

Getting Started on a Pro Bono Children's Immigration Case

Introduction

As a new pro bono attorney, it is understandable that you may have some trepidation about working with children. Perhaps you have not worked with children before or perhaps you have not legally represented children before. In this resource, the American Bar Association (ABA)'s Children's Immigration Law Academy (CILA) provides answers to common questions about working with children, as well as special considerations for child clients. We then provide practical tips for building rapport and approaching clients in a trauma-informed way. The resource ends with additional resources for continued learning.

What if...

I have never worked with children before?

You are not alone. It is understandable and normal to be nervous going into any new attorney-client relationship, especially where the client is a child. Approaching a child with an open mind and with the intention of creating a safe space are the most important things you can do. It might be intimidating to try to explain complicated legal concepts to a young child, but it just takes patience, creativity, and practice. Once they understand their options in their legal case, a child of any age is able to express some form of preference or want. With your help, they will be able to identify their stated interest in their case. It may take some time or trial and error to get to a point of mutual understanding, but it will happen.

I do not know how to get started working with a child?

There is no surefire method to successfully work with a child. Each child has different experiences and brings to the table unique strengths and challenges. Just as with any adult, their disposition may change from one meeting to the next depending on what they are dealing with outside of their legal case. The key here as the pro bono attorney is to be present, compassionate, and kind. Meeting the child where they are at will enable you to respond to them appropriately and non-judgmentally in the moment. Taking time to learn about the context of children's immigration cases before taking on a new client will enable you to work with them on an individual basis. You can do this by reviewing some of the resources included at the end of this handout.

I do not think I will be able to make a difference?

Your presence alone helps child clients to not be alone as they navigate the complicated U.S. immigration system. Whether you accompany them to hearings or explain their legal case to them, regardless of the outcome, they are better off with your representation. Unfortunately, sometimes all we can do is stand with our clients as they move through a complicated and harsh immigration system. Working with children in the immigration system may require you to redefine "success." Anytime a child has legal representation and is not alone in their immigration case, that is a success. For a deeper discussion of this idea, we encourage you to read CILA's resource, ["The Case for Pro Bono Placement, Even When We 'Lose'"](#) (May 18, 2022).

Special Considerations for Working with Children

Brain Development

It is important to be mindful of the stages of brain development, as they impact a child's ability to engage with their legal case. Brain development continues into adolescence and is susceptible to

influence from others. Because of these factors, it is vital for the pro bono attorney to create a safe space for a child to engage with their case and to explain their options to them in ways they can understand. For example, a case in immigration court is commonly explained as a soccer game, with two sides (the child and the government) and a referee (the immigration judge) who makes the calls. You can also share a picture of an immigration court to provide visual context for how the hearing will proceed (where each party sits, who all are present, etc.). For a deeper dive into how brain development impacts children in legal cases, read this resource by the ABA Center on Children and the Law: [“How Adolescent Brain Science Supports Youth Engagement in Court Hearings and Case Planning”](#) (2019).

Potential Vulnerabilities

A child lives under the care and custody of an adult and often cannot make their own decisions with respect to many, if not most, aspects of their lives. They may face financial, food, shelter, and/or emotional insecurity. Depending on their age, they may also face pressure to find work to send money home or contribute to their household here. They may have stresses at home, past trauma, developmental challenges, and on top of all that live with the fear of being deported. This is a lot for anyone to deal with, let alone for a child. For these reasons, be mindful of what else they might be dealing with outside of their legal case. If a client is late to a meeting or misses it completely, that generally means they may be facing additional obstacles to meaningfully engage with their legal case. Maintaining an open mind and approaching them with patience is vital to maintaining a trust-based attorney-client relationship. Children are resilient and deserve patience, grace, compassion.

Incorporating Play

Play is not only fun, but also a fundamental component of child development. Engaging in play can help a child feel safe in opening up to an adult. Play also helps eliminate potential power dynamics between an adult and a child that inherently exist. Do not be afraid to incorporate fun into your client meetings. For example, bringing a fidget toy or paper and crayons to a client meeting. This may provide a helpful tactile distraction for both of you while navigating difficult conversations.

Practical Tips for Working with Children

Start Small

It is important to start slowly in building rapport with the child. You can begin by asking them questions about things they are already experts on, such as their home country or culture, their family experiences, and their preferences. These kinds of questions can help to build their trust in you and their confidence in themselves. To initiate a conversation with a child, you can ask them questions such as, “What’s your favorite food?” or “What’s your favorite game to play outside?”

Share Your “Why”

The nature of an immigration case requires a child to share a lot of deeply personal experiences with their attorney. It can help to be vulnerable and open with the child about why you are doing this work. Your ability as their attorney to share a bit of vulnerability with them may help establish an open channel of communication so they can begin to trust you and your role. A great way to do this is to share your “why”—why you are engaged in pro bono representation, for example. It is also important to establish healthy professional boundaries when working with any client, so it is important to consider how and what you would like to share to help further the working relationship.



Trauma-Informed Interviewing

Create a child-friendly meeting space

Office settings can be intimidating to children. Incorporating elements of play, comfort, and expression can provide a supportive environment as they navigate their legal case. For example, you may want to consider having floor pillows, art supplies, toys, and puppets available in your meeting room to be used by both you and the child.

Be intentional about the meeting structure

At the beginning, ask the child where they would like to sit. Make small talk, introduce yourself. Explain to them, “We are going to talk about X because Y.” Acknowledge difficulties and validate. End your meeting through a safe transition. Thank them for sharing with you, validate their feelings, identify next steps in their case, and ask them, “What is something that makes you feel at peace?”

Interviewing Tips

- Use child friendly language.
- Explain the intake process.
- Let the child set the pace of the conversation.
- Pay attention to the child’s verbal and physical cues.
- Actively listen to the story. Mirror their language.
- Empathize with the child’s experience.

Additional CILA Resources

CILA hopes this handout on working with children provides guidance and support as you begin your journey as a pro bono attorney. CILA has many additional resources to support you as you work on all stages of your pro bono case. To access some of these resources, you may need to [create a free account with CILA](#). We highlighted a few key resources relevant to this topic below.

- [Pro Bono Guide: Working with Children and Youth in Immigration Cases](#) (Oct. 2023)
- [A Toolkit for Navigating Difficult Conversations with Child Clients: Guidance & Examples](#) (Aug. 2023)
- [Working with Unaccompanied Children: Mental and Behavioral Health Toolkit](#) (Mar. 2022)
- [Emotional Wellness Workbook for Youth](#) (Mar. 2024)
- [“Practical and Ethical Considerations and Reminders when Working with Translators and Interpreters”](#) (Aug. 2023)
- [“Tips for Working with Migrant Children and Trauma-Informed Lawyering”](#) (Oct. 2023)
- 101 recorded trainings: [“Introduction to Working with Unaccompanied Children”](#) and [“Trauma Informed Lawyering with Unaccompanied Children”](#)
- Recorded Webinar: [“Child Interviewing Techniques”](#) (Nov. 2021)
- Recorded Webinar: [“Innovative Communication Tools and Resources – Using Play, Active Engagement, and Trust Building with Unaccompanied Children”](#) (May 2022)
- Recorded Webinar: [“Introduction to Trauma-Informed Interviewing for Pro Bono Attorneys Working with Immigrant Children”](#) (Oct. 2023)

If you are looking for a resource on a specific issue, feel free to email us at probono@abacila.org. You can also [sign up](#) for CILA’s quarterly pro bono newsletter to stay up to day on future resources and trainings.

