

Talking Points – Matter of AT

- The Board of Immigration Appeal’s decision in *Matter of A-T-* is a significant departure from the United States’ commitment to protecting women’s rights across the globe.
- Since 1995, when the U.S. issued gender guidelines for asylum officers, the United States has shown its commitment to ensuring that asylum claims of women fleeing gender-based harm are evaluated within the context of international human rights norms, which recognize that women’s rights are human rights.
- In a landmark 1996 decision, *Matter of Kasinga* the BIA recognized that women fearing female genital mutilation (FGM) are eligible for asylum because the act of FGM is a severe human rights violation that amounts to persecution. That same year, Congress criminalized FGM in the U.S. in recognition of the grave and enduring consequences of the practice.
- *Matter of A-T-* represents a shocking departure from these important steps forward for women’s human rights. It is also an unexplained reversal in the Board’s earlier policy of granting protection to women who have suffered FGM.
- The Board’s reasoning in this case misconstrues the nature of FGM as simply a one-time act, rather than recognizing the severe ongoing medical and psychological harm that FGM causes, as well as its purpose to further subjugate women in society. The Board also callously compares the complete severing of Ms. Traore’s genitalia to the loss of a limb.
- The Board’s decision signals a general hostility towards and ignorance of women’s human rights in its treatment of Ms. Traore’s related fear of forced marriage to her first cousin. The Board said Ms. Traore would not be “disadvantaged” by the forced marriage to a relative—even though she vehemently opposes it, and evidence indicates that forced marriage in Mali often leaves women vulnerable to physical and sexual abuse. The Board’s ruling contravenes international human rights norms which recognize that forcing a woman to marry against her will is a violation of her fundamental rights.
- Some may say that granting Ms. Traore asylum will open the floodgates to women around the world, but experience shows that this fear is unfounded. After the *Kasinga* decision, the rhetoric from opponents predicted waves of women fleeing to the U.S. to seek asylum. That fear has not been borne out in practice. Statistics from the former INS show that asylum claims by victims of FGM did not “appreciably increase” after *Kasinga*. The reality is that most women simply do not have the resources or power to extricate themselves from abusive practices abroad.

- The same floodgates cry was raised when in 1993 Canada decided to grant refugee status to women who were persecuted because of their gender. However, according to the Canadian Immigration and Refugee Board, the number of women seeking asylum from gender-based harm has not significantly increased since 1993.
- The U.S. has a proud history of protecting the rights of women who are forced to flee grave human rights violations in their home countries. We must not allow the U.S. to turn its back on its history or on the courageous women who simply wish to have their fundamental rights to autonomy and bodily integrity recognized.