

Statement of Harvard Immigration and Refugee Clinical Program on *Matter of A-B-* issued by
Attorney General Sessions on June 11

The June 11 decision issued by Attorney General Sessions in *Matter of A-B-* is deeply flawed and inconsistent with our domestic and international obligations under the 1980 Refugee Act and the 1967 Protocol to the UN Refugee Convention. International recognition of gender as a particular social group and domestic violence as a basis for asylum protection is well-established.

Refugee protection requires that individuals demonstrate that they suffered or fear persecution on account of one of five grounds: race, religion, nationality, membership in a particular social group, or political opinion. The Harvard Immigration and Refugee Clinical Program has, for decades, represented women fleeing domestic violence who have been granted asylum protection through a recognition of their membership in a particular social group.

Matter of A-B- is a major setback that overturns a significant precedential decision of the Board of Immigration Appeals, *Matter of A-R-C-G-*, a case which firmly recognized the right of women fleeing domestic violence to protection under our asylum laws when their own governments fail in their duty to provide protection. Through his decision, Attorney General Sessions seeks to set back the clock on decades of development of the law to provide protection to women. It is time to reset the interpretation of membership in a particular social group and return to the definition set forth in the seminal case *Matter of Acosta* that recognized “sex” as a ground for asylum.

The decision in *A-B-* reflects the Attorney General’s lack of understanding of the nature of violence against women. Attorney General Sessions ignores overwhelming evidence that women are targeted and deliberately unprotected in countries like El Salvador. This decision is dangerous not only for refugees, but for every woman in this country. The Attorney General cites a decision from 1975 as a basis for arguing that domestic violence is a *personal* matter. Yet, the understanding of gender-based violence has developed in the intervening 43 years, with no apparent recognition from the Attorney General. People who care about women and women’s rights should be deeply concerned about this decision.

For more information or to speak with the Harvard Immigration and Refugee Clinical Program, contact:

Nancy Kelly, nkelly@law.harvard.edu, 617-515-3042

Sabi Ardalan, sardalan@law.harvard.edu, 857-318-1122

Deborah Anker, danker@law.harvard.edu, 617-584-2974