

May 2, 2003

The Honorable John D. Ashcroft
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington DC 20530-0001

Secretary Thomas J. Ridge
Department of Homeland Security
3801 Nebraska Ave., N.W., Building 3
Washington, DC 20528

Dear Attorney General Ashcroft and Secretary Ridge:

We are writing to express our concern about the case of Rodi Alvarado (*Matter of R-A*), and the pending issuance of regulations that would threaten the ability of women and girls to seek asylum in the United States. Among the most vulnerable refugees are women and girls who are victims of horrific crimes such as honor killings, gang rapes, mutilation, sexual slavery and trafficking, and domestic violence.

Our nation has a profound commitment to the protection of refugees, sheltering the persecuted from harm, and promoting international human rights. For this reason, we find the case of Rodi Alvarado compelling. Ms. Alvarado fled Guatemala after enduring years of brutal violence from her husband and applied for asylum in the United States in 1995. Her husband had repeatedly raped and kicked her, dislocated her jaw, tried to cut off her hands, and broke windows with her head. She sought assistance from the Guatemalan police and the courts, but was refused official protection. An immigration judge granted Ms. Alvarado asylum in 1996, based on a decade of violence against her by her husband and the failure of her government to protect her.

The Board of Immigration Appeals reversed the immigration judge's decision. Attorney General Reno vacated the Board's decision and issued proposed regulations clarifying that victims of domestic violence and other gender-related persecution are eligible for asylum. Refugee, human rights, domestic violence and women's organizations strongly supported the proposed regulations, but final regulations were never issued.

We are concerned by reports that the Administration plans to reinstate the decision to deny asylum to Ms. Alvarado and issue new regulations that would reverse current policy and drastically reduce the scope of claims based on gender-related persecution. Reversal of the current policy not only ignores widely-accepted international human rights standards, but also

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puts the United States in conflict with recent United Nations High Commissioner on Refugee guidelines on gender persecution and out of step with developed countries that recognize government-tolerated gender-related violence as a basis for asylum, including Canada, the United Kingdom, Australia, and New Zealand. Women fleeing gender-based violence would, in effect, have little or no protection in the United States. As a result, Ms. Alvarado's life and the lives of countless other women and girls would be in jeopardy.

The United States has a proud tradition as a leader in the protection of women's human rights. We urge you not to reverse the current policy, which provides protection to those women and children who can satisfy the rigorous requirements of the current asylum rules.

Sincerely,

Edward M. Kennedy

Joseph R. Biden, Jr.

Mary L. Landrieu

Olympia J. Snowe

Susan M. Collins

Barbara Boxer

Patty Murray

Jon S. Corzine

Barbara A. Mikulski

Charles E. Schumer

Christopher J. Dodd

Harry Reid

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Russell D. Feingold

Ron Wyden

Paul S. Sarbanes