

Hello everyone

Today I will analyze the research method of this article called Asylum Law and Female Genital Mutilation: Recent Developments written by Yule Kim

The main line of this article is using cases and arguments to contrast and analyze to give the conclusion.

This essay begins by introducing the definition of asylum from past case law that Asylum is a form of relief that the Secretary of Homeland Security or the Attorney General may grant in his or her discretion. At the same time using the Doctrinal method, quoted Section 101(a)(42) of the Immigration and Nationality Act (INA). The definition of asylum in the law has been further and more fully explained and clarified.

Next, the article extending from the definition of asylum to the question explored in this paper whether women who have been subjected to female genital mutilation are eligible for asylum. Also using the doctrinal method to introduce the requirements of applicants that (1) she is a female, (2) that belongs to an particular ethnic group, (3) that ethnic group widely practices FGM.

The next part using the Comparative method. The comparative study is, respectively conducted from the perspective of FGM As Future Persecution and FGM As Past Persecution.

At the same time, this article using the Empirical method in the FGM As Past Persecution part. Quoted *Mohammed v. Gonzales* case. This holding effectively made a showing of FGM sufficient to create an irrebuttable presumption of a well-founded fear of persecution.

And also quoted *Hassan v. Gonzales* case to endorse that even if FGM created a mere rebuttable presumption of a well-founded fear, the presumption would still be difficult to rebut because of the risk of violence and gender persecution, as evidenced by the applicant's FGM, if the applicant was removed to her home country.

The next part author analyzed and argued from the BIA's point of view and draw conclusion which is the researching purpose of this article.

As it currently stands, the majority of federal circuits that have addressed this issue appear to view a past infliction of FGM as constituting past persecution which can create a rebuttable presumption of a well-founded fear of future persecution.

However, considering the important gate-keeping function the BIA serves for asylum applications, the majority of applicants who have already suffered FGM will likely have their asylum claims rejected.

Thanks for your listening.