

Boston Center for Refugee Health and Human Rights

Merits Hearing Checklist

Prepared by Dr. Michael A. Grodin and Linsey Ben-Ami

© 2004 Grodin and Ben-Ami

Before the Hearing:

What to Bring:

- ✓ Someone to be supportive such as a friend or family member (although they may not be allowed to come into the courtroom).
- ✓ A good luck charm such as a religious object, beads or an amulet.
- ✓ Your Notice of Hearing document and an ID. These may be needed when you go through security.
- ✓ Something calming to do while you wait, such as a book to read.

What to Do:

- ✓ Review your case file. Make sure that it is accurate, complete, and that your papers are in order.
- ✓ Make sure you have met with your lawyer and discussed your testimony. When you meet, your lawyer will ask you many questions that s/he may ask you in court.
- ✓ Be certain you know the correct date, time, and place where you are meeting your lawyer.
- ✓ You may want to go to the building where your trial will happen the day before. This will help you know how long it will take to get there, help ensure you won't get lost, and make you more comfortable with the location.
- ✓ Arrive at least an hour before your hearing is scheduled. Remember that buses and subways can slow you down. If you are working- arrange to take the whole day off. If you have children, make sure someone is available to take care of them all day.
- ✓ Come well dressed. Wear minimal jewelry.
- ✓ Use the toilet, stretch your muscles, and breathe deeply several times before the hearing begins. This will help make you more comfortable and will improve your body language.
- ✓ If possible, before the trial starts, walk into the courtroom and see where the witness chair is located and the path you need to take to get to it. This will make it easier to walk there directly and help make you feel more comfortable.

During the Hearing:

Body Language:

Remember that messages are also conveyed by *nonverbal* language (e.g. tone of voice, facial expression, hand gestures, body position, and eye contact).

- ✓ Sit up straight.
- ✓ Keep your hands on your legs and away from your mouth.
- ✓ Keep both feet on the ground. Do not cross your legs.
- ✓ Look directly at the questioning lawyer or the judge. Remember to make eye contact when speaking to anyone in the courtroom. Eye contact is a way to show respect in the US. Explain the etiquette in your country.

Speaking:

- ✓ Tell the truth, the whole truth, and nothing but the truth.
- ✓ Tell your story accurately, honestly, and passionately.
- ✓ When you don't remember the answer to a question, say that you don't remember- don't try to make something up!
- ✓ Speak loudly and clearly and a little slower than usual. Using shorter sentences will make it easier for everyone to understand. If there is an interpreter this will make translation easier and more accurate.
- ✓ Show respect to everyone in the courtroom. If you need to ask the judge a question, look at the judge and say "Your Honor". Wait until the judge gives you permission to speak before you ask the question. Refer to the lawyers as "Sir" or "Madam".
- ✓ When someone asks you a question, wait until they finish the entire question, and then take a deep breath before responding. This will make sure you hear the entire question and give you a little time to think before you respond.
- ✓ If you feel bad or uncomfortable, you can ask the judge to take a break to give you a chance to calm down.
- ✓ If you make a mistake, admit it and correct it. Nobody is going to hold it against you if you make a mistake, but they will hold it against you if they think you are lying.
- ✓ Never memorize your testimony. Know your facts, but memorizing will make you look rehearsed during your testimony and you will not be able to handle when questions are asked out of order.

- ✓ Try not to be defensive. Act the same way whether it is your lawyer or the government's lawyer asking you questions.

Keep in Mind:

- ✓ This is your chance to tell your story. Only you know what has happened to you and you are the expert. Make sure you don't leave without telling your story.
- ✓ It's OK to show emotions.
- ✓ This is an adversarial process. The government's lawyer is supposed to ask difficult questions. He may say that you are lying and that you should be deported. He is not there to be nice, but to do his job. Do not take it personally and do not get angry.
- ✓ This is not the end. If you are denied asylum after the hearing you can still appeal.
- ✓ Keep breathing!

After the Hearing:

- ✓ Make sure to get a paper copy of the decision.
- ✓ If you are granted asylum: come to the Refugee Center in order to get a referral to the refugee resettlement agencies.
- ✓ If asylum is denied, your lawyer may appeal. Come to the Refugee Center to discuss what happened.