



## Child Asylum Seekers Face Barriers

### New Resource to Advocate for Child Refugees

Incest and child sexual abuse are taboo in virtually every culture.

Unfortunately, taboos get broken.

Thousands of children, especially girls, cross international borders each year to escape this hidden form of abuse. Many brave the journey alone. As a last resort, they give up everything they know to find safety from their persecutors. And tragically, often the U.S. denies protection to children who have been victims of incest and deports them to their home countries.



Girl in Qalawa Refugee Camp in Kurdish Iraq

The [Center for Gender & Refugee Studies](#) knew we needed to address these denials. We already had multiple detailed practice advisories on children's asylum claims. Now we identified an internationally recognized expert to produce an affidavit to support children's asylum claims specifically based on incest.

In incest cases as in domestic violence claims, adjudicators often justify their denials by saying that the abuses are not "on account of" (known as "nexus") one of the required grounds for refugee protection (race, religion, nationality, political opinion, or membership in a particular social group). "[Particular social group](#)" is the most common ground for girls whose claims are based on incest or sexual abuse. Adjudicators often dismiss the existence of nexus for incest cases and attribute the abuse simply to a criminal or deviant personality.

We needed to show how incest relates to the recognized refugee grounds. CGRS Director [Karen Musalo](#) brought in students Ryan Harris and Peter Stark from the [UC Hastings Refugee and Human Rights Clinic](#) to collaborate with renowned Harvard professor and psychiatrist [Judith L. Herman](#).



Peter Stark and Ryan Harris,  
Refugee Clinic Students

Dr. Herman is the author of [Father-Daughter Incest](#) and the landmark [Trauma and Recovery](#), consultant to governments and NGOs, and among the world's foremost experts on incest. Her affidavit fills in the missing evidence relating incestuous abuse and "particular social group."

Dr. Herman's affidavit confirms that incest occurs at a higher rate in societies that oppress and subjugate women and girls and is linked to the victim's "membership" in the "particular social group" of her family. Explained more simply, it is because the victim is a girl in the family that the perpetrator chooses her for this abuse.

This new document will help crack open the door for asylum based on incest, as happened with domestic violence after CGRS collaborated with University of California Berkeley Professor of Law [Nancy Lemon](#) to explain the motivations for domestic violence.

Those seeking to help child refugees now have this powerful resource for presenting effective arguments about nexus. In addition, the affidavit supports arguments about the lasting and profound severity of the harm done to children, and the potential results of forced removal. When one of the numerous requests for technical assistance [CGRS](#) receives each week concerns incestuous child sexual abuse, we offer this invaluable expert affidavit.



Dr. Judith Herman in Berkeley, CA

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The Center for Gender & Refugee Studies develops and provides advocates with legal advice, country conditions reports, practice advisories, expert affidavits, and access to an unsurpassed searchable database of asylum case records. We offer these services free of charge.

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Professor Merino in Oñati, Spain

Professor of Philosophy of Law Víctor Merino Sancho of [Universitat Rovira | Virgili](#) in Tarragona, Spain, an authority on violence against women and asylum law, spent four months in residence at CGRS. His work looks at recognizing violence against women as a form of persecution, human rights and equality principles, and the legal treatment of immigrant women. Professor Merino is one of several Spanish scholars and refugee advocates who have carried out research at CGRS in recent years.

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Watch an [interview with Judith Herman](#).

Learn more about Dr. Herman's [Victims of Violence](#) program.

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