

Timeline - Asylum from Gender Persecution

- 1996: The Board of Immigration Appeals (BIA) issues *Matter of Kasinga*, a landmark decision granting asylum to a young woman fleeing female genital cutting, and establishing that women who are persecuted because of their gender may be recognized as “members of a particular social group” and qualify for political asylum.
- 1996: Relying on the *Kasinga* decision, an immigration judge in San Francisco grants asylum to Rodi Alvarado, a Guatemalan woman fleeing years of brutal domestic violence. The INS appeals the decision.
- June 1999: The BIA issues *Matter of R-A-*, its decision in Rodi Alvarado’s case, overturning the immigration judge’s grant of protection and substantially limiting the positive *Kasinga* decision.
- Dec. 2000: The Department of Justice issues proposed rules setting forth guidance for deciding gender asylum claims; the preamble to the regulations state that they “remove certain barriers that the *In re R-A-* decision seems to pose to claims that domestic violence, against which a government is either unwilling or unable to provide protection, rises to the level of persecution of a person on account of membership in a particular social group.”
- Jan. 2001: Attorney General Janet Reno overturns the *Matter of R-A-* decision, and she orders the BIA to decide the case again when the proposed rules issued by the Department of Justice become finalized.
- Feb. 2003: Attorney General John Ashcroft orders the BIA to send *Matter of R-A-* to his office for a decision.
- Feb. 2004: The Department of Homeland Security files a brief to the Attorney General which sets forth an analytical framework for deciding such claims, and argues in favor of a grant of asylum to women such as Rodi Alvarado.