

1 [Affirming San Francisco’s Support for Asylum Seekers Fleeing Gender-Based Persecution
2 and Domestic Violence]

3 **Resolution affirming San Francisco’s support for asylum-seeking residents fleeing**
4 **gender-based persecution and condemning the federal government’s administrative**
5 **decision undermining asylum protections for survivors of domestic violence.**

6
7 WHEREAS, The San Francisco Board of Supervisors has repeatedly affirmed its
8 commitment to protecting San Francisco’s immigrant communities, and since January 2017
9 has consistently condemned actions of the Trump Administration that target our immigrant
10 and asylum-seeking residents; and

11 WHEREAS, The City and County of San Francisco has a long history and proud legacy
12 of leading the fight to advance women's rights and combat gender-based violence; and

13 WHEREAS, Former U.S. Attorney General Jefferson B. Sessions, on June 11, 2018,
14 issued a sweeping decision in the asylum case Matter of A-B- (27 I&N Dec. 316 (A.G. 2018)
15 on file with the Clerk of the Board of Supervisors in File No. 191155, which is hereby declared
16 to be a part of this Resolution as if set forth fully herein), involving a domestic violence
17 survivor from El Salvador; and

18 WHEREAS, That ruling vacated the Board of Immigration Appeals’ landmark decision
19 in Matter of A-R-C-G- (26 I&N Dec. 388 (BIA 2014) on file with the Clerk of the Board of
20 Supervisors in File No. 191155, which is hereby declared to be a part of this Resolution as if
21 set forth fully herein), which had recognized domestic violence as a basis for asylum; and

22 WHEREAS, In his decision then-Attorney General Sessions declared that asylum
23 seekers presenting claims based on domestic violence will “generally” no longer qualify for
24 relief; and

25 WHEREAS, Sessions’ decision included sweeping pronouncements undermining

1 protections for individuals fleeing other forms of persecution perpetrated by nongovernment
2 actors, including gangs and organized crime groups; and

3 WHEREAS, In *Grace v. Whitaker* (344 F. Supp. 3d 96 (D.D.C. 2018) on file with the
4 Clerk of the Board of Supervisors in File No. 191155, which is hereby declared to be a part of
5 this Resolution as if set forth fully herein), the U.S. District Court for the District of Columbia
6 found the heightened standards articulated by Sessions in *Matter of A-B-* to be inconsistent
7 with existing legal precedents and congressional intent behind the Refugee Act of 1980,
8 holding that there can be no blanket rule barring domestic violence asylum claims; and

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

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

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

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

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

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

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

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

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

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

16 WHEREAS, California Senators Dianne Feinstein and Kamala Harris have decried the
17 Matter of A-B- ruling and called for its reversal; and

18 WHEREAS, 118 members of Congress, including Congresswoman Jackie Speier (D-
19 Calif.), signed a letter sent on September 12, 2018, to then-Attorney General Sessions
20 requesting that he rescind his decision in Matter of A-B-; and

21 WHEREAS, The Matter of A-B- decision does not reflect the values or spirit of San
22 Francisco or the United States; and

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

25 RESOLVED, That the San Francisco Board of Supervisors declares its condemnation

1 of former Attorney General Sessions' decision in Matter of A-B- seeking to close the door to
2 women and others seeking asylum on the basis of domestic violence; and, be it

3 FURTHER RESOLVED, That the San Francisco Board of Supervisors recognizes the
4 decision as a shameful attempt to eviscerate protections for women, children, LGBTQ people,
5 and families fleeing harrowing violence; and, be it

6 FURTHER RESOLVED, That the San Francisco Board of Supervisors calls on the U.S.
7 Department of Justice to rescind the Matter of A-B- decision; and, be it

8 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges
9 congressional appropriators to instruct the Departments of Justice and Homeland Security
10 that they may not use appropriated funds to implement Matter of A-B-; and, be it

11 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges our
12 leaders in Congress to enact laws that address the issues created by Matter of A-B- and
13 restore justice and fairness to our asylum system; and, be it

14 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the
15 federal courts of appeals to overturn Matter of A-B- and affirm that domestic violence may be
16 a basis for asylum; and, be it

17 FURTHER RESOLVED, That the San Francisco Board of Supervisors will continue to
18 stand with our asylum-seeking residents and denounce policies that curtail their right to seek
19 refuge in the United States; and, be it

20 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
21 the Clerk of the Board to transmit copies to the members of Congress from San Francisco and
22 the United States Senators from California with a request to take all action necessary to
23 achieve the objectives of this resolution.

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