

MOTION BY SUPERVISOR HILDA L. SOLIS

NOVEMBER 19, 2019

Protecting Domestic Violence Survivors Seeking Asylum in the U.S.

On June 11, 2018, former U.S. Attorney General Jeff Sessions issued a sweeping decision in asylum case *Matter of A-B-*, 27 I&N Dec. 227 (A.G. 2018), declaring that asylum seekers presenting claims based on domestic violence will “generally” no longer qualify for relief. The ruling also included pronouncements undermining protections for individuals fleeing other forms of persecution perpetrated by non-government actors, including gangs and organized crime groups. The Sessions’ decision overruled a prior Board of Immigration Appeals case, *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014), which had recognized survivors of domestic violence as a particular social group who can have a basis for asylum.

Although the U.S. District Court for the District of Columbia later found the heightened standards articulated in *Matter of A-B-* to be inconsistent with existing legal precedents and the Refugee Act of 1980, the federal Departments of Justice and Homeland Security have instructed adjudicators that *Matter of A-B-* must continue to be used in deciding asylum claims based on their merits.

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

BARGER _____

HAHN _____

Most women and girls seeking asylum at the U.S. southern border arrive from the Northern Triangle countries of Central America, which include El Salvador, Guatemala, and Honduras. In those countries, domestic violence and other forms of gender-based violence tend to be widespread. According to data from Syracuse University, in the 12 months following the decision in *Matter of A-B-*, 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 before the decision.

The *Matter of A-B-* decision could force thousands of women, children, LGBTQ+ migrants, and families back into perilous, unsafe, and potentially deadly situations. Many of these individuals currently seek refuge in Los Angeles County. Approximately 1.8 million Los Angeles County residents are noncitizens, including documented and undocumented immigrants, asylum applicants, refugees who have been granted asylum, and other groups. Because of increased federal immigration enforcement and widespread hateful rhetoric directed at immigrants. Local advocacy groups that provide immigration assistance to survivors of domestic violence and other impacted communities are finding that many individuals are becoming more fearful to request help. With these reports of significant decreases in survivors seeking immigration assistance, there exists pervasive concerns about the increased danger this already vulnerable population is being forced to face.

I, THEREFORE, MOVE that the Board of Supervisors:

- 1) Direct the Chief Executive Officer, in consultation with relevant County departments, to send a five-signature letter to the Department of Justice to rescind the *Matter of A-B-* decision; and

- 2) Direct the Chief Executive Officer, in consultation with the relevant County departments, to send a five-signature letter to the Los Angeles County Congressional Delegation to declare the County's opposition to the *Matter of A-B* decision, recommend that they instruct the departments of Justice and Homeland Security not to use appropriated funds to implement the *Matter of A-B* decision, and urge Congress to enact laws that address the issues created by the *Matter of A-B* decision; and
- 3) Instruct County Counsel to join and/or file an amicus brief in support of the *Grace v. Barr* lawsuit, and to evaluate and make recommendations to the Board about the County's participation as amicus in other lawsuits concerning the decision announced in the *Matter of A-B*.

#

HLS:jvall