GATHERING EVIDENCE TO SUPPORT YOUR ASYLUM CASE

This guide corresponds to a presentation given by immigration attorney Caitlin Steinke in collaboration with RIF Asylum Support and Venezuelans Immigrants Aid on October 18, 2019. You can watch the presentation here.

DISCLAIMER: While this handout includes tips often used by asylum attorneys when preparing evidence in asylum cases, none of the information provided in this guide or the corresponding presentation should be construed as legal advice. Every asylum claim is unique, and it is impossible to advise an asylum seeker about their case without knowing the specific facts and circumstances of their situation. Neither this guide nor the corresponding presentation engage in any assessment of an asylum seeker’s eligibility for asylum, nor do they provide examples of "right" or "wrong" types of evidence in an asylum case. Importantly, USCIS, the Asylum Offices, and the Immigration Courts have specific rules concerning how and when evidence should be submitted in an asylum case, and nothing in this guide or corresponding presentation should be construed as replacing or altering those rules. Asylum seekers are encouraged to consult with an asylum attorney to obtain legal advice about their individual asylum claims.
OVERVIEW OF SOME BASICS

What is considered evidence in an asylum case?

1. Your oral (spoken) testimony
2. The oral testimony of your family members, witnesses, and experts
3. Evidence that can be seen and read: documents, written testimony, photographs, news articles, etc.

This handout focuses on the third type of evidence, often referred to as "supporting documents."

What are the types of support documents in an asylum case?

1. Your written testimony
2. Identity documents
3. Evidence that supports your "ground(s)" for asylum
4. Evidence of your past persecution
5. Evidence to support your one-year filing deadline argument (if you filed your application more than one year after your last arrival in the United States)
6. Country condition reports

NOTE: many of these will overlap.

When do you present your supporting documents?

When you submit your asylum application, you should attach:
• A photocopy of your government-issued ID—biographical page of your passport
• Proof of your most recent entry to the United States—U.S. entry stamp in your passport and I-94 record (if applicable)

If you are including your spouse and/or child(ren) in your application, you should also attach photocopies of their government-issued photo IDs AND proof that you are related to them.

You can attach your other supporting documents to your asylum application, or submit them to the asylum office at least one week before your interview.

How do you present your supporting documents?

Clearly-organized "exhibit packets"
• Three copies total
• Two copies for the asylum office
• Keep one complete copy for yourself
Submit photocopies only. **DO NOT** submit original documents.
- Photocopies should be very clear—not blurry
- Photocopies should include the entire document

Have a clear table of contents

Number the pages

Two-hole punch at the top

**NOTE:** You are submitting only photocopies of your supporting documents, but you should bring all of the original documents with you to your interview.

**How do you submit documents that are not in English?**

All foreign-language documents must include a certified English translation. You must submit both the foreign-language document **AND** the English translation.

The translator:
- Must be fluent in English and the foreign language
- Does not need to be a professional translator
- Cannot be you or any of the family members included in your application

The translation:
- Must include all the text in the document
- Should use brackets to show where there are images, logos, barcodes, and signatures
  - Example:  [signature] [official seal]
- Must include a signed Certificate of Translation

**Example of Certificate of Translation**

I, Caitlin Steinke, certify that I am fluent in the English and Spanish languages and that this document is a true and complete English translation of the attached Spanish-language document.

[Caitlin's signature]

________________________
Caitlin Steinke
How do you submit photos, videos, or audio files?

**Photos**
- Either print the photos on the same size paper as the rest of your supporting documents, or tape the photos to that paper. Don’t just hand over loose photos—they can easily get lost.
- Print the photos in color.
- Include a written caption with the date, the location, and what is happening in the photo.
- If the photo is available online, provide the link underneath the photo.

**Videos**
- Submit the most relevant screenshot(s) of the video, printed in color.
- Include a written caption with the date, the location, and what is happening in the screenshot(s).
- If the video is available online, provide the link underneath the screenshot(s).
- You can provide the full video on a USB, but be sure to mention that you have done this in your table of contents.

**Audio files**
- Submit a transcription of the most relevant portion(s) of the audio file.
  - A transcription is the text of the words spoken in the audio file.
- If the language spoken in the audio file is not English, the transcription must be done by someone fluent in both languages and must include a signed certificate of translation. (See page 3 for an example.)
- If the audio file is available online, provide the link underneath the transcription.
- You can provide the audio file on a USB, but be sure to mention that you have done this in your table of contents.

How does someone write a letter in support of my case?

- Should be on official letterhead if written by a professional, company, organization, or government agency.
- Should include the full name and contact information of the person writing it.
- Should include an overview of who that person is and how they know you.
- Should include specifics of how that person knows what they know about your asylum claim.
- Must be dated and signed.
- If notarized, should include a copy of the person’s government-issued photo ID.

Before the person mails you the original, signed letter, they should email or text you a clear photocopy of the letter—in case it gets lost in the post!

Make a clear photocopy of the envelope the letters arrived in and submit that with the letter as part of your evidence packet.
OVERVIEW OF SUPPORTING DOCUMENTS

1. Your written testimony

Also known as your "personal statement" or "affidavit" or "declaration," your written testimony provides a summary of your asylum claim.

REMEMBER: The Asylum Office wants to read your written testimony before starting your interview, but they do not have very much time. It is important that you keep your written testimony:

- Clear—it can be helpful to use headings and paragraph numbers.
- Relevant to your asylum case.
  - WHAT happened to you and/or what you fear would happen to you.
  - WHO did those things to you and/or who you fear would do those things to you
  - WHY they did those things to you and/or why they would do those things to you
  - A reasonable length. The suggested length 3 to 5 pages.

2. Identity documents

It is your obligation to establish who you are. Together, your documents should include your name, date of birth, place of birth, and nationality.

Types of identity documents:

- Current and prior passports - copy of biographical page and every page containing any visas, stamps, or writing
- National ID card
- Voter registration card
- Driver’s license
- Birth certificate
- Marriage certificate
- Household registration
- Degrees, diplomas, certificates

If you are including your spouse and/or child(ren) in your application, you must also include their identity documents and proof of your relationship to them [marriage certificate for spouse, birth certificates or adoption paperwork for child(ren)].
3. Evidence that supports your "ground(s)" for asylum

REMEMBER: The five grounds for asylum are:
- Race
- Religion
- Nationality
- Political opinion
- Membership in a particular social group
- NOTE: You are not limited to one.

Race, religion, and nationality
- There will likely be some overlap with your identity documents—if this is the case, you can point this out in your table of contents or discuss it during your interview (for example, if your national ID card lists your race or religion).
- If so, there is no need to submit the same document multiple times under a different heading.

Religion
- Baptism certificate
- Religious ordination documents
- Religious marriage document (if not already submitted)
- Letters from religious organizations or houses of workshop you have attended or currently attend
- Photos of you engaged in religious activities
- Articles, essays, or social media posts you have written that are religious in nature

Political opinion
- Political party documents—party membership ID, letter from political party confirming membership
- Photos of you engaged in political activities
- Articles, essays, or social media posts you have written that are political in nature

Membership in a particular social group (PSG)

Some PSGs are combinations of your various identities that can be established by your identity documents and your physical appearance

LGBTQ+
- Articles, essays, or social media posts you have written that identify you as LGBTQ+ or discuss your activities/beliefs about LGBTQ+ issues
- Photos or screenshots of videos of you attending LGBTQ+ events, with other members of the LGBTQ+ community (friends, romantic partners, fellow activists, etc.)
- Letters from LGBTQ+ organizations confirming your membership and/or participation
• Letters from others within the LGBTQ+ community confirming your LGBTQ+ identity and/or activities

Medical condition (such as having a disability or being HIV+)
• Medical records
• Letter from medical team
• Prescriptions

4. Evidence of your past persecution

Generally, we rely on your oral testimony and written testimony for this. But there is sometimes additional evidence of the persecution you personally suffered:

• Documentation of any physical or psychological harm—doctor’s letter with evaluation and/or diagnosis, medical records, photos, prescriptions.
• Letters (written testimony) from anyone who witnessed your persecution or the effects of your persecution.
• Articles or social media posts specifically about your persecution.
• Records of charges brought against you, police summons, court records, etc.
• Formal documentation of imprisonment.

5. Evidence to support your one-year filing deadline argument

This type of evidence is only needed if you filed your application more than one year after your last arrival in the United States.

This evidence should help paint a clear picture for the Asylum Officer about the changed circumstance(s) and/or extraordinary circumstance(s) that explain why you did not file your application within your first year in the U.S.

• Timeline should be very clear.
• Can include immigration documents (such as proof that you maintained a valid visa status).
• Can include medical records, letters from mental health professionals, supporting affidavits, etc.

6. Country condition reports

Resources that help explain to the Asylum Officer why you would be in danger if you returned to your home country. Examples:

• Annual human rights reports published by the US State Department
• Publications by other US governments entities (such as reports by the US Commission on International Religious Freedom, or press releases by various US government agencies)
• Publications by the United Nations and other international NGOs
• News articles