

الموقع العربي

FREE  
SUBSCRIPTIONVIDEO  
ABOUT US

PERMISSIONS

November 5, 2008

RSS Feed

Women's  
WeNEWS®Make a  
DONATION

### In the Courts

## Elections Hold Key to Asylum for Abused Women

Run Date: 11/04/08

By Erica Hagen  
WeNews correspondent

*Abused immigrants seeking asylum in the United States have waited eight years for the government to approve regulations to review their status. Advocates say the best chance for moving these cases forward is a more immigrant-friendly administration.*

(WOMENSENEWS)--Safety advocates for refugee and immigrant women are anxiously looking past today's elections to see who gets appointed as the next secretary of the Homeland Security Department and the country's next attorney general.

Those appointments could once and for all settle the fate of Rodi Alvarado, whose long-running application for asylum on the grounds of facing domestic abuse in her homeland of Guatemala could set precedent for many other women seeking to avoid international trips back to dangerous households.



Karen Musalo

In the case, Alvarado's lawyer, Karen Musalo, is setting her hopes on the Democratic ticket of Sen. Barack Obama and Sen. Joe Biden winning out.

"A shift in administrations would make a huge difference in the outcome of this case, as well as the cases of all women," says Musalo, director for the Center for Gender and Refugee Studies at the University of California Hastings College of the Law in San Francisco. "Joe Biden has been a terrific defender of protecting the rights of women. We expect that an Obama administration would make positive progress in cases like this."

Domestic violence is recognized as a legitimate basis for refugee protection by the Office of the United Nations High Commissioner for Refugees, as well as by nations such as Canada, the United Kingdom, Australia and New Zealand.

But here in the United States there has been no legal consensus on the matter.

Recently, however, U.S. Attorney General Michael Mukasey dealt a blow to Alvarado and women with related cases by directing Alvarado's case back to the Board of Immigration Appeals, the same body that denied her political asylum in 1999.

### **2000 Guidelines Not Approved**

Alvarado and others had been hoping that guidelines set in 2000 by Attorney General Janet Reno would first be approved, requiring courts to follow them.

Those guidelines, generally supportive of asylum applications by survivors of domestic abuse, required the approval of both the Department of Justice and

Department of Homeland Security, but that did not occur. If the Board of Immigration Appeals decides the case now without these regulations it will likely not be in Alvarado's favor, said Musalo.

Now Musalo is hoping that an Obama administration will appoint an attorney general and Homeland Security head who are willing to halt the slide toward deportation for Alvarado.

For Alvarado, a loss could mean being forced to return to a country that refused to protect her from a husband who raped and beat her repeatedly, according to court records.

When Alvarado was just 16, she married Francisco Osorio in her native Guatemala. For 10 years she suffered severe physical and sexual abuse, which was ignored by police and the court system.

After attempting to flee, only to be found by her husband and beaten within inches of her life, Alvarado finally left for the United States where she sought legal protection.

### Law Created Path for Abuse Victims

As recently as 15 years ago, victims of domestic violence in the United States were provided with few specialized legal protections or services.

In 1994, Biden helped push the Congress to pass the Violence Against Women Act, known as VAWA, which established grants to women's shelters, a national domestic violence hotline and stronger legal penalties for gender-based violence.

Nationally, the number of non-fatal incidents of domestic violence was reduced by as much as 60 percent between 1993 and 2003, according to the U.S. Bureau of Justice Statistics. VAWA contributed to these advances.

However, for immigrant women these services were not available until 2000, when VAWA was modified and legal residency requirements for access to its protections were removed.

But there are still many barriers to accessing these services, such as language, fear of deportation and even discrimination in the shelters themselves.

Immigrants can be particularly vulnerable when their abusers threaten to call the police or immigration officials in order to maintain power and control.

### Symbolic Case at Stake


While Alvarado's case differs from those of immigrants whose abusers live in the United States, Rosie Hidalgo, policy and research director of the National Latino Alliance for the Elimination of Domestic Violence, says a decision in her case would reflect the level of U.S. commitment to protecting all immigrant victims by establishing domestic violence as a basic human rights violation.

"The reality is the current environment of anti-immigrant sentiment, including police raids, has had a very negative impact on immigrants who are survivors of domestic violence," Hidalgo said. "There is a lot of fear of losing custody of children and deportation."

Since the creation of the Department of Homeland Security in 2003, police departments and immigration officials have also worked more closely than before.


Unannounced workplace raids on immigrants have increased in the past year, with a series of high-profile incidents taking place, and police now perform

### Series Stories by Women's eNews



**2008** *Spotlight on 2008 Presidential Election*

---



**Black Maternal Health**

---


**12 New Writers**

---




**Dangerous Trends, Innovative Responses**

---



**FUNDING serious change Political**

---



**Women and Islam**

controversial immigrant sweeps as part of anti-gang efforts. Immigrants are now less likely to call the police for any reason, including to report violent crime.

Even for citizens, some protections from VAWA could be at risk without support from the next president. The law next comes up for reauthorization in 2010.

A vote to authorize the bill is followed by another vote to authorize its funding, and while VAWA is popular on both sides of the aisle, congressional spending on domestic violence programs has fluctuated.

Without full funding, VAWA programs will be unable to meet demand for shelters, hotline for victims and legal aid programs, proponents say.

Currently, the 2009 budget request from President Bush proposes a \$120 million cut to funding for VAWA.

GOP presidential candidate Sen. John McCain voted to authorize the bill in 2000 and 2005.

But he voted against it in 1994 and has consistently failed to support its funding, signaling that he may not fund VAWA programs if elected.

This could impact the availability of free legal assistance so victims can defend their right to protect themselves from gender-based violence under VAWA.

"More than 70 percent of victims are unrepresented in court," said Hidalgo. "Those rights don't mean anything on paper unless there is someone there who can help the victim."

*Erica Hagen is a freelance journalist in New York, and holds a master's degree in international affairs from Columbia University.*

Women's eNews welcomes your comments. E-mail us at [editors@womensenews.org](mailto:editors@womensenews.org).

 [Read More](#)

**Related Stories**



Dolly Guerrero  
Credit: Amy Littlefield

[Rhode Island Workers Face Deportation to Abusers](#)



Irasema Garza

[U.S. Mom in Dutch Haven Told Face Trial, Cede Kids](#)


<http://www.womensenews.org/article.cfm/dyn/aid/3662>



Oumou Toure


[Guinea Woman Savors Victory in Hard-Won](#)

---




[India](#)

---




[Rule of Law in Africa](#)

---




[Women and Worship](#)

---




---



[Make more stories possible](#)

[FGM Case](#)

<http://www.womensenews.org/article.cfm/dyn/aid/3257>



Immigration Equality  
Riots at a gay pride event

[U.S. Courts  
Consider  
Political  
Asylum for  
Lesbians](#)

<http://www.womensenews.org/article.cfm/dyn/aid/3218>



Jane Crowther announces  
lawsuit filed over U-visas

[U.S.  
Challenged on  
Immigrant  
Women's  
Legal Limbo](#)

<http://www.womensenews.org/article.cfm/dyn/aid/3110>



Marsha Freeman

[Women Press  
U.S. Violations  
at U.N. Rights  
Review](#)

<http://www.womensenews.org/article.cfm/dyn/aid/2817>



Layli Miller-Muro

[New Law Puts  
Brakes on  
International  
Bride Brokers](#)

<http://www.womensenews.org/article.cfm/dyn/aid/2659>

Note: Women's eNews is not responsible for the content of external Internet sites and the contents of Web pages we link to may change without notice.

---

**Send this story to a friend.**

Your Name:

Friend's Email:

---

**Please donate now by going to:**



**Or donate by check made out to:**

**The Fund for the City of New York/Women's eNews**

and Mail it to:

Women's eNews  
135 West 29th Street, Suite 1005  
New York, NY 10001

To Obtain Permission to Reprint or Repost This Article: :

**COPYRIGHT.COM**  
REUSE THIS CONTENT

For Complete Step-by-Step Instructions: [Reprint FAQs](#)

---

Copyright 2008 Women's eNews. The information contained in this Women's eNews report may--with the prior written authorization of Women's eNews--be published, broadcast, rewritten or otherwise distributed.

Women's eNews is a nonprofit independent news service covering issues of concern to women and their allies. An incubator program of the International Institute for Community Solutions, Fund for the City of New York, Women's eNews is supported by our readers; reprints and licensing fees; and the Carnegie Corporation of New York; the International Institute for Community Solutions, Fund for the City of New York; the John S. and James L. Knight Foundation; the Barbara Lee Family Foundation; the Open Society Institute; the Rockefeller Family Fund; The Helena Rubinstein Foundation; the Sister Fund and the Starry Night Fund. The donations from readers are critical to our success. Donate now by going to <http://www.womensenews.org/support.cfm>.

Women's eNews subscribers may select whether to receive a daily full text, daily summary or weekly summary. To change your email address, send mail to [membersvcs@womensenews.org](mailto:membersvcs@womensenews.org). To change the frequency of your mail or to cancel your subscription, send a message to Member Services ([membersvcs@womensenews.org](mailto:membersvcs@womensenews.org)) or use our online form: [http://www.womensenews.org/update\\_subscription.cfm](http://www.womensenews.org/update_subscription.cfm)

---

[Home](#)   [About Us](#)   [Donate](#)   [Arabic Women's eNews](#)   [Press Release](#)   [Sylvia](#)   [Links](#)   [Contact us](#)  
[Search Archives](#)   [Subscription and Membership](#)   [Pressroom](#)   [Help](#)

21 LEADERS FOR 21<sup>ST</sup> CENTURY

[REPRINT FAQs](#)

[Make Us Your Homepage!](#)

[sign in](#)

Copyright 2008 Women's eNews Inc.