Asylum Seekers in a Time of Record Forced Global Displacement: The Role of the Physician

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Medical Grand Rounds
July 20, 2017
Outline

• Historical and legal background of asylum
• Criteria for gaining asylum
• Performing medical evaluations of asylum seekers
• Forms of torture and persecution and common related scars
• Teaching asylum medicine
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Ancient History of Asylum

Sanctuary ring on the door of Notre-Dame in Paris
During the Middle Ages, grasping this ring gave the right of asylum

1 in every 113 people on earth is an asylum-seeker, internally displaced or a refugee

Source: UNHCR / 20 JUNE 2016
Yale Center for Asylum Medicine
Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or

Article 14
(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

Universal Declaration of Human Rights. United Nations; 1948
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Legal Criteria for Refugee and Asylum Status

• Persecution [is perpetrated] by the government, or the government [must be] unable or unwilling to provide protection from [that] persecution

UNHCR

World Relief
Legal Criteria for Refugee and Asylum Status

- Race
- Religion
- Nationality
- Political opinion
- Membership in a particular social group
  - Domestic violence
  - Gang related violence
  - LGBTQ violence
  - Gender related violence
    - Female genital mutilation/cutting
    - Forced marriage
## Refugee vs. Asylum Seeker

<table>
<thead>
<tr>
<th></th>
<th>Refugee</th>
<th>Asylum</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Meets legal criteria?</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Timing of legal status?</strong></td>
<td>Granted before entering US</td>
<td>Apply within 12 months after entering US</td>
</tr>
</tbody>
</table>
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YCAM: Medical Evaluations of Asylum Seekers

- Academic legal clinics (Yale and UConn)
- Immigration attorneys
- Human rights groups (Physicians for Human Rights, HealthRight International, American Friends Service Committee, IICONN)
Interview and Review Injuries Due to Persecution

Examine Scars Related to Persecution

Documenting Signs of Torture

Photo #1

Photo #2

Diagram of human body with labeled areas:
- 1A
- 2A
- 2B
- 2C
- 2D
- 3A

Yale School of Medicine
Scar # 1). A 6.5 cm long, 4 cm wide flat and oval shaped scar with irregular pigmentation and sharp borders. It is on the medial side of the right leg and is consistent with a scar from blunt trauma.

Scar # 2) A 4 cm long, 1 cm wide flat linear scar on the medial side of the right leg consistent with blunt trauma.

Scar # 3) A 3/4 cm circular hyperpigmented scar on the medial side of right leg consistent with blunt trauma.

Scar # 4) A 3 cm faint pigmented linear scar on the anterior side of right leg consistent with blunt trauma.
## Istanbul Protocol: Degrees of Consistency

<table>
<thead>
<tr>
<th><strong>Not consistent with</strong></th>
<th>The lesion <strong>could not</strong> have been caused by the trauma described</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consistent with</strong></td>
<td>The lesion could have been caused by the trauma described, but it is non-specific and there are <strong>many other possible causes</strong></td>
</tr>
<tr>
<td><strong>Highly consistent with</strong></td>
<td>The lesion could have been caused by the trauma described, and there are <strong>few other possible causes</strong></td>
</tr>
<tr>
<td><strong>Typical of</strong></td>
<td>This is an appearance that is <strong>usually found</strong> with this type of trauma, but there are other possible causes</td>
</tr>
<tr>
<td><strong>Diagnostic of</strong></td>
<td>This appearance <strong>could not have been caused in any way other than that described</strong></td>
</tr>
</tbody>
</table>

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION COURT

In the matter of the Application for

Asylum of DC

Declaration of Katherine McKenzie, M.D.

QUALIFICATIONS:  I, Katherine C. McKenzie, hereby declare as follows: I am a General Internist and Assistant Professor of Medicine on the full time teaching faculty at Yale School of Medicine and a member of Yale Internal Medicine Associates for the last 14 years. Since 1999, our practice has interviewed and examined a number of applicants referred from both Yale Law School and the University of Connecticut Law School. I have used the material prepared by Physicians for Human Rights to aid in my evaluation of asylum applicants. I have also participated in training presented by Doctors of the World. My training as a Board Certified internist qualifies me to perform this kind of examination.


HISTORY:  Ms. C is a 31-year-old Tutsi woman from the city of Lubumbashi in the Democratic Republic of Congo (Congo). She is seeking asylum in the United States of America. While she was in Congo, she was abducted, beaten and raped by the Congolese Security Forces operating under President Laurent Kabila. She also witnessed the murder of her father by the security forces.

Benefits of a Medical Forensic Evaluation

A PHR study showed that 89% of asylum seekers who received forensic evaluations through PHR were granted asylum compared to the national average of 37.5% among US asylum seekers who did not receive PHR evaluations.

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Forms Of Torture: Blunt Trauma

Forrest D. Examination for the late physical after effects of torture. *Journal of Clinical Forensic Medicine*. 1999
Forms of Torture: Burns
Forms of Torture: Sharp Trauma

Forms of Torture: Forced Positioning

Peel, Editor. The Medical Documentation of Torture. New York: Cambridge University Press; 2002
Forms of Torture: Suffocation
Forms Of Persecution: Gender Based Violence: Female Genital Mutilation/Cutting

**Female genital mutilation/cutting:** All procedures that involve partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons

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Teaching Asylum Medicine at Yale
“To tame the savageness of man and make gentle the life of this world”

-Aeschylus