

Objections Cheat Sheet

Objection	Reason for you to Object	Response to OCC/TA if they make this objection
Argumentative	Other side is making an argument and not actually asking a question. Can be used to break up a hostile cross from the TA, or to even put on record with hostile IJ	You can ask to rephrase. Often times best to just wait and see what the IJ decides.
Asked and Answered	Question is asked more than once even though the witness has already answered it – often because the TA didn't get the answer they wanted.	Did you ask a different question? If so, can argue that, otherwise best to move on.
Compound Question	Two questions posed as one – it makes it confusing.	Wait for IJ ruling or you can state that you will rephrase
Hearsay	<p>Statement made out of court to prove the truth of the matter asserted. Hearsay is allowed in Immigration court proceedings, but be on the lookout for types that are highly prejudicial and also may not be relevant.</p> <p>For some documentary evidence being used against your client can request that you be allowed to cross examine the preparer.</p>	<p>There are relaxed rules of evidence in administrative proceedings such as this, and the evidence is relevant. Can also argue that the factfinder (IJ) can give the evidence the proper weight.</p> <p>If IJ has allowed in same kind of hearsay evidence on the other side, also point this out.</p>
Improper Characterization of Evidence OR Assumes Facts not in Evidence	<p>TA has described testimony or evidence incorrectly or has described something in a prejudicial way – i.e. “your <i>crazy</i> statement” or “your <i>unbelievable</i> statement.”</p> <p>TA mentions a document or interview that the IJ has excluded from admission or some other statement or document that has not been brought up. Can also use hearsay objection in these cases as well.</p>	You can rephrase – make sure that when you are asking questions that you are referencing evidence that has been admitted and don't use inflammatory language.

<p>Lack of Authentication</p>	<p>A document that hasn't been stipulated to needs to be identified as true and accurate by a witness.</p> <p>Should be used for criminal records, reports, documents from the internet that prove certain issues against your client.</p>	<p>TA may object to witness affidavits and such with this and hearsay. Use the same arguments above.</p>
<p>Lack of Foundation</p>	<p>No prerequisite evidence submitted that would make the evidence admissible.</p> <p>Keep an eye out for certain criminal records, reports from experts without any background on expertise, print outs from internet, etc.</p>	<p>If you did not lay the foundation, go back and do so.</p>
<p>Relevance</p>	<p>Question asked doesn't relate to the merits/issues of the case.</p>	<p>State how your question is relevant (for the record) and to what point it relates.</p>
<p>Speculation</p>	<p>Witness doesn't have first-hand knowledge of the facts to which she is being asked to testify.</p> <p>Questions usually start with, "why do you think X did..."</p>	<p>Can rephrase questions – "Do you know why X happened?" or "Do you know why X did Y?" If your client has personal knowledge then she can testify to that fact.</p>