The ABCs of Representing Unaccompanied Children in Removal Proceedings

Sponsored by the ABA Commission on Immigration

Date: Wednesday, October 1, 2014
Time: 1 pm to 5:30 pm
Location: ABA office, 1050 Connecticut Avenue, Suite 400, NW, Washington, DC

AGENDA

12:30 - 1:00: Registration

1:00 pm – 1:15 pm: Introduction – Meredith Linsky

Who are these children? Where do they children come from? Why are they leaving their countries? What happens after they arrive in the United States? Who is responsible for their care and custody? What happens after they are released from detention?

1:15 pm – 1:45 pm: Best practices for working with unaccompanied children – Laura Nally

How does one build rapport with a child client and gain the child’s trust? What is the role of the family members and/or sponsor? How does one work with a child and an interpreter? What are ways to communicate with a child who is reticent to open up or who has little or no formal education? How does one question a child about deeply personal, potentially embarrassing experiences?

1:45 pm – 2:30 pm: What every non-immigration lawyer should know about immigration law and removal proceedings – Karen Grisez

What are the contours of the immigration court? What is the authority of the Immigration Judge? Who represents the government? Who holds the burden of proof in removal cases? What is the difference between the initial master calendar hearing and the subsequent individual hearing? Where does one take an initial appeal? Are there further appeals? What applications must be adjudicated by the DHS agencies?

2:30 pm – 3:00 pm: Ethical Considerations in representing unaccompanied minors – Meredith Linsky and Linda Britton

What is the lawyer’s role in representing a child client? Who determines the scope of the representation? What is the lawyer’s responsibility if the child client is not competent to direct the representation? What role, if any, does the parent have in determining the outcome of the representation? What role does a “best interest” determination play in the outcome of the proceeding? Can one request a “guardian ad litem” in these proceedings? Must the adjudicator take into consideration the “best interest” determination?
3:00 pm – 3:15 pm: Break

3:15 pm – 4:15 pm: Special Immigrant Juvenile status (SIJS) – Laura

What is Special Immigration Juvenile status? Who is eligible for it? How does one apply for it? Where does one get the predicate order? What language must the predicate order include? What are the particularities of the DC, VA and MD state court processes? Where does one file the actual visa application? Who adjudicates the application? How does the child apply for the lawful permanent resident status? What are the limitations on filing family petitions for a child who gains residency through SIJS?

4:15 pm – 5:00 pm: Asylum Law and Initial Jurisdiction Issues for UAC cases – Karen

Who is eligible for asylum? How does a child apply for asylum? Who has initial jurisdiction over a UAC case? What are the most common types of UAC asylum claims (gang and DV)? What is the law generally in those areas? What does winning asylum mean in practical terms?

5:00 pm – 5:30 pm: U and T visas – Tanisha Bowens-McCatty

What are the U and T visas? Who is eligible? How does one apply? What benefits do these visas transmit to the beneficiary?