

MARY L. LANDRIEU
LOUISIANA

United States Senate

WASHINGTON, DC 20510-1804

September 29, 2000

The Honorable Janet Reno
Attorney General
US Department of Justice
950 Pennsylvania Ave., NW
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.

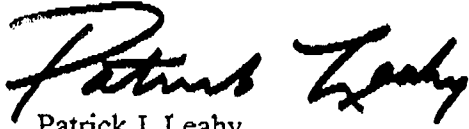
Perhaps what is even more concerning, is that this not the first case to be decided in this way. Since Matter of R A, the BIA has itself denied asylum in at least five other domestic violence cases, and many more cases have been rejected by immigration judges and asylum officers. Even more troubling, 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 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.

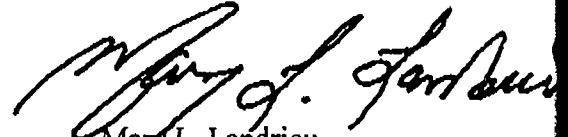
We are deeply concerned by these negative decisions. U.S. and international human rights law recognize that violations can be committed by private actors (such as family members who threaten “honor killings” and criminals who traffic in women) as well as by governments. In the U.S., legal authority for 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 urge you to address this growing gap in the United States protection of women fleeing severe human rights abuses. In particular, we are aware that you are currently reviewing the BIA decision in the Matter of RA. We implore you to reverse that decision.

Sincerely,



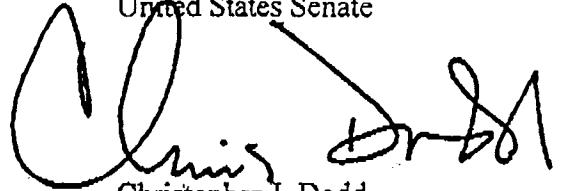
Patrick J. Leahy
United States Senate



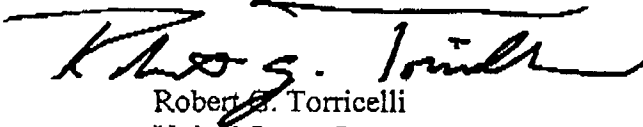
Mary L. Landrieu
United States Senate



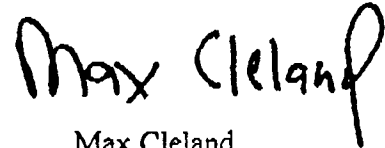
Richard J. Durbin
United States Senate



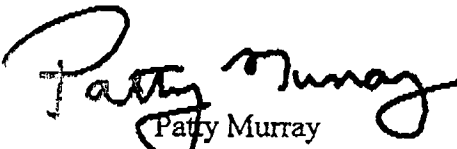
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Barbara A. Mikulski
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