

Sarah Brenes
***Pro Bono* Counsel for Respondent**
The Advocates for Human Rights
330 South Second Avenue, Suite 800
Minneapolis, MN 55401-2211

NON-DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of:

Pro Bono ATTORNEY

In removal proceedings

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File No. A 123 456 789

Immigration Judge Wood

Next Hearing: July 26, 2019 at 9:00a.m.

Documents in Support of Asylum Training
July 26, 2019

**ATTORNEY, Pro Bono
A123 456 789**

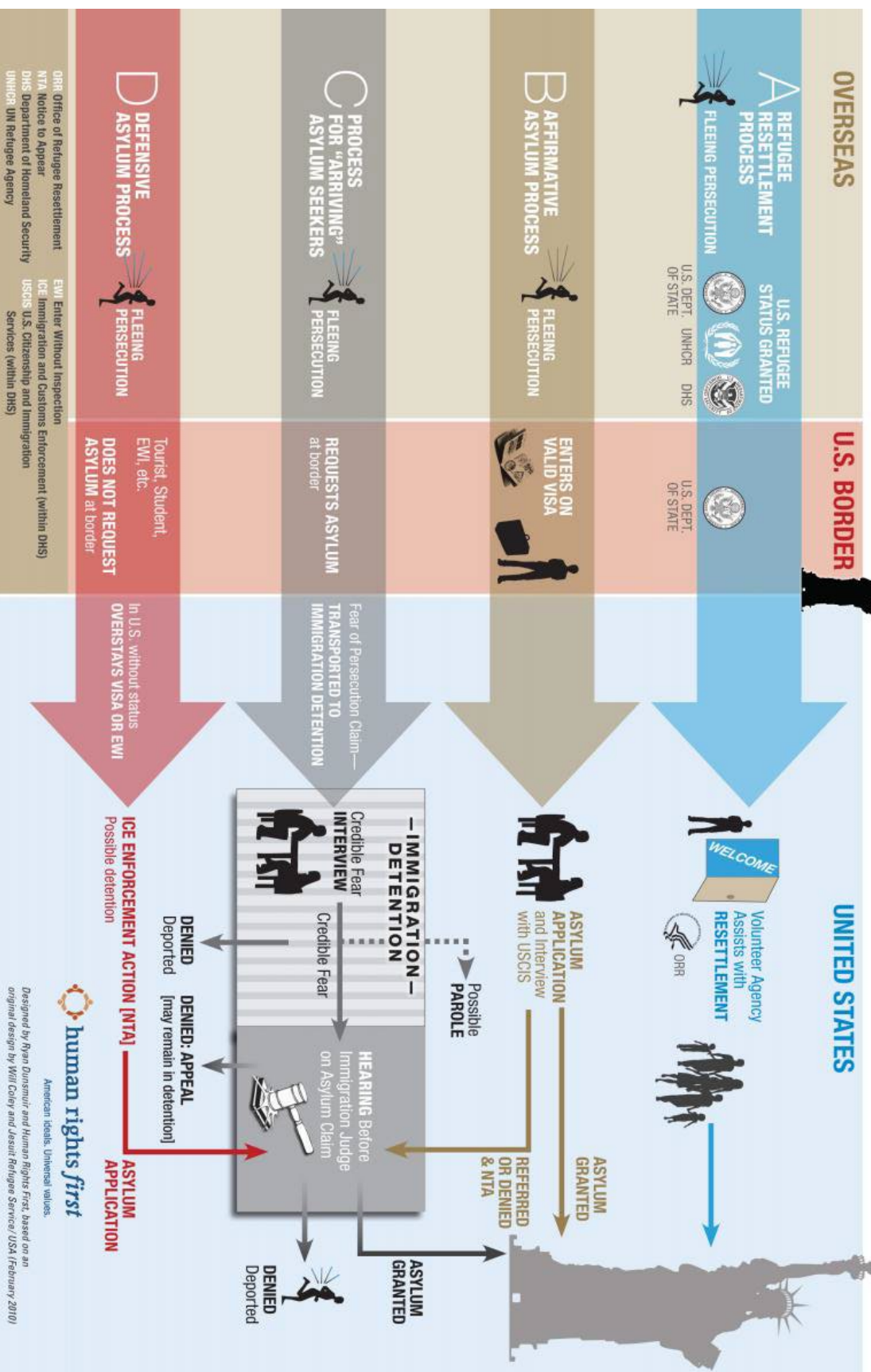
DOCUMENTS IN SUPPORT OF ASYLUM TRAINING

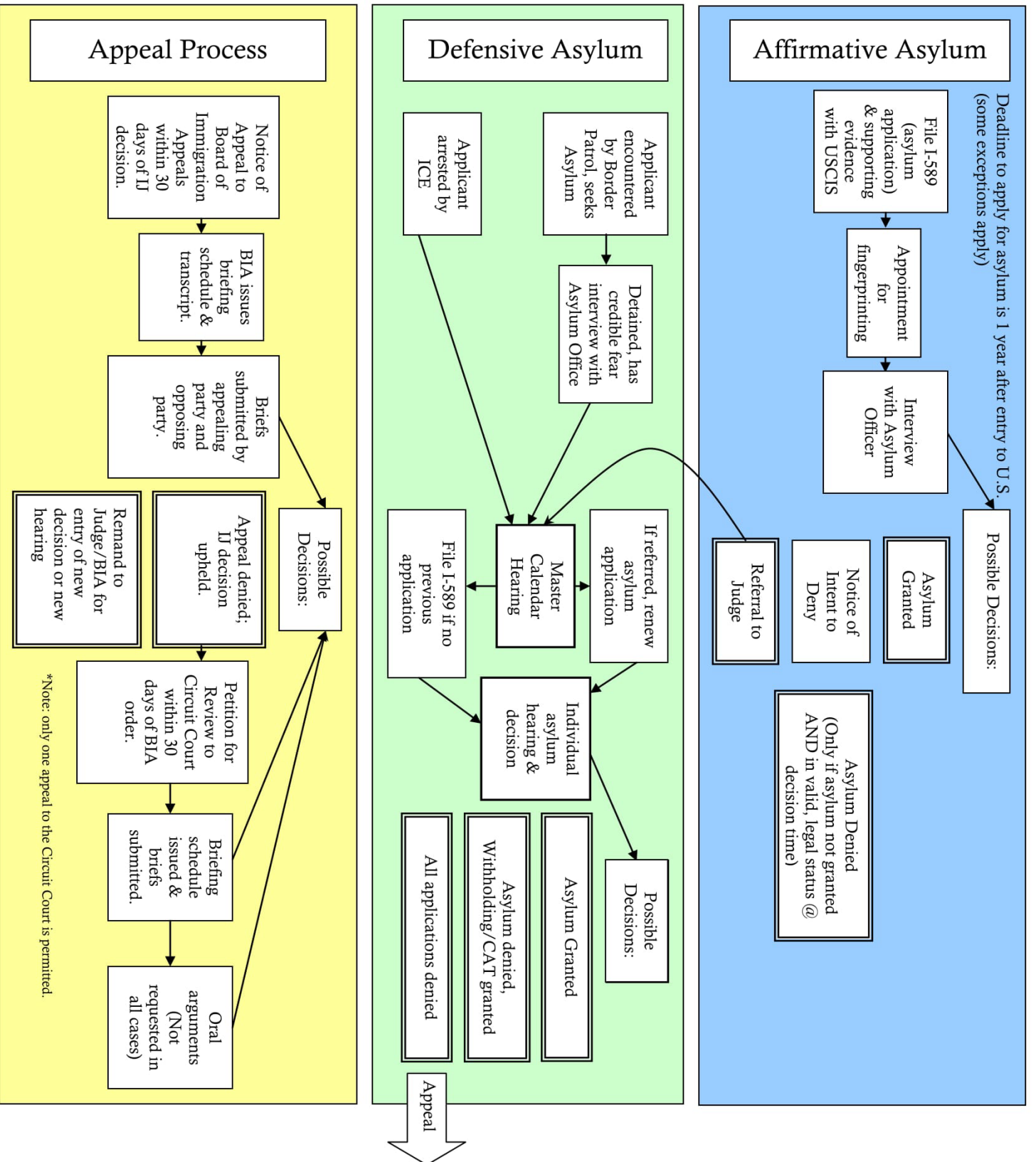
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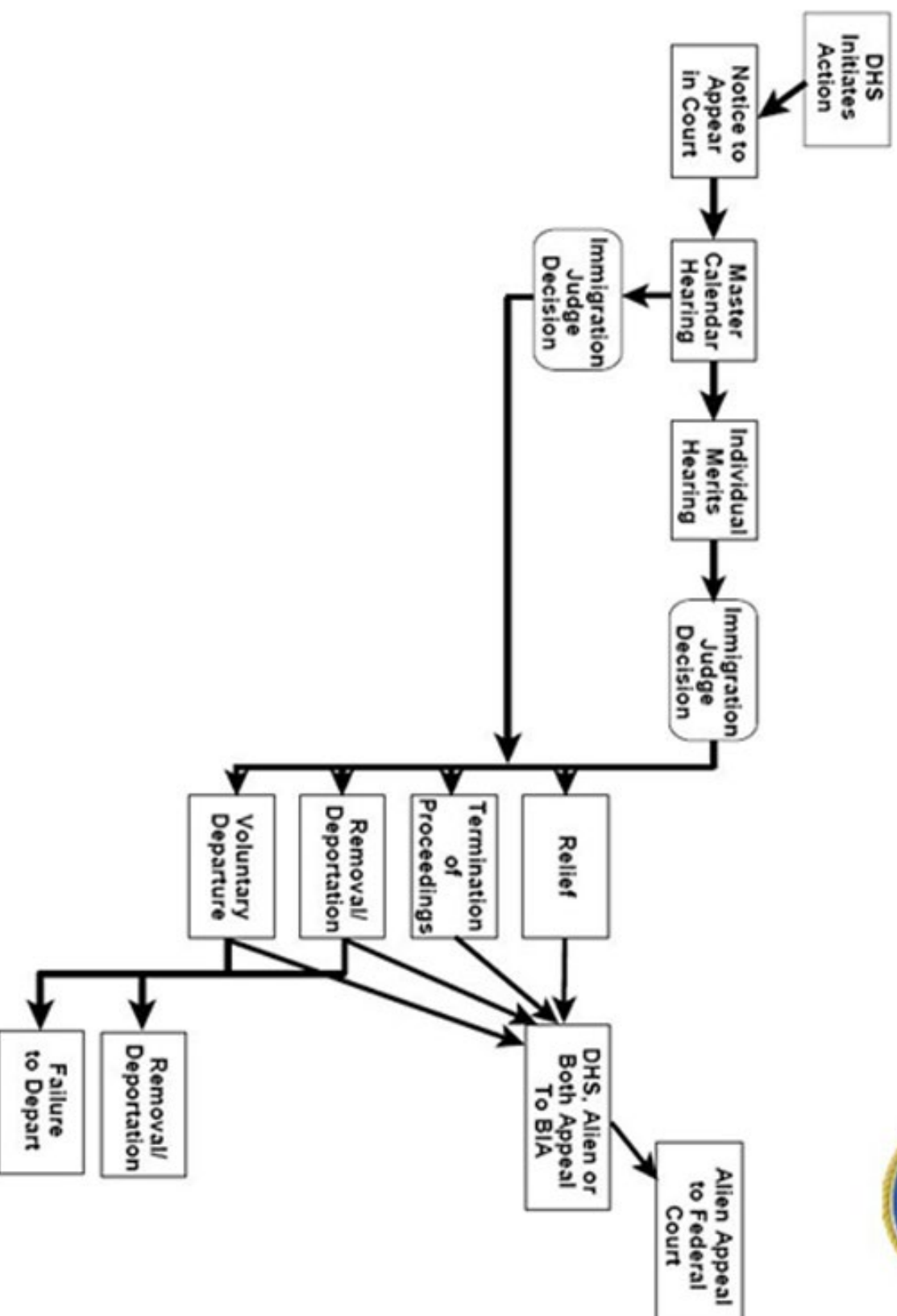
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How Refugees Get to the U.S.





EOIR Removal Proceedings Process



Immigration Court Practice Manual

The Immigration Court Practice Manual contains the rules of procedure for practice before the immigration court. It can be found on-line here:

<https://www.justice.gov/eoir/reference-materials/ic>

Key contents of the practice manual include:

- Deadline guidelines for filing motions, documents, witness lists and briefs prior to hearings;
- Sample documents including cover pages, proof of service, certificate of translation;
- Documentation requirements for various kinds of motions and filings;
- Detailed guidance to preparing a filing so it will not be rejected by the immigration court. The court is very specific regarding tabs, hole-punching, and binding of documents.
- NOTE: The immigration court is currently limited in terms of what it accepts as electronic filings. You may electronically file the EOIR-28, but all other court submission must be submitted in hard copy.
- NOTE: Filing date = the date documents were received by the immigration court, not the date they were mailed.
- NOTE: Asylum applications must be submitted during a master calendar hearing. They cannot be submitted by mail beforehand.



ACCESS TO FORT SNELLING IMMIGRATION COURT

I. Building Access

a. Getting to the Federal Building

- i. Address: 1 Federal Drive, Fort Snelling, Minnesota 55111
- ii. Lightrail
 1. Blueline – Fort Snelling Station. Then walk across the parking lot to the main entrance

iii. Car

1. Take Highway 62/55 and exit at Bloomington Road. Follow the signs for the Federal Building

b. Parking

i. Visitor parking – adjacent to the Federal Building

1. A valid driver's license is required to be shown for all vehicles entering the Federal Building parking lot.
2. Guards also ask all entrants what they are there for.
3. If you do not have a driver's license, insurance, or registration on the vehicle, play it safe and do not park in the visitor lot

ii. Park & Ride South Lot – South of the Federal Building on Minnehaha Ave.

1. Marked as Blue Line metro transit Park & Ride
2. No need to show a driver's license

c. Entering the Building

i. Proper identification

1. If your client has a hearing/check-in: hearing notice of appointment sheet alone are okay if client does not have a government ID
2. Family members: need a photo identification
 - a. U.S./state government ID preferred, but other photo IDs such as foreign passports, consular IDs will also be accepted
3. Law students have successfully entered with foreign passport and student ID but it took a call to a supervising security agent.

ii. No prohibited items

1. Ex: lighter, firearms, pepper spray, pocket knife, boxcutter, matches, razor blade, chains in excess of 12", etc.
2. Possession of a firearm in a federal building is a federal offense under 18 U.S.C. § 930

iii. Enter the building with your attorney (if you have one) to be safe

- iv. You must go through a security checkpoint, one person at a time
 - 1. Checkpoint includes magnetometer and x-ray machine
 - 2. Remove belts, watches, and items from pockets. If you are bringing a laptop, you must take it out of your backpack.
 - 3. If your shoes have any form of metal, then you will need to take it off.

II. Business with the Court

- a. Mailing Address
Bloomington Immigration Court
1 Federal Dr., Suite 1850
Fort Snelling, MN 55111
- b. Court Location
 - i. After going through security, take a left before the elevator bank
 - 1. Walk down the hall; the court waiting room is the last door on the left
 - ii. There is a waiting room, so you can sit and wait with the client until the courtroom is open. You do not have to sign in.
 - iii. Dockets are posted on the wall with the presiding Immigration Judge and the courtroom number.
- c. Filings accepted at the window Monday through Friday from 8:00 AM to 4:00 PM. The phone hours are 8:00 AM to 4:00 PM
- d. Courtroom access
 - i. Master calendar hearings – you must wait in the waiting area to be called by the security guard. They will generally open the courtroom about 5 minutes before the master hearings start.
 - ii. Individual hearings – you may enter the courtroom before the hearing, but you will need to check with the security guard first before you can enter.
- e. Client meeting room
 - i. There is a small client meeting room; see a guard to access the room
- f. A special note on detained proceedings
 - i. Detained proceedings no longer limit the number of family members
 - ii. The order in which cases proceed will go by clients with attorneys first, then pro se.
 - iii. Master calendar hearings are on Monday afternoons, Tuesday mornings and afternoons, Wednesday afternoons, and Thursday mornings and afternoons.
 - 1. A majority of a detainee's first master hearings are heard on Tuesday or Thursday afternoons.
 - 2. Bond hearings are generally heard on Monday afternoons and Tuesday afternoons.
 - iv. Interpreters use headset device from the bench next to the judge.

III. Business with ICE

- a. Mailing Address**
 - i. DHS/ICE Office of the Chief Counsel**
1 Federal Dr., Suite 1800
Fort Snelling, MN 55111
 - ii. Enforcement Removal Operations**
1 Federal Dr., Suite 1601
Fort Snelling, MN 55111
- b. Telephone numbers**
 - i. OCC: 612-843-8935**
 - 1. Fax: 612-843-8961**
 - ii. ERO: 612-843-8600**
 - 1. E-mail: StPaul.Outreach@ice.dhs.gov**
- c. Filings with OCC**
 - i. There is a drop-box inside suite 1800**
- d. ERO Check-ins**
 - i. Go down the hall past the elevators, turn right and it's the first door on the left in an area that looks like a waiting room**
 - ii. Requests to speak with Deportation Officers are made at the window here.**
- e. Visiting detained persons – 4 interview rooms**
 - i. ERO area for attorney interviews is one level down**
 - 1. Turn left past the snack shop; walk past the bank down the hall.**
 - ii. The door will be closed, and there will be a sheet that lists the phone number to call. Call the number and tell the guard that you want to see your client. A guard will come down and let you in**
 - iii. Fill out a visitor information sheet**
 - iv. ERO has stated that pro bono attorneys have priority over other attorneys.**
 - v. Family members cannot use the rooms for visitation. They used to allow family members, but now it is only limited to attorneys.**
 - vi. Detainees with morning hearings are usually brought to the court at around 8:30-8:45. Detainees with afternoon hearings are usually brought to the court at around noon.**

IV. General Tips

- a. Arrive early to get through security**
- b. Do not bring anything more into the building than necessary**
- c. Bring a driver's license or identity document**
- d. Building hours are 7:00am to 5:00pm – closed on federal holidays.**

PRO BONO GUIDE TO APPEARING IN IMMIGRATION COURT



Becoming the Attorney of Record -

- ☐ Get an EOIR ID number (only needs to be done the first time)
- ☐ Electronically file form EOIR-28 for *each* client
- ☐ Serve copy of EOIR-28 on opposing counsel

First, you will need an EOIR ID number in order to be recognized as the attorney of record. Getting an EOIR ID is a two-step process, which should be started in advance of your first hearing.

Step One: register online at www.justice.gov/eoir/engage/eRegistration.htm. You will need to create a UserID and password, create security question answers, and provide your name, date of birth, business address and phone number, e-mail address and *bar admission information for all jurisdictions where you are licensed*¹.

Step Two: Identity validation must be done in person at the immigration court, at 1 Federal Drive, Suite 1850, Fort Snelling, MN.² It can be done anytime between 8 am – 4 pm, M-F. You will need to go to the window in the court waiting area and tell the clerk you wish to complete your eRegistration and provide an ID. Valid ID's include: U.S. passport, permanent resident card, U.S. issued driver's license or ID, military ID, or other federal/state government ID.³

Second, you will need to file an entry of appearance form, called an EOIR-28. Once you have completed the eRegistry process, this form can be filed electronically with the court by going to <https://portal.eoir.justice.gov>.⁴ Electronic filing is currently not available for the copy of the EOIR-28⁵ served on government counsel; this must be filed by mail [ICE Minneapolis/St. Paul Office of Principal Legal Advisor, 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111] or in person. If you e-file the EOIR-28 the day before or day of the hearing, also bring a paper copy⁶ to the hearing as the court file may not yet reflect your appearance.

¹ For more detailed instructions, please see the EOIR General Instructions for eRegistry here: <http://www.justice.gov/eoir/engage/eRegistry/instructions-eRegistry.pdf>.

² In order to access the visitor parking lot and go through building security at Fort Snelling, you will be required to show a photo ID.

³ For additional information and a complete list of accepted identity documents, please see the court instructions here: <http://www.justice.gov/eoir/sibpages/eRegistryValidation/Bloomington.pdf>.

⁴ We recommend using internet explorer; some of the e-filing features do not seem to work in chrome or other browsers.

⁵ Form available here: <http://www.justice.gov/eoir/eoirforms/eoir28.pdf>, this form should be printed on light green paper.

⁶ Form available here: <http://www.justice.gov/eoir/eoirforms/eoir28.pdf>, this form should be printed on light green paper.

Appearing in Court – (Master Calendar Hearings)

- ☐ Present ID and go through security screening
- ☐ Sign in on the attorney sheet
- ☐ Enter the courtroom only when called by the clerk

Accessing the court: The court is located in the Bishop Henry Whipple Federal Building, 1 Federal Drive at Fort Snelling.

Parking: There is visitor parking available, which requires presenting a valid U.S. issued driver's license.

Security: Visitors are required to provide a photo ID before going through the metal detector and bag screening. Clients without photo ID should present their hearing notice. No weapons or knives (including pocket knives) or aerosol cans are permitted. Any family members accompanying the client will need a photo ID or their own hearing notice to enter the building.

Directions: After clearing security walk towards the rear of the building, take the first hallway on the left (before the elevator bank) and proceed to the end of the hallway. The court waiting area and courtrooms will be on the left, Suite 1850.

Waiting area: For a master calendar hearing, remain in the waiting area until the guard opens the courtroom. They will generally open it five minutes before the hearing. You can check with the guard if the courtroom is open. For an individual hearing, you may enter the courtroom before the hearing, but you will need to check with the security guard first before you can enter.

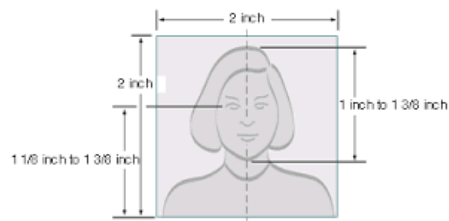
Appearing in court: When the clerk calls your name, enter the courtroom with your client and sit in the gallery area. The clerk will call the case by either the client's last name and/or the last three digits of your client's A number. Then you will take a seat at the counsel table with your client(s)⁷ and the judge will proceed with the hearing.

Filing documents: All documents filed in immigration court must comply with the court's practice manual guidelines.⁸ All filings must meet the following criteria:

- ☐ Two-hole punched at the top (Chapter 3.3(c)(viii))
- ☐ Paginated (Chapter 3.3(c)(iii))
- ☐ Table of contents (Chapter 3.3(c)(iii))
- ☐ Tabbed (Chapter 3.3(c)(iv))
- ☐ Cover page (Chapter 3.3(c)(vi))
- ☐ Certificate of service (Chapter 3.2(a))

⁷ If children or spouses are also in removal proceedings and listed on the hearing notice, they are expected to appear at the hearing and sit at counsel table unless the judge has explicitly excused their presence at the hearing.

⁸ The Practice Manual is found here: <https://www.justice.gov/eoir/reference-materials/ic>.



Biometrics –

- ☐ Submit biometrics request to USCIS following the hearing in which the asylum application was filed with the judge
- ☐ Confirm client has completed biometrics
- ☐ Verify background checks are completed with opposing counsel prior to hearing
- ☐ Resubmit biometrics if > 15 months have passed

Initial biometrics request: Follow the instructions provided by the court (outlined below), which apply both to cases where the asylum application is being filed in court for the first time *and* cases which were referred to the court from the asylum office.

- 1) Make a copy of the first three pages of the I-589 application for asylum;
- 2) Print a copy of your G-28 entry of appearance form;
- 3) Mail the above, along with a copy of the instruction form, to:


USCIS Nebraska Service Center
Defensive Asylum Application With Immigration Court
P.O. Box 87589
Lincoln, NE 68501-7589

Verifying biometrics are current prior to Individual Merits Hearing: In order to be eligible for asylum, your client *must* have current, completed biometrics checks. In some cases, the judge will not proceed with the hearing if the biometrics checks are not current. If it has been more than 15 months since your client completed the biometrics check, they must be updated. If you are not sure and your individual hearing is approaching, call the Office of Principal Legal Advisor (OPLA) (opposing counsel) at 612-843-8935 to confirm whether or not the biometrics checks are current. If they have expired, ask that OPLA can resubmit the prints prior to the individual hearing.



OOD
PM 19-10

Effective: March 20, 2019

To: All of EOIR
From: James R. McHenry III, Director 
Date: March 20, 2019

**EOIR SECURITY DIRECTIVE: POLICY FOR PUBLIC USE OF ELECTRONIC
DEVICES IN EOIR SPACE**

PURPOSE:	Provides EOIR security directive and policy for public use of electronic devices in EOIR space
OWNER:	Office of the Director
AUTHORITY:	8 C.F.R. § 1003.0(b)
CANCELLATION:	None

The Executive Office for Immigration Review (EOIR) is issuing this Security Directive to protect the integrity of its proceedings, and to safeguard the privacy of individuals in EOIR's public spaces. This directive replaces the previous EOIR Security Directive 01-2015.

In EOIR space in both federal and commercial facilities electronic recording and photography is prohibited, including audio, still photography, and video. Electronic devices (including but not limited to cellular phones, smart phones, cameras, laptops, tablets, personal digital assistants (PDAs), MP3 players, and all other audio or visual recording/recording-capable devices, or broadcasting/broadcasting capable devices) may not be used in recording mode. EOIR space is defined to include courtrooms, as well as all interior entrances/exits, corridors, conference rooms and waiting areas that are in direct view or control of security, immigration court, Board of Immigration Appeals (BIA), or Office of the Chief Administrative Hearing Office (OCAHO) personnel; and all interior entrances/exits, corridors, and waiting areas that are part of EOIR's daily operations. Electronic devices may be used for non-recording purposes in EOIR space other than the courtrooms, where such devices must be turned off unless otherwise authorized as discussed below. However, usage of these devices should be limited and non-disruptive. Upon written request to the EOIR Communications and Legislative Affairs Division, EOIR can make available stock photographs and video of EOIR space.

Attorneys or representatives of record and attorneys from the Department of Homeland Security representing the government in proceedings before EOIR will be permitted to use electronic devices in EOIR courtrooms for the limited purpose of conducting immediately relevant court and

business related activities (e.g. scheduling). Electronic devices must be turned off in the courtroom when not in use for authorized purposes, and must be set to silent/vibrate mode when being used for authorized purposes in the courtroom. Again, these devices may not be used to make audio or video recordings, or capture still images/photographs of any kind, in any EOIR space, to include the courtrooms. Where the Immigration Judge (IJ), Board Member, or Administrative Law Judge (ALJ) may determine that business-related usage of an otherwise authorized electronic device poses a disruption to ongoing proceedings in the courtroom, continued usage of the device may be prohibited at the discretion of the IJ, Board Member, or ALJ.

The only recording equipment permitted in courtroom proceedings will be the equipment used to create the official record. No other photographic, video, audio, electronic, or similar recording device will be permitted to record any part of the proceeding, as per 8 C.F.R. § 1003.28. A sketch artist is permitted in the courtroom during proceedings provided he or she has properly coordinated in advance with EOIR's Communications and Legislative Affairs Division. Nothing in this directive shall be construed to restrict or interfere with the reasonable use of adaptive technology by a person with a disability.

Violators of this security directive are subject to possible penalties by authority of the Federal Protective Service, as per 40 U.S.C. § 1315 (see also 41 C.F.R. Subpart C, §§ 102-74.365 thru 102-74.455). Furthermore, an IJ has discretion to impose other remedial measures to maintain proper order in the courtroom, pursuant to an IJ's general statutory and regulatory authority to take any action that is appropriate and necessary for the disposition of cases, as per 8 C.F.R. § 1003.10(b). Similar discretion lies with Board Members (see 8 C.F.R. § 1003.1(d)(1)(ii)) and ALJs (see 28 C.F.R. §§ 68.28(a)(7) and (8)).



Guidelines for Facilitating Pro Bono Legal Services

The Executive Office for Immigration Review (EOIR) has an Operating Policies and Procedures Memo (OPPM) that describes how immigration courts and administrators can encourage and facilitate pro bono representation. You can find a copy of the OPPM here: <http://www.justice.gov/eoir/efoia/ocij/oppm08/08-01.pdf>

Here are a few recommendations:

1. Be sure to check the “pro bono” box when you sign in to appear with your client for a hearing at the immigration court. The court staff will prioritize the hearing of your case.
2. During the hearing, identify yourself as “pro bono counsel for the Respondent” on the record so the judge;
3. Include “*pro bono counsel*” in your identifying information on cover sheets when filing documents with the immigration court;
4. Remind the judge that you are pro bono counsel if there are issues related to scheduling a next hearing.
5. For attorneys practicing in South Dakota:
 - a. The court has been open to conducting hearings via televideo through coordination with the Federal Courthouse in Sioux Falls. Contact Sarah Brenes at sbrenes@advrights.org for current practices. This may require a motion.
 - b. Be sure to check the court hotline at 1-800-898-7180 *a few days prior* to your hearing to confirm it is still scheduled;
 - c. If you are traveling to Minnesota *the day of* the hearing, call the court at 612-725-3765 to confirm the hearing is going forward.

EOIR – 28

The EOIR-28 is the Notice of Entry of Appearance as Attorney or Representative before the Immigration Court.

1. The form can be found on the EOIR website here:
<https://www.justice.gov/eoir/file/639746/dl>
2. You must have an EOIR- ID number in order to submit your EOIR-28 (see instructions here: www.justice.gov/eoir/engage/eRegistration.htm)
3. If your client has not previously been represented, you must file your EOIR-28 electronically here: <https://portal.eoir.justice.gov>.
4. If your client was previously represented, you must submit a Motion for Substitution of Counsel and submit the EOIR-28 on green paper, along with the motion.
5. Your client does *not* need to sign the EOIR-28. If a Motion for Substitution of Counsel is required, your client *does* need to sign the declaration consenting to the substitution of counsel.
6. If you are providing *pro bono* representation, make sure to indicate that on the top of the second page of the EOIR-28.

(Type or Print) NAME AND ADDRESS OF REPRESENTED PARTY		ALIEN ("A") NUMBER (Provide A-number of the party represented in this case.) <div></div>
(First)	(Middle Initial)	(Last)
Client address OR, if in detention, ICE Custody (Number and Street)		(Apt. No.)
(City)	(State)	(Zip Code)
Attorney or Representative (please check one of the following):		Entry of appearance for (please check <u>one</u> of the following):
<input type="checkbox"/> I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following state(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such an order, do not check this box and explain on reverse).		<input type="checkbox"/> All proceedings
Full Name of Court Bar Number (if applicable)		<input type="checkbox"/> Custody and bond proceedings only
<input type="checkbox"/> I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization:		<input type="checkbox"/> All proceedings other than custody and bond proceedings
<input type="checkbox"/> I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2).		
<input type="checkbox"/> I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3).		
<input type="checkbox"/> I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from (country).		
<input type="checkbox"/> I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).		
Attorney or Representative (please check one of the following):		
<input type="checkbox"/> I hereby enter my appearance as attorney or representative for, and at the request of, the party named above.		
<input type="checkbox"/> EOIR has ordered the provision of a Qualified Representative for the party named above and I appear in that capacity.		
I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representations before the Immigration Court. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 et seq. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.		
SIGNATURE OF ATTORNEY OR REPRESENTATIVE		EOIR ID NUMBER
X <div></div>		DATE
NAME OF ATTORNEY OR REPRESENTATIVE, ADDRESS, FAX & PHONE NUMBERS, & EMAIL ADDRESS		
Name: (First) (Middle Initial) (Last)		
Address: (Number and Street)		
(City) (State) (Zip Code)		
Telephone: Facsimile: Email:		
<input type="checkbox"/> Check here if new address		

Indicate Type of Appearance:☐ **Primary Attorney/Representative** ☐ **Non-Primary Attorney/Representative**☐ On behalf of _____ (Attorney's Name) for the following hearing: _____ (Date)**I am providing pro bono representation.** Check one: ☐ **yes** ☐ **no****Proof of Service**

I (Name) _____ mailed or delivered a copy of this Form EOIR-28 on (Date) _____
to the DHS (U.S. Immigration and Customs Enforcement – ICE) at _____ 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111

X _____

Signature of Person Serving

APPEARANCES - An attorney or Accredited Representative (with full accreditation) must register with the EOIR eRegistry in order to practice before the Immigration Court (see 8 C.F.R. § 1292.1(f)). Registration must be completed online on the EOIR website at www.justice.gov/eoir. An appearance shall be filed on a Form EOIR-28 by the attorney or representative appearing in each case before an Immigration Judge (see 8 C.F.R. § 1003.17). A Form EOIR-28 shall be filed either as an electronic form, or as a paper form, as appropriate (for further information, please see the Immigration Court Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the entry of appearance is for custody and bond proceedings only, for all proceedings other than custody and bond, or for all proceedings including custody and bond. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, he/she is authorized and qualified to represent individuals and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102. Thereafter, substitution or withdrawal may be permitted upon the approval of the Immigration Judge of a request by the attorney or representative of record in accordance with 8 C.F.R. § 1003.17(b). Please note that although separate appearances in custody and non-custody proceedings are permitted, appearances for limited purposes within those proceedings are not permitted. See *Matter of Velasquez*, 19 I&N Dec. 377, 384 (BIA 1986). A separate appearance form (Form EOIR-27) must be filed with an appeal to the Board of Immigration Appeals (see 8 C.F.R. § 1003.38(g)). Attorneys and Accredited Representatives (with full accreditation) must first update their address in eRegistry before filing a Form EOIR-28 that reflects a new address.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request* With the Executive Office for Immigration Review, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.17 in order to enter an appearance to represent a party before the Immigration Court. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to represent a party or receive notice of actions in a proceeding. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101 et seq., including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the *Immigration Court Practice Manual*, which is available on the EOIR website at www.justice.gov/eoir.

ADDITIONAL INFORMATION:

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.



PRO BONO ASYLUM CASES: REVIEWING THE RECORD OF PROCEEDINGS

When is it a good idea to review the record of proceedings (ROP)?

If you have taken a case that is pending before the Immigration Court, and your client has already appeared for a previous hearing, it is a good idea to review the record of proceedings. If your client filed an affirmative asylum application, but it was referred to the immigration judge, the client's I-589 and any supporting documentation should be in the hard copy file. The court's copy will also contain any markings made by the asylum officer on the I-589. If a master calendar hearing was held before you took the case, you'll want to review any pleadings taken and exhibits marked. In some instances, it may also be important to listen to the hearing recording or request a copy. Though any orders given by the judge should be recorded in the file, the judge may have alluded to specific concerns with the case that may be helpful in preparation for the final merits hearing.

How do I review the record of proceedings?

There are two ways to review the hard copy of the record of the proceedings: requesting a copy of the Executive Office of Immigration Review (EOIR) file (limited to 25 pages), or going to the court in person to review the file. For large records, where there was a prior hearing and previous action, we recommend filing a Freedom of Information Act (FOIA) request, so you have a record. For other cases, in person review should suffice with a FOIA request afterwards if the court's record contains many documents you do not have.

Requesting a copy of the EOIR file

In order to request a copy of the EOIR file, you must file a Freedom of Information Act (FOIA) Request with the EOIR. There are several agencies that create files on individuals related to immigration matters. Though a FOIA request on form G-639 sent to the U.S. Citizenship and Immigration Services (USCIS) may produce records from many agencies within the Department of Homeland Security, it will not uncover records from the Immigration Court, which is a branch of the EOIR, governed by the Department of Justice. The EOIR outlines detailed instructions on filing FOIA requests with the EOIR on their website: <https://www.justice.gov/eoir/foia-facts>. Statute requires that the EOIR decide whether to comply with a FOIA request within 20 to 30 days, it can take several months to receive the actual documents in response to a FOIA request.

Expedited Requests

Unlike USCIS, FOIA requests that can be placed on an expedited track by showing the client is currently in removal proceedings, the EOIR has a higher standard to allow for expedited processing. According to the EOIR website:

To have a FOIA request expedited, your request must demonstrate a compelling need such as: (1) imminent threat to the life or physical safety of an individual; (2) an urgency to inform the public concerning actual or alleged Federal Government activity if the request is made by a person primarily engaged in disseminating information; (3) loss of substantial due process rights; or (4) a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

Reviewing the ROP at the Immigration Court

In order to review the Immigration Court File / Record of Proceedings in person, you must complete the “Request to Review Case File” form. If you are the attorney of record, you will only need to submit that form. Otherwise, you will need written authorization from the Respondent. You can mail or hand-deliver the documents to the Immigration Court at 1 Federal Drive, Suite 1850, Fort Snelling, MN 55111. You can also e-mail it to BLM.Requests@usdoj.gov.

- a. “Request to Review Case File” form (Copy included below. You can find a copy on our website)
 - i. The form asks you to indicate whether you would like to review the file, obtain copies and/or listen to a tape/recording of the hearings on record.
 - ii. The form also asks that you indicate which items you are requesting to review from the file.
- b. File Access Authority.
 - i. If no one has represented the client before the court (regardless of representation before USCIS in affirmative filing), file the EOIR-28 electronically with the court (<https://portal.eoir.justice.gov>), and mail a copy to the Department of Homeland Security, Office of Principal Legal Advisor at 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111
 - ii. If the client was previously represented by another attorney, you will need to submit a Motion to Substitute Counsel along with a paper copy of your EOIR-28.
 - iii. If you would like to review the file, but have not yet submitted your motion, you may be able to provide a sworn statement from the client giving you permission to review the file, in lieu of an EOIR-28.

Once the form is received by the court, the Court Staff will contact you, letting you know you can pick up the documents or review the file at your convenience. If you have not heard back, you can follow up through the same e-mail or give the court a call.

Restrictions & Copies

You are able to review and make notes of anything in the file. Portable scanners are not allowed, but the court is authorized to make up to 25 pages from the file.⁹ The court also asks that the attorney does not mark on, remove or reorder documents in the file. Take post-it notes with you to mark pages that you would like the court to copy for you. To review the file, they will take you inside the clerk’s office and will let you sit at a desk to review the file.

How do I request a copy of the recordings of previous hearings?

If you would like to request a copy of the recordings of previous hearings, you should complete the “Request to Review Case File” form. It is not necessary to include a blank CD with your request. The court will mail you a CD with recordings of the requested hearings, generally within one to two business days, or they will contact you, letting you know that it is ready for pick up.

⁹ Immigration Court Practice Manual, Chapter 1.6(c)(iii).



REQUEST TO REVIEW CASE FILE
EOIR Record of Proceeding (ROP)

A Number

Respondent's Name

Request to:

Date

☐ Review ROP

☐ Obtain Copies of
Case Documents

☐ Obtain Copies of DAR
Recordings (*Audio CD*)

Access to ROP Based on:

Requestor's Name (Printed)

☐ Requesting party is **Attorney of Record ***
(*Identity verified*)

Telephone

☐ Requesting party is an **Attorney with a Signed
Release** from respondent (*Copy of letter attached*)

E-Mail Address

☐ Requesting party is the **Respondent in
Proceedings** (*Identity verified*)

☐ **DHS Officer/Government Attorney**

** Includes attorneys and representatives as identified
by an EOIR-28 Appearance form on file for the case.*

Requestor's Signature

Item(s) Requested from Case File:

*(Please list specific documents to be copied and/or hearing dates for audio recordings. Provide an office mailing
address if items are to be sent by U.S. Mail.)*

Date fulfilled: _____

Court Clerk: _____

FILE REVIEW:

Access to case files and copies of case documents may be provided to the following individuals:

- An **attorney of record** with an EOIR-28 Appearance on file.
- An **attorney with a signed release** from the respondent that allows for access to their file.
- **Respondent** (respondent must appear in person with picture identification).
- **DHS official** (e.g., Assistant Chief Counsel, ICE Officer, Border Patrol Agent).

NOTE: Law students who have filed both an EOIR-28 and “representation statement” as described in 8 C.F.R. § 1292.1 (a) (2), and ICPM -- 2.5(b)(ii), may review case files. As long as the supervising attorney or faculty member has notified the court in advance – law students may review case files without the supervising attorney being present.

Non-parties may not review case files, but may request copies of case documents through a formal FOIA request. More information on that procedure is available by contacting the agency’s **FOIA Service Center** at (703) 605-1297, or on the EOIR public website, at: www.justice.gov/eoir/foia-facts

COPY REQUESTS:

Pursuant to the [Immigration Court Practice Manual](#), the court *“has the discretion to provide parties or their legal representatives with a copy of hearing recordings and up to 25 pages of the record without charge, subject to the availability of court resources.”*

While it is sometimes possible for copies of documents to be made while an attorney waits – depending on the court schedule and workload, requestors may be asked to return later, or to receive copies sent to them by mail.

Generally, requests for audio CD copies of recordings must be made in writing with advance notice, and may take 1-2 days to process, depending on staff resources.

U.S. Department of Homeland Security

The Notice to Appear (NTA) is the charging document in immigration proceedings. It must be served on the immigrant Respondent AND filed with the immigration court in order to commence proceeding.

Notice to Appear

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

Subject ID: 98512344

File No: A200 111 222

Event No: QPR1112222

DOB: 12/27/1905

In the Matter of:

Respondent: Bob Villa

1234 Main Ave #12

OCHESTER, MINNESOTA, UNITED STATES 55906

(Number, street, city and ZIP code)

Make sure the name, address and birthdate are correct. The court will ask to verify this information at the master calendar hearing.

currently res

(one number)

The File No., also known as the "A-number", is the immigration file for the Respondent. The number should be included on all correspondence to the court and immigration service regarding the case.

- ☐ 1. You are an arriving 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 removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You arrived in the United States at or near Laredo, TEXAS, on or about June 13, 2014;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

These are the factual allegations that the Department of Homeland Security believes gives cause to remove the Respondent from the United States. At the Master Calendar hearing, the Respondent (or his/her attorney) will need to "admit" or "deny" the allegations.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law: 212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

Based on the allegations, these are the legal charges the Dept. of Homeland Security (DHS) has brought forth to substantiate the Respondent's removability. The Respondent must "concede" or

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30(f)(2) ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:
7850 Metro Parkway Suite 320 Bloomington MN US 55425

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be set to show why you should not be removed from the United States by
(Date) (Time)

charge(s) set forth above.

Date: June 14, 2014

Laredo, Texas

(City and State)

NAVARRO

ACTING PATROL AGENT IN

(Signature and Title of Issuing Officer)

This box will be checked if the Respondent passed a "Credible Fear Interview" if s/he presented or was apprehended at the border or port of entry.

See reverse for important information

Form I-862 (Rev. 08/01/07) N

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are under removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding authorized and qualified to represent persons before the Executive Office for Immigration Review. A hearing will be scheduled earlier than ten days from the date of this notice, and organizations who may be available to represent you at no cost will be

The Respondent must carry a copy of the Notice to Appear with them at all times as evidence of their permission to remain in the United States while their immigration case is being processed.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents, which you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing.

At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear and that you are inadmissible or removable on the charges contained in the Notice to Appear. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge.

You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of departure voluntarily. You will be given a reasonable opportunity to make any such application to the immigration judge.

Failure to appear: You are required to provide the DHS, in writing, with your full mailing address and telephone number. You must notify the Immigration Court immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to one of the offices listed in 8 CFR 241.16(a). Specific addresses on locations for surrender can be obtained from your local DHS office or over the internet at <http://www.ice.gov/about/dro/contact.htm>. You must surrender within 30 days from the date the order becomes administratively final, unless you obtain an order from a Federal court, immigration court, or the Board of Immigration Appeals staying execution of the removal order. Immigration regulations at 8 CFR 241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Act.

Request for Prompt Hearing

To expedite a determination in my case, I request an immediate hearing. I waive my right to a 10-day period prior to appearing before an immigration judge.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on June 14, 2014, in the following manner and in compliance with section 239(a)(1)(F) of the Act.

☒ in person ☐ by certified mail, returned receipt requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

☒ (Signature of Respondent if Personally Served)

BORDER PATROL AGENT
(Signature and Title of officer)



Master Calendar Hearing Checklist

1. The court clerk will come out of the courtroom and call attorney names when they are ready for a group to come into the courtroom. Remain in the waiting area until called. When you are called, go into the courtroom and take a seat in the gallery. Cell phones must be off in the courtroom (tell your client). Fussy children will be asked to remain outside. Talking should be kept to an absolute minimum and only in a whisper in the courtroom. No gum chewing by clients or attorneys.
2. The clerk will call the file by A number and/or name. When called, go up to counsel table with your client. If family members are included on the application and are also in proceedings they should all sit at counsel table with you.
3. An interpreter is typically not called for languages other than Spanish during MCH's.

Pleadings – have the Notice to Appear in front of you

- ☐ If allegations are correct, then **ADMIT** allegations
 - If incorrect, ask the Court to amend NTA to read:

- ☐ **CONCEDE** to charge of removal (or **DENY** if the charge is in dispute)
- ☐ **DECLINE** to Designate a Country
- ☐ Ask for **Asylum, Withholding of Removal, Relief under the Convention Against Torture.**
 - The Court may ask if you are seeking **Voluntary Departure**. Client must:
 - Have been in the country for one year prior to the date the notice to appear was issued
 - Have a valid passport (or be able to get one by the time of his/her final hearing)
 - Have funds and be willing to leave voluntarily
 - Be willing to forgo motions to reopen/reconsider or a stay request at the 8th Cir. (all of these invalidate a grant of voluntary departure)

Interpreter

- ☐ If interpreter needed for the final hearing, designate _____ as language.

Exhibits Marked for Identification:

1. _____
2. _____
3. _____
4. _____
5. _____

Deadlines

Original Documents to OCC: _____

Biometrics: _____

*NOTE: You will need a form G-28 to submit with the biometrics request. Unlike the EOIR-28, your client will need to sign this form, so it is a good idea to prepare it ahead of time in order to submit the biometrics request right away after the master calendar hearing when the individual hearing is set.

All other filings: _____

*Often the Court will just advise to follow the practice manual.

Advisals

- ☐ Review the **240b advisals** with your client prior to the hearing and then answer “**Yes**” when the Judge asks if you waive the reading.
 - 240b advisory (in plain language): failing to appear at a hearing without exceptional circumstances will result in being ordered removed *in absentia*, and 10 years of ineligibility for voluntary departure, cancellation of removal, adjustment of status and change of status.
- ☐ Additional rights which you should cover with your client:
 - Right to an attorney, at no expense to the government;
 - Right to examine and object to evidence;
 - Right to cross-examination;
 - Right to appeal a decision to the Board of Immigration Appeals within 30 days of the Judge’s decision.
- ☐ Notify the court within **5 days** of a **change of address**, using form EOIR-33.

NEXT HEARING DATE: _____

Make sure you get a copy of the hearing notice from the Court before leaving. If your client has to check in with ISAP, make sure the hearing notice goes with your client.

Asylum, Withholding of Removal, CAT Relief

Respondent: _____ **A#** _____ **Attorney:** _____

Country: _____

Filed at the MCH:

- ☐ E-28
- ☐ Asylum¹⁰ Application (I-589)
 - Original I-589 for Court
 - 1 copy for OCC
- ☐ Pre-Hearing Brief
- ☐ Documents in Support of Asylum
- ☐ 1 passport style photo (original to OCC, copy to Court)
- ☐ Appointment with Attorney to Review all Documents & Sign – *Also to discuss backup plan if application is not accepted in court.*

AFTER MCH

- ☐ Biometrics
 - Copy of first 3 pages of I-589, E-28, and copy of instructions. NO fee.
- ☐ I-765
 - **NOTE:** not eligible for work permit unless application is pending 180 days or more AFTER accepting the “next available” hearing date.

Other:

- ☐ I-589 Fingerprints taken:
 - ASC Apt.: (Date)
 - ASC Apt.: (Date)
- ☐ I765 Approval:
 - Validity Date:
 - Category:
 - ASC Apt.: (Date)

Hearing Date(s):

1st MCH:

2nd MCH:

3rd MCH:

INDIVIDUAL HEARING DATE:

¹⁰ “Asylum” refers to Asylum, Withholding of Removal (“WOR”), and Relief under the Convention against Torture (“CAT”).

Supporting Documentation Checklist:

- ☐ Proof of Citizenship/Identity
 - ☐ Birth Certificate (*with translation, if needed: ____*)
 - ☐ Passport (if available)
 - ☐ Affidavits (if no birth certificate or passport)
- ☐ Affidavit of Respondent
- ☐ Affidavits/letters of witnesses, family, etc.
- ☐ Other certificates (e.g. death certificates, marriage, etc.) that relate to the case (*with translation, if needed*)
- ☐ Police Reports
- ☐ Medical Records
 - ☐ Foreign (*with translation, if needed: ____*)
 - ☐ US (*psychological evaluation, if needed: ____*)
- ☐ Photos that support the case
- ☐ Country Condition Reports (always include Dept. of State Human Rights Report)
- ☐ Articles directly related to events involving Respondent or about Respondent
- ☐ Articles related to grounds for asylum (e.g. similarly situated people)
- ☐ Directly related case law (if any)
- ☐ Documentation still needed: _____

- ☐ Brief Summary of Basis for Asylum: *Ethnicity, Nationality, Race, Religion, Political Opinion, PSG*
- ☐ Persecutor:
- ☐ Brief Summary of Past Persecution:
- ☐ Brief Summary of Future Persecution:
- ☐ One-Year Bar issue? If yes, explanation for not filing needed:

THINGS TO DO PRIOR TO INDIVIDUAL HEARING (any evidence is due 15 days before final hearing)

- ☐ Request Biometrics (*must be current – biometrics valid for 15 months*)
- ☐ Provide any additional documents that support Respondent's claims
- ☐ Witness list:
 - Must include full name, address, immigrant status, copy of identity document and summary
 - Phone Appointments with witnesses and attorney prior to court.
- ☐ Redline Application
- ☐ Evidence Lacking for Individual Hearing/Weaknesses: _____

15 day rule evidence: Submitted on: _____

Biometrics

Biometrics includes the capture of fingerprint and photograph of your client for purposes of running a background check on your client when applying for asylum or any other immigration benefit. Biometrics are captured at a USCIS Application Support Center. Records include any criminal history in the United States and information regarding anytime U.S. authorities fingerprinted your client in the U.S. or abroad.

The applicant is responsible for making the request to have biometrics captured. Records are valid for 15 months after they are captured. There is a separate process for requesting biometrics when the asylum application is initially filed and when they need to be refreshed.

1. Initial Biometrics request: The initial biometrics request can be made by following the instructions found here:
<https://www.uscis.gov/sites/default/files/document/legal-docs/DEFA-pre-order-instructions.pdf>
2. Refreshing Biometrics: Prior to the Individual Merits hearing, contact Office of Principal Legal Advisor (OPLA) (opposing counsel) to confirm whether or not the biometrics checks are current. If they have expired, ask that OPLA resubmit the prints prior to the individual hearing. OPLA Attorney of the Day can be reached by phone at 612-843-8935. If you have the email address for the attorney assigned to your case, it would be advisable to email them in order to have a record of your request in the event it becomes an issue at the hearing.



DHS/ICE Office of the Chief Counsel

1 Federal Drive, Suite 1800
Ft. Snelling, MN 55111

CONFIDENTIAL - INTERNAL USE ONLY

MAIN OFFICE (612) 843-8935

FAX (612) 843-8961

Attorneys:

	<i>E-Mail</i>	<i>Office</i>	<i>Cell</i>
Jim Stolley, <i>Chief Counsel</i>	jim.s.stolley@ice.dhs.gov	843-8938	(415) 599-9967
Paul Stultz, <i>Deputy Chief Counsel</i>	paul.r.stultz@ice.dhs.gov	(402) 536-4800	(402) 651-5367
Lucia Fiorentino, <i>Sr. Attorney</i>	lucia.a.fiorentino@ice.dhs.gov	843-8941	(952) 210-6145
Cassie Bly, <i>ACC</i>	cassondra.d.bly@ice.dhs.gov	843-8956	
Courtney Campbell, <i>ACC</i>	courtney.a.campbell@ice.dhs.gov	843-8940	
Darrin Hetfield, <i>ACC</i>	darrin.e.hetfield@ice.dhs.gov	843-8943	(952) 292-9050
Colin Johnson, <i>ACC</i>	colin.p.johnson@ice.dhs.gov	843-8944	(952) 210-0596
Luke Nelson, <i>ACC</i>	luke.r.nelson@ice.dhs.gov	843-8947	
Dan Pornschloegl, <i>ACC</i>	daniel.j.pornschloegl@ice.dhs.gov	843-8942	(952) 292-9048
Laura Trosen, <i>ACC</i>	laura.w.trosen@ice.dhs.gov	843-8946	(952) 452-6541
Amy Zaske, <i>ACC</i>	amy.k.zaske@ice.dhs.gov	843-8945	(952) 292-9049
Diane Dodd, <i>ACC</i>	diane.l.dodd@ice.dhs.gov	843-8964	
Ken Knapp, <i>ACC</i>	kenneth.r.knapp@ice.dhs.gov	843-8955	

Support Staff:

	<i>E-Mail</i>	<i>Office</i>	<i>Cell</i>
Cerise Von Rueden <i>Mission Support Specialist</i>	cerise.d.vonrueden@ice.dhs.gov	843-8950	(612) 212-2920
Danny Bhajman <i>Mail Clerk</i>	danny.k.bhajman@ice.dhs.gov	843-8939	
Vicki Hubbard <i>Legal Assistant</i>	vicki.j.hubbard@ice.dhs.gov	843-8951	
Antonio Robinson <i>Paralegal</i>	antonio.d.robinson@ice.dhs.gov	843-8949	
Jen Wenderski <i>PLAnet</i>	Jenifer.Wenderski@ice.dhs.gov	843-8952	

Updated 1/27/17

Change of Address

If your client moves while his or her case is pending before the immigration court, you or your client must inform the Court within 5 days of moving, the government attorney and the US Citizenship and Immigration Service (USCIS) of the change. If your client is on the intensive supervision program (ISAP) or is required to check in with the Enforcement and Removal Office (ERO) of the Immigration and Customs Enforcement (ICE), s/he must also inform the appropriate officer of the move:

1. **Immigration Court:** Use Form EOIR-33/IC, found here: <https://www.justice.gov/eoir/media/1341901/dl?inline> YOUR CLIENT MUST SIGN THIS FORM. Mail the original copy on blue paper to the court at 1 Federal Drive, Suite 1850, Fort Snelling, MN 55111.
2. **Government Attorney:** Mail a copy of Form EOIR-33/IC to them 1 Federal Drive, Suite 1800, Fort Snelling, MN 55111.
3. **USCIS:** You can mail form AR-11 <https://www.uscis.gov/sites/default/files/files/form/ar-11.pdf> OR do this online at: <https://egov.uscis.gov/coa/displayCOAForm.do>.
 - a. If your client has an application pending with USCIS (for example, a work permit application), enter the receipt number (LIN####...) when it asks whether the change relates to a case that is pending.
4. **ISAP:** Your client should contact his/her case worker to inform them of the address change.
5. **ERO:** Your client should contact their supervising officer to inform them of the address change.
6. **The Advocates:** If you are handling a pro bono case through The Advocates, please email sbrenes@advrights.org with the updated address.

I-589, Application for Asylum and for Withholding of Removal

START HERE - Please type or print in black ink. See the Instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Please check this box if you also want to apply for withholding of removal under the Convention Against Torture. ☒

Part A. I. Information about you.

1. Alien Registration Number(s) (A#s) (If any) A000-000-000		2. U.S. Social Security Number (If None)	
3. Complete Last Name		5. Middle Name	
6. What other names have you used? (Include maiden name and aliases.) Sally (nickname)			
7. Residence in the U.S. (When did you first enter the U.S.?) Street Number and Name City State Zip Code			
8. Mailing Address in the U.S. (If different than the address in No. 7) In Care Of (If applicable): Street Number and Name City State Zip Code			
9. Gender: <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female		10. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
11. Date of Birth (mm/dd/yyyy)		12. City and Country of Birth	
13. Present Nationality (Citizenship)		14. Nationality at Birth	
15. Race, Ethnic or Tribal Group		16. Religion	
17. Check the box, a through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings.			
18. Complete 18 a through c. a. When did you last leave your country? (mmm/dd/yyyy) b. What is your current I-94 Number, if any? c. Please list each entry into the U.S. beginning with your List date (mm/dd/yyyy), place, and your status for each Date Status Date Status Expires: Date Status Date Status Expires: Date Status Date Status Expires:			
19. What country issued your last passport or travel document?		20. Passport # Travel Document #	
21. Expiration Date (mm/dd/yyyy)			
22. What is your native language? (Include dialect, if applicable.)		23. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No	
24. What other languages do you speak fluently?		25. Action: <input type="checkbox"/> Yes <input type="checkbox"/> No	
26. Decision: Interview Date: _____ Asylum Officer ID#: _____		27. Decision: Approval Date: _____ Denial Date: _____ Referral Date: _____	

Part A. II. Information about your spouse and children**Your spouse.**☐ I am not married. (Skip to Y)

1. Alien Registration Number (A#) (If any)	2. Passport/ID Card No. (If any)		
5. Complete Last Name	6. First Name		
9. Date of Marriage (mm/dd/yyyy)	10. Place of Marriage	11. City and Country of Birth	
12. Nationality (Citizenship)	13. Race, Ethnicity	<input type="checkbox"/> Male <input type="checkbox"/> Female	
15. Is this person in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 16 to 24.) <input type="checkbox"/> No (Specify location)			
16. Place of last entry in the U.S.	17. Date of last entry in the U.S. (mm/dd/yyyy)	19. Status when last admitted (Visa type, if any)	
20. What is your spouse's current status?	21. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	22. Is your spouse in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	23. If previously in the U.S., date of previous arrival (mm/dd/yyyy)

If your client is married (even if it's traditional and you're not sure it's legal) LIST the spouse. Failure to list a spouse may preclude them from ever coming to the U.S. If he or she is not married, make sure and check the box to say "no." And note, it only asks married - if they are divorced, they are not married. If they are separated but not divorced, they are still legally married. Engaged is also not married.

If you have a marriage certificate or can get one before filing, make sure the information matches what you fill in here.

24. If in the U.S., is your spouse to be included in this application? (Check the appropriate box.)

☐ Yes (Attach one photograph of your spouse in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)
☐ No

If spouse has his/her own permanent legal status (green card, refugee, asylee, citizen) then he/she likely would not be included - although you may have another option for your client to get legal status. If spouse lacks legal status and is in U.S. you will likely want to include him/her. And should follow the instructions for included family members.

Your children. Please

☐ I do not have children.
☐ I have children. Total number of children: _____

(NOTE: Use Supplement A Form I-589 or attach additional sheets of paper)

1. Alien Registration Number (A#) None		2. Passport/ID Card No. (If any) N/A		3. Relationship to you Single		4. None			
5. Complete Last Name JONES	6. First Name Trevor	7. Middle Name John	8. Date of Birth (mm/dd/yyyy) 02/01/1998		9. City and Country of Birth Monrovia, Liberia		10. Nationality (Citizenship) Liberian	11. Race, Ethnic or Tribal Group Mandingo	12. Gender <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input checked="" type="checkbox"/> No (Specify location.) <u>Liberia</u>									
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. (mm/dd/yyyy)		16. I-94 No. (If any)					
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)		20. Is your child in the U.S. ? <input type="checkbox"/> Yes						

Include ALL children, living or dead, whether the client knows where they are or not, and whether they are biological, step or adopted. Failure to list them here can preclude them from coming in the future.

If available, confirm dates of birth and name order with a birth certificate. Conflicting dates of birth may cause problems at the Embassy when the child is trying to come later.

21. If in the U.S., is this child to be included in this application? (Check the appropriate box.)

☐ Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.)
☐ No

As with spouse, if child is in U.S. and needs asylum, too, check "yes" and follow the directions.

Part A. II. Information about your spouse and children. (Continued.)

1. Alien Registration Number (A#) (If any) None		2. Passport/ID Card No. (If any) None		3. Marital Status (Married, Single, Divorced, Widowed) Married		4. U.S. Social Security No. (If any) None	
5. Complete Last Name JONES		6. First Name Mary		7. Middle Name Ann		8. Date of Birth (mm/dd/yyyy) 09/01/1982	
9. City and Country of Birth Freetown, Sierra Leone		10. Nationality (Citizenship) Liberian		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input checked="" type="checkbox"/> No (Specify location.)							
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. (mm/dd/yyyy)		16. I-94		17. Status when last admitted (Visa type, if any)	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)		20. Is your child in Immigration Court proceedings?			
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <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. U.S. Social Security No. (If any)	
5. Complete Last Name		6. First Name		7. Middle Name		8. Date of Birth (mm/dd/yyyy)	
9. City and Country of Birth		10. Nationality (Citizenship)		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location.)							
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. (mm/dd/yyyy)		16. I-94 No. (If any)		17. Status when last admitted (Visa type, if any)	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)		20. Is your child in Immigration Court proceedings?			
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <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. U.S. Social Security No. (If any)	
5. Complete Last Name		6. First Name		7. Middle Name		8. Date of Birth (mm/dd/yyyy)	
9. City and Country of Birth		10. Nationality (Citizenship)		11. Race, Ethnic or Tribal Group		12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female	
13. Is this child in the U.S. ? <input type="checkbox"/> Yes (Complete Blocks 14 to 21.) <input type="checkbox"/> No (Specify location.)							
14. Place of last entry in the U.S.		15. Date of last entry in the U.S. (mm/dd/yyyy)		16. I-94 No. (If any)		17. Status when last admitted	
18. What is your child's current status?		19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)		20. Is your child in Immigration Court proceedings?			
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No							

Married children will not be eligible to come as derivatives of your client, but they should be listed anyway.

If child is over 21 at the time the asylum application is filed, he or she will not be eligible to come as a derivative but should be listed anyway.

There is a supplemental page, page 11, which has additional spaces to list more children. Make as many copies of that form as you need.

Part A. III. Information about your background.

1. Please list your last address where you lived before coming to the U.S. **If this is not the country where you fear persecution, also list the last address in the country where you fear persecution.** (List Address, City/Town, Department, Province, or State and Country.)
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Number and Street (Provide if available)	City/Town	Department, Province or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
111 Blue Road	Johannesburg		South Africa	12/2009	03/2010
12 Gokum Kebele	Addis Ababa		Ethiopia	04/2002	04/2009

2. Provide the following information about your residences during the **past five years**. List your present address first.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Number and Street	City/Town	Department, Province or State	Country	Dates	
				From (Mo/Yr)	To (Mo/Yr)
Various addresses	Addis Ababa		Ethiopia	05/2009	11/2009
12 Gokum Kebele	Addis Ababa		Ethiopia	04/2002	04/2009

Once you've completed your client's statement or affidavit, review it with this biographic data and ensure that it matches - if your client's story places him/her in hiding in Addis Ababa for six months the residence history should be consistent with that.

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

Name of School	Type of School	Location (Address)	Attended	
			From (Mo/Yr)	To (Mo/Yr)
Addis Technical College	College	Addis Ababa, Ethiopia	09/2004	06/2008

Likewise, if part of your client's claim is based on his/her activities as a student, or member of a student group, corroborate that with the education information and match up the dates.

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

Name and Address of Employer	Your Occupation	Dates	
		From (Mo/Yr)	To (Mo/Yr)
Bob's Construction, 123 4th Ave, Dickinson ND	Roofer	05/2010	08/2010

Include employment without permission.

5. Provide the following information about your parents and **siblings (brothers and sisters)**. Check the box if the person is deceased.
(NOTE: Use Supplement B, Form I-589 or additional sheets of paper, if necessary.)

Full Name	City/Town and Country of Birth	Current Location
Mother Catherine JONES	Grand Bassa, Liberia	<input checked="" type="checkbox"/> Deceased
Father Fred FRANKLIN	Monrovia, Liberia	<input type="checkbox"/> Deceased Monrovia, Liberia
Sibling Jackson JONES	Monrovia, Liberia	<input type="checkbox"/> Deceased Dakar, Senegal
Sibling Sarah JONES	Monrovia, Liberia	<input type="checkbox"/> Deceased Accra, Ghana
Sibling Kelly FRANKLIN	Monrovia, Liberia	<input type="checkbox"/> Deceased Atlanta, Georgia
Sibling		<input type="checkbox"/> Deceased

Include half brothers and sisters who may only share one parent.

Part B. Information about your application.

(NOTE: Use Supplement B, Form I-589 or attach additional sheets of paper as needed to complete your responses to the questions contained in Part B.)

When answering the following questions about your asylum or other protection claim (withholding of removal under 241(b)(3) of the INA or withholding of removal under the Convention Against Torture) you should provide a detailed and specific account of the basis of your claim to asylum or other protection. 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 documentation is unavailable or you are not providing this documentation with your application, please explain why in your responses to the following questions.

Refer to Instructions, Part 1: Filing Instructions, Section II, "Basis of Eligibility," Parts A - D, Section V, "Completing the Form," Part B, and Section VII, "Additional Evidence 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)(3) of the INA, or for withholding of removal under the Convention Against Torture? Check the appropriate box(es) 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

Check as many boxes as apply; your client may have a claim on multiple grounds.

☒ Political opinion

☒ Membership in a particular social group

☒ Torture Convention

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

☐ No

☒ Yes

If "Yes," explain in detail:

- (1) What 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.

Make sure the answer in the blank is responsive to all four points.

I was arrested three times by the Ethiopian authorities and detained and tortured because of my involvement with a student group supporting the Coalition for Unity and Democracy (CUD). The first arrest was in May, 2005 when Ethiopian police took me from class, detained me at the local police station and interrogated and tortured me for three days. The second time was in October, 2005 after a rally, four Ethiopian military members came to my house and arrested me in the middle of the night. They took me to a prison where I was held for two months and repeatedly beaten. My final arrest was in October, 2009 and lasted one month. My family was also questioned and my brother was arrested and tortured when he went to the police to inquire about me in October, 2009. I believe that I was arrested and tortured because of my involvement with the CUD, because on each occasion of my arrest the officers would make statements and question me about the CUD.

Please see my attached statement for more details.

Always provide an answer to the question in the blank, but also refer to the client's statement or affidavit for more detail.

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

☐ No

☒ Yes

If "Yes," explain in detail:

- (1) What harm or mistreatment you fear;
- (2) Who you believe would harm or mistreat you; and
- (3) Why you believe you would or could be harmed or mistreated.

I believe I would be arrested by the Ethiopian police or military and detained and tortured if I return. I know they are aware of my involvement with the CUD, and I know from talking with my family that they have continued to come to my house and ask about me and my whereabouts. My brother was arrested and questioned in March, 2010 after I left because the authorities were seeking me. I have continued to associate with a group in the U.S. that supports the CUD, and the Ethiopian government is very suspicious of opposition political party members who go overseas. I believe they will put me in jail again and subject me to much of the same treatment as before, but likely worse since I fled. Please see my attached statement for more details.

This question is really getting at future harm, so including relevant information about what has happened since the client left the country is helpful.

Part B. Information about your application. (Continued.)

2. Have you or your family members ever been accused, charged, arrested, detained, interrogated, convicted and sentenced, or imprisoned in any country other than the United States?

☐ No ☒ Yes

If "Yes," explain the circumstances and reasons for the action.

If part of your client's claim is based on his/her arrest or detention by the government in his/her country, that information should be listed in this section.

- 3.A. Have you or your family members **ever belonged to** or **been associated with** any organizations or groups in your home country, such as, but not limited to, a political party, student group, labor union, religious organization, military or paramilitary group, civil patrol, guerrilla organization, ethnic group, human rights group, or the press or media?

☐ No ☒ Yes

If "Yes," describe for each person the level of involvement and the family members were involved in each organization or group.

Carefully question your client about the nature and activities of any group he/she was involved with. Due to a broad construction of "terrorist group" under immigration law many groups which engage in armed resistance or "rebel" activities may be considered terrorist groups whether your client participated in that part of the group or not. Careful questioning and research is important to avoid a finding of material support to terrorism.

- B. Do you or your family members continue to participate in any way in these organizations or groups?

☒ No ☐ Yes

If "Yes," describe for each person your or your family members' current level of participation, any leadership or other positions currently held, and the length of time you or your family members have been involved in each organization or group.

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

☐ No ☒ Yes

If "Yes," explain why you are afraid and describe the nature of torture you fear, by whom, and why it would be inflicted.

If you are seeking torture convention protection, or if your client has experienced torture, you should answer yes here.

Part C. Additional information about your application.

(NOTE: Use Supplement B, Form I-589 or attach additional sheets of paper as needed to complete your responses to the questions contained in Part C.)

1. Have you, your spouse, your child(ren), your parents or your siblings ever applied to the U. S. Government for refugee status, asylum or withholding of removal?

☐ No ☒ Yes

If "Yes," explain the decision and what happened to any status you, your spouse, your child(ren), your parents or your siblings received as a result of that decision. Please indicate whether or not you were included in a parent or spouse's application. If so, please include your parent or spouse's A-number in your response. If you have been denied asylum by an Immigration Judge or the Board of Immigration Appeals, please describe any change(s) in conditions in your country or your own personal circumstances since the date of the denial that may affect your

If a family member applied for status, it is very likely the government will pull that individual's file and review the claim for consistency with your client's where relevant. You may want to get a copy of the family member's application to compare the stories.

2. A. After leaving the country from which you are claiming asylum, did you or your spouse or child(ren) who are now in the United States travel through or reside in any other country before entering the United States? ☐ No ☒ Yes

- B. Have you, your spouse, your child(ren) 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 each country and the length of stay, the person's status while there, the reasons for leaving, whether or not the person is entitled to return for lawful residence purposes, and whether the person applied for refugee status or for asylum while there, and if not, why he or she did not do so.

2A. I traveled from Ethiopia to Kenya, then I flew to Amsterdam where I changed planes to the U.S.

Even if your client only had a stopover to change planes in a different country, list it.

3. Have you, your spouse or your child(ren) ever ordered, incited, assisted or otherwise participated in causing harm or suffering 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, your spouse's or your child(ren)'s involvement.

This question pertains to the persecutor bar; if your client served in the military in his/her country, with a rebel group, or was in any way involved with a group that "fought" you want to carefully question him/her about those actions.

Part C. Additional information about your application. (Continued.)

4. After you left the country where you were harmed or fear harm, did you return to that country?

☒ No ☐ Yes

If "Yes," describe in detail the circumstances of your visit(s) (for example, the date(s) of the trip(s), the purpose(s) of the trip(s) and the length of time you remained in that country for the visit(s).)

5. 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 you arrived. You should provide a complete explanation of why you did not file your asylum application within the first year after you arrived. For guidance in answering this question, see Instructions, Part 1: Filing Instructions, Section V. "Completing the Form," Part C.

Maintaining valid legal status is one exception.

I came to the U.S. as an F-1 student in January, 2008. I have maintained my student status continuously since that time. It was only after the violence following the elections in May of this year that I realized my hope of returning to Ethiopia after I graduated was not realistic.

Changed circumstances may be another valid exception.

If your client is past the one year deadline, you will need to provide an explanation and fit him/her into one of the exemptions. You should also provide a detailed legal argument on this point in a short brief or cover letter. This information may also be included in your client's affidavit.

6. Have you or any member of your family included in the application **ever committed any crime** and/or been arrested, charged, convicted and sentenced for any crimes **in the United States?**

☒ No ☐ Yes

If "Yes," for each instance, specify in your response: what occurred and the circumstances, the duration of the detention or imprisonment, the reason(s) for the detention or conviction, the name(s) of your relatives included in your application and the reason(s) for release. **Attach documents referring to these incidents, if they are available, or an explanation of why documents are not available.**

Many criminal convictions can make someone ineligible for asylum (but still eligible for Withholding of Removal or Torture Convention relief).

You will definitely want to review all conviction or arrest documents before filing the asylum application; it may change whether you advise a client to file for asylum if he/she has a criminal conviction.

Part D. Your Signature.

I declare under the laws of the United States of America, that this application and the information provided are true and correct. Title 18, United States Code, Section 1546(a), provides in part: "Whoever swears, or as permitted under penalty of perjury under Section 1746 of Title 28, subscribes as true, any false statement with respect to a material fact in any document required by the immigration laws or regulations prescribed thereunder, or in an application, affidavit, or other document containing any such false statement or information on a false basis in law or fact - shall be fined in accordance with this title or imprisoned not more than 5 years, or both, and may also be deported or may have his or her right to authorize the release of any information from my immigration record that U.S. Citizenship and Immigration Services (USCIS) needs to determine eligibility for the benefit I am seeking.

Staple your photograph here or the photograph of the family member to be included on the extra copy of the application submitted for that person.

You must review this warning with your client in a language they understand - the Officer or Judge will ask if you have given them these advisals.

Must be a passport photo.

WARNING: Applicants who are in the United States illegally are subject to removal if their asylum or withholding claims are not granted by an asylum officer or an immigration judge. Any information provided in completing this application may be used as a basis for the institution of, or as evidence in, removal proceedings even if the application is later withdrawn. Applicants determined to have knowingly made a frivolous application for asylum will be permanently ineligible for any benefits under the Immigration and Nationality Act. You may not avoid a frivolous finding simply because someone advised you to provide false information in your asylum application. If filing with USCIS, unexcused failure to appear for an appointment to provide biometrics (such as fingerprints) and your biographical information within the time allowed may result in an asylum officer dismissing your asylum application or referring it to an immigration judge. Failure without good cause to provide DHS with biometrics or other biographical information while in removal proceedings may result in your application being found abandoned by the immigration judge. See sections 208(d)(5)(A) and 208(d)(6) of the INA and 8 CFR sections 208.10, 1208.10, 208.20, 1003.47(d) and 1208.20.

Print your complete name.	Write your name in your native alphabet.
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Did your spouse, parent or child(ren) assist you in completing this application? ☒ No ☐ Yes (If "Yes," list the name and relationship.)

(Name)	(Relationship)	(Name)	(Relationship)
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Did someone other than your spouse, parent or child(ren) prepare this application? ☐ No ☒ Yes (If "Yes," complete Part E.)

Asylum applicants may be represented by counsel. Have you been provided with a list of persons who may be available to assist you, at little or no cost, with your asylum claim?

☒ No ☐ Yes

Signature of Applicant (The person in Part A.I.)

[_____]

Sign your name so it all appears within the brackets

_____ Date (mm/dd/yyyy)

Part E. Declaration of person preparing form, if other than applicant, spouse, parent or child.

I declare that I have prepared this application at the request of the person named in Part D, that the responses provided are based on all information of which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the knowing placement of false information on the Form I-589 may also subject me to civil penalties under 8 U.S.C. 1324c and/or criminal penalties under 18 U.S.C. 1546(a).

Signature of Preparer		Print Complete Name of Preparer	
Daytime Telephone Number ()		Address of Preparer: Street Number and Name	
Apt. No.	City	State	Zip Code

Part F. To be completed at asylum interview, if applicable.

NOTE: You will be asked to complete this Part when you appear for examination before an asylum officer of the Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS).

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are ☐ all true or ☐ not all true to the best of my knowledge and that correction(s) numbered _____ to _____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

This page is only to be signed by the applicant in front of either the Asylum Officer or Immigration Judge. Do not submit the application with this page signed.

Signed and sworn to before me by the above named applicant on:

_____	_____	_____
Write	Alphabet	Date (mm/dd/yyyy)
_____	_____	_____
		Signature of asylum officer

Part G. To be completed at removal hearing, if applicable.

NOTE: You will be asked to complete this Part when you appear before an immigration judge of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR), for a hearing.

I swear (affirm) that I know the contents of this application that I am signing, including the attached documents and supplements, that they are ☐ all true or ☐ not all true to the best of my knowledge and that correction(s) numbered _____ to _____ were made by me or at my request. Furthermore, I am aware that if I am determined to have knowingly made a frivolous application for asylum I will be permanently ineligible for any benefits under the Immigration and Nationality Act and that I may not avoid a frivolous finding simply because someone advised me to provide false information in my asylum application.

Signed and sworn to before me by the above named applicant on:

_____	_____
Signature of Applicant	Date (mm/dd/yyyy)
_____	_____
Write Your Name in Your Native Alphabet	Signature of immigration judge

Supplement A, Form I-589

A # (If available)	Date
Applicant's Name	Applicant's Signature

Have the applicant sign this page even if left blank.

List all of your children, regardless of age or marital status.
 (NOTE: Use this form and attach additional pages and documentaton as needed, if you have more than four children.)

1. Alien Registration Number (A#) (If any)	2. Passport/ID Card Number (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete blocks 14 to 21.) <input type="checkbox"/> No (Specify location.) _____			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

1. Alien Registration Number (A#) (If any)	2. Passport/ID Card Number (If any)	3. Marital Status (Married, Single, Divorced, Widowed)	4. U.S. Social Security Number (If any)
5. Complete Last Name	6. First Name	7. Middle Name	8. Date of Birth (mm/dd/yyyy)
9. City and Country of Birth	10. Nationality (Citizenship)	11. Race, Ethnic or Tribal Group	12. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female
13. Is this child in the U.S.? <input type="checkbox"/> Yes (Complete blocks 14 to 21.) <input type="checkbox"/> No (Specify location.) _____			
14. Place of last entry in the U.S.	15. Date of last entry in the U.S. (mm/dd/yyyy)	16. I-94 Number (If any)	17. Status when last admitted (Visa type, if any)
18. What is your child's current status?	19. What is the expiration date of his/her authorized stay, if any? (mm/dd/yyyy)	20. Is your child in Immigration Court proceedings? <input type="checkbox"/> Yes <input type="checkbox"/> No	
21. If in the U.S., is this child to be included in this application? (Check the appropriate box.) <input type="checkbox"/> Yes (Attach one photograph of your child in the upper right corner of Page 9 on the extra copy of the application submitted for this person.) <input type="checkbox"/> No			

Additional information about your claim to asylum.

A# (If available)	Date
Applicant's Name	Applicant's Signature

Have the applicant sign even if left blank.

NOTE: Use this as a continuation page for any additional information requested. Please copy and complete as follows.

Part A.III

Question 5

Additional Siblings:
Terry FRANKLIN; Monrovia, Liberia; Deceased.

Use this form for questions which did not fit in the allotted spaces, like residences, siblings, et cetera.



Outline of Basic Asylum Affidavit

****Remember that all affidavits should be written in the first person****

(1) “Why?” Paragraph:

Explain briefly why the client is applying for asylum in the United States;

(2) Personal Background:

- Describe the client’s family. Is the applicant married? Do they have children or other family?
- Describe the client’s origins. When were they born? What is the applicant’s home country? What is their ethnicity? What languages do they speak?
- Describe the client’s residences. Where did the applicant live growing up? Where do they live now?
- Briefly explain the client’s immigration background

(3) Characteristics: How Is the Applicant Part of the Protected Class?

- Race
- Religion
- Nationality
- Political Opinion
- Member of Social Group

Example: Political Opinion

The affidavit must show, through direct or circumstantial evidence, a causal connection between the client’s political opinion and their persecution.

- What are their political beliefs?
- How did they act on those beliefs?
- If they were involved in a political party or movement, when did they join? Why?
- What was their level of participation?
- How visible were their activities?

(4) Detailed Story of Persecution

- Include all major incidents and threats that rise to the level of persecution.
- Be detailed! Explain everything that happened sequentially.
- Identify the persecutor. Government? Non-government entity? How did the client recognize/identify them?
- Identify the persecutor’s motive: How does the client know the persecution was “on account of” one of the five protected grounds? What was said to the client?

- How did the persecutor learn about the client's protected characteristics?
- Identify the location. Where did the incident begin? Was the client taken anywhere else? Police stations? Jails? Hospitals? Other landmarks? How long were they there?
- What did the client do after the incident? Work from incident to incident with personal details in between.

(5) Story of the Client's Flight to the United States

- Explain how the client managed to escape the country. Did anybody help them? Were they issued a visa? What types of travel documents do they possess?
- Explain why the client could not relocate internally. Civil strife? Serious harm in other places? Cultural barriers?
- Describe the client's journey to the U.S. Did they travel through any other countries to get here? Which countries? How long did they stay? Did they come into contact with any other immigration authorities? Do they have evidence of their time in these countries?

(6) Current Fear

Describe the client's understanding of his or her situation as it stands now. What do they hear about what is happening back home? Why are they still afraid? Who are they afraid of? What do they think will happen to them if forced to return?



Assessing a “Particular Social Group” for Asylum Claims

(1) Immutable characteristic.

The best established social group case, *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985), says members of a group must share a “common, immutable characteristic.” An immutable characteristic is one that either a person *cannot* change (like race or ethnicity) or *should not be required to* change (like religion or political opinion).

In defining your social group, ask:

- a) What immutable trait does my client have which is connected to (nexus) the persecution?
- b) Is it something he/she cannot change? If yes, why is it unchangeable? Will it change at some point?
- c) Is it something he/she should not have to change?
- d) Is this characteristic a key part of your client’s identity? Why is it important to him or her? Can he or she explain their belief/affinity for this trait (think of as a political opinion or religious belief, which a person would articulate their belief for/against).

(2) Particularity.

Matter of W-G-R-, 26 I&N Dec. 208 (BIA 2014) (and its companion case, *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014)) elaborated upon what it means for a particular social group to be defined with “particularity.” Particularity deals primarily with delineation and where the boundaries of the group are; in general, overly broad groups (young men) will not be sufficiently particular. The group should be discrete, not amorphous.

In defining your social group, ask:

- a) Is there a clear benchmark for determining who is a member of the group?
- b) Is the group discrete, with definable boundaries?
- c) What are the outer limits of the group?

- d) Is this definition amorphous or hard to explain? If so, it's probably not particular.
- e) Make sure the group is not defined by the persecution – “victims of domestic violence” is not a group, but “married Guatemalan women unable to leave a relationship” is a group.
- f) Is the definition of the group commonly accepted in the society (home country)?

(3) Social Distinction.

Matter of W-G-R-, 26 I&N Dec. 208 (BIA 2014) (and its companion case, *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014)) clarified the “social visibility” requirement from *Matter of S-E-G-*, 24 I&N Dec. 579 (BIA 2008).

In defining your social group, ask:

- a) Does society perceive this social group as a group?
- b) Is the shared characteristic of the group members definable?
- c) Is it something that could be recognized by society? (For example, opposition to FGM).
- d) Does someone other than persecutor perceive this as a group?

A### ### ###
NAME, Name

DOCUMENTS IN SUPPORT OF ASYLUM APPLICATION

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PRO BONO ASYLUM CASES: COUNTRY CONDITIONS RESOURCES



What is the purpose of submitting country conditions?

A client's testimony alone is usually not sufficient to prove an asylum case. Country conditions documentation provides objective evidence that your client's fear of persecution is well founded. It is also necessary when establishing a particular social group argument. Country conditions documentation provides much needed context for the adjudicator to place your client's fears in perspective. Country conditions documentations shore up your client's statements about arrest practices, dates of protests, government practices and political leaders. Finally, documentation helps demonstrate future persecution as well as the conditions faced by similarly situated persons.

How much do I need to submit?

While reasonable minds can differ regarding volume, in general you want to be able to support all of the elements of your client's claim for asylum with relevant documentary evidence, both primary and secondary. Country conditions evidence is considered secondary evidence (unless it specifically names your client). You want a mix of both broad reports addressing conditions in the country generally and newspaper articles or reports that address particularities relevant to your client. Five documents are probably too few, but five inches is probably too much and will not be read by your adjudicator.

What are reliable sources?

Reports from government agencies, major news agencies and independent NGO's are all reliable sources. Do review local news sources from your client's country, but research which are tabloid-type journals or state-run news sources compared with independent press. Global Journalist reports on press freedom around the world and may provide insight into reliability of local sources: <http://www.globaljournalist.org/>. Be cautious using internet articles where you cannot verify the publication or whether the article is opinion or fact.

Where do I find country reports?

[This is not an exhaustive list, but merely a starting point.]

We always include the U.S. State Department Human Rights Reports, updated every year (usually in February/March) – found here: <http://www.state.gov/g/drl/rls/hrrpt/>. The State Department also publishes religious freedom reports, found here: <http://www.state.gov/g/drl/irf/rpt/index.htm>.

The Executive Office for Immigration Review recently created a country conditions page of its own, containing links to the Dept. of State and NGO resources:

http://www.justice.gov/eoir/vll/country/country_index.html

Amnesty International: www.amnesty.org reports on human rights issues globally and sometimes does specific issue reports in certain countries.

Human Rights Watch: www.hrw.org also reports on human rights issues globally and does topical reports.

European Country of Origin Information Network: www.ecoi.net

International Gay & Lesbian Human Rights Commission: <http://www.iglhrc.org/cgi-bin/iowa/home/index.html>

Immigration & Refugee Board of Canada, Research Division: <http://www.irb-cisr.gc.ca/eng/resrec/respro/Pages/index.aspx>

UNHCR Refworld: <http://www.unhcr.org/refworld/>

All Africa News: <http://allafrica.com/>

Committee to Protect Journalists: <http://www.cpj.org/reports/>

Library of Congress: <http://www.loc.gov/rr/> also a good resource to call and seek assistance tracking down foreign newspapers, if necessary.

UNIFEM Virtual Knowledge Centre on Ending Violence Against Women and Girls: <http://www.endvawnow.org/>.

StopVAW: <http://stopvaw.org/> a resource on violence against women with a focus on central and eastern Europe.

The United Nations reviews country compliance with various human rights treaties periodically; these reports may be relevant to your case. Look to the UNHCR website:

<http://www.ohchr.org/EN/Pages/WelcomePage.aspx> under Universal Periodic Review.

The Advocates conducts some fact finding and has contributed to the Universal Periodic Review for countries where we work, our reports can be found at our website:

www.theadvocatesforhumanrights.org.

When do I submit country information?

Country conditions information should be submitted with the initial asylum application filing.

Country conditions should be updated, if necessary, prior to the asylum interview or immigration court individual hearing. Particularly if there has been a long gap in time between the initial submission and the adjudication you will want to provide updated human rights reports (if available) and other sources to indicate current conditions.

How do I decide what to submit?

Always read everything you are submitting – if it's too long for you to read it then do not submit it. One sentence may be great, but a page later may be information that contradicts your client's statement. The key question is: "What does this add to my client's case?" Does the article or report support an element of your client's claim? If the answer is no, or if it contradicts your client, do not submit.

For very long reports, where only one chapter may be relevant, excerpt that chapter along with the cover page and table of contents for the full report so the adjudicator can see where the chapter came from, the context, and the source but does not have to dig through 75 pages of less-relevant document to reach the five pages that matter.

What format do I use for submission?

A table of contents should always be included with submission. If you are filing documentation with the immigration court, follow the Immigration Court Practice Manual for formatting, found at www.usdoj.gov/eoir. For filings with USCIS formatting is more flexible but it is recommended that you follow the practice manual in the event the case ends up at the court. Annotating the table of contents, including highlighting quotes from the materials is highly advisable. Samples are included in The Advocates Asylum Manual.

PRO BONO ASYLUM CASES: EXPERTS



What is the purpose of an expert witness?

Although a client's testimony alone may be enough to prove an asylum case, almost universally additional evidence is needed to carry the applicant's burden of proof. While general country conditions documentation may help prove the case, an expert can be helpful when your client's claim raises a unique issue or one that is not very well documented in country conditions reports. An expert provides objective evidence that your client's fear of persecution is well founded and provides context for the adjudicator to understand your client's fears.

There are two main categories of expert witnesses for asylum claims: medical/psychological experts who document and speak to the effects of the persecution on your client and country condition experts who speak to the situation in country, existence of a particular social group, or your client's linguistic or tribal identity.

Who can be an expert?

An expert is someone with knowledge, experience, or education about the country or particular topic to which you wish them to speak. The Federal Rules of Evidence do not strictly apply in the immigration context, but serve as a useful guide in determining who is an expert.¹¹ It is essential that the proffered expert does have the credentials, experience, and knowledge necessary to be considered an expert on the particular point that their testimony is being used to prove.

Where do I find experts?

There is no easy to use list of experts, particularly for *pro bono* cases. There are some organizations working to build such resources, including the **Electronic Immigration Network (EIN)**, **Rights in Exile Program** (Oxford University), and asylumlaw.org. However, they are by no means exhaustive. Nonetheless, pro bono attorneys can locate experts willing to donate their time from a variety of resources, including: **universities and colleges** (particularly regional studies departments where professors or doctoral students may have researched or written about your client's country); **returned Peace Corps volunteers** who were stationed in country; **expats** (such as former State Department, Human Rights Watch, Doctors Without Borders, or other NGO workers) who have spent time living and working in country; former residents – in the local community there may be individuals who are natives of and experts about your client's country because they too lived there; **linguists** fluent in the language or dialect your client speaks (proving nationality or clan identity).

How do I present expert testimony?

For affirmative asylum cases, the expert provides a written affidavit of testimony along with a copy of his or her Curriculum Vitae (CV). For removal cases, the expert testifies at the hearing either in person or by telephonic testimony.¹² Expert witnesses must be identified on the asylum applicant's witness list and meet all requirements outlined in the Immigration Court Practice Manual.

¹¹ See Federal Rules of Evidence, Rule 702: Testimony by Experts.

¹² Immigration Court Practice Manual, Chapter 3.3(g), Page 50 (Witness List) & Chapter 4.15, Page 74 (Telephonic Testimony).

Telephonic testimony will require additional arrangements and a motion to the court, but it can be a much more cost-effective solution than flying an expert in from another state or abroad.

When should I use expert testimony?

Psychological or physical effects of torture or trauma should be documented by a physician or psychological professional. Torture treatment experts can also testify about the effects of torture in general upon witnesses' ability to testify. If your client is a torture survivor, you may contact a torture treatment center in your area which can provide invaluable healing and support to your client as well as potential expert testimony about the effects of the torture. Psychological testimony and diagnosis of PTSD or other effects may be crucial to supporting your client's asylum claim. This evidence is particularly important if your client has difficulty telling his or her story in a credible manner.

If your client's claim involves a country where the situation is in flux or where there is a dearth of information, a country expert is necessary. An initial review of country conditions documentation available through the UN, State Department, Amnesty International and other reliable sources should provide a good sense of whether your client's claim can be corroborated through these resources. If these sources do not provide timely corroboration, you will want to seek out an expert who can testify about the human rights situation on the ground today.

Finally, if your client is a member of a social group which is not well known or documented, an expert with knowledge of the group may be able to help corroborate the claim. One example might be a survivor of domestic violence from Mali. There may not be much documentary evidence about the treatment of women and domestic violence laws in Mali, so an advocate from Mali, a UN researcher, or a college professor with a focus on gender violence in Africa might be able to provide additional context and corroboration.

What should the testimony include?

The expert's role is to provide his or her knowledge about the country or psychological condition based on his or her experience. The expert can put the client's claim in context by stating "based upon my research, the conditions described by client are consistent with those I observed." The expert cannot say "I think this person should get asylum." The country expert should review the client's affidavit to understand the claim and have context for his or her remarks.

A physician or psychologist must meet with the client to be able to provide an assessment of the effects of the trauma. An assessment may include photos or a written description of physical scars and effects as well as a psychological assessment and diagnosis.

Resources

Torture Treatment Centers: <http://www.healtorture.org/healing-centers/domestic>

Physicians for Human Rights Asylum Network:

<http://physiciansforhumanrights.org/asylum/attorneys.html>

Health Right International: <http://www.healthright.org/>

AILA's Asylum Primer, 6th Ed. 2009, by Regina Germain (contains sample expert affidavits).

Electronic Immigration Network (EIN) <http://www.ein.org.uk/experts/?q=experts>

Rights in Exile Programme (Oxford University): <http://www.refugeelegalaidinformation.org/country-origin-information-experts>

Center for Gender and Refugee Studies: <http://cgrs.uchastings.edu/assistance/>

Updated April 2017

Guidelines for Individual Hearings

Individual merits hearings are scheduled to give the asylum applicant an opportunity to testify regarding the facts in the asylum. The government attorney is also given an opportunity to cross examine your client. In most cases, the immigration judge also asks questions. Sometimes the judge asks more questions than the government attorney.

Here are a few things to keep in mind regarding Individual Hearings;

- **Supporting Documentation:** All supporting documents should be submitted prior to the hearing. The deadline is 15 days prior to the hearing, unless the judge has provided an alternative filing deadline. Most judges are reluctant to accept documents submitted after the deadline. If it is necessary to submit documents on the day of hearing, you should be prepared to explain why they could not have been submitted beforehand. The judge often takes time at the beginning of the hearing to mark as exhibits the documents that have been submitted into the record.
- **Red-lined I-589:** Prior to the hearing, you should review with the client all of the documents in the record. You should conduct a detailed review of the asylum application and affidavit. Any necessary updates or changes to the asylum application should be submitted as a standalone exhibit labeled as “Red-lined I-589”. This should be submitted by the 15-day deadline.
- **Client Testimony:** Your client should be prepared to answer your questions regarding his or her application. You should also prepare your client to anticipate questions from the government or judge that would seem to challenge the claim.
- **Witness Testimony:** Any additional witnesses that you plan to call should be included in the “Witness List” submitted by the 15-day deadline. If a witness is unable to attend the hearing in person, you will have to file “Motion to Present Telephonic Testimony”. See the

Immigration Court Practice Manual for information that is necessary to include in this motion.

- **Clients who are Minors:** The EOIR has policy guidelines related to children in removal proceedings:
<http://www.justice.gov/eoir/efoia/ocij/oppm07/07-01.pdf>. Advocates are in conversations with the court and government attorneys regarding general best practices. Please contact Alison Griffith at agriffith@advrights.org if you are representing a child who has been scheduled for an individual merits hearing.
- **Decision:** The hearings usually take 3-4 hours to complete. If all testimony is not taken, or if there are other unresolved issues, the hearing may be continued to another day. If time allows, the immigration judge may issue an oral decision on the day of the hearing. If the judge does not grant asylum, you can reserve appeal and the applicant will have 30 days to file an appeal with the Board of Immigration Appeals. The judge may close the hearing for a decision and mail the decision to you at a later date. Regardless of the outcome, you should contact The Advocates following the hearing to discuss next steps in the case.

The Advocates has a number of resources to support volunteers in preparing for individual hearing. Many of these resources can be found on the Probono.net website at: <http://www.probono.net/asylum/>. Please contact Kim Boche at kboche@advrights.org if you are having trouble accessing these resources or if you are in need of additional support.



Statutory Guidelines on Credibility and Corroboration

CREDIBILITY – INA §208(b)(1)(B)(i,iii)

“IN GENERAL- The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section [101\(a\)\(42\)\(A\)](#). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be at least one central reason for persecuting the applicant.

CREDIBILITY DETERMINATION- Considering the totality of the circumstances, and all relevant factors, a trier of fact may base a credibility determination on the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not under oath, and considering the circumstances under which the statements were made), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim, or any other relevant factor. There is no presumption of credibility, however, if no adverse credibility determination is explicitly made, the applicant or witness shall have a rebuttable presumption of credibility on appeal.”

CORROBORATION – INA §208(b)(1)(B)(ii)

“SUSTAINING BURDEN- The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines that the applicant should provide evidence that corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence.”

SAMPLE CHECKLIST OF ISSUES TO ADDRESS IN ASYLUM PROCEEDINGS
******* NOTE: THIS IS NOT AN EXHAUSTIVE LIST*******

A. Background

- a. Where, when born
- b. Relevant Family members
- c. Development of relevant facts leading to persecution (ie. joining a political party, meeting and marrying an abusive spouse, tribal traditions related to FGM)

B. Past Persecution

- a. Who, what, where, why, when
 - i. A few major incidents, or several more minor incidents
- b. Nexus—who is the persecutor?
 - i. Motive via circumstantial evidence, words uttered during attack, etc.
- c. Government ability to protect
 - i. If government is persecutor, how is this proven?
 - ii. If government not persecutor and:
 - 1. Client sought government help
 - a. Testify to attempts to get help and govt response.
 - b. Note: Police not following up with report may not be enough.
 - c. Do current country conditions counter govt inability to help (ie. recent elections fair, new law passed in country to protect group, etc.)?
 - 2. Client did not seek government help
 - a. Document futility through testimony of client's understanding of what has happened to others.
 - b. Cite to country condition reports consistent with client's testimony.

C. Future Persecution

- a. Subjective fear: What do you think will happen to you if you return?
- b. Current country conditions—court will rely on U.S Dept. of State Report.
- c. Safety of relevant family and friends.

D. Relocation

- a. Factors beyond reasons seeking asylum are considered.
- b. Size of country matters (to client's benefit or detriment).
- c. Does the client face other serious harm, including psychological harm?

E. Changed Country Conditions

- a. Consider release date of U.S. Dept. of State Report.
- b. Address recent articles that specifically address client's situation.
- c. Strongly consider using an expert if there has been a major regime change.

Common Objections in Asylum Proceedings

OBJECTIONS BY RESPONDENT’S COUNSEL

Objection	Comment
DOCUMENTARY EVIDENCE	
Object to admission of asylum officer’s (AO) notes	INA § 240(b)(4)(B) provides that the respondent has a right to cross examine government witnesses. You can argue AO notes should be excluded if the government has not produced the author. Caselaw has held that inconsistencies between an officer’s notes and testimony in immigration court are insufficient to support an adverse credibility holding. <i>Singh v. Gonzales</i> , 403 F.2d 1081 (9 th Cir. 2005). However, this case came out prior to the passage of <i>Real ID</i> , which allows any inconsistencies to be the basis of a credibility finding.
Object to surprise results of forensic examinations as a violation of due process and of the filing requirements pursuant to the Immigration Court Practice Manual	<p>You are required to submit original documents to the Government’s Office of Chief Counsel (OCC) for inspection. Sometimes OCC will submit the documents for foreign inspection, sometimes not. Unless the trial attorney (TA) that received the originals filed the documents right after receiving them, the next time a TA will pick up the file is likely to be a few weeks before the final hearing, hence the surprise results, or a request for more time to await results.</p> <p>The judge will likely allow the evidence in and give it “the appropriate weight.” If there is overreliance on this evidence in the Immigration Judge (IJ) decision, and you have objected, you can raise the issue again on appeal.</p> <p>Alternatively, you can request or the IJ may offer a continuance for time to review the documents. This can be a difficult choice if the client was ready to get the hearing done and over with today.</p>
TESTIMONY	
Asked and answered.	This objection can be raised if the TA repeatedly asks a question to catch your client in an inconsistency, or where your client has state s/he does not know or remember the information asked in the question.
Misstates testimony.	Be prepared to sift through your notes to clarify the actual testimony.
Badgering the witness	This may come up during cross or if the IJ takes over questioning. If this happens during IJ questioning, it may be best to force the client to tolerate some amount of questioning in order to establish the inappropriate behavior on the record, and then object. The IJ has some leeway to examine witnesses, and often to, but you should not feel prohibited to object if a judge repeatedly crosses the line.
Compound Question	A compound question asks two or more separate questions within the framework of a single question. These questions are particularly an issue where the questions call for a “yes” or “no” response.
Argumentative	Questions are argumentative if they do not elicit new facts and merely ask a witness to agree or disagree with a conclusion drawn by the examiner from proved or assumed facts. These types of questions are common and often

	permissive on cross examination, but may be a handy interruption if the trial attorney is overly aggressive.
Relevance	The IJ has broad discretion to consider evidence, but it is still worth raising if the TA is posing questions outside the context of the claim.
Calls for speculation	On cross, a client may be cornered into speculating about the safety of family members still at home, or the government's ability to protect the client, had s/he remained in the country.
Inaccurate translation	Monitoring interpretation can be difficult if you don't speak the language. If you have your own interpreter observing the hearing for this purpose, you may want to make this known on the record. If you receive numerous signals of inaccuracies, ask for a recess to discuss, or have the interpreter write notes of inaccuracies and object, requesting clarification of testimony.
Beyond the scope of direct examination	This may be a difficult objection to have sustained, but is worth raising if the TA is diverting from the client's testimony.

OBJECTIONS BY GOVERNMENT TRIAL ATTORNEYS

Objection	Comment
Failure to authenticate original documents	Argue documents cannot be authenticated through the foreign government because such a process would disclose the client's identity to the government from which the client had fled. Also, suggest there are other methods of authentication, ie. through testimony.
Leading	Leading can be tempting, particularly when a client is having difficulty covering the details of the issues you prepared to cover during testimony. Be prepared to rephrase questions and draw on client's earlier testimony to reset the context with hopes of getting more details out.
Calls for speculation	Anticipate areas where this objection might be raised, particularly regarding motive of a persecutor. Lay foundation with the circumstantial evidence that supports the alleged speculation.
Compound Question	Scripting your questions can assist with this. Otherwise, simply rephrase and break the questions down to correct the error.
Narrative	This is one to be careful about if you have a long-winded client. Practice for both you and the client to break up different issues to be covered in cross will help avoid this. If an objection on this ground is sustained, interjecting with "what happened next?" may help break up the testimony.
Attorney is testifying	This objection can arise when you have a "short-winded" client or when you feel you are unable to pull the information out of the client. It can also be raised when an attorney draws conclusions from the client's testimony in an effort to keep the story moving forward. Outlining questions and practicing can help avoid this. During the hearing, focus on rephrasing the client's earlier testimony in an effort to help the client make the connection about what comes next.

Pro Bono ATTORNEY
A123 456 789

PROOF OF SERVICE

On 7/14/2017, I, Sarah Brenes,
(date) (printed name of person signing below)

served a copy of: **Documents in Support of Removal Training**

and any attached pages to Office of Principal Legal Advisor

at the following address: 1 Federal Drive, Suite 1800, Fort Snelling, MN 55411
(address of party served)

by hand-delivery.
(method of service, for example overnight courier, hand-delivery, first class mail)

(signature) (date)