The New Mexico Immigrant Law Center’s Special Immigrant Juvenile (SIJS) Clinics

The Children’s Immigration Law Academy (CILA) spoke with Monica Newcomer Miller, Managing Attorney, and Delaney Swink, Volunteer/Pro Bono & Development Manager, from the New Mexico Immigrant Law Center (NMILC) about their Pro Bono Clinics for SIJS State Predicate Orders. NMILC began running in-person clinics again in October 2022. Their first was a full day event that included a continuing legal education (CLE) presentation for pro bono attorneys on how to complete state court orders, an e-filing training, lunch, and meetings with clients to provide services. In April 2023, they hosted a half-day version of this clinic and plan to schedule more half-day clinics in the future.

So far, over 40 pro bono attorneys have participated in these clinics and helped more than 30 families. The clinics provide valuable opportunities to increase the organization’s capacity to serve youth while building relationships with the pro bono community and local state court judges. This creative model focuses on NMILC’s half-day clinics and shares their insights to aid and inspire other organizations.

**HOW NMILC’S CLINICS WORK**

NMILC clinics match immigrant youth with pro bono attorneys who have agreed to help them obtain a SIJS order in state court. Because the SIJS proceedings in New Mexico are usually brought by the guardian and not the youth, pro bono attorneys typically enter into a representation agreement with the adult who will be bringing the case. The youth would have a representation agreement signed with NMILC before the clinic, and the adult would go over and sign the representation agreement with the pro bono attorney at the clinic.

**What happens before the clinics?** NMILC identifies potential clients through its intake process and assesses eligibility for relief before the clinic. The NMILC legal team also reaches out to families to remind them about the clinic before the event takes place. Pro bono attorneys are screened in advance as well. They will meet with the client for the first time at the clinic. Before the clinic, pro bono attorneys must view NMILC recorded trainings on SIJS relief and the e-filing process. They are further asked to review in advance the templates for the pleadings they will complete during the clinic and a case file with some background information about the client.
What happens at the clinics? NMILC typically has approximately 4-5 staff members attend the clinic. For clinics in more rural locations, some of these staff may participate remotely.

NMILC first meets with families to remind them about the SIJS and clinic processes. Volunteer interpreters are available. Pro bono attorneys then meet with the families to go over their representation agreement and to prepare the pleadings for state court. Volunteers provide childcare during the clinic, and youth typically do not need to participate in the entire meeting with the pro bono attorney.

NMILC attorneys review the pleadings and are available to answer questions. A local state court judge also attends to review and sign an order for waiving court fees, which can save significant time in the filing process. By the end of the clinic, the pro bono attorney ideally has the necessary documents drafted and ready to file in state court. Some even e-file on site.

What happens after the clinics? Pro bono attorneys handle the state court proceedings to obtain a SIJS order, typically a commitment of approximately 10-20 hours of additional pro bono work over the next few months. NMILC provides guidance as needed. NMILC usually represents the youth in their removal proceedings and will file the Form I-360 petition for special immigrants with the U.S. Citizenship and Immigration Services once the state court order is obtained.

When do the clinics take place? The most recent clinic occurred on a Saturday from 9:30 a.m. to 1:00 p.m. Moving forward, NMILC hopes to schedule Friday or Saturday half-day clinics on a monthly basis.

Where do the clinics take place? The clinics require enough space for attorneys to meet and have private conversations with their clients, as well as space for check-in, holding initial discussions with the families, and for childcare. For previous clinics, they have been held in large meeting spaces in which the tables can be spaced out to ensure adequate confidentiality for client meetings. The most recent clinic occurred at a high school. NMILC is exploring holding some future clinics at law firms. NMILC also accepts New Mexico-licensed pro bono attorneys willing to give remote services for SIJS cases.

Day-of Checklist for Clinic Staff:

- Set up daycare
- Set up private meeting spaces
- Set up check-in area
- Set up break room
- Check in volunteers (attorneys, judges, interpreters, etc.)
- Check in clients
- Orientation for clients
- Support attorneys with their one-on-one meetings with clients
- Review pleadings
- Coordinate judicial review of fee waiver orders
- Collect documents prepared by pro bono attorneys
- Ensure the client and attorneys understand next steps
LESSONS LEARNED

Running these clinics takes significant time and energy, and NMILC continues to refine their processes as they host more. The following are some tips they have shared for what has worked well or areas they would like to continue improving on with future clinics.

Develop quality templates. Much of the success of the clinics is attributed to the templates the pro bono attorneys use to prepare the state court filings. NMILC attorneys with SIJS experience created these templates and regularly update them. The templates were developed through a combination of pleadings from prior cases and publicly available pro se resources. The documents are stored in a Dropbox folder and shared with pro bono attorneys to review before the clinic.

Provide childcare. Childcare for any of the youth or their siblings has practical benefits, including making it easier for families to attend and for the adults and attorneys to focus during their meeting. It is also a trauma-informed practice to the extent that it means the youth do not need to be directly involved in all of the difficult discussions about the case.

Confirm attendance with clients in advance. The clinic preparations include reaching out to the families to screen for relief and remind them about attending the event. The legal team staff primarily leads these communications and doing so helps ensure that the clinic runs smoothly.

Have legal experts available. Even with the advance screening process, tricky situations or legal questions can arise during the clinic. NMILC attorneys have been on site to immediately address and triage these issues. For clinics in more remote locations, NMILC may have attorneys available remotely to assist as needed.

Record trainings for pro bono attorneys: While NMILC’s clinic in October 2022 included an in-person CLE training, they used a recorded Zoom training for April 2023 and plan to continue this process in the future. The training covers the SIJS and e-filing processes and is required for volunteers. Using recordings gives volunteers more flexibility to complete them in advance and makes it easier to complete the clinics in a half-day instead of a full day.

Photos courtesy of NMILC.
KEY PARTNERSHIPS

The success of these clinics relies on developing and maintaining different relationships. NMILC staff work together to foster and build these connections. Swink, a full-time volunteer coordinator, leads the efforts to organize and recruit volunteers. The SIJS legal team supports the clinics through mentoring pro bono attorneys, conducting outreach to local courts, and handling communications with clients.

INSPIRED TO LEARN MORE?

CILA is grateful to Swink and Newcomer Miller from NMILC for sharing their experiences. We hope it helps spark some ideas for your organization’s pro bono program. Check out CILA’s webpage on Creative Pro Bono Models for more ideas. If your organization has a creative model for pro bono engagement or ideas and resources to support and train pro bono attorneys, please contact CILA at probono@abacila.org to share your experience.

CILA’s website also offers written materials and recordings on SIJS and other topics that we encourage you to share with current and potential pro bono attorneys.

Connect with NMILC

Please visit NMILC’s website to learn more about the organization. For more information about volunteer opportunities, please complete their Pro Bono Inquiry Form.

For all other questions, please contact Delaney Swink at dswift@nmilc.org.