Credibility of Asylum Claims: Consistency and Accuracy of Autobiographical Memory Reports Following Trauma

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Summary: Herlihy and colleagues (current issue) review the literature on the characteristics of autobiographical memory in asylum seekers who are presenting evidence of their traumatic experiences in the immigration courts with a view to finding a safe haven. In this commentary, I briefly discuss how the quality of the memory report may influence reliability and credibility judgements in individuals whose memories may be subject to post-traumatic stress disorder. Copyright © 2012 John Wiley & Sons, Ltd.

Herlihy and colleagues review the literature on the characteristics of autobiographical memory in asylum seekers who are presenting evidence of their traumatic experiences in the immigration courts with a view to finding a safe haven. The goal of the review was to see how an understanding of autobiographical memory for traumatic events can inform the asylum process. In the UK, an asylum applicant is anyone who makes a request to be recognised as a refugee and seeking asylum. The decision rests heavily on the perceived credibility of the applicant as well as the reliability of their account of persecution (Herlihy et al.).

One of the key themes that goes through this article is that each eyewitness has a unique reaction to a traumatic event and response to trauma is not only influenced by personality and coping style but also by language and culture. This is something that tends to be overlooked so often in the literature because our conclusions are heavily influenced by meta-analyses of experimental studies of memory in non-traumatised individuals of what Herlihy et al. refer to as ‘upsetting experiences’. Not only do the studies lack external validity but also any policy implications that can be derived from the literature are restricted (Malpass et al., 2008), which means the impact of this type of research is limited too.

Moving on to PTSD and memory, in many respects, memories for traumatic events are not unlike memories for non-traumatic events (Alexander et al., 2005; Dalgleish, 2004; Brewin, 2011). Events that are of personal significance are rehearsed more often and are more likely to be recalled assuming they are integrated with narrative knowledge about the self (Brewin & Holmes, 2003; Rubin et al., 2008). Both types of memories are subject to decay and the influence of schema over time in line with theories of reconstructive memory (Bartlett, 1932) and forgetting (Brainerd & Reyna, 2001). Autobiographical memories can also vary in their specificity (see Andrews, Brewin, Philpott, & Stewart, 2007; Holland & Kensinger, 2010 for reviews), and neural correlates of specific versus general memories have been identified (Holland, Addis, & Kensinger, 2011).

CONSISTENCY AND ACCURACY OF MEMORY

There is a gap between what decision makers believe to be cues to credibility and what science tells us (Fisher, Brewer, & Mitchell, 2009). One cue that tends to be weighted too heavily when making judgments about both reliability (accuracy) as well as credibility (honesty) is whether a witness reports the same details when questioned repeatedly. Accuracy and consistency are not strongly related, so the perception that an inconsistent witness is unreliable is misleading (see Fisher et al., 2009; Odinot, Wolters, & van Giezen, 2012). Nevertheless, it is not uncommon for advocates to adopt questioning techniques to lower confidence and increase inconsistency in witness reports in order to undermine their credibility. One strategy may be to bait witnesses to lower the criterion for responding (for example, by asking very specific questions about peripheral details) to encourage low confidence responses (Fisher, Rivard, Leins, & Pluwinski, 2012). When asked about the confidence of their responses, a witness may then report that they are not very confident, and from this statement, the reliability and credibility of their evidence may be questioned.

There are a number of important points made in the Herlihy et al. review in relation to the consistency of testimony of asylum seekers. For example, the memory reports of asylum seekers may lack the very details that are indicative of reliability and credibility. In one study in which refugees granted leave to remain in the UK recalled a traumatic and non-traumatic event, a follow up interview between 3 and 32 weeks later indicated discrepancies in almost a third of questions, regardless of the nature of the event, with more inconsistencies in those displaying a higher level of trauma and when a longer time delay had elapsed (Herlihy et al., 2002). Traumatic memories may be more complex and detailed and associated with more vivid and detailed imagery increasing the likelihood of hypermnesia.
CONSISTENCY AS A DECEPTION STRATEGY

Consistency is often used as a strategy by people engaging in deliberate lies as a strategy to convince judges that they are speaking the truth (Gran Hag, Ström wall, & Jonsson, 2003). Moreover, rehearsal of lies can lead to overly scripted responses. Herein lies the problem, on the one hand, we have a heuristic (consistency) that is taken to be an indicator of truthfulness. However, someone who has rehearsed a lie may also provide a scripted response (Vrij, Gran Hag, & Porter, 2010). The difficulty in relying on non-verbal cues compounds this problem. Herlihy et al. refer to reviews of the literature to point out that non-verbal cues are unreliable. However, perceivers may be looking for the wrong cues in a given situation. Hartwig and Bond (2011) maintain that the behavioural differences between liars and truth tellers are very small, because people are skilled at deception and both liars and truth tellers work at creating a credible impression. Gran Hag and Hartwig (2012) argue that specific questioning strategies may need to be employed to get people to elicit cues that may then be used to assess credibility. However, the work of Herlihy et al. suggests that this may not work with individuals who are giving evidence as part of the asylum process, as these individuals may be coerced into concealing facts, for example by traffickers, and when giving a truthful account may have to engage in additional cognitive effort. Increasing cognitive load, a strategy that is used to detect deceit in liars may backfire because it may simply make the testimony of asylum seekers appear inconsistent. This then returns to the question of how best to interview asylum seekers and how to deal with inconsistencies in their accounts. The problem is compounded because the stakes are high for asylum seekers for whom it is so important that they are believed. It is because of this that asylum seekers may deliberately attempt to appear credible and use strategies to achieve this goal. Herlihy et al. suggest that asylum seekers may add details to a predominantly truthful statement to strengthen their case or omit details for fear of safety or to protect others. Thus cues to deception based on the level or specificity of detail and consistency are unlikely to be reliable. Doubts about ‘being believed’ may be critical to many people who have experienced trauma, such as torture or rape. Some evidence suggests that in a (non-asylum seeking) sample of rape victims, beliefs that one’s memory about the rape is inadequate was associated with a reduced likelihood of pursuing a conviction (Hart, Young, & Holmes, 2009). Perhaps in addition to ‘deception’, an ‘underconfidence’ in one’s memories is also an area, which may need to be considered in the future.

WHAT HAPPENS TO TRAUMATIC MEMORIES OVER TIME?

It is clear that like all types of memory, memory for traumatic events changes over time and further that this appears to be associated with the severity of PTSD symptoms (see Brewin, 2011). Again, there is a dearth of data on how mode of questioning might moderate these effects, although it appears to be the case that consistency can be improved by asking people about broader inclusive categories of events (Krinis ley, Gallagher, Weathers, Kutter, & Kaloupek, 2003). This appears to be consistent with ‘over general memory (OGM)’ in people with PTSD where a response to a question is met with a general description or reference to a category of events rather than a specific episode. As pointed out by Brewin (2011), it is important to bear in mind that general memories are not necessarily non-credible, false or exaggerated. Schönfeld, Ehlers, Bölling haus, and Rief (2007) suggest that OGM may be related to attempts to suppress trauma memories although as pointed out by Brewin (2011), the role in PTSD of OGM is as yet unclear.

The issue of stability of trauma memory is a key one, and this is directly relevant to the issue of whether memories remain consistent or are inconsistent over time. Brewin (2011) reviews studies that questioned rape survivors soon after a clearly specified event noting significant gaps in their memory initially but an improvement in recall 3 months on (Mechanic, Resick, & Griffin, 1998), possibly related to dissociative symptoms subsiding (see Zoellner, Sacks, & Fou, 2001). Engelhard, van de Hout, and McNally (2008) have shown high levels of memory inconsistency in their study of a sample of Dutch soldiers in Iraq. As indicated earlier, it is unlikely that there is a direct relationship between PTSD treatment and narrative organisation of memories.

Asylum applicants have to convince decision makers that the claim they are making is a credible one, and although the Office of the United Nations High Commissioner offers some guidance, there is a considerable discretion in individual decision making. Some judges have gone as far as saying that the asylum and appeal process is a lottery (Rami-Nogales, Schoenholtz, & Schrag, 2009). A project that examined the interviews and appeal hearings of female applicants seeking asylum in the UK noted that asylum decision makers often invoked factors such as delayed disclosure, inconsistencies in accounts, and a calm or overly emotional demeanour on the part of the female applicant to justify suspicion regarding allegations of rape (Baillot, Cowan, & Munro, 2012; see also Ellison & Munro, 2009; Bogner, Herlihy, & Brewin, 2007). Educating judges and jurors about the different ways in which a witness may respond to trauma and the complex effects on testimony may reduce reliance on witness demeanour in making decisions (Ellison & Munro, 2006).

As I have tried to illustrate here, the Herlihy et al. review represents a hugely important area and is of value to several fields within psychology including in autobiographical memory, traumatic stress and cross-cultural differences in human behaviour. Further, this work has direct translational implications for a range of disciplines from psychology and the legal profession to mental health policy. It is a timely and much warranted
review, and the authors are to be congratulated on assimilating this complex literature.

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REFERENCES


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