

## **Mexican woman granted asylum for domestic abuse**

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A Mexican woman who claimed she was beaten and raped for decades by her common-law husband has won the right to stay in the United States in a case that experts say makes clear that domestic violence is valid grounds for asylum.

The Department of Homeland Security found that the case of the woman known only as L.R. met the stringent standard necessary to win asylum. An immigration judge found in her favor on Aug. 4, and the decision was announced this week by her attorneys.

"The point has been made, very loud and clear, that cases such as these involving domestic violence, and even more broadly, gender-based violence against women, are valid cases," said Karen Musalo, L.R.'s attorney and the head of Hastings Law School's Center for Gender and Refugee Studies at the University of California. The name of the applicant was withheld to protect her privacy.

What makes this case remarkable is that traditionally asylum has been given to individuals being persecuted by a government; applicants had to show they suffered persecution because of their religion, political beliefs, race, nationality or membership in a particular social group.

Cases such as L.R.'s increase the scope of who may qualify for asylum by expanding the definition of "particular social group." Women who have suffered genital mutilation, or in L.R.'s case, domestic abuse, have been recently deemed "social groups" and granted asylum.

This expanded definition is controversial. Proponents of reduced immigration are wary of decisions that might increase the flow of foreigners into the country.

"If we're going to expand certain categories of asylum from their original definition, then some clarification from Congress is warranted," said Jon Feere, legal analyst for

the Center for Immigration Studies, which supports stricter enforcement of immigration laws.

Success in this case will not bring on a flood of asylum applications from battered women, said Pamela Goldberg, who works on asylum jurisprudence for the UNHCR in Washington, D.C.

"There are so many obstacles to fleeing their home countries," said Goldberg. "There is no such thing under asylum law as a blanket, 'say the magic words and you're in' situation."

The issues are complex, said Amy Kudwa, spokeswoman for the U.S. Department of Homeland Security.

"Each case is highly fact-dependent and requires scrutiny of the specific threat an applicant faces," said Kudwa.

Nor does the approval of cases such as L.R.'s make the U.S. unique, said Goldberg. Canada, the United Kingdom and New Zealand, among other countries, recognize domestic violence as valid ground for an asylum claim.

This month's decision ends a long saga that started when L.R. was 19 years old and first met the man who in court documents she describes as her tormentor for most of her adult life.

Court records show years in which L.R. said she lived in terror — routinely beaten, forced into sex, threatened with a gun or a machete.

She was only allowed out of the house to work as a teacher, but her husband diverted her checks and controlled her income. Once, when he found out she was pregnant, he tried to burn her alive by pouring flammable liquid on her bed and setting it on fire. She used a towel to douse the flames and escaped injury.

L.R. ran to Mexican police eight times — only to be sent home by officers who didn't believe her life was in danger, or worse, who called her husband and warned him.

L.R. then took her complaint to a judge, she said in court documents. He offered to help — in exchange for sex.

A former special prosecutor for crimes against women from Mexico City, Alicia Elena Perez Duarte Y Norona, submitted a declaration in L.R.'s case backing her assertion that she could not count on law enforcement for help.

"Mexico remains a country in which women have limited, if nonexistent, means to escape violence in our relationship," she wrote. "Women who are victims of this violence confront major obstacles when, in trying to put an end to the abuse they are suffering, they seek the protection of judicial authorities."

In 2004, L.R. managed to escape to the U.S., and filed her application for asylum the next year. Her case — like those of other victims of domestic violence before her — was denied twice.

In April 2009 the Department of Homeland Security filed a brief on L.R.'s behalf, saying her claim could be valid and outlining what she would have to prove.

Musalo was also representing a Guatemalan woman, Rody Alvarado, whose similar case had been pending for 14 years. With the guidelines in place, Alvarado was able to prove she met the requirements, and was granted asylum last December.

The approval of two closely watched cases in quick succession shows these are legitimate cases and there is a recognized guideline for proving them, said Musalo.

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