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Persecuted Women Should be Eligible for Asylum, Not Terrorists

MIDDLETON -- Marisa DeFranco has a real plan for immigration that honors our nation's rich history as a nation of immigrants while fixing the holes and cracks that have allowed our system to become broken over the years.

DeFranco, an immigration attorney, has spent years working for responsibility in immigration, and she has watched a broken system continue to grow the problem. In addition to her five-point plan for immigration, she is advocating for the addition of gender as a category for asylum.

"Under the current Immigration and Nationality Act, a Boko Harum terrorist could gain refugee status in our country if he kidnapped and raped a Nigerian girl, as long as he can prove he was under duress when he committed the crime but the girl he raped would be deported if she was trafficked into this country," DeFranco said. "Asylum law in this country favors men, and it is not fair."

But there is a simple change that can be made. Recognizing that gender-based discrimination in asylum cases is fundamental to women's achievement of true equality, any member of the

United States Congress can help women by simply adding "gender" to the categories for receiving asylum in our country, in addition to race, religion, nationality, political opinion, and membership in a particular social group.

Despite the loud protestations of so many in Congress and in the Senate about kidnapped girls in Nigeria, there does not appear to be any concrete legislative action to protect immigrant women in the United States who have fled sex trafficking and other persecution.

The truly fair, pro-woman solution would be to add gender as a sixth category in asylum law. Women are targeted and persecuted because they are women, whether the persecution involves sex trafficking, kidnapping, attempted murder, torture, domestic violence, rape or rape as a weapon of war.

There is another, darker side of this story, as alluded to earlier. The law, as written gives relief to persecutors and members of terrorist groups while denying protection to women fleeing for their lives.

The way the law is written, a persecutor could be allowed to stay in the U.S. if he can prove he was under duress or was forced to commit crimes. Therefore, a Boko Harum member could gain refugee status in our country and be allowed to say here if he kidnapped and/or raped a Nigerian girl, as long as he can prove he was under duress when he committed the crime; but the girl herself would be deported because trafficking is considered to be just another form of criminal activity and does not rise to the level of persecution. Now that Boko Harum is designated as a terrorist group (which wasn't the case until late last year), she might have a shot at relief (no guarantee), but for girls and women kidnapped, fleeing trafficking or rape by "non-terrorist" groups? Our United States government deports them.

Where is the outcry from Congress and the media?

Add gender to the asylum law. It's common sense.

About Marisa DeFranco:

An immigration attorney for the past 17 years, Marisa DeFranco was named Top Woman of Law by the Massachusetts Lawyers Weekly and received national recognition by being awarded the National Legal Aid and Defender Association's Beacon of Justice Award for her pro bono service. She has been a leader in the National Organization for Women, serving as the Vice President of Legislative Policy for Massachusetts NOW. She also served on the Massachusetts Commission on the Status of Women. Marisa has shown time and time again that she is a strong spokesperson and advocate for equal pay for women, for ending violence against women, for civil

rights and disability rights.

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Paid for by DeFranco for Congress
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