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Telling the Story: Theme and Rhetoric in Asylum Cases

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Rhetorical strategies, themes, and interpretive framing allow the speaker to control the narrative when presenting oral testimony in asylum cases. These formal elements help structure traumatic events and memories into a coherent story that will engage the judge and enable the court to see the situation from the asylum seeker's worldview. In the context of asylum applications, even the most deserving claimant may be unable to deliver their testimony in a coherent or compelling manner without the assistance of an effective advocate, due to the severe trauma that he or she experienced ? and the trauma that he or she must once again undergo by having to retell and relive these experiences in the courtroom. It is crucial, therefore, that immigration lawyers acting in these proceedings consciously utilize these rhetorical techniques in order to facilitate the delivery by their clients of narratives that are credible, humanizing, and persuasive to the court. It is equally important that the lawyers representing the Department of Homeland Security be sensitized in this area so they are able to separate out any genuine issues of material fact and law critical to a fair analyzation of the asylum claim.

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