

Court allows Chinese woman new deportation hearing

By WALTER PUTNAM

A Chinese woman who feared sterilization under China's "one-child" policy if she were deported to her homeland has won a new hearing before the Board of Immigration Appeals.

The federal appeals court in Atlanta ruled on Thursday that Shao Yu Yuan has cause to challenge denial of asylum in the U.S. under the Convention Against Torture.

Her lawyer said the ruling means Yuan, married with daughters 5 and 7 in Harrison, Ark., likely will be allowed to remain in the United States.

Yuan, who was arrested in Miami for illegal entry into the country in 1999, established that there is aggressive enforcement of China's family planning law in her native Fujian Province, a three-judge panel of the 11th U.S. Circuit Court of Appeals wrote.

That gives her reason to believe she faces possible sterilization if she is forced to return, the judges said.

They cited a 2007 11th Circuit ruling in a similar case, *Li vs. U.S. Attorney General*, in which a woman from the same county of Lianjiang successfully appealed the board's denial of a petition to reopen her deportation case.

Yuan's attorney, Ted Cox of New York, said her case will return to the Board of Immigration Appeals in Falls Church, Va.

"After this, I can't see it losing," Cox said in a telephone interview.

China, the world's most populous country at 1.3 billion people, has said the one-child rule has prevented about 400 million births. The Xinhua news agency reported in July that the average household dropped from 4.4 people in 1982 to 3.1 in 2005.

The policy, designed to ensure better education and health care by controlling population growth, includes exceptions for ethnic groups, rural families and families where both parents are only children.

Rules under the family-planning laws can fluctuate. An earthquake that killed thousands of children in Sichuan last spring led to a relaxation of the policy for parents who lost an only child.

Yuan testified that in 2005, officials in Fujian became more aggressive on sterilization of women who gave birth to more than one child.

The 11th Circuit court noted that Yuan's affidavit said she has been told by her family that many pregnant women in her hometown recently were taken away to undergo abortions and forced sterilization.