

PROGRAM FOR SURVIVORS OF TORTURE ELIGIBILITY CRITERIA

Individuals eligible for services under the program include those with: (1) a current status as a refugee, asylee, asylum seeker, immigrant or displaced person; and (2) torture experience as defined in section 3 of the Torture Victims Relief Act of 1998: "An act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering upon another person within his/her custody or physical control."

ALL of the following criteria *must* be met to qualify for services funded by PSOT:

- ❖ The applicant has a current status as a refugee, asylee, asylum seeker, immigrant or displaced person
- ❖ The applicant is a **Primary Survivor of Torture** (includes individuals who were forced to witness the torture of another) OR a **Secondary Survivor of Torture** (family member or close intimate of primary survivor)
- ❖ The purported act(s) of torture occurred outside the U.S.
- ❖ The purported act(s) of torture appear to meet the definition of torture as stated in the Torture Victims Relief Act of 1998: *"torture' means an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or lawful control."* Some acts that may be considered torture:

Beating	Wounding/maiming	Severe humiliation
Rape and sexual torture	Burning	Threats and psychological
Deprivation	Asphyxiation	Kidnapping and disappearances
Witnessing torture of others	Forced postures, stretching or hanging	Dental
Electrical		
Sensory stress	Pharmacological	
- ❖ The perpetrator(s) of the act(s) conducted his/her actions under the "color of law." Color of law includes:
 - A government official
 - A de-facto authority acting in a government of quasi-governmental capacity or role
 - A non-governmental (private) party acting under the color of law.

If a government or related entity is unwilling or unable to punish the acts that have caused harm, and this appears to be generally true (not just in the particular instance of the applicant) as to these type of acts, then such acts (and the pain and suffering they entail) may be considered as "officially" tolerated, and is covered under most interpretations of the term "color of law," as the products of "deliberate indifference" on the part of the governing authority. The questions below help you determine if this was the case.

- Does law enforcement, including a law enforcement infrastructure and personnel with the authority to respond, exist in the country?
- Were appropriate law enforcement authorities aware of the purported acts of torture, or was there a general pattern of torture of which law enforcement authorities were aware?
- If law enforcement was aware of the purported acts of torture, did they fail to take any action to stop or hinder the acts, or to protect the SOT?
- Was the lack of action, if applicable, due to unwillingness or inability to act, for example willful blindness to the act itself?
- ❖ The perpetrator(s) specifically targeted the SOT for the act(s) (i.e., the SOT was not one of many people randomly subjected to an act like a bombing).
- ❖ At the time the act(s) was committed, the SOT was under the custody or physical control of the perpetrator(s) (e.g., held in a prison, holding facility, compound, camp, hospital, school, etc., or was otherwise seized for the time necessary for the torture to occur).

REFERRAL PROCESS

Primary and/or secondary survivors can be referred into the program through many routes including, but not limited to, their primary care provider, mental health provider, resettlement agency, or self-referral. The person referring the applicant, or the survivor themselves, has an understanding of eligibility criteria and contacts the Service Coordinator to initiate a referral (see contact info below). The Service Coordinator screens the applicant for eligibility criteria, and once the individual is accepted into the program an intake meeting is scheduled. The Service Coordinator completes a bio-psycho-social-spiritual needs assessment and determines which services the individual is interested in receiving. The Service Coordinator provides referral and service coordination to the individual for the identified service(s).