

A harsh reality of immigration

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Body

Rodi Alvarado Pena, a Guatemalan national, is a torture victim. She was routinely raped, beaten and threatened for 11 years and finally escaped the violence by fleeing to this country. Her problem is, her tormentor was not her government but the man she married.

POL.ASYLUM

Last month, the Board of ***Immigration*** Appeals denied Alvarado's request for asylum to be free from her abusive spouse. It was a tough-to-swallow but necessary ruling.

Domestic violence is a serious problem in many countries where the culture condones it and police authorities ignore it. But our political asylum process was designed to protect people from government-sponsored terror, not that which arises out of personal relationships. Asylum exists to give sanctuary to people who, due to their immutable characteristics, their social group or their political or religious beliefs, face violence or persecution at the hand of government or with its blessing. Those people are truly without a country.

Even though Alvarado was able to show that her attempts to persuade the Guatemalan courts to intervene in her domestic nightmare were fruitless, she was unable to prove that domestic violence was an intrinsic part of marriage in her country.

The board noted that spousal abuse may have been officially tolerated, but it wasn't officially sponsored or encouraged. "The record also shows," wrote board member Lauri Filppu, "that abusive marriages are not viewed as desirable, that spousal abuse is recognized as a problem, and that some measures have been pursued in an attempt to respond to this acknowledged problem."

While ***immigration*** guidelines have recently expanded asylum to recognize gender-based persecution, victims of spousal abuse do not fit neatly into that category. Men and women are subject to abusive partners, and abusers don't target their victims on the basis of gender but on that of familial relationship.

Critics of the board's ruling say Alvarado's situation was similar to that of Fauziya Kasinga, the West African woman granted asylum in 1997 to escape the practice of genital mutilation. But in Kasinga's case, the gruesome ritual was a cultural imperative in her tribal society, universally practiced to discourage women from sexual promiscuity. Kasinga proved she would have been persecuted.

The ***harsh reality*** of ***immigration*** is that some people in need are going to be shut out. The United States routinely denies entry to people running from desperate economic circumstances because so much of the world's population would qualify for entry under that criterion. The line has to be drawn somewhere, and it is both reasonable and responsible to admit people whose own government abuses them, but to turn away those whose husbands do.

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