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Interview: Layli Miller-Muro

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Interview: Layli Miller-Muro

Layli Miller-Muro is the Executive Director of the Tahirih Justice Center, a non-profit organization dedicated to protecting women and girls from human rights abuses through legal aid and public policy advocacy. A distinguished alumna of the American University Washington College of Law, shortly after this interview Tahirih Justice Center won *Matter of A-T-*, a high-profile asylum case providing asylum protection to a victim of female genital mutilation.

Human Rights Brief: Looking back on your experience working in immigration and asylum law, is there a particular obstacle you consistently encounter?

Layli Miller-Muro: There are two different kinds of obstacles that I consistently encounter and they are both very different. The first obstacle is programmatic and the second is institutional. Programmatically, Tahirih increasingly faces hostility and a less passionate climate towards immigrants. This anti-immigrant attitude is an obstacle to advancing the interests of our clients. Also, in the last two years, there have been a few judicial opinions that eroded precedent set by the *Kasinga* case, which permitted the threat of female genital mutilation (FGM) to be a basis for asylum. This was very frustrating. The institutional challenges that I face on a daily basis involve resources. The economy is slow and narrow decisions are being made regarding philanthropic giving. People shy away from helping people in situations they don't understand.

HRB: As a student attorney, you represented *Kasinga*. Do you feel as though the case impacted public awareness in the United States regarding female genital mutilation as a violation of human rights?

LMM: The *Fauziya Kasinga* case did four things. First, it set legal precedent in US asylum law. Second, publicity of the case was an impetus for the creation of US laws that criminalized FGM. Third, after the case was over, American understanding of FGM dramatically increased. Before *Kasinga*, FGM was an unfamiliar practice, which most Americans had not heard of. Now, it is more commonly known. *Kasinga* had a direct effect on this increased awareness. Fourth, it also served as a catalyst for grassroots dialogue about FGM in Africa. For example, in Togo, where *Kasinga* is from, her case sparked a discussion within the community. She had spoken out. Some people were supportive and some were very angry, believing she was perpetuating stereotypes and airing her family's dirty laundry. After her case was decided, a slew of laws were implemented that criminalized FGM, making it a felony. When I was in Gambia, in 1990, the ritual was considered secretive and no one discussed it. Mothers would not tell their daughters what they were about to endure. When I returned in 2000, I found that *Fauziya's* case had helped change the level of secrecy and inspired open, passionate discussions. Discussion on FGM had become so contentious, in fact, that the government banned them. It is amazing to me that, within 10 years, FGM went from un-discussed to openly debated.



Layli Miller-Muro.

HRB: You mentioned that an obstacle you have been facing is the erosion of the *Kasinga* holding, can you elaborate on what some of those regressions have been?

LMM: There are two opinions that have affected the development of asylum law. *Matter of A-T-* held that if a woman had suffered past FGM, there was no requirement that the government rebut the presumption of future persecution because FGM was considered unrepeatable. Essentially, this opinion held gender-based asylum to a higher standard than other types of persecution, its conclusions were anatomically incorrect, and it failed to recognize that FGM is a part of a broader pattern of persecution of women. That case has been remanded by the Board of Immigration Appeals and the Tahirih Justice Center is counsel on the case. The other case I was referring to is *Matter of A-K-* in which it was held that a parent who fears that FGM will be inflicted on his or her daughter(s) cannot receive derivative asylum. This is a policy that Tahirih is working to advocate against legislatively.

HRB: Countries in East Africa, such as Uganda, are working to implement anti-homosexual legislation that will criminalize homosexuality and in some cases, impose the death penalty. In your opinion, what effect will this legislation and the anti-homosexual movement in the region have on LGBT individuals seeking asylum in the US?

LMM: This kind of legislation would make it easier to get asylum. A law on the books is great evidence that you're being

singled out for persecution. To make a case for asylum you have to demonstrate that because of your race, religion, political opinion, membership in a particular social group, or nationality, you are being singled out for persecution that will be inflicted by the government or a force under government control. You must also prove that you, specifically, face persecution. In this regard, this kind of legislation, provided all the other requirements have been met, will be favorable for LGBT individuals from the region applying for asylum in efforts to prove that the government would persecute on that basis.

HRB: *What has been the most challenging case you've handled and why?*

LMM: I handled a case that was prosecuted under the Hague Convention on the Civil Aspects of International Child Abduction Convention. Our position was that the facts of the case provided an Article 13(b) exception, which doesn't require the return of the child if there is eminent danger. Our client was a domestic violence victim and the Greek courts had proven a clear bias against her. She didn't speak Greek, was not provided a translator by the court, and her husband was both in the

military and influential. She truly believed she had custody of her child and she feared what would happen if they returned home. The Supreme Court denied certiorari, she had to give the child back, and she remained in the States. It was extremely disappointing.

HRB: *How has your work with the Center changed you and what has it given you personally?*

LMM: I have been tested and challenged in ways I never thought I would be. In terms of fulfillment, there is a Baha'i writing that looks at the world of humanity as a bird with two wings: the male and the female. If the wings are not equal in strength, the bird is handicapped. Only when equality is achieved can the bird fly. My work is about reaching that equality. Knowing that in a humble and small way I'm helping to reach that goal gives me fulfillment.

Elizabeth S. Francis, Special Contributor to the Human Rights Brief, and a third-year J.D. candidate at the American University Washington College of Law, conducted this interview for the Human Rights Brief.