

NETWORKING SURVIVAL: SEEKING ASYLUM IN THE UNITED STATES

By

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## **ABSTRACT**

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This dissertation stems from research I carried out over ten months in 2008 and 2009 in which I observed the challenges of seeking political asylum in the United States. I trace the emergence of structural forces over asylum-seekers which aim to make political asylum in the US unappealing to frivolous applications, but which also place asylum-seekers in a hazardous condition of being in a foreign country without the means or rights to support themselves. The dissertation concerns the ways that asylum-seekers reject those conditions – they develop relationships with others to make surviving and even thriving possible. Through social practices within NGOs, churches, and communities at large, asylum-seekers develop connections to others that can negotiate their access to food, shelter, clothing, medical attention, psychological assistance, legal council and a host of relationships that improve their ongoing quality of experience. In the processes of continual representation and narration of the past, they transform themselves into idealized asylum-seeking subjects, shoring up their legal defenses against the perpetual threat of asylum denial and deportation, gaining access to crucial services, and finally, hopefully, winning asylum. This shift in status guarantees safety, but it also signals a transition away from a host of valuable social ties that were bound to that status. Asylees rush to attain the benefits owed to refugees and forge life anew, often without the people who helped them survive in the United States.

## **ACKNOWLEDGEMENTS**

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## **Chapter 1: Networking Survival: An Introduction**

Charles and I rolled down the highway in the quiet of morning, 3:00 am. We were headed to Arlington, Virginia so that Charles could find out the United States Citizenship and Immigration Services' (CIS) decision about his case. Charles is an asylum-seeker from Togo, where he faced brutal torture at the hands of police, and he is nervous about the prospect of being deported there. Nervous might be an understatement – Charles is actively anxious in such a way that we stretch small talk to its limits as we drive. It distracts him from the reality ahead. He tries to sleep some, to little avail, and when we stop to eat, he has no appetite.

This trip is a difficult one, in part because it is the second time Charles has made it this month. The first time, Charles had what is called the affirmative asylum interview, in which he and an asylum officer sat face-to-face in a small room and discussed the particulars of his case. His interview had him worried, as asylum-seekers always are when they take this trip:

"He hardly asked me anything! He said 'Okay, why are you here?' How am I supposed to answer that? So I told him. I don't know how they can decide this..."

We were returning for the simple matter of receiving CIS' decision, which must be done in person. He has the chance for his asylum claim – then only in its third month – to end successfully, but he also has the chance to be denied. This would not end the claim, however, because he would then have the chance to win asylum in open court some months later, in a process called defensive asylum.

Naturally, he was hoping for a win that morning, because his situation in the United States brings with it many challenges. He had fled alone with just a few hundred dollars, leaving

behind a wife and seven year old daughter. As an asylum-seeker, Charles has no right to work nor any of the benefits one associates with people who already have refugee status when they enter the country, such as housing, medical, and financial assistance. Any immigrant, legal or otherwise, may apply for asylum, and the system is designed to deny any benefit from doing so beyond a temporary stay of deportation. The interim can be characterized by a distinct set of challenges to daily life. He spent almost a year moving from couch to couch as he made friends and inevitably exacerbated their ability or willingness to host him. He struggles with language every day, which makes explaining who he is and why he needs help to others even more difficult. He might have tuberculosis, but this has been hard to diagnose in the few clinics he has seen because he is, with certainty, HIV positive. He neither eats nor sleeps much, which are characteristics of many who have lived through torture. He sings the praises of an agency we both associate with – the Center for Torture Treatment – which is helping him manage many of those symptoms. For his part, he thinks he did about as well as he could in the interview, which would have been impossible to navigate with the tangle of trauma so interwoven with the story he had to tell clearly.

As we near Arlington, I start to worry for Charles as well. If he wins, he will be euphoric, but most asylum-seekers, and about half the ones who eventually win even, will be denied at this stage. It would be like telling him his suffering in the US so far has been illegitimate, and it will raise the terrifying specter of a forced return. I also worry because he is relying on me so completely to get him to this meeting on time, and I have never been to Arlington. If he misses the appointment, he will be denied for sure, and I feel what is probably a fraction of Charles's worry because of this. My insides constrict as I look in earnest for the right road. My relief



comes when I see it. Charles' anxiety amplifies as we get closer.

We find the obscure building in which CIS has rented space – just a few rooms of a larger office complex. We pass by insurance companies and medical supply intermediaries, closed at 8:00, to find an awkward corridor of federal control. A single security officer hears us coming in the stillness of the building at that hour, and he has the procedures to pass by his station ready when we turn the corner. A computer and other miscellaneous electronic equipment weigh down the folding table of this security station, and its operator efficiently gathers our identification cards and logs them by hand while he gives us a litany of rules about weapons on federal property. It is funny to think of this folding table as part of the gateway to federal property in this rented and quiet space.

We pass by some people with heaps of papers hurrying by and calling out to each other in short spurts of office collegiality. These must be asylum officers, I think, who are preparing to collect further interviews like the ones Charles had two weeks prior. They have to fiddle with locked doors at every turn in this narrow yellow hallway to keep visitors headed to the intended room. This room is also closed, but unlocked, and we guess that we are in the right place when we confront a small room with a few dozen chairs, all facing the same direction. Most of the chairs are connected, and they are oriented toward a blank wall with an American flag in the corner, hanging on one of those indoor flag stands with a decorative spear-point, which is bent dramatically to the side. Behind the seats are windows with a nice view from this floor, and to either side, the point of the room becomes more obvious: on one, there are framed images of presidents coupled with quotes about immigration, which are painted onto the wall itself. This is a land of opportunity, a land made great by immigrants, the presidents assure us, lending an

encouraging tone to this mostly empty room. The other side is the business side of the room, with a single locked door and two windows lined with thick security glass. A narrow lit room is visible beyond one of the windows, where someone sometimes enters and shuffles papers. We look for a place to sign in, but we settle on merely sitting in an obvious place.

8:00 turns to 9:15, and we are still alone and apparently not noticed until a tall African American man comes to the security glass and calls out Charles' name. He makes a fleeting go of the African name before he is satisfied that there are actually only two people waiting in the room. Charles approaches the window, his hands shaking. I stand behind him a few feet before feeling that this is wrong. We have been together often as Charles has been visiting CTT the past few months, and he seemed so alone in front of that window. I put my hand on his shoulder as we faced the man, who was still occupied with paperwork. Looking up, or more properly, down because he was almost certainly at an elevated position, he sighed and spoke in a low monotone.

Charles had been denied.

The next words were empty of meaning for Charles – he could not hear them even if there was not thick glass between him and the CIS worker. The man behind the glass, who must deny dozens of people per week, droned on in his bass voice about the procedural consequences as he read from a document. Charles' eyes went bloodshot and teared up. He looked down, shaking his head slowly. The man paused, offering, in the same tone, the reassurance that this is not the end, that Charles can regroup and win. He slid some documents through a small opening, asking for Charles' signature that he agrees to appear in court on a specific date and time. We took the documents and headed to the car.

On the drive back, he was devastated. He wavered between rage, hysteria, and dejection.

He knew this would be a long ordeal, and in some ways, he was barely 'making it' now. It seemed that every few weeks he was ejected from another house that could no longer host him, he expressed feeling that he was ephemeral in the United States. What would happen to his family in this time? They would never understand: even Charles was having trouble understanding. Now he would have to enter a more traditional legal battle for his right to stay, working with a lawyer in open adversarial court, one which would take a long while to be scheduled. It could have been over on that day, and now Charles faced a new and heightened set of anxieties, anxieties stemming from an asylum process which, as of this writing two years later, is still not over.

It was hard to see that day, but there was hope. Charles was in a position of needing others extraordinarily, but he was capable of gaining the confidence and help of many people. He gained an effective immigration lawyer, access to medical treatment and psychological counseling, assistance with food and clothing with some regularity, and he even found stable, comfortable, free housing. This was all possible through a growing group of people Charles networked with, people who saw value in him and compassion for him. He may have fled Togo alone, but he would not fight for asylum in the United States alone.

...

Charles' story is but one of many possibilities.<sup>1</sup> Throughout the world, as people flee persecution by states, they cross political boundaries into other states, where there is often not a framework of refugee camps. Where people cross borders individually, they encounter, wherever nations have agreed to the 1951 United Nations Convention Relating to the Status of

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<sup>1</sup> For those desiring an account at the opposite scale, Appendix A traces the journey of 100 asylum-seekers using available statistics for 2009.

Refugees (or its 1967 Protocol), varying systems of political asylum which adjudicate whether such individuals qualify as refugees. As with all human rights, it is up to each state to choose how to conform to international agreements. This project concerns asylum-seekers who have entered the United States, where they find an over-burdened, over-tasked, and deeply political field of asylum-adjudication, a system which passes hardships onto asylum-seekers as a way to make the status unappealing to people who will not qualify. In the process, the US has erected a challenging regime of asylum which takes a cynical stance toward its seekers, extending hardships to people often ill-equipped to endure them with the aim of minimizing fraud.

This work follows a ten-month period of ethnographic research with a population of torture-survivors. They congregate at an NGO, (501c3 non-profit in the idiom at hand), the Center for Torture Treatment of Atlanta (CTT), which offers free psychotherapy to torture survivors.<sup>2</sup> I observed asylum-seekers in and around this setting, following as many asylum-seekers as would let me into their lives as they met psychological, legal, and economic hardships with determination and creativity. I interviewed non-profit workers and immigration lawyers in the process to gain perspectives from people who work extensively in the field of asylum in support of asylum-seekers. I observed the legal settings of asylum as well, seeing victory and setback, triumph and heartbreak. I pay continued attention to the conditions of deprivation which characterize political asylum, and the social response asylum-seekers make to such

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2 As I explain in Chapter 2, CTT is a pseudonym; no such organization by this name and in this location exists. Though I would generally prefer to associate the real organization with the work, this real organization does sensitive work with a population that prefers to remain obscured. Links to agencies which assist torture-survivors are presented in Chapter 2 for those wishing to contact, volunteer or otherwise support them. Please do not confuse this dissertation's primary non-profit agency with the Center for Torture and Trauma Survivors actually in Atlanta, Georgia.

conditions, by establishing an asylum-seeking identity with strangers and by slowly expanding a social network that they may rely on for psychological, legal, housing, food, and financial support while they work to earn a durable status as people who belong in the United States by virtue of their flight from persecution.

This chapter will introduce a set of *burdens* that accompany applications of political asylum, obligations which the system places on asylum-seekers because of intertwined political, legal, and bureaucratic structures within and beyond the institutions of political asylum. It will then elaborate ways of thinking about social networks, as they are a central theme of this dissertation, representing a primary practice of asylum-seekers to ensure their survival. Each subsequent chapter will introduce additional and more strongly contextual theoretical and ethnographic content, so this is not an introduction in which theoretical content is thought to be neatly contained. First, though, by way of introduction to the realities of political asylum in the United States procedurally and statistically, I present a time-line of what one-hundred asylum-seekers would endure to gain asylum.

### **The Burdens of Asylum**

The system of asylum – that broadly conceived set of agencies and individuals who constitute the professional field of asylum within and around the US government – extends obligations, expectations, and limitations to asylum-seekers to ease the conditions placed upon it by the structures hierarchically above itself. Here I will characterize three of those burdens – the burdens of worth, proof, and expedience - to create a multi-sided vocabulary of obligation within the relationship between asylum-seekers and the system of asylum. It is the challenging task of

the system of asylum to handle a somewhat unpredictable number of asylum claims in a timely manner, with a constant number of personnel and resources, and much of the excesses of this expectation are passed on to asylum-seekers. It is the task of asylum-seekers to shoulder these burdens on route to their primary desire: the right to stay in the United States in lieu of deportation back to (for my informants, at least) torture or death.

The overarching burden on asylum-seekers is the burden of worth. This burden contends merely that ongoing and widespread anti-immigrant political discourses have real effects in the world, and that wherever there are asylum-seekers, there is a burden on them, among (or perhaps beyond) other things, to prove themselves worthy of entry into the US. This matter may seem abstract until one realizes that in affirmative interviews just as in defensive asylum courts, a person must decide whether or not he or she believes the asylum-seeker in question. This belief is enough to justify the granting or denial of a case. In the case of defensive asylum courts, that judge was appointed by the same politicized system that produced much of the law and discursive venom that has set to deny others entry to the US.

The worth of asylum-seekers is further encoded into exclusion clauses, the elements of a person's background that preclude them from becoming asylees in the US. These include persecuting others, participation in terrorism, as well as the seemingly far less serious committing of non-political crimes that are either serious (or numerous) or having any kind of residence in a country other than the US or their immediate country of origin. Van Krieken (1999) provides a strategy for lawyers who represent asylum-seekers who would be excluded while commenting on the everyday nature of those exclusions, positing these exclusions as mere fences in the way of justice for many asylum-seekers. Exclusion clauses seem to be making

moral judgments on the would-be recipients of humanitarian relief that ignore the complexities of conditions of violence, such as the common case of soldiers conscripted into armies which are known to have committed specific human rights abuses, or the threat of collusion with such agents with the threat of death as an alternative.

Yet the burden of worth describes more than the simple legal test of whether a person is (or is conceived as conceived) a morally disagreeable other. Asylum-seekers seem to have much greater odds of winning asylum when they can demonstrate their value above and beyond the requirements set by the system of asylum. In a case I describe in considerable detail in Chapter 6, the asylum-seeker actually has what can be called character witnesses who attest to his diligence and willingness to help others, attributes that do not actually have much to do with the question of whether a person has a 'well-founded fear' of persecution.<sup>3</sup> Instead, they speak to those political discourses of valuable exceptional others, of the hard working immigrant who wants to assimilate. They come into place in the face to face interviews and hearings, where asylum officers and judges ask themselves whether a person is lying. Framed another way, they ask themselves if the person in question is the *kind of person* who would lie. I will use this idea, that the political discourse of immigration has real effects on asylum-seekers, throughout the chapter, but it lends itself to the next layer of structure within asylum, the legal forms that constitute an answer to the question of how the US decides whom to let in.

The burden of worth, emerging clearly as a structural effect of the long political history of immigration the United States, is hardly the only burden which asylum-seekers must shoulder. It may even be the least concrete, though it sets the stage for a cynical system when it was finally

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3 The "well-founded fear of persecution" is essentially the legal 'test' at hand.

made systematic. The burdens of proof and expedience have gradually emerged along with, and owing to, that systematicity. The system itself has been a long time in the making, adapting according to prevailing political needs. The US is only a signatory of the 1967 Protocol rather than the original 1951 Convention Relating to the Status of Refugees, and for nearly twenty years between the two, it used the power of asylum politically as an instrument of the Cold War, granting asylum to people fleeing from communist regimes. In 1980 it finally expanded the system to a system akin to the affirmative asylum described above, though until 1991, a confederacy of INS (Immigration and Naturalization Service<sup>4</sup>) district representatives managed the right of asylum. In 1991, the Asylum Corps was established, finally (and literally) professionalizing the field of asylum determination, providing 82 trained employees on the human rights and the realities of countries from which potential refugees emerge to give interviews and submit their decisions and reasoning to those INS supervisors. This was a gradual response to a mounting problem – the system was vastly overloaded by applications, most of which were said to be fraudulent because of the employee authorization which was guaranteed soon after an application. In 1995 the defensive asylum framework described at the outset of this chapter was formed out a charge that INS decisions were too cursory and arbitrary, and they allowed no room for rebuttal. Administrative courts, handled by immigration judges, would provide that opportunity in a second branch of asylum opportunity.

I cover this situation in greater detail in Chapters 3 and 6, but I summarize it here because I wish to demonstrate the *ad hoc* development of the asylum process in the United States. The

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4 INS was disbanded March 1, 2003 by the Homeland Security Act of 2002, and its functions are handled by CIS (for administrative tasks), Immigration and Customs Enforcement, and Customs and Border Protection (both for enforcement), although in my experience, most Americans still refer to the agency in charge of immigration as ‘INS’ rather than CIS.



system of asylum, for political reasons, seems to have adopted a finite staff, rarely gaining additional employees or courtrooms, but it is expected to handle a changing number of asylum-seekers. I claim here and elsewhere that the system is over-burdened with respect to its available personnel. The duration of asylum claims offered at the outset of this chapter would suggest an overburdening, but to specify, US immigration courts, which handle most asylum applications, are bottlenecks in the system because they do not only handle defensive asylum cases. These courts handle deportation hearings among others, and they are under constant political pressure to hurry along. Many years, they receive far more applications than they resolve, making a 'backlog' a continuing political concern.

That directive, from the *ad hoc* system at hand, costs asylum-seekers weeks, months, and years of preparation and anxiety. The burden of proof is theirs in such courts, and because of it, the burden of preparation is theirs as well. Asylum-seekers work with their lawyers to craft their narratives in a way that protects them as much as possible from adversarial examination in these courts, and they must go far beyond the crafting of these narratives. They must embody those narratives by memorizing and rehearsing them to be able to give a performance of trauma suitable for the setting of asylum courts. Asylum-seekers drop fantasies of imagining their 'day in court' in this process, and by working to internalize their narratives so extensively, they tacitly accept that their day in court will be a cynical and hasty response to a history of political pressure and an over-burdened system. Their adversarial opponents, on the other hand, purportedly receive the documentation for the cases in question as little as two days prior to the hearing. These documents can be more than 1000 pages long, and attorneys may have more than one hearing to attend to. They manage their overburden under time constraints through a set of

practices that work to undermine asylum-seekers without having to know very much about them. This is the burden of proof, when asylum-seekers must learn to adapt themselves to *ad hoc* courts in order to adequately demonstrate their torture over a potentially very long process and when their opponents make them out as liars with only a cursory evaluation of their applications have been made possible by the system.

Lastly, the burden of expedience is something I use to explain an ongoing condition within the system of asylum that necessitates that additional work and obligation required for any claim is extended to asylum-seekers themselves, often greatly burdening them while the system at large is minimally constrained by each asylum-seeker. Thus, asylum-seekers must constantly do the work required for their own management, which at first glance may seem merely like a step towards the elusive efficiency of government services until the extent of this expedience and the vulnerability, initial isolation, and poverty of the population is considered. Affirmative asylum appointments are made for them, and missing them means rejection of the claim at that stage. Asylum-seekers must find a way to make those interviews without a means of lawful employment, and through costly transportation. Furthermore these interviews happen at only eight asylum offices throughout the entire United States and a handful of field offices, the closest of which could actually be several states away. They must actually make this trip twice, the second trip serving only the purpose of ensuring that they receive their decision in an official capacity. They must bring their own translators to these interviews, necessitating one more obligation asylum-seekers must ask of others, and it should be said that it is often difficult to find one's own translator for Tigrinya or Portuguese when one is new to a country.

Moving through the system, asylum-seekers must provide their own lawyers. Some

immigration judges thoroughly encourage asylum-seekers to have legal council before they proceed to defensive asylum court, effectively halting their progress until they do. This is for their own benefit: enduring defensive asylum without a legal professional – especially one who has handled such cases before – is a crucial step in transforming asylum-seekers into asylees on the stand. They make the appointments to get their fingerprints taken, and they sit through the endless bureaucracy of those offices. Above all, they must *survive* without the basic means to do so. I attended a conference on political asylum in the United Kingdom in 2010, and while they had ample critique of the system there, which provides housing and public services for asylum-seekers, many participants were appalled to think of what asylum-seekers would do without this assistance, as they do in the US. Asylum-seekers need to find shelter, food, and clothes. Many will need medical attention, or the care of psychologists. Asylum is a system in which supplicants to the process must be self sufficient without the means to do so.

It is finally helpful to imagine how much money you yourself would have if you had to leave your country tonight. How much would you have if your main account was frozen? If all credit became unavailable? Where would you go, and who would you know there? Can those relationships survive a week on their couch, or four months? In a country in which it appears politically unrealistic to provide such basic means of support for asylum-seekers, they are left with as little as they arrived. Asylum-seekers in the US must shoulder the burdens of worth, explaining to people they met why they are here and if maybe someone might help them in some way. They shoulder the burdens of proof when they must effectively make their cases to an overburdened system with simple means for discounting them and a history of presuming their fraud. They shoulder the burdens of expedience as they work to cost the system as little time and

money as possible, driving seven or 21 hours for four minutes of an asylum worker's time, and moving from couch to couch, or homeless shelter to shelter.

Bearing the burdens of asylum alone is nearly impossible.

## **Networking Survival**

Saddled with extraordinary structural constraints and obligations according to their temporary status as asylum-seekers, they must turn to the people around them for help. The central concern of this dissertation is the social response of asylum-seekers to the burdens the system of political asylum places upon them. They resist isolation by developing relationships of friendship, acquaintanceship, and as the clients of lawyers, psychologists, translators, and doctors, and these relationships make all the difference in their quality of life, recovery, and re-establishment in another country. The complexity surrounding personal networks thus comprises much of the everyday practice of seeking asylum. Personally, I knew asylum-seekers relied on others extensively, but I had up to the point of entering the field under-imagined such relationships as inevitable effects of the great need asylum-seekers find themselves in, in a locus of humanitarian concern within the field of refugee services. It was only through following the ongoing development of people as asylum-seekers that I saw the diversity as well as the necessity of such relationships, and the deliberate way that both asylum-seekers and the agencies which serve them initiate and develop those relationships.

Here I wish to characterize and narrow an approach to personal networks that allows us to see past versions of them which characterize them as special social fields which can be analyzed quantitatively. Instead we will see an approach that takes social networks as a byproduct of

social life most broadly, in which people develop relationships that expand and redefine their way of seeing the world and relating to each other in the future. From the related field of psychology, which has a much greater stake in the idea of personal networks than anthropology has had, Ellen Berscheid (1995) can start us off with an appropriately broad account of the accomplishments and problems of interpersonal relationship research. Up to that point, psychologists had preoccupied themselves largely with the identification and elaboration of *types* of relationships, which, once established, researchers seldom stray from. This made the field something of an archipelago, with few researchers theorizing the relatedness of the various conceptions of those relationship types (530). Suitably for the archipelago metaphor, she describes such researchers humorously:

If we did attempt to cross relationship type more frequently, we would be forced to confront the power these cultural definitions exert over relationship behavior (as well as the ways in which we study different types of relationships) and to recognize that the behavioral variance in relationships we have managed to account for so far may pale in comparison to the amount of variance that is controlled by differences in cultural prescriptions for behavior within each type of relationship. To put this thesis another way, these cultural definitions and understandings associated with relationship type are the gargantuan boulders on the relationship beach we are exploring, casting their dark shadows over us as, head stooped and magnifying glass in hand, we examine the pebbles that surround them. (1995:531)

Berscheid thus calls for a grand theoretical approach to personal relationships that takes the cultural contexts surrounding – and overshadowing - the different kinds of relationships which have been particularized. This may, however, have been a case where 'the grass looks greener on the other side'. Anthropology had a history of creating its own *types* of relationships in other terms, types which were not often imagined in ways that are cohesive with how people interact generally, complete with a distinct lexicon, with kinship covering a great extent of

relationships, coupled with reciprocity for linking people by material exchange and with its own lexical islands of cultural understandings of relationships.

It was a long time before individuals were even clearly visible within anthropological conceptions of personal relationships. In a relatively early depiction, George Murdock (142:1941) tidily posits interpersonal relationships as social cement, suggesting the divisions of anthropology, sociology, and psychology as leading to an effective partnership in exploring the cultural, social, and individual character of relationships between people. Alan Howard's 1964 *Annual Review of Anthropology* piece highlights the centrality of personal relations to the study of social structures, noting that most anthropologists up to that time imagined something like roles and statuses as deriving from social structures even as they generally failed to consider the problems of how those relationships actually worked (261:1964).

The intention to have individuals in anthropological social theory emerged, though this remained rife with assumptions about how interpersonal relationships worked. Gary Coomes (1973) foreshadows Berscheid's piece in positing a problematic use of social networks within anthropology: they were supposed to get away from the structural demarcations of relationships and instead locate them in face-to-face interactions, but those interactions are under-theorized. He describes such networks succinctly, broadly imagined to be comprised of 'ties' between people, such as “affect, trust, rite, obligation, or expectations”, and that those ties somehow influence the behavior of individuals (96). He problematizes the simplicity of that construction by suggesting that they must cope with change, with individual decisions within those frameworks, and with the diachronic capacity of the maintenance and constitution of those networks through their ongoing repetition (97). This approach appreciates the cultural character

of the 'ties' between people, as well as the capacity for those relations to change along structural lines as well as cause structural change.

Weatherford (1982) boils down the status of research on social networks as “little more than an attractive metaphor for social structure,” forty-one years after Murdock's similar characterization, whether such research takes a sociometric model-oriented quantitative approach or a more contextual analysis (118). His work, among small neighborhood political networks, nevertheless signals a complication of the view that personal networks reflect and reinforce social structure, in his case showing how people's relationship to systems of power can change through those relationships. He finds that the effects of such networks on political orientation and action is highest when those networks are unambiguously partisan, heavily politicized, and when a person has strong affective connections to others within those networks (133).

The diverse contexts of anthropological research offered further complexity in which one may imagine interpersonal networks, showing the depth of which the situational quality of personal interactions can shape them as well as how their ongoing practice can shape cultural, economic, and even gendered practices. These practices often show the fluidity of identity as a necessary complication to the imagination of interpersonal relations. Bellagamba (2000), for example, elaborates a Mandinka (Gambia) practice of *karafoo* as a multiply interpreted set of relationships based on trust and responsibility, which can be ascribed to kinship relations as well as deliberate political alliance, ably illustrating the cultural ways in which systems of interpersonal relations are established. Minnegal and Dwyer (1999) elaborate on a shift among the Kubo (Papua New Guinea) in the emphasis of their interpersonal relationships, moving from a focus on individuals to an elevation of group identity as they struggle to meet new challenges

over resources. Bacigalupo (2004) details a system in Mapuche communities in which prevailing understandings of nationality and gender are played out in ritual contexts, with shamanistic spiritual relations reflecting present social realities and cultural understandings of their possibilities. Moreover, individuals take on fluid ritual personas that reflect and transgress those realities. This can signal the reframing of our concern beyond the broadly cultural to the realization that social systems can change in many ways through social practices, including (and by mechanism of) the interaction of individuals.

We may understand such practices as fluid while accounting for the variable stubbornness of social structures, especially where they protect existing systems of power. Ruan (1993) characterizes a thoroughly structured environment of Chinese workplaces while observing the ways that people's interpersonal networks strongly overlap with these workplaces, effecting strong social controls over employees by linking social relations and economic dependency. Guthrie and Hutchinson (1995) describe a set of inter-ethnic relations between Asian immigrants and African American communities in San Francisco, in particular describing the ways that their mutual perceptions of each ethnicity dominate their interaction over personal presentations of self. This shows ethnicity, and ethnicities alive and well in the United States, as a potential structuring factor over social networks. Bailey (1997) shows us almost this exact dynamic by linguistic means, revealing a system where respectful speech in difficult cultural systems leads to negative interpretations of others as interpreted by different ethnic actors in everyday economic exchanges.

Linguistic anthropological studies have lent alternate modes of analysis to the study of one-on-one interactions, and they are capable of showing the complex ways in which speech can



reflect a broad social order while demonstrating interpersonal creativity and idiosyncrasy, in a field understood as highly presentational with regard to selves, such as Goffman's face work indicates (1963). Dench (1987), a piece that is as linguistic as it is formally about kinship, describes a linguistic marker of kinship present in four Western Australian languages. They appear to have initially indexed who was related, but they have since come to describe collective activity associated with those groups, reflecting a linguistic patterning of a changing set of culturally defined relationships. Fitch (1998) gives an analysis of Colombian relationships as indexed by the linguistic styles used, which she shows as highly dependent upon the social context surrounding that speech, such that one can see a long term maid and employer interacting as maids and employers are supposed to in one moment, and they talk like lifelong friends, albeit with unequal social status, when the room clears.

There is a wealth of accounts of interpersonal relations or networks which could be explored, but I think the point is made that despite the many different ways which researchers have conceived of how people make connections to people, the endeavor must account for the context in which such relations take place (how people tend to interact in a setting) and the interaction of subjectivities within those settings. That context is the incredibly complex totality of normative interplays of social difference – and the focus of interpersonal relationships might be most effective when it observes the way that people learn and act within that context. The development of personal subjectivities through everyday practice is much more well-worn terrain than that of strictly interpersonal relationships, such as Pierre Bourdieu's theory of practice (1977). Bourdieu's practice is strongly structural, but it allows for the possibility of individual difference and agency, and it is primarily through this mode of interpersonal

interaction that this dissertation will explore the ways that people *become* asylum-seekers and which predicate and regularly influence the relationships that people develop.

Researchers cited above are describing fluid yet constrained genders, political affiliations, classes, races and ethnicities – which after all are social 'ties' that bind people together just as the more individual (yet also culturally and situationally conditioned) affect and trust. Yet there is also a theme that suggests that these are hardly constants within interpersonal relations. Bailey (1997) and Fitch (1998) both suggest that the structural influences may intensely define interpersonal relationships at first, but people are quite capable of forging distinct ways of interacting and forming expectations of each other as those relationships develop. We may expect this trend without imagining that all actors are capable of the same kinds of play within all systems. I find this true when we imagine the social combination of people meeting in contrived circumstances of an NGO lobby, from different corners of the globe, with different ways of thinking and speaking. It only makes sense to me that they relate to each other in ways that are predicated by those settings of clients and volunteers, clients and lawyers, or clients and doctors. We cannot lose sight, however, that it is asylum-seekers who are consistently clients. It is asylum-seekers who need others. It is asylum-seekers who thank others for their otherwise mutual interactions.

I thus proceed with an understanding of interpersonal relationships as resistant to prior (and sometimes current) modes of understanding them. They are too culturally contingent for typologies to be widely meaningful. Sociometric network analysis is obtuse at this small scale, and besides has little way to grasp the situational ways in which relationships form and are given meaning. Those situations, much as the ways in which people interact, are furthermore fluid to

some extent. Individuals or groups can shift in their relative weight of significance to interpersonal relationships. The one-on-one scale of interaction may meaningfully be approached when we take into account both the extraordinary structural constraints of the system of asylum as well as shifting categories of personhood in the vein of subjectivity, itself an evolving field of play in interpersonal relationships. A practice-centered approach allows us to move beyond 'social cement' and into the contingent and power-laden fields upon which people *become*. Asylum-seeking, if nothing else, is about becoming.

This dissertation follows that *becoming* in a variety of contexts, with an ever-present interest in who interacts with and changes along with them. Chapter two will lay out the contexts defining my research and methodologies. Chapter three will do much of the work of characterizing what it is like to seek asylum from the US over a long period of time, while contending with the aftereffects of torture and the initial social isolation that many asylum-seekers face. Here I will describe an emergent asylum-seeker subjectivity to explain the changes they go through to meet the challenges they face. Chapter four will detail a key structure in asylum-seekers' lives – NGOs in general and the Center for Torture Treatment in particular, linking the ways they maintain legitimacy and their own social networks to the networking of asylum-seekers within that system. Chapter five traces the important work asylum-seekers do with their lawyers in preparation for affirmative and defensive asylum events, in which they must 'collaborate' (in very unequal terms) on the construction of their asylum narratives. Those with effective relationships with their lawyers find themselves rehearsing and otherwise training for asylum encounters. Chapter six carries the work to the logical step of observing the interactions of asylum-seekers with the legal structure of defensive asylum hearings, suggesting the ways that

such settings prepare to minimize the complexity of the world's politics, language, and culture, against which asylum-seekers who are well-connected and well established as seekers of asylum who are 'strong enough' or 'ready', will posit themselves according to the expectations of those courts. Chapter seven recasts the some of the significance of social networks to asylum-seeking more generally while positing further directions for research.

## Chapter 2: Methods

This project is based on approximately ten months of research I performed in Atlanta, Georgia, USA. I have had a long-term relationship with the 501c(3) non-profit agency called the Center for Torture Treatment (CTT) that works to offer free psychotherapy to people from all over the world who have fled life-threatening situations of torture.<sup>5</sup> CTT is a member of a larger network of such centers, the National Consortium of Torture Treatment Providers. Each of the members of this network have some standards that they adhere to, but they vary greatly in size and scale of services offered. They communicate regularly to assist each other in meeting the standards for funding set by the UN and by the US government agency in charge of refugees in general and torture treatment in specific: the Office of Refugee Resettlement. Before I discuss the specifics of my activity there, I wish to explain my prior experiences with CTT.

In the spring of 2002, I was finishing my sophomore year in college and looking around for summer internship opportunities. In my in-box was a letter imploring students at the college to consider volunteering at CTT. I decided that they sounded like they would appreciate help even from someone who didn't know the first thing about torture. I was apparently the only one

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5 Again, CTT is a pseudonym – the actual organization exists in an entirely different state and under a different name. There can be something of a conflict wherever active non-profit agencies are covered in works like this along with their clients. However, I feel that the clients have the greater weight in deciding how to mask the specifics of my research participants. This is precisely what many desired, even though most sing the praises of the real organization when asked about it. Those wishing to support an active National Consortium of Torture Treatment Program (NCTTP) member in Georgia will find the Center for Torture and Trauma Survivors, with locations in Decatur and Clarkston. <http://www.dekalbhealth.net/TortureTrauma/index.html>. Please do not confuse CTT with any real agency operating in Georgia.

who showed such interest. It might be helpful to note that in 2002, while torture was widespread in the world, general knowledge of it within the US, at least in my experience, was not. People would actually laugh, assuming that I was joking about my volunteering there, imagining that torture was relegated to Medieval Europe. I too had essentially no idea about either the practices or the prevalence of torture, but I learned about each as I met dozens of asylum-seekers as well as original staff-members of CTT including Dr. Miguel, a recently but dramatically sight-impaired Argentinian psychologist with decades of experience who features prominently in this research. I found an understaffed organization which was borrowing space from a Methodist church building dedicated to service to the impoverished and homeless, providing only psychotherapy. It was staffed by the aforementioned Dr. Miguel as well as a man in his thirties who had a passion for helping people from war-torn areas, so much so that, according to Dr. Miguel, he was developing Secondary Post-Traumatic Stress Disorder (SPTSD). Over the summer, he rapidly lost weight and came to the Center less and less, until it was only Dr. Miguel and me. I had no car of my own at this time, I had little to no knowledge of torture nor asylum, my French was inadequate for the vocabulary and the emotional subtlety of psychological translations, and I couldn't navigate Atlanta any better than people who had only lived there a few days, but my status as the one support person who was there was solidified, and it elevated me as someone more valuable than I probably actually was.

My junior year was ripe with the benefits of having 'held down the fort' at CTT. I was invited to talk to groups of students because of it, and I had a unique frame of reference for discussing the sorts of theoretical things that undergraduates discuss. CTT gave me the "Peacebuilder of the Year" award at my nearby college, both as a way to promote the Center for

future volunteers and to reward me in their own way, which oftentimes is actually by inventing an award and bestowing it upon you unproblematically, even if they never keep track of what the award was called or ever give it again. In any case, I was hooked. I was fascinated by the people I met and the professionals who worked with them. The following year I wrote a Lilly Grant to explore what it would be like to work at a non-profit agency in order to return to CTT in a more formalized internship position. This time CTT was in a completely different location, half of a small duplex on the east side of Atlanta. The other half was shared by a couple of young Congolese men who were arranged as roommates by Refugee Services of Georgia, whose headquarters were next door. The man who suffered from SPTSD has left the agency, and in his place there was a full time Client Care Coordinator who also managed all paperwork associated with clients as well as a Methodist reverend who was tasked with more ambiguous duties, mostly under the umbrella of handling community relations, especially with churches, writing grants, and administering religious counseling and alternative ways of relieving stress. CTT received help from professors at local universities who sent students obligated to perform community service hours, was well connected with churches, now had regular audits and accounting, and it was winning grants. I was one of many volunteers assisting the Center at that time, and with moderately improved understanding and access to transportation, I spent two months there, covering whatever sorts of tasks they needed an extra hand with, such as installing a fax system or driving clients home.

So it was by investing the better part of two summers in my undergraduate education that I built the foundations of my relationship with CTT that allowed me to do ethnographic research there. More than merely enabling the research in a practical way, CTT had a constant place in

my imagination as I finished college and worked through graduate school. It enabled me to imagine the research I would eventually do, and it expressly allowed me to perform it later. Without reservation, I am deeply concerned with the work CTT does and with the people who make it happen. CTT and its clients are a part of who I am as a researcher and a person. I knew all of this going into the research, and I write all of this to confirm that my relationship with CTT has some history to it before even beginning the research. Of course it is in some ways a problematic one. My past with CTT meant that they gave me what I tend to give to them: the benefit of the doubt. It is not easy to propose to do ongoing ethnography, especially with a population as vulnerable as asylum-seekers are, but CTT was willing to let me take up office space, attention, and time away from the everyday tasks of the Center on an ongoing basis. This relationship also means that I am not by any means impartial to the goings-on of the Center and to the lives of asylum-seekers. I am fortunate that the realities as I will write them in general allow me to cheer on the work of CTT and the triumphs of asylum-seekers rather than leave me feeling obligated to cover for their inabilities and apathy. I am further fortunate that anthropologists no longer tend to imagine themselves impartial as a nomothetic necessity. Besides, I would contend that it is unlikely that a researcher doing qualitative work among asylum-seekers could be anything but partial to them. Because I am partial to the asylum-seekers I have gotten to know over the years, and because I am concerned with the experiences of asylum-seekers as a whole, I intend to render them realistically in the scope of their struggles with the system of asylum. If I can bring attention to their experiences, and if this attention can lead to positive change in the lives of others seeking asylum in the United States, I will have been partial to them in the best way.



One enduring artifact of my experiences with CTT is something like college students experience when they eventually return home for holidays or summer breaks: CTT saw me as a 'gopher' – a person free and unimportant enough in the operation of the agency that I could do whatever was needed. It is a necessary role, especially in under-funded and small non-profit agencies with a wealth of volunteers. I was thus concerned that I would find it hard to find physical, and really, social space to engage asylum-seekers with the depth that I needed to for this research. This occupied my mind as I called Martha, executive director of CTT in 2009, to officially begin this research. She was driving home, and she took the opportunity to tell me all about CTT since I left, or most pressingly, in the past few months. I explained to her what I hoped to achieve with this research, and I indicated that a variety of roles in CTT – some more passive than others – would allow me to meet my objectives. She quickly retorted that I would need to be as active as ever to justify my presence there, as she explained to me that there were some researchers who had been there the year before, who had, in her words, demanded too much space and disrupted operations significantly. She expressed excitement that I would be back, having handily thwarted any thought I might have had that I could be 'only' a researcher. This feature of our respective pasts came to shape the way that this project was done. I would not be an outsider. Even if I wasn't working 'for' CTT, I would justify my persistence there by doing what any of the staff workers do: you answer the phone if nobody is picking up, you wash some dishes if they begin to pile up, and most importantly, you help CTT clients however you reasonably can.

In this spirit, I aided CTT in myriad ways. I did enough dishes to deserve at least minimum wage. I picked up dead cockroaches who fell to the monthly extermination. I replaced

light-bulbs and fixed the server when it went haywire the minute CTT's IT professional left for Qatar. I got the phones back on-line after a power fluctuation disabled the building's main surge protector. I did work in their database and its overall architecture. I helped Dr. Miguel learn to use his recording device from memory and touch. I brought the Center lunch on more than a few occasions. I taught new interns and hires about the asylum system. I helped a Sudanese refugee assemble a resume and find a nursing job. I worked with a few other clients, including the former vice-president of an African country to adapt their resumes to specific jobs in the United States. After that I had requests from some interns to help them with their resumes. I helped assemble blank files for future clients. I answered phones just about every hour, which included fielding several phone calls from people suffering from schizophrenia who have read about US torture practices and believe that they are implanted with some kind of electronic chip. One phone call I answered, I was moments away from falling into for a scam from an agency that pretends to be from the yellow-pages, which was close enough to working that they called back asking for me thereafter. I made a map of countries that Amnesty publishes as those that employ torture, and charts and graphs of data sets from specific months for grants. I proof-read grants and reports to lawyers. I found maps and navigated people to and from various places by phone. I discovered that the Coke products sold at the nearby convenience store were from Mexico and were thereby made with cane sugar, which prompted weekly expeditions there. I accompanied CTT's large contingent of Iraqi and Egyptian clients to Zoo Atlanta one rainy Saturday.

I had this life that was akin to being a CTT staff person, and at one point, when an overqualified staff worker moved on to another career, CTT's director asked me, essentially, to do some work for them while they found a replacement, for pay. This was a line I could not

cross, because I realized that I was able to perform my research in the midst of all this work because I was free to do it at my discretion. I did this work while I waited for opportunities to interact with asylum-seekers. I did not want to miss any opportunities because I was assembling Excel spreadsheets in the back office, and I definitely did not want to make my relationship with CTT even more complicated than it already was.

I hope it is plain to see that I was able to see and participate in the life of a non-profit agency during a difficult ten-month period. Every weekday I spent a minimum of six hours at or service of the site. There were many days that saw no asylum-seekers come to the door of CTT, but these were useful in that I was able to see the operation in its 'off' hours and to see staff members enjoying each other's company. I even attended a few days that the staff justified as 'mental health days', an ironic title given that virtually every day at CTT is intended to provide mental health. These days were for the staff, and they generally involved taking a very long lunch and enjoying some other activity, such as watching a movie as a group and finishing the day off happily chatting over coffee. I regularly engaged staff members who are ancillary to the primary function of CTT, such as the accountant, the IT professional, medical doctors, and myriad volunteers.

The following paragraphs will attempt to segregate the methodologies I employed into concrete elements, but this separation should belie the integrative nature of the research I did. When one is engaging in participant observation and when one is performing interviews is sometimes difficult to ascertain. I explain first what participant observation at a non-profit center expressly entailed for me as well as the key role that Atlanta's congested roads and my frequent task as driver of asylum-seekers played in my understanding of their lives. I explain the

interviews I performed, including the varied participants as well as the kinds of questions that guided that methodology. I detail the kinds and numbers of times I was able to observe the formal moments in political asylum, when official decisions are made in administrative legal settings sometimes explained as 'court-like'. Lastly, I account for how I recorded the information I gained in an environment where even pen-and-paper notes can be poorly received.

### **Participant Observation at CTT**

Every weekday, and a couple Saturdays, I made my way to the campus of CTT, a small duplex on Atlanta's east side. I would normally join CTT's operations in progress, as they rarely saw asylum-seekers in the earlier morning hours. I would aim to arrive as asylum-seekers did and stay until the door was locked. I remained present and visible during this time, which is important because it was possible for some staff members, such as the executive director, to be at CTT but remaining seemingly unavailable behind a closed office door. I performed whatever tasks CTT needed for the opportunity to meet asylum-seekers and get to know them in small spurts of conversation spread out over weeks. I endeavored to make it clear that while I was volunteering my time and efforts in some way, I was actually performing social research on the system of asylum, which I emphasized was a social system including asylum-seekers, associated professionals and volunteers. This was the price of observation and my continued presence at CTT – serving as a volunteer.

This was a small and often rewarding price to pay, and as I mention above, it granted me a degree of freedom of operation at CTT. I could be *for* CTT but not *of* CTT. Most of this area of my research was spent moving around the Center talking with people, especially in the lobby

area. CTT is constructed to be comfortable: much of it looks like a home, with only the back areas dedicated to office-work. The rest of it is adorned with tables, couches, recliners, books, a television, a radio, and a kitchen that remains open to all. CTT might remind someone of a vaguely multi-ethnic home décor retail operation, and indeed, such local businesses are kind to CTT in terms of their donations. The walls are adorned with photography and home-made gifts from past clients. There are activities for children to partake in, and there is a short table and chair set for them to color or read with. There are computers in every room, many of which are open to whoever needs them. There is a map with a pin representing the countries that CTT's clients come from, and a shelf with miniature flags of every nation on Earth. I give this taste as to what CTT is like so that one may better grasp what it is to do participant observation there. There are areas of work and areas of play at CTT, and I was able to move between them and engage people in different ways as I did so. No two days at CTT were the same

Participant observation at CTT actually entails a range of locations and contexts for interaction. The staff gradually began to help me connect to a wider network of lawyers, doctors, and non-profit staff. I spent some afternoons accompanying CTT's clients to legal and medical appointments, and I was able to observe some radically different non-profit environs. For four days, I was part of a group of CTT staff who were sent to Augusta, Georgia to talk with another non-profit agency that primarily served the legal needs of asylum-seekers. Aside from seeing this operation in action, I was able to interview some very experienced lawyers and especially learn about asylum among detained asylum-seekers, as they primarily serve the immigration detention facility in Gainsville, Georgia. I attended a 'cleanup day' in which staff and clients arrive on a Saturday to solve site maintenance issues side-by-side. There were a couple of

parties in which CTT was more like a home than ever, one marking the end of summer internships, and another to celebrate the annual United Nations Day in Support of Torture Victims on the 26<sup>th</sup> of June. At the latter, CTT awarded me a plaque that praised the assistance I had given them, something which I assured them was much more mutualistic than the plaque's generous words suggested.

This sort of participant observation yields results in accordance with the time invested given a long enough span of time. Some days I came away with nothing in relation to my research other than reinforcing the regularity with which I was available at CTT. I was able to see the day to day operation of an important center in the assistance of asylum-seekers in the area through this method, which is crucial to understanding much of the lives of asylum-seekers. I was also able to branch out to the other activities of asylum-seekers while making valuable connections in their communities. I was able to gather, piece by piece and through the months, the experiences and attitudes with regards to asylum by the staff and some of the most frequently attending clients. Most importantly, I was able to establish trust in the agency and with asylum-seekers to discuss a sensitive and potentially disturbing subject. Though I spent most of my time at CTT, I consider my presence there only half of the participant observation of this research, the other being the everyday travel in and around Atlanta with asylum-seekers and non-profit staff.

## **Driving**

Atlanta is difficult to navigate by any means. The streets are expansive, congested, and frequently only allow one direction of traffic. The highways change names frequently, and they are in confusing directions. The bus system connects to a train system, which is how most

asylum-seekers get around. Many of the cities surrounding Atlanta are expansive but they lack adequate public transportation. Asylum-seekers often have appointments at specific times, and they group these into the same day so that they do not have to spend multiple days waiting for the same buses and trains. Frequently these are not easily accessible points for public transportation, or they are separated by a complex and lengthy series of bus changes.

As I was at CTT to help however I could, I fully expected that my car, an eleven year old Buick sedan, would be my greatest tool in that assistance. In ten months I put 20,000 miles on that car, and I estimate approximately two hours every day were involved in driving. Indeed, much of that time was spent going nowhere in a sea of traffic. Fortunately for my research, much of this was in the transport of asylum-seekers. Cognizant that they were in effect stuck with me for whatever duration of the drive, I rarely asked any questions directly, though I would use any opportunity to follow up on anything relevant that they mentioned to see if they actually wanted to discuss anything. I gave rides to any asylum-seeker who needed it, regardless of whether or not they wanted to participate in the research, which was important in developing trust among CTT clients. Fortunately for me, the drives were long and many asylum-seekers, though they guard their personal stories of flight from their countries closely, could go on and on about their room-mates, about politics in the US and internationally, about President Obama or the recently deceased Michael Jackson, about cultural quirks they have noticed, about their lawyers and CTT workers, about men and women, about religion, about their families, and occasionally about their hopes and fears. They worried, they praised, they complained, and they made fun of the everyday experiences at CTT and beyond. Some, of course, sat in silence the entire way, for however many months I drove them. Some young women were too embarrassed

to be in a car with a young man, so they sat quietly in the back seat as I chauffeured them. I took them to appointments (often accompanying them inside at their request), to asylum court, grocery and convenience stores, and mostly frequently, to their homes. In two cases I took people to Arlington, Virginia, which is about 8 hours total including their appointment. These appointments tend to be at 8:30 or 9:00 am, which would otherwise require them to take a Greyhound bus the previous day and find lodging in other circumstances.

Driving helped to give me what ethnography is made of: asylum-seekers told me much about their everyday experiences in and around the field of asylum, and the connections I made through the shared and often lengthy bouts of driving were crucial towards building asylum-seekers' trust in me so that such things could be talked about in the first place. As an example of the kinds of knowledge I gained from this, every Tuesday I drove two Rwandan clients who lived rather far away to and from the Center, and though the young woman rarely said anything to me beyond 'Hello' and 'Thank you,' the man had recently arrived in the country and had more to say. I was able to see him move between bouts of despondency and anger to a gradual kind of optimism over the course of several months. Driving clients is very much like 'hanging out', and in many ways it is a closer approximation to an ideal of participant observation than the method often achieves – people spend time in one place, doing the same thing, and they learn a thing or two about each other. In the car I was able to get a view of asylum-seekers outside of CTT that I never would have obtained otherwise, and importantly to me as a researcher and a person, I was able to provide a simple service that meant something to them, whether they chose to actually tell me anything about asylum or not. A few of these people I talk to still as friends, and I do not



think that we could have such a relationship if not for the frequent individual interaction of those car rides.

## **Interviews**

I conducted fifteen formal interviews. Six were with asylum lawyers of varying levels of experience, including a group of new corporate attorneys and a couple of older men who had handled, between them, around three hundred asylum cases. Three interviews were with employees at different non-profit agencies, and the remaining six were with asylum-seekers from five different African nations. Eight of these interviews were conducted with people I knew throughout the period of research, toward the end, at which point we could talk poignantly about asylum as people who knew each other. I knew all of the asylum-seekers for all or most of the research period, and these six – three men and three women between 20 and over 60 years old - were among the ones I knew best and felt like they were emotionally healthy enough to talk about their asylum cases. There is diversity in the outcome of their cases as well: two were granted 'withholding of removal' – a limited form of relief, one won his case in affirmative asylum, one won his case in defensive asylum, one was compelled to withdraw her case, and one's case, the longest running case among them, is still awaiting an appeal of a rejection.<sup>6</sup>

Each interview I came prepared with a set of questions, written out according to two schemes: one for non-profit workers and lawyers, and another for asylum-seekers. I had planned

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<sup>6</sup> Someone doing the math might find that I effectively collected seventeen interviews. However, an interview scheduled with a newer attorney working with a firm attracted two others who had also handled asylum cases, prompting a three-way interview.

to have 'semi-structured' interviews, and depending on the interpretation of 'semi', I held to this. In the eight interviews in which I had known people for months, I skipped information where I ask about the motivations to get into the work non-profit workers do so that we could spend more time elsewhere. In general, for non profit workers and lawyers, I began with such questions about how they decided to work where they work and to gauge their experience with asylum-seekers and the asylum system. I would then ask them questions about how they perceive asylum-seeker experiences with the system, as well as using the opportunity to clarify mystifying elements of procedure for my own benefit. Finally I would ask them questions that elicit responses relating to concerns with asylum as a whole, where it works, and how they might change it. Most of these interviews took place in the offices of the professionals as a matter of privacy and convenience.

For asylum-seekers, I had a less structured approach. My objective was to get them to tell me about their experiences after entering the United States: how they arrived, how they managed language difficulties, who they knew, how they helped themselves and how others assisted them, how they learned about CTT, what effect such organizations have had on them, when they learned about asylum and how they prepared for various elements, and finally, and most fully, how they approached, felt about, and prepared for specific parts of the asylum process. Finally, I would ask them about their plans for the near-present and future as well as how they would change the system for future applicants, or at least the parts of it they had completed. I conducted these interviews in small offices with large windows and comfortable chairs that are characteristic of CTT, which, while smaller than I would have preferred, did offer a degree of privacy. It should be mentioned that by virtue of the informants and myself being in

a closed office, the general privacy of the interviews – the knowledge of others on site that an interview was going on – was not possible to contain. Interviews of all kinds averaged around an hour and a half.

Only one interview was conducted in another language with the aid of an interpreter who was volunteering for CTT. This case was the most thoroughly and quickly successful, and it may have been the case that he had much less to say, but it was certainly the case that this interview was the shortest. I know from other conversations we had (through a friend of his) that he was embarrassed to speak a language he was only learning, and he was probably further reluctant to do so through a highly educated young woman who spent most of her life in the United States. Interpreters appear throughout this work regardless, as they are present in many settings, but this is my only experience of using one first-hand. One quickly realizes that such an enterprise takes about three times as long as it would when two people are speaking even roughly the same language, and the challenge involved in conveying such information far exceeds what these people are usually paid. Miscommunication was such a part of that interview that the strategy one uses for conveying information switches to one of broad strokes rather than finer points. Phrases like “it was good for me” and “felt bad” become common, and I am left wondering how the man experienced certain events more specifically.

Though these interviews represent a fraction of the time I spent in the field, from them I gained the most lengthy and overt discussions of asylum experiences and professional practices. Here I could gain a degree of intellectual and emotional depth in responses to questions, and while many might have felt that they were 'on' (as I was writing things down), most respondents fully engaged the subjects at hand without much prompting from me. Because many of these

interviews were the culmination of getting to know people across the period of research, I felt that asylum-seekers in particular were able to speak candidly about their experiences in the asylum system. Many expressed interest in the topic, one in which they had a great deal of expertise but were seldom consulted, and in some cases we talked about events that we were both present for months earlier as we explored the differences of perception that time gives. Interviews created a subtext for going over matters which would be passed over in regular communication with relatively short phrases, so they complimented the period of participant observation as well as the courtroom observation. I could go beyond what happened into the spaces of what participants were thinking and feeling about certain events as well into their perception of the policies that govern so much of their lives or professional practice.

### **Observation of Asylum Hearings**

I was able to observe three different kinds of formal event along the asylum process: the reception of an affirmative asylum decision, the Master Calendar hearing, and the merit, or defensive asylum hearing. All of these will be rendered in greater detail throughout this dissertation, but here I will speak to the methodology involved as it pertains to observing such instances.

I saw the reception of an affirmative asylum decision twice, in which one treks to an asylum office in Arlington, Virginia from wherever they live (within seven states stretching from Alabama to Maryland). There they wait to be called in a waiting room replete with images and quotes from US presidents celebrating the reciprocal value between the US and its history of immigration. Rows of linked blue plastic chairs face the same direction, facing a wall with an

American flag in the corner, but only a handful of people were there either time I made the journey. Here people are called for affirmative asylum interviews, and two weeks later, no matter the inconvenience, they are called back to hear the result. Affirmative asylum interviews are closed to all but asylum-officers, the applicants and their translators (which asylum-seekers must bring themselves at this point), so observing such events is impossible unless one counts as one of those three people. The reception of the decision is just a few minutes of an immigration worker reading the decision and verifying that the asylum-seeker understands the result. This happens at a window with a small counter, sealing the worker from the applicants, allowing papers to be passed through, albeit making it difficult for both parties to hear each other. Paperwork is signed and the event is over. I saw one grant of affirmative asylum and one rejection – forcing the case into defensive asylum and scheduling a Master Calendar hearing. Methodologically speaking, the events leading up to or following affirmative asylum hearings are much more interesting and available for observation. However, seven hours in a car with asylum-seekers provides a lot of time to talk about a lot of things.

The second type of formal event within the asylum process that I observed was a Master Calendar hearing. I observed two of these; in each case, dozens of people cram into a small, windowless courtroom, and an immigration judge works through a roster of cases essentially deciding whether each is ready to schedule a further hearing or whether they need to delay, at which point they schedule another Master Calendar hearing. The majority of these cases were people awaiting deportation hearings for immigration violations outside of the system of asylum. In fact, each time, only the person I accompanied was an asylum-seeker. These hearings, lasted about an hour but pertained to each person for around a minute and a half. They are somewhat

raucous for judicial hearings because of the amount of people fit into such a tiny space, half discussing things with their lawyers quietly and the other half shuffling paperwork. I was able to see the nervousness of asylum-seekers and others faced with their hastily decided fates alongside the lax approach of attorneys, many of whom do not even accompany their clients to such hearings if an NGO worker is willing to enact a few legal performatives on behalf of their clients. I was glad to have seen such hearings, because they are extraordinarily consequential to asylum-seekers afterward, as this dissertation will explore.

Lastly, and most invaluable to this research, I observed three full defensive asylum hearings, each with asylum-seekers I had known during the course of this research. These hearings are the moments that decide whether the months or years preceding them will relegate asylum-seekers into jubilant asylee status or into more months of waiting for one last appeal to the Bureau of Immigration Appeals. These hearings are too complex to explain here, but in short, they are an adversarial event in which the merits of an asylum claim are debated by an attorney representing the Department of Homeland Security and an asylum-seeker (in all cases represented by an immigration lawyer) in front of an appointed Department of Justice immigration judge. They lasted between around thirty minutes to four hours, and they are a wealth of condensed legal wrangling that in many ways reflect the preparation, anxiety, and legal practices of asylum-seekers in the previous year. These hearings allow no record beyond the digital recording made by the court, so observation was exactly that. The drama of such encounters, however, lend them to close attention and vivid memories. Given the time it takes to conclude asylum cases, I was fortunate to see even three of these, and I was very fortunate that such hearings pertained to people I had gotten to know through the Center beforehand. I knew

much about their cases, including their preparation for this moment, giving this project a much stronger understanding of such hearings and the system overall than it would have had if I had sought out these merit hearings without the fuller contexts of getting to know the applicants and lawyers, at least on the asylum-seeking side. These events provided virtually no opportunity to interact with government attorneys nor judges as I had hoped they would. The investigation of their perspectives would be a challenging but worthy task for any future social researcher.

### **Record Keeping**

Except during interviews, I had no notes or other manner of physically recording events when interacting with people in the field. I made sure to introduce myself accurately and to clarify others' understanding of what I was there to do, but I did not want such an awkward methodological device in between the everyday and frequent encounters with NGO workers. More pressingly, I did not want asylum-seekers, the majority of whom I did not interview, and many of whom spoke no English, to think they were being observed at a place which is supposed to be safe and comfortable for them. Additionally, many asylum-seekers suffer from paranoia, and though many have rational reasons for this feeling, I did not wish to be a person with a clipboard looming in their imagination when they come to CTT. Although I would have loved to have had an audio record of my time at CTT, the concerns I raise about note-taking are amplified with audio-recording. I employed no audio recording devices at any time during my research, which includes interviews. I wish to emphasize my openness about my presence there again here: I told everyone what I was doing as we met, and talked about it at length the many times it was requested.

Given the above, I employed two kinds of record-keeping. The first, and most copious of my records, are daily entries of activities, written down as soon as I could reach my computer at the end of a day at CTT, which collectively constitute my fieldnotes. Though these started off more methodical than they would become, they remain an extensive log of my research, including anything related to asylum, asylum-seekers, the relationship between various non-profits and lawyers with their clients and among themselves. On days that I went to court (where no alternative record-keeping is even allowed), I have extensive notes that took hours to produce, and such events are so important in the daily activities of CTT that their effects show up in entries days later. The second practice was simply taking notes during interviews. Because only so much can be written in a steady dialog, these were transcribed soon after they were taken, where they were expanded and elaborated to include emphasis or memorable elements of communication, such as laughter, eye-rolling, and the like.

Both of these methods require some degree of memory on my part. I will not comment on the capacity of my memory, but I will acknowledge that all memory is faulty as it pertains to reality to some extent. It is also our primary link to our experiences as people. It is not the nature of this project to dabble in the highly technical aspects of law or psychology about which memory would be a poor representation. I may stumble on a name I've never heard before, or the number of a USCIS form or the long strings of legal language passed between lawyers when I think back from a few hours before, but I believe that I was able to render the broader concerns of asylum seekers regarding their experiences and lives, the critiques that lawyers give regarding asylum-law, and the complaints of CTT's psychologist regarding the decisions of asylum-courts into fair representations just a few hours later.



As any record keeping resulting from interpersonal communication, there will be limits to mutual understanding of questions and answers as well as varying shades of attention granted to different parts of those questions and answers. Communication is always incomplete in both delivery and understanding, full of unintended consequences. My notes are full of misunderstandings large and small, but I trust the diversity and multiplicity of points of view of my informants as well as the ample time invested that the trends I identify in this dissertation are largely the product of mutual understanding.

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It was thus through pleasures and challenges that I worked my way into and out of the field. I learned from a multiplicity of perspectives and voices that made up the everyday practice of asylum. I was able to hear asylum-seekers voice anxiety and triumph, lawyers explaining strategy gained from hundreds of cases, and non-profit workers working with great care but little profit, and some harm, to themselves. These are the realities that constitute political asylum in the US as I was able to observe and participate in it, and whatever their complexity, they take precedence as they form and complicate this narrative.

### **Chapter 3: Asylum, Delays, and Stalling Dreams in the United States**

Asylum-seekers are a transitional class of legal immigrant in the United States. The name implies an active process of *searching* for asylum, and without the act of initiating an asylum application and performing myriad tasks in preparation for interviews or court dates, asylum is impossible. The process of seeking asylum is, however, fraught with weeks and months, and in some cases, years of delay. Asylum-seekers wait for the opportunity to move the process forward at many junctures in the asylum process, and if asylum is not granted in those key moments, they suffer through yet more waiting. These delays, necessary and unnecessary, procedural or contingent, or even voluntary, keep asylum-seekers in a kind of stasis where they make little progress in developing skills, or even goals, that will be crucial when and if they do gain asylum. They can, in a sense, be starting the process of imagining their futures within the United States at the time that they gain asylum, as their precious few months of benefits begin to run out, essentially stalling their realization of the security and stability they ultimately desire.

The road to asylum can be very long or very short. For most asylum-seekers, it can last at least six months, and among my participants, three times that is fairly usual. This chapter considers the sources of those delays, and the effects that such delays can have on a population commonly suffering psychological, medical, housing, and financial vulnerabilities. It posits a developing asylum-seeker subjectivity over the course of long asylum claims in which they orient themselves in specific ways towards overcoming a challenging legal process, while at the same time developing a specific set of skills and asylum-oriented social connections that are much more helpful in winning asylum than in being asylees. In other words, asylum, essentially

the right to not be sent back to situations of violence, can so shape people's experience that they find themselves ill-prepared to reap the benefits of winning it, a condition exacerbated by months and years of delay. This occurs at a time when NGOs, with their vast connections, refocus their attention and services on other asylum-seekers, leaving many asylees in social isolation, with all the detriments of being alone, poor, unfamiliar, and sometimes still wounded psychologically and (more obviously) physically. Thus they begin anew, again, with a challenging and sudden sort of independence.

In a system as complex as the United States has, not all asylum-seekers must endure a long wait. Some asylum-seekers told me of an asylum process that was fast, efficient, and fair. These asylum-seekers each were granted asylum through what is called affirmative asylum, often going in without legal aid or understanding of the parts of the system that they avoided with their early success. In 2009 roughly a quarter of the 47,900 asylum applications were granted at this stage. There is such diversity in the outcome of asylum cases even given similar asylum claims that I do not wish to suggest that the asylum-seekers who are most deserving are granted at this stage. Rather, I would highlight this group of asylum-seekers as the ones whose constellation of country of origin, ethnicity, demeanor, and performance at key moments has relieved them of the situation that others must endure, others whom, even according to the strictures of the asylum process, another 21% or so are eventually granted in the more elaborate path that asylum takes after affirmative asylum (and a few more percent gain protection via Withholding of Removal). The average time it takes to resolve an asylum claim is touted by USCIS as six months, but with one-third of cases being resolved in roughly six weeks, any such number is misleading. CIS web pages present this number without additional information, leading many asylum-seekers to

believe that the process has a ceiling of six months.

There also seems to be a variable asylum duration among detained and non-detained asylum-seekers, but since my research was among free asylum-seekers, I do not wish to speculate on the quantity or quality of the differences between the two groups. The NGO professionals who counsel asylum-seekers tell them that it is common for cases to take a year to complete. Among those I interviewed, there were delays that pushed cases closer to 18 months to two years. One individual, whose case reverberated through the halls of CTT, was in his 13<sup>th</sup> year of asylum. In his case, extraordinary circumstances caused such extensive delays, such as the untimely death of his first attorney and a claim of malpractice of his second attorney, who charged thousands of dollars without any real intention of seeing his case to its conclusion. The resolution of this case in such an expanse of time is far from usual, but it speaks to the delays that are possible in each asylum case and the lack of any upper limit on the time an asylum claim may take to be resolved. Another asylum-seeker could have become not only an asylee but a naturalized citizen in this time. Most asylum-seekers must wait much longer than they, or those around them or in their countries of origin, ever expect.

## **Causes**

The causes for delays are numerous. Some of them are standard and codified in the rules of asylum, or are, at least, the procedural status quo. Others are more contingent on circumstances of the case, or factors entirely exterior to the case, such as the weather. The time it takes asylum-seekers to even start the process, which cannot be said to have much to do with the actual system, per se, can nevertheless lengthen the time people spend in a legal limbo where

they live in a foreign land with no right to work. Sometimes NGO workers or lawyers delay the initial application as long as possible, given that they have one year upon arrival to apply for asylum. Others do not even know of the system or are fearful of its consequences, and these people tend to take close to a year or even longer to eventually apply. This failure to begin can cost people eligibility for asylum, and, at the least, it can put strain on the charitable relationships that will be key to stable housing and support throughout the process.

*The First Year: Asylum's Quietly Ticking Clock and Pre-Application Delays*

In late Spring of 2009, I attended the defensive asylum hearing – the ‘courtlike’ event that has the potential to grant asylum – of a young Zimbabwean woman, Aisha. Lawyers were arrayed in their assigned positions with volumes of paperwork before them, and a small group of people whom Aisha had asked to attend sat quietly in the row furthest from the proceeding. An African-American man wearing a long black robe entered the room quickly from a side-door with an elaborate locking mechanism, upon which everyone stood up. He dismissed the formality with a nod of the head and a wave. After some perfunctory questions involving Aisha’s name and address (which she was too nervous to accurately answer), the judge focused the hearing on a matter that superseded the question of whether the woman deserved asylum: that it was his understanding that the claim was filed more than a year after she had arrived. This would mean that Aisha would not be eligible for asylum.

Her legal accompaniment was a band of corporate attorneys numbering no fewer than ten. In reality, there was a single attorney responsible for Aisha’s case, but asylum’s idiosyncrasies and importance drew a gaggle of younger attorneys who wanted to witness the event. Two of

them sat in the row furthest from the hearing, proudly but furtively guarding their side's secret weapon, which they seemed to be tasked with revealing only at the appropriate time. The 'big reveal' was a huge poster-board containing a time-line of when Aisha applied for asylum, glossy and professional even by corporate legal representation standards, which was large enough to require the cooperation of two people to display. Their pride invested in it had already resulted in their showing of it to several people in the lobby of the court-room, amidst lively discussions of the kinds of cases that normally occupy their time, usually involving matters of titles and patents.

The case did not proceed far enough for them to show it in its due course, however. A quick meeting between the DHS attorney and Aisha's primary legal counsel followed the moment in which the judge pointed out that the claim had been filed after the deadline. Within fifteen minutes, the three returned to their places, and Aisha's attorney had consulted with her in the approximate privacy of the hallway outside the court. She had agreed to a lesser status, called Withholding of Removal ('Withholding' for short), which seemed to represent asylum's equivalent of a compromise or plea bargain. Aisha would not receive asylum and the benefits that accompany it, but until she leaves the United States, she maintains a status in which they will not seek to deport her. She gains the right to work, but does not gain the financial and healthcare support that asylum-seekers receive, nor does she gain the right to bring over any dependents from Zimbabwe (though Aisha has none). She will never be eligible for a 'status adjustment' to a permanent residency nor a full citizenship status under Withholding of Removal, though the status she won may be extended indefinitely. NGO workers and asylum-seekers interpret the finding as a compromise, as if to say that the asylum court believes that they deserve

protection, but by some technicality they cannot receive asylum.<sup>7</sup> The deal was made *in lieu of* the remainder of the hearing, after which she might have been denied asylum after all, given the bar to claims that have been made after a year. The relative safety of staying in the US was thus ensured at the cost of the risk of not gaining the higher status and benefits of asylum. Aisha was nevertheless elated.

The case manager of CTT, Tara, was skeptical of Aisha's attorneys' poster-board. It essentially not only admitted, but spotlighted the time that Aisha took to apply for asylum. Where it would have needed to contain, by asylum's standard, an extraordinary condition that prevented an earlier application, it contained only hints at the psychological counseling she received with the implication that she was not ready to apply for asylum. Where the case might have resolved the matter of whether psychotherapy constituted an extraordinary circumstance, this was not such a strong exemption that the lawyers were willing to test the argument while putting Aisha's safety at risk. According to Tara, "They broadcasted Aisha's ineligibility." As for the poster-board, it was revealed to the judge and DHS attorney after the ruling, as if to show that her side was ready for a legal battle nonetheless. They seemed impressed, but their expression of that sentiment seemed, to me at least, to contain a tinge of patronizing mockery at the corporate attorneys who were nevertheless wholly outside of their element in the idiosyncrasy of this administrative court.

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<sup>7</sup> The requirement for Withholding of Removal is actually higher than the requirement for asylum. Withholding shares the same need for a well-founded fear of persecution on the five grounds that asylum covers, but where asylum requires that one demonstrates the possibility of further persecution, Withholding requires the *probability* of further persecution, which is more difficult to establish. However, Withholding of Removal has no one-year deadline, nor do certain 'serious crimes' make one ineligible for it. Such crimes render people ineligible for asylum status.

I interviewed Aisha a few months later, and her elation over not being sent back to Zimbabwe had been replaced by a view tempered by the inconvenience of having safety only at the requirement of not being able to leave the country. She also cited the lack of other benefits from asylum, but these were overshadowed by the idea that she never really got her day in court. She never got the satisfaction of having the judge actually grant her asylum and say, in no uncertain terms, that her suffering has been worthy of protection and status as an asylee. In Aisha's case, timing was everything: the fact of the matter is that her experiences in the first year of her arrival in the US will shape the course of her life if she stays.

I asked each of my asylum-seeking informants a line of questions relating to their lives shortly after arrival, leading each to a relationship with non-profit agencies as well as the system of political asylum. Aisha accounted for that fourteen months of her life, in which she detailed how she came to support herself without any form of legal status in the US, telling me a story that was similar to many of my informants, ultimately helping me to understand a set of conditions that inform the delays that occur before an asylum claim is even made. These conditions – and I have identified eight of them – tell us much about how people without legally recognized status live for many months or longer, during a time period that can orient people towards their proscribed path into the United States as they prepare to become asylum-seekers, or it can prevent them from ever having status equal to American citizens. As months pass by status-less people collect and rescind relationships with others that can make asylum much easier or in many ways, far less possible to endure. The gains and losses by would-be asylum-seekers in this time are cumulative, complicating what is often calculated as the length of an asylum claim with a crucial and antecedent period that is strongly shaped by the happenstance of



interpersonal connections, arrival location, and the money people bring with them.

The first condition that lengthens the time between someone's arrival into the US and their initial application for asylum is the simple reality that people do not tend to know about it. I certainly knew nothing about political asylum until I began to work with survivors of torture. The people I interact with in the US tend to share this ignorance. New volunteers to CTT are often sat down for a twenty-minute-long talk about what asylum is, after which they are inevitably filled with more questions. The net effect of these realities means that even among US citizens that would-be-asylum-seekers come into contact with, most are not likely to know enough to inform them about this system, not to mention that it is also a system with a time-limit. This time limit thus begins ticking well before many people are even aware of the system or its timer.

This condition is made possible by the way many asylum-seekers enter the country – through means outside of USCIS control. Trained USCIS workers at these 'airport ports of entry' and at certain nodes along the border intercept people who have some irregularity with their paperwork. They process people in a condensed way, deciding how to file people quickly and under the scrutiny of supervisors, analogous to the more drawn out process of affirmative asylum.<sup>8</sup> There are more ways into the US than via these obvious ports into the country, and the thousands who cross borders with the help of smugglers, or who stow away in cargo ships, will not be processed in this way. Others, within the US via temporary work or student visas, also

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8 Gilboy (2005) performed ethnography at exactly such sites of administrative decision, in which she explores the process. She pays particular attention to the supervision of immigration officers, who, under a panopticon kind of surveillance, must justify each decision their direct superiors, making admissions less tenable than less favorable decisions.

avoid this processing, and it is not uncommon for such people to stay longer than their visa technically permits, after which many of those who genuinely fear returning to their countries begin to ‘hide out’, just as many who are smuggled into the country do. These modes of entry shape the knowledge people tend to have about the existence of the asylum system.

Knowledge, of course, is never absolute. Would-be asylum-seekers can know of asylum, thinking that they will someday apply for it, without knowing that it contains a time-limit. Some former asylum-seekers, where present, tend to meet current asylum-seekers through the networks that people begin to build (or even via the lobby of CTT). I have seen their knowledge about asylum to be of invaluable comfort to current asylum-seekers; often just knowing someone who has gone through the system is comforting to asylum-seekers. Asylees frequently desire to keep to themselves the particulars of their experience. Just as frequently, they want to be useful to asylum-seekers, and so they explain everything they know about the system. Given the great diversity of asylum cases, including the fact that around one-third of cases are resolved in the six-weeks it takes to win affirmative asylum, as well as the facts that asylum has been offered for decades and that it frequently changes, the help of former asylum-seekers is not always useful to asylum-seekers in ways that either may even realize. Tara explains that she sometimes has to ‘de-program’ CTT clients when they have been helped by someone who has gone through the system before.

Related to what people know about asylum is the second condition, which is fear and worry about what will happen when they do apply for asylum. I hope that my work will show that some degree of fear and worry are founded when it comes to making oneself known and agreeing that one is deportable in order to have one’s worthiness for asylum tried. Consider that

Immigration and Customs Enforcement (ICE) detains – read imprisons according to approved standards for the detention of criminal detainees – thousands of asylum-seekers every year with no better justification than ensuring their appearance in court, and this is before the asylum claim has even been heard or decided. Legitimate asylum-seekers, and recall that this work knows of no other kind directly, resoundingly commit themselves to not returning to their countries while they are in danger. While many hope that things someday will change in those countries, they have fled for good reason and at great risk in the meanwhile. Most equate the thought of return with an inevitable death sentence. However more complex the reality of failed asylum claims are, the legal sequelae of failed asylum claims are swift deportation as well as the US notifying the country of the return of one of its citizens and of their rejected asylum claim. This is no less than terrifying for asylum-seekers fleeing from torture. It would be difficult to imagine a worse set of consequences than this potential result of the only legal route into the United States for people who flee their governments into the US.

It is appropriate here to direct attention to the sources of fear that are less grounded in how asylum tends to operate, because fantastic fears of the system do often accompany the well-founded ones. These fears are telling of the imaginings of asylum-seekers about what kind of state the US is as well as of their trials in their former countries. Because government abuse often comes at the hands of police, some torture-survivors are acutely wary of police – they activity worry about encountering them, not to mention entering their custody – for surely asylum must happen under their watch. Dr. Miguel, clinical director of CTT, saw one such client, trying to convince him that police officers in the US were so harmless that you could go up to them and pinch their noses without provoking a reaction. With a smile, he admitted that he

may have been exaggerating, but he wanted to underscore the difference between police in the United States and the government thugs operating at the behest of Congolese dictators. Others with a less pronounced fear of police still may conjure images of bright lights and dark rooms, with US officials playing ‘good cop, bad cop’, or consider the hopelessly mixed messages around harsh interrogation tactics employed by US forces to work up a sense of dread about what will happen to them when they emerge from hiding.

People who are fearful of the system of asylum can wait until the last minute to apply, and often this ‘waiting’ is better characterized by ‘hiding out’. These would-be asylum-seekers do not wish to make themselves known, because the only certain safety can be found in the lacunae of *any* government’s observation, both the one that directly threatens their lives and the one that can decide to send them back to that danger. Hiding out is counterproductive to their development of linguistic skills, cultural competency, as well as the crucial development of interpersonal networks, but it would be hard to discount hiding out as a sensible course of action for would-be asylum-seekers. Indeed, there must undoubtedly be some who never emerge from hiding to make themselves known to authorities. A sad consequence of hiding out because of fear is that it can prevent people from knowing about asylum at all in time to seek it. Aisha’s case is an effective example of this. She came initially into the country on a work visa. It was her understanding that someone needed assistance with child-care, and for reasons she kept to herself for months, she badly needed to escape Zimbabwe’s increasing violence. She spent difficult months doing tiresome household labor for a couple, when she would occasionally complain of her treatment and pay, would threaten to call the police to deport her. She became fearful of contacting anyone outside of the home she worked in, just as her employers became

increasingly exploitative and verbally abusive. The idea that people who were essentially trafficking could report her because of her immigration status, and the further idea that this is plausible reflects exactly the sorts of fears that cause people to delay and miss asylum deadlines. It also highlights the vulnerability of people living without status for any amount of time.

The language(s) that people know can relate to whether people know about asylum as well as what they tend to know about it, which constitutes the third source of initial delays. One of my respondents, a young man from Eritrea named Hasef, spoke only Tigrinya, a rare language in Georgia to be sure. What he knew of asylum came from his relatives, who knew asylum to be a swift and fair process from their own experiences. The closest translator CTT could find was a speaker of Amharic, which they would say was ‘more or less’ mutually intelligible with Tigrinya. More cautious and experienced workers at CTT failed to diminish the ‘asylum is easy’ approach even with translators, which is just as well, because asylum for him was quick and successful. Consider, however, a person in a similar case without easy access to speakers of his or her language, or with access to speakers of his or her language who do not have experience with the system of asylum. This would exacerbate any difficulties people have with the first condition I discussed by limiting the network of people with whom they can regularly communicate. Speaking a language spoken by countries flagged by the US State Department as likely participants in fraud might amplify the fears about asylum by speaking with people who had

unsuccessful or very long cases.<sup>9</sup>

The uncertainty of gaining asylum is a fourth source of initial delays. Compare the uncertainty of asylum outcomes with the immediate certainty of safety in hiding. The NGO workers of CTT and I may think that someone deserves asylum, but actually winning asylum is more of a contingency. If I may take the conceit that the workers of CTT and I can tell, after months of working with people, who is suffering from the effects of torture, the courts and immigration officers are often wrong in their findings of who deserves asylum or Convention

Against Torture relief.<sup>10</sup> Asylum-seekers often doubt themselves, minimizing the severity of

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9 Here I reference a series of documents produced by the US Department of State's Bureau of Democracy, Human Rights, and Labor upon a request by the Immigration and Naturalization Service (INS), which is continually used by USCIS lawyers in their understanding of the countries in question. The series is called the *Profiles of Asylum Claims and Country Conditions Reports*, which I was directed to by an immigration lawyer who has handled more than fifty cases. He, like the organization that posts them now for public and professional viewing, the Political Asylum Research and Documentation Service, LLC (pards.org), describes them as ultimately insane depictions, rife with ethnocentric, racist, and Christian-centric accounts of people of other countries while collecting the instances of fraud among other applicants from those countries. They are essentially manuals containing reasons to doubt asylum claims, made-to-order for the purpose, and they will be explored further in chapter 6.

10 This is certainly a conceit: that people can perform consistently and remarkably for personal gain is acknowledged. There is enormous range of contexts and practices surrounding asylum applications worldwide, and fraud must be a part of them. It is hardly so simple as detecting who is lying and who is not, however. Dawes (2004) describes a situation in asylum claims in Turkey in which people may be lying to attain the benefits of a market of services just as there are people who lie about their experiences while probably being legitimate refugees because they think their odds are better. In life or death situations, lies are little things. In CTT's sub-context of the broader field, consider that most clients do not benefit directly in legal ways from CTT's services, with most seeing only a psychological report amongst their reams of documentation. Consider also that most asylum-seekers have no easy transportation with which to come to the Center's desired weekly psychological counseling. Also consider the extraordinary behaviors which must be consistently maintained over months, coupled with the hours of counseling given by personnel who have treated more than a hundred such clients. CTT is an unlikely route for people pretending to be tortured, but it has happened. CTT has likewise disassociated itself with certain clients after a few sessions. After all, the anticipated

government persecution, something they must be coached out of by lawyers during asylum claims, reminding them that their suffering was real and impactful just as the danger of returning is real. How do they know what constitutes deserving asylum? What if their suffering is not enough? Who, after all, does not know of someone who suffered more? Asylum-seekers often remain uncertain along these lines of their worthiness or possibility of success.

This coaching is the fifth source of delays. CTT psychologists can work with people for months to address and minimize the aftereffects of torture. Dr. Miguel told me that it takes around two months of therapy to begin to ameliorate someone's symptoms and improve their overall quality of emotional experience. Working with such psychologists, asylum-seekers can strategically delay the initial application for asylum. Once someone applies for asylum, within a few weeks they could find themselves across a table from an immigration officer, who will ask them questions about their past that will show only a modicum of sensitivity with regards to the asylum-seekers' feelings. Their pasts are exactly what is at stake, and asylum officers will probe that past until they come to a conclusion that they can defend to their supervisors. Psychologists and future asylum-seekers will work on that past in a deliberate attempt to make them *ready* for the difficult encounters of asylum. Not being ready in this regard is a common source of delay. Asylum-seekers often use the word 'we' when they explain such a strategy, because they can override such a strategic intention on part of psychologists, citing a desire to resolve the uncertainty of asylum in order to make themselves feel better. Hasef did exactly that without even defending the action, either feigning or actually experiencing a misunderstanding about the matter to initiate the process himself.

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behaviors are extraordinary and not widely known. The system of incentives look quite different at CTT as compared to more adversarial sites.

The time before one can apply for asylum is also strategically employed by attorneys who represent asylum-seekers, which is the sixth source of initial delays I am citing. Preparing a case can take a very long time, especially for an inexperienced attorney. Such attorneys are frequent participants in asylum cases, building up a legal repertoire while working at a firm, honing their presence in front of judges and in the face of opposition from other attorneys in a way that costs the firm little, not to mention the notability of such a voluntary service for the firm's public profile. These attorneys must immerse themselves in an idiosyncratic legal system as well as the particulars of the asylum-seeker's personal history, which is generally linked to an understanding of the broader political history of their country of origin. While an attorney who has handled over one-hundred cases, specializing in specific regions of people he represents, told me that he spends ten to thirty hours preparing a case, it can take a less experienced attorney several weeks. Frankly, as they informed me, they often stop counting, because it rare that they will be billing the hours. In this way, it is necessary for attorneys to be ready for the legal encounters of asylum just as asylum-seekers, who, as I will explain in another chapter, must practice their parts to be successful tellers of their own stories.

The seventh matter that I am isolating as it pertains to when asylum-seekers finally apply relates to constructing a narrative of what happened. As will be discussed elsewhere in further detail, these narratives are crucial elements of the asylum application that frame the grounds for which the asylum claim will be adjudicated. Writing them is a process that can involve a series of edits by multiple people, but it is often the asylum-seeker who is left to write the initial narrative, especially if he or she speaks English to any extent. The delays present here can result from practical matters concerning the difficulty of writing in a language that may not be one's



primary language, or the rarity with which many people actually practice written narrative forms. I have also encountered the reluctance to write such a narrative because asylum-seekers do not wish to seem poorly educated among the staff of psychologists, lawyers and other professionals with office jobs who work with a computer all day. Thus, this can tie into the self-esteem of asylum seekers with regard to whether they feel ready to begin to meet the tasks of asylum. Those professionals, it is worth noting, reject that source of self-doubt by asylum-seekers, often pointing out that such narratives are difficult to write anyway, and that they envy asylum-seekers' mastery of a secondary (or tertiary or beyond) language.

These narratives are not merely complex bodies of English text – they explain something personal about abuse or threats, or some other powerless rendering of reality in the face of government oppression. Committing to write these can be difficult. Fiona Ross (2003), writing of participants in South Africa's Truth and Reconciliation Committee, notes that they often feel as if their stories are no longer theirs, particularly as they are entered into a nationalized memory and collectivized healing project while extracting participants themselves from those stories. This feeling is not foreign to the asylum-seekers of this research. In the face of myriad ways to narrate such events that have changed the lives of asylum-seekers, it can be difficult to commit to one telling of it. Afterward, that telling must remain consistent, and the details invoked within it must be told in a similar way. Personal reckonings of these narratives become shared and mediated by NGO, medical, and legal professionals, and afterward, some asylum-seekers have remarked that they never really got to tell their stories after all. Finally, once a narrative has been written, the last piece of an asylum application is ready. Lawyers filing for clients may file as soon as the narrative is adequate for the standards of affirmative asylum. In one sense, it might

be the last moment that depends on the asylum-seeker's action before a series of events largely outside of their control is initiated. For these reasons, it should not be surprising that many asylum-seekers put this task off for weeks or months, until they are forced by time or by others to finally commit a telling of their pasts to paper.

Lastly, I do not think any account of human activity would be complete without considering the matter of procrastination. There are priorities of things that need to be done in any given day, and long term ones are less likely to be accomplished than short term ones. This is an area only beginning to be explored by behavioral researchers, but in this case, I think one can easily understand the day-to-day delay in initiating a process that will determine one's present and future, particularly when so much rides on the initial application. Besides, long periods of joblessness, social isolation, and psychological disorders following traumatic events would suggest that time-as-experienced is neither a universal nor a matter that can be considered to be shared equally by all would-be asylum-seekers.

Eventually, each of my asylum-seeking informants would apply for asylum, but their experiences during the time leading up to applying were both circumstantial and utterly influential. Two missed the deadline entirely. One refused to wait any amount of time to apply. The rest applied just before the one-year-after-arrival mark, some being hurried into applying and others making some strategic use of the time. Each of them, save lucky (yet deserving) Hasef who won asylum affirmatively, would wait for more than a year in an application period that they were not expecting, but which they would learn to adapt to.

### *Delays within Asylum*

Once an application is filed, new asylum-seekers face a world of circumstantial possibilities and procedural probabilities for delay. I will begin with the procedural ones that are just part of the process, and as I go through these, picture the thousands of people they affect, the lack of benefits for asylum-seekers, their social and often linguistic isolation, their lack of a right to legally work, and the vulnerable psychological states of many of them. USCIS offers a timeline for asylum, giving asylum-seekers an idea of what to expect with the exacting standards of odd-numbered days that are essentially institutional goals.

- After the application is filed, a notice to appear for an interview and other paperwork appear within 10-21 days
- Within 43 days, The interview is held.
- 2 weeks later - The applicant returns, in person, to hear the decision. They might win their asylum claim here and now. Most will not.

This is where my research and the US Citizenship and Immigration Service differ, as they contend that within 180 days, barring exceptional circumstances, a person receives their decision from immigration court. The next wait is 3-5 months, where a Master Calendar hearing is held. These somewhat simple hearings verify the name and legal removability of asylum-seekers, and if not all parties are ready to proceed to the final hearing, another Master Calendar Hearing is held, taking another 3-5 months. If at this time they are still not ready to proceed, another Master Calendar hearing is scheduled, and so on. Consider these, and other so-called 'exceptional cases', each causing rescheduling events that caused 3-5 month delays.

- The government requested authentication of document's from someone's home country.
- A breach of procedure at a hearing (read, the asylum-seeker could not stop crying)
- A translator could not be located at the time of the hearing
- Paperwork has been lost, presumed unfiled.
- A case ran long, forcing another to reschedule.

These exceptional cases were experienced by one small group of asylum-seekers I met throughout my research. One actually exceptional case caused an even further exceptional delay, when a hurricane damaged the asylum office, causing a person to have her interview rescheduled seven months later. Master Calendar rescheduling was easily the largest contributor to delays for my respondents, which in turn suggests two other causes. The first is that these hearings concern other kinds of immigrants, which unnecessarily ties the duration of asylum cases with the volume of other kinds of immigrant removal hearings. The second is that there are simply not enough courts and judges handling a very large caseload. Something has to give way in such a system, and it is unsurprising that it is asylum-seekers' time.

There are a great many strains on a vulnerable population caused by lengthy asylum processes. Sketchy access to medical and dental care can exacerbate pre-existing conditions – there is something to be said for making it difficult for a population vulnerable to tuberculosis in particular to access diagnostics and treatment. Long asylum durations put strains on the charity of people who have allowed asylum-seekers to live with them. Having accounted for some of the causes of delays – those structural results of an overburdened system as well as the host of conditions that cause asylum-seekers to delay the process themselves – I wish to answer the crass

question of why asylum-seekers' time matters. I raise the question because it is the time of asylum-seekers that is made flexible whenever the bureaucracy of political asylum requires it. There are no limits on the amount of time people may remain asylum-seekers, so, having established some sources of delay, I want to address some factors that contribute to asylum-seekers' concern with time that pertain to their vulnerable and interstitial status. It matters greatly, and it matters for reasons pertaining to their interstitial status as seekers of asylum.

### *Time Matters*

The most salient reason that time matters especially to asylum-seekers is that it is only after a successful application of asylum that people may file for the right to transport their families to the US. In more legal terms, asylees are filing for the extension of asylum status to family members, insofar as family members are defined in the prevailing American understanding: spouses and children under 21 years old may be filed for. If they are in the US already, they are accounted for in the asylum paperwork, and people outside that category who would like to apply must do so separately, such as parents, cousins, in-laws, siblings, and children over 21. If they are not, which a likely case for asylum-seekers who have fled situations of torture, they may be filed for after asylum is received, and, at the asylee's expense, brought to the US. This presents at least two difficulties for asylum-seekers. Asylum-seekers worry, for good reason in many cases I have seen, that their families will be persecuted in their absence, or worse, because of their absence. The duration of asylum cases make this a perpetual worry as cases drag on. The second problem is the expense of such a venture. Simply put, it costs thousands of dollars to fly multiple people from virtually every continent to the United States,

and these are thousands that asylum-seekers do not tend to have. Instead, many asylum-seekers find themselves with a new long-term goal, conjured after they have gained asylum, of creating a stable financial base for themselves and saving enough over time that such family members can be brought over. Meanwhile, unstable political situations common in the countries of origin of asylees are cause for considerable concern in the interim, and their children who were 18 or 19 when they fled have their 21st birthdays. To exacerbate the difficulty of raising such money for asylees who only recently are able to work and receive a stipend designed to be just enough to sustain people, there is an eighteen-month window after winning asylum in which to do this. If they do not already have such funds, this task is enormous and at least as consequential to the lives of asylum-seekers as winning asylum.

The splitting up of families for reasons of administration, bureaucracy and societal structural limitations is one that should be emphasized here and studied further elsewhere. A Zimbabwean woman named Janice, called by the staff “Mother Janice” for her age and kindly demeanor, lost her son to this bureaucracy in a way that reflects the above concerns of asylum-seekers. Janice had to leave her country because she feared further bodily harm to herself and her family. When she left, her son was targeted. He was already under threat because he would not join the other youths who were being recruited to do the violence of the government at political rallies and in neighborhoods, but when Janice left, they beat him, asking where his mother was, and where they kept all the money for flights to the US. Beatings continued and escalated, and he fled to a neighboring country with nothing but a backpack – which was stolen on the bus ride. Janice was another who had taken too long to apply for asylum, learning about it too late and laying low for too long, so like Aisha, Janice won only Withholding of Removal

status. This brought with it no right to bring her son over, and if she ever left the country to be with him in the country he fled to, she would lose the status and be further separated from her sisters in the US, who had been here for decades. In either case, she would be separated from members of her family by an administrative court decision, but more to the point of this section, even if she had gained asylum, she would not be able to bring her son to the US for two reasons, each relevant to this discussion. Firstly, he had turned eighteen the year she was applying for asylum. Secondly, she was financially dependent, and even with the right to work (yet no stipend because of her status of Withholding), weeks after she gained asylum she did not know how she would make money. Approaching retirement age in the US, and having no money and distant career experience training as a secretary, her desire for the future, as she told me, is only to see her son again someday.

There are other reasons that time matters to asylum-seekers in ways that are unique to their situation. This work should convey that seeking asylum is difficult in itself, and the longer this lasts, the longer a situation of stress and anxiety must be endured. Aside from this, the sketchy access to medical care should be considered. Many asylum-seekers suffer from diseases, usually treatable or at least manageable, which become complicated by their flight or the lack of healthcare outside of emergency rooms in the US. Others suffer from complications stemming from joint pain, lacerations, or even deformation of bone from torture. These concerns are often addressed after one gains asylum and access to medical attention. Asylum-seekers often live

with medical and psychological conditions throughout their asylum claims.<sup>11</sup> Most asylum-seekers do not volunteer information about themselves, and others are left wondering about the causes of visible wounds. That the time that one must endure such problems is a relevant factor to the duration of asylum cases should be evident.

The duration of asylum claims is also relevant to the acquisition of jobs after one gains asylum. This is one that many asylum-seekers cannot be concerned with during the course of their claim, but it is one that they often recognize later. Most asylum-seekers are among the better educated people of the countries they come from, a fact generally correlating with strong political activity, production of critical writing, religious leadership, property or business ownership, or other such socioeconomic status that can gain the individual attention and ire that asylum-seekers gained. As such, many wish to try to restart their profession in the United States. While most asylees recognize that some differences will make this challenging, most must explain a certain gap in their employment history. Where have they been for the last two years? Many include affidavits or proof of their asylum in applications, and I have been asked to produce a number of recommendations commenting about their seeking of asylum. I cannot do more than touch on the challenge of restarting one's career in the United States in this work, but here it is sufficient to suggest that the longer asylum claims last, the more likely asylum-seekers

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11 Yet, as is frequent with complex situations, there are exceptions. CTT staff members and local refugee clinics are wont to leave treatable physical wounds and communicable diseases untreated when they can help it. They find ways to give needed treatment to their clients wherever possible, and given the vast networks of such agencies, and the reality that many physicians delight in assisting those with rare and special needs, many of these clients do see treatment in an off-the-books manner. It is worth noting that this is not always quick, nor do they generally receive complex procedures, especially those involving surgery, until they gain access to medical treatment upon receiving asylum. As for psychological treatment, the lack of it was the reason for CTT's founding – to treat people who need specialized treatment but have no access to it.



will have to tell prospective employers about a part of their lives that they tend to tell to very few.

These are matters almost entirely outside of the control of asylum-seekers beyond them having great sums of money or extraordinary social connections. As I have alluded to already, asylum-seekers are hardly passive subjects – they are capable of great change in the face of great difficulty. However, their actions are remarkably subject to structural influence. Hence, I turn to a more ontological question – does the time it takes to get asylum change the *being* of asylum-seekers? Is there what can be called an asylum-seeker subjectivity, and how does it develop with time? The end of this chapter relies on such an investigation, as I will argue that asylum-seekers find themselves ill-prepared to actually benefit from being asylees because of their investment into becoming asylum-seekers.

## **Subjectivity and Time**

Post-structuralist accounts of subjectivity account for not only a complex way of being in the world, but the complex modes of *becoming*. Persons, in these accounts, tend to live day to day exhibiting and being constrained by the variety of ways of being available to them. They are said to have multiple selves, as they code-switch between different ways of being according to their changing social contexts. People inhabit locally and globally available notions of race, ethnicity, class, gender, religion, bodies, age grades and sets, and any other markers of social differentiation or sameness, and their participation in the world reinforces or even subtly changes those categories. These categories are subject-positions, and subjectivity then constitutes some character of performing, practicing, perceiving, and or believing in available subject-positions.

With this theoretical construction, identity is de-centered, an important theoretical move considering the indefensibility of a 'core' self that is somehow pre-social, immune to enculturation, or something that is 'locked in' during infancy, which is, incidentally, a conception indigenous to Western Enlightenment philosophy, largely informed by the religious debates of the day.

Legal systems, constituting 'fields' as written about throughout this work in Pierre Bourdieu's terms, have been helpfully imagined in the context of subjectivity. Most writings of this character understand law as a process, and one tends to 'gain' a legal subjectivity in the application of the law, whether it is directly to them, indirectly, for someone else, or as a part of professional practice. Austin Sarat (1990) is a fair example of this when he writes of the legal consciousness of welfare recipients, which is understood as a set of legal understandings, feelings, and behaviors associated with their interaction with government officials in welfare offices. Adelman and Yalda (2004) explore the ways that children can become legal subjects as they are connected to the cases of adults or are themselves the subjects of legal proceedings. Jacqueline Mraz (1997) usefully resets the terms on which we can understand legal subjects, offering a correction of other works (including Sarat's), in which she replaces liberal subjects with preordained interests and identities as more fluid and complex persons shaped by the tasks they undergo. In turn, the institutions themselves may finally be analyzed outside of the terms they set for those subjects. Bourdieu (1987) lays out a theoretical understanding of legal fields in detail, where all people subject to them, as employees or as targeted legal subjects, constitute the legal field through their everyday practice while they modify themselves towards meeting the field's strictures. Lawyers, judges, and citizens are subject to legal understandings and

procedures, and in so practicing law from any perspective, they gain an understanding of how the law works and how to act in legal contexts.

Law is a compelling setting for such studies because the question of agency and structure is so salient here. Legal settings provide specific contexts for the playing out of legal understandings, occasionally in dramatic courtroom theaters where everyone's role is understood and enacted in some of these works. Shoshana Felman's (2002) work highlights the dramatic elements of trials when she explores the subject of 'show trials' of the 20<sup>th</sup> century, ably demonstrating that legal processes operate in broader social fields with interested parties. Agency is tied closely to the roles people play in trials and other proceedings: it is possible in an array akin to a pyramid scheme, where the people closest to the practice of law have the most power, and the people furthest away are more commonly said to be 'subject' to the law, even as everyone involved is supposed to be subject to it. Studies of language in courtrooms have been particularly telling of this dynamic, like William O'Barr (1982) as he explores which kinds of language juries find powerful. Gail Stygall (1994) finds that legal language creates a barrier in understanding that produces different actors with different levels of understanding of the proceedings, and Susan Philips (1998) observes how judges' interpretation of legal discourses order and contain ideological content in ways that even people uttering the discourse are unaware.

Asylum is easily rendered as such a complex legal field within broader fields of law, replete with its own legal consciousness or subjectivity, and it is systematic in its requirements. It is, as this chapter emphasizes, commonly protracted. Asylum is both an opportunity and a set of obligations for asylum-seekers. One could frame the seeking of asylum in terms of becoming

the kind of person that the asylum process grants asylum to. This kind of person presents himself or herself in a way that an overburdened, backlogged, and politically pressured bureaucracy can admit. Seeking asylum can actually become an overwhelming commitment, in which people find themselves rehearsing their narrative to themselves and to others in mock trials on a regular basis, and they find themselves scouring the Internet for preferred forms of government reports and ephemeral foreign news from months or years ago in nearly all of their free time. They cannot legally work for a long period of time, during which they also tend to face housing and medical difficulty, which is to say nothing of the challenges of living in a new country without all of the other hardship. One must comply with an increasingly elaborate security regime, finding their own way to fingerprinting and identity verification operations. One must make themselves physically available to recurring court dates or meetings with an asylum officer held in only a few cities, sometimes moving closer to those places, despite having little resources to make or maintain such a relocation. Crucially, one must tell one's narrative in the mode of political asylum in the US, which, when one considers the range of narrative practices, the possibilities of narrative structures and emphases, and the guardedness with which survivors of torture protect their recent past, is an extraordinary move towards an asylum-seeker subjectivity.

Some may find this a cynical reading of political asylum in the US, but it is a rendering gained from interaction with asylum-seekers. I think the question of the time it takes to gain asylum is an appropriate 'test' for the presence and quality of asylum-seeker subjectivity. Before I pursue this question, however, I wish to take a small detour of observing the role of time in some works that have produced the concept of subjectivity I am using.

Foucault's *Discipline and Punish* (1977) details the history of increasing efforts of penal institutions towards replacing outright and public torture with regimes of discipline aimed at making specific kinds of compliant prisoners out of convicted people. In it, he explains an everyday set of highly scheduled and closely observed practices that, over time, transform convicts into prisoners. Time here is somewhat implied, but Foucault conveys the long term sentences as well as the quality of an unchanging regimen that made its work not in days and weeks but in months and years. Habitual action, under the threats inherent in powerless situations and the scrutiny of others capable of making ones life much worse, is transformative in *Discipline and Punish*. Transformation is the only route possible for such prisoners, and time serves to amplify the effects of the daily controls and scrutiny in prisons.

Pierre Bourdieu's work, foundational to the use of practice in this work, features a less tacit understanding of the relationship of subjectivity to time. Bourdieu's people become who they are through habitual action in a world that can correct them as they find their way into being the kinds of people other people expect them to be. Time is implicit in his basic theoretical construction: people become who they are through practice on a daily basis. His is not a theory of rapid transformation, but of gradual and certain emergence. *Outline of a Theory of Practice* (1977) explicitly addresses the relationship of time to cultural practices throughout the work. In gift-giving practices, he points out that the same practices may be done at different times, with wholly different cultural understandings of their meaning: the gift reciprocated too early indicates a person who does not wish to be in a gift-giving sort of relationship (6-7). He writes of calendars:

[They] substitute a linear, homogeneous, continuous time for practical time, which is made up of incommensurable islands of duration, each with its own rhythm, the time that flies by or drags, depending on what one is *doing*, i.e. on the *functions* conferred on it by the activity in progress. By distributing *guide-marks* (ceremonies and tasks along a continuous line, one turns them into *dividing marks* united in a relation of simple succession, thereby reating *ex nihilo* the question of the intervals and correspondences between points which are no longer topologically but metrically equivalent. (105)

Timing is also a factor with regard to the *doxa* – the incorporation of cultural practice within the bodies of people – of his cultural subjects as well. The men of Kabyle learn the correct *rhythm* with which to carry themselves. They must not appear to be lagging behind nor to be hurrying along, which denotes frivolity and insecurity. Instead they must carry themselves at a culturally acceptable busy but not hurried pace (162). In farming, as his example shows, there are correct times to plant and harvest, each requiring a certain degree of preparation, ensuring a cyclical pattern of farming practices. Ideas about timing and spacing are central to this work as he continually references musical terms for the spacing of events: tempo and rhythm. Time, especially the cultural understanding of how to behave in relation to it, has everything to do with subjective being in Bourdieu's theory of practice.

In my understanding, these two sources, however they lack in breadth, constitute to large extent the foundation of the intellectual energy invested into subjectivity since the 1980's. The claim that subjectivity takes time is not always emphasized, but as the example of asylum-seekers will demonstrate, it has merit. In my encounters, the extent to which a person exhibits an asylum-seeker subjectivity is proportional to the time it has taken for their case. I do not wish to propose an equation or a strict ratio, because the terms I will use are not strictly quantitative, nor are all people so identical as for this to be feasible or desirable. I do, however, wish to outline a process by which people *become* asylum-seekers, with greater investment in the subject-position

over time. This will have the dual purposes of elucidating much about the perceptions, practices, and preoccupations of thousands of people at any given time in the US as well as serving as the foundation for this chapter's concluding concern: that political asylum's duration has a negative effect on the lives people lead following even a successful asylum claim that can last years.

### *Asylum-Seeking Subjectivity*

Subjectivity as a quantity would impoverish the imagination and utility the concept has for thinking about identity and practice.<sup>12</sup> As a product of post-structuralist modes of theorizing, the very idea should resist 'thing-ness', even as English warms to things. Moving quickly away from the notion, I wish to instead observe specific conditions that do change over time for asylum-seekers as their cases go on, especially as it pertains to their perception, performance, and practice of asylum. Some asylum-seekers gain or lose faith in themselves and others, some become more or less resolute about ideas about justice they had when they arrived, and some lose patience while others exhibit an amazing tolerance for stasis. These are the idiosyncrasies of people and their cases that render any formulaic account moot. The following represents the shared features of the asylum-seeker subjectivity of my informants who had (or in one case, is still having) long term cases as opposed to those I knew who had very short asylum-claims, always on account of a successful affirmative asylum phase. I posit these conditions as

interrelated and gradual.<sup>13</sup>

<sup>12</sup> Which is to say nothing of the oxymoron of an 'objective subjective'.

<sup>13</sup> Specifically, I posit them as gradual in the way that Stephen J. Gould posits evolutionary processes – they are not simply gradual in the way that advances are in any way evenly spaced over time. More exactly, species evolve via what he calls punctuated equilibrium, in

*Investment in the case at hand* – As time goes on, the time a particular case has endured becomes increasingly significant to the asylum-seeker. They know when they have begun, and they know when the next significant date pertaining to the case will be. Gaining asylum is always a contingency, and asylum can actually be pursued elsewhere.<sup>14</sup> The longer one stays here, the more of a bitter pill this possibility becomes. The thought of traveling and learning about a new asylum system is mortifying to someone who has spent months working their way through the American system. This 'investment' emerges subtly in rarely public feelings of hope and worry, but it can certainly be seen at moments when an asylum-seeker's case is in jeopardy as well as in the relief they experience when they are successful.

*Understanding about political asylum* – With time, asylum-seekers begin to understand more and more of the nuances of the process, as much as one can gain from a single case. This can be extraordinary, as asylum-seekers can detail the steps taken at various stages spanning more than a year or detail the relationship between various stages of asylum. This knowledge is attained by their participation in the process rather than through independent research in every case I encountered. It only makes sense that such knowledge is expanded as the process endures. It is also apparently the case that people who were successful early on, during

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which specific selection pressures at specific times will cause species to change rapidly to meet those pressures. Asylum-seekers have a similar mode of operation – the system is 'front-loaded', where great amounts of work are necessary early on before they level off. This helps us to imagine time not as a part of an equation yielding greater subjectivity, but rather as a context for habitual and continual practice.

<sup>14</sup> Anywhere except Canada, because of the Safe Third Country Agreement between the United States and Canada, which in general ensures that people seeking political asylum should do so in the first of the two countries in which they arrive. There are exceptions to where this applies, of course, which are beyond the scope of this work.



affirmative asylum, have relatively little knowledge of the steps that they might have had to take if their case had gone differently. In either case, their knowledge is largely practical, and it has its limits at whatever point the asylum claim concluded.

Asylum-seekers who are perceived as knowledgeable are treated differently than those who are not. Knowledgeable asylum-seekers are viewed as more self-reliant than others by lawyers and non-profit workers, as asylum knowledge demonstrates their commitment to resolving the legal threat to their safety. Other asylum-seekers sometimes would approach them at the Center with questions and concerns, though this is discouraged by the Center's staff, who would rather be consulted, each having heard some idiosyncratic or just plain inaccurate information from such consultations. The staff and psychologists trusted that such asylum-seekers knew what they were supposed to be doing, and that the ball, so to speak, had been set to roll already. They spent far more time in clinical sessions and supportive conversations with support staff on 'new' asylum-seekers, even if the knowledgeable asylum-seekers came to the office more often. This knowledge is sometimes conflated by asylum professionals to incorporate the professional status of asylum-seekers before they fled their countries. One lawyer I talked to saw well-educated asylum-seekers as requiring less legal work overall on their part – the asylum-seeker could be enlisted in the service of him or her self by collecting or even drafting specific kinds of documents. Others, by contrast, would require them to perform many more hours doing such work themselves. Few people, including most Americans, have much of an idea about what asylum entails, yet those asylum-seekers who used to be teachers, politicians, or doctors were expected to quickly get the hang of asylum.

*The way that asylum-seekers narrate their experiences* changes as they progress through the system. Those who are early in their asylum claims have ways of narrating informed by a world of differentiated narrative practices as well as people's individual styles. They often express an expectation that they will be given an opportunity to rise and 'speak truth to the violence' done to them, or to finally have justice done at the giving of their stories in court. Both culturally distinct narrative practices as well as any such fantasies of justice diminish over time as they are replaced through collaboration with asylum professionals as well as greater understanding of asylum procedures. Asylum-seekers learn that their day in court will be an adversarial one, and their narrative will be transformed into a legal document constituting the core of their claim, mediated through a complex interaction that renders their narrative different in style, structure, and contextualization. These changes often take place early in an asylum-seeker's claim wherever they have legal or NGO support, but what changes over time is the acceptance that their days in court are so tightly controlled as well as their mastery over a new kind of narrative style, oriented to the standards of an American administrative bureaucracy.

*The interpersonal networks of asylum-seekers* – those totalities of social connections that people develop – become more of a stable and reliable support platform for asylum-seekers as time progresses. Asylum-seekers gain and lose contacts regularly over the course of living over a period of months, with a peak of contacts emerging at their initial encounters with professionals working in the field from any angle, including immigration officials, non-profit workers, and immigration lawyers. Many of these contacts fall through, and many of them will be false starts – asylum-seekers will find some agencies and people incapable of rendering the kind of assistance they require or doing so in a way that is more trouble than the assistance is

worth. Relationships with people and institutions change even as legal status does not, as people learn about and offer help to asylum-seekers just as others realize that their commitment was not so durable as the asylum claim's tenure requires. Lawyers accept and lapse on cases, non-profit agencies 'hire' and 'fire' asylum-seekers, and homes offered to them that were open one day become closed the next. Among the asylum-seekers I knew, and note that these are asylum-seekers already having a relationship with a non-profit agency, their interpersonal networks tend to stabilize. Their social relationship networks filter out the ephemeral contacts as they can begin to rely on agencies and people who can offer assistance or more egalitarian forms of companionship not on the order of weeks or months, but years. The contingencies of individual lives can certainly confound this finding, but the reality as I observed it was that asylum-seekers early in their claims simply knew few people and agencies, whereas those with long-lasting claims had a variety specific contacts they could call on to help them meet the challenges of daily life, from food and housing to building a resume.

*Feelings about institutions and selves become negative* - Finally, and significantly, asylum-seekers express themselves, with regard to their perception of their case as well as the perception of the entire system of asylum, increasingly negatively as time progresses. There are at least two parts to this observation. The first is that asylum-seekers begin to see the process as a whole system over time, seeing themselves as a small part of a larger operation. The second is that they feel worse as time progresses about their own case as well as the manner in which cases are decided. As asylum claims progress, a longer duration almost always indicates lost opportunities and legal findings against the asylum-seeker. Coupled with the threat of returning to their countries of origin, their liminality in the US, the inability to work, lack of housing,

healthcare, or other manner of welfare, and the frequent social isolation of cultural others, an asylum claim that falters at numerous points is a source of anxiety and resentment for asylum-seekers. Furthermore, their entire reason for suffering through an asylum claim is put into question: their past, their 'story', and their presence as an individual who may need basic things, but who also deserves them, are all diminished as time goes on. Every asylum-seeker I spoke to whose case had gone for more than a year had criticisms of the system of asylum beyond his or her own case. These criticisms are explored throughout this work, but here it suffices to say that asylum-seekers develop a growing resentment towards the asylum system and their status in it.

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Charles, a Togolese Evangelical Christian man in his early 30's, one of my most frequent participants, was rejected by the asylum office in Arlington, Virginia, where affirmative asylum is decided. This dashed his hopes for a relatively easy asylum claim and furthered his worry about getting asylum at all. The time they scheduled for his Master Calendar hearing was four months away, and recall that such a hearing decides virtually nothing aside from the administrative decision about when to schedule (or not schedule) the defensive asylum hearing. The wait seemed impossible, and he was exasperated to the point of confusing the actual time they said. "Six months! It's too long!" It was too long to wait for an inconsequential hearing that would no doubt result in further delay. He began to cry, and he told me he was thinking about his daughter and wife at home. Sadness turned to anger as he blurted out, "If they don't want me, why don't they just put me in jail!" He left his home and family to escape a situation of elevating incidents of torture because of his religious beliefs, only to find that his case was in doubt in the country he fled to.

He had fled to the US more or less by chance rather than any specific desire to go there. His Master Calendar hearing resulted in another, and another, and another. The initial application and affirmative asylum decision, four Master Calendar hearings, and an eventual defensive asylum hearing dragged the case on for sixteen months, during which he had unstable housing, a legal restriction on working, and a threatening medical condition complicated by latent tuberculosis. He was denied asylum, and as of this writing, it is still under appeal, which makes the process for him more than two years.

Charles informs many sections of this work, but he can serve as an example of the extent to which people *become* asylum seekers with time, increasing all of the aforementioned attributes in a way that shapes their perceptions, beliefs, and practices with regard to asylum. Here I will render the implicit explicit, as I believe that seeking asylum constitutes a practice that causes a set of subjective shifts in one's way of interacting with the world. By Charles' example, I hope to show the extent of this, as well as its limits: asylum may seem totalizing at times, but as any element of subjectivity, it is partial in its scope and influence.

Charles' investment in the stakes of his case is clear. He stayed with it for a number of reasons, but primarily because time was a factor. The sooner he gained asylum, the sooner he could file (and earn the money) to bring his wife and very young daughter to the United States. Even if he had the money to leave the country and apply elsewhere, which I doubt, he suspected that this would take even longer. Asylum cases drag people through with hope – they can end relatively suddenly with success, but failures lengthen the cases with latent (if dwindling) hope that they will be granted later. Charles longed for the process to be concluded, and he never mentioned alternatives.

As the months of the cases accumulated, Charles' knowledge of the procedures did too. At each point, he would ask his lawyer and the staff of CTT what is coming, and what he should do to prepare. He would not ask about what lies beyond the next point, but he would pour himself into the objectives at hand. He was asked to draft an account containing ethnographic details of his village, such as how people made a living, what kind of houses they lived in, and what their religion was like. He did Internet research to find articles about violence against Christians in West Africa for supporting documentation at the request of his lawyer. As asylum becomes repetitive at certain stages, such as his four Master Calendar hearings, Charles was well equipped to play his role throughout the asylum process. He knew the kinds of things he would be called on to do, and he was well-rehearsed, though for him, unlike many asylum-seekers I have met, much of his rehearsal was internal rather than an actual practiced performance with different people playing different parts in a lawyer's office. As time went on, Charles' anxiety about asylum had everything to do with outcomes and nothing to do with procedures or the stress that some people feel during interactions with powerful others in legal settings. As far as the procedure went, Charles was at ease, and this was something CTT staff and his lawyer expected and relied upon.

Charles' account of what happened to him changed over time. This is less of a statement on the quality or content of the account than a statement about the character of the account in terms of its conformity with the expectations of the legal field of asylum. Charles' case centered on the torture he received from supporters of his father, a man Charles always translated as a Voodoo priest for his village. In his original telling, it was an explanation of the religious upbringing he had, why he converted to Christianity, and the problems that arose from it, with

the son of the priest turning his back on the religion. Stylistically and grammatically, the telling was in a language he was learning, it was rife with technical errors common one would expect from any such French-English translation. Narrating the story orally made him upset, so he preferred to refer to the written text. All of this is virtually expected in an initial draft of an asylum narrative, but over the course of the first few weeks, the quality of it changed in many ways. Much more was appended to the narrative with regard to places and times, especially the places and times pertaining to events of torture and travel. These were not always known with certainty, so they were reasonably deduced and added. A localized animistic religion was simplified to Voodoo, and an explanation of village life and some parts of his upbringing was omitted. Grammar and structure were corrected in part, but much of it was left behind so as to leave it in the 'voice' of the asylum-seeker. These changes happened relatively quickly for the initial application and the affirmative hearing, but changes could be submitted after such a hearing fails. Over weeks and months, the narrative was backed by more and more supporting documentation, and Charles was able to tell (aloud) the narrative, in English, with greater ease. One's relationship with his or her narrative, his or her ownership of it, even given the collaboration with lawyers and others, and one's conformity to the asylum bureaucracy's reliance on the objective seeming data of places and times, develops over time, even as the initial wave of changes is harried.

Charles' network expanded the longer his asylum case went on. His ties to the US began with a friend he had made who worked in the US embassy in his country. When he was forced to flee, he found himself on a plane towards New York, without any measure of social ties to the

United States.<sup>15</sup> To put it another way, his only connection to the United States was in his home country. He nevertheless called this person when he arrived in New York and was detained by immigration officers. The contact put him into his first American contact, netting him temporary, if unstable, housing in Minnesota. Such arrangements seldom last long, and when they fell through, he was able to locate another place to live through CVT – the Center for Victims of Torture, headquartered in Minnesota. That place was a small town in Georgia, where he expanded his contacts to include a church and Atlanta's CTT. His church saw value in him as more than a member, as he found himself speaking and leading the largely African American congregation in some African evangelical prayers and inspirational talks. Preaching was one of his fortes in Africa already. His hosts there knew of two crucial organizations: the Center and the church he would frequent in the coming months. Through CTT he gained a lawyer who worked his case for free, and another after the first fell through later. He gained access to medical care for free, which, given his tuberculosis (and HIV infection), was essential for him and for those around him. Without desiring to exaggerate my own utility, through CTT he did gain access to an anthropological researcher who would drive him to appointments and other places at the chance to get to know him better. His status as a Christian gave him another lasting benefit: a CTT staff worker who identified as Christian and 'born-again' sought him out and was so moved by his suffering for his (and her) faith, she put him in contact with a family who was similarly moved. They were moved enough to pay for an apartment for him and give him a stipend, treating him basically like a son. There was some reciprocal engagement in return, since he was

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15 He had expected to go to Ireland, as the visas to go there were much easier to obtain. The United States was the least likely country in this regard, but he was without a visa in any case.



genuinely thankful, and playing such a role was possible, if not without complexity. It should be evident that the overall size and stability of an asylum-seeker's social network expands over time by specific interaction and engagement with available sources.

The text at the outset of this section alludes to the change in attitude that Charles experienced over the duration of his claim. His outlook on the endeavor at the early phases of the system can best be described as hopeful yet anxious. He worried about procedure and the contingency of the whole thing, but knowing the purpose of asylum as well as what he went through, he was hopeful that asylum would be gained early. When this proved to not be the case, hope diminished, amplifying his anxiety in light of the heightened threat to his person and future. He knew he was tortured, but how could he convince them? What if they sent him back? Asylum, as expressed throughout this work, is a difficult road to follow, and the longer one remains on it, the worse one feels about the journey. Charles saw a larger picture than his own case, giving harsh criticisms of the system that let him wander through unstable housing situations, dangerous medical conditions, and intolerably long and ultimately pointless delays during his case, which has lasted more than two years.

The task of the previous pages has been to append to the overall discussion of delays within the system the idea that people change as they are subject to such systems. My ethnographic data has been invaluable in contextualizing and furthering the idea within the scope of political asylum in the US. Even as legal statuses of asylum-seekers remain static for many months, people taking on such systems profoundly change. They orient themselves towards succeeding in such systems as they subject their bodies to identification, subject their demeanors to calmness in courtrooms, and subject their pasts to forms of objective-seeming markers such as

places and times. They gain specialist knowledge they will never use again. They develop legal understandings of their own cases, and they willfully criticize the system overall, marking their status as worn travelers of long asylum journeys. I have offered some causes of asylum's delays, an account of how asylum-seekers navigate and change with those delays, and in this last section, I pursue the matter of the effects that this time has on people's lives during and after another difficult stage of fleeing one's country – when one is finally an asylee.<sup>16</sup>

### **Stalling Dreams**

The time it takes to gain asylum in the United States for many asylum-seekers is such that it makes sense to speak of an asylum-seeker subjectivity, a set of feelings, beliefs and perceptions that develop over time through practice. If the previous section explored the particulars of this statement, establishing how asylum-seeker subjectivity develops over time, this section will make the case that long asylum durations encourage the elaborate kind of subjectivity just described without creating a set of conditions that cause them to actually prepare to be asylees. This is to say, that while the future remains contingent, which can be a very long time, people will pursue the path of safety that increases their chances of success in lieu of pursuing practices that could help people make the most of a limited period of enjoying refugee status. If dreams are to be stalled while safety is at stake, long asylum durations stall them further.

The Case Manager at the Center, Tara, depicted a situation in which serious challenges

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<sup>16</sup> Or, as can be seen in the case of Aisha, another form of non-deportable immigrant, such as the beneficiary of a Withholding of Removal order.

begin for asylum-seekers when and if they become asylees. As she tells it, the moment asylum is granted, after the elation has passed, all of the realities of being a refugee in a new country have to be faced anew. Because of the uncertainty and preparation involved in each stage of asylum, coupled with the uncertainty of whether or not asylum will actually be attained, many asylum-seekers find it difficult to imagine both a positive outcome of asylum and their life in it. Instead they prepare for the next step to increase their odds of gaining asylum, or at least to put their minds at ease about it. Preparatory practices with regard to asylum are encouraged by professionals and well-wishers around them, because the consequences of an ill-prepared asylum-claim can be severe. The consequences of an ill-prepared asylee are institutionally out of sight, even if it is not out of mind for CTT's Case Manager.

I use the term dreams in this framing, but I want to explore that concept as it relates to asylum-seekers. Asylum-seekers rarely choose their destinations. Some have easy and relatively planned journeys, whereas others have escaped situations where mere moments made the difference between escape and capture. There are situations where asylum-seekers can be said to have planned to come to the United States, particularly if they have family in the country. There are many more situations where the decision was made by embassy workers, relatives with money, or even smugglers. I say this to distance the dreams I speak of from discourses of 'the American dream', or of people seeking ideals of liberty fleeing from oppression. The dreams I speak of are those that all of the participants in this research spoke of: dreams of safety, stability, and reunification with those they have left behind. Throughout an asylum claim, safety, the reason asylum-seekers have fled in the first place, is still in jeopardy. Asylum-seekers pour themselves into asylum in order to give themselves the best chance of securing it. Once gained,

asylum-seekers gain the benefits of refugee status. This status changes everything for asylees.

At this point the methodology of this research should be highlighted as a caveat. Every asylum-seeker who participated in this research is a client of an agency that provides psychotherapy for torture survivors. They were subject to a diversity of profoundly altering experiences, which is to say that they did not necessarily have the same aftereffects. I may suggest that the respondents are hardly identical in psychological terms (which this project has no way of measuring) without discounting their diagnosis of Post-Traumatic Stress Disorder, as each of them was. I must point this out because only a percentage of asylum-seekers are sufferers of psychological after-effects, and I have no way of knowing of the experiences of asylum-seekers who do not similarly suffer.

What percentage of asylum-seekers suffer from similar psychological aftereffects of trauma is unknowable, but I believe some sense of it may be estimated. Some 65% of asylum cases indicated an additional application for relief under the Convention Against Torture (CAT) in 2009.<sup>17</sup> The legal requirement for CAT relief is far higher than that of gaining asylum, similar to Withholding discussed above, probably causing some people to eschew filing for it during an asylum application. This is the only legal marker of such trauma. One could also look at the annual allotment by the Office of Refugee Resettlement in grants towards the treatment of torture survivors, which has remained steadily between 9 and 10 million dollars. One could look instead at the asylum-granting rates for 2009, in which asylum officers and courts found that 55% of asylum-seekers had a credible fear that they would be persecuted, which generally reflects some

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<sup>17</sup> This happens via checking a box and answering a single question, which is generally answered in the overall narrative appended to the I-589 form.

sort of mortal physical danger of the kind that my respondents all faced. Looking at research about PTSD treatment among refugees globally, the range of diagnoses fluctuates wildly: as low as 9% in a 1993 (Hauff and Vaglum) study to nearly 100% in another (Bernstein-Carlson and Rosser-Hogan 1991). A 2003 study (Drodzek et al) found 76% of subjects from a sample of (Central and Middle Eastern) Asian and African male asylum-seekers were diagnosed with PTSD after being administered the Harvard Trauma Questionnaire, an instrument CTT used regularly.<sup>18</sup> I suggest that some of the psychological sequelae of trauma shared by my respondents are at least wide spread among asylum-seekers as a whole and even potentially a significant majority.

The percentage of asylum-seekers suffering from the aftereffects of such danger matters because asylum claims become incorporated into the everyday experiences of people who apply. A potentially high percentage of them are profoundly affected by trauma. The relationship between an asylum case and a set of conditions we may shorthand as PTSD is a complex one that even practitioners sometimes conflate and disjoin where it suits them, but in the lives of asylum-seekers, events and emotions leading up to their present legal battle are part of everyday life. As I explore the relationship between experiences of PTSD and experiences of seeking asylum, I will suggest that, as discussed above, asylum-seekers occupy their time, energy, and the space of desire in seeking safety and healing. The completely rational admonitions of a CTT Case Manager to learn English and to think about what they wish to do in the United States, fall not on

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<sup>18</sup> Interestingly, that study also found that 45% of them had never enrolled in Dutch language courses, 62% reported no 'outside' activities (they are housed in crowded but free housing units), and 74% could not cite having social contacts at all, including asylum-seekers housed with them. I cannot extrapolate extensively on this, because the social and structural situations are utterly different, but I will suggest a pattern of long asylum cases (as the Netherlands has) and people not making moves towards successfully living in the Netherlands if they win, such as knowing people or a commonly spoken language.

deaf ears, but upon ears preoccupied with more immediate matters. Asylees, their safety guaranteed, hear much more clearly in this regard than asylum-seekers do.

What exactly is at stake in refugee status? It can be a great reprieve from the challenges of seeking-asylum, but it is a status which must be seized quickly to reap its benefits. Aside from safety from deportation, asylees enjoy the right to work, access to networks of health clinics serving refugees, and support for housing through refugee resettlement agencies, on top of a monthly stipend of around \$600 per person.<sup>19</sup> These tend to enact a significant improvement of living situation for asylum-seekers, who are left to fend for themselves without such basic means of self-preservation in US society throughout their tenure. The trouble with refugee benefits is that most of them are sensitive to the time people take to apply for them as well as their overall short duration, with the key ones – medical and cash assistance – ending eight months after asylum is granted. Housing assistance can be predicated upon the policies of refugee resettlement agencies, which, as they generally know whom to expect and how many, solve the administratively undesirable contingency of asylum-seekers by putting a time limit of just one month for them to activate their right to housing assistance. Asylum-seekers regularly find themselves unable to use the resources at hand to gain the financial and social footholds that such support is meant to provide.

There are barriers to such success, to be sure, in a society with a pervasive host of socioeconomic, racial, gender, and religious biases and intolerances, but I posit, goaded from the

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<sup>19</sup> It should be mentioned that the safety from deportation is technically contingent upon the US government's interpretation of the conditions within the country asylum-seekers flee from. In such cases, the US may deport people who have been granted asylum. Such an instance did not emerge on the level of experienced reality during my research amongst any of the informants I met directly or heard about indirectly.

findings of my research, that asylum-seekers, especially those living with PTSD, do not plan for being asylees. This is to say that they have little knowledge of their new rights, their English or Spanish abilities remain minimal (where applicable), they have only the vaguest plans towards establishing a means of making money, their social networks are largely populated with people able to assist with asylum-seeking and not newly minted asylees, and the relative weight of these concerns versus the fear of returning to situations of torture is so small that they often cannot be convinced to work towards resolving any of these problems during an asylum case. Asylum-seekers who have endured the fairly common year-long or longer claims are thus frequently little better equipped to become asylees than they would have been when they arrived.

Asylum-seekers frequently lose the foothold they were meant to take, the very foothold they have sought for months or years. I asked Miguel, the Argentina-born psychologist of decades of experience, who has treated hundreds of torture-surviving asylum-seekers since CTT's inception, why asylum-seekers do not plan for the future. Whereas other staff members provided me with ample factors which have informed much of this chapter, Miguel was able to provide an account that considered their habitual thought processes. People had enough time to plan for the future, and they tend to be educated people who have a realistic view with regard to their situation. However, they do not think about the future.

It is common for torture-survivors, especially within the first few months after traumatic events to 'relive' the moments of danger or realized pain. The 'reliving' comes with it, by all accounts, the emotional state experienced at the time – attaching adrenaline and fear to vivid memories. This is especially common in the solitude of night, which can create a cycle of sleeplessness and amplified sense of detachment from the world around them, leading them to

participate in it in a distracted way, making it difficult to interact with others or remember the more mundane things in life. I have met many asylum-seekers who met this description soon after their arrival, but I have never pestered them with inquiries.

This state of reliving trauma is characterized by Miguel as rendering people, among all of the other agonies of such a state, incapable of seriously considering matters of the future. After all, the detachment referred to earlier, often manifesting as a distant stare even when in social situations, reflects a difficulty with the immediacy of the present. I acknowledge here that such terms – past, present, and future, reflect a certain cultural understanding of the ordering of events and everyday experience, but torture-surviving asylum-seekers frequently cannot give an answer to where they see themselves in just one week when they are at this stage.

Miguel's approach to psychotherapy for PTSD reflects this reality, though I happily note that it can also be seen to improve the lives of most sufferers in around two months with weekly therapy<sup>20</sup>:

I try to instill in them a life perspective. I try to help them cope day by day, but also to help them recognize the progression. Where were you six months ago? You can point out the milestones....I ask them what they want to do five years from now. Then one year, or two months, finally narrowing it down to next week. When you do this, their horizon expands beyond their immediate feelings and dwelling on painful memories. This helps them begin to work past their habitual rehearsing of what happened. Early on, though, if they talk about the future, I think they're faking it. The real ones don't do that. They can't do that.

Thus Miguel's psychotherapy, certainly not an isolate within the broader field of such treatment, orients asylum-seekers first to the present, then to the near future, and finally to the

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<sup>20</sup> This is not a 'cure'. Most torture survivors told me that they never felt like they used to, even as their symptoms and overall orientation toward the future change, a change that began after a few weeks or months of seeing Miguel.



further future. He teaches them to ‘actively wait’, which is to make use of their time in ways that are conducive to life in the US: learning how to renew their professional lives, developing or furthering English language proficiency, learning how to better use computers, and reading things that interest them at libraries. In practice, these are all things I have seen asylum-seekers pursue. They are concrete things that can be done immediately. What I have not seen, however, is the long term pursuit of any of these interests when compared to the everyday practices leading to asylum.

The cycle of recurring fears is explained by Miguel as the primary habitual thought of asylum-seekers who have survived torture, but torture does more to people, all of which Miguel works to identify and reduce through psychotherapy. Many asylum-seekers also feel a pervasive guilt that orients them in the violent past just as the replaying of events does. This is sometimes called survivor's guilt - many know people who never escaped, and most have family members still in the country who might be persecuted once word reaches them that their relative has applied for asylum. Those who endured torture frequently knew others who were also tortured and could not escape, and they feel as if they deserve neither to have escaped nor to recover and flourish in another country. This deep guilt can confound planning for the future because it can mean that they do not believe they deserve to be living a positive future. This guilt is as significant as the habitual reliving of trauma in terms of how it focuses the attention of a person on themselves and their pasts rather than their futures. Beneficiaries of asylum, however, have frequently inverted this guilt into vindication for those who were not so fortunate. It can be a positive influence for the future they lead wherever they feel that they must succeed in the US, to show that violence can be overcome. Such words resonate the language of Miguel, as his way of

reorienting people into the present has just as strong of an effect on survivor's guilt as it does for the occurrence of traumatic thoughts.

Asylum plays into the recurring fears of torture-survivors as it does their survivor's guilt. They must write and tell stories about what happened to them in detail, and every asylum-seeker must acknowledge the potential for a denial that could feasibly send them back to the situations that haunt them still. As has been emphasized throughout this chapter, this is a potentially long-lasting condition of threat. The actions of asylum-seekers in pursuing asylum are entirely understandable if we recognize the seemingly default psychological state of torture-survival as well as the goals of Miguel's therapy. Miguel must earn the trust of CTT's clients and help them move away from constant reliving of violence, but a system exists that demands the retelling of that violence and also threatens to return them to it. It is understandable, given these realities, why asylum-seekers constantly think about asylum. They work in small ways, habitually, towards researching the political history of their countries, towards giving their lawyers documents that will help their cases, and towards writing and rehearsing their narratives. In this way they live in the present and the near future of certain dates and expectations.

Even when asylum reaches recurring Master Calendar hearings and other repetitive and uncertain moments for which asylum-seekers are well-prepared already, the process seems to still occupy them in thought and action. I have driven asylum-seekers for more than an hour to their homes when they are in such cycles of delay, and after having said nothing for fifty minutes, they issue a litany of criticisms and complaints at asylum. After all, the crucial moments of any asylum claim, whether it is received in affirmative or defensive asylum, are minutes or hours away from the claim's conclusion. Defensive asylum in particular represents

an epic conclusion to asylum featuring rehearsed performances, stoic demeanors, and agile thought, a dreadful moment that few asylum-seekers look forward to. Rather, they wish only for such a hearing to already be concluded. I asked each of my asylum-seeking informants what they would like to do when they have won, or if they have already won, what they plan to do. The ones that had won, months after their victory, were forming ideas about what to do in the US, after the obvious matters of linking up with family. The ones with ongoing cases always told me that they did not know. Charles perhaps put it best: “I don’t know, man. I need to take care of this thing first. To win it and make sure.”

I have seen Charles 'actively wait', as he was a frequent visitor to the Center even when he had no appointment. The Center was part of his everyday experience, where he researched things pertinent to his case online, received mail from his attorney, and had access to a phone. I have established the character of his asylum-seeker subjectivity earlier in this chapter, but I do not wish to convey the idea that it is because of the time commitment of applying for asylum that shapes them as seekers of asylum in lieu of becoming asylees. Charles spent much time actively-waiting with me. I took him to the library on many occasions, where he checked out comedy movies and read Christian-inspirational material in English (as no such entries in French were available). He practiced his typing on CTT's computer a few times and worked his way through a few levels of Rosetta Stone's English program (which were too basic for him). I mean to suggest that he, like many others, hold something back when they do these activities. They are preoccupied. They are thinking of other things. He did not come to the Center all of those times in order to converse in English. He never investigated what winning asylum would actually entail. The point I hope to make clearest in this effort is that asylum-seekers have a hard

time thinking beyond asylum, no matter how long asylum takes to get. The sooner it is resolved, so long as haste does not denigrate the process, the sooner asylum-seekers may break from the stasis of asylum.

Asylum's hold on its seekers can be seen upon its conclusion. As I have mentioned in specific cases, upon winning asylum, or even winning the lesser status of Withholding of Removal (which nevertheless guarantees safety), asylum-seekers become ecstatic. I have seen no greater joy from anyone, of any age or situation, than a successful asylum-seeker. Asylum-seekers had to make this happen to great extent, and the work they did is often instrumental in their victories, which is to say nothing of the crucial performance under pressure of their narratives, answering any number of aggressive questions that are not always possible to anticipate. Asylum-seekers radiate with happiness, unable to stop smiling, so delayed and great the satisfaction of asylum can be. CTT tends to take such asylum-seekers out to dine at local Atlanta restaurants, preferably akin to their food of choice where possible. After this though, it is usual to not see these asylum-seekers for some time at the Center. I have talked to some on the phone in this interim, and the elation does seem to continue for some time, at least on the order of days and even weeks.

After this, asylees feel a period of burnout. The cumulative stresses of their experiences seem to take a further toll of more days, or even weeks or months. It seems roughly true that the duration and challenges of seeking asylum create longer periods of elation and burnout. Affirmative asylum winners seem to experience elation, but it is fairly short. Defensive asylum winners disappear for months sometimes. In any case, I am among the people they tend to avoid during this period, so I cannot say much about it except for how long it lasts and that asylum-

seekers resist the calls of CTT staff urging them to come in to file paperwork or to come to therapy sessions, which, after asylum is won, almost always tend to move towards successful closure.

It is clear that in the first weeks of winning asylum, people open up to the possibilities finally available to them. They begin to think about how they can live in the United States and of the short and long-term goals that they finally form. Many realize that they will need to improve their English and prepare for the schooling that will inevitably take place to help them continue their former professions (and most of CTT's asylum-seekers had what we would consider white-collar professions). When they recognize that CTT is capable of securing the benefits that will make such goals possible, they emerge from their post-asylum recovery.

Yet the moment one gains asylum, a new clock has started, and it is the clock of refugee benefits. Tara, CTT's Client Care Coordinator, is clear in explaining that asylum-seekers tend to have no idea what is in store for them if they win. Social security, medical, and housing assistance are available during a fleeting eight months, the first sign of assistance from the US government since they have arrived. Helping asylees acquire these benefits is among the last services given by CTT, except in cases of specific requests such as assistance with resumes or in forwarding documents, even though this is not verbalized in any way.

It is telling, I think, that the primary service provided, psychotherapy for torture, is so thoroughly structured around the system of asylum, as if to say that winning it is almost parallel to recovery. As Miguel tells it, everything changes for them in terms of their outlook when they win asylum. Asylum can alleviate so much fear and distrust which are common threads of PTSD that people improve rapidly. This speaks to the power of the status that USCIS holds for people

who need it to renew much of their lives.

At this point in this chapter, it should also speak to the clear suffering caused by asylum delays towards populations who are least capable of enduring it, and even given a range of reasons for filing for asylum, I would claim the people who are most in need of it suffer the most during its frequent delays. With assistance, they begin to reorient themselves to the present, and the remaining dangers presented by asylum, as well as its constant interrogation of the past, cause many asylum-seekers to reorient themselves further into full time seekers of asylum. Over the months or years, asylum-seekers enhance and expand their social network and knowledge pertaining to asylum, and they endorse their status as interstitial and deserving recipients of assistance with housing, food, and other support. The pleasures of gaining asylum, followed by a period of burnout and yet more months of new (and understandably late) planning for the future, cause a short span of new benefits to expire without much benefit.

When I write of stalling dreams, then, I write of stalled feelings of safety and stability that must be assured before people can seriously consider the skills they need to succeed in the US. Asylum-seekers often approach such skills with a sense of irony that always suggested to me the frank question “How can I spend time doing X, when I might be sent back to die?” US Asylum, with its expansive delays, including the delays elected by asylum-seekers themselves, warns people to survive its strictures rather than to prepare them to thrive afterward. It should not be surprising that people defend themselves from immanent danger instead of – potentially fruitlessly – strategizing their navigation of future challenges.

#### **Chapter 4: The World Opened Up to Me: NGO as Social Nexus**

June 26 is the day chosen by the United Nations as the International Day in Support of Victims of Torture. Every year on this day, the Center for Torture Treatment (CTT) hosts a party in celebration of its clients and to bring together its broad network of other non-profits, church leaders, lawyers, doctors, and CTT clients and volunteers past and present. This year CTT has an intern responsible almost solely for organizing this event, and she has spent the better part of June making invitations and contacting local food vendors to solicit donations. She spent much of today contacting a state representative's office and verifying that she would come as agreed to give a small talk generally be a guest of honor. In that vein, it is easily the most significant single day of the year for CTT. In 2009, June 26 fell on a Friday, and the agency got the large turnout it expected.

The work day slowly turned into the celebration as afternoon became evening and the harsh summer day eased. Martha, CTT's Executive Director, whisked in and out of rooms, calling out requests without specifying individuals: this floor could be swept, we still have dishes in the sink, and could not this desk be moved? Miguel sat in his office without the door closed,

chatting happily with a former client who had come early. Interns were setting up a decorative box with a slot meant for small donations. I was sent to collect barbeque from a generous commercial neighbor after multiple trips. Tara, Client Care Coordinator, was still on the phone with a lawyer, a sign that the transition to celebration was certainly not over.

Of course, the transition was never entirely complete. Today was a day in which CTT effectively had an open house, and it was an occasion for its friends to show their solidarity. Several former clients, seemingly very happy to return, brought dishes from their countries of origin. “It's nothing – the least I can do!” one assured the organizing intern as she arrived with aromatic tamales. Gabriel, a West African former client confined to a wheelchair, rolled up the makeshift ramp CTT had erected in anticipation of his presence. He had a broad grin which he shared generously, and he was dressed in a dark gray suit and tie. He had come to socialize, and we talked at length as the night went on.

Gabriel was glad to be here, but his mind always hovered over Africa. He wants to start his own non-profit agency in a few years to send wheelchairs back and to make his country better equipped for handicapped people. He had actually started it already, but Miguel convinced him that he was not in the best place to finance a start-up non-profit at the time. He is taking classes from a nearby college, and he talks to me about the degree I am working toward – a PhD – and how it could be used in Africa. “You could do anything man! People would fear you! I told him I wasn't sure I wanted that, but he would have none of it. His home – and he did still considered it home – needs lots of help. I could not help but note the act of resistance (and bravery, and possibly revenge) there – the man whose back was broken during torture wants to go back and give away wheelchairs. He spotted Tara, and he waved and glided to her



enthusiastically.

Inside, people were in pairs, quartets, and large circles around the trays of food. Cards and phone numbers were being exchanged, and people were most preoccupied with where others came from or with what agency people worked as a starting point of idle conversation. Where one comes from is not the easiest one for CTT's clients, but many were around making a go of it. Children ran underfoot in energetic trains, always making friends much more quickly than their older counterparts. CTT volunteers from a nearby university gathered around a table where a DJ had set up, talking about each others' diverse musical taste while uncomfortably and a bit ironically avoiding the room of cultural others. Employees of other non-profit agencies talked shop with CTT's staff wherever they were 'alone' in conversation, switching to something more worldly and casual whenever others entered their conversational space. Longtime CTT associates in other agencies reminisced loudly with CTT staff, regardless of the company, and they connected individuals together easily with a few words and hand motions where they saw benefit for anyone in the diverse field of refugee services. Others stayed in groups formed by their own non-profits, law firms, or clinics, engaging individuals as groups whenever their social circle was penetrated.

In the crowd, I ran across a Central African refugee who used to live in half of CTT's duplex. He was very short, but his gestures and his voice were enormous. He used to enjoy speaking his very fast French to me, despite, or perhaps because of the fact that I could barely catch his most basic meaning. Because French speakers were rare, even lackluster ones like me, he would ask for me often at the Center, even after he moved out. Years later, his English, his eighth language, was great, and he was taking business classes at a community college. He had

changed his name to Thomas Jefferson to emphasize the importance of his new American identity, and he had further Americanized in a locally available idiom: he now dressed in baggy but expensive clothing, wore a baseball cap turned backwards, and flashed a weighty gold chain. He even spoke in a Franco-Central-African-English infused 'street' dialect, an identity he complexly maintained as he worried about and criticized the young African-American population of the US. Whether our past association merited any pride in the other's current doings, we were – it is always good to see refugees get what they want out of life in the US eventually.

After an hour or so, CTT's more obvious designs for the night kicked in when Tara started testing a microphone. She wanted CTT staff and former clients to share who they are and what CTT does. Miguel gave a short but authoritative speech about the prevalence of torture in the world and what CTT does for its survivors. Martha elaborated upon the pride she has in the agency and expressed her thanks to the people who came to be with them on that day. Tara expressed her admiration for CTT's clients and her thanks to CTT's volunteers and all of the other people who help make CTT what it is. She produced some framed certificates that she wished to give out in that regard, allowing her to expound upon the work of specific people and making the night something of a CTT awards night. To my minor embarrassment, they gave me their most significant volunteer award, materially overriding my year-long protestation that I was gaining more from our association than CTT was. This had the effect of changing my interactions for the rest of the evening to one of 'congratulations' and 'thanks'.

Around this time it was clear that the state representative was not in fact coming, but one of her aides had arrived instead. The young man was dressed in an expensive suit, with dark moussed hair, and he spoke with the formality of a politician on camera. Since he was sent in

her stead, he was given the microphone to give the speech his boss would have given. He somewhat nervously gave a speech informed by the hour he had spent at CTT and his boss' sponsorship of a bill which was significant to CTT's torture surviving clients. He was deferential to the agency and brief. The intern who had organized the event was embarrassed that the representative she had courted had not come, but she was too busy with all who had actually come to dwell on it. Her family, for one, was finding out how she had spent the previous few months, and as so many families do, they learn a lot about the internship and CTT's clients all at once.

The former clients among the crowd, in turn, took the microphone and performed what can only be called testimonial on CTT's behalf. This was a powerful moment for the crowd, as it always changed the tone for a few moments and changed the subjects of conversations as the night wound down. Just a few took the microphone, but they told similar stories about how CTT helped them cope with the aftereffects of trauma. Beyond that, CTT helped connect them to so many nice people as were present at such CTT functions that helped them in myriad further ways. These clients were the best advertisement CTT could have, but it unmistakably meant much to the staff to have the worth of their work verified by former clients.

As dusk approached, the event wound down. Most of the non-profit workers who had come in a group after their work day had left in similar waves, as did the doctors and lawyers, all to enjoy a less work related Friday evening. CTT clients began their routines of finding easier ways back home than they had found to the Center. I might have stayed a little longer to see how CTT's staff felt the night had gone overall, but Tara had sent a client my way who could really use a ride home. I had seen four of these anyway, and who could say no to Gabriel?

...

The Center for Torture Treatment in Atlanta (CTT) is an unusual organization in the regional non-profit segment that services refugees and asylum-seekers. They are small, having only four full-time staff members on site. They are also famously informal, perhaps known most for the fact that they operate out of a house. The organization does not feel like the other non-profit agencies, according to the dozens of members of those agencies who stopped by during the course of my research, and they mean that in a positive way. CTT seemed to be both more open and more focused than other agencies, being able to fill a niche of psychotherapy backed by a man known for being a pioneer in the treatment of torture-survivors. Its clients, in interviews, invariably took an aside at some point to say, for the record (or my record, at least), how much good the agency does, how much it helped them, and that it should have more public support. "People should know about what they do here." CTT was loved, but it seemed obscure somehow. In the back offices, however, there was an engine of outreach and reciprocal engagement with other NGOs, with doctors, lawyers, and donors. CTT's primary objective could be augmented with a world of social services if only the right connections could be made, as it was by some of its clients during my research, a fact that illustrates a deeply connected organization within a broader field of social services for needful subjects. Asylum-seekers, and torture-surviving ones in particular, worked their way into this network, gaining the means with which to survive an otherwise unlikely scenario. This interaction between torture-survivors and NGOs drives this chapter.

Asylum-seekers and others developed relationships with specific people within the organization to attain both the primary service of the organization – free psychotherapy – as well

as a host of services that are well beyond CTT's stated mission. This possibility demonstrates a key interaction within the lives of a largely isolated population in which torture-survivors, impoverished and often under threat of deportation due to their status, meet psychological, medical, legal, housing, food assistance, and other needs through a small non-profit agency. It likewise demonstrates that there is nothing automatic about CTT's relationships. Rather, they are developed and maintained contingently, owing as much to the history of CTT's operation and staff as to the legitimacy with which they are perceived. This complex backdrop of the networking of NGOs will allow this chapter to explore how their clientele can gain real elements of physical, psychological, or financial relief through engagement with non-profits as well as how the NGOs in turn manage and ration its services. Finally, after treating the two halves of NGOs and clients almost separately, the division between them will be destructed as clients are shown to 'graduate' from needing services and are able, and often willing, to serve among the many who reciprocate CTT services as part of its large network.

### **Situating Non-Profits**

This dissertation favors the term 'non-profit agency' or 'non-profit' to describe agencies like CTT because these terms fit the parlance of the refugee services field in the region and the entirety of my informants. However, CTT can be thought of much more conventionally in line with the study of NGOs, an area of frequent social scientific analysis which allow us to conceive of them as complexly integrative within social and political contexts. Fisher (1997), in his *Annual Review of Anthropology* article, lays out the field of NGO study with a critical eye towards conventions such as 'the local' and 'community' to find such terms diverse in their

application. He also helpfully dissects assumptions about connections between states and agencies, which involve much more complex and specific practices than any such depictions of ‘flows’ of power or information might suggest. Reimann (2006) explains the rise of NGOs after the Second World War as responses to political and monetary opportunities in an environment which became generally positive towards NGOs throughout the 1980's and 1990's. Sally Merry (2006) characterizes NGOs as potential brokers of localized cultural values as well as human rights norms, rendering them capable of translating ideas across those realms, while making themselves subject to influence from states.

The field, especially in anthropology, is enriched by analyses that reflect the diversity of possibilities of what can constitute NGOs in a variety of contexts, most of which work to detract from broad assumptions about NGOs. Hamammi (2000) does the work of detailing the politics and law surrounding the presence of Palestinian NGOs, which are credited with the capacity to expand into social movements given the right conditions. Zhang and Baum (2004) analyze the workings of a rural Chinese NGO to show how it serves local interests while forging an operational space which is relatively free from state control, from which it can conceivably challenge the state in ways that local actors cannot. White and Morton (2005) detail the work of Sub-Saharan African NGO organizations in their response to HIV/AIDS epidemics, crediting them with engaging minority populations not often targeted as well as with incorporating technologies of micro-finance to effect change, but also characterizing organizations as having to reinvent the wheel from poor information-sharing, highlighting the separation of agencies in that NGO field. Magazine (2003) disassembles prevailing discourses of NGOs as extended agents of states or its inverse, the guarantors of human rights against states, by showing how a local

Mexico City NGO uses conflicting neoliberal and anti-capitalist discourses in its work to improve the lives of impoverished families. Devine (2003) analyzes how broad discourses of economic sustainability can change the practices of Bangladeshi NGOs with regard to their clients, interrupting the rendering of services that shape other potential measures of sustainability. Finally, Solway (2009) studies the role of an NGO in the legal battles that define the rights of 'Bushman' in Botswana, in which she finds the government of Botswana reacting to the tactics of NGOs, effecting a worsening of conditions for those whom the NGOs advocate. With this variety of sources from a very small sample of authors, it is clear that NGOs are complex organizations which benefit from ethnographic studies, which can help to untangle them from monolithic and essentialized depictions and instead render them more subject to socioeconomic, historical, and political contexts.

As I will depict them, NGOs such as CTT are fields in Bourdieu's sense of the word – sites of ongoing practice where people vie for resources (1987). They are thus structures that are capable of encompassing people in mind and body, but which also consist of people who have personal interests within those fields, even though they too are subject to it. Such fields are in hierarchical relationships – such as with funding sources and government agencies (of which CTT's largest funding source is one) – as well as heterarchies with other agencies and professional members of associated fields. In other words, the agencies which are so important to the lives of asylum-seekers, are themselves subject to legal and financial controls which may actually shape their ongoing practices with regard to their clients. Anthony Giddens' (1979) exploration of agency and structure provides a useful lens for observing the agency of each of the actors in this scenario: agency and structure presuppose one another, and wherever there is

structure, there is agency that is made possible within it. Each of the actors has some tangle of rules and obligations as well as moments of creativity, play, and option within those tangles, though we should not settle for an understanding that they are equally *entangled* by such structures. This is still a system of clients and providers, assistants and the assisted, and American middle-class non-profit professionals and status-less people who wish to be considered refugees. Their relationships and the contingencies that shape them are worth exploring in detail, because the everyday experience of asylum-seekers is so largely predicated upon their relationships with NGOs.

### **From Isolation to Incorporation: The Development of a Non-Profit**

The Center Torture Treatment of Atlanta, the 501c3 organization that I worked closely with during the course of my fieldwork, originated in 1997 as a project within another non-profit agency, Proyecto Emigrante, which itself was founded to provide legal assistance to asylum seekers. Dr. Miguel, an Argentinian psychologist in his mid 60's (then), founded CTT to fill a gap in the service they were providing to asylum-seekers. As he saw it, nobody was attending to their psychological trauma, which was particularly evident in cases of torture. As a result, people suffered from the myriad difficulties of applying for political asylum and the aftereffects of torture. The Proyecto faltered when its executive director was found to be funneling money from the agency into his pockets, and Dr. Miguel splintered CTT into its own agency in 2000. With a small base of clients, no office space, and no employees, Dr. Miguel funded the agency out of pocket for years as it developed ties within the Atlanta non-profit, legal, educational, and medical fields and grew enough to take on employees covering its increasing technical, accounting,



financial, and secretarial needs. A small group of people were now involved in the daily operation of the center, and Miguel was its executive director as well as its only psychologist, charged with fulfilling the chief purpose of the agency. At the time, this meant that he worked with each of the staff members in a directorial role and occasionally gave speeches around Atlanta metro to raise awareness of political asylum, torture, treatment techniques, and to raise CTT's profile, all while seeing clients almost every day for several hours.

The organization grew in accordance with its needs. It acquired a laissez-faire Board of Directors full of other non-profit professionals, university professors, doctors, lawyers, and sometimes financial minds or wealthy individuals who were concerned about the plight of torture survivors. Employees came and went every few years, as few seem to last in challenging non-profit work. A few lasted longer, and traces of their effort sometimes can be seen in the current operation of the Center, either in the filing structure, the technical setup, or the grants that CTT applies for. On-site, one could see only a fraction of the individuals who made it work, as many of its professionals were on contract with other agencies, helping out CTT as needed. Most days in the first few years, there was only Miguel and no more than two other workers making the site run. This was fortunate given the small office space comprising only of two small rooms in a building whose chief function was supplying food, supplies, and job placement to the poorest (or homeless) residents of eastern Atlanta. It tended to subsist on a single grant from the United Nations for \$40,000 and from donations from churches and individuals, a sum that barely stabilized the fledgling organization in its first few years. Miguel maintained a private practice at his home on Saturdays to pay himself enough to continue working with CTT.

In 2003 CTT won a grant large enough to move into half of the duplex I described in

Chapter 2. It also had enough money to hire two interns that it could afford to pay, and whose strengths were etched into more permanent positions that are entirely idiosyncratic to CTT, even as they bear titles which are more common among non-profit agencies.<sup>21</sup> Martha, a reverend who had just received her Master of Divinity degree from a local university, was hired, complexly, to attend to any religious (or spiritual as she would say) needs of clients as it pertained to their overall treatment and to handle outreach<sup>22</sup> especially among churches. In practice, she would occasionally sit with clients in her own office and practice alternative therapies, such as breathing exercises, 'getting out aggression' on pillows and seat cushions, or 'play' therapies involving a variety of silly toys, balls, and games. Her most frequent activity, which is telling of the contingency, idiosyncrasy, and agency with which such organizations form, was in assisting Dr. Miguel in his non-clinical tasks. Nothing in her job description indicated such a role, but the reality is that Dr. Miguel cannot physically see well enough to manage the barrage of paperwork involved in psychological work, especially when he must submit documents to lawyers and medical professionals. He cannot drive either, so Martha took

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21 In short time, it also had the money and social resources to start another branch in Macon. I have heard that Macon's center was perpetually under-funded but admirably staffed, serving many clients in the region well, but it is not part of my ethnographic experience. Except for the executive director's work of overseeing Macon, Macon was essentially out of the purview of the staff involved in this research. This work will focus on the original Atlanta center. Recall also that each such location, while they exist in another state, are not situated in Georgia.

22 'Outreach' is frequently used at CTT and among other non-profit agencies as a shorthand for a time consuming set of practices of informing people and agencies about some issue or one's organization, developing reciprocal ties within agencies or amongst people who can be helpful to said organization, and maintaining a presence in the broader fields of non-profit workers, relevant government positions, religious organizations who purport a concern for similar items that one's own agency fulfills, and among any other set of people who can be helpful to one's organization. It encompasses the outward sociality of an organization, or the face presented to individuals and organizations, often implying traveling to places outside of one's own to give talks or hold seminars. All of this is shorthanded as 'outreach'.

to driving well out of her way on a daily basis to pick up Dr. Miguel and to return him home after work. These were needs that pertained to the operation of CTT, and after some time Martha began to assume the title of Assistant Director. In 2009 she would take on the role as Executive Director, upon which she said "It's really already what I've been doing for a long time now."

The second position which emerged at this time took the shape of Tara, a recent non-traditional graduate of another Georgia university who became interested in refugees and human rights related work as she earned her political science bachelor's degree. She was hired as an intern as well, which developed along her own strengths into a complex hybrid position in which she was responsible for the paperwork for the center, secretarial duties, and seeing clients in order to connect them to the larger field of services offered to them, to help answer any questions they have, and to see that their needs are being met by CTT as far as it can help, which was always farther than its mission statement indicated. On top of this, it was Tara's responsibility to coordinate the efforts of the many volunteers that CTT had. Tara was always the first to arrive and the last to leave, fielding phone calls, transcribing Dr. Miguel's session notes (which, it is worth recalling, were the scribbblings of a legally blind person), calling and arranging appointments with doctors and lawyers, and beyond the obviously stated goals of the Center, helping asylum-seekers to find housing or to help refugees find work. Her role evolved into the "Client Care Coordinator" position, encoded into the operational documents of the Center as the complex set of tasks that Tara could fulfill thanks to her organizational and networking skills, not to mention her willingness to put in long hours for the sake of CTT's clients for a relatively low salary. When Tara left in 2010, the position was so necessary yet so tailored to her that it proved impossible to fill. She was, as we often joked, doing the jobs of at least three people.

All three of these primary positions: the Clinical Director, the Executive Director, and the Client Care Coordinator, are as much valuations of the people who held them as they are detailed job descriptions. In the annals of CTT's binder which details its everyday operation, these positions are codified, but their descriptions outline the people who shaped them. Miguel's professional renown and desire to help torture-survivors make CTT's Clinical Director effectively its hands-on psychologist with an appropriate professional pedigree. Martha's interest in inter-faith dialog as well as in crafting the organization's grant proposals make the Executive Director, in CTT's idiosyncratic way, a person responsible for community (especially religious community) outreach, grant-writing, and executive decisions. This position makes sense in a CTT idiom, even as most organizations would balk at the idea of its leader occupying herself with grant proposals. In practice, executive decisions are rarely made – CTT discussed most matters of its operation regularly given its size and the longevity of the three core staff described above. The third position, considered lower, hierarchically, than the other two, could only be filled by Tara. Tara managed the cascades of paperwork and filing for CTT, which made her the voice of the organization when the outside world called. Tara was the person whom other organizations asked for, and whom clients came to. Tara was the unofficial network-worker of the operation, tying clients to needs and soliciting favors from acquaintances to meet client needs. These three are mirrors for the organization, and their work brought it out of an isolated operation sharing office-space with an unrelated building to a moderately well-funded organization with an important place within the local non-profit sector. The positions beyond these serve to make their hybrid – and largely impossible – tasks possible, thus rounding out CTT's staff with a balance of need and the idiosyncratic way in which its staff developed the

Center.

Inclination towards technical matters was not among the traits of the main three position-holders of CTT, so they have almost always had technical support of some kind. They had a host of phones, a fax machine, and a set of networked computers even when they had only two small rooms to call an office. They still have rarely have had a dedicated person on hand, despite now having complex server infrastructure, database sharing software, and an all-purpose printer/fax/scanner. Instead, technical problems are solved in the immediate sense by asking the interns they perceived as tech savvy to solve them, and when that proved impossible, they had a person on contract with another agency who could come on weekends to solve problems. Later on this person would bill them for the time and technology invested, when CTT had greater funding to draw from. This mode of operations is cheap and effective, though it backfired a few times, such as when the tech support person went to Qatar right as the computer network ceased to function. Ironically, the agency that inspires and attracts people interested in the world abroad sometimes suffers without their help when they leave to see it.

CTT has always prioritized accountants and accounting, because of any 501c3 non-profit agency's necessity to constantly demonstrate their financial status as well as the tenuous hold the agency has had on financial solvency throughout most of its existence. However, CTT's accounting needs do not necessitate full-time staff, nor (as above) is it a skill-set held by Miguel, Martha, or Tara. CTT's accountants thus tended to come in very rarely, performing specific duties as they would for any client. They tended to be among the most separated from the actual function of CTT, sitting in the back office at a computer when they were around, never seeming to ask about the clientele or beyond a rudimentary understanding of what CTT's purpose was.

During shared lunches or other gatherings, CTT's accountant for most of my fieldwork would engage American interns in idle conversation in lieu of, by then, the familiar faces of clients. Perhaps she was uncomfortable with the human aspect of CTT's operation, but regardless, her work was among the most efficient and timely at the Center.

Secretaries, or more accurately, since they were never called secretaries, people tasked with answering the phone and scheduling appointments among other things such as database management, have been a more recent luxury for CTT. The client-care coordinator, modeled after Tara, often answered the phone for the practical reason that people calling the Center wished to speak to her such a high percentage of the time. When she lobbied for assistance, and when the grant money was large enough, a person was hired to handle a fraction of her job. The position seemed to attract overqualified people, as CTT tended to draw recent college graduates who were interested in CTT's diverse clientele. They rotated out of this position quickly, which is understandable given the lack of obvious routes of advancement as well as the position being such a contingency of grant money.

People who make their living at CTT are motivated diversely, but there is a counterbalance of desires that seems to capture what brings most of them to the work they do. The first is a desire to do humanitarian work. They would not all define humanitarian in the same ways, however. Some see their work as having religious components, whereas others express the desire in terms of human rights and necessary work. Tara, a practicing Quaker, expresses both ideas in her desire to work for CTT. This desire presumes a further reality – that CTT staff persons are in a position to render assistance. That is to say, as Elizabeth Mertz and Andria Timmer write in their opening to a recent editor's note in *PoLAR*, NGOs are sometimes

characterized as places where members of the upper and middle classes help themselves while emphasizing their actions as helping the poor (2010:172). For CTT's staff as well as the surrounding field of refugee services, this rings staggeringly true. In addition to these desires, most staff persons express a desire for a 'rewarding' interaction with others. The reward for some comes from the humanitarian desire above, from helping those in need. Still, some express an educational component of their desire, expressing a delight in learning from cultural others in terms of world politics as well as through inspiration from remarkable individuals. Most CTT staff regularly cite their awe at the stories their clients tell and the will of the survivors in front of them on a daily basis. The discourses of humanitarianism and rewards, as well as the privileged status of non-profit workers also applies to CTT's cohort of volunteers and interns.

Volunteers came in trickles and waves into CTT. Solicited by Tara, referred by other agencies, or directed to the Center by a human rights course at a local university which required community service, CTT was directing between around three and 25 volunteers in any given week. Though earlier in its development, when I volunteered, Miguel would chat with a prospective volunteer for a few minutes to tell them about the organization and its clients, by 2009, CTT performed criminal background checks and had more elaborate volunteer orientations. Volunteers were told to assume that if they did anything around town with CTT clients, they should assume that they would have to pick up the bill, and that they should avoid simply giving clients money. Women were told to dress conservatively to 'be on the safe side' of offending clients who are still becoming accustomed to (and might still flatly denounce) differences in gendered expectations. All volunteers were assured that 'dating' their clientele would guarantee their dismissal. Volunteers began with a ten-to-thirty-minute primer on torture

in the world and about political asylum in the US, which most of the longer-term clients of CTT would have to contend with.

These volunteers often performed necessary tasks for CTT's operation, such as cleaning and filing, but Tara would not allow volunteers to go too long without being able to work with clients in some way. They would drive clients places, talk with them, or work on speaking English in a deliberate way. Sometimes, Tara would orchestrate a pairing that she would describe as a 'buddy system', in which specifically, a volunteer and a client of the same sex and general age would be expected to have a consistent and closer engagement, in an effort to generate friendships. This did not always work – often the language gap or the clumsily deliberate way in which they were paired would create only cordial kinds of relationships. Other times these volunteers and clients did become friends, or at least some manner of positive source of conversation, transportation, or company.

Finally, CTT benefited from an array of interns from the many colleges and universities in the area. For a number of years, CTT could expect around four interns from one college, all funded by outside grants, to work for most of the summer. I was one such intern the summer following my volunteering. With these interns, CTT would talk with them to find out what goals they had and the kinds of work that would meet those goals as well as the needs of CTT. In 2009, CTT still had a wealth of interns, though they were competing for spots among more applicants. In one instance, I saw Tara and Martha deciding which interns to select, and they decided not on the one with the more impressive resume, but on the one they thought would benefit the most. Some of these interns would be tasked with elements of outreach or organization that CTT would never task a volunteer with, and others worked more closely with



clients on specific projects. One intern was exploring the idea of art therapy, and she had clients painting pots which they could then keep or leave at the Center. The effect of her work filled CTT's shelves for years to come. Another was tasked with organizing the annual June 26 celebration marking the United Nation's International Day in Support of Torture Victims, during which CTT becomes host to much of the people it interacts with throughout the year in an entirely different context.

There was also a stream of psychology interns who were working on professional degrees in the field as therapists, for which CTT received more offers than Miguel could train. These interns benefited from a greater incorporation into the back offices of CTT, since they had rare access to psychotherapy sessions, which granted them access to the kinds of talk that CTT staff members regularly have about clients. With Miguel's oversight, they participated in these sessions, learning much about the world and about psychotherapy in short order, gaining the confidence and experience to become effective counselors in their own right after their internships.

Volunteers and interns maintain CTT's site, enrich the lives of its clients, and handle key tasks which its small staff feasibly cannot. It is clear that such experiences in turn shape the lives of many of its volunteers and interns. Volunteers find themselves engaged with other agencies as well; sometimes they even seek employment in the sector. Past interns have gone on to seek careers in international NGOs concerning human rights or have incorporated their experiences into the work they have gone on to do. As I have discussed previously, my experiences there shaped my thinking throughout my college career and beyond, causing me to seek out CTT again for my doctoral research. Volunteers and interns are an appropriate place to conclude this outline

of the structure and development of the organization. Beyond their relationship with CTT clients and their presence as part of CTT's extensive network, they are of course a source of free labor. Before moving on, I want to interject a short bit of ethnography to illustrate a moment of intern-client interpersonal relationships because it shows a moment of mutual fondness and fun between clients and an intern, which this work does not often otherwise show.

...

Four of us drove to a thrift store to take advantage of coupons Charles and Marcel, a client from Rwanda, had obtained from another non-profit agency. The coupons had an expiration date, and neither of them wanted to be responsible for letting the things expire. Lauren, a recent hire of CTT responsible for networking with churches, came with us because of her increasing interest in CTT's Christian clients. We piled into my old Buick, which was glowing hot in the summer sun. Marcel stayed quiet like he usually did, but Charles and Lauren joked around in the back seat. On the way, Lauren lightheartedly complained about the sun being in her eyes the whole way, with Charles mocking her because his ride was much more comfortable.

“Oww. This sun!”

“It's just fine over here.”

Inside, Charles and Marcel learned that most clothing donated in the United States is for women, but Charles had found a suit top anyway. Marcel was too tall for many of the pants available, though he found some button-up shirts that fit okay. We were there for around half an hour, before we headed back to the still-sweltering car. Lauren and Charles picked up their gait, and they started running to the doors of the back seats. “Hah!” shouted Lauren, as she stood

triumphantly at the door to the side Charles was on. At this Charles laughed harder than I have ever heard him laugh. “We’re going back! That’s still the wrong side!” “Ah, man!” admitted Lauren as she fished around for her sunglasses. Three of us laughed all the way back to CTT. Even Marcel, stone-faced throughout the trip, smirked as he looked onward.

### **CTT's Network**

If the above people are part of CTT, attending to the needs of the organization regularly, they are an incomplete picture. CTT relies on many people beyond its walls every day to provide services to clients, many of whom would not even know of CTT if it were not for this network. This network holds CTT's power to effect change in the lives of its clients, and it reflects a long-term process of engagement with a broader field of professionals and community members who have become, through interaction with CTT staff, willing to lend specific support to the operation. Much of this network consists of individuals who benefit mutualistically from this interaction, but others support CTT because they believe in the importance of the work it does as well as the organization's ability to do that work successfully. In touching upon the relationship between CTT and some of these people, I can show later what is at stake when asylum-seekers tap into these resources as well as what it means for CTT to draw upon them to support its clients.

### *The Board of Directors*

Those familiar with the operation of other NGOs might be surprised at my location of CTT's board of directors *outside* of its staff and even, outside of those who constitute the Center

itself. I do this to highlight an ongoing reality for CTT of a revolving-door board of directors. The Board has contained university professors, doctors, lawyers, other NGO staff, businessmen, wealthy humanitarians, and a host of others who are too difficult to categorize. Some have lasted years, and others have lasted weeks. CTT requires a board of directors, and though this was more informal at the start of the organization, by 2009 they had regular meetings around a large table after CTT's operating hours. CTT's board of directors properly belongs as part of its network as of 2009 because most of its members were new and entirely unaware of the day-to-day operation of the Center. Specifically, Martha tried to reconstruct a board after it had dwindled in terms of people who could do specific things for the organization. Having a director of a refugee clinic on the board meant having someone who will understand that asylum-seekers need assistance as well even if they do not have the same benefits. Having a businessman on the board was intended to link CTT to an otherwise difficult to access but potentially valuable segment of the community. Overall, CTT was hardly looking for guidance or oversight from people who were not present for its daily operations. It wanted people who knew people and could represent CTT to those people. Getting someone onto CTT's board meant including them more closely into the organization, and serving on a board could bring them and their spheres of interest and influence closer in line with CTT's operation. CTT's board rarely lived up to this hope as a whole as of 2009, though some of its board members, such as the clinic director, were valued for their unique contributions.

### *Medical Doctors*

CTT almost always has a physician it can call to assist clients. These tend to be

physicians with private practices who can be convinced, by either seriously taking into consideration the Hippocratic Oath or by the distinct vulnerability of CTT's clients, to help them for free. Others work in refugee clinics, which are not obligated to assist CTT's many asylum-seekers given their lack of refugee status. Doctors are crucial to the operation of CTT, given the inability of asylum-seekers to work and the delayed promise of health care (for when they are refugees). Torture-survivors often have physical maladies that cannot wait for medical attention, and they seldom have the funds to seek treatment. Furthermore, note that Miguel is a PhD-holding psychologist rather than a psychiatrist with an MD, and that, from the previous chapter, torture-survivors often suffer a tangle of psychological problems that may be mitigated by sleep aids and anti-anxiety drugs. With the help of doctors, Miguel can see that these clients get access to medications that help to manage their symptoms while they work with him in regular psychotherapy. Without doctors, CTT would have no way to (legally) ensure that these complications are managed, and for those still suffering the physical after-effects of torture, all clients could do is to seek the help of the county's public emergency room, which is hardly the place to address severe joint pain or other problems that require long term treatment.

### *Lawyers*

Most of CTT's clients need lawyers by virtue of so many of them being asylum-seekers. Likewise, finding one who will work for cheap or free is difficult. There is an agency which provides free legal council to select asylum-seekers, but it serves only a few asylum-seekers in any given year. CTT often intervenes on their behalf to try to connect them to lawyers, because asylum affects both their right to stay in the United States as well as their day-to-day well-being

which CTT is trying to improve, even if making such contacts is peripheral to CTT's primary purpose. When an asylum-seeker comes to Tara and voices concern about finding a lawyer, she begins a process of thinking about which lawyers she thinks she can procure. Some lawyers at any given time will owe her a favor, perhaps because of Miguel's expert witnessing in one of their cases or because she directed an asylum-seeker to them who can actually pay for their services. These lawyers can often be recruited because of the reciprocal relationships that CTT (and specifically Tara) builds with them. This can make all the difference in winning an asylum case. The relationships that asylum-seekers build with their lawyers are vitally important, and their interaction will be explored in the following chapter.

### *Translators*

Among CTT's largely monolingual staff, two languages were spoken well: English and Spanish. Amongst CTT clients, however, though English and Spanish were common, so were French, Kinarwanda, Arabic, Amharic, Dinka, Nepalese, Burmese, Farsi, and Tigrinya. People speaking thousands of different language could feasibly walk through CTT's front door, and CTT's most basic work requires extensive talk. To manage the reality of the world's language diversity, CTT maintained a network of translators. The work of translating for torture-survivors was difficult work that could seldom be paid for by anyone present, yet it was preferred that translators not be family members or be currently living with CTT's clients. Those who did not care whether they were paid and did not reside with CTT clients often were student volunteers who spoke needed languages. These translators were also dispreferred by CTT staff, because they often were shocked by what they had to translate, seldom lasting long as translators

afterward. Finding a good translator who was not too close to clients and who understood the contexts of what they were translating was nevertheless often possible, even relatively simple with commonly spoken colonial languages such as French. Less commonly spoken languages, which were the primary languages of CTT clients such as Farsi or Tigrinya, proved much more difficult. CTT was constantly in search of people who spoke the languages as well as English or Spanish, whom they would then develop into the knowledgeable people who could translate matters of torture and trauma from time to time. CTT staff people were careful not to call upon these translators too often, understanding how rare the combination of languages, understanding, and willingness are. CTT would deploy its own resources to make their involvement more likely, such as driving them to and from the Center as well as the promise of valuable connections to other agencies. It was simple, for example, for the Center to suggest to the executive directors of nearby related NGOs, that someone is a skilled translator who understands the field and should be hired once that person had given CTT many hours of free translation. Afterward, CTT sometimes found itself contracting that translator through the NGO and being billed for it, when it found it necessary to do so. Nevertheless, for translation of even the relatively common refugee/asylee languages in the region listed above, CTT could never have enough translators, and it often had to go without translation entirely.

### *Churches*

Christian churches in the Atlanta area are frequent participants in humanitarian kinds of support, from food pantries and clothing drives to homeless shelters. However, they seldom offered their support to CTT without CTT first calling on them. Instead CTT, through the

practice of 'outreach', makes the calls and sends the staff necessary to educate church organizations about the less visible population of asylum-seekers in their communities who could use such support. These churches, generally for a few years at a time, would become financial donors to CTT who could also grant asylum-seekers direct access to thrift store clothing and household goods as well as temporary access to food banks.<sup>23</sup> CTT could expand this network of religious organizations by suggesting to appropriate clients that certain churches were in their area or by sending Miguel or the Reverend Martha to give speeches to their congregations about the good work it is possible to do through CTT and with the help of their churches. Asylum-seekers often found themselves well-regarded members of such congregations, even if the particular denominations were not something they had experience with. Their presence, especially when they spoke of religious persecution because of their Christian faith, diversified Atlanta metro church congregations while finding common ground while it validated the support of both the church and organizations like CTT. Such churches could be pressed for services that CTT needed on short notice, such as space to hold events as well. CTT even rented its house from a nearby Presbyterian church. Churches formed such an effective network for CTT that for a time it hired a recent university graduate specifically to work on religious outreach. The early support of CTT by Presbyterian pastors and the presence of Martha as a Methodist reverend would predict that such a network would be pursued, and sure enough, local churches are a

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23 Food banks tended to be directed under the prevailing understanding of the needs of Atlanta's homeless population, and access to them was often predicated upon living in Fulton County as well as making strides towards employment. Asylum-seekers often did not meet the qualification for the first category, and they are barred from the third category, so their access to these resources were often only possible through either the temporary permission of the staff of the food bank directly or through the churches who operated them.



constant benefactor of the organization because CTT staff regularly engages them.

### *Donors*

CTT's network of donors describes unaffiliated people around the Atlanta Metro area who know about CTT's operation and support them in a variety of ways. The most common method of support is through the sending of checks, but CTT also enjoyed support from local businesses that occasionally provided goods and services. Local restaurants often gave CTT trays of food for staff and clients to share, and home decor giant Pier One Imports, headquartered in the area, supported them with sizable grants of furniture. Individuals would stop by sometimes with computers, sewing machines, or household items like lamps or cookware. This network was useful to CTT in terms of meeting specific needs of itself or its clients who sometimes requested such items. The money itself was important to the Center, especially in its early years when being able to pay its staff was something of a contingency. Later on, the money was useful because the large and elaborate grants received from sources such as the United Nations and the Office of Refugee Resettlement could not be spent on things like lunch for a large group of clients or office furnishing. This network was a constant source of support, but the individuals in it were rarely donors over a long period of time, a failing that CTT staff attributed to the organization's failure to do the sorts of work necessary to maintain them, such as calling them, writing 'thank-you' letters, or inviting them to CTT functions such that they could feel like they were part of the organization. When I first volunteered there, Miguel picked up a stack of checks received from such community members, and he said, with concern, that these donors should have at least been sent thank-you letters some months ago. These donors are an interesting

example of the network building that organizations such as CTT do because they evince the concrete support an organization has, possible only through 'outreach' practices among people who are very difficult to reach. They are likewise apparently difficult to maintain given CTT's allocation of personnel resources. Still, whatever extent CTT is able to draw on them is directly attributable to a kind of ongoing interaction with the community, even if maintaining them is in some ways more difficult than maintaining ties with lawyers, doctors, and churches.

### *Non-Profits*

The Atlanta area is rife with agencies involved in refugee services and still more that deal with poor and homeless populations. These are collectively CTT's peers, and though some might be said to be in overall competition for funding from granting agencies, CTT works in conjunction with many of these to better help serve its clients. CTT also gains referrals from these, especially those involved in refugee resettlement. As of 2009, CTT's relationship with these organizations was more cooperative than competitive, which is appropriate given CTT's niche in the broader field and the limited scope of the benefits it could offer clients in-house. CTT staff would attend fund-raisers held by local non-profits, and Miguel would give talks to non-profit staff to educate them about the special needs of refugees suffering the after-effects of trauma. CTT could help its clients concretely through such contacts in many ways, from access to food banks to shelter, which was occasionally provided by a battered women's shelter. Yet few of these peripheral agents who may choose to aid CTT were available to it in its early years. Such networks develop over time, but not only this. They are the product of specific relationships that grow through mutual trust and in many cases, mutual benefit.

## **Working with Clients**

It is an important point that non-profit agencies, by way of the longtime work of staff members, also develop through everyday contact with clients. This idea benefits from the specific example of a client who changed the way CTT operated and who was frequently on the minds of CTT staff even years later. This client had a complex and deep relationship with CTT staff that seems to have shaped the way they see clients and themselves in their professional and personal capacities. Amir was a doctor from Jordan who fled after an instance of near capture by Jordanian authorities when he realized that his political speech had been monitored. In the US, his life was a mess. His asylum case was not going well in his eyes, since he was among the roughly 75% who do not win asylum affirmatively. He had arrived in the US and at CTT's doors very quickly after the incidents in question, and according to Miguel, these are always the most difficult. They are not in a mindset in which he can do much good for some time. CTT took him in to its care fully, more fully than any asylum-seeker I have ever encountered.

The complexity began with a favor that violated CTT's policies and agreements with the refugee agency they rented their duplex from. Amir was living at CTT. Of course the duplex was designed to be lived in, with a full kitchen and basic amenities such a shower, but it also lacked some items that made it comfortable for that purpose, such as a bed or associated housewares like towels. Amir was essentially hiding out at CTT, and whether its staff realized it or not, this meant that he would always be there. They were actually invading his space when they came to work, and during working hours, he invaded theirs with a pervasive presence. They brought food to him and helped him exist in that space for many weeks, and in that time, Amir

found his way into the deepest and most consistent concerns of CTT staff people. They were deeply annoyed by him, but they seemed to have a font of love for him as well. They may have even loved to be annoyed by him.

One night, Amir tried to hang himself at CTT. He was unsuccessful, and they rushed him to the emergency room soon afterward. They had known that Amir was violating so many rules because they had systematically let him in order to help him, but at this point they realized it had gone far too far. If he had died, beyond the obvious personal tragedy, they might have lost their space entirely and their ability to serve other clients in the meanwhile. Amir was still there for some weeks, as deserving as ever of CTT's care and compassion, but they began to reign him in, so to speak. "Amir, could you be fully dressed by 9:00 when we open?" "Amir, we need Miguel's office cleaned up for clients." They found ways to get him doing things during the day, which created valuable space between him and staff. He was working on English for hours at a time with a wealthy woman with a rather colonial outlook on the relationship, something CTT probably only tolerated because of her love for working with Amir and the expanses of time they spent together.

Gradually, CTT got Amir out of its house. He seemed better all the time. He took the MCAT exam to show his worth to medical programs in the US, and even with his continuing difficulty with English. He proudly showed his 99<sup>th</sup> percentile score around the Center, and they shared his enthusiasm. After all, he was a skilled doctor who had to flee, all along, rather than the sometimes disheveled homeless houseguest of CTT. His case, however, did not resolve in the way that he or CTT thought it should. Amir had to disappear, and years later, CTT staff theorized about where Amir was and what he was doing. One had him as a doctor somewhere in

the Caribbean, and another feared he was at one of the very black sites the US has reportedly employed in the region Amir fled from. They had not heard from him, and it wounded them all still. He benefited from CTT extraordinarily, but they learned so much from him. Amir did not hide his feelings. He had a temper. He would rant in long angry streams until he was red in the face. Amir's humanity was so much more obvious than CTT is able to see of other clients. They saw him as a whole person. They saw his brilliance, his frequent sexism, his vanity, his hopelessness as it lessened. They saw a person, a person they connected with, who was living a life he did not expect to live. They were able to assist him with reestablishing hope and trust in others, and in coming to accept that the life he had would not ever return, even as they understood that he hoped it would.

CTT held him in a canon of past clients who are referenced often among the veteran staff. Clients like Amir show how non-profit workers themselves change as they do their work and especially as they interact with others in the process of that work. They appreciate how much easier most clients are than Amir was, but when they are in similarly dire straits, they have good reasons to limit the ways that they help. They will never again help a single client in ways that endangers their operation as a whole, and those limits are an important shift in the way CTT and clients interact. Less concretely, yet more profoundly, working with Amir humanized the work they did in ways they had not previously experienced. It is perhaps easier to help 'clients' in the abstract, especially in a population that is hesitant to share and is generally worthy of such assistance, but CTT staff people helped someone who was in so many ways difficult to work with but who came to represent a complex face of who a CTT client actually is. It also gave CTT's core staff who had been there for so long – Miguel, Martha, and Tara – a common bond of

an important work they can do together. This past year, Tara told me that she wanted to write a book about her experiences, and that she wanted to go beyond the torture and the pain. She wanted, ultimately, to share how much her clients changed her as well.

### **Attracting and Serving Clients**

Clients like Amir may stand out in CTT staff's minds, but there have been hundreds of others throughout CTT's operation. If the sections above elaborate on the context of much interaction of asylum-seekers during my research as well as the available network of CTT, the rest of the chapter explores how torture-survivors actually seek and receive services through them. In this process, 'clients' are social constructions of the agencies which serve them, but clients become unequal to each other in this regard. Such clients will be differentiated (and in many ways, differentiate themselves) in ways that net a range of life-altering benefits through being connected to CTT's broader social network of medical, legal, and other non-profit professionals as well as churches and other community members. The everyday work of matching clients to others within CTT's network is fraught with contingency and unexpected outcomes as well, constituting a drain on staff and CTT resources, but it also builds a lasting relationship between the agency and its clients. Clients are at some point 'cut off' from such services, expected to stand on their own, some of whom even become lasting members of CTT's overall network, doing reciprocal work for the help that CTT gave them.

### *Becoming a Client*

CTT gains clients throughout the Atlanta metro area and sometimes beyond. They have a

presence online, though I never met a client who encountered CTT through this directly. Most clients come to CTT through a mutual acquaintance, whether this is through informal means such as friends and neighbors, or whether clients are actually referred from other agencies within the region, be they nonprofits or even hospitals. At some point, each client is convinced that CTT provides a service that he or she could benefit from, and despite the difficulty involved, they make and keep an appointment to find their way to the Center.<sup>24</sup>

Though clients would have briefly spoken with Tara to set up an appointment, their first lengthy interaction with CTT is an 'intake' procedure. Generally in the privacy of some room of CTT, often an empty lobby on comfortable couches, clients and a CTT staff person (also usually Tara) will work through a short form. Often through language barriers, the two must work to reach a shared understanding that the person would like psychological services related to having been tortured. They try to answer questions relating to the person's country of origin, legal status, date of entry to the US, children, spouse, ethnicity or tribal affiliations, political organizations, and profession. Sometimes these are established at a base level, because linguistic ability and translator availability prevent a more accurate description. Sometimes they are limited because intakes can be exhaustive affairs, leading to people telling about why they have come to the staff person doing the intake, which can prove to be an emotionally draining few hours. Still others are cursory affairs, where clients are hesitant to speak to near-strangers, would

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<sup>24</sup> I should add that some clients come because the people whom they rely on every day for housing, food, and other support believe the organization will help them. Becoming a client is certainly not always so clear cut as any depictions of self-help might imply. For those who come at the behest of people they live with, becoming a CTT client indicates a willingness to change, giving the surrounding people a feeling that the person they are caring for is making steps toward self-sufficiency.

prefer to speak to the psychologist, or are uncomfortable talking to women (since Tara handled most intakes). On the first visit, the intake is generally all that is done, and if it is clear that the potential client is someone CTT can help, another appointment is scheduled.

CTT maintains a loose definition of torture as well as trauma in accepting clients, looser still than ORR or the UN grants' terms detail. It accepts virtually everyone who could benefit from the psychotherapy and has seen any degree of abuse or threat by any authorities of another nation.<sup>25</sup> CTT's stance towards its clients is non-judgmental. Even when they do not believe that a client will win asylum based on their stories, it is clear that this is not a condition of service wherever people suffer from anything like the after-effects of trauma. Speaking to this point, they also hold sessions for family members of torture survivors, in recognition that they are deeply affected as well. Because their clients sometimes reside in gray areas of the legal questions of who is a refugee, and because CTT primarily serves to treat its clients rather than verify their claims, CTT is sometimes in a position of having to decide 'who counts' when they file their records for increasingly elaborate and quarterly ORR reports. The reality is that CTT has a range of clients, some being refugees when they arrived, plenty of asylum-seekers, some asylees, and a few further categories such as victims of trafficking, and its funding is sometimes narrower in scope. CTT always absorbs the cost for such treatment for the clients it accepts even when they cannot file them under the clients they get credit for under specific grants.

This is not to say, however, that CTT accepts everyone who walks through their doors. Most of the people CTT turns away have arrived due to a misunderstanding of their services.

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<sup>25</sup> Though CTT did have an American client in its records briefly, it is generally thought among CTT that this person was fabricating a story as a way to reach out for the only psychological aid she could afford.



These are often homeless people living in the surrounding area who know a non-profit when they see one by its appearance and want to see what it can offer. They are not mistaken: I saw one man receive a pair of shoes that a staff person was coincidentally looking to donate, and another was referred to a place where he could quickly buy colostomy equipment and was given \$20. They are often given assistance under the condition that they not return to ask for more, and though a few return within months, most stay away for long enough to have forgotten the service. The others CTT must ultimately turn away are people suffering from schizophrenia who believe that they have been tortured, and frequently, rigged with surveillance equipment. People fitting this description usually call once every two weeks, and it does not take CTT staff long to realize that it is not their usual request for assistance. One, known as 'The Professor', would introduce himself as a doctor and ask to speak to “the professor,” meaning Miguel. Miguel liked talking to him as a change of pace, but he knew that he could not seriously help a person suffering from schizophrenia over the phone.

### *Differentiating Clients*

CTT's clients become well known in the Center quickly, because CTT generally only sees an intake or two every week. Though some staff at similar agencies might at first find the idea offensive, clients are soon differentiated – through CTT's subjective valuation of them as a client and through the actions of clients themselves, clients and agencies develop relationships that reach beyond the bounds of institutional standards. All accepted CTT clients, so long as they meet their end of the relationship by keeping appointments, receive psychotherapy at no monetary cost. Beyond this, some are valued differently: they seem to be in more dire straits

physically, psychologically, or have some other characteristic that makes them seem like their needs are more urgent or expansive than other clients.

How clients are differentiated depends first upon a question of perception among CTT staff of who their clients are. To put a theoretical lens on the matter, this is analogous to the asylum-seeker subjectivity described in the previous chapter that emerges through everyday practices of asylum. In this case, however, we may see such subjectivity from the perspective of CTT, which develops a shared understanding about the clients it serves. There are of course technical ways of establishing who CTT serves, but intakes occur without more than a cursory consensus – instead, there is an understanding about what a CTT client is that allows Tara to incorporate people into CTT's clientele without discussion. This has been developed by each staff member who interacts with CTT's clients as they grow from someone with an interest in the world and concern for others to someone who is knowledgeable about specific parts of that world's politics and has, in their words, been touched by extraordinary clients. These are the clients whom CTT poured *more* into, making exceptions that are actually quite common because of their perceived heightened need. Years afterward, even as some of these clients have died or disappeared from CTT's view, such clients come up in staff conversations. Here I introduce a spectrum of clients from ordinary to extraordinary, and what separates them is the *extra* benefits they acquire. CTT invents these conceptual categories by their practices regarding their clients, such that 'CTT client' may prove amenable to discussions of subject-positions: CTT staff and clients create that subject position in their everyday interaction. What helps us here about the concept is that people do not easily fit into such categories, such that questions of "What makes a client?" produces a different answer from "What makes a good client?" This is the difference I

will explore below, because I believe it holds important answers to my investigation of the relationships between non-profit agencies and asylum-seekers.

There is nothing ordinary about asylum-seekers who have fled conditions of torture to enter another country, at least in Georgia. CTT nevertheless talks about its clients as a population with common traits that constitute a set of expectations. They, as a whole, are culturally and linguistically diverse, coming from all continents aside from Australia and Antarctica, with the most common source of clients changing every few years. In 2009 CTT hosted mostly West and Central Africans. CTT clients have an average of two years of college education, some having markedly less and others having advanced or professional degrees. They come young and old, with a median age somewhere in the mid 30's, and they come with a range of family in tow, often traveling alone but sometimes arriving with a full family. Overall, they are about as many men as women, with some children being treated as part of families of clients. These asylum-seeking clients 'share' CTT with refugees (who are common) and victims of trafficking alike (who are rare), all receiving the same basic service.<sup>26</sup> To keep the status, CTT clients must keep appointments and maintain communication – CTT does plenty to maintain a relationship with its clients, so doing their part in that is necessary.

There is a small number of people within CTT's broader population of clients which I will call 'special cases', which receive extraordinary assistance from CTT from the moment they become clients. It is difficult to characterize what causes some people to become special cases in the minds of CTT staff, because there is not an obvious or limited set of what these

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<sup>26</sup> I use 'basic' here, but I do not mean for it to be disparaging in any way. Free psychotherapy for torture survivors is a rare service in the United States. Rather, it is a baseline service that all clients receive, before the 'extra' services made possible through CTT's network.

characteristics would be. From my observation, CTT did not always have a special case being actively served, yet there was often a single person who, for a short time, received help in myriad forms from CTT's small staff. Special cases seemed to be those whose situation was extreme in the brutality or the apparent effects of torture who came at a time when CTT could actually invest more time and energy. An Iraqi client who had lost both legs became such a client. A Syrian doctor who wanted badly to kill himself still was another. A young Ethiopian man who had gone blind from repeated blows to the head occupied such a role in early 2009, whose case I will explore later in the chapter in greater detail. For special cases, CTT staff put in extra hours and drew upon extra social resources to help them as much as they could.

Special cases validated the everyday work CTT did, and in many ways, rather than being exemplary of what constituted CTT's population was, they became symbolic of that population. These were the individuals who had been tortured most obviously, most brutally, and with the most aftereffects. Most would never live 'normal' lives again, even with psychotherapy. CTT staff treated them much differently from other clients. It was inappropriate to complain about helping such individuals even in the private spaces of staff-only conversations in which commiseration was common. Their care for those individuals, and the attention given to them was obvious to all, but it was felt that CTT was doing its best work when the lives of special cases were improved. Tellingly, staff-persons would jokingly refer to special cases as their sons and daughters. It was evident that CTT staff, virtually all of whom tend to work at such agencies with a desire to incorporate humanitarian values into their everyday work, felt like they were

achieving such an end when they went out of their way to assist special cases.<sup>27</sup> In a population of people hurting from torture, special cases are analogous to hospital patients in an Intensive Care Unit as the rest of CTT clients are to the other patients. They exemplify an extreme of what CTT can offer people who they feel require it, but they are hardly alone among CTT clients who receive *extra* services, those services beyond CTT's psychotherapy.

Other clients received a range of additional services, and they tended to do so for much longer than the shorter and somewhat obsessive assistance that special cases receive. Where special cases received such services through relatively little effort, many others engaged in identifiable practices over weeks and months which compelled CTT staff to assist them with a range of further needs. Most clients, from what I saw, sought other forms of assistance beyond psychotherapy, and virtually all of them received some form of assistance beyond this, in the form of medical assistance, legal council, and food or housing assistance. There is no *package* of benefits that asylum-seekers receive, as the previous chapter details, so it makes sense both that CTT seeks to help people meet their everyday needs and that asylum-seekers learn how to operate in a patchwork system of humanitarian agencies. This is a key space in which such asylum-seekers can improve the quality of their lives through deliberate action.

Tara, bearing the title Client Care Coordinator, would always spend a short time with clients after a session with Miguel. She would try to see what concerns and specific needs clients had, and though some clients were hesitant to suggest anything in particular, many more

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27 This feeling is consequential when one considers the high burnout rate of non-profit staff workers in general as well as CTT's specific cases. The everyday assistance of torture survivors can normalize over time, and this must correspond to the good feeling of helping others to some extent, which I would suggest declines as people begin to feel burnt out. Such a line of questioning seems appropriate to further study of non-profit staff.

would talk to her just as they would talk to Miguel. They would tell her that they did not have enough food, that their living situation was untenable, that physical maladies lingered, or that they have no way to pay for a lawyer to represent them in an asylum claim. Tara would catalog these needs in their files, physical and electronic, and then she would go about seeing what could be done in the coming days. Given that CTT sees dozens of clients at any given time, however, clients who do not share such details are unlikely to receive any extra help from them. Sharing needs is necessary to gain that help in the future, a step which most clients took.

What separated these clients from ones who received even more assistance, as many did? Some clients worked their way into the everyday life of CTT by simply being there often. In 2009 CTT had a few clients who would attend CTT two, three, and sometimes four times per week, most of these visits being without a psychotherapy appointment. CTT encourages this, providing computers, books, and other activities for them to engage. It encodes the hours they stay in a log which is reported to funding agencies as well. Such clients who spent so much time at CTT would eat with staff, talk with volunteers and interns, and they would see key CTT staff regularly. These are the clients which netted the most ongoing extra support from CTT.

CTT understood these clients' presence as a way for them to get out of the house and find something constructive to do, both of which seem true. Yet these clients used resources available at CTT to meet specific need as well, using computers with internet access to reach family members, to research something for their asylum claim, working on language with volunteers, or knowing that if they were present when CTT had lunch, they would eat too, among company that generally understood them. Clients who came to CTT could occupy the space in a less formal way, able to move around the space talking to people, enjoying themselves, engaging people in

ways they could not do in the focused session appointments when they schedule visits. They could, in effect, build relationships with people within CTT by making themselves a frequent part of it. The ones who were most effective at this would venture into the office area in the back, engaging Tara in impromptu sessions. Most CTT staff make themselves available for such work, because they well understand the conditions which asylum-seekers must endure and they recognize the situations they fled from in the first place.

The interaction between CTT staff and one of the women from Zimbabwe discussed in the previous chapter, Janice, can illustrate this relationship better than generalized description ever could. Janice is the woman from Zimbabwe who won, similar to Aisha, Withholding of Removal rather than asylum because she took longer than a year after entry to apply. She was an ongoing fixture at CTT throughout much of 2009, where she was known as 'Mother Janice' because of both her age (in her 60's), her flock of children still in Africa, her kindness, and her propensity to knit beautiful blankets of yellow and green at the main gathering table by CTT's lobby.

Janice began to deepen her association with CTT during a lengthy and arduous asylum claim. Like CTT suggests, being out of the house was important to maintaining her home life. She was living with family, but it was a young family with multiple toddlers. She provided child care as she lived there, but she told me that she wanted to get away from the noise and the stress there. She joked that she loved having adult sons and daughters, but the young ones are too much for her now. For many asylum-seekers, avoiding being at home all the time – a simple default for people with no right to work and a conditional legal status – was also an important way to keep a degree of harmony at a house they almost always were living in for free. This

gave their hosts privacy and changed the everyday scenery for asylum-seekers.

Once she was there on an ongoing basis, she had more and more small conversations with CTT staff and volunteers, which opened new opportunities from people during a much less hopeful period of her asylum claim. A natural disaster had damaged the asylum office in Arlington, Virginia, which delayed Janice's case for months, leaving her more reliant upon her family in the region, a family which was not well off. Her stay there was a financial burden. Beyond this, she needed money to pay for legal council for her case. Janice had worked all her life, but her departure left her with nothing. She was approaching American retirement age, and she was penniless. Money was on her mind, and she was not afraid to tell Tara. How this happens, after all, is fairly direct. She approached Tara, requesting some time to talk with her alone, and she explained how money was such a problem with her. In other words, they had a 'heart to heart' conversation.

Tara would have met any client in such a close conversation, because it is one of her many jobs, and her favorite part of her job overall. What is significant about Janice's action, I think, is that she stayed at CTT on an ongoing basis, learning what CTT can do and how to approach soliciting the agency's help. Janice became savvy in how to operate within that setting, and CTT overall, with many members holding Janice in high esteem from having shared the same space with her for months, sought to meet her request. Money is, however, not something CTT gives to clients. In fact, they advise their volunteers to not help clients with bills or give them money directly. It violates their self-image as providers of services as well as their desire to see clients become self sufficient.

Nevertheless, they still met her request in two ways. The first was through a connection



Tara had with artists in the community, being a painter herself. She knew of an artist who used handicrafts in her art peripherally – within the frames or hewn into more conventional two-dimensional art. This artist warmed to the idea quickly of having someone who had gone through what Janice had gone through to make these for her. The relationship was a business relationship, with the artist paying Janice per bit of braiding she did, but the two also became friends, sometimes both coming to CTT and talking for hours. The second way they met her request was one that bent their rule about money somewhat. They paid Janice to clean up around CTT some and to wash dishes that accumulated. These are expressly tasks assigned to CTT staff, but this was the compromise they made between their rule and Janice's need. For this she received a small informal income which she could use to resolve some of the mounting pressure for funding. Thus, by being present, learning about how CTT works and becoming closer to CTT staff, Janice was able to gain access to the agency's considerable network to resolve broad concerns in her daily experience, concerns which are beyond CTT's obvious purview.

Individual clients met myriad needs through similar methods. Most commonly, clients met demands of asylum, which are many. They gained access to lawyers through CTT's network in a way that will be explored more fully in the following chapter. They also gained assistance in meeting other challenges that the asylum process entails, such as driving to areas of town which are poorly connected to public transportation, where official fingerprints and other markers of identification are collected and certified. Traveling from Atlanta to Arlington, Virginia for affirmative asylum interviews was another task which CTT often assisted with (and which I was their contact for twice). CTT hosted sessions in which asylum-seekers told their narratives, simulating parts of a defensive asylum hearing. CTT could also provide the expert witnessing of

Miguel for asylum cases when lawyers thought it would help.<sup>28</sup> CTT could also pack an immigration courtroom with people who know and support a client, and while I have no way to quantify the effects of this, CTT believes that the practice influences defensive asylum hearings positively for clients. When this happened, judges remarked at how unusual it was to have any audience at all.

Clients also gained important access to housing through CTT's connections in the community. One client, who was there in 2003, against all CTT policy and the policy of the church they rented the property from, was actually living at CTT for a time when he had nowhere else to go. Charles, of the previous chapter, found four places to live (read: people who would take someone in who could not pay anything) through CTT, many of which turned out to be unpleasant situations. However he also met an ongoing financial benefactor through a local church. Two Rwandan women found housing directly within CTT's walls when a young staff member took them both in to her newly-wedded household, against all advice of more senior staff. Finding a home for people with nothing that is safe and stable is an ongoing challenge, but CTT was a remarkable resource for doing exactly that for many clients, an ongoing and uncredited *extra* service obtained through CTT.

There were more *extra* services still. Access to refugee clinics was a common benefit, remarkable given that asylum-seekers have neither refugee status nor access to healthcare. Asylum-seekers without money or healthcare even received operations through such connections. One client gained access to plastic surgery to eliminate a noticeable 'lump' on his head, which he achieved despite never telling anyone at CTT what exactly caused the injury.

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<sup>28</sup> This was not done as often as one might think, for reasons explored in Chapter 6 of this work.

Clients also gained access to volunteers and interns, going to movies and libraries as friends, or at least as friendly acquaintances. Others would spend hours in language practice, and in a few cases, clients met translators who amplified their ability to make and develop relationships while they shared CTT's space, and, if they could be persuaded, to accompany them to affirmative asylum interviews in Arlington, Virginia, which requires translation but provides no translator. Transportation could be had in general, many times through me, at the end of CTT's working day for clients who expressed worry about buses and trains. Even asylees and refugees found such additional services as they solicited assistance with resumes and in a few rare instances, clients were recommended for employment at other agencies. One such client has a non-profit career developing around his understanding of refugee services and his fluency in Arabic and English.

These are the worlds that open up to CTT's clients when they do the communicative work of soliciting help for the myriad problems they acquire as asylum-seekers. CTT's everyday work within the field of refugee services is translated to a burgeoning network of professionals, community members, and agencies that can be life-changing for non-profit clients if they are extended access to those people and the services they can provide. CTT can help most of its clients through developing and maintaining an elaborate network of people who believe in CTT and who believe that its mission and its clients are worthy of support. CTT as I knew it in 2002 was in virtual isolation compared to the CTT I observed in 2009, and it offered little in the way of similar connection to others. As described above, clients themselves have to work within the structure of CTT to access these worlds, and it is a structure which they can learn to operate in with considerable agency given the right circumstances. However, these extra services are, after all, extra, and a moment should be taken to analyze the costs of accessing social resources to

ameliorate the dire straits asylum-seekers find themselves in for CTT. Its interaction with others on behalf of clients is a key set of practices in the system I have described.

### *Contingencies of Assistance*

Thus far this chapter has elided the complexity surrounding the interaction between NGOs and their networks as they meet the needs of clients, but this is not a simple matter, and there are identifiable 'costs' to CTT when it providing assistance. This cost is the social costs incurred as social networks are tapped as well as the time and energy which CTT staff expends. Beyond this, all human activity is fraught with contingency, as requests are miscommunicated or mishandled, as social ties are over-evaluated or strained, and other peoples' time and capacity to help reach their limits. CTT has agents acting on its behalf – usually Tara – who are ultimately 'working' this network to meet the needs of its clients and reciprocate requests from other agencies and people so that they may be better positioned in the future of reciprocal interaction. These interactions are made contingent in ways that Marcel Mauss (1990) describes 'The Gift'. How much is a referral by a lawyer worth? Is it worth a psychological report, or is it more appropriate to offer expert witnessing by Miguel in the case? Interaction within the field of refugee services is impossible to evaluate in terms of this reciprocal quality. These have the potential to create schisms just as they may create deeper obligations between organizations.

Most obvious, I think, but also most weighty element of these practices, is the notion that when CTT calls on a member of its network to assist a client, that person, if they do any work at all on behalf of CTT, feels that they have done something on CTT's behalf, and even if they do not expect anything in return, they are rendered more hesitant to render further assistance if they

are called on again too soon. This idea is analogous to 'spending' social resources or capital. It therefore 'costs' CTT something of their relationships with others when they call on them for the benefit of a client. An example of this comes by way of a volunteer who lived far outside Atlanta, where a few clients lived, which is nearly an hour drive away from CTT without any amount of traffic. Tara called on him to drive these clients to the Center once or twice, but these clients came to be in need of frequent visits. She tried to do something to balance the relationship between the volunteer and CTT, and she was preparing to give him a volunteer award, with plaque and certificate, when the volunteer ceased all contact with CTT. This is a common occurrence among volunteers, but CTT has similarly contingent relationships with lawyers, doctors, and other NGO staff. CTT staff worked constantly to maintain those relationships, whether it was through mutualistic engagement, as it is often with lawyers, or more voluntary, wherein a genuine 'thank you' is often sufficient. Sincere thanks goes a long way in the non-profit sector.

My constant reference to the same few people should make clear the next point, that agencies are limited in terms of their interactions with others. Regarding a client who will be explored below, CTT's executive director lodged a complaint that he would tie up an extraordinary set of resources. He could tie multiple volunteers and interns into hours of assistance outside the Center, and within, he would see Miguel and his therapists for a session and Tara afterward. As she described it, CTT was paralyzed, such were the resources invested in him. This speaks to a broader reality that CTT's networking happens in real time by specific actors within it. CTT is small, and Tara and Martha, chief among CTT's networkers, are ultimately limited in the number of phone calls they could make and email they could send.

Yet it is not as if CTT staff 'clock out' at specific times to stop working. CTT's networking on behalf of clients taxes them personally as well. As I have discussed above, burnout is a real concern for non-profit staff in general, and I saw it within CTT's operation. In networking with others, they expend extra time and energy for the benefit of CTT with little compensation, as they are mostly salaried employees who are not paid by the hour. Not all CTT staff face this – only the ones who must interact with the outside world on CTT's behalf are further taxed by this obligation, chiefly Tara, any secretarial help, and sometimes Martha expressed a sense of this obligation. If CTT fails to meet its end of reciprocal relationships, its legitimacy and its network suffer as people become less willing to engage CTT in such relationships. Tara frequently logged nine, ten, or sometimes twelve hour days, such was the burden on her on an ongoing basis. There is a great cost to CTT to offer services to those who greatly benefit from them, so in order to continue assisting incoming clients, CTT has a process, formal and informal, of transitioning clients out of client-hood entirely.

### **Transitioning Clients**

This last section muddies the dichotomy between NGOs and clients as it describes a process by which clients graduate from receiving services. Aid by CTT must come to an end for all of its clients. There is no set limit on the services CTT offers, but as suggested in the previous chapter, the conclusion of an asylum claim usually triggers a transition in the status of CTT clients. They go from active recipients of therapy and other services to more distant figures who, after being set up with a flow of refugee benefits, are considered to have essentially graduated from CTT. They no longer fit as prescribed subjects, CTT clients, particularly since there are

always new clients coming in to the Center who fit that description. However, the transition of CTT clients indicates more than CTT perceptions of who their clients are. More directly, it indexes the system in which clients receive services from CTT that has been the subject of this chapter.

This chapter has focused on asylum-seekers, and beyond the fact that they are the focus of this work, they are also the part of CTT's clientele that is helped most on a daily basis. Most of CTT's active clients are asylum-seekers at any given time, and besides this, they tend to receive psychotherapy and other services over a longer span of time. Simply put, asylum-seekers need CTT's help most, because they do not have the benefits that refugees have. Refugees certainly engage the Center in similar ways as asylum-seekers, but this is relatively rare. At any given day in my research, I could see asylum-seekers being present at the Center and benefiting in some way through that effort beyond free psychotherapy. Most telling is the moment when asylum-seekers become asylees.

When this happens, asylees win access to long-delayed benefits. Appropriately, CTT staff helps to ensure that they gain access to these benefits as soon as possible. After this point, however, contact between asylees and CTT becomes less frequent and much more distant. Part of this is on the side of asylees, which I described in the previous chapter as the moment of elation and a period of burnout, in which asylees want to have little to do with anyone in the refugee services field. Tara comments that they effectively disappear, and it is hard to get them to return. I believe that CTT would continue to offer psychotherapy to such individuals if it was felt like it was needed, but asylum is such a great relief to asylum-seekers that there is an air of conclusion to the relationships which were so crucial during the asylum process. Offers like

continued psychotherapy or other benefits change in character, wherein Tara wants them to return for two things: establishing refugee benefits and beginning the official closure of their client-NGO relationship with some terminal paperwork.<sup>29</sup>

In refugee services discourse, asylees can stand on their feet, and they have proven it. Effectively, CTT expects them to. CTT staff people see it as their responsibility to make sure that clients do not become too dependent on them. This, like many elements of their experience up to that point, is not entirely in their control. In the following section, I use the case of Kelile, the young Ethiopian 'special case' mentioned above, to trace how another asylum-seeker gains benefits from CTT, but especially to show what happens when a client seems to violate CTT's expectation that clients will grow stronger and detach themselves from its services.

In 2009, Kelile was a 19 year old Ethiopian man, who had just fled circumstances of extreme violence which caused him to go blind. Unable to see, he was helped onto a shipping container. Some days (or weeks) later, he emerged in a US port city, dehydrated, malnourished, and having no idea where he was. He would find that he also had no way of communicating with anyone. Port workers called an ambulance, and he was rushed to an emergency room where they were preparing to treat him for some form of shock, as he was panicking and not making sense to anyone present. Fortunately, someone realized that he was speaking a coherent language, one they did not understand, and he might have had a reason to be alarmed. They eventually found an Amharic translator, and it became clear that Kelile was a likely candidate for asylum who had survived something extraordinary.

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<sup>29</sup> This official closure of someone's client-hood is a relatively recent step to facilitate the gathering of data as required by ORR funding.



Kelile was among the 'special cases' I have described. He was young and charismatic despite not speaking a shared language with virtually anyone, and besides this, he was having to cope with what had happened to him as well as learning how to navigate a new country (which he hardly chose to come to) without the aid of his sight. His sight was perhaps the greatest of his difficulties, because he had not been blind for long, nor was he ready to accept his blindness as a permanent condition given that medical professionals around him gave him hope that they could re-attach his retinas. Furthermore, his blindness had to have made learning English more difficult, making it more difficult to interact with people trying to show and explain the rudiments of nouns and verbs, not to mention prohibiting his effective use of learning through traditional pedagogy that emphasizes literacy. CTT staff had a great compassion for him, with some members wryly smirking when he called, saying that "Oh, my son is calling." Kelile, as described above for special cases, easily exemplified CTT clients and justified CTT's practice while validating and rewarding staff persons in their chosen field.

Kelile was in extraordinary need, and he received extraordinary aid. He won asylum affirmatively, faster than any of the asylum-seekers I encountered in this research. CTT orchestrated his refugee benefits as well as benefits he was entitled to on account of his disability, and by the time I met him, Kelile had an apartment, a food allowance, legal status in the US, and he had received surgery on his retinas, which unfortunately did not cure his blindness. Kelile had a stream of volunteers who helped him with shopping and took him to fast-food restaurants that he liked. He was receiving psychotherapy from CTT on a weekly basis, where he also worked with an intern on his English. In one case, CTT came to his aid and extracted him from a dispute with a roommate, moving him to a new apartment and making sure

that the manager of the complex had it thoroughly cleaned, a process which happened over weeks and resulted in dozens of trips across town for staff members.

Over time, Kelile's status as a 'special case' seemed to dry up. CTT invested many extra resources in terms of staff hours, consuming time and energy of CTT's social contacts in terms of interns, volunteers, refugee agencies and medical professionals. Kelile did not seem to improve or progress after all of this. He spoke virtually no English after many months, and though his post-traumatic symptoms reduced, he still called on CTT to help him fulfill myriad challenges in his life. The cause as well as what should be done about Kelile's apparent stagnation hinged on why this was so. CTT staff did not come to a definite conclusion. Was it a matter of communication, that CTT could not reliably 'get through' to Kelile? It is true that Kelile spoke little English, even for as long as he had been in the US, but it is also true that Kelile lived in near isolation with no visual referents to language. Was it Traumatic Brain Injury (TBI), coinciding with the blows to his head that caused his retinas to detach? This is the mental disability hypothesis, which was actually favored by some CTT staff, with the reasoning that it explained his lack of linguistic development and his childlike dependence on the organization. This is difficult to verify, however, with someone the agency could rarely find a translator for, and it is difficult to extract such a diagnosis out of the complex of psychological and emotional challenges Kelile faced. Was he well enough that he could be described as taking advantage of a host of services he could acquire? These were the theories that were gauged as the question began to rise of "What should we do about Kelile?" In any case, the possibilities here are not mutually exclusive, and Kelile offered little in the way of explanation and decreasingly, of cooperation.

There was never a consensus among staff persons, but it came down to whether staff members pitied Kelile, or whether they began to feel like CTT was being taken advantage of. More specifically, the decision came down to the sentiment of unequal staff persons. They effectively 'fired' him, citing the need to wean him off CTT services, which they felt were ultimately harming his further growth as an asylee and a man who must gain his independence to settle into his life in the US. This was not a cold decision. Miguel told me that he felt guilty, even though he felt it was the right decision. Martha was the one who reframed the issue in terms of what is best for Kelile, defending the decision to a staff meeting full of less experienced staff and interns, who wondered if it was the right decision as well. Tara's sentiment about disassociating with Kelile is particularly pertinent to this analysis.

A few months prior, when Charles, the asylum-seeker from Togo, was having trouble finding stable housing, Tara was attempting to help him through her vast connections. One idea she had was that he might stay with Kelile. Kelile, after all, constantly asked for the help of the sighted, and he could use a person around to speak English with. Kelile, in her mind, pretended to not understand what people were telling him at all as a defense against this request. He eventually flatly rejected the idea. Charles felt compassion for him, saying that it was the duty of everyone to help people in his condition, and besides this, he would have treasured stable housing that eluded him so consistently. His hopes were dashed by Kelile's decision, and Tara became frustrated with Kelile. It was of course his right to protect the privacy of his apartment, and he likely did not like the idea of a roommate after his disastrous initial roommate.

However, he had failed a key test in the idiom of CTT services, and how they respond to violations of expectations tells much about the relationships between clients and CTT. When

CTT works to transition clients away from active recipients of service, it is not their hope that these clients will dissociate from them entirely. Rather, they hope that their clients will become established with a job, bring whatever family they have to the US, continue their education, and become invaluable pieces of CTT's network. Clients are constantly referred by former clients. Beyond this, they 'talk up' CTT to others, raising CTT's profile in the discursive world of refugee service. They come to CTT functions, speaking to audiences about the work the agency does, and they sometimes share home-made dishes from their countries as they bring lunch to the Center. Former clients have provided services just like Kelile rejected, and they have even served on CTT's Board of Directors. Former clients, ideally, help when they can. By rejecting a measure of reciprocity grand enough to merit the exceptional assistance he received, Kelile rejected his status as a productive member of CTT's broader network. Having gained asylum so quickly – the marker of transition for so many clients - it was difficult to tell when Kelile should have been becoming more self-reliant, so it was ultimately CTT staff frustration with him that became the measure. When he continued to call every day, asking for the support of volunteers, he frayed the connection between himself and the person he relied on most. Months later, Tara still felt angry at Kelile's decision.

As they interact with NGOs, who provide the only framework of support that asylum-seekers can stand on, asylum-seekers develop complex relationships with them. Individuals develop these relationships through specific interactions with NGO case managers and others. The relationships carry a diverse array of benefits for asylum-seekers as these relationships develop, but they also carry a component of reciprocity. Client-hood is, after all, a temporary condition with more lasting relationships possible. Most CTT clients expressed to me a debt

they felt towards the organization, which they could repay once they get on their feet. Any account of CTT and its clients would be incomplete without depicting this circle of crucial connections the agency has in the surrounding community and beyond, which I think would hold true for many direct service-oriented NGOs. CTT's help to its clients is effectively a feedback loop, in which they may recruit and better help clients through their social network, a network which becomes larger and more effective as clients join it. The overall benefit CTT receives in return depends entirely on the ongoing feeling of its former clients about it, their capacity to help, and their agency with regards to how much and how often they will act on CTT's behalf. Asylum-seekers work to transition beyond their status with the help of CTT's network, which they strain and subsequently become invaluable parts of. Their association with NGOs gives many a foundation to endure long asylum claims and the tools with which to navigate. The following chapter will explore the relationships between asylum-seekers and their lawyers, so commonly forged through NGO networks.

## Chapter 5: Narrating Political Asylum

Asylum-seekers commonly enter the US with something of a fantasy about how the US will determine their rightful refugee status. This fantasy is merely an expectation that they will stand in front of a judge and explain the circumstances surrounding their escape from persecution. This is a key part of a host of expectations they often hold about the United States, one that they often look forward to, describing it as a correction of the injustices they have suffered. Asylum-seekers are not alone in this expectation – the volunteers and non-profit workers in associated fields seemed to have assumed something similar when they are made to realize that asylum is far more complicated than this. Their puzzlement, asylum-seekers and US citizens alike, at having assumed wrongly turns to dismay as the labyrinth of asylum is depicted for them. For asylum-seekers, their imagination of what asylum in the US would be like disappears with its logical sequelae: the quality of the life they would lead as well as the expediency with which it could be achieved. Certainty is replaced with uncertainty, and they face an extra source of anxiety at asylum's outcome – this really would be a cynical system whose default stance is disbelieving asylum-seekers rather than an expedient welcome for the imperiled.

Asylum narratives are regularly the primary *evidence* available in asylum cases.<sup>30</sup> The I-589 Application for Asylum and for Withholding of Removal form provides a small box with the

<sup>30</sup> As explored in the following chapter, asylum-narratives can be thought of *containing* the kinds of evidence that decides such cases rather than *constituting* such evidence. Asylum cases feature many structural constraints that shift the case from the 'subjective' to the 'objective.'

exhortation to explain why they are applying for asylum, and, if necessary, to provide any additional information on attached sheets of paper.<sup>31</sup> As has been covered previously, asylum courts are administrative courts with idiosyncratic rules, including the lack of a right to an attorney and the broad omission of any rules of evidence. Though a variety of travel, medical, and psychological documents as well as expert witnessing can be deciding factors in asylum cases, narratives play a central role for the duration of an asylum case.<sup>32</sup>

Asylum narratives are a complex object of inquiry, and they were the primary one as I approached the study of US political asylum. Their complexity stems from their diversity, by which I mean a diversity beyond the myriad places and sources of the violence from which people flee. Rather, they are written and given in many ways. All asylum-seekers must provide some sort of narrative. In some cases, a well-read and effective writer wishes to take the time, alone, to write about what happened to them, and they are hesitant to allow alteration to their narrative, even if it requires a translation, as some version of it must be in English for US asylum interviews and hearings. Some asylum-seekers wish only to tell about what happened to them to their attorneys, who will proceed to write the narrative themselves in the first-person. Still others, most commonly from what I observed, construct their narratives over months, in a complex cooperation with attorneys and non-profit workers, creating a lengthy and well

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31 This form can currently (February 2011) be found online at this USCIS address: <http://www.uscis.gov/files/form/i-589.pdf> or simply by googling 'I-589' and selecting the top entry.

32 If an asylum-seeker is actually stopped at a port of entry to the US, the affirmative interview can happen within moments after they land, in which case it is a spoken and unrehearsed. If successful, these individuals actually bypass much of what this dissertation concerns, given that my informants were *living* as asylum-seekers for a considerable period of time.

documented narrative product of multiple participants that comprises the narrative of the asylum-seeker.

Such narratives must be spoken as well as written, and the two forms must not differ greatly in successful asylum cases. A primary strategy of attorneys representing the US government in opposition of the asylum claim is to ask a variety of questions (and the same questions in a variety of ways) that produce and expand a gap between written and spoken testimony. Knowing this, there is an emphasis on what the entire community calls 'knowing your story'. Of course legitimate asylum-seekers know what happened to them, but 'knowing one's story' indicates a thorough understanding of the contents of the entire written application (including the narrative) in such a way that specific questions about minor details may be successfully and consistently answered, in long narrative or in short non-sequential and out-of-context segments. There is a potentially lengthy process of actually rehearsing these narratives informally across tables from attorneys or non-profit workers or elaborately in mock-courts with other attorneys playing judges and interns sitting in as an audience.

Constructing one's narrative within the context of asylum is a key concern and an ongoing set of practices in the lives of asylum-seekers. It is their primary interaction with their lawyers, who are extremely important figures in the lives of asylum-seekers, playing complex roles as trusted friends or mentors or distant and aloof charlatans, caring protectors or capricious taskmasters. It is with lawyers that asylum-seekers must abandon their fantasies of asylum and



reorient themselves to its idiosyncratic legal settings.<sup>33</sup> In the vein of other chapters of this dissertation, this one seeks to hone in on lawyers as crucial social contacts, which asylum-seekers work with in complex ways on their journey towards asylum. This relationship is marked by a partnership that produces asylum narratives and molds them, and asylum-seekers themselves, to the system of asylum. This is of course an asymmetric partnership, the character of which will be explored through a frame of metadiscursive practices; if we know the sorts of practices that predicate change within the narrative, we know something about the relationship that produces, essentially, the asylum-seeker's case for asylum. We also see a frame through which asylum-seekers, through specific practices, *become* asylum-seekers as they replace fantasies of asylum with its necessary reality: asylum-seekers must devote themselves towards learning to tell about their persecution to the standards of an overburdened and distrustful legal system.

### **Asylum-Seekers and Lawyers**

Asylum-seekers do not have the right to an attorney, such that one will be provided, at any point during an asylum claim. There is likewise no body of lawyers who will be appointed to defend asylum-seekers, as American legal systems concerning criminal cases must have. At the same time, they must find a lawyer to represent them, not for any specific requirement in the administrative court of asylum, but for the way the courts local to this research operated. When asylum-seekers had no lawyer at Master Calendar hearings, the judge simply scheduled another

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<sup>33</sup> Non-profit agencies can be involved in the narratives of asylum-seekers very significantly. An ethnographic example at the end of this chapter explains how NGO workers can work with asylum-seekers and lawyers, but this chapter remains primarily about the relationships between asylum-seekers and lawyers.

Master Calendar hearing so that one could be found. Judges did not want asylum-seekers to represent themselves in their courts, so it is good for asylum-seekers, in this way, that these judges do not let them go so far without one.

Contracting a lawyer can be a challenge. Asylum-seekers tend to have access to a fixed amount of money when they flee their countries, and none ever volunteered whether these funds were in a bank free of the dictatorships they flee from or whether they had a physical amount of cash hidden somewhere. They also have no legal way to work to increase this sum, so this money is effectively all asylum-seekers have to survive on unless they have a generous benefactor or family member. It should not be surprising that they protect this sum from others, nor do they readily spend it even on basic necessities. Some seem to genuinely have as little as pocket change when they escape, and others apparently have tens of thousands of dollars, evident from the elaborate ways in which they hired smugglers, ship captains, or bought numerous plane tickets during their escapes.

Lawyers who represent asylum-seekers for a living naturally want asylum-seekers who can pay them for their lengthy services to do so. Most lawyers I interviewed have also taken on cases for free (*pro bono* in the parlance of the field) in many instances. Some of these were backed by firms which had their less experienced lawyers gain key skills of preparation, interaction, and courtroom familiarity while boosting the firm's image with humanitarian services. Others worked for local NGOs who offer legal services, paying their lawyers with grant money so they can provide a key service for free for select asylum-seekers. Others still are on their own, working for themselves and specializing in immigration cases or even broader areas. These lawyers, some of whom have decades of experience with asylum-seekers, seem to

handle the most asylum cases in the area, and they are also the ones who hope to get paid by at least some of their clients. Many agree to take on cases *pro bono* from certain NGOs in exchange for other cases in which clients can pay them.

There are lawyers of all stripes in the area who take on asylum cases. Firm lawyers tend to have the least experience with asylum, but they accepted the responsibility for someone's life with serious diligence, pouring hundreds of hours into the preparation of their first cases. They are also under great pressure to win these cases, both for the sake of their clients as well as their status in their firms. NGO lawyers tend to have managed or directly handled dozens of cases, and their agencies, who grow their social and financial capital on winning cases, in many cases only allow them to take cases which they feel they will win. Independent lawyers have a great range of motivators, experience, and in some cases, intentions. Some of these are considered the best by NGO workers, and when they could be contracted, these workers and asylum-seekers alike felt that fortune had smiled on them. Others have more dubious reputations, and they could gain these in many ways. Well-intentioned lawyers who have handled cases for years can suffer burnout, becoming liabilities to clients. Other lawyers appear to NGOs as wolves looking for financial prey, over-charging and under-representing asylum-seekers. These tended to work on immigration in the broadest sense, and I heard tales of them intimidating people with illegal status with the consequences of deportation. One lawyer charged \$30,000 to represent an asylum-seeker, who had no intention of ever meeting with his client except at the moment of the defensive asylum hearing. This is remarkable considering that most lawyers who hope to be paid charged between \$2000 and \$7000 for representation, which generally included months of preparation and regular meetings. In an interview with the most experienced lawyer I met, who

had handled more than one-hundred asylum cases, he spoke of a lawyer who was called out by an immigration judge to refund money he had taken for representing his client when he proved to be wholly unprepared and unfamiliar with the case.

There is a great range of lawyers which can be hired, but which lawyers that asylum-seekers hire (or otherwise end up having) is not simply a matter of a marketplace of legal professionals. If asylum-seekers have money, they have a choice in the matter, though connections through NGOs narrow those choices greatly. Some areas have directories of legal professionals who will handle asylum cases, but these are effectively no better than hiring from a list of strangers. Asylum-seekers without the thousands of dollars necessary to hire a lawyer are much more limited in their options. For these, NGO contacts are crucial, because they are the ones who have lawyers who might owe them favors or who might be able to put special recommendations for asylum-seekers to other NGOs who provide legal services. NGOs like CTT who have dozens of asylum-seeking clients but offer no legal services, for their part of such reciprocal relationships, will only recommend asylum-seekers who they feel are the most deserving of free legal council and who are most likely to win.

This situation of requiring lawyers but not providing them, from a population stripped of reliable means of generating money, creates a kind of marketplace around the cache of the *stories* of asylum-seekers. In the frankest terms, a pitiable person who endured horrible tortures because of an easily identified belief, group membership, or other refugee category, is likely to have legal support for free. Many of these asylum-seekers take such a representation for granted, not because they do not appreciate such services, but because the recruitment of lawyers for such asylum-seekers happens behind closed NGO doors without consulting them. Other asylum-

seekers, whose stories are less conventional or perhaps less horrible, would identify the value of free council more readily. More has been said about the valuing of asylum-seeking clients by NGO workers in Chapter 4, but here it suffices to say that they are judged by their narratives, narratives which can grant them asylum eventually, but in the meanwhile they can ease (or fail to ease) the hardships of asylum in the context of interpersonal relationships with asylum professionals.

Sometimes keeping a lawyer is just as challenging as finding one. This is especially true for asylum-seekers whose cases have dragged on longer than the lawyer had anticipated. In one case, an asylum-seeker had lost one lawyer to fraud, and a second lawyer because the lawyer died of an unexpected heart condition. Other clients have lost their lawyers due to burnout, when they stop answering calls and disappear from the professional and personal view of anyone related to asylum. Some lawyers 'fire' their clients for not meeting the conditions set for them, such as attending meetings. Sometimes asylum-seekers wish to 'fire' their lawyers, most commonly for failing to maintain communication, though I never saw any go through with it. These instances are not nearly as frequent as asylum-seekers and lawyers sticking together, but it does suggest a level of contingency of circumstance that shapes the relationships of asylum-seekers and lawyers. Before I can proceed to the bonds and tears of those relationships, however, I wish to cover some theoretical ground concerning narration and metadiscursive practices so that the further explanation of this context may benefit from their concepts.

### **Narrating a Violent Past**

Eleanor Ochs and Lisa Capp (1996) argue compellingly for the union of post-structuralist

theorizing of selfhood with linguistic anthropological understandings of narrative. In *Narrating the Self*, they present a complex portrayal of how people narrate their pasts. Through fragments of memory and the partial selection of certain ideas and events, narrators bring elements of that past reckoning into a narrative present, into a great range of culturally mediated narrative styles and structures. Narrators thus present partial histories and partial selves, which are then partially recognized and interpreted by others. Thus people, through all the miscommunication, selective events and memories, and interpretative frames, present and adapt modes of selfhood to others. In such a system one can easily imagine social shifts by social forces such as everyday narrative.

Ochs and Capp's rendering of narrative is broadly applicable, handily covering a range of complex everyday communicative practices as well as the common unintentional mishaps that occur. The account is strongest in more egalitarian social contexts, because their account for power is limited nearly to the acknowledgment of social asymmetry. Political asylum, applied for by an extremely vulnerable population to a system with idiosyncratic rules and little oversight, is starkly power-laden. Fortunately, the relationship between language and power has helpfully been explored by many authors. Pierre Bourdieu capably answers the problem of power-laden social interaction in his (1991) work. In it, he carries his concept of social capital (originating in his 1977 *Outline*) to the realm of language.

Bourdieu's notion of power's relationship to language can be seen in his objection to J. L. Austin's *How to do Things with Words* (1962), which was an influential account of the ways in which words can actually make things happen in the world. Bourdieu reasons that words are in fact powerless; rather, it is the people uttering expected speech, filling accepted and expected roles, that can make such things happen in the world. For Bourdieu, language is laden with

cultural symbols, so the way people speak tells others about their class, their profession, and much else. Language is fully integrated into systems of social differentiation, reflecting its speakers' places in such systems. William O'Barr's (1982) work illustrates Bourdieu's point when he explores the notion of 'powerless speech' in courtroom encounters. Speech in this work is one of impressions: juries judged people's volume, pauses, hypercorrections, uncertainties entirely contained in their speech, finding witness, where such markers were noticeable, unconfident and unconvincing. This process is so central to peoples' everyday lives that such juries cannot say exactly why they found those same people unconvincing. Such processes seem 'natural' indications of expected social status, precisely as Bourdieu predicts.

If Bourdieu lends us a way of thinking about how speech reflects and even shapes power, we are still left with a complication within the context of political asylum – the communicators often speak entirely different languages, or they are from vastly different speech communities within the same languages (Hymes 1974). Even if we account for the symbolic capital of lawyers and judges over asylum-seeking respondents, this does not fully answer this matter. After all, linguistic markers of status are hardly the same cross-culturally. Spoken communication, even (or especially) in deliberately crafted moments has long been understood as a mode of cultural performance (Bauman 1975). I have no way of 'compensating' for such complexity just as the courts I observed had no way of doing so. I can instead underscore the point in a way that emphasizes that the actors of asylum *cannot* be the purely strategic actors that some modes of writing about them perceive them to be because such a rendering fails to grasp

the misplaced intentions and differing interpretations of participants in the asylum process.<sup>34</sup>

Judith Irvine's (1979) work on formality is particularly pertinent here, because political asylum is certainly such a formal event, causing different people to adapt a formal style in dress, behavior, and speaking. The work is one of debunking linguistic structuralist fantasies of widely shared modes of formality by way of showing differing cultural modes of formal meeting. Among the Wolof, a formal meeting is one where people are quietly seated, and a series of pre-selected speakers say previously agreed upon things, thus formally sealing a series of much more secretive discussions. Among the Mursi, by contrast, formal meetings are competitive events in which people, arrayed in a circular pattern, must 'hold the floor' by adopting an archaic mode of speaking. When such a speaker slips in that mode of speaking, another may take his (or her?) place mid-sentence. Irvine shows that formal meetings are equally formal in their respective cultural contexts, yet the modes of behavior within each are radically different, leading us to a confident conclusion that behavior in specific contexts is culturally mediated. As has been demonstrated throughout the history of linguistic anthropology, the way people speak, beyond language itself, is highly differentiated both cross-culturally, and within cultural systems. For our purposes, we may take such a reminder as another layer of variably interpreted social action to the complexity of language, memory, 'partial' narration (and selfhood), and power not just in courtroom settings, but in the halls of CTT and everywhere else, by all communicating people.

### **The Content of Asylum Narratives**

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34 Such work by 'action-theorists' have been outlined in Joan Vincent's 1978 *Annual Review of Anthropology* article, in which she details the origins, development, and critique of such free, agentic actors.



Asylum-narratives are, in the form that is submitted to courts, written in the first person, in English, often containing a variety of technical errors reflecting the writing of someone writing in a second (or third or seventh) language. They tend to situate themselves following narrative conventions beginning with when and where the narrative takes place. Often they begin autobiographically, describing, at least briefly, where a person was born, what kind of family they had, and what their parents did for a living. They sometimes delve deeply into the political situation of their country or region, tying it sharply to their locality and, inevitably, their own political, religious, or other activities that ran counter to such political forces. If religion is center to the asylum claim, an affiliation with specific organizations is established, usually with an indication of how long they have been a member of the organization as a shorthand for their faith. If it involves an uncommon religion within the US or a localized cultural practice, narratives will tend to explain them briefly within the text or in a supporting document. The practice of what is known in English as 'voodoo' was explained in such a way by Charles, one of my West African informants, within the narrative, and the organization of villages with regard to voodoo temples was explained in almost ethnographic detail in a supporting document. The religion was crucial to the case, whereas its implications for rural life in his country was considered ancillary.

In asylum claims that will include claims of torture, as almost all of my informants did to some extent, the scale of the narration shifts to the circumstances of a kidnapping, a false imprisonment, or some other violent encounter with authorities. There is then a detailing of the time imprisoned and the tortures suffered as the scale shifts again to the objectified (and in some ways, exteriorized) tortured body. Here in the narrative such violences are explained flatly and

in terms that render them objective, such that phrases like “They did...” rather than “It felt...”.

Elaine Scarry's *The Body in Pain* (1987) rendering of a process of torture may not be appropriate for the whole range of tortures, particularly those that account for the fact that sometimes people are compelled to partake in tortures themselves against others, but the reality of asylum narrations that involve torture objectifying the tortured as they do so is indicative of its overall veracity regarding the effects of torture and the ways people must cope with them.

Whether the narrative contains accounts of torture or not, all US asylum claims contain circumstances around their escape from one country and how they landed in the United States. The dates and the means are crucial here, because asylum officers and courts tend to see these as objective, demonstrable (to some extent) indicators of the veracity of someone's claim. Without romanticization or even much elaboration, harrowing depictions of escape, cross-country travel through dangerous means, and enduring much physical hardship are depicted in monotone lists of locales and means of travel. Bus or plane tickets, particularly those leading out of their country of origin into the US, can provide key support to a case, but as far as the narrative is concerned, the litany of dates and supporting facts is part of any asylum-seeker's rehearsal.

### **De-centering Asylum Narratives**

The content of asylum narratives, particularly those with the benefit of an attorney's assistance, is informative and telling of a legal system's expectations of what constitutes such narratives. There is certainly merit in analyzing their text, because they are the end-product of a lengthy project by multiple actors. However, such an approach is, I contend, deeply flawed wherever it imagines such texts to be self-contained pieces of legal testimony. Similar data have

been an attractive pull for fields akin to conversation analysis or pragmatics that, to take a broad swipe, have long shared a tendency to reduce the impact of the social world surrounding such communication in order to privilege the analysis of the micro level linguistic and interpersonal engagement. To put it another way, such object-centered approaches have favored the data themselves over the context that produced that data. As de Saussure (1916) feared, *parole* has proved to be far less predictable and ordered than *langue*.

Studying asylum-narratives themselves outside of the processes by which they are created would be akin to a fiction of US political asylum. Fortunately, the project counter to this centered approach is on well-traveled ground. Mikhail Bakhtin offers us an early account of de-centering texts when he thoroughly problematizes passive understandings of text: “a passive understanding of linguistic meaning is no understanding at all...” (1981:281). He goes on to explore a process of language that surrounds texts, which themselves even evoke response and further discourse by readers and authors. William Hanks (1989) reviews a burgeoning and expansive literature of research that seeks to understand the *intertextual* world surrounding text, which works to shape those texts in ways that prior ways of understanding texts cannot account for. I want to take the privilege of authorship here to clarify matters by way of an example that shows the myriad of practices that regularly happen around discourse that shape it in ways that do not simply reveal themselves within the content of textual or spoken discourse. This approach takes us, however unexpectedly, to Franz Boas.

Franz Boas, foundational figure of American anthropology, had a revelation in the course

of directing the first major wave of anthropologically informed ethnography in the US.<sup>35</sup> He had the idea that anthropologists could actually write ethnography alongside their native informants, thus not only minimizing, but erasing the cultural bias of the anthropologists (1999:502). Boas maintained a close relationship with George Hunt, an informant with a complex cultural background, whom he credited as a co-author of many works as the two seemed to explore 'Kwakiutl' (Kwakwaka'wakw) mythology together. Briggs and Bauman explain that the relationship between the two was much more complex than 'co-authorship' implies in such a way that all multiple-author work must be.<sup>36</sup> For example, Hunt was in the field being paid by Boas for the quantity of his contributions, contributions which would be organized, edited, and worked into the publication format by Boas, suggesting an inequality that renders the term collaboration' into stark contrast with the relationship implied by a work with two authors on the cover. This was not a simple inequality that shaped the work unilaterally. Hunt was directed to collect very old stories, so he interjected archaicisms into the texts he submitted to Boas. There was a wide range of practices between Hunt and Boas that had direct, indirect, and overall enduring effects on the work the two produced. Analyzing the published texts (a centered approach) by these authors jointly would have obfuscated any understanding of the way in which they were produced and actually have put the analyst in the position of reading directly Boas's hope for

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35 A very detailed account of the relationship between Boas and Hunt is explained in Briggs and Bauman (1999), as are the metadiscursive practices that will shape my analysis here. I feel like I would do a disservice to them if I omitted their repeated line in their work that they do not wish to partake in the muddying or glorifying of Boas' image in exploring what can be construed as an exploitative relationship. Rather, they emphasize that his reasoning for wanting collaborative work was in line with his desire to understand and preserve as much about Native American cultural systems as possible (1999:482-3).

36 A fact which, recursively, Bauman and Briggs must have noted for their own collaborations.

collaborative efforts rather than their apparent reality. Briggs and Bauman provide us with a scheme for understanding the practices which shape all discourse, one which can be fruitfully employed to sort out the practices which shape every political asylum narrative well before it reaches affirmative interviews or defensive asylum hearings.

Before I address these metadiscursive practices which thoroughly shape discourse, discourse itself might first be addressed. Discourse has been found useful by many social researchers and others, and it has enjoyed an appropriately wide range of definitions. I use discourse to mean a regular communicative event, frequently laden with power and politics, which influences and is in turn shaped by a field of such events and communicating people. Teun van Dijk has developed a compatible line of work on discourse, particularly being concerned with everyday communication as discourse and its close analysis accounting for the relationship between meaning and form (1997a, 1997b). Mikhail Bakhtin's philosophy of language as dialogic – that back and forth of dialectical engagement in any communication – is relevant, likely even originary, to this conception of discourse in general and collaborative works such as asylum-narratives in particular (1981:282). Finally, Norman Fairclough's *Language and Power* (1989) may serve as a reiteration of a Bourdieusian practice-oriented account of discourse while reframing the matter to the scale of widespread discourses, with particular interest in following the growth and spread of more power-laden discourses.

### **Metadiscursive Practices**

Metadiscursive practices concern the production, reception, and circulation of texts or

reported speech (Briggs and Bauman 1999:486).<sup>37</sup> They are, simply and complexly, the reality surrounding discourse as a product of human interaction. They can constitute a 'de-centered' approach to discourse as discussed above, emphasizing a long forgotten aspect of discourse that considers the very sorts of things that the texts or speech themselves omit. It should not be surprising to note that linguistic anthropologists and others working within the contexts in which certain kinds of discourse are created are in a unique position to account for and analyze the workings of metadiscursive practices.

We can understand these as practices in Bourdieu's (1977) sense, as William Hanks does when he explores post-classical Mayan discourse genres (1987). By this, I mean that I am interpreting the actions taken by asylum-seekers and others in relation to the narratives demanded by the US system of political asylum to indicate and inculcate a way of experiencing some field of social life in ways that can shape the field itself. Fields, in Bourdieu's writings, are hierarchical, bureaucratic, and at least to some extent, independent and self-interested organizations within societies, such as the fields of law, medicine, and education. As explored elsewhere in this dissertation, political asylum in the US can be conceived as a field in this sense, much like the more general field of law explored by Bourdieu (1987). People must narrate, and narratives in political asylum have a range of practices concerning their production, circulation, and reception.

Briggs and Bauman's presentation of metadiscursive practices does not seem to assume

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<sup>37</sup> In a prior deployment of the metadiscursive practices they use in their 1999 *The Foundation of All Future Researches*... Bauman and Briggs (1990) first described them in a review of literature surrounding poetics and performance of language, though here they were described as being involved in the production and reception of discourse. The idea that metadiscursive practices can shape the circulation of discourse came later.

an inequality or equality of practices which shape the production, circulation, or reception of discourse, and this openness implies, to me at least, that we should be open to these outcomes shifting in importance in different circumstances. They present two sets of practices which they imagine to be in dialectical relationships and which constitute the broader understanding of 'metadiscursive practices'. The first is entextualization/detextualization, referring, respectively to all of the matters that influence the creation of written texts or speech and, counter to that, acts of erasure that actively omit or reduce elements of discourse. The second set of metadiscursive practices are recontextualization and decontextualization, referring to all efforts involving the reframing of discourse into new situations as well as removing discourses entirely from contexts, making them appear to come from nowhere, as if any discourse originates from *nowhere*.<sup>38</sup> Decontextualization logically precedes recontextualization, because discourses must be extracted from all of the ways that reveal their creation before they may be merged with new contexts. (1999:485-6).

The dialectical quality of the practices they describe are worth examining. I take dialectical relationships to imply two items in a relationship such that change in one implies a change in the other, that they are thus interrelated and perhaps that they pre-suppose one another, like the dialectical arrangement of agency and structure in the work of Anthony Giddens (1979). This is easier to understand perhaps in the Marxist societal structure or at least as groups of people are concerned, but *dialectics* by itself – seemingly a noun implying a set of verbs - is

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38 As Donna Haraway writes, science is exactly the kind of discourse that appears to come from nowhere while illustrating universal concepts, something she calls the “god trick” (1988). Conversely, discourses which are situated cannot be so powerful so far as they admit their original context.

more difficult to wrap one's head around. Context, for me at least, is consummately helpful. Entextualization and detextualization, then, implies one or more parties engaging in encoding something into text just as editors and others work to erase parts of it. Just as other parties operate to remove ideas entirely from their contexts, others work to reorient them in contexts entirely alien to their construction for myriad purposes. The action of one half of the dialectic implies its reaction (or even counteraction). Dialectics thus depict, with a minimum of explanation, sets of practices in meaningful, oppositional, and powerful fluctuation. Just as most theorists who continue to find Marx (or Hegel, for that matter) helpful do, I see little cause to presume any predictable shift or reaction in dialectical relationships.

This is not, however, to say that Briggs and Bauman do not see wide-ranging effects of the practices themselves. They see metadiscursive practices working together with language ideologies – those core ideas people hold about the nature of language – to form much of the subtext of the construction of modernity (1999:482). Language ideologies themselves have been a fruitful avenue for linguistic anthropological research, such as Irvine and Gal's account of the role of language ideology in creating and enforcing social difference in the contexts as diverse as colonialism and ethnicity (2000). Briggs and Bauman note the role of language ideology in powerful social activity, seeing it work together with metadiscursive practices to achieve such social differentiation (1999:482-3). Language ideologies legitimate certain ways of speaking (or writing), and they encode certain ways of being from that speech. People who use those forms inherit the approval or disapproval of either mainstream, or often simply authoritative others. Metadiscursive practices frequently play a role in everyday rendering of people closer in line with approved sociolinguistic standards or further away, cut off from the linguistic sources of



privilege and authority. More generally, we should expect to see who holds power and authority, and their beliefs about others. We also see which people are silenced and rendered peripheral, even when a voice is presented as their own.

### **Metadiscursive Practices of Asylum Narration**

As discussed above, all asylum seekers in the US must submit a written narrative explaining why they have applied for political asylum. This narrative must be memorized and rehearsed in anticipation of performing the narrative during encounters with asylum officials, such that it constitutes a written and spoken asset of the asylum claim. This narrative also encompasses a telling of traumatic events in the first person, which is something that my own account must not ever omit as I work to emphasize its construction, erasures, and contextualization.

At the initiation of an asylum application, an account of events leading to an asylum application is submitted. The small box allocated to this in the asylum application is misleading as it pertains to the actual practices surrounding the production of these accounts: none of my

informants stayed within that box, or even close to it.<sup>3940</sup> There is no one way that these accounts are constructed, but there is, for all asylum-seekers who work with non-profit agencies and lawyers, a set of influences on the narrative in accordance with any collaborative text. I was able to ask a range of asylum-seekers how they set out to write their narratives, so the following will allow their experiences to guide my account of metadiscursive practices.<sup>41</sup>

This very question was at the heart of my original proposal to enter this field. As I became increasingly interconnected with non-profit agencies, asylum-seekers, and their lawyers, I began to realize that there was a wide range of practices which constituted the giving of asylum narratives. More to the point, many of these practices seemed to be asocial: there was nothing to

39 The following contains the directions provided for answering questions on the I-589 form:

**NOTE:** *Use Form I-589 Supplement B, or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)*

*When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture), you must provide a detailed and specific account of the basis of your claim to asylum or other protection. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You must attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this documentation is unavailable or you are not providing this documentation with your application, explain why in your responses to the following questions.*

Form I-589 (Rev. 04/07/09)

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40 The following is an example question from Form I-589:

Do you fear harm or mistreatment if you return to your home country? No/Yes

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

41 As those who are familiar with both approaches which have been considered post-structuralist as well as the work of Briggs and Bauman on narrative will note, this chapter itself constitutes a kind of control over the ordering, the emphasizing, the erasing, and the overall telling of the aspects at hand. This is the privilege of authorship which has disquieted anthropologists at least since Clifford Geertz.

observe. Informants seemed to be surprised at the oblique line of questioning where nobody else was at all interested (and given their experience of torture and ongoing psychological challenges, I can understand why). Following suit, I began to look elsewhere for the ways that asylum was significant to the lives of asylum-seekers, but I was able to ask, via interviews, questions pertaining to that original focus.

The ethnographic work backing this writing thus was able to observe a range of intertextual practices surrounding asylum narratives. These practices again are those which shape the production, reception, and circulation of the asylum narrative – that key piece of writing (and telling) that constitutes so much of an asylum application. They usually imply two parties: asylum-seekers and their lawyers, but sometimes there are further interlocutors such as translators and non-profit workers who complicate the collaboration further. These practices are intended to parallel the 'collaborative texts' of Boas and George Hunt to show that just as in their situation, lawyers and asylum-seekers do work together to produce asylum-narratives in legal contexts, and just as it was for Boas and Hunt, lawyers and asylum-seekers are unequal participants with markedly different capacities and agencies in the matter. Asylum-seekers narrate, but lawyers have every bit of the editorial power that Boas had, including the final submission of documents.

Yet the metadiscursive analysis of asylum-narration, aside from revealing some of the everyday experiences in the field of political asylum in the US, ultimately may serve as a lens through which we may understand the kinds of relationships that asylum-seekers and their lawyers build. The development of a narrative is the primary work of these relationships, which in every case I observed, remained highly focused professional associations, despite frequently

lasting almost two years and consisting of ongoing regular encounters. The collaboration, however the term is complicated here, reflects the long term work of both parties, and the quality of it shapes the future of both participants. When two people go into defensive asylum court with a written and spoken narrative that both parties can use to successfully navigate legal opposition, it is the strongest evidence asylum-seekers may have. Asylum-seekers with such a performance consistently win favorable decisions, validating the status they risked much to have. Lawyers are recognized as being dedicated, skilled, and ethical, receiving referrals by non-profit agencies more readily afterward. When asylum-seekers and even lawyers get tripped up in contradictions in asylum court, whether between written and spoken narratives or even within the spoken testimony, it reflects poorly on both members, with non-profit workers saying they understand the outcome of lost cases for asylum-seekers and being reticent to refer further cases to such lawyers who should have smoothed over such problems long before the case reached court. This collaboration is thus entirely significant to the outcome and duration of asylum cases. It also tells us about a key relationship for asylum-seekers: asylum-seekers have relationships with their lawyer unlike any other in their lives. Of the many relationships they develop, they only say that they *work with* lawyers. The collaboration of narrative reflects their agency in the matter, and it is a site around which they can work to enhance their chances of winning asylum. The pride asylum-seekers take in enduring legalistic interrogation by state attorneys in defensive asylum court reflects that agency just as it reflects a complicated and long lasting relationship with their lawyers.

With this in mind, we commence to the practices themselves that reflect so much uneven

collaboration. The practices are arranged roughly chronologically as asylum narratives develop.<sup>42</sup> They have to first be told and understood before they are written down. This can include a process of translation, because the only acceptable language for the textual narrative is English. They are then put through an editing process, where both content and style are made to conform with legal expectations. This entire phase reflects the dialectical axes of entextualization and detextualization as the narrative is written by complex (and complexly collaborative) means on one end and edited, silenced, or erased on the other. The subsequent phase is one in which the written narrative is prepared as a spoken one that supports the written narrative. Such narratives are committed to memory and rehearsed intensely for the venues of affirmative asylum, and especially later, the defensive asylum hearings. Asylum-seekers and lawyers work to unify the spoken and written narratives for the ultimate legal contexts of asylum meetings and hearings. Just as the 'old stories' collected by Hunt were taken out of context and placed into the new context of anthropological literature, the original asylum-narrative (itself containing elements of decontextualization and recontextualization) becomes a backdrop for evidentiary and antagonistic legal wrangling. Such performances of narrative in spoken form, matching the written form, are much of the courtroom test of political asylum, marking an achievement of collaboration that, in the discourse of the field, lets asylum-seekers tell their stories and have their day in court. This discourse aside, it remains an achievement of a long development and commitment to an asylum narrative by all parties involved.

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42 Though I saw the following practices happen in different orders at times, just as I have seen practices be skipped entirely. This is significant when it happens, reflecting most often the strictures of the lawyer's time or the time before certain deadlines in the asylum process. Asylum-seekers were also able to work to ensure or avoid certain of these practices, but they did so by way of asking or perhaps manipulation rather than deciding matters of legal strategy.

### *Telling/Listening*

Seekers of asylum and those who work with them tend to spend much time in the mutual practices of telling and listening. Much of what is written in this dissertation happens orally, but I want to hone in on a particular mode of telling and listening that takes place in the field of asylum. Asylum-seekers spend great amounts of time and energy telling about themselves especially with regard to their violent past and the conditions of their country of origin surrounding their escape from it. This mode of telling generally happens at planned times, lasting at least an hour, sometimes up to three or four hours. Asylum-seekers can grow tired of this narrow frame of narrative, and they almost never bring it up unless it seems necessary or particularly beneficial. All the same, it is the starting point of work between asylum-seekers and lawyers. It is understood that no work can begin in earnest until asylum-seekers explain why they had to leave their countries.

Non-profit workers, and lawyers especially, must listen intently to what is being said about the pasts of asylum-seekers. Non-profit workers created private spaces for such tellings, often one-on-one. Client 'intakes' required such activity on a regular basis on the first visit of people to the Center, which happened at least once every week, sometimes three or four times. This created a topic around which non-profit staff would discuss at official meetings or in the company of co-workers in less formal settings. Lawyers tended to ask their clients for such a telling directly, over as many sessions as they thought necessary. They would then spend hours over the following days or weeks as they listened and took notes. This is a primary way in which lawyers learned about their clients and the cultural, political, and historical contexts of their

countries of origin.

This telling and listening set of practices shape asylum narratives metadiscursively as well, along the analytical frame as entextualization and detextualization. The practice of telling is a constructive one, in which someone is putting people into narrative associations within particular settings and sequences of events. It is not even necessarily an independent one, as the guiding questions of interested parties shape the direction and pacing during the telling. Non-profit workers especially talk amongst themselves about the clients in a variety of contexts, and part of the overall construction of asylum-seeker narrative certainly takes place between them as a shared understanding of an individual's past is collaboratively pieced together and disseminated. Shared understandings of separate stories build asylum-seekers up as reliable witnesses to their torture. Miscommunication relating to the pasts of clients can likewise make non-profit staff feel as if they were not told everything, that the client is 'not ready' for the rigors of asylum, or even that the client is lying about something in his or her past. Clients learn early to tell about what happened to them in similar ways, even in languages foreign to them. It is in this way that the day-to-day renderings of one's past orally can shape the narrative itself.

Listening, for its part, may be said to verify and extend any given telling of a narrative, but it certainly plays a detextualizing role as well if we allow text to be aural in this case. Besides that, I think a fair account of listening is an act in which a certain level of interpretation, reordering, and intent goes into the overall understanding. Recording such narratives, which generally happens with pen-and-paper or with a computer (via word processor rather than audio recording) would follow and expand upon this layer of interpretation. Lawyers, in an example of selective listening, would privilege for the elements of a narrative which they can connect to the

classes of persecution which can win someone asylum. Miguel listens for elements which are symptomatic of frequent conditions faced by torture victims. Miguel and the lawyers of his clients thus frequently seemed to have heard entirely different accounts by very similar tellings. This listening is further pertinent to the shared understanding of an asylum-seeker's past because during talk that happens between professionals, what asylum-seekers have told them seems to take precedence over things written in their narratives.

Yet for all of the focus on asylum-narratives, there are actually important moments of symmetry in the practices of ongoing telling and listening as defined here. The pasts of asylum-seekers are not the only things which must be told and heard. Asylum-seekers spend many hours learning about the process of asylum from the lips of their lawyers. Even if the procedure has been outlined initially, at every major juncture, lawyers explain what will happen and asylum-seekers will need to do to prepare. Asylum-seekers hear and internalize more and more of this as their claims go on. This is the moment of symmetry I spotlight here: both an asylum-seeker like Charles and his lawyer spend much time at any given meeting telling complex things which must be understood and about which he or she is credited authority over. Both asylum-seeker and lawyer concentrate on hearing and understanding their complex parts, because they will both have to know the particulars of each in defensive asylum court. Whatever analytical critiques are used here to show how the collaboration between lawyers (and others) and asylum-seekers is one of concessions and contentions, I want to emphasize here that in asylum, the finished 'product' is not a text which can appear to be a harmonious interaction. Rather, the end-result of a successful collaboration is two people who know a narrative in spoken and written forms to great extent, and who can handle threats to it with alacrity, separately, and in a manner appropriate to the legal



setting.

### *Writing*

The question of who actually writes the narrative is up in the air when asylum-seekers begin to work with lawyers. Some asylum-seekers viewed it as part of their lawyer's job to entextualize their narrative, which allowed them to tell the details orally. Others resisted the idea that anyone might change their narrative, much less write it. Asylum-seekers who had difficulty in English would be encouraged to write their narrative in one of their languages, after which a translation could be attained. Of course, literacy is not a given, though all of my informants happened to be literate. There still often remained a gap, or a proposed gap between the literacy of asylum-seekers and their post-college-educated lawyers, which some asylum-seekers and lawyers cite in their decisions to take on or concede the writing of asylum narratives. In all observed cases, the entextualization of initial drafts was always undertaken by either asylum-seekers or the lawyer (and others) separately. Nobody mentioned such acts happening in the same shared spaces and times.

Whoever writes the initial draft of a narrative, he or she often finds it to be a difficult task. Lawyers struggle with culturally, politically, historically, and geographically hazy understandings of narratives set in entirely foreign contexts. They find themselves calling upon their clients to clarify details which they never thought to ask even after several meetings. They avoid lengthy details of such complexities, but they are still left with the task of chronologically detailing the specific actions of another person over a period of months. When they finish, they remain skeptical of the quality of the work, and they have characterized the

process as draining. Some lawyers enlisted the aid of CTT staff members to write the narrative instead based on what clients told them in psychological settings, something which CTT staff were loathe to do except by some necessity or extraordinary benefit, such as the lawyer agreeing to take another case for a relatively small amount of money.

Asylum-seekers have been known to belabor the writing of asylum-narratives when they do so. An earlier chapter about delays in asylum depicted their procrastination of the matter for good reasons, not the least of which is that there seems to be a sort of finality to writing one's narrative. The writing of the narrative is the major task of the initial asylum application, which their lawyer may submit at any time, sometimes before asylum-seekers themselves felt ready. So long as a narrative remains unwritten, the process has yet to be initiated, and they may dwell on the matters for longer (as also explained before, they are wont to do). It is also a challenging task rendering into text that which was so physically and emotionally brutal. Asylum-seekers tend to be passionate about the politics that so frequently lead to their departure, and many take pride in rendering an accurate telling of the political situation of their countries. Add to this the care with which such narratives are written, asylum-seekers knowing well that their words may be twisted against them or used by their lawyers to ensure their safety. CTT staff and lawyers tended to treat such an act as sacred and of great importance for asylum-seekers that they find the words to explain injustice. They might remind asylum-seekers of the system's time-lines or encourage them to speed up the process, but deadlines were seldom used.

The initial writing of asylum narratives sets the stage for the following collaboration. Asylum-seekers who, by virtue of their language(s) or merely their desire, concede the writing of their narratives, cede much more in the coming process. Lawyers cited their inability to

participate in the literate practices at hand, involving them less as the process continues, and as one lawyer noted, it makes much more work for them. Asylum-seekers will find the task of working with such narratives difficult when they have played a minimal role in the construction. Some told me that there were mistakes in the narrative which they did not have the language to identify at the time of the writing, but which later they noticed. They still had to stay true to the mistakes in oral testimony, because in the system of asylum, such corrections read like inconsistency. Such asylum-seekers were more likely to be sources of concern for lawyers when they gave testimony. I found that the entextualization practices corresponded to such problems later, which makes much sense when one considers the lack of control and authorship which extend throughout the collaboration between lawyers and asylum-seekers. This is a question that deserves a greater sample for investigation, because it reflects a problem of preparation that could endanger people's asylum claims, having little to do with whether they deserve asylum.

### *Editing Style and 'Voice'*

There is some disquiet among asylum professionals over the question of how much one edits the stylistic features of asylum narratives. Asylum-seekers writing in second (or seventh) languages tend to have idiosyncratic ways of speaking and writing English, and many professionals in the field consider an asylum-narrative to be better when as much as this voice is preserved. At the same time, such narratives become legal documents which are challenged on highly particular grounds, and yet they emerge in their first draft replete with technical problems of diction and grammar. Clauses without commas, run-ons enabled by commas, apostrophes used for plural nouns, and subject-verb agreement errors all commonly reflect the range of

educational differences as well as indicate an ongoing process of learning English. Words with close but different meanings pepper the documents. Other words with close spellings but entirely different meanings are present as well, often indicating the difficulty of answering the challenge of a spell-check within a word processor when it provides a daunting list of alternative spellings of sometimes obscure words. Less technical matters of style emerge as well, with documents being written in large font sizes and fonts that seem unprofessional in their flowing, stylized forms. They are saved in formats which are not preferred by their future editors, in html embedded into email or in outdated versions of Word Perfect, when they are typed at all.

There is thus an art to stylistic editing of asylum-narratives, and it is one performed by lawyers, non-profit staff, or in one case I observed, legal interns rather than asylum-seekers themselves. Asylum-seekers are involved, however, as there is almost always a lengthy session after a narrative has been entextualized in which clarification of words and intents is sought from them. In this way asylum-seekers and lawyers (and others) reach a further understanding about the relevant pieces of their pasts. It is also the mode in which asylum-seekers participate in the editing process, though many edits are initiated and enacted by lawyers themselves. If diction editing is done more collaboratively, grammar is edited much more individually. Most asylum professionals I talked to tried to maintain the voice of asylum-seekers, and if this becomes lost, then the editing is considered to have gone too far. This often involved choosing to what extent grammar would be corrected. A francophone client, for example, had her clauses and verbs corrected throughout her narrative, but the francophone tendency to place adjectives after their associated nouns was left in tact, becoming a kind of authentic marker of someone writing in another language.

In this example, it is evident that stylistic editing is a set of metadiscursive practices which deliberately shapes the reception of the piece. The edits to the above piece rendered it more technically correct as well as still evincing someone writing with an incomplete knowledge of English, as if to suggest that the author is a well educated foreign national. Indeed, most asylum-seekers are well educated, and their foreign status is a given. Most stylistic editing seemed to effect such an impression with the style, or at least strive to. The edits thus reflect a language ideology present among asylum professionals, which posits certain kinds of imperfections to be allowable and even desirable in legal documents and seeks to correct others, which linguistically mark people as more distant others by way of their lesser knowledge of English. This reflects, I think, an assimilationist cultural bias in favor of foreigners learning the unofficial language of the United States and against the keeping of their cultural heritage, which a poor understanding of English ensures. It also reflects discourses of good and bad kinds of immigrants, each depending on what they may contribute to society. Stylistic editing of asylum-seeker voices has an additional effect when one recalls that asylum-seekers must master the telling of their narratives in a way that reflects their written testimony. In mastering such written testimony orally, asylum-seekers sound just as educated and foreign in oral testimony as the written edits would have implied.

### *Choosing and Conforming Content*

The complexities surrounding narrative have been briefly discussed above, but here we examine the matter of the inclusion and the exclusion of content. Asylum-seekers tend to include more than is desired by lawyers and other editors of such documents. Asylum-seekers often see

the events which will shape the coming instances of violence as being predicted by complex political and historical forces often preceding their torture by decades. Lawyers, on the other hand, work to fit such narratives into expected formats within the system of asylum. This is to say, they try to locate narratives chronologically closer to the violent events so as to minimize the logical kinds of connections they must make in court between causes and effects.

Causes and effects, especially those located within specific times and places, by specific actors are worked into narratives by lawyers, who seek them out knowing their power in asylum court. In meetings with asylum-seekers they find elements of such event-oriented content, asking asylum-seekers if they know exactly when or where events took place. Those which can be backed up by secondary sources such as newspapers will be emphasized in the text as the text is transitioned from a torture narrative to a reliable body of legal evidence. It is the lawyer instigating, insisting upon, and even enforcing such a shift, but it is not a set of changes they make alone. They have to know that asylum-seekers will agree with the content, even if it was not their choice in putting such content in the piece, later ensuring their compliance with telling the narrative as it has been edited.

A Cameroonian man who had taught history for a decade located himself in precisely such complex historical and political forces, work which later found itself decontextualized and recontextualized as supporting documents rather than as pieces of a narrative which explain why he found himself in opposition to the Cameroonian dictatorship. Rather, he was compelled to find specific articles he had published leading up to his detention and torture. This is an example of how the evidentiary preferences of asylum courts can take precedence over the narrative choices of asylum-seekers, actually changing the way such narratives are told at the behest of an

authoritative legal expert who knows to expect such preferences of the courts. Specifically, deliberate narrative choices are detextualized while event-oriented elements are entextualized in an overall direction which lawyers feel will give asylum-seekers greater odds in affirmative and defensive asylum encounters. Asylum-seekers noted the changes, but any such changes that might help them in asylum courts were welcomed. Still, as Wilson notes, others who endured and narrated personal violence expressed regret that their stories, recontextualized and nationalized, were no longer theirs (2003). More than one of my informants noted that there was no time that they were able to actually tell their stories during the asylum process. It is significant, I think, that despite all the time and energy that seems to go into telling such narratives, asylum-seekers do not always keep the illusion themselves that they are the sole authors of the stories that have won their new rights.

### *Research*

During the process of editing asylum-narratives, asylum-seekers and lawyers find that they either do not know, or they do not have evidence of, elements of those narratives. Both asylum-seekers and lawyers thus find themselves researching both general information about countries and major political figures as well as highly specific sorts of questions like which days political rallies took place or which colonel was in charge of which military force. Asylum-seekers are not always enlisted in such activities; only when lawyers feel that they are capable of such tasks do they ask them to pursue specific or even general research questions. Both sides seem to spend unaccounted-for weeks, mostly on computers, investigating such matters in hopes of producing documents that support specific parts of an asylum-narrative.

Lawyers themselves do great amounts of research as a way of preparing to assert the validity of a narrative with authority. Many told me that they spend roughly half the time they spend on a case looking up references relating to the history, politics, the geography of named places, and the cultural features of named regions or groups. One very experienced attorney indicated to me that he specialized on one area of Cambodia, even visiting there, for the primary purpose of being able to represent more people more efficiently. He was very familiar with the range of linguistic and cultural diversity of the region, and he knew much about the dates and figures surrounding violence in that country. More novice immigration attorneys found themselves struggling for dozens of hours (which lawyers tend to keep very good track of) in each case with background materials like The US Department of State's Country Reports, newspaper articles, and even ethnographic materials by anthropologists and others. They found the greatest challenge to be finding information in a timely manner which was written in English. There are at least two forces compelling lawyers to enlist the help of asylum-seekers for research questions then: they can almost always find, read, and give an account of documents that lawyers cannot, and because it is such a great time sink no matter who does it.

Some asylum-seekers resisted the idea of doing such research, particularly when they are paying money they can ill-afford to a professional whose services they need. "It's like I'm doing their job!" Some asylum-seekers were reticent to see what was happening in their countries at that moment, and others had differing opinions as to what kinds of research it was safe to do. Aisha, former asylum-seeker from Zimbabwe, had collected many articles online, but some methods of research made her fearful. Someone in her lawyer's office had contacted a radical human rights group with the intention of finding specific information. The human rights group



regularly cited people by name and gave specific events as evidence of the violence of Zimbabwe's dictatorship, criticisms which the government there was hardly receptive to. Contacting them looking for information that could be linked to her terrified her, and she told me that “it was the most dangerous thing anyone could do.” She may have been concerned with her own safety, but she was certainly concerned for her relatives who are still in the country, which highlights the different sorts of concerns that asylum-seekers and their lawyers may have. The low-key research she was doing was clearly at odds with the aggressive fact-finding done by overzealous members of her legal team.

Most asylum-seekers I encountered nevertheless relished the opportunity to do something concrete towards helping their chances in asylum court, especially when they felt that it was part of their 'job' in their case to handle the research. After all, how often are they called upon as experts on their own pasts? Asylum-seekers are frequently capable of providing a plethora of data which could be included in asylum applications as background materials, and they were often still providing articles even after the application was filed. Some were actually asked to stop sharing articles by overburdened attorneys who had run out of time for research. There is no limit to the supporting documentation which can be provided in asylum applications, so they are really only limited by the time of the lawyer to vet such inclusions. The documentary *Well Founded Fear* (2000), a rare piece focusing on the difficult-to-access workings of an asylum office, demonstrates that the physical mass of documentation can actually comprise a kind of legal strategy. It shows one such extraordinary large file submitted by a Chinese poet who was seeking asylum. When the asylum officer hefts what looks like more than 1000 pages, he rolls his eyes and says into the camera, wryly, that this is an easy case. From the perspective of

asylum officers, overworked and under pressure to work quickly, who must justify each of their decisions to a supervisor, wielding such a mass of documentation makes it easier to defend the decision to grant asylum at the affirmative hearing. It also allows them to do so in a timely manner, a highly valued trait for such an officer to have.

The texts of asylum narratives themselves were directly shaped by this kind of research. Elements of narratives which could be demonstrated by the kinds of sources which asylum courts and offices tended to find convincing could be emphasized. Greater legal weight can be placed upon claims that could be so defended. By contrast, elements of narratives which found no such documentation were diminished in their importance, explained in terms that one would believe that there were no other witnesses, or flatly erased. Research comprises a careful process of predicting the sorts of challenges a case will face in affirmative and defensive asylum, and it tends to happen before applications are even submitted. Again we have a metadiscursive practice which shapes the entextualization of narratives and works to detextualize the difficult to support claims, and it works to decontextualize and recontextualize narratives by placing them in applications alongside reams of research materials. Asylum-seekers can work meaningfully to provide and expand this body of support, but so long as lawyers decide how research should interact with primary narrative text, research constitutes another practice which biases legal experts and minimizes the presence of original claims made by asylum-seekers.

### *Memorizing*

When the asylum process has been brought into motion by either the asylum-seeker or his/her lawyer filing an application, lawyers direct their clients to work further on their

narratives: they must commit the narratives to memory. Such documents are too long to memorize in any rote way, but asylum-seekers are nevertheless compelled to familiarize themselves with it so thoroughly that they may speak their narratives in a consistent way. Thus, memorizing is a practice undertaken by asylum-seekers that enables them to speak their narratives in two differing settings of asylum. It plays a key role in the recontextualization of asylum-narratives, as memorization is the start of a process of transitioning narratives from a collaborative and/or personal writing to one of an individual spoken testimony.

The practice reduces two gaps that can be used by DHS attorneys and asylum officers to create doubt during moments of legal wrangling. The first gap that memorizing reduces is the gap between written narratives and their oral counterparts. By memorizing the contents of such narratives, specific words and phrases can be used to reiterate the consistency between such variable forms. When asylum-seekers work specifically on dates and times, the can be limited or even eliminated entirely. Secondly, memorizing can reduce the tendency of people to say things in different ways, a tendency which can be used in adversarial hearings to emphasize and widen similar statements into differing and even contradictory statements.

A third gap emerges for asylum-seekers whose cases endure over a long period of time, which is, as discussed in chapter three, most of them. This is the gap between how asylum-seekers feel about the events they describe at two distinct times. The process of asylum prefers its violence to have lasting aftereffects and its rendering consistent, but asylum-seekers are not so static. As Charles put it, “In Arlington, I had already lost the feeling of persecution since I came. I go there, and I look normal. A few weeks after the events, I could have connected emotionally. It takes so long, it becomes small talk. It's not the same feeling.” Asylum-seekers must wrestle

with this detachment even as they work weekly to alter their emotional and cognitive relationships to those events through psychotherapy. Over months, as they begin to reduce their constant dwelling on replaying the events to themselves and increase their connection to the people and events currently surrounding them, they begin to feel detached from the events whose telling will ensure their safety. Worse still, some can feel as if they do not deserve asylum when they begin to feel better.

Memorization interacts with this gap in a complicated way. It is worth reiterating in this context that asylum-seekers are compelled to dwell further on the events they fled from. They are compelled to go through their narrative, piece by piece, telling it to themselves and recalling the detailed instances of what happened. Specifically, they are compelled to work through the result of an asymmetric collaboration about what happened, and to make that into a performance. Memorization can set people 'backwards' in terms of their psychological reorientation, when pouring over its details over a period of time proves to conflict with months of work on doing the opposite. They can begin to fall into old patterns of constantly thinking about only the events in question and playing them in their minds. Non-profit staff and lawyers begin to say that such clients are not yet ready for court, suggesting a social construction of 'ready' asylum-seekers as those who are strong enough to tell their stories consistently while having worked through the emotional pain of them. Memorization can also act to widen the gap between how asylum-seekers feel at different times about such events by rendering them into the realm of the mundane. The line-by-line work done by asylum-seekers with their textual narratives can be reduced to a task, one that can distance asylum-seekers from the feelings they had about the events. I can imagine a host of other products of such memorization emerging, because

memorization of one's personal narrative is such a private task among a diverse population, but the point here is both that the practice can change the way people think about their pasts, and that such a change is a desired piece of legal strategy because it standardizes the telling of narratives. Memorization is thus a test for asylum-seekers to find out whether they are ready for the rigors of asylum or whether they need time and additional help to further recover.

Mere moments of legal wrangling can win or lose asylum claims, so it makes strategic sense that asylum-seekers are compelled to work as much as they can to commit their narratives to memory. This is less of an ideal situation in actual practice for asylum-seekers, whatever the future benefits of the legal strategy. This task is one that must be done alone, over a long period of time, marking a major separation between asylum-seekers and lawyers, whose previous interactions are both more regular and more cooperative. The period of memorization reflects one in which asylum-seekers complain about the distance between them and their lawyers, that all they see from them in weeks or months is a hasty email, and that they wonder if their case is being worked on at all. Despite the communicative distance, asylum-seekers are compelled to mentally prepare their narrative for key moments of asylum. Memorization compels asylum-seekers to conform to the collaboration, to negate their objections about the collaborative version, to standardize the different ways of telling the story, and to commit themselves to the legal direction and strategy of immigration lawyers. This is a key moment in which asylum-seekers *make themselves* into the asylum-seekers who will succeed in court. Whether they succeed in mastering their 'new' narrative or falter in the isolation and dwelling upon painful experiences will test their readiness to proceed. It will test their willingness to take on the responsibilities and challenges of being a strong asylum-seeker, one who will stand up to

questioning in court. However, such private memory work is not the same as actually giving such narratives in open court, which most will still find challenging. As encounters with asylum draw near, asylum-seekers and lawyers will reunite and work to further strengthen asylum-seekers' performance in court through some manner of collective rehearsal.

### *Rehearsal/Simulation*

Some lawyers believe that creating a situation much like asylum-seekers will face in either an affirmative asylum interview or a defensive asylum hearing will reduce stress and facilitate such encounters with the asylum system during the actual moments. After a period of committing narratives to memory, these lawyers seek to simulate the encounters, and they did so with varying elaborateness. Most lawyers would ask asylum-seekers questions that they anticipate, and they coach their clients on how to answer the questions better when the time comes. Some went significantly further, creating mock-trials in which other participants would take on roles of opposing attorneys, judges, and even audience members. For hours, asylum-seekers would answer questions in somewhat jovial settings, as one might imagine they would be given the role-playing aspect by most participants.

Asylum-seekers were positive about these practices, often citing them as evidence of the lengths to which their lawyers went to help them succeed. Aisha, the asylum-seeker from Zimbabwe, had eight mock-trials leading up to her hearing. She smiled as she recounted them, pointing out in particular one older man who was called upon to be the judge because of both his legal experience and his white hair. This was the same young woman who was too nervous during actual asylum court to accurately answer what her address was.

The most experienced lawyers I interviewed had experimented with such simulations earlier in their careers, but they had since given up the practice in favor of more direct sorts of questioning of asylum-seekers. After all, it is their answers to questions that mattered far more than familiarizing them with procedures, and the most experienced lawyers I interviewed were also by far the most efficient in terms of the time they spent on each case (and their rates of success were also quite high). Full and elaborate simulation, it seems, was an especially common practice among attorneys whose specialty was not immigration law. A fuller study of these questions could perhaps investigate the differences in intertextual practices between very experienced lawyers and others, but it still seems true that all lawyers and asylum-seekers engaged in some sort of simulation, whether it was a mock-trial or a simpler set of questions between lawyer and asylum-seeker.

Rehearsal, simulation, or a simple practice of questioning and answering serve to decontextualize and recontextualize asylum narratives. They prepare asylum-seekers to cope with the decontextualized version of their narrative which they will face questions about in affirmative asylum interviews as well as in defensive asylum court. Asylum-seekers learn to cope with disjointed lines of questioning regarding specific points of their narrative outside of their chronological and textualized formats. At the same time they practice what they will have to do in the new legal contexts in which they must give narrative. Most importantly, perhaps, is that they (re)learn to speak their narrative through these processes, distancing themselves from the textual practices which created their written narrative. They learn to give spoken testimony which minimizes gaps between speech and text, thus protecting asylum-seekers from oblique lines of questioning which they have not prepared. Lawyers lead asylum-seekers into the

unknown legal contexts and work with them to master their narratives as well as their demeanors so that they will closely match the ideal asylum-seeking subjects in courtrooms. Asylum-seekers learn strategies for giving answers and eliciting help from their attorneys. Lawyers learn how to work with particular asylum-seekers as well as how opposing attorneys will question their clients.

Both asylum-seekers and lawyers work together during these times to finalize the collaboration they have worked on. Attorneys and clients build rapport during such practices, and this tends to show in asylum hearings to create a positive message about the cooperativeness of asylum-seekers and the effectiveness of lawyers. Asylum-seekers in particular work here to transform themselves. It is they who gain confidence and adapt their answers to pointed questions, even when it pains them to discuss such things aloud. This last bit of preparation before asylum hearings can be key to unifying asylum-seekers and lawyers as they go to court. It is impossible to say whether the well-rehearsed and mock-trial veterans were particularly better able to field questions and maintain a confident demeanor than those who were less prepared with regard to simulations (after all, the same person cannot have two separate asylum experiences in the US), but I can say that lawyers and asylum-seekers who participated in such practices were more positive about their experiences and about each other. Asylum-seekers felt that their lawyers were looking out for their best interests, and they said that it helped them to answer questions better. Lawyers felt that they were doing their clients a service, and that it was a good test of their readiness. Whatever benefits simulation has for courtroom preparation, it seems to be a case where more practices featuring more mutualistic work unify asylum-seeker-lawyer partnerships, solidifying their cooperation in the face of future opposition and giving



asylum-seekers something concrete to achieve in terms of their performance. It also shows them that their lawyers care about them and will go to great lengths to fortify them against the anxious contingencies of court.

### *Performance/Representation*

In affirmative asylum, asylum-seekers must have an interview with asylum officers, DHS employees who will ask them difficult-to-predict questions. Asylum-seekers have no legal representation during such interviews. Rather they may only bring translators, which they must do if they do not speak English well enough for the interview. In defensive asylum, asylum-seekers do have lawyers (which they provide themselves), and they essentially 'take the stand' in their own defense, answering adversarial questioning from a DHS attorney as well as clarifying questions from an appointed immigration judge. When I speak of performance, I mean the giving of narrative in each of these junctures, despite their differences in procedure. When I speak of representation, I mean the physical presence of lawyers that is only possible within defensive asylum, though these are certainly also performances. Affirmative asylum is thus an opportunity for early success by asylum-seekers, even though most will not succeed at this stage. Defensive asylum is the decisive moment of the collaboration between asylum-seekers and lawyers, as it is their only chance to work together in open adversarial court to convince a judge of the merit of their case.

Asylum-seekers approach the two main instances of asylum performance with much anxiety and fantasy, but with the work of lawyers, each of these tends to be reduced. Courtroom encounters will be covered in the following chapter, but the question here is how the promise of

courtroom performances shape narratives. The answer, I think is that such instances have shaped asylum-narratives from the start, wherever asylum-seekers have had contact with knowledgeable non-profit workers or lawyers. In collaborations between asylum-seekers and lawyers, there has been a direction of the narrative away from the idiosyncrasies of individual event-telling through a vetting process to move asylum-seekers successfully through stressful encounters with asylum officers and immigration judges. Beyond entextualized narratives, the ways that narratives are told are similarly vetted, so that asylum-seekers may present what they need to in order to be granted asylum.

The moments of performance thus drive the contentions of collaboration. The entextualization of narrative is done with this in mind, and detextualization ensures that claims that are not necessary or defensible in courtroom settings are omitted. Narratives are further decontextualized during courtroom procedures, when pieces of them are raised in adversarial queries, fully outside of the context even of the narrative itself. Narratives are finally recontextualized as they emerge through the performance of asylum-seekers, lawyers on both sides, asylum-officers, and judges as key facts and claims become part of an individual asylum claim in interviews or open court. The entirety of the work done by all actors involved in a case is in this way the work of decontextualization and recontextualization.

### **Products of Collaboration**

If for Boas, metadiscursive practices were part of a process of rendering the work of George Hunt into something properly ethnographic, this is a helpful parallel. There are metadiscursive practices at play within collaborations between asylum-seekers and lawyers, and

they are virtually all directed by forces outside of the asylum-seeker. Just as Boas held the powers of editing and expertise, lawyers edit, reorganize, and elicit new information about asylum narratives, and they direct their clients to become storytellers in the legal mode of asylum. Unlike George Hunt, who could be portrayed proudly on the cover of a book as a collaborator with the expert anthropologist despite his absence from the publishing process, the participatory nature of asylum court means that asylum-seekers are active participants in their transformation.

Just like the collaboration between Boas and Hunt, there is a silence about the nature of it between lawyers and clients. Whereas Boas and Hunt appear as co-authors on the cover, suiting the belief and intentions of Boas, in collaborations about asylum narratives, the narratives are always portrayed as the asylum-seeker's. They *are* asylum-seekers' narratives, because asylum-seekers are the respondents testifying to a clear truth of their merit as refugees, and it is by this connection between narrative and asylum-seeker that they can win asylum. It certainly does not benefit asylum-seekers and lawyers to present themselves as collaborators on the narrative, even as everyone involved knows that there is a process of work between the two that is necessary in order to endure adversarial court. Collaboration on a story still looks like deceit, evidenced by the work of legal scholars such as William O'Barr (1982), who noted in an American jury study of legal language that lawyers who interject themselves too often in a witness' testimony seem to be leading the witness on, thus suffering the ill opinion of most observers (1982:78-82). At the same time, again, some courts will not proceed without legal council for asylum-seekers, because, as far as I can surmise, they know that such transformation occurs and that their system encourages or even requires it. All participants in asylum then, seem to agree to share the

conceit that asylum-seekers merely speak truth to violence at the appropriate time and place, ensuring their safety or exposing their graft.

Even afterward, it is evident that asylum-seekers came to own their narratives through the work they did. Even as their version of events is 'cleaned up' (as many described the process), they spent weeks and months committing it to memory and spoken performance. They come to embody their narratives again through necessity, their diligence in working on it reflecting their desire for asylum. Nobody spoke so directly of narratives as being the product of collaboration, even as they described the lengthy collaborative process. They must own their narratives, and even as some became frustrated by the process, asylum-seekers who endured lengthy claims and who were successful proudly identified *their story* as the gateway to their current status.

Specifically, it was the judge that believed them telling their story in court that brought them success in their eyes. This analysis has explored a set of practices that constitute the relationship between asylum-seekers and lawyers, and this is precisely the crux of the work they do, the product of their collaboration: an asylum-seeker telling a story that a judge believes.

When I asked asylum-seekers what they would change about the process of asylum, most longed for some mechanism by which they could 'sit down with', or 'just explain' the situation to someone with power and understanding. This sounds like a possibility within the affirmative asylum path as it is organized, though none spoke of an encounter with a person with either understanding in a broad sense (or even an intention according to some), or in the narrow sense of having familiarized themselves with the case in front of them. The people did have power though, a power which they were fearful of in the hands of such hasty interviewing. Still, asylum-seekers imagined a process unlike the one they experienced, in which they were already

'good enough' to win asylum. It is remarkable, and it speaks to their strength of determination, that despite crushed expectations and desiring a better asylum system, asylum-seekers so frequently do what they have to do in order to gain the thing that matters more than the particulars of any narrative or the long process of practicing to give voice to their narrative in open court: their safety.

### **A Dangerous Narrative**

Marcel, a Rwandan torture survivor, was a constant source of concern at CTT. He had arrived just weeks after the torture occurred, much sooner than most of the clients CTT receives, and his symptoms, to use the terms of CTT, were severe. He was in his early twenties, and although he identified as neither Hutu or Tutsi, he became active politically. Rwanda, lead by the man credited with ending the genocide in 1994 since 2000, has produced many such refugees in the area. Marcel rarely slept, and he seldom spoke. In a room, his presence was distinct: he would spend hours sitting with an alert posture in a chair, looking forward, but at nothing. In the long hours we spent in cars, for the first several weeks, he would not say a word beyond "Thank you." when I dropped him off, which is remarkable given that this drive took a full hour and that we made the trip twice per week or more. He was worried about assassins sent from Rwanda, a fear which was heightened to a state of terror whenever tall African men that are such a common sight at CTT would enter the building: "That man is a Tutsi!"<sup>43</sup> He later told me that his memory was bad, and that he could not focus on anything. CTT's clinical psychologist would say that

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<sup>43</sup> Human Rights Watch (2010) has indicated that assassination is a part of a regime of political repression in Rwanda, but this is internal. It is actually common for torture surviving asylum-seekers to believe that their former dictators would send people to kill them

asylum-seekers' memories are not bad at all: early on, all they can think about is the events leading to their escape. This means that they pay little attention to the present people and things around them. This, aside from harrowing instances of terror, is how Marcel lived.

Months passed, and Marcel had begun to trust staff members enough to begin 'opening up' to them. Relieved that he was finally talking about what had happened, CTT staff members began to talk about helping him to find a lawyer and helping him initiate his asylum claim to avoid missing the one-year-after-entry deadline. What they heard in his narrative worried them. A common book about the Rwandan genocide, *We Wish to Inform You that Tomorrow We Will be Killed With Our Families* (1998), circulated around CTT, and Marcel's story conflicted with key ideas within it. The book, written by a journalist, is considered not only credible, but the accessible and standard account of events among the nonprofit staff. As of 2009, however, the book could not take into account 15 years of complex politics following the genocide, of which no one was versed in aside from Marcel, whose political affiliation and bias he made frank. His account of that genocide conflicted as well, further worrying CTT staff that he was going to go into asylum court with a politically charged narrative that the courts can simply disagree with given available facts from sources such as the Country Reports by the State Department or any number of American media sources which still see Paul Kagame simply as a hero who ended a genocide, despite common reports by human rights organizations of harsh and violent response to political dissent in the country (Human Rights Watch 2010). Marcel thus faced the difficulty of having been tortured for political reasons that were ran counter to common understandings of Rwanda.

Two of CTT's therapy interns and the client coordinator commiserated about it one rainy

afternoon of the sort that tended to keep clients from coming to the Center. One of them thought he was lying about some things because of the conflicts with the book she had read. Another was worried that he was signaling sympathy for a paramilitary organization that the US officially describes as terrorist. They spent the better part of an hour decrying the specifics of his story, and they had looked up specific names within it to make sure that they were not wanted by the Rwandan government. Yet this was the same person with the oblivious gaze into space, which he had only recently come out of. After the complaints ran dry, compassion restored Marcel's place as a CTT client who was worthy of their care and protection. They decided that they would try to convince him to leave the grand political descriptions out of his narrative. Instead they thought that he should focus on what happened to him specifically. Those, after all, did not run counter to commonly held knowledge, and they were what mattered in asylum anyway.

Around this time, Marcel's case, through the solicitation of CTT, had been accepted by another non-profit agency whose primary purpose was giving free legal aid to asylum-seekers, which I will call by the pseudonym TLS. The organization boasts a success rate above 90% for asylum cases, which it maintains by recruiting lawyers from firms and elsewhere who will adhere to a high standard set by the organization. More cynically, I was told that it maintained such percentages by being selective in terms of the cases they accept. From what I saw, they were indeed selective about the cases they took, but the agency also benefited from its focus, with all resources going to a common goal, with a team of lawyers and a crop of interns to assist lawyers they recruit, which undoubtedly made their representation more effective.

Unique to this organization in the network of non-profit agencies, they had him sign a “compliance agreement”, which stipulated his cooperation as a term of their assistance, laying

out specific rules. Missed appointments were grounds for termination of the assistance. Clients would be required to collect requested documents with similar language for dismissal. Clients I talked to mentioned this as indicative of how different the organization and CTT are, and they were made anxious by the additional layer of threat added to the condition of threat of asylum. CTT staff countered that it was simply necessary for them to have this document to offer the services they do. I will add here that a compliance agreement is indicative of the relationships possible between asylum-seekers and lawyers, and that in the efficient aims of such organizations, there is no more explicit hierarchy in the collaboration than these compliance agreements.

Regardless, having Marcel's case accepted by such an organization was something of a legal windfall for him. He would have a dedicated, free lawyer, a rare opportunity for asylum-seekers. They worked with him to elicit his narrative in a series of meetings in which he explained what happened. Marcel began with, in his mind, the beginning, which was the political history of Rwanda dating back to the 1960's. His lawyer and the interns at TLS delved into this political history. They ran themselves ragged in this effort, finding and documenting elements of this narrative over the course of weeks. This is precisely what CTT staff did in their own way. It was, after all, what he elected to talk about in sessions.

CTT contacted the other non-profit agency with their opinion on the strategy they should be using for Marcel, which would involve getting to the personal while eschewing the political as much as they could. This joint strategy was encouraged by a meeting of some CTT staff with Marcel's lawyer and the TLS staff in which they wanted to get his personal narrative into some sort of text. Marcel was angry at first. He had already told them what Rwanda was like and who



he was. He had Americans with rudimentary understanding of his country telling him that what he told them was not enough, or in some cases, that they disagreed with him. They were able to convince him the reasoning behind their strategy, so he resolved to be more explicit about what had occurred. Marcel did his best, he assured me, but when he tried to tell them what happened, he could not. Instead, he broke down, crying and wishing for the meeting to be canceled. It was easy for Marcel to talk about politics, history, and the actions of distant people. He was not ready to personalize it in such a way. Connecting himself to those politics was too painful.

This was a delicate situation for all involved. Taking the case for free, as TLS is meant to do, was always framed as something of a favor to the referring agency. CTT had given them a client who could not tell what happened to him. Time was ticking away. TLS's success rate was threatened, and their relationship with a new firm attorney was at risk, saddling a new attorney with a difficult case. Marcel felt bad about it in particular, because he was sensitive to the time invested by others as well as the terms of the compliance agreement he had signed when he accepted their help. He also told me that he did not care how many strangers there heard him – they were there to help. This was about him. TLS, for its part, told him not to worry or feel bad, but they reminded him that it was important. Their meetings were spaced further apart in the coming weeks as it adjusted its expectations of haste while CTT committed to 'work on it' with him.

There was still time – the result of CTT having initiated the search for a lawyer relatively early. Over the next few months, Marcel worked with Miguel at CTT, and he was able to give his narrative in the way he was convinced that he had to. He was able to do this around the same time he began to notice the world around him again. His lawyers were eventually able to

construct the narrative in meetings in which he frankly described what was done to him. It became a personal record of state violence directed at him because of documented political beliefs. His lawyer worked with him to convert his narrative into the one that would assure his success, and both he and CTT worked with him to be the person who could give it. He won asylum affirmatively, the shorter path to asylum, by weathering the interview of an asylum officer, who simply asked him “So what happened?”

Marcel's case was relatively short, curtailing much of the interaction between asylum-seekers and lawyers, but it illustrates some of the complexity of the interaction of asylum-seekers, lawyers, and NGO intermediaries, played out over the practical matter of asylum narrative. In particular, the intertextual practices of *telling/listening*, *writing*, *research*, *memorization*, and especially *choosing content*, as described above, are the concrete activities performed by the people involved to form and radically change the body of claims that became the asylum narrative. It shows the control exercised by NGOs and lawyers over asylum-seekers concerning that narrative, just as it shows how asylum-seekers cannot simply be commanded or coerced when it comes to telling about their painful pasts. Marcel's narrative was dialectically enxtextualized and detextualized as its contents were perceived as inflammatory. It was decontextualized in the clearest example of that term possible: Marcel's narrative was wholly contextual, with his actions kept vague or silenced by his own desire to avoid the pain of retelling. The work of NGO staff, lawyers, interns, and especially Marcel recontextualized the narrative first into its completed written form and later into its spoken form, in which Marcel was able to take any seemingly random piece of the narrative, without a lawyer present, and explain it in the way that gave the asylum-officer cause to believe him, and little or no cause to challenge

him in court. All parties worked to produce the narrative and an asylum-seeker who could give it, all along preparing to shape its reception in affirmative asylum, precisely the tasks of metadiscursive practices as laid out by Briggs and Bauman.<sup>44</sup>

It also shows that the direction of change is not capricious and arbitrarily power-laden, though it is power-laden to be sure. Discourses are shaped with specific intentions: experienced lawyers and NGO staff know how narratives must be shaped in order to give asylum-seekers the best odds of winning asylum. It was legally necessary to reorient Marcel's narrative from the political to the personal, just as it was necessary to prepare Marcel to give it the way it was revised. If he had told a political history of Rwanda instead of a personal one, or if he had broken down and been unable to defend himself, he would have certainly lost the affirmative asylum part of his case. The case would probably still be ongoing, if he had not already been denied in defensive asylum. I, along with Marcel, multiple NGOs and the Department of Homeland Security, believe that he would be killed outright if he returned to Rwanda. The changes made to his narrative, which I would reiterate that Marcel was a crucial party to, saved him from danger or death.

## **Conclusion**

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<sup>44</sup> Circulation of discourse is the third purpose given by Briggs and Bauman (1999), which is more appropriate for many kinds of discourse than it is for asylum-narratives, which are tightly controlled by legal means. However, Marcel's narrative does show that there is a small circle of professionals around which narratives are shared. There is also the way in which narratives are circulated from asylum-seekers and lawyers to the asylum offices of the Department of Homeland Security. The question of whether metadiscursive practices shape their circulation in this context may be stretching the theoretical matters too far to fit it to this context, but it is worth noting that their circulation is shaped by some means even if it cannot be described as metadiscursive.

This chapter has explored a key relationship asylum-seekers must develop by discussing the professional lawyers who take asylum cases and the practices that constitute their collaboration. Together, though with very different obligations and access to knowledges, they work to orient asylum-seekers to the context of political asylum in the United States. Asylum-seekers come to trust their lawyers with the content, form, and performance of their narratives as they themselves become the products of weeks and months of work in forming, shaping, and mastering an American legal form of giving their narrative as testimony. Successful asylum-seekers are able to defend the content with minimal gaps between written and spoken versions, even when the questioning is oblique or apparently random decontextualizations of the original text. So much of this work is done with expert knowledge of the context of specific asylum encounters, that it is with this context that I wish to end this chapter. Explaining this knowledge of asylum's contexts renders the practices and unequal relationship described in this chapter as sensible solutions to practical problems presented by the overall situation asylum-seekers find themselves in. I hereby present two motivations for the everyday practices described above.

The first is the context surrounding the reasons that asylum-seekers fled in the first place.

Asylum for those who deserve it is a life or death matter.<sup>45</sup> Not all who deserve asylum receive it. It all comes down to a decision of judges or of asylum officers and their supervisors. There

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<sup>45</sup> With the caveats described previously in this dissertation, the torture surviving informants of this research would be in terrible danger if they returned home. However, among those who lose asylum cases, deportation is not necessarily a guarantee. NGOs and asylum-seekers themselves find solutions to problems when death is the alternative. Asylum-seekers may go 'underground' or flee to another country besides Canada (unless they wish to be 'underground' there as well) to apply for asylum again rather than face deportation. When the alternative is death, as they have demonstrated before, these people are capable of great determination, infinite patience, and brilliant use of social and physical resources to engineer a different outcome for themselves.

are judges with grant rates as high as 94.5% and as low as 0%<sup>46</sup>, and the annual reports put out by USCIS indicate that from some countries, even countries with established human rights violations that could produce refugees, very few people win asylum from them in the US.<sup>47</sup> The effort that asylum-seekers and lawyers put into preparing for the moments that might win asylum is, in this context, a form of insurance. The pair of asylum-seeker and lawyer in court telling a consistent and believable narrative is the product of a team giving its best effort in the face of uncertainty. Marcel's win at the affirmative stage, or any other stage, would have been improbable if he and the people surrounding him had not reoriented his narrative and its performance.

The second motivation is the requirement within US political asylum to conform to the standards of a specialist bureaucracy and a more general legal institution (which handles other matters as well) that is increasingly overwhelmed and which is under directive to streamline its procedures. Asylum officers and immigration courts must contend, often on an individual basis, with the world's diversity and its politics which are well beyond the understanding of any one person. Much of the changing of narratives has to do with acceptance that asylum officers in affirmative court have not had time to read a single word of an asylum-seeker's application when he or she sits down with them. In asylum court, the most experienced lawyers have told me that DHS attorneys regularly only see applications just days, if not less, before a hearing, and so there is a system they use to root out deception within a minimal time frame. There is a mandate of

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46 This is not a fluke of low numbers. The 0% granting judge in question had judged 119 cases by the end of 2010. The 94.5% granting judge had judged over 2054 since 2005. (TRAC 2011).

47 Mexico is a frequent example of this, for reasons too complex for this chapter to cover.

haste within US asylum that has little time for the world's diversity and complexity, which is a context that has such a visible effect on the lives of asylum-seekers that this dissertation will cover it, and their interactions with it, further in the following chapter.

All the same, here I wish to give the last word to asylum-seekers, many of whom feel they are denied their voice in asylum court. Their voices are co-opted with the aim of saving them, and they certainly play a complex part in that cooperation. This is not what many of them hoped for, however. Asylum-seekers spoke about telling authoritative others what happened to them, and they expected such others to believe them. The act of telling was one of deliverance into safety and catharsis from pain and injustice. Instead, following weeks and months of cooperation, or *compliance* with their lawyers and others, the act of telling is an entirely mitigated affair. It is a task of recalling specific phrases and weathering challenges to objectivized ephemera of time and place whose importance has been exaggerated. This was never the story they first told.

Asylum-seekers may be proud of their performance under such strains, and their ability in this regard is what makes CTT staff members and others look upon them with admiration at having finally overcome their difficulties. Everyone may be proud, but asylum-seekers speak emphatically that it should not have been so difficult. There is a way, they reason, for them to be able to say what happened to them and to be believed. The US asylum process is not such a context. As Aisha told me:

I was *so* angry with the process. What I went through really exists. I know people lie to them, but this is real. People would rather *hide* than come out to this. It's just sad...I cried so much. There could be a better way to do it. They could take some place, like Hawaii, and banish people there. It would be better than going back.

You're reminded every time of what happened to you when you have to discuss the whole thing. Once you report yourself it's like house arrest.

Asylum-seekers are well aware of their silencing, which seems particularly oppressive when the fantasies of telling and deliverance are crushed by legalistic and bureaucratic standardization. It should not be surprising to anyone that asylum-seekers who have survived torture should be able to adapt to any challenge, but the fact that they should have to adapt further to win political asylum, even to adapt how they tell about what happened to them, is certainly a surprise to them when they learn of it.

Yet this adaptation is obvious to veteran NGO workers and lawyers, because they have experience with the process in question. The following chapter explores the relationship between asylum-seekers and the sparsely-integrated governance of asylum, to show on one hand how asylum bureaucracy and immigration courts contend with managing a large number of unknown and diverse people, and on the other how asylum-seekers must draw on social and institutional connections to meet unrealistic and expanding demands on them. In particular, it serves as a companion to this chapter, as the context of asylum courts, distant objects of fear and preparation in this chapter, is finally explored directly.

## Chapter 6: The Burdens of Proof: Evincing Asylum

Throughout this work, I have explained the many rules and limitations that govern the lives of people seeking political asylum in the United States. Previous sections have explored the ways that asylum-seekers work within complex and overlapping systems to get the assistance they almost always require, assistance for needs which began when people fled their homes and are exceedingly difficult to provide in another country with a tentative legal status. This chapter addresses the experience of asylum seekers as it relates to the potentially final face-to-face encounter with the legal means through which claims are finally decided: in defensive asylum court.<sup>48</sup> I examine the apparent effects of an overburdened system, with a focus on objectivity as an expedient legal lens: the system must effectively adjudicate claims in minimal time, and it does so without knowing much about asylum-seekers at all, instead favoring a set of courtroom practices which reframe the legal tasks at hand while subverting asylum-seeker knowledges to a field of legal expertise.<sup>49</sup> The chapter turns often to the experience of asylum-seekers beneath

<sup>48</sup> Affirmative asylum interviews are mentioned throughout the work, especially chapters three and four, but they are not included in significant detail in this chapter for two reasons. The first is that they are entirely different encounters with state actors. The second is that the only people allowed in the actual interviews are an asylum officer, a translator, and an asylum-seeker. The space of these encounters is difficult to access in terms of research, though I do have interview data about them, and I drove two asylum-seekers to Arlington, Virginia for their receipt of their affirmative decisions, talking about them on the way back. Nevertheless, I would contend that they are just as vulnerable, or that they are even a product of, the expedience with which the system must handle cases.

<sup>49</sup> To reiterate a point made in a previous chapter, CIS employees, whether in affirmative asylum or defensive asylum, often receive cases a few days before they must interview asylum-seekers or try their claims in court. According to one interview, DHS lawyers regularly receive cases two days before the hearing, cases which can comprise hundreds of pages, and, moreover, which are not the only tasks which these workers must do. This is the burden they face from an under-staffed system.



those burdens, who, faced with little option, work to bear the load of an over-tasked and overburdened system. I begin with such an experience, because it reframes the concerns of this chapter back to the burdensome challenges on the shoulders of people who cannot always bear the load.

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Chloe was an asylum-seeker from Rwanda of barely twenty years when she went through the system of asylum. Chloe was very private about her experiences, but it was clear that she belonged among the informants of this research – the survivors of torture who move through the system of asylum despite its hardships. For months, I drove Chloe to the place she was staying with Marcel, of the previous chapter, and throughout that time, Chloe said basically nothing aloud. At the Center, Chloe sat quietly, staring into the distance or into a seat cushion of the agency's comfortable lobby. Gradually, and I mean very gradually, Chloe began to open up to the world around her. In the area of social networking, she had made a very helpful friend of the youngest CTT staff person, Lauren, who had invited her into her home against the advice and implorations of CTT's more experienced staff. Chloe had a home to go to, to wait out her long asylum claim, and in that home she improved her English somewhat (she already spoke Kinyarwanda and French), and she began to recover in the ways I have described so many others doing.

Chloe's recovery was a long process, and as her defensive asylum case loomed over her, CTT staff worried that she was not ready for it. As I have written in the previous chapter, it is possible for asylum-seekers who honestly deserve asylum to be under-prepared for either of asylum's intense encounters, and they felt that she would not be able to stand up to aggressive

questioning in court. Chloe felt like she needed support, so she talked to dozens of people about coming to the hearing, including CTT staff and clients. A battle of wills emerged as the date of the hearing drew closer, with CTT staff telling individual asylum-seekers that they should not accompany Chloe to her hearing, that seeing it would not help them with their own cases and it would make Chloe nervous. When the day arrived, it seemed both sides had achieved some measure of success: the room was much fuller than was typical, but all present were either CTT staff or asylees. Apparently other asylum-seekers had heeded CTT's direction, leaving Chloe as the only one, but she still had far more support than anyone else I observed.

I accompanied those CTT staff persons and asylees on that blistering summer day towards the end of my field research. We arrived to a crowded courtroom, just as the Department of Homeland Security attorney, a towering middle aged blonde woman, was wheeling in a cart stacked with documents.<sup>50</sup> Tara, taking the seat next to me, mentioned that they give her all of the Rwandan cases, making her something of an informal expert. Chloe's lawyer, a young man known for his kindness in accepting a variety of cases for CTT clients who cannot pay much, sifted through his own paperwork.<sup>51</sup> Chloe sat next to Lauren, having a

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<sup>50</sup> Similar to how effective the seemingly 1000 page document given to an asylum-officer in the film *Well-Founded Fear* (2000) was in allowing him to 'easily' recommend a grant, this excess of paperwork was probably documentation about Rwanda gathered over many cases, and it had a similar effect on lending weight to the credence of her positions, even though such a collection is essentially un-referenceable with the procedural gait of a defensive asylum hearing.

<sup>51</sup> I make an apparent distinction between lawyers and attorneys with some regularity, but I am merely following conventions observed in the field. I will call such legal employees of DHS 'attorneys' because that is what they were consistently called when I was in the field, whereas the term 'lawyer' was more frequently used for representatives of asylum-seekers. This is perhaps because lawyer connotes a more informal title appropriate to someone with potentially very close and long term relationship with asylum-seekers, seeing them in a variety of contexts. DHS 'attorneys', however, are only seen in courtrooms, so to the extent

lighthearted, almost childish conversation that seemed to be aimed at reducing her anxiety. As people took their seats, the two attorneys partook in something that may only be called 'talking shop' about the legal profession: their heavy caseloads, the judges on the circuit, and other minutia so long as they were not about the case or judge about to be faced by both. Three African men in suits sat in the rows with other observers, including two Rwandan men no CTT staff people knew of and Emile, a CTT client whose hearing I will cover later in the chapter. Another African man, tall with a stooped posture, dragged a rolling luggage bag into the courtroom, tripping over it as he took his seat at the translator's table, making Chloe smirk and turn to her friend.

As always happens at these hearings, the judge entered from a locking side door of the courtroom, shifting the tone of the room immensely. To this point, everyone became quiet and rose to their feet before the judge blurted out that they should be seated. The judge, a white man in his 50's with the black robe expected by his profession, spoke in a low monotone, dismissing all questions while he tried to get the courtroom's recording equipment online. Satisfied, he swore the translator in, instructing him that he would need to translate in short segments to ensure accuracy. The translator rose his right hand and agreed, his also-low bass voice apparently overloading the recording, being picked up in the speakers in the back of the room. Chloe was also sworn in. The judge's first order of business was to ask her if she would sign a document that swore that the contents of her application were completely true, which she did. Moving along, the lawyers and judge went through the application, performing a regular task of courtroom accounting in which the documents are verified to be shared by all. Chloe's lawyer

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that there is any slight connotative difference in formality, it apparently consistently goes to them.

made two additions, both of which were accepted as additions by the DHS attorney, but not in a way that accedes to their factual accuracy. A CTT staff person was selected as a witness by Chloe's lawyer, and she was asked to leave the courtroom until she was called, which they called sequestering. Finally, turning to Chloe, the judge mentioned that once the hearing begins in Kinyarwanda, it must stay in Kinyarwanda, and on top of that, glancing at the crowd behind her, he mentioned that she could close the hearing to the public if she wanted to at this time. He mentioned that these were otherwise public hearings, though actually having a crowd was unusual. Chloe's lawyer took the unusual step of asking us to introduce ourselves, an instance that indicates the relative idiosyncrasy of asylum courts.

All of the normative business of the hearing concluded, the adversarial nature of the hearing was to begin. Chloe was asked to take the seat next to the judge. The judge asked her to 'please speak up', saying matter-of-factly that he already knew it was going to be 'a problem', as he bent the spindly microphone closer to her. Her lawyer began to ask her questions.

"What is your name?"

She answered, and the judge asked her to spell her last name, because her name is more difficult to most American ears than her pseudonym would imply. The translator spoke out of turn, beginning to spell it out before he was silenced, "Stop. It is the respondent who is answering." She resumed her answer, which was then translated in turn. Her lawyer asked her, "How are you feeling today?"

"Not good, because today I am going to tell of painful things that happened to me."

He asked her more questions that set up the basis for her claim of asylum. She gave short answers to each, which I will not replicate.

"How old were you in May-July of 1994?"

"Is your mother Hutu or Tusi?"

"Is your father Hutu or Tutsi?"<sup>52</sup>

The questions began to require longer, more difficult answers.

"How did your mother die?"

"Who are the Interahamwe?"

"How did your father die?"

"Did you witness your father die?"

"Can you explain the circumstances of his death?"

She began to explain the circumstances, among which was the fact that she was shot as a young girl. Her lawyer added that photos of the wound are in the application, and that higher resolution photos are also available. The DHS attorney wanted the name of the town, which she gave. The judge again asked for spelling, which the translator again initiated out of turn. This time he was allowed to continue, as if to suggest that the discomfort of enforcing the standards of translating was not worth continuing to correct the translator. The attorney also asked for the name of a general Chloe had mentioned, and then she asked how she knew it was him. Chloe was a young girl at the time, and she said that others had told her.

Chloe's lawyer switches the questions to the imperfect tense, asking about what she did over the course of years. Chloe said that she went to school and lived with an uncle, but there seemed to be a problem with translation. The translator gave a range of four years for the time span, when Chloe had apparently meant fourteen years. The judge wanted to know where the decade went. Chloe gave the year again, which the translator translated, but an interesting error is made from this. The translator does not admit that he made a mistake (and I do not speak

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<sup>52</sup> I should reiterate here that I have no intention in any work with asylum-seekers to be faithful to their details in such a way that will make them easier to identify. Especially given that my point here is their experiences in asylum courts, there is no reason to give such details accurately.

Kinyarwanda, so I cannot say), but what might have been a miscommunication becomes an error in explanation, as if Chloe's development from the girl at the time of the previous discussion to the woman she is now is hiding something. As the judge and Chloe go back and forth explaining what was said, the translator continues to translate, pretending as if he is not part of the situation at hand. I wonder if there is a cultural barrier to middle aged Rwandan (or Burundi) men admitting mistakes to young Rwandan women, or if he was in a position to clarify at all in the tight and corrective court procedure. Chloe certainly was not in such a position, and she was answering for the mistake.

At this point Chloe made a noise with her throat, and this noise requires explanation because it signaled a change in the entire preceding. Imagine that you inhale air quickly and unevenly, blocking its passage to your lungs with your larynx to produce a high-pitched, and moreover quite loud utterance in a short, harsh, falsetto unlike anything I could lend easy metaphor to. The judge was startled, glancing over with wide eyes towards Chloe, but just short of looking at her, and the DHS attorney looked up suddenly at him. CTT staff people knew this noise, and they looked worried. According to those who knew her best, this was a sign that Chloe was anxious, and she used to make it with regularity. As she improved through therapy, the sound dropped off as an ongoing occurrence. Its sudden resurfacing indicated that Chloe was under considerable duress, beyond what she could manage.

Her lawyer pressed on, clearly wanting to move past this event. He asked two more questions, only the first of which Chloe answered.

Have you ever attended any hearings about Hutus killing Tutsis?  
Have you ever attended any hearings about Tutsis killing Hutus?

Chloe leaned to her left, and began to sob. There was silence throughout the courtroom. The sobbing amplified to full-on wailing within moments. The judge rolled his eyes and looked away. I, and I suspect others in the courtroom share this, have never heard such loud and uncontrollable crying. Keening might be a more appropriate term. Tears streamed down her face, and the judge glanced towards CTT staff, as if to urge to them to do something about it. The therapist was still sequestered outside. Martha and Lauren lept to their feet and approached the chair she was seated in. As they did so, the Judge said into the microphone "If it isn't clear, the respondent has broken down and cannot stop. It has been a stressful afternoon for the respondent, so I think a fifteen minute recess is in order." Chloe did not, or rather, could not stop crying during that statement or in the moments that followed. Another judge appeared through the side door and he asked to speak to Chloe's lawyer. This was chaos. It was clear that the noise could be heard in other courtrooms, and the presiding judge asked that Chloe be taken out of 'earshot'.

In the next twenty five minutes, both lawyers had gone into the back area, and Chloe could be heard even wherever they had taken her. The judge asked a CTT staff person to ask them to go even further away, and that it would be okay if her therapist helped. By the twenty five minute marker, Chloe had calmed, but in the interim, and with Chloe still out of the room, the judge had effectively declared a mistrial. "We can't have this." Her lawyer, apparently chastised in a backroom talk with both judges, accepted when the judge scheduled another hearing four months from then. He implored him, and CTT staff behind him, to do whatever was necessary to prevent this from happening again.

## The Burden of Proof

Up to this point, I have written that political asylum is an *ad hoc* implementation of a system, responding to needs as they arise, and doing so gradually. Years after agreement to refugee conventions, the 1980 Refugee Act was the legislation which adopted the system of affirmative asylum, in which Immigration and Naturalization Service officials began to decide asylum cases individually (and after 1991, with help from the Asylum Corps, 82 agents with training on country conditions and human rights). To help with those decisions, the Department of State assumed responsibility for creating a standard understanding of the entirety of the world's politics, and by doing this, the system was given a counter to the narratives of asylum-seekers. The hasty nature of those decisions, and the lack of an ability to appeal them, fifteen years later, created the impetus for the second major piece of the system of asylum, defensive asylum, erected as a way to 'refer' cases after an initial INS denial.

To my knowledge there has never been a detailed account of the genealogy of asylum, in which someone details the discourses and behind-the-scenes political activity that have gone into the continual construction of US political asylum.<sup>53</sup> To this end, the system itself, which Foucault (1994) would implore us to imagine as the totality of the work of the people within and subject to the system, nevertheless remains somewhat opaque in this work. This is not, to this work at least, a theoretical tragedy, since it is the asylum-seekers themselves which drive this work, a group whose subjectivity as asylum-seekers I have previously described as being fraught with fantasy until they must develop strategies for its actual encounter.

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<sup>53</sup> However, see Schrag (2000) for a detailed look at a particular moment in the legislation of political asylum.



From the context in which the system is situated, though, it can be said that the system of asylum must do much with little. Most asylum-seekers wait for it in long months without benefit by virtue of a political design in which asylum cannot seem appealing lest it be politicized, again, as a fraudulent route into the US. They have no state-sponsored assistance, and this work has covered the ways they must gain and keep access to assistance for their basic needs from non-state sources, especially through NGOs. It should, once again, not be surprising that the legal framework of determining whether an alien qualifies for asylum again assumes that someone is not a refugee until proven otherwise. It does so with minimal time, money, and expertise available to handle each case. It has erected an expedient system which is nevertheless terrifying to asylum-seekers as they come face-to-face with it, as each comes to find out that the torture they fled was not enough to guarantee their safety. They have to recast themselves to meet idiosyncratic constraints, and this is the idea I shorthand as the burden of proof.

What the US has, then, is an elaborate system of management of asylum claims first using the initial system, then, as most must experience, a system of administrative courts with legal experts measuring the validity of asylum-seekers on technical, which is to say legal, grounds. It is the purpose of this chapter to explore the ways that such courts have created a system of *trying* the validity of those claims with minimal time, money, and outside expertise available from government resources. Below, the presence of *objectivity* within defensive asylum courts is explored as a marker of the system fulfilling its obligations to asylum-seekers and the interests of the state, while recasting the claims of alien others as *matters* over which such courts can be legally authoritative. In this way, I posit a practical functioning of such a system while pointing to the way in which it may manage foreign others without finding out

much about them. As always, I will show how successful asylum-seekers become just as practical in meeting asylum's challenges, especially in the frame of their acquisition and deployment of social connections.

## **Objectivity as Truth**

The previous chapter covered the complex way in which asylum narratives are constructed, and throughout that discussion, I foreshadowed a legal context in which objectivity was imagined to be not only possible, but attainable through a set of courtroom practices of testimony and cross examination. Analytically, I explained such a narrative process as a de-centered approach, exploring the social worlds surrounding their creation. It is ironic, then, that in asylum courts, such narratives become objectified: numbers, especially dates and times, names, and chronologies become objects which can be extracted and introduced as tests of memory and testimonial performance. I find it useful here to examine how others have imagined the possibility of objectivity within processes of narration, because it allows us to see objectivity as problematic, and beyond that, subject to the critique that it is a fiction that serves the interests of a political asylum system at the expense of its seekers.

Authors who are critical in their approach to narration regularly depict two disparate ways of understanding how narratives come into being and what referents to reality they contain. These authors have imagined this disparity of epistemologies in strikingly similar ways in a variety of contexts: on one end, narratives plainly reveal the truth about the world, whereas on the other narratives are complex products of intertextual practices. These differing conceptions of narration will illustrate the positionality and contestation involved when narratives are brought

into legal contexts. The institutional and political work that these epistemologies can be made to do, or challenge, will be addressed after these frameworks are examined.

Michel Foucault's *Nietzsche, Genealogy, History* effectively frames much of this disparity as he discusses the differences between genealogy and a kind of history that emerges from a string of related events, and from which origins of social institutions can be discerned (to which I will short-hand as 'chronology'). Foucault imagines genealogy to counterbalance many effects of chronology, and his description of it elucidates both projects. I want to draw attention to three of these correctives that have particular salience to the matter of narratives of violence. First, by attenuating to the origins of things in full view of their complicated and dispersed beginnings, we can see through the naturalness and cohesion of which we see 'the self', which we may recognize as a product of historical contingency (1977b:145-6). In the opposing chronology, we may see selfhood as historically determined and potentially socially undifferentiated. Secondly, a genealogical perspective sees ideas not as the products of some historical or social evolution but as the product of mistakes, false assumptions, and a problematic view of truth (146):

Truth is undoubtedly the sort of error that cannot be refuted because it was hardened into an unalterable form in the long baking process of history. Moreover, the very question of truth, the right it appropriates to refute error and oppose itself to appearance, the manner in which it developed...-does this not form a history, the history of an error we call truth? (144)

Thirdly, genealogy is a methodological mediation between history and bodies. It connects the effects of the former on the latter, as a product of a multiplicity of historical ideas and conditions. These bodies reciprocally constitute an important part of history. Thus, genealogy comprises a complex and interwoven past and present, with 'events' having multiple, unintentional, and

unaccounted-for consequences. Chronology is an institutionally (the institutions of history and beyond) sanctioned fiction of dominant views and simplistic causality.

Hayden White's The Content of the Form, among other projects, seeks to salvage narrative as a central part of historiography (1987). The work deals carefully with the falsely self-evident nature of historical truth that Foucault highlights. For White, narratives have value to historiography because they allow one to assess that which text itself leaves opaque, primarily meaning. Narratives can link together isolated historical events by lending context and granting the sense of importance that people attribute to them (1987:54):

To grasp the meaning of a complex sequence of human events is not the same as being able to explain why or even how the particular events that the sequence comprises occurred. One might be able to explain why and how every event in a sequence occurred and still not have understood the meaning of the sequence considered as a whole...one can see how one might understand every sentence in a story and still not have grasped its point (1987:50).

Here White is clearly favoring genealogy over chronology, but although each element of truth is measured and qualified, one does get the sense that there is *a* point to grasp – some kernel of the knowable that careful reading within and between texts may extract. This enables the narrative work that White proposes, but I will not press this criticism in view of his critical stance towards the field of historiography wherever it had declared itself objective because of its adoption of the methods of narrativizing historical discourse. White sees this narrative as attached to an objectivist sort of morality that sought to depict reality in the chronological sense with whole, meaningful, integrated events. (1987:24). That wholeness can arise uncomplexly from partiality is frequent historical fantasy.

Joan Scott's *The Evidence of Experience* similarly contends with the literary and the

historical, the subjective and the objective as she analyzes the uses of experience by historical writers. Whatever experience might potentially be, Scott links its uses to ‘foundationalist’ discourses (1991:780). She thus links experience to a host of other social categories, such as race or gender, which historians have subtly fashioned into nodes of knowable truth, which serve as the *foundations* for objective components of self. Thus, in Scott’s intentional misreading of another author’s realization of homosexual solidarity, she is able to define his experience in terms of the prior subjectivities he taps into. This, Scott argues, lends false credence to the idea that knowing the history and origins of some bloc of humanity will yield specific results upon the character of the person by shaping his subjectivity in predictable ways. This represents an underlying objectivism in histories of social difference, and it condemns one’s view of selfhood to conforming to universalizing historical categories.

Scott links this underlying objectivist epistemology to specific conceptions of language and agency. The historical determinism of social categories is linked to a deterministic perspective on language.<sup>54</sup> With this perspective, narrations can directly mediate this experience, with no loss of the narrator’s precise meaning, precisely producing universal subjectivities with universal selves. This conception lends itself to a kind of agency with absolute free-will, singular intentions, and predictable outcomes of action (793). For Scott, of course, these are conceits of an objectivist conception of reality. Experience, mediated through discourse, cannot be conceived as only individual in nature – it is simultaneously public and private (793).

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54 The way that translation is handled in asylum courts, is precisely such a deterministic view of language, presuming that translation yields only understanding and not also confusion.

The kind of reading I have in mind would not assume a direct correspondence between words and things, nor confine itself to single meanings, nor aim for the resolution of contradiction. It would not render process as linear, nor rest explanation on simple correlations or single variables. Rather it would grant to “the literary” an integral, even irreducible, status of its own. To grant such status is not to make “the literary” foundational, but to open new possibilities for analyzing discursive productions of social and political reality as complex, contradictory processes (793-4).

The literary, within the text above, demonstrates a conceptual blurring between the analytical modes of literature and those which would benefit history, and that there is nothing necessarily literary about a sensitivity to the mediation of meaning in textual format. Indeed, Scott’s desire for an analysis that is “contextual, contested, and contingent” is precisely, she writes, the work of Foucault’s genealogy (796). Scott’s work leads us to expect the disruptions and uncertainties that characterize genealogy in everyday experience – the oft-forgotten material of history itself, an expectation that we will see as we explore the unintended consequences of participation in legal systems as well as the contestability of violence itself. ..

Carlo Ginzburg’s Clues, Myths, and the Historical Method enumerates the interrelatedness of two comparable paradigms: Galileo’s scientific method, with its universalizing quantification, and a broad set of qualitative means of producing meaning from individual experience, which he calls conjecture. The objective and the subjective, at their roots, became arbitrary distinctions around diverse fields. Ginzburg’s historical method is multi-valent – showing some of the false starts and assertions that become infused with truth over time that characterizes Foucault’s genealogy. It is worth mentioning, however, that Ginzburg is quite certain of his findings within his webs of causality, much of which must predate historical texts entirely. He argues that the textualization of oral histories only reproduced that which it *could*

reproduce. Matters of the senses had to be omitted, and the reproducible forever became more salient than the ineffable (1979:107). This lent itself to the conceit that history deals in the material as well as the broader implication that those working with evidence, emerging from the replicable, could claim to be working in science (106). As much as science and the evidentiary paradigm benefited from the reduction of itself to the minimal data it could claim to collect, conjecture has suffered, finally linking itself to individuation and ‘the everyday’ of the senses and common sense itself in all of their non-replicability (124-5). These paradigms, for Ginzburg, are falsely hierarchicalized because they are artificially separated from their common source and parallel histories. What Ginzburg highlights is not the division of two epistemologies, but the interrelation of the two. Here we see chronology as an active process of minimizing and forgetting the subjective content of that truth. The conjectural is left as that which cannot be made objective.

There are no doubt subtleties that distinguish and coalesce the paradigms offered here that are lost on this analysis. My intention has been more narrow, to see parallel yet disparate epistemologies that are most commonly framed as oppositional in the practices of courts, operating in different ways to produce different effects. I now turn to the presence of the objective side of that opposition in courtrooms, to variable benefits to the courts themselves.

Despite whatever hold genealogy might have as a way of understanding narratives, the chronological, the objective, the evidentiary, and the ploddingly historical seem to be the desirable format of narratives within legal hearings. Richard Wilson posits this point in his summation of anthropological approaches to national reconciliation processes (2003). National reconciliation processes have thus far taken on special kinds of legal formats that are almost

entirely situated in long processions of personal narratives. Wilson points to the explicit methodology of South Africa's Truth and Reconciliation Omission (TRC), which establishes four guiding truths. The second of these reads "Personal or narrative truth: refers to the individual truths of victims and perpetrators, attaching value to oral tradition and story telling" (374). Importantly, this is separate from 'Factual or forensic truth' as well as 'Social truth' (established through interaction, discussion, and debate). That there can be individual truth that gives value to oral traditions and story telling, and that this can be objective, yet not so objective as forensic truth, is telling of the position of narrative in legal contexts as well as the epistemology with which these narratives will actually speak truth. Indeed, these two forms of truth represent the only two paradigms in operation (375). This demonstrates that a paradigm of objectivity is actually being acted upon in the world with regard to narration in official proceedings.

Susan Philips (1992) is interested in the ways that systems of evidence have emerged within American legal contexts. She links Christian moral need for 'truth' with an available scientific empiricism, in which direct experience is consistently given merit. Furthermore, meritorious evidence is that which is reliable, following a concept of replicability derived from scientific expectations of laboratory findings. The question of how to interpret evidence is resolved through an American political concern with having two sides debate over meaning and relative weight of evidence. This process is described as an adversarial one developing from English common-law instead of a mainland European practice of inquisitorial procedure, in which judges hear both sides but ask questions themselves throughout. The presence of legal professionals consistently compels non-members of the legal profession to accept interpretation of evidence on a level above the evidence itself – the question is not exactly what evidence



means, but what the standards are for laws, and on this matter judges especially are powerful figures in a hierarchy of courtroom evidence generation.

This gets to the point at hand: what counts as objective in political asylum court, where one cannot ask asylum-seekers about the validity of their claims and anticipate an answer that courts can accept. What evinces a believable refugee in over-burdened and over-tasked American administrative asylum courts? What are the consequences when the authority on how to interpret law and proceed in the courtroom is the person who decides the merit of the asylum claim? I observed three defensive asylum hearings, and each of them resolved differently. Chloe's hearing never made it to a full cross examination, but the case below went for hours longer than Chloe's in a grueling testimony and cross examination, which I will use to draw out some of the particulars of what counts as reliable evidence in US asylum courts.<sup>55</sup>

### **Objectivism in US Asylum**

There are two ways that emerged in the course of this research that signal objectivism's presence within the system of asylum in the US before asylum-seekers even enter defensive asylum courtrooms. In each, objectivism renders the complex and contingent legible in an adversarial legal context, and above all, the epistemology serves the cause of expedience in a system expected to be self-sustaining. The first relates directly to a body of knowledge offered to CIS employees which they are expected to use in their decisions. The body of knowledge in question is the Profiles of Asylum Claims and Country Conditions Reports, an ongoing series of

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<sup>55</sup> Also recall that the lawyers I interviewed, together, have handled hundreds of defensive hearings. Thus, I will speak of trends more than if I had only directly observed three hearings.

documents by anonymous members of the Department of State's Bureau of Democracy, Human Rights, and Labor solicited by the Immigration and Naturalization Service (now CIS).<sup>56</sup> I came across the presence of these documents in an interview with one of the more experienced immigration lawyers I interviewed, who characterized them as effectively a catalog, made available to asylum officers and attorneys, of reasons to argue against granting a person asylum, if those people come from any of the 57 countries for which there are reports. They contain reductionist information about demographics, insofar as they are significant to the race, religion, nationality, ethnic groups, and political parties of the people of those countries, the UN refugee definition's list of persecutions that count as far as determining refugees.

The documents are written in an adversarial style: they will state a fact, and soon afterward they will mitigate its significance or cite instances of fraud surrounding it. I present selections from two from the late 1990's, so that their simplicity of their assumptions will be clearer than a more current one.<sup>57</sup> The first two are from 1998, regarding Cameroon.

Many cite membership in specific groups in the United States, such as the Cameroonian Students' Association, as proof of their anti-government views. These applicants assert that they will face retribution from the Cameroonian authorities if they returned home. We have no recent information, however, suggesting that student activists opposing the Biya Government abroad have been singled out for mistreatment by the authorities upon returning to Cameroon.

While Anglophone frustration is real and widespread, most support the country's leading opposition party, the SDF, which is committed to Cameroonian unity within a federal structure.

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<sup>56</sup> These documents are not published, per se, but they are accessible through <http://www.pards.org/pevaluc.html>, an organization which makes its opposition to such documents plain but rigorous.

<sup>57</sup> And besides, only older ones are available for all to see.

In each of these, some element that an asylum-officer or attorney might encounter is described, and a reason to raise doubt about asylum is raised immediately. In the one about students, it cites the fear that many express about returning home to a country which the same document describes numerous human rights abuses that are caused by political affiliations. However, for these students, 'the state' may be skeptical that they have a 'well-founded fear' of persecution because no students returning from abroad have been reported to have faced such persecution. This is similar to suggesting that only torture itself, not the fear of it, can win asylum, even as torture is regularly used as a tool of political repression. In the second entry, again, in a document that credits the anglophone/francophone politics in the country as having been related to cases of human rights abuses, credits minority Anglophone discontent as “real and widespread” while discounting the minority within the minority. Most support unity, so one should suspect an anglophone Cameroonian who runs afoul of Cameroonian state violence. The following two passages are also from 1998, regarding Afghanistan.

In view of the confused and volatile situation in Afghanistan today there is little reliable information on how the remaining members of the religious minorities may be faring. Some Hindu and Sikh families have returned to claim their properties they left behind in the 1992 – 93 exodus but we do not know the numbers involved. A U.S. government team which visited Ghazni Province in early April 1997 reported that Sikhs in that province stated that their community was enjoying generally good relations with the Taliban.

However, overt manifestations of popular resistance to Taliban rule in Taliban areas have been almost non-existent. A noticeable exception occurred in May 1997 in Mazar-I-Sharif when Taliban looting of a Shi'a part of town and the attempted seizure of weapons held by non-Taliban factions produced something resembling a popular uprising and the expulsion of the Taliban after a 2-day occupation of that city. This incident notwithstanding, it is reasonable to assume that overt dissent, e.g., demonstrations or display of anti-Taliban posters, would provoke a response – perhaps a vigorous response – by the Taliban with an attendant risk of human rights violations.

These two present an interesting conundrum. They suggest that the rule of the Taliban is almost never contested overtly, though when it is, the authors expect a response that may be 'vigorous' in its violation of human rights. The Sikhs, who largely fled the region five years prior, "enjoy generally good relations with the Taliban". There are at least two facts that the entries present to CIS employees: that resistance to the Taliban has not been overt (nor perhaps meaningful), and that members of the Sikh minority have a good relationship with the ruling Taliban, each of which could be used to justify a decision against an asylum-seeker. What the document does not raise, however, is the specter of the dual realities contained in these separate statements. If the Sikhs made any move, political or military, against that rule, they could face vigorous use of violence against them, but, in the epistemological world of the Profiles of Asylum Claims and Country Conditions Reports, that virtual guarantee of violence is not grounds for a well-founded fear of persecution.

These documents are actual constituents of the way CIS employees are expected to analyze claims by asylum-seekers. This is the state's version of the truth, and it is reductionist, objectivist, and they mean to silence individual experience by minimizing complexity and contingency. Moreover, it is a closed system of reality, using only other US departmental information. If there was a body of Human Rights Watch or Amnesty International reports purporting instances of torture, say, of Sikhs in Taliban controlled areas, these documents would not *know* of them. It knows only of the violences contained within limited sources, which is problematic when one sees the different worlds attributed to conditions which would virtually guarantee violence as opposed to conditions which have caused violence. It would seem that a well-founded fear of persecution is well-founded only when it is backed by violence, and

violence on a scale large enough for the US State Department to note its trend.

The well-founded fear is nevertheless something of a legal gray area, intentionally left that way, along with persecution itself by the Supreme Court (*Immigration and Naturalization Service v Cardoza-Fonseca*), but the matter of a *threat* of violence is less so, especially when it pertains to torture. The US agreement to the Convention Against Torture, even in the strained way that it appended its own definitions to torture, maintained the idea of the threat of torture as significant. To me, this speaks of an epistemology offered to CIS agents and attorneys of a minimalist and reductionist application of asylum, as if to say that it is their purpose to limit people's access to the United States rather than to encourage it (and rather, overall, to act as neutral arbiters), mimicking the political forces behind the major revisions of the asylum system from the legislative branch. Besides, their decisions are never final – it is the Department of Justice who acts as a check on their decisions. It is worth mentioning, of course, that this check adds an additional six months minimum to asylum claims.

This reductionism is a significant element of an objectivism, a term which it should be clear I am using as an amalgamation of the epistemologies that expect truth to emerge as discrete facts from sources which, uncomplexly, make such truths available as well as total. Profiles of Asylum Claims and Country Conditions Reports are contained histories of violence of countries no longer than this chapter, while they purport to be inclusive of the totality of what happens in those countries. The most startling facet of this objectivism is the dubiousness with which they encourage CIS employees to approach the experience of individuals. If their data contain no stories like the person applying for asylum, that is cause for doubt, but it has no way of accumulating such stories to inform its knowledge in the first place. I met an example of

someone that the Cameroonian account silenced the experience of. He was a political proponent of the rights of anglophones, and he was brutally tortured. What the report did not anticipate was that he himself was francophone. It never occurred to the authors the slight complexity that sometimes people fight for the rights of others, rather than participating in simple and self-interested identity politics. This is precisely the sort of individual experience that can run afoul of Cameroon's torture regime, and the example mirrors Joan Scott's problem with simplistic depictions of the way someone's background is supposed to comprise subjectivity. Such cursory depictions of others arm and inform CIS employees with an expedient epistemology and a body of knowledge that runs counter to the contingencies of individual circumstance.

The second set of objectivist practices present in US political asylum I will present is the regime of security and concern with factual truth surrounding the subject of identity. At the onset of Chloe's hearing, it was very important for her to declare her identity, important enough for her own lawyer to reiterate it. At this stage of the asylum claim, however, her identity is already established, such as it can be. The system of asylum manages the question of whether a person is who they say they are in two ways. The first is the collection of fingerprints, coupled with photographs, linked to a person's identity by the avenue of swearing to it under severe penalty. Asylum-seekers must travel to agencies which specialize in such markers of identity, sit in extremely long lines, and have such data collected. I accompanied Charles to such a setting, sitting down with him for four hours in a sea of others, in long rows all facing a tiny television featuring bad daytime entertainment. In this way, asylum-seekers are actually reduced to the objects of identity, fingerprints and a photograph, which are bound to their claimed identity through an oath and the threat of deportation.

Beyond fingerprints is a concern the system has for 'authenticating' documents. I came across this during a Master Calendar hearing, in which the immigration judge postponed scheduling the defensive asylum hearing because he had yet to hear back from an agency the Department of Justice uses to authenticate documents. They had recently privatized the task, and the new agency was apparently doing a poor job of either expediting more pressing authentications or communicating with the immigration judges. He expressed his dissatisfaction, but this was not enough to forgo the authentication process, which took precedence over the scheduling of the hearing.

This merits further explanation. Documents are authenticated by sending them to the governments that asylum-seekers are fleeing from. The Department of Justice, through a privatized intermediary, then awaits that government's response as to the authenticity of those documents. The documents in question had to do with the asylum-seeker's identity, and they were terrified at the prospect of the government they fled from having a spotlight shown as to where they have gone and what they are claiming about them. The prospect is absurd, and I think it reflects an overreaching bias against asylum-seekers that a US governmental department would so casually ask another government agency whether a document is real or not. Besides, having fraudulent documents is not an indication of a fraudulent claim. There are good reasons to have false documents when one must cross borders, ports, and airports into safety. Asylum-seekers have submitted such documents as evidence of how they escaped, but in an objectivist and expedient system, they are reinterpreted as the base level of what they are: deception as to the identity of the asylum-seeker. It is significant that the interpretation of these, a perfect matter for adversarial courts to hash out, precedes the court itself, and the finding is enough for an

immigration judge to deny a case.

There is also a problem with the vaunted reliability of such authentication. The country in question, from which I have known many asylees bearing similar stories, of course claimed that the documents were fraudulent. A country that singles people out for torture is rarely eager to share that knowledge abroad, especially when they have amicable relations with the United States, as this one does. Through all the skepticism the system of asylum has in store for asylum-seekers, it is remarkable that skepticism is not extended to such authenticity practices. The finding was taken as a very serious effort to defraud the system of asylum, bearing the severe penalty that the asylum-seeker, if she were to go to court despite such a finding, could be found to have defrauded the system officially. She would never be able to receive any of the protective statuses available to refugees or any other pathway to legal status in the United States. If this sounds unjust, I would instead reframe the question of what is expedient to an over-tasked system that would justify such practices.<sup>58</sup> In this case, they were able to compel an asylum-seeker to drop the claim, freeing one more space in a crowded docket.

Each of these additional burdens on asylum-seekers were implemented due to political pressure. Fingerprinting and photographs became standard after 9/11 at different times, highlighting the terrorist potential of asylum-seekers in the discourse of the War on Terror. Document authentication seemed to be a solution within the Department of Justice against fraud, providing an additional check through a privatized agency against the driver of asylum change throughout the 1980's and 1990's. This makes it doubly worthwhile to the system as a whole,

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<sup>58</sup> Besides, Derrida (1992) would remind us that justice and law have two entirely separate origins, the former being a late and often wrongheaded addition to the latter.



attenuating to legislative political discourses and doing it with minimal federal personnel. They indicate the cynical stance the system takes towards those they manage, in which objectivism is simply more expedient and manageable than conjecture and individual attention. Such themes are carried through to the actual defensive asylum hearings in myriad ways. My explanation once again is prefaced by ethnographic content from a full defensive asylum hearing.

### **Emile in Court**

The previous chapter mentioned the work of a man from Cameroon, Emile, leading up to his defensive asylum hearing.<sup>59</sup> This section carries that reference forward to detail his experience in defensive asylum court. Emile is a well educated man in his early forties who made a living teaching world and African history to secondary school children until his political writings brought with them the ire of the Cameroonian dictatorship. Like many others I have met from Cameroon, he was abducted and detained by police, after which he faced a short detention, brutal torture, and release shortly afterward, as much a 'lesson' to Emile as to others who knew him in a common instance of state terror. Leaving behind a wife and several children, Emile fled the agents of the grasping regime shortly after his release, knowing full well the path of violence and disappearance that Cameroon promised if he stayed. He acquired a Visitor Visa through through the US consulate, granting him a legal, if temporary, way to enter the United States.

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59 It would make analytical sense to carry Marcel's story further to the defensive asylum hearing, but not practical sense. The process takes long enough that he was in defensive asylum court well after my research ended. It is also worth mentioning that the two Cameroonians mentioned in this chapter are different men, however similar their cases.

Unlike many of the respondents in my research, Emile had contacts within the US with other Cameroonians, who were able to provide him with housing and council early on. Staying with a friend over a long term, in a situation which he described as being beyond his control, he began to file the paperwork for gaining asylum. He received the initial notice that his I-589 form had been received, which initiated his asylum claim and gave him an A-number, or 'alien number' – the only indicator of legal status that asylum-seekers have during the process. A short time afterward, Emile anticipated the next phase of the process, which is a schedule for an interview at the nearest asylum office for an affirmative interview, in which he would need to secure transportation as well as a translator if he wished to give the interview in French. Emile, an intellectual in any country, studied the content of his written narrative and began to seek out those social components that would be required, contacts for transportation and translation. He would have to impose on his friends, or rather, he would have had to, if the notice from USCIS had ever arrived. Instead, the next letter he received, months later, was an indication that he had failed to appear at his interview, the consequence for which is a referral to an immigration court.

Effectively, Emile missed out on the simpler and much faster portion of political asylum. Acknowledging the obvious bias of this research in favor of Emile, I do not think he would have willingly missed this chance to gain legal status in the US, and I furthermore find it unsettling that he received the second letter but not the first, and either way there is no way to prove whether or not such a letter was sent at all. This was quite a setback for him emotionally, and it strained the relationship he had with the small group of Cameroonians he relied on. This sort of devastation from unseen forces is a fact of life for asylum-seekers in the early stages of the system, but at least for my informants, they always responded to perceived injustice with swift

action. For Emile, he went to a Presbyterian pastor, the leader of a church that had been a significant part of his support network in the first months of his stay in the US. This pastor found an experienced immigration lawyer who agreed to take his case for a reduced rate, and she urged Emile to begin his association with CTT.

Emile endured two Master Calendar Hearings, one of which was delayed. He spent more than a year in the kind of stasis that informs chapter three of this dissertation, in which he mostly worked to develop his asylum claim further. He did nearly all of the research in bolstering his narrative with newspaper and online articles, and he and his lawyer transformed his narrative from one and a half pages to six pages. His English improved in that time, and he worked to reduce the aftereffects of his torture in mind and body. He and his lawyer worked extensively together, culminating in two sessions in which they simulated the cross-examination he would endure in court. Finally, 22 months after he sent his I-589 form to initiate the process, Emile's day in court had arrived.

When CTT clients go to court, Tara asks them if they would like CTT staff to come to the court as well. If the client is comfortable with having them present, they can prove to be a powerful presence in such a setting, which almost always occurs without any observers despite being technically public hearings.<sup>60</sup> Emile desired such support, since he had developed meaningful relationships with CTT's core staff as well as some of the support staff. He wanted

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<sup>60</sup> I say they are technically public because if the respondent – the asylum-seeker – wishes, there may be no observers. There have been times when journalists appeared at defensive asylum hearings unannounced when CTT clients have gone to court, forcing the client to decide whether he or she wants to have CTT's support alongside members of the press, or whether they must all leave. This should be a lesson to researchers wishing to analyze defensive asylum cases without first getting to know asylum-seekers – the decision could be a stressful and disadvantageous one for asylum-seekers.

me to be there as well. He later told me that it was important to him that we all were there, opposite him as he gave his testimony, a helpful reminder that he was not alone as he sat on the stand in defensive asylum court. Tara and I drove to the courthouse in downtown Atlanta together, sitting in the waiting room of the immigration court amidst many others who, statistically speaking, were probably in Master Calendar or deportation hearings. We did not wait long, as the time of the hearing was 8:30 am, the first time slot of two that are generally scheduled for each judge. The next one would be at 1:00 pm, apparently a good indication of how long such hearings could be.

We moved single file down a corridor just wide enough for one person to walk at a time, a curiously enclosed space that linked three courtrooms which was lined with thick plastic signs that warned, "Silence/Silencio." Our courtroom was one I had seen before during a Master Calendar hearing, though without dozens of people and their lawyers, it seemed cavernous. Like every immigration courtroom I saw, in two different buildings, it had three white walls, with the wall closest to the judge being blue. The room featured plenty of fluorescent lighting and a thin sheet of dull pink plaid carpet, its walls decorated only with a large plastic looking seal behind the judge featuring the eagle-adorned emblem of the Department of Justice: Executive Office of Immigration Review, which hung crookedly to the right on its axis. A wooden divider bisected the room, with half devoted to participants and half devoted to viewers. Viewers sat in two rows of six wooden benches that looked and felt like they belonged in a church. Participants sat at three tables: one for a translator to the left and two facing the judge: one for the respondent and his or her lawyer, and the other for the Department of Homeland Security's attorney. Finally, the focus of the room, an elevated desk seated the judge, a computer, and digital recording

equipment, with a wooden chair to his right for people giving testimony.

We entered as Emile's lawyer, a slim African American woman who had handled many CTT clients' cases, and the DHS attorney, a short white man who spoke rapidly and with a nasal resonance, chatted informally. The judge, an older white man with a Southern accent was already seated, chatting informally as well while he hooked up his recording equipment. A young woman from Senegal sat at the translator's station, shuffling paperwork. Emile smiled at us as we entered and quietly sat in the back row of the room. His lawyer took the opportunity to greet us and ascertain who I was, and indicating that having observers is rare, she introduced us to the DHS attorney and the judge, describing me as a graduate student from Michigan State. In a further indication of the informality of the court at the moment, he asked me if I thought MSU could beat Ohio State this year. "Maybe in basketball", I replied. He then fiddled with the recording equipment, remarking that if it did not work, they would have to repeat the hearing. He said that he never lost a case that way in the days of tape recording, but with the recent transition to digital recording, he has already lost one. Satisfied with the recorder, he asked the attorneys if they were ready. They both indicated that they were.

The tone shifted immediately from informal collegiality to courtroom formality, and for each lawyer, they switched codes from colleagues to legal adversaries. As they said that they were ready, everyone except the judge rose to his or her feet, and the lawyers peppered each response to a judge with the honorary title, as in "Yes, Judge." Speech was highly controlled, with the two lawyers having to use 'objections' to speak while another had the floor, and the translator and client only being able to respond to the direct questions by the lawyers or the judge. The judge, speaking into the recording device, gave an auditory initiation to the case with

the day and the case's title. He began the hearing with a warning to Emile. He warned that it was important for Emile to understand the gravity of the claim he was making, and that if he is found to be lying, he will be deported. He added that he believes that Emile will tell the truth, but he gives the warning to all respondents in his court. He asked if Emile would sign a document stating that everything in the application was true, and after the words were translated, he did.

Following this was about fifteen minutes of collective bookkeeping. The judge and each lawyer needed to verify that each had the entirety of the application, and they went through each section of the weighty document, verifying the presence and length of those sections as well as giving them names which they could refer to later. Here I saw three legal colleagues dryly accounting for the basis upon which the hearing would take place. Though there would be a discrepancy later, at this stage, each agreed that they had the same application in full, in a practice that highlights the significance of all the time that goes into preparing, strengthening, and committing such documents to memory.

Emile's lawyer had scheduled two witnesses for the hearing, a legal strategy I only saw once, but which is not actually uncommon with the mentions made around CTT of Miguel's expert witnessing. Each witness had to wait outside the courtroom until he was called. The witnesses served entirely different purposes, and they fared quite differently in court. The first witness was an American man who had met Emile through the Presbyterian church they both attended, who came to speak to the Emile's character, as observed in the course of volunteering for the church. Each witness would be 'examined' by Emile's lawyer and then 'cross-examined' by the DHS attorney. Emile's lawyer gave him freedom to tell the court about the association the

two had, how he came to know Emile, and about the work they did, with minimal prompting. It was clear the man learned much about the world from having met Emile, and he admired him. However, the DHS attorney undermined him almost entirely. He asked him questions which could be answered by the application, but which were specific enough that he was unlikely to know the answer. "How long have you known the respondent," established a claim that he felt like he knew Emile well. The lawyer asked him questions that verified that the work was voluntary rather than for money (which would have harmed Emile's chances some), but he caught the witness in a question about why Emile came to the country, and when he did so. The witness gave a vague answer to the first, and he did not know when Emile came to the US exactly. The DHS attorney said, flatly, "So you don't really know very much about him at all," concluding his turn. The witness, having no chance to respond, was visibly shaken, slowly leaving the witness seat and exiting the courtroom, probably wondering if he helped at all.

The second witness was a middle-aged asylee from Cameroon who had known Emile since he arrived. This witness spoke of the realities of Cameroon as well as how it seemed to him like Emile was having a very hard time because of the torture he faced. He also attested to Emile's moral character and sense of responsibility, talking much about how Emile spoke of his children and his wife, how he worried for them. This witness gave short, exacting sorts of answers to the DHS attorney's cross examination, and it was obvious that he had gone through this before. The attorney focused on the witness' background instead, fishing for details about the reasons he came to the US, as well as ascertaining the dates and places of his arrival. He found only a well prepared asylee who was now on his feet in the US, supporting the respondent with concise answers. The attorney dismissed him quickly, probably suspecting that he would

not be similarly shaken.

It was finally time for Emile's testimony. He would go through the same procedure as the witnesses, though his would be more involved. He rose and took the seat next to the judge, sitting and feeling intensely that he was being judged, as he would later tell me. His lawyer would ask him questions directly, and he would wait for translation, after which speaking French back to the translator.<sup>61</sup> His lawyer would ask him questions she had asked him dozens of times before, and they were broad, giving Emile a chance to give segments of narrative testimony that lasted a few minutes at a time. With her questions, Emile gave testimony for over an hour and a half, detailing his life in Cameroon generally and the events of torture specifically. Effectively, the content of the narrative that he and his lawyer had worked on was translated to a spoken performance, and Emile was quite effective. He took long pauses, measuring his own rhythm and saying what he wanted to say in concise phrases, I would imagine, as he did as a secondary school teacher. Occasionally he would raise his finger in the air, as he was wont to do, to underline a point he wanted to make. The translator worked during those pauses to give English to his utterances, a fact of the situation that means that there is less narrative given in an hour and a half than one might otherwise expect.

The DHS attorney took notes furiously, frequently raising objections in the first thirty minutes, claiming that something was conjecture on the respondent's part. Each of these was

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<sup>61</sup> He was actually the only person to directly address the translator during the hearing. Others spoke to each other directly and waited, as if to suggest that the translator's role is a minimal feature of their communication. Emile was pleased with the translator. He knew that she would be unpredictable, something of a wild card in the hearing, but he was relieved, saying that her French was similar to his own, and that he felt like she was very accurate with the translation.



dismissed, and when Emile's lawyer moved to argue the point of the objection, the judge waved his hand in a signal of dismissing them both. He spoke to both lawyers in the prior tone of the informal colleagues, flatly denying them the kind of combat they were engaged in. He told them that it could take all day if they kept this up, and that he intended to hear all sides in turn, urging them, essentially, to not interrupt each other's chance while instituting an even more idiosyncratic legal space in which defensive asylum hearings operate. It was just past 11:00 when Emile was done, and the judge adjourned for lunch. "May we be excused, Judge?" asked each lawyer before we all left the courtroom for an hour.<sup>62</sup> Emile was positive about the hearing so far, but he was extremely stressed as well, finding himself unable to eat much in the courthouse's well-stocked cafeteria.

When we returned, the lawyers had resumed the kind of friendly chit-chat with which they spoke in the morning. Around fifteen minutes later than expected, the judge walked in from a locked side-door, and everyone's effort to rise was dismissed us with a wave of the hand. It was the DHS attorney's opportunity to cross-examine Emile, who once again took the seat next to the judge. The attorney framed his examination as a set of questions he had to ask and have answered before 'the government' would be satisfied. He spoke quickly and excitedly, interjecting commentary and further questions into Emile's efforts to answer them in an effort to further control the discursive space he already controlled. Where the previous segment featured Emile talking for minutes at a time, in the cross-examination, he rarely answered more than a

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<sup>62</sup> Another case, to be held at 1:00, had to be rescheduled, and I hate to think of how long that person had to wait because of Emile's day in court. If that person's experience is anything like my informants', the delay cost him or her between two and three months. This is yet another source of delay within the system, and another indication of the over-burdening of the system of asylum.

sentence at a time. He had prepared for this occasion with his lawyer to keep his answers short, and besides this, the DHS attorney would cut off predictable answers.

The attorney first wanted to know why Emile had continued to work as a teacher, an employee of the government of Cameroon, after he had received threats from them. Emile countered that the threats came from his writing, not his teaching, and that he was responsible for providing for his wife and children. Preempting the question that perhaps he felt safe in doing so, Emile added that he worried for himself considerably, but he also felt responsibility to the students in his classes, who he felt he had to continue teaching about the history of their country. Emile told me later that he was prepared for precisely this sort of question, and that he knew that a bad answer would have been that he kept working for the money, which could have rendered his fear subordinate to his greed, or at least, his acting normally. Rather, he incorporated it into the politics of his actions, and the attorney moved on.

He moved onto several questions pertaining to 'the facts' of the case: when he arrived (exactly), how he traveled, what his address was initially in the US, which are also questions asylum-seekers with good relationships with their lawyers anticipate and answer well. The attorney ramped up the questions, this time asking about the articles he wrote. How many had he written? How many had he written since he arrived in the US? Emile had written none, so his next question was "Why, if it was so important before" had he not? Emile went into his psychological problems and his treatment at CTT, saying that he could not concentrate on such things, especially as he worried about his family still in Cameroon. Apparently satisfied upon rendering a person who attracted ire with his writings as a person who was no longer writing, he moved onto a more unusual tact.

The attorney complained that in the application he held, there were photos of scars that were in black-and-white, and that it appeared that in the copy Emile's lawyer and the judge had, they were in color. He asked some blunt questions about those scars to Emile, finally suggesting that he would like to see them. Emile's lawyer did not object (as they were no longer objecting), and the judge remarked that it was unusual, but if Emile was willing, he could show the attorney the scars on his upper chest. The attorney approached the chair, and peered in, as Emile unbuttoned the top of his shirt. Emile's lawyer approached as well, and the judge leaned over his high desk to get a look. This is a remarkable happening, and it indexes the idiosyncratic rules of evidence within defensive asylum court, when three legal professionals are leaning in, looking at a respondent's bare chest as physical evidence in open court. The view was apparently not good enough, and they asked if he did not mind removing his shirt. Emile said he did not, and he did so. Again, three lawyers leaned in, looking intensely at Emile's chest.

DHS Attorney: "It's hard to make out with the hair."

Judge: "Can we agree that there is a scar there?"

DHS Attorney: "I don't agree to that."

Judge: "But there is a discoloration here, can we agree to that?"

The DHS attorney agreed only that there was a discoloration. His strategy apparently backfired, as it was the judge who referenced 'the scar.' He avoided questions about torture after that entirely, likely to avoid further elaboration of something with some degree of physical (and thereby objective) evidence. One might say that he was also desiring to not appear as if he was causing discomfort to the respondent, but his last line of questioning would seem to be aimed at exactly that.

In the last segment of his questions, the attorney asked about the circumstances in which

Emile fled Cameroon. Why had he not stayed? Sure, he was in danger, but he had children: "Don't you love your children?" Emile paused, and something caught in his throat. After a moment, he said, with some exasperation, that of course he loved his children. Emile succinctly summarized his claim, that he fled Cameroon because his life was in danger, and that he hopes for nothing more than that he may be reunited with his wife and children. After a few final questions about where he had been living and which church he had been attending, the judge began to become anxious, asking the attorney if he was close to being done. Whether he was or not, he said that he was. The judge and the two attorneys excused themselves beyond the locked door for about five minutes, each returning to their places afterward. The judge asked for any final comments (presumably, for the recording), and now the DHS attorney said, with a completely different tone than he had during the cross-examination, that the government was satisfied with the answers it had gotten. This was a good sign, because it meant that he was joining the 'winning side', effectively, framing his performance as one of testing asylum-seekers, after which they may be welcomed as asylees. The judge granted Emile asylum formally, asking his lawyer to inform him of his benefits, and congratulating him. With the recording off, he and the lawyers resumed being collegial, each apparently satisfied that they had done his or her job and gotten what they wanted. They thanked the translator. CTT's staff took Emile out to eat, as he entered a state of euphoria as I describe in Chapter 3 as common to new asylees. He could not believe it, despite how much he had anticipated the entire hearing. He was safe from Cameroon's government, at last, but what he wanted most was a good night's rest.

### **Courtroom Practices in a Burdened (and Burdensome) System**

The legal strategies used by DHS attorneys and immigration courts, practiced in *ad hoc* courtrooms with objectivist intentions for lax standards of evidence reflect the realities of an overburdened system. The following ten strategies, eight of which deployed by DHS attorneys, and two a feature of the court itself, are strategies which asylum-seekers spend long months in preparation to overcome just as they reflect the structural constraints of the asylum system on DHS attorneys and immigration courts. They will feature recurring themes of under-prepared and overwhelmed DHS attorneys and courtroom management of a system which the broader government seems willing to increase its work load while remaining loathe to actually give it the space and personnel to do the work it is tasked with. Tangibility, specificity, quantities and processes will dominate the genealogical, the interstitial, the explanatory, and the individual through these common courtroom and testimonial management practices.

### *Swear By It*

There is a strategic moment in defensive asylum claims that has little to do with DHS attorneys. At the outset of each hearing, both Chloe and Emile were asked to sign a document affirming that everything in their applications is true, and that they will speak the truth in court. I imagine that asylum-seekers could say no, but in reality, such an act would be unthinkable. They must sign the documents, and by doing so, the scale of accuracy at which the court will work is narrowed. The hearing is transformed from (at least potentially) one of demonstrating that one has been persecuted, and that one faces a well-founded fear of future persecution, into one of defending the application from tests of fraud. If an asylum-seeker is found to be lying, about anything, he or she can be deported, having signed such a document. Beyond this, if the judge

believes them to be lying, it will have the same effect. It shifts the veracity of the claim to the veracity of the teller, while prefacing each asylum-hearing on the subject of their lying and with a threat of removal. Asylum-seekers suggested that they were very nervous being focused on immediately and being asked to take an extra step, and one with legal implications somehow more dire than defending oneself in the long awaited defensive hearing. Though this is not a strategy by DHS, unlike most of the following entries, but it enables DHS attorneys to ply an entirely different set of legal strategies: if asylum-seekers can be shown to have erred in some way, it is grounds for denying them asylum. If asylum-seekers give different enough answers from the textual record, this can also be made into a case for their denial. This document renders asylum claims able to be adjudicated by *ad hoc* courts that can hardly be experts about all situations that produce refugees, but they can, however, challenge asylum-seekers' knowledge of their own written claims as well as the court's record of their spoken words. It is worth emphasizing again how nervous the practice makes asylum-seekers from the very beginning of the hearing.

### *Dates and Times*

Asking for specific dates and times is so commonplace in asylum court that one might think that if one gave only a time-line instead of a narrative, the 'cross' would remain the same. It was much more common for DHS attorneys to ask asylum-seekers about a date in which they were tortured than it was for them to ask about the torture itself. In addition to this, DHS attorneys wish to know how long tortures went on, or how long a bus ride is from Zimbabwe to Benin. These are figures that could be flatly contradicted the asylum application, so 'date and

time' questions are the bread and butter of a cross examination. These figures, being quantitative, seem objective and knowable in asylum courts, and DHS attorneys test asylum-seekers on the numerical content of their applications accordingly.

Asylum-seekers, of course, are aware of this practice whenever they have working relationships with NGOs or their lawyers. They understand that these items have an elevated importance within asylum court, even if when such data was recorded into an asylum-application, asylum-seekers and others may have been working with uncertainty. An uncertain "It must have been January 17<sup>th</sup>, 2006" becomes codified as "It happened on January 17<sup>th</sup>, 2006". That date is transformed from an estimate or a guess into the grounds for deliverance into safety from persecution. The guessing, the estimation, and the reality that one is not always concerned with dates and times when one is fleeing for safety is silenced so that when they sit on the stand, and DHS attorneys ask myriad date and time questions rather than matters relating to the political, background, or torture content of their applications, they will give tightly memorized dates and times that are so important to defensive asylum hearings. This requires both work of memory and rehearsal as described in the previous chapter so that they may give the vaunted dates and times accurate responses.

There is more to the asking of date and time questions than the apparent objectivity of knowing when respondents give a false answer, as well as the testing of asylum-seekers' knowledge of their applications. DHS attorneys elicit dates and times because they are over-worked and because the system is overloaded. Date and time questions allow them to be doing their job in some capacity even as there is no way they will have been able to prepare their cases as many other trial lawyers would be able. This will be a recurring theme in this section, a

helpful reminder that the structural nature of political asylum does not only affect the people who are directly subject to it – it shapes the quality of experience of all the people who make the system happen on a daily basis.

### *Travel, and Evidence Thereof*

Related to dates and times is the matter of travel. DHS attorneys frequently wish to know when and how asylum-seekers fled their countries, often adding a desire for evidence of various forms of travel. When asylum-seekers fly, DHS attorneys ask for ticket stubs. When they ride buses and trains, they ask for similar information, and if it is not available, they ask why that is the case. When asylum-seekers cross rivers on foot between one country and another, they want to know how they did so, how deep was the water, and where the crossing was. One DHS attorney was particularly concerned about how asylum-seekers crossed the Mexico-Texas border, wondering how the Rio Grande was traversed down to the detail of where rafts were acquired.

Travel provides an opportunity for consistent chronology, as asylum-seekers are required to detail places and other details in a logical way, which must provide an opportunity for slipping up in narrative testimony. It is furthermore detail oriented, and DHS attorneys expect believable stories of how people eluded capture, acquired visas, or found and paid smugglers. Though matters of travel are less frequent questions by DHS attorneys, they are still common. The questions can backfire, however, allowing asylum-seekers an opportunity to describe the desperate circumstances of their flight in a believable, chronological, and moreover, objective-seeming way in defensive asylum court. They can also work in DHS attorneys' favor when they force asylum-seekers to talk about attaining false documentation to be able to flee their countries,



raising the specter of fraud from a person willing to forge documents pertaining to their identities. As one of my informants explained, in less stressful circumstances than asylum court, people with his name were not leaving his country alive at the time. This is still something that may work against legitimate asylum-seekers, again, in a strategy that requires little preparation on behalf of DHS attorneys.

### *Repeated Questions*

DHS attorneys will frequently ask questions multiple times, separated by a few minutes and asked in a slightly different way. The desired effect is for respondents to answer differently in some way. If the difference is large, such as missing a chronological feature, the DHS attorney will have created a substantive doubt about the reliability of the respondent, suggesting that the person may be lying. After all, invented answers can be difficult to recall. I imagine that such attorneys have success with this strategy much like police officers and customs officials do when people are actually making up something. However, more common, at least with my respondents, is that they will answer the question in a slightly different way, which, especially when translated, which can create a small gap between the two answers which DHS attorneys can use to plant a seed of doubt or drive a wedge into an otherwise relatively minor difference.

Repeated questions have an additional effect – they reinforce the power of DHS attorneys while keeping respondents in the 'hot seat' of having to give exact responses over a long period of time. In relatively few settings can one ask the same question multiple times, and in each of them, it minimizes the authority of people who must answer such questions by reminding them and others that their performance is guided by another, and an legal adversary at that. So

answering repeated questions is not only a matter of managing the differences between answers but also a matter of keeping 'cool'. As in the following practice, baiting, when DHS attorneys make respondents appear nervous, flustered, frustrated, or even angry, they undermine those respondents' credibility in asylum court. This follows the pervasive, and undoubtedly cultural, understanding that people who are telling the truth have nothing to be nervous or frustrated about. One only needs to reference the large body of people who have been found to have given false confessions under the stress of police interviews to wonder if this ideology is sustainable. Add to this the particulars of the asylum-seekers of this research, many of whom were interrogated and tortured in government custody, as well as the reality that they must, as Chloe said at the outset of her questioning, talk about a very painful past.

The risk they face from double questions is mitigated by extensive work in two key relationships. Most obviously, the long task of work they do with lawyers prepares them to minimize gaps by both extensive practices of memory and rehearsal. As my last chapter argued, this work is a common outcome of a working relationship between an effective lawyer and a 'worthy' asylum-seeker, and repeated questions are among the DHS practices they prepare for. The torture surviving clients of CTT prepare for repeated questions in a different way, in that, through psychotherapy, they become able to talk about the past without (or at least while managing) the emotional turmoil of feeling as if they relive that past. This enables them to focus on how they answer questions and to maintain a confident way of communicating those answers. Still, it is an effective DHS tactic because nobody is entirely immune from its effects. That is to say, everyone is vulnerable to a system that amplifies the differences in answering the same questions in similar, but not exactly the same, ways. It is also an effective DHS tactic because,

like many others here, it is a standby that an overburdened lawyer may use without much knowledge about a case, and one that is likely to produce something he or she can argue about. These lawyers can stay on top of an absurd case load and be doing the job they are tasked with, all with a little repetition.

### *Baiting*

Baiting refers to a line of questioning meant to disrupt the demeanor of respondents rather than to elicit answers that are pertinent in some way to the veracity of asylum-seekers' claims. The practice is apparently widespread – most asylum-seekers I talked to brought up their preparation for the tactic well before their day in court. They knew that their credibility in defensive asylum court had as much to do with what they said as how they said it, and that in such courts, one cannot appear emotional about the devastations of the past and still appear objective. Rather, asylum-seekers are told by their lawyers to remain calm no matter what DHS attorneys say, because they will frequently test respondents in this way.

In Emile's case, the moment of baiting stands out in the proceeding: when the DHS attorney asked Emile the rhetorical question, "Don't you love your kids?" In such a setting, however, there are no rhetorical questions, and Emile had to answer it. He kept his cool, with only a minor hesitation. He later told me that the question hurt him very much, and it continues to ring out in the back of his mind. He was trained, however, to anticipate exactly such a question with his lawyer. Though he was proud of how he handled the question, he worries about the inequality in legal representation for other asylum seekers: if he had not been prepared for such a question, he might not have answered it as well.

### *Interruption*

DHS attorneys, in their cross examinations, sometimes elect to control 'the floor' throughout their examinations through blunt interruptions of respondents. This strategy is another that emphasizes the power difference between respondents and DHS attorneys in court, which may elicit sympathy for asylum-seekers, but it certainly has the effect of testing asylum-seekers' calm. Reflecting back on my informants' primary desire in fantasies of asylum-court – simply explaining what happened to them - imagine instead a scenario in which DHS attorneys control the courtroom floor by allowing only fragmented responses. Interruptions, of course, take the form of additional questions, and a skilled DHS attorney will use clarifying questions to direct the cross examination outside of well-rehearsed terrain. Used in conjunction with other strategies, interruptions encourage a quick pace of talk on a variety of subjects, which itself is a way of testing asylum-seekers' veracity, compelling them to respond without thinking questions through by their quick nature. Like many strategies here, this tactic requires no preparation on overburdened DHS attorneys, but can yield results when used on on unprepared asylum-seekers. Though interruption is sometimes used, the presence of translators reduces its overall effect on the pace at which respondents must answer questions, so I predict such a tactic would be more common in English speaking hearings. The effect of unsettling respondents by cutting them off, and having the right to do so whenever, remains. The question, designed to be unsettling itself, posed to Emile, of “Don't you love your children?” was more effective as an interruption than it would have been as a measured question. It allows the DHS attorney to ask harsh questions while sounding like a simple outburst rather than a measured bout of mean-spiritedness, which is

a much more acceptable matter in asylum court.

### *Playing with Chronology*

Recalling the previous chapter, the events arranged in asylum narratives are not always chronological before they are exposed to the cooperation of lawyers and NGO workers in rearranging, reordering, and rewriting narratives to stand up to court. It is thus the case that legitimate asylum-seekers have to practice telling their narratives in specific ways to be effective in asylum court. It is not coincidental that the chronological content of asylum narratives is a site of legal strategy for DHS attorneys. Coupled with interruptions and a focus on dates, times, and travels, DHS attorneys seem to ask questions out of any logical order. They may start with questions in the middle of a narrative and conclude with items towards the beginning, as with Emile and his reasons for leaving Cameroon being near the end. This tactic tests the knowledge of asylum-seekers of the (often already reordered) content of their narratives, giving truth to the saying that they must understand them 'inside and out'. Asking questions out of chronological context keeps asylum-seekers from giving narrative testimony during cross-examinations and has the potential, possibly by design, of confusing them.<sup>63</sup> Of course, in an objectivist legal setting, one should never be confused by something that one has experienced, however questions about it are posed. By actively reordering the way in which narratives are told, DHS attorneys can frustrate respondents while choosing to end with the points they feel are least characteristic of a

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63 The narrative it prevents is the narrative of William O'Barr's (1982:76-82) language lab analysis of narrative as opposed to fragmented speech in courtrooms, in which juries regularly found longer segments of testimony more credible than fractured ones, especially when being directed by the witness' lawyer.

worthy immigrant or trustworthy asylum-seeker.

### *Hyper-Specificity*

In asylum court, one must sometimes know the answers to extraordinary questions. Other times, I think it is reasonable to say that respondents must know the answers to impossible questions. These integrate with several other techniques here, and the hyper-specific content of DHS questions refers to asking for clarity in detail that is extremely specific. Where, exactly, in the border of the Congo and Rwanda, did you cross? What were the names of the police officers who detained you? These questions play into the idea that asylum-seekers, having experienced what they have, have absolute and easily accessible recollections of their circumstances. This again follows Joan Scott's critique of the fallacies by which we may imagine history and identity, and she wonders if the idea of experience has any utility left over from such a decoupling from the notion that people *absorb* anything through it. Still, and once again, DHS attorneys may participate in their professions while being ignorant of much of the content of specific cases while putting respondents through the paces of answering the unanswerable. Asylum-seekers must also admit that they are not absolute experts of their pasts in small, but focused, increments.

The best example I heard was long before I imagined this research, in my early experiences with CTT. An asylee told me that during his defensive hearing, the DHS attorney wanted to know about his torture. Specifically, he did not believe that he could have been hung upside down, in the dark, for very long and still lived. How long was it? The narrative had given a time of four hours, but the only witness was this respondent. This is not a question that one, in any other context, could actually expect an answer to. The asylee, in what has been the

most skillful deflection of a question I have yet encountered in asylum court, shrugged his shoulders and said, “It's hard to say. It was too dark to see my watch.” This statement used humor to point out the absurdity of the question, and the DHS attorney retracted it.

### *Physical Evidence in the Presence or Absence of Experts*

The handling of physical evidence in political asylum is as *ad hoc* as the system itself. To asylum-seekers, their scars are obvious physical markers of what they say happened. To DHS attorneys, the same scars could easily be caused by any number of events that do not indicate persecution. Physical evidence is thereby a frustrating matter for asylum courts. The favoring of the objective over the subjective would favor the physical over anything, but such evidence is entirely subjective. Physical evidence creates a battle for expertise, much like Timothy Mitchell (2002) describes occurring in Egyptian development by Western interests backed by professionalized, credentialized development experts in myriad fields. However, in the field of US political asylum, even among fairly well connected asylum-seekers who have many scars and photographs of past wounds, expertise by way of expert witnessing is not nearly as common as physical evidence presented in court.

When such evidence is part of a medical report, however, the stakes are raised. The system does not have the resources to attain independent medical or forensic advice, so one of two things happen with medical reports. They either become buried in the entirety of the hearing, with perhaps them being referenced by the respondent's lawyer and not brought up by the DHS attorney, or an actual doctor comes into the courtroom to give such expert testimony. This doctor will give such expert testimony during the questions that the respondent's lawyer

asks. However, she or he will face a catch-22 when the DHS attorney questions him or her. The attorney will easily paint the doctor as either biased in favor of the asylum-seeker by any number of indicators (who would not be?), or the doctor will find him or herself described as not knowing enough about the case to really determine. Besides, the forensic sciences do not have much to say about torture scars on living people, so the testimony may be deemed conjectural anyway.

The scene with Emile, having taken his shirt off in open court, with all three legal experts peering into his chest, amply demonstrates the frustration caused by objective data without unbiased expertise. None of them holds claimable expertise over the scars on Emile's chest, and the only one who knows about the matter cannot be trusted to answer truthfully. What they get instead is, like so much in the asylum system, what is available, a somehow shared understanding (or imagining) of what torture scars look like. I would imagine that this knowledge is scant, but it is predictable that each found the scars to be whatever was best for his or her side. The judge seemed satisfied that, after all, Emile has something on his chest that is a different color than the rest of his chest. The DHS attorney had to concede to the objectivity of perceived color only, which was hardly the mileage Emile or his lawyer had hoped to get from color photography that corresponded to elements of Emile's torture narrative.

It is interesting to note that physical evidence so often plays a role when it can so frequently be nullified or rendered as only slightly important or convincing insofar as it corroborates some element of narrative statement. It seems that all parties take it as significant because it appears to be objective, being outside the verbal claims of asylum-seekers. It still seems objective to all legal experts in the courtroom even when physical evidence is mystified



by their lack of a basis for examining it, or at least it is mystified by the generalized difficulty in determining what caused wounds with faded scars, ambiguous joint pain, or even high resolution photography taken near the time of occurrence.

### *Choosing Content, Eschewing Personal Context*

DHS attorneys are not obligated to spend equal amount of time on any particular part of the respondent's application. This might be implied by the way they can 'play' with chronology, but it is worth singling out their power to decide what the cross-examination consists of. There are enough items above to suggest that they favor objective-seeming elements that are easier to prove false, or ones which can cause asylum-seekers to otherwise make mistakes by making them nervous, especially those which they can use without themselves knowing much about the application.

It is just as significant what they avoid in their cross-examination. They consistently avoid the cultural, political, religious, and ethnic backdrop of the claim, an intriguing omission when one recalls the definition of refugees which the United States has acceded to.<sup>64</sup> I would suggest that these being areas of asylum-seeker expertise, DHS attorneys are unlikely to uncover contradictions or areas of asylum-seeker confusion. Besides this, it does not benefit them to give asylum-seekers more time to talk with authority while they search for contradictions. Add to this the limited time DHS attorneys have to prepare each case, and this seems like a likely area of

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<sup>64</sup> [A person,] owing to a well-founded fear of being persecuted for reasons of **race, religion, nationality, membership of a particular social group, or political opinion**, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country. (1951 UN Convention Relating to the Status of Refugees, emphasis added)

avoidance. They often avoid the asylum-seeker's personal history in general terms, such as Chloe's lawyer allowed her to discuss, probably for similar reasons. When the DHS attorney in Chloe's case asked about her past, it was in a highly specific way referring to a single afternoon's events. Thirdly, and note that not all asylum-seekers are torture survivors, but they seem to avoid talking about the torture directly in most cases. In the one I mentioned above, it backfired. Here asylum-seekers are at their most stressed, but they are also at their most sympathetic while rendering DHS attorneys in the position of an interrogator. Eschewing talk of torture in an asylum claim is the opposite of what one would expect from such hearings, but for the above reasons, it makes sense in the unique context of asylum's *ad hoc* courts.

## **Resolving Cases**

Readers of the previous chapter already know how asylum-seekers overcome these challenges when they do, but as we saw in Chloe's case, they do not always do so. Defensive asylum courts may be boiled down to management of too many cases. How can a system of *ad hoc* administrative adjudication make judgments about the totality of human persecution which ends up within the United States' borders? The answer seems to be an aggressive policy of reframing the questions over which they have been tasked. Asylum-seekers sign documents that swear the truth of their testimony and applications and to their identities as the respondents, and by doing so they enter a field in which their claims may be contested. Matters of quality like the circumstantial and the political, parallel to unknown other with specific and potentially powerful kinds of knowledge is transformed to a contest over not only specific claims (as it had to come down to anyway), but the exacting veracity of the entirety of claims given in both textual and

spoken testimonies.

The field set, respondents' lawyers evoke from them painful but rehearsed testimonies in long form, and witnesses enter to attest to the character of asylum-seekers. All such testimony eventually becomes subject to the cross examination of a person who has little time to prepare, but who nevertheless has adopted a set of strategies that may subject asylum-seekers to hours of questioning. Each moment becomes an opportunity for DHS attorneys to expand the gap between written and spoken forms of testimony, or, worse still, between two different spoken statements during the cross-examination. Well-prepared asylum-seekers will minimize this gap because of the long hours of rehearsal, but areas of confusion or which asylum-seekers cannot give satisfactory answers to will probably emerge during lengthy sessions with the strategies above. What is surprising, after all, is that after long defensive asylum hearings, a limited degree of error, confusion, and mistake is actually desirable.

It must be said that bearing the burdens of proof, especially in asylum court, is not about being perfect. In fact, in such a context, being perfect smacks of preparation. Even as preparation wards against myriad tactics in asylum court, in the discourse of the field, a truthful asylum-seeker should not need to prepare. The ideal asylum-seeker, is one who has had to overcome difficulties in winning asylum. Their performance has not been perfect. There are gray areas of their testimony, and these gray areas enable DHS attorneys to prod respondents into discomfort and uncertainty. They allow immigration judges to actually judge cases, deciding whether they believe respondents. The judge in Emile's case told him that there were areas of his testimony that he was not sure about, seemingly praising the DHS attorney's work in opening them up (and thus including him in the victory they would all share). He quickly added that he

expected such uncertainties, because, after all, the most believable cases do have such uncertainties. The objective is finally pushed to the side as the subjective, after all, was expected to some degree all along.

Successful asylum claims thus end in a win/win/win scenario. The asylum-seeker becomes an asylee. The DHS attorney joins the other side before victory is declared by saying that the government is satisfied. The judge presides over the admission and protection of a true victim of foreign persecution, crowning respondents with the title and rights that accompany the decision that they are worthy. The system itself is warded against fraud in one more case. By making asylum-seekers jump through hoops, the system is one step further from the days that asylum was most politically vulnerable to fraud. Workers in this field of asylum service are thus further from the potential harms of reorganization that have taken place in response to depictions of the system as a poorly guarded gateway into the United States. When asylum-seekers win, in the end, everyone gets to agree that the respondent deserves to stay in the United States, and that a good day's work has been done. This courtroom collusion raises the point I wish to conclude this chapter with, the reality that such an individual hearing is actually brimming with the results of collaborations between asylum-seekers and others.

### **Asylum-Seeker Networks in the Courts**

As they work through the system of asylum, asylum-seekers are often depicted as being alone. Looking at the system from the outside, one would imagine that it forces them to be in the default state of anyone without benefits, a right to work, and social connections in the country they find themselves in. Certainly, sitting in someone else's house, alone, as so many spend so

much time when they arrive, or appearing on the stand in defensive asylum court, asylum-seekers might feel alone. Many asylum-seekers likely have to face all of this by themselves, unknown to this research entirely. For my informants, however, as has been the theme of this work, they defy isolation in key areas of their lives, finding it helpful, even necessary, to meet the obligations of asylum. These obligations are incompatible with being alone and without benefits. Asylum-seeking in the United States all but requires relationships of charity, friendship, and reciprocity with people who receive no compensation other than the satisfaction of helping out someone worthy, someone who will do whatever they can to repay their kindnesses later. This section resolves the chapter by exploring the importance of social connections as they relate to the specific obligations of the system of asylum.<sup>65</sup>

To imagine the significance of the people in asylum-seekers' lives to their ability to succeed in asylum court, imagine asylum-seekers as actually isolated from them. Imagine the complex relationships they develop with lawyers as boiled down to a cursory and hasty legal relationship shortly before the hearing. Imagine the empty courtroom observer area as asylum-seekers give testimony. Imagine the recurrence of traumatic imagery during questioning by the DHS attorney, which torture-survivors cannot stop thinking about, suffering a flood of the same emotions they felt as they do so. Imagine asylum-seekers finding their own way to meetings with lawyers, or the many steps along the asylum process. Imagine their inexperience with

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<sup>65</sup> I have done this in every data chapter, and this last time, the idea might seem repetitive. However, this time, I am covering the *direct* requirements of asylum rather than all of the indirect requirements that asylum-seekers have to meet as well, such as housing, food, and clothing. There remains some overlap, of course, especially with the last chapter's consideration of the relationships between asylum-seekers and lawyers, whose primary purpose is in facing asylum's requirements.

working with translators. I imagine that such asylum-seekers, however true their claims, are severely disadvantaged in hearings like the ones described above.

I have only to point to the previous chapter to suggest the significance of the relationships asylum-seekers can build with their lawyers. This relationship is the primary site of work that asylum-seekers can do to increase their odds, or, almost as significantly, their feeling of their odds of gaining asylum. Through this work, they take further steps in becoming asylum-seekers subjectively, and lawyers and NGOs treat them differently because of it. They see them as stronger and better able to stand up to the rigors of asylum court. They do the practical work of memory and rehearsal of their narrative, minimizing the gaps between oral and written testimonies and managing their answers to DHS attorneys far better than those who had not developed working relationships with lawyers. Lawyers themselves learn much about asylum-seekers through this process, and they are better able to represent them because of it.

Again, I point to a previous chapter, Chapter 3, when I say that the work that asylum-seekers who have survived trauma do with psychologists is crucial to their performance in asylum court. There I described how Dr. Miguel worked with torture survivors to reorient their cognitive theater, so to speak, away from repeating the incidents of violence they faced and towards short term goals. Steps on the road to asylum are often the goals that they focus on as they reduce the effect of the emotional replay of violence to the point where they may actually manage themselves as they discuss that violence with others. That discussion, however mediated through the ways the courts described here operate, is the point of affirmative asylum interviews and defensive asylum hearings. In a system where every word, every pause, and every stutter is logged into an adversarial struggle, this work with Miguel must allow asylum-seekers to be able

to think more clearly about what they say and how they say it. Each asylum-seeker I interviewed felt relieved that they did not have to endure an asylum hearing without Miguel's psychological help. Chloe, as was felt by CTT staff, was just getting over her trauma as her hearing approached.

Asylum-seekers can alter the structure of the hearing itself when they can call on people they have interacted with as witnesses. Witnesses can say things about asylum-seekers which they cannot say themselves, and it can be significant to a hearing to have them expressing their respect and concern for the respondent. Emile had two, who were both there to speak to his character. Even though one faltered in cross examination, it was evident that Emile had many people who advocated for him. The testimony of the one who stood up better to examination, the Cameroonian asylee, was probably another factor in the judge deciding to grant Emile asylum.

Sometimes, asylum-seekers can even gain expert witnesses through their network, most often medical doctors or psychologists. I have explained the ways in which such witnesses' testimonies may be mitigated in adversarial court, but these are still significant. Dr. Miguel explained that his challenge was always to present himself as knowing the asylum-seeker greatly, but not appearing as an advocate for his clients. He would do this by giving them every quantitative marker of trauma that he could, letting psychological testing serve as the objectivity the court desired. In the eyes of some, this has proved decisive many times, though other times he wonders if the way asylum courts handle expert witnesses make his testimony worth very much at all. At the least, such testimony demonstrates to courts that the respondent has gained the concern of an expert other.

Not all significant relationships must be long term. Asylum-seekers need people to drive

them to appointments with lawyers psychologists, refugee clinic doctors, or to the fingerprint-taking office. They need clothes to appear in court, and I have yet to meet an asylum-seeker who fled with a suit or a nice, knee-length or longer dress. Most will want to cut their hair regularly. They will have needed people to operate or give them access to office equipment for copying and faxing, or to computers so that they can research or contact family members. I have covered a large range of such people in previous chapters, so here I mention that they help in practical ways that directly affect their presence (and appearance) in court. In addition to this, the quality of asylum-seekers' experience during the potentially long course of their claim has a great effect on their well-being as well as the ability to connect with other people, which has everything to do with their performance in court.

Extremely significant, I think, is that well-connected asylum-seekers can 'pack' a courtroom with some of the supportive people they have met over the course of their asylum claims. Chloe did this, though her social network was mostly current asylum-seekers, people whom CTT discouraged emphatically to not attend the hearing, but to give her their best wishes and prayers. She still had a full courtroom despite this. Emile had fewer people, but even the few who were there to see him is unusual. In each case, the presence of people within the spectator area of the court was significant enough for the judge, after setting up the digital recording of the proceeding, to acknowledge and interact with the audience.

Having an audience is so significant to asylum hearings because such hearings usually operate in private. Although a recording is made for each hearing, members of the public cannot actually access it without the respondent's written permission. The results of hearings are known and published in various sources online by immigration professionals, but those are at the scale



of the totality of each judge's decisions, and they are largely of interest to immigration professionals. The hearings themselves happen on weekdays at times when most people work or attend school, deepening their private space apart from the public. When people are there in court, the public nature of such hearings is actually, however rarely, in effect. It is difficult to qualify exactly how an audience affects the procedure, but lawyers and NGO professionals I interviewed suggested that an audience of people who know the respondent can cause the procedure itself to favor the respondent.

An audience probably has some influence on the performance of judges and DHS attorneys. As Foucault writes in Discipline and Punish of the panopticon, the possibility of being watched is much the same as actually being watched, and the observed can be made to adopt the expectations of the observers (who can punish them) (1977a). In court, of course, the audience has little capacity to punish the people who control the hearing. The potential to punish comes later, when judges end up in newspapers or under the additional gaze of politically minded people on 'watchdog' type sites online, characterizing the work they do as the work of the cruel and ignorant. Such a characterization does matter, even though they are not elected officials, because the system of asylum itself is so embedded in the world of legislative and executive branch politics, the acts of which can change the rules by which immigration judges operate. DHS attorneys answer to officials within their bureaucracy directly, so their performance should be considered as even more vulnerable to the negative consequences of scrutiny.

Besides this, it matters greatly to the asylum-seekers themselves, so long as they will not be made nervous, to have an audience of people who have supported them along the way. It validates their worth in the eyes of those people as asylum-seeking subjects overall to have

people come to watch them, hoping for their success along the way. Emile told me that having people present was very significant to him because we reminded him of what he had gone through to get where he was, and all he had to do was remain calm and think about his answers to finally ensure his asylum. By consensus of CTT workers after Chloe's disastrous hearing, she was actually trying to boost her self-confidence by having many people who believed in her be present. Most of them have suffered for asylum, and it matters to them to have their experiences, in the US and in their countries of origin, finally justified by having people who supported them along the way present.

With the help of all of these people, asylum-seekers sit at the side of the judge and give their testimonies. They remake themselves in the image of the worthwhile immigrant other as they give evidence that passes an array of objectivist questioning from a system that presumes their fraud as a matter of procedure. They render themselves believable, but not perfect, after all, and by doing so they subject themselves to the decision of the court. The court, hopefully, decides that the benefits of asylum has not been a great incentive to this person who has lost everything to ensure his or her safety. In so doing, it has managed one more case of a weighty load, streamlining the procedure, but not so far as to not be able to render some sort of test to asylum-seekers.

Roughly half the time in the past few years, of course, asylum-seekers do not get what they want from defensive asylum courts, whether it is Withholding of Removal, a further delayed case, or even a denial. There is still one more step for those who have been denied, which has them waiting a further six months on an appeal by the Board of Immigration Appeals. I close here with Chloe, whose hearing showed the *ad hoc* nature of the court better than any in its

response to her 'break down'. I am happy to report that she held her ground in her subsequent hearing, and she is currently an asylee of the United States.

## Chapter 7: Conclusion

The conclusion to this dissertation will follow two objectives. First, it will trace and underline common themes that can be followed through the course of the dissertation to draw more generalized conclusions than each chapter has done individually. Second, it will suggest different directions for further research in the future.

This dissertation has been about seeking political asylum in the US, informed by the experiences of a population of torture-survivors at various points in the system in 2009. Chapter one contextualizes the system of asylum as one which places many burdens on asylum-seekers that can be located in political and organizational realities. Asylum-seekers must turn to others for help in bearing those burdens. Chapter 2 explains how I approached research within that context. Chapter 3 details a system in which people learn about, apply, and start down a long road of *becoming* asylum-seekers over six month to two year (or longer) process. Throughout this process, asylum-seekers struggle with the realities of a system with no provisions for their care while overcoming extraordinary psychological conditions. Enduring such a system will require the resolve one may expect from extraordinary individuals, but it will also require a wealth of relationships that they must navigate to endure the process. Chapter 4 observed the ways that asylum-seekers enroll as beneficiaries of NGO services, tracing how NGOs develop and maintain a variable set of services and then how asylum-seekers may do the social work within NGOs to gain access to their broader networks of services. Chapter 5 used the framework of how asylum narratives are written to explore a meaningful but vastly unequal collaboration between asylum-seekers and their lawyers and others. These narratives represent a primary

space of work for asylum-seekers, and their mastery of the oral performance of that narrative marks them as 'ready' for asylum just as it indicates an effective relationship between asylum-seekers and lawyers. The intense work of asylum-seekers and lawyers belies the existing system of courts that frequently await writers of those narratives, which I described in Chapter 6 as thoroughly demonstrating the burdens that characterize the system at large. These courts are overwhelmed, and asylum-seeking subjects within these courts must contend with a battery of simplistic and objective-seeming measures of their legitimacy, ultimately playing well-rehearsed games of minimizing gaps between spoken and written testimony while appearing to have a good character. Their long awaited moment of explaining the circumstances of their fleeing for their lives is reduced to a challenging set of courtroom tactics that do not, after all, have much to do with them as individuals. Their interactions with others through the course of their asylum claim come to fruition, as well-connected asylum-seekers demonstrate the effectiveness of those relationships in ensuring effective legal council, acquiring witnesses, and packing an otherwise obscure courtroom with American citizen observers.

Social networks are a unifying thread of this dissertation, a framing that ties in asylum-seeker agency despite myriad structuring forces over their lives as well as the cultivation of asylum-seeking subjectivities throughout that network. In a system which, for political reasons, maintains a stubbornly limited number of employees, and which, also for political reasons, cannot make political asylum an appealing prospect, asylum-seekers are left on their own in situations which are almost always untenable. They cannot work, and they regularly have small bank accounts, even when they are not frozen. Asylum-seekers are forced into a situation in which they need others extensively, just to meet basic necessities. They will need myriad others

to improve that minimal existence, alleviating destructive psychological trauma and doing the extensive work required to succeed in the arena of asylum. Over time, within the first year with a little luck, asylum-seekers who are not detained will expand their social networks to the point that knowledgeable others will give them key ideas with regard to their legal situation: that they should become asylum-seekers, that they should do it within a year, and that there are agencies which can help them.

Arriving at such agencies, their development as 'asylum-seekers' is encouraged, they learn to present themselves that way, and they are given services which are predicated upon that status. New configurations of possibilities open with this status. Asylum-seekers enter a field of competition with other asylum-seekers, though initially they do not have much say in this. Asylum-seekers are judged on their relative needs, which emerge from the proof of the relative extremity of their informal narratives of why they have come. At CTT, torture-survivors gain access to free psychotherapy wherever they meet the agency's loose expectations of who their clients are. This can enable a remarkable shift for them in terms of their everyday experience of the world around them, opening them up to their present realities while freeing them from such constant replaying of a painful past. This is not all, however. They remain at the cusp of a wide array of further possibilities, and CTT makes this known to them. Asylum-seekers can develop relationships within CTT that connect them to shelter, food, transportation, translation, language education, and medical and legal professionals. The networks available at CTT amplify the networking asylum-seekers have previously done, ensuring survival and encouraging meaningful development as asylum-seekers.

Frequently, through this work, asylum-seekers gain the service of cheap but passionate lawyers, whom they can work with to ensure their chances of gaining asylum. The context of their narratives demonstrates the quality of limited agency asylum-seekers have over their own pasts. They cannot merely tell about what happened to them, because they will be challenged in affirmative interviews and especially in defensive asylum court. Further demonstrating their status as legitimate asylum-seekers, they accept that their 'day in court' will be a highly mediated and contested affair while they work with their lawyers to enhance their performance of their stories. This is a crucial part in an asylum claim that reaches the defensive asylum stage, and it is only possible with an ongoing relationship of trust, mutual understanding, and extensive collaborative work between an asylum-seeker and a lawyer. When this relationship is strong, the asylum-seeker gains an understanding of the system at hand, and he or she will be well-rehearsed and ready for the set of tactics which DHS attorneys will use to undermine them. The lawyer, for his or her part, will go to court as advocates who are knowledgeable about the personal history of the respondent, in a close approximation of what the asylum-seeker will have done. Together, they will tell a cohesive story of a worthy asylum-seeker in the way that courts require. A weak relationship between the two results instead in feelings that asylum-seekers are not in fact worthy of asylum, coupled with anxiety of possible return when they are not so well versed in the system at hand. The relationship, good or bad, must endure a potentially long duration, over which it can of course change. Asylum-seekers respond against this, knowing that their work with lawyers is key to their success.

Defensive asylum-courts represent the totality of their relationships with others and the possible conclusion of their status as asylum-seekers. Their relationships with others beyond

their lawyers can emerge in meaningful ways. Concretely, they can obtain witnesses, and furthermore expert witnesses in psychologists or doctors. These can testify to the character of asylum-seekers or the technical merits of their case, which can be used to triangulate the asylum-narrative and render them as a person with values which are culturally compatible. They can furthermore fill a courtroom with well-wishers, underscoring the validity of their claim that so many would come to see their fate in defensive asylum court. However, the extent of the meaning of the relationships that asylum-seekers build is not so limited to the people within the court. Having people to take them places, to translate for them informally, to cook food for them, to offer them shelter, to find clothes for them or to cut their hair, these kinds of things have consistently improved the lives of asylum-seekers, which can have an ongoing meaningful effect on their preparation for actually being asylum-seekers. It shows them that people, even American strangers, can be convinced of their worth enough to help them. It legitimizes their worth as asylum-seekers – they did not leave everyone and everything behind for nothing. When an asylum-seeker has hope, after all, he or she will be optimistic and eager to do what is necessary to win asylum – and make no mistake, there is a great task that must be done to 'convert' alien others into legitimate seekers of asylum who can secure asylum from a system set up to presume their denial.

When asylum, or even withholding of removal, is gained, former asylum-seekers are freed from great burdens. The continual threat of deportation – and death – has been finally lifted, and asylees emerge from it weary and euphoric. They become free in many senses. The most important, freedom from the threat of death, has been attained by giving over themselves to the trust in others who can remake them into deserving asylum-seeking subjects. That status



develops over a long while, and it is essential to asylum-seekers to maintain it, by showing up at NGOs like CTT, maintaining contact with their lawyers, and generally obeying the directives of authoritative members of that community. With the loss of that status, however, these networks prove themselves to be contingent upon asylum-seeking status and the urgency of need that accompanies it. Asylees, for the first time in many months, effectively start over, now free to pursue their lives in the United States, but they do so without much of the network which they used to make themselves strong again, facing strict time limits for benefits, stark differences in what counts towards professional experience, and a racist, sexist, classist, and often xenophobic society. Many will recast themselves again, rejoining their families and gaining impressive social status, education, and the benefits that accompany those things within the US. Others become lost to NGOs and this research, either moving on with their lives positively, struggling to survive as asylees, or enacting the frightening talk many have of returning to their country of origin prematurely. Status and structure, were, after all, key links between people in need and caregivers, relationships which asylees largely lose the ability to maintain, and which caregivers attend to newer, needier arrivals. Asylees, in many ways, may face the US anew, but alone once more.

### **Further Directions of Research**

The remainder of this section will suggest directions for further research that my own research has brought to light. Much of these seem obvious in retrospect, but I was nevertheless oblivious to them until I spent enough time with asylum-seekers going through the process of

asylum, realizing the depths of relationships peripheral to the asylum-seekers themselves which create much of the social, political, and legal contexts of their everyday experience.

The most obvious direction I continually encountered throughout this research is to go backwards. That is, in a political-legal field with little institutional memory, where the rules change dramatically every decade or so, there is a considerable need for a genealogical approach to the development of political asylum. This genealogical approach would be as concerned with historical documents such as annual reports to Congress and the legal engagements which have shaped the system as it would be concerned with tracing the thoroughly political discourses which have complexly shaped the process. A genealogical approach would be effective because these discourses also become silenced in the application of the reality they shape for asylum-seekers. At the least, one would need to understand that asylum is not solely a matter of post-Second World War human rights agreement, numerical and procedural management, or vehement anti-immigrant discourse, but rather that its history would make little sense without an understanding of an interplay of these realities. This approach would also benefit from an understanding that political asylum, itself idiosyncratic in a broader system of administrative law, is comprised of dozens of courts with radically different expectations, eight asylum offices with apparently different specializations according to location, and a diverse system of voluntary agencies (NGOs) who compete for sparse refugee related funding. Such a work would de-emphasize the *ad hoc* nature of asylum, thirty years after its more systematic implementation, explaining some of that idiosyncrasy while posing important questions about what such a system gains through its relative obscurity, how politics continue to shape its governance, and how the

system responds to broader trends in US government such as privatization and the invention and use of new metrics.

A complimentary approach to this would be social research on each of three sets of government asylum officials: the asylum officer corps who interview asylum-seekers in the affirmative process (while answering directly to supervision), attorneys who represent the Department of Homeland Security, and immigration judges, who handle far more cases than just those of asylum. This research would not be easy to obtain. The spaces in which each of these actors operates is highly controlled, but if a researcher were to do quality research with any of these individuals, it would go far in explaining the interpretation and application of the policies that control so much of the lives of the people I represent in this research. I saw glimpses of such figures, but I have no better account of their experiences than they had of the asylum-seekers they encountered briefly in interviews or in adversarial court. What I have seen, though, in the scant research and documentary about them that is available, are people who have, or had at one time, a passion for refugees coupled with concerns for humanitarianism, justice, and/or protectionist immigration politics.

Related to this is a much more difficult to access branch of the system of asylum – the Board of Immigration Appeals. Their work is highly subject to the politics in Washington, and their function – deciding whether appealed cases have merit as a last chance for asylum-seekers – is frequently the target of adjustment in some way. Their work is often streamlined, as they are construed as a sort of dam stopping the flow of denied people out of the country just as they are credited with being an important check on the operation of immigration courts and the defensive asylum hearing within them. The politics often move them onward, but this raises fascinating

questions of how such a body interprets the world and their place in it, that they may decide such a volume of cases with so few individuals, where every impetus they receive from the political world around them is to hurry their work along. I also wonder what kind of work the presence of such a body of people does for the defensive asylum courts. If they are wrong about a case, as they frequently are,<sup>66</sup> they could be sentencing someone to death, which is something I should think would cause the actors in a defensive asylum hearing to take pause. I wonder if the presence of the BIA shapes the court's interpretation of the legal standards they must meet, as well as their willingness to play in politically encouraged games of numbers and expectations of haste.

The US government relies on NGOs to fulfill much of the social work that must go into the system of asylum. I have indicated here how important NGOs can be as social resources for asylum-seekers, but the field of refugee service NGOs makes for a good candidate for further analysis. Of particular interest to me is the way that such agencies tend to specialize, and therefore they need each other to fulfill their obligations funding sources while still competing for limited funding. The largest source of money is the US government itself, through the Office of Refugee Resettlement, which provides a complex pipeline of US power and policy over NGOs in this field. This is resolved through personal interactions between NGO executives and ORR managers, as ORR implements new policies and accounting regimes over NGOs collectively and individually. Those NGOs acquiesce to those demands but also battle them

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<sup>66</sup> Again, I reference the conceit of my NGO informants and myself in our imagining of how far someone will go to lie, face to face, every week with a psychologist who has treated over a hundred torture survivors, when the benefits from such an endeavor are often quite indirect and most obviously psychological.

through argumentation of who, after all, has a greater understanding of the populations of concern. Thus, a situation of unequal power, unequal knowledge, and differing pressures (political vs survival) could preface further study of how NGOs survive a field of competition and high government expectations.

Translators are complex actors within the system of asylum that are problematically conceived of as intermediaries between asylum-seekers and others. I would like to see research that explores translators themselves, who effectively cannot speak in encounters with asylum even as they enable it. There are professional translators as well as informal ones involved in each of the ways that asylum-seekers must interact with others, all of whom are deployed by NGOs and the United States to manage the world's linguistic diversity. One avenue of research within this subject is the question of how a particular ideology – the idea that speech can be translated on the fly, and in extremely controlled ways (for example, omitting clarification practices between translators and speakers) – shapes courtroom experiences for speakers of languages other than English. It raises the further question as to the equality of the chance to win asylum: do primary speakers of languages other than English have the same opportunity in the system of asylum, or do they face the double penalty of communicative difficulty and cultural othering? The ideologies surrounding translators erase such challenges, each of which must actually have some effect within the system of asylum.

Witnesses in defensive asylum court are another group of participants in the asylum process whose experiences are thus far academically under-appreciated. As I showed in the previous chapter, such witnesses are not always prepared for what they will encounter, and they would, I predict, expect a similar triumphant moment of truth telling that sets asylum-seekers

free from persecution that asylum-seekers predict. They will instead encounter an adversarial and cynical system that presumes fraud as a matter of course, and I would like to know what kinds of preparation lawyers and such witnesses do, as well as how such experiences shape the subjectivity of witnesses as Americans with political concerns.

Expert witnesses are another set entirely. There has been research done that accounts for their presence in other courts where trauma plays a role, such as Carole Blackburn (2010) has done in Canada, where experts testify for state benefit and claimant rejection. There they play into objectivist aims of courts to counter the narrative claims of asylum-seekers, but in the United States, DHS attorneys do not call expert witnesses. When present, they therefore are additional advocates for asylum-seekers, and I would like to see how their expertise is managed in a system that cannot match their expertise in medicine and technology, but, as the previous chapter has shown, is perfectly capable of using tactics that create distance between oral testimony and the written application, rendering expert witnesses as irrelevant or too biased in favor of the respondent. This, is, as of yet a supposition about the broader experience of expert witnesses from those I interviewed. With further research, a more holistic understanding of the role of expert witnesses in asylum courts could be established.

Of crucial importance to this research is how asylum-seekers fare after they become asylees. There has been much work on refugee populations, but asylum-seekers are not merely the same people who have entered the United States a different way. Asylum-seekers, when compared to refugees within CTT tended to have a higher education, on average, by several years. They also tend to come from different countries, and there is often not already a large presence of so-called ethnic enclaves for asylum-seekers to use to ease their way into the United

States. Add to this what I propose in Chapter 3, that the process of seeking asylum can cause them to fail to plan for actually being asylees. With their backgrounds and experiences so different from refugees, one can hardly assume that their experiences are the same. I have met many asylees who are finally on their feet after tumultuous first years after winning asylum, and I have heard of others who still struggle to restore something of the life they had in their countries of origin. How they imagine and approach such further challenges is currently poorly known, but it could shed light on a process by which people, finally with a durable legal status, enter into new NGO and government networks of assistance as they remake themselves, probably while covering their recent pasts, into employable people within the US. A subset of this research could cover what might be considered the aftereffects of asylum, tracing the practices and networks that asylum-seekers develop to see what happens when the asylum-seeking status, and the accompanying denial of basic means of existence. This could inform policy well beyond the basic metrics that normally inform it, with regard to the effects of the process and the potentially lengthy duration of asylum claims.

Lastly, and I think most pressingly in need of research that may inform policy is the question of detained asylum seekers. As this dissertation notes only through mention rather than with ethnographic benefit, some asylum-seekers are detained and placed in actual prisons while they move through the asylum process. Their treatment there is predicated on the same operational manuals of other detention facilities, and sometimes they are facilities which are shared with American inmates. I am left with only an imagination of how asylum-seekers, especially torture survivors, cope with their extraordinary legal struggles under extraordinary denial of physical circumstances. The only asylum-seekers who do receive benefits with regard

to their basic needs with government funds are those who are in prisons, in a situation that says much about the discourses of threat and fraud with which asylum-seekers are imagined. This is a world apart from the experiences of the asylum-seekers of this dissertation: they do not have an affirmative asylum interview as described here, and their defensive hearing is expedited, with multiple immigration courts sometimes being built inside the prisons themselves. The significance of the limits that such systems place on contact with others, including the lawyers that are their only real hope for winning asylum and escaping imprisonment, is something that must be explored. How do asylum-seekers win or lose in such a setting? What is the trend of privatizing prisons doing to a population that is virtually silent from the discourse surrounding such practices? How do prison professionals understand these populations and go about enforcing policies to control them? How do imprisoned asylum-seekers fare in defensive asylum court, beyond the numbers which suggest that their numbers tend to be only slightly lower than free asylum-seekers? That is, how do imprisonment practices shape their experience of asylum, and furthermore following the above direction, how do they make a life in the United States after the prison doors finally open to them. In such controlled spaces, I certainly have more questions than answers, and it would take a researcher with remarkable institutional trust or credibility to access those spaces to the extent for which this research would call.



## **APPENDIX**

I present one-hundred asylum-seekers because the experiences of individuals vary so significantly, and because dissertation is full of the accounts of individuals, it is helpful to see asylum at a different scale at the outset. Our one-hundred begins without any legal status, merely as people crossing the United States border, by land, air, or sea in 2009, the year of this research.<sup>67</sup> They are among 47,900 asylum-seekers who filed new claims in 2009 in the US of over 922,500 new claims worldwide (UNHCR, 2010:16-17). The US is a distant second in terms of receiving such claims behind South Africa that year.<sup>68</sup> They have with them an additional one-hundred dependents – people who are not the primary applicant but whom meet requirements as spouses or children. 21 of our asylum-seekers, by mere misfortune of being stopped by immigration officials during their journey, are detained, by which, in the bluntest terms possible, I mean they are incarcerated in actual prisons by Immigration and Customs Enforcement (ICE), along with their dependents, where their asylum process begins

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<sup>67</sup> Those looking for a numerical accounting of asylum-seekers are in for a difficult challenge. Numbers tend to have to be pulled from multiple sources, because individual sources somewhat arbitrarily choose which numbers they account for. Department of Homeland Security Statistical Yearbooks (2010), for example, tell one how many asylum-seekers were accepted, but not how many had applied in total. The Executive Office for Immigration Review (2011) will indicate how many cases they handled total and the percentage of grants, but this does not tell us how many asylum-seekers won their claims affirmatively, and the numbers themselves fail to add up. Basic numbers such as this actually have to be triangulated from as many as four sources, one of which is the United Nations High Commissioner for Human Rights (2010). Links to these can be found in the works cited section of this chapter.

<sup>68</sup> South Africa had more than 222,000 asylum-applications because of the twin factors of Zimbabwe's political turmoil and South Africa's unwillingness to open refugee camps near the Zimbabwean border. The system of asylum essentially activates wherever refugees cannot find their way to camps.

immediately.<sup>69</sup> They have only the defensive asylum hearing, described later.

The remaining 79 are scattered throughout the country according to their mode of transport as well as any personal contacts they may have, which is certainly possible given their choice of the United States, wherever it was a choice. These 79 are unknown to the US government, and they remain status-less until they first learn about how asylum works in the US and that they might qualify for it, and they file form I-589, containing demographic information and the reasoning for filing for asylum. Those who meet these three steps within a year of arriving remain eligible for asylum. The rest will be eligible only for a lesser status, Withholding of Removal, a status I describe in Chapter 3.<sup>70</sup>

Having filed the I-589 form, the 79 applications have begun, technically once the United States Citizenship and Immigration Service (USCIS) has received them. In some countries, such as the United Kingdom, asylum-seekers would have access to various forms of government support during this time, such as housing, food, and medical attention. The status in the United States comes with nothing other than knowing that the process has begun (and also that one has made oneself known to the US entity that may deport unlawful immigrants). The time-line at the beginning of the process is tightly scripted. Within twenty-one days of that reception, USCIS will send applicants a notice to appear for an asylum interview as well the location and time frame during which they must get their fingerprints taken at an official location. Few of these

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<sup>69</sup> This assumes the 10,000 figure for annual detentions of asylum-seekers by ICE for non-criminal offenses, posited by Human Rights First (2009)

<sup>70</sup> Certainly, many people will never apply for asylum, preferring to remain hidden from the system entirely. However, their numbers are unknowable, so my count has assumed only eventual asylum-seekers.

79 will have any idea what to expect at this interview, which is the main event, so to speak, of what is called affirmative asylum. Many will worry more about two expectations the system places upon them. If they do not speak English, they must bring their own translator, or they will be denied outright. If they cannot find transportation that can get them to their interview, which may be states away and early in the morning, they will also be denied outright.

Most will make this interview, however, which is scheduled within 43 days of the filing date. They will find transport in the early hours of morning (or several days prior), because, of course, they cannot legally drive, nor could most afford a vehicle or even an expensive bus ride. They find their way to one of eight USCIS asylum offices or many more field offices, where they pass through security and wait for their interview, in a room filled with quotes by presidents about the immigrant past of the United States, with workers behind security glass. A member of the Asylum Officer Corps will retrieve each asylum-seeker, taking them into a small room for an interview. The interviews, by most accounts, are hasty, and they seldom indicate an officer who has had much of a chance to understand their case. Many will be asked something along the lines of “So, why did you leave your country and come here?” Asylum-seekers give their narratives of why they fled and hope for the best.

Each of our 79 who did not miss the interview or neglect to bring a translator, within 60 days of filing for asylum, will be called back to the asylum office to hear the results in person. This is generally two weeks later in my experience, and finding transportation for the repetitive encounter with the asylum-system is a bit harder. Again, if they miss the appointment, they will be denied affirmative asylum. In the same waiting room with the security windows, they will strain to hear the results through the protective glass, read plainly by a CIS functionary. 25 will

hear, in a monotonous tone<sup>71</sup>, “Welcome to America.” They have won asylum affirmatively, and they now qualify as refugees in the United States. 54 are informed that their claims have been challenged, and that they are being referred to an immigration court to face a parallel framework of asylum adjudication in the US system – defensive asylum.

These 54 rejoin the 21 who were detained and placed on this track all along. Each of these 75 asylum-seekers now must prepare to have their application 'tried' in an administrative court of the Department of Justice, with an immigration judge on the bench and a Department of Homeland Security attorney, who will wrangle with asylum-seekers and their lawyers in an adversarial fashion akin to US criminal court procedures.<sup>72</sup> In this court, however, asylum-seekers are not granted a right to an attorney, and the burden of proof for the asylum claim is on them. In that sense, it is the US government which plays defense in defensive asylum. As I describe later, their role is to undermine the credibility of asylum-seekers using a set of tactics which make sense as expedient solutions to an overburdened system. According to USCIS, within 180 days of filing for asylum, these 75 receive a decision on their cases.

Their numbers for affirmative asylum seem true in my experiences. Their number of 180 days, however, comes with a caveat that makes it rarely possible. In practice, each of these 75 will receive an appointment at a Master Calendar hearing in an immigration court, which is a hearing in which procedural matters relating to the scheduling of a case may be hashed out, but

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<sup>71</sup> Of course, I would not say that all similar CIS functionaries are so bored with their jobs that they cannot sound enthusiastic about relieving an asylum-seeker of his or her intense worry, but I *am* speaking from multiple observations. The consistency was remarkable.

<sup>72</sup> The detained asylum-seekers are already well on their way, and their cases tend to be decided within 4-6 months of their detention. Their detention is of course very hard on them, and it does not provide an ideal environment for legal research and cooperation with legal council.

which also does not necessarily lead to the defensive asylum hearing. Instead it may lead to another Master Calendar hearing, which takes, in my experience, three to five months to fit asylum-seekers in. This can go on like this for some time. Well beyond the stated 180 days, within 18 months to two years, most of these asylum-seekers will have had a defensive asylum hearing. During that time, asylum-seekers must wait while finding and working with a lawyer to prepare for the hearing, and they soon learn how to live without the right to work and with a continuing temporary legal status.<sup>73</sup> 21 will take the stand, give testimony, and weather the storm of adversarial court under great pressure to succeed or to be deported. These will win asylum defensively, gaining the same status as those who won asylum affirmatively, though with much time lost and with much more distance placed between the hearing and the events in question.<sup>74</sup> 24 will be denied, having another recourse, albeit an impersonal one considered a slim chance – appealing the decision to the Department of Justice's Board of Immigration Appeals.

In that same period of time, others do not even make it to the hearing. Extrapolating from the Executive Office of Immigration Review's statistical yearbook for 2009, seven asylum-seekers abandon their cases, which, given a lack of a guide to such statistics, I interpret as people who failed to arrive at a scheduled hearing. Fifteen others 'withdrew' their cases formally, which

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<sup>73</sup> There is a right to work for asylum-seekers whose cases have lasted longer than 180 days, but there is a loophole that almost always prevents this, which happens in Master Calendar hearings, having to do with 'who causes the delay'. The asylum-seeker may be said to have caused the delay when he or she 'needs time to prepare' for the hearing, which all asylum-seekers must be said to have need to do.

<sup>74</sup> Which is to say nothing of the very serious matter of time lost between spouses and between parents and children, who might still be living in asylum-seekers' countries of origin and may actually be in danger or (just as bad for asylum-seekers) perceived to be in danger throughout this time.

is something I have seen asylum-seekers do to prevent an official finding of a frivolous asylum claim, a charge that carries with it a life-long ban on legal admission to the United States. Such a finding itself may be considered frivolous by some, as I explain in Chapter 6 of this dissertation, following questionable practices of authenticating documents. Eight other cases are filed under 'other' outcomes, statistically, which I interpret (again without clarity offered by DoJ statistics) as people who might have qualified for asylum, but instead received only Withholding of Removal or perhaps some other rare status such as being declared a victim of trafficking.

Thus concludes a statistically informed journey of one-hundred asylum-seekers through the US iteration of that human right. 46 of the 100 won asylum, and a handful of others won some form of protection, and the ones who won asylum proper will receive refugee benefits at last along with the safety of asylum.<sup>75</sup> Like most years, we may say that roughly half of asylum-seekers win the status. This is something worth noting, that through all the waiting, delays, and careful control of asylum as an avenue into the United States, when someone shows up at the border and declares asylum, there is a roughly 50/50 chance of that claim being found to be meritorious. The discourse surrounding asylum is nevertheless highly political and protectionist, and there have been years where asylum's rules were actually common avenues of fraud. It would seem that the discursive effects of those years remain while the actual fraud has declined.

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<sup>75</sup> This is more a matter of possibility than reality in my experience, but asylum can actually be overturned if the US determines that someone's country of origin is once again safe. Asylum grants may also be challenged if an asylum-seeker chooses to return to his or her country of origin for any reason.

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