

No. REDACTED

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In the  
United States Court of Appeals  
For the Fifth Circuit

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REDACTED,  
*Petitioners,*

v.

LORETTA LYNCH, U.S. ATTORNEY GENERAL,  
*Respondent.*

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**BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONERS<sup>1</sup>**

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<sup>1</sup> This brief was filed by *pro bono* counsel on behalf of the National Immigrant Women's Advocacy Project, Inc. (NIWAP) and several Immigration Law Professors from Texas in a case where Petitioner was represented by *pro bono* counsel, the National Immigrant Justice Center (NIJC), and RAICES. On February 29, 2016, the U.S. Court of Appeals for the Fifth Circuit issued an order carrying with the case the unopposed motion for leave to file amicus brief in support of the Petitioners. Portions of the brief that are specific to the facts of the Petitioner's claim have been redacted.

The electronic version of this brief can be found on NIJC's website at [www.immigrantjustice.org/gender-based-asylum-claims](http://www.immigrantjustice.org/gender-based-asylum-claims).

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## INTRODUCTION AND STATEMENT OF *AMICI CURIAE*

*Amici* submit this brief to correct a false premise underlying the two decisions in this case—namely, that when a victim of domestic violence moves out of the residence she shares with her abuser, she has succeeded in leaving the relationship. In its precedential decision in *Matter of A-R-C-G-*, 26 I&N Dec. 388 (B.I.A. 2014), the Board held that a female victim of domestic violence may establish her membership in a “particular social group” by showing that for religious, societal, cultural, legal, or other reasons, she was “unable to leave the relationship” with her abuser. *Id.* at 389. The Immigration Judge and the single Board member who decided this case distinguished it from *Matter of A-R-C-G-* on the ground that Petitioner was not legally married to her long-term partner and, before coming to the United States, had moved out of their shared residence. This analysis reflects a fundamental misunderstanding about the nature of domestic violence, coercive control in abusive relationships, and the increased difficulties and dangers facing victims who attempt to terminate their relationships with their abusers.

As discussed below, research shows that an abusive relationship does not end when the victim moves out. Indeed, when a victim at-

tempts to leave a shared residence and move on with her life, the abuse can become even more violent and disempowering as the abuser strives to maintain control of the relationship. The fact that Petitioner and her abuser had children in common makes this situation worse. With or without the kind of legal custody arrangement that might exist in the United States, having children in common gives the abuser both the opportunity and the means to continue his abuse and control over the victim—particularly in a culture that places a high priority on fatherhood and family. Further, the victim’s exit from the shared residence may cause the abuser to sharpen his threats and violence toward third parties—including the victim’s children or family members, or even a new romantic partner—as a way to maintain control in the relationship. For all these reasons, there is no logical basis and no evidence-based research support for the assumption that a domestic violence victim is able to end her relationship with her abuser simply by taking their children and moving out.

*Amici* are well suited to provide the Court with the necessary context and research on all these issues. They share a keen interest in ensuring the proper application and development of U.S. immigration law,

so that individuals seeking asylum and related relief receive fair and proper consideration under standards consistent with U.S. laws and treaty obligations.

The National Immigrant Women's Advocacy Project ("NIWAP") is a non-profit public policy advocacy organization that develops, reforms, and promotes the implementation and use of laws and policies that improve legal rights, services, and assistance to immigrant women and children who are victims of domestic violence, sexual assault, stalking, human trafficking, and other crimes. NIWAP is a national resource center offering technical assistance and training to assist a wide range of professionals at the Federal, State, and local levels who work with and/or whose work affects immigrant crime victims. NIWAP provides direct technical assistance and training for attorneys, advocates, immigration judges, the Board of Immigration Appeals judges and staff, state court judges, police, sheriffs, prosecutors, Department of Homeland Security adjudication and enforcement staff, and other professionals. NIWAP Director Leslye E. Orloff was closely involved with the enactment of the Violence Against Women Act ("VAWA") legislation, including the VAWA self-petition in 1994 and the T and U visas in 2000,

as well as the 1996, 2000, 2005, and 2013 VAWA confidentiality protections. She has also published legal and social science research articles on domestic violence experienced by immigrant women and children.

The Immigration Law Professors are clinical professors of law who practice, teach, and write about immigration law. They represent vulnerable, low-income immigrants from all over the world before the immigration and federal courts and the Department of Homeland Security. They often advocate for and represent individuals seeking asylum in the United States and victims of domestic violence. Each of the Immigration Law Professors is listed below. Their institutional affiliations are included for identification purposes only.

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*Amici* write to provide this Court with critical information and perspective on the issues resolved by the Immigration Judge and the single-judge Board panel in this case. If the same misunderstanding that infects these decisions were repeated by this Court, it could adversely impact the lives of many women who have suffered persecution because they found themselves trapped in controlling relationships.

**SUPPLEMENTAL CERTIFICATE  
OF INTERESTED PERSONS**

*Amici* certify that no party or party's counsel authored this brief in whole or in part. Nor did any party or party's counsel contribute any money to fund the preparation of this brief. No one other than *Amici* and the undersigned firm contributed money to the preparation and filing of this brief.

## STATEMENT OF THE FACTS

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## SUMMARY OF ARGUMENT

Both the Immigration Judge and the Board assumed that by moving out and (ultimately) beginning to date someone new, Petitioner could and did successfully “leave” her abusive relationship. These decisions reflect a fundamental misunderstanding of the nature, dangers, and mechanics of domestic abuse. By insisting that these decisions be allowed to stand, Respondent is effectively asking this Court to codify a long-disproved myth—that victims of domestic violence can leave their relationships and end the abuse simply by moving out.

1. Research shows that abusive domestic relationships do not end merely because the victim moves out of the home she shares with her abuser. Indeed, when a victim attempts to leave the home and move on with her life, the abuse often becomes even more violent and disempowering as the abuser works to maintain control over the victim. The documented experience of abused women—consistent with Petitioner’s own experience—shows that domestic violence flows from the abuser’s need to exercise control in his relationship with the victim.

That need to control—along with the control-laden relationship that results—necessarily prevents the victim from unilaterally ending the relationship. It is no surprise, then, that the vast majority of women who move out of abusive homes report that their abusers stalk them, find them, and continue to control them through threats and violence.

2. This phenomenon is particularly apparent when—as here—the abuser and victim have children in common. Even in a non-abusive relationship—and with or without a legal shared custody arrangement—the existence of shared children will almost always require the parents to remain in relationship with one another to some extent. Having children in common gives the abuser both the opportunity and the means to continue his abuse, coercion, and control over the victim.

3. When an abuser and his partner no longer live under the same roof, the abuser will often turn his threats and violence toward third parties—including the victim’s children or family members, or even a new romantic partner—as a way to maintain control in the relationship. Gang membership may make this phenomenon worse, as the abuser’s gang ties may place additional force behind his threats and ex-

pand the reach of his power well beyond the four walls of a shared residence to include an entire town or community.

For all these reasons, there is no logical basis or evidence-based research supporting the assumption that a victim of domestic violence can leave an abusive relationship and escape her abuser's control merely by moving out of the house and starting a new relationship. In this respect, the decisions by the Immigration Judge and Board are fatally flawed and should not be allowed to stand.

## ARGUMENT

- I. **Research shows that an abused partner generally does not—and cannot—terminate the abusive relationship merely by “moving out” or ending the cohabitation.**

Physical separation from an abuser rarely means that an abused woman has successfully left the relationship and stopped the cycle of violence. Indeed, the very essence of an abusive relationship is that the abuser is in control and the victim does not have the power to end the relationship unilaterally.

Research shows that domestic violence flows from the abuser's need to exercise control in his relationship with the victim. Mary Ann Dutton & Lisa A. Goodman, *Coercion in Intimate Partner Violence: Towards a New Conceptualization*, 52 Sex Roles 743, 743 (2005). This ex-

ercise of control necessarily prevents the victim from unilaterally ending the relationship. Peter G. Jaffee, et al., *Common Misconceptions in Addressing Domestic Violence in Child Custody Disputes*, *Juvenile & Family Ct. J.* 57, 59–60 (2003) (“[S]eparation may be a signal to the perpetrator to escalate his behavior in an attempt to continue to control or punish his partner for leaving.”).

It is therefore not surprising that violence, stalking, threats, and other kinds of coercive control that characterize abusive relationships often continue well after the partners no longer live together. Cathy Humphreys & Ravi K. Thiara, *Neither Justice nor Protection: Women’s Experiences of Post-Separation Violence*, 25 *J. of Social Welfare & Family L.* 195, 199–201 (2003); Jane K. Stoeber, *Enjoining Abuse: The Case for Indefinite Domestic Violence Protection Orders*, 67 *Vand. L. Rev.* 1015, 1025–26 (2014) (finding that an increased risk of violence continues for years after separation).

A substantial percentage of women who leave the home they share with their abusers are followed and either harassed or further attacked. Tina Hotton, *Spousal Violence After Marital Separation*, Statistics Canada, Catalogue no. 85-002, at 1; Michelle L. Toews & Autumn M.

Bermea, *“I Was Naïve in Thinking, I Divorced This Man, He Is Out of My Life”*: A Qualitative Exploration of Post-Separation Power & Control Tactics Experienced by Women, *J. of Interpersonal Violence* 3 (2015) (the term “separation assault” was coined “to describe the violence men use to prevent women from leaving the relationship, to force them to return, or to retaliate after they had left.”).

The Justice Department has reported that 75% of all reported domestic abuse complaints involve women no longer living with their abusers. U.S. Dep’t of Justice, Bureau of Justice Statistics, *Violence Against Women: Estimates from the Redesigned Survey* 4 (1995)<sup>2</sup> (reporting that the rates of domestic violence are higher for divorced or separated women than for married women); Caroline W. Harlow, U.S. Dep’t of Justice, *Female Victims of Violent Crime* 5 (1991) (stating that “[s]eparated or divorced women were 14 times more likely than married women to report having been a victim of violence by a spouse or ex-spouse”)<sup>3</sup>; U.S. Dep’t of Justice, Bureau of Justice Statistics, *Report to the Nation on Crime & Justice* 33 (2d ed. 1988)<sup>4</sup>; *see also* D. Ellis,

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<sup>2</sup> <http://www.bjs.gov/content/pub/pdf/FEMVIED.pdf>

<sup>3</sup> <http://www.bjs.gov/content/pub/pdf/fvvc.pdf>

<sup>4</sup> <https://www.ncjrs.gov/pdffiles1/nij/105506.pdf>

*Woman Abuse Among Separated and Divorced Women: The Relevance of Social Support*, in *Intimate Violence: Interdisciplinary Perspectives*, 177, 178 (Emilio C. Viano ed. 1992) (“Findings from a variety of sources indicate that woman abuse among separated women is a more serious problem than is abuse experienced by married women who are living with their husbands.”).

Rather than easing the abuse, separation from a woman’s abuser often results in more severe acts of violence—a certain result here if Petitioner were forced to return to Honduras. Ruth E. Fleury, et al., *When Ending the Relationship Doesn’t End the Violence: Women’s Experiences of Violence by Former Partners*, 6 *Violence Against Women* 1363, 1364–65 (2000); *see also* Pet. Br. at 6–8 (describing the post-separation acts of violence). One study reached a conclusion remarkably similar to that of the early Department of Justice report, finding that nearly three-quarters of women assaulted by their partners after leaving the relationship experienced severe physical abuse and approximately half of these women suffered some form of injury. Fleury, *supra*

11, at 1371; *see also* Johns Hopkins School of Nursing, *The Danger Assessment* (2009).<sup>5</sup>

Other studies reaffirm that women are at greatest risk of homicide at the point of separation or after leaving a violent partner, and that violence against women who have attempted to leave a relationship can escalate over time. Jennifer L. Hardesty, *Separation Assault in the Context of Postdivorce Parenting: An Integrative Review of the Literature*, 8 *Violence Against Women* 597, 601 (2002) (risk of intimate femicide increases sixfold when a woman leaves an abusive partner); Jennifer L. Hardesty & Grace H. Chung, *Intimate Partner Violence, Parental Divorce, and Child Custody: Directions for Intervention and Future Research*, 55 *Family Relations* 200, 201 (2006) (“[S]eparation is a time of heightened risk for abused women. Studies indicate that violence often continues after women leave and sometimes escalates.”); Humphreys & Thiara, *supra* 9, at 197.

The likelihood of an escalation of the abuse is even greater in cultures with rigid gender roles, where men believe that they must maintain sexual control over their partners at all times. Mary Ann Dutton &

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<sup>5</sup> <https://www.dangerassessment.org/>

Giselle Haas, *Expert Testimony Concerning Battering*, Manual on VA-WA Immigration Relief 5 (2000) (“[R]esearch has shown that extreme sexual jealousy and separation, in particular, are associated with domestic homicides. Battered immigrant women experience high levels of extreme jealousy in abusive relationships. Cultures which socialize individuals into rigid gender roles often make women responsible if other men perceive them as sexually desirable, a situation which breeds significant jealousy on her partner and a desire to control her.”).

Post-separation acts of violence and abuse permit the abuser to continue his control over the woman, making it emotionally and physically difficult for her to find a place of safety that would enable her to leave the relationship. Humphreys & Thiara, *supra* 13, at 200 (explaining that a fundamental aspect of the cycle of abuse is the man’s use of violence to entrap the woman so that she feels she cannot leave, even or especially after she has tried); *see also id.* at 201 (explaining that women were more vulnerable after separation because they “had no way of knowing whether threats would actually be carried through” because they could not “predict the situation in ways which were possible when they were co-habiting”). Further, it inexorably follows that in circum-

stances where the victim has difficulty securing a secret place to avoid her abuser, it is nearly impossible for her to leave the relationship.

Finally, a woman's inability to leave an abusive relationship following separation is increased where, as here, there is a lack of police enforcement and inadequate prosecution of domestic violence. Studies have shown that lack of effective intervention compounds the abuser's sense of control and the woman's entrapment. Humphreys & Thiara, *supra* 9, at 196. In short, where there is poor law enforcement, women have no effective way of "keeping their abusers out." *Id.* at 207.

**II. Whether or not the separated parties have any continuing *legal* arrangement, their relationship (and the attendant abuse) will necessarily continue if they have children in common.**

When a couple has children in common, the relationship must continue in some form, making it near impossible for the victim of domestic abuse to ever truly leave the relationship. Hardesty & Chung, *supra* 12, at 201 ("When children are involved, women tend to perceive a threat of repeat violence, in part because they are not able to sever all ties with the abuser after separation. Instead, they often have ongoing exposure to the abuser as they negotiate custody and shared parenting . . . .") (citations omitted); Peter G. Jaffee, et al., Making Appropri-

ate Parenting Arrangements in Family Violence Cases: Applying the Literature to Identify Promising Practices 15–17 (2005)<sup>6</sup>; Darrell Payne & Linda Wermeling, *Domestic Violence and the Female Victim: The Real Reason Women Stay!*, *J. Multicultural Gender & Minority Studies* 4 (2009) (“child contact [is] a point of vulnerability for on-going post-separation violence and abuse”).

This is true regardless of whether the couple is married. Married or not, the father will generally be able to claim a “right” to continue to see the children—whether that right is conferred by culture, religious norms, or the law. Indeed, forces like societal expectations, familial pressure, and cultural norms may require that a father be allowed to remain in his children’s lives even if his involvement will place their mother at risk. Colleen Varco & Lori G. Irwin, *“If I Killed You, I’d Get the Kids”*: *Women’s Survival and Protection Work with Child Custody and Access in the Context of Woman Abuse*, 27 *Qualitative Sociology* 77, 86 (2004).

Consequently, when a woman has children in common with her abuser, the very existence of the children all but guarantees that she

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<sup>6</sup> [http://justice.gc.ca/eng/rp-pr/fl-lf/parent/2005\\_3/2005\\_3.pdf](http://justice.gc.ca/eng/rp-pr/fl-lf/parent/2005_3/2005_3.pdf)

cannot truly “leave” the relationship. Humphreys & Thiara, *supra* 9, at 207 (“child contact arrangements . . . provide[] the most consistent vulnerability to post-separation violence and undermined re-location as a safety strategy”). Indeed, research uniformly confirms that:

child contact . . . can become the prime site of continuing abuse for women which undermines their safety . . . . As many as 76% of women in contact with outreach services reported experiencing further abuse, and for 36% this was chronic post-separation violence. Thus, child contact is a form of post-separation violence, and includes violence and harassment “before, during and after child contact but also continuous litigation” where use of the legal system itself has been identified as a form of harassment. . . . Another study showed that more than half of those with post-separation child contact arrangements with an abusive ex-partner continued to have serious, ongoing problems with this contact.

Ravi K. Thiara & Aisha K. Gill, *Domestic Violence, Child Contact and Post-Separation Violence: Issues for South Asian and African-Caribbean Women and Children* 17 (2012) (internal citations omitted).

Moreover, visitation exchanges present some of the highest risk times for abused women, including in particular, the potential for homicide. Daniel G. Saunders, *Child Custody and Visitation Decisions in Domestic Violence Cases: Legal Trends, Risk Factors, and Safety Concerns* (2007) (“Separation is a time of increased risk of homicide for bat-

tered women, and these homicides sometimes occur in relation to custody hearings and visitation exchanges.”) (citation omitted)<sup>7</sup>; *see also* April M. Zeoli, et al., Post-Separation Abuse of Women and Their Children: Boundary-Setting and Family Court Utilization Among Victimized Mothers, 28 *J. Family Violence* 547 (2013) (“The mothers in this research reported that IPV-perpetrating fathers made use of opportunities presented to them by child custody and parenting time arrangements to further abuse mothers and children.”).

Physical violence and continued abuse associated with child contact situations is not the only reason that women are unable to leave the relationship. Abusers often use the children themselves to maintain control over and prevent the abused woman from leaving the relationship. Numerous studies have found that abusers will use their children as pawns to continue to harm, manipulate, and exercise control over their victims, even post-separation. Thiara & Gill, *supra* 16, at 17 (summarizing the findings of numerous studies showing that co-parenting and child contact often replaces the romantic relationship as the avenue for men to control and harm female partners).

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<sup>7</sup> [http://www.vawnet.org/applied-research-papers/print-document.php?doc\\_id=1134](http://www.vawnet.org/applied-research-papers/print-document.php?doc_id=1134)

For example, many victims of abuse report that they cannot leave the relationship with their abuser because they need to protect their children against violence that could be—or, in the case of actual threats, *will* be—redirected towards the children if they (the mothers) were to leave the relationship. Dutton & Haas, *supra* 12, at 7–8, 13. Another frequently reported fear is that the abuser will cut the mother off from her children if she leaves the relationship, or alternatively, that the abuser will abduct the children during visitation. Thiara & Gill, *supra* 16, at 17 (“In particular, fear of abduction by the non-resident parent is reported to be a serious concern in much of the research, with almost a quarter of resident parents highlighting this while a tenth reported that abduction had been threatened.”).

In the face of these threats, abused women are often forced to remain in some kind of relationship with their abuser and to continue to suffer abuse and worse, as the necessary price of maintaining their relationships with their children. *See* Leslye Orloff & Olivia Garcia, *Dynamics of Domestic Violence Experienced by Immigrant Victims* 14 (2013).

The absence of a legal marriage or custody agreement does *not* give the victim greater freedom. To the contrary, it may make her situation worse. The dissolution of a marriage will necessarily involve the courts, which may take steps to draw up custody arrangements that safeguard the mother's safety and visitation rights, including providing supervised visitation.

**III. An abused woman's attempt to leave the relationship may cause the abuser to redirect his violence to third parties as a way to maintain control.**

Once a victim is no longer under the same roof as her abuser and is not as easily a target of physical abuse, the abuser may shift his tactics to include threats against the victim's loved ones as a way to maintain control over his relationship with the victim. *See* Robert Walker, et al., *An Integrative Review of Separation in the Context of Victimization*, 5 *Trauma, Violence, & Abuse* 143, 159 (2004) ("Women may experience other violent tactics during separation as well including, [among other things] . . . threats and violence toward others.") (citations omitted); *see also* National Coalition Against Domestic Violence, *What is Domestic*

Violence? (“[t]hreatening to hurt or kill the victim’s friends, loved ones, or pets” is characteristic of abusers).<sup>8</sup>

As noted above, abusers also commonly threaten to harm or kidnap the couple’s shared children. National Coalition Against Domestic violence, *supra* 19; Toews & Bermea, *supra* 9, at 8–10; Varco & Irwin, *supra* 15, at 85–86 ; Walker, *supra* 20, at 161. Moreover, “new partners may also become victims of jealous ex-partners.” Hotton, *supra* 9, at 8.

These are not idle threats. One study of victims of intimate-partner-violence-related homicides found that 20% of homicide victims were corollary victims (victims other than the abusers’ intimate partners), including the intimate partners’ children, new partners, and allies (relatives, friends, neighbors, etc.). Sharon G. Smith, et al., *Intimate Partner Homicide & Corollary Victims in 16 States: National Violent Death Reporting System, 2003-2009*, Am. J. of Public Health e3 (2014). A study of post-separation violence in Canada found that, of corollary homicide victims, “the female victim’s new partner was the most frequent third party killed (38%), followed by other family members of the victim (24%), the couple’s children (24%), and friends (14%).”

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<sup>8</sup> <http://www.ncadv.org/need-help/what-is-domestic-violence> (last accessed Feb. 21, 2016)

Hotton, *supra* 9, at 8; *see also* Daniel G. Saunders & Angela Browne, *Intimate Partner Homicide*, in Robert T. Ammerman & Michel Hersen, *Case Studies in Family Violence* 415, 424 (2d ed. 2000).

This problem may be particularly acute when—as here—the abuser is a member of a gang. Gangs and their members are extremely violent and tend to view young women as property. Emilio C. Ulloa, et al., *Inter-Partner Violence in the Context of Gangs*, 17 *Aggression and Violent Behavior* 397, 403 (2012); Videtta A. Brown, *Gang Membership Perpetrated Domestic Violence: A New Conversation*, 7 *U. Md. L. J. Race Religion Gender & Class* 395, 401, 405 (2007). Gang-affiliated abusers are demonstrably capable of brutal violence, and they often exact violence on romantic partners who later wish to leave their relationships. Brown, *supra* 21, at 405.

Further, a gang-affiliated abuser can marshal his gang to help intimidate and control his partner and the people close to her even after she moves out of a shared residence. Abusers commonly use surveillance to control their victims. Dutton & Goodman, *supra* 8, at 750; Toews & Bermea, *supra* 9, at 11–12. An abuser might enlist third parties to extend his surveillance beyond what he could do alone. Dutton &

Goodman, *supra* 8, at 750. Gang-affiliated abusers have a preexisting network willing and able to help monitor and control their victims. Indeed, gang members often stalk and intimidate victims who leave a relationship with a gang member. *See* Brown, *supra* 21, at 405; *see also* N.Y. State Office for the Prevention of Domestic Violence, *The Intersection of Gang Culture of Domestic Violence* (2013) (“These victims are particularly vulnerable, not only to the abuser, but to the entire gang network.”).<sup>9</sup>

Gang membership may also make it even more difficult for a victim of domestic violence to obtain protection from the police, including enforcement of a restraining order. According to the U.N. High Commissioner for Refugees, many women from Honduras have sought refuge in the United States precisely because the Honduran government could not protect them from abuse at the hands of their gang-affiliated partners. *See* U.N. High Commissioner for Refugees, *Women on the Run: First Hand Accounts of Refugees Fleeing El Salvador, Guatemala, Honduras, and Mexico* 25 (2015).<sup>10</sup> Because the gangs were the “highest

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<sup>9</sup> [http://www.opdv.ny.gov/public\\_awareness/bulletins/fall2013/fall2013\\_bulletin.pdf](http://www.opdv.ny.gov/public_awareness/bulletins/fall2013/fall2013_bulletin.pdf)

<sup>10</sup> <http://www.unhcr.org/5630f24c6.html>

powers” in their neighborhoods, the women reasonably did not trust that their government could help them. *Id.*

## CONCLUSION

*Amici* urge this Court not to make the same mistake that the Immigration Judge and Board member made in this case. In *A-R-C-G-*, the Board adopted a precedential rule that a victim of domestic violence may establish eligibility for asylum by showing that for religious, societal, cultural, legal, or other reasons, she was “unable to leave the relationship.” In this case, the Immigration Judge and Board assumed that Petitioner could not make that showing merely because she had physically moved out. That assumption is demonstrably incorrect, given the research above and Petitioner’s own lived experience.

The mere fact that an abused woman moved out of the residence she shared with her abuser—and even began to see someone else—does *not* mean that she could or did unilaterally “leave the relationship.” Research shows that abusive relationships—and the abuser’s control of the victim—can often continue well after the victim moves out, particularly where children are involved. Indeed, the victim’s attempts to extract herself from the relationship may make the abuser’s behavior even

more threatening and violent and thus make it more unattainable for the victim to end the relationship.

*Amici* urge this Court to take this research into account and vacate the flawed decisions in this case.

Respectfully submitted,

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