

**The Immigration Court Helpdesk (ICH) provides:**

- ✓ Assistance and legal information to unrepresented individuals in removal proceedings at the Boston Immigration Court;
- ✓ Information on court practices, procedures, and general information about options related to relief and protection from removal, and other relevant resources.
- ✓ Contact Us  
(617) 464-8000

**SELECT DEFENSES TO REMOVAL**

**Asylum**

You must show a well-founded fear of returning to your country due to persecution based on your race, nationality, religion, political opinion, or other social group. You typically must apply for asylum within one year of entering the United States.

**Withholding of Removal**

You must prove the same type of fear as Asylum, but you may be eligible if you did not apply for Asylum within one year, or you have certain criminal convictions.

**Convention Against Torture**

You must show that it is more likely than not (51% or more) that the government will torture or kill you, or that the government will ignore it if someone else tries to torture or kill you.

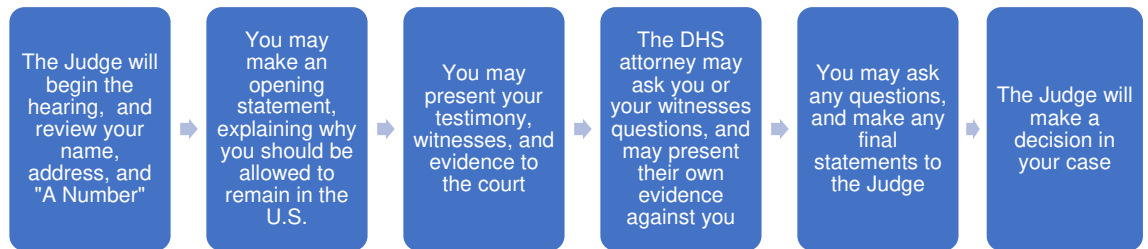
To check information about your hearing, visit:  
<https://acis.eoir.justice.gov/>  
or call 1-(800) 898-7180, or put your cellphone camera over the QR code below:



## How do I prepare for my Individual Hearing in Immigration Court?

An “Individual Hearing” or “Merits Hearing” is typically your final hearing in Immigration Court. It is your opportunity to tell the Immigration Judge why you should be allowed to stay in the United States. You can present evidence to the court and ask witnesses to testify for you. A trial attorney from the Department of Homeland Security (DHS) may present their own evidence to argue that you should be removed from the United States, and will ask you and your witnesses some questions. After the hearing is completed, the Immigration Judge will decide whether you should be allowed to remain in the United States.

**Your Individual Hearing may proceed like this:**



**You can submit supporting documents, such as:**

- Police reports,
- Medical reports,
- Birth and death certificates,
- Letters and declarations,
- Photographs,
- Newspaper articles,
- Country conditions reports, etc.

**All documents must be translated into English with a certification of translation, and given to the court at least 15 days before your Individual Hearing**

**If you have applied for Asylum, think about and prepare to share with the court:**

- Why did I leave my home country? Why am I afraid to return?
- Who am I afraid of? Why am I afraid of them?
- What do I think they will do to me if I return? How will they know if I return to my country?
- Who else are they threatening and mistreating now? Why do they want to harm me or others like me? Are others harmed like me (in terms of race, religion, nationality, etc.)? How do I know this?

**You can tell the court your story in writing (a declaration), and/or verbally, during the hearing (testimony):**

**Declarations**

- To write out your story may help you explain specific dates or details to the court that might be hard to remember, or are difficult to talk about;
- Write declarations in “first-person”. Use words like “I saw...”, or “I was afraid because...”
- Your declaration should be consistent with what you wrote in your asylum application (form I-589);
- Be honest and write from the heart;
- Write your story with specific details and examples about why you are afraid to return to your country.
- Your declaration must be submitted in English with a certificate of translation.

**Testimony**

- Before your hearing, practice telling your story with a trusted friend, loved one or service provider;
- It can be very difficult to talk about what happened to you. It is okay to cry, pause, and ask for a break if you feel overwhelmed;
- Speak slowly, and allow time for the interpreter to tell the Judge what you said in English;
- Be honest. If you don’t know the answer to a question, explain that you do not know. Don’t guess or make up answers.
- You cannot have notes with you while you give your testimony. The Judge will compare what you say with your other evidence to see if you are telling the truth.

CATHOLIC CHARITIES OF BOSTON  
**IMMIGRATION COURT  
HELPDESK**

**How to address the  
Judge**

“Your Honor” or “Judge”.  
Remember to be respectful and that the Judge is making the final decision in your case.

**IF YOUR CASE IS DENIED  
IN IMMIGRATION COURT**

**Voluntary Departure**

You are allowed to leave the U.S. at your own expense within a specific amount of time. You may be able to return to the U.S. legally in the future if you are granted voluntary departure versus a removal order. If you seek voluntary departure, you waive or withdraw all other requests for relief, and waive your right to appeal the decision.

**Removal Order**

If you don't want to stay in the U.S., or aren't eligible for a defense to removal or voluntary departure, the Judge will order your removal or deportation from the U.S. With a removal order, you may be prohibited from returning to the U.S. legally in the future for a number of years.

**Appeal**

If the Judge denies your case, you must tell the Judge that you intend to appeal. If you don't say that, you could lose your opportunity to appeal. The Judge will give you documents to send to the Board of Immigration Appeals (BIA). You must notify the BIA that you wish to appeal your case within 30 days of the Judge's decision and explain why you believe there was an error in your case.

## WHAT'S NEXT: THE IMMIGRATION JUDGE'S DECISION

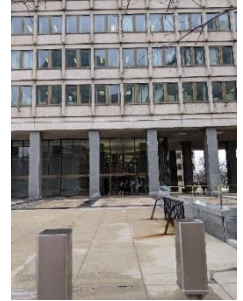
The Judge can give a final decision at the end of the hearing, or a written decision after the hearing.

**If your asylum application is approved:**

- You may apply for lawful permanent residency after 1 year
- You may be immediately eligible for certain public benefits
- You may petition for spouses and unmarried children under who are outside of the United States to join you in the United States.

**If your withholding of removal application is approved:**

- You are eligible for employment authorization, but you cannot apply for lawful permanent residency or petition for family members to come to the United States. You would have to renew your work authorization every year.
- You may still need to check-in with ICE officers if you are placed on an “Order of Supervision”
- You could be removed to a third country.
- You cannot travel outside of the United States.
- You could be eligible for certain public benefits.



## TIPS FOR YOUR INDIVIDUAL HEARING

- Be prepared emotionally to be questioned by the Judge and DHS Attorney;
- Answer only what is being asked, and if you do not know the answer to a question, say “I do not know”. Do not make up answers if you are unsure;
- Speak clearly into the microphone, and remember to pause to allow the interpreter to tell the Judge what you said in English;
- Demonstrate your arguments in a consistent, precise, and organized a manner;
- If you don't understand or did not hear the question, ask that it be repeated;
- Be honest, and remain consistent with the facts in your application;
- Point out any inaccuracy or inconsistency in the evidence presented by the DHS Attorney;
- Choose your witnesses well - prepare them to report facts that will contribute to your case.

**SPEAK UP IF:**

- You do not understand the Immigration Judge at any point in the proceeding;
- You do not understand a question that the DHS trial attorney or Immigration Judge has asked you;
- You do not understand the interpreter at any point in the proceeding;
- The interpreter is not speaking in your primary language;
- A legal term or concept is confusing to you;
- You require more time to find a lawyer.
  - Be specific about your attempts to find a lawyer. For instance, let the Immigration Judge know how many attorneys you have called, the dates you called them, and the reason(s) they were unable to represent you.

*The information in this flyer is for educational purposes only. If you have legal questions about your case, you should consult with a licensed attorney or accredited representative.*



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