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104TH CONGRESS

2D SESSION H. R. 3744 To require the Attorney General to promulgate regulations relating to gender- related persecution, including female genital mutilation, for use in deter- mining an alien’s eligibility for asylum or withholding of deportation.
IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1996 Mrs. MALONEY (for herself, Ms. BROWN of Florida, Mrs. CLAYTON, Mr. CLYBURN, Mr. DELLUMS, Mr. EVANS, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. GUTIERREZ, Mr. HINCHEY, Ms. NORTON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAFALCE, Ms. MCCARTHY, Ms. MCKINNEY, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. NADLER, Mr. PAYNE of New Jersey, Mr. OLVER, Miss COLLINS of Michigan, Mrs. SCHROEDER, and Ms. VELA´ZQUEZ) 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 eligi-
bility 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,

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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 8 208(a) of the Immigration and Nationality Act, interpret-

9 ing, in a manner consistent with international law and
10 standards, the term ‘‘persecution’’, as used in section
11 101(a)(42)(A) of such Act, to include gender-related per-

12 secution, including female genital mutilation. The regula-13 tions under this subsection may not create burdens, or in-

14 crease requirements, for establishing persecution beyond
15 those established by international law and standards and
16 recent decisions 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

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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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