

FILE 5: REQUESTING VIDEO EQUIPMENT IN THE IMMIGRATION COURTROOM IN YOUR MOTION: SAMPLE MOTIONS IN AN ASYLUM CASE

An attorney in New York successfully requested that video equipment be brought into the courtroom in a 2011 asylum case. After filing a motion to present video evidence (see A below) and supplement to present video evidence (see B below), she was able to screen a documentary that was relevant to her client’s asylum case on a court-provided television and DVD player:

A. Motion to present video evidence in a New York asylum case, which also states that relevant segments of the video have been transcribed and are attached to the motion:

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U.S. DEPARTMENT OF JUSTICE
 EXECUTIVE OFFICE OF IMMIGRATION REVIEW
 OFFICE OF THE IMMIGRATION JUDGE
 NEW YORK, NEW YORK

_____)
 In the Matter of:)
 ACJ,) **Axxx-xxx-xxx**
 Respondent)
 In Removal Proceedings)
 _____)

Immigration Judge: xxx Next Hearing Date: xx

MOTION TO PRESENT VIDEO EVIDENCE

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Includes transcription of relevant segments of the video with the motion (Exh. A)

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LEGAL ARGUMENT

The Respondent has filed an application for asylum and withholding of removal based on past persecution on account of her membership in the social group of transgender women in Argentina. The Department of Homeland Security has expressed doubt that persecution, abuse, social exclusion, and arbitrary arrests of transgender women still occurs in Argentina despite the advancement of rights of homosexuals and certain legal protections provided to homosexuals in Argentina.

The Respondent and her counsel would like to present evidence in the form of a DVD of a video entitled “Translatina.” This video is a documentary released in 2010 which illustrates the persecution of transgender persons in Argentina and throughout Latin America. The Respondent would like to show selected portions of the video (transcripts of which are attached to this Motion), in which transgender activist and transgender women from Argentina discuss their experiences. Additionally, the Respondent would like to present a portion of the video in which police officers and the head of police in Peru are interviewed and discuss, in graphic detail, their abuse and torture of transgender women. Although the Respondent is applying for asylum from Argentina, she feels that this testimony of the police in the largest city in Latin America, and from a neighboring country, illustrates the attitude of police officers and officials throughout Latin America. The police discuss treatment of transgender women which closely mirrors mistreatment and abuse which the Respondent has testified that she has also suffered at the hands of the police in Argentina.

The Respondent request a standard DVD player be provided for her xxx hearing or that her counsel be allowed to show the video from a laptop.

The Respondent through her representative,

Jodi Ziesemer
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Indicates portions of the documentary video that have been transcribed & are attached to the motion

Request to have equipment supplied by the court on which to play video or alternatively to play video on attorney's laptop

B. Supplement to motion to present video evidence in a New York asylum case:

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 NEW YORK, NEW YORK

In the Matter of:)	
ACJ)	Axxx-xxx-xxx
Respondent)	
In Removal Proceedings)	

Immigration Judge: xx **Next Hearing Date: xxx**

SUPPLEMENT TO MOTION TO PRESENT VIDEO EVIDENCE

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[DVD of Translatina film, 93 minutes]

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Supplement provides transcription of video evidence in original Spanish (Exh. B) & a full description of the video (Exh.C)

DESCRIPTION OF FILM AND FILM-MAKERS

“Translatina” is a 93-minute documentary film directed by the award-winning Felipe Degregori and produced in Peru by the Pan-American Health Organization with funds from the Red LACTrans (Network of Latin American Transgendered), United Nations Development Program, United Nations AIDS program, Agencia Española de Cooperación Internacional para el Desarrollo (Spanish Agency for International Cooperation for Development). The film is produced in Spanish with English subtitles. The documentary exposes the reality of transgender women in Latin America through the testimonies of activists, health professionals, experts and transgender people. Combining more than three years of production and more than one hundred hours of footage and interviews with people of fifteen nationalities, “Translatina” is a thought-provoking depiction of the realities confronted by transgender people in Latin America. Aimed at showing a more complete view, the documentary takes testimonies from different Latin American trans organizations, as well as from the State actors and civil organizations. Diverse testimonies narrate the fight for survival in a society where the stigma of being trans brings along indifference and physical and psychological violence.

The Respondent through her representative,

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¹ Felipe Degregori won best film at the Bogota Film Festival in 1993, Special Mention at the Havana Film festival, and Best Latin Film at the Peniscola Film Festival. See the Internet Movie Database, <http://www.imdb.com/name/nm0214833/>, last accessed on September 26, 2011.