

'UNBEARABLE' LIFE IN CHINA. ASYLUM BATTLE OVER FORCED BIRTH CONTROL

Daily News (New York)

February 3, 2011 Thursday, SPORTS FINAL EDITION

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Section: NEWS; Pg. 20

Length: 341 words

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Body

A MANHATTAN woman who says the Chinese government **forced** her to get a **birth-control** device has been given a second chance in her bid for **asylum**.

Soon after arriving in 2000, Chinese immigrant Mei Fun Wong, 44, asked for permission to stay in the U.S. on the grounds that an intrauterine device implanted against her will had made her **life "unbearable."**

Two years later, an immigration judge shot down her request and ordered her and her son deported - a decision backed by an immigration appeals panel in 2008.

But now the 2nd Circuit Court of Appeals has ordered the lower courts to take another look and explain why **China's** policy of **forcing** women to get the devices doesn't amount to persecution.

"You can't just say this is a routine medical procedure," said Wong's lawyer, Henry Hwang. "What is routine about going to a person's home, detaining them, and not letting them go until they submit?"

Chinese women are ordered to get IUDs as part of the country's population **control** policy.

Wong's was implanted in 1991. She found it painful and had it secretly removed by a private doctor, court papers say.

When the government found out during a mandatory exam, they detained her for three days until she gave in and allowed them to reinsert it, she says.

The guards also made her pay a fine for skipping exams before releasing her.

Immigration judges have ruled that unlike **forced** sterilization or abortion, IUD insertion is a nonpermanent medical procedure that doesn't warrant **asylum**.

The 2nd Circuit judges didn't challenge that premise, but said the immigration court didn't clearly define the standards it uses to decide whether aggravating circumstances - such as the threat of imprisonment - might rise to the level of persecution.

The appellate judges also noted that guards who helped **force** Chinese women to get IUDs have applied for **asylum** here and been turned down because the courts held that they persecuted women.

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A U.S. Justice Department spokesman said the government is reviewing the decision and declined to comment.

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Classification

Language: ENGLISH

Document-Type: EXCLUSIVE

Publication-Type: Newspaper

Subject: IMMIGRATION (91%); IMMIGRATION LAW (90%); POLITICAL **ASYLUM** (90%); CONTRACEPTION (90%); APPEALS (89%); JUDGES (89%); APPEALS COURTS (89%); PRIVATE HEALTH CARE (78%); DEPORTATION (77%); APPELLATE DECISIONS (76%); JUSTICE DEPARTMENTS (73%); LAW COURTS & TRIBUNALS (71%); FINES & PENALTIES (69%); MEDICAL TREATMENTS & PROCEDURES (68%); ABORTION (63%)

Industry: PRIVATE HEALTH CARE (78%)

Geographic: **CHINA** (93%); UNITED STATES (79%)

Load-Date: February 7, 2011

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