INTRODUCTION TO HEALTHRIGHT INTERNATIONAL’S HUMAN RIGHTS CLINIC

Thank you for contacting HealthRight International\(^1\) for a medical, psychological and/or gynecological forensic evaluation for your client’s immigration proceedings. Please take a moment to read this introductory memorandum. Understanding what we do and how we operate is critical to maintaining an effective partnership to serve your client.

**HUMAN RIGHTS CLINIC (HRC) SERVICES – GENERAL INFORMATION**

I. EVALUATION

Volunteer physicians and mental health professionals from HealthRight International’s Human Rights Clinic (HRC) evaluate survivors of torture and other serious abuse. If evidence of abuse is found, our clinicians prepare affidavits for use as expert evidence in immigration proceedings. The role of the HRC volunteer clinician is to examine the connection between a history of trauma and medical or psychological sequelae. Our volunteers carefully elicit a client’s story, and perform a detailed assessment of physical and/or psychological evidence in an attempt to establish whether a client’s claims are consistent with clinical evidence.

It is important that both the client and the legal representative recognize the limitations of HRC services. *Clients must manifest symptoms for our services to be useful: there should be residual physical scars for a physical evaluation, and at least some discernible mental health issues for a mental health evaluation.*

If there are specific issues or questions you are hoping to have our medical/psychological experts resolve, please inform us about them in advance, and we will try to accommodate your needs. Please also inform us if your client has missed the one-year filing deadline. The HRC does not have the capacity to conduct extensive tests like X-Rays, MRIs etc.

II. ASSIST NETWORK - REFERRAL FOR ADDITIONAL SERVICES

The HRC does not provide medical or psychological treatment. However, HRC clinicians often identify client needs other than those satisfied through the forensic evaluation. All clients are provided a list of local community resources following the clinical evaluation and are given the opportunity for further assistance in accessing physical, psychological, or psychosocial support from partners in the ASSIST network of providers. With specific consent from and in consultation with the client, HRC volunteer clinicians can make a referral to the HRC’s Access to Support and Services for Survivors of Torture (ASSIST) case management program. ASSIST case managers can assist clients in accessing additional medical, psychological and social services in their community. At the client’s request, their attorney may be asked to assist in linking the client to further services. Referral of your client for further services will only be made upon signed consent by the client. A client’s refusal to be referred for further services has no bearing on provision of HRC evaluation services.

\(^1\) Known as Doctors of the World-USA from 1990 to 2009
HRC CLIENTS

In order to receive services from the HRC, clients must (1) be a foreign national applying for immigration relief in the U.S., (2) have experienced some form of torture or other human rights abuse, and, (3) exhibit physical or psychological scars or symptoms of abuse. HRC clients include those who have fled their countries because of torture and persecution; immigrant victims of domestic violence; immigrant victims of human trafficking; survivors of female genital cutting/mutilation; and abandoned, neglected, or abused unaccompanied immigrant children. Protections sought include Asylum and Withholding of Removal, Special Immigrant Juvenile Status (SIJS), T and U visas, as well as protection under the Convention Against Torture (CAT) and the Violence Against Women Act (VAWA). If you are unsure whether your client is eligible for services, please contact HRC staff.

REFERRING YOUR CLIENT TO THE HRC

The “Human Rights Clinic Intake Packet” consists of the following:

1. This document, the “Introduction to the Human Rights Clinic”
2. HealthRight-Legal Representative Agreement
3. Intake Form with accompanying client statement
4. Client Consent Form
5. HealthRight Forensic Evaluation Coordination Fee Agreement

2. HealthRight-Legal Representative Agreement

To receive HRC services, the legal representative of the client is required to agree to the terms and conditions in the HealthRight-Legal Representative Agreement ("Agreement") included in this packet. This agreement should be signed by the legal representative of the client and returned to the HRC along with the HRC intake form.

3. Intake Form

All legal representatives requesting HRC services must submit a complete intake form on behalf of their client, which should be accompanied by the client’s detailed affidavit, I-589 narrative, credible fear statement or any other document in which the client has made a statement regarding the history of abuse.

Please be mindful of the following as you complete the intake form:

- The form must be completely filled out. Incomplete forms will not be processed and will cause delays. The demographic information is requested to fulfill guidelines under which the HRC functions. No identifying information will be shared with third parties unless signed authorization has been given by the client and/or their legal representative.
- It is especially important that you provide a hearing date, hearing type and filing deadline as assigned by the court, not when you would like to have the affidavit. Without this information we will not be able to provide timely services. Please update us immediately if the hearing schedule changes. Do not write “ASAP” as this is not sufficient information.
• We ask you to include a brief summary of your client’s torture/abuse, including the type and dates of ill-treatment, perpetrators of the ill-treatment, residual scars/symptoms, and the context of ill-treatment. Please do not write “see attached.”

• If you are requesting a psychological evaluation, please indicate any specific issues you would like the clinician to focus on in the section of the form labeled “For psychological evaluations.” For instance, you may want the psychological evaluation to address why the client missed the one year filing deadline or whether the memory issues the client is having are in anyway related to the past abuse.

• If you request more than one exam, please indicate which is of higher priority. If no priority is indicated, HealthRight staff will assign the client according to availability of volunteer clinicians.

4. Client Consent Form
The client will be asked to sign the “Client Consent Form,” consenting to the evaluation and stating that s/he understands the HRC appointment is for evaluation purposes only, not for treatment of any medical or psychological condition. The consent form includes permission to take photos to document physical evidence. Please have the consent form read to the client in a language s/he understands before having her/him sign it. The consent form must be received by the HRC before the client is scheduled for evaluation. If the client has reservations about the consent form, please contact HRC staff.

5. HealthRight Forensic Evaluation Coordination Fee Agreement
Unless another agreement has been made in writing, for each evaluation provided by the HRC, the legal representative will sign a “Forensic Evaluation Coordination Fee Agreement.” Once HealthRight has received and reviewed all other Intake Packet materials and has agreed to take a case, the legal representative will sign a unique “Forensic Evaluation Coordination Fee Agreement” for each evaluation request accepted by the HRC. The legal representative is responsible for payment of the fee according to the terms of the Coordination Fee Agreement.

HOW THE HUMAN RIGHTS CLINIC WORKS

Evaluation

Active Sites
The HRC currently provides evaluation services in the New York metro area, including New York, New Jersey, and Connecticut.

Point of Contact
Please do not have your client contact HealthRight staff or the HRC volunteer clinician regarding the evaluation and/or affidavit. All communication must be between HealthRight and the client’s legal representative. In most cases, the legal representative will not interact with the volunteer clinician but rather with HRC administrative staff. HRC does not provide its volunteers’ contact information unless the volunteer specifically instructs us to do so. HRC staff will arrange the evaluation for the client with one of its volunteer clinicians and inform the legal representative, who then is expected to inform the client and ensure that the client keeps the appointment.

The physicians and mental health professionals who volunteer with the HRC are dedicated and skilled professionals who donate considerable time because they want to help survivors of torture and abuse.
Because we are indebted to them for their generosity, we avoid making additional or unreasonable requests of their time. Most of our volunteers work in regular clinical practices and do not have schedules that allow for cancellations or other unforeseen requests.

**Time Frame**

Provision of evaluation services may take eight weeks or longer from the time both the completed intake and the client’s statement are submitted to the HRC. Please provide an accurate date of when the affidavit needs to be filed. HRC staff will make every effort to schedule an appointment as soon as possible and necessary, taking into account immigration filing deadlines. In extraordinary circumstances cases can be expedited – if an affidavit is needed in less than eight weeks, please alert HRC staff, in addition to clearly indicating the need on the HRC Intake Form.

**Interpreters**

The HRC is unable to provide interpreters for clients. If your client is not proficient in English please make arrangements for a competent, sensitive and professional interpreter. “Passable” English is not suitable for a medical/psychological evaluation. The nature of the material discussed during these interviews is personal, and could be distressing and emotionally disturbing for both the client and the interpreter. We ask that you take care in selecting an interpreter. Using friends, family members, or neighbors as interpreters may prevent the client from discussing all the details on the one hand and may traumatize the interpreter on the other. Hence it should be avoided as much as possible. At no time is it acceptable to use a minor to interpret.

Even when using a professional interpreter, please make the interpreter aware of the potential for discomfort, and that the interview could take up to three hours in addition to the travel time. Please make sure the interpreter is fluent in both the client's language or dialect and in English before the scheduled evaluation. For ethical reasons, staff at the office of the legal representative should not be the interpreter for the evaluation.

**Arrive on Time for Exam**

Please make sure the client arrives on time for the evaluation. Clients may have a different sense of punctuality and timeliness needs to be stressed. Confirm in advance that the client knows the time and place of the evaluation, as well as how to get there. Exams rarely take place at HealthRight’s office. Please do not send your clients to our office for the exam unless specifically instructed to do so. Late arrivals, or missed appointments can throw a case back by weeks, while the HRC loses a precious volunteer slot, which means that another survivor goes without an evaluation. Clients who miss two appointments will not be given a third opportunity.

**Paper Work Timeline**

After your client is examined, you will be provided with a draft affidavit as soon as it is completed by the volunteer, usually not before two weeks after the examination. Please review and return the draft with your feedback within a reasonable time of receiving it (preferably one week). Please allow us at least one week to finalize the affidavit and mail it to you. If the final affidavit is needed in a rush, the legal representative should provide the HRC with a shipping label for courier service or send a messenger to pick up the affidavit from the volunteer.
**Telephone Testimony**
If a volunteer is needed to testify in immigration court, HRC will ask them to be available for telephonic testimony on the day and time of the hearing. Please give us as much advance notice as possible so that the volunteer can try to accommodate your request, and **no less than two weeks.** Your request should include a 30- or 60-minute period during the hearing when the volunteer can make him/herself available for testimony by phone. HRC volunteers are busy professionals who generally cannot be free for the entire length of a hearing. The legal representative should make arrangements with the court to ensure telephonic testimony during the designated time window will be permitted.

Once the volunteer has confirmed his/her availability, the legal representative should contact the volunteer **within a reasonable period (at least 7-14 days) in advance of the hearing** to arrange time to prepare for testimony. If the legal representative fails to provide preparation within a reasonable period, the HRC will advise the volunteer that s/he may choose not to answer the phone in the event the court calls him/her for testimony.

If the court decides to waive the phone testimony on the day of the hearing, the legal representative will immediately let the volunteer know, so that s/he is not left waiting by the phone.

**Notification of Case Outcome**
The legal representative should notify HRC staff as soon as the case is adjudicated, a new hearing date is set, or when a case is administratively closed.

**REFERRAL FOR FOLLOW-UP SERVICES**

**ACCESS TO SUPPORT AND SERVICES FOR SURVIVORS OF TORMUTURE (ASSIST)**

**Community Resource Guide**
At the end of the evaluation, the HRC clinician will provide the client with a Community Resource Guide that contains resources within the client’s community that they may access on their own, including medical, mental health, clothing, food, housing and ESL/adult education services. The Guide also contains information about accessing Medicaid (in states where eligible), offers links to online search engines that clients can visit to find other resources, and useful and emergency phone numbers.

**Needs Assessments and Client-Driven Referrals**
HRC clinicians also conduct a brief needs assessment at the end of an evaluation and clients are offered the opportunity to request further assistance from HealthRight in accessing medical, mental health or psychosocial services via our ASSIST case management program. If a client chooses to be connected with follow-up services, HealthRight staff will contact them through the method of their choosing. HealthRight may contact the client directly, may contact an alternative preferred contact, or, if the client so chooses, HealthRight may send referral information directly to the client’s legal representative to provide to the client. With the client’s consent, HealthRight will inform the legal representative that the client has requested assistance accessing follow-up services.

**Client Consent**
Clients must provide a signed consent to be referred to HealthRight’s ASSIST program for additional support and referral. Clients agree and understand that the referral has no effect or bearing on their immigration proceedings, that, with their consent a copy of the referral form will be sent to their legal
representative, and that HealthRight will make efforts to identify services to meet their needs but that there is no guarantee that a suitable referral can be made. Clients are asked to read the consent paragraph or it must be read to the client in a language that they understand.

**Follow-Up**
Depending on the stated preference of the client, HealthRight may contact the client or their legal representative to ensure that the client has been able to access requested services and to identify any follow-up needs. If the client does not report additional needs, HealthRight will discontinue ASSIST services, but clients and/or their legal representatives may contact HealthRight if additional client needs arise in the future.

**QUESTIONS?**
All questions about evaluations or ASSIST case management services should be addressed to Katherine La Puente at 212-992-6132 or katherine.lapuente@healthright.org.

You may also contact the HRC Program Manager, Talia Markowitz, at 212-992-6128 or talia.markowitz@healthright.org.