

Asylum Champion

Alumna's Practice Ensures Rights of Immigrants



MAX MORSE

A lifetime interest in the cultures and politics of other countries drives the thriving immigration practice of Rochelle A. Fortier Nwadibia, JD '84, who has won landmark asylum cases. Although she studied in France and conducted research on Africa, she says she "never envisioned" that she would end up representing international clients on such high-profile issues.

HER FAMILY BACKGROUND AND EXPERIENCE in international affairs led law alumna Rochelle A. Fortier Nwadibia, a solo practitioner based in San Francisco, into an immigration practice that has seen her win two major asylum cases.

One of those cases, *Mohammed v. Gonzales*, is “the leading federal appellate case” on female genital mutilation as grounds for asylum. Both *Mohammed* and *Ndom v. Ashcroft*, another political asylum case of hers, have attracted international attention since being decided earlier this decade in the U.S. Court of Appeals for the Ninth Circuit.

“Those cases are positioned quite prominently in global refugee law,” notes Nwadibia. “Foreign courts are citing our courts in taking the lead in these cases.”

Nwadibia’s client, Khadija Ahmed Mohammed, a Somali, was 17 when she applied for asylum as a member of a persecuted minority clan. After an immigration judge and the Board of Immigration Appeals initially turned down her application, Nwadibia took over the case and argued it before the Ninth Circuit in San Francisco. In the appeal, she added another basis for asylum: genital mutilation, to which 98 percent of Somali females are subjected.

In 2005, the federal appellate bench sided with Mohammed and remanded her case to the immigration courts. The three-judge panel rejected the government’s argument that genital mutilation, having been performed in the past, could not be repeated and therefore did not constitute a threat of future persecution. The Ninth Circuit compared the practice to sterilization, which has been found to constitute “continuing harm that renders a petitioner eligible for asylum.”

THE NINTH CIRCUIT’S first ruling on female genital mutilation has broad application, Nwadibia says. Significantly, she adds, the court did not rule out defining mutilated women as a persecuted “social group” eligible for asylum.

In another major case, Mamadou Ndom applied for political asylum after fleeing Senegal, where he had been arrested twice because of his ties to a separatist organization. During his second detention, a police commissioner threatened Ndom, suggesting he would be “disappeared.” U.S. immigration courts found that Ndom had not been targeted for his political views, but instead arrested in a general sweep amid civil turmoil. In 2004, the Ninth Circuit disagreed, citing his “imputed political opinion” as the cause, and returned the case for review. Notably, the court cited the *Ndom* case extensively when it ruled on Nwadibia’s appeal in the *Mohammed* case the following year. Given a second chance in immigration courts, both Mohammed and Ndom were granted asylum.

Growing up in San Francisco and Los Angeles, Nwadibia met the international visitors who flowed through her family’s

home, invited by her father, a Pentecostal bishop inclined to missionary work. His United Holy Church financed a school in Liberia. “I was always drawn to cross-cultural experiences,” says Nwadibia, the Nigerian name of her former husband. “My father was very political. We were always talking about global issues, human rights issues.”

Hers is also an immigrant family: Before the Civil War, her paternal great-great-grandfather relocated from the French Caribbean colony of Martinique to New Orleans. That side of the family wound its way through Texas into Mexico before her great-grandfather landed back in the United States, reaching California near the end of the 1800s.

As an undergraduate, Nwadibia spent two years as an exchange student in France, mastering French and tutoring in the law near Marseille. There she came to know many students from Francophone Africa. That experience and exposure to France’s passionate, multiparty politics led her to pursue a master’s in international affairs at Columbia University. Nearing completion of those studies in the early 1980s, Nwadibia decided a law degree was a practical career path. “International affairs was really just emerging then outside diplomatic service,” she recalls.

THE SUMMER BEFORE entering law school, Nwadibia did research about governance in Africa for a group of law professors who were acquainted with A. Peter Mutharika, now the Charles Nagel Professor of International and Comparative Law.

Nwadibia took Mutharika’s course on international trade law and helped with his research on the stateless condition of black South Africans, whom the white minority government of the day declared citizens of new “homelands,” which lacked international recognition. “Washington University was a really great experience because of my ability to work with Professor Mutharika,” she says.

After graduating, she briefly taught African politics to undergraduates at the University before holding a series of government jobs in St. Louis, while raising three children. She also was appointed a volunteer member of the Missouri Commission on Human Rights and served on the board of the United Nations Association’s St. Louis chapter.

Her legal experience and work on international issues, including at the law school with Mutharika, came together in the immigration practice beginning in 1999.

Besides asylum petitions, Nwadibia handles family reunification, employment, deportation, and appellate cases. Initially, most clients were French-speaking Africans. Lately, she has seen an increase in Mongolians, particularly women subjected to spousal abuse, an emerging area of asylum law. “The best of all worlds is working with the law and international issues,” Nwadibia says. “I get a chance to step inside the world where my clients live and help improve their lives.” ||||