

U.S. Backs Asylum for Mutilation Cases

The New York Times

May 9, 1996, Thursday, Late Edition - Final

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Distribution: Editorial Desk

Section: Section A; ; Section A; Page 26; Column 5; Editorial Desk ; Column 5; ; Letter

Length: 247 words

Body

To the Editor:

Part of your May 3 news article on the asylum appeal of Fauziya Kasinga, who says she fled Togo to escape genital mutilation, misrepresents the position of the Immigration and Naturalization Service.

The agency argued that the threat of such mutilation can be the basis for an asylum claim. The doctrine we advocated, if adopted by the Board of Immigration Appeals, would extend the definition of persecution to include genital mutilation of an unwilling woman.

You say that we would "narrow the range of women who could qualify for asylum" and that we seek protection for only those who would be subjected to the most severe mutilation. We did not argue that women at risk of "milder forms" of the practice should not have protection, but we seek to insure that asylum is available only for those who really need it. This means reserving protection for those at risk of forcible mutilation on return to their country.

You also make it sound as if I.N.S. seeks to defeat Ms. Kasinga'ss claim because we asked to have the case remanded to court. We supported many of the legal points she raised, but her claim was originally denied by the immigration judge in part because he questioned her credibility.

I.N.S. has taken the opportunity presented by this case to ask the board to establish that female genital mutilation can be the basis for asylum.

DAVID A. MARTIN

General Counsel, Immigration

and Naturalization Service

Washington, May 7, 1996

Classification

Language: ENGLISH

Subject: POLITICAL ASYLUM (92%); IMMIGRATION (91%); CITIZENSHIP (90%); IMMIGRATION LAW (90%); NATURALIZATION (78%); US FEDERAL GOVERNMENT (77%); LAWYERS (74%); JUDGES (73%); WOMEN'S S HEALTH (71%); CORPORATE COUNSEL (66%)

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Company: IMMIGRATION AND NATURALIZATION SERVICE (US) BOARD OF IMMIGRATION APPEALS (57%); BOARD OF IMMIGRATION APPEALS (57%)

Organization: BOARD OF IMMIGRATION APPEALS (57%); BOARD OF IMMIGRATION APPEALS (57%); IMMIGRATION AND NATURALIZATION SERVICE (US) BOARD OF IMMIGRATION APPEALS (57%); BOARD OF IMMIGRATION APPEALS (57%)

Industry: LAWYERS (74%); CORPORATE COUNSEL (66%)

Geographic: **UNITED STATES** (79%)

Load-Date: May 9, 1996

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