

# ***NEW YORK TIMES***

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## **Ashcroft Weighs Granting of Asylum to Abused Women**

**By RACHEL L. SWARNS**

WASHINGTON, March 10 — The first hint of change came without much fanfare or publicity last month as the Department of Homeland Security quietly proposed sweeping changes in the handling of political asylum cases. But as word trickled across the country, dozens of battered women seeking refuge in the United States felt the first stirrings of hope.

In their home countries, the women say, the authorities repeatedly ignored them when they tried to report and escape their abusive partners. The Department of Homeland Security, which took on the function of the former Immigration and Naturalization Service, is proposing rules that would allow for political asylum in such extreme cases, opening the door to women fleeing countries that condone severe domestic abuse, genital mutilation and other forms of acute violence against women.

If approved, the rules would for the first time recognize severe cases of domestic violence as equivalent in certain instances to more familiar asylum cases involving political and religious persecution.

Department officials have passed along their recommendations in a 43-page legal brief to Attorney General John Ashcroft, who will make the final decision. The officials have urged Mr. Ashcroft to allow the department to put in place rules governing such cases and have called for Rodi Alvarado Peña of Guatemala, whose case gave rise to the recommendations, to be granted asylum.

Justice Department officials say Mr. Ashcroft is still considering the issue, which has been roiling the immigration courts since a small but growing number of such cases began appearing in the 1990's. Some Justice Department officials indicated that Mr. Ashcroft had initially opposed such rules, but a former senior administration official familiar with the issue said he believed that Mr. Ashcroft would approve the proposal, given the considerable pressure from conservative groups and the Homeland Security Department.

More than 36 Democrats in Congress, as well as leaders of conservative-minded groups like Concerned Women for America, and World Relief, an arm of the National Association of Evangelicals, have urged government officials to rule in favor of Mrs. Alvarado and women like her.

Many battered women are anxiously awaiting the government's final determination. In California, Mrs. Alvarado, who said she fled an abusive husband who had dislocated her

jawbone and used her head to break windows and mirrors, said her eyes filled with tears when she learned that domestic security officials had recommended granting asylum to women like her. In New York, Zaide Cinto of Mexico, her vision blurred and her hearing dulled after years of beatings by her husband, said she shouted, “Yes!”

“I don’t know who makes these decisions, but I think they must have hearts,” said Mrs. Cinto, who is living in a shelter for the homeless as she awaits a decision on her petition for political asylum. “Perhaps they can understand our suffering.”

“Things are changing,” she said hopefully, “not only for me, but for many people.”

The shift in policy would bring the United States in line with countries like Britain and Australia, which have been granting asylum in such cases for several years. Officials say the rules would also give much-needed guidance to immigration judges who have been issuing contradictory opinions in dozens of cases.

In 1996, the Board of Immigration Appeals granted asylum to Fauziya Kassindja, who said her clitoris would be cut off if she were forced to return to Togo. The board, the highest administrative court for asylum cases, agreed that female circumcision was equivalent to more widely recognized forms of persecution.

But three years later, the board denied asylum to Mrs. Alvarado. She said she had gone to the police in Guatemala on five occasions, reporting that her husband routinely raped and sodomized her, nearly pushed out one of her eyes and beat her into unconsciousness. The police declined to investigate, saying it was a domestic matter.

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