

Congress of the United States
Washington, DC 20515

August 5, 1999

Dear Colleague:

We are writing to ask you to join us in an urgent effort to reverse a troubling precedent regarding U.S. refugee and asylum policy and to very possibly save the life of a Guatemalan woman seeking asylum in our nation.

As you may be aware, on June 11, 1999 the Board of Immigration Appeals (BIA) reversed the earlier decision of an immigration judge and denied the request for asylum of Ms. Rodi Alvarado Pena, a Guatemalan national who endured ten years of brutal domestic violence.

Ms. Alvarado's asylum claim is based on chilling and well-documented abuse by her husband. At the age of 16, Ms. Alvarado married a Guatemalan army soldier. During the next ten years, she was subjected to unrelenting physical and psychological abuse. He beat and raped her repeatedly, causing infection, severe abdominal injuries and hemorrhaging. He used her body as a battering ram, breaking windows and mirrors with her head. The Guatemalan police and judicial system refused to intervene to help end this unrelenting abuse.


Most compellingly, if Ms. Alvarado is sent back to Guatemala, her husband has stated clearly that he will "hunt her down and kill her."

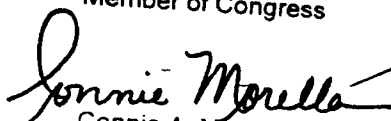
The decision by the Immigration Board of Immigration Appeals represents a troubling reversal of steady progress in the area of gender-related refugee and asylum policy. In fact, the BIA was sharply divided in issuing the decision. Dissenters vigorously criticized the decision, writing that the "differentiation between the supposedly more private forms of persecution, typically suffered by women, and the more public forms of persecution, typically suffered by men, is exactly the type of outdated and improper distinction that the (INS's Gender) Guidelines were intended to overcome."

We can act to help assure that this dangerous decision does not stand. Attorney General Janet Reno has the ability to certify the decision for review, reverse the BIA and reinstate the grant of asylum. While not every act of domestic violence amounts to persecution on one of the five grounds recognized by U.S. refugee and asylum law, a claim that does establish such persecution should not be rejected on the sole ground that the persecutor happened to be a member of the victim's family or household.

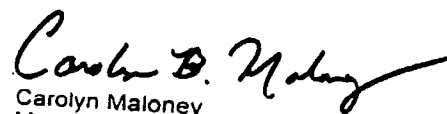
The enclosed letter emphasizes the importance of this case and asks Attorney General Reno to take action immediately to reinstate Ms. Alvarado's grant of asylum. Please join us in taking immediate action to protect the life of Rodi Alvarado Pena, to stand up for all victims of domestic violence and to restore fairness and justice to U.S. refugee and asylum policy.

Sincerely,


Luis V. Gutierrez
Member of Congress


Connie A. Morella
Member of Congress


Chris Smith
Member of Congress


Carolyn B. Maloney
Member of Congress


Rosa DeLauro
Member of Congress

