



Asylum for Afghan Women After U.S. Withdrawal

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If conditions of the February 2019 Doha agreement are met, the U.S. will pull all troops out of Afghanistan by 1 May 2021. This is something Americans from all sides have wanted for a long time. President-elect Joe Biden never wanted a large military presence there in the first place, and counseled President Obama in 2009 against the surge in favor of a limited counterterrorism presence. There is little that has happened in the past 11 years to have likely changed his mind.

So, the U.S. is probably out. The Taliban will most likely have a sizable, if not dominant, presence in the new Afghan government. [Many are asking](#) what this will mean for Afghan women and girls. For Afghan women in areas already controlled by the Taliban, [it won't mean much](#). These women will continue to be completely dependent on men's permission to access healthcare, education, employment, and even to leave the house (fully covered, of course); violations will continue – in some areas – to be punishable by flogging or death. But Afghan women who have lived under the protection of U.S.-led coalition forces for the past 19 years, and those in urban areas, potentially have much more to lose when the Taliban gain a spot in the national government. They have only to look so far as their rural countrywomen to glimpse what their lives could look like once that happens.

Does the United States have some sort of moral obligation to these most vulnerable Afghans? What *can* the U.S. do for them, even if it does feel a moral obligation? One thing it should do is offer automatic political asylum for any Afghan female who seeks it. This should apply to only her and any child dependents; male family members should have to go through the normal asylum application process.

There are two main precedents for such a policy. The first is [U.S. immigration law](#) that allows for victims of domestic violence to claim asylum, on the grounds that women who cannot escape abusive relationships are members of a “socially distinct” group “defined with particularity” who “share a common immutable characteristic.” Attorney General Jeff Sessions [overruled this precedent in 2018](#), but these decisions are easily changed with administrations since they are not explicitly written into [the Immigration and Nationality Act](#). Given that an estimated [87%](#) of Afghan women and girls suffer from domestic violence and have no reasonable expectation their government will protect them (the [Afghan Parliament never even approved](#) a law barring men from beating their female family members), it's a pretty safe bet almost any Afghan woman or girl who wanted asylum would qualify even under the current government, much less a post-peace government including the Taliban. Therefore, the U.S. should allow them automatic asylum and not require them to undergo the normal process of proving they are abused and that their government cannot or will not protect them.



The second precedent is contained in the U.S. withdrawal from Vietnam. Starting in 1975, the U.S. helped evacuate an estimated [125,000 Vietnamese refugees](#). These refugees did not have to prove they were persecuted--no one was under any illusions about what would probably happen to these Vietnamese who sided with the Americans after American protection was gone. The present situation is not completely analogous to the fall of Saigon because Afghan women did not necessarily “side with the Americans” (although the U.S. is currently ramping up [efforts to offer asylum to the Afghan interpreters](#) who supported the American war effort regardless of gender). However, like the South Vietnamese, Afghan women can expect the post-peace-deal government to be hostile towards them, if the [proceedings of 2019 loya jirga](#) are any guide. Once the U.S. military is gone, there will be virtually nothing standing in its way to legally strip half its population of their fundamental human rights, so a full withdrawal of American troops should trigger an automatic asylum policy for women.

So, there is precedent for this initiative. But what could the repercussions be? Unfortunately, most Afghan women will be unable to take advantage of such an asylum policy, for the exact reasons they would qualify for asylum in the first place. Uneducated rural women are unlikely to even hear about the policy. Women who did learn about it and decide they would like to take advantage of it would still have to make their own way to the U.S. embassy or a U.S. government office, a difficult task for people who most likely have no freedom of movement or financial means. Furthermore, the new Afghan government, knowing U.S. government property in their country was a sanctuary for women, may begin to guard those areas. An automatic-asylum policy may also paint a target on the U.S. embassy for Afghan men who would claim Westerners were stealing their women or destroying traditional family values. Finally, because Afghan men have automatic [custody of children](#), many women would probably not take advantage of the policy even if they could get to the embassy, if doing so meant leaving their children behind.

So, if an automatic-asylum policy would likely serve few women and potentially be contentious with a post-withdrawal Afghan government, why do it? In short, because it would signal a changing American grand strategy. Such a policy would send a strong message about U.S. values while maintaining America’s shift away from “forever wars.” The U.S. can acknowledge that a permanent high-profile military presence in Afghanistan is unsustainable while making it clear that Americans see women’s rights as human rights. Therefore, this policy could be but one building block in a new era of restraint-with-human-rights.

Such a policy is simultaneously the least and all the U.S. can do for Afghan women, but there is reason for hope. One of the benefits of the U.S. military presence in Afghanistan lasting nearly 20 years is that an entire generation of (mainly urban) Afghan women have become accustomed to rights their foremothers never enjoyed. Also, [girls’ primary education](#) has become more normalized across Afghanistan, including the rural areas, since before the U.S.-led invasion. It is harder to take away rights from people who are used to having them, so today’s Afghan women may be able to push back against the Taliban in ways prior generations could not. But this is work only they and Afghan men can do. Only Afghans can change their society to one that protects the



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human rights of half its population; no number of well-intentioned Americans can ever do so. But we can offer moral support for like-minded Afghan women who want to fight the dangerous fight for gender equality--and a way out for those who would rather not.