

March 3, 2003

The Honorable John D. Ashcroft
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 440
Washington, DC 20530

Dear Attorney General:

I understand that you are considering reinstating the Board of Immigration Appeals' decision in the *Matter of R-A-* case, which held that a Guatemalan victim of domestic violence was ineligible for asylum. I urge you not to take this step, as it would not only jeopardize the life of Mrs. Rodi Alvarado, but would also put at risk the ability of severely abused women from around the world to find refuge in the United States.

Mrs. Alvarado suffered savage abuse at the hands of her husband in her native Guatemala, and her government failed to protect her. She was able to escape to the United States, but her husband has vowed to murder her should she return. She obtained asylum in 1996, but the Board of Immigration Appeals reversed that decision. The Board found that she did not meet the statutory criteria for asylum because her abuse was not perpetrated by her government, and because her husband's abuse was directed at her individually rather than at a larger social group. Attorney General Reno vacated the BIA's ruling, protecting Mrs. Alvarado from a forced return to Guatemala. A reinstatement of that ruling could be a matter of life and death for Mrs. Alvarado, and for countless other women whose asylum claims would be denied under the *R-A-* precedent.

After vacating the BIA ruling, Attorney General Reno proposed regulations in December 2000 to recognize gender-based asylum claims. I strongly support those regulations, and I am disappointed that they have never been finalized. I understand that the Justice Department is in the process of producing new asylum regulations, and it has been reported that these regulations will restrict gender-based asylum claims. I hope that these reports are false, and that you instead intend to adopt the December 2000 regulations.

The regulations matter greatly, because Mrs. Alvarado's case is not unique. Indeed, I have previously written to the INS on behalf of two other victims of domestic abuse who sought asylum. There are also many gender-related claims that are based on trafficking, sexual slavery, and honor killings. Women from around the world have come to the United States seeking refuge, and Attorney General Reno's actions in vacating *Matter of R-A-* and issuing new regulations reinforced our nation's status as a beacon of hope. We must not turn our backs on these women by adopting a cramped view of our asylum laws.

Sincerely,

PATRICK LEAHY
United States Senator