

2007 Annual Report



CENTER FOR  
**Gender & Refugee**  
STUDIES

University of California, Hastings College of the Law

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## Letter from the Director

Dear Friends,

The photograph on the cover of CGRS's 2007 Annual Report is of Gloria, an activist from Ecuador. It was taken by Phil Borges, an internationally renowned photographer who uses his camera to help us gaze into the eyes of some of the most inspiring—and yet most disenfranchised—members of our human community.



Gloria's photo is featured in Phil Borges's 2006 book, *Women Empowered: Inspiring Change in the Emerging World*, which was produced in collaboration with the international humanitarian organization, CARE. The book celebrates the power and bravery of women who have "chosen to break through the barriers of oppression...to make a positive difference in their communities." Gloria, Phil tells us, was "one of the first female leaders in her community" who, at age 18 convinced the "fiercely independent members of her community" to unite in order to fix their "age-old water problems" and to bring fresh, potable water for everyone's use.

Since its inception, CGRS's mission has been to stand alongside women like Gloria, who have questioned—and often refused—to accept the roles and treatment that their societies assign to them because of their gender. Gloria's resistance is a story with a happy ending—her community came together for the better of all its members. However, for many women, resistance to preordained gender roles brings upon them the heaviest of sanctions—they are beaten, raped, and even killed—for refusing to accept what their societies or their families have said they must do.

In the midst of this struggle for women's rights, it is all too easy to lose sight of the fact that removing the barriers women face not only benefits the women themselves, but allows them to make a tremendous contribution to their communities. Gloria's story—and her successful efforts to bring water to her village—provides a concrete example of the positive impact that can come from welcoming the contributions of all of society's members.

Gloria's story puts a human face on a reality that has long been documented by international organizations—namely that the improvement in the lives of women can be measured in clear benefits to their communities. A statistic from a 2005 Save the Children report, which is cited in *Women Empowered*, provides the concrete data on this point: "an increase of one year in the average education of a nation's women corresponds to a five to ten percent decrease in that country's child mortality rates." This is because educated girls are more likely to postpone marriage and childbirth, to protect themselves from HIV, and to provide better healthcare for themselves and their children.

Unfortunately, in many societies, women are often not given the opportunity to flourish, and to contribute. To the contrary, they frequently are subjected to conditions that threaten their lives and health, and that of their children. Their very survival depends upon leaving their countries behind.

At CGRS, our work helps support women who have made the difficult decision to leave their home countries in the interest of their safety and that of their children. In fact, many of the women we assist are seeking to protect their daughters from the same severe rights violations they themselves had suffered. In our report, on page 12, we discuss a recent victory on behalf of one such woman. Ms. Abebe was granted asylum in 2007 based on the enduring harm she suffered from past female genital cutting, and the persecution she would face if forced to return to her country, where her daughter would undergo the same practice.

Whether women like Gloria stay in their own countries and challenge the existing social norms, or whether they decide they have no option but to flee their homes, like Ms. Abebe, their courage helps to advance human rights and justice for us all. We thank you for your continuing support of our efforts to advance protections for women and girls who have experienced gender-based violence, and we also thank the women refugees who we serve for their courage, and for reminding us of the importance of our mission.

With warmest regards,

Karen Musalo, Director

## Letter from CGRS's Executive Committee

Dear Friends,

According to a 2006 study by the United Nations Secretary General, "Violence against women persists in all regions of the world as a pervasive violation of human rights and a major impediment to achieving gender equality."

It is difficult not to despair in the face of such dismal reports, especially when our own country's immigration policies not only fall short, but often retreat from the gains refugee women have already made. The view looks even starker in the context of a year when the immigration debate succeeded in unleashing xenophobic rhetoric.

In this climate of anti-immigrant sentiment, legal setbacks merely served to invigorate an energetic CGRS staff. After a devastating Board of Immigration Appeals (BIA) denial of asylum in the case of a Malian woman (known as *Matter of A-T*) who suffered female genital cutting (FGC) as a child and sought protection from a forced marriage, CGRS vowed to do everything possible to undo this negative precedent. And, with multiple allies across the country, it spearheaded a national advocacy campaign to that end.

In addition to its work on *Matter of A-T*, CGRS staff applied a multi-faceted approach on behalf of women who suffered or feared the torturous practice of FGC. One of those women was from Ethiopia—she had suffered FGC in the past, and feared returning to her home country where her daughter would face the same fate. After garnering a Ninth Circuit victory which allowed this woman to have another chance to prove her case, CGRS staff, serving as co-counsel, successfully argued that she should be granted asylum based on the enduring harm she suffered from past FGC, and the persecution she would face if forced to bring her daughter back to undergo the same practice. It also participated as a "friend of the court," co-counseled, and provided technical support and consultation in numerous other cases involving FGC.

Not only did CGRS engage in significant work on the domestic front, it also applied its legal expertise internationally. CGRS conducted a fact-finding mission to investigate Guatemala's femicides, thereby attempting to address the root causes of the violence. The delegation documented and analyzed the Guatemalan justice system's failure to fully investigate the alarming incidence of brutal killings involving women in Guatemala. CGRS later mobilized thousands of grassroots allies for congressional support of House Resolution 100, a bi-partisan resolution condemning Guatemala's institutional acceptance of violence against women. And, following the August assassination of 28-year-old José Emanuel "Pepe" Méndez Dardón, the son of prominent human rights leader Amílcar Méndez, CGRS initiated the *Justice for Pepe ~ Justice for Guatemala Campaign* and united nearly 2,000 individuals and organizations internationally to demand a full investigation of his murder.

CGRS's international work was not limited to Guatemala. CGRS staff collaborated with Canadian advocates who sought to challenge the "Safe Third Country" agreement between the U.S. and Canada and provided them with expertise on gender claims in the U.S. CGRS also co-convened a training and strategy session with Spanish governmental and nongovernmental organizations in Madrid, providing them with best practices in assisting refugee women with gender-based claims.

In addition to this substantial body of work, CGRS also provided direct support to advocates in over 850 new and existing gender asylum cases in the U.S., and published key scholarship on the viability of claims arising from human trafficking, gang violence, and the adverse impact of the one-year bar. It also developed 75 new country conditions packets or original human rights research memos for countries as diverse as Burkina Faso and Turkmenistan, and educated thousands of attorneys, refugee advocates, students, nonprofit staff, and medical and mental health professionals at a wide range of local, regional, national, and international conferences, meetings, and forums. CGRS's work garnered media coverage in over a dozen outlets last year, including *The New York Times*, *The Los Angeles Times*, *The Christian Science Monitor*, and *The New York Times Magazine*.

CGRS's significant work was made possible through the visionary leadership of its executive director Karen Musalo and the extremely talented, committed, and energetic team she has assembled. It was also possible through the financial support of foundations and individuals in the community. Thank you so much for your continued support of this incredible organization. Together we can truly make a difference in the lives of women refugees.

Sincerely,

The Executive Committee of CGRS's Advisory Board:

**Denise Abrams**, Partner, Kazan, McClain, Abrams, Lyons, Greenwood & Harley, PLC

**Lina Avidan**, Program Executive, The Zellerbach Family Foundation

**Richard A. Boswell**, Professor, University of California, Hastings College of the Law

**Inger Brinck**, Advisor

**Sara Campos**, Bay Area Lawyer and Writer

**Jayne Fleming**, West Coast *Pro Bono* Coordinator, Reed Smith LLP

**Minette Kwok**, Partner, Minami Tamaki LLP



*Back row, left to right: Minette Kwok, Richard A. Boswell, Lina Avidan, Karen Musalo  
Front row, left to right: Inger Brinck, Sara Campos, Denise Abrams, Jayne Fleming*

## About CGRS

### Mission

**C**GRS's core mission is to protect the basic human rights of refugee women and girls by advancing gender-sensitive asylum laws, helping advocates successfully represent women in need of protection, and preventing these refugees from being forcibly returned to the countries from which they have fled. Established in 1999 and housed at the University of California, Hastings College of the Law, CGRS serves as a national resource center for attorneys and other advocates representing asylum seekers fleeing gender-related harm. In addition to engaging in scholarly research, policy work, and impact litigation, the Center carries out original research and advocacy initiatives around human rights violations in specific countries or regions of the world. CGRS also seeks to address root causes for migration flows, including injustices and human rights violations against women in refugee-producing countries.

### Program Areas

- Training and Technical Assistance
- Tracking and Monitoring
- Appellate Advocacy
- National Policy Advocacy
- Leadership Development and Student Mentoring
- Public Education Through Effective Use of the Media
- International Networking and Collaboration



### History

**T**he refugee definition came into existence in the aftermath of World War II, before the recognition of women's rights as human rights. As a consequence, the concept of a "refugee" did not include women who suffered violations of their rights because of their gender, and women were often denied protection. The United Nations High Commissioner for Refugees (UNHCR) attempted to address that problem with a series of recommendations. In the U.S., the landscape changed when a 17-year-old girl from Togo arrived in 1994 seeking political asylum. Fauziya Kassindja fled with little more than the clothes on her back in order to escape being sold into marriage and subjected to FGC. In 1996, a long year and a half after her arrival in the U.S.—most of it spent in horrible conditions of detention—Fauziya was granted asylum. Her case, which is known as *Matter of Kasinga*, established the landmark legal ruling that women who suffer serious violations of their fundamental human rights, in part because of their gender, are entitled to refugee status in the U.S.

The successful outcome of Fauziya's case created an immediate demand for expert advice and resources to help support other gender-based claims. Karen Musalo, who was the lead attorney on Fauziya's case, established CGRS in order to help meet that demand. Although Fauziya's case opened the door to protection for other women refugees, there is continued resistance to granting gender-based asylum claims, and CGRS's work is needed now more than ever.



## Overview of Accomplishments in 2007

### Training and Technical Assistance

- **Provided direct support to advocates in over 850 new and existing cases** (a 12% increase from 2006), representing asylum seekers from more than 70 different countries throughout Latin America, the Caribbean, Africa, Asia, the Middle East, and Europe (see page 8)
- **Trained and presented to thousands of attorneys, refugee advocates, students, nonprofit staff, medical and mental health professionals, and others** at a wide range of local, regional, national and international conferences, meetings, and other forums (see page 10)
- **Produced a number of articles and papers used to educate advocates and influence policy.** The articles, which were authored by staff and students working with CGRS, covered issues including: human trafficking as a basis for asylum; claims based on asylum seekers' fear of gang violence; and the adverse impact of the one-year bar, legislation that requires individuals to apply for asylum within one year of their arrival in the U.S.

- **Developed over 75 new country conditions packets** or original human rights research memos for countries around the globe, including Burkina Faso, Liberia, Macedonia, and Turkmenistan

### Tracking and Monitoring

- **Updated CGRS's database, which now includes over 3,600 individual cases.** It remains the single most comprehensive source for researching unpublished asylum decisions, many of which are unavailable through any other source. Maintaining this database allows CGRS—as well as other scholars, advocates, and researchers—to track and monitor decision-making trends in gender asylum cases nationwide

### Appellate Advocacy

Advanced appellate advocacy work on several key cases

- Wrote an *amicus* or “friend of the court” brief to the BIA in the case of Ms. F., a 30-year-old Senegalese woman who came to the U.S. fleeing an impending forced marriage
- Served as expert co-counsel in a request to the Fourth Circuit Court of Appeals to rehear the case of *Niang v. Gonzales*, which involved a Senegalese woman subjected to FGC as a child, who feared that

her daughter would be forced to undergo the same practice if she has to return

- Filed an *amicus* brief to the BIA on behalf of Ms. C., a Guinean woman who was subjected to FGC as a child and who continues to suffer from medical and psychological consequences as a result. She also fears that her daughters would be subjected to the same practice if they are forced to return. (see page 12)
- Served as co-counsel in *Abebe v. Gonzales* and successfully argued that a mother facing deportation should be granted asylum based on the enduring harm she suffered from past FGC, and the persecution she would face if forced to bring her daughter back to undergo the same practice (see page 12)

### National Policy Advocacy

- **Worked with allies across the country to spearhead a national advocacy campaign to reverse the BIA's decision in *Matter of A-T*,** a devastating decision in the case of Ms. A-T, a young woman from Mali who was subjected to FGC as a child and fears a forced marriage should she be sent back. The BIA denied her request for protection, ruling that past FGC is generally not a basis for asylum because it





only happens to a woman once and is therefore not a continuing harm. However, the Board previously recognized forced reproductive sterilization, also a one-time act, as a permanent, continuing harm. The court also rejected Ms. A-T's forced marriage claim. CGRS has been tracking and monitoring cases affected by the decision, as well as coordinating a national campaign to reverse *Matter of A-T*, including organizing a congressional request to the Attorney General that he review the decision (see page 14)

- **Educated and mobilized thousands of grassroots supporters on the issue of Guatemala's femicides**, many of whom contacted their representatives in Congress and asked them to condemn the institutional acceptance of violence against women. On May 1, 2007, the U.S. House of Representatives passed H.Res. 100, a bipartisan resolution that condemns the ongoing abductions and murders of women and girls in Guatemala, and that urges the Guatemalan government to investigate the killings of women and to prosecute those responsible (see page 14)

### Leadership Development and Student Mentoring

- **Completed the third year of the Refugee and Human Rights Clinic at**

U.C. Hastings, which has been filled to capacity each semester.

- **CGRS hired a clinical teaching fellow and expanded clinical activities** to include international human rights advocacy, as well as direct representation of asylum seekers (see page 15)

### Public Education Through Effective Use of the Media

- **Received or generated media coverage in over a dozen outlets**, including *The New York Times*, *The Los Angeles Times*, *The Christian Science Monitor*, *The New York Times Magazine*, *The Virginian Pilot*, KPFC Los Angeles Pacifica Radio, Sirius Satellite Radio, and KPFA Radio (see page 17)

### International Networking and Collaboration

- **Submitted findings on the treatment of gender asylum claims in the U.S. to Canadian advocates challenging the "Safe Third Country Agreement."** CGRS's expert testimony helped persuade a federal judge in Canada to rule that the U.S. has violated international conventions on torture and the rights of refugees and that it is not a "safe third country" for women seeking asylum from gender-based harm (see page 18)

- **Launched the *Justice for Pepe ~ Justice for Guatemala Campaign*** following the August 2007 assassination of 28-year-old José Emanuel "Pepe" Méndez Dardón, the son of prominent human rights defender, Amílcar Méndez. Through the campaign, CGRS has mobilized nearly 2,000 individuals and organizations from around the world to demand a full investigation into Pepe's murder as well as an end to impunity in Guatemala, which has allowed perpetrators of violent crime—against both men and women—to go free (see page 19)
- **Co-convoked a strategy session in Madrid, Spain**, to share best practices in assisting refugee women with gender-based asylum claims (see page 18)
- **Conducted a fact-finding trip to investigate Guatemala's femicides** (see page 19)
- **Prepared a summary and analysis of existing literature on Guatemala's femicides** in order to assist those studying the phenomenon. Findings will help to educate researchers, policy makers, and the general public about violence against women in Guatemala (see page 19)

## New Cases Assisted by CGRS

■ 1-10 cases   ■ 11-20 cases   ■ 21-50 cases   ■ 51+ cases



### EL SALVADOR

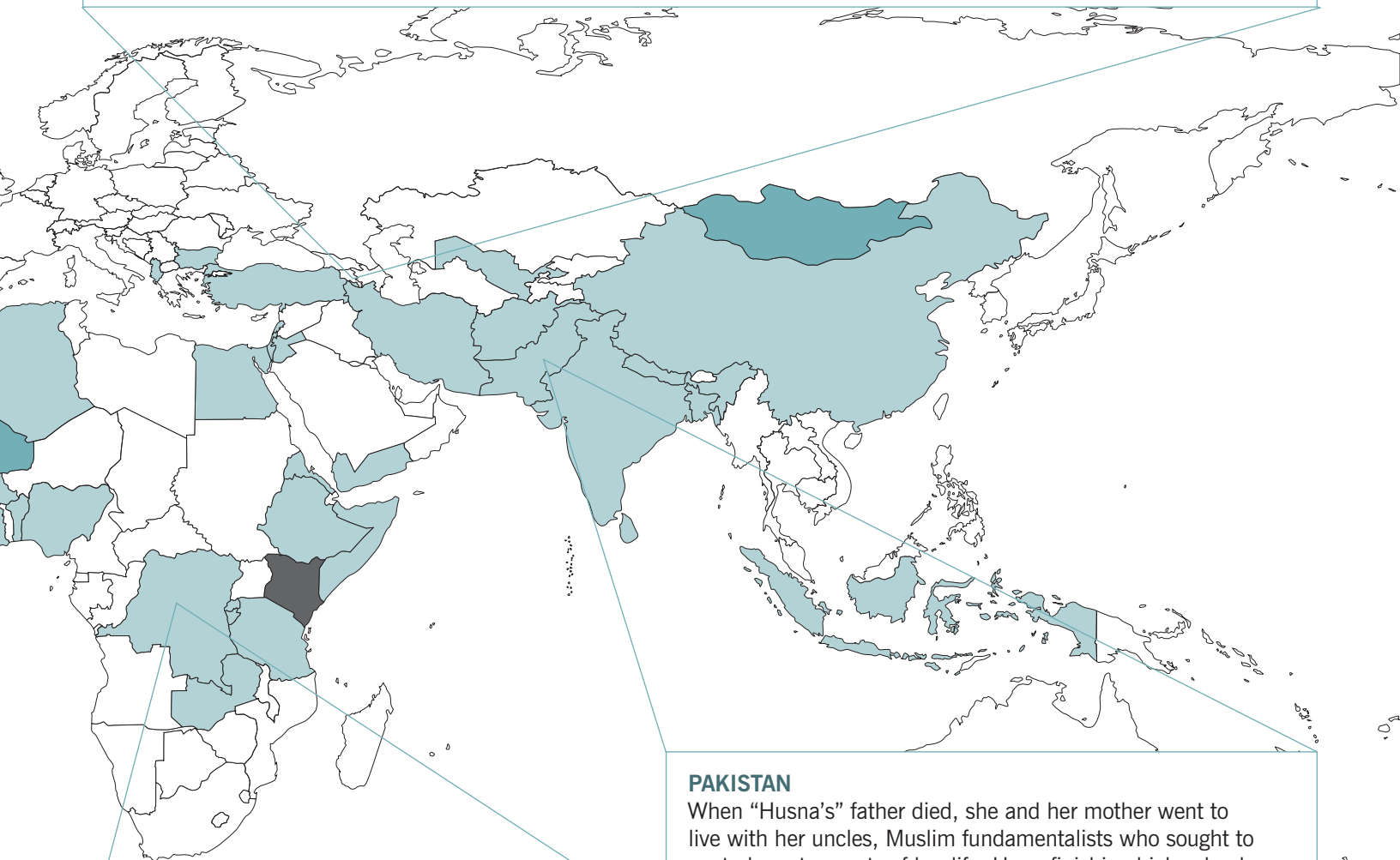
When “Alba” was a teenager, her younger sister was diagnosed with a medical condition that required constant care and expensive treatments. During this time, Alba’s father started drinking heavily and became physically abusive to Alba and her sister. Alba’s situation only worsened when gang members began trying to recruit her. When she refused, she was physically threatened and was warned that her sister would suffer if she did not join. Alba knew that the gang members would rape her as part of an initiation and she would be killed if she tried to leave the gang. She also knew that that the police would not protect her; they were unable to control gang violence, and did nothing to protect women and girls from harassment and abuse. Fearing for her and her sister’s life and lacking parental protection, Alba and her sister fled to the U.S., where they are now seeking asylum.

### GAMBIA

As a young girl, “Nisa”—along with a group of other girls from her community—was subjected to FGC. Wanting a better future for her family, Nisa moved to the U.S., where her two daughters were born. However, as a result of having been cut, she suffered from complications during both births. One day, while her oldest daughter was visiting family in Gambia, Nisa received a phone call from her sister alerting her to the fact that their mother was planning to perform FGC on Nisa’s daughter without Nisa’s consent. Terrified for her daughter and not wanting her to be subjected to the same fate she had suffered, Nisa immediately arranged for her to return to the U.S. She is now seeking asylum to protect her daughters from this harmful practice.

**ARMENIA**

“Seda” had been repeatedly stalked by a family acquaintance who insisted that she was “his” woman. After many rebuffs, the family acquaintance raped Seda, seeking to force her to marry him through blackmail. (The acquaintance threatened to tell everyone that she had sex with him willingly, which would have “ruined” her by rendering her unmarried and shaming her family. He also kept the bloody sheets, which he showed to his family to prove that he had taken her virginity.) Certain that she had no other choice, Seda acquiesced. Seda’s husband was abusive throughout their marriage. He beat her regularly and stabbed her once. One of the beatings was so severe that it left her with permanent nerve damage. Seda feared going to the authorities since she knew that her husband had influence with the police and powerful criminal groups. One day, while her husband was away for a business trip, Seda escaped and managed to reach the U.S., where she is now seeking asylum.

**DEMOCRATIC REPUBLIC OF CONGO**

“Liseli,” a young woman from a small village, was kidnapped from her parents’ house by rebel soldiers one week after her sister was also abducted. Liseli was held prisoner for two weeks, during which time she was raped repeatedly and forced to cook and clean for the soldiers. She eventually managed to escape by bribing one of the soldiers. Tragically, her sister’s body was found savagely mutilated a few days later; she had been raped and her captors had shot her in the vagina. Fearing a similar fate, Liseli fled to the U.S. in search of safety.

**PAKISTAN**

When “Husna’s” father died, she and her mother went to live with her uncles, Muslim fundamentalists who sought to control most aspects of her life. Upon finishing high school, Husna wanted to attend college. Although the males in her family opposed it, her mother was able to intercede and she was ultimately permitted to go. With much effort and financial sacrifice, Husna graduated from college and went to work at a factory. After witnessing the dismal situation that many of the women in the factory faced, Husna became an activist and joined several women’s rights organizations. One day, on her way to a meeting, Husna was kidnapped by a group of men who questioned her about her activities. She was beaten and left by the roadside. When Husna returned home, her male relatives—assuming she had been raped—beat and threatened to kill her for tarnishing the family’s “honor.” In Pakistan, many women who are perceived to have dishonored their families have been killed by relatives. Fearing for her life, Husna fled to the U.S. in search of protection.

## Program Areas

### Training

Each year, CGRS reaches hundreds of attorneys, students, and other advocates through its regular participation in local, national, and international trainings and conferences. CGRS serves as a resource to many constituencies, including members of intergovernmental organizations, such as the United Nations High Commissioner for Refugees (UNHCR), NGOs, grantmakers, journalists, researchers, and the general public.



*CGRS Director Karen Musalo (left) and CGRS Board Member Jayne Fleming (right) conduct a training focused on representing women from Central America at the San Francisco office of Reed Smith LLP*

### Technical Assistance

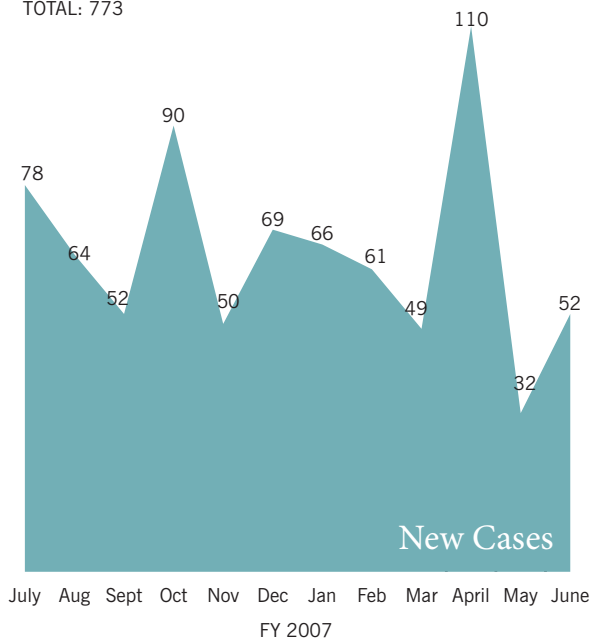
Due to its reputation as the leading national organization on gender-based asylum, hundreds of advocates contact CGRS for legal advice annually, and that number has been steadily increasing in recent years. The

assistance that CGRS provides varies depending on the expertise of the inquiring attorney or advocate, as well as the issues raised by the case itself. For example, CGRS staff may give advice on legal theories presented in cases, or provide review of and feedback on briefs, as well as other key documents. As part of its technical assistance program, CGRS connects advocates who have similar cases or who may be appearing before the same judge so they can benefit from sharing knowledge and resources. In this way, CGRS is helping to build a more expansive and tightly-knit network of gender asylum advocates, both in the U.S. and internationally.

CGRS has documented human rights conditions in dozens of countries through original research; these “Country Conditions Packets” have been shared with advocates across the country and are a key component of many well-prepared cases. Similarly, CGRS provides assistance by locating expert witnesses for specific cases and collaborates with these experts to prepare affidavits that are used to strengthen and support asylum claims. Much of CGRS’s legal and human rights-related resources and information are distributed via its website, the only one of its kind in the field of gender-based asylum.

### CGRS Technical Assistance

TOTAL: 773



## 2007 Publications

In the past year, CGRS staff—as well as students and others working with the Center—authored the following:

- “Protecting Victims of Gendered Persecution: Fear of Floodgates or Call to (Principled) Action?” in the *Virginia Journal of Social Policy and Law*. This article addresses the “fear of the floodgates” and discusses how history demonstrates that the acceptance of gender persecution as a basis for asylum does not give rise to a skyrocketing number of claims.
- “Asylum from Trafficking: A Failure of Protection” in *Immigration Briefings*. Using data gathered through CGRS’s tracking and monitoring efforts, this article discusses a troubling series of decisions denying asylum in cases involving women fleeing human trafficking.
- “Implementation of the One-Year Bar to Asylum,” a paper on the adverse impact of the one-year bar, legislation that requires individuals to apply for asylum within one year of their arrival to the U.S. CGRS’s findings will be published in the *Hastings International and Comparative Law Review*.
- “Paths to Protection: Ideas, Resources, and Strategies for Presenting Central American Gang-related Asylum Claims” in *Immigration Briefings*. The article presents the complexity of issues involved in gang-related cases and offers guidance in formulating legal theories in such cases.
- “State of Impunity: Femicide in Guatemala,” a paper that reviews and analyzes a number of existing reports and studies on Guatemala’s femicides in order to determine whether more research is needed and what actions advocates can take to address the problem.
- “Conscientious Objection as a Basis for Refugee Status: Protection for the Fundamental Right of Freedom of Thought, Conscience and Religion” in *Refugee Survey Quarterly*. The article examines the trends regarding the protection of the individual whose claim to refugee status is premised upon a conscientious objection to military service.



Requests for legal advice are submitted by advocates online, and in the past year alone, **CGRS has provided direct support in over 850 new and existing individual cases** (a 12% increase from 2006) from more than 70 different countries throughout Latin America, the Caribbean, Africa, Asia, the Middle East, and Europe. However, this does not fully represent the number of attorneys or non-profit staff assisted, as many advocates go directly to the CGRS website and independently access available information and resources.

## Tracking and Monitoring

There is an alarming lack of transparency in U.S. asylum law, making it difficult to hold decision-makers accountable to their obligations under domestic and international law. CGRS brings transparency and accountability to asylum decision-making through its tracking and monitoring of cases across the country. By collecting information on many hundreds of asylum claims each year, CGRS can identify trends, monitor developments as they happen, and provide assistance when necessary.

Key information from individual attorneys—such as the fact that asylum was denied to a traumatized client or an unaccompanied minor solely on the basis of the one-year filing deadline, or that an immigration judge refused to adjudicate a gender-based asylum case—can become a powerful advocacy tool when combined with similar information from others in the same city or from around the country.

CGRS's tracking and monitoring program also informs efforts to provide guidance for advocates through key articles and practice advisories, which contribute to a broader theoretical framework as well as greater practical understanding of gender asylum issues and broader topics in asylum and refugee law.

## Appellate Advocacy

When CGRS learns about an unjust denial of refugee protection, frequently through its tracking and monitoring efforts, it often becomes involved in challenging that decision by filing an *amicus* brief or co-counseling on an appeal to the BIA, the highest administrative immigration court in the country or the



federal courts, whose decisions may set precedent applicable to subsequent cases. CGRS's appellate work helps to secure positive decisions in individual cases of women fleeing persecution, while also impacting the overall development of the law. Over the past year, CGRS played a key role in a number of important appellate cases, which may broadly impact the development of gender asylum jurisprudence.

### *Abebe v. Gonzales*

In 2005, CGRS and Philip Hornik, a Portland, Oregon-based attorney, won an appeal before an *en banc* panel at the Ninth Circuit Court of Appeals. The Ninth Circuit ruled that a parent could be granted asylum on the basis of her fear that her child would be subjected to FGC. This was an important published decision (*Abebe v. Gonzales*) which resulted in the case being remanded to the Immigration Court.

In December 2007, an immigration judge granted asylum and withholding of removal (a separate form of protection) to Ms. Abebe, with CGRS serving as co-counsel. The case raised for the first time in the Ninth Circuit the important issues of whether FGC of a child constitutes persecution to parents who oppose the practice, and whether asylum may be granted based on the ostracism parents may face for refusing to subject a daughter to genital cutting.

### The Case of Ms. C.

The University of Connecticut School of Law's Asylum and Human Rights Clinic requested CGRS's assistance in the case of Ms. C., a Guinean woman who suffered FGC at the age of twelve, and who feared that her daughters would be

subjected to the same practice if they were forced to return to Guinea. Ms. C. suffers from numerous, ongoing physical and psychological consequences of her past genital cutting. Despite a licensed psychologist's expert report diagnosing Ms. C. with chronic PTSD, an immigration judge found that she failed to prove that this condition was related to her delay in filing, making her ineligible for asylum. (The law requires asylum applicants to demonstrate that they applied for asylum within one year of entering the U.S., or that their delay in filing was related to exceptional circumstances, such as a mental health condition.) As a result, Ms. C. could only request withholding of removal or protection under the Convention Against Torture, both of which place a higher burden of proof on the applicant and offer a more limited form of protection than a grant of asylum. Ultimately, the judge denied Ms. C.'s case and CGRS filed an *amicus* brief to the BIA on her behalf.

The issue of women who have suffered past FGC—and who are fearful that their daughters will be forced to undergo the same practice if sent back to their home countries—is currently being litigated in the federal courts and CGRS intends to remain deeply engaged as these issues are decided.

### The Case of Ms. F.

CGRS wrote an *amicus* brief to the BIA in the case of Ms. F., a 30-year-old Senegalese woman who came to the

U.S. fleeing an impending forced marriage. Ms. F. pursued higher education in France and had dreamed of making a contribution to Senegal by returning there to work in the field of development. However, in exchange for income-producing property, her father, a Senegalese diplomat, sold Ms. F. to be the second wife of a man twice her age. Ms. F.'s prospective husband belonged to a fundamentalist sect of Islam, whose beliefs would not only forbid Ms. F. from working outside the home, but would also require her to be veiled and obedient. When she expressed her opposition to the marriage, her father savagely beat her. Ms. F. knew that asking the police for protection would be futile because of her father's prominent status and his connections to government officials, and because the Senegalese government consistently fails to protect women from forced marriage. Terrified of her father and her future husband, Ms. F. fled and sought asylum in the U.S. She was denied protection by an immigration judge who—despite the overwhelming evidence—refused to believe that such practices exist in Senegal and who ruled that even if they did, selling another human being into marriage does not constitute persecution. Ms. F.'s attorney sought CGRS's support in appealing the judge's decision to the BIA.

Ms. F.'s case comes at a critical juncture in the debate on whether women fleeing gender-based persecution qualify for asylum. The Supreme Court recently vacated a positive



federal court decision [*Gao v. Gonzales*, 440 F.3d 62 (2d Cir. 2006)], finding that women forced into marriage may qualify for asylum, and the BIA issued a published decision [*In re A-T-*, 24 I. & N. Dec. 296 (BIA 2007)], upholding the denial of asylum to a woman from Mali who feared a forced marriage (discussed below). Consequently, the BIA's decision in Ms. F's case could determine not only her fate, but the fate of women seeking protection from forced marriages in subsequent cases.

## National Policy Advocacy

**C**GRS continues to advance its efforts in the policy advocacy arena. Grounded in program work on individual cases, as well as tracking and monitoring of case outcomes nationwide, CGRS's policy advocacy attempts to effect change at the highest levels of government. It utilizes a strategy that engages the general public in the ongoing struggle to protect the basic human rights of refugee women and girls from around the globe.

### Campaign to Reverse *Matter of A-T-*

CGRS worked with allies across the country to spearhead a national advocacy campaign to reverse *Matter of A-T-*, a devastating decision in the case of A-T-, a young woman from Mali. Ms. A-T- was subjected to FGC as a child and she faces a forced marriage should she have to return. In September 2007, the BIA denied her request for protection, ruling that past FGC is generally not a basis for asylum because it only happens to a woman once and is therefore not a continuing harm. However, the Board previously recognized forced reproductive sterilization, which also happens only once, as a permanent, continuing harm. The court also rejected Ms. A-T-'s forced marriage claim, characterizing the practice as harmless family tradition rather than persecution. CGRS convened concerned NGOs and attorneys across the country and developed a multi-pronged strategy for reversing the decision, including spearheading a congressional sign-on letter to urge the Attorney General to reconsider the decision. Traditional legal and grassroots advocacy strategies have been mapped out and are being coordinated by CGRS at the national level. In addition, CGRS has been tracking and monitoring cases affected by *Matter of A-T-*, and providing technical assistance and other resources to attorneys with similar cases across the country.



### Condemning Guatemala's Femicides, Struggling to End Impunity

In 2005, CGRS launched the *U.S.-Guatemala Partnership to End Violence Against Women* in order to raise awareness about the epidemic of brutal, gender-motivated violence or "femicides" that has gripped Guatemala since 2000. Over 3,800 women and girls have been murdered, and with a prosecution rate of less than 2%, there continues to be virtual impunity for those committing these heinous acts. Together with other human rights organizations, CGRS has continued to seek ways to bring an end to the violence.

In 2007, CGRS and its allies, including U.S. Women Without Borders and the Women's Edge Coalition, mobilized thousands of supporters to contact their representatives in Congress and ask them to condemn the institutional acceptance of violence against women in Guatemala. On May 1, 2007, the U.S. House of Representatives passed H.Res. 100, a bipartisan resolution that condemns the ongoing abductions and murders of women and girls in Guatemala, and that urges the government of Guatemala to investigate the killings of women and to prosecute those responsible. On the same day, a similar resolution was introduced in the Senate (S.Res. 178).

Following the August 2007 assassination of 28-year-old José Emanuel "Pepe" Méndez Dardón, the married father of seven-year-old twins and son of prominent human rights defender, Amílcar Méndez, CGRS launched the *Justice for Pepe ~ Justice for Guatemala* campaign. Through this campaign, CGRS has mobilized thousands of individuals from around the world to demand a full investigation into Pepe's murder as well as an end to impunity in Guatemala, which has allowed far too many perpetrators of violent crime—against both men and women—to go free. [See page 19 for more about the *Justice for Pepe ~ Justice for Guatemala* Campaign.]

## International Violence Against Women Act (I-VAWA)

CGRS is part of a broad coalition working to increase U.S. leadership to end violence against women and girls globally. Led by Amnesty International USA, the Women's Edge Coalition, and the Family Violence Prevention Fund, the coalition is seeking congressional support for the International Violence Against Women Act (I-VAWA), which was introduced in the Senate on October 31, 2007 by Joseph Biden (D-DE) and Richard Lugar (R-IN). This groundbreaking legislation was drafted in consultation with more than 150 groups, including U.S.-based NGOs, UN agencies and 40 women's groups across the globe. I-VAWA focuses on integrating efforts to prevent and respond to violence against women and girls as part of U.S. foreign assistance programs, supporting overseas NGOs and community-based organizations working on these issues, and making prevention of violence against women and girls a greater U.S. diplomatic priority.

## Leadership Development and Student Mentoring

### Refugee and Human Rights Clinic at U.C. Hastings

For the third year, CGRS has provided practical training and mentoring opportunities for U.C. Hastings students interested in social justice and refugee, and human rights issues through the Refugee and Human Rights Clinic (RHRC). This year, there were several exciting developments in CGRS's clinical program.

#### NEW DEVELOPMENTS

Where CGRS's clinic has traditionally provided law students with hands-on experience in refugee law, this year's course was expanded to address international human rights law as well. CGRS's dynamic pairing of U.S. refugee law and international human rights issues is unique among clinical programs. The RHRC provides Hastings students an extraordinary view of the relationship between human rights violations abroad and the plight of asylum seekers who arrive at our borders seeking protection.

The RHRC is developing partnerships with local human rights organizations which provide an opportunity for



*"Sarah" (third from left) celebrates her recent asylum grant with RHRC student lawyers Milinda Kakani (far right) and Patricia Hernandez (far left), and clinical teaching fellow, Kim Thuy Seelinger*

“The Refugee and Human Rights Clinic has taught me the art of reflective lawyering, an invaluable skill that I hope to carry with me into my practice as an attorney working for social justice on an international level. I cannot imagine another point in my career when I will have as much time to reflect upon my clients’ interests, the larger community’s interests, my role, and the role of law more broadly all at once. Nor can I imagine another point in my career where I will feel as nurtured and supported in believing in such radical things as true respect for human life.”



—Blaine Bookey, third-year law student at U.C. Hastings College of the Law

students to work on cutting edge human rights cases under the supervision of leaders in the field. One such partner is the Center for Justice and Accountability, which vindicates the rights of torture victims by bringing litigation against foreign human rights abusers in U.S. courts.

**Thanks to the generous support of the Kazan, McClain, Abrams, Fernandez, Lyons, Farrise & Greenwood Foundation, CGRS was able to hire Clinical Teaching Fellow, Kim Thuy Seelinger, to co-teach the RHRC with CGRS Director, Karen Musalo. Kim also supervises and mentors students on their work and helps develop the clinic’s curriculum.**

#### LEARNING BY DOING

In line with fundamental goals of clinical teaching, students in the RHRC learn by doing. They receive substantive training on key legal issues and read a wealth of academic and practical literature on relevant issues of law and professionalism. The heart of students’ clinical learning comes from handling their own projects or cases, often for the first time.

In addition to developing students’ research, writing, and client skills through work on individual cases and projects, the RHRC strives to create a culture of self-assessment, reflection, ethics, and passionate advocacy through collective discussion.

#### STUDENTS’ CLINICAL WORK

Clinical projects are chosen on the basis of both educational impact as well as the potential for real-world contributions to CGRS’s mission and program work. Whenever possible, CGRS’s current casework and advocacy campaigns are used to illustrate the legal concepts and strategies which arise in students’ cases. As the wide range of projects undertaken by RHRC students in 2007 clearly shows, this symbiotic relationship between CGRS and the RHRC is unique—and fruitful.

In 2007, students’ asylum-related work included the direct representation of a young Kenyan woman fleeing rape and FGC, and the drafting of an *amicus* brief to the BIA on behalf of an Eastern European woman whose abusive ex-husband routinely beat, raped, and tormented her. Students also developed resources to help attorneys who contact CGRS for assistance with recurring legal and factual challenges. These tools include declarations from academic experts and grassroots advocates which help attorneys strengthen legal arguments, and which educate asylum adjudicators about persecutory practices around the world.

Students also contributed to the vindication of international human rights by developing advocacy tools regarding the rape crisis in Haiti, researching the femicides in Guatemala, and supporting litigation against human rights violators who have resettled here in the United States after committing atrocities abroad.

## Media and Public Education

CGRS works with the media to educate the public on a range of issues, including gender asylum, women's rights, human rights, and the root causes of global migration. CGRS frequently succeeds in putting a "human face" on the women seeking protection, as well as those who remain in their home countries, but who are subject to the same human rights violations that force others to flee. CGRS has consistently secured fair and thoughtful news coverage of these issues, as well as sympathetic editorials, as demonstrated by the list of articles and other media pieces with which CGRS has been involved in the past year.

### Summary of CGRS media coverage and involvement in 2007

#### PRINT/ELECTRONIC MEDIA

- "Rape victim gains political asylum" by Henry Weinstein, *The Los Angeles Times*, December 17, 2007
- "U.S. Is No Haven, Canadian Judge Finds" by Adam Liptak, *The New York Times*, December 10, 2007
- "Drawing a Line Between Enduring Harm and Legitimate Fear" by Adam Liptak, *The New York Times*, November 5, 2007
- "Killings of women rising in Guatemala" by Felecia Bartow, *El Tecolote*, August 10, 2007
- "Seeking Asylum" by Joe Mullich, *Southern California Super Lawyers, San Diego Edition*, June 2, 2007
- "House passes Rep. Solis Resolution on Murders of Women, Girls in Guatemala" by States News Services and US Fed News, May 1, 2007
- "House Tackles 'Femicide in Latin America'" by William Fisher, Truthout (e-news), April 9, 2007
- "Does the prospect of arranged marriage and abuse warrant asylum in the US?" by Warren Richey, *The Christian Science Monitor*, March 23, 2007
- "Recognizing Gendered Violence as a Violation of Human Rights" by Karen Musalo, Center for American Progress (website), March 8, 2007
- "Playing 'Musical Chairs' With a Life" by William Fisher, Truthout (e-news), February 28, 2007
- "Asylum for the World's Battered Women" by Alex Kotlowitz, *The New York Times Magazine*, February 11, 2007
- "Genital mutilation and a polygamist husband await illegal immigrant" by Tim McGlone, *The Virginian Pilot*, January 16, 2007

#### RADIO/TELEVISION

- Interview on KPFK Los Angeles Pacifica Radio, September 7, 2007
- Interview on KGNU Independent Community Radio (Pacifica affiliate), May 29, 2007
- "Across the Nation" with Bob Dunning, Sirius Satellite Radio, Channel 159, March 27, 2007
- "Voices of the Middle East and North Africa," KPFA Radio (Pacifica affiliate), February 28, 2007



## International Networking and Collaboration

While CGRS's expertise in gender asylum has long been established in the U.S., it is also recognized in the international realm as a model NGO, with its unique melding of research, advocacy, litigation, and public education functions. In the past year, CGRS partnered with advocates from refugee-receiving countries seeking to expand legal protections for women fleeing gender persecution, as well as groups from refugee-sending countries that are trying to address the root causes that force these refugees to flee. CGRS continues to play a key role in the positive development of gender asylum law in other countries and to facilitate networking among advocates worldwide.

### Challenging the “Safe Third Country Agreement”

CGRS's tracking and monitoring efforts provide a unique view into how gender-based asylum claims are treated in the U.S. To this end, CGRS served as an expert witness in a case brought by Canadian advocates challenging the “Safe Third Country Agreement,” which prohibits individuals entering Canada from the U.S. from applying for asylum there under the assumption that they could have applied in the U.S. (The agreement also covers refugees entering the U.S. from Canada, but most individuals move from south to north.) In late 2007, a federal judge in Canada ruled that the U.S. had violated international conventions on torture and the rights of refugees and that, in fact, it is not a “safe third country” for refugees and asylum seekers. In his decision, the judge quoted from an affidavit submitted by Karen Musalo regarding the treatment of gender-based asylum claims in the U.S. This decision is currently on appeal in Canada.

## Collaborating with Advocates in Spain

Karen Musalo has worked in partnership with Spanish advocates for more than five years, delivering a series of lectures and presentations in Spain, and sharing resources related to CGRS's gender asylum work in the U.S. In 2005, CGRS hosted two visiting scholars from Spain, one of whom went on to successfully argue that country's first gender asylum case involving a lesbian couple from Colombia.

In March 2007, Spain adopted a legislative provision recognizing that asylum may be granted to women persecuted because of their gender, a positive step forward for refugee women and girls seeking protection in Spain. Following this development, CGRS and Women's Link Worldwide (WLW)—an international organization that promotes gender equality through legal avenues—identified a need to bring together advocates working on gender-based claims and to develop relevant legal and advocacy strategies to advance the issue in Spain.

As a follow-up, in October 2007, CGRS, WLW, and the Comisión Española de Ayuda al Refugiado (CEAR), Spain's principle refugee advocacy organization, co-convened a two-day strategy session in Madrid to share best practices in assisting women with gender-based asylum claims. Karen Musalo provided an overview of legal and advocacy strategies used in other countries to increase protections for refugees fleeing gender persecution. She and Program Coordinator, Diana Rodriguez-Wong, presented CGRS's model for providing technical assistance in gender asylum claims, including small group discussion of hypothetical cases similar to those handled by CGRS.



*Participants from Spanish governmental and nongovernmental organizations take part in a workshop led by CGRS on its technical assistance model for gender asylum claims in the U.S.*

## Advancing Partnerships in Guatemala

CGRS launched the *U.S.-Guatemala Partnership to End Violence Against Women* in 2005 to raise awareness about the epidemic of brutal, gender-motivated killings or femicides, that has gripped Guatemala since 2000. Over 3,800 women and girls have been murdered, and—with a prosecution rate of less than 2%—there continues to be virtual impunity for those committing these heinous acts. CGRS continues to seek ways to help bring an end to the violence.

In order to advance its work on the issue of the femicides, CGRS conducted a January 2007 fact-finding trip to Guatemala to meet with representatives from human rights and women's rights groups, as well as academics, government officials, and UN representatives. CGRS sought to strengthen existing relationships with Guatemalan partner organizations and to forge new alliances with others, as well as to deepen its understanding of the conditions that have contributed to that country's precipitous rise in the murder rate of women and girls.

During the trip, CGRS obtained copies of nearly two dozen major reports and analyses prepared by Guatemalan NGOs and governmental offices. As part of his participation in the Refugee and Human Rights Clinic, third-year U.C. Hastings law student, David Zisser, reviewed and summarized these reports, which has allowed CGRS to evaluate what additional research is needed. In addition, Kate Orlovsky, another third-year U.C. Hastings law student in the clinic, drafted a legal memo identifying the relevant international norms and venues for holding the Guatemalan government accountable for these continuing grave human rights violations. Student



*CGRS Director Karen Musalo (left) discusses Guatemala's femicides with Giovanna Lemus, Director of the Grupo Guatemalteco de Mujeres (Guatemalan Women's Group, GGM)*

work on the issue of Guatemala's femicides has helped advance CGRS's efforts in this arena, highlighting the important connection between the clinic and the Center.

## Launching the *Justice for Pepe ~ Justice for Guatemala Campaign*

On Friday, August 17, 2007, 28-year-old José Emanuel "Pepe" Méndez Dardón was assassinated on his way home from work in Guatemala City. He was shot multiple times at close range as he was leaving his job at La Aurora International Airport. Pepe, the married father of seven-year-old twins, was the son of Amílcar Méndez, who has been internationally recognized for his human rights work, and who has long been a friend to CGRS—serving as an expert in Guatemalan asylum cases. In response, CGRS launched the *Justice for Pepe ~ Justice for Guatemala Campaign* to demand a full investigation into Pepe Méndez's brutal murder and an end to impunity in Guatemala.



*Pepe Méndez  
October 2, 1979–  
August 17, 2007*

Seventeen organizations and over 2,000 individuals from around the world signed on to a petition demanding justice for Pepe Méndez, which was submitted to Guatemalan authorities in October 2007. That same month, a public advertisement was published in *La Prensa Libre*, Guatemala's largest newspaper, which reiterated the main demands of the campaign and provided a concrete, public display of international support for a full investigation into Pepe's murder and an end to impunity in Guatemala. At the



*CGRS staff met with Guatemalan Congresswoman and Vice President of the Women's Commission, Alba Estela Maldonado (upper right), during a 2007 fact-finding trip to Guatemala.*



*The Méndez family conducted a two-day hunger strike outside the official residence of the Guatemalan President to demand justice for Pepe Méndez and an end to impunity.*

request of Pepe's father, Amílcar Méndez, CGRS's Refugee and Human Rights Clinic submitted a petition to the Inter-American Commission on Human Rights to extend the protection granted to Amílcar in 2003 to his wife and two daughters, as well as to Pepe's widow and children. The Commission promptly granted the request and ordered the Guatemalan government to provide physical accompaniment to the family as they seek justice for Pepe.

Guatemala's justice system is notorious for its deficiencies. Corruption and incompetence have led to a system in which less than 2% of violent crimes are successfully prosecuted. There were hopes that given Amílcar's high profile, the authorities would attempt to carry out a credible



*Pepe's parents, Miriam Méndez Dardón and Amílcar Méndez, during a hunger strike in Guatemala City.*

investigation. However, there have been numerous serious failures in the investigatory process, including the loss of critical evidence and the lack of basic forensic examinations. With the backing of the U.S. Ambassador to Guatemala, CGRS and other human rights groups secured Congressional support for FBI involvement in the investigation, and they continue to pressure Guatemala's Attorney General's office to accept the FBI's offer of assistance.



*Amílcar Méndez, during a December 2007 visit to the Bay Area to raise awareness about Pepe's case and impunity in Guatemala.*

In December 2007, Amílcar and Miriam Méndez, along with one of their daughters and Pepe's widow and two young children, visited the San Francisco Bay Area. During their visit, the family met with CGRS staff and Board members, as well as concerned activists and legal advocates. They graciously shared their very personal struggle for justice in Pepe's case, and the broader fight against impunity in Guatemala, suggesting ways in which international solidarity can support their efforts.



## The Child of a Refugee Shares His Experience

The following poems were written by Mike, the 13-year-old son of a woman assisted by CGRS, who was recently granted asylum in the U.S. Now thriving as a 8th grader, Mike's poetry demonstrates the incredible contributions that CGRS's clients and their children make to our communities. It serves as a poignant reminder that the struggles of women refugees are also the struggles of their children.

### UNTITLED

I am waiting  
 I wonder when my brother will come back  
 I hear my brother's voice in my head  
 I see my brother in my head  
 I want to see my brother again  
 I am waiting

I imagine my brother and I walking down the street  
 I wonder if I will ever see my brother again  
 I feel my brother's warm skin in my hands  
 I worry about my brother  
 I cry for my brother  
 I am waiting

I understand why my brother fought in the war  
 I say why didn't I go with him  
 I dream about my brother  
 I try to keep my mind on happy things  
 I hope to see my brother again  
 I am waiting

### I AM FROM

I am from waking up and the only thing holding me back is the negativity of a weekday.

I am from waking up with the sun shining through my window. I feel the blood pumping through my veins energizing me. The feeling of no responsibilities, must be the weekend.

I am from Soccer fields, for when the ball is in my possession I am in total control. I can create or destroy.

I am from long, dry, barren waste lands. My shadow the only one that walks beside me. The only sound to hear is the faint beating of my heart.

I am from running. With every step I am one step closer to my goal. My goal is a mystery, but with every step I am one step closer.

I am from pain and suffering, sacrifices and loss.

I am from family and friends on Thanksgiving dinner. Plenty of food to go around, and it's another chance to spend time with friends. A time to think back and laugh.

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## 2007 CGRS Interns



**Margee Churchon**, a senior at Mills College in Oakland, California, completed an internship with CGRS in the summer of 2007. Upon graduating, Margee plans to attend law school and hopes to work in the non-profit sector.

### David Menninger

served as a volunteer with CGRS throughout 2007. He assisted on over thirty-five gender asylum cases, generating country conditions reports that support the work of lawyers and advocates across the country and that will help to strengthen untold numbers of claims. David plans to attend law school next year after spending nine months teaching English in Madrid, Spain.



**Katrina Schwartz**, a senior at Haverford College in Haverford, Pennsylvania, also completed a summer internship with CGRS in 2007. After college, Katrina hopes to use her skills and education to advance human rights and social justice.

**Beth Silberman**, a graduate of the University of California, Davis, is completing a year-long internship with CGRS, during which she has been involved in various aspects of the Center's work, including conducting country conditions and human rights research, engaging in grassroots advocacy and fundraising activities, and providing administrative support to CGRS staff.



## Individual

*Donations received between 12/16/06 and 12/31/07*

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*Photographer Phil Borges (right) discusses his work with CGRS supporters, including Board Member Minette Kwok (center), at a November 2007 fundraising event held at the FiftyCrows Gallery in San Francisco.*

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## DONOR SPOTLIGHT: Pamela Levin

CGRS wishes to recognize the many contributions of Pamela Levin, who is both a donor and dedicated supporter of the Center's work. She is also a member of the Board of Trustees of U.C. Hastings' 1066 Foundation, a volunteer organization that actively generates private support for the law school.

Ms. Levin, a Bay Area resident, is a graduate of U.C. Berkeley and U.C. Hastings College of the Law ('76). For 24 years, she worked as an attorney with Thornton Taylor & Downs, a law firm specializing in insurance litigation, where she served as Managing Partner from 1997 to 2000. Ms. Levin was a Founding Partner of the East Bay insurance litigation firm, LHB Pacific Law Partners, where she served as Senior Partner from 2000 to 2005. She recently became Of Counsel to the firm in order to pursue a life long passion for teaching. Ms. Levin has taught at various institutions including the John F. Kennedy School of Law, the Golden Gate School of Law, and Mills College.

Ms. Levin has been a trailblazer among women lawyers, becoming the first female associate and first female managing partner at Thornton Taylor. She was also the first female Chair of the Property Insurance Law Committee of the American Bar Association and one of the few female senior partners at a litigation firm.

Pamela Levin, and her husband, Dr. Milton Levin, are the proud parents of two daughters—Jessica, a senior at Cornell University in Ithaca, New York, and Lauren, a freshman at U.C. Davis. Jessica completed an internship with CGRS in the summer of 2006, during which time she introduced her mother to the Center and its mission. Subsequently, Ms. Levin became progressively more involved in CGRS's work, including helping to arrange speaking engagements for staff, strategizing about media coverage, providing generous financial support, and even hosting a fundraiser at her home in the fall of 2007, which will now be an annual event to promote CGRS and its work.

The generous contributions of individual supporters like Pamela Levin help to make CGRS's work on behalf of refugee women and girls possible.

“The more I learn about CGRS, the more convinced I become that this dedicated group of professionals deserves our admiration and, more importantly, our support.”

—Pamela Levin

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## CGRS Honors its *Pro Bono* Partners

CGRS salutes the law firm of Davis Polk & Wardwell for its outstanding commitment to assisting women asylum seekers. *Pro bono* work is an important part of the firm's practice, with one quarter of Davis Polk's *pro bono* program devoted to assisting asylum clients.

Based in New York, **Amy Rossabi** serves as Davis Polk's full-time *pro bono* coordinator, helping to identify and supervise a range of projects, including securing high-quality legal representation for women refugees fleeing gender persecution. In the past eight years, attorneys at Davis Polk have worked on more than 30 gender-based asylum cases in coordination with CGRS, with Amy often serving as an important point of contact for the firm and for CGRS staff.

Davis Polk's clients have sought protection in the U.S. based on domestic violence, FGC, forced marriage, and harms associated with sexual orientation, and they come from countries around the globe—from Albania to Pakistan, and

from the Ivory Coast to Bolivia.

Several recent cases underscore the importance of the firm's commitment to women asylum seekers.

- With assistance from attorneys **Dharma Betancourt Frederick** and **Kyoko Takahashi Lin**, "Lana," a 50-year-old native of Trinidad and Tobago, had her asylum interview in August of 2007 (a decision is still pending in her case). Lana was forced to flee her home country after suffering more than 20 years of extreme domestic violence at the hands of her husband. The abuse began the night of their wedding, with Lana's husband frequently punching her, choking her, and threatening to kill her during their first month of marriage. In the years that followed, Lana's husband abused her almost every day, including threatening to burn and kill her, attempting to choke her, and regularly raping her, which led to the miscarriage of her first child. He would tie her to the bed or toilet, and lock her in enclosed spaces without food or access to



Members of Davis Polk & Wardwell's *pro bono* team, pictured from left to right: *Kyoko Takahashi Lin, Partner; Laurel White, Associate; Jill Hass, Associate; Elena Ivanovski, Associate; and Amy Rossabi, Pro Bono Coordinator.* Not pictured: *Cynthia Akard, Counsel; Siobhan Dalton, Associate; Dharma Betancourt Frederick, Associate; Nahal Kazemi, Associate; and Beth Hooten Ruiz, Associate.*

sanitary facilities. In one instance, he almost choked her to death, stopping only when his son walked in and began to scream upon seeing his already unconscious mother. Finally free from this horrific abuse, Lana hopes to begin a new life in the U.S. with her son.

- Attorneys **Cynthia Akard** and **Siobhan Dalton** and former Associate **Yiping Liao** took on the case of “Zahara,” a 43-year-old woman from Algeria, who was born into a large and conservative Muslim family. Shortly after finishing high school, Zahara was married to a man chosen by her father. Over the course of several years, Zahara’s husband beat her severely and forced her to wear a veil, a practice to which she objected. After she took their children with her when she went to visit her parents, Zahara’s husband accused her of abandoning their “marital home” and he divorced her. When Zahara returned to her parents’ home, her father refused to accept her children and forced her to give them up. Her parents kept her confined until a second marriage was arranged two years later. Her second husband drank excessively and beat Zahara, telling her that she had shamed him as a divorced woman; he also threatened to kill her and their son if she tried to leave him. Fearing for her life and her son’s life—and knowing that the Algerian police would do nothing to help her—Zahara fled to the U.S. in search of protection. In January of 2006, Zahara was granted asylum.
- Represented by **Beth Hooten Ruiz**, “Mercy,” a citizen of the Ivory Coast, had a relatively middle class upbringing in an urban area. When she was a teenager, Mercy’s father arranged for her to marry one of his friends, a man 20 years her senior who already had two wives. Mercy was able to postpone the wedding by promising to get married after completing her education in Morocco and later in France. As time passed, Mercy’s family began to pressure her to return to the Ivory Coast and fulfill her promise.

Mercy opposes arranged marriages as well as the practice of FGC, which she would have to undergo as part of the arranged marriage. She finally decided to flee to the U.S. where she sought asylum. In December of 2006, Ms. Hooten Ruiz contacted CGRS to “...pass along the good news that [Mercy] was granted asylum yesterday, which was a welcome addition to our good cheer this holiday season.”

- **Amanda Vaughn**, **Jill Hass**, and **Elena Ivanovski** handled the case of “Fatima,” a woman from Egypt who was severely beaten by her husband. The abuse would escalate when Fatima questioned her husband’s behavior or fled their home and sought assistance from her family. Fatima did not report the abuse to the police as she did not believe that they would help her and she knew that if she did, her husband would retaliate against her. The abuse continued after the couple moved to the U.S. Fatima sought an Order of Protection (OOP) and obtained sole custody of their son. She reported several violations of the OOP and her husband was ultimately deported back to Egypt. However, he vowed to seek revenge on Fatima for disobeying him, for publicly renouncing the abuse, and because he blames her for his deportation. He continues to threaten her family in Egypt, but—much to her relief—Fatima was granted asylum in the U.S. in December of 2006.

In 2007 alone, the firm devoted more than 35,000 hours to *pro bono* work, an average contribution of more than 54 hours per lawyer. Davis Polk attorneys provide assistance on a wide range of matters to individuals and organizations that could not otherwise afford legal services.

Thanks to Davis Polk and its commitment to *pro bono* work, many women asylum seekers—like Lana, Zahara, Mercy and Fatima—have found a safe haven in the U.S.

## The Judith Stronach Bequest and Women's Human Rights Fellowship

In 2004, CGRS was the beneficiary of an extraordinarily generous bequest by Judith Lee Stronach, a Berkeley resident and long-time peace activist and philanthropist. Judith's life was dedicated to nonviolence and social justice, and she expressed an interest in CGRS's work shortly after the organization was founded in 1999. The Center's efforts on behalf of women asylum seekers resonated with her longstanding commitment to women's rights and human rights, and she especially valued the use of law in service of social justice.

In her memory, CGRS established the **Judith Stronach Women's Rights Fellowship**. Each year the fellowship recognizes one or more law students whose background, idealism, and commitment to women's rights exemplify Judith's dedication to protecting the human rights of women, especially women refugees.

### 2007 Stronach Fellows

**Cassandra Lopez** is a third-year law student at King Hall School of Law, University of California, Davis. While at King Hall, Cassandra served as a student attorney with the UC Davis Immigration Law Clinic, representing detained immigrants. During a summer internship at the Center on Race, Poverty and the Environment in Delano, California, Cassandra worked with farmworkers and rural communities struggling to improve the environmental quality of the Central Valley. She came to law school after working with the Chiapas Support Committee in Oakland and Legal Services for Children in San Francisco.

**Joana Simonini** is a third-year law student at the University of California, Hastings College of the Law. In the summer of 2006, Joana interned in the Immigration Department at Canal Alliance, a Bay Area nonprofit organization, where she helped immigrants and asylum seekers prepare for immigration proceedings. Joana's dedication to this area of law is demonstrated



*From left to right: Joanna Wilson, Joana Simonini, and Cassandra Lopez*

by her decision to enroll in the Refugee and Human Rights Clinic at U.C. Hastings in the fall of 2007, where she continued working on some of the projects she began during the summer as a Stronach Fellow. Born and raised in Brazil, Joana studied law at the Universidade do Estado do Rio de Janeiro. After moving to the U.S., Joana worked with the Friends of the MST, an organization that supports the Brazilian Landless Workers Movement.

**Joanna Wilson** is a third-year student at the University of Washington (UW) School of Law in Seattle and a second-year graduate student at UW's Jackson School of International Studies. While at UW, Joanna worked with the law school's Immigrant Family Advocacy Project and in the asylum unit of the Northwest Immigrant Rights Project. Prior to law school, Joanna served as a Peace Corps volunteer in the Philippines and as Managing Director for an international education company in Los Angeles.

"My summer at CGRS was undoubtedly the high point of my law school experience. The office environment was wonderful, the work fascinating, and the people inspiring. Working with people who are extremely knowledgeable, but most of all, who are willing and excited to share this knowledge with you is the most rewarding experience a law student could ever wish for. At CGRS, I learned that it is still possible for a lawyer to combine passion with serious, hard work. This is my goal, and CGRS inspired me to strive for it."

*—Joana Simonini, third-year law student at U.C. Hastings, Judith Stronach Women's Rights Fellow, summer 2007*

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## Financial Report Fiscal Year 2007 (7/1/06–6/30/07)

### EXPENSES

|                           |                  |
|---------------------------|------------------|
| Total Salaries & Benefits | \$417,395        |
| Travel and Memberships    | \$22,709         |
| Consulting                | \$7,779          |
| Total Other Direct Costs  | \$40,568         |
| <b>Total Expenses</b>     | <b>\$488,451</b> |

### INCOME

|   |                  |
|---|------------------|
| Foundation Funding                        | \$278,018        |
| Individual Donors                         | \$23,787         |
| Law Firm/Corporate Donors                 | \$15,285         |
| U.C. Hastings & other income <sup>1</sup> | \$172,127        |
| <b>Total Income</b>                       | <b>\$489,217</b> |

<sup>1</sup>Includes salary and benefits for Karen Musalo in her capacity as Clinical Professor of Law at U.C. Hastings, as well as reserve funds allocated for a one-time benefits-related payment and the launch of a law school clinic at U.C. Hastings

## What Advocates Are Saying About CGRS

“Please pass on a warm thank you to [CGRS Program Coordinator] Diana; the materials she sent have been and will be a HUGE help to me in writing my brief... Thank you so much for your time and help...your services will not be forgotten.”

—Mark Scheuerman  
Ave Maria School of Law,  
Asylum and Immigrant Rights  
Law Clinic

“Thank you very much for your responses to my requests for information regarding my two cases. I appreciate this service very much, and your very prompt responses. It is absolutely wonderful that your organization exists and that a body exists to compile gender related documentation.”

—Heather Neufeld  
South Ottawa Legal Services  
Ottawa, Canada

“Thank you so much for the extremely quick response to my request for assistance. The materials you forwarded are excellent and will be very helpful in my case. I made an online donation today; I hope it will help you to continue the great work that you do.”

—Kathie Dolan, Lane County  
Legal Aid and Advocacy Center  
Eugene, OR

“It is a difficult task we perform these days; on the one hand, I love the challenges, and win many cases. On the other hand, I am extremely disconcerted by the American public with regard to its phobias about aliens, and all that surrounds them. Nevertheless, I do want to tell you that when I get discouraged I open up your website and again, get terribly excited about the prospect of helping a family escape some of the torture that we Americans cannot even envision. I am happy to join you in any of your efforts.”

—Marc Seguinot  
Seguinot & Associates,  
P.C., McLean, VA

“I will be meeting with my client tomorrow and now I feel much more comfortable doing so. She fled in fear from her abusive husband who was falsely accusing her of adultery and could face the death penalty if she is sent back. I cannot thank you enough for all of your help and information.”

—Michele A. Murphy, Law Offices of  
Michele A. Murphy, Danbury, CT

“Wow! Thank you SO MUCH for this wealth of great documentation. I feel very taken care of (like our clients are supposed to feel). You’re doing great work!”

—David S. Wright, Attorney at  
law, San Francisco, CA

“Wow!! Thank you very much. This is perhaps the most exciting and helpful email I have ever gotten! We all at Freedom House send our many thanks!”

—Manuela Policicchio  
Freedom House  
Detroit, MI

“Thank you so much for your quick response to my inquiry. The information you sent me is incredibly helpful, and I really appreciate CGRS’s assistance in drafting the BIA appeal brief for our client’s gender-based withholding claim.”

—Paula Kirlin, DePaul  
Immigration & Asylum Legal  
Clinic, Chicago, IL

“Thank you again for your assistance in providing so much detailed information regarding country conditions in Guatemala as well as a list of experts and their affidavits. Your assistance has been invaluable in obtaining background information...as we prepare for our client’s upcoming merits hearing.”

—Jennifer M. Carpenter,  
Student, University of  
Virginia School of Law, CAIR,  
Charlottesville, VA

“I thank you immensely for your help. I have two asylum cases this week, but this is the one I was really worried about because of the nature of the case. I did much research, but I wanted to consult with CGRS because I knew you could provide some helpful guidance.”

—Jessica Prado, Esq., Garcia &  
Ramirez Immigration Lawyers,  
San Antonio, TX

“I really cannot express how much I appreciate all the work that the Center does. Working at a tiny non-profit can feel isolated and I always worry I’m missing out on national trends, important arguments, great resources, etc. This will all be incredibly helpful.”

—Kristin Petri, Children’s  
Attorney, Rocky Mountain  
Immigrant Advocacy Network,  
Denver, CO

“Thank you for this extraordinarily helpful email. I have always heard CGRS was a terrific resource, and now I know first-hand!”

—Elizabeth Keyes, Staff Attorney,  
WEAVE, Inc., Washington, DC

“A thousand thanks for CGRS’s help. My client, who underwent FGC, received yesterday a recommendation for approval from the San Francisco asylum office. She was overjoyed and relieved, but cried and told me she had suffered a lot, and could never get her life back, but knew now that she could start a new one here...I am grateful for the documents you put together to assist in the preparation. Thank you again.”

—Miriam Porter, Law Offices of  
Miriam Porter, Sacramento, CA

“I cannot thank you enough for the wealth of information you’ve provided. As I am sure you know, it is difficult for an attorney, such as myself, who does not regularly practice immigration law, to know where to look for information, such as country conditions, that is necessary for a successful asylum application. It is nice to know that there are resources and people who can help.”

—Amanda M. Betman,  
McDermott Will & Emery LLP,  
New York, NY

“This is fabulous information thank you so very much—you guys are the best!!!!!!”

—Michelle C. Rivero, Rivero  
Law Office LLC, St. Paul, MN

“I really appreciate all the assistance that CGRS has provided. I was really amazed the first time I visited your website to see the wealth of information available. The additional resources you have sent me in such a timely manner have really just blown me away...I just want to commend you for such great work. Thank you!”

—Tina Liu, Student Attorney,  
The University of Iowa College  
of Law, Iowa City, IA

“Thank you for the great work you are doing. Your advice on immigration law has proven invaluable in my *pro bono* representation of asylum seekers.”

—Evelina Manukyan, Wilson  
Sonsini Goodrich & Rosati,  
Palo Alto, CA



