



# CILA's 2021/2022 Survey Results: Engaging Pro Bono Attorneys to Support the Immigration Cases of Unaccompanied Children

CILA is grateful to those who participated in CILA's 2021/2022 pro bono-related survey. CILA previously conducted a pro bono-related survey in late 2019/early 2020, and CILA published a summary of the survey results on CILA's "Creative Pro Bono Models" [webpage](#). CILA decided to issue a new pro bono-related survey to gather updated information from organizations on their practices, recommendations, and reflections. The COVID-19 pandemic has impacted everyone and organizations, so CILA also wanted to gather information related to any pandemic-related challenges and how pro bono programs have adapted and changed during these times. We hope the summary of the survey results will provide some interesting and creative ideas to consider for pro bono programs and management.



## CILA Survey Results

CILA started the survey in December 2021 and closed the survey in January 2022. CILA created the survey using Microsoft Forms and circulated the survey via listservs, newsletters, and email. Overall, the survey resulted in 19 responses representing 18 organizations across the nation working with youth (how many states). Organizations from 14 states were represented from the West Coast to the East Coast. CILA values this opportunity to learn from each other and see how programs from across the country are currently working with pro bono attorneys and volunteers to support unaccompanied children in immigration proceedings. Thank you to everyone who participated in the survey.

## Assessment of Pro Bono Programs: Current Operations

### *Working with Pro Bono Attorneys*

The first set of questions relate to whether the organizations work with pro bono attorneys and how their programs currently operate. Three of the survey participants indicated that their organization does not currently work with pro bono attorneys. Responses varied to a follow up question regarding whether the organization would benefit from engaging with pro bono attorneys. One participant indicated yes, and another indicated no due to capacity restraints. The third survey participant indicated that they only work with pro bono attorneys for community clinics, and that they have heard direct representation by pro bono attorneys is work-intensive and they have a

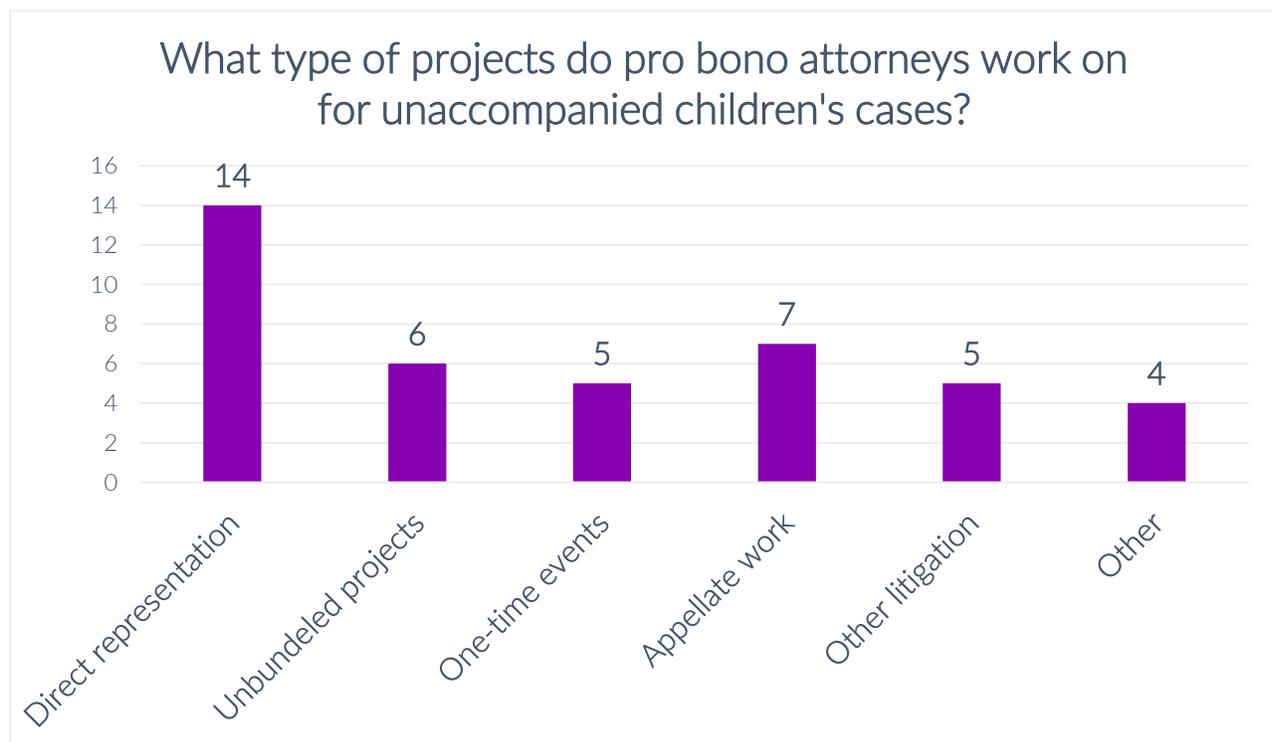
difficult time getting attorneys to commit. The majority, fifteen of the 18 organizations that participated in the survey indicated that they work with pro bono attorneys.

### *What type of projects do pro bono attorneys work on for your organization to support children's cases?*

Most survey participants worked with pro bono attorneys to do direct representation in unaccompanied children's cases. CILA also asked about other project types such as unbundled projects (e.g., brief writing, country conditions research), one-time events (e.g., pro se workshops, volunteer trips), appellate work (BIA, Circuit Court), and other litigation (e.g., habeas petition, mandamus). Seven of the survey participants indicated that their organizations used three or more different types of projects for pro bono attorneys; while eight organizations focused on one or two types of pro bono projects.

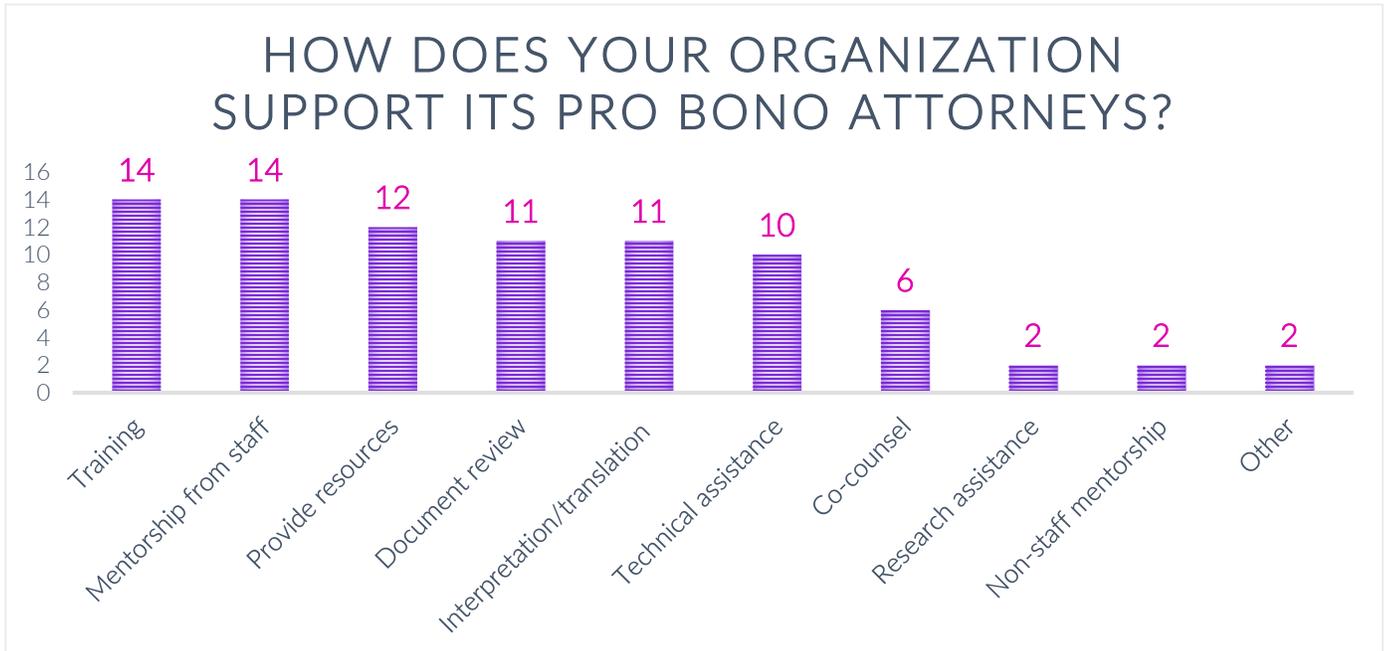


A couple participants included other types of projects. One participant noted working with experienced pro bono attorneys prior to the pandemic to conduct in-person screenings of detained unaccompanied children for relief in a clinic-like setting and another participant noted doing direct representation of caregivers in state court proceedings.



*How does your organization support its pro bono attorneys?*

CILA asked survey participants to provide information regarding how they support pro bono attorneys. The two most common responses included providing trainings and mentorship from staff. All survey participants included that they support pro bono attorneys in multiple ways.



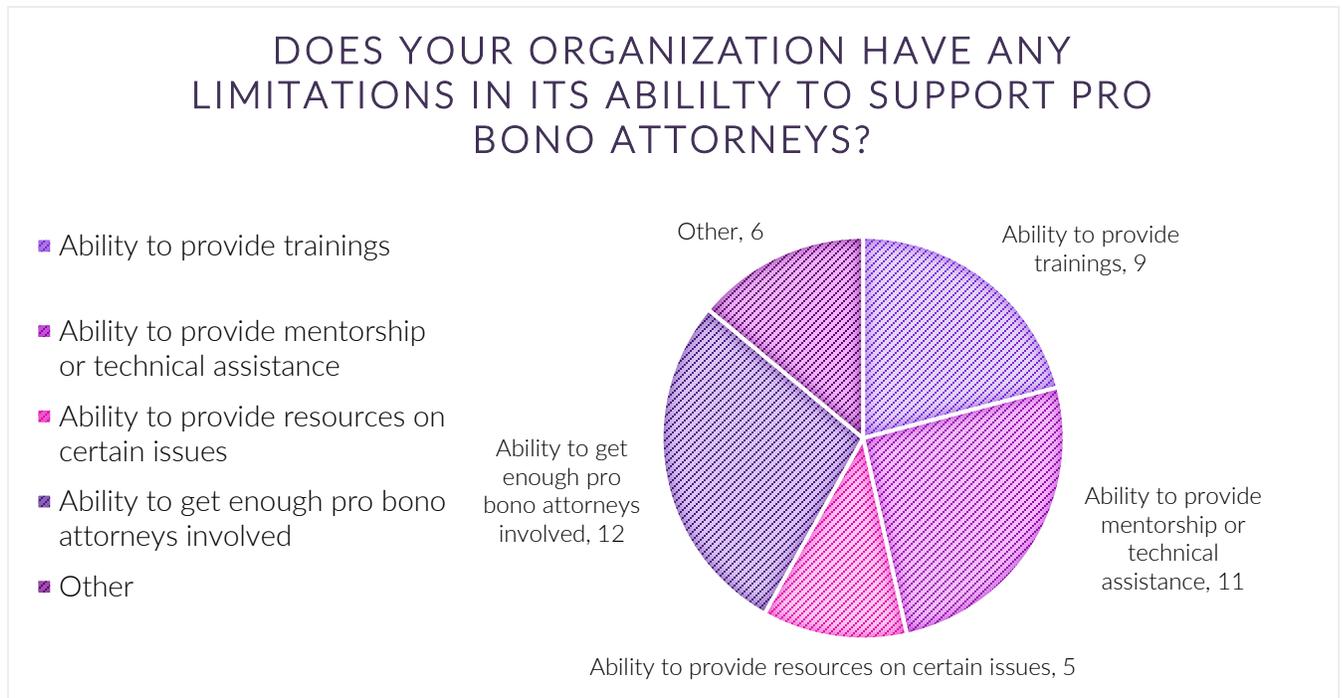
*What methods does your organization use to recruit pro bono attorneys?*

Overall, the primary methods for pro bono recruitment included direct contact by email, partnerships with other organizations, the local bar, and/or large firms, and offering CLE trainings. Additional ideas included networking with pro bono leads at firms and corporations and posting information on local listservs.



### Does your program have any limitations to its ability to support pro bono attorneys?

Consistent with CILA's last survey, programs indicated their primary limitation is getting enough attorneys involved. Closely following that limitation, programs noted difficulty in their ability to provide mentorship or technical assistance. Survey participants provided additional other limitations including practical limitations on staff time and capacity to do the work and needing to step in when mentors were not responsive. Additionally, one survey participant noted challenges in engaging and evaluating recruits over Zoom as well as the need for reliable family law attorneys for SIJS cases. A couple programs also included difficulty in finding assistance with interpretation and translation, and the challenge existed particularly for indigenous languages.



### Impacts of COVID-19 on Pro Bono Programs

*What challenges has COVID-19 presented for your pro bono program and are those challenges ongoing? If they are not ongoing, please describe what has changed.*

CILA asked about impacts of the COVID-19 pandemic on pro bono programs including challenges presented by the pandemic. Several responses indicated pro bono attorney recruitment has been more difficult during the pandemic. Responses from survey participants are grouped and listed below.

### CHALLENGES FOR PRO BONO PROGRAMS DURING THE PANDEMIC

- **Ongoing Challenges**
  - Temporarily stopped on-site/in-person work with volunteers and in particular, large firms seem to prefer us to come to their offices for “volunteer day programs”
  - Difficulty retaining new pro bono attorneys who have started with us (in one example, they committed to a significant amount of pro bono work and then stopped communicating completely, which was detrimental to staff and clients)



## CHALLENGES FOR PRO BONO PROGRAMS DURING THE PANDEMIC

- Pro bono attorneys have been more reluctant to take cases; it feels like they are starting to take cases again, but still slowly—perhaps based on a combination of vaccine availability, less certainty about their own job security at their firms, less onerous system in which we work now that some of the Trump era damage is being undone, and waiting times seem to be decreasing
- Inability to meet with clients in person
- We have not been able to recruit many new pro bono attorneys as it is difficult to attend local bar events or do face-to-face trainings, though that seems to be slowly resolving as COVID restrictions lift
- Difficulty due to employee turnover and with everyone working from home, fees associated with employees paying for internet/Wi-Fi
- Some attorneys do not want to do anything face-to-face so that has limited some projects including clinic options
- Challenging to rely chiefly on electronic and virtual communications to recruit new attorneys
- It is hard to get to know and evaluate potential recruits when they have their cameras off during an online training.
- Experiencing EOIR challenges including delays in adjudications and court closures, particularly on motions before EOIR, inconsistent procedures or lack of login instructions to appear before EOIR, and merits hearings being rescheduled with little to no notice.
- Experiencing delays in state courts scheduling hearings
- Obtaining notarized signatures and other in-person meetings are a challenge if children have not been vaccinated
- Many pro bono attorneys changed employers or moved during the pandemic
- New potential pro bono attorneys who work for large firms are reticent to take cases that are not completely remote which presents many challenges
- Conducting intakes remotely is challenging
- In-person recruitment events were cut short and it is more difficult to network and recruit when you are not naturally meeting people at events or conducting in-person CLEs
- More challenges recruiting pro bono attorneys
- **Challenges That Have Improved**
  - Most volunteers are used to operating remotely or in hybrid fashion at this point
  - Virtual meetings have helped resolve issue for retired attorneys of not having a space to meet with clients since they can now meet virtually

### *Has your program made any positive changes or adaptations to your program as a result of COVID-19?*

CILA asked survey participants to share any silver linings or lessons learned as the programs have adapted during the COVID-19 pandemic. Survey participants shared several silver linings, which focused on remote working creating opportunities for additional pro bono engagement, program enhancements, and advancements based on more effectively using technology.



## SILVER LININGS OF PRO BONO PROGRAM ADAPTATIONS MADE DURING THE PANDEMIC

- **Remote Work Expanding Pro Bono Engagement**
  - Volunteer interpretation/translation for attorneys is now remote, and that generally has meant availability of volunteer language support increased
  - More willing to accept creative teaming or placements—e.g., a team where the members are in three different locations around the nation, as long one team member or a colleague can cover local hearings
  - Increase in cross office staffing of pro bono attorneys with large firms
- **Program Enhancements**
  - Took the time to get approval from their state bar to offer accredited CLE programs via live-stream video
  - Streamlined more processes such as more templates and processes written down
  - Set up remote access for our team which is helpful if folks want flexibility in work
  - Use virtual office hours to meet with pro bono attorneys
  - Adapting an annual in-person citizenship event to holding the event online and now the same framework has been used for TPS events, and they can be held more frequently and reach more people
- **Utilizing Technology**
  - Shifted to Zoom CLE's
  - Increased virtual training attendance by pro bono attorneys
  - More robust remote meeting opportunities through technologies such as Teams or Zoom meetings
  - E-signatures becoming more widely accepted is very helpful
  - Found that is effective to do Zoom trainings and record them so that pro bono attorneys can reference them in the future
  - Program embraced technology and their community generally has embraced it as well
  - For released cases, they were able to leverage a local organization to provide the technology that allows them to access those who live in remote areas or those who cannot travel to them
  - Moving toward electronic intakes and electronic files for pro bono cases
  - Moving some client meetings to Zoom has resulted in reduced missed appointments because it is more convenient for some clients to meet remotely

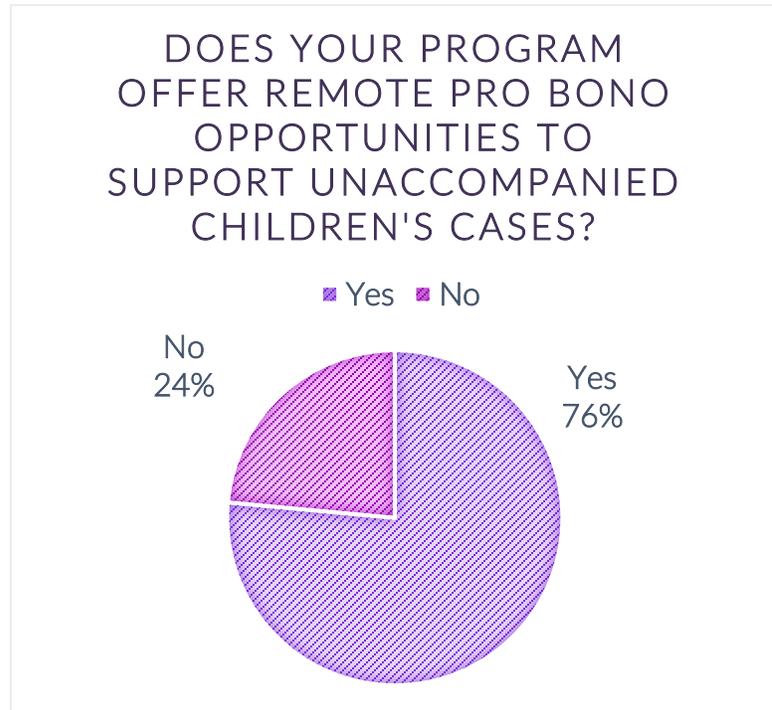


### *Does your program offer remote pro bono opportunities to support unaccompanied children's cases?*

The majority of survey participants indicated that they offer remote pro bono opportunities. Some survey participants described the type of remote projects that they offer and additional details, which are summarized below.

#### **Example Types of Projects:**

- Research projects
- Country condition indexes
- Writing assignments
- BIA brief drafting
- Other brief writing
- Amicus briefs
- Immigration-only tasks (e.g., I-360s)
- Pre-prepare I-589s and SIJS-based I-485s based on the information the client has provided us in Spanish language worksheets we supply them
- Outreach
- TPS and citizenship clinics (holding remotely enabled doing more events and reaching more people)



**Additional Details:** A couple participants noted that they have worked remotely during the pandemic, and pro bono attorneys have been able to do the same, and that often the work can be done remotely. A participant noted that pro bono attorneys can hold meetings with clients virtually, but they must be relatively local for court appearances. Another participant similarly noted that there are currently more opportunities or expectations to be in person for hearings, for example, but remote representation is still an option.

It was also noted that working remotely has some benefits such as being able to work with pro bono attorneys in a number of states and for public health reasons due to the pandemic. Survey participants noted that pro bono attorneys will often do work by phone or use tech apps such as Zoom and Teams for remote work. The immigration court also uses Webex for remote hearings. One participant indicated that the organization helps set up Zoom for the pro bono attorney to help facilitate working remotely.

### **Reflections on Pro Bono Programs: Strengths, Needs, & Structures**

#### *From your experience what has worked well in the past when working with pro bono attorneys to support unaccompanied children's cases?*

Survey participants shared valuable insights and suggestions based on their experience regarding what has worked well in the past for their organization when working with pro bono attorneys. Just like in the last survey, a variety of ideas were shared by survey participants. CILA categorized these



by subjects: pro bono recruitment and retention, training and support, as well as project types. Even though, there is certainly overlap in the issues. Survey participants' suggestions are listed below.

## SUGGESTIONS REGARDING WHAT HAS WORKED WELL

- **Recruitment & Retention:**
  - Providing support for questions and review of pleadings and other applications and documents
  - Emphasizing the difference representation makes and the vulnerability of the clientele
  - Helpful when pro bono attorneys come with their own interpreters
  - Meeting with recruited pro bono attorneys and volunteers if only virtually, in an information session or in a one-on-one meeting prior to inviting them to a training
  - Good communication and collaboration
- **Training & Support to Pro Bono Attorneys:**
  - Providing training and staff mentorship
  - Having available template SIJS motions and orders
  - Providing a lot of training and resource materials, checklists, sample pleadings, and briefs
  - Giving detailed samples and step-by-step directions
  - Providing interpretation
  - Facilitating access to meeting the child/client as soon as possible, and with the pandemic and limitations in shelters, sometimes it is not possible
  - Offering extensive mentorship through samples, guidance on strategy, reviewing filings, mock interview/trials, etc.
  - Doing regular check-ins with pro bono attorneys
  - Providing a variety of trainings on different subject matters, particularly cultural responsiveness
  - Up-to-date templates put new pro bono attorneys at ease
  - Providing easy to use resources
  - Quickly updating guidance
- **Project Types:**
  - Drafting custody complaints
  - Offering short-term opportunities

### *Would your organization need anything to begin or improve a partnership with pro bono attorneys to support unaccompanied children's cases?*

The majority of survey participants indicated that they need support recruiting new pro bono attorneys to begin or improve a partnership with pro bono attorneys. CILA's survey from 2019/2020 showed the same top response at that time. However, in that survey the other results differed. Previously, organizations indicated next the need for support or expertise from other legal disciplines, support with technical assistance, and then support with training. Now, those needs have shifted as shown by the below chart. Organizations currently indicate that they next need support

with training, and then in very close numbers, they indicate the next needs are support with technical assistance and support from other disciplines.



Organizations also indicated that they need and found additional resources helpful. A few specific topics were mentioned including procedural considerations in removal proceedings, child-friendly resources and tools that can be used to explain an attorney’s role and obligations, and an affirmative asylum resource library to expand that program’s ability to place asylum cases. One program also mentioned the desire to build a partnership with an outside local space so they can offer in-person trainings more safely.

#### *What are the top focus areas for your program to develop or to improve?*

CILA asked about the top focus areas for programs to develop or to improve, and two common themes centered on recruitment and building internal capacity. Some organizations mentioned their specific recruitment goals such as seeking attorneys with a particular state bar license or experience in a particular practice area such as family law to expand assistance for children’s SIJS cases. Some survey participants also expounded upon capacity needs. Some survey participants stated the need for capacity more generally with the need for more staff, and others explained that they needed help specifically for trainings or to provide mentorship.

Additional responses included:

- Focusing on outreach including developing partnerships with major law firms and other organizations to help with recruitment
- Developing best practices and standardizing oversight of volunteers
- Outreach and trainings
- Automation of systems to assign cases more quickly
- Creation on affirmative asylum training for pro bono attorneys along with a comprehensive resource library



- Creating an up-to-date and easy to maintain database of pro bono attorneys for state court proceedings
- Scheduling regular training and developing training manuals and samples
- Improving internal work structures and supervision
- Refining training materials and sample packets
- Building appellate and habeas practice
- Expanding into affirmative asylum placements
- Expanding legal technical assistance program to support staff including providing training and tools to serve Afghan children
- Continuing to enhance trainings and materials on trauma-informed and culturally responsive approaches to working with unaccompanied children

***If you could structure the ideal pro bono coordinating position, would it include a caseload of direct representation for the coordinator, in addition to coordinating pro bono placements?***

Knowing that there is no perfect position and what is needed will differ per organization and program, CILA asked about the best structure for the pro bono coordination role to survey different perspectives on the question. The responses were closely split, but the majority of responses (10) indicated that the ideal pro bono coordinating position would include a caseload of direct representation, while others thought the ideal position would not include a caseload of direct representation cases (7). Even for those that recommended a caseload of direct representation, several mentioned that caseload should be very small to be able to balance the roles. CILA asked survey participants to explain their reasons and several people elaborated. The below chart summarizes the responses.

EXPLAINING THE REASONS WHY	
Yes: Ideal Position Includes Caseload of Direct Representation	No: Ideal Position Does Not Include Caseload of Direct Representation
<ul style="list-style-type: none"> <li>- Not enough work to fill a full-time position</li> <li>- Helpful to stay fresh on legal developments but caseload should be very small</li> <li>- Personal fulfillment</li> <li>- Carrying a small caseload will provide the coordinator personal experience to better support pro bono attorneys</li> <li>- To be familiar in a hands-on-manner with the work</li> <li>- To know conditions “on the ground”</li> <li>- Easy to forget nuances of representation otherwise</li> <li>- Easier to connect with the pro bono counsel if you can provide recent personal experiences and anecdotes</li> </ul>	<ul style="list-style-type: none"> <li>- Managing pro bono cases is a full-time task</li> <li>- The two tasks require different focuses and different skill sets</li> <li>- Having some direct representation cases helps to offer experience but there is not enough time to do both</li> <li>- Too time intensive to have a direct caseload</li> <li>- Can gain information by observing proceedings</li> <li>- Too many duties related to pro bono placement and programs</li> </ul>

## Looking Forward: Key Areas for Future Change & Development

Like CILA's prior survey, CILA provided a space for advocates to brainstorm ideas for change including potential impact litigation and other areas that need to be improved and addressed.

Many important issues were raised including changing state laws to have until age 21 for state court purposes in SIJS cases, employment authorization documents (EADs) for SIJS cases, EAD delays, improving processing times, universal representation for individuals in immigration proceedings, ending the SIJS backlog, and relief for widespread *Flores* violations at the border, to name a few.

CILA also asked about ideas for system-wide changes that could be made by government agencies and courts to improve access to counsel and pro bono engagement.

Survey participants provided several ideas including: more agency encouragement of pro bono use (such as EOIR DM 22-01), liberal continuances for those connected with nonprofit organizations and actively looking for counsel, making it easier to support pro bono mentorship transfers when a child moves outside of a geozone, improving processes so they are easier to use and more reliable including more standard processing times and less last minute hearing re-scheduling, as well as less delays for InfoPass appointments. Some participants also suggested including more help desks in immigration courts and offering pro bono rooms staffed with Spanish speakers to refer cases to attorneys, answer questions, and to help with change of address and change of venue forms, as examples.

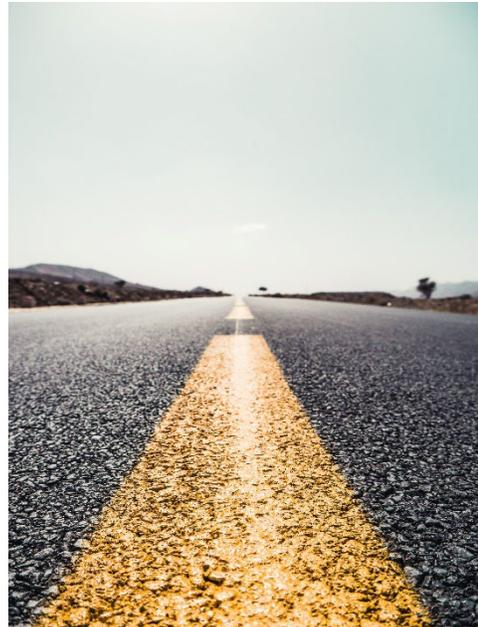
### *In what (additional) ways could pro bono attorneys support your work with unaccompanied children?*

CILA asked about additional ways pro bono attorneys could be involved and support their work, and several survey participants reiterated the need for people to volunteer to work on the cases and the difficulty in recruitment. One participant said directly that they have a lot of SIJS cases that could be filed if there was an attorney available to prepare the pleadings. Other recruitment challenges were also reiterated including limited staff capacity and the willingness of pro bono attorneys to commit to long timelines. This difficulty has pushed at least one organization to shift to consider more time-limited opportunities.

One survey participant also included the potential for pro bono attorneys and volunteers to help with additional tasks such as mentorship and career and school counseling.

## Conclusion

CILA is grateful to everyone who took the time to answer CILA's survey. We hope that this resource offers pro bono programs insights into other pro bono programs working with children and youth across the nation. We hope it may offer familiarity in a way, to know that you are not alone in this work, and at the same time provide some fresh ideas to help fuel you and your program.



No program or organization is alike, and by design programs have different levels of pro bono engagement and different needs. Since there are a variety of ways to do the work, we hope this resource highlights some of the different issues that come up for pro bono programs and the different models and approaches programs use. For programs hoping to make changes or expand in certain areas, CILA hopes the resource provides some helpful tips and ideas.

With the ongoing pandemic and changes that creates for individuals and organizations alike, we hope the information provided above regarding COVID-19 impacts, challenges, and silver linings provides more awareness and understanding about the overall effect of the pandemic on pro bono programs working with children and youth in immigration matters.

CILA recognizes the challenging nature of this work, and we hope to support you. Feel free to reach out to CILA at [probono@cila.org](mailto:probono@cila.org) if you have any questions about CILA's pro bono initiatives.

## ABOUT CILA'S PRO BONO INITIATIVES

[CILA](#) is a capacity-building organization, and we work to fill in gaps and support attorneys and legal staff working with children and youth in immigration matters. We do this through providing training, creating written resources, hosting working groups, and in Texas, offering technical assistance.

CILA hosts a [platform](#), *Pro Bono Matters for Children Facing Deportation*, where organizations from across the nation can post cases that need pro bono representation. Additionally, CILA hosts a national [working group](#) and an accompanying listserv for pro bono coordinators (or others in similar roles) working with children and families in immigration cases. CILA also creates resources with ideas and tips for pro bono programs and features creative pro bono models on its [webpage](#) designed for pro bono coordinators. CILA hosts [trainings](#) that can be shared with pro bono attorneys and writes resources that can be shared with pro bono attorneys, such as [CILA's Pro Bono Guide: Working with Children and Youth in Immigration Cases](#).

