

A Desperate Woman Is Denied Asylum

by Judy Mann

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In the summer of 1991, a young Jordanian woman fell in love with a Palestinian engineer. In August, they had premarital sex. In September, the young man proposed, but the woman's father forbade the marriage because the man was Palestinian and did not make enough money.

The young woman was in an untenable position: On the one hand, she might be pregnant, and on the other, if and when her father did select a husband for her, the husband would discover she was not a virgin. The young woman knew that her family adhered to the tradition of killing women whose alleged sexual transgressions are seen to dishonor the family. She feared for her life. The couple fled to the United States, where in January 1992, the woman applied for asylum.

They have since married and had three children, and they are living out West. Her fears of being murdered by family members are well founded, however, and for this reason her name and where she lives are being kept confidential. Her father has ordered some 15 male relatives, including uncles and cousins, to kill her. She has become a target for one of Jordan's hideous "honor killings," the practice of murdering girls and women who violate sexual rules or other social norms. Women can be killed for such transgressions as choosing their spouses by themselves, seeking divorce or even going on a day trip alone with a man.

A 1998 State Department report on human rights practices found more than 20 "honor killings" reported in Jordan that year, but the report stated the actual number is as much as four times as high. The only protection the Jordanian government offers these women is imprisonment. In 1998, 50 women were involuntarily detained in protective custody.

At the Jordanian woman's asylum hearing, the practices in Jordan were submitted to a U.S. immigration judge, along with three letters from her sister describing her father's growing rage and his insistence that she be killed.

The woman's plea for U.S. asylum was denied in December 1997 by a judge who, among other things, did not see honor killings as a general pattern or practice against Jordanian women. He rejected her claim that her fear of persecution was based on being a member of a social group defined in part by gender--a standard for asylum. He saw her fear as a "personal problem." Last August, the Board of Immigration Appeals upheld the judge's ruling and maintained that her fear of being killed was speculative and the result of "a personal family dispute." Her attorney, Susan Hill, has appealed the decision to the 9th U.S. Circuit Court of Appeals.

Despite growing attention from Western media and the barbaric image honor killings create for Jordan, the country continues to condone these murders. While Jordan's penalty for murder is death, Article 340 of its penal code provides for lenient sentences of about three months to a year

in jail for men convicted of "crimes of honor." Human rights and women's rights groups are campaigning to stop honor killings, and in December, the upper house of Jordan's parliament backed a government proposal to abolish Article 340. But the lower house refused to do so, first in November and again last

week. Those failures certainly should bolster this young woman's case that she meets another asylum criterion namely that the country she has left condones the persecution she is fleeing.

"Her fear is so real," Hill said. "She's broken all contact with family. She doesn't put it past them to hop on a plane if they find out where she's living and come to the U.S. and kill her."

Hill said the couple is "so disappointed that the U.S. is splitting hairs with her over this. . . . It's just beyond comprehension that the U.S. won't help."

Karen Musalo, who broke new ground in immigration law when she won asylum for Fauziya Kasinga, an African fleeing female genital mutilation, is helping Hill with the appeal. The record in the Jordanian case "is very strong," Musalo said. "It makes it even more of a shocking decision to have a denial under these circumstances."

Immigration judges have been all over the lot in dealing with asylum cases for women fearing genital mutilation, domestic violence and, now, murder. Musalo points out that the Immigration and Naturalization Service issued guidelines in 1995, before the Kasinga case, recognizing that women suffer persecution and human rights violations in ways different from the ways men do.

"But the tendency has been to say this isn't a human rights issue, it's something in the personal sphere, and that's the battle that's being fought in human rights," Musalo said. "Even if it is excused by the culture, it's still a human rights violation. . . . That was the beauty of Kasinga. She was clearly being persecuted because she was a woman and a member of a tribe that practices female genital mutilation."

The ruling in the Jordanian woman's case "runs against the law, and it's directly against the precedent in Kasinga," Musalo said. Far from a family matter, "we don't consider these things private."

Asylum laws are supposed to be ideologically neutral. But they aren't. Any Cuban who is not a known criminal and who sets foot in the United States gets asylum. Meanwhile, the INS continues a pattern of hostility to asylum claims from women who fear for their lives. This country is in an uproar over whether a 6-year-old should be returned to his father in Cuba, but we pay only scant attention to the case of the Jordanian woman.

The INS needs to broaden its standards for what constitutes gender persecution and get away from the idea that domestic violence and honor killings are personal matters. It needs to put them in the category where they belong. They are human rights abuses based on gender, and these women deserve asylum as much as anyone.