

VIA electronic mail

**RECEIVED**  
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The Honorable Alejandro N. Mayorkas, Secretary  
United States Department of Homeland Security

The Honorable Merrick B. Garland, Attorney General  
United States Department of Justice

January 4, 2024

**RE: Request to comply with the Administration's February 2, 2021 [Executive Order](#) directing the U.S. Department of Homeland Security and U.S. Department of Justice to promulgate joint regulations to clarify the definition of "particular social group"**

Dear Secretary Mayorkas and Attorney General Garland,

Nearly three years have passed since the President directed the Department of Homeland Security (DHS) and the Department of Justice (DOJ) to promulgate joint regulations clarifying the standard for the particular social group (PSG) ground of asylum. Per DOJ's representations to the judge in federal litigation, we were pleased to learn that the Departments are actively working on the rule<sup>i</sup>. We are also encouraged by OIRA's notice for publication of the rule this month. While we note that the Departments are responsible for rulemaking on a variety of topics at any given time, time is now of the essence for survivors of rape, domestic violence, and other horrific forms of violence who are desperately in need of safety and freedom.

While the PSG rule will certainly not be a panacea, its potential to afford women, girls, and others equal and meaningful access to life saving protection cannot be understated. Survivors of gender-based violence, unlike members of other groups such as racial and religious minorities, unfortunately do not benefit from the plain language of the U.N. Refugee Convention. Both the U.N. and the U.S. have sought to rectify the omission of gender as an explicitly protected category through interpretive guidance and caselaw, but – as illustrated by [these](#) and other examples - the pressing need for the rule remains. Continuing to shelve it for another day perpetuates the very same ambivalence and marginalization that kept the Convention drafters from naming survivors as equally worthy of protection as others in the first place.

Some fear that the rule will amount to a "free pass" for asylum seekers. The truth is that survivors face tremendous obstacles to escape with many thwarted along the way by further violence and other perils. Clarifying the PSG standard through the rule will also help to 1) level the playing field for unrepresented people; 2) reduce re-traumatization by right sizing the role of survivor testimony as to membership in a PSG and nexus; and 3) promote efficiency in adjudications beginning with the credible fear stage and throughout the appellate process. These are extremely worthy outcomes for an effective asylum system and for all stakeholders.

While the inequity of the status quo is harmful for survivors, the risk of future regulations designed to end gender-based asylum entirely also looms large. We implore DHS not to squander this opportunity to promptly issue the rule, to ensure that in the interim and hopefully beyond, eligible women, girls, and others may be spared from further atrocity.

Thank you for considering this request and we eagerly await your response. Please contact Irena Sullivan at [irenas@tahirih.org](mailto:irenas@tahirih.org) for questions or further discussion.

Respectfully,

Tahirih Justice Center

ASISTA

Asian Pacific Institute on Gender-Based Violence

Esperanza United (formerly Casa de Esperanza: National Latin@ Network) National Immigrant Women's Advocacy Project

Cc: Jonathan E. Meyer, General Counsel, DHS  
Blas Nuñez-Neto, Assistant Secretary for Border & Immigration Policy, DHS  
Adam Hunter, Deputy Assistant Secretary for Border & Immigration Policy, DHS  
Charanya Krishnaswami, Senior Counselor, Office of the Secretary, DHS  
Royce Bernstein Murray, Senior Counselor, Office of the Secretary, DHS  
Shoba Sivaprasad Wadhia, Officer, Office of Civil Rights & Civil Liberties, DHS  
Brenda F. Abdelall, Assistant Secretary of Partnership & Engagement, DHS  
Ur M. Jaddou, Director, United States Citizenship & Immigration Services (USCIS), DHS  
Avideh Moussavian, Chief, Office of Policy & Strategy (OPS), USCIS, DHS  
Margy O'Herron, Senior Counsel, Office of the Deputy Attorney General, DOJ  
Matthew Bennett Klapper, Chief of Staff, Office of the Attorney General, DOJ  
Lauren Alder Reid, Assistant Director, Executive Office for Immigration Review, Office of Policy, DOJ  
Natalie Quillian, White House Deputy Chief of Staff  
Neera Tanden, Director, White House Domestic Policy Council  
Jennifer Klein, Director, White House Gender Policy Council

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<sup>i</sup> See, e.g., *Tahirih v. Mayorkas*, No. 1:21-cv-00124-TSC (D.D.C.), e.g., ECF No. 18 (filed Aug. 9, 2021); ECF No. 24 (filed Jan. 7, 2022); ECF No. 28 (filed Apr. 8, 2022); ECF No. 34 (filed Aug. 8, 2022); ECF No. 42 (filed Nov. 7, 2022); ECF No. 50 at 13 (filed Aug. 14, 2023).



U.S. Citizenship  
and Immigration  
Services

March 6, 2024

Ms. Irena Sullivan  
Tahirih Justice Center  
Irenas@tahirih.org  
On behalf of the Alliance for Immigrant Survivors

Dear Ms. Sullivan:

Thank you for your January 4, 2024 letter to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

We acknowledge your request for DHS and the Department of Justice (DOJ) to promulgate joint regulations related to Executive Order 14010. This Executive Order directed the Attorney General and Secretary of Homeland Security “to evaluate whether the United States provides protection for those fleeing domestic or gang violence in a manner consistent with international standards” and engage in rulemaking on claims for relief or protection based on membership in a “particular social group.”

Since then, DHS and DOJ continue to work on addressing the definitions of membership in a particular social group.<sup>1</sup> We encourage all interested parties to submit comments when the joint Notice of Proposed Rulemaking is published. DHS and DOJ will carefully consider, and respond to, public comments in any final rulemaking.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ur M. Jaddou" followed by a long horizontal flourish.

Ur M. Jaddou  
Director

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<sup>1</sup> See the Fall 2023 Unified Agenda,  
<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=1615-AC65>.