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September 23, 2008

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

Dear Attorney General Mukasey:

On January 28, 2008, we sent you a letter expressing our concern over a decision by the Board of Immigration Appeals (BIA) that appeared to reverse U.S. policy regarding the protection of women subjected to severe human rights abuses such as female genital mutilation ("FGM"). In Matter of A-T, 24 I. & N. Dec. 296 (BIA 2007), the BIA had denied asylum and withholding of removal to a woman who had experienced FGM as a child in Mali and feared the further abuse of forced marriage. We urged you to review the decision and its devastating consequences for the protection of women fleeing severe human rights abuses. Your decision yesterday to vacate and remand the decision is worthy of commendation.

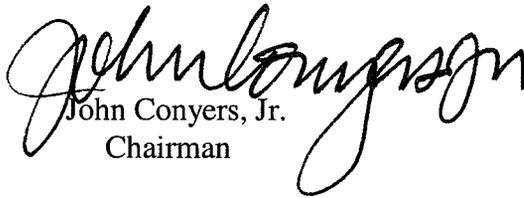
FGM is a reprehensible act and a gross violation of a woman's fundamental human rights. It is intended to oppress and subjugate women through mutilation and sexual repression. America's leadership in the fight against FGM is recognized in our criminal statutes (18 U.S.C. § 116), Congressional resolutions (H. RES. 32 (10/9/2007) (unanimously condemning FGM as a "barbaric practice")), and even BIA decisions (Matter of Kasinga, 21 I. & N. Dec. 357 (BIA 1996)).

And yet, in Matter of A-T, the BIA erroneously limited asylum based on FGM to those women or girls who had not yet suffered that violent act, reasoning that the FGM procedure itself represented a "fundamental change" in the applicant's situation such that she no longer had a well-founded fear of persecution on that basis. In effect, the Court ruled that A-T, her genitalia having been mutilated, could no longer fear those who had subjected her to such disfigurement.

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That decision undermined America's standing as a global leader for human rights and democratic principles. Your action yesterday overturning this decision demonstrates a thoughtful approach to issues of violence against women. We applaud your decision, and look forward to supporting such policies and activities on the part of the Department.

Sincerely,



John Conyers, Jr.
Chairman



Zoe Lofgren
Chair, Subcommittee Immigration,
Citizenship, Refugees, Border Security, and
International Law

cc: The Honorable Lamar Smith