

CENTER FOR GENDER & REFUGEE STUDIES



ANNUAL REPORT 2005



The Center for Gender and Refugee Studies works to defend women's rights to asylum in individual cases, while impacting the development of the law in the United States, and internationally.

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## Dear Friends,

As I reflect on this past year, I am sobered by the many world events which have caused death and immeasurable suffering. We wage our struggle to protect the human rights of refugee women in a world in which the rights and dignities of so many people are violated on a daily basis. It is all too easy to feel hopeless and overwhelmed by the magnitude of the human rights and civil rights challenges which confront us all. It is in this climate that it is especially important to recognize and celebrate our victories; it is essential that we take heart from the everyday proof of the fact that individuals can and do make a difference in very concrete ways.



With your help and support, CGRS was able to achieve some notable victories over this past year, and we would like to take this opportunity to thank you, and to invite you to celebrate them with us. On the national policy level, we were able to fight back former Attorney General Ashcroft's reported plans to issue a denial in the important case of the Guatemalan asylum seeker Rodi Alvarado. Ms. Alvarado sought asylum after suffering ten years of brutal battering at the hands of her spouse, in a situation where neither the police nor the courts would lift a finger to protect her. A denial by A.G. Ashcroft would not only have sent Ms. Alvarado back to her likely death, but it would have set a precedent resulting in the denial of protection to women facing all types of gender-based human rights violations.

On the appellate level, we were able to participate as *amicus* ("friend of the court") in a Ninth Circuit Court of Appeals victory on behalf of a Guatemalan asylum seeker who had been gang-raped during that country's brutal civil war. We were also able to persuade the Ninth Circuit to take another look (through an *en*

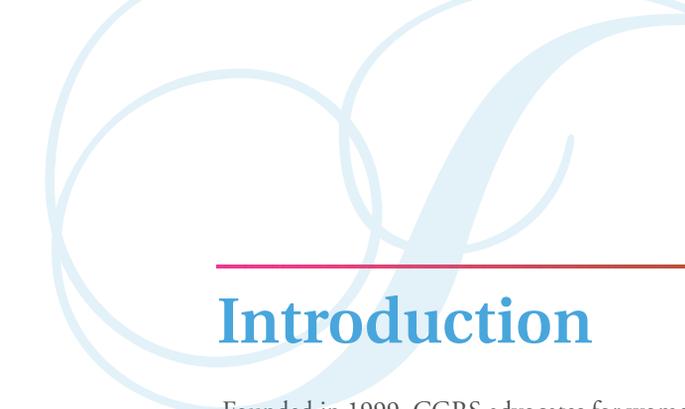
*banc* hearing) at whether an Ethiopian couple, whose daughter faces the persecution of female genital cutting, may be granted asylum so that they do not have to face the difficult choice of leaving her behind in the U.S. to protect her from cutting, or taking her with them and risking that she be subjected to it. In addition, in numerous individual cases at the asylum office and before immigration judges, we were able to provide expertise and resources to attorneys which made the difference in outcome.

We have also been encouraged this year by the broad range of favorable media coverage of the issue that we have been able to obtain. From news articles, to feature stories, to op-ed pieces, a thoughtful treatment has prevailed over potentially anti-immigrant sentiment. CGRS was especially heartened by the national airing of a PBS documentary, "*Breaking Free: A Woman's Journey*," which focused very sympathetically on Rodi Alvarado's case, and provided an invaluable opportunity to educate the broader public on the issue of the dire situation of women's rights in Guatemala and the need for asylum to protect the women fleeing the pervasive violence in that country. As follow-up, CGRS initiated a campaign to work to end violence against women in Guatemala; that campaign is in partnership with Guatemalan women's rights activists and a broad range of U.S. social justice organizations.

All of these steps forward serve to remind us that positive developments are possible – even in the bleakest of times. At the same time, they also serve as a reminder of how much more there is to do in order to transform the world in which we live into a more just place for all. We have confidence that – with your support and solidarity – we will be able to continue achieving the kind of victories that make a concrete difference. We thank you for walking on the path to justice with us.

With gratitude and warm regards,

Karen Musalo  
Executive Director



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# Introduction

Founded in 1999, CGRS advocates for women seeking protection from grave human rights abuses – such as honor killing, female genital cutting, domestic violence, human trafficking, and sexual slavery. For women fleeing these violations of their fundamental rights, their chances of gaining protection often depend on obtaining effective legal representation. CGRS plays a key role by serving as a central clearinghouse for information, assistance, advocacy and policy work on their behalf.

## CGRS's Program Areas

- 1** Providing training and technical assistance to attorneys, with the goals of improving the quality of legal representation and expanding the resources available to advocates
- 2** Tracking and monitoring gender asylum decisions to introduce unprecedented transparency and accountability into governmental asylum decision-making, and to inform policy advocacy
- 3** Engaging in appellate advocacy at the Board of Immigration Appeals and the federal courts so as to impact evolving precedent
- 4** Formulating and implementing strategies to influence national policy on refugee protection
- 5** Engaging in leadership development and training of law students, by involving them in CGRS's work
- 6** Educating the public through effective use of the media
- 7** Participating in the international network of advocates and scholars working to ensure the protection of women asylum seekers

# Training and Technical Assistance

CGRS provides direct, one-on-one assistance to attorneys representing women fleeing gender persecution. The goal is to help win asylum cases by efficiently sharing resources and expertise in order to improve the quality of legal representation. CGRS researches country conditions, provides legal advice, collects and circulates legal materials, reviews briefs and declarations, and connects attorneys working on similar cases. Attorneys routinely report that CGRS's assistance made a critical difference in the positive outcome of their cases.

"The asylum resources you provided were fantastic. Thanks for taking the time to help us fight this difficult case. I'm sure we will be relying on this information for this case in particular and for similar cases in the future. I really appreciate your assistance."

Brittney Nystrom, CAIR Coalition, Washington, DC

In becoming a national center for gender asylum expertise and support, CGRS has built a "virtual" community of asylum practitioners. Pro bono attorneys and the non-profit agencies who assign them cases or represent asylum seekers themselves – often with limited resources – know that they can turn to CGRS staff and the Center's website for immediate, practical assistance.

"Thank you for your suggestions and opinions on this case, they were very helpful and I appreciate them. Your website is amazing, like buried treasure for anyone handling an asylum case."

Olivier Theard, Sheppard, Mullin, Richter & Hampton, Los Angeles, CA

Over the past year, CGRS has provided direct assistance in over 415 individual cases, an average of more than a case a day, seven days a week. This number does not reflect the attorneys who went directly to CGRS's website for information and resources.

"Talk about great service! Let me see if I have any other asylum questions I need an answer on - you're like an Oracle or something, or maybe you just have connections."

Amy Metzel, King & Spalding, Washington, DC



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“Thanks again for your assistance! It was more than I was expecting!!”

Henry Cruz, Coordinating Attorney, Political Asylum Project of Austin, Austin, TX

CGRS’s website <[cgrs.uchastings.edu](http://cgrs.uchastings.edu)> contains a unique and rich collection of information on gender asylum in the United States and around the world, including:

- more than 360 case summaries of unpublished asylum decisions from 67 countries
- international gender asylum law
- gender guidelines from countries around the world
- dozens of sample briefs in a new searchable brief bank
- resources on country conditions and expert witnesses

Advocates, attorneys, journalists, academic researchers, and even the judges themselves regularly turn to CGRS for this information that is simply not available from any other source.

“I can’t tell you how much I appreciate your organization, website and the services you provide. It is vital that more people learn of your work and contact you for assistance. Your ability to quickly communicate information about the impact of court decisions and how other countries interpret the 1951 Convention vis-a-vis gender is paramount.”

Dr. Lori Handrahan, Regional Gender Advisor, UNHCR, The Balkans

In addition to its one-on-one technical assistance, CGRS staff serve the broader community by participating in local, national and international conferences and workshops. Publications by CGRS are widely used in workshops and trainings around the country. In the last year, CGRS staff, interns, and law students published helpful articles on topics, including:

*The One-Year Bar: Denying Protection to Bona Fide Refugees, Contrary to Congressional Intent and Violative of International Law*, by Leena Khandwala, Karen Musalo, Stephen Knight and Maria Anna K. Hreshchyshyn

*Using Experts for Asylum Cases in Immigration Court*, by Rachael Keast

*Protecting Parents: Why Mothers and Fathers Who Oppose Female Genital Cutting Qualify for Asylum*, by Marcelle Rice

“We would not have won this case without the assistance of you and CGRS. We and our clients will be forever grateful for your prompt, knowledgeable, and wise advice.”

Bob Etnyre, Royston, Rayzor, Vickery & Williams, Houston, TX



# Tracking and Monitoring

CGRS's involvement with a case does not end with providing assistance to attorneys. The Center tracks and monitors cases, following up with attorneys after their interviews or hearings – to find out what happened, to determine whether further assistance may be needed, and to gather resources and information to be shared with others. Once a decision is reached, attorneys may be asked for permission to publish a redacted summary on CGRS's website.

With its tracking and monitoring, CGRS both informs and strengthens its ongoing technical assistance to attorneys with gender cases as well as creates unprecedented transparency and accountability in governmental asylum decision-making. The immigration authorities maintain no statistics on gender claims, and the great majority of asylum decisions are neither published nor searchable in any database. The Center's work serves to monitor governmental decision-making, helping to hold asylum officers, immigration judges and others accountable for their decisions.

CGRS Deputy Director Stephen Knight with Dawn Cooper, one of the volunteers who carries out research in response to requests for assistance from attorneys.



# Appellate Advocacy

## Shaping Gender Jurisprudence

Despite considerable progress over the last decade in the recognition that “women’s rights are human rights,” women who flee harms such as female genital cutting (FGC), domestic violence, forced marriage, repressive social norms and trafficking continue to be denied asylum. CGRS challenges these denials in the federal courts and the Board of Immigration Appeals (BIA), and shapes the development of positive precedent. Because attorneys around the country contact us for assistance, CGRS is able to identify appropriate cases at the earliest opportunity, and to offer its assistance. CGRS’s role includes the filing of an *amicus* brief, or joining the case as expert co-counsel. CGRS attorneys also frequently work to review and provide feedback on briefs and develop legal strategy.

CGRS’s appellate efforts are re-defining the boundaries of protection for women asylum seekers. Recent successes in the Ninth Circuit Court of Appeals include: *Li v. Ashcroft* (CGRS was co-counsel with the Law Office of Robert B. Jobe), which held that a “rape-like” pregnancy exam of a woman who resisted coercive population control measures in China rose to the level of persecution; and *Garcia-Martinez v. Ashcroft*, (CGRS as *amicus*, client represented by Jayne E. Fleming and Raymond A. Cardozo of Reed Smith LLP), which recognized that “rape is not about sex; it is about power and control,” and that a Guatemalan woman who had been gang-raped by government soldiers during the civil war in her country was persecuted on account of her imputed political opinion. CGRS was also involved in successful efforts to secure a Ninth Circuit rehearing *en banc* in *Abebe v. Ashcroft*, a case involving female genital cutting (see next page for details). At the hearing, Judge Kozinski questioned whether genital cutting is persecution.

### Judge Wonders When Genital Mutilation Might Be OK

By Peter Blumberg

San Francisco Chronicle  
 always transcribed 9th U.S. Court of Appeals Judge Alex Kozinski during oral argument that the practice of genital mutilation in some countries can be considered to fit its “done for the good of”

11 judges panel debating the would girl born in the United States. Kozinski stood out by “whether it is fair to outsiders a tradition that is considered to do” among the people is.

OK in the United States to a and piece the sons of the judge said, female genital mutilation in Ethiopia with “harsh anyone.” he “to but persecution?” he

rights lawyer arguing on “to” family pointed out

the U.S. and international authorities have long condemned the removal of female genitalia, which she described as “incredibly damaging” physically and psychologically.

Karen Musala, director of the Center for Gender and Refugee Studies at UC Hastings School of Law, also told Kozinski that harming people at the male during the Spanish Inquisition was supposedly done for the good of everyone involved.

And that was the end of Kozinski’s line of questioning.

The dominant theme of Tuesday’s hour-long hearing was whether a particular Ethiopian family qualifies for asylum based on the parents’ fear either that their daughter will be mutilated if they are forced to return home or the whole family will be considered social outcasts if she refuses.

The panel appeared to be sharply divided. Some judges said the family’s fear is reasonable considering that mutilation practices are widespread in Ethiopia, while other judges questioned whether

the mother and father here satisfied the legal burden of proof for asylum.

Although courts already have held that victims of mutilation are entitled to stay in the United States, this case is more complicated because it asks whether a right to asylum extends to the parents of a child born in the United States who would only face possible persecution if she returns to Ethiopia.

An administrative immigration judge said a constitutional review panel denied asylum to the parents, although they focused largely on the father’s claim that he would be subject to political persecution if he returns to Ethiopia.

Because the girl wasn’t yet born when her parents first fled for asylum in 1983, the issues surrounding the prospect of her going through mutilation were not thoroughly presented until the case reached the 9th Circuit.

In August, a split three-judge panel concluded that the immigration judge



ALEX KOZINSKI

**San Francisco Chronicle**  
 NORTHERN CALIFORNIA’S LARGEST NEWSPAPER

**RICHMOND**  
**Gang-rape victim granted asylum after long court battle**  
**Appeals court says attack on woman in Guatemala was political persecution**

Tyche Hendricks, Chronicle Staff Writer  
 Friday, July 15, 2005

An East Bay woman gang-raped by soldiers in Guatemala a dozen years ago has won asylum in the United States, a year after a San Francisco federal appeals court ruled the assault was a form of political persecution, not just an individual criminal act.

“I’m so relieved because it has been many years of waiting,” said Reina Garcia-Martinez, 31, who fled to the United States in 1993. “To be sent back to Guatemala would have been terrible. I would always be thinking about what happened. Now instead, I feel a sense of peace.”

Rape has long been used as a weapon of war, according to Karen Musala, director of the Center for Gender and Refugee Studies at Hastings College of the Law in San Francisco, which filed an *amicus* brief in the case. But it is only in recent years that courts are beginning to recognize sexual assault as more than random violence. “This decision is important for stopping the knee-jerk reaction that if the harm is of a sexual nature, it’s personal, not political, that it’s just some rogue soldiers satisfying their lustful



### Asks Whether Genital Mutilation Is Persecution

1. asking that the family...  
 2. ...  
 3. ...  
 4. ...  
 5. ...  
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 7. ...  
 8. ...  
 9. ...  
 10. ...

Circuit shouldn’t get ahead of the Board of Immigration Appeals in deciding unprecedented questions about extending asylum rights to relatives of children who face persecution.  
 But Judges Sidney Thomas and Marsha Berzon appeared to be more sympathetic to the Ethiopian family, saying that the mutilation issues are “fair game” because the Board of Immigration

Judge William Fletcher, who participated by telephone, previously asked whether a 20 percent or 30 percent likelihood is enough before he suggested that the right answer is 35 percent.  
 But Drucker refused to be pinned down to a specific number, which drew an exasperated sigh from Chief Judge Mary Schweder.  
 The court did not indicate when it will

See Page 5 — JUDGE



# Appellate Advocacy

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## Shaping Gender Jurisprudence



Leena Khandwala

In 2004, CGRS was awarded the competitive two-year New Voices fellowship that enabled it to initiate a national Appellate Advocacy Program (AAP). The launch of the AAP has greatly expanded CGRS's ability to engage in litigation at the BIA and the federal court level. Hired as a fellow through a competitive nationwide search to head up the AAP is Leena Khandwala, a 2004 honors graduate of Fordham Law School. At Fordham, Leena was both a Stein Scholar (based on her public interest background) and a Crowley International Human Rights Scholar. She has a strong background in women's rights, immigration

law and international human rights, having explored these issues by participating in Fordham's Immigrant Rights Clinic, and interning and volunteering at a variety of organizations, including Sanctuary for Families Battered Women's Legal Services, the ACLU Reproductive Freedom Project, and Legal Momentum. As a woman from Pakistan and a feminist Muslim, she also brings a deep personal understanding of the issues central to CGRS's work.

### Examples of appellate advocacy made possible by the launch of the AAP

- *Abebe v. Ashcroft*, involving an Ethiopian couple who fear that their U.S.-born daughter will be subjected to FGC and that their resistance to the practice will result in their ostracism. The practice of FGC is nearly universal in Ethiopia, which has been referred to as the "lion's den" of genital cutting. After the denial of their case by the Ninth Circuit Court of Appeals, the applicants' attorney, Philip Hornik, sought CGRS's assistance – which led to the court granting a rare *en banc* rehearing. A decision is now pending.
- *In re A.M.*, a case involving an Albanian girl who, at the age of 16, was kidnapped and repeatedly raped to prepare her for being trafficked into prostitution in Italy. She escaped and came to the United States, but her shame, trauma and young age led her to just miss the one-year deadline imposed on asylum seekers. CGRS recruited Jayne E. Fleming of Reed Smith LLP as pro bono counsel, and is continuing its involvement, working closely with Jayne as *amicus* in the case.

## CGRS Honors its Pro Bono Partners

CGRS honors Jayne E. Fleming, for her tremendous commitment to pro bono work and to protecting the rights of refugees. CGRS first worked with Jayne on the *Garcia-Martinez* case, and is once again partnering with her in the effort to secure protection for the young Albanian asylum seeker, Ms. A.M., whose case is described on the previous page. Among Jayne's successes are the precedent-setting asylum case, *Taba v. Ashcroft*, which recognized that omissions in an asylum application cannot doom a claim under the Convention Against Torture where an applicant's detailed testimony establishes grounds for protection.



Jayne E. Fleming

Jayne has also expanded and strengthened pro bono representation by helping to develop and lead a national team of Reed Smith lawyers who have taken on numerous cases of women fleeing gender persecution. In recognition of her dedication to pro bono work on behalf of refugees, she has received several awards, including California Lawyer's Attorney of the Year Award, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area's Father Moriarity Award, and her own firm's annual Sean Halpin Award for Pro Bono and Community Service.

CGRS also honors Jayne's firm, Reed Smith, for supporting and encouraging its attorneys to engage in pro bono work. The firm's pro bono commitment is evidenced by the fact that in 2004, 60% of its U.S. attorneys did pro bono work on a wide range of cases.

## Recognition and Appreciation for other Pro Bono Partners

CGRS is pleased to also recognize a number of law firms around the country that have worked to represent women asylum-seekers, and have called on CGRS for its support and expertise.

**Davis Polk & Wardwell • Dechert LLP • Holland & Knight**

**Jones Day • Latham & Watkins**

**Morrison & Foerster • O'Melveny & Myers LLP • Shearman & Sterling LLP**

# National Policy Advocacy

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CGRS is playing the key role in the leading gender asylum case of Rodi Alvarado, both in court and through its national policy and advocacy efforts. In 1996 an immigration judge in San Francisco granted asylum to Rodi, who fled her home country of Guatemala after being brutalized by her husband for over ten years; neither the police nor the courts would intervene to protect her. The immigration service appealed the grant of asylum, and with her case the U.S. will decide whether to protect women fleeing gender persecution. Her plea for protection has led to the intervention of two Attorneys General, multiple letters of concern from dozens of Senators and House members, the publication of a proposed new national rule, and the engagement of tens of thousands of activists across the country and around the world. And yet the threat of deportation still hangs over Rodi's head.

CGRS has mobilized its partner organizations and generated substantial congressional and grassroots support in seeking justice for women fleeing gender-based harms. The campaign first led to Attorney General Janet Reno's positive intervention in 2001 (when she overturned a denial in Rodi's case which had been issued by the highest immigration court – the Board of Immigration Appeals), and later successfully held at bay Attorney General John Ashcroft's threat to deny Rodi's case in 2003. CGRS's advocacy in partnership with its allies demonstrates the broad constituency of support for women's rights and gender asylum, and most recently and dramatically persuaded the Department of Homeland Security (DHS) to withdraw its eight years of opposition in the case and agree that Rodi Alvarado is a refugee.

In January 2005, Attorney General Ashcroft finished his term without issuing an adverse decision in Rodi's case, and instead he sent it back to the BIA for a new decision under the proposed regulations. DHS and DOJ will be working together to finalize these regulations, and CGRS is committed to ensuring that they recognize gender claims as a basis for protection.

Beyond Rodi's case, CGRS is playing an important role in many other areas of national asylum policy. For example, it is mobilizing opposition to the arbitrary application of the one-year bar, which requires asylum seekers to file their applications for asylum within a year of arrival in the U.S. or face summary dismissal of their claims. CGRS gathered information on the application of this bar from attorneys around the country, and presented it in an article, *The One-Year Bar: Denying Protection to Bona Fide Refugees, Contrary to Congressional Intent and Violative of International Law*. This article demonstrated with numerous specific examples the cruel consequences of applying a one-year deadline to asylum seekers who are struggling with shame and trauma, and other barriers which prevent them from coming forward within a fixed time period.

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## Real Life Consequences of The One-Year Bar

Mary's parents were members of the political opposition in Tanzania. As part of a chain of retaliatory measures against them, Mary was taken into police custody, where she was held for a number of days and was beaten, burned and raped. She managed to escape with the help of a prison official who was a family friend, but he warned her to move far away because if she were found she would be killed. Mary arrived in the U.S. still mentally and physically traumatized. Without support in this country, she often went hungry, and depended on the kindness of strangers for a place to lay her head. Even under these difficult circumstances, she managed to apply for asylum within six months after the filing deadline. She was denied for failure to apply within a year of arrival.

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CGRS also continues to play an important role in the national advocacy around congressional efforts, such as the REAL ID Act, to roll back protections for all asylum seekers. When the legislation was being debated, CGRS prepared a critical analysis and talking points which were endorsed by many major national human rights and women's rights groups. Although the REAL ID ultimately became law, the advocacy efforts of CGRS working with its partners succeeded in softening some of the harshest elements of the legislation.

# Leadership Development

## Mentoring Tomorrow's Public Interest Lawyers

CGRS has a long-standing commitment to expanding the number of public interest-minded young lawyers who will serve the greater society. Each summer, students from Hastings, as well as national law schools across the country, compete for the opportunity to work at CGRS on gender asylum issues. During the school year, Hastings students intern at CGRS as paid law clerks or for academic credit. Many of CGRS's interns come back to work at the Center semester after semester, finding that the experience is a strong affirmation of their idealism, and reminds them of the reasons they decided to go to law school in the first place. In addition to legal interns, CGRS also attracts a steady stream of dedicated volunteers with diverse backgrounds, including undergraduate students and professionals.

This year, thanks to a federal grant obtained with the assistance of Congresswoman Nancy Pelosi, CGRS was able to expand its ability to meet the growing interest among Hastings students on immigration, refugee and gender asylum issues by adding a clinical education component to its current program. The new clinic offers Hastings students an important educational opportunity while also enhancing CGRS's ability to serve as a national resource. The following students enrolled in the inaugural semester of the clinic: Sarah Aitcheson, Shamus Roller, Arwen Swink, Kayla Birns, Kenny Lau, Jennifer Casey and Tripti Sharma.

### Long Term CGRS Volunteer Heads to Law School

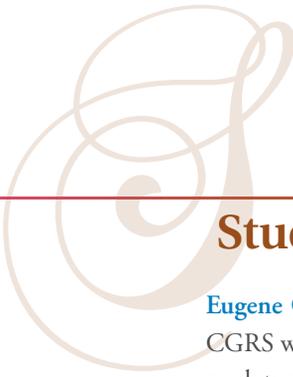
Aubra Fletcher began volunteering for CGRS in April 2003. During the two years she generously gave of her time to CGRS, she carried out extensive in-depth country conditions research, which provided many attorneys with the evidence key to documenting and winning their cases. Aubra, who received her B.A. in English from Trinity University in 1998, is now headed off to law school herself. In August 2005, she began her first year of law school at Boalt Hall, and intends to continue contributing her efforts to CGRS in some form – once she has recovered from the shock of the first semester of law school.

In addition to her volunteer work with CGRS, Aubra has worked at a variety of organizations, including the Political Asylum Project of Austin, the Law Office of Robert B. Jobe, and Bay Area Legal Aid.



Aubra Fletcher

*"Working with CGRS is wonderful on so many levels. CGRS affords volunteers the opportunity to affect individual asylum seekers' lives in positive ways and also to participate in impact litigation, legislative advocacy and consciousness raising efforts that affect large numbers of asylum seekers all over the world."*



## Students and Volunteers Speak Out

**Eugene Chechenin** (UC Hastings, 2005 CGRS Law Clerk): “Clerking at CGRS was a great learning experience. It gave me a unique opportunity to work together with world-renowned refugee law scholars toward improving U.S. asylum law.”

**Matthew Lister** (University of Pennsylvania, 2005 CGRS Law Clerk): “I was able to gain a knowledge of refugee law that I otherwise would have had at most a small chance to achieve. The fact that I was able to do this while working with colleagues who were first class, both as legal thinkers and as people, made the experience all the more rewarding.”



Summer 2005 law clerks, Eugene Chechenin (left), and Matt Lister with visiting scholar from Spain, Carmen Miguel Juan.

**Angélica Cházaro** (Columbia Law School, 2005 CGRS law clerk): “Working with CGRS gave me the opportunity to be at the heart of the movement for women refugees’ rights in the United States. Having the chance to contribute to CGRS’s amazing efforts has been one of the highlights of my time in law school.”



Angélica Cházaro (left), with University of Mass. undergraduate intern, Amara Levy-Moore.

**Dawn Cooper** (CGRS Volunteer): “I feel that I’ve learned so much about the asylum system and the politics that surround it. Also, being able to help the lawyers and their clients by doing country research for them has been very rewarding.”

# Media and Public Education

CGRS works with the media to educate the public on the issue of gender asylum. Industrialized countries are less and less welcoming of asylum seekers, adopting measures intended to limit access to their territory, and tightening eligibility requirements. The Center secures fair and thoughtful news coverage of the issue of gender asylum, as well as sympathetic editorials and opinion pieces.

CGRS is in contact with a wide network of national, regional and local journalists, and its staff regularly write letters and op-ed pieces, serve as sources for the media, or are featured in radio or television news spots contributing expertise on asylum law. For example, Stephen Knight, CGRS Deputy Director, co-authored an op-ed against the passage of the restrictive anti-immigration bill of 2005 (the “REAL ID Act”), a law that negatively affects all asylum seekers; the article highlighted the implications for women asylum seekers. Karen Musalo, CGRS Director, addressed global refugee issues in her comments regarding the barriers to asylum being implemented by the governments of both the U.S. and the U.K.

## Rodi Alvarado on PBS



Producer Chana Gazit with women's rights activist Maria Suleima Ojer.

CGRS also worked closely this year with an award-winning documentary film team, Steward/Gazit Productions, in their production of an episode of “Destination America,” a four-part documentary series on immigration which aired on PBS in October 2005. The episode, entitled “Breaking Free: A Woman’s Journey,” featured Rodi Alvarado’s flight from Guatemala, and plea for asylum in the United States, and served as a powerful medium for educating the public about women’s rights and the protection of gender asylum.

## CGRS’s efforts have put a human face on the women seeking protection; the following is a partial list of media pieces with which CGRS has been directly involved over the past year

Pamela MacLean, *Judges Blast Immigration Rulings*, THE NATIONAL LAW JOURNAL, October 24, 2005 • Karen Musalo interviewed regarding immigration policy, including detention, federal court review and due process protections, ABC TELEVISION October 24, 2005 • Araceli Martínez-Ortega, *Final feliz para una pesadilla*, LA OPINION, August 20, 2005 • Sandip Roy, *U.S., Europe Raise Barriers to Asylum*, PACIFIC NEWS SERVICE, August 11, 2005 • Melissa Dribben, *Limbo to Asylum for Abused Wife*, THE PHILADELPHIA INQUIRER, August 2, 2005 • Tyche Hendricks, *Gang-rape victim granted asylum after long court battle*, SAN FRANCISCO CHRONICLE, July 15, 2005 • Peter Blumberg, *Judge Wonders When Genital Mutilation Might Be OK*, SAN FRANCISCO DAILY JOURNAL, June 22, 2005 • Editorial, *Give Me Your Tired ... and Abused?*, CHRISTIAN SCIENCE MONITOR, May 18, 2005 • Bob Egelko, *New limit on review of asylum cases*, SAN FRANCISCO CHRONICLE, May 16, 2005 • Edwidge Danticat, *A Crime To Dream*, THE NATION, May 2, 2005 • Leena Khandwala, *U.S. Federal Appeals Court Recognizes Past Female Genital Cutting as a Basis for Asylum*, WOMEN’S ASYLUM NEWS (UK-based), April 1, 2005 • Tina Susman, *Seeking safe heaven: Long wait for women seeking asylum as U.S operates in legal vacuum*, NEW YORK NEWS/SDAY, March 31, 2005 • Editorial, *Fighting single-sex persecution: A recent court ruling broadens protections for women who are fleeing from cultures that practice genital mutilation*, OREGONIAN, March 29, 2005 • Libby Lewis, *Genital Mutilation Can Be Grounds for Asylum Status*, ALL THINGS CONSIDERED, NPR, March 11, 2005 • Karen Musalo interviewed, UNIVISION NEWS, March 7, 2005 • David Watson, *Couple Claiming Fear of Daughter’s Mutilation Gain En Banc Review of Ruling Denying Asylum Claim*, METROPOLITAN NEWS-ENTERPRISE, March 4, 2005 • Peter Blumberg, *Couple Who Fear Daughter’s Mutilation Will Get Rehearing*, SAN FRANCISCO DAILY JOURNAL, March 4, 2005 • Jane O. Hansen, *Ancient rite or a wrong? Genital cutting of girls becomes an issue in Georgia, nationwide*, THE ATLANTA JOURNAL-CONSTITUTION, March 2, 2005 • Bill Frelick, *Women will suffer under asylum law*, JOURNAL SENTINEL ONLINE, February 26, 2005 • William Fisher, *Legal Limbo for Battered Women Seeking Asylum*, INTER PRESS SERVICE NEWS AGENCY, February 15, 2005 • Anita Sinha and Stephen Knight, *Playing the Terror Card*, CONTRA COSTA TIMES and others, February 14, 2005 • Karen Musalo interviewed, WBAI, January 25, 2005 • Bob Egelko, *Ashcroft Will Pass Asylum Case to Successor*, SAN FRANCISCO CHRONICLE, January 22, 2005 • John Files, *Ashcroft Won’t Aid Asylum Seeker*, NEW YORK TIMES, January 22, 2005 • Karen Musalo interviewed, KPFA radio, January 22, 2005 • Frank Davies, *Ashcroft Declines to Resolve Asylum Case of Battered Woman*, KNIGHT RIDDER, January 21, 2005

# Violence Against Women in Guatemala

## CGRS Links Refugee Flows to Rights Violations

On November 10, CGRS hosted “Getting Away with Murder: Guatemala’s Failure to Protect Women and Rodi Alvarado’s Quest for Safety.” The lunch time event in San Francisco brought together women’s rights, human rights, and immigrant rights partners to explore the escalation of violence against women, and murders of women with impunity in Guatemala – labeled by many as “femicides.” The femicides in Guatemala have received very little press attention. Murders of women in Ciudad Juarez, Mexico, have received far more coverage. For purposes of comparison, it is estimated that from 1993 to the present date, over 370 women have been murdered in Ciudad Juarez, earning it the nickname “the capital of murdered women” - as compared to the over 2,000 in Guatemala in the last five years.



Rodi Alvarado thanking attendees for their support.

Karen Musalo made remarks regarding the need for the U.S. to extend refugee status to women fleeing gender violence, while addressing the root causes of refugee flows by adopting foreign policies that encourage and pressure countries to end impunity for violence against women. Hilda Morales Trujillo, a renowned Guatemalan human rights attorney, women’s rights activist and recipient of the 2004 Amnesty International Ambassador of Conscience award, discussed the historical context of impunity for violence against women in Guatemala. Rodi Alvarado spoke about her personal odyssey of fleeing domestic violence in Guatemala and seeking asylum in the U.S., and expressed her gratitude for the ongoing interest in and support of her case.



Karen Musalo, CGRS Director



An attentive audience filled the room.

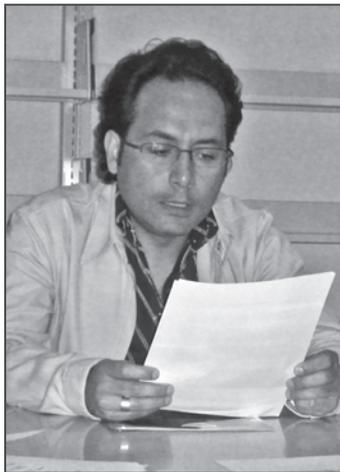
The event was co-sponsored by numerous social justice organizations and law firms, and was well-attended by the legal community, refugee rights, women’s rights and Guatemalan human rights activists.



Hilda Morales Trujillo, with Hastings Law student, Elizabeth Pérez translating.

# International Networking and Collaboration

Refugee-receiving countries around the world continue to develop their laws and policies regarding the protection of women fleeing gender-persecution. Notwithstanding the progress that has been made in the last two decades, the international community has yet to reach a consensus regarding asylum for women fleeing gender violence. Through its participation in international conferences, its collaboration with scholars from around the world, and its networking efforts, CGRS is able to make a contribution to the positive development of global law and policy on the issue. An ongoing exchange with governmental immigration authorities and advocates in Spain has been particularly gratifying, as refugee adjudicators in Spain have just issued their very first decision recognizing gender persecution as a basis for asylum.



Shahyar Roushan presenting to Hastings students on the Australian asylum system.

CGRS regularly hosts international scholars. Recent visiting scholars have included Shahyar Roushan, a judge on Australia's Refugee Review Tribunal, Francesca Paltenghi, an Italian lawyer who currently works for the UNHCR in Rome, Carmen Miguel Juan, an attorney and researcher with Spain's principal refugee advocacy organization CEAR (Comisión Española de Ayuda al Refugiado), Noemí Alarcón Velasco, a refugee lawyer and doctoral student from Spain, and Mary Anne Kenney, a law professor at Murdoch University School of Law in Australia.

## Spain Accepts Gender Asylum

Spain made its first grant of asylum based on gender violence this summer. In May, 2005, a 38 year-old woman obtained asylum from a Persian Gulf country where she suffered severe and unremitting rapes and beatings by her husband after being forced into marriage. The decision set a precedent as the first asylum case granted to a survivor of gender violence based on the reasoning that women whose governments fail to protect them from institutionalized and pervasive violence may be recognized as refugees. Advocates in Spain had worked long and hard to educate decision-makers on this issue, and to urge them to follow the guidance of the United Nations High Commissioner for Refugees, which recommends protection in cases such as these. This development is an important one in light of the fact that many other countries within the European Union have yet to decide the issue.



Carmen Miguel Juan, discussing Spain's refugee and immigration policy with Hastings students.

*CGRS is grateful to all of those who  
have supported its work over the years*

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## The Judith Stronach Bequest and Women's Rights Fellowship

The Center for Gender and Refugee Studies is the beneficiary of an extraordinarily generous bequest in the amount of \$400,000 by Judith Lee Stronach, a Berkeley resident and long-time peace activist and philanthropist. Judith's life was dedicated to nonviolence and social justice (more information about Judith can be found on our website). Judith expressed interest in CGRS's work shortly after it was founded in 1999. The Center's efforts on behalf of women asylum seekers resonated with her long-standing commitment to women's rights and human rights, and she especially valued the use of the law in service of social justice.

In her memory, CGRS has established the [Judith Stronach Women's Rights Fellowship](#). Yearly, beginning in 2005, the fellowship recognizes one or more law students whose background, idealism, and commitment to women's rights exemplify Judith's dedication to protecting the human rights of women, especially women refugees.



Judith Stronach

Two outstanding women students, [Angélica Cházaro](#) from Columbia University School of Law, and [Sara Ibrahim](#) from American University, Washington College of Law, were the inaugural Stronach Fellows in Summer 2005. During her fellowship with CGRS, Angélica researched the situation of violence against women in Guatemala; her research, in collaboration with Hastings student Jennifer Casey, led to CGRS's release of a report on the femicides in that country. During her fellowship, Sara conducted in-depth research on the issue of female genital cutting. Her project, in collaboration with Hanny Lightfoot-Klein, an expert on female genital cutting, resulted in a model affidavit documenting the life-long harmful effects of the practice.



2005 Stronach Fellows  
[Angélica Cházaro](#) and [Sara Ibrahim](#).

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**Diana Rodriguez-Wong**  
Program Coordinator



### Staff Updates

Tala Hartsough joined CGRS in March 2005. Tala, an honors graduate of UC Hastings College of the Law, was a Fellow at UC Berkeley, Boalt Hall's International Human Rights Law Clinic, where she served as a research coordinator for the U.S. Commission on International Religious Freedom in its investigation of the treatment of asylum seekers.



Diana Rodriguez-Wong joined CGRS in April 2005. Diana is an honors graduate of UC Berkeley, and has worked as a Program Assistant with the Foundation for Sustainable Development and interned with the UN and OAS Department of the Ecuadorian Ministry of Foreign Affairs and the Los Angeles Mayor's Office.

## Financial Report

Fiscal Year - July 1, 2004 to June 30, 2005

### Revenues

Foundations	\$310,877
Law Firms/Corporations	\$46,617
Individuals	\$13,756
Earned Income	\$4,950
<b>TOTAL</b>	<b>\$376,200</b>
Judith Stronach Bequest	\$400,000

### Expenses

Salaries & Benefits	\$313,511
Travel/Memberships	\$16,400
Printing & Publications	\$12,201
Other Administrative	\$30,058
<b>TOTAL</b>	<b>\$372,170</b>



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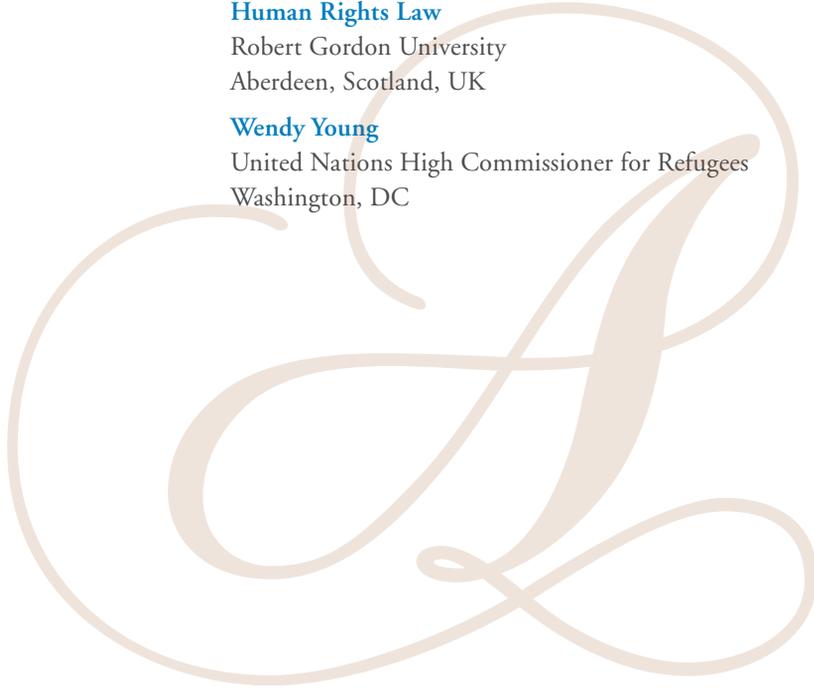
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