

# United States Asylum Process

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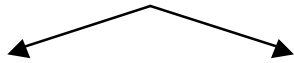
Client in US; not in system



File Affirmative Application

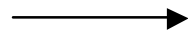


Asylum Officer Interview



Grant

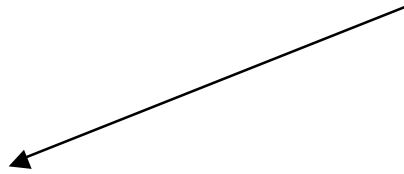
Referral



Client in INS/HS system



"Notice to Appear" Issues



Master Calendar Hearing



Merits Hearing

# Asylum: Definition

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- “[A]ny person who is outside any country of such person’s nationality . . . and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear or persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1101(a)(42)(A).
- International standard: UN Protocol Relating to the Status of Refugees, Art I(2)

# Asylum: Elements

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- “Well Founded Fear”
- of “Persecution”
- Based on following factor(s)
  - Race
  - Religion
  - Nationality
  - Political Opinion
  - Membership in a Particular Social Group
- Nexus
- Government *is* persecutor or cannot control persecutors

# “Well Founded Fear”

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- “reasonable probability”
- Lower than preponderance of the evidence
- Has objective and subjective components
  - Applicant must have fear (subjective)
  - Fear must be reasonable, i.e., “well founded”
- “one in ten” probability:
  - *INS v. Cardoza-Fonseca*, 480 U.S. 421 at 431.

# "Persecution"

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- Poverty, victim of crime, bad luck not enough
- Behavior that "threatens death, imprisonment, or the infliction of substantial harm or suffering."
  - *Sayaxing v. INS*, 179 F.S3d 515, 519 (7<sup>th</sup> Cir. 1999).
- "Hallmarks" of persecution are:
  - detention, arrest, interrogation, prosecution, imprisonment,
  - illegal searches, confiscation of property, surveillance, beatings, or torture
    - *Mitev v. INS*, 67 F.3d 1325, 1330 (7<sup>th</sup> Cir. 1995)

# Race, Religion, Nationality

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- Race: Broad meaning
- Religion
- Nationality
  - Not just citizenship
  - May be ethnic or linguistic group
  - May overlap with race
- E.g., Bosnian-Muslim [religion, nationality]; Dinka Sudan [race, nationality, religion]

# Political Opinion

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➤ Actual

➤ Imputed

- E.g., daughter of a political activist persecuted for the activities of her father

# Membership in a Particular Social Group

- “common, immutable characteristic”
  - *Matter of Acosta*, 19 I & N Dec. 211, 233 (BIA 1985)
- “members of the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences”
- E.g., gay male persecuted for his sexual orientation

# Importance of Past Persecution

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- Legal *presumption* of future persecution 8 C.F.R. § 208.13
- INS can rebut with proof by a preponderance of the evidence of changed circumstances

# Summary: Basics

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- Ultimate goal: “well founded fear of persecution” based on one of five factors
- Past persecution important, but not required
- Major sources of evidence
  - Client’s story
  - Country conditions and other corroborating evidence
  - Forensic evidence

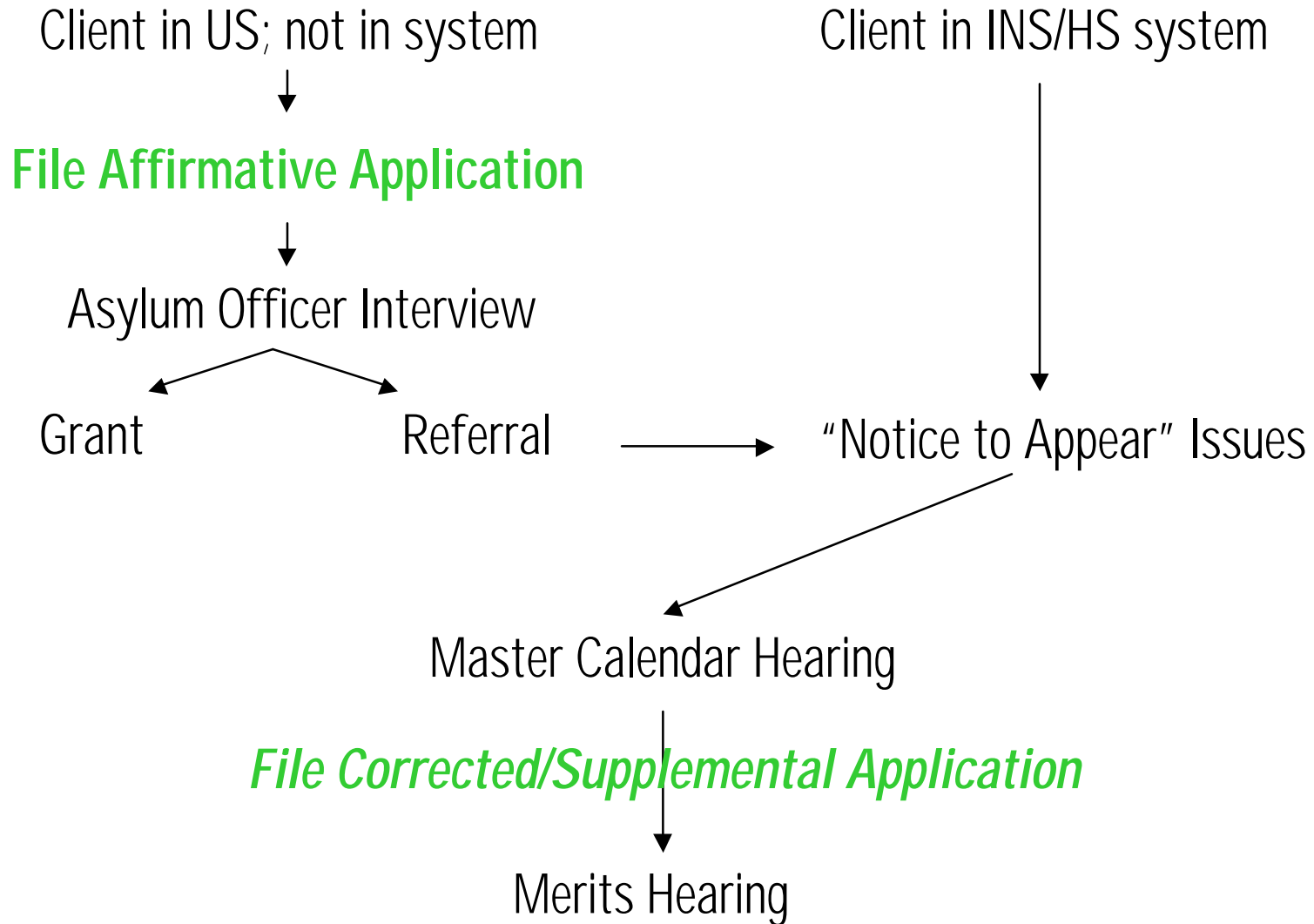
# Key Law

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- 8 U.S.C. § 1101(a)(42)(A)
- 8 C.F.R. § 208.13
- *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987)
- *Matter of Mogharrabi*, 19 I& N. Dec. 439 (BIA 1987)
- UNHCR Handbook on Procedures and Criteria for Determining Refugee Status

# United States Asylum Process

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# Theory of the case

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- Help to structure application and supporting materials
- May be secondary or tertiary theories

# Asylum Application: Client Declaration

- Important document
- Statement of the client in their own voice
- Balancing detail
- Chronological

# Asylum Application

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- One year deadline!
- Form I-589
  - Available in “fillable form” on Internet
    - asylumlaw.org ([http://www.asylumlaw.org/docs/united\\_states/forms/i-589.pdf](http://www.asylumlaw.org/docs/united_states/forms/i-589.pdf))
    - INS web site (<http://www.ins.usdoj.gov/graphics/formsfee/forms/i-589.htm>)
- No filing fee
- Where to file:
  - If not in INS system: *Nebraska Service Center\** (footnote: *Supplemental materials may be submitted up to day of asylum interview at the Asylum Office*)
  - If in removal proceedings: *Immigration Court*

# I-589, page 1-2

## Application for Asylum and for Withholding of Removal

**Read Here - Please Type or Print. USE BLACK INK. SEE THE SEPARATE INSTRUCTION PAMPHLET FOR INFORMATION ABOUT ELIGIBILITY AND HOW TO COMPLETE AND FILE THIS APPLICATION.** (Note: There is NO filing fee for this application.)

Please check the box if you also wish to apply for withholding of removal under the Convention Against Torture:

### PART A - I. INFORMATION ABOUT YOU

1. Alien Registration Number (A-Number)		2. Social Security No. (If any)	
3. Complete Last Name		4. First Name	
5. Middle Name		6. What other names have you used? (Include maiden name and aliases.)	
7. Residence in the U.S. (City)		Telephone Number	
Street Number and Name		Apt. No.	
City		State	
ZIP Code		8. Mailing Address in the U.S., if other than above	
Street Number and Name		Telephone Number	
City		State	
ZIP Code		9. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	
10. Married Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		11. Date of Birth (Mo/Day/Year)	
12. City and Country of Birth		13. Present Nationality (Country)	
14. Nationality at Birth		15. Race, Ethnic or Tribal Group	
16. Religion		17. If that the App. is through a third applicant: a. <input type="checkbox"/> I have not been in immigration court proceedings. b. <input type="checkbox"/> I have been in immigration court proceedings. c. <input type="checkbox"/> I have been in immigration court proceedings, but I have been with you.	
18. Complete (if a derivative): a. When did you last leave your country? (Mo/Day/Year) b. What is your current I-94 Number, if any?		19. Please list each entry to the U.S. beginning with your most recent entry. List date (Mo/Day/Year), place and your status for each entry. (Check additional sheets as needed.)	
Date _____	Place _____	Status _____	Date Status Expires _____
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	
20. When was your most recent arrest or conviction?		21. Passport or Travel Document #	
22. Do you speak English? <input type="checkbox"/> Yes <input type="checkbox"/> No		23. What other languages do you speak fluently?	
24. What is your entry purpose?		25. What other information do you wish to provide?	

**Last Entry to US: (1 year bar)**

### PART A - II. INFORMATION ABOUT YOUR SPOUSE AND CHILDREN

**Your Spouse:**  I am not married. (Skip to Your Children Below.)

1. Alien Registration Number (A-Number)		2. Passport/ID Card No. (If any)		3. Marital Status (Married, Divorced, Widowed)		4. Social Security No. (If any)	
5. Complete Last Name		6. First Name		7. Middle Name		8. Maiden Name	
9. Date of Marriage (Mo/Day/Year)		10. Place of Marriage		11. City and Country of Birth			
12. Nationality of Spouse(s)		13. Race, Ethnic or Tribal Group		14. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female			
15. Is this person in the U.S.? <input type="checkbox"/> Yes (if complete details in Part I) <input type="checkbox"/> No (Specify location)							
16. Place of last entry to the U.S.?		17. Date of last entry to the U.S.?		18. I-94 No. (If any)		19. Status when last admitted (If any type of entry)	
20. What is your spouse's current status?		21. What is the expiration date of his/her authorized stay, if any? (Mo/Day/Year)		22. Is your spouse in immigration court proceedings?		23. If currently in the U.S., date of previous arrival (Mo/Day/Year)	
24. Will the U.S. be responsible to be included in this application? (If not the appropriate box.)		<input type="checkbox"/> Yes (check one (1)) photograph of your spouse in the upper right hand corner of page 2 on the same copy of this application submitted for this person.		<input type="checkbox"/> No			

**Your Children:** Please list ALL of your children, regardless of age, location, or marital status.

- I do not have any children. (Skip to Part A, III. Information about Your Background.)
- I do have children. Total number of children: \_\_\_\_\_

(Use Application of Form I-589 or attach additional pages and photographs of your kids more than five (5) children.)

1. Alien Registration Number (A-Number)		2. Passport/ID Card No. (If any)		3. Marital Status (Married, Divorced, Widowed)		4. Social Security No. (If any)	
5. Complete Last Name		6. First Name		7. Middle Name		8. Date of Birth (Mo/Day/Year)	
9. City and Country of Birth		10. Nationality of Spouse(s)		11. Race, Ethnic or Tribal Group		12. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	
13. Is this child in the U.S.? <input type="checkbox"/> Yes (if complete details in Part I) <input type="checkbox"/> No (Specify location)							
14. Place of last entry to the U.S.?		15. Date of last entry to the U.S.?		16. I-94 No. (If any)		17. Status when last admitted (If any type of entry)	
18. What is the expiration date of his/her authorized stay, if any? (Mo/Day/Year)		19. What is the expiration date of his/her authorized stay, if any? (Mo/Day/Year)		20. Is your child in immigration court proceedings?		21. If currently in the U.S., date of previous arrival (Mo/Day/Year)	
22. Will the U.S. be responsible to be included in this application? (If not the appropriate box.)		<input type="checkbox"/> Yes (check one (1)) photograph of your child in the upper right hand corner of page 2 on the same copy of the application submitted for this person.		<input type="checkbox"/> No			



# I-589, pages 3-4

OMB No. 1115-0046

**PART A. II. INFORMATION ABOUT YOUR SPOUSE AND CHILDREN Continued**

1. Alien Registration Number (A#) (If any)	2. Passport ID Card No. (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. Social Security No. (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (dd-mm-yy)
9. City and Country of Birth	10. Nationality (If any)	11. Race, Ethnic or Tribal Group	12. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Specify Where) (dd-mm-yy) <input type="checkbox"/> No (Specify Country)			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S.	16. I-94 No. (If any)	17. Status when last admitted
18. When was your child born?			
21. If in the U.S., is this child to be included in this application? <input type="checkbox"/> Yes (attach photograph of your child to the application) (and name of your U.S. address) <input type="checkbox"/> No			
1. Alien Registration Number (A#) (If any)	2. Passport ID Card No. (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. Social Security No. (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (dd-mm-yy)
9. City and Country of Birth	10. Nationality (If any)	11. Race, Ethnic or Tribal Group	12. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Specify Where) (dd-mm-yy) <input type="checkbox"/> No (Specify Country)			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S.	16. I-94 No. (If any)	17. Status when last admitted
18. When was your child born?			
21. If in the U.S., is this child to be included in this application? <input type="checkbox"/> Yes (attach photograph of your child to the application) (and name of your U.S. address) <input type="checkbox"/> No			
1. Alien Registration Number (A#) (If any)	2. Passport ID Card No. (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. Social Security No. (If any)
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9. City and Country of Birth	10. Nationality (If any)	11. Race, Ethnic or Tribal Group	12. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Specify Where) (dd-mm-yy) <input type="checkbox"/> No (Specify Country)			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S.	16. I-94 No. (If any)	17. Status when last admitted
18. When was your child born?			
21. If in the U.S., is this child to be included in this application? <input type="checkbox"/> Yes (attach photograph of your child to the application) (and name of your U.S. address) <input type="checkbox"/> No			

Last address where you lived before coming to the U.S.

Residences during the past five years

Your education

Your employment

Your parents and siblings

OMB No. 1115-0046

**PART A. III. INFORMATION ABOUT YOUR EDUCATION**

1. Place of your last address where you lived before coming to the U.S. (If not in the country where you last permanently lived, the last address in the country where you last permanently lived (State, Province, Department, Province, or State and Country). (Use Supplement B, Form I-589 or additional sheets of paper if necessary.)

Name and Street (If applicable)	City/Town	Department, Province or State	Country	Date From (dd-mm-yy)	To (dd-mm-yy)

Provide the following information about your education during the last five years. List your present address first. (Use Supplement B, Form I-589 or additional sheets of paper if necessary.)

Name and Street	City/Town	Department, Province or State	Country	Date From (dd-mm-yy)	To (dd-mm-yy)

Provide the following information about your education, beginning with the most recent. (Use Supplement B, Form I-589 or additional sheets of paper if necessary.)

Name of School	Type of School	Level (Elementary, High School, etc.)	Actual Attendance (dd-mm-yy)	Actual Termination (dd-mm-yy)

Provide the following information about your employment during the last five years. List your present employment first. (Use Supplement B, Form I-589 or additional sheets of paper if necessary.)

Name and Address of Employer	Year Department	Date From (dd-mm-yy)	To (dd-mm-yy)

Provide the following information about your parents and siblings (for each and for each). Check box if that person is deceased. (Use Supplement B, Form I-589 or additional sheets of paper if necessary.)

Name	City/Town and Country of Birth	Current Location
		<input type="checkbox"/> Deceased
		<input type="checkbox"/> Deceased
		<input type="checkbox"/> Deceased
		<input type="checkbox"/> Deceased



# I-589, pages 5-6

0882 (Rev. 10/15/09)

**PART III. INFORMATION ABOUT YOUR APPLICATION**

(See Supplement 2 Form I-589 at [www.dhs.gov](http://www.dhs.gov) or attach additional sheets of paper as needed to complete your responses to the questions contained in this part.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(7) of the Act or withholding of removal under the Convention Against Torture), you should provide a detailed and specific account of the facts of your claim as you know or believe them to be. To the best of your ability, provide specific dates, places, and descriptions about each event or action described. You should attach documents evidencing the general conditions in the country from which you are seeking asylum or other protection and the specific facts on which you are relying to support your claim. If this document is unavailable or you are not providing this documentation with your application, please explain why in your response to the following questions. Refer to the instructions, Part I - Filing Instructions, Section II, "Basis of Eligibility," Part A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Documents that You Should Submit" for more information on completing this section of the form.

1. Why are you applying for asylum or withholding of removal under section 241(b)(7) of the Act, or for withholding of removal under the Convention Against Torture? Check the appropriate box (see below) and then provide detailed answers to questions A and B below.

I am seeking asylum or withholding of removal based on:

- Race
- Religion
- Nationality
- Political opinion
- Membership in a particular social group
- Torture (Convention Against Torture)

2. Have you, your family, or close friends or colleagues experienced harm or mistreatment or threats in the past by anyone?

No  Yes. If your answer is "Yes," explain in detail:

- 1) When happened.
- 2) When the harm or mistreatment or threats occurred.
- 3) Who caused the harm or mistreatment or threats, and
- 4) Why you believe the harm or mistreatment or threats occurred.

3. Do you fear harm or mistreatment if you return to your home country?

No  Yes. If your answer is "Yes," explain in detail:

- 1) What harm or mistreatment you fear.
- 2) Who you believe will cause the harm or mistreatment.
- 3) Why you believe you will be harmed.

4. Are you afraid of being subjected to torture if you return to your home country or any other country in which you may be resettled?

No  Yes. If your answer is "Yes," explain why you are afraid and describe the nature of the torture you fear, by whom, and why it would be inflicted.

Form I-589 (Rev. 10/15/09) Page 5

Have you, your family, or close friends or colleagues experienced harm or mistreatment or threats in the past by anyone?

Do you fear harm or mistreatment if you return to your home country?

Are you afraid of being subjected to torture?



# I-589, pages 7-8

OMB No. 1545-0046

**PART C. ADDITIONAL INFORMATION ABOUT YOUR APPLICATION**

*(For Applicants of Form I-589) Attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.*

1. Have you, your spouse, your children, your parents, or your siblings ever applied to the United States for asylum, for refugee status, asylum, or withholding of removal?  No  Yes
- If "Yes" explain the decision and what happened to you, your spouse, your children, your parents, or your siblings as a result of that decision. Please indicate whether or not you were involved in someone's application. If so, please include your name or spouse's. As stated in your response: If you have been denied asylum by an immigration judge of the District of Immigration Appeals, please describe any changes (i) in conditions in your country or (ii) your own personal circumstances since the date of the denial that may affect your eligibility for asylum.
2. A. After leaving the country from which you are claiming asylum, did you or your spouse or children, who are now in the United States, travel through or reside in any other country before entering the United States?  No  Yes
- B. Has your spouse, your children, or other family members such as your parents or siblings ever applied for or received any lawful status in any country other than the one from which you are now claiming asylum?  No  Yes
- If "Yes" to either or both questions (2A and/or 2B), provide for each person the following: the name of such country and the length of stay; the person's status while there; the reasons for leaving; whether the person is entitled to asylum for lawful residential purposes; and whether the person applied for refugee status or for asylum while there, and, if so, who he or she did not do so.
3. Have you, your spouse, or children ever organized, created, assisted, or otherwise participated in causing harm to or talking to any person because of his or her race, religion, nationality, membership in a particular social group, or belief in a particular political opinion?
- No  Yes. If "Yes," describe in detail each such incident and your own or your spouse's or children's involvement.

More than one year after...

...travel through or reside in any other country before entering the United States

Participated in causing harm or suffering...

4. Are you filing this application more than one year after your last arrival in the United States?
- No  Yes. If "Yes," explain why you did not file within the first year after your arrival. You should be prepared to explain at your interview or hearing why you did not file your asylum application within the first year after your arrival. For guidance on answering this question, see Instructions, Part 1; Filing Instructions, Section V; "Completing the Form," Part C.
5. Have you or any member of your family included in the application as a dependent ever been arrested, charged, arrested and sentenced for any crime in the United States?
- No  Yes. If "Yes," for each instance, specify in your response what occurred and the circumstances, date, length of any prison received, location, the duration of the detention or imprisonment, the reason(s) for the detention or conviction, any federal charges that were filed against you or your relatives included in your application, the reason(s) for release. Attach documents referring to these incidents, if they are available, or a explanation of why documents are not available.



# Other Forms

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- G-28/EOIR-28 (Appearance Forms)
- Fingerprinting
  - *Critical: Can lead to extensive delays*
  - *Constantly changing*
  - *Currently happens at 55 E. Monroe, 16<sup>th</sup> Floor*

# United States Asylum Process

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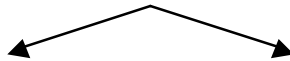
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File Affirmative Application

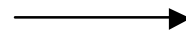


**Asylum Officer Interview**

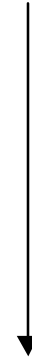


Grant

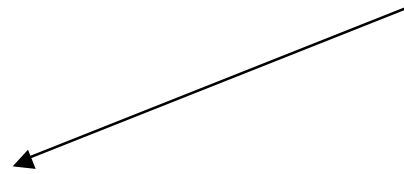
Referral



Client in INS/HS system



"Notice to Appear" Issues



Master Calendar Hearing



Merits Hearing

# Relating to Your Client

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- Before meeting client, learn about country conditions
- Interviewing Techniques
  - Use of an interpreter
  - Gender dynamics
  - Trauma and its effects
- Witnesses & Experts
  - Academic
  - Medical & Psychological
  - Similarly situated persons
  - Use to support theory of case

# United States Asylum Process

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Client in US; not in system



File Affirmative Application



Asylum Officer Interview

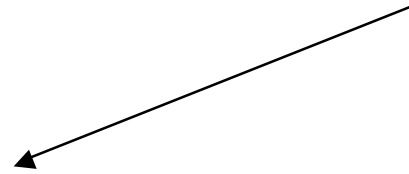
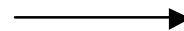
Grant

Referral

Client in INS/HS system



**"Notice to Appear" Issues**



**Master Calendar Hearing**



Merits Hearing

# Notice to Appear

U.S. Department of Justice  
Immigration and Naturalization Service

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act

Partic: 

Is Migrant?

Residence:  currently residing at:

Address:  (Please include apt. num. and ZIP code)  (Street and phone)

- 1. You are an applying alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are deportable for the reasons stated below.

The Service alleges that you:

- 1) You are not a citizen or national of the United States;
- 2) You are a wife of A.C. KANGA (aka's of A.C. KANGA);
- 3) You entered the United States in the DETROIT, MICHIGAN (DET) on or about January 14, 2002;
- 4) You were section 212(d)(1) paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provisions of law:  
Section 212 (a) (5) (A)(i) of the Immigration and Nationality Act (INA), as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States as any alien or alien other than designated by the Attorney General.

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution.

Section 212(d)(1) order was issued pursuant to:  8 CFR 204.30(f)(2)  8 CFR 213.30(f)(1)(v)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at  
11 EAST MONROE ST., SUITE 1100, CHICAGO, IL 60602-4000

on April 2, 2002 at 10:00 AM to show why you should not be removed from the United States based on the charge(s) set forth above.

  
Imbal C. Sica, ASAC  
Immigration Division, I-110

Date: MAR 1 2 2002

CHICAGO, IL  
City and State

See reverse for important information. Form I-862 (3-97)



# Master Calendar: Logistics

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- 55 East Monroe, 19<sup>th</sup> Floor
- Like a Status Conference/20 cases
- Two sign-in sheets
  - With lawyers (first)
  - Without lawyers

# Master Calendar: Legal Considerations

- Conceding removability
- Country designation
- Admit/deny charges
- Relief sought (asylum, withholding, CAT)
- Forensic examination of evidence
- Request interpreter
- Effect of a continuance - the Clock

# United States Asylum Process

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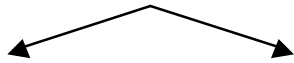
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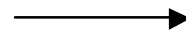


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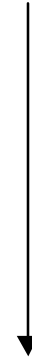


Grant

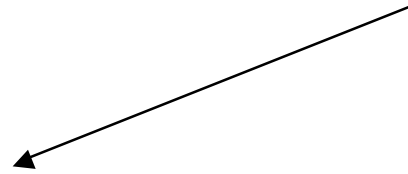
Referral



Client in INS/HS system



"Notice to Appear" Issues



Master Calendar Hearing



**Merits Hearing**

# Merits Hearing: Evidence

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- Written: The Trial Brief & Documents
  - Application/Statement
  - Country condition reports
  - Other documents
  - Deadline: 10 or 30 days *before* hearing
- Oral Testimony
  - Applicant
  - Fact witnesses, especially to corroborate identity
  - Experts

# Documents: General Corroboration

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- Country conditions
  - U.S. State Dept. Reports
  - U.K. Home Office
  - UN/Amnesty Int'l/Human Rights Watch
- [asylumlaw.org](http://asylumlaw.org)
  - Key documents
  - Experts and knowledgeable attorneys
  - SuperSearch: up to 15 human rights databases at once
  - Discussion board

# Specific Corroboration

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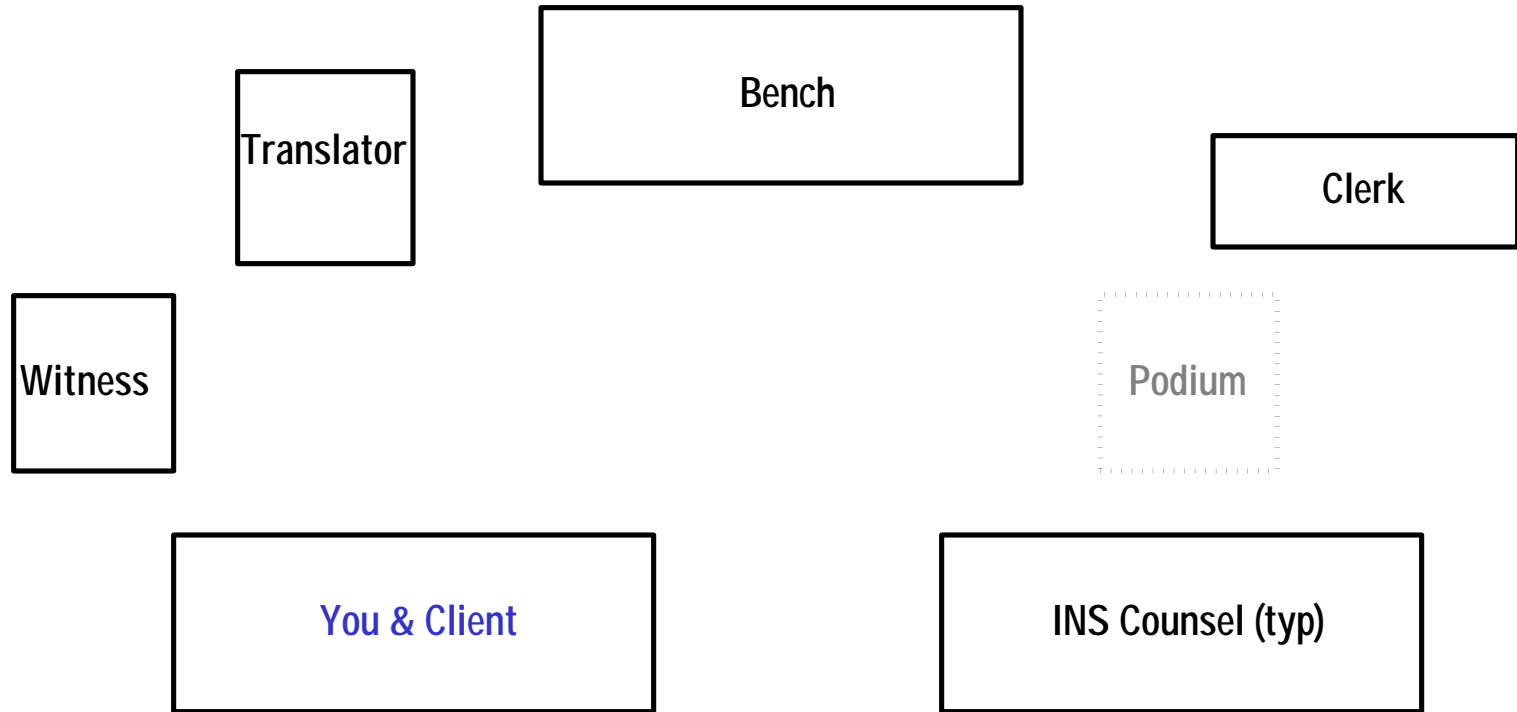
- Everything matters
  - Facts: Dates/times/flights/etc.
  - Physical evidence: Pictures/receipts/ticket stubs/etc.
- Medical (Physical)
- Mental Health
  - Kovler Center for Survivor of Torture

# Merits Hearing: Trial Logistics

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- 55 E. Monroe, 19<sup>th</sup> Floor *or*  
10 W. Jackson (for detained applicants)
- Only case on call
- 9 a.m./1 p.m.
- Trial lasts 3 or 4 hours, often not continued

# The Hearing Room (55 E. Monroe)



Gallery

# Merits Hearing: Pre-Trial Conference

- Contact Trial Attorney prior to hearing
- Not always used, but very helpful
- Judge will be familiar with submission
- Can use to focus testimony/limit issues

# Merits Hearing: Trial Procedure, con't

- Trial begins with review of master calendar proceedings
- Review of exhibits in record
- Review of exhibits submitted with trial brief
  - Exhibits typically *offered and admitted at this time*
  - Frequently no objection from Service

# Merits Hearing: Opening Statement

- Very Brief (less than 5 minutes and probably more like 30 seconds)
- Just the facts:
  - J. is Chinese
  - Persecuted for opposition to one-child policy
  - Forced sterilization
  - Witness testimony
  - Medical corroboration

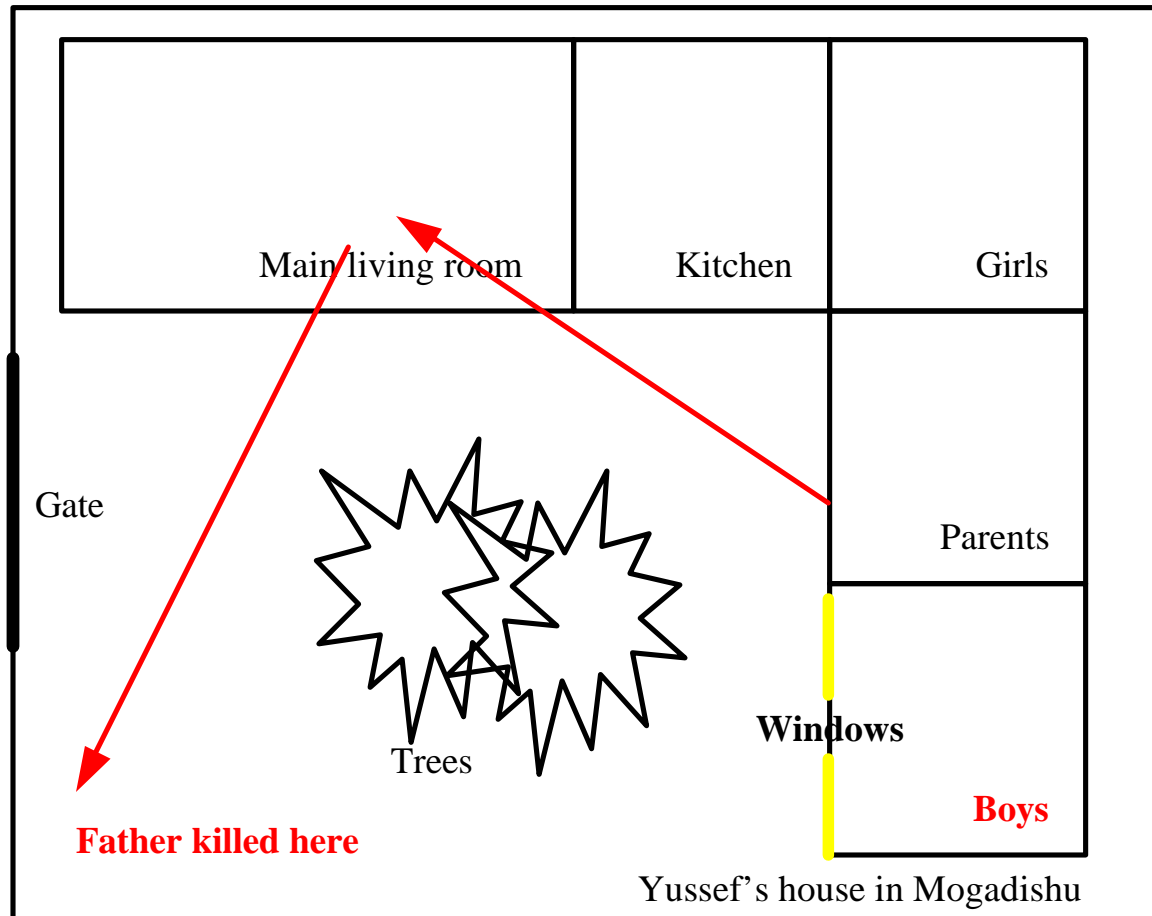
# Direct Examination of Witness

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- Key issue is credibility
- Don'ts
  - Don't script answers
  - Don't ask leading questions
  - Don't waste time on irrelevant matters
- Do's
  - Do follow a chronological story; use declaration as guide
  - Do draw the story out; force detail
  - Consider using visual aids, particularly maps

# Using Visual Aids: The Scene

Prepare basic outline, fill in detail with testimony



You do the writing, not the witness

Make 8.5" x 11" copy

Use color

Use paper & pens, not PowerPoint

# The MOST IMPORTANT Advice

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Have your client maintain the *same demeanor* on cross as he has on direct

# Closing Argument

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- Brief
- Include focus on credibility
- Questions from Court are good

# After the Merits Hearing

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➤ If you win:

- Social Security Card & Benefits
- Work Authorization (I-765)
- Family Petitions (I-730)

➤ If you lose:

- It's a development, the case is not over
- Reserve right to appeal
- Appeal to BIA