

Amnesty International USA's **REFUGEE ACTION**

sent for the Refugee office • Amnesty International USA 500 Sansome Street #615 • San Francisco CA 94111 •

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NSA 6/00 Refugee Concern (Fear of Refoulement)

UNITED STATES OF AMERICA:

Ms. M-, a national of China

Ms. O-, a national of the Former Soviet Republic

SUMMARY

Amnesty International is concerned about US decisions in asylum cases involving women fleeing forced prostitution. Ms. M and Ms. O fled forced prostitution in China and the Former Soviet Union respectively. Ms. O was denied asylum in the United States. Ms. M was granted asylum by an immigration judge (IJ) and the Immigration and Naturalization Service (INS) has appealed. Amnesty International is concerned that US officials' denial of protection for women fleeing forced prostitution violates the spirit of US obligations under the Refugee Protocol. Moreover, it is inconsistent with the agency's own Gender Guidelines released in 1995.

IMPORTANT NOTE: Amnesty International does not attest to the validity of the stories summarized here nor of the country conditions described. Our concerns are how refugee law is being applied.

Ms. M is a young woman from China who was made to enter a brothel and managed to escape before she was forced to engage in sexual relations with the brothel's customers. While working in a hotel, she had to deal with sexual advances from its manager. One night he touched her inappropriately and then grabbed her. In a desperate attempt to defend herself, and afraid that she was about to be raped, she grabbed a pair of scissors and stabbed him in the thigh. She then broke free and ran away. Hotel guards caught her and the police arrested her. The police held her for a month and told her she was facing three years in jail for assaulting the manager. When she told the police about the manager's unwanted and forced advances, they did not investigate. One police officer replied that she should be happy to have the attention of a man with wealth and status and that she should have cooperated with him.

When Ms. M was unable to pay money to the hotel manager so that he would drop the charges, the manager said that Ms. M could work off the debt by working in a hair salon. The salon turned out to be a front for a brothel run with the cooperation of the police. The young women at the salon were ordered to have sexual relations with the brothel's customers. If they resisted they would be drugged and forced to service the clients. Ms. M observed that women who resisted were also beaten. Neither she nor any of the women working there were allowed to leave. Persons in charge told her to watch and learn how to be nice to the clients.

Ms. M alleges that because she was young and a virgin, the other women working at the brothel helped her to escape before she was forced to service anyone. She fled to the United States via Hong Kong. Since fleeing the brothel, she claims that the police have come looking for her at her parents' house.

In a decision in December of 1996, an Immigration Judge (IJ) found Ms. M credible and referred to the corroborating evidence that she had submitted in support of her case, including documentation regarding the pervasive existence of forced prostitution in China. The IJ stated that even if Ms. M had been found guilty of assault, being sent to a brothel and forced to have sex is an inappropriate punishment and as such constituted persecution. The IJ compared the case to the Board of Immigration Appeal's (BIA) decision in Kasinga where asylum was granted to a woman from Togo who feared forcible female genital mutilation.

The INS has appealed the grant of asylum. Amnesty International believes that the IJ's decision granting asylum was appropriate and in keeping with U.S. and international asylum standards. The case is still pending before the Board of Immigration Appeals.

Ms. O is a 21-year-old ethnic Russian woman living in a former Soviet Republic who was abducted by a local "Mafia" leader, who wanted her to engage in sexual relations with him. When she refused, she was raped by this man and then gang-raped by three or four of his friends. Ms. O was then forced to have sex nightly with her abductor's friends and guests in