



Legislation Text

File #: RES 19-2007, **Version:** 1

Affirming the City of St. Paul's commitment to our asylum-seeking residents, and condemning the federal government's administrative decision undermining asylum protection for survivors of domestic violence.

WHEREAS, Mayor Melvin Carter and the Saint Paul City Council have repeatedly affirmed their commitment to protecting our immigrant communities, and since January 2017 have consistently condemned actions of the Trump Administration that target our immigrant and asylum-seeking residents; and

WHEREAS, Mayor Melvin Carter and the Saint Paul City Council have a long history and proud legacy of leading the fight to advance women's rights and combat gender-based violence; and

WHEREAS, Former U.S. Attorney General Jefferson B. Sessions, on June 11, 2018, issued a sweeping decision in the asylum case *Matter of A-B-* (27 I&N Dec. 316 (A.G. 2018)), involving a domestic violence survivor from El Salvador; and

WHEREAS, that ruling vacated the Board of Immigration Appeals' landmark decision in *Matter of A-R-C-G-* (26 I&N Dec. 388 (BIA 2014)), which had recognized domestic violence as a basis for asylum; and

WHEREAS, in his decision then-Attorney General Sessions declared that asylum seekers presenting claims based on domestic violence will "generally" no longer qualify for relief; and

WHEREAS, Sessions' decision included sweeping pronouncements undermining protections for individuals fleeing other forms of persecution perpetrated by nongovernment actors, including gangs and organized crime groups; and

WHEREAS, in *Grace v. Whitaker* (344 F. Supp. 3d 96 (D.D.C. 2018)), the U.S. District Court for the District of Columbia (*Grace decision*) found the heightened standards articulated by Sessions in *Matter of A-B-* to be inconsistent with existing legal precedents and congressional intent behind the Refugee Act of 1980, holding that there can be no blanket rule barring domestic violence asylum claims; and

WHEREAS, although the *Grace decision* has halted the implementation of *Matter of A-B-* in initial credible fear proceedings, the Departments of Homeland Security and Justice have instructed adjudicators that *Matter of A-B-* must continue to be used in deciding asylum claims on their merits; and

WHEREAS, the majority of women and girls seeking asylum at the U.S. southern border hail from the Northern Triangle countries of Central America, El Salvador, Guatemala, and Honduras; and

WHEREAS, these countries are currently experiencing epidemic levels of violence, including widespread domestic violence and other forms of gender-based violence, which is perpetrated with virtual impunity; and

WHEREAS, rates of femicide (gender-motivated killings of women) in the Northern Triangle are among the highest in the world; and

WHEREAS, according to data from the Syracuse University Transactional Records Access Clearinghouse (TRAC), in the 12 months following the issuance of the *Matter of A-B-* decision national asylum grant rates for applicants from El Salvador, Guatemala, and Honduras fell to an average of 15 percent, compared to a 24

percent grant rate in the year prior to the decision; and

WHEREAS, the *Matter of A-B*- decision has put countless women, children, LGBTQ people, and families at heightened risk of removal to perilous situations where their lives are in danger; and

WHEREAS, United Nations guidance and international law reflect that domestic violence can form the basis of asylum protection when all other elements of the refugee definition are met; and

WHEREAS, The United Nations High Commissioner for Refugees (UNHCR) has asserted that the *Matter of A-B*- ruling stands at odds with the United States' international treaty obligations by creating a high barrier to women fleeing domestic violence; and

WHEREAS, Other countries party to the 1951 Refugee Convention and its 1967 Protocol such as Canada, the United Kingdom, Australia, and New Zealand have long recognized that domestic violence may be a basis for asylum; and

WHEREAS, in 2018, 84 members of Congress, including Congresswoman Betty McCollum, cosponsored Congresswoman Jan Schakowsky's (D-Ill.) resolution (H.Res.987) condemning the former Attorney General's decision in *Matter of A-B*-; and

WHEREAS, 118 members of Congress, including Congresswoman McCollum signed a letter sent on September 12, 2018 to then-Attorney General Sessions requesting that he rescind his decision in *Matter of A-B*-; and

WHEREAS, the *Matter of A-B*- decision does not reflect the values or spirit of the City of Saint Paul or the United States; and

WHEREAS, the *Matter of A-B*- decision must be reversed at the earliest possible opportunity; therefore, be it

RESOLVED, that Mayor Carter and the Saint Paul City Council declare its condemnation of former Attorney General Sessions' decision in *Matter of A-B*- seeking to close the door to women and others seeking asylum on the basis of domestic violence; and, be it

FURTHER RESOLVED, that Mayor Carter and the Saint Paul City Council recognize the decision as a shameful attempt to eviscerate protections for women, children, LGBTQ people, and families fleeing harrowing violence; and, be it

FURTHER RESOLVED, that Mayor Carter and the Saint Paul City Council calls on the U.S. Department of Justice to rescind the *Matter of A-B*- decision; and, be it

FURTHER RESOLVED, that Mayor Carter and the Saint Paul City Council urges congressional appropriators to instruct the Departments of Justice and Homeland Security that they may not use appropriated funds to implement *Matter of A-B*-; and, be it

FURTHER RESOLVED, that Mayor Carter and the Saint Paul City Council urges our leaders in Congress to enact laws that address the issues created by *Matter of A-B*- and restore justice and fairness to our asylum system; and, be it

FURTHER RESOLVED, that Mayor Carter and the Saint Paul City Council urges the federal courts of appeals to overturn *Matter of A-B*- and affirm that domestic violence may be a basis for asylum; and, be it

FINALLY RESOLVED, that Mayor Carter and the Saint Paul City Council will continue to stand with our asylum

-seeking residents and denounce policies that curtail their right to seek refuge in the United States.