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**U. S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS**

In the Matter of:

A-B-

In Removal Proceedings

File No.:



**BRIEF FOR THE TAHIRIH JUSTICE CENTER ET AL.
AS AMICI CURIAE IN SUPPORT OF RESPONDENT**

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STATEMENT OF IDENTITIES AND INTEREST

The **Tahirih Justice Center** is the largest multi-city direct services and policy advocacy organization specializing in assisting immigrant women and girls who survive gender-based violence. In five cities across the country, Tahirih offers legal and social services to women and girls fleeing all forms of gender-based violence, including human trafficking, forced labor, domestic violence, rape and sexual assault, and female genital cutting/mutilation. Since its beginning in 1997, Tahirih has provided free legal and social services assistance to more than 27,000 individuals, many of whom have experienced the significant psychological and neurobiological effects of that trauma. Through direct legal and social services, policy advocacy, and training and education, Tahirih protects immigrant women and girls and promotes a world where they can live in safety and dignity. Tahirih *amicus* briefs have been accepted in numerous federal courts across the country.

ASISTA Immigration Assistance (“ASISTA”) worked with Congress to create and expand routes to secure immigration status for survivors of domestic violence, sexual assault, and other crimes. ASISTA serves as liaison for Department of Homeland Security personnel charged with implementing the resulting laws. ASISTA also trains and provides technical support to local law-enforcement officials, judges, domestic violence and sexual assault advocates, and attorneys working with immigrant crime survivors. ASISTA has previously filed *amicus* briefs with the Supreme Court of the United States, this Court, and four other courts of appeals.

Asian Pacific Institute on Gender-Based Violence (formerly, Asian & Pacific Islander Institute on Domestic Violence) is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence in Asian and Pacific Islander communities. The Institute serves a national network of advocates and community-based service programs that work with Asian and Pacific Islander and immigrant survivors, and is a leader on providing analysis on critical issues facing victims of gender-based violence in the Asian and Pacific Islander and in immigrant communities. The Institute leads by promoting culturally relevant intervention and prevention, expert consultation, technical assistance and training; conducting and disseminating critical research; and informing public policy.

The **National Alliance to End Sexual Violence** (“NAESV”) is the voice in Washington D.C. for the 56 state and territorial sexual assault coalitions and 1300 rape crisis centers working to end sexual violence and support survivors. NAESV advocates for the rights of all survivors, including those detained or held in custody for any reason. We also strongly support the use of responsible practices and policies within detention facilities to prevent victimization.

Casa de Esperanza National Latin @ Network for Healthy Families and Communities was founded in 1982 in Minnesota to provide emergency shelter for women and children experiencing domestic violence. In 2009, Casa de Esperanza launched the National Latin@ Network for Healthy Families and Communities, which is a national resource center focused on research, training, and technical

assistance, and policy advocacy focused on preventing and addressing domestic violence in Latino and immigrant communities.

Public Counsel, based in Los Angeles, California, is the largest pro bono law firm in the nation. Its Immigrants' Rights Project provides direct representation to individuals seeking asylum before the Los Angeles Asylum Office, the Los Angeles Immigration Court, the Board of Immigration Appeals, and the U.S. Court of Appeals for the Ninth Circuit. Project attorneys co-taught a clinic representing asylum seekers at UCLA School of Law for over a decade, and they currently conduct trainings, litigate, and advocate for protections for asylum seekers.

INTRODUCTION

The causes of domestic violence are, at their core, largely social and political. An act of domestic violence is often merely a symptom, evidence of a culture that subjugates and suppresses women, especially those who express themselves as equals to men, and as persons in their own right. Acts of domestic violence, particularly when they occur in a culture that elevates masculinity and fails to protect women from violence designed to keep them in their place, in turn become triggers for flight. And women who flee culturally normalized violence are in need of refuge from not just an abuser, but also from a society and a government that have both failed to protect them from violence and paved the way for that violence.

The decision of the Immigration Judge (“IJ”) ignores these well-settled conclusions. Rather than acknowledging the evidence that persecution at issue was at least partially the product of a societal epidemic, the IJ chose to frame it as an isolated event caused by the abuser’s personal flaws. The IJ stated that the abuser’s “acts of physical, sexual, and emotional violence committed against [Ms. A-B-] are expressions of his violent and jealous nature. . . [committed] for his own personal reasons, [] mainly the result of his frequent intoxication from alcohol and drugs. . . apparently motivated by his deviant sexual desire.” Order at 14. The IJ thus assessed the persecution against Ms. A-B- as if it occurred in a vacuum, isolated from any and all societal influence, norms, or context.

Decades of research shows that the IJ’s approach seriously distorts the truth. Domestic violence generally has roots in gender inequality and in deep-seated

cultural and social norms regarding the role of women. Moreover, an applicant who—like Ms. A-B—shows that domestic violence stems from this admixture of motives is entitled to relief. And the Attorney General’s decision in this matter does not alter that conclusion.

The IJ’s decision in this case also reflects a second error: a rejection of Ms. A-B’s political opinion claim, again on the basis of the IJ’s erroneous reasoning that her former husband’s idiosyncratic personality traits, including his “criminal nature” and “deviant sexual desire,” were the sole causes of the persecution.

This reasoning flips law and logic on their heads. The IJ decided that the temperament and unique characteristics of Ms. A-B’s former husband drove him to abuse her and that the personal relationship between Ms. A-B- and her abuser cuts off further inquiry into whether protected grounds served as reasons for his violent actions. Under well-settled law, however, a domestic violence survivor must prove only that a protected ground was one of the central reasons for the abuse that she suffered. A-B’s persecutor viewed her as belonging, generally, to a class of women that are nothing more than the property of their male partners by virtue of their domestic relationships, and, specifically, as his own personal property. Ms. A-B’s membership in her proffered classes of women was a central motivation driving her abuser.

ARGUMENT

I. SOCIAL AND CULTURAL ATTITUDES ABOUT GENDER CAN BE, AND OFTEN ARE, A CENTRAL REASON FOR PERSECUTION.

A domestic violence survivor, like anyone else who seeks the relief of asylum or withholding of removal in the United States, must demonstrate that she fears persecution in her home country on account of one or more protected grounds: race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. § 1158(b)(1)(B)(i). In this case, the IJ determined that Ms. A-B-'s membership in a particular social group of "Salvadoran women," "Salvadoran women in domestic relationships they are unable to leave," "Salvadoran women viewed as property by virtue of their status in a domestic relationship," or "Salvadoran women who are unable to leave their domestic relationships where they have children in common" was not a central reason for her abuse. The IJ based his holding on the Attorney General's decision in this matter, which the IJ apparently read as meaning that domestic abuse is personal or private violence that can never be inflicted on account of a protected ground.

Specifically, the IJ concluded that the abuse Ms. A-B- suffered was "meted out against [her] for [her former husband's] own personal reasons," in order "to obtain some unclear result." I.J. at 14.¹ The IJ then decided, contrary to any actual evidence before him, that Ms. A-B-'s abuse—driven by her former husband's "violent and jealous nature"—occurred because, and only in the context, of their personal relationship. *Id.* at 13-14. And the IJ more generally reasoned that evidence of

¹ "I.J." refers to the IJ's October 10, 2018 decision.

domestic violence “merely shows that an individual has been the victim of criminal activity [and] does not constitute evidence of persecution on a statutorily protected ground.” *Id.*

The IJ’s rationale is substantively wrong and misconstrues the Attorney General’s decision. It also wholly ignores the critical societal context in which domestic violence prevails, both in El Salvador and elsewhere. It is this fundamental misconception from which the IJ’s flawed analysis of Ms. A-B’s claim flows.

A. Prevailing Attitudes About Gender Motivate Gender-Based Violence

Gender-based violence is not simply a private matter between a survivor and her abuser. Rather, domestic violence is typically a product of broader social dynamics.

Extensive research conducted over the past several decades conclusively rejects the notion that domestic violence is no more than a private matter based on personal animosity. *See, e.g.*, Mary Ann Dutton & Lisa A. Goodman, *Coercion in Intimate Partner Violence: Towards a New Conceptualization*, 52 *Sex Roles* 743, 743 (2005); Rhonda Copelon, *Recognizing the Egregious in the Everyday: Domestic Violence as Torture*, 25 *Colum. Hum. Rts. L. Rev.* 291, 305 (1994); Fatma Marouf, *Becoming Unconventional: Constricting the ‘Particular Social Group’ Ground for Asylum*, 44 *N.C.J. Int’l L.* 487, 513 (2019); *see generally* Marisa Silenzi Cianciarulo, *Batterers As Agents of the State: Challenging the Public I Private Distinction in Intimate Partner Violence-Based Asylum Claims*, 35 *Harv. J. L. & Gender* 117, 137

(2012). It is equally clear that the cultural norms surrounding gender in particular societies can foster domestic violence as an expression or enforcement of gender roles. *See, e.g., Focusing on Prevention to Stop the Violence*, UN Women; Comisión Internacional Contra la Impunidad en Guatemala, *Human Trafficking for Sexual Exploitation Purposes in Guatemala* 30 (2016) (“Human Trafficking in Guatemala”).²

For instance, in many countries marked by high levels of gender-based violence, men commonly believe that their female partners belong to them and that women are properly the subject of their control. *E.g., Human Trafficking in Guatemala* 30. This belief is often engrained in countries in which women are isolated and lack social support; where community attitudes tolerate and legitimize male violence; that have extreme social and economic disempowerment of women; that accept violence and gender stereotypes by patriarchal families and cultures; or that have religious beliefs and practices that tolerate or encourage gender-based violence. *Id.*; *see also, e.g., The Geneva Declaration, Lethal Violence against Women and Girls*, 89 (discussing “patriarchal gender relations” and intimate partner femicide); National Research Council, *Understanding Violence Against Women* (Nancy A. Crowell & Ann W. Burgess, eds. 1996) (“*Understanding Violence Against Women*”); U.S. Dep’t of State, *Afghanistan 2018 Human Rights Report* 8 (2018).

In such countries and societies, men presume that they are entitled—or even obligated—to inflict physical, emotional and psychological harm on their female

² <https://www.refworld.org/docid/584aaeac4.html>.

partners as a means of control. U.N. Secretary-General, *In-Depth Study on All Forms of Violence against Women*, U.N. Doc A/61/122/Add. 1 (July 6, 2006) (“In-Depth Study”)³; *Understanding Violence Against Women*. Where the social norm is that men exercise ownership over women, the violence against women used to preserve that norm is seen as necessary. The natural corollary is that society is supposed to operate that way.

The same social and cultural patterns that give rise to domestic and other gender-based violence allow abusers to act with impunity. Cultural and political authorities in countries with those patterns excuse or allow domestic violence based on their view of a woman’s subservient role. The authorities often attribute the abuse to a woman’s alleged disobedience of her husband. U.N. Human Rights Council, *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Mission to Afghanistan* 5, U.N. Doc. A/HRC/29/27/Add.3 (May 12, 2015).⁴ And in many countries, such beliefs translate into the absence of laws against domestic violence, laws that are entirely inadequate to protect survivors, or facially adequate laws that are simply not enforced. *See, e.g.*, U.S. Dep’t of State, *Burma 2018 Human Rights Report* 37 (2018); U.S. Dep’t of State, *Guatemala 2018 Human Rights Report* 17 (2018); U.S. Dep’t of State, *Russia 2018 Human Rights Report* 43 (2018); U.S. Dep’t of State, *Saudi Arabia Human Rights Report* 42 (2018).

³ <https://www.refworld.org/docid/484e58702.htm>1.

⁴ http://www.un.org/ga/search/view_doc.asp?symbol=AIHRC/29/27 / Add.3.

The result is that domestic violence permeates some countries' cultures. For example, the State Department has concluded that domestic violence is a "serious problem" in Guatemala. U.S. Dep't of State, *Guatemala 2018 Human Rights Report* 16 (2018).⁵ The State Department has also recognized that in Afghanistan, "millions of women continued to suffer abuse at the hands of their husbands, fathers, brothers, in-laws, armed individuals, parallel legal systems, and institutions of the state, such as the police and justice system." U.S. Dep't of State, *Afghanistan 2018 Human Rights Report* 30. In Saudi Arabia, domestic violence is believed to be "widespread." U.S. Dep't of State, *Saudi Arabia 2018 Human Rights Report* 44 (2018).⁶ And domestic violence is a similarly serious problem in dozens of other countries around the world, including El Salvador, Kenya, Russia, Burma, and Haiti. See U.S. Dep't of State, *El Salvador 2018 Human Rights Report* 16 (2018)⁷; U.S. Dep't of State, *Kenya 2018 Human Rights Report* 23 (2018)⁸; U.S. Dep't of State, *Russia 2018 Human Rights Report* (2018)⁹; U.S. Dep't of State, *Burma 2018 Human Rights Report* 37 (2018)¹⁰; U.S. Dep't of State, *Haiti 2018 Human Rights Report* 19–20 (2018).¹¹

El Salvador—the country in which Ms. A-B- faced persecution—is a prime example of a nation steeped in the cultural norms that lead to domestic violence.

⁵ <https://www.state.gov/wp-content/uploads/2019/03/GUATEMALA-2018.pdf>

⁶ <https://www.state.gov/wp-content/uploads/2019/03/SAUDI-ARABIA-2018.pdf>

⁷ <https://www.state.gov/wp-content/uploads/2019/03/EL-SALVADOR-2018.pdf>

⁸ <https://www.state.gov/wp-content/uploads/2019/03/Kenya-2018.pdf>

⁹ <https://www.state.gov/wp-content/uploads/2019/03/RUSSIA-2018-HUMAN-RIGHTS-REPORT.pdf>

¹⁰ <https://www.state.gov/wp-content/uploads/2019/03/BURMA-2018.pdf>

¹¹ <https://www.state.gov/wp-content/uploads/2019/03/HAITI-2018.pdf>

Machismo—a particularly aggressive manifestation of patriarchy characterized by hypermasculinity—is central to the phenomenon of violence against women in many Latin American countries, and it permeates El Salvador and normalizes the oppression of women there. Karen Musalo, *El Salvador - A Peace Worse than War: Violence, Gender and a Failed Legal Response*, 30 *Yale J.L. & Feminism* (2018) 32.¹² Attitudes of patriarchy and normalized sexual violence in El Salvador trace back to the Spanish Conquistadors, who used sexual violence and humiliation as a tool to conquer indigenous peoples and use them as slaves in the colonial economy. *Id.* at 333-34. Today, attitudes of patriarchy continue to define the fundamental sociopolitical structure in El Salvador. *Id.* at 331. Salvadorians readily admit that physical and sexual violence against women is “so common that it is not only tolerated, but it considered normal, as is impunity for those who perpetrate these acts.” *Id.* at 293-94; see also Shannon Drysdale Walsh & Cecilia Menjivar, *Impunity and Multisided Violence in the Lives of Latin American Women: El Salvador in Comparative Perspective*, 64(4) *Current Soc. Monograph* 586 (2016); Rashida Manjoo (Special Rapporteur on Violence Against Women), *Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, on Her Follow-Up mission to El Salvador* (17-19 March 2010) U.N. Doc. A/HRC/17/26/Add.2 (Feb 14, 2011) at 492. Indeed, the U.S. State Department has found that a “large portion of the population consider[s] domestic violence socially acceptable,” and concluded that domestic violence in El Salvador is a “widespread

¹² <https://digitalcommons.law.yale.edu/yjlf/vol30/iss1/1>

and serious problem.” U.S. Dep’t of State, *El Salvador 2016 Human Rights Report* (2016), U.S. Dep’t of State, *El Salvador 2018 Human Rights Report* (2018). Judicial and law enforcement personnel, who also continue to harbor patriarchal attitudes and stereotypes, perpetuate the problem. U.N. Comm. On the Elimination of Discrimination Against Women (CEDAW), *Concluding Observations on the Combined Eighth and Ninth Periodic Reports of El Salvador*, U.N. Doc. CEDAW/C/SLV/CO/8-9 (Dec. 8, 2019).

The evidence about El Salvador and other countries shows the truth about domestic violence: it is not, as the IJ assumes, purely personal. Rather, it is a cultural pandemic that affects societies around the world. The IJ’s assumption that an act of domestic violence is primarily motivated by the interpersonal dynamics between victim and abuser is simply contrary to the overwhelming evidence that, in many societies, abusers believe they have the right to inflict violence based on gender. Accordingly, abusers from these cultures are often motivated by factors, including the felt need to exercise dominance over a female partner in compliance with societal norms and expectations, that go beyond the mere existence of a personal relationship between abuser and survivor.

B. The Existence of a Personal Relationship Does Not Preclude the Infliction of Persecution on a Protected Ground

Because evidence shows that domestic violence has deep roots in prevailing attitudes about gender, the IJ’s exclusion of survivors from refugee protection on the theory that their personal relationship excludes any other motivation contravenes longstanding interpretations of governing law.

A domestic violence survivor who seeks refuge in the United States must demonstrate that she fears persecution in her home country on the basis of one or more protected grounds: race, religion, nationality, membership in a particular social group, or political opinion. 8 U.S.C. § 1158(b)(1)(B)(i). But one of these protected grounds need not be the sole, or even the dominant, reason for the persecution. Rather, Congress made clear that a protected ground must be “*at least one central reason for persecuting the applicant.*” *Id.* (emphasis added). The qualifier “at least” means that a protected ground need only be *one of* the reasons, and not *the* reason, much less *the one and only* reason, for inflicting harm. See *Ndayshimiye v. Att’y Gen. U.S.*, 557 F.3d 124, 129 (3d Cir. 2009); *Bi Xia Qu v. Holder*, 618 F.3d 602, 608 (6th Cir. 2010). (“[an applicant] need only show that [her persecutor] was motivated, at least in part, on account of an enumerated ground.”).

The Fourth Circuit—the court that would hear any petition for review in this case—reiterated this rule earlier this year. In *Alvarez Lagos v. Barr*, the Fourth Circuit proclaimed: “It is enough that the protected ground be ‘*at least one central reason*’ for the persecution, that is, one central reason, perhaps ‘intertwined’ with others.” 927 F.3d at 250. These multiple, “intertwined” motivations for persecution may be a combination of protected and non-protected grounds.

The fact that persecution may be motivated in part by a non-protected ground does not erase, or somehow swallow, the motivation to inflict harm on the basis of a protected ground. See *Aldana Ramos v. Holder*, 757 F.3d 9, 18-19 (1st Cir. 2014) (stating that the statute “clearly contemplates the possibility that multiple

motivations can exist, and that the presence of a non-protected motivation does not render an applicant ineligible for refugee status.”); *see also Bi Xia Qu v. Holder*, 618 F.3d at 608. To the contrary, a combination of factors that consists of a mix of protected and non-protected grounds may motivate a persecutor, and each factor may be a “central reason” for the infliction of the harm.¹³ In particular, courts routinely find that the nexus requirement is satisfied in cases involving close personal relationships. *See, e.g., Bringas-Rodriguez v. Sessions*, 850 F. 3d 1051,1056 (9th Cir. 2017) (persecution by family membership and neighbor on account of applicant perceived homosexuality); *Nabulwala v. Gonzales*, 481 F.3d 1115, 1117-18 (8th Cir. 2007) (applicant’s family sought to violently “change” her sexual orientation). In those cases, the personal relationship afforded the opportunity for the persecution to occur, and there may have been personal feelings involved, but the evidence showed the persecution was also on account of membership in a protected class.

Precisely the same logic applies in domestic violence cases. As shown above, a personal relationship affords an abuser access to the survivor, and personal anger or frustration may (or may not) play a role, but strong evidence links other social and cultural factors that surround notions of gender. Therefore, even if there were evidence that personal dislike or animosity was a, or even a central, reason for

¹³ A factor is considered a central reason for harm so long as it is a cause of the persecutors’ acts, *Parussimova v. Mukasey*, 555 F.3d 734, 741 (9th Cir. 2009) and plays more than “a minor role in the alien’s past mistreatment or fears of future mistreatment,” *Matter of J-B-N & S-M-*, 24 I. & N. Dec. 208 (BIA 2007).

domestic violence, that evidence does not preclude other evidence from showing that membership in a protected class was also a central reason for the abuse.

C. The Attorney General’s Decision Did Not Change the “One Central Reason” Standard

In relying on the Attorney General’s decision to support its nexus analysis, the IJ appears to have believed that a personal relationship between an abuser and a domestic-violence survivor precludes finding any other central reason for the harm. But that is not what the Attorney General’s decision says.

As the Fourth Circuit has made clear, the Attorney General’s decision did not change the nexus analysis. *Alvarez Lagos v. Barr*, 927 F.3d 236, 250 n.2 (4th Cir. 2019) (stating that *Matter of A-B-* “does not purport to change the standards for measuring nexus.”); accord *Juan-Pedro v. Sessions*, 740 F. App’x 467, 472 n.1 (6th Cir. 2018); see also *Grace v. Whitaker*, 344 F. Supp. 3d 96, 131 (D.D.C. 2018). It expressly leaves open the possibility that domestic violence *will* be on account of a protected ground, and the decision emphasized that each claim must be evaluated on its own merits “in the context of the evidence presented.” *A-B-*, 27 I. & N. Dec. at 338-39. The IJ therefore applied an obviously wrong standard.

II. AS THIS CASE ILLUSTRATES, DOMESTIC VIOLENCE AGAINST WOMEN IN EL SALVADOR OFTEN STEMS FROM AN ANTI-FEMINIST BACKLASH AND DEEP-SEATED BELIEF THAT WOMEN ARE MALE PROPERTY.

The IJ’s erroneous categorical view that nexus can never exist in a domestic violence case also infects a second part of its decision. Ms. A-B- submitted evidence that she feared persecution on the basis of her belief in feminist principles and gender equality, including that women are entitled to self-determination and should

not be subjected to abuse. The IJ reiterated that purely personal matters are not cognizable bases for granting asylum and dismissed the claim. The IJ added that the evidence that Ms. A-B-'s persecutor actually believed she was his property was inconclusive because his express declaration that she "belonged to him as property" came fourteen years after the alleged persecution began. I.J. at 12.

The IJ is again wrong. Domestic-violence survivors, like others fleeing persecution, are entitled to refuge in the United States if the persecution was on account of a political opinion. 8 U.S.C. § 1158(b)(1)(B)(i). A political opinion need not be shouted from the rooftops to qualify. To the contrary, even an opinion expressed non-verbally and in private will suffice. *Rivas-Martinez v. INS*, 997 F.2d 1143, 1147 (5th Cir. 1993); *see also Maza Menay v. INS*, 139 F.3d 759, 763 (9th Cir. 1998) (no need to participate in organized political activities). In fact, an applicant need not hold the political opinion at all; a claim can also be based on an opinion that persecutor imputes to the applicant. *See, e.g., Ravindran v. INS*, 976 F.2d 754, 760 (1st Cir. 1992); *Canas-Segovia v. INS*, 970 F.2d 599, 601-02 (9th Cir. 1992); *see also* Joline Doedens, *The Politics of Domestic Violence-Based Asylum Claims*, 22 *Duke J. Gender L. & Pol'y* 111, 117 (2014).

As the federal courts of appeals have held, "there is little doubt that feminism qualifies as a political opinion," *Fatin v. INS*, 12 F.3d 1233, 1242 (3d Cir. 1993); *accord Moghaddam v. I.N.S.*, 95 F.3d 1158 (9th Cir. 1996). The United States government has long agreed. A Memorandum from the Office of International Affairs to All INS Asylum Officers stated that an applicant who can demonstrate

persecution “on account of her (or his) beliefs about the role and status of women in society could be eligible for refugee status on account of political opinion.”

Memorandum from Phyllis Coven, Office of International Affairs, to All INS Asylum Officers and Headquarters Coordinators on Considerations for Asylum Officers Adjudicating Asylum Claims from Women (May 26, 1995) (on file with the Catholic University Law Review).

As shown above, El Salvador is among the countries in which social and cultural norms both tolerate and foster gender-based violence. And those who have dared to challenge those norms have been met with even more violence—a backlash to recent successes in advancing women’s rights and to actual or imputed feminist political opinions.

This backlash against feminism in El Salvador has become so severe that the country now has among the highest femicide rates in the world. Immigration and Refugee Board of Canada, *El Salvador: Information Gathering Mission Report - Part 2. The Situation of Women Victims of Violence and of Sexual Minorities in El Salvador*, September 2016¹⁴; *A Peace Worse Than War* at 37. The proportion of homicide victims who are female increased from 10 percent in the early 2000s to 15 percent in recent years. *A Peace Worse Than War* at 39. Killings of women tend to be carried out in particularly brutal manners when compared to the killings of men,

¹⁴ According to a 2016 article published by InSight Crime, El Salvador has the highest female murder rate in the world, with 8.9 homicides per 100,000 women in 2012. <https://www.refworld.org/docid/57f7ac384.html> (last accessed 16 November 2019).

indicating a misogynist intent to inflict more suffering and terror. *Id.* While male victims are often shot, female victims are raped, beaten, tortured, mutilated, bitten, and cut. *Id.* at 40.

Such violence, like other violence driven by social beliefs that women (especially married or partnered women) must be controlled, cannot seriously be seen as purely “personal” in nature. To be sure, a personal relationship between a woman and her abuser creates the access, the opportunity, and the social construct of ownership in which the culture allows that violence to occur. But the mere existence of that relationship cannot, and does not, eliminate animus toward women’s equality as a central motivation for the persecution. Domestic violence in El Salvador can therefore stem from feminist political opinion (or from a combination of feminist political opinion and personal motives), just as it can stem from membership in a particular social group (or from a combination of membership in such a group and personal motives).

* * *

The IJ’s insistence that all domestic abuse is a purely personal matter ignores settled evidence and categorically excludes survivors from the refuge to which they are entitled. The Board should correct the IJ’s faulty conclusion and hold that Ms. A-B-’s status as a Salvadoran woman, a Salvadoran women in domestic relationships they are unable to leave, a Salvadoran woman viewed as property by virtue of her status in a domestic relationship, or a Salvadoran woman who is unable to leave her domestic relationships where she has children in

common with her partner was a central reason for her abuse—and that Ms. A-B’s feminist political opinions were, too.

CONCLUSION

For these reasons, the BIA should reverse the decision of the IJ.

Respectfully submitted,

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