

## Preparing to work with an attorney on a forensic medical evaluation for asylum: Guidance for clinicians

Here are some topics & questions to discuss with attorney ahead of the case:

- ❖ Introduce self, specialty, your level of training and experience with forensic asylum evaluations
- ❖ Discuss the case:
  - Can you tell me about the client's case?
  - What is the client's basis for asylum? On what grounds is the individual applying for asylum? Did the asylum seeker file within the required 1-year asylum filing deadline?
  - What are the questions the legal team is hoping the forensic evaluation can address?
  - What is your goal for my medical/psych evaluation? What should I focus on?
  - Has the attorney already documented the asylum seeker's history and helped them complete a declaration?
  - Are there any issues with memory, recollection of details, timelines? Did any of the harm the client suffered happen when they were a child?
  - Have any prior forensic evaluations been performed? If so, why is a second evaluation sought?
  - Will the asylum seeker undergo additional evaluations?
  - Does the asylum seeker have any visible scars on their body? If so, where? Would the client and the legal team prefer photographs of the scars or diagrams of the scars?
  - Is the legal team incorporating a country conditions expert?
  - Is testimony in court requested? If so, when and how (in person or remotely)?
- ❖ Plan logistics:
  - Will the client need an interpreter? Will the attorney provide an interpreter? If so, who is the interpreter? Is the person a professional interpreter? Does the interpreter have sufficient experience and expertise with medical and mental health terms to adequately interpret for the interview?
  - What is the timeline or deadline for this evaluation?

## ASYLUM MEDICINE TRAINING INITIATIVE

- Is the asylum seeker available on the days or times that the evaluator can offer?
- Is the asylum seeker able to travel to the evaluator's location, or will the evaluator be required to travel?
- Will the evaluation take place via videoconferencing? If so, is the asylum seeker comfortable with videoconferencing technology? Will they have the appropriate technology and bandwidth to make the videoconference productive?
- ❖ Prepare materials
  - Let the attorney know what you need: client affidavit, medical records, psychological screeners, interpretation, any other relevant documents from the asylum case, etc.
- ❖ Prepare to be trauma-informed
  - Does the client have a preferred gender, language, culture, or other background of the evaluator, interpreter, or other who will be in the room?
  - Is the client comfortable having a trainee in the room?
  - Are there any specific things I should know about how best to communicate with the client?
- ❖ Encourage the attorney to prepare the asylum seeker for the forensic medical evaluation by discussing:
  - (a) Purpose of evaluation and how it will be used
  - (b) Importance of honest and accurate reporting
  - (c) Nature and length of a forensic evaluation
  - (f) Logistics of the evaluation (location, time, transportation, childcare, etc)
  - (d) Expectation that the evaluator will address difficult topics
  - (e) Evaluator's role as a mandated reporter
  - (g) Recognition of the emotional toll that the forensic medical evaluation may take, with encouragement to participate in the evaluation because of its evidentiary value for the immigration case