

ASYLUM SCENARIOS

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1) The trial attorney conducts a brief cross-examination, consisting of only 5-6 questions. DHS rests. The alien's testimony was not impeached. However, you overheard many potential problems with the alien's testimony on direct. Should you ask additional questions yourself or enter the decision based on the existing testimony/evidence? Section 240(b)(1) of the Act.

2) You are presiding over a merits hearing where the male respondent has included his spouse in an asylum application. Both the husband and wife plan to testify. The male respondent is about to begin testifying, and the trial attorney requests that the female be sequestered while the male testifies. Respondents' counsel objects, saying that the spouse has a due process right to be present while her husband testifies. What do you do? Mojsilovic v. INS, 156 F.3d 743 (7th Cir. 1998); Ngongo v. Ashcroft, 397 F.3d 821 (9th Cir. 2005).

3) You are presiding over a master calendar hearing and observe that the declaration attached to the asylum application appears to be identical to the one submitted in a previous (unrelated) case. The same attorney represents both asylum applicants. How do you proceed? Mei Chai Ye v. U.S. Dept. Of Justice, 489 F.3d 517 (2d Cir. 2007).

4) You are preparing for an individual hearing in which the applicant claims that her father is a political activist in Ghana, and that he is associated with three other activists in Ghana. You do a Google search in chambers which confirms the names of the other three activists, but the only name which matches the applicant's father is that of a visiting professor at a college in Nova Scotia. What do you do with this information? Should you do the Google search in the first place? Chhetry v. U.S. Dept. Of Justice, 490 F.3d 196, 199 (2d Cir. 2007)(approves BIA's taking administrative notice of internet articles from "reputable news organizations").

5) On the day of the merits hearing, the trial attorney asks for a continuance in order to send a foreign document (submitted months ago by the respondent) to the DHS Forensic Laboratory. Respondent's counsel objects, stating that the continuance request is untimely and that the respondent is ready to proceed. What do you do? What about the 180-day clock?

6) Respondent's counsel is presenting a professor as a witness on gang activity in Honduras. The witness' C.V. has been included in the record without objection from the trial attorney. Respondent's counsel begins to voir dire the witness and asks that you find that the witness qualifies as an expert under the Federal Rules of Evidence. Do you allow the voir dire? How do you rule on the request to qualify the witness as an "expert?" Niam v. Ashcroft, 354 F.3d 652 (7th Cir. 2004).

7) You are conducting a master calendar hearing and learn that the respondent's parents were previously granted asylum by an asylum officer. The parents reside in the same city as the respondent. You ask respondent's counsel if the parents will be testifying for the respondent, and counsel advises they will not testify, citing the Privacy Act. What weight do you give the parents' decision not to testify? Sidhu v. INS, 220 F.3d 1085 (9th Cir. 2000).

8) You are conducting a merits asylum hearing for a brother whose sister was granted asylum by an IJ in a different city. The sister's case is administratively final. The asylum claims are based on similar facts. The sister has signed a written waiver permitting DHS to review her A-file to prepare for cross-examination. At the conclusion of the hearing, DHS argues that the brother was not credible, that his testimony was inconsistent with his sister's, and that the sister's testimony was inconsistent with her own previous testimony. You agree that the brother was not a credible witness. How do you decide his asylum case? Pop v. INS, 279 F.3d 457 (7th Cir. 2002).

9) At the beginning of the merits hearing, respondent's counsel states that he is not aware of you ever having granted asylum to an applicant from Bangladesh. Counsel argues that your denial rate is in stark contrast to the other Immigration Judges in your city, that it shows your bias against nationals of Bangladesh, and that you should recuse yourself. How do you resolve the motion to recuse?

DOCUMENTS AS POSSIBLE CORROBORATION FOR ASYLUM CASES

- I. **FAMILY AND FOREIGN IDENTIFICATION DOCUMENTS**
 - ☐ INTERNAL PASSPORT OR NATIONAL IDENTIFICATION CARD
 - ☐ BIRTH/DEATH CERTIFICATE(S)
 - ☐ MARRIAGE/DIVORCE CERTIFICATE(S)
 - ☐ HOUSEHOLD REGISTRATION/NOTARIAL CERTIFICATES
- II. **TRAVEL AND ADMISSION DOCUMENTS**
 - ☐ PASSPORT
 - ☐ PAROLE DOCUMENT/FORM I-94
 - ☐ DRIVER'S LICENSE
 - ☐ APPLICATION FOR NONIMMIGRANT VISA (e.g., J-1 or B-1/B-2)
- III. **EDUCATION DOCUMENTS**
 - ☐ SCHOOL TRANSCRIPTS
 - ☐ DIPLOMA/DEGREE
- IV. **MEDICAL RECORDS**
 - ☐ LETTERS FROM TREATING PHYSICIANS (in USA or HOME COUNTRY)
 - ☐ MEDICAL EVALUATION LETTER REGARDING PAST INJURY OR TREATMENT
 - ☐ HOSPITAL ADMISSION AND TREATMENT RECORDS (CONTEMPORANEOUS)
- V. **MILITARY SERVICE RECORDS**
- VI. **DOCUMENTS REFLECTING POLITICAL ACTIVITIES**
 - ☐ PARTY MEMBERSHIP CARD OR LETTERS ATTESTING TO MEMBERSHIP
 - ☐ PARTY OFFICER/ELECTED OFFICIAL
- VII. **EMPLOYMENT/BUSINESS RECORDS**
 - ☐ TAX RETURNS/LEASES/LICENSES (CONTEMPORANEOUS RECORDS)
 - ☐ LETTER VERIFYING PAST EMPLOYMENT
 - ☐ IMPORT/EXPORT DOCUMENTS
 - ☐ CREDIT CARD ACCOUNT STATEMENTS
- VIII. **JOURNALIST ACCOUNTS**
 - ☐ NEWSPAPER ARTICLES (INCLUDING LARGE DEMONSTRATIONS)
 - ☐ PHOTOGRAPHS
 - ☐ DOCUMENTS AVAILABLE VIA INTERNET OR GOOGLE SEARCH
- IX. **RELIGIOUS DOCUMENTS**
 - ☐ LETTER FROM RELIGIOUS ORGANIZATION
 - ☐ BAPTISMAL/CONFIRMATION CERTIFICATES