

Submission to the Independent Expert on Human Rights and International Solidarity

CGRS Input for the Report on Women and International Solidarity

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The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform the independent expert's upcoming report on women and international solidarity.¹

Women who engage in acts of international solidarity, including survivors of gender-based violence and other forms of persecution, often depend on asylum protection to reach and remain in safety. The United States has, for many people, offered a place of safety from which to engage in advocacy and build solidarity across borders.² The current administration's broad assault on the asylum system directly threatens that possibility, closing doors to protection for those whose voices carry particular weight in the global struggle against violence and discrimination.

This submission examines elements of the current U.S. administration's systematic dismantling of the U.S. refugee protection system and its impact on women engaged in international solidarity. It draws primarily on CGRS's own litigation and policy advocacy. Against this backdrop, this submission is organized as follows. First, it examines U.S. policies that prevent refugees, including women engaged in solidarity, from accessing the U.S.

¹ The Office of the High Commissioner for Human Rights, [Call for input for the report on women and international solidarity](#) (last accessed on May 14, 2026). This submission responds to questions **№ 1**: Please indicate whether women are granted the right to equality and non-discrimination within the national constitution and/or legislation? Please specify if there is significant case law on women's equality and non-discrimination? And **№ 6**: Please indicate whether women engaged in international solidarity actions are eligible to receive asylum in your country.

² See, for example, [Mujeres Unidas y Activas \(MUA\)](#), a member-led organization of Latina and Indigenous immigrant women in the San Francisco Bay Area, California, that combines peer support with leadership development and advocacy campaigns for immigrant rights, workers' rights, and gender justice. MUA has over 900 members, at least some of whom are refugees. MUA and CGRS have collaborated for many years in efforts to protect the rights of asylum seekers who are survivors of domestic violence.

asylum system and risk returning them to danger. Second, it details the administration's specific attacks on the eligibility of women and other survivors of gender-based violence for refugee status, denying them the safety from which solidarity work becomes possible. Finally, it closes with recommendations for the independent expert's report.

I. ASYLUM RESTRICTIONS AND WOMEN SOLIDARITY ACTORS

The current U.S. administration has been characterized by an overtly anti-immigrant and nationalist agenda, cynically framing migration as an "invasion" to justify sweeping attacks on the country's asylum and refugee protection system. This campaign began on the administration's first day in office,³ and has unfolded through a relentless series of executive orders, regulations, administrative rulings, and bilateral agreements,⁴ all designed to renege on and offshore the country's international protection obligations.

This section focuses on three measures that prevent people, including women engaged in international solidarity, from having their protection claims heard and adjudicated on the merits in the United States, namely: barring entry and carrying out expulsions at the border; turnbacks at ports of entry; and removing asylum seekers to third countries.

A. Presidential Proclamation Suspending Asylum at the Border

In January 2025, the White House published the presidential proclamation "Guaranteeing the States Protection Against Invasion," which suspended the entry of individuals deemed part of an undefined "invasion," purportedly carried out by asylum seekers arriving at the U.S. border in search of safety. The proclamation authorizes border officials to "repel, repatriate, or remove" these individuals without providing any access to legal protections.⁵

With no exceptions for particularly vulnerable groups, including children, families, or survivors of trafficking, the policy has effectively shut down access to asylum at the U.S.-Mexico border.⁶ Arriving asylum seekers are being expelled without any opportunity to contact family, friends, or an attorney, and forced back into the very dangers they fled.

³ See CGRS, [Trump's Return: Executive Actions Threatening the Rights and Protection of Refugees and Migrants](#) (Jan. 24, 2025).

⁴ See Immigration Policy Tracking Project, [700 Policy Actions](#) (last accessed on May 24, 2026).

⁵ The White House, [Guaranteeing the States Protection Against Invasion](#) (Jan. 20, 2025)

⁶ CGRS, [Trump's Return: Executive Actions Threatening the Rights of Refugees](#).

CGRS and co-counsel challenged this proclamation in federal court in February 2025. Both the U.S. District Court for the District of Columbia and, on appeal, the D.C. Circuit Court of Appeals found the proclamation unlawful, holding that the law does not authorize the president to override the domestic asylum framework enacted by Congress. However, the government obtained a partial stay pending appeal, allowing the administration to continue enforcing the proclamation while the litigation proceeds, even though it remains required to consider individuals for other, albeit narrower, forms of protection under U.S. law.⁷ The case remains ongoing.⁸

B. Asylum Cooperative Agreements

As part of a broader strategy of mass deportations, deterrence, and the offshoring of refugee protection obligations, the administration has entered into third country removal agreements with countries across Latin America, Africa, and Asia.⁹ In the vast majority of cases, the asylum seekers or migrants being removed have no meaningful connection to the third country and do not speak the language, etc. As a recent example, Colombian asylum seekers were sent to the Democratic Republic of the Congo, a country experiencing high levels of armed conflict, internal displacement, food insecurity, and other human rights violations.¹⁰ More broadly, those removed to third countries have faced prolonged detention in inhumane conditions and, in some cases, pressure to return to the very countries from which they had fled.¹¹

Among these arrangements are Asylum Cooperative Agreements (ACAs), through which the U.S. government removes asylum seekers to third countries to seek protection there rather than adjudicating their claims in the United States. Since the summer of 2025, the U.S. government has signed ACAs with at least eight countries: Belize, Ecuador, El Salvador, Guatemala, Honduras, Liberia, Paraguay, and Uganda.¹²

⁷ Withholding of removal and protection under the Convention Against Torture (CAT), both of which offer more limited protection than asylum and do not confer the same rights and benefits.

⁸ See CGRS, [RAICES v. Mullin](#) (last accessed on May 14, 2026).

⁹ See Refugees International et al., [Third Country Deportation Watch](#) (last accessed May 24, 2026). See also, CGRS, [Third Country Removals: Legal Protections and Compliance Concerns](#) (June 17, 2025).

¹⁰ Clement Bonnerot, [Colombian sent from US to Congo says she faces pressure to risk danger back home](#) (Apr. 22, 2026).

¹¹ See e.g., American Friends Service Committee, [What I Saw in a Costa Rican Detention Center](#) (last accessed May 24, 2026); Jasmine Garsd, [Hundreds of migrants are being held in a Panama hotel. They say conditions are dire](#), NPR (Feb. 19, 2025); Human Rights Watch, ['The Strategy Is to Break Us': The US Expulsion of Third-Country Nationals to Costa Rica](#) (May 22, 2025).

¹² CGRS, [Asylum Cooperative Agreements: Denial of Due Process and Risks of Return to Danger](#) (Mar. 11, 2026).

These countries offer neither safety nor meaningful access to protection.¹³ A CGRS fact-finding trip to Honduras in March 2026 documented this firsthand. Honduras has the highest femicide rate in Latin America, near-total impunity for gender-based violence, and a refugee system that processed fewer than 15 cases per year between 2022 and 2024. Of the roughly 50 people transferred under the agreement, only around 8 sought protection there, with most refusing out of fear and some returning to the very countries they had fled. One Salvadoran transferred under the agreement was forced to flee Honduras as well, pursued by the same criminal networks they had originally escaped.¹⁴

CGRS and co-counsel are challenging the regulatory framework implementing the ACAs in *U.T. v. Blanche*, arguing that it fails to provide asylum seekers adequate notice or a meaningful opportunity to raise fears about the country to which they may be sent, and allows country designations based solely on whether a protection system exists on paper rather than whether it functions in practice.¹⁵

C. Turnbacks

Since at least 2016, the U.S. government has intermittently turned back asylum seekers at ports of entry along the U.S.-Mexico border through a practice which the government calls “metering.” Rather than complying with its legal obligations to process asylum seekers, U.S. border officials have prevented people from presenting their claims based on alleged lack of capacity, forcing them to wait indefinitely in precarious and dangerous conditions in Mexico.¹⁶ For many, this has meant exposure to kidnapping, extortion, and sexual violence at the hands of criminal actors and, at times, the very authorities meant to protect them, with women particularly at risk of being tracked down by the abusers from whom they had fled.¹⁷

Since 2017, CGRS and co-counsel have challenged this practice in federal court. Lower federal courts found it unlawful, holding that it violated the government’s obligations under domestic and international law. Although the Biden administration formally rescinded the policy in 2021, the Trump administration petitioned the Supreme Court to reverse those

¹³ Id. See also, CGRS, [The U.S.-Ecuador Asylum Cooperative Agreement: Why It Fails the Law and Endangers Asylum Seekers](#) (Mar. 25, 2026).

¹⁴ CGRS, [The U.S.-Honduras Asylum Cooperative Agreement: Sending Asylum Seekers to Honduras Defies the Law and Endangers Lives](#) (Apr. 30, 2026).

¹⁵ CGRS, [U.T. v. Blanche](#) (last accessed on May 24, 2026).

¹⁶ CGRS, [Mullin v. Al Otro Lado](#) (last accessed on May 14, 2026).

¹⁷ No Turning Back, [Impact Stories](#) (last accessed May 24, 2026).

favorable lower court rulings. The Supreme Court granted review and heard oral argument in *Mullin v. Al Otro Lado* in March 2026. A decision is pending.¹⁸

II. RESTRICTIONS ON GENDER-BASED ASYLUM AND SURVIVORS AS SOLIDARITY ACTORS

Among its many attacks on the refugee protection system, the current administration has focused particular attention on closing the doors to survivors of gender-based violence, women who, once safe, are among the most powerful voices in solidarity movements against the very harms they have endured. This section examines the legal framework that should protect these survivors under U.S. and international law, and how the administration has sought to dismantle it.

A. Context & Legal Foundation

The United States acceded to the 1967 Protocol Relating to the Status of Refugees in 1968 and incorporated its standards into domestic law through the Refugee Act of 1980. The U.S. refugee definition mirrors that set forth in the Refugee Convention, requiring a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a particular social group.

Survivors of gender-based and sexual violence most commonly seek protection under the “particular social group” ground, which covers groups of people who share a characteristic that defines them and that they cannot change, or should not be required to change, to avoid persecution. In the United States, this principle was established as early as 1985 in *Matter of Acosta*, where the Board of Immigration Appeals (BIA), the highest administrative body for immigration appeals, named sex as a paradigm example of such an immutable characteristic.¹⁹

Over a decade later, in the 1996 landmark decision *Matter of Kasinga*, the BIA applied that principle to rule that a woman fleeing female genital mutilation/cutting qualified for asylum

¹⁸ CGRS, *Mullin v. Al Otro Lado*.

¹⁹ See Karen Musalo, [Aligning United States Law with International Norms Would Remove Major Barriers to Protection in Gender Claims](#), 36 Int'l J. Refugee L. 20 (2024) (detailing the 1985 *Matter of Acosta* decision and the BIA's designation of sex as an immutable characteristic); see also Stephen Legomsky & Karen Musalo, [Asylum and the Three Little Words that Can Spell Life or Death](#), Just Security (May 28, 2021) (explaining the necessary reliance on the particular social group ground for gender-based claims)

as a member of a social group defined by her gender combined with other characteristics. This was consistent with UNHCR's longstanding guidance that the absence of gender as an explicit protected ground should not impede protection for women fleeing persecution.²⁰

Since then, women fleeing domestic violence, forced marriage, and other forms of gender-based harm have sought, and in many cases obtained, asylum in the United States. This included the 2014 decision *Matter of A-R-C-G-*, where the BIA recognized that a survivor of domestic violence could qualify for asylum as a member of a particular social group.²¹

B. Efforts to Dismantle Protection for Survivors

Determined to reverse this progress, the current U.S. government has mounted a sustained attack on refugee protections for survivors of gender-based violence. In July 2025, the BIA issued a decision in *Matter of K-E-S-G-*,²² dramatically restricting the ability of women and girls fleeing gender-based harm to qualify for asylum. Under this decision, a woman can no longer establish her claim simply by showing she was persecuted in her country of origin because of her gender. She must now prove something far more specific about the group she belongs to, a standard that is much harder to meet.²³

Shortly after, the Attorney General issued *Matter of S-S-F-M-*,²⁴ reviving *Matter of A-B-*. That decision, originally issued during the first Trump administration and overturned by the Biden administration in 2021, had characterized domestic violence as a private matter rather than a human rights violation and ruled that such claims would generally not qualify for asylum. Together, *K-E-S-G-* and *S-S-F-M-* represent the most significant rollback of protections for survivors in decades.²⁵

The current administration's assault builds on a legal framework that had already been significantly narrowed. Over the years, the BIA departed from its own precedent and imposed additional requirements on particular social groups that have no basis in U.S. law, the Refugee Convention, or UNHCR guidance. The result is that it is not enough to show that

²⁰ See Karen Musalo, [In Immigration Decision K-E-S-G-, a Break with Precedent Turns Back the Clock on Women's Rights](#), Just Security (Sept. 12, 2025); see also Karen Musalo, [Under Trump, U.S. returns to treating violence against women as a 'private matter'](#), L.A. Times (Aug. 3, 2025).

²¹ See Legomsky & Musalo, *supra*.

²² *Matter of K-E-S-G-*, 29 I&N Dec. 145 (BIA 2025)

²³ Musalo, *Under Trump*, *supra*.

²⁴ *Matter of S-S-F-M-*, 29 I&N Dec. 207 (A.G. 2025).

²⁵ See Center for Gender & Refugee Studies, *Matter of A-B-* (last visited on May 24, 2026); see also Legomsky & Musalo, *supra*; and Musalo, *In Immigration Decision K-E-S-G-*, *supra*.

persecution was connected to one's gender. Women fleeing years of abuse have been told their claims fail not because their suffering was not real, but because of how their social group is defined.²⁶

These barriers have made it increasingly difficult for survivors to access the protection they are entitled to under U.S. and international law, and underscore the need for urgent reform.

III. RECOMMENDATIONS

For many women, including survivors of gender-based violence, access to asylum protection is not only a matter of survival but the foundation from which meaningful engagement in international solidarity becomes possible. CGRS respectfully urges the independent expert to consider including the following recommendations in her report.

- Guarantee access to protection. States should ensure that individuals fleeing persecution can present their claims at the border and receive a fair, individualized hearing on the merits, free from categorical bars, summary expulsions, or transfers to third countries without adequate protection.
- Align domestic law and practice with international standards. States should ensure that their refugee legislation and administrative practice fully reflect the protections promised under the 1951 Refugee Convention and its 1967 Protocol, including UNHCR guidance, and bring any inconsistencies into conformity with the spirit and letter of those obligations.
- Enable women to engage in solidarity from safety. States that grant asylum should ensure that survivors and other women who have sought refuge can fully participate in public life, including advocacy and solidarity work, free from discrimination, retaliation, or barriers to civic participation.

²⁶ See Legomsky & Musalo, *supra*; see also Musalo, *Aligning United States Law, supra*.