



Maryland Coalition Against Sexual Assault

**Working to end sexual violence in Maryland**

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July 15, 2020

Lauren Alder Reid, Assistant Director  
Office of Policy  
Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 1800  
Falls Church, VA 22041

**Re:** U.S. Department of Homeland Security (DHS) United States Citizenship and Immigration Services (USCIS) and Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) (the Departments) Joint Notice of Proposed Rulemaking (NPRM): Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review; RIN 1615-AC42 / 1125-AA94 / EOIR Docket No. 18-0002/ A.G. Order No. 4714-2020 published in the Federal Register on June 15, 2020.

Dear Assistant Director Reid:

On behalf of the Maryland Coalition Against Sexual Assault, we are writing in response and **opposition** to the above-referenced Asylum NPRM. We strongly oppose the proposed rule because it eliminates necessary protections for survivors of gender-based violence, including survivors of sexual assault.

MCASA's mission is to help prevent sexual assault, advocate for accessible, compassionate care for survivors of sexual violence, and work to hold offenders accountable. Through public policy, educational, and community outreach activities, we work to address the needs of victims and survivors of sexual violence.

MCASA's Sexual Assault Legal Institute (SALI) provides comprehensive legal services to survivors of sexual violence statewide, as well as training and technical assistance for professionals working with survivors. MCASA's member programs include all of the Rape Crisis and Recovery Centers in the state. These expert programs offer confidential services to adult and child victims of sexual violence, including crisis intervention, counseling, referral, advocacy, hospital accompaniment, and 24-hour crisis hotline services.

We support the needs of and advocate for the safety of survivors of sexual violence, including those who seek asylum due to gender-based violence. The proposed rule directly blocks access for survivors seeking protection and relief from immediate danger.

**The Maryland Coalition Against Sexual Assault strongly opposes the proposed rule because it will prevent victims of brutal gender-based violence and oppression from obtaining protection**

**under our country's immigration laws. We urge the Departments to rescind the rule because of the following concerns:**

**I. Survivors of gender-based violence deserve protection in the form of asylum in the U.S.**

Gender-based forms of persecution, including sexual assault and rape, result in refugees seeking asylum due to their inability to return to their home country; this truth is widely recognized and acknowledged by the UNHCR Guidelines on the Protection of Refugee Women.<sup>1</sup> Gender-discriminatory laws and culturally accepted forms of violence against women in other countries also compromise the safety of survivors of gender-based violence.<sup>2</sup> The inability of one's home country to provide protection justifies the need for international protection through asylum.

The proposed rule will threaten the safety of survivors of gender-based violence, including but not limited to survivors of rape, forced marriage, female genital mutilation, domestic violence, and human trafficking.

**II. The proposed rule will negatively impact survivors due to the severe effects of gender-based violence.**

MCASA urges recognition of the immediate dangers that survivors of gender-based and sexual violence face, such as abusive partners and unsafe living conditions. Survivors are also faced with long-lasting physical, emotional, and psychological effects of gender-based violence, including fear, social isolation, anxiety, and depression.<sup>3</sup>

Abusive partners and perpetrators of gender-based violence often exploit victims' lack of immigration status or dependent immigration status as a way to keep victims silent and avoid any repercussions for their actions.<sup>4</sup> As such, we strongly believe that eliminating survivors' access to international safety through the asylum NPRM will be detrimental to their safety, only further increasing the risk of harm to victims of violence. Especially in circumstances where they have no other options, it is necessary for survivors of gender-based violence and persecution to be granted the protection of asylum.

The United States is in a position to offer asylum and provide fundamental and life-saving services to survivors--to meet their basic needs and encourage healing--who otherwise may not have access to them.

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<sup>1</sup> Hope For the Future? The Asylum Claims of Women Fleeing Sexual Violence in Guatemala. (2009). *University of Pennsylvania Law Review*. Retrieved from:

[https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1192&context=penn\\_law\\_review](https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1192&context=penn_law_review)

<sup>2</sup> Gender-Based Asylum. (2010). *Stop Violence Against Women*. Retrieved from: <https://www.stopvaw.org/gender-based-asylum>

<sup>3</sup> Sexual Assault and Its Effects. *Maryland Coalition Against Sexual Assault*. Retrieved from: <https://mcasa.org/stats-info/sexual-assault-and-its-effects>

<sup>4</sup> The Immigrant Witness and Victim Protection Act of 2019. *Alliance for Immigrant Survivors*. Retrieved from: [https://static1.squarespace.com/static/5b9f1d48da02bc44473c36f1/t/5d9cd962a83f0658b086ea0d/1570560355739/AIS-Annotated-Factsheet\\_Immigrant-Witness-Victim-Protection-Act.pdf](https://static1.squarespace.com/static/5b9f1d48da02bc44473c36f1/t/5d9cd962a83f0658b086ea0d/1570560355739/AIS-Annotated-Factsheet_Immigrant-Witness-Victim-Protection-Act.pdf)

### **III. U.S Responsibility**

To uphold its reputation as a humanitarian nation that cares about and protects victims from persecution and violence, we urge you to continue to offer asylum to survivors of gender-based violence.

We must prioritize the safety of victims and prevent potentially life-threatening injustices by preserving access to protection for asylum seekers, including those fleeing gender-based violence. As violence against women is a human rights issue, survivors deserve the assurance of support from the U.S.

Thank you for your consideration to continue supporting victims seeking protection through asylum. Please feel free to contact MCASA at our legal offices, 301-565-2277, if you have any questions.

Sincerely,

Lisae C. Jordan, Esq.  
Executive Director & Counsel