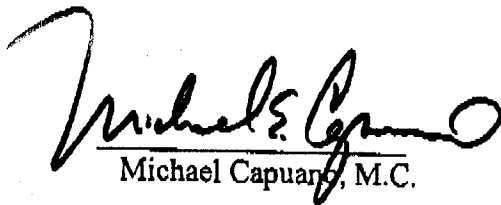
  
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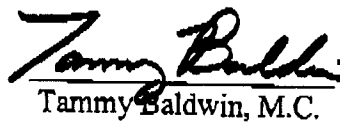
  
Sue Kelly, M.C.

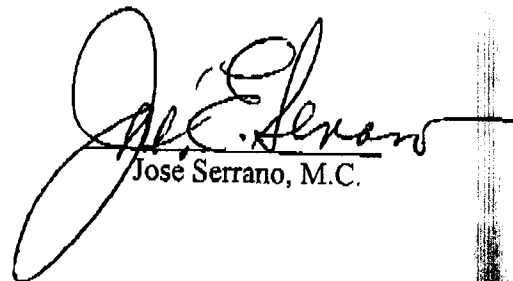
  
Lois Capps, M.C.

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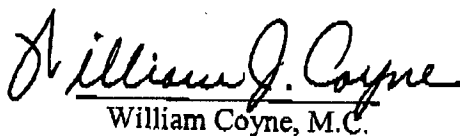
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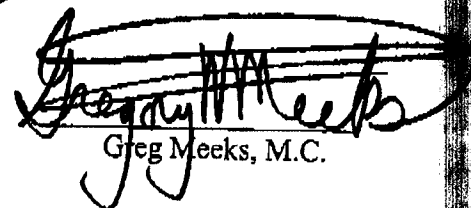
  
Michael Capuano, M.C.

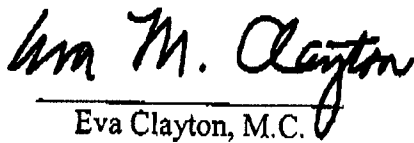
  
Tammy Baldwin, M.C.

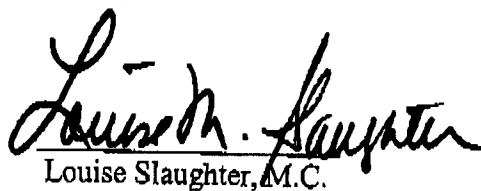
  
Jose Serrano, M.C.

  
Steven LaTourrette, M.C.

  
William Coyne, M.C.

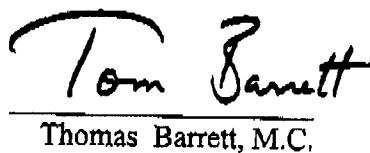
  
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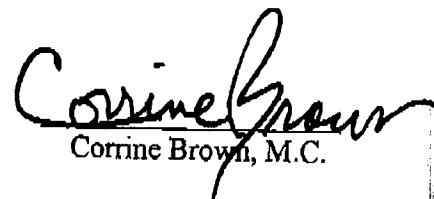
  
Eva Clayton, M.C.

  
Louise Slaughter, M.C.

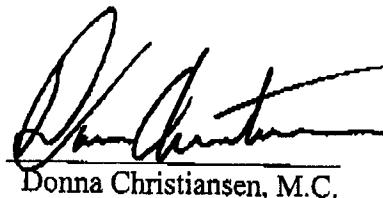
  
William Delahunt, M.C.

  
William Lipinski, M.C.

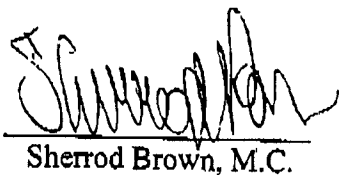
  
Thomas Barrett, M.C.

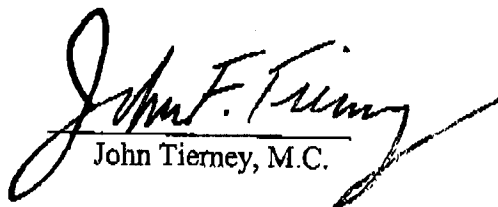
  
Corrine Brown, M.C.

  
Tom Campbell, M.C.

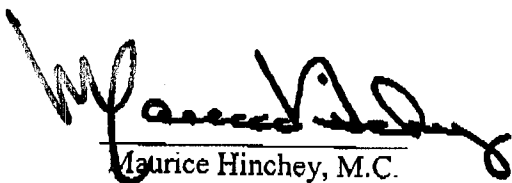
  
Donna Christiansen, M.C.

  
Martin Frost, M.C.

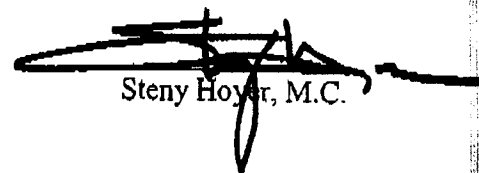
  
Sherrod Brown, M.C.

  
John Tierney, M.C.

  
David Wu, M.C.

  
Maurice Hinchey, M.C.

  
Eleanor Holmes-Norton, M.C.

  
Steny Hoyer, M.C.

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John Lewis  
John Lewis, M.C.

Neil Abercrombie  
Neil Abercrombie, M.C.

Lane Evans  
Lane Evans, M.C.

Lloyd Doggett  
Lloyd Doggett, M.C.

John Baldacci  
John Baldacci, M.C.

Henry Waxman  
Henry Waxman, M.C.

James McDermott  
James McDermott, M.C.

Howard Berman  
Howard Berman, M.C.

Grace J. Napolitano  
Grace Napolitano, M.C.

Bill Barrett  
Bill Barrett, M.C.

Albert Wynn  
Albert Wynn, M.C.

Rod Blagojevich  
Rod Blagojevich

Earl Blumenauer  
Earl Blumenauer, MC