

## “Women Lie”

# A hostile environment for FGM in an immigration context

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## Statistics

There are no statistics on the numbers of FGM asylum claims each year in the UK.

UNHCR, of the 25,000 girls and women seeking asylum in Europe in 2014, 71% had already been subject to FGM.

In 2011, 2,410 women claiming asylum in the UK were from FGM-risk countries, that equates to 27.40% of female asylum claims. The numbers continue to increase each year.



The 1951 Refugee Convention (Art 1 A(2)) states that a refugee is a “person who has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, owing to such fear, is unwilling to avail himself of the protection of that country”.

In the leading case of *Fornah (FC) (Appellant) v. SSHD (Respondent)* [2006] UKHL 46, the House of Lords held that FGM constitutes treatment violating Article 3 of European Convention on Human Rights (torture, cruel, inhuman or degrading treatment) and persecution within the Refugee Convention.

### Common arguments:

1. Credibility;
2. Protection;
3. Internal relocation; and
4. State protection.

## Interrelationship: family law and immigration law

1. Female Genital Mutilation Protection Orders, Schedule 2 of the FGM Act 2003.

2. *BA & Anor v JA & Ors (female genital mutilation protection orders and immigration appeals)* [2018] EWHC 1754 (Fam).

3. Awaiting a decision from the President of the Family Division of the High Court of Justice, London.



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Thank you