

STEVEN R. ROTHMAN
9TH DISTRICT, NEW JERSEY

2303 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5061
FAX (202) 225-5851

DISTRICT OFFICES:

25 MAIN STREET
COURT PLAZA
HACKENSACK, NJ 07601-7089
(201) 646-0808
FAX (201) 646-1944

130 CENTRAL AVENUE
JERSEY CITY, NJ 07306-2118
(201) 798-1366
FAX (201) 798-1725

Congress of the United States
House of Representatives
Washington, DC 20515

March 24, 2008

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON DEFENSE

SUBCOMMITTEE ON STATE,
FOREIGN OPERATIONS AND
RELATED PROGRAMS

SUBCOMMITTEE ON AGRICULTURE,
RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND
RELATED AGENCIES

COMMITTEE ON
SCIENCE AND TECHNOLOGY

SUBCOMMITTEE ON
SPACE AND AERONAUTICS

SUBCOMMITTEE ON
INVESTIGATIONS AND OVERSIGHT

WEBSITE AND E-MAIL ACCESS:
<http://www.house.gov/rothman>

The Honorable Michael Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Mukasey:

Please see the attached signature addendum for a letter originally sent to you on December 20, 2007. A copy of this letter is also attached. We ask for your prompt attention to this matter.

Sincerely,



Steven R. Rothman
Member of Congress

SRR:sos
Enclosures

STEVEN R. ROTHMAN
9TH DISTRICT, NEW JERSEY

2303 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5001
FAX (202) 225-5851

DISTRICT OFFICES:

25 MAIN STREET
COURT PLAZA
HACKENSACK, NJ 07601-7089
(201) 646-0808
FAX (201) 646-1944

130 CENTRAL AVENUE
JERSEY CITY, NJ 07306-2118
(201) 798-1306
FAX (201) 798-1725

The Honorable Michael Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Congress of the United States
House of Representatives
Washington, DC 20515

December 20, 2007

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON DEFENSE

SUBCOMMITTEE ON STATE,
FOREIGN OPERATIONS AND
RELATED PROGRAMS

SUBCOMMITTEE ON AGRICULTURE,
RURAL DEVELOPMENT, FOOD AND
DRUG ADMINISTRATION, AND
RELATED AGENCIES

COMMITTEE ON
SCIENCE AND TECHNOLOGY

SUBCOMMITTEE ON
SPACE AND AERONAUTICS

SUBCOMMITTEE ON
INVESTIGATIONS AND OVERSIGHT

WEBSITE AND E-MAIL ACCESS
<http://www.house.gov/rothman>

Dear Attorney General Mukasey:

We are writing to express our serious concern over a recent decision by the Board of Immigration Appeals (BIA) that calls into question the commitment of the United States to respect the human rights of women. On September 27, 2007, the BIA decided in *Matter of A-T*, 24 I&N Dec. 296 (BIA 2007), that a woman from Mali who had been subjected to female genital mutilation (FGM) as a child and who fears being forced into a marriage if she returns to Mali is not eligible for asylum.

Part of the BIA's reasoning in this regard focused on the legislative definition of a "refugee" (8 U.S.C. §1101(a)(42)) and thereby drew a distinction between forced sterilization and abortion, which are specifically included in the definition, and FGM, which is not. The BIA reasoned that since Congress included only involuntary sterilization and abortion in the "refugee" definition, no other similar kind of gender or sexually related harm inflicted on a person, no matter how reprehensible, could establish eligibility for asylum on the basis of past harm alone. We take issue with the Board's reasoning in this regard. Congress' specification of forced sterilization and abortion as bases for asylum certainly does not preclude other similar grounds for asylum based solely on past harm, depending on the severity of the harm inflicted and its consequences.

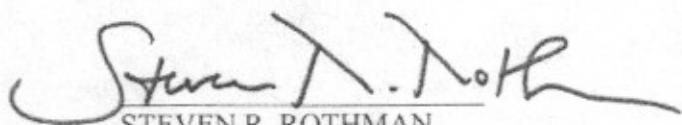
In this case, FGM certainly warrants the same consideration as these other two forms of persecution, based on the "special nature of the persecution at issue." (Cf. *Matter of Y-T-L*, 23 I&N Dec. 601 at 606 (BIA 2003)). In 1996, Congress criminalized FGM in this country, finding that "the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved," and that "such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional."

As you may know, on October 9, 2007, the House of Representatives unanimously passed H. Res. 32, which included a denunciation of FGM as a "barbaric practice" and characterized it together with other certain acts as gender-based persecution and a crime. It is our position that a woman who has been subjected to FGM should be eligible for asylum on the basis of the severity of the physical harm inflicted, and the ongoing pain and suffering that accompanies this atrocity.

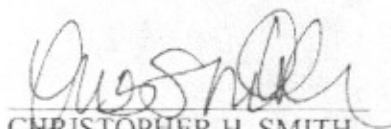
In addition, the BIA dismissed the applicant's fear of forced marriage. In doing so, it did not take into account evidence that women subjected to forced marriage in Mali often suffer abuse and are powerless to extricate themselves from abusive relationships. Such evidence is highly relevant in a situation where a woman will be vulnerable to human rights violations including rape and other forms of sexual and physical violence.

In short, the Board failed to recognize that harms unique to women – FGM and the possible consequences of forced marriage – may constitute persecution entitling a woman to the protection of asylum. We strongly urge you to address the implications of this decision, and its devastating consequences for women seeking protection in the United States from these severe human rights abuses, by certifying the case for review.

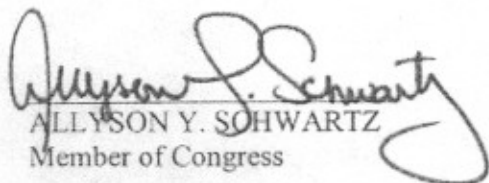
Sincerely,



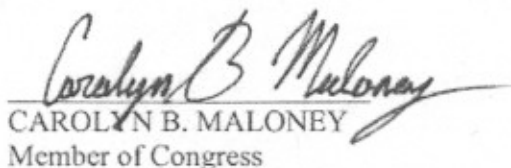
STEVEN R. ROTHMAN
Member of Congress



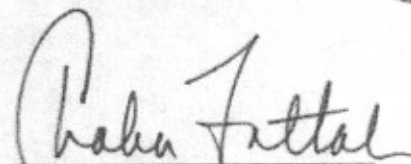
CHRISTOPHER H. SMITH
Member of Congress



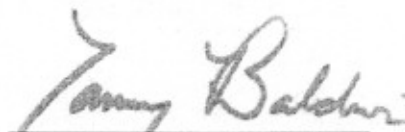
ALLYSON Y. SCHWARTZ
Member of Congress




CAROLYN B. MALONEY
Member of Congress



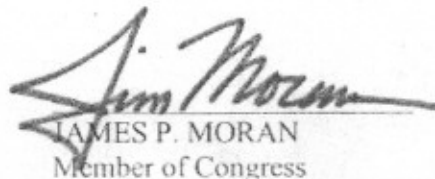
CHAKA FATTAH
Member of Congress



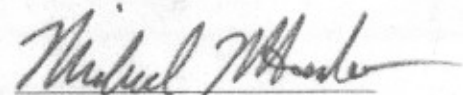
TAMMY BALDWIN
Member of Congress



RAUL M. GRIJALVA
Member of Congress



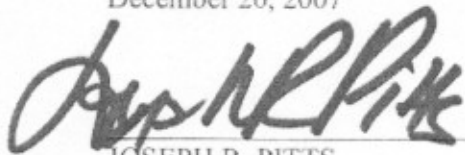
JAMES P. MORAN
Member of Congress



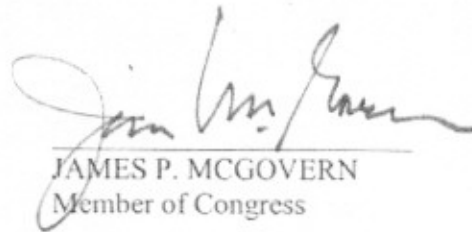
MICHAEL H. HONDA
Member of Congress



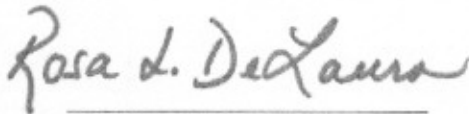
THOMAS H. ALLEN
Member of Congress



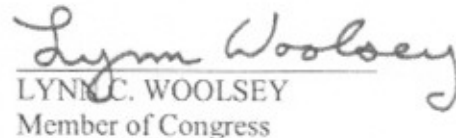
JOSEPH R. PITTS
Member of Congress



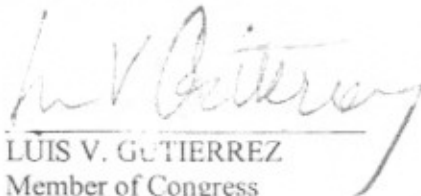
JAMES P. MCGOVERN
Member of Congress



ROSA L. DELAURO
Member of Congress



LYNN C. WOOLSEY
Member of Congress



LUIS V. GUTIERREZ
Member of Congress



CAROLYN MCCARTHY
Member of Congress



ALBERT RUSSELL WYNN
Member of Congress



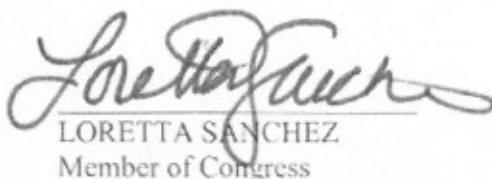
AL GREEN
Member of Congress



MAURICE D. HINCHEY
Member of Congress



STEVE COHEN
Member of Congress



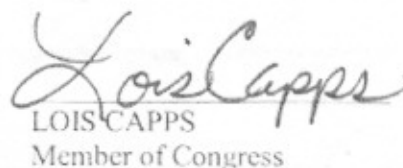
LORETTA SANCHEZ
Member of Congress



BETTY MCCOLLUM
Member of Congress



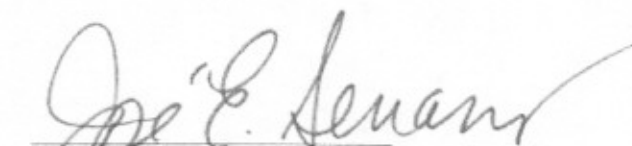
ELLEN O. TAUSCHER
Member of Congress



LOIS CAPPS
Member of Congress



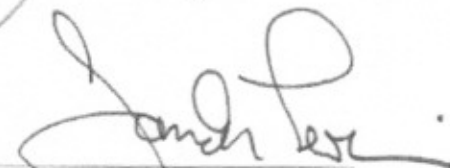
BETTY SUTTON
Member of Congress



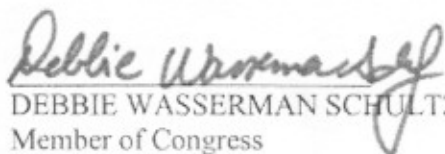
JOSE E. SERRANO
Member of Congress



ELEANOR HOLMES NORTON
Member of Congress



SANDER LEVIN
Member of Congress



DEBBIE WASSERMAN SCHULTZ
Member of Congress



WILLIAM DELAHUNT
Member of Congress




HOWARD BERMAN
Member of Congress



BRAD MILLER
Member of Congress


SRR:sos



DAVID LOEBSACK
Member of Congress

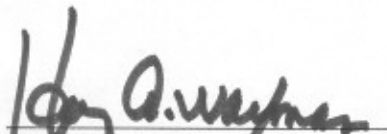

MICHAEL H. MICHAUD
Member of Congress

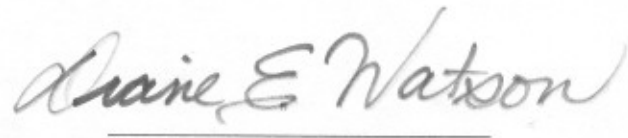

ELIOT L. ENGEL
Member of Congress

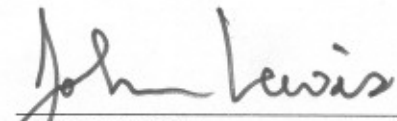

ROBERT WEXLER
Member of Congress


BARBARA LEE
Member of Congress



CORRINE BROWN
Member of Congress


HENRY A. WAXMAN
Member of Congress


DIANE E. WATSON
Member of Congress


JOHN LEWIS
Member of Congress


SHEILA JACKSON LEE
Member of Congress


FORTNEY PETE STARK
Member of Congress


DAN BURTON
Member of Congress


LOUISE MCINTOSH SLAUGHTER
Member of Congress