Asylum clinics:

Establishing a legal, medical, and ethical framework for the global healthcare practitioner’s role

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INTRODUCTION
- Universities and hospital-affiliates are leaders in global health as well as in local communities
- Medical student-run asylum clinics (with the help of licensed clinicians) can provide services to vulnerable refugee populations on a local level. However, understanding, implementing, and ethical implications of such clinics is necessary

LEGAL ASPECTS OF ASYLUM
Why asylum?
- Authorized to live and work in the US
- Can sponsor immediate family members for asylum
- After 1 year can receive eligibility for green card, Medicaid or Refugee Medical Assistance, application for citizenship
Burden of proof remains with the asylum. Must apply within 1 year of entering US
- Must meet definition of "refugee"
- Past persecution or reasonable fear of future persecution
- Basis of race, religion, ethnicity, political opinion, or social group
- Evidence of perpetrator, "severe harms," evidence the asylum is part of a protected category, evidence the asylum was harmed for the identified reason

The legal affidavit provides background statements that link harms/traits as well as identifying conditions in the country that would predispose harm

CONCLUSIONS
- The involvement of trained clinicians in conducting evaluations of asylum seekers provides a valuable service to vulnerable populations and constitutes a delivery of social justice.
- While challenges are inherent to the crossover of medical professionals in a judicial-legal sphere as well as involvement of medical student trainees in care of vulnerable populations, the overall benefits and documented successes of these clinics give strong evidence for their aid and support

ETHICAL PRINCIPLES AND CONSIDERATIONS
- Considerations of individuals
  - New provider relationship: doctor vs judicial participant
- Considerations of healthcare institutions
  - Social Justice
- Considerations of government organizations
  - Beneficence & Nonmaleficence
    - Psychological trauma/ retraumatization

MEDICAL ASSESSMENTS AND THE ROLE OF ASYLUM CLINICS

Key Components of the Medical Affidavit

Provider
- Educational & professional qualifications
- Prior forensic experience
- Relevant coursework or participation in training
- Prior testimony in immigration court

Qualifications
- Date, time, duration, location of meetings
- Demographic information
- People present during evaluation
- Use of an interpreter
- Documents reviewed prior to evaluation

Background
- Summary of the asylum seeker’s current state

Examination
- Usually superficial skin examination w/ documentation of any prior signs of trauma
- Basic assessment of psychiatric health determinants: affect, mood, language

Assessment/Impression
- Explanation of how injuries correlate to the facts of the asylum seeker’s case
- Provider’s opinion on causes of physical or psychological injuries

Recommendations
- Explain ongoing symptoms or disabilities
- Recommendations for further evaluation/care

Most of the clinics depicted above have been established in partnership with Physicians for Human Rights (PHR). PHR is a group that works with clinician volunteers (doctors, social workers, and psychologists) to perform evaluations of asylum seekers and complete a medical affidavit. With assistance in a medical affidavit from a group such as PHR, the likelihood of receiving asylum protection status increases from less than 40% (the current nationwide approval average) to 90% (the average of student-run clinics, based primarily on published data from the Well Cornell Center for Human Rights and the Brown Human Rights Asylum Clinics).
The Process of Asylum Applications
PHR and Asylum Clinics

• What is an Asylum Clinic?

• “At its core, an asylum clinic housed at a medical school is a student-run program that connects Physicians for Human Rights (PHR)-trained clinicians to political asylum seekers and their attorneys. These clinicians conduct forensic medical or mental health evaluations to uncover signs and sequelae of torture or trauma and document their findings in affidavits that serve as evidence in the client’s legal application for asylum.”
The Medical Affidavit

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<td><strong>Story Summary</strong></td>
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<td>- General information about the asylum seeker</td>
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<td>- Summarize the story and facts used to reach conclusions (focus on abuse/torture)</td>
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Creating a clinic
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STAKEHOLDERS:
- University/Hospital
- Students
- Clinician volunteers
- Local health clinics
- Social workers, mental health providers
- PHR
- Lawyers
- Asylum seeker
- Families of asylum seekers
- Future asylum seekers
- Community
- Immigration judges
- ....international communities?
Ethical Frameworks

Beneficence  Justice  Egalitarianism
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References


