

GOVERNMENTAL AFFAIRS  
OFFICE

AMERICAN BAR ASSOCIATION

**Governmental Affairs Office**

740 Fifteenth Street, NW  
Washington, DC 20005-1022  
(202) 662-1760  
FAX: (202) 662-1762

DIRECTOR  
Robert D. Evans

rdevans@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL  
Denise A. Cardman

(202) 662-1761  
cardmand@staff.abanet.org

Kevin J. Driscoll  
(202) 662-1766

driscollk@staff.abanet.org

Lillian B. Gaskin  
(202) 662-1768

gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL

R. Larson Frisby  
(202) 662-1098

frisbyr@staff.abanet.org

Kristi Gaines  
(202) 662-1763

gainesk@staff.abanet.org

Kenneth J. Goldsmith  
(202) 662-1789

goldsmithk@staff.abanet.org

Ellen McBarnette  
(202) 662-1767

mcbarnee@staff.abanet.org

E. Bruce Nicholson  
(202) 662-1769

nicholsonb@staff.abanet.org

DIRECTOR GRASSROOTS  
OPERATIONS/LEGISLATIVE COUNSEL

Julie M. Strandlie  
(202) 662-1764

strandlj@staff.abanet.org

INTELLECTUAL PROPERTY  
LAW CONSULTANT

Hayden Gregory  
(202) 662-1772

gregoryh@staff.abanet.org

STATE LEGISLATIVE COUNSEL

Rita C. Aguilar  
(202) 662-1780

aguilarr@staff.abanet.org

EXECUTIVE ASSISTANT

Julie Pasatiempo  
(202) 662-1776

jpasatiempo@staff.abanet.org

STAFF DIRECTOR FOR  
INFORMATION SERVICES

Sharon Greene  
(202) 662-1014

greenes@staff.abanet.org

EDITOR WASHINGTON LETTER

Rhonda J. McMillion  
(202) 662-1017

mcmillionr@staff.abanet.org

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