

Congress of the United States
Washington, DC 20515

November 4, 2003

The Honorable John Ashcroft
 Attorney General
 Department of Justice
 950 Pennsylvania Avenue, NW
 Washington, DC 20530-0001

Dear Attorney General Ashcroft:

It has come to our attention that your office has recently rejected a request by counsel for Ms. Rodi Alvarado Peña to submit a brief in the *Matter of R-A-* case, which you certified for your consideration on February 21, 2003. As a matter of due process and fundamental fairness, we strongly urge you to reconsider this decision.

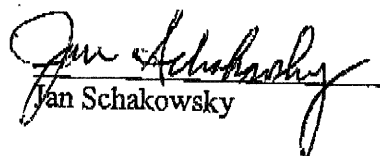
Rodi Alvarado Peña is a Guatemalan woman who suffered ten years of brutal violence at the hands of her husband, a former soldier. Despite her repeated attempts to obtain government protection, the police and the courts refused to intervene. When she ran away, her husband found her and beat her unconscious. Desperate to save her life, Ms. Alvarado fled to the United States. A U.S. Immigration Court granted Ms. Alvarado asylum on September 20, 1996. The government chose to appeal, and briefs were submitted to the Board of Immigration Appeals (BIA) between August and October 1997.

We have been informed that the Department has taken the position that Ms. Alvarado's counsel had the opportunity to fully brief the issues involved when the case was on appeal to the BIA. Yet over the last six years, there has been a wealth of significant relevant legal developments. They include a detailed proposal by the Department of Justice for regulations to address the issue of domestic violence as a basis for asylum. There have also been a number of federal court decisions interpreting the meaning of the "particular social group" ground under our immigration law, which is a central issue in this case. In 2002, the United Nations High Commissioner for Refugees (UNHCR) issued guidelines on gender and particular social group issues. Because these developments occurred subsequent to the briefing of this case, counsel for either party has not had the opportunity to address them.

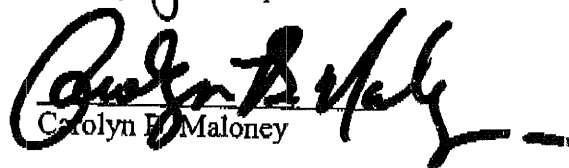
The *Matter of R-A-* has attracted significant national and international attention as the leading case in determining whether women fleeing gender-based persecution -- such as domestic violence, honor killing, and sexual trafficking -- will be granted asylum in the United States. In a case of this significance, it is important to provide the opportunity for both sides to be heard. Finally, this is a case in which providing such an opportunity is clearly not prejudicial to the government. We urge you to reconsider your decision not to allow briefing in this case, and we look forward to your prompt reply.

Sincerely,


 Lucille Roybal-Allard

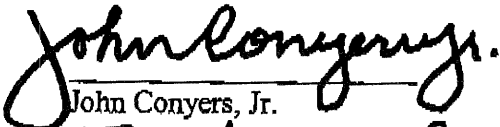

 Jan Schakowsky

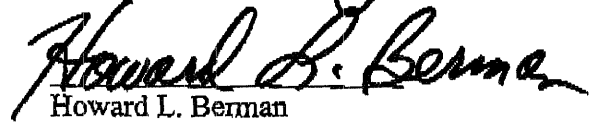

 Shelley Moore Capito

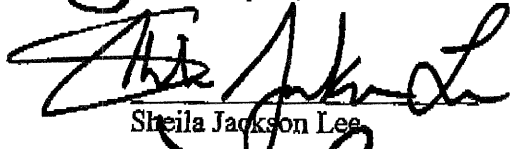

 Carolyn F. Maloney


Lincoln Diaz-Balart

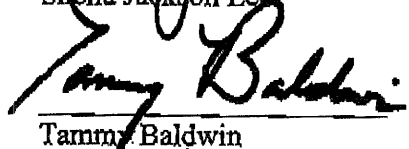

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John Conyers, Jr.


Howard L. Berman

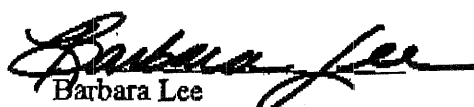

Sheila Jackson Lee


Zoe Lofgren

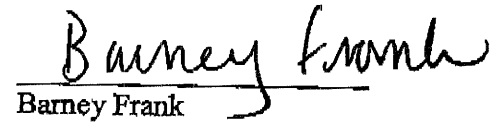

Tamm Baldwin

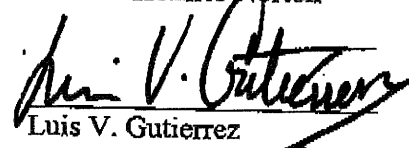

Linda T. Sanchez

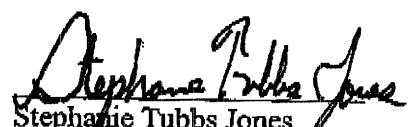

Tom Lantos


Barbara Lee

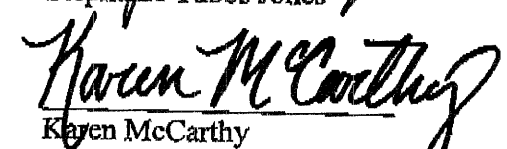

Eleanor Holmes Norton


Barney Frank

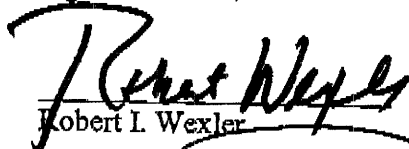

Luis V. Gutierrez

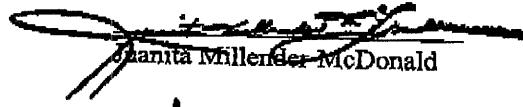

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Jim McDermott

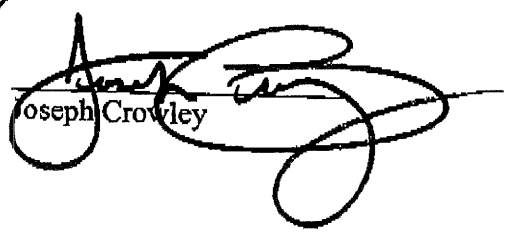

Kaye McCarthy

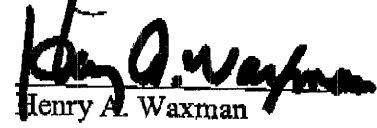

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Janita Miller-McDonald


Xavier Becerra


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Elijah Cummings
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