

Asylum battle over forced birth control

'Unbearable' life in China

A MANHATTAN woman who says the Chinese government forced her to get a birth-control device has been given a second chance in her bid for asylum.

Soon after arriving in 2000, Chinese immigrant Mei Fun Wong, 44, asked for permission to stay in the U.S. on the grounds that an intrauterine device implanted against her will had made her life "unbearable."

Two years later, an immigration judge shot down her request and ordered her and her son deported — a decision backed by an immigration appeals panel in 2008.

But now the 2nd Circuit Court of Appeals has ordered the lower courts to take another look and explain why China's policy of forcing women to get the device doesn't amount to persecution.

"You can't just say this is a routine medical procedure," said Wong's lawyer, Henry Hwang. "What is routine about going to a person's home, detaining them, and not letting them go until they submit?"

Chinese women are ordered to get IUDs as part of the country's population control policy.

Wong's was implanted in 1991. She found it painful and had it secretly removed by a private doctor, court papers say.

EXCLUSIVE

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When the government found out during a mandatory exam, they detained her for three days until she gave in and allowed them to reinsert it, she says.

The guards also made her pay a fine for skipping exams before releasing her.

Immigration judges have ruled that unlike forced sterilization or abortion, IUD insertion is a nonpermanent medical procedure that doesn't warrant asylum.

The 2nd Circuit judges didn't challenge that premise, but said the immigration court didn't clearly define the standards it uses to decide whether aggravating circumstances — such as the threat of imprisonment — might rise to the level of persecution.

The appellate judges also noted that guards who helped force Chinese women to get IUDs have applied for asylum here and been turned down because the courts held that they persecuted women.

A U.S. Justice Department spokesman said the government is reviewing the decision and declined to comment.

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