

APPENDIX 8I

TESTIMONY TIPS FOR THE RESPONDENT AND WITNESSES

Proper preparation of the applicant and his or her witnesses is essential to the success of any asylum, withholding of removal, or Convention Against Torture claim before the immigration court. In addition to carefully crafting and reviewing direct examination questions and cross-examination topics with the applicant and witnesses, however, it is also important to discuss the below concepts with each individual.

1. **Always tell the truth.** While this might seem obvious, the truth is the most important ingredient for success. You are representing your client because you believe he or she is eligible for the relief sought. The facts of your client's case and your client's credible presentation are the most powerful evidence you have. It is essential that your client remember the importance of being truthful and credible during his or her hearing.
2. **Make eye contact with and direct answers to whoever is asking the questions,** whether it is you, the Judge, or the government attorney.
3. **Listen very carefully to the question asked and answer that exact question in a clear and convincing way.** Your client must provide complete and honest answers to the questions asked, while keeping his or her answers simple and clear. He or she should use persuasive language and say his or her answers with conviction. Your client should not ramble or provide information that is not relevant to the exact question asked.
4. **Be polite and persistent in answering the DHS attorney's questions.** The DHS attorney might ask your client questions in a manner that seems rude or aggressive. He or she may also seem as if he or she does not believe your client. Remember that no matter what, your client needs to answer the question asked in a truthful, polite, and courteous way. Even if the DHS attorney is not being respectful, your client needs to be respectful. Getting frustrated or defensive can only hurt your client's credibility and his or her case. The DHS attorney might also ask your client a question multiple times by using different wording in an attempt to get your client to say something that might hurt his or her case. Your client should not be afraid to stand his or her ground and give the same answer multiple times.
5. **Ask for questions to be repeated if necessary.** If your client does not understand a question or if he or she needs a question repeated, he or she should politely notify the court that he or she did not understand the question or politely request that the question be repeated.
6. **Don't play the guessing game.** If your client does not know the answer to a question, it is better for him or her to say "I don't know" or "I don't remember" than to try to guess or make something up.
7. **Understand the law.** Your client should keep in mind the main points of his or her testimony throughout all of his or her answers. Make sure your client understands the legal elements that need to be proved for him or her to be granted relief.
8. **Know the evidence.** Remind your client that you prepared a detailed packet of exhibits to support his or her application(s) for relief from removal. He or she should have been provided with a copy of those documents. It is essential that your client is familiar with all of the documents submitted on his or her behalf. This is especially true of his or her sworn declaration. The judge will evaluate his or her credibility by comparing his/her live testimony with what he or she has said in the statement. Thus your client must be thoroughly familiar with

his or her statement. If there are any inaccuracies or discrepancies in the sworn declaration, you should ask your client to bring them to your attention BEFORE the hearing, so you can amend it as necessary.

9. **Remember that this is just a conversation.** Your client will be nervous, because it is natural to be nervous. Keep in mind that your client is there to provide the information asked, nothing more.
10. **Trust yourself and your attorney.** Remind your client about all the preparation you have done together and the documentary evidence you have submitted. Your client should trust that detailed testimony will be his or her best evidence, especially when it fits in nicely with the evidence previously submitted. Remind your client of your role in the proceedings: You cannot answer questions for your client, but you are there to: (1) make sure the most important facts are on the record; (2) help clarify questions or ambiguities; (3) draw the judge's attention to the documentary evidence; (4) protect your client's rights and object to anything improper by the DHS attorney; and (5) give your client confidence.