

NO ACTIVISM, NO ASYLUM

BY SHERYL MCCARTHY

Following a relentless campaign by women's rights activists, elected officials, lawyers, and others to free Ghanaian refugee Adelaide Abankwah from an immigration detention center, she was finally released on parole last July.

Earlier that month, a federal court of appeals had reversed prior decisions by the Board of Immigration Appeals (BIA), saying Abankwah had proved she qualified for political asylum because she had a well-founded fear of being forced to undergo female genital mutilation (FGM) if she returned to Ghana. The court firmly told the BIA that it was being too exacting in its demand that Abankwah prove her need for protection. In words that could make it easier for women to get asylum in the future, the court reminded the BIA that "a genuine refugee does not flee her native country armed with affidavits, expert witnesses, and extensive documentation."

Dismissing the BIA's argument that the government of Ghana has laws in place that would protect Abankwah from FGM, the court pointed out that documents from health organizations and even the U.S. State Department

prove that FGM is still practiced in parts of the country.

Through her own credible testimony, the witnesses her lawyer had assembled, and evidence about the practice of FGM in Ghana, Abankwah convinced the court that her fears were sufficiently grounded in reality to satisfy the requirements of the asylum law.

While applauding the federal appeals court decision, Abankwah's lawyer feared that the Immigration and Naturalization Service (INS) would try to find a new reason to deport her. But in Au-

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gust the BIA, bowing to public pressure, vacated its original decision and granted Abankwah's petition for asylum.

Abankwah had been in detention in Queens, New York, for more than two years. She belongs to a small tribe in central Ghana, where, under the local religion, her mother held the title of Queen Mother, a position that requires performing certain ceremonial and practical duties. When her mother died, Abankwah was expected to assume the



Abankwah (right) with Monique Widyono, deputy director of Equality Now on the day of her release

post. However, she had converted to Christianity and didn't want the title. She had also become sexually active, a taboo for unmarried women in her village, and was afraid her nonchaste status would

port, she asked for asylum and was immediately jailed. The first immigration judge who heard her case believed her fear was genuine but said she needed to prove she could not get protection from the Ghanaian government, which outlawed female genital mutilation in 1994.

Abankwah's long detention—during which she suffered from numerous health problems—demonstrates the INS's apparent fear that hordes of women will storm U.S. borders fleeing gender-based persecution. "Women are being doubly marginalized because they are bringing forth claims of persecution that are different from the classic claims by men," says Karen Musalo, who directs the Center of Gender and Refugee Studies at the Hastings College of Law in San Francisco. "The classic refugee case was developed during the Cold War and

be discovered. She said she had been told by her grandmother that she would be genitally mutilated—a process that involves cutting away all or part of the clitoris and/or all or part of the labia—as punishment for having had premarital sex. Abankwah said that she would also have been forced into an arranged marriage and that she feared being killed if she refused to become Queen Mother. So she fled the country.

Arriving at Kennedy air-

was based on ideology, something the INS readily accepted as potential cause for persecution. Women, whose claims often pertain to things traditionally deemed 'private,' like FGM and spousal abuse, face additional challenges in meeting the INS's definition of who is a refugee."

Adds Jessica Neuwirth, head of Equality Now, a women's rights group that led the campaign to free Abankwah: "We are concerned that the INS is holding women who make asylum claims based on

Schumer (D.-N.Y.), and Gloria Steinem. Articles about Abankwah appeared in the *New York Times*, *Newsday*, and *Marie Claire* magazine. *Marie Claire* photo editor Nancy Weisman, who visited Abankwah when the magazine ran a story on her, inadvertently became an activist on Abankwah's behalf.

"I sent out press packets, color photocopies of stories, facts on the case, legal documents, pleas to people," Weisman told Ms. "I want to see detention policies changed.

"The INS holds women who make asylum claims based on gender-related persecution to a higher standard than others."

gender-related forms of persecution to a higher standard than other cases."

Abankwah's case might have been lost had it not been for a widespread effort by activists on her behalf. Rauchway, who argued her appeal in federal court, was recruited by the Washington, D.C.-based Women's Commission for Refugee Women and Children. Among those who visited her in prison, held press conferences publicizing her plight, and wrote letters to INS officials demanding her release were Rosalyn Carter, Representative Carolyn Maloney (D.-N.Y.), Senator Charles

People who are not criminals should not be locked up."

Steinem suspects that in the absence of all this activism, there wouldn't have been this successful outcome. "That's been my experience with some of the other female asylum cases," she says. "The good news is that Adelaide is finally free. The bad news is that it takes such extraordinary efforts to get this kind of result for one person."

Even after the court of appeals decision, Abankwah could have remained in jail pending INS action. But repeated phone calls from Schumer to local INS officials

calling for Abankwah's release led to her freedom. She is staying at the home of a Ghanaian minister in the Bronx.

Maloney said the problem is that the INS doesn't follow its own guidelines on asylum for victims of gender-based persecution. "What we find is

that immigration judges don't even read the guidelines. They don't even know they exist."

Maloney has introduced a bill in the House that would require the INS to adopt formal regulations making gender-based persecution grounds for asylum, saying, "If it becomes a regulation, then they must read it." **MS.**

Sheryl McCarthy is a columnist for "Newsday" and a "Ms." contributor.

ACTION ALERT To support immigrants seeking asylum from gender-based persecution, contact Equality Now > P.O. Box 20646 > Columbus Circle Station > New York, N.Y. 10023 > (212) 586-0906. To support Representative Maloney's bill, HR1849, write your local representative c/o U.S. House of Representatives, Washington > D.C. 20515 > (202) 225-3121.