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September 30, 2005

The Honorable Michael Chertoff  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, NW  
Washington, DC 20528

**RE: Protection of Women Refugees from Gender Violence**

Dear Mr. Secretary:

On behalf of the American Bar Association (ABA), I take this opportunity to commend the Department of Homeland Security (DHS) for recognizing the need for the United States to grant the protection of asylum to women refugees fleeing gender-based violence. As you are aware, the protection of women refugees fleeing brutal harms such as honor killing, trafficking for prostitution, domestic violence, and female genital cutting has been among the most important refugee issues facing policymakers in recent years.

In its February 19, 2004 brief to the Attorney General in *Matter of R-A*<sup>1</sup> DHS recognized that, in certain circumstances, domestic violence may form the basis for asylum claims.

While we applaud DHS for taking this position, we are concerned over delays in resolving the issue as a matter of national policy and over troubling reports of Immigration & Customs Enforcement trial counsel making arguments diametrically opposed to the guidance in the DHS brief. The excessive delay in the issuance of positive regulations governing the recognition of these claims is causing hardship and suffering for many women whose cases remain in legal limbo. We strongly urge you to gain the cooperation of the Department of Justice in the prompt issuance of regulations consistent with the recommendation of your agency in *Matter of R-A*, and to issue written guidance to DHS attorneys regarding the position taken by DHS in its brief.

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<sup>1</sup> 22 I&N Dec. 906 (BIA 1999), vacated and remanded (AG 2001, 2005).

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As an organization devoted to promoting fairness and efficiency in the asylum process for survivors of domestic violence and other forms of gender-based persecution, we thank you for your attention to this important matter.

Sincerely,

  
Robert D. Evans

cc: The Honorable Alberto Gonzales