

Philadelphia Human Rights Clinic

Physician **Training**

Welcome!
Glad you could join us.

Your organizers: PHRC Education Team



NATALIA ROMANO
SPICA



MONTGOMRY
BURGOON



SUSANNAH COLT



YULIYA GOYKHMAN



TAYLOR HADDAD

phrc.education@gmail.com



WELCOME TO THE PHILADELPHIA HUMAN RIGHTS CLINIC TRAINING!

Alisa R. Gutman, MD, PhD
Medical Director, Philadelphia Human Rights Clinic

Asylum and Persecution

What is asylum?

- ❖ A legal status granted to allow an individual to obtain refuge in another country due to past persecution or a well-founded fear of future persecution
- ❖ On account of: race, religion, nationality, membership in a particular social group, political opinion

What is persecution?

Individualized harm inflicted by the government or by a group that the government is unable or unwilling to control; not harm arising out of civil strife or anarchy; establishing past persecution raises a presumption of future persecution

- ❖ *Does not need to be physical, can include: “the deliberate imposition of severe economic disadvantage or the deprivation of liberty, food, housing, employment or other essentials of life”*
- ❖ *Must be more than “mere harassment or discrimination”*

“torture” means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control

18 U.S.C. 2340(I)

“severe mental pain or suffering” means the prolonged mental harm caused by or resulting from

- (A) the intentional infliction or threatened infliction of severe physical pain or suffering;**
- (B) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;**
- (C) the threat of imminent death; or**
- (D) the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality;**

18 U.S.C. 2340(I)

Torture...

- ❖ is the deliberate intention to destroy the physical and/or psychological well-being of an individual.
 - ❖ impacts the will and dignity of an individual.
 - ❖ is documented in 151 countries.
 - ❖ is a sociopolitical act.

“a strategy used to undermine political leadership and intimidate entire communities so that they will submit to the will of those in power or those seeking power”

Andrea Northwood, Ph.D., Center for Victims of Torture,
Minneapolis, Minnesota

How can clinicians help?

- **Primary Purpose of the Clinical Evaluation:** to establish the facts relating to alleged torture events, and to evaluate and document the level of consistency of these events and the physical and psychological evidence of torture and maltreatment
 - **Role of Clinicians:** forensic evaluations, critical pieces of evidence (often the only evidence) when human rights violations are alleged, corroborates the suffering described, medical-legal affidavits, live testimony, elicit relevant information which client may not have shared with their counsel, refer for treatment
- ~ 90% of PHR's confirmed case outcomes are positive compared to national average of ~ 30-40%

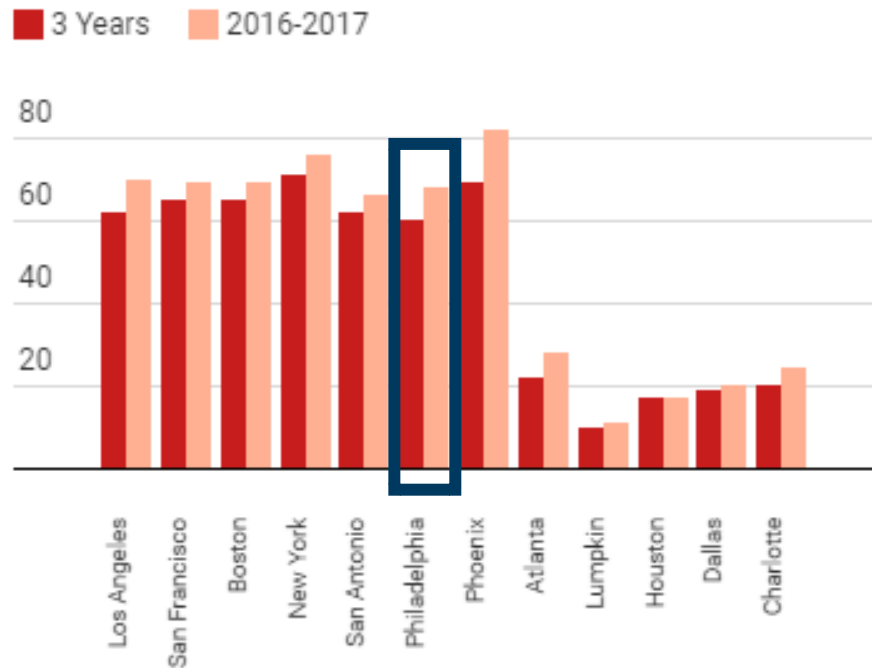
What is the role of a medical evaluator?

- Advocacy through objectivity
- **Not** a treatment relationship
- Carrying out the recommendations established by the internationally accepted “Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment” a.k.a., “Istanbul Protocol” (1999)
- Conducting the assessments in our role as expert witnesses, providing evidence for the asylum interview or hearing
 - *Different types of cases require different types of experts! (Psych, OB/Gyn, Physical exam)*

Disparities in Asylum Decisions

Rates of U.S. Immigration Court Granting Asylum

The disparity by location in which U.S. immigration court approve asylum vary as much as 75 percent in some cases.



ABC News, May 2018, Data Points to Wide Gap in Asylum Approval Rates at Nation's Immigration Courts, By Stephen Stock, Rachel Witte and Jeremy Carroll

Ultimately the Decision is Left to a Single Judge

Philadelphia Court, 2012-2017

Judge	# Decisions	% Grants	% Denials
John B. Carle	101	38.6	61.4
Steven A. Morley	368	53.8	46.2
Miriam K. Mills	196	66.8	33.2
Rosalind K. Malloy	270	69.3	30.7
Charles M. Honeyman	293	75.8	24.2

York Court, 2012-2017

Andrew R. Arthur	160	10.0	90.0
John P. Ellington	156	12.2	87.8
Quynh Vu Bain	159	18.2	81.8
Walter A. Durling	309	25.9	74.1

From TRAC Immigration Report, <https://trac.syr.edu/immigration/reports/490/>

Today's Agenda

9:30 – 9:40 AM

- Welcome and Introductions, Alisa R. Gutman, MD, PhD

9:40-10:40 AM

- The Law of Refugee Status, Jonah Eaton, JD

10:40-10:50 AM

- Break

10:50-11:50 AM

- Physical Examination of Asylum Applicants, Arno Vosk, MD

11:50-12:00 PM

- Break

12:00-12:25

- Evaluation of Women Asylum Seekers: A Gender Based Violence Context, Jasjit Beausang, MD

12:25-12:35 PM

- Questions and Answers

12:35 – 1:00 PM

- Lunch

1:00-2:00

- Psychiatric Evaluation of Asylum Seekers, Alisa Gutman, MD, PhD

2:00-2:10 PM

- Break

2:10-3:10

- Affidavits and Immigration Court, Jonah Eaton, Alisa Gutman, Arno Vosk

3:10-3:25

- Working with Philadelphia Human Rights Clinic, Alisa Gutman

3:20-3:30

- Questions and Answers

3:30PM

- Wrap-Up, Complete Post-Test

PHRC Student Leadership



Dr. ALISA GUTMAN
MD/PhD

Founder & Medical Director
Assistant Professor of Psychiatry
Perelman School of Medicine



KIM FIRN

Executive Director
MD Candidate
Perelman School of Medicine



ARIANA MIRZADA

Operations Director
MD/MIA Candidate
Lewis Katz School of Medicine



CAROL GERGIS

Outreach & Development
MD Candidate
Drexel University College of Medicine



SIGNE CAKSA

Outreach & Development
MD/PhD Candidate
Sidney Kimmel Medical College



KATHLEEN DAVIN

Operations Director
MD Candidate
Perelman School of Medicine

PHRC Student Leadership



JUDY LUBAS

Operations Director
DO Candidate
Philadelphia College of Osteopathic
Medicine



SOPHIE GONZALEZ

Advocacy Director
MD Candidate
Drexel University College of Medicine



NADIA NAMOUS

Advocacy Director
Website Admin
MD/MA Candidate
Lewis Katz School of Medicine



SUSANNAH COLT

Education Director
MD Candidate
Perelman School of Medicine



**MONTGOMRY
BURGOON**

Education Director
MD Candidate
Lewis Katz School of Medicine



YULIYA GOYKHTMAN

Education Director
MD Candidate
Sidney Kimmel Medical College

PHRC Student Leadership



**NATALIA ROMANO
SPICA**

Education Director
MD Candidate
Drexel University College of Medicine



TAYLOR HADDAD

Education Director
MD Candidate
Sidney Kimmel Medical College



SARTHAK MOHANTY

Outreach & Development
Treasurer
Status
Perelman School of Medicine



AMINATA TRAORE

Current Advisor to the Board
Former Director of Outreach and
Development
MD Candidate,
Perelman School of Medicine



**MINA-ABENA
MARRANGA**

Current Advisor to the Board
Former Director of Education
MD Candidate
Perelman School of Medicine