

Western New York Human Rights Clinic

Asylum Evaluation Training Manual 2015



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Asylum Evaluations & The WNY Human Rights Clinic

What is a medical asylum evaluation?

Clinical evaluations occur for asylum seekers in order to establish the facts surrounding abuse and torture. Having a physician or a medical expert produce a written document or oral testimony provides a level of validity to an asylum seeker's case that often cannot be attained in other ways. An asylum seeker is aiming to demonstrate that they have a well founded fear of persecution due to their membership in a particular social group, religion, political opinion, race, or nationality and are unable or unwilling (due to this fear) obtain protection in that country.

Licensed clinicians provide the level of expertise needed for a valid evaluation. Specialists (such as psychiatrists and gynecologists), primary care physicians, and licensed psychologists can conduct these evaluations, depending on the needs of the client. In some cases, asylum seekers may have multiple evaluations; a client may need a medical examination to document scars and a psychological examination to document PTSD and depression.

In an evaluation, the evaluator will ask a client for a thorough history of his or her torture and other traumatic events, assess the client for possible abuse sequelae, document the psychological and physical evidence of torture, and state the degree of consistency between the narrative that the client has given and the evidence of torture that is found. The clinician is to be an objective evaluator in the assessment of clients.

What is the WNY Human Rights Clinic?

The WNY HRC was founded in 2014 to serve the need for medical and psychiatric forensic evaluations of refugees seeking asylum status in the Buffalo area. We partner closely with the WNY Center for Survivors of Torture (WNYCST) through Jewish Family Service of Buffalo and Erie County to identify clients who may benefit from our assessments. The WNYCST aims to provide an intensive case management and strength-based client centered model to support survivors of torture in their healing process. The goal of the HRC is to reinforce this endeavor by providing objective forensic examinations and creating affidavits based on our findings for use in legal asylum cases.

Our clinic is primarily student-run, and we are motivated by the knowledge that forensic examinations significantly increase the likelihood that asylum seekers will be successful in obtaining protection in the USA. We furthermore hope that the clinic will serve as a beneficial tool to educate volunteers about the struggles of our clients, the legal side of asylum-seeking, and the performance of forensic examinations.

Partnership with Jewish Family Service

The Western New York Center for Survivors of Torture (WNYCST) was established in June of 2014 to address the consequences of political and state-sponsored torture experienced by survivors living in Western New York. The WNYCST pairs each client with a care coordinator to obtain services from partnering agencies and resources from the community. These agencies include the University of Buffalo School of Medicine and Biomedical Sciences, Vive, Inc., Journey's End Refugee Services, LakeShore Behavioral Health, and Catholic Family Center in Rochester. Since January of 2015, the WNYCST has served over 100 men and women from over 25 countries.

Clients receiving a forensic examination through the HRC may require their care coordinator to be present before, during, or after their examination. It is the care coordinator's role to prepare and support their client through the difficult process of recounting his or her story. If at any time a client requires the need to speak to their care coordinator, please do not hesitate to contact the WNYCST at **(716)883-1914**.

Project Director: Pam Kefi
Medical Director: Dr. Kim Griswold, MD
Care Coordinator: Anna Skop, MS, LMHC
Care Coordinator: Ali Kadhum, MSW

Logistics of Evaluations

What should I do before the evaluation?

You will be sent a brief summary of the case, which you should read prior to the exam. It may be helpful to familiarize yourself with the client's country of origin and any current conflict in the area, though this is not required.

What should I bring?

Students should each bring several sheets of paper, pen, and the interview and forensic body templates included in your manual. If you are performing a medical exam, bring a phone or camera to take photographs for documentation. In some cases, you may be asked to bring bottled water, cookies, or flowers; Dr. Griswold often supplies these items to help the clients feel at ease, though we'd like to assist her with this in the future. There is no need to bring a stethoscope or any medical equipment. See next section for body map, which can be helpful for documenting physical findings. There are additional body map templates in the Cornell manual which is linked under the "Resources" section.

What should I wear?

Preceptor attire is encouraged. No white coats, please.

Where are the evaluations?

Medical: The medical evaluations currently take place at Dr. Griswold's office: Lakeshore Behavioral Health: 430 Niagara Street, Buffalo. *Note: please use this exact address, as there is another Lakeshore office which is also on Niagara Street.* There is a parking lot in front of the facility.

As we obtain more volunteer providers, the locations of exams may vary. You will be notified in advance of the location of forensic exams you participate in.

Psychiatric: You will be notified in advance of the examination location.

Can I ask questions?

Though your primary role during the interview is to listen and scribe, you are allowed to ask questions to clarify points that the client is making, spellings of cities/names/etc, or anything else that will help you write a more accurate affidavit. The attending often will specifically ask you at the end of the interview if you have anything further to ask.

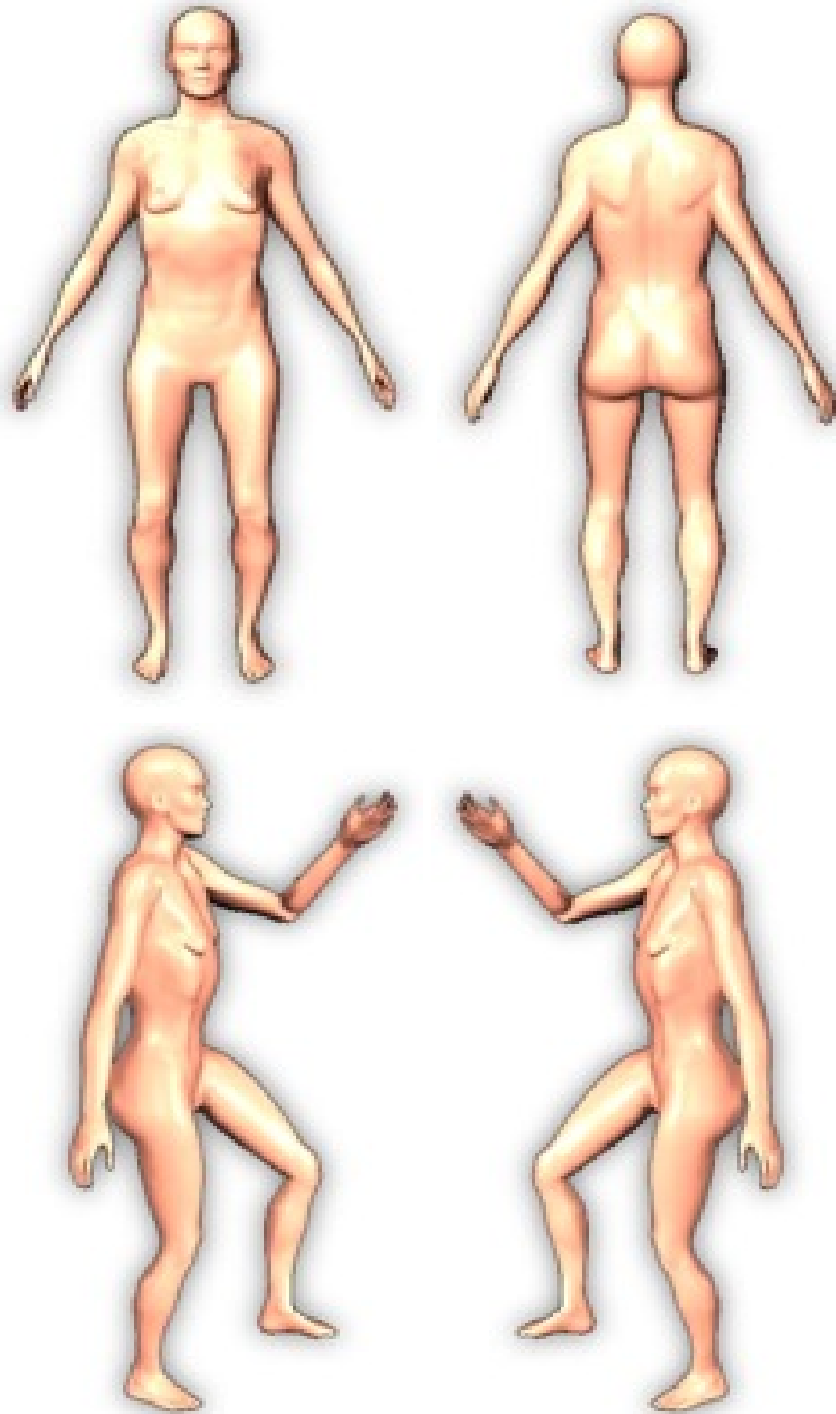
What happens after the evaluations?

Clients who are affiliated with the WNY Center for Survivors of Torture are required to attend a debriefing session with the case worker at JFS.

Typically, once the client leaves, the students will spend a few minutes debriefing with the attending. You should then coordinate with the other student scribe(s) how you will divide up work on the affidavit. A shared google doc is usually helpful because both parties can edit it in real time.

Twice a year we plan to have informal reflection sessions to allow volunteers to debrief, discuss challenges, and share positives. Stay tuned!

Body Mapping



Medical Affidavit Writing: The Student Role

The goal of a medical affidavit is to record evidence of physical and psychological trauma as an objective medical professional. Students drafting affidavits are not yet qualified to draw medical conclusions about clients- however, students can still make a significant contribution by preparing a draft of the narrative portion of the affidavit that can then be incorporated into the final document prepared by the evaluating physician.

The students scribing a forensic exam are responsible for submitting a draft of the affidavit to the attending physician **within 2 weeks** of the exam, unless otherwise specified (we sometimes receive urgent referrals).

Tips for writing the affidavit:

- Include only information that the client has told you.
- Students should read sample affidavits before preparing their own. Please email the Clinic's email address if you would like to view a sample affidavit written by one of our physicians. Sample affidavits are also viewable in the "Resources" section of this manual.
- The client's account should include information about the client's life prior to abuse, episodes of traumatic events, and information about the client's present life.
- Throughout the narrative portion of the affidavit, be careful not to report information as proven facts. Always state that the client "states" or "reports" events or incidents.
- Direct quotes are very helpful; they can vividly illustrate the client's experiences and personality.
- Do not include information that may hurt the client's case. This includes adding nonessential details, such as colors, numbers, and dates- even small discrepancies can have serious consequences.
- Avoid using legal terminology: for example, "persecution" is a more legally specific term than "torture" and therefore should not be used in a medical affidavit.
- Students should collaborate with physician evaluators to improve their affidavit writing skills.
- ****Important**** Sometimes photos are necessary to include in a medical affidavit. However, we ask that you please delete these immediately from your phone/computer as soon as the affidavit is completed.

Resources

- <http://healtorture.org>: excellent resource
 - “Specific Populations” provides background information on various ethnic groups
 - Entire “Medical” tab very helpful, especially “Documentation” section
- UN High Commission on Refugees: <http://www.unhcr.org>
- PHR Student Run Asylum Clinics:
<http://physiciansforhumanrights.org/asylum/student-asylum-clinics.html>
- Istanbul protocol:
<http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>
- Cornell Training Manual:
http://wcchr.com/sites/default/files/wcchr_handbook.pdf
 - Very helpful information, including additional sample affidavit and more body maps