



PREPARING FOR THE FULL IMMIGRATION COURT HEARING

What will happen at the hearing?

If you are applying for one of the defenses to deportation described on pages 15-21, the Immigration Judge will give you time to fill out the application. Then the judge will give you another hearing date where you will have several hours to explain your case.

At that full hearing, the Immigration Judge will speak first. The government lawyer will also be there and will argue that the judge should deny your application and remove you from the U.S.

You will go next. The judge will question you about your case and your life. Then the government lawyer will question you. Be sure to tell the truth. You also want to tell the Immigration Judge that you are sorry for what happened and that you will not get into trouble again. It is also important to be polite to the judge and to try to look your best. You want to look the judge in the eye when you are answering his or her questions. Be sure to speak loudly and clearly so that the tape recording of the hearing will be clear. You should ask the Immigration Judge if you can make a statement at the beginning or the end of your testimony. When the judge has finished asking you questions, be sure to tell the judge anything else you think is important about your case and your life.

The government lawyer will have a copy of your full criminal record and will usually want the Immigration Judge to know about it. Usually, you want to tell the Judge about your criminal record yourself. That way the Judge will not be surprised to hear about other convictions from the government lawyer when he or she is questioning you. You can explain what happened for each conviction and why these events will not happen again in the future.

It will not help to tell the judge that you did not commit any crimes and that your lawyer told you to plead guilty. It is important to accept responsibility for your record. Your criminal case is over and the Immigration Judge cannot change it. You should get a copy of your criminal record so that you are prepared to talk about every arrest in your criminal history. Even charges that were dismissed are things the Judge and government lawyer can ask you about.

Your witnesses will come next. You will have to ask your witnesses questions. They cannot just get up and speak. The government lawyer and the Judge will also question them. To prepare, you should write out all of your questions before the hearing. At the hearing you can read or look at your written questions so you will not forget. You can ask each witness if he or she has anything else to tell the Judge about why you deserve a second chance.

Make sure that your witnesses know the dates that important things happened in your life. For example, your employer should know the dates of your employment, and your spouse should know dates of important events in your life together.

The Immigration Service may have witnesses. Usually the Immigration Service does not have any witnesses. If he or she does, you have the right to question them.

You have the right to object to any documents that the Immigration Service lawyer may try to give the judge if it would be unfair or untrue. Ask to see the document and take time to review it. Ask the Judge for your own copy of the document. If you do not understand the document or what it means, tell this to the judge.

The Judge will decide the case. After you and all the witnesses have spoken, the Immigration Judge will usually decide the case. The Judge may, however, postpone the decision for another date.

What questions will Immigration ask?

The Immigration Judge may ask you many questions. You must tell the truth and answer the question asked. It is important to accept responsibility for your mistakes and show that you have changed. If you do not understand a question, tell the Immigration Judge. If the Judge does not ask you these questions, be prepared to tell the Judge the following information anyway:

1. What is your full name?
2. How old are you?
3. When did you first come to the U.S.?
4. How old were you when you first came?
5. How many years have you lived in the U.S.?
6. How did you enter the U.S.? (for example, did you have a visa or enter illegally).
7. Have you ever left the U.S. since you first came?
8. If so, what are the dates of all the times you left and returned? Where did you go each time and what was the purpose of each trip? The judge may ask for your passport to see the entry and departure stamps in it.
9. How is your health?
10. Do you receive medical treatment?
11. Describe any health problems and treatment.
12. Are you married?
13. When did you get married? Where?

14. Do you live with your spouse? Describe the relationship.
15. Is your spouse a U.S. citizen?
16. How is your spouse's health? Describe any health problems or treatment.
17. Have you had any periods of separation from your spouse?
18. Does your spouse work? If so, where? If not, do you support your spouse?
19. Do you have any children? State their names and ages. Explain who they live with, where they live and whether they are U.S. citizens or have their green cards.
20. How would your removal hurt your spouse, children, and other family?
21. Where do your children go to school?
22. Describe your relationship with your children.
23. How often do you see your children? Do you write them?
24. Did they visit you in prison?
25. Where are your parents? Are they citizens or residents of the U.S.? Do you care for them in the U.S.?
26. How many brothers and sisters do you have? State how old they are, where they live and whether they are U.S. citizens or have their green cards.
27. Do you have any relatives in your own country?
28. When were you last there? Do you still speak the language?
29. What jobs have you had in the U.S.? Describe each place you worked in the U.S. and the dates you worked there. Explain what you did at each job, what you were paid, and whether the work was full time or part-time.
30. Have you filed income tax returns each year? Name the years and explain why you did not file in certain years.
31. How many years of education have you completed?
32. Have you gone to school or taken any courses in the U.S.? What courses? Name the school and dates you studied or graduated.

33. What is your criminal record? State the dates of your arrests, your convictions and the sentences you received.
34. Describe the circumstances of each of your criminal convictions.
35. Have you used or sold drugs? How many times have you done this? What type of drugs? Have you used drugs recently? When was the last time?
36. Describe any counseling or drug rehabilitation programs you have attended. What are the names and locations of the programs and the dates you attended?
37. Describe your activities or classes in prison (for example, a GED course).
38. Did you have any disciplinary actions or problems in prison?
39. What do you think now about the criminal offenses you committed?
40. Have you done any community or volunteer work?
41. Have you served in the U.S. military? When? Where? Do you have an honorable discharge?
42. Do you own any property in the U.S.?
43. If deported, what problems would you have in your country? Would you be able to find a job? Do you have family there? Can you speak the language?
44. If deported, what problems would your family have in your country? Would they be able to work, go to school, speak the language, receive adequate medical care? Do they have any family there?
45. Are you afraid to go back to your country? Why?
46. Why should the judge believe that you are a different person now and that you are rehabilitated?