

Asylum and CAT requirements



Asylum / Refugee protection: past or well-founded fear of persecution on account of race, religion, nationality, membership in a social group, or political opinion. (Note related form of relief: *non-refoulement* / withholding of removal.)

Convention Against Torture protection: likelihood of torture by or at the instigation of a public official.

Uses of medical / psychological testimony



- Corroborate applicant's story;
- Show existence of specific disorder consistent with applicant's story, e.g. PTSD, depression;
- Description / explanation of possible cause(s) of physical injuries;
- Description of degree of female genital cutting / mutilation;
- Explain applicant's demeanor;
- Explain applicant's memory issues;
- Alternative to applicant's personal testimony, e.g. child sexual abuse survivors;
- Provide context for body modification procedures.

Challenges



- Tension between forensic needs and therapeutic needs;
- Psychologist / therapist elicits too many facts / irrelevant facts – facilitates cross-examination in adversarial courtroom setting, used to attack applicant’s credibility;
- Medically relevant facts may be legally harmful, e.g. comments re suicide;
- Different professional and ethical rules;
- Mandatory reporters;
- Logistical issues: short deadlines in border cases (credible fear screening) and detained cases, difficulty with non-attorney access to detention facilities, access to competent interpreters.