



I12 Recent/Proposed Legal Changes in Asylum Law and the Implications for Mental Healthcare

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Learning Overview: After attending this presentation, attendees will appreciate recent changes/attempts to change the political asylum process by the current administration. Attendees will learn about the potential impact of these changes/proposed changes on mental health providers and forensic practitioners who work with refugees and others seeking asylum.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by updating forensic practitioners on recent political events impacting those seeking political asylum in the United States. This presentation will also promote awareness of different levels of racism that may affect the treatment of minorities and disadvantaged people.

Mental health professionals play a key role in assisting applicants for political asylum to the United States.¹ Political winds during the current Trump administration coupled with unprecedented numbers of asylum seekers at the southern border have spurred recent attempts to fundamentally alter the asylum process. Specifically, this presentation will discuss: (1) Attorney General William Barr's July 29, 2019, order in "Matter of L-E-A," prohibiting asylum seekers from using the status of "immediate family member" as constituting a "particular social group" eligible for asylum in the United States; (2) the "Secure and Protect Act of 2019 (S.1494)," a Senate Bill sponsored by Senator Lindsey Graham introduced on May 15, 2019, which proposes changes that would, among other things, increase the amount of time children could be detained by their families and allow Border Patrol to quickly send unaccompanied minors back to Central America under certain circumstances.^{2,3} This presentation will discuss the implications of these changes/proposed changes to asylum seekers and psychiatrists working on political asylum cases as well as the potential ill effects on mental health that these changes may have on asylum seekers, many of whom have already led lives affected by trauma.

A second goal of this presentation is to explore concepts of racism, including overt, covert (i.e., implicit bias), and institutionalized racism and debate whether the abovementioned changes represent a shift toward a more racist United States. It will be argued that policy changes like those presented above, while perhaps not inherently racist in themselves, potentially represent the institutional legitimization/codification of racist ideas. Increased awareness of the forms of racism that pervade our society will help ensure the fair treatment of individuals we treat and assess.

Reference(s):

1. Susan M. Meffert, Karen Musalo, Dale E. McNiel, and Renée L. Binder. The Role of Mental Health Professionals in Political Asylum Processing. *Journal of the American Academy of Psychiatry and the Law* 38, no. 4 (2010): 479-89.
2. <https://www.congress.gov/bill/116th-congress/senate-bill/1494/text?r=2&s=1>, accessed August 1, 2019.
3. *Matter of L-E-A, Respondent*, 27 I&N Dec. 581 (A.G. 2019).

Asylum, Racism, Forensic Psychiatry