

Comments to Salazar (2020)
- Minfei Xu 4/30

I think your focus is very timely and of highly importance to demonstrate the lack of protection to women's rights in US asylum claims in relation to domestic violence, at a time when the restrictionist immigration policy is being implemented under Trump Administration. You provided a detailed review of the evolution of the PSG standard in asylum law and showed how the refusal of the US to recognize gender-based violence is inconsistent with precedent and international norms and is logically inconsistent under the PSG standard. And I really like your critique to Matter-of-A-B.

You described the specific cases where the three elements that currently define the PSG standard of asylum law gradually came into place, but you did not mention much grounding support behind each element. I think some understanding as to why these elements can form the PSG standard may help people better judge their appropriateness and convince the AG to adopt a more flexible approach. You can also contribute your own opinions on how to define the PSG standard.

It is clear that you are in favor of more lenient asylum law towards victims of gender-based violence, but it is not very clear how lenient it should be. You suggest following the UNHCR guidelines and handbooks, but you also mentioned that there is some ambiguity which has led to inconsistent practices. Without being emotional, how should one judge whether it is private violence or abuse under societal norms? How to prevent non-targeted groups from flooding to U.S. claiming they suffer from domestic violence? Can you think of any specific guidelines to help categorize different cases? (You mentioned that Canada has much more mature system in today's presentation, I think you can briefly refer to them in your paper. Since you have already accumulated relevant knowledge, it does not hurt to enrich your paper with them, and readers can have some idea why international norms and practices are better.)

You provided some examples that were denied asylum in the US but would be otherwise granted asylum following UNHCR's approach. Can you also provide a few cases of domestic violence asylum claims that would nonetheless be denied using UNHCR's approach as a contrast?

The discussion is mainly focused on refugees from Central America. What about other countries? Will this be a concern to relax the constraint?

I am not sure about the exact purpose of the section on the "social visibility requirement debate". Is it just showing the ambiguity of the PSG standard and the inconsistent practices? It might be better to strengthen its linkage to your argument. You can also express your opinions towards the debate (and also the whole evolution process) besides citing others' views. (In today's presentation, you said that you mostly agree with UNHCR and want to let the facts to speak for itself. I think that is good as well, but it might still be better to highlight the key points for some long paragraphs.)