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**Six-Month Report Submitted to the Barbara McDowell and Gerald S. Hartman Foundation
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Contact: Blaine Bookey, Co-Legal Director, bookeybl@uchastings.edu, 415-703-8202

Overview

CGRS is grateful to the Barbara McDowell and Gerald S. Hartman Foundation for funds it provided to litigate *Matter of R-P-*, which raises critical issues in asylum law for women survivors of domestic violence. We made significant progress in the case over the last six months and hope to have a positive outcome for Ms. R-P-, a Mam Maya woman from Guatemala, before the grant period is over. Litigation of this case has come at a crucial juncture, in light of an August 2014 groundbreaking ruling in another case that CGRS assisted, *Matter of A-R-C-G-*. In *A-R-C-G-*, the Board of Immigration Appeals (BIA), the nation's highest administrative immigration court, issued the first binding decision recognizing domestic violence as a basis for asylum. The BIA's rationale in *Matter of A-R-C-G-* tracks closely the arguments we put forward in *Matter of R-P-* and other cases CGRS has litigated. The long-awaited ruling in *A-R-C-G-* is viewed as the result of CGRS's 15+ years of work on the issue and has a direct impact on *Matter of R-P-*.

Summary of the Selected Case's Background

An immigration judge denied asylum to Ms. R-P-, finding that her delay in filing beyond one year after her arrival was not excused due to her mental health status as a result of the trauma she endured in Guatemala. The judge further denied her withholding of removal (despite finding that the severe domestic abuse she suffered constituted torture), because he held that the abuse was not on account of a statutorily protected ground—that Ms. R-P- was not persecuted for being a member of a “particular social group” or for her race—the two grounds she argued applied to her case. The judge did grant Ms. R-P- relief under the Convention Against Torture, but this does not entitle her to the same benefits as asylum or withholding, for example, it provides no path to permanent residency or citizenship. On appeal, the BIA upheld the judge's decision in its entirety. In March 2014, CGRS filed a motion asking the BIA to reconsider its dismissal of Ms. R-P-'s case and simultaneously appealed the BIA's decision to the U.S. Court of Appeals for the Ninth Circuit. Among other points, CGRS argued in both the motion and the appeal that the BIA misapplied applicable law on the particular social group standard, and that it failed to analyze some of the claims Ms. R-P- had advanced. In September 2014, CGRS filed a supplemental brief alerting the BIA to the applicability of the intervening *A-R-C-G-* decision to Ms. R-P-'s case.

Progress to Date

On November 21, 2014, the BIA granted CGRS's motion to reconsider and remanded the R-P- case back to the immigration judge—a huge victory and a very rare outcome. (See Attachment A.) The BIA accepted our arguments that it erred in failing to consider all of Ms. R-P-'s social groups, including the group related to the intimate partner abuse she suffered like that approved in *A-R-C-G-* (defined by gender, nationality and marital status) and the group related to the domestic abuse her father inflicted

(defined by her nuclear family). In sending the case back, the BIA gives the judge the ability to reconsider his decision in the first instance given the precedent-setting *A-R-C-G-* decision. The remand also presents the opportunity for the judge to revisit his decision on the one-year filing deadline for asylum.

With no opposition from the government, the Ninth Circuit granted our request to hold the case in abeyance and vacated the briefing schedule. (See Attachment B.) After the BIA granted our reconsideration request, we filed a motion to dismiss the Ninth Circuit case, which was granted. (See Attachment C.) Ms. R-P- is scheduled for a status hearing on April 1, 2015 in Seattle.

Anticipated Progress

CGRS will continue to represent Ms. R-P- as her case goes back in front of the immigration judge. We will harness our expertise in representing survivors of domestic violence to continue to fight for protection of Ms. R-P and for proper application of the *A-R-C-G-* decision. We have a strong track record of success in this area: for example, shortly after the court issued its decision in *A-R-C-G-*, we helped secure three domestic violence asylum grants at the now-closed Artesia, New Mexico detention center. Achieving a positive outcome in this case—as we have in other cases—will be important for how the law created by *A-R-C-G-* is applied in future cases for the benefit of many.

Conclusion

The decision in *A-R-C-G-*, recognizing a gender-based social group as valid for asylum purposes, is a critical starting point. However, there is still resistance to recognition of domestic violence asylum claims for other reasons, including those raised in Ms. R-P-'s case. *Matter of R-P-* thus presents the opportunity for CGRS to get involved early to educate immigration judges and government attorneys.