

# ALL THINGS CONSIDERED (9:00 PM ET)

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## Asylum Denied to Jordanian Woman Who Will Be Killed for Her Family's Honor If She Returns

ROBERT SIEGEL, host:

This is NPR's ALL THINGS CONSIDERED. I'm Robert Siegel.

NOAH ADAMS, host:

And I'm Noah Adams.

Today, lawyers filed suit in the Ninth Circuit Court of Appeals on behalf of a Jordanian woman who is afraid she will be killed if she returns home. The woman believes she will be the victim of a so-called honor killing because she had sexual relations with her boyfriend. Two US Immigration courts have denied her asylum petition. Now the federal court is considering whether an honor killing is a cultural practice targeting women or a family dispute. NPR's Barbara Bradley has the story.

BARBARA BRADLEY reporting:

She was 27 and living in Jordan with her family. He was 26, a Palestinian engineer who was in Jordan for only a year. In the summer of 1991, they fell in love and she says they made a fatal mistake.

Unidentified Woman (Jordan): (Through Translator) I slept with him. I lost my virginity and we realized we had a terrible problem. Any woman who does such a thing is going to be killed.

BRADLEY: And so they decided to get married. Her husband, who like the woman, asked that his name not be used, approached her father. The father refused. He wanted her to marry someone else. Her husband says that would have ensured her death.

Unidentified Man (Palestinian): If she would marry another man, he would discover right away that she is not a virgin and that would lead her to her death--certain death, no matter what.

BRADLEY: In Jordan and other countries, shame brought upon the family is lifted only when the woman involved has been murdered. Knowing that her family adheres to that tradition, the couple fled to the United States in October, 1991.

Unidentified Woman: (Through Translator) My father was very angry and he said he would have his vengeance and kill me because this caused them scandal and they were shamed by what I did. The shame would not be erased except by killing me.

BRADLEY: She says she wanted to go back, but her sister in Jordan warned her against it. In one letter, dated June 1, 1995, the sister wrote...

Unidentified Translator: A week ago, father met with all members of the family together with our uncles and cousins to discuss your case. The outcome was that he demanded all members that they should kill you wherever they meet you and defend the killer against any danger even against the law.

BRADLEY: The woman and her fiance married and applied for asylum. They were encouraged by a legal development in 1996. In that year, the Board of Immigration Appeals ruled that female genital mutilation is grounds for asylum. More broadly, the so-called Kasinga decision created new law. It allowed women who feared they will be injured or killed because they are women to seek protection in the United States. But when the immigration judge considered her case, it was denied. The judge said she hadn't made a credible case that she would be harmed in Jordan. The judge also said that this was, quote, "a personal family dispute." The denial was a shock to the couple and it was a setback for asylum advocates like Karen Musalo at the Center for Gender and Refugee Studies at the Hastings Law School.

Ms. KAREN MUSALO (Center For Gender and Refugee Studies, Hasting Law School): If honor killing is a matter of a family dispute, we could say the same probably about bride burning. We could say the same about female genital mutilation. What happens to women is often characterized as being private or a matter of family dispute, when really it's an expression of women suffering as a result of cultural norms and governmental acquiesces.

BRADLEY: The Jordanian woman also had to show that the government supports or allows this kind of violence. Paul Virtue is the former general counsel at the Immigration and Naturalization Service.

Mr. PAUL VIRTUE (Former General Counsel, Immigration and Naturalization Service): In order to make a claim for asylum and applicant has to show that either the government is sponsoring the persecution or that they are condoning it or in some circumstances, even that the government is not in the position to protect the person from the particular persecution.

BRADLEY: But in Jordan, honor killings are illegal, and Jordan says they're rare, a total of 11 last year. But others doubt that figure. The State Department's latest human rights report states that most honor killings go unreported and estimates that a quarter of all murders in Jordan are honor killings. Moreover, there's a question whether honor killings are taken seriously. The penalty for premeditated murder in Jordan is execution. the penalty for honor killing is usually a few months, at most.

Kamal Nawash, legal director for the American-Arab Anti-Discrimination Committee, says the Jordanian Parliament is considering changing the law, but in its current form, the legal system looks at honor killers differently.

Mr. KAMAL NAWASH (Legal Director, American-Arab Anti-Discrimination Committee): While they think what they're doing is bad, they don't see that what they're doing is similar to a killer who kills, for example, for financial gain or anything, because these people who do honor killings could be the most moral of people, but they--you know, because this is something that means so much to him, it will get all the rage out of him that he's never seen before and might make him react irrationally, such as killing a female member in the family.

BRADLEY: Some experts say the case of the Jordanian woman raises a larger issue: Where do you draw the line for gender-based persecution? Mark Krikorian, at the Conservative Center for Immigration Studies, says the Kasinga case in 1996 opened a huge loophole, a loophole that concerns support of immigration appeals.

Mr. MARK KRIKORIAN (Conservative Center for Immigration Studies): It lays the groundwork for real problems in the future and, it appears to me, the BIA is trying to firm up the boundaries around this new category of asylum.

BRADLEY: Krikorian adds that the purpose of asylum is to shield people from state-sponsored persecution, not to make their lives more pleasant.

Mr. KRIKORIAN: The agenda of advocates trying to expand asylum rights is to permit any woman who lives in a society which is not as modern and enlightened as ours to be admitted to the United States. And that's overreaching, in my opinion.

Ms. MUSALO: We're not saying that every woman who transgresses a social norm in every country should be provided with protection.

BRADLEY: Karen Musalo.

Ms. MUSALO: But when we have a country where the evidence shows women being stabbed, shot, bludgeoned--just killed in the most, you know, brutal way on the mere suspicion of transgressing these norms, then certainly those are the kind of circumstances where women deserve to be protected.

BRADLEY: Even the Jordanian government concedes that little can be done to protect women targeted for killing. Its response is to incarcerate the women for their own protection, but that solution is only temporary. The Jordanian woman says if she's forced to return to Jordan, the men in her family will be waiting in line to avenge the family name.

Unidentified Woman: (Through Translator) Ceremonies would be held in his honor where they're going to dance and sing because he played the role of being a hero. He was the hero who killed the girl.

BRADLEY: Now she's appealing to the Ninth Circuit Court of Appeals, hoping that a federal court sees her case as more than a family dispute. Barbara Bradley, NPR News, Washington.

