

ABA Journal - Law News Now

Immigration Law

US Recommends Asylum in 'Iconic' Domestic Violence Case

Posted Oct 30, 2009, 06:04 am CST

By [Debra Cassens Weiss](#)

The United States has recommended asylum in the closely watched case of a Guatemalan woman fleeing domestic abuse.

Rody Alvarado Peña will likely win asylum because of the U.S. stance, her lawyer, Karen Musalo, told the [New York Times](#). This “has been the iconic case of domestic abuse as a basis for asylum,” said Musalo, director of the Center for Gender and Refugee Studies at the University of California’s Hastings College of Law.

Asylum lawyer Jayne Fleming of Reed Smith in San Francisco told the Times that the recommendation is “a giant step forward.”

Alvarado, who is a housekeeper at a California home for elderly nuns, has claimed her husband had dislocated her jaw in a beating meant to induce an abortion, broken windows and mirrors with her head, threatened her with a machete, and dragged her down the street by her hair. She came to the United States in 1995.

At issue in such cases is whether domestic abuse victims are part of a “particular social group” that has faced persecution. The Department of Homeland Security outlined some specific ways that victims could meet the standard in an April case. In a filing on Wednesday, DHS agreed that Alvarado met the guidelines.

“I thank God it came out well,” Alvarado told the Times. “But it wasn’t easy to wait this long for immigration to make a decision.”

http://www.abajournal.com/news/us_recommends_asylum_in_iconic_domestic_violence_case/