



Preparing Evidence and Testimony for Immigration Court



This fact sheet talks about documents you might need to send to immigration court to help prove your case. It also helps you prepare to answer questions a judge might ask you during your immigration hearing.

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Gathering Evidence for Your Hearing

What is evidence?



People go to immigration court for many reasons. You might go to immigration court because:

- You are in removal proceedings for any reason.
- You applied for asylum.
- You applied for voluntary departure.

When you go to court, you must tell the judge your story. You might need to tell the judge why:

- They should let you stay in the United States.
- It is unsafe for you to return to your home country.
- You qualify for asylum or other type of relief.


Evidence is documents, photos, and other things that help you prove that your story is true.


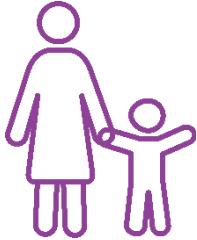
Do I need to give the judge evidence for my immigration case?



You must give the court any documents the judge asks for. You should also send any documents that support your case or application. This evidence will help your case. **You must mail evidence to the court 15 days before your immigration hearing.** Go to the “How to Send Your Evidence to the Court” part of this fact sheet for instructions on where to send your evidence.

What type of evidence do I need to send to the court?

Every case is different. Gather any evidence that proves that the story you tell in your case or application is true. Send the court any documents that support your case or application. See the table for examples of evidence that can make your case stronger.

Things a Judge Might Ask You to Prove	Examples of Evidence to Send to the Court
<p>You have good moral character. This means you help your family and community. It also means you follow the law.</p> 	<p>Gather documents that show you:</p> <ul style="list-style-type: none">• Volunteer in your community. This could be a letter from a church, synagogue, mosque, or non-profit organization.• Don't have certain criminal convictions. This could be police clearance letters from each city where you have lived. It could be a name search for criminal court records for each state where you have lived. It could also be an FBI background check.• Support your children. This could be letters from your children's teachers. It could be proof that your children live with you. It could also be proof you are paying any required child support or sending money if your children do not live with you.• Pay taxes. This could be copies of past federal and state tax returns.• Are in recovery from alcohol or drug use disorders. This could be a letter from a doctor or treatment program.• Are recommended by people in your community. These could be letters from people in your community that say how they know you and why you are a good person. Friends, family members, and neighbors can write these letters.

<p>Things a Judge Might Ask You to Prove</p>	<p>Examples of Evidence to Send to the Court</p>
<p>You have physically lived in the United States for several years.</p> 	<p>Gather documents that prove you lived in the U.S. such as:</p> <ul style="list-style-type: none"> • Lease agreements with your name and the dates you lived there. • Federal and state tax returns from every year you paid taxes. • Employment records that show the company you worked for and the dates you worked for them. • Mail that was delivered to you in the United States. The mail must have the date on it and the address where it was mailed. • Education records that show you attended school in the United States. It must have your name on it. It must also have the dates you went to school. • Medical records that show the date and location you went to the doctor.
<p>It would cause extreme hardship to a family member if you were deported. This means you have a child or a sick family member who has no one else to care for them.</p> 	<p>Gather documents that show:</p> <ul style="list-style-type: none"> • You are the caretaker for a family member with a severe illness. These could be medical records. It could also be a letter from a doctor or social worker. • You are the primary caregiver or financial provider for a child with U.S. citizenship or a green card. This could be your child's birth certificate and proof of immigration status. It could also be a custody order or guardianship order. It could be a letter from a teacher, doctor, or other professional. • Why the whole family can't be deported. This could be a document that shows a medication isn't available in your home country. It could also be the birth certificate of a U.S. born child that you are the primary caregiver for.

<p>Things a Judge Might Ask You to Prove</p>	<p>Examples of Evidence to Send to the Court</p>
<p>It is dangerous for you to return to your home country. This means that you could be tortured or killed if you were sent home.</p> 	<p>Gather documents that show:</p> <ul style="list-style-type: none"> • Evidence of conditions in your country. This could be reports from government and non-profit organizations or news articles explaining the conditions in your country. • Evidence of past harm you have suffered in your country. This could be police reports or medical records. It could also be copies of threats you have received or letters from family and friends. • Evidence of harm suffered by people similar to you in your country. This could be news articles or reports by non-governmental organizations (NGOS). It could also be letters from experts or professionals.
<p>You have sought treatment after criminal charges. If you were charged with or convicted of a crime, send proof of steps you have taken to recover and follow the law.</p> 	<p>Gather documents that prove you've taken steps to follow the law such as:</p> <ul style="list-style-type: none"> • Medical records that show you got treatment for a mental health issue or substance use. • Receipts that show you paid all your fines. • Copy of a court record from your case that shows you are off probation.

What is good evidence?

Any evidence you send to the court must meet the following requirements:



The evidence must be relevant to what your court hearing is about.

If you filed an application for relief from deportation, you might have specific evidence you have to send. You might also have specific things you have to prove to win your case. The evidence you send should show you can prove these things about your case.



The evidence must be in English or translated into English.

If the original document is not in English, someone must translate it. You do not need to use a professional interpreter or translator. A bilingual family member, friend, or acquaintance can do it. They must complete a translator form. Get a blank translator form at:

[lawhelpmn.org/sites/default/files/2025-02/Immigration Certificate of Translation.pdf](http://lawhelpmn.org/sites/default/files/2025-02/Immigration%20Certificate%20of%20Translation.pdf)



The evidence must come from “respected sources.”

Examples of good sources:

- U.S. State Department
- Governments of other countries
- Non-governmental organizations (like human rights orgs, Human Rights Watch, the United Nations, Amnesty International)
- Police reports
- Medical records
- Employment records.

Examples of bad sources:

- Wikipedia

When do I give my evidence to the court?

You must mail your evidence to the court and the government lawyer **before** your hearing.

- **If you are NOT in ICE custody or detained:** You must submit all evidence for your case 15 days before your court hearing.
- **If you ARE in ICE custody or detained:** The court will set a deadline for you to send evidence.



How to Send Your Evidence to the Court



STEP 01

Gather any documents you want to send to the court as evidence.

Make sure they are all in English. Translate any documents that are in other languages. The person who translates a document must fill out a translator form.



STEP 02

Fill out a cover packet to send with your evidence.

Get a blank copy of the cover packet at: LawHelpMN.org
There are samples in this fact sheet to help you fill out this packet.



STEP 03

Make 3 copies of the cover packet and all the evidence documents.

Make a copy of your application. Keep the **original** documents for your records.



STEP 04

Mail 1 copy of the cover packet and evidence documents to the court where your hearing is scheduled.

Find the name and address of the court:

- **By Phone.** Call the EOIR hotline at **1-800-898-7180**.
- **Online.** Go to acis.eoir.justice.gov.



STEP 05

Mail 1 copy of the cover packet and evidence documents to the government lawyer or “OPLA office.”

This is also called “serving the government lawyer.” This address is different from the court’s address. To find the OPLA office assigned to your court, **call the court that has your case**. Tell them you want to send evidence for your case. Ask for the name and address of the OPLA office assigned to your court.



Sample Cover Packet



You need to fill out a blank cover packet.

Scan the QR code or go to LawHelpMN’s website to get a blank copy: LawHelpMN.org The instructions and sample below can help you fill out your cover packet.

What goes in a cover packet?

There are 3 parts to a cover packet that you send with your evidence. The court refers to each piece of evidence as an “exhibit.” **Each part must be filled out in English.**

1. **Cover sheet.** This tells the court who you are and what case you are sending evidence for.
2. **Table of contents.** This tells the court what evidence you are sending.
3. **Certificate of service.** This tells the court when and how you sent a copy of the evidence to the government lawyer.

Get a blank copy of the cover packet at: LawHelpMN.org Use the samples in this fact sheet to help you fill out the cover sheet, table of contents, and certificate of service. Fill in as much information as you can. If you do not have some of the information, like the name of the immigration judge, send the evidence with as much information as you can.



Sample cover sheet

Your Name: Write your full name here

Your Address: Write your new address here

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT

City and State: Write the city and state of your current immigration court

In the Matters of:

Write your full name here
(Your Name)

File No.: A Write your A Number here
(Your Alien Registration Number)

Write your child or spouse's full name here
(Name)

File No.: A Write your child or spouse's A Number here
(Alien Registration Number)

Write your child or spouse's full name here
(Name)

File No.: A Write your child or spouse's A Number here
(Alien Registration Number)

Only include this part if you have a spouse or child included in your immigration court case.

Immigration Judge: Write the name of your immigration judge here

Next Hearing Date: Write the date of your hearing here. If you don't have a hearing scheduled, write "none" or "N/A."

RESPONDENT'S SUBMISSION OF EXHIBITS

Sample table of contents

INDEX TO DOCUMENTATION FILED IN SUPPORT OF

Write what your immigration case is about. For example "Application for asylum."

Respondent:

Write your full name here

Next Hearing Date:

Write the date of your next hearing if one is scheduled

Name of Exhibit (Piece of Evidence)	Page #
Good Moral Character	
Write the name of each document that proves your good moral character. <i>Example: Letter from the food bank where I volunteer.</i>	
Physical Presence	
Write the name of each document that proves how long you've lived in the United States. <i>Example: Copy of my lease agreements from 2020-2025.</i>	
Extreme Hardship	
Write the name of each document that proves deportation would cause extreme hardship. <i>Example: Letter from my daughter's doctor.</i>	
Dangerous to Return Home	
Write the name of each document that proves why it is dangerous for you to return to your home country. <i>Example: Report from Human Rights Watch.</i>	
Recovery After Criminal Charges	
Write the name of each piece of evidence that proves you have recovered after criminal charges and are following the law. <i>Example: Receipt from payment of speeding fine.</i>	

You don't have to send evidence in every category.
You can add more lines if you need them.

Sample certificate of service

Write your full name here

(Respondent's Name)

Write your A-Number here

(Respondent's Alien Number)

CERTIFICATE OF SERVICE

On Write today's date here, I, Write your full name here,
(date) (printed name of person signing below)

served a copy of this submission of exhibits,

and any attached pages to Write "Office of the Principal Legal Advisor for DHS – ICE" here
(name of party served)

at the following address: Write the address of your OPLA office here
(address of party served)

by Write how you will send a copy to the government attorney (OPLA office). For example, "USPS priority mail."
(method of service, for example overnight courier, hand-delivery, first class mail)

Sign your name here

(signature)

Write today's date here

(date)

Preparing and Giving Testimony

What is testimony?



Testimony is when you answer questions in court. The questions could be asked by the judge, your lawyer, or the government’s lawyer during your hearing. You are “under oath” when you give testimony. This means it is a crime to lie. Giving testimony is also called testifying.

Do I have to testify during my hearing?

Yes, if you are the “respondent” at the hearing. You might be asked about:

- Any of the evidence you sent to the court.
- Anything you put on an application form you sent to the court.
- Anything else about your immigration or criminal history.

Can other people testify on my behalf?

Yes. Bring anyone to court who can help you prove your story is true. They can testify as a witness. For example:

- Your doctor might speak to a health condition or mental health diagnosis.
- Family members might speak to the hardship that your deportation would cause them.

Witnesses can also submit an affidavit if they can’t make it to court. An affidavit is a formal letter someone writes to share what they know with the court. They have to sign the letter in front of another person called a **notary** to make it official.

What should I do when I testify?



Tell the truth.

It is a crime to lie under oath in court.



Give short answers.

It is important to tell your story. But you should only share information that is relevant to your case.



Be consistent.

What you say to the judge must be the same information that is in the evidence you gave to the court. Being consistent is very important. A judge may rule against you if they do not find you credible.



Ask for an interpreter if you are not comfortable using English.

During your hearing, you have the right to communicate in the language you are most comfortable using. **The court must provide you with an interpreter.** Bring someone you trust who speaks English to the hearing to help you ask for an interpreter. Ask to reschedule your hearing if an interpreter is not there. Don't let anyone pressure you to continue the hearing in English. If you are using an interpreter, pause to allow for interpretation.



Ask the judge or lawyer to repeat a question if you do not understand it.

Don't answer any question you don't understand.

How can I prepare to give testimony?

01

Practice what you want to say. Practice with a lawyer if possible.

It is normal to feel uncomfortable during a hearing. The government lawyer will ask you a lot of questions and try to find holes in your story. Practice what you want to say. It can help you feel less nervous.

02

Review the evidence you sent. Review your affidavit if you sent one to the court.

It is important that the story you tell the judge in court is the same story in the information you sent as evidence. Review the documents you sent to the court before your hearing. It can help you be consistent in your testimony.

03

Review the “Basics of Immigration Court” fact sheet before your hearing.



LawHelpMN has a fact sheet that tells you what you can expect to happen during your immigration court hearing. Review this fact sheet to help you prepare for your hearing. Scan the QR code or go to: lawhelpmn.org/self-help-library/fact-sheet/what-expect-first-time-you-go-immigration-court-minnesota