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Fleeing abuse

Battered women in countries that condone domestic violence may find haven in the U.S.

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RODI ALVARADO PEÑA may have been spared the fate of some 4,000 women in Guatemala who have lost their lives over the past decade because of domestic violence.

Ms. Alvarado suffered years of abuse at the hands of her husband, who routinely punched and kicked her, threatened her with his machete, and at least once brutalized her in an attempt to induce a miscarriage. Ms. Alvarado repeatedly called the police, but they declined to assist her, saying it was not their business to intervene in marital disputes. She escaped to another part of Guatemala with her children, but her husband, a member of the military, easily tracked her down and dragged her back. She ultimately fled the country in 1995, arrived in California, where she has relatives, and filed for asylum.

On Oct. 28, the Department of Homeland Security endorsed Ms. Alvarado's quest for asylum; an immigration judge must now formally rule. The department during the Bush administration also embraced asylum for Ms. Alvarado, but no action was taken as a result of that recommendation.

Most often associated with people seeking refuge from governments that persecute them because of race, religion or political views, [asylum](#) is also available to those who have experienced consistent harm and have a "well-founded" fear of future harm "on account of membership in a particular social group." The persecution need not come as a result of government action but the asylum seeker must show that the government was unable or unwilling to provide relief. Ms. Alvarado qualified, the Bush and Obama administrations rightfully concluded, because she was a woman involved in an abusive domestic relationship in a country that essentially condoned such violence.

Some worry that allowing domestic violence as a justification for asylum could open a floodgate of claims. This has not been the experience in Canada, which has allowed such claims since the mid-1990s. And hurdles are relatively high for all asylum seekers; only 10 percent of claims are granted each year.

The administration's decision applies only to Ms. Alvarado's case and does not formally pave the way for others to make the same claim. Congress and the White House should consider establishing guidelines that would provide clear rules for future claims; if nothing else, this process would allow for an open and thorough debate about the benefits and pitfalls of extending such claims. Not every battered woman would qualify for asylum. Not every applicant will be able to provide credible and specific testimony of persistent abuse, and not every asylum seeker will be able to provide corroboration, including medical records, police reports, eyewitness accounts or statements from those who were contemporaneously told about the abuse.

In the meantime, the administration's move should serve as an important symbolic victory for the human rights of battered women everywhere, a message that brutality at the hands of a spouse and administered with the acquiescence of the state is never acceptable.

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