

CENTER FOR
Gender & Refugee
STUDIES

Protecting Refugees • Advancing Human Rights

**Six-Month Report Submitted to the Barbara McDowell and Gerald S. Hartman Foundation
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Overview

The Center for Gender & Refugee Studies (CGRS) protects the fundamental human rights of refugee women, children, LGBT individuals, and others who flee persecution in their home countries. We are an internationally respected resource for gender asylum, renowned for our knowledge of the law and ability to combine sophisticated legal strategies with policy advocacy and human rights interventions. The current context of Central American women and children escaping rampant violence in their home countries has brought our work into focus nationally, greatly increasing the need for our expertise.

With the support of the Barbara McDowell and Gerald S. Hartman Foundation, CGRS is litigating a domestic violence case, which we refer to as *Matter of A-*, pending before the immigration court that hears asylum claims of women detained at the immigration detention center in Eloy, Arizona. Eloy is a mixed-gender facility that houses around 500 women, including many female asylum seekers with domestic violence and other gender-based claims. As expert national litigators of gender asylum cases, CGRS is targeting the Eloy court because of its demonstrated hostility toward women asylum seekers. Judges at the Eloy court have denial rates upwards of 90%, among the highest in the nation. Preliminary analyses of decision-making shows Eloy judges have a fundamental lack of knowledge of the dynamics of domestic violence and social context for gender-based violence more broadly.

We are strategically partnering with advocates on the ground to try to orchestrate a complete cultural shift at the Eloy court. We are doing so through strengthening and empowering the local pro bono bar, as well as intervening as counsel in a case to educate the court and influence its treatment of domestic-violence-based claims. We aim to transform the harmful status quo of blanket denials of women's claims for protection.

Progress to Date

Over the past six months, we have begun working with partners at the University of Arizona and a local Arizona-based non-profit, the Florence Immigrant & Refugee Rights Project, who conduct regular intakes at the Eloy detention center, to screen for the best case suited for our intervention as counsel as well as place a critical mass of cases with local pro bono counsel. With their help, we have vetted several cases of women seeking asylum based on domestic violence or other forms of gender-based violence whose cases are currently or close to being set for trial. We have looked at each case to determine which one makes the most strategic sense for us to litigate – factors include the strength of the underlying facts, language considerations, and timing of the trial.

Through this screening process, we spent time with the local partners discussing the intakes to help evaluate the strength of the potential gender claims and the legal theories, introducing several elements they had not yet considered including, for example, child abuse or race discrimination. Although we are only taking on one case for actual representation, the other cases are being placed with local pro bono attorneys to whom we are providing tailored technical assistance and litigation support materials. We helped the local partners develop criteria for prioritizing cases assigned to pro bono attorneys, taking into consideration the attorney's experience with asylum law. This is the first attempt by attorneys in the Eloy area to provide universal representation for women with meritorious claims to asylum.

To support local pro bono attorneys, we created an updated referral list for possible expert witnesses from Mexico and Central America with expertise in domestic violence. We also disseminated a guide on how to access our technical assistance in their individual cases through our database, and what resources we can make available to them, including expert declarations and model pleadings.

We have also been collecting several decisions of the Eloy immigration judges in asylum cases to get a better sense of where each judge stands to help prepare our trial strategy.

We are currently in the process of making the final determination of which woman we will represent directly. We have already booked our travel and made arrangements for our first client meeting.

Anticipated Progress for the Next Six Months

CGRS will travel to Eloy on April 20 to meet with our client. We will spend the good part of two days in the detention center meeting with her and delving into her history of persecution and ongoing fear. During this trip, we will be conducting several trainings with local pro bono attorneys, including an in depth workshop for a small group of attorneys who have already been assigned cases and are in the final stages of preparing for trial and a broader community event to recruit more volunteers.

We will return to Eloy to prepare our client for trial, and then return again for the actual trial. In the meantime, we will work to document the case, collect corroborating evidence such as statements from any witnesses, medical records, country conditions documentation, and prepare evidentiary submissions. We anticipate that trial will occur sometime this summer. We will use the trial as an opportunity to shine the national spotlight on the Eloy court, increasing the pressure on the court not to ignore national precedent and do right by our client (and those with similar claims).

We are optimistic that we will prevail at trial on behalf of our client. However, we understand that turning one of these judges around in just one trial may not be realistic. Therefore, we will focus on creating a strong record that will ensure our success on appeal, especially given that Eloy is within the jurisdiction of the Ninth Circuit. The Eloy judges should not be able to ignore a reversal at the appellate level, and we will continue to work with our partners to ensure that they do not.