#### Representing Detained Clients in Asylum, Withholding of Removal, and Protection Under the Convention Against Torture

AILA NorCal Pro Bono Project: Mesa Verde Asylum Seekers August 27, 2015 San Francisco, CA Ilyce Shugall Eleni Wolfe-Roubatis





COMMUNITY LEGAL SERVICES IN EAST PALO ALTO

Centro Legal de la Raza -Community Legal Services in East Palo Alto - August 2015

#### Mesa Verde Pro Bono Project Details

- Partnership between AILA, CLSEPA and Centro Legal
- Centro and CLSEPALOP/Intake
- AILA case placement
- CGRS/ILRC mentorship and technical assistance

# Register with EOIR (if not already registered)

• Online at

http://www.justice.gov/eoir/engage/eRegistrati on.htm

- After receipt of email, bring photo ID to Immigration Court:
  - 100 Montgomery Street, 7<sup>th</sup> Floor,
  - Monday- Friday from 8:30-11:30 or 1:30-3:30
- You will receive another email with your EOIR ID

# File an E-28 for your pro bono case

- Form is online: <u>http://www.justice.gov/eoir/eoirforms/eoir28.pdf</u>
- Must include EOIR ID number
- Preferable to file E28 online through your e-registry account
- If filing in person, print on green paper, double-sided
- You can file the E-28 at the beginning of the hearing (though not ideal and best to file online in advance if possible)
- You must serve the Office of the Chief Counsel

# Agencies Involved

- Department of Homeland Security (DHS)
  - Immigration and Customs Enforcement (ICE)
    - Office of the Chief Counsel (OCC) = the trial attorneys
  - Citizenship and Immigration Services (USCIS)
    - Asylum Office (AO)
  - Customs and Border Patrol (CBP)
  - Jails that DHS contracts with for immigration detention
- Department of Justice (DOJ)
  - Executive Office for Immigration Review (EOIR)
    - Immigration Courts
    - Board of Immigration Appeals

### Immigration Detention

- Individuals who are apprehended at a port of entry – usually an airport or a land border- who express a fear to return to their home country are usually detained by DHS
- Detained in county jails that DHS contracts with or in a federal detention center
- Entitled to either a credible or reasonable fear interview with the Asylum Office

#### Credible Fear Interview

- For individuals who express a fear to return and do not have a prior order of removal (deportation)
- Standard:
  - If AO makes a positive credible fear determination, referred to immigration judge to then apply for asylum
  - If AO makes a negative determination, referred to IJ for review

#### Reasonable Fear Interview

- For individuals who have a prior removal order that is being used against them again (called reinstatement of removal)
- Standard:
  - If AO makes a positive determination, referred to IJ for withholding and CAT only proceedings
  - If AO makes a negative determination, can be referred to IJ for limited review

# **Custody Determinations**

- If an individual passes credible fear, she is eligible for release on parole, or in some cases on bond
- DHS makes an initial custody determination
   IJ <u>may</u> have review of that determination
- If the asylum seeker is released, the case passes to non-detained immigration court

# Working with Detained Clients

- Keep in mind that detained asylum seekers have likely experienced some significant persecution in their home countries, and detention is likely to cause some of the emotions surrounding those events to resurface.
- As a result, detained asylum seekers may need to be reminded about what is at stake and reassured that the suffering they are enduring while detained is worth the long-term benefit.
- Communicate clearly and honestly with the client about how long each step of the process will take.

#### Working with Detained Clients (cont.)

- Allot some time in each call or meeting to check in with the client on his/her personal situation.
- Encourage the client to engage in therapeutic behavior, like writing in a journal or meditating when ever he/she is feeling desperate.
- Most importantly: Be patient! You are likely your client's only connection to the outside world. Indulge a limited amount of non-case related conversation, but keep in mind that your communication time is limited.

#### **Common Detention Conditions Issues**

- Medical access and treatment
- Access to legal materials, law library
- Ability to make phone calls
- Concerns with food / dietary restrictions
- Discrimination
- Recreation
- Please contact Centro immediately with any condition issues raised by your client

#### Communicating with Clients Detained at Mesa Verde

- Detained court hearings are at 630 Sansome Street on the 4<sup>th</sup> Floor
- Attorney meetings with detained clients take place on the 6<sup>th</sup> Floor if they are in person
- If the client is appearing by Video Teleconferencing (VTC), attorneys can speak with clients the day of the hearing by video or phone on the 4<sup>th</sup> Floor
- Please see the instructions on the AILA NorCal website for how to arrange for confidential attorney calls with your client at Mesa Verde
- In person visitation at Mesa Vesa Detention Facility in Bakersfield, CA is also possible 7 days a week, and instructions for in person visits are also on the AILA NorCal webiste

#### Forms of Protection Based Relief

- Asylum
- Withholding
- Convention Against Torture

# Definition of a "Refugee"

- An individual is eligible for asylum or withholding if she meets the definition of a refugee. Immigration & Nationality Act (INA) § 208(b)(1)(A); INA § 241(b)(3)(A)
- A refugee is "any person who is outside any country of such person's nationality . . . and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion." INA § 101(a)(42)(A)
- Definition based on international law: UN Protocol Relating to the Status of Refugees, Art I(2)
- Statutory and regulatory standards: INA § 208; 8 CFR § 208

#### Legal Requirements for Asylum and Withholding of Removal

Applicant must show:

- Past "persecution" or well-founded fear (WWF) of "persecution"
- Perpetrated by the government or an entity the government is unable or unwilling to control
- On account of one or more of the following categories:
  - Race
  - Religion
  - Nationality
  - Political Opinion
  - Membership in a Particular Social Group

# Well Founded Fear (WWF)

- Standard for asylum is "reasonable possibility"
  - "one in ten" chance of persecution (*INS v. Cardoza-Fonseca*, 480 U.S. 421 at 431)
- Standard for withholding is more likely than not (50% plus one)
- For both must show:
  - Subjective fear applicant has genuine fear
  - Objective fear
    - Reasonable possibility she will be singled out individually for persecution, OR
    - There is a systematic pattern or practice of persecution against the group to which she belongs in her home country. (See, e.g., Knezevic v. Ashcroft, 367 F.3d 1206 (9th Cir. 2004))

# Two Ways to Establish WWF

- **1.** Past persecution: creates a legal presumption of future persecution.
  - DHS can only rebut with proof by a preponderance of the evidence of <u>changed circumstances</u> or reasonableness of safe <u>internal relocation</u>.
  - Relocation must be reasonable
  - Relocation is presumed to be unreasonable when the government is the persecutor

#### 2. Future fear

- See 8 CFR § 1208.13
- Advantageous to argue both when possible

# "Humanitarian Asylum"

- <u>For asylum applicants only</u>, if there is a no WWF, can may be eligible for "humanitarian asylum" if:
  - Finding of past persecution based on a protected ground AND
  - Past persecution was "severe and atrocious," OR
  - Reasonable possibility of "other serious harm"
    - "other serious harm" does not have to be on account of a protected ground

# Definition of "Persecution"

- Not defined by statute
- Ninth Circuit has generally characterized as "an extreme concept," marked by "the infliction of suffering or harm upon those who differ . . . in a way regarded as offensive"
- Must be serious to rise to level of persecution; not all discrimination and not all unjust, unlawful treatment will suffice, nor will general civil strife
- Cumulative measures, taken together, can constitute persecution
- Subjective intent to harm or punish not required for a finding of persecution

#### Persecution as a Child

- The level of harm a child must suffer to constitute persecution is less than that required of an adult.
- "Age can be a critical factor in the adjudication of asylum claims and may bear heavily on the question of whether an applicant was persecuted or whether she holds a well-founded fear of future persecution." *See Hernandez-Ortiz v. Gonzales*, 496 F.3d 1042, 1045 (9th Cir. 2007).
- An applicant's age at the time of the harm should be considered when determining past persecution even the applicant is now over 18 years old.
- Persecution of a child's family members may be relevant. *See Mendoza-Pablo v. Holder*, 667 F.3d 1308 (9th Cir. 2012) (considering harm to applicant as an in- utero child).

# **Examples of Persecution**

- Rape and other sexual assault
- Physical abuse (e.g., beatings)
- Detention (depending on length & circumstances)
- Repeated threats of death or violence
- Serious psychological harm
- Forced abortion or sterilization
- Female genital cutting (FGC/FGM)
- Deprivations of certain fundamental rights
- Severe economic deprivation
- Prosecution, under certain circumstances

## Definition of "Government Actor"

- Persecution suffered or feared must be inflicted by the government
  - police, soldiers, prosecutors, local officials, public employees (interpret broadly)

#### OR

- Entity the government can' t/won' t control
  - Gangs
  - People who perform FGM
  - Guerilla/rebel/paramilitary groups

## "On Account of" / Nexus

- Must establish nexus between the persecution suffered/feared and ...
- ...at least one of the five protected grounds
  - Race
  - Religion
  - Nationality
  - Political Opinion
  - Membership in a Particular Social Group

# Showing Nexus

- Harm may be committed on account of actual or imputed characteristic
- It is not enough that someone suffered persecution and has a political opinion or is a member of a social group – a "nexus" between the persecution and a protected ground must be shown. *See INS v. Elias-Zacarias*, 502 U.S. 478 (1992).
- Protected ground must be "at least one central reason" for the persecution, but the persecutor may still have mixed motives. *See Matter of J-B-N- & S-M-*, 24 I&N Dec. 208 (BIA 2007); *Parussimova v. Mukasey*, 555 F.3d 734 (9th Cir. 2009).

# Showing Nexus, Continued

• Can prove through:

•Direct evidence: Evidence of reason for persecution can come from explicit words and actions of persecutor.

•Circumstantial evidence: Can include evidence of country conditions including legal and social norms which reinforce the persecutor's belief that he can persecute without "interference or reprisal"

#### Protected Grounds

- 1. Race: Broad meaning
- 2. Nationality: Not just citizenship; can include ethnic or linguistic group. May overlap with race.
- 3. Religion: includes fervently held beliefs and those that persecutor believes are not sufficiently devout
- 4. Political Opinion
- 5. Membership in a Particular Social Group

# Political Opinion

- Defined broadly; "encompasses more than electoral politics or formal political ideology or action"
  - Can include beliefs about rights (e.g., women's rights, LGBT rights)
  - May be expressed through words or actions
  - A child may have a political opinion
  - Could be imputed such as child of political activist or an NGO worker in rebel-controlled area
  - Neutrality can be a political opinion, but must be result of affirmative decision to remain neutral, not mere apathy
  - Applicant must show an actual or imputed political opinion, and must show that the past or feared persecution is because of that political opinion. *See INS v. Elias-Zacarias*, 502 US 478 (1992)

# Membership in a Particular Social Group (PSG)

(1) Immutable or fundamental characteristic

Matter of Acosta, 19 I&N Dec. 211 (BIA 1985)

(2) Socially distinct (previously referred to as "social visibility")

- Perceived as a group by society
- Treated distinctly

*Matter of W-G-R-*, 26 I&N Dec. 208 (BIA 2014); *Matter of M-E-V-G-*, 26 I&N Dec. 227 (BIA 2014); *Matter of C-A-*, 23 I&N Dec. 951 (BIA 2006).

- (3) Particular
- Terms commonly understood/accepted in society; discrete and definable boundaries

Matter of W-G-R-, supra; Matter of M-E-V-G-, supra; Matter of S-E-G-, 24 I&N Dec. 579 (BIA 2008).

See also Henriquez-Rivas v. Holder, 707 F.3d 1081 (9th Cir. 2013) (en banc).

# Examples of PSGs

- Honduran gay male
- Family or clan membership
- Former government employees
- Certain categories of children
- Certain gender-defined groups; for example:
  - Mexican women in a domestic relationship who are unable to leave
  - Guatemalan women or children who are viewed as property by virtue of their positions within a domestic relationship

# Summary of Bars to Protection Based

#### Relief

Ground	Bars Asylum?	Bars Withholding/ Withholding under CAT?	Bars Deferral under CAT?
Persecutor Bar (INA § 208(b)(2)(A)(i))	Yes	Yes	No
Particularly Serious Crime Bar (INA § 208(b)(2)(A)(ii))	Yes	Yes (but definition of a PSC for withholding differs from the definition for asylum)	No
Conviction of an Aggravated Felony as Defined in INA § 101(a)(43)	Yes (constitutes particularly serious crime)	Yes, if the aggregate term of imprisonment sentenced was at least five years (constitutes a particularly serious crime) OR if additional factors are present can be a PSC notwithstanding a sentence of under five years	No
Serious Non-Political Crime Outside the U.S. Bar (INA § 208(b)(2)(A)(iii))	Yes	Yes	No
"Danger to the Security of the United States" Bar (INA § 208(b)(2)(A)(iv))	Yes	Yes	No
Terrorism Bar (INA § 208(b)(2)(A)(v))	Yes	Yes	No
One-Year Filing Deadline (INA § 208(a)(2)(B))	Yes	No	No

# One-Year Filing Deadline

- Government must RECEIVE asylum application within one year of most recent arrival to the United States. INA § 208(a)(2)(B); 8 C.F.R. § 208.4 (a)
- Limited Exceptions for filing after a year are at INA § 208(a)(2)(D); 8 C.F.R. § 208.4(a)
  - Changed circumstances
  - Extraordinary circumstances (e.g. mental or physical illness, incapacity, lawful status, unaccompanied minor)
- Must still file within a time that is "reasonable" under the circumstances

# "Changed Circumstance" Exception to the One Year Bar

- 8 C.F.R.§208.4(a)(4)
- Changed circumstances include:
  - changes in applicant's country of nationality or, if the applicant is stateless, his country of last habitual residence;
  - changes in applicant's circumstances that materially affect eligibility, including changes in U.S. law;
  - applicant had previously been a dependent included in a family member's pending application, and qualifying relationship comes to an end.
- The increase in risk of persecution is a changed circumstance, even when there was previously a risk of persecution. *Vahora v. Holder*, 641 F.3d 1038 (9th Cir. 2011)

# "Extraordinary Circumstances" Exception to One Year Bar

- 8 C.F.R.§208.4(a)(5)
- Extraordinary circumstances include:
  - serious illness or mental or physical disability;
    - Involvement of mental health expert is VERY important in cases where PTSD or other mental health issues may warrant application of an exception to the one year bar.
  - legal disability (e.g., unaccompanied minor, suffered from mental impairment);
  - ineffective assistance of counsel;
  - individual maintained TPS, lawful immigrant or nonimmigrant status, or parole;
  - death or serious illness or incapacity of applicant's legal representative or member of applicant's immediate family.

#### Firm Resettlement Bar to Protection

- Firm resettlement
  - 8 CFR 208.15
  - *Matter of A-G-G-*, 25 I.&N. Dec. 486 (BIA 2011)
- May be removed to a safe third country, where asylum or temporary protection can be sought, pursuant to a bilateral or multilateral agreement
  - U.S. & Canada have negotiated such an agreement; bar will apply once final implementing regulations are instituted

#### Effect of Prior Removal Order

- A prior removal order will likely be reinstated and the government will take the position that applicant is not eligible to apply for asylum and is limited to withholding and CAT only
- Cutting edge and developing arguments that asylum should still be an option
- Please discuss this issue with your mentor agency if applicable in your case as likely this is an issue that will require appellate litigation

### Discretion

- ONLY applicable in asylum cases
- Applicant who is statutorily eligible for asylum may still be denied in the exercise of discretion, which involves a balancing of positive and negative factors.
  - Humanitarian factors, such as age, health, and family, should be considered.
  - "Danger of persecution should outweigh all but the most egregious adverse factors."
  - Matter of Pula, 19 I.&N. Dec. 467 (BIA 1987)

## Withholding of Removal

- INA § 241(b)(3)(A)
- Automatically apply for withholding when file asylum application
- Most common when denied asylum due to one-year bar, discretion, criminal bars, or reentry after removal/departure under prior order
- Same statutory definition as asylum so same analysis as to protected category, nexus and WFF
- Heightened burden of proof: "more likely than not" (>50%)
- Non-discretionary, but no pathway to residency and no derivative benefits for spouse, children

# Convention Against Torture (CAT)

- Apply by checking box on top of first page of asylum application.
- Two forms of CAT relief BE SURE TO REQUEST BOTH
  - 8 C.F.R. § 1208.16(c) withholding of removal under CAT: SAME BARS AS WITHHOLDING
  - 8 C.F.R. § 1208.17(a) deferral of removal under CAT: NO BARS TO RELIEF
- Differences from asylum and withholding
  - Requires torture rather than persecution
  - No nexus requirement
  - Does require government involvement but that can include acquiescence
- Burden of proof: More likely than not" (>50%)
- Non-discretionary, but no pathway to residency and no derivative benefits
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### Requirements for CAT

• Applicant must establish that if removed to the proposed country of removal "he is more likely than not to suffer intentionally-inflicted cruel and inhuman treatment that either (1) is not lawfully sanctioned by that country or (2) is lawfully sanctioned by that country, but defeats the object and purpose of CAT"

### Definition of "Torture" for CAT

- "Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or a third person information of a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, where such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."
- Acquiescence" "includes awareness and willful blindness and does not require actual knowledge or willful acceptance." *Zheng v. Ashcroft*, 332 F.3d 1186, 1197 (9th Cir. 2003)

## Key Cases for CAT

- Respondent's past torture, along with evidence of the ongoing violence can indicate that it is more likely than not that applicant will be tortured if returned to Honduras. *See Mohammad v. Gonzales*, 400 F.3d 785, 802 (9th Cir. 2005)
- "[I]t will rarely be safe to remove a potential torture victim on the assumption that torture will be averted simply by relocating him to another part of the country." *Perez-Ramirez v. Holder*, 648 F.3d 953, 958 (9th Cir. 2011)

### REAL ID Act of 2005 and Credibility

•Considering the totality of the circumstances, and all relevant factors, a trier of fact may base an adverse 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.

•8 U.S.C. §§ 1158(b)(1)(B)(iii) (asylum); 1231(b)(3)(C) (withholding of removal); 1229a(c)(4)(C) (other relief from removal)

•Applies to applications filed on or after May 11, 2005.

## Credibility

- Most important part of any protection based case
- Can be based on demeanor, candor, inherent plausibility, consistency of statements (made any time/any circumstance)
- The adjudicator's credibility determination will be based primarily on the client's affidavit and testimony so careful preparation of the affidavit is vital.

# Factors Impacting Credibility

- Psychological: effect of trauma on memory and affect
- Sensitivity regarding the form and nature of persecution (including gender issues)
- Circumstances of airport interviews
- Cultural: the concept of "cross-cultural misunderstandings"
- Fear upon arrival
- Translation or interpretation problems
- Childhood

### Real ID Act of 2005 and Corroboration

- 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.
- However, 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.
- •8 U.S.C. § § 1158(b)(1)(B)(ii), 1231(b)(3)(C), and 1229a(c)(4)(B); Matter of S-M-J, 21 I.&N. Dec. 722 (BIA 1997).

### Corroborating Evidence

Country Conditions	Client-Specific	Past Persecution	Future Persecution
State Dept Human	Facts: dates, times,	Forensic Medical	Evidence of past
Rights Reports	flights, date of	Evaluation	incidents that may not rise to
	entry, identity		persecution
	documents		-
Amnesty Intl &	Physical Evidence:	Mental Health	Affidavits from
Human Rights Watch	pictures, police	Evaluation	similarly situated
	reports, receipts		individuals who have
			suffered harm
UNHCR Refworld	Witness Affidavits	Medical Reports	Expert Affidavits
www.unhcr.org/refwor			
<u>ld</u>			
Domestic and Foreign	Google Earth, Hand	Pictures	Country Conditions
News Sources	Drawn Maps		
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# The Application: What to File When

#### Master Calendar:

- Appearance form: E-28
- □ Application for Asylum (I-589)
- □ No filing fee

#### Prior to the merits hearing, file:

- Brief
- □ Client affidavit/declaration
- □ Annotated Index
  - Including Identity Documents
    - Country Conditions Evidence,
  - Expert Affidavits (possibly) and other corroboration

\*Anytime you file anything with the Court, you must serve a copy on DHS and keep a copy for you client file.

# The Application: "Defensive"

- Applicant is "respondent" in immigration court
  - Referred by Asylum Office
  - Detained at or near border
  - Otherwise issued Notice to Appear
- Master calendar hearings followed by individual merits hearing
- Procedural differences between Asylum Office and Immigration Court
  - Adversarial proceeding
  - Application filed in court (may need to advance calendar to meet filing deadline)
  - Interpreter provided, but only for questioning of applicant/respondent
  - Consult Immigration Court Practice Manual
- Review by BIA and Court of Appeals will be confined to record before the Immigration Judge

# The Legal Brief

- Length
  - Legal Brief < 30 pages (ideally)
- Follow the elements
- Case law:
  - Supreme Court
  - Federal Circuit Court of Appeals
    - Rapidly evolving and active area of law
  - Board of Immigration Appeals (BIA) precedent decisions
- Preserve all arguments and claims to relief
- Consult the Immigration Court and BIA Practice Manuals for citations: www.usdoj.gov/eoir

# Filing Details

- Follow the Immigration Court Practice Manual
- If filing requirements are not met (tabs, pagination, two-hold punch, certificate of service, etc.), the Court may reject your filing
- Be sure to annotate your index and highlight important information in country condition reports

### Detained Protection Court Cases Approximate Timeline

- Initial Master Calendar Hearing:
  - For individuals who come into contact with immigration and are seeking protection, their initial master calendar hearing should occur within 2 weeks of their passing their credible or reasonable fear interview
- Master Calendar to Merits: After a final master calendar hearing (where I-589 is filed), a merits hearing usually takes place 1 to 5 months later.
- **Decision:** The judges try to decide the case on the day of the hearing. If not, they usually decide within a few weeks.
- **Appeal:** If the case is appealed, the BIA usually decides detained cases in about 4 months after the appeal notice is filed

### Master Calendar Hearings

- What it is: a status hearing
- File appearance form (E-28). No other documents are due.
- If your client has not yet filed for asylum, prepare a skeletal application for the master calendar hearing, but do not file the full declaration or supporting documents
- Hearing procedures:
  - Arrive Early!
  - Admit/deny charges
  - Concede or deny removability
  - Decline to designate country for removal
  - Relief sought (asylum, withholding, CAT)
  - Request interpreter, with specific dialect
  - Receive instructions and, possibly, pre-trial order

### Before the Merits Hearing

- 15-day filing deadline for non-detained cases / for detained cases, at the master calendar hearing ask the immigration judge for permission to file 10 days or 1 week before the merits
- Other filing requirements
  - See Immigration Court Practice Manual
- Contact DHS Trial Attorney (TA)
- Fingerprints are taken by DHS for detained cases confirm that completed when you speak with TA

## Merits Hearing Evidence

- Written
  - The Trial Brief
  - Supporting Documents
  - Declarations by applicant, other witnesses and experts
- Oral Testimony
  - Applicant
  - Fact witnesses, especially to corroborate identity
  - Experts

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## **Direct Examination Preparation**

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

### Preparing Client for Cross Examination

- Anticipate questions
- Prepare client for leading questions
- Empower client to request clarification
- Remember cultural obstacles
- Expect questions from judge
- Remind client to maintain demeanor
- Practice different ways to ask the same information to practice consistency

### After Decision

- Let AILA know the outcome
- If asylum grant, certain benefits and rights require immediate action by the asylee
- If denial by the Immigration Court, always reserve appeal and contact AILA to discuss appeal options
- If grant of any form of relief, prepare and file employment authorization application once client is released

### What Will Centro, CLSEPA and AILA Help With?

- Screen client cases
- Provide a comprehensive, detailed training on the specific steps and procedures required
- Provide model case material samples
- Connect you to CGRS and ILRC to discuss strategy or case development issues and to provide guidance and mentorship throughout the application, submission, interview and court process

Thank you and please contact us for questions or to take on cases!

• AILA NorCal

- Peer to Peer listserve being created

- ILRC and CGRS contact info
  - ILRC: <u>http://www.ilrc.org/legal-assistance</u>
    CGRS