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Grant This Woman Asylum

By Wendy Wright and Cory Smith

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Attorney General John Ashcroft is facing a crucial decision about whether the United States will continue to grant asylum to women and girls who flee here from other countries to escape domestic violence, human trafficking, sexual slavery, rape, honor killing and other abuses.

The precedent-setting case before him involves a Guatemalan woman, Rodi Alvarado Peña, whose husband, a former soldier in the Guatemalan military, brutally beat her over a period of 10 years while the Guatemalan police and courts ignored her repeated attempts to get help. When she ran away, her husband found her and beat her unconscious. Finally, in 1995, she fled to the United States in search of safety. Now, with her case on the desk of the attorney general, and with proposed policy-setting regulations soon to be released, Rodi Alvarado is at the center of an important question of U.S. law.

From the time of her marriage in Guatemala at age 16 until she escaped, Alvarado's husband subjected her to extreme physical and sexual abuse. His abuse escalated when she became pregnant. When she refused to abort her pregnancy in the second trimester, he kicked her in the spine. He also once kicked her so violently that she hemorrhaged internally. He repeatedly raped and sodomized her, broke windows and mirrors with her head, threatened her with a machete, pistol-whipped her, and beat her unconscious in front of their two children.

After she fled to this country, the Department of Homeland Security, in a rare step, filed a brief in the case this year urging the attorney general to grant her asylum. The department argued that "under some limited circumstances, a victim of domestic violence can establish eligibility for asylum. . . . [T]he applicant in this case has established such eligibility."

We agree, and so do more than 100 members of Congress, including many Republicans, such as Sens. Sam Brownback, Susan Collins and Mike DeWine, as well as Rep. Shelley Moore Capito. In addition, a bipartisan coalition of more than 100 churches, religious communities and organizations, including groups working for civil rights, human rights, immigrant and refugee rights, and victims of domestic violence, support Alvarado's application for asylum.

Critics of the DHS stance have argued that if Alvarado is granted asylum, women fleeing domestic abuse will flood the shores of the United States. But this concern is without merit. In the mid-1990s, when the U.S. government decided that women fleeing female genital mutilation were eligible for asylum, there was no notable increase of claims based on this abuse.

The hard reality is that most women do not have the resources or the ability to leave their country and seek safe haven elsewhere. Even if they manage through grueling effort to reach our shores, the bar to stay is high. Mere discrimination or abuse is not enough to satisfy a claim for asylum. Persecution is a high standard to reach, involving extreme and offensive conduct, such as honor killings, sexual slavery and rape. Rodi Alvarado's case clearly meets this standard.

Granting her asylum, as the DHS recommends, would signal that the United States is committed to protecting a narrow class of women and girls fleeing severe persecution based on their sex. It would in no way compromise our national security, since the asylum system contains numerous and rigorous safeguards designed to exclude foreign citizens who pose a danger to our nation.

Edwin Meese, an attorney general under President Ronald Reagan, determined that women fleeing China's forced abortion and sterilization program deserved asylum in the United States. These same doors should be open to women and girls fleeing extreme, even deadly violence, directed against them, abuse that their home government allows through either neglect or consent.

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