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Gender & Refugee
STUDIES

Developments in Domestic Violence Asylum Timeline (1985-2010)

1985 — ***Matter of Acosta*:** Board of Immigration Appeals (BIA) decides *Matter of Acosta*, which requires fundamental and immutable characteristics to form a cognizable particular social group

1996 — ***Matter of Kasinga:*** BIA decides *Kasinga*, which applied *Acosta* criteria to recognize a social group defined by gender, ethnicity, not having been subjected to female genital cutting (FGC), and opposition to the practice.

1999 — ***Matter of R-A-:*** BIA decides *Matter of R-A-*, reversing a grant of asylum in the case of a Guatemalan woman who had suffered years of domestic violence. BIA ruled there had been no showing of cognizable PSG, or political opinion (PO), and no nexus.

2000 — **Proposed regulations:** Department of Justice (DOJ) issued proposed regulations regarding asylum/withholding, including guidance on gender claims.

2001 — ***Matter of R-A- Vacated:*** Attorney General (AG) Janet Reno vacated *Matter of R-A-*, with order of remand to the BIA to decide the case when the DOJ regulations are finalized.

2004 — ***R-A*- DHS Brief:** After AG John Ashcroft certified *Matter of R-A-* to himself again, the Department of Homeland Security (DHS) filed a brief urging asylum for Rody Alvarado, explaining, among other things, how domestic violence related PSG meets the *Acosta* test.

2005 — ***R-A*- Remand to BIA:** AG John Ashcroft remands the case to BIA, with order to decide when asylum regulations are finalized.

2008 — ***R-A*- Remand to IJ:** AG Michael Mukasey certifies *R-A-* to himself, with order to not wait for the finalization of regulations, but to decide the case pursuant to BIA, and other relevant precedent. The Board remanded the case back to the IJ.

2009 — ***Matter of L-R*- Brief, *R-A*- Grant:** In April, DHS files a brief in the case of Mexican woman, "L.R." explaining how domestic violence related PSG can meet the BIA's new requirements of "social visibility" and "particularity." In December, an immigration judge in San Francisco grants asylum to Rody Alvarado.

2010 — ***L-R*- Grant:** In July, an immigration judge in San Francisco grants asylum to L.R.