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Semi-Annual Report to the McDowell Foundation: October 1, 2018 – March 28, 2019

Adjudication of Ms. A.B.'s claims for relief

As reported in our first quarterly update to the Foundation, in October Judge V. Stuart Couch of the Charlotte Immigration Court issued a final denial of Ms. A.B.'s applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT). We filed a notice of appeal to the Board of Immigration Appeals (BIA or Board) in November and now await the Board's briefing schedule. Before the BIA we plan to present arguments that Ms. A.B. should be found eligible for asylum and that both Couch and former Attorney General Jeff Sessions have committed numerous due process violations against her. We plan to secure robust *amicus* support from the parties that filed briefs in support of Ms. A.B. before the Attorney General last spring. Although we have not yet received our briefing schedule from the Board, we have begun preparing our brief. Our brief will incorporate compelling arguments developed in the course of litigating *Matter of B-D-*, the First Circuit domestic violence asylum case mentioned in our first quarterly update. We submitted briefing in *Matter of B-D-* in early March.

FOIA lawsuit on behalf of Ms. A.B.

In March CGRS and pro bono counsel at Riley Safer Holmes & Cancila filed suit against the U.S. Department of Justice (DoJ), challenging the agency's failure to release information about former Attorney General Sessions' involvement in *Matter of A-B-*. The lawsuit was brought under the Freedom of Information Act (FOIA) and filed on behalf of Ms. A.B. Ms. A.B. filed a FOIA request last March seeking all records and communications pertaining to Sessions' decision to intervene in her case. After DoJ failed to respond to the FOIA request by the legal deadline, Ms. A.B. filed an administrative appeal asking for prompt production of records. To this day, however, DoJ has failed to disclose the requested records. Through our lawsuit we hope to compel the agency to release information that will shed light on the troubling procedural irregularities Ms. A.B. has experienced, which implicate her due process rights to a fair and impartial agency proceeding.

New FOIA request

CGRS filed a new FOIA request in March, requesting a statistical dataset of all cases heard by Judge Couch related to applications for asylum, withholding of removal, and CAT relief since June of 2017. Through this request we are seeking information that illuminates how asylum cases have been adjudicated at the Charlotte Immigration Court pre- and post-*A-B-*. We hope to learn whether Judge Couch has been appropriately analyzing claims on an individualized case-by-case basis. We suspect that he has not and that the records we obtain will bolster our arguments that Couch is biased against domestic violence survivors and that he prejudged Ms. A.B.'s claims, in violation of her due process rights. As mentioned in our first quarterly update, after Sessions remanded Ms. A.B.'s case to the Charlotte Immigration Court we filed a motion to recuse Couch, alleging bias, which he unsurprisingly denied.

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Public advocacy efforts

As reported in our first quarterly update, we are continuing to educate policymakers and members of the public about *Matter of A-B-*. In late January we released a short video, produced by Human Rights Watch, featuring interviews with Ms. A.B., CGRS Director Karen Musalo, and Ms. A.B.'s local attorney in Charlotte, Andres Lopez. The video has been shared widely and was picked up by video news platform NowThis News. It has received over 150,000 views to date. We also recently collaborated with National Public Radio (NPR) reporter Joel Rose to develop a story focused on the impact that the *Matter of A-B-* ruling has had on asylum-seeking women. Through our technical assistance program, we identified and introduced to Joel a woman who had been denied asylum on the basis of *A-B-* and who was willing to speak with the press and share her story. In late January, an extended segment featuring interviews with the woman, her attorney, and CGRS Director Karen Musalo aired on NPR's Morning Edition program, which draws over 13 million weekly listeners. In March CGRS staff, including Gender Asylum Campaign Director Kate Jastram and Staff Attorney Sayoni Maitra, traveled to Washington, D.C. to meet with congressional offices and educate staffers on the devastating impact of *Matter of A-B-*. We used these meetings as an opportunity to strengthen our relationships with congressional allies and begin strategizing on potential legislative solutions.