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STOP DOMESTIC VIOLENCE

WHY IS THE U.S. TURNING AWAY

victims of domestic violence?

For Rodi Alvarado and other women who flee their countries to escape abuse, U.S. asylum may be the only hope. But there's a battle raging: Does domestic violence qualify a person for asylum?

BY KIMBERLEY SEVCIK



"I had to leave Guatemala to save my life."

RODI'S STORY

For 10 years, Rodi Alvarado, 35, was brutally beaten by her husband, a former soldier in Guatemala. He lashed her with electrical cords, raped her, and smashed her head through windows. Despite her repeated attempts to get help, Guatemalan police and courts refused to intervene, dismissing the violence as a "family matter." At one point Rodi ran away, but her husband found her—and beat her unconscious. Afraid for her life and seeing no other escape, Rodi fled Guatemala for the United States in 1995. After she was apprehended by the U.S. Immigration and Naturalization Service, she applied for asylum, claiming her husband's abuse—and her government's refusal to protect her—as grounds for being shielded in the U.S. For eight years, Rodi's case has been in limbo, while she continues to live in fear that she will be deported back to Guatemala. If she is, she's certain that her husband will find her—and this time, kill her.



Attorney General John Ashcroft holds the fate of abused women in his hands.

■ In the U.S., refugees are legally defined as those who face persecution in their home countries because of race, religion, nationality, political opinion, or membership in a particular social group. Currently, gender is not considered a social group—despite the fact that being a woman in many countries can be as dangerous as being a Kurd in Saddam Hussein's Iraq. Numerous countries continue to follow traditions and laws that allow men to abuse and even kill women just because they're female.

Human-rights organizations say a change is long overdue. "The definition of 'refugee' was constructed after World War II, and international human-rights law has evolved since then," says Wendy Young, director of government relations for the Women's Commission for Refugee Women and Children. "We now recognize the rights of women and children, and that definition has to keep pace."

The Homeland Security Department is planning to draft new regulations on gender asylum, but in the post-9/11 climate of fear

about immigration, human-rights groups fear the regulations will be even more restrictive. In the meantime, Attorney General John Ashcroft is expected to decide Rodi Alvarado's fate soon. If Ashcroft rules against her, the ramifications for women around the world could be devastating. "Decisions from the attorney general are usually precedent-setting," explains Rodi's attorney, Karen Musalo, director of San Francisco's Center for Gender and Refugee Studies at the University of California, Hastings School of Law. "A negative decision in the Alvarado case could close the door to women fleeing a wide range of gender-related harms."

Even worse, it might actually lead to an escalation of abuse. "Much of the world takes its cue on human rights from the U.S.," says Musalo. In other words, if the U.S. doesn't treat crimes against women with the utmost gravity—and protect those women who seek help—it will be sending a message to the rest of the world that women don't matter. □

what you can do

Australia, Britain, Canada, Ireland, New Zealand, Sweden, and South Africa all recognize gender-asylum claims. Join Amnesty International's campaign to urge the U.S. government to grant asylum to Rodi Alvarado and all women applying for gender-related asylum: Log on to www.amnestyusa.org/women, then click on "take action."

ALVARADO: KAREN MUSALO; ASHCROFT: J. KIMURGETTY IMAGES

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