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CONTACT: Lynn Tramonte (lynn@anacaonallc.com / 202-255-0551)

Now Is the Time to Recognize Gender as a Ground for Asylum

WASHINGTON - Yesterday, the Attorney General issued a decision in *Matter of S-S-F-M-* that reinstated a dangerous legal interpretation that will in real terms put survivors of domestic and sexual violence in harm's way.

After reading this decision, **Tahirih Justice Center CEO Archi Pyati** responded:

"It is time to put an end to the rollercoaster of injustice that immigrant survivors of domestic and sexual violence seeking asylum have been forced to tolerate for far too long. While there still may be pathways to asylum for survivors, this decision is woefully out of step with modern U.S. and global legal approaches to violence against women. Congress must act now so that women and girls who fear harm because of their race, religion, or political opinions have a path to safety. We will keep fighting to ensure their voices are heard and their rights protected."

The decision brought back language originally set forth in a 2018 Attorney General decision in *Matter of A-B-*. "The language strikes at the heart of longstanding protections for domestic violence survivors and others, who look to the United States for protection and refuge. It takes us back decades, to an era when domestic violence was considered a 'private' matter, not meriting government intervention. This decision attempts to undermine decades of progress toward human rights policies that recognize the unique vulnerabilities of survivors who have experienced the trauma of violence and have a right to seek asylum and to live free from abuse and persecution," added Pyati.

She continued, "With this decision, the Attorney General is instituting a policy that will create new obstacles for survivors seeking refuge in the United States, could block access to asylum, and will condemn more domestic violence survivors to deportation to the dangerous situations they risked their lives to flee. Yet again, they will face violence and could very well lose their lives."

Tahirih has long advocated for gender to be named as the 6th ground of asylum. In response to yesterday's decision, and other ongoing policy and legal attacks on immigrant women, Tahirih Justice Center is calling out not only the harm of this decision but elevating, once again, the urgent need for 'gender' to be recognized as a protected ground for asylum. For more information on our campaign for gender asylum justice,



read our report: [Ensuring Equal and Enduring Access to Asylum: Why 'Gender' Must be a Protected Ground](#). This report unpacks how current U.S. asylum laws fail to adequately and consistently protect survivors fleeing gender-based violence, leaving them vulnerable to further abuse and trauma. The inclusion of gender as a “sixth ground” of qualification for asylum, is one of several steps needed to transform our immigration system into one that actually protects survivors fleeing life threatening persecution.

To learn more about gender-based asylum claims and the impact of the Attorney General’s decision and the decision in *Matter of K-E-S-G*-, [join Tahirih’s Director of Public Policy and Litigation Counsel for a webinar on September 24 at 12:00 pm \(ET\)](#).

Prior Tahirih statements and resources related to *Matter of A-B*- and gender-based asylum:

[Background on Attorney General’s Decision in *Matter of A-B*-](#) - June 15, 2018

[Tahirih Explains Gender-Based Asylum](#) – June 2020

[Tahirih Denounces Recertification of *Matter of A-B*- Opinion](#) – January 14, 2021

[Sign-On Letter Requesting to Vacate *Matter of A-B*-, *A-C-A-A*-, *L-E-A*-](#) – May 7, 2021

[Ensuring Equal and Enduring Access to Asylum: Why 'Gender' Must be a Protected Ground](#) – September 2021

[Surviving Deterrence: How U.S. Asylum Deterrence Policies Normalize Gender-Based Violence](#) – 2022

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The Tahirih Justice Center is a national, nonprofit organization that serves women, girls, and all immigrant survivors of gender-based violence. By amplifying the experiences of survivors, our mission is to create a world in which all people share equal rights and live in safety and with dignity.