ANTHROPOLOGY CAREER READINESS NETWORK

Serving as an Expert Witness

An expert witness is a person with specialized knowledge, skills, and experience who testifies on behalf of another. Demand for country-conditions expert witnesses has increased exponentially and globally as people flee conditions of violence to seek asylum in countries considered safe. Expert witnesses assist Immigration Judges in determining whether the applicant would be at risk of harm or murder if forced to return to their country of origin.

The expert witness, usually retained by an applicant's legal team, is expected to give a full and unbiased assessment of the case. In supporting the applicant, the expert witness must demonstrate:

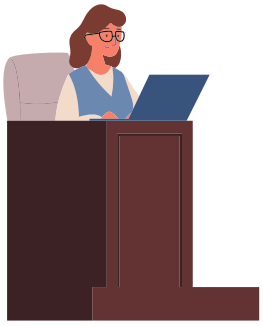
1. Why the applicant fears persecution, torture, or death upon return to their home country;
2. That such fear is linked to the applicant's "**race, religion, nationality**, membership of a **particular social group**, or **political opinion**"—as defined in the U.N. Refugee Convention.[1]

Anthropologists as Expert Witnesses

- Possess ethnographic knowledge of country conditions
- Able to frame applicant country-of-origin experiences
- Rely on specialty knowledge (e.g., gangs, human trafficking) to explain persecution
- Communicate complex phenomena effectively
- Have familiarity with the asylum process, contributing to the growing anthropological literature[2]

Expert Witness Tasks

- Review applicant materials and reasons for asylum (e.g., sworn statements, interviews with immigration officers, supporting evidence)
- Conduct background research to draw upon relevant literature
- Write a report (i.e., "sworn declaration," "affidavit") for the court about the (1) relevant country conditions, and (2) specifics of the applicant's experiences with persecution
- Testify orally (in some instances) at immigration hearing, with cross-examination by the government prosecuting attorney and/or the Immigration Judge.



Expert Witness Report - Required Information:[3]

- Details of the expert's qualifications
- Literature or other material which the expert has relied on in making the report
- Statement explaining the applicant's experiences along with evidence provided by the applicant's legal team
- Clarification about which information lies within the expert's professional knowledge
- Summary of literature when professional views on matters in the report vary
- Details of the explanations behind the expert's own professional opinions
- Summary of the conclusions reached
- Statement of truth recognizing that the professional opinions are an accurate and complete portrayal of the expert's knowledge

Possible Areas of Focus:

- Race relations and indigenous issues
- Gender-based violence and LGBTQI conditions
- Political violence or persecution
- State violence and police/military practices
- Gangs, organized crime, and illicit activities
- Child abuse and human trafficking
- Access to medical and psychiatric services
- Ethnic and clan-based violence
- Terrorism and civil war

Why Serve as an Expert Witness?

Potential Benefits

- **Rewarding way to apply anthropology to help others**
- **Occasion to reciprocate for past ethnographic research in applicant's culture**
- **Opportunity to explain relevant anthropological methods and theory**
- **Some potential for compensation depending on applicant's sponsoring organization**

Potential Drawbacks

- **Emotionally draining to read and write about experiences with physical or sexual violence and death threats**
- **Working with lawyers and government authorities who have firm deadlines and often think differently from anthropologists**[4]
- **Daunting to testify and be cross-examined in court**
- **Working within systems of racism, sexism, classism, nationalism, and imperialism.**

Requirements

- Conduct research in the country from which the applicant is fleeing
- Possess professional knowledge about why the applicant fled their country
- Clarify when a question or topic falls outside your areas of expertise.
- Communicate promptly to the legal team if—for whatever reason—you are no longer interested or able to provide testimony and meet your duty to the court.

To Learn More

- Attend a session or workshop on asylum or expert witnessing at the American Anthropological Association or Society for Applied Anthropology
- Register as an expert with the Center for Gender & Refugee Studies[5] UC College of the Law in San Francisco, CA which offers workshops and email blasts with tips for aspiring expert witnesses, general advice for testifying and writing reports, and insights into shifting U.S. legal criteria for asylum
- Apply as a country-conditions expert on other rosters such as Communitology[6] which (1) connects immigration lawyers with scholars who can serve as expert witnesses, and (2) offers trainings on writing effective reports

References

1. See page 3 of the "Text of the 1951 Convention Relating to the Status of Refugees–Text of the 1967 Protocol Relating to the Status of Refugees–Resolution 2198 (XXI) adopted by the United Nations General Assembly" https://www.unhcr.org/media/convention-and-protocol-relating-status-refugees
2. "Special Section: Expert Witnessing in Asylum Cases," 2022. *Annals of Anthropological Practice* (46)1: 64–115, May, https://anthrosource.onlinelibrary.wiley.com/toc/21539588/2022/46/1
3. See, for instance, the instructions given to expert witnesses at the Tahirih Justice Center, https://www.tahirih.org/wp-content/uploads/2015/07/Asylum-Guidelines-for-Serving-as-an-Expert-Witness.pdf
4. Kandel, Randy Frances, ed. 1992 "Double Vision: Anthropologists at Law," *NAPA Bulletin* 11, American Anthropological Association, July.
5. https://cgrs.uclawsf.edu
6. https://communitology.co