

STEPS IN AN ASYLUM CASE

For People in Detention



1. Come to the bridge (Arriving Alien) or swim across the river (Entry Without Inspection, EWI)

2. Tell a U.S. immigration officer you are afraid to go back to your country



3. Explain your situation to an asylum officer (Credible Fear Interview or Reasonable Fear Interview)



4. Get your results – positive results allow you to request parole (Arriving Aliens) or bond (EWI) AND allow you to see an immigration judge to explain your case

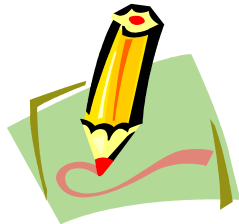


5. Receive a Notice to Appear (NTA)

6. 1st Court: respond to the charges in the NTA and ask for protection OR ask for more time



7. Turn in your application for protection



8. Give your evidence to the judge and government lawyer



9. Individual, final hearing



10. Decision!



WHAT'S THE NEXT STEP AFTER FILING THE ASYLUM APPLICATION?

SEARCH FOR EVIDENCE TO PROVE YOUR CASE

Apart from your testimony, you should gather other forms of evidence to explain your case to the judge. You should consider gathering evidence that proves:



- 1) your identity,
- 2) your problem in your home country, and
- 3) that you are telling the truth.

There are examples of each of these on the page titled Document Suggestions. Please note that all documents submitted to the judge should be originals. Copies may or may not be considered as valid. If you are worried about the originals arriving on time you can ask for a copy to be sent to you via e-mail or fax but you should also have the originals mailed to you. Depending on the situation, you may want the person mailing you the documents to keep a copy in case the originals are lost in the mail. We also recommend that you keep evidence of how you receive your documents so that you can prove “chain of custody”.

Original personal documents that you may need to use in the future, such as ID cards, do not need to be given to the judge – a copy is ok. However, you should bring the original to court with you in case the judge would like to see it. If you have an original document that is with immigration, you have the right to have immigration make a photocopy for you. The government lawyer will bring the original to court.

It is possible to win your case based solely on your testimony without additional evidence but it is not advisable to take this risk. For example, if you have five family members or friends who know your situation it is better to get five testimony letters than only three. The judge will believe that if you are truly afraid to go back to your country you will do everything possible to stay in the U.S. Furthermore, the law requires that you give the judge all reasonably available evidence. The law does not require that people put their lives in danger to help you as this would be unreasonable.

Deadlines and Continuances

You don't need to provide your evidence at the first hearing; according to Immigration Court procedures you need to deliver all your evidence to the judge on the day the judge tells you or 15 days before your final hearing. You can ask the judge to accept evidence late but it is advisable to not rely on the judge agreeing to accept evidence presented late. You can also ask for a continuance of your case so you have more time to get your evidence but the judge will likely only give you a continuance to get evidence if you have tried your best to get it by the deadline. There is page in this packet called Call Log which helps you track your efforts to get evidence.

We recommend that you begin getting your evidence together as soon as possible since it takes time for people to prepare, gather and mail the evidence from abroad, as well as time to translate and compile the evidence for submission to court. We recommend that you have your evidence at least two weeks before the judge's filing deadline.

Language

All types of evidence need to be translated into English. Anyone can do a translation as long as they are competent in both English and the language of the document being translated. The person who does the translation must sign a certificate stating that 1) they are competent in both English and the language from which they are translating and that 2) they translated the document accurately in its entirety. A sample Certificate of Translation is attached at the end of this packet. A translator's stamp/seal and/or signature does not generally meet the Immigration Court's certification requirement.

Where an individual cannot write, they can verbally dictate their testimony to someone who can write it down for them. The person who writes down the testimony must then read it back to them to make sure that the information was written down correctly before the person signs. This person will then need to sign a Certificate of Transcription stating that they followed the process above.

How to File Evidence

Any time you give a document to the judge you must also give a copy to the government lawyer and you should keep a copy for your own records. You – or someone on your behalf such as your lawyer – need to sign a Certificate of Service stating when and how you gave a copy to the government lawyer so that the judge knows the government lawyer has a copy of your documents and can review them. (Please see attached sample Certificate of Service with information for the government lawyers at the South Texas Detention Complex in Pearsall, Texas).

The government lawyer must do the same thing: give you a copy of every document he or she wants to give to the judge and sign a Certificate of Service verifying that he or she did so.

You may choose to put a cover page at the front of your documents (see sample at the end of this packet with the Pearsall Immigration Court address). You may also want to create a table of contents and/or page number your documents for quick and easy reference in court.

GUIDE TO CONTENTS OF A TESTIMONY LETTER

You can ask for testimony letters from people who know about your problem. These letters should explain:

- 1) how these people know you,
- 2) what they know about your problem *from their perspective*, and
- 3) how they know this.

The letters must be signed under penalty of perjury and signed.

To write a strong testimony letter, and to ensure that the Immigration Judge can rely on the contents of your testimony letter, we recommend that you include the information we have listed below.

Introduction

- Date on which the letter was written
- Complete legal name of the person writing the letter (they can also include their nickname if they have one)
- How they know you:
 - For how long have they known you?
 - What type of relationship do you have (brother, friend, colleague, etc.)?
 - How often do you see each other or talk to each other by phone / text / e-mail / etc.?

Main Part

- What do they know about your problem?
 - Examples from their experience
 - How do they know this information?



Conclusion / Conclusion

- Oath that everything in the letter is true under penalty of perjury
- Signature

Recommended but Not Required

- Copy of government-issued photo identification (if the person does not have legal status in the United States do not submit an identity document with the address where they live)
- Notarize the letter

DOCUMENT SUGGESTIONS

You are required by law to give the judge *all* “reasonably available” evidence. Here are some ideas of documents that may help you prove your case. Please note that these are only suggestions; each case is different and there may be types of evidence on this list that do not apply to your case or, conversely, evidence in your case that is not on this list.

Identity

- Passport
- Birth Certificate
- National ID Card
- Driver’s License
- Other Proof



Fear of Return



- **Personal Situation**
 - Letters from family, friends, and anyone else who knows your situation with specific details
 - Hospital records of treatment for injuries
 - Photographs
 - Death certificates
 - Police report, arrest warrant, conviction record, etc.
 - Political party or church membership card, payment receipt for membership dues, etc.
 - Other Proof
- **Country Conditions**
 - News articles
 - Human rights reports
 - Independent analysis (think tank reports)
 - Expert testimony
 - Other Proof

Additional Proof of Credibility/Truthfulness

- **Family history**
 - Marriage and birth certificates
 - Photographs
- **Education history**
 - Graduation certificate
 - Exam card
 - Report card (grades)
- **Work history**
 - Pay stubs
 - Letter from employer
 - Business license
- **Other Proof**



CALL LOG

Record of Efforts Taken to Obtain Documentary Evidence

If the judge is to believe that you are truly afraid to return to your country the judge will need to see that you did everything you could to stay in the U.S. – this means making your best effort to get evidence to support your case. If you do not have a piece of evidence the judge will want to know why. Please note that the judge does not expect people to put themselves in danger to get evidence.

Person Called	Day	Time	What I asked	How they responded

HOW TO PROTECT YOURSELF AGAINST FRAUD

WHO CAN HELP YOU WITH YOUR IMMIGRATION CASE?

Just two groups of people are able to provide legal advice and services in your immigration case: 1) lawyers/attorneys and 2) accredited representatives from religious organizations, charitable, social services, or non-profit organizations recognized by the Board of Immigration Appeals (BIA).

LAWYERS/ATTORNEYS



Although you are allowed to be represented by a lawyer, the court will not give you a lawyer for free. It can be very important to find a licensed and qualified lawyer who can help you understand your legal options. Remember that although it is very helpful to have a lawyer, you are not required to have one, and you should always go to your court hearings even without a lawyer representing you.

To find a lawyer please call the Asylum National Help Line at 612-746-4674 or refer to the Immigration Court's List of Pro Bono Legal Service Providers.

NO TO NOTARIES!



You should know that in the US notaries public and immigration consultants are neither allowed, nor licensed or qualified to assist in immigration matters. Notaries and immigration consultants are not lawyers. They can cause serious problems in immigration cases due to their lack of legal training. They will charge you money but are not allowed under the law to represent immigration cases, so they won't go to court with you. In the United States a notary public is a civil servant who is authorized by law to certify official documents, take depositions and oaths.

- **Before paying any money, educate yourself on who can help you with your immigration case.**
 - Don't trust people who claim to have a special relationship with the Department of United States Citizenship and Immigration Services (USCIS) or who guarantee results.
 - Be careful with anyone who works in the United States claiming to be a lawyer in a foreign country but who's not a lawyer licensed in the United States.
 - Ask to see their bar certificates / card issued by the state (lawyers) or the letter of accreditation from the BIA (accredited representatives) before accepting advice or legal services.
- **Follow Some Precautions**
 - Ask for and save a written contract that explains what legal services you will receive.
 - Don't make cash payments for professional immigration services. If possible, use a check or credit card instead, and ask for and save a receipt.
 - Avoid giving away your original documents (birth certificates, passport or others) to anyone who's helping you with your immigration case. Make them a copy!
 - Don't sign a blank form, application or petition, or a document that you don't understand.
 - Don't sign any form, application or document that contain false or incorrect information.



What to do if you've been victim of fraud?

Contact a non-profit law office, immigrant rights group, or another community organization that's trustworthy for advice on filing a state bar or EOIR complaint.

CERTIFICATE OF TRANSLATION

I, _____ (name of translator), am competent to translate
from _____ (language) into English, and certify that the translation of
_____ (names of documents) is true and
accurate to the best of my abilities.

(signature of translator)

(printed name of translator)

(address of translator)

(address of translator)

(telephone number of translator)

Pro Se

DETAINED

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
566 VETERAN'S DRIVE
PEARSALL, TX 78061**

In the Matter of:)
_____)
In removal proceedings.)
_____)

File No. A _____

Immigration Judge _____

Next Hearing: _____

**EVIDENCE IN SUPPORT OF RESPONDENT'S
APPLICATION FOR ASYLUM, WITHHOLDING OF REMOVAL, AND
PROTECTION UNDER THE CONVENTION AGAINST TORTURE**

CERTIFICATE OF SERVICE

On _____ (month and day), 2017, I, _____ (name),
served a copy of:

EVIDENCE IN SUPPORT OF RESPONDENT'S
APPLICATION FOR ASYLUM, WITHHOLDING OF REMOVAL, AND
PROTECTION UNDER THE CONVENTION AGAINST TORTURE

On the Office of the Chief Counsel, Immigration and Customs Enforcement, Department of
Homeland Security by the following method:

- Hand-delivery at 566 Veteran's Drive, Pearsall, TX 78061
- Mail to 566 Veteran's Drive, Pearsall, TX 78061
- E-mail to occ-sna-pearsall@ice.dhs.gov

Signature

Date