INTRODUCTION

Law, Expertise, and Protean Ideas about African Migrants

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THE EXPERIENCE OF the African asylum seeker is at a crossroads. From the 1960s to 1980s, asylum and refugee status was usually arbitrated by referencing government reports and data produced by the United Nations or other international or intergovernmental agencies. Today, many domestic asylum and refugee status determination procedures in the Global North—including those currently in operation in the United States, the United Kingdom, Canada, and Australia—no longer consider the impersonal or nonspecific nature of these data as constituting a solid or secure basis for individual claims. Increasingly, asylum host nations are developing sophisticated, secure data-collection agencies and storage facilities to provide so-called objective evidence (Good 2004a, 2004b) but with a national imprimatur. And as the numbers of African asylum seekers have swelled dramatically, first in Europe and now globally, countries with such diverse legal traditions as Argentina, South Korea, and the Netherlands are increasingly demanding the production of a specific report tailored to the experience of the individual claimant. Expert testimony, variously as a dispassionate assessment of, sometimes in support of, and occasionally in opposition to, asylum petitions and refugee status determinations now features regularly in North American and European courts and in many other jurisdictions. This book examines this transformation from the perspective of the expert witness.

It is well known among the practicing legal community that asylum petitions and refugee status appeals accompanied by expert reports have a significantly greater likelihood of success, but data on the use of expertise in asylum cases are critically absent. And just as adjudicators are more likely than ever to draw upon expert testimony in determining asylum and refugee claims, expertise is emerging as an academic niche industry, with attendant standards, protocols, and guidelines (Good and Kelly 2013) that mirror those of other legal fields with a rich tradition of expertise, such as patent, copyright, and intellectual property law. Moreover, though experts may often postulate from a disciplinary locus, the venues that feature expertise and the authorities that draw upon expertise increasingly expose scholars to the interdisciplinarity of law, activism, and social justice.

African Asylum at a Crossroads examines the dimensions of an emerging trend undertaken by specialists in African studies, namely, the request to produce an expert report for consideration as part of an asylum hearing or refugee status determination. This is the first book to explore the role of court-centered expertise as it pertains to African asylum claims, and it is the first multidisciplinary anthology to focus on the legal subjectivities of African refugees as a context for the production of new knowledge and ideas about historical and contemporary Africa. The assembled chapters were selected from papers delivered at a conference held in April 2012 in Rochester, New York, that explored the role and experience of the expert and the employment of expert testimony in refugee status determination venues. Together, the chapters depict, in broad spectrum, the African migrant experience before adjudicators in the Global North; they also provide a compelling and coherent framework in an emerging subfield of research about African society and politics.

The evidentiary bases for the chapters in this book are primarily the African refugee narrative and the expert report. Asylum petitions and refugee status determinations are rich documentary archives tethered to discrete legal contexts—variously, migration ministries, immigration tribunals, courts of appeal, and panels of experts or citizen-subjects, according to jurisdiction—by knowledge and expertise. Embedded within asylum and refugee narratives and in their successive iterations in rulings, judgments, country of origin information (COI) (Good 2015), appeals, and precedents are analytical categories, constructed identities, and personal narratives of fear, trauma, and violence. Each time an expert is

engaged to produce a report to assist in the determination of a particular asylum or refugee claim, the archive of the contemporary African experience expands. And yet a paradoxical relationship is unfolding, insofar as protean ideas about Africans—that is, ideas that are changeable and unlikely to look exactly as they did when they were initially presented—are giving way to what appears to be new knowledge. Whereas new ideas about African cultures, languages, practices, behaviors, morality, ethics, and attitudes emerge from asylum petitions and the expert reports that accompany them, these percolate in Northern (read: Western) courts and rarely appear to influence dynamics in the Global South. These new ideas are assembled, embodied, and structured through positivist Western legal frameworks, and introspective and intuitional attempts to gain knowledge are often erased.

This volume constitutes the first attempt to establish a rigorous analytical framework for interpreting the transformative effect of this new reliance on expertise. Informed by a rich scholarly literature on the significance of legal forums in African history broadly (e.g., Chanock 1998; Moore 1986) and specifically the role of courts (Mann and Roberts 1991; Roberts 2005) in the construction of African identities, relationships, and subjectivities (Lawrance, Osborn, and Roberts 2006), this collection is a logical extension of the growing interest in the intersection of law and African social and political life (Burrill, Roberts, and Thornberry 2010; Jeppie, Moosa, and Roberts 2010). Individual essays accompanying this introduction, in concert, provide a powerful new avenue for developing theory and method in our respective disciplines. Together, the chapters reflect critically on the implications of using expertise and knowledge in asylum and refugee adjudication; what constitutes expertise; the transformation of the scholarly research agenda in tandem with serving as an expert; the relationship between experts and adjudicators generally (Lawrance and Ruffer 2015a); and our relationships with the communities among which we work.

The chapters contained herein navigate the claims and counterclaims of Africans and explore the ways in which experts and adjudicators contextualize these claims along the path to status determination. The ten substantive chapters examine African claims based variously on a spectrum of persecutory experiences emerging from the individuals' political, ethnic, religious, racial, national, gender, and sexual identities. We examine the reinvigoration of historical paradigms in asylum courts, including

slavery in Mauritania, as discussed by E. Ann McDougall, and witchcraft in Nigeria and Tanzania, as discussed by Katherine Luongo. We reveal the role of asylum and refugee status determination venues in the emergence of analytical and social categories, such as female genital cutting, as discussed in the chapters by Karen Musalo and Iris Berger; statelessness, as explored by John Campbell; and fraudulence, as deliberated by Meredith Terretta. Thematically, the chapters encompass a variety of core jurisprudence issues, including the role of precedent; the place of history and memory; the role of customary law; the legal basis of credibility and/or plausibility; the determination of and granting of standing as an expert; substantiation and proof; historical patterns in the deployment of expertise; and issues pertaining to research with legal subjects, among them confidentiality, consent, discovery, and disclosure.

The focus on individuated experiences of expert testimony offers a strikingly personal entrée into an unfolding crisis that is all too familiar. As the UN Convention Relating to the Status of Refugees marked its sixtieth anniversary in 2011, eight hundred thousand new refugees fled conflicts in Côte d'Ivoire, Libya, Sierra Leone, and Somalia (UNHCR 2011a, 5). Of the ten countries that produced the most refugees that year, four were located in Africa. Somalia ranked third in the world, just behind Afghanistan and Iraq. Sudan followed in fourth place, and the Democratic Republic of Congo ranked fifth. Eritrea was ninth worldwide (UNHCR 2011a, 14), yet it bore the ignominious distinction of generating the highest number of refugees globally when measured as a percentage of the total population (UNHCR 2010). Now, as in past decades, as Joanna T. Tague's chapter demonstrates with respect to Mozambique and Tanzania, the African continent is an epicenter of refugee crises.

Although most Africans fleeing across international borders remain in neighboring countries or regions (UNHCR 2011a), tens of thousands annually attempt to access wealthy, industrialized nations to file individual asylum claims with domestic authorities. Countries of the Global North and former colonial metropoles remain ideal destinations. Yet as securitized migration policies and discourses foreclose access to Europe and North America especially (Squire 2009), precipitous spikes in asylum seekers appear in countries such as South Africa and Israel. Mobility routes, strategies, and destinations shift and change in response to the limits of official migration avenues. Whether due to the inability of the humanitarian framework to cope with the sheer magnitude of displacement or to

the pervasive hope that safe haven will be guaranteed in nations touting human rights and the rule of law, many Africans have simply evaded the classic refugee regime and its promises of "durable solutions."[1]

Utilizing a range of complex strategies that include both legal and extralegal dimensions, African asylum seekers demand recognition as individual rights-bearing subjects amid the bureaucratic indifference and xenophobic hostility endemic to the nation-state system and the institutions that manage, and increasingly "actively produce as illegal migrants," out-of-place people (Scheel and Squire 2014, 192). Although asylum seekers are a very small percentage of all refugees (approximately 900,000 out of 15.2 million refugees in 2011; UNHCR 2011b, 6), African asylum mobility constitutes deliberate agency and perhaps even political resistance. It is an indictment of the political and economic conditions that necessitate migration as well as the humanitarian schemes that are ostensibly grounded in human rights norms and yet often experienced by migrants as dehumanizing, unaccountable, and callous (Agier 2007; Verdirame and Harrell-Bond 2005).

In order to make sense of expert testimony production within the dynamic field of refugee and migration studies, we offer our readers this introduction to the realm of expertise in the context of asylum and refugee status adjudication. What follows is our collective attempt to harness our common experiences as experts in the most generalizable sense. We five authors are not lawyers, but what we narrate here reflects a long-term dialogue with legal concepts, demands, expectations, and categories. We first examine the task of the expert and address the specific role of serving as an expert in immigration courts in the broadest sense. As we demonstrate, the expert may not be viewed in isolation; rather, the capacity to bring expertise into the courtroom is very much managed by the presence of legal personnel, most important among them judges and adjudicators. We then tackle what we describe as the craft of the expert. Here, we argue that an expert report is not a simple document but one that is produced through the conduits of rigorous training, acquired academic knowledge, and an uncommon preference among African studies scholars for critically engaged collaboration. Although the gold standard for academic output—anonymous peer review—is not (currently) part of the production of an expert report, individual reports nonetheless demonstrate the critical reflexivity and interrogative frameworks of the authors' scholarly and scientific methods.

Building on this discussion, we turn to the specific issues and ideas about Africans that unfold in asylum contexts. Refugee and asylum tribunals, because of their increasing reliance on scholarly expertise, have emerged as a critical site for the production of knowledge about contemporary Africa. A dependence on narrowly political reports on country conditions has given way to complex arguments about the emergence of identities, subjectivities, and practices, such as the prevalence of new sexual identities and sexual minorities, as discussed in Charlotte Walker-Said's chapter. The textuality of the expert report is marked by three common elements: the exigencies of juridical proof, the substantiation of the claimant's credibility, and the humanitarian trope of the deserving refugee (Mamdani 1996, 2010). And we uncover an uncomfortable contradiction embedded in the role of the expert—that in the production of a report that often substantiates and validates the claim of the asylum seeker, the expert reinforces the authority and power of a routinely unjust and unfair refugee claim assessment apparatus (Ramji-Nogales, Schoenholtz, and Schrag 2007). We conclude with some preliminary observations about disciplinarity and the prevalence of specific disciplines in the expert witness capacity.

The Task of the Expert

In the most general sense, the role of the expert in asylum casework is to testify as to the political, cultural, and social climate in the asylum seeker's home country and to assess the degree to which he or she would be in danger if repatriated. From the perspective of those people who may be unfamiliar with the legal processes involved in asylum seeking, the figure of the expert may seem relatively straightforward and uncomplicated: they may assume that the act of providing testimony in the courtroom is the only—or at least the most important—task the expert performs. Experts, however, do not only provide testimony. Rather, they fulfill a range of tasks, often over several years. In point of fact, experts tend to remain involved in asylum cases for the duration, or life span, of a case.

That many experts devote a considerable amount of time to asylum casework is a direct reflection of the extent to which adjudicators rely on expert knowledge in order to render decisions. Indeed, government bureaucrats and courts need experts for a variety of reasons. For one, adjudicators engage experts to clarify the social and political conditions in the asylum seeker's home country. Adjudicators may be able to access

any number of public materials and reports (such as the annual US State Department human rights reports) or private government databases at the outset of an asylum claim, but all too often, such materials are bald summaries, woefully inaccurate, or no longer current (Carver 2003; Good 2007). Consequently, they provide little assistance to judges in their assessment of country conditions.

Adjudicators increasingly rely on experts in lieu of nonspecific country reports, but this often creates an adversarial relationship between the expert and the court. The expert's knowledge may counter the substance or omissions of a country report, prompting the judge to question the expert on this perceived inconsistency and leaving the expert to then defend his or her own statements about country conditions (Good 2015). Of course, the larger issue is that in times of political turmoil and social upheaval, country conditions may change so quickly that the court cannot access reliable information. Country reports may not be a comprehensive source, but at the same time, it is unlikely that an expert would have been in the country under question recently enough—or long enough, given rapidly changing political conditions—to assess its political or social climate (Lawrance 2013).

Judges and immigration lawyers also need experts when the documentary evidence to an asylum seeker's claims of persecution is insufficient, nonexistent, or imperiled by questions of credibility (Cohen 2001; CREDO 2013; Lawrance and Ruffer 2015b; Millbank 2009; Norman 2007; Sweeny 2009; Thomas 2006; UNHCR 2013). Unfortunately, this concern applies to the vast majority of asylum seekers, who typically lack any documentation. They tend to either flee the homeland without any pertinent legal documents or possess documentation that is not indicative of (and thus cannot support their claims of) political persecution. For the asylum seekers, this is particularly problematic because, in order to receive political asylum in the United States, for example, they must prove that they have a well-founded fear of persecution in their homelands (Shuman and Bohmer 2004, 394). Although the legal system may place the burden of proof squarely upon the shoulders of the asylum seeker, the expert also feels this burden, as his or her task is to fill in the (often enormous) lacunae in knowledge and evidentiary bases for both the asylum seeker and court officials.

Adjudicators ultimately need experts to assess the merit of an asylum seeker's claim to a well-founded fear of persecution and consistency with

current country conditions. Questions may arise concerning the validity of a given case, especially in an international climate where—as we see in Terretta's chapter—fears, rumors, and representations of African asylum seekers as having forged documents or invented narratives abound. Beyond identifying bogus or fraudulent claims, however, the primary task of the expert is to try to deduce how likely it is that a claimant would be in danger if repatriated. To determine this, experts must assess a wide range of evidentiary materials. In this light, several key questions emerge. Who qualifies as an expert? At what point does someone's particular qualifications, skills, and/or life experiences coalesce to make him or her an expert? Where does the expertise lie—that is, on what, precisely, is this individual an expert?

Putting aside the ethical implications of the term *expert* (and the rich scholarly corpus debating the very idea that one can ever truly know and represent "the other"), we first propose to historicize, albeit briefly, the figure of the expert and expert testimony in the context of international asylum procedures. At least until the 1980s, asylum legal procedures operated within an informal climate of trust, one in which the applicant was presumed to be telling the truth. Expert testimony from scholars or professionals was almost unheard of. Since then, significant global geopolitical changes—including but not limited to the collapse of the Soviet bloc and the end of the Cold War, as well as the birth of the Internet and other globalized transnational technologies—have conspired to turn the asylum experience upside down. The asylum process is now overshadowed by a "climate of suspicion, in which the asylum seeker is seen as someone trying to take advantage of the country's hospitality" (Fassin and D'Halluin 2005, 600). Claims and counterclaims must be anchored by objective data, publicly sourced information, and arguments substantiated by scholarly evidence. This dramatic and rapid transformation in the asylum procedure partly explains why adjudicators the world over have increasingly come to rely on expert knowledge and expert testimony (see Lawrance and Ruffer 2015a).

Courts have relied on expert testimony for centuries in many different contexts (Rosen 1977). But having experts working on and providing testimony for African asylum casework is a far more recent development, as Tague's chapter discusses. Until the era of decolonization, Africans—as colonial subjects—did not have the option of applying for political asylum abroad. Indeed, until the 1980s, political asylum seekers originated

from all continents, particularly South America, but rarely from Africa. It is perhaps no coincidence that the rise of a "climate of suspicion" in asylum procedures in the Global North parallels the emergence of Africans as political asylum seekers (see Hyndman and Giles 2011). And the emergence of a new population of asylum seekers required the construction of a new community of experts, or the creation of expert knowledge.

From the perspective of adjudicators, academics are eminently qualified to serve as experts in African cases of political asylum. For several reasons, the marriage of academia and asylum casework appears natural. For one, an expert in any asylum case often needs to demonstrate that he or she has spent considerable time in the country from which the asylum seeker originates: this is but one way to demonstrate an extensive knowledge pertaining to the history and sociopolitical climate of a country. It is this ability to ground oneself in a particular culture that enables the expert to glean essential information on the structure of the community, as well as the existence of particular political and/or social groups in the applicant's home country. In this way, the scholar is more expertly qualified than most to assess the relationship between such groups and the applicant.

An expert is ideally fluent in the language or conversant with the cultural idiom of the asylum seeker, as Campbell's chapter demonstrates. And preferably, although by no means definitively, this expert can demonstrate that he or she has recently been in the country or region in question and can provide background information to the adjudicator that is as current as possible. Adjudicators are acutely aware of the fact that such criteria reflect the lifestyles of many academics working in Africa, who have advanced university degrees and doctorates to showcase their qualifications as experts (Lawrance, forthcoming a). Such experiences in a particular country or region are typical of the academic system of research and travel.

Yet experts may do more than testify to the conditions of a specific country; many may also convey an expert assessment of particular issues, themes, and subjects and are thus able to provide testimony regarding those precise issues in asylum cases, irrespective of the asylum seeker's country of origin. We see this most clearly in Berger's chapter narrating her ability to serve on a case not because of her knowledge about the Central African Republic but because of her expert knowledge as a historian of women and women's experiences in Africa. Further, the assumption that only academics who have spent years living in a particular country,

learning local languages, and absorbing the social and political norms of that country are qualified to act as expert witnesses is misguided. Human rights workers, health professionals, and international development officers also lead similar lives; their particular expertise is no less grounded or vital than that of academics.

This prompts us to ask in what ways academic knowledge is distinct from other forms of expert knowledge. One possible answer is that academic training instills a theoretical grounding in the historical and cultural nuances of the peoples and communities in the country about which the individual assumes expert status. The mastery of cultural nuance is a much-needed skill in asylum casework. For example, in order to fulfill the requirements of the US Bureau of Citizenship and Immigration Services, the Netherlands Ministry of Security and Justice, or the UK Border Agency, the accounts that asylum seekers provide must meet certain criteria. A version of the events that led to an individual seeking political asylum ought to maintain a clear, consistent chronology. An account should be clear about which individuals or groups in the country were perpetrators and which were victims. And asylum seekers ought to be able to demonstrate that they were victims of political persecution—that is, not of individual discrimination or oppression (Shuman and Bohmer 2004, 402). In each of these capacities, academics as experts possess the ability to translate cultural nuance within asylum narratives and recover the sociological identity embedded or concealed in the narrative (Kam 2015).

Indeed, translation tends to occur on two levels. Asylum seekers often arrive in the country of asylum and frame their persecution as personal trauma: the expert must then translate the case from "a personal trauma into an act of political aggression" (Shuman and Bohmer 2004, 396). The academic as expert also translates cultural nuance on a second level, for immigration officials and judges alike. Given fluency in the asylum seeker's language, an expert may review previous testimonies to clarify issues of translation, extending also to the body language and nonverbal communication characteristics of the asylum seeker—traits that are often deeply embedded in cultural norms and that may easily go unnoticed by someone not familiar with the cultural nuances the asylum seeker embodies, as Fallou Ngom's afterword explains. This type of translation is a complex interchange; Walker-Said's chapter shows, for example, that African sexual minorities must render their sexuality "legible" to courts as well as to experts.

Although experts possess unique capabilities to translate cultural nuance, adjudicators often pose questions that they are unable to answer. For instance, given the academic background of the expert, court officials may ask a particular individual to make certain predictions about a specific case. Lawyers may ask the expert questions that cannot possibly be answered with any certainty, such as, "If such-and-such were to happen, would this claimant be in danger?" For the academic experts, this line of questioning is a catch-22. They can take a stance—say yes or no—knowing that such speculation would be groundless (Wallace and Wylie 2014). Or they can be truthful and admit that they cannot predict the future and do not know the answer to the question, though in so doing they risk losing their own credibility in the eyes of the court, as McDougall's chapter demonstrates.

Experts, whether members of the academic community or not, obviously can only speculate about what might happen if an asylum seeker's application were denied and he or she had to return home. All they can do is determine the likelihood of persecution if a claimant were repatriated. In this capacity, they are, in effect, sharing their professional opinion with the court, and experts can become an "impediment" to asylum representation (Ardalan 2015). It is this sharing of an opinion that differentiates the expert witness per se from witnesses in legal contexts other than asylum and refugee status determination. Whereas ordinary witnesses cannot express their opinions, asylum law allows experts to put forth theirs, provided the opinions are "based on facts or data obtained using reliable methods reliably applied" (Good 2008, S49; Rosen 1977). It is the privilege and power of being able to express their opinions in such a high-stakes scenario that requires all experts—academic or not—to possess irrefutable qualifications that highlight their abilities to serve on particular asylum cases (Dornell 2015; Wallace and Wylie 2014).

Of course, expert testimony is not solely an academic domain. Even though experts are often drawn from the academic community, this is certainly not true in all cases; in the United States, for example, the Federal Rules of Evidence do not require this (Keast 2005, 1238). In some instances, an adjudicator must admit an individual as an expert (Dornell 2015) and define the parameters of expertise; in other contexts, adjudicators rely heavily on the previous findings of their peers (Lawrance, forthcoming a). Indeed, experts may be found in a wide swath of professions; they include human rights, international development, and health

professionals (physicians as well as psychologists). The common, unifying element among these practitioners is that each of them possesses a particular expertise within his or her field that lends itself to certain asylum cases. According to US Federal Rule of Evidence 702, if such specialized knowledge will help the court to "understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, expertise, training, or education, may testify thereto in the form of an opinion" (Malphrus 2010, 3). Similar rules operate in the United Kingdom, where expert reports are addressed to the court, not to the asylum claimant, and must supply dispassionate and "objective unbiased opinion," subject to standards established by the 1993 *Ikarian Reefer* ruling (2 Lloyd's Rep 68) and other regulations (Good 2015; Lawrance 2015).

Recognition of this inherent breadth in expert knowledge means that adjudicators increasingly look to experts in the medical profession to examine forms of evidence and provide testimony in asylum cases (Wallace and Wylie 2014). After examining the asylum seekers physically, physicians issue medical certificates that have the potential to become vital forms of evidence attesting to the applicants' previous persecution or torture in their homelands (thus confirming their well-founded fear of repatriation). According to Didier Fassin and Estelle D'Halluin (2005), immigration officials are less and less willing to rely solely on the narratives of asylum seekers as the dominant evidentiary basis; to support their claims, asylum seekers are discovering that courts require ever more proof and additional forms of evidence. Though medical certificates certainly cannot substitute for the narratives of the asylum seekers, such certificates do have the potential to verify points in their accounts that claim torture (Chelidze et al. 2015). In this way, the body of the asylum seeker emerges as the place that "displays the evidence of truth" (Fassin and D'Halluin 2005, 598).

As a form of evidence, the medical certificate is far from a panacea (Kelly 2012). The United Nations embraced the *Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (also known as the "Istanbul protocol") in 1999, but this set of guidelines for documenting torture has proven more of an obstacle than an asset in assessing asylum seekers' claims to having been tortured (Lawrance and Ruffer 2015b; Wallace and Wylie 2014). Unfortunately, medical certificates often illustrate the degree to which "bodies speak little"—after all, it is in the interest of the torturer "to silence

them" (Fassin and D'Halluin 2005, 598). Torture need not leave physical marks on the body, and medical certificates cannot evaluate the possible psychological scars of torture. For this reason, psychologists and psychiatrists constitute yet another source of expertise, and in this realm, courts draw upon expert knowledge that is often part of a therapy (Gangsei and Deutsch 2007; Marton 2014; Smith, Lustig, and Gangsei 2015).

Psychological evaluations have the potential to indicate that a claimant has a viable fear of returning home, a fear that the physical body cannot testify to and that thus has "no physical translation" (Fassin and D'Halluin 2005, 602). It can, of course, be beyond the capacity of the asylum seeker to speak about the trauma stemming from previous persecution, and the psychologist as expert deals with a range of issues that, again, are far beyond the abilities of the social scientist. However, even if anthropologists, sociologists, and historians lack the capacity to discover this form of evidence, nonmedical country conditions experts may still play a vital role in assessing the implications of medical or psychiatric reports (Lawrance 2013, 2015). In an ideal world, where those deemed experts could devote hours of their time to individual appeals, an array of experts might work in coordination to create a comprehensive picture of the asylum seeker's past.

Whatever their professional or disciplinary backgrounds, all experts perform certain common, overarching tasks (Good 2007), sometimes without even realizing the precise import of their conclusions. Experts examine a range of evidence in order to corroborate an asylum seeker's claim—or possibly to assist in its refutation—by evaluating it for consistency with their expert knowledge of the subject matter and the field broadly. In this way, by drawing on their training, the experts enhance adjudicators' capacity to determine if applicants' claims are truthful or whether those applicants are fabricating their claims by framing them within their knowledge of specific country or regional conditions. Experts engage with published government sources regarding country conditions—for example, US State Department reports on human rights practices in a given applicant's homeland. And experts provide, in the broadest possible sense, a cultural or idiomatic navigation of the asylum process. When they first apply, many asylum seekers encounter difficulties in language and translation; their narratives are not chronological; and they cannot articulate how their persecution was politically—rather than individually—motivated. In this way, asylum seekers are often neither

able nor ready to present their applications in terms that are "recognizable" to adjudicators (Shuman and Bohmer 2004, 400). And yet in each of these missteps, the expert has the capacity to contribute his or her expertise and thus make the process a little more navigable.

Experts, therefore, not only originate from a wide swath of the professions but also interpret a wide-ranging spectrum of evidence. The knowledge bases and skill sets of experts are diffuse and extensive. But the tasks required of them are also sweeping, and thus, what constitutes "adequate qualifications" to testify as an expert "should be broadly defined" (Malphrus 2010, 8). It is essential to bear in mind that because the figure of the expert is diffuse, expert knowledge is itself diffuse. Given the extent to which experts assess evidence within their respective fields and render evidence accessible or knowable to immigration judges, their testimony may be "potentially determinative" in the final decision of whether an asylum seeker's claim is successful (Malphrus 2010, 1).

Throughout the life span of an asylum case, the ultimate predicament of the expert is to facilitate a determination by providing the necessary and appropriate perspective while remaining unbiased and impartial. Personally, politically, and professionally, experts ought to engage with the applicant and the case dispassionately. Becoming emotionally invested in a particular claimant or case compromises the authority of the expert in the eyes of the court, for if the expert becomes invested in a case, it may appear as though he or she cannot assess the evidence fairly.

The Craft of the Expert

Although there is much to critique about domestic asylum procedures (as the contributions in this volume attest), the opportunity to present one's case directly to an adjudicator in a wealthy country with a well-developed system for asylum adjudication is clearly preferable for those who can achieve it. As Terretta's and Tricia Redeker Hepner's chapters demonstrate, the nature of transnational relations among many migrating African populations means that asylum procedures are often well understood in advance, including the role of the expert. Together with legal counsel, the expert can help articulate or even translate culturally and politically specific dynamics of a claimant's case with respect to domestic and international human rights law (Ardalan 2015). Such options are rarely, if ever, available for the masses of refugees awaiting a durable solution overseas—a fact that is by no means lost on African migrants themselves.

As the numbers of asylum seekers grow and anxieties in would-be host countries mount regarding potential terrorists or "bogus" claimants seeking better economic futures or health care (Lawrance 2013, 2015; Scheel and Squire 2014; Stevens 2010), academics with expertise on countries producing such migrants become key players in the asylum process and the outcome of claims. Yet despite the increasing involvement of academics in African asylum claims, a rich body of scholarship reflecting on asylum and the role of expert knowledge has been slow to emerge (exceptions include Good 2004 and 2007; Lawrance and Ruffer 2015a; and Mahmood 1996).

But what constitutes the craft of the expert? And what possibilities and limitations coalesce around it? Given the considerable time investment required for asylum casework—the vast majority of it offered on a pro bono publica basis—and its lack of recognition within university reward systems, what motivates academics to participate? And as we increasingly worry over the implications of our roles, why do we persist? Certainly, many researchers who serve as expert witnesses are motivated by ethical and moral commitments to those among whom they have worked, lived, and studied. Such imperatives have a venerable history and are rooted in solid methodological and theoretical justification, especially in anthropology. Experts are themselves situated within dense networks of contacts formed over years of research and field study, responsive and even accountable to the expectations of claimants who request, poignantly, that we explain to authorities "what it is like in my country."

Lacking regular, meaningful extra-academic outlets for the practical application and dissemination of our (sometimes arcane) knowledge, we look at asylum as a critical arena in which our scholarship truly matters. Our collaborations with counsel and claimants allow us to help shape legal argumentation and perhaps the law itself as we coproduce narratives and arguments in a high-stakes context. Though often behind the scenes rather than at center stage, the expert is nonetheless a major actor in the asylum process, not a peripheral bit player who dips in and out. Many academics entering the world of asylum casework remain there; they are manifestly committed to assisting the people they have studied through the pragmatic application of their knowledge. Many also find that the rewards of helping to secure safety for a deserving person—of achieving a small human rights victory—are inherently more satisfying than the rewards of academia.

This is not to say that the role of experts in asylum procedures is unproblematic. As Hepner's chapter demonstrates, experts are neither naive nor uncritical of their role, and the same is true of attorneys and adjudicators, as McDougall's and Campbell's essays also evidence. As Carol Bohmer and Amy Shuman argue in their chapter, pitfalls, tensions, contradictions, and unintended consequences abound. Expert knowledge may contribute to the reification of fluid and complex social, cultural, and political realities and the decontextualization of the claimant from his or her political subjectivity to make his or her experience legible to the law (Bloomaert 2009; Fassin 2012; Speed 2006). The very nature of the expertise rendered must conform to legal standards and assumptions about an asylum seeker's lack of credibility, therefore participating in the exclusionary logic of securitization (Squire 2009; Smith, Lustig, and Gangsei 2015). And though one of the critical skills of experts is their ability to render, into a language and cultural frame comprehensible to adjudicators, experiences that are highly embedded in specific cultural and politico-economic contexts (Bohmer and Shuman 2007; Shemak 2011), the implications of such elite "voicing" on behalf of African migrants reinscribes hierarchies of power and difference that some might otherwise consider objectionable.

Nonetheless, one of the key argumentative threads running throughout this book is that asylum is not reducible to the legal procedures that comprise it. It is a multidimensional social, cultural, and political process or, more precisely, a constellation of processes that links with and reflects relationships ranging from the macrohistorical dimensions of North-South inequities to the quotidian and intersubjective details of human lives and relationships. Similarly, the craft of the expert encompasses much more than the specific components of participation in casework—consulting with legal counsel and the claimant, developing the expert statement or affidavit, and delivering oral testimony. It entails critical reflection on epistemology and hermeneutics and on the politics of knowledge in legal contexts, as well as navigation of the considerable tensions that emerge as a result of our decision to act. Though we are sought as experts for our culturally specific knowledge, our intellectual orientation and training as academics force us to engage reflexively, generating insights into the nature of the asylum process that may ultimately mitigate, if not completely alleviate, some of the problems identified within.

In approaching the role with the critical reflexivity and an interrogative stance, experts may, in fact, actively resist the tendencies identified in humanitarian and asylum law that perpetuate violence to the subjectivity and agency of those who happen to be asylum seekers. In addition to contributing to the shaping of case law itself, our participation can expand the meanings of asylum by generating greater solidarity and intersubjective dialogue with the communities from which asylum seekers come and the individual claimants themselves. Indeed, the asylum process becomes one in which experts, legal specialists, and claimants enter into a strategic conversation that draws together human rights concepts, asylum legal norms, and the specific dynamics that shape the claimant's experience and his or her understanding (Good 2007; Lawrance 2015). As we assemble these elements into a common frame, transformations within each may occur. As Hepner's chapter argues, asylum seekers may come to view their experiences—and therefore themselves and their social and political environments—in new ways. This may, of course, be painful and even traumatic, yet it can help even those exposed to horrific abuses to discover new sources of strength and meaning, either publicly or privately (Ortiz 2001).

Experts and legal counsel, together and individually, come to reflect on the law and its requirements in a more nuanced manner as a result of engaging with the claimant's case and may take such insights forth to inform practice. Though certainly not without tensions and contradictions, the asylum process may therefore become productive and generative even as it constrains and limits in other ways. Consequently, experts should reframe their understanding of their craft—and asylum seekers themselves—as agentive and purposeful rather than hopelessly compromised and manipulated by the structural, sovereign power of nation-states, migration policies, and the law. The craft of the expert is multidimensional. It is not limited to what takes place within the confines of asylum casework and legal procedure itself, especially when experts draw on their experiences with asylum to generate new critical insights and strategies for practice.

Identities, Ideas, and Issues Emerging from African Asylum Seeking

In most years, asylum claims from the African continent are less numerous than those from other areas of the world. In 2010, for example, the largest number of asylum seekers worldwide came from Afghanistan,

followed by China and Iraq (Gladstone 2012). Yet African refugees tend to attract substantial, often sensationalized, and seemingly disproportionate attention from the press in the United States, United Kingdom, and elsewhere (Lawrance 2015; Stevens 2010). Possibly the most heavily publicized asylum case in the United States was that of Fauziya Kasinga, the young Togolese woman who received asylum in 1996 based on her fear of undergoing genital cutting if she were repatriated.[2] African examples also abound in more general stories about asylum. An article about fabricated asylum claims (Dolnick 2011) recalled that Amadou Diallo, the African immigrant shot forty-one times by the New York police in 1999, had falsely testified that he came from Mauritania, where his parents had been killed in the course of political conflict. And yet, there are no empirical data to sustain the view that African asylum claims are more often bogus, less deserving, or less legitimate than those of other regions. A New York physician interviewed by the *New York Times,* whose clinic evaluates claims of torture, described the majority of his patients as young, educated men from Africa (Bowen 2011); his examinations validated 87 percent of their torture claims. Whatever the reasons for this unwarranted, popular focus on Africa, asylum claims, both real and fraudulent, raise a range of questions about the application of core legal concepts to the diverse African political, cultural, and linguistic landscape.

Contemporary asylum law, defined in the wake of World War II, rests on the 1951 UN refugee convention and the 1967 UN protocol. Only with the 1967 protocol was refugee status expanded to include populations outside Europe and encompass events occurring after January 1, 1951. These documents have been domesticated with varying degrees of success across the globe (Barutciski 2002; Goodwin-Gill 1999; Kagan 2006). Although not a signatory to the 1951 convention, the US Congress, via a 1980 law, adopted an international definition of a refugee as a person with a "well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion" (Immigration and Nationality Act 1980). These guidelines may seem straightforward, but (adding to the challenges of verifying stories of events that occurred thousands of miles away) some aspects of the law also leave room for ambiguity—such as how to define a "well-founded fear of persecution" or "membership in a particular social group" and what constitutes "political opinion." Furthermore, in many cases, as Jacques Derrida (2001, 12) observes,

the "aporia" (Shemak 2011, 12) or borderline between "political" and "economic" refugees is difficult to determine. As Jean-François Lyotard has explained, the burden resting on individual asylum seekers to prove claims that often cannot be documented is a *dommage* (a "wrong" or "tort") that is "accompanied by the loss of means to prove the damage" (Lyotard 1983, 9; 1988, 5). Thus, the temptation to stretch, embellish, or invent narratives that conform to asylum law is enormous. The added burden of trauma that many refugees have suffered and the difficulties of communicating across both linguistic barriers and cultural dissonance add to the complexity of the process (Einhorn and Berthold 2015; Smith, Lustig, and Gangsei 2015).

Most of the chapters in this volume address North American asylum cases, but these claimants represent only a small proportion of the refugee flow both from African countries and globally, flows that fluctuate annually depending on the dynamics of conflict in particular countries and regions and the politics around immigration in potential host countries. In the United States, for example, the ceiling set for refugees worldwide in 2010 (80,000) was 65 percent lower than in 1980 (Li and Batalova 2011), although this number does not include people who first arrive on valid visas and then apply for asylum. In any given year, the overwhelming majority of displaced people resettle in neighboring countries and do not seek asylum. In 2008, for instance, neighboring developing countries hosted 80 percent of all refugees. In that same year, with the 28 percent increase worldwide in the number of new asylum seekers, the largest number of individual claims, an astonishing total of 207,000, were filed in South Africa, compared with only 49,600 in the United States (Kriger 2011; UNHCR 2009). The rapid fluctuations are apparent when 2012 data are examined. In 2012, only Somalia and Sudan featured in the top five major source countries for refugees globally. Of the top ten countries in which asylum applications were lodged in the offices of the UN High Commissioner for Refugees (UNHCR), Kenya was ranked first with 20,000 and Cameroon and Somalia were eighth and ninth with 3,500 and 3,400 applications, respectively. Significantly, in 2012, Kenya and Ethiopia, following close behind, hosted the second- and third-largest number of refugees in-country, as a comparative measure of gross domestic product (UNHCR 2012). Some periods also saw sharp increases in refugees from particular countries—between 2008 and 2010, for example, the number of people arriving in the United States from the

Democratic Republic of Congo (DRC) increased fourfold and those from Eritrea tenfold (Li and Batalova 2011).

In constructing narratives about their cases and their identities, both claimants and their attorneys rely on a combination of asylum seekers' own histories and on stories that already have proven acceptable before adjudicators and tribunals. As Berger argues, for African women since the 1996 Kasinga case that has often meant including an account of fearing or having experienced female genital cutting (FGC) and offering resistance to the procedure. But other successful asylum narratives are particular to individual countries. In Mauritania, as McDougall demonstrates, where persecution based on slavery provides a basis for many asylum requests, portraying the slave/master divide as one between blacks and whites has helped to make it more legible, particularly in US courts. This metanarrative originally came not from immigration attorneys but from the strategy of the African Liberation Forces of Mauritania (FLAM), which sought support for exiled refugees by portraying them as black slaves being driven from the country by white masters. Such narratives, once established, tend to acquire a life of their own and to set precedents that shape not only the testimony of individual claimants but also the arguments and statements of the attorneys and expert witnesses who assist them.

The issue of narratives and how they are crafted and understood applies to the stories of asylum seekers and also to the understanding of these accounts in potential host countries. At times, a sympathetic reception may have less to do with claimants' objective circumstances than with global political conflicts. When Soviet-era athletes sought to remain in the free-market democratic West (half the Hungarian Olympic team in 1956), they were portrayed sympathetically as legitimate defectors. By contrast, as Terretta narrates, Cameroonian athletes who disappeared during the 2012 Olympic Games in London were suspected of being economic rather than political migrants, despite their government's widely known record of egregious human rights abuses. This issue is particularly germane to parts of Africa, where decades of violence and political instability in some countries have made the division between political and economic grounds for asylum difficult to disentangle. As currently framed, international law discounts the claims of refugees seeking escape from dysfunctional, corruption-ridden political systems where bending or getting around the rules or producing false documents may be necessary

for finding work, food, and shelter. When applied to asylum, however, such survival strategies are labeled as fraud. Making a counterargument, Terretta suggests that judging such claims as illegitimate should rest not on whether individuals have falsified documents and stories but on the extent to which a combination of economic and political factors, often difficult to separate, has made survival at home virtually impossible.

Evaluating African cultural practices that underpin asylum cases is equally challenging. In the wake of a vocal international feminist movement critical of female genital cutting, fear of excision emerged as a grounds for claiming asylum by the mid-1990s. As Berger's and Musalo's chapters show, successful cases involving FGC also opened the way for considering other forms of private, domestic violence and coercion as a basis for claims. In turn, this stretched the previously accepted grounds for defining persecution but nonetheless left open for over a decade the question of whether those who had already been excised could claim sanctuary on such grounds (Seelinger 2010; Wasem 2011). As Walker-Said's chapter demonstrates, Western human rights discourse also has shaped judicial perspectives on the rights of sexual minorities. Regardless of their situation, the law recognizes persecution only on the grounds of having a "lesbian" or "gay" sexual orientation, sometimes a "bisexual" identity (Rehaag 2008, 2009), and occasionally a "transgender" identity (Morgan 2006; Neilson 2004); as a result, claimants are required to frame their experience in terms of American concepts of nonnormative sexual behavior (Massaquoi 2013). Even more difficult to assess and categorize are claims based on fears of witchcraft, although increasing numbers of African asylum seekers allege either that they have been accused of practicing witchcraft or that they have been the victims of such practices, as Luongo discusses in her essay. Unlike other asylum requests, such cases confront the difficulty of providing tangible evidence admissible in court to back up such fears, compounded by the problem of having judges who are likely to dismiss the stories as signs of primitive magical thinking.

In all of these instances—excision practices, sexual orientation, and witchcraft fears—the subtleties and complexities of local cultures have to be reduced and homogenized in order to make them legible to adjudicators and Western legal systems. In cases of female genital cutting, even though older women tend to perform the procedure and the rationales are complex and varied, lawyers have had greater success in portraying the practice more unambiguously as a product of rigid and static

"traditional" African patriarchy. Similarly, the sexual human rights agenda imposes problematic categories on other cultures; moreover, by failing to understand or conceptualize the wide range of sexual behaviors that may challenge local political, social, or religious practice, this agenda fails to apply to many Africans in need of protection.

Both individual and group identities figure in critical ways in asylum cases, yet the proof of identity is often problematic. In the Global North, individual identity may be rooted in documents assumed to be neutral and readily available.[3] Accordingly, as Bohmer and Shuman argue here, documents are privileged over personal accounts, and those who produce or use fraudulent documents often find their character questioned. This approach disregards the potential need for fabricated identities in corrupt or dangerous societies. Furthermore and especially in conflict situations, individuals may have multiple and changing identities throughout their lives, rather than the fixed identities that asylum officers assume. For Rwandans during and after the genocide, particularly those of mixed heritage, self-identifying as either Hutu or Tutsi according to the circumstances could mean the difference between death and survival. Equally, in countries torn apart for decades by civil war, such as Somalia or Sierra Leone, and remote rural areas throughout the African continent, presumed basic documents, including birth certificates, may not be widely available. And for dissidents everywhere, false passports may be necessary tools for escape.

Identity is at stake in asylum cases because the law requires documentation of personal narratives and also because of the need to prove persecution based on one of five protected grounds, among them membership in a "particular social group." For a person claiming maltreatment in a witchcraft case, this means identifying either as someone accused of belonging to the invented social group of "witches" or as being a "witchcraft target." In societies where witchcraft beliefs flourish, people often see the ability to practice witchcraft as a fundamental aspect of identity, but being a target of a witchcraft accusation is not necessarily stable and fundamental in the same way; in addition, an individual's apparent identity as a witch would not persist in a new social context. Issues of identity are equally challenging in cases of genital cutting and sexual orientation. In the former, the "social group" requirement usually centers on being a member of a particular ethnic group that enforces excision on young women, a requirement that tends to fix and reify local African categories

that are, in fact, fluid and historically contingent. In the case of those persecuted for their sexual behaviors and identities, applicants are forced to tailor their stories and homogenize their personal identities in relation to fixed Western notions such as gay and lesbian (Massaquoi 2013; Spijkerboer 2013).

The asylum process and the requirements of asylum law reflect difficult and contradictory tendencies. Crafting successful cases that conform to the domestic legal requirements has enabled African claimants (and often their families) a chance to find refuge from horrific political conflict and repression, saving them from torture, imprisonment, or possible extrajudicial killing. At the same time, particularly in the small number of highly publicized cases, many aspects of these laws inadvertently play upon and reinforce negative stereotypes of Africa as a continent of patriarchal tribes that continue to perpetuate primitive, sometimes barbaric practices dictated by static and unchanging customs. While shaping and perpetuating attitudes among the general public, these legal requirements present a particular dilemma for academic advocates and expert witnesses, forcing them at times to compress their understandings of dynamic, fluid social relationships into the appropriate legal categories. Finally, the asylum process relies on a narrative of victims in need of rescue by well-intentioned, humane host countries. Though this is true of asylum seekers from around the globe, the negative effects may be most acute for those from the African continent, a part of the world that has been less successful than others at escaping the negative images inherited from centuries of enslavement and colonial occupation.

The Textual Form of Expert Testimony

In the new millennium, country conditions testimony and the African asylum seeker's narrative are tailored to fit contemporary asylum protocols, which increasingly conform more to immigration securitization and managed migration policies than to terms of the 1951 UN convention and 1967 UN protocol. Since the 1990s, asylum and refugee legislation in the Global North has imposed a number of restrictive migration policies upon asylum seekers, including: "visa regimes, carrier sanctions, airport liaison officers as well as internal measures such as detention, dispersal regimes, [and] restrictions on access to welfare and housing" (Gibney 2004, 2). These securitization measures converge to filter out growing numbers of would-be claimants before they reach host country soil. The result has been to establish in the United States, the United Kingdom,

the European Union, Australia, and elsewhere what Vicki Squire (2009, 36) terms "an exclusionary politics of asylum" underwritten by narratives of control and regulatory practices that criminalize asylum seekers as "threatening" or "culpable" subjects.[4]

The ability to manage migration through restrictive controls and the securitization of borders has become a crucial articulation of state sovereignty, and the state's ability to exclude noncitizens has come to define citizenship, belonging, and even national identity (Brown 2010, 67–68; Ifekwunigwe 2006, 85). Simultaneously, porous borders allowing for the free circulation of goods, capital, and economically desirable migrants have weakened state sovereignty, rendering it nearly irrelevant in spaces such as the multinational corporation or banking sector (Brown 2010, 8–26). Discursively, legally, and practically, the restrictive regulations of migration that limit the number of refugees have become legitimate state policy, a means of reinforcing state sovereignty and defining who is to be included or excluded. Yet the scope for the political contestation of managed migration policies and asylum protocols is more and more limited.

The role of the expert witness has evolved concurrently with changing legal, political, and cultural attitudes toward asylum seeking and the application of the principle of nonrefoulement. In the 1950s and 1960s, in the wake of the refugee convention's drafting and application, expert testimony on the persecution or statelessness of groups or individuals found voice in the pages of newspapers or in the forum of the UN General Assembly or its various committees.[5] In the twenty-first century, expert testimony describing country conditions and legitimizing refugees' well-grounded (well-founded) fear of persecution takes the shape of article-length affidavits tailor-made to specific individuals seeking asylum in host country courts. Confined as it is to the discrete legal context afforded by individual asylum hearings, expert testimony today has a much narrower reach than at the time of the convention's creation. However, the stricter immigration controls and standards of proof for asylum seekers afford the legal team supporting them the greatest influence on the outcome of asylum cases in history.

Jennifer Holmes and Linda Keith have found that the largest single factor influencing the outcome of asylum cases is whether the claimant has legal counsel. If so, the probability of a grant increases by 33 percent (Holmes and Keith 2010; see also Schoenholtz and Bernstein 2008). Sean

Rehaag (2011, 73) discerned similar patterns in Canada and noted that "competent counsel is a key factor driving successful outcomes in refugee claims." In contrast, the level of human rights abuse in the claimant's country of origin increases the probability of a grant only by 0.07 percent, and the level of democratization of the claimant's country decreases his or her chance of receiving a grant by only 0.11 percent. Other variables have comparatively minimal statistical effects (Holmes and Keith 2010).

Arguably, in the current climate, expert testimony serves to insert a wedge, however infinitesimal, under the quickly closing door of asylum by substantiating the claims of asylum seekers. Yet despite its crucial importance to the individuals who make use of it, expert testimony largely fails to critically engage the exclusionary asylum protocols of host countries, in part because it conforms to juridical norms established through political, legal, and cultural trends in those host countries. The prevalence of such testimony may also make courts less apt to recognize claimants' testimony without an expert's corroboration, rendering it more difficult for asylum seekers without professional representation to establish credibility.[6]

It seems that expert testimony fails to reverse current norms that have brought the granting of asylum to an all-time low across the Global North. Even as numbers of asylum seekers increase and as an ever greater cadre of experts provide supportive testimony, restrictive immigration legislation and extraterritorial selection processes have sharply curbed the asylum grant rate throughout the host countries of the Global North since the late 1990s. For example, in the United States as of fiscal year (FY) 2009, the real number of successful affirmative asylum claims decreased by 79 percent since FY1997 (falling from 116,877 in FY1996 to 24,550 in FY2009); defensive asylum claims dropped by 53 percent (Holmes and Keith 2010, 433; Wasem 2011, summary).[7]

Given present-day asylum trends, Squire (2009, 34) argues that expert testimony may seek to overcome the exclusionary logic of securitization but instead actually reinforces it by conforming to protocols set by host country courts, politics, and cultural norms. The protocols have established a conventional textual form for expert testimony composed of three essential ingredients: a narrative fitted to the exigencies of juridical proof; the substantiation of the claimant's credibility; and the humanitarian trope of the deserving refugee.

Guided by the asylum seeker's legal team, expert testimony makes juridical proof its primary objective. The burden of proof for refugees and asylum seekers has increased in recent years. For example, the REAL ID Act passed in the United States in 2005 requires "asylum seekers to demonstrate that their race, religion, nationality, membership in a social group, or political opinion represents 'at least one central reason' for the persecution they suffered or fear" (Wasem 2011, 4). Furthermore, it now falls on the asylum seeker to provide corroborative evidence to his or her claims, and expert testimony is one means of legitimizing and reinforcing the claimant's narrative (Conroy 2009; Galloni 2008). Yet the requirement of juridical proof imposed on asylum seekers exists in tension with the testimony provided by experts, particularly as the application of legal procedures limits the form of evidence in asylum cases. In the United Kingdom, courts routinely seek to "constrain the expert's influence, through such means as the 'hearsay rule' . . . and the 'ultimate issue' rule, which prevents witnesses from giving opinions on the main issues at stake" (Good 2008, S48).

Within the constraints imposed by legal processes, expert testimony seeks to render refugees recognizable according to social and political norms configuring the present-day rule of law and thus to lead to the courts' recognition of claimants as worthy of asylum.[8] Although expert testimony frames asylum seekers' narratives as legal evidence, it also decontextualizes the claimant from his or her social and political subjectivity in order to fit him or her into the host country's applicable rules of law.[9] Furthermore, it is unclear to what extent the evidence contained in expert testimony sways judicial opinion, since political and legal factors may wield an equal or greater influence on the final outcome of the case (Ramji-Nogales, Schoenholtz, and Schrag 2007; Rottman, Fariss, and Poe 2009).

Possible irrelevance is the least of the dangers associated with the conventional form of expert testimony. More troublingly, in appearing to assist with any attempt to legitimize a claimant's narrative and present this individual as a deserving refugee, the expert witness articulates his or her own testimony in a discursive and legal space that is skewed against asylum seekers, thus running the risk of accepting mistrust of the refugee as the starting premise. It is essential then, when considering the form of

expert testimony, to critically examine the expert witness's role vis-à-vis the refugee's credibility.

Expert Testimony and Refugee Credibility

The role of the expert witness is emerging as a pivotal site of challenge to legal, political, and social assumptions that asylum claims are at best illegitimate or frivolous (meaning primarily economic in nature) or at worst criminal or fraudulent. Because the form makes expert testimony seem necessary to prove the veracity of a claimant's testimony, the process shines a spotlight of suspicion on the latter (Fassin 2012, 109–29).

Yet for Derrida (as quoted in Shemak 2011, 29), the confirmation of the veracity of the claimant's story can never be achieved through expert testimony, which is, in effect, testimony about testimony: "There is no testimony which does not structurally imply in itself the possibility of fiction, simulacra, dissimulation, lie, and perjury. . . . If this possibility that it seems to prohibit were effectively excluded, if testimony thereby became proof, information, certainty, or archive, it would lose its function as testimony." Drawing on Derrida, April Shemak (2011, 29) writes that "testimony is . . . always linked to the possibility of perjury, even as a witness swears to its truthfulness. . . . Testimony always holds the potential to trespass, to breach trust and perjure." Because of the "improvability" of testimony, the asylum seeker is most often already perceived as lying and therefore treacherous before the first word is uttered.

The refugee's narrative, undergirded by expert testimony, provides him or her access to legal, political membership in the host country. For this reason, juridical and immigration authorities, as well as the society at large, view misrepresentation or lying as almost equal to an act of treason. The outcry surrounding allegations that Nafissatou Diallo (the accuser of Dominique Strauss-Kahn, former head of the International Monetary Fund) had lied on her asylum application is illustrative. Should evidence of mendacity ever be discovered, it merely confirms widely held assumptions about asylum grantees and often comes with vicious calls for the "exposed liar's" immediate deportation.[10]

Testimonies of the asylum seeker and the supporting legal team (lawyer, interpreter, and expert witnesses) are "scrutinized for credibility" in immigration courts, making these narratives the "sites of surveillance and policing of national boundaries" (Shemak 2011, 24). Yet in working so hard to restore credibility on a claimant's behalf, the expert witness runs

the risk of constructing testimony that confirms dominant perceptions of asylum seekers as illegitimate, deceitful, and potentially treacherous.

Spinning the Yarn, Narrating the Refugee

In constructing a narrative that will make sense to a judge or asylum officer, the asylum seeker fills the role traditionally occupied by a native informant in historical or ethnographic research, spinning his or her tale of persecution in its raw form. Guided by the legal team, the expert witness translates the claimant's narrative into "the idiom of the host nation" (Shemak 2011, 17), framing it to fit a legal and humanitarian trope of deserving refugee and thus rendering it (and therefore its narrator) recognizable to asylum officers and judges.[11]

Expert testimony measures the plausibility of an asylum seeker's experiences of persecution and the extent to which they justify the claimant's well-grounded fear of persecution (Fassin 2012). By framing the claimant's narrative in such a way as to "render individual suffering and psychic interiority the ground of trauma" (Schaffer and Smith 2004, 10), expert testimony forsakes a schema of historical and cultural intelligibility rooted in the refugee's place of origin for a schema of intelligibility derived from a moral economy of humanitarianism prevalent throughout host countries of the Global North (Butler 2009, 7; Fassin 2010, 269–93).

Fassin argues that isolating the individual's experience of suffering while emphasizing his or her traumatic experience is the surest way to ensure that asylum will be granted, given the unreliability of testimony and the ability of physical or psychological scars to attest nondiscursively to a trauma narrative (in which case medical testimony should ideally be included) (Fassin 2012). In transforming the claimant's narrative into something intelligible, knowable, and recognizable to officials presiding over asylum in a given host country, expert testimony recontextualizes the refugee and his or her experience. This volume begins the process of examining in depth the repercussions of decontextualizing, isolating, and reframing individual asylum seekers' narratives of persecution, a process in which the expert witness participates.

Given the increasing importance of expert testimony, the expert witness is one of the only figures who, through their narratives, have the capacity to contest asylum protocols (Good 2015). However, the constraints imposed on expert testimony's textual form corral it into a legal narrative that serves to reinforce, rather than challenge, circumvent, or

overturn, the normative portrayal of asylum seekers in host countries. In other words, the textual form of expert testimony, in order to be successful on a case-by-case basis, must be seen to conform to—and therefore all too often uphold—the legal and political status quo when it comes to the regulation of asylum. Accordingly, it seems that by adhering to a narrative form more or less dictated by the politics, laws, and sociocultural leanings of host countries, specialists who serve as expert witnesses have yet to find a way to live up to their full potential, beyond the discrete legal setting of the particular cases for which they provide testimony.

Conclusion: Expertise and the Disciplines

As the first book to focus on African asylum practices and expert testimony, this collection provides a unique entrée into the personal, lived experience of asylum seekers and refugees. Our hope is that it will gain the attention of the large international refugee and asylum activist community because, by way of anecdotal narratives of real cases, it may enable others to connect their pending cases and concerns with previously unreported experiences. We hope that these chapters will resonate with the immigration professionals and practitioners, who currently have little to draw upon in terms of real case studies with which to develop and enhance relationships with potential experts.

The volume is multidisciplinary and includes perspectives from those trained in history, anthropology, and political science as well as the interdisciplinary fields of legal studies and folklore/literature studies. By way of conclusion, it may be worth pondering the role of disciplinarity in the production of expertise. It would be an overstatement to suggest that all contemporary academic social science and humanistic disciplines are represented among the core group of individuals who offer their services as experts. The conference from which these papers were selected was the final installment of several years of preparative discussions among a group of engaged Africanist scholars. We met at the annual meeting of the US African Studies Association on at least three occasions informally and also formally in roundtables and plenary sessions. As our group grew and coalesced, we observed that certain disciplinary perspectives (most notably, history) appeared overrepresented in the assembly of individuals who regularly served as experts; seven of the authors in this volume were trained as historians. After historians, the second-largest disciplinary constituency comprises anthropologists.

Implicitly, then, the composition of this volume raises questions generally about the overrepresentation of particular disciplines in expert testimony, specifically about the receptiveness of judges and tribunals to certain intellectual frameworks and arguments. In reviewing the structure and format of expert testimony in support of gender-based violence claims from West Africa, Lawrance (forthcoming b) observes that the basis for the legal claim of persecution must often be contextualized with a history of specific forms of persecution in the respective country. In this way, expert reports inherently compare specific claims with objective evidence about legal remedy, real and purported, and in so doing, they provide a hypothesis for estimating the likelihood of future jeopardy. Expert reports appear backward-looking because they historicize particular claims of jeopardy. But expert reports evaluating claims of gender-based violence are also forward-looking insofar as the asylum seekers, whose claims they evaluate, postulate the reemergence of particular dangers by framing claims as conditional and overlapping, incorporating hypothetical risks encumbered by forcible return.

We do not offer this collection expressly as a manual comprising specific personal narratives of best and worst practices in asylum and refugee status determination, a job admirably accomplished by Anthony Good and Tobias Kelly (2013). But if it operates as a guide for those who seek to assist the most vulnerable in our society, it will be a fitting tribute to the real individuals whose identities are masked by the complexity of their circumstances. It is our hope that this volume will stimulate further debate among scholars, practitioners, and activists about the predilection of jurists for particular narrative and disciplinary agendas, together with the impact this may have in fairly and equitably assessing the claims of refugees and asylum seekers.

Notes

1. UNHCR, "Durable Solutions" (retrieved September 16, 2014), http://www.unhcr.org/pages/49c3646cf8.html.

2. The correct spelling of her last name is Kassindja, which the Immigration and Naturalization Service (INS) misspelled as Kasinga. This error was reflected in all official documents and thus in most of the legal writing about the case.

3. Recent controversies over voter ID laws in the United States show the difficulty of making this claim even in twenty-first-century America.

4. Squire (2009) deals primarily with the United Kingdom. For France, see Fassin, Morice, and Quiminal (1997).

5. The most dynamic expert witness for the African context was certainly Michael Scott, who spent three decades tirelessly testifying in many forums (including the UN General Assembly and Fourth Committee) about the injustices that South African apartheid rule inflicted upon the indigenous populations of South-West Africa (Anderson 2008; Clark 1981). Roger Baldwin, chairman of the International League of the Rights of Man and founder of the American Civil Liberties Union, acted as expert witness and advocate in the case of French Cameroon's violent decolonization from French rule (Terretta 2012).

6. This point was stressed by Mary Meg McCarthy, director of the National Immigrant Justice Center, in Chicago, Illinois, during the Conable Conference Plenary Session, April 14, 2012, at the Rochester Institute of Technology.

7. Statistical manipulation enables state officialdom to claim—as did Juan Osuna, director of the Executive Office for Immigration Review, Department of Justice, during the Conable Conference Plenary Session in 2012—that the US asylum grant rate had climbed to an all-time high. In percentage terms, this is the case: the asylum grant rate (both affirmative and defensive claims) was 12.44 percent in FY1996 when asylum claims peaked, and it steadily climbed to 36.02 percent by FY2008. Yet the skillfully wielded extraterritorial measures preventing would-be asylum seekers from reaching US borders have led to a decrease in real terms.

8. On recognizability as preparing a subject for recognition fitting current social and political conventions, see Butler (2009, 3–5).

9. On decontextualization, see Fassin (2012, 109–29); on the rules of law taking precedence over evidence, see Latour (2010, 208–16).

10. This is true even among those who consider themselves sympathetic to asylum processes. See, for example, the commentary of a self-declared human rights activist (Murray 2011): "In order to maintain public support for the asylum system, it is essential that it has integrity. If Diallo is not now deported, nobody can believe in that integrity."

11. Schaffer and Smith (2004, 22) put it another way when they write that Holocaust stories are the basis for the psychoanalytic model that privileges "stories suffused with traumatic remembering and suffering and silences other kinds of stories that may not unfold through the Western trope of trauma." Here, we are guided by Judith Butler's (2009) discussion of Hegelian recognizability.

References

Agier, Michel. 2007. *On the Margins of the World: The Refugee Experience Today*. Cambridge: Polity Press.

Anderson, Carol. 2008. "International Conscience, the Cold War, and Apartheid: The N.A.A.C.P.'s Alliance with the Reverend Michael Scott for South West Africa's Liberation, 1946–1951." *Journal of World History* 19 (3): 297–326.

Ardalan, Sabrineh. 2015. "Expert as Aid and Impediment: Navigating Barriers to Effective Asylum Representation." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 149–65. Cambridge: Cambridge University Press.

Barutciski, M. 2002. "A Critical View on U.N.H.C.R.'s Mandate Dilemmas." *International Journal of Refugee Law* 14 (2–3): 365–81.

Bloomaert, Jan. 2009. "Language, Asylum and the National Order. *Current Anthropology* 54 (4): 415–41.
Bohmer, Carol, and Amy Shuman. 2007. *Rejecting Refugees: Political Asylum in the 21st Century.* London: Routledge.
Bowen, Alison. 2011. "Proving Torture to Win Asylum." *New York Times*, March 6.
Brown, Wendy. 2010. *Walled States, Waning Sovereignty*. Brooklyn, NY: Zone Books.
Burrill, Emily, Richard L. Roberts, and Elizabeth Thornberry. 2010. *Domestic Violence and the Law in Colonial and Postcolonial Africa*. Athens: Ohio University Press.
Butler, Judith. 2009. *Frames of War: When Is Life Grievable?* London: Verso.
Carver, Nick. 2003. *Home Office Country Assessments: An Analysis*. London: Research and Information Unit, Immigration Advisory Service.
Chanock, Martin. 1998. *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia*. Portsmouth, NH: Heinemann.
Chelidze, Khatiya, Nicole Sirotin, Margaret Fabiszak, Terri Edersheim, Alexandra Tatum, Taryn Clark, Luis Villegas, Patriss Wais Moradi, and Joanne Ahola. 2015. "Documenting Torture *Sequelae*: The Weill Cornell Model for Forensic Evaluation, Capacity Building, and Medical Education." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 166–79. Cambridge: Cambridge University Press.
Clark, Roger S. 1981. "The International League for Human Rights and South West Africa, 1947–1957: The Human Rights NGO as Catalyst in the International Legal Process." *Human Rights Quarterly* 3 (4): 101–36.
Cohen, Juliet. 2001. "Questions of Credibility: Omissions, Discrepancies and Errors of Recall in the Testimony of Asylum Seekers." *International Journal of Refugee Law* 13 (3): 293–309.
Conroy, Melanie A. 2009. "Real Bias: How REAL ID's Credibility and Corroboration Requirements Impair Sexual Minority Asylum Applicants." *Berkeley Journal of Gender, Law & Justice* 24 (1): 1–56.
CREDO. 2013. *Hungarian Helsinki Committee, Credibility Assessment in Asylum Procedures—A Multidisciplinary Training Manual*. Vol. 1. Budapest.
Derrida, Jacques. 2001. *On Cosmopolitanism and Forgiveness*. New York: Routledge.
Dolnick, Sam. 2011. "Immigrants May Be Fed False Stories to Bolster Asylum Pleas." *New York Times,* July 11.
Dornell, Lisa. 2015. "Afterword." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 245–52. Cambridge: Cambridge University Press.
Einhorn, Bruce, and S. Megan Berthold. 2015. "Reconstructing Babel: Bridging Cultural Dissonance between Asylum Seekers and Adjudicators." In *Adjudicating Asylum and Refugee Status,* edited by B. N. Lawrance and G. B. Ruffer, 27–53. Cambridge: Cambridge University Press.
Fassin, Didier. 2010. "Heart of Humaneness: The Moral Economy of Humanitarian Intervention." In *Contemporary States of Emergency: The Politics of Military and Humanitarian Interventions,* edited by Didier Fassin and Mariella Pandolfi, 269–93. New York: Zone Books.

———. 2012. *Humanitarian Reason: A Moral History of the Present*. Berkeley: University of California Press.
Fassin, Didier, and Estelle D'Halluin. 2005. "The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum Seekers." *American Anthropologist* 107 (4): 597–608.
Fassin, Didier, Allain Morice, and Catherine Quiminal. 1997. *Les lois de l'hospitalité: Les politiques de l'immigration à l'épreuve des sans-papiers*. Paris: La Découverte.
Galloni, Tania. 2008. "Keeping It Real: Judicial Review of Asylum Credibility Determinations in the Eleventh Circuit after the REAL ID Act." *University of Miami Law Review* 62 (4): 1037–62.
Gangsei, David, and Ana Deutsch. 2007. "Psychological Evaluation of Asylum Seekers as a Therapeutic Process." *Torture* 17 (2): 79–87.
Gibney, Matthew J. 2004. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge: Cambridge University Press.
Gladstone, Rick. 2012. "Asylum Claims Rose 20 Percent Last Year, UN Refugee Agency Says." *New York Times,* March 21.
Good, Anthony. 2004a. "Expert Evidence in Asylum and Human Rights Appeals: An Expert's View." *International Journal of Refugee Law* 16 (3): 358–80.
———. 2004b. "Undoubtedly an Expert? Anthropologists in British Asylum Courts." *Journal of the Royal Anthropological Institute* 10 (1): 113–33.
———. 2007. *Anthropology and Expertise in the Asylum Courts*. London: Routledge.
———. 2008. "Cultural Evidence in Courts of Law." *Journal of the Royal Anthropological Institute* 14 (April): S47–S60.
———. 2015. "Anthropological Evidence and Country of Origin Information in British Asylum Courts." In *Adjudicating Refugee and Asylum Status*, edited by B. N. Lawrance and G. B. Ruffer, 122–44. Cambridge: Cambridge University Press.
Good, Anthony, and Tobias Kelly. 2013. *Expert Country Evidence in Asylum and Immigration Cases in the United Kingdom*. School of Social and Political Science, University of Edinburgh.
Goodwin-Gill, Guy S. 1999. "Refugee Identity and Protection's Fading Prospect." In *Refugee Rights and Realities: Evolving International Concepts and Regimes,* edited by Frances Nicholson and Patrick Twomey, 220–49. Cambridge: Cambridge University Press.
Holmes, Jennifer S., and Linda Camp Keith. 2010. "Does the Fear of Terrorists Trump the Fear of Persecution in Asylum Outcomes in the Post-September 11 Era?" *PS: Political Science & Politics* 43 (3): 431–46.
Hyndman, Jennifer, and Wenona Giles. 2011. "Waiting for What? The Feminization of Asylum in Protracted Situations." *Gender, Place and Culture* 18 (3): 361–79.
Ifekwunigwe, Jayne O. 2006. "An Inhospitable Port in the Storm: Recent Clandestine West African Migrants and the Quest for Diasporic Recognition." In *The Situated Politics of Belonging,* edited by N. Yuval-Davis, K. Kannibiran, and U. Vieten, 84–99. London: Sage and International Sociological Association.
Immigration and Nationality Act (INA). 1980. 8 U.S.C.
Jeppie, Shamil, Ebrahim Moosa, and Richard L. Roberts. 2010. *Muslim Family Law in Sub-Saharan Africa: Colonial Legacies and Post-colonial Challenges.* Amsterdam: Amsterdam University Press.

Kagan, Michael. 2006. "The Beleaguered Gatekeeper: Protection Challenges Posed by U.N.H.C.R. Refugee Status Determination." *International Journal of Refugee Law* 18 (1): 1–29.

Kam, Noé Mahop. 2015. "Recovering the Sociological Identity of Asylum Seekers: Language Analysis for Determining National Origin in the European Union." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 54–83. Cambridge: Cambridge University Press.

Keast, Rachel. 2005. "Using Experts for Asylum Cases in Immigration Court." *Interpreter Releases: Report and Analysis of Immigration and Nationality Law* 82 (30) (August 1), 1–6.

Kelly, Tobias. 2011. *This Side of Silence: Human Rights, Torture, and the Recognition of Cruelty*. Philadelphia: University of Pennsylvania Press.

Kriger, Norma. 2011. "Understanding Asylum Outcomes for Zimbabweans: Comparing the United States and South Africa." *African Arguments*, June 27. http://africanarguments.org/2011/06/27/understanding-asylum-outcomes-for-zimbabweans-in-the-united-states-and-south-africa/.

Latour, Bruno. 2010. *The Making of Law: An Ethnography of the Conseil d'État*. Cambridge: Polity Press.

Lawrance, Benjamin N. 2013. "Humanitarian Claims and Expert Testimonies: Contestation over Health Care for Ghanaian Migrants in the United Kingdom." *Ghana Studies* 15–16 (special double issue on "Health and Health Care"): 251–86.

———. 2015. "'Health Tourism' or 'Atrocious Barbarism'? Contextualizing Migrant Agency, Expertise, and Medical Humanitarian Practice." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 221-244. Cambridge: Cambridge University Press.

———. Forthcoming a. "De Jure? De Facto? Denied, Deported: State-Effected Statelessness." In *Citizenship-in-Question: Evidentiary Encounters with Blood, Birthright, and Bureaucracy,* edited by Benjamin N. Lawrance and Jacqueline Stevens. Philadelphia: University of Pennsylvania Press.

———. Forthcoming b. "Historicizing as a Legal Trope in Asylum Narratives and Expert Testimonies of Gender-Based Violence." In *Transcending Traditional Tropes: Culture and Conflict in Upper Guinea,* edited by Jacqueline Knörr and Christian Kordt Højbjerg. Palgrave.

Lawrance, Benjamin N., Emily L. Osborn, and Richard L. Roberts, eds. 2006. *Intermediaries, Interpreters and Clerks: African Employees and the Making of Colonial Africa.* Madison: University of Wisconsin Press.

Lawrance, Benjamin N., and Galya Ruffer, eds. 2015a. *Adjudicating Refugee and Asylum Status: The Role of Witness, Expertise, and Testimony*. Cambridge: Cambridge University Press.

———. 2015b. "Witness to the Persecution? Deciphering the Dialectic of Expert Testimony and Asylum Adjudication." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 1–24. Cambridge: Cambridge University Press.

Li, Monica, and Jeanne Batalova. 2011. "Refugees and Asylees in the United States." Migration Information Source. August. Accessed September 16, 2014. www.migrationinformation.org.

Lyotard, Jean-François. 1983. *Le Différend.* Paris: Éditions de Minuit.

———. 1988. *The Differend: Phrases in Dispute*. Translated by Georges Van Den Abbeele. Minneapolis: University of Minnesota Press.

Mahmood, Cynthia K. 1996. "Asylum, Violence, and the Limits of Advocacy." *Human Organization* 55 (4): 493–98

Malphrus, Garry. 2010. "Expert Witnesses in Immigration Proceedings." *Immigration Law Advisor* 4 (5): 1–14.

Mamdani, Mahmood. 1996. C*itizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton, NJ: Princeton University Press.

———. 2010. *Saviors and Survivors: Darfur, Politics, and the War on Terror*. New York: Random House.

Mann, Kristin, and Richard Roberts. 1991. *Law in Colonial Africa*. Portsmouth, NH: Heinemann Educational Books.

Marton, Miriam. 2014. "Beyond Expert Witnessing: Interdisciplinary Practice in Representing Rape Survivors in Asylum Cases." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 102–21. Cambridge: Cambridge University Press.

Massaquoi, Notisha. 2013. "No Place Like Home: African Refugees and the Emergence of a New Queer Frame of Reference." In *Sexual Diversity in Africa: Politics, Theory, and Citizenship*, edited by S. N. Nyeck and Marc Epprecht, 37–53. Montreal, Canada: McGill-Queen's University Press.

Millbank, Jenni. 2009. "'The Ring of Truth': A Case Study of Credibility Assessment in Particular Social Group Refugee Determinations." *International Journal of Refugee Law* 21 (1): 1–30.

Moore, Sally Falk. 1986. *Social Facts and Fabrications: "Customary" Law on Kilimanjaro, 1880–1980*. Cambridge: Cambridge University Press.

Morgan, Deborah A. 2006. "Not Gay Enough for the Government: Racial and Sexual Stereotypes in Sexual Orientation Asylum Cases." *Tulane Journal of Law and Sexuality* 15:135–61.

Murray, Craig. 2011. "Diallo Must Be Deported." August 23. Accessed March 1, 2012. http://www.craigmurray.org.uk/archives/2011/08/diallo-must-be-deported/.

Neilson, Victoria. 2004. "Uncharted Territory: Choosing an Effective Approach in Transgender-Based Asylum Claims." *Fordham Urban Law Journal* 32 (2): 101–24.

Norman, S. 2007. "Assessing the Credibility of Refugee Applicants: A Judicial Perspective." *International Journal of Refugee Law* 19 (2): 273–92.

Ortiz, Sister Dianna. 2001. "The Survivors' Perspective: Voices from the Center." In *The Mental Health Consequences of Torture*, edited by Ellen Gerrity, Terrence M. Keane, and Farris Tuma, 13–35. New York: Kluwer Academic/Plenum Publishers.

Piot, Charles. 2007. "Representing Africa in the Kasinga Asylum Case." In *Transcultural Bodies: Female Genital Cutting in Global Context,* edited by Ylva Hernlund and Bettina Shell-Duncan, 224–33. New Brunswick, NJ: Rutgers University Press.

Ramji-Nogales, Jaya, Andrew Schoenholtz, and Philip G. Schrag. 2007. "Refugee Roulette: Disparities in Asylum Adjudication." *Stanford Law Review* 60 (2): 295–412.
Rehaag, Sean. 2008. "Patrolling the Borders of Sexual Orientation: Bisexual Refugee Claims in Canada." *McGill Law Journal* 53 (1): 59–102.
———. 2009. "Bisexuals Need Not Apply: A Comparative Appraisal of Refugee Law and Policy in Canada, the United States, and Australia." *International Journal of Human Rights* 13 (2): 415–36.
———. 2011. "The Role of Counsel in Canada's Refugee Determination System: An Empirical Assessment." *Osgoode Hall Law Journal* 49 (1): 71–116.
Roberts, Richard L. 2005. *Litigants and Households: African Disputes and Colonial Courts in the French Soudan, 1895–1912*. New York: Praeger.
Rosen, Lawrence. 1977. "The Anthropologist as Expert Witness." *American Anthropologist* 79 (3): 555–78.
Rottman, Andy J., Christopher J. Fariss, and Steven C. Poe. 2009. "The Path to Asylum in the U.S. and the Determinants for Who Gets In and Why." *International Migration Review* 43 (1): 3–34.
Schaffer, Kay, and Sidonie Smith. 2004. *Human Rights and Narrated Lives: The Ethics of Recognition*. New York: Palgrave Macmillan.
Scheel, Stephan, and Vicki Squire. 2014. "Forced Migrants as 'Illegal' Migrants." In *The Oxford Handbook of Refugee and Forced Migration Studies*, edited by Elena Fiddian-Qasmiyeh, Gil Loescher, Kathy Long, and Nando Sigona, 188–99. Oxford: Oxford University Press.
Schoenholtz, Andrew I., and Hamutal Bernstein. 2008. "Improving Immigration Adjudications through Competent Counsel." *Georgetown Journal of Legal Ethics* 21 (1): 55–60.
Seelinger, Kim Thuy. 2010. "Forced Marriage and Asylum: Perceiving the Invisible Harm." *Columbia Human Rights Law Review* 42 (1): 55–117.
Shemak, April Ann. 2011. *Asylum Speakers: Caribbean Refugees and Testimonial Discourse*. New York: Fordham University Press.
Shuman, Amy, and Carol Bohmer. 2004. "Representing Trauma: Political Asylum Narrative." *Journal of American Folklore* 117 (466): 394–414.
Smith, Hawthorne, Stuart L. Lustig, and David Gangsei. 2014. "Incredible until Proven Credible: Mental Health Expert Testimony and the Systemic and Cultural Challenges Facing Asylum Applicants." In *Adjudicating Refugee and Asylum Status,* edited by B. N. Lawrance and G. B. Ruffer, 180–201. Cambridge: Cambridge University Press.
Speed, Shannon. 2006. "At the Crossroads of Human Rights and Anthropology: Towards a Critically-Engaged Activist Research." *American Anthropologist* 108 (1): 66–76.
Spijkerboer, Thomas, ed. 2013. *Fleeing Homophobia: Sexual Orientation, Gender Identity and Asylum*. New York: Routledge.
Squire, Vicki. 2009. *The Exclusionary Politics of Asylum*. Basingstoke: Palgrave Macmillan.
Stevens, Dallal. 2010. "Asylum Seekers and the Right to Access Health Care." *Northern Ireland Legal Quarterly* 61 (4): 363–90.

Sweeney, James A. 2009. "Credibility, Proof and Refugee Law." *International Journal of Refugee Law* 21 (4): 700–726.
Terretta, Meredith. 2012. "'We Had Been Fooled into Thinking That the UN Watches over the Entire World': Human Rights UN Trust Territories, and Africa's Decolonization." *Human Rights Quarterly* 34 (2): 329–60.
Thomas, Robert. 2006. "Assessing the Credibility of Asylum Claims: EU and UK Approaches Examined." *European Journal of Migration and Law* 8: 79–96.
UN High Commissioner for Refugees (UNHCR). 2009. Press release. June 16.
———. 2010. *UNHCR Statistical Yearbook 2010,* 10th ed. Accessed August 23, 2012. http://www.unhcr.org/4ef9cc9c9.html.
———. 2011a. "A Year of Crises: 2011 Global Trends." Accessed November 1, 2012. http://www.unhcr.org/4fd6f87f9.pdf.
———. 2011b. "2011 Refugee Statistics: Full Data." *Guardian,* June 20.
———. 2012. "Global Trends." Accessed February 28, 2014. http://unhcr.org/globaltrendsjune2013/UNHCR%20GLOBAL%20TRENDS%202012_V05.pdf.
———. 2013. "Beyond Proof: Credibility Assessment in EU Asylum Systems." May 2013.
Verdirame, Guglielmo, and Barbara Harrell-Bond. 2005. *Rights in Exile: Janus-Faced Humanitarianism.* New York: Berghahn Books.
Wallace, Rebecca M. M., and Karen Wylie. 2014. "The Reception of Expert Medical Evidence in Refugee Status Determination." *International Journal of Refugee Law* 25 (4): 749–67.
Wasem, Ruth Ellen. 2011. "Asylum and 'Credible Fear' Issues in U.S. Immigration Policy." *Congressional Research Services.* June 29.