



## AT 2 A.M. ON THE NIGHT

Antonia de la Luz\* escaped to the United States, an unmarked van glided into her garage and cut the motor. She and her four daughters threw themselves on the floor of the van, arranged like puzzle pieces to fit among suitcases and seats. Gas fumes and fear brought nausea. But the airport was more than 100 kilometers away, and De la Luz could not afford for anything to go wrong. To ask for asylum, she needed to reach the States first. There were only two options now: Escape, or be killed by her husband.

As the van sped along a highway through the dense jungle of the Guatemalan interior, De la Luz's husband was back in her town, drinking at a party. If she stayed, the violence would continue. For 20 years, he had beaten and raped her whenever he felt like it, and—when she tried to leave him—sent gunmen to open fire on her house. When she was pregnant, he choked her; when he was tired of his daughters, he tried to drown them. Recently, he'd made death threats. But visits to the police did nothing,

and neither did visits to any of the other dozen government offices she petitioned for protection. "No official wanted to help me," De la Luz says. "In my country, no one listens to a woman."

Human-rights activists say dire situations such as De la Luz's are common across the region—propelling an estimated thousands of Central American and Mexican women to seek U.S. asylum in the past decade. They hope that the States will protect them when their own governments haven't, by giving them special permission to stay as asylees. But under current laws, most women like De la Luz will lose their cases and be sent back home.

Last year, about 40,000 people from all over the world applied for asylum in the United States; one in four were granted protection. But Latinos are far less likely to win asylum: On average, for the more than 3,000 Guatemalans that apply, 95 percent are turned away. For Salvadorans, 97 percent are sent back, and for Mexicans only 2 percent actually win asylum.

While no one knows exactly how many of these asylum-seekers are women, some experts say Latinas may have an even harder time winning refugee protection than men. "Judges here in the United States will still say, 'Oh, this is a domestic dispute, it's a personal problem,'" says Simona Agnolucci, De la Luz's attorney. "They say, 'It's not like they are

going after her because she's Catholic or a communist.'"

To gain asylum, immigrants must first be facing grave danger in their home country, a threat that internal relocation cannot eliminate. Then they must prove their government has either harmed them or refused to protect them. And third, they must show that they're in danger because of their race, religion, nationality, political opinion or membership in a particular social group.

In recent years, American courts have decided that gay Middle Eastern men and Chinese political dissidents fit those standards and deserve asylum status as a group. But there's no overarching rule yet for Central American and Mexican women that dictates whether they should get asylum. And while it's easy for many of them to prove they're in grave danger, showing that their government neglects them and that they're persecuted as a group is far tougher.

To overcome these hurdles, activists have been gathering a mountain of statistics and testimony on the severity of Central American and Mexican officials' neglect of women's rights. The entire region is suffering epidemic bloodshed—experts call it the most violent part of the world outside of war zones—and for women, the danger is even worse; case after case shows that abusers can get away with just about anything, due to a deadly combination of machismo, cor-

ruption and police inefficiency.

In a recent case, a Mexican woman fleeing violence testified that a Mexican judge refused to help her unless she had sex with him. In Guatemala, United Nations and private foundation research shows that at least one in three women suffers domestic violence, while hundreds are murdered by their partners each year. Yet police and court protection is rare. "Of 10,000 cases, only 1,000 will be reported, only 10 will be investigated, and maybe one will result in a conviction," says Amanda Martin, director of the Guatemalan Human Rights Commission, a nonprofit in Washington, D.C.

With all of this information, it's getting easier for women to prove a lack of governmental protection. But the third standard for asylum, proving membership in a particular social group, still derails many cases. Meeting that legal definition was the biggest hurdle in Rody Alvarado Peña's case. Despite being pistol-whipped and beaten unconscious by her husband, it took 15 years of legal battles for the 40-year-old Guatemalan mother of two to win asylum in the United States last year. "Nobody disputed that these horrible things had happened to her and that the Guatemalan government wouldn't protect her," says Karen Musalo, who represented Alvarado Peña in court. Yet one judge still ordered her to be deported. Although she eventually won, the battle delayed her chance to get a green card for more than a

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decade, because asylees must wait a year after they've been granted protection to apply for permanent residence.

In this political climate, it's also hard to escape the immigration debate. Paul Zoltan, a Texas attorney specializing in asylum, says conservative groups worry that if you consider Central American women a social group, then "suddenly 50 percent of the population of Guatemala is going to show up at our door." Fewer than 1,500 Latinos win asylum each year, and some try to link these cases to the 300,000 undocumented immigrants who enter the United States annually. "Asylum has become a 'back door' for circumventing the regular immigration process," claims the conservative anti-immigration group Federation for American Immigration Reform (FAIR), in a statement on its website.

"It's what I call 'the fear of the floodgates,'" Musalo says, "that if we grant asylum to women, millions will come." But Musalo and other experts say those fears are unfounded, considering how hard it is for Central American women to escape their husbands, make it to the United States and prove their grounds for asylum.

To protect those who do make it here, activists hope to soon win "binding precedents," decisions in high courts that would mean lower court judges must recognize that Central American and Mexican women—as a group—qualify for asylum.

There is hope: One recent California ruling in the case of Lesly Yajayra Perdomo, while not qualifying as a precedent, did say that Guatemalan women should be considered a social group. And in August, a Mexican woman referred to as L.R. won asylum after showing that Mexican officials refused to protect her from her husband's severe abuse. Still, Musalo says, "Until we get some binding precedents, it still leaves this open for other officials to decide cases in a different way."

As for De la Luz, she was one of the lucky ones. In December 2009, after a year in shelters, she won asylum for herself and her daughters. She's now living in a safe apartment somewhere in the United States and training to be a school aide. "I still have nightmares," she says, "but now, we know nobody is going to shoot at us, nobody is going to hit us. Now, we have hope." □

PHOTOGRAPHS: FROM LEFT: HOWARD SOCHUREK/TIME LIFE PICTURES/GETTY IMAGES; BERNARD GOTTFRYD/HULTON ARCHIVE/GETTY IMAGES; TIM SLOAN/AFP/GETTY IMAGES; PREVIOUS PAGE: AP PHOTO/ERIC RISBERG.

## A HISTORY OF U.S. ASYLUM

● The United States has granted asylum to more than 3.5 million people. For some, it's been simple, while others faced a tough battle.

**1951:** The United Nations passes rules to help Holocaust survivors resettle in other countries. This refugee status is only for Europeans who suffered abuses before 1951.



1966

**1966:** While anti-Castro Cubans staged rallies in Miami in the '60s (below), the U.S. begins granting asylum to Cubans.

**1967:** The U.N. expands refugee rules to include people all over the world, not just Europe. In 1968, the U.S. signs on.



1980

**1980:** To aid Vietnamese boat people, the U.S. passes new laws helping asylees stay and work in the States. The same year, more than 150,000 Cubans and Haitians arrive on boats and ask for asylum. Critics complain the Haitians are treated worse and win less protection.

**1990:** The landmark asylum case of gay Cuban man Fidel Toboso-Alfonso breaks barriers. Four years later, the case becomes precedent, making it much easier for other gays from homophobic countries to win asylum.

**1990s:** Thousands of Central Americans and Haitians fleeing chaotic governments seek asylum. In response, the U.S. tightens asylum laws in 1996, making it much more difficult to apply.



1996

**1996:** The case of Fauziya Kasinga, a woman from Togo (below right), sets an asylum precedent for women who suffered genital mutilation.

**2002:** By now, almost 40 percent of asylum seekers are Latinos, and 10 percent are European.

**2005:** The Real-ID, an antiterrorism bill, also includes stricter rules for asylum seekers, causing concern that people with legitimate claims will be deported.



2005

**2009:** The Obama administration says abused women may be a group eligible for asylum, reversing the Bush administration's stance. But without cases that qualify as precedent, Latinas' asylum rights are still not guaranteed.