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6 Questions On: Providing Expert Witness Testimony for Asylum-Seekers

RWU Latin American history professor shares her expertise to save lives



June 25, 2018 | Jill Rodrigues '05

BRISTOL, R.I. – While the national conversation focuses on the Trump administration’s “zero tolerance” immigration policy along the nation’s southern border, a Latin American history professor at Roger Williams University has been lending a critical voice to families seeking asylum in the U.S. from persecution and death in their native countries.

Autumn Quezada de Tavaréz, a modern Latin Americanist, has been providing expert witness testimony to asylum requests of refugees fleeing Mexico, El Salvador and Nicaragua for the past year and a half. Expert witnesses are not part of the legal team representing the asylum seeker, but rather an authority on subject matter crucial to the case.

Her work bridges academic theory with meaningful practice to deliver impartial expertise on the threats individuals had confronted in their native countries and what they may face if denied asylum and returned home. Oftentimes, she says, that means death – for them and their families.

What is your role in these cases?

I ground the client’s asylum appeal in local, state, and national context for the judge. The cases are harrowing, always involving local and state corruption, murder, abuse, and organized crime. Attorneys need to have another voice in the courtroom to help buoy their argument. It’s one thing for attorneys to talk about the real fears their clients have, but also important to have an outside, impartial voice to contextualize the real dangers to their lives if they went back home.

I’m about to begin one that is particularly scary for the client where many in the family have been assassinated largely due to their local political affiliations.

How do you prepare expert witness testimony?

I receive the case notes and handwritten testimony from the client and then begin researching the group perceived as the threat. I document news stories, cite academic scholarly work and statistics that back up what the client is saying. I’m careful to use only credible sources. Then I construct a larger narrative around the client’s story, often

starting big and talking about the organized or governmental violence against indigenous peoples nationally, then bring it down to the state and then specific local level. The entire brief I provide is filled with evidence, working backwards from the most current evidence.

As of now, my work has been in the form of putting together a written narrative to help buoy the attorney's argument, but I am always asked whether I'd be willing to give verbal testimony. I haven't needed to yet, but am willing.

What is taking place in these countries that's causing people to flee and seek protection?

These countries are failed states where organized crime and extortion runs rampant. The government is incapable of capturing criminals or prosecuting the criminals, and oftentimes the criminals are embedded in the police force.

In Mexico, it's much more organized and terrifying. The big issue in Mexico are the cartels who go after families, or paramilitaries, which are smaller versions of a cartel. Paramilitaries operate within a region to terrorize people in order to gain power and money; these organizations are integrated within the local political structure so there's no recourse for these families. Their lives are nothing, mean nothing, to these organizations. They simply are people that are in the way. Maybe it's the land they live on that the paramilitary wants, or it's the persecution of an ethnicity they want to get rid of.

In El Salvador, the people fear MS-13 pulling in young children into gangs or extorting families. MS-13 extorts everyone, people on a city bus, businesses, politicians – whatever. They murder indiscriminately. If you get pulled into MS-13, the only way out is death. There's no getting out of it, whether you're a guy or the girlfriend of a gang member. That's terrifying for families.

In Nicaragua, instead of it being cartels, it's local organized crime that extorts people and threaten their livelihood and family.

Most of the people we're seeing trying to cross our border are coming from El Salvador, Guatemala and Honduras.

What must an expert witness possess to provide credible testimony?

In order to do this work, you have to have knowledge not only about the country as a whole, but specific areas of the country. And not just book knowledge – you have to have visited the country. My areas of expertise are Mexico, the Dominican Republic, El Salvador, and Nicaragua. I feel comfortable that I've been in those countries enough and know enough about their social, political and environmental history to be able to contextualize the problems.

How did you get involved in doing this work?

I had no idea about this kind of work until a professor friend of mine, also a Latin Americanist, visited me and she said doing this work is the most valuable thing she does in her field, because she's helping an individual and putting her knowledge to good use. She urged me to get involved. I have another friend who works as an immigration attorney and has been referencing me to attorneys on these cases. I also recently added my name to the University of California, Hastings College of Law database of scholars willing to be an expert witness for asylum cases.

With what's been happening with detaining and deporting refugees at the border, a social media grassroots movement is growing among Latin American specialists. There's been a call for action looking for academics with Ph.D. standing who are willing to lend their credentials toward expert witness testimony. I've added my voice to that to encourage others.

I'm humbled to work as [#expertwitness testimony#Latam](#) expert consultant on [#asylum](#) cases. Seekers pursue [#painoffear](#) interview & months to make an appeal requests are valid & VERY real. Live in those shoes & walk that life. [#whatwouldyoudo#immigration@myrwu@FitzProv#history](#).

— Otoño Quezada, PhD (@autumnquezada) [June 20, 2018](#)

How do you conduct research on these dangerous groups while maintaining your own safety?

The answer to that is I don't know. The document I'm giving to the attorney is a history of very dangerous people, and my name is going to be attached to it. The cases I've worked on have ranged from religious persecution, domestic violence to major organized crime. You research these organized crime groups, write the narrative about what they do and what could probably happen to the client if they return, and it's bone chilling. That is worrisome to me. But it's also really important because someone's life is on the line.

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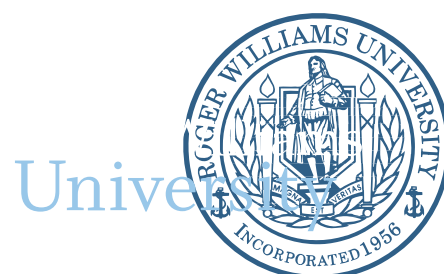
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