

## A right to asylum?

Case rejected, genital mutilation victim still fighting to stay in U.S.

By Matthew Hay Brown | Sun reporter  
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WASHINGTON - Growing up in the West African nation of Mali, Alima Traore assumed that girls everywhere had to undergo the procedure.

"In my country, it is usually an old lady" who performs the crude surgery, the 29-year-old woman said during an interview in her attorney's [Rockville](#) office. "They have a traditional knife for it. They cut your intimate parts. This knife is used for many girls."

It wasn't until Traore came to the United States eight years ago that she learned that female genital mutilation has been condemned the world over as a human rights abuse. Now that she's here - she has been living in Montgomery County since 2000 - she doesn't want to go back.

Traore's fight against deportation - her student visa expired in 2003 - has put her at the center of a growing dispute between rights groups and the Bush administration over whether victims of the practice also known as female circumcision, or female genital cutting, qualify for asylum here.

In considering her case last fall, the Board of Immigrations Appeals described the "infliction of FGM" as "reprehensible." But the board, a tribunal within the Department of Justice, ruled that Traore does not have a well-founded fear of future persecution if she were to return to Mali, because the damage, though permanent, has already been done.

That interpretation, which now is binding on immigration judges, has drawn criticism from rights advocates, physicians and others, who say it defies federal case law and reverses the board's own reasoning in earlier, similar cases.

Karen Musalo, director of the Center for Gender and Refugee Studies at the University of California's Hastings College of the Law, called it "a U-turn." Musalo's center is one of several groups assisting Traore in an appeal now pending in the 4th U.S. Circuit Court of Appeals in Richmond, Va.

"Women such as Alima Traore were being granted asylum," she said. The consensus, as Musalo described it, was that "a society where they would be subjected to female genital cutting is probably a society where they would suffer other kinds of gender-related persecution" - such as beatings, rape and sexual slavery.

In Traore's case, a return to Mali would mean a forced marriage. Her father has ordered her home to marry a 36-year-old first cousin.

"My decision is irrevocable," Elhadj Traore, a retired government worker in the capital, Bamako, wrote to his daughter in 2004. "The dowry has been paid, and all the Traore clan agrees. The animal sacrifice has been made."

Alima Traore does not want to marry her cousin.

"I have been here long enough to know my rights," she said. "I want to choose my own husband and choose my own life."

She worries that any child she conceived with her cousin might suffer birth defects.

"And then, also, if I have a girl, I don't want my girl to have the same thing that I have been through."

The [United Nations](#) estimates that as many as 140 million girls and women worldwide have suffered female genital mutilation, which typically involves the removal of the clitoris, labia or other external female genitalia, most commonly by traditional circumcisers, often without anesthesia or sterilized instruments.

The World Health Organization says female genital mutilation has no health benefits but increases the risk of infection; pain and difficulty during urination, menstruation and sexual intercourse; infertility; complications in childbirth; and newborn deaths. It is performed most commonly in Africa, but also in Asia and the Middle East.

Performing the procedure on a minor in the United States is a felony punishable by up to five years in prison.

Traore, whose mutilation has been confirmed by a physician, does not remember the ordeal, which she said was performed when she was an infant. Nor did she know that it was not normal that her menstrual period sometimes lasted two weeks.

"When I came here and learned that circumcision is not something that is done here, I could not believe it," she said. Now, she said, she feels shame.

"You are very different from a woman who is not circumcised," she said. "Sometimes I don't want anybody to know about it."

Traore speaks in halting English, her third language, after the Bambara she used with her three brothers at home and the French she learned at school. A high school graduate, she said she paid for her travel to the United States with money she earned making and selling peanut butter.

Traore arrived here as a visitor, but soon obtained a student visa so she could take a course in English. When she transferred to Montgomery College without filling out the proper paperwork, her visa expired. Authorities have ordered her to leave the country.

Traore's fight against deportation has attracted the support of several members of Congress, including Sens. [Benjamin L. Cardin](#) and Barbara A. Mikulski. The Maryland Democrats have joined Senate colleagues in a bipartisan letter asking Attorney General [Michael B. Mukasey](#) to review the board ruling.

A Justice Department spokesman, [Charles Miller](#), said he could not comment on the case because it is a matter of pending litigation.

Ira Mehlman, of the Federation for American Immigration Reform, which opposes illegal immigration, said asylum law was never meant to protect foreigners from traditional cultural practices.

"It's a road that if you start going down that, you're going to pretty much open yourself up to everybody who is unhappy with any particular custom, however abhorrent we might find it," he said. In at least one instance since the Board of Immigration Appeals ruled against Traore, U.S. Immigration and Customs Enforcement has asked an immigration judge to reopen the case of a mutilation victim who already had been granted asylum.

Musalo, of the Center for Gender and Refugee Studies, said the administration's position is out of step with a growing international consensus favoring protection for such women.

Advocates have been heartened by a federal court ruling last week in New York, which found that the Board of Immigration Appeals had committed "significant" and "obvious" errors in ruling against three women from Guinea with claims similar to Traore's.

Once the women had shown that they had been subjected to the mutilation, the court said, "it should have been presumed that their lives or freedom would be threatened in the future."

Traore is now in training as a pharmacy technician. She hopes to be allowed to resume her studies to become a nurse.

"I hope that this country can protect my rights and can also realize what I have been through and what I'm going to have to go through again," she said. "I hope one day my country will stop doing circumcision and forcing girls to be married. I wish one day women in my country can have a voice and do whatever they want to do in their life."

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