

Reno hands woman an edge on asylum

By David Cazares, Sun-Sentinel

In one of her last official acts, Attorney General Janet Reno has overturned a 1999 Board of Immigration Appeals decision to deny political asylum to a Guatemalan woman whose asylum claim was based on her fear of persecution from an abusive husband.

Reno's decision was immediately hailed as a victory by women's rights and immigration advocates who had waged a year-and-a-half battle on Rodi Alvarado's behalf. The advocates said Reno eliminated a major obstacle to the efforts of abused women to win asylum.

"It's a very important step back in the right direction in terms of protecting women's rights in the United States," said Stephen Knight, coordinating attorney for the California-based Center for Gender and Refugee Studies.

"We know of dozens of cases, not just domestic violence cases, but honor killing, forced prostitution," Knight said. "These cases were being denied after the [Alvarado] decision. Today those women are in a better position and more likely to gain the human rights protection in the United States they deserve."

The specific number of women seeking political asylum because of domestic violence is hard to pinpoint, but Knight said Reno's decision affects hundreds of women in the United States.

Alvarado, who said she had suffered years of violent abuse from her husband, a military officer, was granted asylum in 1996 under laws that allowed women who have fled domestic violence to apply. That year, human rights advocates were heartened when the Board of Immigration Appeals ruled in favor of Fauziya Kasinga, who had fled her native Togo, where she would have been forced to undergo female genital mutilation. The precedent-setting decision established that gender, in combination with other factors such as ethnicity, could be considered in an asylum case, said Karen Musalo, her co-counsel.

Reno's decision does not mean that Alvarado, who cannot travel while her case is pending without government permission and is separated from her two children, who remain in Guatemala, has again won asylum. But it does require the immigration board to reconsider the case under new asylum standards, proposed by the Justice Department, that increase a battered woman's chances of eligibility. The standards will be finalized after a public-comment period ends on Monday. Knight said Alvarado might have to wait a year or two before her case is reheard, but chances are good that she will remain in the United States.

That bothers groups that favor restrictions on immigration and argue that the proposed rules amount to an unwarranted expansion of U.S. asylum law.

"We believe that political asylum is slowly being turned into social asylum whereby people can simply make claims of bad marriages and mistreatment by spouses and be

given the same protections as people who are singled out for persecution by their government," said Dave Ray, spokesman for the Federation for American Immigration Reform. "Political asylum should remain something that can be scrutinized by American counsels overseas."

But a South Florida attorney who represents a South American woman in a similar predicament said Reno has done a great service to abused women for whom political asylum is the only hope.

Amy Stern of the South Florida Immigrant Advocacy Center said the difficulties posed by the immigration board's decision in Alvarado's case were so serious that she was reluctant to file a political asylum claim on behalf of her client.

"The last thing I want to do is put a client in proceedings where she ultimately gets deported and gets killed," Stern said. Reno's decision, Stern said, came just in time.

The board's Alvarado decision "was the main case that was making it difficult to win these types of claims," Stern said. "It gets rid of bad law."