Introduction

On Tuesday September 21, 2004, the Forced Migration Laboratory at the Center for Comparative Immigration Studies, University of California, San Diego convened the 3rd Roundtable on Best Practices in Refugee Resettlement, “Women, Asylum, and Domestic Violence in San Diego: Improving Access, Strengthening Protection.” The event brought together a panel of 12 experts and an audience of 58 to dialogue on three questions impacting practitioners in both San Diego and abroad. The questions considered were:

1. What can be done to support the development of law using domestic violence as grounds for seeking protection?

2. As advocates and practitioners, what roles can we take in promoting legal and health access for this group of women?

3. How can we further promote public awareness, participation, and action?

The event was the first of a new partnership between the International Association for the Study of Forced Migration (IASFM) and the Forced Migration Laboratory creating an official IASFM Working Group on Refugee Resettlement.

This report contains the edited transcript of the Roundtable and an annotated list of international programs and resources focusing upon women, asylum, and domestic violence.

Edited Transcript

1 The Forced Migration Laboratory Roundtables on Best Practices in Refugee Resettlement series is an International Association for the Study of Forced Migration Working Group on Refugee Resettlement.
2 Nathaniel H. Goetz, Interim Director, Forced Migration Laboratory and Lisa Messenzehl, Guest Scholar, Forced Migration Laboratory contributed to this report. For inquiries about the Forced Migration Laboratory and its programs, please e-mail Nathaniel H. Goetz at ngoetz17@aol.com or phone (858) 822-4449.
Wayne A. Cornelius, Director, UCSD Center for Comparative Immigration Studies (WC): Welcome to the 3rd Roundtable on Best Practices in Refugee Resettlement organized by the Forced Migration Laboratory, a component of the CCIS dealing with specific issues of refugee resettlement in the San Diego area. Later this year we will be hosting two additional roundtable discussions concerning refugee health issues and secondly the role of micro-enterprise in achieving self-sufficiency. On October 13th we will also be hosting a panel, “Addressing the Humanitarian Crisis in Darfur,” in cooperation with the Joan B. Kroc Institute of Peace and Justice, UCSD Eleanor Roosevelt College, and the San Diego Coalition to Stop the Genocide in Sudan.

Today’s roundtable was organized by Nate Goetz, the Interim Director of the Forced Migration Laboratory and will be addressing domestic violence, a widely recognized but poorly understood aspect of the refugee experience. Special thanks go to Michael McBride, Professor of Political Science at Whittier College and consultant to the UN High Commissioner for Refugees for agreeing to moderate this event.

Nathaniel H. Goetz, Interim Director, Forced Migration Laboratory (NG): Welcome, we’re really pleased with the showing for this important event. I am first going to briefly introduce the panelists and then there will be two brief presentations from Lisa Messenzehl, Guest Scholar at the Forced Migration Laboratory for the University of Augsburg, Germany, and from Lydia Tiede, Immigration Attorney and Ph.D. candidate in Political Science at UCSD. Our core group of discussants are:

David Froman (DF), Immigration Attorney, Froman Law Firm, San Diego

David Gangsei (DG), Clinical Director, Survivors of Torture International

Arleen Kahn-Shifrin (AK-S), Private Practice of Psychotherapy, La Jolla

Anne Hoiberg (AH), Past President, United Nations Association of San Diego

Lejla Voloder (LV), Refugee Resettlement Manager, Catholic Charities

Kathi Anderson (KA), Executive Director, Survivors of Torture, International.

Katherine Yavenditti (KV), Senior Staff Attorney, San Diego Volunteer Lawyer Program

Rebecca Booth (RB), Legislative Committee Chair, United Nations Association of San Diego.

Welcome to all of you, we appreciate your participation and look forward to the proceedings. I’m going to hand you over to Lisa who has a brief introduction of the international context and comparative programs in western receiving countries, in particular Australia, Canada, Germany and the U.K.
**LM:** We are going to go over a brief introduction to comparative programs in other countries but first we will go over the general picture. Approximately 80% of the refugees worldwide are women and children. However, the typical image of a refugee is still of a male fleeing political persecution. Under the 1951 UN Convention Related to the Status of Refugees, a person is defined as a refugee if they have a well-founded fear of persecution on the grounds of race or ethnicity, nationality, religion, political belief or membership in a particular social group. Women suffer violence not covered in the Convention and this violence is often at the hands of non-state actors. Gender is not grounds for asylum under the Convention. U.S. law lacks a clear definition of what is a “well-founded” fear of persecution. Women seeking asylum are forced to claim asylum on the basis of Convention grounds. Lydia will cover this in more detail.

What about trends in international law? International law has actually supported the special treatment of women seeking protection on gender grounds. We can therefore measure U.S. law against international standards. The UN has passed several binding and non-binding agreements.

Canada is at the forefront of considering gender as grounds for asylum. Canada has officially issued guidelines, which specifically includes gender-based violence (GBV) as an officially recognized form of persecution. While gender is not enumerated under the 1952 convention, the convention can be interpreted such that gender is considered a social group.

The U.K published similar guidelines in 2000 and rationalized the acceptance of claims of violence by a non-state actor. GBV is always considered to be persecution under these guidelines whether or not the perpetrator was acting for the state or not.

In Australia there are also guidelines to assist judges in handling gender based asylum claims. Under these guidelines the state’s (meaning the claimant’s country of origin) failure to protect women can consist of both ineffective systems and lack of law to deal with GBV and merely turning a blind eye to this type of violence.

In line with the developments in these western receiving countries, the U.S. needs to take steps to recognize women and should consider gender as grounds for asylum.

I’d like to highlight a U.K based group aiding female refugees as a very experienced organization, among others I have listed on a hand out, to use as a resource in dealing with refugees and asylees who have experienced GBV. Asylum Aid is a U.K based independent national charity assisting refugees. In 2000 they launched a refugee women’s resource project to enable women fleeing serious human rights violations to seek asylum in the U.K. Asylum Aid provides free legal advice and representation in asylum applications plus training and information for other advisors to more effectively assist female refugees. Asylum Aid also conducts extensive research and sponsors campaigns to raise public awareness and to influence officials and policy-makers to take women into account. Organizations such as this could be useful and helpful in developing services for women who have suffered GBV in the San Diego area.
NG: Thank you Lisa. We’re going to turn to Lydia Tiede now to give us the context for this roundtable discussion and to identify the issues here in San Diego.

LT: I’m going to discuss the realities of women who flee Domestic Violence (DV) and seek asylum in the U.S. In order to understand this we need context. A gender based asylum claim could be based on rape, forced abortion, Female Genital Mutilation (FGM), failure to respect cultural norms and values (i.e. wearing a headscarf) and domestic violence. Gender based asylum claims are based on gender – these women were persecuted because they belong to a specific gender. In this case gender (i.e. being a woman) is considered an immutable characteristic of these people.

Generally, in asylum cases, an individual must demonstrate persecution by the government or by a group that the government will not control. In the case of DV they must demonstrate that there are either no laws governing domestic violence or that the government will not step in and refuses to enforce any existing laws concerning DV. For example, in Mexico there are domestic violence laws but evidence suggests that these are not enforced, meaning perhaps the police will not come to a DV situation when called, they won’t issue restraining orders, they say it’s a private family issue etc.

I’m also going to talk about the general traits of women who come to the U.S. who are victims of DV. From my experience these are incredible women, just to get here they must be amazing individuals. They may have been raped repeatedly, been sex slaves, threatened by spouses, they can’t leave, they can’t talk to their family members or seek help, and if they have children the situation is complicated even further. If they do manage to escape they have the problem of fleeing the country. These women are often extremely isolated and have no resources; they need the wherewithal to get them from Africa, Asia, Eastern Europe or wherever they are coming from to the U.S. Their conditions of travel are often horrific, they are often stowaways, they are at the mercy of their smugglers or traffickers, they have to leave family members of perhaps more difficult still, they attempt to bring children with them. They generally fly to Mexico City and then make their way to Tijuana and up through the border to the U.S. They are subject to cultural issues; they don’t speak the language and face innumerable difficulties.

Once they are here, if they manage to get here, how do they access the legal system? They may not even know that asylum exists, and if they do know, they may not think that their case, that DV counts. Finding and connecting them to a legal provider is hard enough, but if they do get connected, it is even more difficult just to get their story out of them. In my experience, I have found it takes meeting many times to discover the real story. Legal providers are sometimes the first people they tell their story to and this has great emotional implications. Women are often hesitant to talk about their experiences as they are often intimate and they may find talking to authority figures, in particular men, extremely difficult. Unfortunately, many asylum adjudicators are male and it is very hard to tell their stories under these conditions.

I’m going to go over the main issues concerning an asylum case with DV in mind.
The first major issue is credibility – the applicant has to make the judge or asylum authority believe that their story is true. Cultural differences are a confounding variable here, for example, looking someone in the eye is valued here in the U.S. but in other cultures women may have been taught to look away when talking to a man or to an authority figure. This poses great problems. Applicants can win in credibility alone but this is very rare.

Usually some form of documentary evidence is expected. This means there should be some evidence of abuse, physical, medical exams or even affidavits from family members from the applicant’s country of origin. This is difficult to secure documents and also requires translation. Women who have suffered DV have often fled their countries without documents and have no contact with family members.

There is also a reliance on country conditions – meaning that the applicant must prove that there is a DV problem in their country of origin. Here we rely on sources such as Department of State Country Reports, INS Documents, Amnesty International Reports, and Human Rights Watch etc. It must be clear that the there are either no laws concerning DV or the government is unwilling to enforce laws or do anything about DV.

Domestic violence and asylum laws are evolving as we speak. You can present a case based on the fact that you are a member of a particular social group or have political opinions related to gender (i.e. you do not believe women should have to stay at home).

In one case, Kasinga, a Togolese woman who fled Togo to avoid FGM, the claim was based on the applicant being a member of a group of Togolese women who did not want to undergo this procedure.

The INS actually produced guidelines in 1995 concerning women’s issues, which were very good, but unfortunately the INS do not always listen to their own guidelines.

In another case, which was known as the R.A. case as the individual did not want to reveal her identity at the time, a Guatemalan woman was subjected to extreme DV by her husband. Later, the applicant revealed her identity; Rodi Alvarez was beaten severely by her husband, she suffered a dislocated jaw, he kicked her when she was pregnant, he wielded a machete and threatened that if she tried to escape he would leave her wheelchair bound for the rest of her life. Asylum was initially granted by the judge on the case but was overturned by the Board of Immigration Appeals who claimed that Rodi Alvarez was not seeking asylum due to membership in a social group, political opinion, race, ethnicity or nationality. They claimed she needed to show a nexus between the beatings and her political opinion or membership in a social group.

In March 2003 when John Ashcroft was appointed as Attorney General he pulled the negotiations and said he would decide the case himself. We have not yet heard from him. In February 2004 the Department of Homeland Security (DHS) said that John Ashcroft should grant Rodi Alvarez asylum but this should not set a precedent or be binding or useful for other cases. The DHS said they would issues guidelines, but again, we are still
waiting for this. It is now almost 2005 and what do we do? We need to first and foremost urge John Ashcroft to make a decision but also to allow DV to be grounds for asylum. We need to have more access to information and education about DV and more of us need to know the laws and the situation. Immigration laws are so tough currently that women need to submit their claims within one year of entry into the U.S. We need to figure out how to get to these women and link them with legal providers. We need to urge the U.S to ratify the Convention Against the Discrimination of Women.

NG: Thank you Lydia. We will now start with the roundtable discussion moderated by MM.

MM: It is a pleasure to be here, thank you for inviting me. I had the pleasure of having NG as a student a few years ago and it’s extremely rewarding to have a student go on and do such great things. Thank you to Nate. LT and LM have given us a good start for our discussion. LM pointed out systemic issues at the international and comparative level that the U.S. should examine. LT highlighted specific, individual and personal issues involved making each case unique and complex. However, some of these problems in dealing with these cases in the U.S. are systemic – the laws in place, the training received by judges and officials.

We have three questions so I wish to structure the discussion and the panel along these lines.

Our first question is: What can be done to support the development of law using domestic violence as grounds for seeking protection. It seems most appropriate to me that we start with KY, LT and DF for this question and then open the discussion up to the other panelists and indeed comments from the audience.

Our second question is: As advocates and practitioners, what roles can we take in promoting legal and health access for this group of women? It seems to me most fitting that DG, AV-S and KA give us their primary initial thoughts before we turn to the rest of the group on this question.

The third question is: How can we further promote public awareness, participation, and action? I think it would be best to start with AH and RB on this question. We welcome all input, not only from panelists and I would like to start by giving the UNHCR perspective.

My work involves primarily policy analysis in New York and Geneva I was involved in a project in 2004, which saw a major report presented to the General Assembly and resulted in some resolutions being passed last year legitimizing areas which the UNHCR has been pushing. The 1951 Convention gives five categories of grounds for persecution and gender is not a specific category. You may ask – why don’t we just add another one? The dilemma here is that this would open up discussion of the entire statue and the 1967 Protocol accompanying that statue. It has been suggested (by Dennis McNamara among others) that politics are such that to get any change you would need an agreement from
over 150 member states. Opening up discussion would likely narrow or limit the scope of the status of refugees rather than broadening the scope. I’d like to highlight one particular UNHCR document in particular (Sexual Violence and GBV Against Refugees and Internally Displaced Persons) published in 2003, which highlights, in Chapter 8, how you can take existing categories and use them in GBV and DV cases. LT mentioned how you could use the membership in a social group of political opinion; this chapter highlights how you could argue for each of the five categories.

So now, I’ll turn to the panel in addressing question one: What can be done to support the development of law using domestic violence as grounds for seeking protection?

**DF:** First of all I’d like to say I’m very pleased to be here, and thank you to Nate for the invitation. There are several possible approaches to take. Why don’t we say that women are an identified social group? The courts have strayed away from this as the idea is that half of the world’s population are women, and unless we are prepared to offer half of the world asylum we can’t do that. There is a blueprint in our own domestic law – the Violence against Women Act which has far reaching consequences as far as establishing the means for spouses and even non-married partners who have suffered abuse to gain permanent residence. It is not too much of a stretch to use this well-established body of law and apply it to refugee and asylee DV cases.

**MM:** I’d like to say at this point that the UNHCR has pointed out that rationalizing categories in terms of numbers has not been used as an excuse in any other category.

**KY:** I am a family law practitioner and not an immigration practitioner and while we do take political asylum cases we have never done a GBV asylum case. We just don’t see people come to us for this, which is really an issue we should discuss. We all seem to be in agreement that we need to figure out how to convince immigration officials that gender is a social group. I’d also like to point out that DV is not limited to women, which is an argument we do have to deal with. We need to consider this and how to deal with the fact that a small, but significant number of men are affected by DV, both in the U.S. and internationally. My immediate thought is that legislative change is not possible or not politically viable based on LT’s and other people’s work. However, if we can get solid and good cases in San Diego and across cities and the country like the R.A. case, I think this is the way forward. We need strong cases and to educate the officers that these cases are appearing in front of. Legislative change in the current political environment does not seem to be viable.

**MM:** In reference to legislation – it seems legislative change is not happening at the international level and similarly not at the U.S. level. However, Canada and the OAU have adopted significant legislative change with respect to this issue and we’ve also seen this at the 1984 Cartagena Declaration, so the U.S. could do this…

**LT:** I do share this pessimistic view: it is difficult to legislate. I agree that finding cases and creating good case law is the way to go, there are many analogies to call. Even though U.S. law is not great we must remember that it does allow asylum to be granted
based on persecution by non-state actors – we do have this advantage, which is not the case in several European countries.

AH: If we look at the Kasinga case, it took 18 months to receive asylum. Many people feared that women who might be potentially subjected to FGM would flock to the U.S. upon a decision being reached.

LT: Lots of women who do come have had FGM happen already or are women with children who are trying to avoid their children undergoing the procedure.

AH: I have a question for you all about the U-Visa – is it at all effective? Has anyone actually been able to use the U-Visa?

MM: Can you please clarify what a U-Visa is for those of us who aren’t experts in the field?

AH: In October 2000 Congress passed the Victims of Trafficking Act. The T-Visa deals with people subjected to trafficking. The U-Visa is concerned with women subjected to violence.

LT: However, it’s my understanding that in these cases you hand over evidence of abuse to the authorities if you are fleeing but it’s only if you are abused here in the U.S.

RB: I do know of a case where the U-Visa has been used in the case of two minors who were trafficked into the U.S. In any case, I would like to mention the web-site stopfamilyviolence.org – there you can connect to many of the sites listed in the handout from today. Furthermore, for the past two weeks they have been running a campaign to put pressure on John Ashcroft to make a decision on the R.A. case. You just push a button and an e-mail is forwarded to the Attorney General. This site is one of the better connections for lawyers to communicate on human rights and has in it’s conclusions steps outlining the response to the expedited removal of asylum seekers – people who are claiming asylum who are sent back at the port of entry by officials at the border or at the airport. We do need to deal with limiting expedited removal. We need to concern ourselves with the trafficking and DV victims in San Diego. Many DV victims are trafficked and here in San Diego we have the opportunity to do more in detention areas than in other parts of the country. Women are being detained without their children and in terrible conditions.

LV: I just want to say that refugees are getting the best service when they come to the U.S. Refugees and asylees here are coming under different terms. Families are coming with DV issues and need to be referred to the Healthy Marriage Initiative – which was enacted under President Bush I believe and deals with building Healthy Marriages based on communication, listening, child management skills and conflict resolution. If word spread that the U.S. was accepting DV cases then people would flee here. As yet my organization has not had any DV cases.
**LT:** I just want to clarify – if they come as a refugee and commit DV then they can be deported for that…

**LV:** Yes, yes. But I mean, in Bosnia for example, 70,000 women were raped. 415 cases came to the U.S, these women arrived and they had been raped and forced to give birth but they did not get refugee status. I just don’t see Domestic Violence becoming law, becoming grounds for seeking asylum.

I was a refugee and I lived in Germany for six years before I was made to leave. This refugee program in the U.S. is the biggest in the world – 50,000 this year, which is good after the big drop after September 11th. It is good to be able to enter a country and know that you can stay there forever.

**MM:** We’re going to move on to question 2 and take Arlene first in answering this. Question 2 again, is: As advocates and practitioners, what roles can we take in providing legal and health access for this group of women?

**AK-S:** First of all, as a quick response to the idea of the acceptance of DV as grounds for asylum causing a flood in the system – I cannot imagine flooding the system. There are cultural restraints and just a lack of sophistication – women may not necessarily know that the law exists and also don’t have the means to get here.

**LV:** I don’t know too much about immigration but I do know in my organization we issue visas – 92 and 93 under the Family Reunification Law – where you can bring your husband and children from overseas.

**LT:** Right, but I very much doubt women would be bringing their abusive spouses over and I’m sure this would be an issue if they had won asylum on the basis of having suffered DV!

**Audience Member – Robin Rodriguez (RR),** Guest Scholar, CCIS: There seem to be several sets of issues- there seems to be the issue of asylum for women who are attempting to enter or have entered and are attempting to claim asylum?

**LT:** Made clear the distinction between refugees and asylees. Refugees are approved and given refugee status before they even arrive in the U.S. while asylum seekers arrive independently and then claim asylum.

**RR:** Ok, so it seems here that some big issues are expedited removals and detention centers…

**LT:** Right, and this is with asylees, who essentially need to prove that they are refugees.

**MM:** Having no documentation should not detract from your claim to be a refugee.

**LT:** However, people are often charged for entering without documentation.
RR: I see, so another issue is to what extent are women detained? How does it work? You are in detention – do you get the right to legal representation?

LT: Yes, you have the right to legal representation but it’s not free. You must prove a well-founded fear of return to your own country and if this is done adequately you are given a date to claim. There are facilities for women and children but they are very poor, in one center for example, they are housed with immigrant criminals.

RR: So as far as advocacy, should we be going to detention centers and presenting women with their options?

Audience Member – Avantika Rao (AR), Attorney, Casa Cornelia Law Center: I am an attorney at Casa Cornelia and I had a few things to point out. The first is concerning the issue of expedited removal. New legislation has passed that states that anywhere within 150 miles of the border people can be subject to expedited removal. This renders all of San Diego subject to this. In a case we have been dealing with recently, we have a woman from an Asian country who was forcibly trafficked to another country and then detained upon arrival in the U.S. at the CCA – Corrections Corporations America facility at Otay Mesa. Getting help for detainees is very, very difficult. The prison guards are not cooperative and have a lot of power within private corporations such as CCA. U-Visas are indeed the new route that we have begun to take. Our organization is very well recognized for the work that we do but we still have problems.

Audience Member – Lorena Vargas, Casa Cornelia: For example, with the U-Visa there are no application forms, no set fee for the U-Visa, and when you are granted it you can get deferred action status or a work permit but there are no set regulations as to what you can get after that.

MM: I think that does move us nicely into Question 2 for which I’d identified KA, DG and LV to answer… We’ll start with Kathi?

KA: I’m actually going to let David speak first…

DG: Right, ok, so we are at Survivors of Torture International, which is a small, non-profit that has existed for seven years and deals with victims of torture and their family members. We have dealt with over 500 people in seven years from 42 countries. However, this is only a small proportion of the torture victims in San Diego, we estimate over 11,000. There is an overlap between our service population, torture survivors, and women who are victims of DV seeking asylum.

We are currently working on a grant for the state government to take more responsibility and to fund medical services for asylum seekers. We want to use this as a mechanism for raising awareness within state government for the legitimate rights and extreme need of the asylee population to receive medical care.
Of course we are a non-profit organization, and like any other we depend on federal funding, our own fund-raising and donations from individuals and groups. This is not a sufficient financial base from which to provide services to this needy and deserving group of people. We believe that the government should do this. There are many countries in Europe where the government does provide assistance over a long period of time. In the U.S, especially since 1996, these services have become more limited.

We do attempt to provide comprehensive services to torture survivors, some of whom are women who have claims fundamentally based around DV. As Lydia said, this is an evolving area of law and we are right in the middle of that – we engage in many conversations back and forth with immigration lawyers concerning our clients. We have accepted victims of FGM, of violence where the perpetrators were state actors, non-state actors, where the police in the country of origin refused to protect. We’ve taken nationality cases, where the husband persecuted his wife because of her nationality. We had a Russian woman after 1991 who was living in another Soviet block country and her husband beat her very badly. There is always the issue of eligibility for our services, but I’m just here as part of the evolution, listening as a person involved in figuring this out but I have no answers.

KA: I think David has given us a good base to start from. Our initial focus at Survivors of Torture is torture victims, but we have had our awareness raised by Casa Cornelia and other

LV: If we are talking about asylees and refugees who have been approved, once they are approved they have access to our services and programs. We have the Matching Grant program where they are provided with 8 months of case assistance, they are eligible for Medi-cal and food stamps. We have ten case managers from ten different countries who provide culturally appropriate services. For example if we have an Afghani widow, we have an Afghani caseworker to help her. What is crucial is for us to link people to their communities, to their churches, mosques etc. I agree with DG, there is a lack of funding and resources but as for the women who have health problems and are not approved, there isn’t much we can do for them.

AH: I have a question – what is the role of the UNHCR regarding the 18,000 detainees in the U.S?

MM: I’ll answer that first with a disclaimer. I am a consultant and not an official representative of the UNHCR so what I say does not represent the official stance of the UNHCR.

WC: Can you just define this population for us please?

AH: I’m talking about the people in limbo, in poorly run detention centers all over the U.S.
MM: The UNHCR’s main office is in Washington D.C. I work in the New York office, which does not deal with refugees. In D.C. they try to provide information for various governments regarding policies and our interpretation of the policies, they offer training for immigration officers. The D.C. office works with over 500 NGOs including the International Rescue Committee (IRC) and Amnesty International (A.I). I was on a separate mission monitoring the San Pedro Detention Center a few years ago but not under the UNHCR. The UNHCR does not have the funding or the personnel to monitor detention centers, they play more of an advocacy role at the international level, and I have to say that with advocacy they have had more success in Canada than in the U.S.

With asylum, I’m told and several studies indicate that you have a better chance of being granted asylum depending on where you are; it varies from city to city and region to region.

So basically, the UNHCR engages in advocacy at a national level, plus working with NGOs who really become the primary source of advocacy for us. We put out several publications, such as the refugee magazine, but how much are these disseminated? The UNHCR is concerned with GBV…. But with a 1 billion dollar budget and staff cutbacks we’ve had to consolidate what were separate focal points for women’s and children’s issues in Geneva into one office.

Audience – RR: I just want some clarification, is San Pedro government contracted or is it a private detention center?

MM: It’s a private detention center. Amnesty International actually does some work monitoring detention centers because the people involved are non-US citizens at risk for being removed.

Audience – Steve Allen (SA) - Director of Legal Services, Center for Community Solutions. I specialize in assisting people who have gone through sexual assault and gender based violence. I will point out the obvious and say that it’s ironic how DV can be grounds for deportation but not grounds for asylum. We addressed the possibility of that attempting to add gender as grounds for seeking asylum under the 1951 Convention would narrow convention terms but I’m wondering – what would the U.S. vote be?

MM: The U.S. would not try to narrow the convention but developing countries who see it as infringing on their sovereignty would perhaps attempt to limit the scope of the convention. Remember in all of this that the U.S. is the UNHCR’s largest donor and would not try to narrow the definition’s scope but would they vote to add gender?

RB: No. If you read the R.A case this is clear, they would maybe add domestic violence but they would not add gender across the board.

SA: Of course, we always say, think globally; act locally… so perhaps we need to start with regime change at home, not to get too political here. I wanted to ask, I am in contact
with a number of Border Patrol agents and I was just wondering if they were invited here
today to participate in this discussion?

**NG:** Yes, they were invited but did not reply to e-mails or phone calls.

**MM:** I think we should move on to our third question concerning advocacy: How can we
further promote public awareness, participation and action? We’ll start with Rebecca Booth…

**RB:** I think one of the key elements in increasing public awareness is looking at holding
people accountable for voting. The Women’s Edge Coalition is trying to spread this idea
and get people out to vote. It calls for the U.S to ratify CEDAW – The Treaty for the
Rights of Women, a comprehensive international agreement for promoting and protecting
women’s human rights worldwide.

Furthermore, we need to reach out to the victim’s themselves? How do we get to these
women in need of help? One way is through the community they live in. A few years
ago the police set up meetings with local refugee communities – the Somalis, Afghans
and Sudanese, which focused on training, getting used to the different communities and
finding the victims. The same things needs to happen with Border Patrol Agents. I’ve
seen a practice conducted by Attorney’s Aides, which I think, is very effective. They are
going into local ethnic restaurants, grocery stores, temples and churches and putting signs
up in the women’s bathrooms, the places where women can access them. Many women
are connected to the legal services they need through this and I’d like to see this
organized a bit better.

**LT:** I know in the past, when I used to work for Casa Cornelia at least, they had mobile
units – do they still have these? It took a long time to build up trust, through word of
mouth to let people know that we were there to help, but it was effective…

**AR:** Post 9-11 we have seen less people who come to us. We do still have the Battered
Women’s Program and clinics every month. We go out to communities, especially in
North County and connect with community organizations, hospitals and counseling
centers working with DV victims. We are a small, non-profit organization, so funding is
an issue. We do assist detained and non-detained immigrants. However, we cannot help
all populations, for example we don’t deal with T-Visas.

**KY:** Many of us here today have made it clear that there are clear funding issues.
However, we can do things that do not cost money. We can put together trainings for
lawyers, for ourselves, we can set up e-mail lists – they hardly cost anything to put
together. We can do outreach – many women do not come to the Family Justice Center
because they were not abused here in the U.S. We are right that this is not a good
political climate in which to expand immigration options, we need to work with what we
have now. The Border Patrol actually used to be part of the DV council. If they found a
DV victim they would not arrest her but would give her information about services. We
are very quick to view the Border Patrol as enemies but they are people out there that we
can educate and work with.

**SA:** We HAVE to work with them!

**AK-S:** I can only speak as a private practitioner and advocate aligned with Survivors of
Torture International – who are doing the best and only job mental health wise, in
teaching practitioners who want to work with torture victims. My experience is mostly
with refugees and immigrants and only a few asylum seekers but I’ve found there is
always DV when working with refugees and immigrants. However, we must remember
within the DV realm there are two other populations. One is the gay community from
South America – I’ve dealt with a number of cases from Brazil where they were
persecuted by their family for their sexuality. Another is handicapped children who are
often beaten by their families in other countries. One such country was Romania and the
only way the country changed its laws on this practice was to gain entrance into the E.U.

**AH:** I’d like to represent the U.N Association and give a historical perspective on these
issues we’re discussing. In 1975 the UN held their first conference on women. Unfortunately most delegates were men and had no idea what the important issues were. In 1980 in Copenhagen there were more female delegates and women said one of the
most pervasive and widespread problems in all of their countries was domestic violence. In 1985, at the 3rd world conference on women they continued to address the problem of
DV. In Beijing at the 4th world conference on women, they addressed the issues of
domestic violence again and actions were laid out to take. 189 countries signed on to this
platform for action in 1995 and said they would go back to their countries and address
this issue. Now coming up in 2005 is a key year, where DV, along with eleven other
issues will be addressed. I just wanted to give a global view of where we are going.

Locally, we have sent a proclamation to the city council in San Diego, which they did
actually endorse. We have also had a speaker’s bureau with special presentations on
these issues. In San Diego the reported cases of DV is increasing – there were 21,75
cases reported in the last year. There were 856 rapes, which is almost 2 rapes a day to
San Diego women reported a day. There were 26 reported incidents of partners killing
one another.

The question is now – how do we do better? How do we increase public awareness? I
think we need to focus on the Speaker’s bureau, on working with Public Access TV, and
with the new radio station (AM 1040) – “On the Record’ which invites people to speak
about issues of importance to our community with Enrique and Ralph! On November
25th it is the International Day for the Elimination of Violence against women, which we
commemorate every year here in San Diego. We actually have 16 days against gender
violence running from November 25th until Human Rights Day on December 10th. We
often work with Amnesty International but we do need person power and help to make
this possible. These are just some areas we want to work on at the U.N Association of
San Diego.
WC: We have had some concrete suggestions about promoting public awareness, but we should also remember to use the media. We have several local organizations that are capable of doing in depth investigative reporting. Reporters from several local newspapers come to us constantly for suggestions; mostly border related which is indicative of the reactive nature of media coverage.

I’m asking you to e-mail me suggestions of a concrete idea for media coverage. This is a risky proposition, as we don’t know how the public will react to what we think are articles painting victims of GBV in a positive light but it is a risk worth taking.

We could look for example, at Border Patrol Agents, at officials in airports and the overuse of expedited removal. This could cause constituents to talk to local government officials about these issues, which is how change occurs. I would be happy to be the transmission belt. Even if you just have individual cases – the media always want to personalize it – that’s what catches people’s attention

MM: We have time for one or two more questions.

Audience, Kathy Smith (KS) from Amnesty International in San Diego: We have a big event coming up on October the 27th. On this day the international caravan for the women of Juarez will be arriving in San Diego and we invite you to join us. I have some fact sheets and literature I’d be happy to share with all of you if you are interested.

LV: Another thing coming up this weekend actually is the Police Department is holding a half day training for the East African community where they talk about gangs, DV, abuse and all the issues facing families when they arrive in the U.S. The other thing about DV is that we all strongly agree that DV is here in the U.S. However, in many countries around the world these things are kept silent.

AW: I just wanted to clarify – did we say that using women as a social group was too broad? Who gets to decide this? Could DV victims be a social group?

LT: You can always try to show this but it takes some creativity and you do have to work within what other cases have done.

MM: Right, and it very much depends on the specific person hearing the case. I’d like to say thank you to you all for your contributions, we had some very enlightening and helpful comments from the panel members. I think that the good news coming from this discussion is that there are some great groups doing great work out there and let’s hope we continue to communicate. The bad news is that there is too little funding for the many people out there who need assistance. There are also many who we probably don’t even know need help which really highlights the importance of advocacy, education and assistance. Wayne has volunteered to act as a conduit for your suggestions to local media – I advise you to use him! Another positive thing coming out of this is here the lawyers are good guys – and isn’t that refreshing? From the UNHCR perspective again, we have established that the UNHCR are bad at advocacy, it is something they need to work on
and something they are working on currently. Under the UNHCR’s guidelines for dealing with gender based violence in other countries where there are large groups of refugees they highlight the following: developing community awareness, establishing reporting mechanisms, empowering refugee communities to respond, meeting the health and psycho-social needs of survivors and establishing legal responsibility. At a local level you are already beginning to do the things that the UNHCR suggest which I think is very positive. Thank you all for the work you’re doing. For the students here I’d like to encourage you to step up and take a role in all of this!

NG: Thank you panelists. I think today was a great success and both Wayne and I appreciate your efforts and participation. Our dialogue does not stop here. This roundtable is meant to be the catalyst for forming, what we hope, will be new relationships amongst you gathered here today and your colleagues who could not attend, to work on these important issues and to raise further awareness about women, asylum, and domestic violence; both here in San Diego and abroad. The proceedings of this Roundtable will soon be published and disseminated, ensuring that our contribution today will be considered in the search for new solutions and programs to help these women.

2004-05 marks the Forced Migration Laboratory’s second year of operation and today’s Roundtable is the third such event it has hosted. I am happy to report that the Laboratory is now receiving attention internationally, most recently by the International Association for the Study of Forced Migration, who has designated our roundtable series as an official working group on refugee resettlement. It is a real honor to have such recognition and allows today’s dialogue to help other practitioners in other cities working on similar issues, worldwide.

Again, I’d like to mention our upcoming event on October 13th – we will be holding a panel discussion on the crisis in Darfur in cooperation with the Joan B. Kroc Institute for Peace and Justice, the UCSD International Affairs Group, and the San Diego Coalition to Stop the Genocide in Sudan. I’d like to invite you all to stay and continue the conversation at our informal reception outside. Thank you.

International Programs and Resources

Center for Gender and Refugee Studies
www.uchastings.edu/cgrs

The Center for Gender and Refugee Studies provides legal expertise and resources to attorneys representing women asylum-seekers fleeing gender related harm, at both the practice and policy levels, and seeks to track decisions in these cases. It also works to coordinate legal and public policy advocacy efforts through domestic and international networking, and engages in public education efforts in order to educate decision makers and the public and contribute to the formulation of national and international policy and practice.

Asylum Support Info
www.asylumsupport.info

Asylum Support Info focuses on all matters that concern people seeking asylum, together with a directory of hundreds of online resources relating to: asylum and refugees, conflict, country data, court cases. deportation, detention, discrimination, funding, gender, government, human rights, human trafficking, law, media, migration, policy and studies. It provides legal information for asylum claims related to gender based persecution.

Women’s Commission for Refugee Women and Children
www.womenscommission.org

The Women’s Commission for Refugee Women and Children works to ensure that refugee and displaced women, children and adolescents are given protection, encouraged to participate, and have access to education, health services and livelihood opportunities. It is also an expert resource and advocacy organization that monitors the care and protection of refugee women and children. The Commission is currently taking action on the Rodi Alvarado™ asylum case, in order to ensure that women and girls who flee from domestic violence and other forms of violence continue to have the chance to seek asylum in the United States.

Human Rights First
www.humanrightsfirst.org/asylum/asylum.htm

Human Rights First works in the United States and abroad to create a secure and humane world by advancing justice, human dignity and respect for the rule of law. It supports human rights activists who fight for basic freedoms and peaceful change at the local level; protect refugees in flight from persecution and repression; help build a strong international system of justice and accountability; and make sure human rights laws and principles are enforced in the United States and abroad.

Human Rights First also takes action on the Rodi Alvarado* asylum case to support women who have fled from domestic violence and other forms of persecution to receive protection in the United States.

The Refugee Council USA
www.refugeecouncilusa.org/gender.html

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3 Rodi Alvarado Peña is a Guatemalan woman who for a decade was brutally beaten by her husband while the Guatemalan police and courts ignored her repeated requests for help. When she ran away, her husband found her and beat her until she was unconscious. Desperate, she fled to the United States in search of safety. Now, Attorney General Ashcroft is poised to make a decision on Ms. Alvarado’s case, a decision which could also prevent other women who have fled from violence, sexual slavery, honor killings and other persecution from receiving protection in the U.S. Her case has become the vehicle by which the U.S. will set forth its position in this area of law.
The Refugee Council USA is a coalition of U.S. non-governmental organizations focused on refugee protection. The Refugee Council USA provides focused advocacy on issues affecting the protection and rights of refugees, asylum seekers, displaced persons, victims of trafficking and victims of torture in the United States and across the world. Particular areas of concern are adherence to international standards of refugee rights and the promotion of the right to asylum. The Refugee Council also takes action on the Rodi Alvarado asylum case and promotes the preservation of asylum for women and girls fleeing violence and persecution.

Canadian Council for Refugees
www.web.net/~ccr/gendpers.html

The Canadian Council for Refugees is a non-profit umbrella organization committed to the rights and protection of refugees in Canada and around the world and to the settlement of refugees and immigrants in Canada. The membership is made up of organizations involved in the settlement, sponsorship and protection of refugees and immigrants.

In 2001, the Council also hosted an international conference with the goal of promoting recognition of gender-related persecution as a basis for refugee protection. The conference brought together refugee women, refugee rights groups, refugee decision-makers, academics, government representatives, UNHCR and others interested in ensuring that women fleeing gender-based persecution receive protection. It created an international network of NGOs advocating for the recognition of gender-based refugee claims, and offered a forum for decision-makers, academics, policy-makers, and representatives of inter-governmental organization, to gather information around the issue of protection women fleeing gender-based persecution. The complete report on the conference is available on www.web.net/~ccr/gendercfrep.htm

Amnesty International Canada
www.amnesty.ca/stoptheviolence/actions/view.php?load=arcview&article=1306&c=Women%20Actions

Amnesty International is a worldwide movement of people who campaign for internationally recognized human rights. In March 2004, it launched its worldwide campaign Stop Violence Against Women, investigating causes, forms and remedies, and highlighting the responsibility of the state, community and individuals for taking action to end violence against women.

Related to the campaign, the Canadian Section of Amnesty International takes action on the Rodi Alvarado* asylum case and promotes the protection of women refugees fleeing gender persecution.

Asylum Aid
www.asylumaaid.org.uk
Asylum Aid is an independent, national charity assisting refugees in the UK. Its Refugee Women’s Resource Project (RWRP) was set up in April 2000 and aims to enable women fleeing serious human rights violations to gain protection in the UK. The RWRP helps individual women by assisting them with their claims for protection against persecution. It also provides training and information to enable other advisors to assist these women more effectively. The Project also includes campaigns to raise awareness and influence officials and policy-makers to take women’s need into account, as well as an extensive research and casework.

The European Women’s Lobby
www.womenlobby.org/asylumcampaign/

The European Women’s Lobby is the largest co-ordinating body of national and European non-governmental women’s organisations in the European Union, with over 3000 member associations in the 15 Member States. Its goal is to achieve equality of women and men in Europe and to serve as a link between political decision-makers and women’s organisations at EU level.

In 2000, the European Women’s Lobby launched its one-year long Campaign on Women Asylum Seekers, drawing attention and calling for the recognition of gender-based persecution as a legitimate cause for the granting of asylum to women in all of the EU Member States. The website presents the material used in the Campaign, such as post cards (including petitions on the back, recalling all EU Member States to ensure a gender interpretation of the 1951 Geneva Convention) and a web site containing information and an electronic petition.