Children’s Immigration Law Academy (CILA) conducted a survey of Vera network legal service providers to gain more information about whether organizations are using pro bono attorneys to support their work, how they are working with pro bono attorneys, the strengths and challenges of working with pro bono attorneys, as well as opportunities for growth and development.

**SURVEY RESULTS:** The survey was initiated in November 2019 using Qualtrics, an online survey platform, and concluded in January 2020 with 34 responses. The survey was distributed through the Vera newsletter and by email. Responders had the option to include contact information (organization, name, title, and email), but this information was not required. Of the 34 responses, 29 included their contact information. In reviewing those 29 responses with program information, at least 21 programs are represented spanning over 13 states from coast to coast.

**CILA INITIATIVES:** We also want to share information regarding CILA’s initiatives to support organizations’ pro bono programs. CILA’s work can serve as an addition or add-in, another tool in the toolkit to help organizations build and expand their capacity for their pro bono programs. CILA’s efforts to support pro bono programs are new and growing so this survey also helped inform us of the needs in this space, so we know how we can do our work to capacity-build in this arena.

---

**CILA’S SURVEY RESULTS:**

**Engaging Pro Bono Attorneys to Support Unaccompanied Children**

- **Yes:** 94%
- **No:** 6%

**OF THE PARTICIPATING ORGANIZATIONS, HOW MANY REPORTED WORKING WITH PRO BONO ATTORNEYS?**

- Yes: 94%
- No: 6%
SURVEY RESULTS: For the couple of survey participants that responded that their organizations do not work with pro bono attorneys, they indicated that their organizations would benefit from the support of pro bono attorneys. The reasons given included it would allow the organization to serve a wider group of clients and because the need for representation is greater than the reasonable capacity of their organization to meet.

When surveying programs regarding the types of projects that pro bono attorneys work on, the majority of programs answered that pro bono attorneys provide direct representation in a case; however, there are several different models for what that looks like. Some organizations reported having pro bono attorneys work on a discrete portion of a case such as appeals or federal litigation. Other organizations have pro bono attorneys represent children’s guardians to petition for state court orders in Special Immigrant Juvenile Status (SIJS) cases or handle the state court portion of a SIJS case.

**WHAT TYPES OF PROJECTS DO PRO BONO ATTORNEYS WORK ON FOR YOUR ORGANIZATION?**

- Direct representation: 40%
- Unbundled projects: 21%
- One-time events: 26%
- Other: 13%

**SURVEY RESULTS: We asked survey participants how they help support pro bono attorneys who work with their organization. Most answered that their organizations provide mentorship, technical**

**HOW DOES YOUR ORGANIZATION SUPPORT ITS PRO BONO ATTORNEYS?**

- Provide resources: 29
- Technical assistance: 27
- Training: 25
- Mentorship: 27
- Other: 4
assistance, training, and resources. Survey participants also gave details regarding their programs including providing training, resources, and mentoring for cases involving direct representation and exploring the option of only providing resources for referrals outside of their jurisdiction. One survey participant reported having a monthly pro bono roundtable where attorneys can call in or come in person to ask questions from a mentor team. Another response indicated their organization has a great deal of involvement including accompanying pro bono attorneys to court, reviewing all items for filing, setting up court observation, and conducting mock hearings.

CILA INITIATIVES: CILA recognizes that each organization is different and has a different level of pro bono engagement by design in their programs and as it relates to the size and capacity of the organization. We want to note the variety of ways of doing this work. We want to highlight different ways of working with pro bono attorneys and to bear some of the weight of creating resources for pro bono attorneys.

LESSONS LEARNED FROM PAST & CURRENT PRO BONO EFFORTS

We asked organizations to share their experiences of what has worked well when working with pro bono attorneys and what challenges they have faced in their programs. It helps to learn from each other’s projects and efforts. While each organization is different in size, capacity, and priorities, unaccompanied children often have similar types of legal needs, no matter the jurisdiction, so information gathered from across the nation and Vera programs is very beneficial. That said, there is no one “perfect” model or method when it comes to working with pro bono attorneys, it depends on what is best for the clients and what serves the individual organization best. We encourage organizations to center the needs of the client and organization when designing programs, while taking into consideration what strengths a pro bono attorney may bring to the client and organization.

SURVEY RESULTS: There were several insights and ideas shared by organizations regarding what has worked for them, which are summarized below. Since again there is no “perfect” model of working with pro bono attorneys, these ideas will not work for every organization, and that is okay, but they will give some ideas of a few options out there to consider for your organization’s pro bono program.

We summarized the ideas from the different organizations into different categories including recruitment and retention, pro bono program management, training and support to pro bono attorneys, and project types. Certainly, many of the ideas could be fit under several of these categories and help contribute to the success of several aspects of the pro bono programs.
### WHAT HAS WORKED WELL IN THE PAST WHEN WORKING WITH PRO BONO ATTORNEYS?

- **Recruitment & Retention:**
  - Developing a relationship with attorneys
  - Putting on CLEs for law firms or organizations to express the need for more involvement
  - Mentorship has been our best tool for retention of pro bono attorneys
  - Creating relationships with law firm pro bono counsel
  - Suggesting working with teams
  - Getting a continued commitment from pro bono attorneys to reduce the need to re-train
  - Providing recognition events for pro bono attorney work
  - Offering a variety of pro bono attorney opportunities
  - Carefully placing cases with firms with appropriate experience, resources, and language support and then closely mentoring throughout the case
  - Connecting with the bar associations and getting referrals from other organizations

- **Pro Bono Program Management:**
  - Setting clear expectations for taking on a case from the beginning by using a welcome letter that includes onboarding information, delineates responsibilities, and includes an acknowledgement to sign
  - Having a dedicated staff person to manage pro bono attorneys
  - Setting expectations on the services the organization can provide, a case timeline, and case benchmarks
  - Setting clear expectations regarding the scope of representation from the outset

- **Training & Support to Pro Bono Attorneys:**
  - Providing one-on-one mentorship and additional support such as resources and training
  - Providing a checklist and samples for each step of the case, checking in regularly, and reviewing filings
  - Developing a core curriculum training for pro bono attorneys covering immigration detention of children, pursuing SIJS, and removal defense work
  - Being responsive and scheduling regular check-ins with pro bono attorneys
  - Providing high quality guidance and training
  - Sometimes co-counseling on a case
  - Providing extensive case support while also explaining the realities of the current climate and the potential for a negative result
  - Conducting group trainings
  - Providing templates has proven most helpful
  - Being available and acting as a sounding board to pro bono attorneys so they feel like they have a resource in us
WHAT HAS WORKED WELL IN THE PAST WHEN WORKING WITH PRO BONO ATTORNEYS?

- Providing redacted examples

- Project Types:
  - Working with other legal support staff to support cases including working with a law firm to provide a law clerk to conduct cite checks for a habeas petition and a paralegal to bates number a long document
  - Working with law school clinical students to draft a motion to suppress and terminate with samples and technical assistance
  - Having a pro bono attorney take full responsibility for a case rather than only a portion
  - Working with pro bono attorneys on novel issues amenable to federal litigation
  - Seeking assistance for workshops (low-time commitment) and assistance for easier cases (English language, easy-to-handle clients, simpler matters)

CILA INITIATIVES: CILA hopes to continue to showcase creative models and ideas from different pro bono programs around the country to help organizations brainstorm how they can continue to enhance their pro bono programs.

WHAT CHALLENGES HAVE ORGANIZATIONS FACED WHEN WORKING WITH PRO BONO ATTORNEYS?

SURVEY RESULTS: We also asked survey participants to share their challenges of working with pro bono attorneys. We asked specifically whether organizations dealt with a lack of participation, a lack of ability for the organization to meet the needs of the pro bono attorney, and/or a lack of quality in the work, but the number one response was the “other and/or additional comments” option.
Survey participants described several challenges of working with pro bono attorneys that can be summarized as follows:

- **Time**: This was one of the primary issues raised as a challenge in the survey results
  - Challenges in the staff time it takes to train and manage pro bono attorneys, particularly due to the frequent (lately, hourly or daily) changes in immigration law and the fact that many pro bono attorneys may not have relevant work experience
  - Challenges as a result of the time it takes for a pro bono attorney to work on a case, acknowledging the often-lengthy case timelines
- **Difficulty in having an interpreter/translator available for pro bono attorneys, who do not have any necessary language skills**
- **Challenges in finding a pro bono attorney** – a couple reasons were listed including some attorneys only want a “good” case and/or some attorneys will not make a long-term commitment so they will not take a case
- **Commitment from pro bono attorneys throughout the course of representation** was also raised, and this issue is compounded by the fact that many cases take a long time to complete so in some cases, attorneys move and with that decide to give the case back to the organization, causing a burden to the organization

Other challenges included situations where a case takes an unexpected turn, meeting deadlines, and lack of work quality particularly for short-term projects. In another response, an organization reported that sometimes attorneys do not want input from the organization and instead want to do the work their way.

**CILA INITIATIVES**: There certainly was an acknowledgment in survey responses that rapid changes to immigration law, as well as the fact that practicing in immigration court has gotten more complicated has contributed to the difficulty in meeting training needs for pro bono attorneys. To this point, CILA would like to do what we can to help. We are a capacity-building nonprofit organization, and we work to put on trainings and create resources to help attorneys working with children in immigration matters stay up to date regarding changes in immigration law and policy. We have created several resources that could be used in your pro bono programs, and we will continue to build a collection of resources that can be used for training purposes.

**SURVEY RESULTS**: The survey results listed that the primary limitation in an organization’s ability to support pro bono attorneys was their ability get enough pro bono attorneys involved. Many of the challenges raised above were also provided in this portion of the survey. Additional factors are summarized below.
Some programs are young, and many others had limited resources and staff time dedicated to the pro bono programs so practitioners are balancing a caseload with also providing support to pro bono attorneys. Again, the reality of lengthy cases was raised as an issue because in the past, individuals who may have been willing to take on another case after one case finished are still working on that prior case and then become hesitant to take on more cases. Another point is that oftentimes it is more efficient for the organization to work on the matter rather than working with a pro bono attorney on it. Other survey participants raised the need for more funding and staff to help support their programs and to also have more interpretation services. One survey participant raised the challenge of finding attorneys in certain counties that can do the work.

**CILA INITIATIVES:** Since the survey showed that the primary response and limitation for pro bono programs was getting enough pro bono attorneys involved, it helps to use multiple strategies to find pro bono attorneys. One additional tool and method to getting the word out there about your organization’s cases is to post your organization’s pro bono cases onto CILA’s platform called Pro Bono Matters for Children Facing Deportation. Nonprofit organizations can post different pro bono opportunities to the platform for pro bono attorneys to view. The platform is easy to use and free if you are a Vera provider. Contact CILA if you would like to join the platform and post your pro bono opportunities to the platform. This can be an opportunity to reach an expanded network of potential pro bono attorney partners.

**SURVEY RESULTS:** Additionally, we asked organizations to share what they would need to either begin or improve a partnership with pro bono attorneys. The majority of responses showed that organizations would like support recruiting new pro bono attorneys, and not far behind that response, the organizations wished for support or expertise from other legal disciplines, support with technical assistance, and support with training. Organizations also described that they could particularly use support putting more
resources and samples together, recruiting attorneys in rural areas, and sought for more staff including potentially dedicated staff for pro bono efforts such as a pro bono coordinator.

**CILA INITIATIVES:** As part of CILA’s work to support pro bono programs, CILA will work to meet the needs that we can. The [Pro Bono Matters for Children Facing Deportation](#) platform is an additional place to post your pro bono cases and recruit new pro bono attorneys. CILA will continue to develop resources to be utilized by organizations to train pro bono attorneys. Additionally, we will feature different organizations and create resources to showcase creative ways to meet the need for counsel for clients in remote areas and provide ideas on how to provide mentoring and/or technical assistance to pro bono attorneys, even when there are limited resources. CILA will post content to the [Creative Models to Engage Pro Bono Attorneys webpage](#).

**BRAINSTORMING FOR FUTURE PRO BONO WORK**

The survey also offered a space to gather information and brainstorm ideas for potential impact litigation cases and inquire whether there was an interest in pro bono engagement for appellate work.

**SURVEY RESULTS:** There were several interesting ideas raised including litigation regarding USCIS rejecting I-589 applications as incomplete, timely adjudication of I-360 petitions, having an avenue to administratively close cases pending remedies with USCIS, more litigation
challenging due process violations in immigration court, challenges to asylum office delays and detention conditions, as well as lobbying to get more visas available for approved SIJS cases.

**IS THERE APPELLATE WORK THAT WOULD BE HELPFUL TO REFER TO A PRO BONO ATTORNEY?**

**SURVEY RESULTS:** Responses exhibited that some organizations did not find this applicable to their organization, while others had great interest in using pro bono attorneys to help support cases at appellate levels including: appeals to the Board of Immigration Appeal (BIA), federal appeals, as well as state court appeals, injunctions, habeas petitions, writs of mandamus, and appeals to the Administrative Appeals Office (AAO). Other organizations were doing appellate work in-house, and a couple responses showed that they were already working with firms on a pro bono basis in federal litigation matters.

Some organizations also noted that they wanted further support in this arena including:

- How to guide pro bono attorneys and clients at this stage of the case
- Appellate strategies regarding denials of asylum, withholding, and relief under the Convention Against Torture
- Updates on litigation

With immigration law becoming more complicated and contentious, appellate work will continue to be a part of the conversation. Working with pro bono attorneys to meet this need may provide a creative solution to expand the capacity of organizations’ in-house efforts and for organizations that do not have the capacity to do this work in-house.

**IN WHAT OTHER WAYS COULD PRO BONO ATTORNEYS SUPPORT YOUR WORK WITH CHILDREN?**

**SURVEY RESULTS:** We asked survey participants to share any other ways they wished for pro bono involvement in their organizations. A variety of responses were given including:

- Wanting more pro bono attorneys to handle asylum cases
- Having a desire to work more closely with the family bar to support SIJS cases
- Serving as ad litem attorneys in state court for unknown parents, parents cited by publication, etc.
- Seeing a need to partner with more social service providers, counselors, mentors, college admission counselors, etc. to help clients with school/family/work issues
- Wanting more assistance with particular research, appeals, brief writing, and special projects
- Taking on more cases
- Providing financial assistance so more children could be represented by the organization
- Lending support staff
- Telling others about their involvement to help others get involved with the organization
- Representing the parents of the children in cases where they are separated so the parents have representation, a potential way to get bond, and the parent could reassume custody of the child
• Working with children even if they are in the later stages of their cases (i.e., right before their merits hearing)
• Accompanying children to asylum interviews or court outside of the organization’s jurisdiction
• Taking conflicted cases where the organization cannot provide mentorship

CONCLUSION

Thank you to everyone who took the time to respond to CILA’s survey. We found the responses to be very thoughtful and insightful regarding pro bono programs working with children in immigration cases across the country. We hope the responses inspire some ideas to use in your programs. Additionally, CILA looks forward to providing further support to help build capacity for pro bono engagement.

We know resources and staff time are always limited, so we hope our work helps ease the strain on nonprofit organizations by ever so much so that we can all achieve our goal of having more representation for children in immigration cases. CILA will work to provide initiatives to support your pro bono program by providing and showcasing creative ideas for pro bono programs, as well as creating resources to support your efforts to train pro bono attorneys.