

SEN. BIDEN

Immigration

Sadly, domestic violence and sexual assault know no boundaries. Violence against women is an international problem. Recent data from a World Health Organization study on domestic violence found that as many as 70 percent of women surveyed reported experiencing physical and/or sexual violence by an intimate partner during their lifetime. In many parts of the world violence against women and girls is manifest in honor killings, human trafficking, female genital mutilation and the rape of women in situations of armed conflict.

In light of these stark conditions, I want to get your views on gender-based asylum. While an immigration judge granted gender-based asylum and the Department of Homeland Security urged issuance of regulations permitting gender-based asylum, Attorney General Ashcroft has still not issued a decision on this pending issue in the case In re: Rodi Alvarado.

Granting Ms. Alvarado asylum would protect a narrow but compelling class of women and girls fleeing gender-based persecution. (Indeed, in Canada, which has recognized gender-based persecution as a basis for refugee status since 1993, gender-based claims consistently constitute only a tiny fraction of overall asylum claims, never more than two percent of the total.)

6. Should you be confirmed as Attorney General, will you work with the Department of Homeland Security to issue final regulations granting Ms. Alvarado, and other abused immigrant women and girls like her, asylum in the United States?

Response: I am aware of the general issues presented in Matter of R-A which is currently pending on review before the Attorney General. Also, I understand that the proposed rules that were published for public comment on December 7, 2000 have not been finalized. If confirmed, I would review the issues relating to domestic violence and gender-based claims with great care. Since the enactment of the Homeland Security Act, any regulatory amendments will need to be coordinated closely with the Department of Homeland Security. The Asylum Office is now part of that Department, while the decisions regarding asylum claims for aliens in removal proceedings are made by the immigration judges and the Board of Immigration Appeals, which remain under the Attorney General's authority.

Federal Support for State and Local Law Enforcement

In 1993, crime rates throughout the nation were at an all-time high. In order to respond to this crisis, Congress passed the 1994 Crime bill, which, among other things, established a stream of funding for state and local law enforcement, including funding to hire new local police officers through the Office of Community Oriented Policing Services (COPS). This program, which has funded over 118,000

LEAHY

Marijuana is the most abused drug in the United States. As a Schedule I controlled substance under the Controlled Substances Act, marijuana has no currently accepted medical use in the United States and may not be used outside of FDA-approved, DEA registered research. Thus, there is no basis under federal law to distinguish "medical" marijuana traffickers from marijuana traffickers in general. If confirmed as Attorney General, I would ensure that the Department of Justice and DEA are committed to the uniform enforcement of the federal drug laws of our nation.

- (B) Will you pledge at least to conduct a review of the DEA's medical marijuana enforcement practices and consider whether any changes would be appropriate?

Response: If confirmed, and the circumstances warrant, I would not hesitate to reevaluate these practices.

Immigration

27. The asylum case of Rodi Alvarado, known as *Matter of R-A-*, is today on the desk of the Attorney General. Ms. Alvarado fled brutal spousal abuse in Guatemala, a country where she was unable to gain the protection of the authorities. The issue presented by her asylum claim is whether the United States will offer asylum protection to women fleeing severe human rights violations in their home countries. It will affect not only Ms. Alvarado and other victims of spousal abuse, but also women and girls fleeing trafficking for prostitution, sexual slavery, 'honor' killings and other serious harms. The Department of Homeland Security has filed a brief with the Attorney General asking him to support its position that Ms. Alvarado is a refugee, and support for her case comes from such diverse organizations as Concerned Women for America, Human Rights First and the Anti-Defamation League. I and many other Senators have written to urge the current Attorney General to concur in the DHS position – including colleagues across the aisle such as Senators DeWine, Collins and Brownback. (A) Are you aware of the Alvarado case? Do you believe that victims of domestic violence are eligible for asylum under U.S. law? (B) Will you pledge to work closely with DHS to finalize regulations that have been in the works now for years to ensure that women who flee from domestic abuse can, in appropriate cases, receive asylum in the United States?

Response: As the question correctly states, this matter is currently pending before the Attorney General for decision. Accordingly, it would be inappropriate for me to comment on the merits of the case. I commit to working closely with the Department of Homeland Security to finalize regulations concerning this serious issue if I am confirmed.

28. If confirmed as Attorney General, you would oversee the Executive Office of Immigration Review, including the Board of Immigration Appeals and the immigration courts. One of the highly controversial policies that the