

I'm Afraid to Go Back

A Guide to Asylum, Withholding of Removal, and The Convention Against Torture



The Florence Immigrant & Refugee Rights Project is a nonprofit legal services organization that works with adults and children in immigration custody in Arizona. The staff of the Florence Project prepared and updated this guide for immigrant detainees who represent themselves in their removal proceedings. To see our guides, go to: www.firrp.org.

This guide is not intended to provide legal advice. It is not a substitute for legal counsel.

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Important Words to Know

Immigration law has many technical words. Here is a list of some words you will see in this guide and a short explanation of what they mean.

- **Deportation:** ICE has put you in *deportation proceedings*, which are also called *removal proceedings*. If the judge orders you deported or “removed” from the United States, officials will send you back to the country where you are a citizen. You will not be able to legally return to the U.S. for at least 10 years.



- **Florence Project:** A group of lawyers and legal assistants who provide free legal help to people who do not have lawyers. The Florence Project wrote this guide to help you understand your case.



- **Government Attorney:** The lawyer who represents ICE when you go to your court hearings. This lawyer sits at the table next to you and also talks to the judge. Government attorneys should see that justice is done. Usually they ask the judge to order to deport you.



- **Immigration and Customs Enforcement (ICE):** The agency that has put you in deportation proceedings and detained you. ICE is part of the Department of Homeland Security, or *DHS*.



- **Immigration Judge (*judge*):** The person who will decide your case. Judges hold hearings in the courtroom and wear black robes. They should look at the facts of your case and apply the law fairly. Judges do not work for ICE.



Who Should Read this Guide?

If you are afraid to return to your home country because your government may harm you, the United States has created laws to help. But different rules apply to different types of cases. Read this guide from the Florence Project to learn the basics about these laws and how you might be able to use them to stop your deportation.

The guide will tell you about how to apply and what kind of evidence you need to build a strong case. Generally, people can apply to stay in the United States through laws for:

- *Asylum*,
- *Withholding of Removal*, or
- *Withholding or Deferral of Removal Under the Convention Against Torture* (or *CAT* for short).

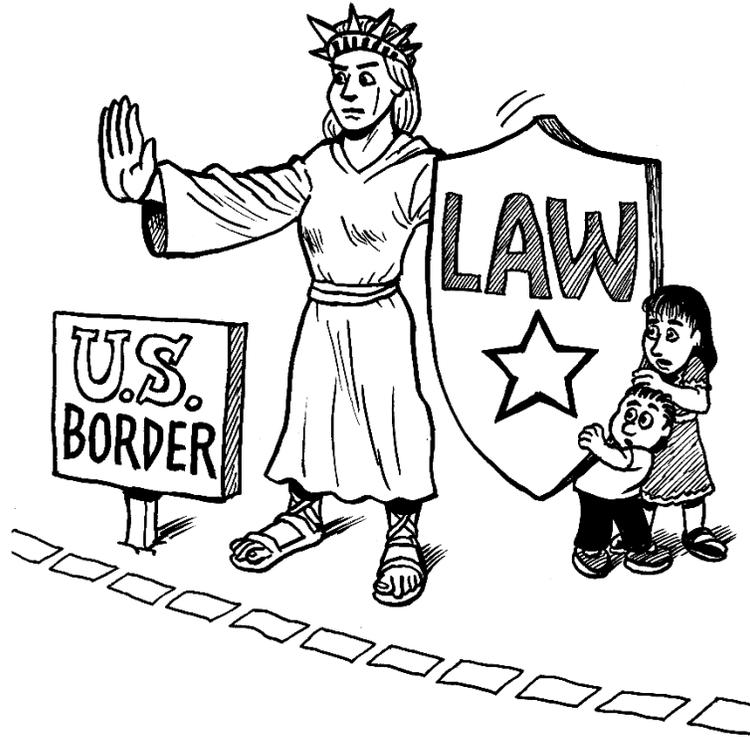
You would use the same form to apply under any of these laws. You may file the for if you are physically present in the United States, and you are not a U.S. citizen

What Is *Asylum*?

Asylum is a way to stop your deportation and become a refugee. You must apply for asylum within 1 year after you enter the United States.

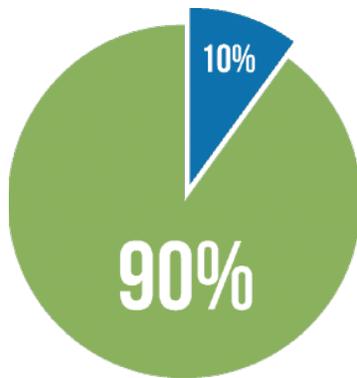
If you win asylum, you will also have the chance to eventually become a permanent resident in the U.S. If you include your spouse or children on your application, they may also be able to become refugees and permanent residents through you.

But not everyone can apply for asylum. For example, if you have been deported, you will not be able to apply.



Can You Apply for Asylum?

To win an asylum case, **you must show that there is at least a 10% chance that the government in your home country will harm you.**



Look at the chart. The blue section represents the chance of harm that is required to show for asylum cases — 10%. In other words, you must show that there is serious chance that you will be harmed, but you do not need to show that it will surely happen.

You must apply for asylum within 1 year after you enter the United States. If more than 1 year has passed since you entered, you can try to show that you could not apply, for example, if you were sick or the circumstances in your home country have changed recently.

To win your case, you must be able to show that:

■ **You would face or have faced serious harm in your home country.** The legal term for that harm is *persecution*. *Serious harm* means you have been beaten, kidnapped, or threatened, or your family members were beaten, kidnapped, threatened, or killed. You must prove that harm.

■ **The government itself or someone who the government cannot control will harm you.** The *government* is the police, the army, or any official who will harm you as part of the job. You could also show that the government cannot or will not protect you from the people harming you. For example, you might be able to show that you reported the harm to the police and they did nothing to help you.



■ **People are harming you because of your race, religion, nationality, political opinion, or membership in a “particular social group.”** For example, it is not enough that a police officer hit you. You must show that the officer did it because of your race, religion, nationality, political opinion, or membership in a “particular social group.”

What is a *particular social group*? It is a group that is recognized in your home community. The members must have things in common that they cannot change. Some examples of particular social groups are: *gay Mexican men, young Albanian women who live alone; witnesses who testify against gang members, people with HIV or AIDS, former military officers, or Lari ethnic group of Kongo tribe in the Republic of Congo.*

This area of the law is very complicated. **You should try to talk to a lawyer from the Florence Project about any “particular social groups” you may want to use in your case.**

Because of recent changes in law, many judges may be reluctant to find that simply being a member in a family means that you are in a particular social group, but you can still argue this. But it would be better to suggest that you are a member of several different particular social groups in addition to being in a family member group. You should prove why your family is distinct or well-known in your community.

Judges may also be reluctant to grant asylum or withholding if you claim that people who do not work for your country’s government, such as gang members, persecuted you in the past or you fear that they will persecute you in the future. Instead, focus on why the gang members targeted you — what social group you are part of that made the gang members single you out.

- **You would not be able to move to another part of your home country where you would be safe.** The judge will ask if you could move to avoid the people who want to harm you. When you prepare your case, think about reasons you could not move, including the cost, where your family is living, and where you could get a job.
- **You have not been deported in the past.** If you have been deported, you cannot apply for asylum. (Remember, voluntary departures not deportations.)
- **You have not committed an aggravated felony.** Certain criminal convictions can complicate your application for asylum or make it impossible for you to apply.
- **You are not subject to other bars.** Asylum law is very complicated and can change quickly. If you have a fear of return to your country of origin, make sure to talk to the Florence Project or another immigration attorney. Make sure to tell the judge that you are afraid of return and ask if you can apply for asylum.

What Is *Withholding of Removal*?

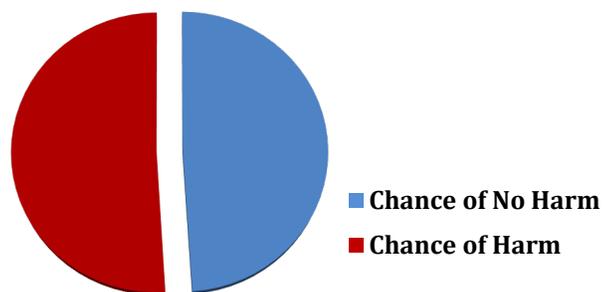
Withholding of Removal is similar to asylum. To apply, you must list the reasons above, but the requirements are somewhat different.

For *Withholding of Removal*, you must still show the judge that you are at risk of serious harm if you go back to your home country. But the BIG difference is that the risk of harm that you must show is much higher than it is for asylum.

You must show that it is **more likely than not** that you will be harmed in your home country. **That means that there is at least a 51% chance that the government will harm you.**

Look at the chart. The red area represents the risk of harm you must show the judge. The red area here is much bigger than it is for an asylum application — 51%. That means that you must show the judge that you will probably be harmed in your home country.

To win *Withholding of Removal*, you must show a great risk that you will be harmed



To win your case for Withholding of Removal, you must be able to show that:

- **There is a great risk that the government in your home country will harm you.**

Remember, for Withholding of Removal, that risk must be “more likely than not,” or a 51% chance.

- **The harm you would face or have faced in your home country is very serious.** That harm is called *persecution*. *Serious harm* means that you will be beaten, put in jail, kidnapped, threatened, or killed, or that you have family members who were harmed that way. You must prove that harm.



- **The government is harming you because of your race, religion, nationality, political opinion, or membership in a “particular social group.”** Again, for example, it is not enough to say that a police officer hit you. You must show that the police officer hit you because of your *race, religion, nationality, political opinion, or membership in a “particular social group.”*

How Are Asylum and Withholding of Removal Different?

Asylum and Withholding of Removal are different in several important ways:

- Through Withholding of Removal, **you cannot get permanent residency.** That means you cannot get a green card. Winning a case for Withholding of Removal only means that the U.S. government will not send you back to your home country. But if another country is willing to accept you, Immigration and Customs Enforcement (ICE) may try to send you there instead.
- For Withholding of Removal, **your application is only for you. You cannot apply for your family.** If you win your case, you win only for yourself. Your family members must apply for themselves.
- **Even if more than 1 year has passed since you entered the United States, you can apply for Withholding of Removal.** This is different from asylum. With an asylum claim you must apply within 1 year after you enter the U.S.
- **If you have a previous deportation order you can still apply for Withholding of Removal.**
- **If you have a criminal history you MAY be able to apply for Withholding of Removal.** But usually you cannot apply if you have been convicted for a really serious crime.

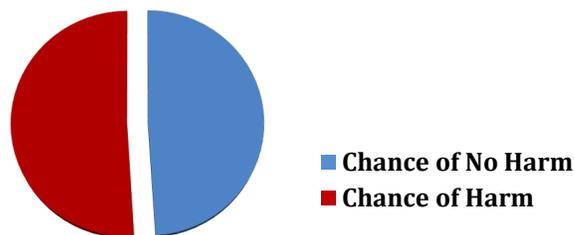
What Is the *Convention Against Torture*, or *CAT*?

The *Protection Under the Convention Against Torture* is for extremely serious cases. To win a *Convention Against Torture* or *CAT* case, you must show that it **is more likely than not that the government will torture or kill you in your home country.**

In some ways, a *CAT* case is similar to Asylum and Withholding of Removal:

- **You must show that the government will torture or kill you or that the government will ignore it if someone else tries to torture or kill you.** You must show that the person who will harm you is a government official — someone who is in the police, in the army, or working as an official. You can also show that the government will ignore it if people want to hurt you.
- Like Withholding of Removal, **you will have to show a 51% chance that you will be tortured**, or that it is “more likely than not” to happen.

To win a *Convention Against Torture* case, you must show a great risk that you will be harmed



- **Criminal convictions can affect whether you can apply for *CAT*.** If you have very serious criminal history, you will only be able to apply for one part of the *CAT* called *deferral of removal*.

How Is the Convention Against Torture Different from the Other Two?

A CAT case is different from Asylum and Withholding of Removal in some ways:

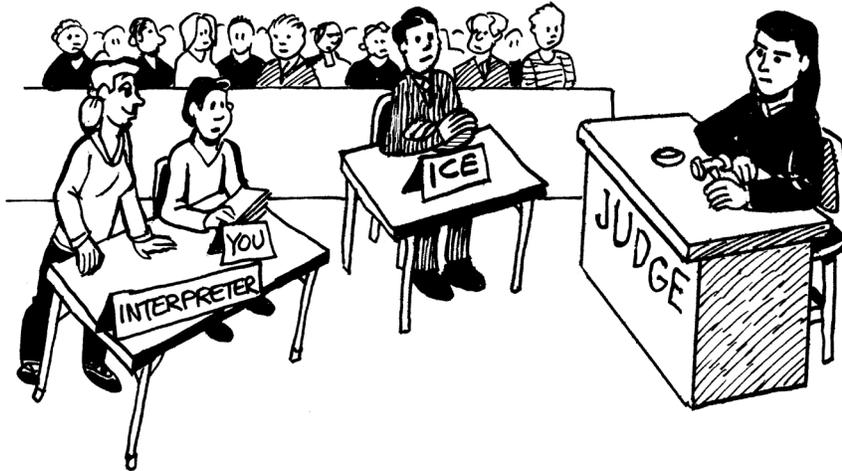
- **You must show that you will be tortured, not just harmed.** *Torture* means that someone uses horrible mental or physical pain to punish you or to force you to do something.
- Winning a CAT case only means that **the U.S. government will not send you back to your home country. But if another country is willing to accept you, ICE may try to send you there instead.** Also, if you are given *Deferral of Removal* under CAT and conditions in your country change, ICE may try to deport you later.
- **You must show that you will be tortured by a government official, but not why that person will torture you.** You do not need to show that you will be tortured because of your race, religion, nationality, political opinion, or particular social group.

How Can You Apply for Asylum or Withholding of Removal?

Learn about your first court hearings

First, learn the basics about immigration court so that you know who will be in court and what will happen in your first hearings.

- **The judge will be at the front of the room and will ask you questions.** The judge will decide your case, so it is important to be respectful, polite, and prepared.
- **A lawyer representing ICE will be there.** This lawyer is the government attorney who represents ICE. The government attorney is usually trying to get you deported.
- **Do not worry if you do not speak English. An interpreter will be there in person or on the phone.** Just make sure you speak up. Tell the judge that you do not speak or understand English well and need an interpreter.



When you go to court, the judge will ask you if you want time to get a lawyer. Remember that immigration law about asylum and withholding of removal is complex. You have a right to have your own lawyer at an asylum interview and during immigration proceedings. **But there are no public defenders and almost NO FREE LAWYERS in immigration court.** So, the judge is really asking if you want to hire an attorney that you pay for yourself. If you need or would like help, talk to someone at the Florence Project.

Next, the judge will look at your file and ask you if you want to admit or deny the charges against you. That means that the judge wants to know if you want to force the government attorney to prove the charges against you.

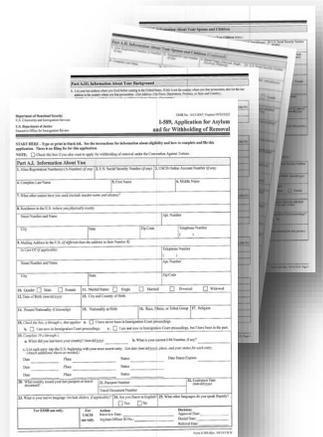
If the government attorney says that you should be deported because of your criminal convictions, asking the attorney to prove the charges against you can be an important step. If you have certain types of criminal convictions, even for minor crimes, you may not be able to apply to Asylum, Withholding of Removal, and CAT.

To learn more about denying the charges against you, read the Florence Project’s guide on that topic. Go to <https://firrp.org/resources/prose/>

The judge will figure out if you can apply for Asylum, Withholding of Removal, or CAT

If the judge decides that at least one of the charges against you are correct, the judge will then ask you if you are afraid to return to your country. **It is very important to tell the judge that you are afraid of returning to your country of origin.** If you do not say that, you may not be able to apply for Asylum, Withholding of Removal, or CAT.

The judge will ask questions to make sure you meet the requirements to apply for Asylum, Withholding of Removal, and CAT. If the judge agrees that you may apply, the judge will give you a copy of the form called *I-589, Application for Asylum and for Withholding of Removal*.



You will use the same form to apply for Asylum, Withholding of Removal, or Withholding of Removal Under the Convention Against Torture. You may file this application if you are physically present in the United States, and you are not a U.S. citizen.

Remember, just because the judge says that you may apply, that does not mean that you have won your case! It means that the judge thinks that you have met the basic requirements. You have a chance to show the judge that you would be harmed if you went back to your country of origin.

You will fill out and turn in the application

Before your final hearing, you will return to court for one more master calendar hearing. You will give the court your application for Asylum, Withholding of Removal, and Convention Against Torture.

It is important that you fill out the application completely so that the judge can accept it and schedule a final hearing.

At the final hearing, you will present all of your proof.



How Can You Build Your Case?

Building your case for Asylum, Withholding of Removal, and CAT takes time and good planning. You should start thinking and gathering evidence as soon as possible. This section will help gather your information and organize your materials.

Explain Your Reasons

First, fill out this worksheet to help prepare your application and declaration. Try to fill it out as best you can.

To help yourself prepare to explain your case, answer these questions.

The Reasons You Are Seeking Asylum, Withholding, or Convention Against Torture:

Why did you leave your home country?

Who are you afraid of?

Why are you afraid of them? Why do they want to harm you or others like you?

What do you think they will do to you if you return?

How do you think they will know that you are back?

Who else are they threatening and mistreating now? Are they people like you (For example, are they the same race, religion, nationality?)

How do you know this?

Your Experiences in the Past

The most effective way to explain your story to the judge is to give examples of what has happened to you. Think about specific experiences that you have had that are related to your claim. For example, name specific times that you were attacked or threatened by a particular person or group of people.

If you have had many experiences of persecution, think of the worst ones, or the times that you most want the judge to know about.

Now, ask yourself the following questions about your previous experiences to help you answer the judge's questions with detailed information.

Experience 1

When did it happen?

Where?

What happened?

Who did it to you? (For example, was it the government? Police? Rebels? Religious groups?)

How can you identify them?

Why did they threaten or mistreat you?

What did they say when they threatened or mistreated you?

How do you know they specifically targeted you?

For which reason did they target you?

Check all that apply.

- Race
- Religion
- Nationality
- Social group

Political opinion

How do you know?

If they threatened or mistreated anyone else, who was it?

Experience 2

When did it happen?

Where?

What happened?

Who did it to you? (For example, was it the government? Police? Rebels? Religious groups?

How can you identify them?

Why did they threaten or mistreat you?

What did they say when they threatened or mistreated you?

How do you know they specifically targeted you?

For which reason did they target you?
Check all that apply.

- Race
- Religion
- Nationality
- Social group
- Political opinion

How do you know?

If they threatened or mistreated anyone else, who was it?

Experience 3

When did it happen?

Where?

What happened?

Who did it to you? (For example, was it the government? Police? Rebels? Religious groups?

How can you identify them?

Why did they threaten or mistreat you?

What did they say when they threatened or mistreated you?

How do you know they specifically targeted you?

For which reason did they target you?

Check all that apply.

- Race
- Religion
- Nationality
- Social group
- Political opinion

How do you know?

If they threatened or mistreated anyone else, who was it?

Then Begin to Put Your Declaration Together

Many people who apply for asylum decide to submit a written story about what happened to them, called a *declaration*. It is your story in writing that tells the judge why you are afraid to return to your country.

It can be very helpful if, for example, you are very nervous when you go to court and have problems remembering what you want to tell the judge. Sometimes in court the judge might interrupt you as you talk or you might feel as if you do not have the chance to explain everything. The written declaration is your chance to say everything without being interrupted.

In your declaration, you should tell your entire story of what happened and why you fear returning.

Remember, though, that if you submit a declaration to the judge, the judge will still ask you to testify and will compare your testimony with your declaration. He could think that big differences between your declaration and your testimony suggest that you cannot be believed and could deny your case for that reason.

Talk to the Florence Project about whether or not to submit a declaration in your case. Even if you do not submit it, preparing a declaration is a helpful tool to organize what you want to tell the judge about why you should win your case.

What should your declaration look like?

- You can handwrite or print your declaration or you can type it. It must be long enough to hold all the important information about your case.
- If you use blank sheets of paper, put your name, A-number, the date, and your signature on each page. Also, write *Declaration* at the top.

What should be in your declaration?

- **The truth.** The most important thing to put in your declaration is the truth. If you lie in the declaration, the judge will likely find out and will reject your application. If you cannot remember a detail, use phrases like, “to the best of my memory,” or “it happened around....”
- **The reasons you should win your case.** Your job is to make the judge understand why you are afraid of returning to your home country and

why your application for Asylum, Withholding of Removal, and CAT should be approved.

- **Think about the requirements for each type of case** before you start writing your declaration. Remember, you can always use the worksheet, *The Reasons You Are Seeking Asylum, Withholding, or Convention Against Torture* to organize your thoughts.
- **Include as much detail as possible.** The judge needs to understand what you fear will happen to you. Try to use descriptive words in your declaration. Remember, the judge does not know anything about you and probably has never been to your country. When you describe an important event in your life — for example, when you discuss a time when you were threatened, detained, tortured or hurt or that someone made you feel afraid — you want to make the judge feel, see, smell, and hear what you saw, smelled, and heard.

What Proof Should You Gather?

Start gathering your proof to show the judge that what you are saying in your application and declaration is true. Each person has a different case, so the evidence you will collect depends on your own case.



Many documents will take time for your family to find and to mail to you. We know it is not easy to gather all of them while you are detained. Ask a trusted family member or friend to help you gather these documents. Make sure that this person mails you **copies of these documents, not originals.**

The type of evidence that you will gather depends on your case.

Remember, all the documents you submit must be in English. If you receive documents in another language, you can translate them. Just put your translation in with the original letter and attach a signed copy of the *Certificate of Translation* follows.

Below are some ideas of the types of proof you can gather. Remember, these are examples. You do not need to gather all of them to win your case.

Evidence Checklist

- Letters from people who can support your claim** of why you are afraid to return to your country. Did someone see people threaten you or beat you? If so, a letter from that person will help you prove it.

- Police reports** (if you reported an incident to the police)

- Medical records** (if you were injured and treated at a hospital or clinic)

- Birth or death certificates** (if somebody in your family was killed by the people you are afraid of)

- Photographs that help prove your story** (for example, pictures of you with people who have been killed, or pictures of you participating in groups or activities that put you in danger). Remember that you will need to be able to prove who the people in the pictures are.

- Newspaper articles about the issue** that makes you afraid to return to your country, or about things that have happened to people you know

- Reports from national and international human rights organizations** (such as Human Rights Watch or Amnesty International)

Organize your documents

Once you have all your documents together, organize them.

Make a list of everything you have and then put that list on top.

To the last page of all your evidence, attach a signed and dated copy of the *Certificate of Service* (found below).



Then make 2 copies of all your evidence. The original will go to the judge, a copy will go to the government attorney. Keep a copy for yourself.

If you want to send the documents to the court before your final date, put a cover sheet with your name and A-number on top. Then put the packets in envelopes. On one write, "To the Immigration Judge." On the other, write, "To ICE Litigation."

Ask detention staff to make sure they are delivered or put them in the detention center's mailboxes that are delivered to the court and to ICE.

Use the following certificate if you will give the documents to the ICE attorney and the judge in court.

Certificate of Service: Delivered in Person

I, _____
(Write your name)

certify that I hand-delivered a copy of this document to a representative of ICE Litigation on the date below.

Signed:	→	
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Date:	/	/	
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Day / Month / Year

Use the following certificate if you will mail the documents to the government attorney and judge before the hearing.

Certificate of Service: Delivered by Mail

I, _____

(Write your name)

certify that on the date below I placed a copy of this document in the mail to ICE Litigation at:

(Write the address for the ICE office at the detention center where you are staying)

Signed:	→
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Date:	/ /
-------	-----

Day / Month / Year

Use the following certificate if you someone translates your documents.

Certificate of Translation

I, _____

(Write your name)

certify that I am competent to translate this document from its original language into English and that the translation is true and accurate to the best of my abilities.

Signed by translator:	→
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Date:	/ /
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Day / Month / Year

How to Fill Out Your Application?

The judge can give you a copy of the application or you can ask the Florence Project for a copy.

You may also get the form at <https://www.uscis.gov/i-589>.

Before you begin:

- **You must use a black pen or typewriter to fill out the form.** Do not use a pencil.



- **Your answers must be in English.** They will not accept your form if you answer in another language.

- **Answer all of the questions. If you do not know how to answer a question, do not worry.** Write down as much as you know. If you do not know an answer, write, *unknown* or that you may have missing or incorrect information. If a question does not apply to you, just write *None* or *N/A* for *Not Applicable*.

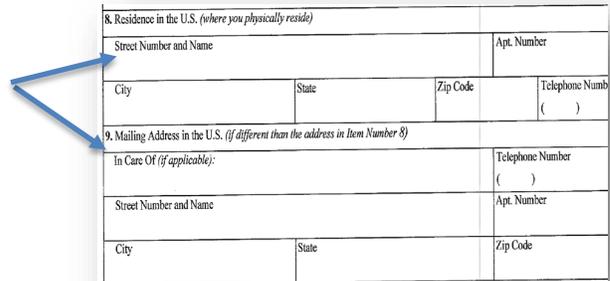
- **If you do not have enough room to answer completely, just continue your answer on another piece of paper.** Attach any written statements and documents that support your claim. Your written statements should include events, dates, and details. Be sure to attach those papers to your form.

The application has a separate document of instructions but the tips below will give you some tips for filling out key parts of the I-589 application. Note that the form may have been updated since we published this guide. Carefully check the current form and its instructions.

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

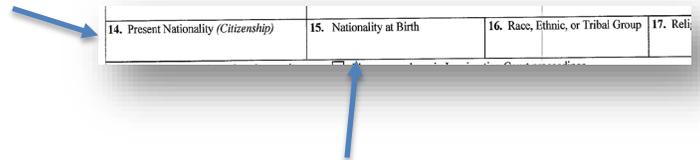
Part A.I. Information About You

- **Questions 8 and 9. Mailing address in the U.S.:** If you are currently detained, use the address for the detention center.



The image shows two sections of the I-589 form. The top section is for Question 8, 'Residence in the U.S. (where you physically reside)', with fields for Street Number and Name, Apt. Number, City, State, Zip Code, and Telephone Number. The bottom section is for Question 9, 'Mailing Address in the U.S. (if different than the address in Item Number 8)', with a sub-section for 'In Care Of (if applicable):' and fields for Street Number and Name, Apt. Number, City, State, Zip Code, and Telephone Number. Blue arrows point from the text to the corresponding fields in the form.

- **Question 14. Present nationality:** Your nationality and citizenship are usually the same, but if you do not think this is true for you, you should make this clear in the application.



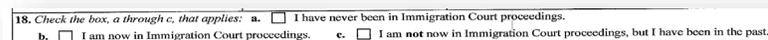
The image shows a portion of the I-589 form for Question 14, 'Present Nationality (Citizenship)'. It includes fields for '14. Present Nationality (Citizenship)', '15. Nationality at Birth', '16. Race, Ethnic, or Tribal Group', and '17. Religion'. A blue arrow points from the text to the '14. Present Nationality (Citizenship)' field.

- **Question 15. Nationality at birth:** If you have moved to another country permanently and received citizenship, your nationality at birth may be different from your nationality now.

- **Question 16. Race, Ethnic, or Tribal Group:** Do you belong to a certain cultural group in your home country? For example, people from Iran may be Assyrian or people from Guatemala may be K'iche'.

- **Question 17: Religion:** Do you practice a religion? If so, write here. This question asks you about both your main religion (such as Jewish, Christian, Buddhist, Muslim, etc.) and also any particular part of that religion you belong to (such as Orthodox, or Coptic Christian).

- **Question 18. Check the box, a through c that applies:** (This question is about Immigration Court proceedings.) Check the box b. that says you are now in Immigration Court proceedings. If you have ever been in deportation proceedings before, check that box, too.



The image shows the bottom portion of the I-589 form for Question 18. It contains the instruction: '18. Check the box, a through c, that applies: a. I have never been in Immigration Court proceedings. b. I am now in Immigration Court proceedings. c. I am not now in Immigration Court proceedings, but I have been in the past.' A blue arrow points from the text to the 'b. I am now in Immigration Court proceedings' option.

■ **Question 19. Complete 19 a through c:** (This question is about the last time you left your country and all of the times that you entered the U.S.) If you entered without permission or illegally, write *no inspection* and put *N/A* where it asks for “I-94 number.” List all the other times that you entered the U.S., even when you took trips to other countries. If you cannot remember exact dates, put *approx. (for approximately)* to tell the judge that you are not sure.



19. Complete 19 a through c.		b. What is your current I-94 Number, if any? _____	
a. When did you last leave your country? (mm/dd/yyyy) _____			
c. List each entry into the U.S. beginning with your most recent entry. List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)			
Date _____	Place _____	Status _____	Date Status Expires _____
Date _____	Place _____	Status _____	
Date _____	Place _____	Status _____	

■ **Questions 23-25 are about the languages you speak.** If you speak a particular dialect of your language, note that. Only if you are 100% comfortable speaking to the judge in English should you check *Yes* on Question 24.

Part A.II. Information About Your Spouse and Children

- Only fill out this part if you are married or if you have children.
- If you do not have enough room to include all of your children, use *Supplemental Form A, Form I-589* at back of application or use a blank piece of paper with your name, A number, and signature.

Part B. Information About Your Application

This is the most important part of your application. This part asks specific questions to decide if you are eligible for Asylum, Withholding of Removal, or Withholding of Removal Under the Convention Against Torture. Clearly describe any of your experiences.

Before filling out this part, you might want to look at the answers that you wrote on the worksheet called *The Reasons You Are Seeking Asylum, Withholding, or Convention Against Torture*.

Also, you might want to write out your story separately as a declaration. If you write a separate declaration, then answer questions in *Part C. Additional Information About Your Application* with a short summary and write, “Please see declaration,” so that the judge knows that your whole story is in the declaration.

- Question 1B. Say why you are afraid to return to your country. Remember to say if you are afraid because of your race, religion, nationality, political opinion or social group.
- Question 2. Arrests in your home country. List any arrests by the police, including those that were part of any police abuse or harassment against you.
- Question 4. Fear of torture. Identify specifically what you are afraid of and what will happen to you if you return to your home country.

Part D. Your Signature

- This is where you sign and swear that everything you wrote is true and correct. Remember, if you know you lied on your application, you will not have any kind of relief from deportation.
- **Review your application to make sure that it is complete.**
- **You must sign your application and respond to the questions about any help you received** to fill out your application.

Part E. Declaration of Person Preparing Form, if Other Than Applicant, Spouse, Parent, or Child

- Only fill out this part if someone else helped you complete the application.

Part G. To Be Completed at Removal Hearing, if Applicable

- This part will be completed in front of the judge.

When you have completed the application, make 3 extra copies. Bring them to court with you. The original and 1 copy will go to the judge. Another copy will go to the government attorney. You will keep a copy for yourself. **This is important, so do not forget!**

Once you turn in your application, the judge will give you a date for a final hearing. This hearing will be your opportunity to present your case to the judge.

At your final hearing, you will appear by yourself. The hearing will last a few hours.

How Should You Prepare for Your Testimony?

Preparing your testimony for the final hearing will help make your case even stronger. At your final hearing, you will have an opportunity to tell the judge why you are afraid to return to your home country and why you think you should be able to stay in the United States.

Keep these tips in mind when you practice your testimony:

- Asylum, Withholding of Removal, and CAT cases are complicated. **It is normal to feel nervous or scared about presenting your case to the judge**, especially if you will be talking about frightening things that have happened to you or that may happen to you.

Be prepared

- Think of the specific reasons you or your family will suffer harm or persecution. Do not just say things like, “I think that someone will hurt me.” or “I don’t want to go back.” That will not help very much —almost all people applying for asylum feel that way. **Think about the reasons you have or will suffer harm in your country of origin. Explain those reasons to the judge.**
- **Start gathering evidence early to help support your case.** Give the judge as much evidence as possible to think about.
- **Write your reasons on a piece of paper.** Be ready to give the judge examples of the harm you suffered in the past and the harm you are afraid of. Tell the judge as much as you can. It is sometimes difficult to talk to strangers about very personal experiences. But it is important that the judge knows as much about your case as possible —even if it is scary, embarrassing, or painful to talk about it.

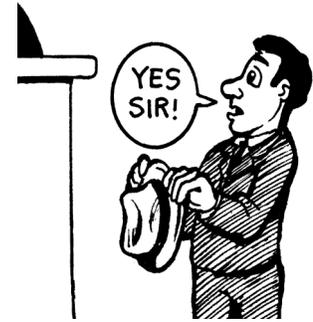
Speak from the heart

- Judges see a lot of people every day. You can make your testimony stand out if you **speak sincerely.**
- **Think about examples that will show what you are afraid of in your home country.** Practice telling those examples to a friend or family member. Write them down on a piece of paper so you do not forget.
- **Do not worry if you become nervous or emotional in court.** It happens to most people. If you need to take a break, just tell the judge.



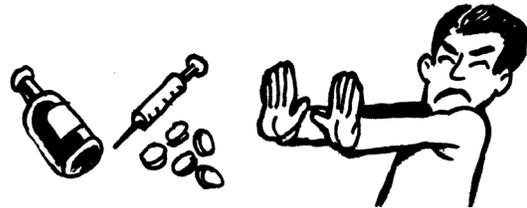
Be honest

- **Your job is to tell the judge about your life.** If you have criminal convictions and the judge asks you about them, tell the judge what happened. Do not lie. Lying will just make things worse. The judge and government attorney often have ways to figure out if you are lying.



Turn negatives into positives

- **If you had a problem with drugs and alcohol in the past, explain how you have overcome those problems.** For example, did you go to AA meetings? Did you complete a rehabilitation program? Tell the judge about all of those things.



Do not be defensive

- **Admitting that you made mistakes,** even if that mistake was just coming to the U.S. without the proper documentation, **can show the judge that you are sorry.** It can also show the judge that you will not repeat those mistakes in the future.

Ask your family members or another witness to testify in court

- **Your family can come and tell the judge about the reasons you should stay in the United States.** If you have a family member who thinks that you will be harmed in your home country, or if you have another witness who supports your case, ask that person to testify for you. Make sure that your witness tells the judge why you would be harmed in your home country. Just like with your testimony, tell your witness to give the judge very specific examples of how and why you would be harmed in your home country.
- **Make sure your family members practice and write the reasons down to have with them in court.** Help your family members prepare. Ask them to list all the reasons you would suffer persecution if you were in your country of origin. Your family members can also watch your final hearing to show the judge that they support you. Remember, some detention centers will not let small children come to court.

Answer the judge's questions

- **The judge may want to ask you some specific questions.** Remember, be respectful when the judge speaks. Refer to the judge as, “Your Honor,” “Ma’am,” or “Sir.”

How Will the Judge Weigh the Evidence?

Sometimes, the judge will decide your case at the end of your final hearing. If so, the judge will tell you if your case is approved or denied the same day as your hearing.



- **If the judge denies your case, you may appeal that decision.** You must tell the judge at your final hearing that you want to appeal. The judge will give you some paperwork that you must mail to the Board of Immigration Appeals within 30 days of the decision. See the Florence Project's guide about appealing your case at: <https://firrp.org/resources/prose/>.
- However, judges frequently issue written decisions after the hearing. **If so, you should receive the decision through the detention center mail a few weeks after the hearing.** The decision will explain why the judge is approving or denying your case.