



**Asylum**  
*Online Course*

## Exercise: Draft a Closing Statement

### How to Complete This Exercise

For this exercise, begin by reading the information below. Next, draft a closing statement based on the hypothetical facts provided. You should assume that you would be presenting this closing statement orally, so it does not need to be a formal written work product in the format of a brief; it could be as simple as bullet points. However, you should also assume that the adjudicator might ask for a written copy of the statement so that it should be sufficiently neat and clear that you could provide it if requested.

Finally, upload your closing statement into the course in the Completed Exercise Upload component. Once you have uploaded your response, you will be able to download the faculty response. You can self-grade by comparing what our committee member wrote as a response for this exercise with what you produced.

Remember that this exercise is for your own benefit as an opportunity to apply concepts and practice hands-on skills, so please spend as much time on it as is useful to you for your learning.

### Closing Statements

The regulations mandate that an asylum seeker's legal representative be given the opportunity to make a closing statement at the end of an **affirmative asylum** interview before the USCIS Asylum Office, per 8 CFR 208.1(d). Generally, this statement may be made orally, although asylum officers have the authority to ask for submission in writing in lieu of an oral statement or in addition to the oral statement. Therefore, it is good practice to have a short written statement available and to be prepared to make the statement orally.

In **defensive asylum** proceedings in Immigration Court, most judges will allow a brief closing argument. This argument is separate from an additional to a pre-hearing or post-hearing legal brief. However, it will often summarize and emphasize the key arguments in the brief. The attorney from the ICE Office of Chief Counsel will be offered an opportunity to make a closing statement as well. Some immigration judges will allow a brief reply statement from the asylum seeker's legal representative while others do not.

Whether offered affirmatively or defensively, the closing statement should be concise, generally no longer than 5-7 minutes. It will generally begin with a strong statement of the theme of the case (*e.g.*, what is the case about in a nutshell). It will then apply the legal standards to the testimonial and documentary evidence offered regarding the applicant's past persecution and/or well-founded fear of



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future persecution on account of one or more of the five protected grounds. It may be useful to direct the adjudicator to specific evidence in the record. The argument will also address any key issues specific to the case, such as the applicability of bars to asylum or the applicant's credibility. It will also raise and analyze key legal cases. It usually ends with a request for asylum and, in the alternative, withholding of removal or protection under the Convention Against Torture.

There is a great deal of opportunity to engage in creativity and advocacy in a closing statement. Adjudicators often rely heavily on language and framings that you use in the closing statement, so you want to take full advantage of the opportunity.

### **Hypothetical Client Information**

Client Name: Gerry Garcia

Place of Birth: Nicaragua

Date of Birth: August 1, 1990

Entry into the US: Entry without inspection near Laredo, Texas; August 20, 2021

Adjudication: Defensive asylum in removal proceedings before the San Antonio, Texas Immigration Court taking place on August 1, 2022

#### **Facts:**

Mr. Garcia was an engineering student at a university in Nicaragua, living on campus, when protests broke out in the country in 2018. The protests were triggered when President Daniel Ortega cut retirement benefits and took steps to assert greater control over the press in Nicaragua. High school and college students were particularly active in the protests and took on leadership roles in calling for change in the government. As a result, the Nicaraguan security forces engaged in repressive activities against universities and students, including taking physical control of some university campuses, arresting, imprisoning, and beating student protesters during marches and activities, and seeking out students in their homes for arrest and torture.

Nicaraguan security forces took over Mr. Garcia's campus just as the protests were beginning. Government forces asked Mr. Garcia to speak to his fellow students about helping the government to repress the protests. Mr. Garcia refused to help, and a government official threatened him with harm in response. Mr. Garcia left the campus and abandoned his studies and went to live with his family in another city. Back at home, he participated in several street protests; at each of those protests, government forces threw tear gas and otherwise sought to quell the protest. On several occasions, Mr. Garcia ran into members of the security forces on the streets who seemed to recognize him and who told him that he



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should be cautious with his activities or face the consequences. Then, the security forces arrested and tortured one of Mr. Garcia's friends who was also a student protester. Shortly afterwards, members of the security forces came to Mr. Garcia's home looking for him when he was not there. Mr. Garcia decided that he had to flee the country.

The evidence presented to the Immigration Court included Mr. Garcia's own testimony and multiple human rights reports showing that the Nicaraguan government engages in harsh repression of protesters, including killings of some students. The evidence also includes the declaration of an expert witness, Dr. Jones, who concluded that Mr. Garcia faces "a high probability of being persecuted, jailed, tortured, and even killed due to his political views and his status as a (former) university student" if returned to Nicaragua.

*Write your closing argument for Mr. Garcia's case.*