

NATIONAL
IMMIGRANT
JUSTICE CENTER

Legal Protection for Immigrant Children

An Asylum Training for NIJC Pro bono Attorneys

April 16, 2025
ImmigrantJustice.org

Agenda

- I. Welcome & Introduction to NIJC
- II. Overview of Asylum Law
- III. Breaking it Down: the Elements of Asylum
- IV. Getting Started with Your Client
- V. Working with Your Client
- VI. Representation at an Asylum Interview
- VII. Q &A

This presentation is intended to assist attorneys and accredited representatives in preparing asylum applications. It is NOT intended to assist others in providing legal advice or the unauthorized practice of law.

Asylum Pro Bono Team: Today's Presenters

Lisa Koop, National Director of Legal Services

Bethany Dohman, Supervising Attorney, Children's Protection Project

Geoff Cebula, Senior Attorney, Asylum Pro Bono Team

NIJC's Mission

Establish and defend the legal rights of immigrants, regardless of background, and to transform the immigration system to one that affords equal opportunity for all.

Since 1984, NIJC has been unique in blending direct legal services, impact litigation, and policy advocacy to defend access to justice for immigrants while fighting to transform the U.S. immigration system into one that upholds human rights. NIJC's expert in-house legal staff collaborates with a network of pro bono lawyers from the nation's leading law firms to provide legal services to more than 11,000 people each year, maintaining a success rate of 98 percent in obtaining legal relief that allows clients to build new lives with their families and communities in the United States.

NIJC's Three-Pronged Approach Makes Us Unique



LEGAL SERVICES

Provide low-cost or free legal representation to **11K+ noncitizens**

Network of **2.4K pro bono attorneys**

Educate immigrants about their rights

DIRECT REPRESENTATION



ADVOCACY

Expose violations of human and constitutional rights
Collaborate with community organizations

Provide actionable recommendations to policymakers

SYSTEMIC IMMIGRATION REFORM



LITIGATION

Challenge laws, policies, and practices that violate the Constitution or U.S. immigration laws through federal litigation



Website Resources for Attorneys

- In-depth manuals
- Live & recorded webinar trainings
- Sample document bank
- Country conditions databases
- FAQs and practice advisories
- NIJC immigration experts

www.immigrantjustice.org

The screenshot shows the 'For Attorneys' page of the National Immigrant Justice Center. The page features a dark header with the NIJC logo and navigation links: FOR IMMIGRANTS, FOR ATTORNEYS, ISSUES, NEWS AND RESEARCH, ABOUT NIJC, and HOW TO HELP. The main content area has a dark background with the text 'For Attorneys' and a sub-header 'Resources for attorneys representing immigrants and asylum seekers. Curated for NIJC's network of pro bono attorneys. See cases currently available for pro bono representation.' Below this is a breadcrumb trail 'Home / For Attorneys'. A 'Legal Resources' section includes a search bar with the placeholder 'Enter keyword...', a 'Case Type' dropdown menu, and a 'SUBMIT' button. To the right of the search bar is a 'BROWSE ALL' link. Below the search bar are two columns: 'SHORTCUTS' with links to 'MY BOOKMARKS', 'SAMPLE DOCUMENTS', 'REFERENCE MATERIALS', 'IMMIGRATION PROCEDURAL UPDATES', and 'TRAINING WEBINARS'; and 'FEATURED LEGAL RESOURCES' with three entries: 'NIJC Pro Bono Cases Available In IL, IN, WI', 'NIJC Pro Bono Attorney Guidelines', and three 'COLLECTION' items: 'NIJC Procedural Manual For Asylum Representation', 'NIJC Procedural Manual For U Visas And Appendices', and 'Special Immigrant Juvenile Status: Preparing A Predicate Order In IL'.

Why Are We Here Today?

- NIJC anticipates asylum interviews for children will be scheduled imminently by the Chicago Asylum Office
- The administration has terminated the federal program that funded legal services for immigrant children by nonprofit organizations, including NIJC.
- We need pro bono attorneys to prepare these vulnerable clients for interviews. This involves working with your client to draft an affidavit, collecting corroborating evidence, building a legal argument, and representing the client at an interview *(if scheduled within 12 months)*.

How is this project different from other NIJC asylum work?

- Your time commitment is time-bound: one year.
- During the period of representation, we hope to accomplish a lot!
- Your task is to fully prepare your child client's asylum case, including ancillary matters (changes of address, employment authorization, file request).
- While we anticipate asylum office interviews, if that is not scheduled, you will provide your client with a fully prepared case to use in the future...but you will not remain on the case as counsel.
- Working with child asylum seekers is unique.

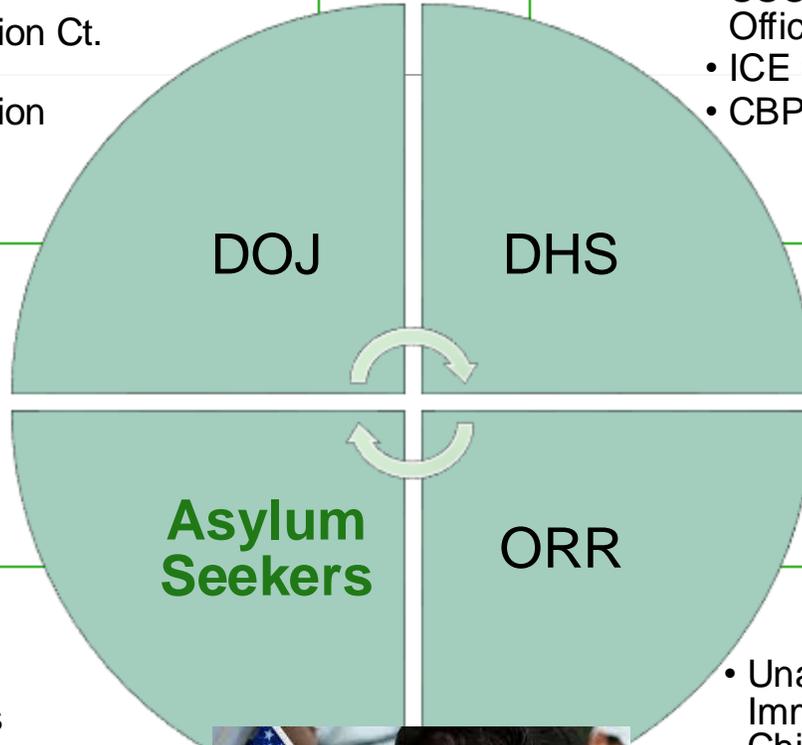
The Basics of Asylum Law: Establishing the Elements in Children's Cases



Who is involved in asylum cases



- EOIR
- Immigration Ct.
- Board of Immigration Appeals



- USCIS (Asylum Office)
- ICE (OCC; ERO)
- CBP



- Families
- Attorneys

- Unaccompanied Immigrant Children



Concurrent proceedings:
Unaccompanied children's asylum cases are initially heard by the USCIS asylum office while proceedings may continue in immigration court.

Asylum: Definition

- An individual is eligible for asylum if she meets the definition of a refugee.
 - Immigration & Nationality Act (INA) § 208(b)(1)(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)

Asylum: Elements

1. Well-Founded Fear
2. Of Persecution
2. By the government or an entity the government cannot/will not control
4. On account of
5. A Protected Ground
 - Race
 - Religion
 - Nationality
 - Political Opinion
 - Membership in a Particular Social Group

The Asylum Application

- When you apply for asylum, you are also applying for withholding of removal in the alternative
- Contains both biographic info and a brief summary of the claim
- You should review this application and ensure that all information is up-to-date and accurate

Department of Homeland Security
U.S. Citizenship and Immigration Services
U.S. Department of Justice
Executive Office for Immigration Review

OMB No. 1615-0067; Expires 01-31-2023

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

START HERE - 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: 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-Number) (if any)		2. U.S. Social Security Number (if any)		3. USCIS Online Account Number (if any)	
4. Complete Last Name		5. First Name		6. Middle Name	
7. What other names have you used (include maiden name and aliases)?					
8. Residence in the U.S. (where you physically reside)					
Street Number and Name				Apt. Number	
City		State	Zip Code	Telephone Number ()	
9. Mailing Address in the U.S. (if different than the address in Item Number 8)					
In Care Of (if applicable):				Telephone Number ()	
Street Number and Name				Apt. Number	
City		State	Zip Code		
10. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		11. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed			
12. Date of Birth (mm/dd/yyyy)		13. City and Country of Birth			
14. Present Nationality (Citizenship)		15. Nationality at Birth	16. Race, Ethnic, or Tribal Group	17. Religion	
18. 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, but I have been in the past.					
19. Complete 19 a through c.					
a. When did you last leave your country? (mm/dd/yyyy)			b. What is your current I-94 Number, if any?		
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 Status Expires		
Date	Place	Status	Date Status Expires		
20. What country issued your last passport or travel document?		21. Passport Number		22. Expiration Date (mm/dd/yyyy)	
		Travel Document Number			
23. What is your native language (include dialect, if applicable)?		24. Are you fluent in English?		25. What other languages do you speak fluently?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No			
For EOIR use only.		For USCIS use only.		Action:	
		Interview Date:		Approval Date:	
		Asylum Officer ID No.:		Denial Date:	
				Referral Date:	

Form I-589 Edition 07/26/22

Page 1

Breaking it Down: The Elements of Asylum



Asylum: Elements

1. Well-Founded Fear
2. Of Persecution
2. By the government or an entity the government cannot/will not control
4. On account of
5. A Protected Ground
 - Race
 - Religion
 - Nationality
 - Political Opinion
 - Membership in a Particular Social Group

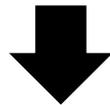
These elements are SEPARATE!

1. “Well-Founded Fear”

Burden of Proof



Reasonable possibility



“One in ten” chance of persecution

(*INS v. Cardoza-Fonseca*, 480 U.S. 421 at 431)

Established

two ways:

1. All asylum elements as to past harm
2. Reasonable possibility that all asylum elements will occur in the future

Argue both whenever possible!

1. Well-Founded Fear Based on Past Persecution

Past Persecution + All other asylum elements

=

Rebuttable presumption of future persecution

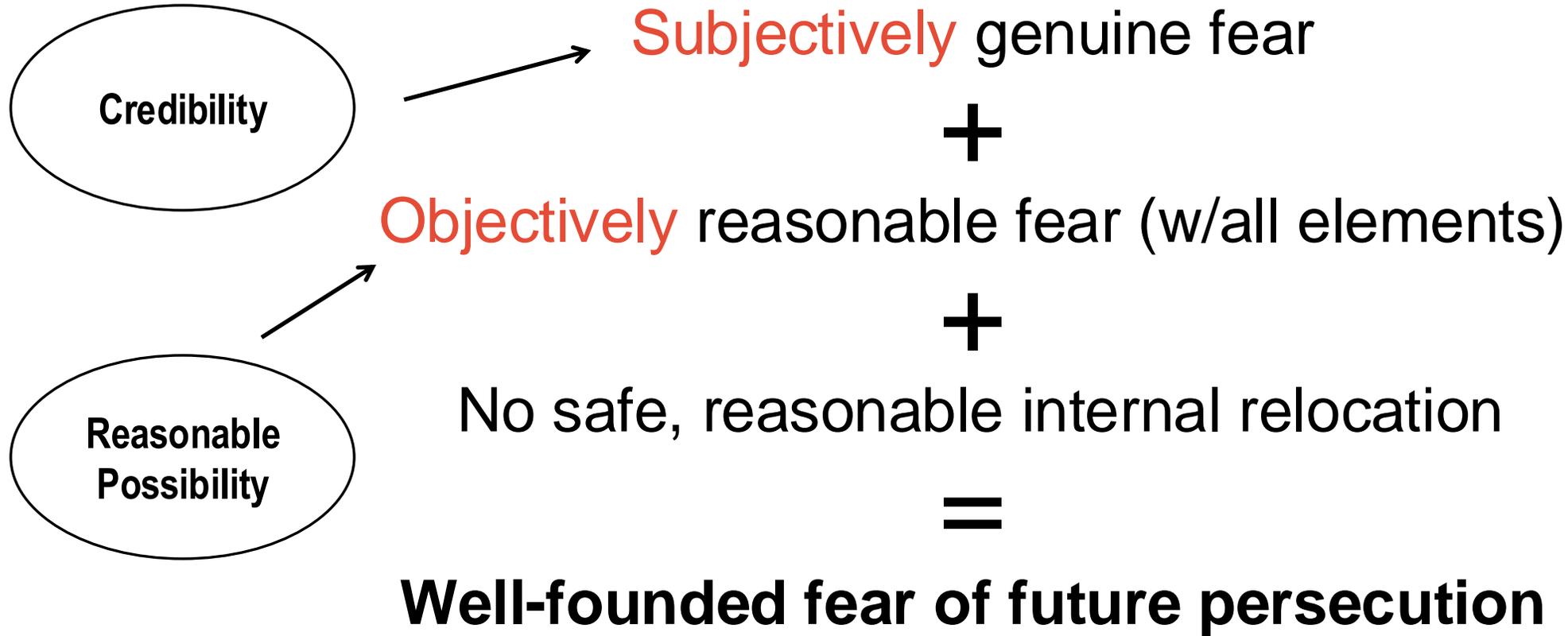
Rebuttable by

Changed circumstances

and/or

safe, reasonable
internal relocation

1. Well-Founded Fear Based on Future Fear Only



HUMANITARIAN ASYLUM

USCIS has the discretionary authority to grant even when there is no well-founded fear. 8 C.F.R. § 208.13(b)(1)(B)(iii).

Must establish Past Persecution

Two bases for humanitarian asylum:

- A. “Compelling reasons” for being unwilling/able to return due to the **severity of the past persecution**. See *Matter of Chen*, 20 I&N Dec. 16 (BIA 1989); *Matter of S-A-K- and H-A-H-*, 24 I&N Dec. 464 (BIA 2008)
- B. Reasonable possibility of "other serious harm" equivalent to persecution but not on account of a protected ground. *Matter of L-S-*, 25 I&N Dec. 705 (BIA 2012).

2. “Persecution”: Look to Case Law

- *Stanojkova v. Holder*, 645 F.3d 943 (7th Cir. 2011)
 - Three types
 1. *Significant* physical force against a person’s body,
 2. the infliction of comparable physical harm without direct application of force . . . ,
or
 3. nonphysical harm of equal gravity.
- Harm constituting persecution can be less for a child than an adult.
See USCIS Guidelines and 7th Circuit law.
- Must be considered cumulatively.
Nzeve v. Holder, 582 F.3d 678 (7th Cir. 2009).

2. What Forms of Harm Do You See?

Ruben is a young man from Honduras. Growing up, he lived with his parents in a neighborhood where gang violence was common. He belonged to a church group that discouraged other young people from joining the gangs because it contradicted Jesus' teachings. One day MS-13 began to extort Ruben's father, demanding a "tax" from the store he owned. They threatened to kill his family if he didn't pay. The gang also tried to recruit Ruben's brother, who fled the country. On his way home from school one day, Ruben was beaten by several young men with tattoos and firearms. They told him to stop telling people not to work with them. One of the men held a gun to Ruben's head and threatened to kill him the next time they saw him. Ruben fled to the United States. Since arriving here, Ruben has come out as gay. He has not told his family Honduras because he is afraid of how they would react.

3. The Persecutor

Governmental Entity

- Police
- Military
- Security Forces
- Presidential Guard
- Mayor
- Village Chief
- Paramilitary?
- Gangs?

Entity the Government is Unable OR Unwilling to Control

- Gangs
- Paramilitary
- Guerrilla Group
- Family Members
- Vigilante Group
- Opposing Political Party
- Others?

****The persecutor does NOT have to be the State****

3. “Persecutor”: Who Committed Harm?

Ruben is a young man from Honduras. Growing up, he lived with his parents in a neighborhood where gang violence was common. He belonged to a church group that discouraged other young people from joining the gangs because it contradicted Jesus’ teachings. One day MS-13 began to extort Ruben’s father, demanding a “tax” from the store he owned. They threatened to kill his family if he didn’t pay. The gang also tried to recruit Ruben’s brother, who fled the country. On his way home from school one day, Ruben was beaten by several young men with tattoos and firearms. They told him to stop telling people not to work with them. One of the men held a gun to Ruben’s head and threatened to kill him the next time they saw him. Ruben fled to the United States. Since arriving here, Ruben has come out as gay. He has not told his family Honduras because he is afraid of how they would react.

4. “On Account of” a Protected Ground

Persecution



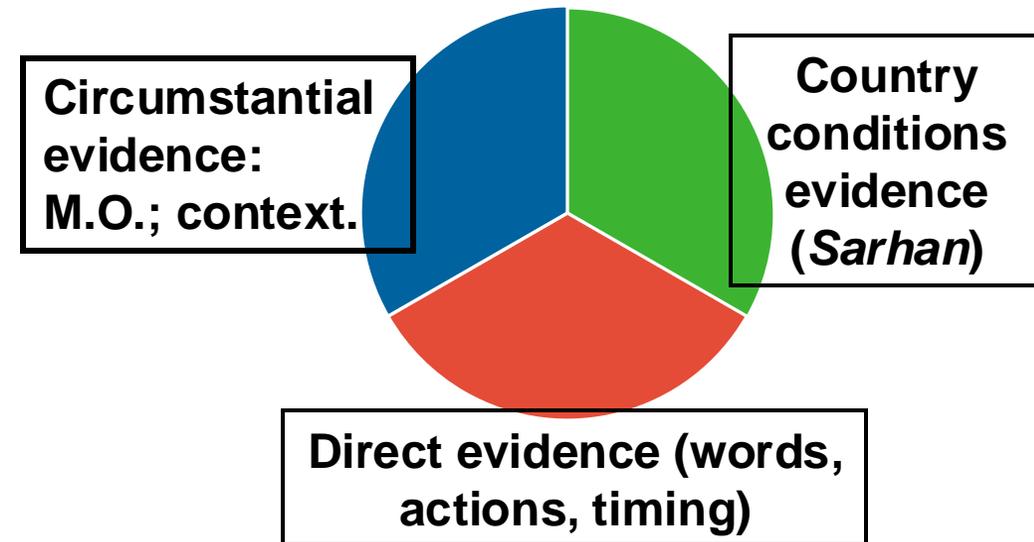
Protected Ground

- Race
- Religion
- Nationality
- Membership in a PSG
- Political Opinion

**Keep
all 3
Elements
Separate!**

4. Nexus (“On Account of”)

- Protected ground must be “at least one central reason” for the persecution. *Matter of J-B-N- & S-M-*, 24 I&N Dec. 208 (BIA 2007)
- Persecutor can still have mixed motives. *J-B-N- & S-M-*, 24 I&N Dec. at 211; *Shaikh v. Holder*, 702 F.3d 897 (7th Cir. 2012).
- Circumstantial evidence can be sufficient to establish the persecutor’s motives. *Martinez-Buendia v. Holder*, 616 F.3d 711 (7th Cir. 2010)



5. Protected Ground

1. Race:
 - Broad meaning (Congolese Tutsis)
2. Religion
 - (Christian, Atheist, Differences of Interpretation within one religion)
3. Nationality:
 - Not just citizenship;
can include linguistic group.
4. Political Opinion:
 - Actual or Imputed (e.g. child of political activist, former employee of government displaced by current regime)
5. Membership in a Particular Social Group:
 - Belonging to “a group of persons all of whom share a common, immutable characteristic.” *Matter of Acosta*, 19 I&N Dec. 211, 233 (BIA 1985). → A complex category in practice.

What is a Particular Social Group?

Look for a common trait that group members cannot or should not be required to change.

➤ Gender/family violence claims:

- [Nationality] females [women; girls]
- Immediate members of the X family/children of X
- [Nationality] women in intimate relationships they are unable to leave
- [Nationality] women who have disobeyed gender norms

➤ Opposition to gang claims?

➤ Sexual Orientation & Gender Identity

➤ Family-related claims: immediate family members of X; immediate family members of former gang members

Examples

- "Married women in Guatemala who are unable to leave their relationship." *Matter of A-R-C-G-*, 26 I&N Dec. 388 (BIA 2014)
- "Women in Jordan who have (allegedly) flouted repressive moral norms." *Sarhan v. Holder*, 655, 658 F.3d 649 (2011)
- "Former truckers who resisted FARC and collaborated with authorities" *Escobar v. Hodler*, 657 F.3d 537 (2011); see also *Matter of O-A-R-G-*, 29 I&N Dec. 30 (BIA 2025)

Protected Grounds: Which Apply?

Ruben is a young man from Honduras. Growing up, he lived with his parents in a neighborhood where gang violence was common. He belonged to a church group that discouraged other young people from joining the gangs because it contradicted Jesus' teachings. One day MS-13 began to extort Ruben's father, demanding a "tax" from the store he owned. They threatened to kill his family if he didn't pay. The gang also tried to recruit Ruben's brother, who fled the country. On his way home from school one day, Ruben was beaten by several young men with tattoos and firearms. They told him to stop telling people not to work with them. One of the men held a gun to Ruben's head and threatened to kill him the next time they saw him. Ruben fled to the United States. Since arriving here, Ruben has come out as gay. He has not told his family Honduras because he is afraid of how they would react.

Bars to Asylum Include:

One Year Filing Deadline INA § 208(a)(2)(B)

Persecutor INA § 208(b)(2)(A)(i)

Particularly Serious Crime INA § 208(b)(2)(A)(ii)

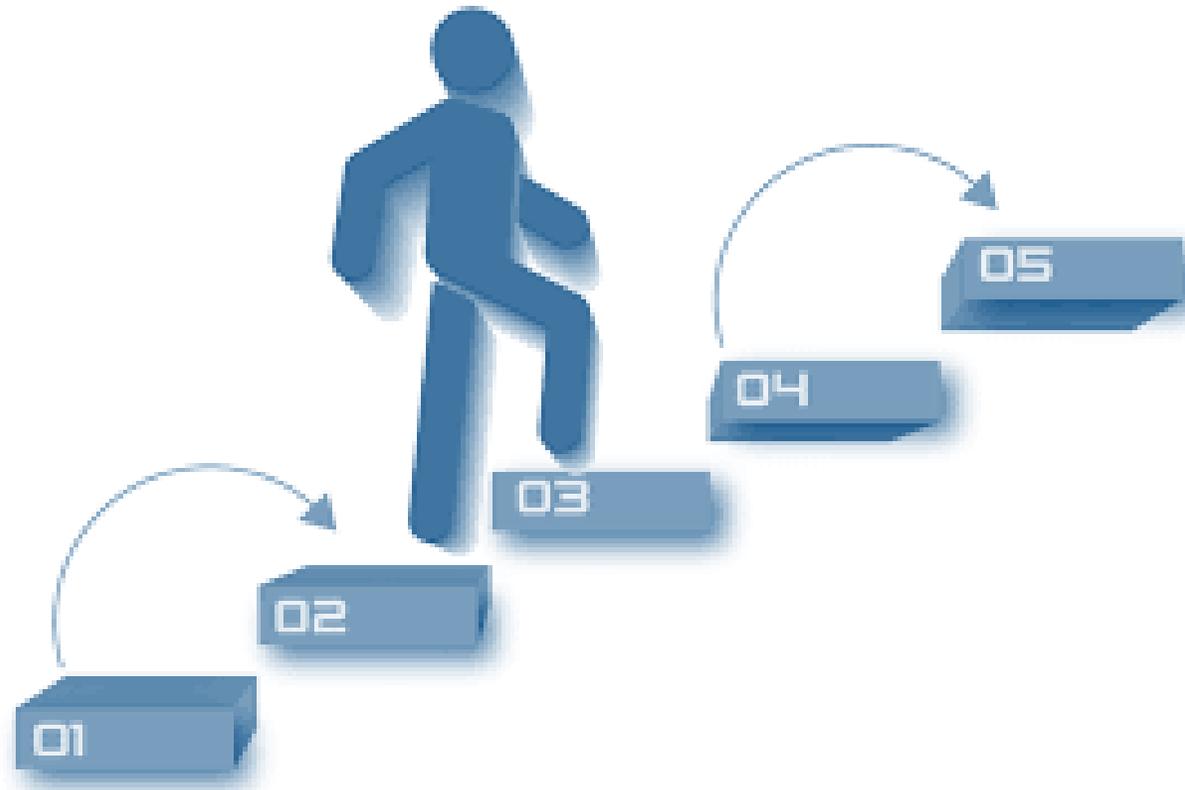
Serious Nonpolitical Crime INA § 208(b)(2)(A)(iii)

Danger to National Security INA § 208(b)(2)(A)(iv)

Terrorism-Related Grounds INA § 208(b)(2)(A)(v)

Firm Resettlement INA § 208(b)(2)(A)(vi)

Getting Started



Obtain Your Client's Immigration History

- File a USCIS FOIA
 - Expedited processing if in removal proceedings – request Track 3 processing
- Review the court file/Recordings of Hearings
- Unaccompanied child: request the ORR file

Work Authorization

- Calendar deadlines—work authorization is critical for clients!
- Check the application type: is this an **initial** EAD or a **renewal**?
 - Initial: apply 150 days after asylum application was filed; no fee; shorter processing time
 - Renewal: apply six months before current EAD expires; fee or fee waiver; long processing times
- Confirm you are following current guidance: check the form version, filing address, and [fee schedule](#) before filing.
- Online v. paper filing
- Your NIJC point of contact can provide guidance
- Monitoring EAD filings:
 - [USCIS Case Processing Times](#)
 - [USCIS Case Status Online](#) (Tip: you can also use this to check the status of your client's I-589)

Asylum Seeker's Experiences are Human Experiences

- Working with children and trauma-informed lawyering
- Memories can be faulty
- Building rapport with children requires patience
- Discussing violence can be difficult
- Immediate needs can seem more important
- Family dynamics are complicated



First Client Meeting

1. Introductions and small talk
 - Explain roles and confidentiality
 - Meet family as necessary, **but then ask family to step out**
 - Start getting to know your client and her life in the United States
2. Make a plan for communication, meetings, and transportation
 - WhatsApp (texts and voice memos)
 - Have an interpreter available before the meeting
3. Discuss a roadmap and ask about any questions
4. Explain engagement letter in simple terms
5. Sign forms for FOIA and employment authorization



Begin work on the claim but consider avoiding traumatic parts of your client's story during the first meeting.

Working with Interpreters

The interpreter is only there to interpret – you are still having a conversation directly with your client

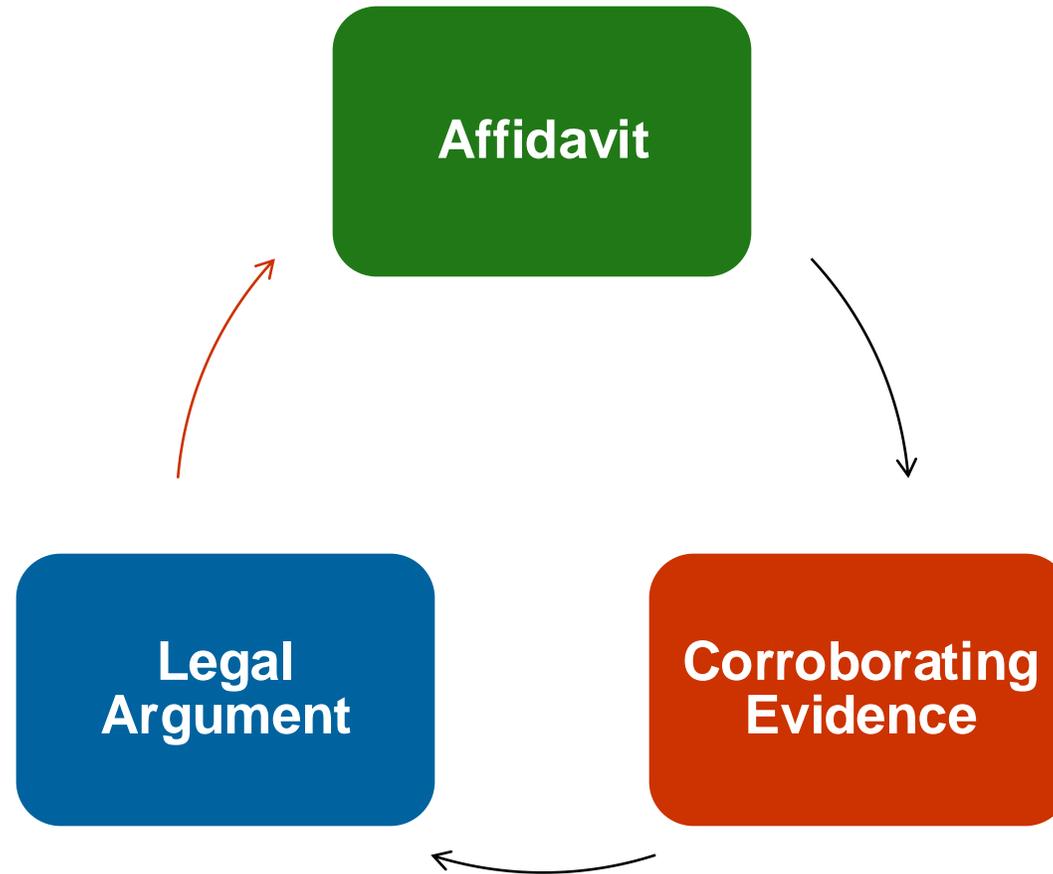
- Set guidelines and expectations with your interpreter ahead of time
- Speak directly to your client, not to the interpreter
- Ask short questions
- Avoid compound questions
- Limit the duration of your meetings and take breaks (interpreting is exhausting, your interpreter will need a break!)
- Ask the client if they understand the interpreter

<https://www.youtube.com/watch?v=pVm27HLLiiQ>

Working with your Client



Keep the Big Picture in Mind



Drafting the Affidavit or Declaration

- Credibility is the most important part of any asylum case, BUT inconsistencies are not necessarily indicative of a lack of credibility (I.e., CFI)
- 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...

YOUR CLIENT'S AFFIDAVIT IS THE MOST IMPORTANT EVIDENCE IN YOUR CASE.

Affidavit Interviews with Young Trauma Survivors

REMEMBER: working with child trauma survivors requires different skills.

Prepare before you meet!

- Meet frequently
- Provide empowerment through choices
- Do not expect chronological sequence or complete consistency
- Give the child as much agency as possible
- Ask open-ended questions, but guide towards pertinent facts
- Explain the objective of your questions: why you need the information and what you intend to do with it
- Bookend the interview with a positive activity and check in with how your client is feeling

Considerations for Affidavit Meetings with Children

- Limit meetings to attorney(s)-client-interpreter
 - Additional observers are intimidating and may compromise confidentiality
- Patience and persistence
 - Clients have different levels of literacy
- Look into trauma-informed lawyering and activities
 - Use visuals like Google Maps or ask the client to draw a picture
 - Take breaks, offer snacks
 - Invite questions from your client

Considerations for Preparing the Affidavit

The bulk of your prep time will be here: meet early and often!

- Maintain the client's voice
- Craft the events in chronological order and provide necessary background information
- Cover the 5 Ws + H
- Cover all of the asylum elements
- Consider length and detail and check for consistency with other documents

Client Affidavit or Declaration: Language

1. *I was persecuted because I belong to the group of Salvadoran females in relationships they are unable to leave.*

**Copies/Pastes
Legal Definition**

2. *When I told them I did not want to join their gang they became more menacing...This triggered a melee with the whole group involved in kicking me...Some police belatedly came to ostensibly "investigate" but their investigation was cursory and superficial and no arrests were made. (See Tab P, DOS Human Rights Report.)*

**Not in Client's
Voice**

3. *On May 1, 2010, three gang members stopped me after school and threatened me*

Too much detail

4. *Around May 2010, a group of gang members stopped me after school and threatened me.*

Balanced

Corroborating Your Case

Corroboration is the second most important part of an asylum case. Don't leave it until the end!

- Required “unless the applicant does not have the evidence and cannot reasonably obtain the evidence.” INA §208(b)(1)(B)(ii)
- But, “[t]he testimony of the application, if credible, may be sufficient to sustain the burden of proof without corroboration.” 8 C.F.R. §1208.13(a)
- Corroborate each asylum element OR show why your client cannot reasonably obtain corroboration.

Obtaining Corroboration



Country Conditions	Client-Specific	Past Persecution	Future Persecution
State Dept Human Rights Reports	Facts: dates, times, flights, DATE OF ENTRY, IDENTITY	Forensic Medical Evaluation	Evidence of past incidents that may not rise to persecution
Amnesty Intl & Human Rights Watch	Physical Evidence: pictures, police reports, receipts	Mental Health Evaluation	Affidavits from similarly situated individuals who have suffered harm
UNHCR Refworld www.unhcr.org/refworld	Witness Affidavits	Medical Reports	Expert Affidavits (especially for court cases)
Domestic and Foreign News Sources	Google Earth, Hand Drawn Maps	Pictures	Country Conditions

What Corroboration Should You Get?

Ruben is a young man from Honduras. Growing up, he lived with his parents in a neighborhood where gang violence was common. He belonged to a church group that discouraged other young people from joining the gangs because it contradicted Jesus' teachings. One day MS-13 began to extort Ruben's father, demanding a "tax" from the store he owned. They threatened to kill his family if he didn't pay. The gang also tried to recruit Ruben's brother, who fled the country. On his way home from school one day, Ruben was beaten by several young men with tattoos and firearms. They told him to stop telling people not to work with them. One of the men held a gun to Ruben's head and threatened to kill him the next time they saw him. Ruben fled to the United States. Since arriving here, Ruben has come out as gay. He has not told his family Honduras because he is afraid of how they would react.

Obtaining Corroboration: Practice Pointers

- Work with your client – remember: your client is a child or young person and will need more follow-up and explanation.

- Establish chain of custody.
 - Ask you client how he/she obtained the document
 - Provide evidence of the document's origin (e.g. copy of the envelope containing the postmark from the country of origin)
 - If you doubt the authenticity of a document, leave it out

- The Federal Rules of Evidence do not apply – be creative!

- All foreign documents must be translated into English.

While Your Client's Case is Pending

- Monitor your case:
 - Check for asylum office interview using Asylum application receipt number: <https://egov.uscis.gov>
- Connect your client with a therapist and/or medical doctor for evaluations, if appropriate
- **Maintain contact:** Continue to develop rapport with your client, let NIJC know ASAP if you are having trouble communicating with your client
- File a work authorization application for your client when s/he is eligible
- Your client should not file applications for any other immigration benefits without consulting you first.
- **Please consult with NIJC about any changes in your client's life that may make her eligible for other forms of relief**

Representation at an Asylum Interview



Overview

The asylum office interview is informal and takes place in an office setting. It should be non-adversarial.

The asylum officer will question the client about the application and her claim for asylum.

The U.S. government keeps the client's information confidential.

The attorney's role is (usually) limited.

All supporting materials to be filed one week before the interview.

What to File

- Legal Memo
- Client affidavit/declaration
- Notice of Amendments to the I589 application
- Annotated index
- Supporting documentation, including identity documents, expert affidavits, and other corroboration



Presenting Corroborating Evidence

Index of Documents in Support of CLIENT's Application for Asylum, Withholding of Removal, and Relief under the Convention Against Torture

Tab	Exhibit	Page
A	Affidavit of Mr. CLIENT	1
B	Letter in support of Mr. CLIENT's asylum application from his wife --- dated September 1, 2012, with translation and copy of the envelope in which the letter arrived	20
Identity Documents		
C	Copy of the biographic page of Mr. CLIENT's passport	27
D	Copy of Mr. CLIENT's B1/B2 Visa and I-94 card, establishing date of entry as DATE	28
Background Information Regarding Mr. CLIENT's Asylum Claim		
E	United States Department of State, <i>Background Note: Republic of the Congo</i> (January 3, 2012), available at: http://www.state.gov/outofdate/bgn/congobrazzaville/193657.htm [last accessed September 19, 2012] "The Republic of the Congo is slightly larger than New Mexico, but vast areas in the north include jungles that are virtually uninhabited. . . . Congo is one of the most urbanized countries in Africa, with 70% of its total population living in Brazzaville, Pointe-Noire, or along the 332-mile railway that connects them. In southern rural areas, industrial and commercial activity suffered as a consequence of the civil wars in the late 1990s. "	30
F	United States Department of State, <i>2011 Country Reports on Human Rights Practices - Republic of the Congo</i> (May 24, 2012), available at: http://www.state.gov/documents/organization/186397.pdf [last accessed September 19, 2012] "Denis Sassou-Nguesso was reelected president in 2009 with 78 percent of the vote, but the validity of these figures is questioned. The 2009 election was peaceful, and the African Union declared the elections to have been free and fair; however, opposition candidates and nongovernmental organizations (NGOs) cited irregularities."	36

Tips

- Consult NIJC for samples
- Pull quotes from country conditions documents
- Use screenshots and/or transcripts for video/audio
- Use recent examples

Filing Format



- Annotate index and highlight important info in country condition reports
- Two-hole punch at the top; single-sided only
- Alphabetical tabs on the right and consecutively paginate
- Paper Records - File supporting docs with the asylum office **5 business days before the interview**
- File by email to: Chicago.Asylum@uscis.dhs.gov

Drafting the Legal Memo

- Keep it brief
- Follow the elements & don't conflate them.
- Case law – focus on Seventh Circuit law
- Make all available arguments
- Consult with NIJC if you have questions about how to frame case and make legal arguments

Case Preparation Timing: Example

Week 1: Training with NIJC staff; teams schedule initial client meetings.

Week 2-4: Teams draft and finalize affidavits with child asylum seekers and, where appropriate, supporting family members and other witnesses.

Week 5-6: Teams compile evidence indices, including country conditions, and make edits to affidavits.

Week 7: Teams draft legal memo cover letter to accompany asylum filing.

Week 8: Teams submit filing to NIJC for review. If the asylum interview has not already been scheduled, teams consult with NIJC to determine whether to file documents with the asylum office, request an interview, or take other action.

Note: this timeline is adjusted from what was covered in the recorded training. In some instances, an adjusted timeline will be appropriate, but we recommend trying to complete the work within 2 months.

What to Expect At the Asylum Interview

- Applicant Must Provide the Interpreter
- Three Major Parts:
 - Review Application
 - Discuss Basis for Asylum Claim
 - Cover Mandatory Bars to Asylum
- Likely to also Review Social Media --> Client Should Be Aware!
- Attorney May Give a Brief Closing Statement

Preparing for the Asylum Interview

- Schedule multiple interview simulations with your client in the week leading up to the interview
- Practice with the interpreter who will attend the interview with you. Prepare client for interpreter monitor at the interview.
- Client should have a memorized answer to one question: “Why are you seeking asylum?”
- Client should be prepared for: “Is there anything else you want to share?” Client should thank the officer for their time and not offer additional detail. (If case details were not explored in the interview, the attorney should raise in closing.)
- Help the client feel comfortable saying “I don’t understand the question,” “I do not know,” and “I do not remember.”
- Provide feedback regarding inconsistencies. The client’s interview testimony, affidavit, I-589, and supporting documentation should be consistent. Help the client provide context for any apparent discrepancies.

Preparing for the Asylum Interview

- Discuss what your client will wear to the interview.
- Discuss what your client will bring to the interview.
- Advise your client to sleep and eat well before the interview.
- Confirm meeting time and place before interview.
- Prepare for a potentially long interview.
- Prepare client for questions about home, work, school, friends, etc., in the United States.
- Prepare client for terrorism and criminal questions at the end of the interview.
- Prepare client for questions about attorney and case preparation.

Get Started!

Interested in Taking a Case?

- Contact Charlotte Sall, csall@immigrantjustice.org

Already Accepted a Case?

- Once conflicts clear, NIJC will share the case file and connect you with one of our attorneys for technical assistance

Initial Steps for Representation

- 1. Read NIJC's Procedural Manual for Asylum Representation, found [here](#)**
- 2. Review NIJC's file**
- 3. Schedule a meeting with your client**
- 4. Attend NIJC's weekly office hours on alternating Tuesdays at 3 pm CST and Thursdays at 11 am CST to address to your questions and connect with other pro bono attorneys representing children seeking asylum**

Thank you!

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