

# 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-