

# Domestic Violence Victim Granted Asylum In US

by THE ASSOCIATED PRESS



Associated Press

Rody Alvarado, left, a native of Guatemala, listens as her attorney, Karen Musalo, right, explains a judge's decision granting her asylum in San Francisco, Wednesday, Dec. 16, 2009. After suffering 10 years of extreme sexual, physical and mental abuse at the hands of her husband, Alvarado fled her native Guatemala in 1995 and applied for asylum here. Last week, after a torturous 14-year battle with federal officials over whether domestic violence qualifies for refugee status, an immigration judge granted Alvarado's application was granted and she will remain permanently in the United States.



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After suffering 10 years of horrific abuse at the hands of her husband, Rody Alvarado fled her native Guatemala in 1995 and applied for asylum in the U.S.

Last week, in a one-page decision, an immigration judge finally granted her request. It was the culmination of a long personal odyssey for Alvarado and of a thorny legal case that inflamed passions on both sides of the immigration debate.

The Obama administration now says it is crafting regulations to allow entry by other victims of domestic violence who feel they have no choice but to flee their homelands to protect themselves.

If adopted, the regulations would mark the first time the federal government formally recognized domestic abuse victims as qualifying for political asylum.

"The issue is highly complex, and we are moving ahead to develop regulations that will address these cases," said U.S. Department of Homeland Security spokesman Matt Chandler.

No details were disclosed regarding the types of cases that would warrant asylum.

In her first interview since the court decision, Alvarado told The Associated Press she is proud of paving the way for women in similar situations.

"I never lost hope," said Alvarado, a deeply religious woman who left behind two young children when she fled Guatemala. "God never abandoned me."

Domestic violence claims are controversial in the fight for asylum. Currently, nearly all asylum applications allege persecution by a government rather than an individual. In addition, successful asylum applicants have to show they were persecuted because of religion, political beliefs, race, nationality or membership in a particular social group.

Advocacy groups and politicians calling for tighter borders complain that expanding asylum protection to domestic violence victims would distort the intent of refugee policy and open the borders to increased immigration.





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Rody Alvarado, a native of Guatemala recently granted asylum, looks out at a view of the city in San Francisco, Wednesday, Dec. 16, 2009. After suffering 10 years of extreme sexual, physical and mental abuse at the hands of her husband, Alvarado fled her native Guatemala in 1995 and applied for asylum here. Last week, after a torturous 14-year battle with federal officials over whether domestic violence qualifies for refugee status, an immigration judge granted Alvarado's application was granted and she will remain permanently in the United States.

"How are asylum authorities going to substantiate these claims when we know that domestic violence in this country can be a complicated thing," said Ira Mehlman, a spokesman for the advocacy group Federation for American Immigration Reform. "This is getting us into personal relationships, and that's not where asylum law ought to go."

Mehlman said his organization opposed expanding the asylum law, which was created in 1980 largely as a means for Communist Bloc citizens to defect while visiting the U.S. in a diplomatic role. Backers of the law at the time estimated that claims would average around 5,000 a year and drop off significantly after the Cold War ended.

In fiscal year 2008, the government received 47,459 asylum claims and granted 10,743 — a decrease over the previous year's 54,957 applications and 12,807 approvals.

Immigration attorneys insist that asylum applications won't spike if the administration expands protection to battered women.

Alvarado's lawyer Karen Musalo, who runs the University of California, Hastings Law School's Center for Gender and Refugee Studies, predicted few domestic violence victims would apply for asylum.

She said it is difficult for such women to flee their countries, and once in the U.S. they still have a high legal burden to win asylum.

Musalo said immigration numbers remained the same after women fleeing countries that practice genital mutilation won formal asylum protection in 1996.

In Alvarado's case, Musalo presented testimony from several experts and other evidence showing women in Guatemala faced persecution on several levels and that law enforcement officials and the judiciary offer no protection to domestic violence victims.

"The overwhelming evidence is that it is widely, generally and almost unanimously accepted that abuse against women in Guatemala is considered normal and is absolutely tolerated," Musalo said.

Alvarado said in court papers her physical, mental and sexual abuse began soon after she married a former military man when she was 16. Her husband pistol-whipped her, routinely beat her, and kicked her in the spine to abort her second pregnancy, she said.

He also tracked her down and beat her after she fled several times to other areas of Guatemala, threatening to kill her each time. He once beat her into unconsciousness in front of her two children.

She was so desperate and fearful that she fled to Brownsville, Texas, without her children. She said she was stopped by a Border Patrol official but allowed to proceed after promising to report to an immigration office. She boarded a flight to San Francisco because it was the destination of other Guatemalans traveling with her.

She randomly met a native Guatemalan awaiting the arrival of her daughter-in-law. The woman invited Alvarado to spend the night, and she ended up staying with the family for two years.

"I believe in guardian angels," Alvarado said in the interview, as Musalo interpreted.

Still, Alvarado said her legal victory is bittersweet. She has not seen her children since she left her native country. Her son is now 22 and her daughter 17. They speak on the telephone occasionally,

but the relationship is estranged.

The children were raised by their father's parents and do not understand why she left.

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