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Mukasey Vacates Panel's Decision Denying Asylum to Malian Woman

By TRYMAINE LEE

Attorney General [Michael B. Mukasey](#) on Monday vacated a decision by a federal [immigration](#) board that had denied asylum for a Malian woman who said she feared genital mutilation and forced marriage to a first cousin if she were returned to [Mali](#).

Mr. Mukasey's ruling sends the case back to the Board of Immigration Appeals for reconsideration. Women's and human rights groups had sought Mr. Mukasey's intervention.

The board had denied asylum to the woman, Alima Traore, 28, last year and again in April. In doing so, it noted that Ms. Traore's genitals had been cut as a child and said that while "reprehensible," the mutilation could not be repeated.

"The loss of a limb also gives rise to enduring harm," the board said then, but noted that it would not be a good enough reason to grant asylum.

Mr. Mukasey called that basis flawed. "As several courts have recognized, [female genital mutilation](#) is indeed capable of repetition," Mr. Mukasey's order said.

Ms. Traore, who was not identified in the decision but had been identified in The New York Times, had been ordered by the board to be sent back to Mali, where her father has said he will force her to marry a first cousin, Ms. Traore has said. She said that if she has a female child, she fears the child will face similar genital cutting.

"The decision that the attorney general vacated was a decision that was just so wrongheaded and wrongly decided and damaging to women who are seeking asylum on the basis of female genital cutting," said Karen Musalo, the director of the Center for Gender and Refugee Studies at Hastings College of the Law.

Ms. Traore has lived in the United States since 2000. She arrived on a tourist visa and stayed on a student visa, attending college and studying nursing. Her student visa expired in 2003.

Some 95 percent of women in Mali have undergone genital cutting, according to State Department reports.

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