

107TH CONGRESS
1ST SESSION

H. R. 544

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 removal.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2001

Mrs. MALONEY of New York (for herself and Mrs. KELLY) 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 removal.

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
8 regulations, which shall apply to the determination of an

1 alien’s eligibility to be granted asylum under section 208
2 of the Immigration and Nationality Act (8 U.S.C. 1158),
3 interpreting, in a manner consistent with international law
4 and standards, the term “persecution”, as used in section
5 101(a)(42)(A) of such Act (8 U.S.C. 1101(a)(42)(A)), to
6 include gender-related persecution, including female gen-
7 ital mutilation. The regulations under this subsection may
8 not create burdens, or increase requirements, for estab-
9 lishing persecution beyond those established by inter-
10 national law and standards and decisions of the Board of
11 Immigration Appeals.

12 (b) REGULATIONS FOR USE IN WITHHOLDING OF
13 REMOVAL.—The Attorney General shall promulgate regu-
14 lations relating to gender-related persecution, including fe-
15 male genital mutilation, which shall apply to the deter-
16 mination under section 241(b)(3) of the Immigration and
17 Nationality Act (8 U.S.C. 1231(b)(3)). The regulations
18 under this subsection shall be consistent, to the extent ap-
19 propriate under such Act, with the regulations under sub-
20 section (a).

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

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

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

5 (2) otherwise would be considered persecution
6 for purposes of section 101(a)(42)(A) of the Immi-
7 gration and Nationality Act (8 U.S.C.
8 1101(a)(42)(A)).

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