This workshop was held at the 2019 Equal Justice Conference in Louisville, Kentucky.

Title:

The Kids Are Alright: Strategies for Pro Bono Work with Immigrant Children

Presenters:

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Session will cover best practices for pro bono representation of immigrant children in removal proceedings, offering practical suggestions for law firms and LSPs to successfully collaborate
The Kids Are Alright:
Strategies for Pro Bono Work With Immigrant Children

1. Introductions/Stage Setting
   a. Brief self-introductions
   b. What this session is; what this session isn’t.
      i. Isn’t:
         1. Intended to get into details of ethical issues of engagement with children (for this, see AILA Practice Advisory: Ethical Issues in Representing Children in Immigration Proceedings);
         2. About the substantive law relating to relief for immigrant children.
      ii. Is: designed to share strategies for guiding pro bono work with immigrant children.
      iii. Also hoping to help bridge the gaps between legal service providers and private attorneys to help each work effectively together with this population
   c. Figure out who is in the room:
      i. Legal services/law firms/law school/etc.
      ii. Pro bono vs. direct service vs. other
      iii. Currently work with immigrant children or no?
2. Setting the stage: the children & need for pro bono help
   a. Social science/examples of what children have experienced, including how trauma affects kids + levels of development
   b. Outcomes with/without representation
   c. Stats on number of arriving
   d. Thus: pro bono attorneys are key
3. Approach for today’s session: hypothetical situations at 3 key stages of representation to explore ways to be most effective.
4. Start at the beginning: First Client Meeting (Hypo 1)
   a. *Act out first meeting*
      i. Including following misguided attempts:
         1. 1 lawyer very informal, other very formal
            a. Informal: (*enthusiastically*) “You’re from Honduras! I spent a summer surfing there! I love enchiladas!”
            b. Formal: review engagement letter, in no plane language.
            c. Informal: “The gist is that everything you say is a secret.”
         2. Child: one word answers, very uncomfortable.
            b. *Unpack with audience*: identify issues and best practices (see slide)

5. Hypo 2: Review of Client Affidavit
   a. *Act out misguided attempts*
      i. Cross-examination with intake report
      ii. Client tells non-linear stories
      iii. Client expresses desire to return home to family
      b. *Unpack with audience*: identify issues and best practices (see slide)
      c. *Redo hypo with best practices*

6. Hypo 3: Client Crisis
   a. *On slide, group discussion*

7. Other Topics (*informed by audience*)

8. Conclude
Goals of Session

1. Share specific tips for pro bono work with immigration children.

2. Explore expectations on both sides of pro bono relationship (legal services organizations & law firm/private attorneys) to facilitate best possible pro bono work.
Setting the Stage:
The Client Population

➢ Children and youth under 18
➢ Generally coming from the Northern Triangle (El Salvador, Guatemala, Honduras) or Mexico
➢ Escaping violence in home communities
➢ May have personally experienced abuse
➢ Survived difficult trip to the US & at hands of CBP/ICE upon arrival
➢ Likely don’t speak English
➢ Adjusting to new home and school situations
The Need for Pro Bono

➢ “I’ve taught immigration law literally to 3-year-olds and 4-year-olds,” Weil said. “It takes a lot of time. It takes a lot of patience. They get it. It’s not the most efficient, but it can be done.”

– Jack Weil, Assistant Chief Immigration Judge

(As widely reported in March 2016, e.g. https://www.washingtonpost.com/world/national-security/can-a-3-year-old-represent-herself-in-immigration-court-this-judge-thinks-so/2016/03/03/5be59a32-db25-11e5-925f-1d106b2cc82d_story.html?utm_term=.8a5af87dd75a)

➢ In fact, it is almost impossible to win an immigration case without help from an attorney. Only 5 percent of those who won relief between 2007 and 2012 did so without an attorney.


➢ Number of UACs on the rise in 2019; greater need than ever for pro bono help.
Hypo 1: First Client Meeting

Tips and Strategies:

- Importance of physical environment, body language
- Explain key concepts using age-appropriate language
- Build trust through transparency, consistency and expectation-setting
- Consider appropriate length of meeting & use of breaks
- Make available anxiety-reducing props and activities
- Use of interpreter
- Appropriate and inappropriate ways to connect
Hypo 2: Drafting Client Affidavit

Tips and Strategies:

- Expectations around intake—how story can evolve
- Be aware of how trauma affects memory and story-telling
  - Use of timelines, drawings
- Be cautious of interpreting credibility
- Be aware of cultural differences
- Avoid cross-examination
- Understand potential complexities of child’s feelings about returning to country of origin, family members, etc.
Hypo 3: Client Crisis

One Saturday night, you, a 3rd year corporate associate at a law firm, receive a frantic call on your cell phone. You speak a bit of Spanish, and realize that it’s your client’s mother, who seems very upset. You piece together that her son—your client—has been arrested and she doesn’t know where he is.

➢ How do you handle this situation?
➢ What is the role of the legal services provider?
Other Issues

➢ Communicating with your client: texting, social media

➢ Psychosocial services & other needs