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## MADIGAN OPPOSES EFFORT TO DENY ASYLUM TO VICTIMS OF DOMESTIC & GANG VIOLENCE

### *Madigan and Attorneys General Oppose DOJ Reversal on Immigration Policy That Protects Victims Escaping Persecution*

**Chicago** — Attorney General Lisa Madigan joined a group of 17 state attorneys general to stop the federal government from arbitrarily blocking immigrants who seek asylum due to domestic violence or gang terrorism in their home countries.

In an [amicus brief filed in the U.S. District Court for the District of Columbia](#), Madigan and the other attorneys general argue that the federal government is ignoring decades of federal law and policy designed to protect asylum-seekers who are persecuted in their home countries because of their gender, ethnicity, or other key personal characteristics.

"I will not stand by as this administration continues its cruel policies of closing our borders to people seeking refuge in our country, including survivors of domestic and gang violence," Madigan said. "Turning away refugees who face real threats of violence in their home countries betrays America's basic ideals rooted in justice and compassion."

The plaintiffs in the case are predominantly women and children from Central America who sought asylum in the United States from domestic violence and violent persecution by gangs in their home countries. They argued, as past asylum-seekers have successfully claimed, that the governments in their home countries are unwilling or unable to protect them from such harm. U.S. law provides that immigrants may seek asylum in America "because of a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

However, in June 2018, U.S. Attorney General Jeff Sessions issued a decision in Matter of A-B 27 I&N Dec. 316 (A.G. 2018), which reversed the federal Board of Immigration Appeals' grant of asylum to an El Salvadoran woman who was brutalized by her husband. The decision changed federal policy to state that, in general "claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum."

In August 2018, the American Civil Liberties Union and the Center for Gender and Refugee Studies filed suit to block the new policy from taking effect.

While federal law requires that asylum claims be decided on a case-by-case basis, Session's decision in Matter of A-B- unlawfully creates a presumption that victims of domestic and gang violence are unlikely to receive asylum. The decision also made it more difficult for asylum applicants to prove they have credible fear of persecution. Together, these policies make it extremely difficult for victims of domestic and gang violence to successfully gain asylum.

The brief argues that the Trump Administration's policy reversal is harmful because:

**Domestic and gang-related violence victims deserve U.S. protection:** The brief notes that in countries such as the ones from which the plaintiffs fled, domestic and gang-related violence are rampant – and that fleeing such violence is a legitimate reason to seek asylum.

**Women and children predominately suffer from domestic violence:** The brief notes that although both men and women can suffer from gender-based harm, such as domestic violence, it is women and their children who predominantly suffer. While state, federal and international policies and laws have recognized this harm, the new U.S. Department of Justice policy unlawfully ignores this fact.

Limiting immigration hurts states: The brief notes that limiting immigration hurts the economy and well-being of the amici states. For example, one in six workers in the United States is an immigrant. Also, immigrants pursue entrepreneurship at higher rates than the general population.

Joining Madigan in filing the brief were the attorneys general of the following states: California, Connecticut, Delaware, the District of Columbia, Hawaii, Iowa, Maryland, Maine, Massachusetts, Minnesota, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington.

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