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Editorial

Asylum for Battered Women

For nearly 15 years, the United States government has been trying to decide whether it can grant asylum to women who are victims of severe physical or sexual abuse. The question is not the fact of persecution, but whether the women would qualify for protection under the law, which limits asylum to those who suffer due to their race, religion, nationality, political opinion or “membership in a particular social group.”

Does a battered woman belong to a “particular social group”? The legal record is muddled. Decisions from attorneys general under Presidents Bill Clinton and George W. Bush have gone both ways and in circles.

Now, though, the Obama administration has laid what Julia Preston described in *The Times* last week as a clear but narrow pathway to asylum for battered women. Not all victims will qualify, but the administration made it clear that some could. A petitioner would have to demonstrate to a judge that domestic violence was widely tolerated by society and government in her country, that women were viewed as subordinate to men and that she had no place within its borders to find a safe haven.

That definition could well apply, lawyers for the Department of Homeland Security said, to the Mexican woman whose asylum petition is before an immigration court in San Francisco. The woman, identified in court papers as L. R., was imprisoned, beaten, repeatedly raped and impregnated by a man who stole from her and tried to burn her alive by setting her bed afire.

The department did not immediately recommend asylum for L. R. But it did urge that she be allowed to continue to gather evidence and to refine her case according to the standards it proposed. Advocates who have fought for years to advance women’s rights are celebrating the department’s action, which brings reasoned compassion, and an overdue dose of clarity, to an issue of anguish and difficulty.

[Home](#)

• [World](#)