

March 29, 2005

Senator Bill Frist, MD
United States Senate Majority Leader
U. S. Senate
Washington, D.C.

Dear Senator Frist,

As health professionals with experience in caring for refugees and asylum seekers, especially torture survivors, we are deeply concerned that the REAL ID Act may be passed by the Congress without proper consideration, if it is attached to an appropriations bill for tsunami relief and Iraq.

The REAL ID Act would, among other things, permit immigration judges to deny asylum based solely on an applicant's demeanor. As health professionals who also do asylum evaluations, we fear that this is likely to lead immigration judges (who are not adequately trained in the symptoms of torture survivors) to deny asylum to those who need it most.

Survivors of torture often suffer from Major Depression and Posttraumatic Stress Disorder, which can be associated with flat affect and numbing (DSM-IV). Talking about one's traumatic experiences is difficult. We know that even in primary care practices, torture survivors often do not tell their physicians what happened to them. Survivors commonly exhibit flat affect, and may refuse to meet the eyes of an interlocutor who asks them to discuss their torture. This type of behavior can also sometimes be culturally mediated. If misunderstood, an applicant can be erroneously denied protection.

For example, we have been involved in cases where clients have presented very stoic in the courtroom, but during the process of evaluation were very symptomatic. For instance, a woman who has been raped as part of her torture may exhibit such behavior as a means of emotionally distancing herself from extremely disturbing memories while attempting to describe them. We know that the mental status of someone can change. To rely on the demeanor of a given day is also problematic.

Additionally, the bill would authorize immigration judges to deny asylum where there are inconsistencies in the record, even immaterial ones. A study recently completed by the U.S. Commission on International Religious Freedom demonstrated that records compiled by immigration (CBP) officers at ports of entry are not complete transcripts of the content of those interviews, and in some cases are inaccurate portrayals of asylum seekers' testimony. Additionally, for individuals who have been repeatedly tortured, and

then forced to flee under hasty circumstances, such traumas can be disorienting and some inconsistencies are to be expected.

If the REAL ID Act is duly considered by the Senate, with hearings to consider what are likely to be its true consequences, the Senate and the Congress at large will have a better chance of making good decisions, both to protect the United States and to protect legitimate asylum-seekers. Please do not permit the bill to be pushed through the Senate on the coattails of an appropriations bill.

Sincerely,

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