

105TH CONGRESS
1ST SESSION

H. R. 825

To require the Attorney General to promulgate regulations relating to gender-related persecution, including female genital mutilation, for use in determining an alien's eligibility for asylum or withholding of deportation.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1997

Mrs. MALONEY of New York (for herself, Mr. LAFALCE, Mr. CONYERS, Mr. FROST, Mr. STARK, Mr. ACKERMAN, Mr. MEEHAN, Mr. ABERCROMBIE, Ms. PELOSI, Ms. KILPATRICK, Mr. ROMERO-BARCELÓ, and Mr. JEFFERSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the Attorney General to promulgate regulations relating to gender-related persecution, including female genital mutilation, for use in determining an alien's eligibility for asylum or withholding of deportation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REQUIREMENT TO PROMULGATE REGULA-**
4 **TIONS CONCERNING GENDER-RELATED PER-**
5 **SECUTION.**

6 (a) REGULATIONS FOR USE IN EVALUATING ASYLUM
7 APPLICATIONS.—The Attorney General shall promulgate

1 regulations, which shall apply to the determination of an
2 alien’s eligibility to be granted asylum under section 208
3 of the Immigration and Nationality Act, interpreting, in
4 a manner consistent with international law and standards,
5 the term “persecution”, as used in section 101(a)(42)(A)
6 of such Act, to include gender-related persecution, includ-
7 ing female genital mutilation. The regulations under this
8 subsection may not create burdens, or increase require-
9 ments, for establishing persecution beyond those estab-
10 lished by international law and standards and recent deci-
11 sions of the Board of Immigration Appeals.

12 (b) REGULATIONS FOR USE IN WITHHOLDING DE-
13 PORTATION OR RETURN.—The Attorney General shall
14 promulgate regulations relating to gender-related persecu-
15 tion, including female genital mutilation, which shall apply
16 to the determination under section 243(h) of the Immigra-
17 tion and Nationality Act. The regulations under this sub-
18 section shall be consistent, to the extent appropriate under
19 such Act, with the regulations under subsection (a).

20 (c) DEADLINE.—The Attorney General shall promul-
21 gate the regulations required by this Act not later than
22 the date that is 30 days after the date of the enactment
23 of this Act.

24 (d) DEFINITION.—For purposes of this Act, the term
25 “gender-related persecution” means a harm that—

1 (1) is specific to, or disproportionately affects,
2 women on the ground of their gender; and

3 (2) otherwise would be considered persecution
4 for purposes of section 101(a)(42)(A) of the Immi-
5 gration and Nationality Act.

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