

NY court grants 3 women new chance to stay in US

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A court ordered the U.S. government on Wednesday to reconsider the asylum requests of three women who suffered genital mutilation in Guinea, saying it was "deeply disturbed" their claims were not taken more seriously.

The 2nd U.S. Circuit Court of Appeals in Manhattan said the Board of Immigration Appeals should have presumed the women would face even more harm after undergoing genital mutilation, rather than viewing it as a one-time act.

The three-judge panel said the U.S. government should be required to prove the women would be safe from further persecution in their homeland. It noted instances in which women are repeatedly subjected to genital mutilation and said the women also can face other forms of persecution.

It cited a 2004 State Department Country Report on Human Rights Practices for Guinea, which concluded that domestic violence against women was common, that police rarely intervened and that women were commonly subject to crimes such as rape and sex trafficking.

Ana C. Reyes, an attorney for the Center for Gender and Refugee Studies in Washington, called the ruling "a tremendous victory for women seeking this nation's protection from the brutal practice of female genital mutilation and the other forms of gender persecution associated with it."

Charles Miller, a Justice Department spokesman, said: "We're still reviewing it and we've made no determination as to what the government's next step will be."

The appeals court noted that reasons typically given for genital mutilation on girls and women, primarily in Africa and Asia, include a desire to preserve virginity before marriage and encourage fidelity during marriage.

It cited a report which said the surgical procedures are often carried out under unsanitary conditions with highly rudimentary instruments as the girl is held down to prevent her from struggling. The procedures can result in infection, difficulty during urination and menstruation, sexual dysfunction, complications during childbirth, internal damage and severe psychological problems.

The immigration board had denied the women the right to stay in the United States, though it was formally referred to as a "withholding of removal" order because none of the women met a requirement to apply for asylum within a year of arrival.

Two of the women have been in the country since 2003, and the other since 1992.

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