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**Matter of A-B- Information Sheet:  
What does the U.S. Attorney General's Recent Decision  
Mean for Domestic Violence Survivors?**

**What is *Matter of A-B-*?** On June 11, 2018, U.S. Attorney General Jefferson Sessions issued a decision called *Matter of A-B-*. In this case, Sessions reversed a grant of asylum to a Salvadoran woman “Ms. A.B.,” who fled her country after enduring severe domestic violence at the hands of her ex-husband and father of her three children. For nearly 15 years, Ms. A.B.’s husband subjected her to horrific physical, sexual, and emotional violence, even when she was pregnant. He beat and raped her so many times that she lost count. He also frequently threatened to kill her, often brandishing a loaded gun or a knife. Ms. A.B. had requested asylum, which is a form of protection offered by the U.S. government for people who are afraid of returning to their country of origin. Her request was originally denied by an Immigration Judge, but that decision was later reversed by the Board of Immigration Appeals (the highest immigration tribunal in the U.S.) who found that she deserved asylum.

**What did the Attorney General say in *Matter of A-B-*?** The Attorney General made two major points in *Matter of A-B-*. First, he reversed the grant of asylum to Ms. A.B. by the Board of Immigration Appeals, leaving her in a situation of fear and anguish. Second, he overturned a national precedent, known as *Matter of A-R-C-G-*, which had settled a debate in the U.S. by stating that domestic violence survivors deserve protection under our laws. In Sessions’ view, immigrant women in these circumstances generally cannot show they are eligible for asylum. While he may be trying to bully judges and other decision-makers into denying asylum seekers the protection they deserve, he did not make radical changes to the U.S. asylum system.

**What does this mean for survivors?** Sessions did not fully close the door to those seeking asylum. While it may be harder for domestic violence survivors to obtain asylum in the United States now, it is still possible, as his decision does not mean that domestic violence survivors can never be granted asylum. There are still many laws that judges can rely on to grant asylum to women seeking protection. Fortunately, the well-established rule that asylum claims are to be considered on a case-by-case basis did not change. This means that each case is still to be analyzed individually considering its specific facts and evidence, which is why applicants need to make sure to produce enough evidence and testimony on each of the points described on the following page.

**What is asylum?** Asylum is a form of protection offered by the U.S. government to individuals who have a “well-founded fear” of returning to their home country. To be granted asylum, applicants must show they have been “persecuted” (harmed) in the past or may be persecuted in the future if they return, because of one of five reasons: race, religion, nationality, membership in a particular social group, or political opinion. There are two related forms of protection (“withholding of removal” and Convention Against Torture relief) that have similar requirements but are not discussed here.

**Where can I get help and more information?** We recommend that you consult with an attorney or other legal representative about your particular circumstances. You may find nonprofit organizations that provide free or low-cost immigration legal services in your area at the National Immigration Legal Services Directory, available at: <https://www.immigrationadvocates.org/nonprofit/legaldirectory/>.

For information on *Matter of A-B-* and how to get involved visit CGRS’s website at <https://cgrs.uchastings.edu/a-b-backgrounder>.

## WHAT DO I HAVE TO PROVE TO BE GRANTED ASYLUM?

<b>Persecution</b>	You must show that the harm you faced or will face in your country is very serious, which in legal words means that the harm rises to the level of “persecution.” For domestic violence survivors this can include: physical, sexual, emotional, or economic harm, and in some instances includes death threats as well as the deprivation of basic rights and life-essentials.
<b>Protected Categories</b>	The harm you suffered or fear must be motivated by your membership in one of the protected categories: race, religion, nationality, membership in a particular social group, or political opinion. In domestic violence cases, the two most common categories are social group membership and political opinion, but all five could apply depending on the facts. A “social group” is a group of people that share characteristics they cannot change or should not be required to change. Women who have suffered domestic violence may be considered members of a group that is defined by their gender and other traits; such as, a woman’s status in a relationship, her nationality, her ethnicity, her tribe, or religion. For example, a group might be defined as “Honduran women,” “married indigenous Guatemalan women,” or “Salvadoran women in domestic relationships.” Your abuser may also harm you for your political opinion (or for an opinion he <i>thinks</i> you have). You don’t have to be involved in politics to have a political opinion, as this can include any strongly held beliefs; for example, opposing male domination or believing in equality for women can be considered political opinions.
<b>Reason for the persecution</b>	You must show that the harm you suffered in the past or fear in the future is <i>because</i> of one of the protected categories mentioned above. For example, you can show that the reason your abuser harmed you was because of your status as a woman in the relationship through his statements or actions, such as calling you his “property” or trying to control you. You can also submit reports that show violence against women is a serious problem in your country.
<b>Government is unwilling or unable to protect</b>	When your abuser is a not a government official, you must also show that the government of your country of origin is “unable or unwilling” to protect you. If your country does not have laws to protect you from the harm you suffered or fear, this can help prove that it cannot and will not control your abuser. Even when there are laws in place, you can show that the government does nothing to enforce them. For example, if you reported an incident to the police and they did not help, or you know of another woman who reported domestic violence and the police did not help. You could also explain that reporting the incident would put you in more danger.
<b>Well-Founded Fear</b>	You will need to prove that you have a “reasonable” fear of persecution if returned to your home country. This means that you are actually afraid of harm, and also that the harm is likely to happen (at least a 1 in 10 chance). You can prove this by showing that your abuser threatened to kill you if you left or has continued to look for you afterwards.
<b>Inability to Relocate Within Your Country</b>	You must also explain why it would not be reasonable or safe to relocate to another city or region in your home country. For example, it is important to explain whether you have family in other parts of the country that could help support you, and if/how your abuser would be able to find you.
<b>Discretion</b>	In addition to meeting the above requirements, you must also be found to be deserving of asylum. If you entered the U.S. outside a port of entry (for example, through the desert), that might be held against you, so you should be prepared to explain why you entered that way to find safety. Showing you are a responsible person can also help.
<b>No bars to asylum</b>	Keep in mind that some actions may disqualify you from asylum. Most commonly, this includes failing to file within one year of arrival in the United States (though there may be exceptions) or having committed certain crimes.

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