

THE RESETTLEMENT PROCESS AS A SITE OF STRUCTURAL POWER AND NARRATIVE PRODUCTION

Master of Arts in Law and Diplomacy Capstone Project

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16 July 2015

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THE FLETCHER SCHOOL

TUFTS UNIVERSITY

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INTRODUCTION:

International organizations largely invoke international conventions, humanitarian action, and processes of refugee resettlement as spaces of protection. In reality, refugee resettlement is a deeply political process that is strongly influenced by state economic and security concerns. Often it is in the economic and security interests of states to restrict and tightly control resettlement. As such, states have shaped international resettlement processes and asylum procedures so that resettlement is based on status determinations made at the individual or family level. Within an increasingly restrictive resettlement space, the importance of individual resettlement interviews and refugee narratives has increased. Resettlement officers and agencies make status determination decisions based on analysis of whether an applicant fits within international and national definitions of what it means to be a refugee, and on the credibility of applicant narratives. However, as this paper will demonstrate, national level status determinations are, in many ways, arbitrary.

An individual's narrative of harm and persecution is at the core of the resettlement interview and status determination processes. Resettlement agencies are not passive

receptors of resettlement narratives. Rather, they are active social agents in the refugee communities where they place themselves. Resettlement officers make determinations about what information is important, they direct their questioning in specific areas while avoiding others, and draft narratives into chronological stories that clearly identify perpetrators, victims, and intent. Through the resettlement process, refugee narratives are co-constituted between the refugee officers and refugee applicants. The parties bring with them to the interview, cultural scripts, personal objectives, and bureaucratic requirements. Their various scripts and objectives interact in productive, but not always positive ways. But importantly, the policies and expectations of resettlement agencies do not recognize their own active role in influencing resettlement narratives and rarely acknowledge or incorporate anthropological, psychological, and social science scholarship on memory, narrative formation, and social relations. From the global level down to the individual resettlement interview, states exercise institutional and structural power over the resettlement process. As is the case with structural power, much of its clout comes from its invisibility--from the cultivated perception that it is the natural state of things. This paper seeks to place these processes of structural power on display and problematize them.

In order to make visible the invisible processes of structural power in play at different levels of the resettlement system, this paper will investigate the asylum and resettlement processes of the global North, looking at how states employ power in the resettlement process, both on a global scale (by setting resettlement quotas and criteria, by failing to allocate funding to overseas resettlement operations, and by emphasizing

humanitarian protection over refugee states, etc) and within each resettlement interview (for example, by demanding medical proof of harm, by silencing some aspects of narratives and emphasizing others). The analysis will include a discussion of how memories and narratives of harm are shaped based on psychological and anthropological scholarship and on how narratives are shaped within the refugee resettlement process in particular to draw attention to make more clear the social role that resettlement agencies play in narrative formation and to illustrate some of the contradictions within the resettlement interview. Finally, the paper will raise concerns about the possible consequences that the resettlement process itself may have on the wider social relations within refugee communities.

Certainly each country's refugee resettlement process is different, with a range of motivations, specific legal hurdles, and a unique history of judicial jurisprudence affecting decisions. However, for the purposes of this paper, I have understood the motivations and power structures in place within the refugee determination process of Northern states--mainly the United States, Canada, Europe, and Australia--as similar enough to allow a broader analysis. Examples and studies that I reference draw on information from the American, French, Swedish, Canadian and British resettlement systems among others. However, information may be more heavily weighted towards the American system, as my experience is primarily in the United States refugee resettlement system.¹ The asylum and overseas refugee resettlement systems are also separate but

¹ The author worked as a caseworker at the Resettlement Support Center for sub-Saharan Africa, based in Nairobi, for two and a half years. In this capacity, she interviewed refugee applicants and prepared cases for adjudication by United States Immigration officials. The author also interned briefly with the United Nations High Commissioner for Refugees in Bosnia and Herzegovina.

similar, with the main distinction between the two being the location of the applicant (either within the resettlement country or in a third host country) and several additional legal instruments that may be applicable in the case of asylum such as the Convention Against Torture (CAT). While this paper incorporates examples from both the asylum and overseas resettlement processes, and examples from the two are sometimes used interchangeably, it should be noted that the issues of narrative construction and the cultural and social impact of those narratives which are discussed in the second half of this paper may apply differently in cases of overseas refugee processing as compared to the asylum process as the spatial and social realities of these groups may be very different.

The content of this paper is based on academic scholarship and analysis, but guided and informed by personal experiences within resettlement. As someone who has worked within the United States refugee resettlement and UNHCR systems, in addition to studying the subject academically, my perspective is neither unsympathetic to the operational needs and difficulties of resettlement organizations nor blind to the humanitarian motives of many individual status determination and resettlement officers. I am also aware that the policy implications of arguments and analysis based on anthropological theories may be limited given the significant state interests at stake in maintaining control over resettlement processes and quotas. However, resettlement agencies are, to varying degrees, receptive to new understandings of gendered persecution and the ways in which trauma, culture or level of education may affect

applicant responses within resettlement or asylum interviews.² It is with the possibility of these gradual improvements in mind, that this paper deconstructs and analyzes resettlement processes.

What is at stake in these processes of status determination for the individual is enormous. Not only do status determinations and resettlement decisions have the ability to drastically change lives, the interviews themselves can function primarily as spaces of protection for people who have experienced traumatic events, or as spaces that mirror sites of harm, torture, and vulnerability. At a societal level, as this paper will illustrate, the resettlement process and narrative formation within the resettlement process have the potential to influence social relations and affect personal or group identities. Therefore, the process must be looked at more critically.

HUMAN RIGHTS, INTERNATIONAL REFUGEE LAW, AND DOMESTIC IMPLEMENTATION:

Today, states and international organizations nearly always reference human rights as a protection for human beings. At the heart of the concept of human rights is the idea that they are fundamental to humanity and the inherent entitlement of each individual. Writing in the wake of World War II, Hannah Arendt challenged this view of human rights. She lamented the codification of rights with no mechanism for

² The United States resettlement branch, Citizenship and Immigration Services (CIS), has over the years, issued and updated guidelines for its officers for example, that highlight special factors or sensitivities that asylum officers should consider when interviewing children, female applicants, applicants with LGBTI claims, or applicants that have experienced particularly traumatic events. See for example: USCIS, “Guidelines for Children’s Asylum Claims,” *Asylum Officer Basic Training Course* (September 1, 2009); USCIS, “Female Asylum Applicants and Gender Related-Claims,” *Asylum Officer Basic Training* (March 12, 2009); USCIS, “Guidance for Adjudicating Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) Refugee and Asylum Claims,” *RAIO Directorate Officer Training* (December 28, 2011).

enforcement outside of the state, which could hardly be assumed as a constant, equitable, and benign guarantor of rights. Arendt identified a key paradox of human rights: that to be nothing but human was akin to being an animal; that rights stem from citizenship and active membership in a community rather than from the simple fact of existence, and that there would always be stateless or neglected populations with no recourse to state protection within the current system of supposedly inalienable rights.³ Indeed the development of refugee law has not been marked by a gradual move towards wider acceptance of displaced populations, but a strengthening of the salience of national borders and control over entry and access to the rights of citizenship. According to Giorgio Agamben, this exclusion results from a fear of what refugees represent: “If the refugee represents such a disquieting influence in the order of the nation-state, this is primarily because, by breaking the identity between the human and the citizen and that between nativity and nationality, it brings the originary fiction of sovereignty to crisis.”⁴ Although reliant on states for their rights, refugees threaten the basis of state sovereignty: that states are the actors who will offer protection to their citizens and that states’ affairs should not be interfered with, because states will make decisions that reflect the best interests of all of their citizens. The appearance of refugees in camps and at borders is a reminder of Arendt’s warning that states as sovereign purveyors of rights will only ensure the application of those rights for some, to the exclusion of others, and that populations will never fit neatly inside national borders, free of harassment and violation.

³ Hannah Arendt, *The Origins of Totalitarianism* (Orlando, FL: Harcourt Brace & Company, 1973), 281-285.

⁴ As cited in Didier Fassin and Richard Rechtman, *The Empire of Trauma: An Inquiry into the Condition of Victimhood* (New Jersey: Princeton University Press, 2009), 253.

In his article “State-Centered Refugee Law,” Alexander Aleinokoff traces the move from a humanitarian emphasis on exile and the resettlement of refugees, towards an emphasis on the prevention of displacement and repatriation as the ideal resolution of refugee status. For Aleinokoff, this trend, along with a general disregard for the opinions of refugees themselves and a failure of international law to establish any uniform procedure for refugee resettlement that is binding on states, is evidence of, “a system committed to the protection of human rights in theory more than in practice.”⁵ The original 1951 Convention Relating to the Status of Refugees was only intended to provide protection and a right to resettlement for those displaced before 1951 and in Europe. The 1967 Protocol later extended the geographic and temporal scope of those granted refugee protections. Aleinokoff suggests that the wavering willingness of states to resettle refugees may be associated with both the growing number of refugees, and the changing national and ethnic demographic of the global refugee population.⁶

From another perspective, the very creation of the 1951 Convention Relating to the Status of Refugees (Refugee Convention) can be viewed as, “a means of reconciling the national self-interest of powerful states to the inevitability of involuntary migration”--an initial legal attempt to limit refugee movement and place migration under tighter control by states.⁷ The Convention created a framework which allows states to discriminate between different types of migrants, holding the wider block of migrants at

⁵ Alexander Aleinokoff, “State-Centered Refugee Law,” in *Mistrusting Refugees*, eds. E. Valentine Daniel and John Chr. Knudsen (California: University of California Press, 1995), 258.

⁶ Aleinokoff, 261.

⁷ James C. Hathaway, “Reconceiving Refugee Law as Human Rights Protection,” *Journal of Refugee Studies* 4, No. 2 (1991):113.

bay while funneling each individual through a determination process of which, the state is the final adjudicator of status. Looking more closely at the criteria for refugee admittance, the Convention identifies a refugee as a person who, “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...”⁸ This definition excludes many migrants who might otherwise be quite vulnerable, from protection within the refugee framework. From one perspective, the criteria established to separate legally recognized refugees from other victims of conflict, natural disaster, environmental degradation, and harmful government policies are arbitrary. Their function is to create a limited scope of situations which activate the privileged refugee status (with situations of general violence and insecurity failing to meet that criteria) that can only be assessed on the individual level.

One accusation that academics and humanitarian actors sometimes level against the Refugee Convention and domestic interpretations of the Convention, is that the internationally agreed definition of a refugee reflects a gendered bias towards male harm; meaning that it favors types of persecution and harm typically experienced by men, and fails to recognize harms more likely to be experienced by women. This criticism stems from the fact that refugee status is often tied to public political involvement or direct and individual state persecution which men are more likely to experience than women, who might be involved in political opposition in more subtle or private ways or suffer

⁸ United Nations, *Convention and Protocol Relating to the Status of Refugees* (accessed December 7, 2014); available from <http://www.unhcr.org/3b66c2aa10.html>.

differentially from structural violence, state induced famine, or domestic violence that is culturally condoned and not prosecuted by the state.⁹ Governments and resettlement organizations sometimes interpret the broader category of belonging in a social group as encompassing specific types of women.¹⁰ In 1985, UNHCR issued a statement explaining that:

“States, in the exercise of their sovereignty, are free to adopt the interpretation that women asylum-seekers who face harsh or inhuman treatment to their having transgressed the social mores of the society in which they live may be considered as a ‘particular social group’ within the meaning of Article 1A(2) of the 1951 United Nations Refugee Convention.”¹¹

UNHCR itself has taken steps to accord additional protection to women through their promotion of women as Principle Applicants on cases and through the creation of the ‘women at risk’ status which may allow cases to be expedited where the Principle Applicant is a single female head of household with heightened protection concerns.¹² However, UNHCR’s guidance on the recognition of women within the social group category is clearly not binding on states, as the language of the statement makes clear. Furthermore, the social group category outlined in the Refugee Convention is the most

⁹ Wenona Giles, “Women Forced to Flee: Refugees and Internally Displaced Persons,” in *Women & Wars*, ed. Carol Cohn. (Cambridge, UK and Malden, MA, USA: Polity Press, 2013), 98.

¹⁰ United States Citizenship and Immigration Services, “Asylum Eligibility Part III: Nexus and the Five Protected Characteristics,” *Asylum Officer Basic Training* (March 12, 2009); International Refugee Right Initiative, *Gender Related Persecution and Women’s Claims to Asylum* (accessed July 11, 2015); available from <http://www.refugeelegalaidinformation.org/gender-related-persecution-and-women/s-claims-asylum>.

¹¹ UNHCR Executive Committee, *UNHCR Conclusion No. 39 (XXXVI) Concerning Refugee Women and International Protection* (October 18, 1985).

¹² Giles, 97.

difficult to define and perhaps the category most open to state interpretation, which can lead to restrictive criteria being established by states for inclusion in the social group category. What can be drawn from this analysis is not only that refugee law may contain gender biases, but more broadly, that the categories established by the internationally accepted definition of a refugee are, in many ways, arbitrary.

Further, even those who might initially appear to fit within the refugee definition may be found by states to be ineligible, as each word or term in the definition is subjected to interpretation and contortion by asylum officers and judges in the resettlement process. What is “persecution”? What constitutes a “well-founded fear of being persecuted”? Does a fear become “well-founded” if there is a 10% chance of harm, a 51% chance of harm, or only when harm is nearly certain to occur? What are the limits, boundaries, and characteristics of a viable “social group”? These are questions that are debated by immigration officers, status determination boards, lawyers, and judicial or quasi-judicial bodies. Decisions on interpretation of the legal language are made at the domestic level, which creates precedence and jurisprudence that guides future decisions on refugee resettlement, and shapes the number and types of people who will be deemed eligible for resettlement. These decisions are not made at the international level, but by each individual state. The level of discretion present in national implementation of refugee law is considerable creating wide variation in decisions around refugee status. For example, the United Kingdom sets the persecution bar at a ‘reasonable chance’ of persecution which may be interpreted as less than a 50% chance. Germany, on the other hand considers, that refugees must have a ‘considerable chance’ of persecution, which requires

a greater than 50% chance of persecution. Some countries only recognize harm as persecution where the state is the perpetrator or is complicit in harm while other resettlement countries will confer refugee status where a country of origin is merely unable to protect victims from harm caused by non-state actors. Additionally, countries apply varied levels of strictness in interpreting whether and under what conditions an applicant could safely relocate to other regions within their country of origin. The ability to relocate internally renders resettlement unnecessary in the eyes of most resettlement countries.¹³

Domestic variation in the interpretation and application of the refugee definition outlined in the Refugee Convention leads to variation in refugee and asylum recognition rates. The United States has a relatively high rate of positive recognition of credible fear claims--around 92% of applicants for United States resettlement in recent years have been recognized as having a credible fear of return to their country of origin.¹⁴ The recognition rate for asylum seekers was estimated to be 66% in the United States for 2011.¹⁵ In Europe on the other hand, refugee and asylum approval rates are substantially lower in many countries. In the 2013 Statistical yearbook, UNHCR reported that the global average refugee recognition rate was 32%. The total recognition rate (which takes

¹³ Mary-Anne Kate "New Issues in Refugee Research: The Provision of Protection to Asylum Seekers in Destination Countries," UNHCR Evaluation and Policy Analysis Unit Working Paper No. 114, (Geneva, Switzerland: UNHCR, 2005), 27-28.

¹⁴ Bob Goodlate, "Asylum Abuse: Is it Overwhelming Our Borders?," *Statement of Judiciary Committee Chairman Bob Goodlate Full Committee Hearing*, December 12, 2013; available from http://judiciary.house.gov/index.cfm/hearings?Id=FCA53ADA-367F-4613-B9CB-65732CE4B487&Statement_id=65006558-96AD-4962-BA37-71E4B55E64DE. The figure of 92% is in line with the author's observation of recognition rates for cases processed in the sub-Saharan Africa during the 2011-2013 period.

¹⁵ Michael Kagan, "UNHCR leads major asylum systems with 83 percent recognition rate in 2011," *RSDWatch*, December 17, 2012; available from <https://rsdwatch.wordpress.com/2012/12/17/unhcr-leads-major-rsd-systems-with-83-percent-recognition-rate-in-2011/>.

into account those recognized as refugees and not recognized as refugees but given protection under other humanitarian laws) was slightly higher at 42%. Switzerland, Sweden, Norway, and Italy had the highest Refugee Recognition Rates in Europe with acceptance levels ranging from 61 to 68%.¹⁶ Although UNHCR's Statistical Yearbook does not report on the lowest acceptance rates, watchdog estimates from 2011 place the asylum recognition rate for the United Kingdom at 33%, Germany at 28%, France at 19%, and Greece at less than 2%.¹⁷ Variation in refugee recognition rates is not the result of manifestly different refugee populations arriving on different resettlement country shores, but of differences in state policies. The same applicant for refugee or asylum status will have a different chance of receiving that status based, not on the merits of their case, but on the policies of the country reviewing that case. Where states are motivated to do so, they can interpret each of the terms included in the Refugee Convention as narrowly as possible, limiting the resettlement opportunities available to asylum seekers.

The United States resettles substantially more refugees than any other country each year. Unlike Europe, the majority of those who are admitted as refugees to the United States each year do so through an overseas processing system as opposed to the asylum system (69,909 versus 25,199 in 2013).¹⁸ Each year the US President, in consultation with Congress, sets a ceiling on the total number of refugees who are

¹⁶ UNHCR, "Asylum and Refugee Status Determination," *UNHCR Statistical Yearbook* (UNHCR, 2013), 59.

¹⁷ Kagan.

¹⁸ Daniel C. Martin and James E. Yankay, "Refugees and Asylees: 2013," *Annual Flow Report* (Department of Homeland Security Office of Immigration Statistics, August 2014), 1.

eligible to be admitted to the United States. This total number is broken down into desired regional allocations which set the geographic resettlement priorities for the nation. Regional allocations are determined by consideration of conflict and country conditions as well as the national security interests of the United States.¹⁹ While resettlement to the United States is framed in terms of human rights and may provide an opportunity for tens of thousands of refugees each year, the system is certainly state and security-centric, allowing the United States final control over the amount and demographic makeup of those who enter the country. The number of refugees admitted to the United States does not necessarily increase or decrease based on proportional need. Rather it varies depending on the resources the United States is willing to devote to processing and integrated refugees.²⁰

Australia, Canada, Denmark, Finland, the Netherlands, Norway, New Zealand, and Sweden--all the major refugee resettlement countries except Switzerland-- have a cap on the number of refugees that can be resettled into their countries each year. Even Switzerland technically has a cap, but has indefinitely suspended enforcement of the ceiling.²¹ In Canada, approval for refugee resettlement is not only contingent upon meeting the refugee definition, but also upon the potential of resettled refugees to become

¹⁹ U.S. Department of State, Diplomacy in Action, *Proposed Refugee Admissions for Fiscal Year 2015* (accessed December 8, 2014); available from <http://www.state.gov/j/prm/releases/docsforcongress/231817.htm>.

²⁰ The author interviewed many young adults applying for United States Resettlement who had been born and lived their entire lives in refugee camps awaiting resettlement. This is a particularly prevalent phenomenon amongst Somali refugees due to the length of the conflict and the large numbers of Somalis fleeing the country, which has created a protracted refugee situation in countries bordering Somalia.

²¹ Kathleen Newland, "Refugee Resettlement in Transition," *Migration Policy Institute*. September 1, 2002. Available from <http://www.migrationpolicy.org/article/refugee-resettlement-transition>.

self-sufficient within three to five years of arrival to Canada.²² In order to assess the potential self-sufficiency of refugees, the government considers language ability, size of a family, employment experience, education, skills of the family members, and presence of relatives already in Canada.²³ Essentially, the Canadian government is seeking to identify refugees who they feel will quickly integrate and become employed and productive residents with as little government assistance and welfare as possible. As a result, the Canadian approval process tends to weed out the most vulnerable refugees and is likely to discriminate against female refugees who very often have lower levels of education than their male counterparts and are less likely to have been employed in the formal sector.²⁴ Rather than proportionally reflecting need, refugee admittance reflects a host of other criteria important to central governments including economic implications of resettlement programs, political palatability of resettlement policies, and security concerns.

Security concerns play a particularly central and important role in refugee and asylum admittance decisions, as is evidenced by the bureaucratic bodies that are tasked with overseeing refugee resettlement and the names of these organizations. In the United States, immigration officers are housed within the Citizenship and Immigration Services division of the Department of Homeland Security. The branch of government mandated with refugee resettlement in Australia is the Department of Immigration and Border

²² UNHCR and Canadian Government, “Canada” in *Country Chapters--UNHCR Resettlement Handbook*. Last revised in June 2013; available from <http://www.refworld.org/pdfid/52a077640.pdf>.

²³ Assessment based on author’s exposure to Canadian refugee resettlement rejection letters, which often gave one of the listed reasons for the negative decision.

²⁴ Giles, 92.

Protection.²⁵ Operational immigration procedures for the Netherlands government are handled by the Dutch Immigration and Naturalization Service within the Ministry of Security and Justice.²⁶ While many states and citizens view the work of these bodies as humanitarian in nature, and while the employees of these bureaus may even view themselves as serving a humanitarian function, security remains a primary concern in the national resettlement and immigration processes. As a result, the institutions that manage refugee resettlement are those concerned with security and border protection. The emphasis that these bodies place on security will resurface later as a preoccupation with applicant credibility.

Despite the fact that many resettlement countries set ceilings on resettlement, narrowly interpret the language of the Refugee Convention, and house resettlement agencies within branches of the government with security mandates, they also build a humanitarian image around the resettlement process. Interpreting resettlement as a humanitarian act does not free it from political implications. Instead, “humanitarianism has become a language that inextricably links values and affects, and serves both to define and to justify discourses and practices of the government of human beings.”²⁷ The portrayal of resettlement programs as humanitarian in nature is not apolitical, it is an intensely political act. This portrayal undermines the idea that refugee resettlement is an obligation of states, and that all human beings have a right to the protection of a

²⁵ UNHCR and Australian Government, “Australia” in *Country Chapters--UNHCR Resettlement Handbook*. Last revised in June 2013; available from <http://www.unhcr.org/3c5e542d4.html>.

²⁶ UNHCR and Netherlands Government, “Netherlands” in *Country Chapters--UNHCR Resettlement Handbook*. Last revised in July 2014; available from <http://www.unhcr.org/3c5e5925a.html>.

²⁷ Didier Fassin, *Humanitarian Reason: A Moral History of the Present* (Berkeley, CA: University of California Press, 2012), 2.

government and a right to seek asylum. The obligation is removed and the state instead extends a benevolent hand to select individuals whom it deems worthy, a process that amplifies the power differential between refugees and receiving states and sets de facto vulnerability criteria for acceptance. A focus on the humanitarian nature of the resettlement process creates its own politics based on moral sentiments which, “are focused mainly on the poorest, most unfortunate, most vulnerable individuals: the politics of compassion is a politics of inequality.”²⁸ Those who have suffered most become the object of our moral sentiments and a hierarchy of suffering is created against which individuals are judged for access. Once resettlement begins to appear more as a humanitarian concern than an international and legal obligation, it is also subject to humanitarian fatigue which leads to contingent, capricious, or incomplete extension of protection and protection subordinated to security concerns.²⁹

Where states are willing to accept individuals who have fled their country of origin based on humanitarian grounds, in addition to resettling individuals who they deem to meet legal refugee criteria, this does not necessarily lead to protection for a larger number of people. After analyzing data on refugee resettlement and humanitarian protection granted to asylum seekers in destination countries across the globe, Mary-Ann Kate determined that where states offer humanitarian protection to individuals, they often have lower refugee recognition rates. In addition, humanitarian status is often temporary,³⁰ so rather than being given a durable solution through resettlement, those

²⁸ Fassin, 3.

²⁹ Fassin, 15.

³⁰ Kate, 34-35.

recognized under humanitarian grounds face an uncertain future. In some cases, humanitarian protection status can lead to permanent residency and citizenship. However, in many other cases, humanitarian status expires after one or two years, and is not renewed by destination states. Those previously granted protection become irregular migrants with less access to rights and services. Some states make use of the humanitarian status to avoid deporting individuals who do not fit the refugee definition, but whom they perceive as likely to be in grave danger if returned to their country of origin. Other states use humanitarian status to purposefully avoid regularizing the status of refugees in their country and prevent the development of a population of refugees living in long-term and protracted situations within their borders.³¹ Humanitarian protection offered to asylum seekers can therefore stem from both altruistic and nefarious intentions. What is most relevant to this argument, however, is that the category of humanitarian status creates a system of protection, not based rights and obligations, but based on benevolence. Domestic interpretations of the refugee definition, quotas and skills-based or humanitarian criteria for resettlement all contribute to the creation of an arbitrary system of protection that places heightened importance on the behavior, credibility, and narratives of refugees.

Having analyzed at some length the global trends that shape refugee resettlement and access to protection, this paper now shifts both the subject and scale of its focus. The remainder of the paper will be dedicated to discussing theories of memory and narrative

³¹ The government of Bosnia for example, very rarely grants any applicants refugee status, including Syrians and Somalis, who are accorded *prima facie* refugee status in many states. Instead, applicants are given temporary humanitarian protection status, that has to be reapplied for and reviewed by the government each year.

formation, analyzing mistrust and credibility in the refugee resettlement process, and looking at the structural power exercised by resettlement agencies that allows them to reframe narratives and potentially alter social relations. In the resettlement process, resettlement officers are deeply concerned with the credibility of applicant's and the truth of their narratives. However, if memories and narratives are understood as socially constructed and filtered, it becomes more difficult to insist that there is a single truth that could emerge from experiences. It also becomes more difficult to separate the narratives that emerge from resettlement interviews, from the resettlement process itself. Therefore, the next section begins by exploring theories of memory and narrative formation.

TRUTH VERSUS MEMORY AND NARRATIVE FORMATION

Memory is not something that is concrete, locked inside the head of individuals, and need only be accessed to reveal truth. No single memory is a whole or complete mental reenactment of experience. Rather, memory is subjective and open to influence by one's surroundings. An event that is experienced becomes part of memory through individual interpretation that is socially framed and the process involves selection (often unconscious) of what is important and therefore memorable. What is memorable is shaped by individuals' social settings and their expectations of the future. The ability to remember is also constrained by a person's ability to deal with and process trauma. "Each individual has his or her 'own memories,' and they cannot be transferred to others." Yet, memory construction processes "do not take place in isolated individuals, but in human

beings embedded in networks of social relations, groups, institutions, and cultures.”³²

Memory formation is a complex process, mediated by a number of intervening factors, that is both inherently personal and deeply influenced by surrounding circumstances.

Just as experience is something separate and distinct from memory, (an event is experienced and then becomes part of memory through interpretation), a narrative of memories is something different from experiences or memories alone. At the heart of narration is a specific intent to communicate something to others; narratives are a new arrangement of the past, intended to be communicated and convey some meaning. They involve “complex negotiations about what is acceptable and what is to be silenced, what can and cannot be said, in the disjunctions between private narratives and public discourses.”³³ Silence at the individual level may be the result of trauma and an inability to order and cope with experiences. Traumatic events can trigger, “breaks in the ability to narrate and memory voids and gaps...the presence of trauma is indicated by the coexistence of an impossibility of assigning meaning to past occurrences, by the inability to incorporate it in a narrative, and by its recurrent and persistent presence and manifestation in symptoms.”³⁴ Separate from personal silences, silence in public discourses and narratives may be driven by oppressive political circumstances, a desire to protect others from painful knowledge of what has happened, a reluctance to display suffering, a desire to regain privacy and dignity, or the belief that suffering will not be

³² Jelin, Elizabeth, *State Repression and the Labors of Memory* (Minneapolis, MN: University of Minnesota Press and Social Science Research Council, 2003), 10.

³³ Jelin, 16.

³⁴ Jelin, 17.

understood by the listener.³⁵ Regardless of the motive, what is clear is that narratives are not simply the verbal or written manifestation of memories. Narrative construction necessarily involves processes of highlighting certain experiences and silencing others. The selectivity of narration may not be entirely conscious or within an individual's control, and is most certainly shaped by the surrounding environment.

In particular, societal narrative formation is shaped by power relations and institutions that either grant or deny power to the voice of a narrator and authorize or limit the broadcasting of that voice.³⁶ For example, in her book, *Forget Colonialism?*, Jennifer Cole focuses specifically on the ways in which translocal practices such as trade, conquest, and colonialism have the ability to shape culture, practices, acts of remembering, and memory in societies. Drawing on concepts of power and control articulated by Foucault, Cole comments how? power manipulates and alters social forms through policing, the layout of houses, towns, and villages, control over hygiene, and documentation of populations from birth to death.³⁷ While neither Foucault's nor Cole's analyses of power, social relations, and memory intend to describe the processes of control enacted in refugee camps or on refugee populations through the documentation and resettlement process, their theories provide insight into the ways in which power relations may shape social relations and therefore, the construction of memories and narratives in the refugee context.

³⁵ Jelin, 16-18.

³⁶ Jelin, 23.

³⁷ Cole, Jennifer, *Forget Colonialism?: Sacrifice and the Art of Memory in Madagascar* (Berkeley and Los Angeles, CA: University of California Press, 2001), 18-19.

Institutions and social power relations can also play a role in transforming traumatic experiences into larger cultural traumas. In situations of violence and trauma, boundaries and cultural scripts can take on new meaning and become overarching societal narratives. Cultural trauma is not simply individual trauma multiplied or writ large. It emerges from a traumatic experience when a nation or segment of society attributes greater, even existential, significance to the harm.³⁸ Cultural trauma and societal narratives of harm require the remembrance and memorialization of harm,³⁹ and whether cultural trauma and an overarching narrative emerge from traumatic events depends in part on the level of cultural coherence or fragmentation in a society and the strength of alternative narratives.⁴⁰ According to Max Weber and Jeffrey Alexander, the strength of alternative narratives and the degree to which a single dominant narrative emerges are, in turn, shaped by societal agents with ideal and material interests vested in the emergence of a cultural trauma and the talent or social position to project a claim to harm. This group of agents may be an elite or marginalized group, an age subset or an institution.⁴¹ A compelling and meaningful framework for the harm needs to be constructed, and with it a master narrative of the collective trauma that explains the nature of the harms, classifies the victims, aligns the victims with valued qualities that a wider audience can identify with, and attributes responsibility for harm to a group of

³⁸ Jeffrey C. Alexander, "Toward a Theory of Cultural Trauma" in *Cultural Trauma and Collective Identity*, eds. Jeffrey C. Alexander, Ron Eyerman, Bernhard Giesen, Neil J. Smelser, and Piotr Sztompka (Berkeley, California: University of California Press, 2004), 10.

³⁹ Neil J. Smelser, "Psychological Trauma and Cultural Trauma" in *Cultural Trauma and Collective Identity*, eds. Jeffrey C. Alexander, Ron Eyerman, Bernhard Giesen, Neil J. Smelser, and Piotr Sztompka (Berkeley, California: University of California Press, 2004), 36-48.

⁴⁰ Smelser, 38.

⁴¹ Alexander, 11.

perpetrators.⁴² Without repetition, cultural traumas may lose salience and immediacy for a population. As such, they have to be “continuously and actively sustained and reproduced in order to continue in that status.”⁴³

Further, social agents do not directly create a master narrative through verbalization. A narrative is filtered through societal institutions which may have their own goals or internal logics, such as religious communities, the mass media, and state bureaucracies.⁴⁴ The power and resources of state bureaucracies and institutions can "tilt the interpretative process in powerful ways, expanding and narrowing solidarity, creating or denying the factual and moral basis for reparations and civic repair."⁴⁵ Again, neither Weber nor Alexander discussed refugees or likened refugee resettlement agencies to “carrier groups” or social agents capable of sustaining and shaping societal narratives of trauma. However, their theories shed light on some of the ways in which the resettlement process may shape narratives. Resettlement agencies may lack the full capacity of states and state bureaucracies to shape narratives of harm, but through the resettlement process they play a similarly influential role in facilitating the repetitive reenactment of trauma narratives, identifying victims, and naming perpetrators. The repetition of stories of harm in resettlement interviews and the ongoing importance of the harm in resettlement cases may perpetuate cultural narratives of trauma.

Looking more specifically at the refugee experience, a study of Burundian refugees in Tanzania, conducted by Liisa Malkki explored narrative construction in

⁴²Alexander, 12-13.

⁴³ Smelser, 38.

⁴⁴ Alexander, 15-19.

⁴⁵ Alexander, 19.

refugee camps versus more dispersed towns, and found that narratives linking the traumatic past with the present were different for the two groups: “Comparison of the camp and township settings revealed radical differences in the meanings that people ascribed to national identity and history, to notions of home and homeland, and to exile as a collectively experienced condition.”⁴⁶ Those in the camp “essentialized identity,” placing great importance on ethnic identity (even more so than national identity) and their “refugeeness.”⁴⁷ Malkki notes that camp refugees tended to create mythico-histories linking past and present and recasting history with moral undertones in which the Hutu were a distinct group and the heroes of the narrative.⁴⁸ In contrast, refugees based in the town, did not equate the idea of being a refugee with protection and access to international organizations, but with a loss of control over one’s location and life. As such, the term refugee was creatively avoided while a number of other situational identities were offered instead.⁴⁹ Malkki draws a direct link between the different social and spatial environments inhabited by these two groups of refugees and the different identity and narrative constructions that emerge from the two populations.

The refugee status determination and resettlement processes certainly play a major role in shaping everyday interactions and social spaces for refugees and asylum seekers. Therefore, if Malkki’s theory is expanded to include the resettlement process, this process can be viewed as having important implications on the construction of

⁴⁶ Liisa K. Malkki, *Purity and Exile: Violence, Memory, and National Cosmology Among Hutu Refugees in Tanzania*, (Chicago, IL: University of Chicago Press, 1995), 2.

⁴⁷ Malkki, 3 and 16.

⁴⁸ Malkki, 54-55.

⁴⁹ Malkii 153.

narratives and refugee identities. In describing the experience of United States refugee resettlement, Amy Shuman and Carol Bohmer observe that:

“The trauma narratives told by refugees in their appeal for asylum status in the United States are culturally constructed based not only on local cultural discourses for talking about grief, tragedy, struggle, and displacement, but also on the legal and bureaucratic cultures of the Bureau of Citizenship and Immigration Services.”⁵⁰

The camp itself forms a unique speech community for framing experiences, but the refugee resettlement process plays a role in the speech that is transmitted, reproduced, and incorporated into the cultural script of the community.⁵¹ In populations that have shared a long or traumatic history of events, members of that group may be more prone to identify with a centralized collective narrative. Because the most salient moments in each person’s life are likely to include similar stories of persecution, these individual stories may be flattened into a wider cultural narrative of oppression, and this process may be facilitated by the solidification of narratives and the repetition of testimony that occur in resettlement interviews.⁵²

From these theories, emerges a picture of memory, narration, and testimony as separate from truth, not necessarily because the individuals giving testimony are purposefully dishonest, but because there is no single unmediated or true account of experience. Human subjectivities are injected into the memory process and institutions filter, constrain, and magnify different experiences. While resettlement officers and

⁵⁰ Amy Shuman and Carol Bohmer, “Representing Trauma: Political Asylum Narrative,” *Journal of American Folklore* 117, No. 466 (2004): 394.

⁵¹ Shuman and Bohmer, 402.

⁵² Richard Rechtman, “Stories of Trauma and Idioms of Distress: From Cultural Narratives to Clinical Assessment,” *Transcultural Psychiatry* 37 (2000): 404-405.

agencies may strive to obtain unadulterated truths from the refugees they interact with, they ignore that the ‘ways in which testimony is elicited and produced have some bearing on the results that are obtained.’⁵³ Resettlement officers spend a great deal of time interrogating the credibility of refugees and verifying the facts of their stories, while according little recognition to the ways in which the resettlement process may shape memory, narratives, and cultural practices.

MISTRUST, TRAUMA, AND CREDIBILITY IN THE REFUGEE RESETTLEMENT PROCESS:

Mistrust is a major feature of the refugee experience and the refugee resettlement process. In their introduction to the book *Mistrusting Refugees*, Valentine Daniel and John Knudsen describe the entire experience of being a refugee, from before displacement to after resettlement, as being imbued with a sense of mistrust. Trust erodes with persecution, betrayal, detention, torture, and societal suspicion that arises in countries of origin. The process of persecution, flight, and even refugee status determination is marked by uncertainty and a lack of control that can create a state of hyperinformation where a lack of familiarity and redundancy of experience leads to an inability to frame or order experiences and observations⁵⁴ or hyperredundancy in refugee camps, where every occurrence is controlled to conform to the goals of camp administrators and NGOs.⁵⁵ Due to hyperinformation and hyperredundancy refugees

⁵³ Jelin, 65.

⁵⁴ E. Valentine Daniel and John Chr. Knudson, “Introduction” in *Mistrusting Refugees*, eds. E. Valentine Daniel and John Chr. Knudsen (California: University of California Press, 1995), 3.

⁵⁵ Daniel and Knudsen, 3.

experience a loss of control and agency in shaping individuality and significance. From the authors' perspectives, "The various stages in the refugee's life cycle, which threaten life with radical discontinuity are stages in which 'trust' is placed on trial. The vindication of trust depends on the creation of meaning and the survival of the cultural process."⁵⁶ In the case of refugee resettlement interviews, trust is quite literally put on trial, and the trial itself can have an impact on the ability of applicants to feel they are exercising control and agency in their lives. Therefore, Daniel and Knudsen recommend that,

"A refugee must be free to choose to provide information and must feel assured that the information provided will not be given meaning that could be used against him or her. In refugee camps, rehabilitation centers, and countries of settlement, refugees feel that they have no control over how caseworkers, government organizations, or strangers use the information they have provided."⁵⁷

The ability of applicants to control their own story and how their information is used can prove an important healing process for applicants, and narration of traumatic events that places experiences in the wider political and social environment of violence is sometimes part of therapy because it allows applicants to recognize the "inevitability of personal action in such circumstances" of pervasive or intentional harm and reduces feelings of personal guilt.⁵⁸ Similarly, many victims may choose to publicly bear witness to their experiences and this process can be healing and empowering. To choose to speak and to speak about what happened in one's own words and have one's language taken as fact is a reversal of the process of torture, where one is forced to speak, and one's words are

⁵⁶ Daniel and Knudsen, 4.

⁵⁷ Daniel and Knudsen, 4.

⁵⁸ Turner, 68.

twisted to fit the needs of a person or institution.⁵⁹ When narrative creation is an open and collaborative process that develops with the control and agency of survivors, the construction of a written or verbal narrative can prove beneficial for applicants. However, the processes described by Turner and Dawes emphasize structural agency at the core of the process. This element is clearly missing from much of the bureaucratically controlled refugee experience, including the resettlement interview process.

Knudsen describes the completely disempowering experience of interacting with bureaucratic institutions surrounding refugee management and their orientation towards the needs of the bureaucracy, rather than the refugees: “Camps with the most complex relief systems often leave residents with little control over their own lives, making them into recipients of imposed aid, which serves to satisfy more the needs of workers than those of refugees.”⁶⁰ The camp system is concerned with counting, evaluating, managing, ordering. This disempowering system is sometimes referred to as the ‘technology of the refugee camp’--a technology of control. The refugee resettlement interview itself can take on similar characteristics of disempowerment, where caseworkers are at times “reduced to information-gathering and information-dispensing functionaries”⁶¹ by time limits, quota requirements, and protocols.

The absence of a comforting setting and the absence of an empathetic listener are other elements that prevent the resettlement interview from being a therapeutic process.

⁵⁹ James Dawes, *That the World May Know: Bearing Witness to Atrocity*, (Cambridge, MA: Harvard University Press, 2007), 103.

⁶⁰ John Chr. Knudsen, “When Trust is on Trial: Negotiating Refugee Narratives,” in *Mistrusting Refugees*, eds. E. Valentine Daniel and John Chr. Knudsen (California: University of California Press, 1995), 21.

⁶¹ Daniel and Knudsen, 5.

UNHCR compounds where resettlement interviews often take place routinely feature barbed wire, high gates, security guards, holding chambers, and small, poorly ventilated interview rooms. One UNHCR employee reported that when asked to describe the conditions of his detention under Saddam Hussein during a status determination interview, an Iraqi client responded: ““It was like this room.””⁶² Rather than being comforting and creating a sense of safety, interview spaces evoke memories of interrogation spaces. Further, “The absence of an empathetic listener, or more radically, the absence of an addressable other, an other who can hear the anguish of one’s memories and thus affirm and recognize their realness, annihilates the story,”⁶³ and “the act of telling may turn into a reactualization or repetition of the event narrated. The telling does not actually provide relief but rather entails a reactualization of trauma.”⁶⁴ Refugees may be re-traumatized by the resettlement process, in part, because there is a mismatch between the needs of the refugees and the goals and requirements of resettlement officers.

The goal of resettlement officers is not to sympathize with, recognize and reaffirm the reality of an applicant’s experience, but to efficiently obtain accurate and necessary information for making a legal determination.⁶⁵ Under pressure to make a definitive legal determination based on the ‘truth’ and credibility of the applicant, resettlement officers are often suspicious and unsatisfied by explanations. Suspicion arises from the

⁶² Dawes, 77.

⁶³ Laub, Dori, “Bearing Witness, or the Vicissitudes of Listening,” in *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History*, by Shoshana Felman and Dori Laub (New York, NY: Routledge, 1992), 68.

⁶⁴ Jelin, Elizabeth, *State Repression and the Labors of Memory* (Minneapolis, MN: University of Minnesota Press and Social Science Research Council, 2003), 65

⁶⁵ Dawes, 85

determination process, which relies heavily on applicant testimony with little objective evidence to support an applicant's statements.⁶⁶ While background information on the country of origin can be ascertained to determine possible avenues of harm, and important events will be captured in news reports, in most cases there is no way to corroborate the details of an applicant's story or the particular harm and persecution they face. Because resettlement officers have to make decisions based almost wholly on applicant testimony, the credibility of the applicant becomes of extreme importance. Credibility is determined in part, through the ability of the applicant to relate events with a sufficient level of detail, several times without any discrepancy or confusion.⁶⁷ By the time applicants have reached an interview with immigration officials, they will most likely have been interviewed multiple times already. In the United States system, applicants complete several interviews with the United Nations High Commissioner for Refugees (UNHCR) and further interviews with a Resettlement Support Center (RSC) that prepares refugee cases for US immigration. The US immigration officer who will adjudicate the case has copies of each applicant's testimony to UNHCR and the RSC, and will compare them for consistency, as well as compare them to the testimony that is given to the immigration officer.

In this situation, consistency lends credibility to the applicant. Amongst those who are not psychological specialists, "A common assumption is that an experience of extreme violence or torture will be so important that it will be remembered very clearly

⁶⁶ Jane Herlihy and Stuart W. Turner, "Asylum Claims and Memory of Trauma: Sharing Our Knowledge," *British Journal of Psychiatry* 191 (2007): 3.

⁶⁷ Diana Bögner, Jane Herlihy and Chris R. Brewin, "Impact of Sexual Violence on Disclosure During Home Office Interviews," *British Journal of Psychiatry* 191 (2007): 75.

over the long term.”⁶⁸ But, in reality, Jane Herlihy and Stuart Turner explain that this assumption is challenged by scientific evidence and research conducted with traumatized individuals: “Both depression and post-traumatic stress disorder (PTSD) have been shown to be associated with a pattern of over-general memory, in which individuals have difficulty retrieving memories of specific events”⁶⁹ and may engage in avoidance techniques. In addition to the problematic way in which memories of violence are formed, the presence of PTSD and depression (both of which have been shown to be fairly high in refugee populations)⁷⁰ can effect the level of emotion or clarity with which applicants are able to relate their experiences. For many applicants, an immigration interview is a stressful event that causes higher than normal levels of anxiety, which can trigger symptoms of PTSD, and affect the clarity with which they are able to describe events.⁷¹ Immigration officers, often repeat questions several times in an attempt to illicit wavering responses from applicants, and where immigration officers begin to suspect fraud, they may switch to a questioning style more akin to interrogation. Again, for applicants suffering from PTSD, this can increase anxiety and impair clarity and ability to disclose information.⁷²

The issue of testimony and credibility can be particularly problematic in the case of men and women who have experienced torture or sexual violence. As mentioned, for

⁶⁸ Herlihy and Turner, 3.

⁶⁹ Herlihy and Turner, 3

⁷⁰ Stuart Turner, “Torture, Refuge, and Trust” in *Mistrusting Refugees*, eds. E. Valentine Daniel and John Chr. Knudsen (California: University of California Press, 1995), 65.

⁷¹ Bögner et al., 80.

⁷² Bögner et al, 79.

applicants that have experienced torture the interview process may be especially harrowing and it may be more difficult for resettlement officers to solicit accurate information, because the interview process so closely resembles the form of their previous persecution. As a result of their experiences, “Many torture survivors become resistant and hostile when interviewed. Eye contact that lasts a fraction of a second too long, a sudden shift in bodily posture, the sound of a door opening unexpectedly--any number of small cues can trigger fear reactions and defensive silence.”⁷³ The conditions of interrogation undergone in torture are replicated in the refugee interview, and as a result of the similarity between these two experiences, refugees may respond poorly to the aggressive interrogation tactics adopted by some status determination officers when faced with discrepancies.

Sexual violence is associated with high levels of shame for victims, which may lead to a higher prevalence of PTSD and depression amongst victims of sexual violence, as well as more difficulty disclosing that experience of sexual violence to immigration officials; a problem which is compounded by cultural differences in speaking about sexual encounters or interactions between men and women.⁷⁴ In a study of twenty-seven refugees and asylum seekers having experienced sexual violence, Diana Bögner, Jane Herlihy and Chris R. Brewin found that the majority of those applicants had difficulty disclosing the sexual violence and fifteen never fully disclosed their experiences to immigration officials.⁷⁵ Difficulty in disclosing sexual violence or late disclosure of

⁷³ Dawes, 84.

⁷⁴ Bögner et al., 75-80.

⁷⁵ Bögner et al., 79.

sexual violence that leads to discrepancies in different accounts of harm can affect the credibility of applicants. Moreover, where the reason for flight or fear of return is based heavily on an experience of sexual violence, inability to disclose the event will affect the strength of the case.⁷⁶ In an essay comparing treatment of victims of sexual violence within the criminal justice and asylum systems, Hellen Baillot, Sharon Cowan, and Vanessa E. Munro observe that:

“Problems identified in the criminal justice system--namely, the under-reporting of rape, the inability of the victim to ‘tell the story’ in her own words, the existence of a hostile adjudicative environment, and the tendency to see factors such as late disclosure, narrative inconsistency, and calm demeanor as necessarily contra-indicative of veracity-- may be paralleled, and compounded, in asylum cases.”⁷⁷

A particular and stereotypical expectation of how victims of sexual violence will react and describe their experiences creates a bias against those victims who do not conform to these expectations. Late or non-disclosure are taken as indications of dishonesty, when in reality, there are a host of other situational, psychological, personal, and cultural factors affecting disclosure.⁷⁸ As noted in the discussion on memory formation, applicants might withhold information about sexual violence due to an inability to cope with the experience, a reluctance to display suffering, a desire to regain privacy and dignity, a the belief that suffering will not be understood by the listener, or a host of other personal and

⁷⁶ Helen Baillot, Sharon Cowan, and Vanessa E. Munro, “Seen but No Heard? Parallels and Dissonances in the Treatment of Rape Narratives across the Asylum and Criminal Justice Contexts,” *Journal of Law and Society* 36, 2 (June 2009): 202

⁷⁷ Baillot et al., 197.

⁷⁸ Baillot et al., 213-216.

psychological reasons.⁷⁹ The gap between the reality of disclosure and its interpretation by immigration officials lead Baillot et al. to conclude that perhaps, “the environmental conditions that are conducive to disclosure are in tension with broader socio-political asylum policies in which there is a pressure to uncover ‘bogus’ claims and to process applications with maximum speed and efficiency.”⁸⁰ As will be investigated further in a discussion of structural power within the resettlement interview, resettlement officers’ biases and the bureaucratic requirements that have been established to interrogate claims affect what can be spoken and understood within the interview space, and therefore, what becomes part of a narrative.

Both Bögner et al.⁸¹ and Baillot et al.⁸² note that their interviews also revealed a tendency of judges or immigration officials to avoid or move quickly away from the topic of sexual violence without gathering detailed information. This avoidance could indicate a general discomfort on the part of the officials with topics of sexual violence, or a desire to avoid re-traumatizing victims. There is a difficult paradox faced by immigration officials: “to protect the vulnerable from injury, you must treat them as opponents; but in treating them as opponents, you subject them to injury.”⁸³ The immigration officials may simply be avoiding what they view as unnecessary injury to the applicant, however, it is also possible, as Baillot et al. suggest, that the avoidance is a deliberate action on behalf of the officials, to direct testimony away from the extent of the abuse, and thereby

⁷⁹ Jelin, 16-18.

⁸⁰ Baillot et al., 208.

⁸¹ Bögner et al., 79-80.

⁸² Baillot et al., 213.

⁸³ Dawes, 91.

undermine the asylum claim.⁸⁴ Regardless of whether the avoidance is intentional, it is a decision of inclusion and exclusion by immigration officials that can be exercised because the official has structural control over the interview, a power that limits the agency of survivors and affects the merits of a case.

From the problem of applicant credibility, a dilemma arises that Didier Fassin and Richard Rechtman refer to as a politics of proof⁸⁵ and a politics of trauma.⁸⁶ In the absence of corroborating testimony, asylum officers and judges may turn to medical and psychological reports for evidence of harm inflicted on an applicant. Some refugees will not speak with an immigration officer until several years after experiencing violence, and the violence may not leave any visible marks or scars. In such situations, the weight of psychological evaluations increase and psychiatrists and psychologists are more and more frequently called on to bear witness to harm for applicants.⁸⁷ Medical and psychological reports are becoming an expected element of the refugee or asylum application, and applicants are therefore encouraged by lawyers and international organizations to receive certification of trauma from medical professionals.⁸⁸ The very idea that conclusive proof of refugee credibility can be ascertained is problematic and a number of ethical dilemmas and issues of agency arise from this “myth of proof.”⁸⁹

⁸⁴ Baillot et al., 213.

⁸⁵ Fassin and Rechtman, 221.

⁸⁶ Fassin and Rechtman, 8.

⁸⁷ Fassin and Rechtman, 244.

⁸⁸ Fassin and Rechtman, 220-222.

⁸⁹ Fassin and Rechtman, 221-223.

Medical certification serves as a substitute for, or at the very least subordinates the testimony of an applicant to that of a medical professional who has no actual relationship to or experience of the harm that was endured. In effect:

“...asking an expert to provide corporeal proof of the violent or degrading treatment suffered by the person means reminding the applicant that her words are of no value, that her truth counts for nothing...the doctor or psychologist ‘vouches for’ the asylum seekers, thus involuntarily confirming the devaluation of her word.”⁹⁰

Even while certification is shifting agency away from applicants in favor of medical testimony, medical professionals are expected to remain just that: professional. Routine and the constraints of the evaluation process restrict what is written and how it is written in reports. Medical professionals deliver medical or psychological reports in neutral and standardized language, stripped of emotion, individuality, and any reminder of the real nature of the harm that occurred. Refugee claims are reduced to the barest expression of experience, that is gleaned from a trusted surrogate rather than the refugee his or herself.⁹¹ Removal of the individuality and voice of applicant’s from their own testimony is an issue that will be turned to in subsequent sections of this paper.

Problematically, the ‘myth of proof’ assumes that everyone who experiences trauma will have psychological scars or symptoms of trauma that can be detected. In fact, the wide variety of studies that have been conducted on post-traumatic stress disorder have failed to establish a causal link between either type or level of harm and the development of symptoms of PTSD. It is equally likely that hormones, socialization, and

⁹⁰ Fassin and Rechtman, 246.

⁹¹ Fassin and Rechtman, 270-271.

strategies for coping with traumatic events affect the development of PTSD symptoms.⁹²

The pathologization of refugee experiences transforms traumatic events, the refugees relationship to those events, and the labels that are applied to individuals that can have far reaching effects on the lives of these individuals. In the words of Arthur Kleinman and Joan Kleinman:

“Their memories (their intimately interior images) of violation are made over into *trauma stories*. These trauma stories then become the currency, the symbolic capital, with which they enter exchanges for physical resources and achieve the status of political refugee. Increasingly, those complicated stories, based on real events, yet reduced to a core cultural image of victimization...are used by health professionals to rewrite social experience in medical terms...Indeed, to receive even modest public assistance it may be necessary to undergo a sequential transformation from one who experiences, who suffers political terror to one who is a victim of political violence to one who is sick, who has a disease.”⁹³

The transformation of refugees from those who have experienced traumatic events into those who suffer from the disease of PTSD, does not occur entirely without the consent of refugees. Where labels of illness appear to lend validity to a refugee claim or provide access to medical and psychological services or financial assistance, refugees may actively seek these labels. However, Arthur and Joan Kleinman suggests that we need to ask “what kind of cultural process underpins the transformation of a victim of violence to someone with a pathology? What does it mean to give those traumatized by political

⁹² Maria Gavranidou and Rita Rosner, “The Weaker Sex? Gender and Post-Traumatic Stress Disorder,” *Depression and Anxiety* 17 (2003): 130-139.

⁹³ Arthur Kleinman and Joan Kleinman, “The Appeal of Experience; The Dismay of Images: Cultural Appropriations of Suffering in Our Times,” in *Social Suffering*, eds. Arthur Kleinman, Veena Das, and Margaret Lock (California: University of California Press, 1997), 10.

violence the social status of a patient?”⁹⁴ In other words, is the cultural process of transformation a form of cultural appropriation that subsumes the voice, experiences, and choices of refugees? And, does the label of illness carry a stigma that will affect other areas of well-being for refugees, such as personal self-conception, societal acceptance, assimilation, educational opportunities, or employment? Beyond the actual link between trauma and presence of PTSD symptoms, the whole idea that applicants should have physical or psychological evidence of the harm inflicted on them creates a hierarchy of traumatic experiences and privileges only the most extreme cases of harm.⁹⁵ What emerges is a somewhat skewed logic within the resettlement system, where adjudications privilege certain types of severe physical harm such as torture and sexual violence, seeking evidence of that violence through certification, while expecting highly traumatized applicants to fully disclose their experiences and recount occurrences in composed detail.

Underlying the entire politics of proof is the often neglected fact that, according to the legal definition of a refugee, applicants do not actually need to have experienced any harm to qualify as refugees. An applicant only needs to establish that they possess a well-founded fear or future persecution should they return to their country of origin. Technically under this definition, a pastoralist who accidentally wanders across the border between Eritrea and Sudan while herding his animals can claim refugee status on account of a national law that criminalizes departure from the country without prior approval by the state, and an Eritrean government that routinely detains returnees for

⁹⁴ Kleinman and Kleinman, 10.

⁹⁵ Fassin and Rechtman, 282.

indefinite periods of time under harsh conditions.⁹⁶ Likewise, second or even third generation refugees born in camps who have never set foot in their ‘country of origin’ let alone faced persecution there, have a legitimate claim to refugee protection based on the harm they might face upon return.⁹⁷ Although technically the claim of the pastoralist or third generation refugee would be as legitimate as that of a political refugee with a long history of past persecution and targeting by his or her government, in practice, resettlement agencies look for evidence of past harm as an indicator of the possibility of future harm.

Finally, there is a question as to whether the presence and use of medical reports has any positive effect on the granting of refugee status by states. In an examination of fifty-two Swedish asylum cases, researchers found no statistical correlation between the presence of an expert’s report, and the granting of refugee status.⁹⁸ Given that no medical report can substantively establish credibility of an applicant, and as reports become commonplace with their language ever more standardized, the importance and utility of the reports may be further eroded. Already it seems that reports function only as an additional hurdle placed in front of refugees on the path to resettlement or, from a more sinister perspective, as a way of sterilizing the language and claim of refugees. In the future, it is possible that reports may even become harmful to applicants due to a failure of the medical report to provide the impossibly conclusive evidence of harm that

⁹⁶ This was the situation for a case observed by the author in 2012 that was reviewed by United States Citizenship and Immigration Service(USCIS) officers.

⁹⁷ For example, conflict in Somalia has been ongoing for decades and those Somalis displaced to Kenya Uganda, Ethiopia, and other countries in the region have raised several generations within refugee camps who have a widely recognized and ongoing claim to refugee status.

⁹⁸ Fassin and Rechtman, 247.

immigration officers seek.⁹⁹ Where states are motivated to deny entry to applicants, medical reports are a potential tool of the state to deny status, couched in the neutral and anesthetized language of medicine.

Whether medical reports are intentionally used as a tool of skepticism and denial by states, there is certainly an ethical dilemma in turning sites of psychological treatment and assessment into tools of refugee resettlement, particularly where this reformulation of the psychological evaluation may not even prove useful to applicants. In the dislocated experience of refugee camps and resettlement, a space that is meant to be safe and controlled itself becomes a point of anxiety on which refugee status determination is seen to hang in the balance.¹⁰⁰

At the heart of the refugee status determination process, is an attempt to verify credibility and establish the truth of an individual refugee's experiences. However, as previously noted, memory, testimony, and narratives are not separate from the institutions within which they are narrated. Rather, they are partially shaped by those institutions. Resettlement officers sometimes complain, and even question the credibility of testimony, based on the similarity of narratives or the generic quality of a particular narrative. However, this complaint suffers from an originary paradox, as the resettlement interview process itself is likely to push narratives towards conformity: an issue that is explored further in the next section.

REFRAMING THE NARRATIVE THROUGH STRUCTURAL POWER

⁹⁹ Fassin and Rechtman, 247.

¹⁰⁰ Daniel and Knudson, 4.

Refugee narratives are reshaped through the resettlement interview process because the specificity of the refugee definition and the cultural and bureaucratic expectations of resettlement agencies require applicants to reframe what they understand as their own experiences, into a narrative that fits the bureaucratic requirements. For example, the legal definition of a refugee hinges on the physical crossing of an international border, and this element of a story may be disproportionately represented in the questioning and narrative of immigration officials, for whom it is central to the meaning of a refugee. From an external perspective, the experience of being a refugee is seen as encompassing specific life stages, often based on geography and with a logical sequencing.¹⁰¹ In reality, experiences of violence and harm may lack a clear logic. Experiences of harm and memories of harm may not have a strong coherence, a linear quality, or easily lend themselves to narration.¹⁰² However, in resettlement interviews, narratives are constructed in a linear and chronological fashion that may bear little resemblance to an applicant's memory of events. Applicants are expected to explain experiences of personal harm as an intentional targeting of themselves due to a particular group or political identity.¹⁰³ As noted in the earlier discussion of Turner's article, focusing a narrative around the wider political and social circumstances of violence can have a therapeutic effect for applicants when it is a process of self-realization and empowerment. However, when this reframing is forced or dominated by others, it can further undermine a refugee's sense of control over their own lives and identity.

¹⁰¹ Liisa K. Malkki, "Refugees and Exile: From 'Refugee Studies' to the National Order of Things," *Annual Review of Anthropology* 24 (1995): 508.

¹⁰² Jelin, 67.

¹⁰³ Shuman and Bohmer, 396-397.

Additionally, even where conflicts are quite complicated with upwards of ten or fifteen armed groups involved, all of whom wear a variety of military and plain clothes, applicants are expected to identify those who attacked them or caused them harm.

The format of an interview may be very much question and short-answer style in which an applicant is made to feel that they should provide only the specific information that is requested, rather than the full picture as they see it. “This mode of extracting information may prevent claimants from situating their experiences in the social, economic, political, or personal contexts that are integral to their intelligibility,” and may result in a narrative hardly recognizable to its owner.¹⁰⁴ In this case, the particular questions that are asked will shape a refugee’s narrative, while the questions that are chosen will be influenced by the often limited knowledge of a country that is possessed by an immigration officer, in conjunction with the literal bureaucratic need to fill in every blank field on immigration forms.¹⁰⁵ While UNHCR interviews tend to be longer, an United States RSC or other immigration interview may only span one or two hours. Given the institutional requirements and personal limitations of officers, it is difficult to see much room in this process for applicants to shape their narrative. In fact, the shape has already been determined for them.

Resettlement agencies exercise a structural power in shaping interviews, “to the extent that a person or group--consciously or unconsciously-- creates or reinforces barriers to the public airing of policy conflicts, that person has power.”¹⁰⁶ As was noted

¹⁰⁴ Baillot et al., 209.

¹⁰⁵ Shuman and Bohmer, 398.

¹⁰⁶ Peter Bachrach and Morton S. Baratz, “Two Faces of Power,” *The American Political Science Review* 56, No. 4 (1962): 949.

earlier in the case of sexual violence, officers exercise the power to exclude details of sexual violence which may be vital to the applicant, but may not serve the purposes of the official. Immigration officers determine the interview location, date, time, and length. They control what questions are asked, what information is relevant, recorded and becomes a part of the official narrative, creating “a set of predominant values, beliefs, rituals and institutional procedures...that operate systematically and consistently to the benefit of certain persons and groups at the expense of others.”¹⁰⁷ Finally, they are the medium through which all information is filtered and judged.

This description of the loss of control faced by refugees and the structural power held by resettlement agencies and institutions is not intended to undermine the idea that refugees have lost all agency in the interview process. From the moment of their arrival in camps, refugees are approached by officials of various organizations to obtain information from them. How these questions are answered may determine the resources and services that are available to refugees. Even the resettlement process itself consists of multiple interviews with different organizations, and refugees “soon learn that a carefully crafted life history is a ticket for an early camp departure while a mismanaged one could be a cause for camp arrest.”¹⁰⁸ Refugees learn from the early stages of their own interview processes and can also seek the advice of their compatriots who surround them in the camp,¹⁰⁹ some of whom may have had their cases approved, while others will have been denied. In many locations, “There is, indeed, a market of goods and services aimed

¹⁰⁷ Stephen Lukes, *Power: A Radical View*, 2nd ed. (New York: Palgrave Macmillon 2005), 21.

¹⁰⁸ Knudsen, 22.

¹⁰⁹ Shuman and Bohmer, 397.

at helping claimants deceive legal officers.”¹¹⁰ Although it is possible to view this as fraud, and the existence of such fraud may justify *some* of the suspicion applicants face in resettlement interviews, many individuals who legally merit refugee status will seek advice from other refugees who have undergone the process or will lie in interviews, either to protect some details of their narratives, or because they fear rejection and poorly understand the rules governing resettlement decisions.¹¹¹ It could also be argued that, given the structural limitations of the resettlement process, there is only a single refugee story that can be told, and all other stories must be contorted to this shape simply to be intelligible to interviewing officers.¹¹² From this perspective, refugees who seek advice on how best to navigate resettlement interviews, are merely attempting to shape their stories into the predetermined narrative that resettlement officers seek. They are employing a strategy. “Given its situationally constructed nature, a life history is not a story of a life, but rather a conscious or unconscious strategy for self-preservation, a legitimization of moves and countermoves and of projections for the future.”¹¹³ The story is not untrue. It is simply a representation of the story, the details of which have been chosen in a calculated attempt by the applicant, to give themselves a better chance of approval.

Foucault offers a poignant description of structural violence when he states that, “Humanity does not gradually progress from combat to combat until it arrives at

¹¹⁰ Dawes, 82.

¹¹¹ Dawes, 83.

¹¹² Shuman and Bohmer, 397.

¹¹³ Knudsen, 29.

universal reciprocity, when the rule of law finally replaces warfare; humanity installs each of its violences in a system of rules and thus proceeds from domination to domination.”¹¹⁴ Structural power is the ability to shape the outcome of events, not through force but by controlling what is legitimately accepted as possible. This type of power is rarely acknowledged by those that wield it and it is this lack of recognition that lends it such strength. It is the unacknowledged nature of structural power that creates a situation in which immigration officers can avoid questioning an applicant about sexual violence and later deny his or her refugee claim on the grounds that the applicant did not establish a well-founded fear of persecution. Resettlement agencies can pressure applicants to provide medical or psychological testimony of harm, and when that evidence conforms to institutional and professional standards, they can state that the evidence is unconvincing. Because their power is ubiquitous an immigration officer can shape the questions asked in an interview, distill a written narrative from the information given to them, and then determine the credibility and eligibility of the applicant based on that narrative, claiming all the while that they are neutral, and that the narrative is the applicant’s testimony.¹¹⁵ Ignoring structural power magnifies that power. In reality, narratives are co-constituted. They are the product of the interaction between the official and the refugees and create a new understanding of what has occurred that is separate from each independent actors’ previous understanding of that narrative.¹¹⁶ As such,

¹¹⁴ Michel Foucault, *Language, Counter-Memory, Practice, Selected Essays and Interviews*, transl. Donald F. Burchard and Sherry Simon, (Ithaca, New York: Cornell University Press, 1977), 151.

¹¹⁵ Baillot et al., 209.

¹¹⁶ Linda Finlay, “‘Outing’ the Researcher: The Provenance, Process, and Practice of Reflexivity,” *Qualitative Health Research* 12, (2002): 531.

refugee interviews can act as a site of transformation for narratives, thereby altering an understanding of past events and cultural perceptions within a refugee camp.

There is a difference between ‘life as lived,’ ‘life as experienced,’ ‘life as told,’ and ‘life as text.’¹¹⁷ Each of these formats represents a different level or construct of reality. No ‘telling’ or text will represent the true reality of the lived or experienced life. They will represent one version of events, but the telling and the text matter because they become part of the negotiated and shared reality of a community. What is told and what is written becomes what is true.¹¹⁸ From this perspective, whether torture and sexual violence are avoided or privileged within the refugee interview will affect the wider community’s understanding of the harm they have faced and of their own cultural script. The privileging of extreme harm and the situating of each refugee as a victim within their resettlement narrative can also impact how the community views their status in relation to other groups, and can affect future interactions between those individuals and groups. Particular groups may become associated with a history of sexual violence that can place them at risk for future sexual violence or trafficking from the camps.¹¹⁹ On the other hand, placing females as the principal applicant on resettlement cases and providing them the opportunity to define their family’s experiences could open other avenues for expression and agency for women within traditionally paternalistic societies. Although

¹¹⁷ Eastmond, 249.

¹¹⁸ Robyn Fivush, “Speaking Silence: The Social Construction of Silence in Autobiographical and Cultural Narratives,” *Memory* 18, No. 2 (2010): 88-89.

¹¹⁹ There is little data on a macro or quantitative level detailing differences in sexual violence targeted at different ethnic groups in refugee camps. However, during interviews, the author has heard several applicants explain that they feel they were targeted by other ethnic groups for sexual violence, because they are seen to have already gone through such experiences in their country of origin. It is not an uncommon practice for societies to view as morally corrupt, those who have suffered sexual violence and to inflict further harm on them.

culture is dialogic and the bureaucratic process of resettlement has the potential to create expanded boundaries of action for women, one method of retaining a sense of culture within refugee populations is clinging to a calcified version of past ideals and praising the unchanging nature of the group's culture.¹²⁰ Dominant group members may, "reify the ideal while overlooking the actual expanded boundaries of action"¹²¹ and this solidifying of societal norms can result in a rejection of women who disclose experiences of sexual violence that are outside the cultural bounds of what is acceptable for women.¹²²

As discussed earlier, the construction of a narrative within the refugee resettlement interview often involves identifying a specific perpetrator of harm and identifying oneself within a specific and bounded group of individuals and this is not without risk as "the identification of 'victim' and 'perpetrator' as archetypes or group identities can feed a sentiment of self-righteous immunity within a 'victim group' even to the point of justifying new perpetration of violence."¹²³ Creating a heightened sense of importance and harm around group identities of an ethnic, political or national nature can have consequences within the refugee camp. Instrumentalized narratives that emerge from the resettlement interview can heighten tensions within refugee camps that

¹²⁰ Carol A. Mortland, "Cambodian Refugees and Identity in the United States," in *Reconstructing Lives, Recapturing Meaning: Refugee Identity, Gender, and Culture Change*, eds Linda A. Camino and Ruth M. Krulfeld (Amsterdam: Overseas Publishers Association, 1994), 20.

¹²¹ Mortland, 21.

¹²² Marjorie A. Muecke, "Trust, Abuse of Trust, and Mistrust among Cambodian Refugee Women: A Cultural Interpretation," in *Mistrusting Refugees*, eds. E. Valentine Daniel and John Chr. Knudsen (California: University of California Press, 1995), 49.

¹²³ Bridget Conley-Zilkic, "Who is the Subject of Atrocities Prevention?" *Global Responsibility to Protect* 6 (2014): 436.

sometimes contain a variety of ethnic and national groups, contributing to the occurrence of disputes and violence.

Sexual orientation has been recently recognized in many refugee and asylum claims, as a social group within the meaning of the 1951 Refugee Convention. While this may afford much needed protection and opportunities for those fleeing violence on account of a lesbian, gay, bisexual, transgender, or intersex (LGBTI) identity, it can also have the effect of further distancing and dividing LGBTI individuals from their communities. Spijkerboer laments this fact when he states that, “What is problematic is the idea that straights and non-straights are two clearly distinct groups of people” and that, “such dichotomic thinking is extremely violent and even celebrates violence.”¹²⁴ The medical field recognizes a distinction between sexual identity, sexual attraction, and sexual acts, a nuance that is lost in the binary model that emerges when LGBTI applicants are subsumed within a bounded social group.

Where persecuted groups show a tendency to define themselves in dichotomous opposition to those that have persecuted or excluded them, the refugee resettlement interview may reinforce this hardening of isolated and oppositional identities. Certainly it cannot be assumed that the refugee resettlement process will have all or even any of the described consequences for the formation of societal narratives. However, to ignore the impact that the process may have, is to ignore and thereby reinforce the structural power exercised by those states that dictate the rules of resettlement.

¹²⁴ Thomas Spijkerboer, “Querelle Asks for Asylum,” in *Europe’s Other: European Law Between Modernity and Postmodernity*, eds. Peter Fitzpatrick and James Henry Bergeron (Aldershot: England, Ashgate Publishing, 1998), 191.

CONCLUSION

The process of narrative construction in the refugee resettlement context has not been subjected to the same level of reflection and analysis that looks critically at the voice of survivors in journalism, photography, and advocacy,¹²⁵ in part because access to and knowledge of the resettlement process is restricted to those who have worked inside the system. While journalism, photography, and advocacy seek to attract public attention and awareness, the resettlement process is intentionally closed off and confidential. The process is not on display, and is therefore harder to analyze and critique. Another piece of this lack of critical analysis may be a feeling among many state and non-state actors that the resettlement process ultimately should be shaped and controlled by states. Despite the humanitarian language sometimes adopted to describe third country resettlement, there is a sense that the resettlement process is a legal determination process, rightly subject to the controls and security measures of sovereign states. Without denying the importance of security controls and measures to verify refugee identity and testimony, this paper has sought to problematize the structural power that resettlement agencies exercise in the resettlement process, the ways in which narratives of harm are constructed within resettlement interviews, and the wider potential effects of the interview process on individuals and societal conceptions of self and other.

The refugee resettlement process is constructed and controlled by states who determine what information from refugees lives is important and how that information

¹²⁵ See for example: Chouliaraki, Lilie, *The Ironic Spectator: Solidarity in the Age of Post-Humanitarianism* (Cambridge, UK: Polity Press, 2013); Sontag, Susan, *Regarding the Pain of Others* (New York, NY: Picador, 2003); de Waal, Alex, *Advocacy in Conflict: Critical Perspectives on Transnational Activism* (London, UK: Zed Books, 2015).

should be presented to immigration officials. Through the interview process, resettlement agencies place the burden of proof on victims, and retain the ability at any time, to claim that the burden has not been met. The demands of the resettlement process do not take place in a vacuum, but within refugee camps where the narratives that are constructed in interviews can have unexpected consequences on the social relations and cultural scripts within refugee communities. Although constrained in their options, refugees are not passive in their interactions with immigration officials and participate in the construction of narratives that conform to international expectations. Persecution narratives emerge from refugee resettlement interviews that are the product of interactions between the bureaucratic culture of immigration officials and the culture of the refugee camps. What is spoken, written, and performed becomes part of societal knowledge of the past, and a lens through which current actions and motivations are shaped.

Jelin suggests that in order for narratives to be told in ways that are therapeutic for the narrator and reflect to the greatest degree possible, the ‘truth’ of experience, “What are needed are interviewers and social spaces of listening committed to ‘preservation’ of the remnants and traces of the past embedded in life experience, but much more than that: a keen awareness of the subjective processes of the people that are invited to narrate their life experiences.”¹²⁶ Recognizing that it may not be possible to transform resettlement interviews into social spaces of listening where refugees are able to control the shape and content of their own narratives, this paper has embraced the need to understand the subjectivities and the institutional and structural power relations that mediate how

¹²⁶ Jelin, 66.

narratives are formed in the resettlement process. Resettlement bureaus, resettlement officers, and resettlement interviews are understood as part of the social environment that refugees navigate and within which their narratives are constructed and both these institutions and the narratives that emerge from resettlement interviews are viewed as altering social spaces and social relations.