

106TH CONGRESS  
1ST SESSION

# H. R. 1849

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 1999

Mrs. MALONEY of New York (for herself, Mrs. KELLY, Mr. ABERCROMBIE, Ms. BERKLEY, Mrs. CHRISTENSEN, Mrs. CLAYTON, Mr. CONYERS, Mr. FARR of California, Mr. FILNER, Mr. FROST, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. LaFALCE, Mr. LEWIS of Georgia, Ms. LOFGREN, Mr. McGOVERN, Ms. MCKINNEY, Mr. MEEHAN, Ms. MILLENDER-McDONALD, Mrs. MORELLA, Ms. NORTON, Mr. OLVER, Mr. PAYNE, Ms. PELOSI, Ms. RIVERS, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mrs. THURMAN, Mr. UNDERWOOD, Mr. WEINER, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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,*

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

4 (a) REGULATIONS FOR USE IN EVALUATING ASYLUM  
5 APPLICATIONS.—The Attorney General shall promulgate  
6 regulations, which shall apply to the determination of an  
7 alien’s eligibility to be granted asylum under section 208  
8 of the Immigration and Nationality Act, interpreting, in  
9 a manner consistent with international law and standards,  
10 the term “persecution”, as used in section 101(a)(42)(A)  
11 of such Act, to include gender-related persecution, includ-  
12 ing female genital mutilation. The regulations under this  
13 subsection may not create burdens, or increase require-  
14 ments, for establishing persecution beyond those estab-  
15 lished by international law and standards and decisions  
16 of the Board of Immigration Appeals.

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

25 (c) DEADLINE.—The Attorney General shall promul-  
26 gate the regulations required by this Act not later than

1 the date that is 30 days after the date of the enactment  
2 of this Act.

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

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

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

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