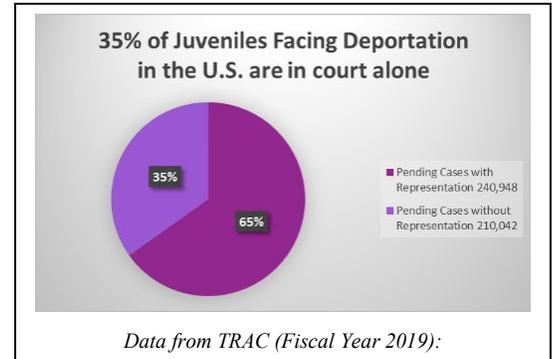




## Working Together to Empower Children Facing Deportation

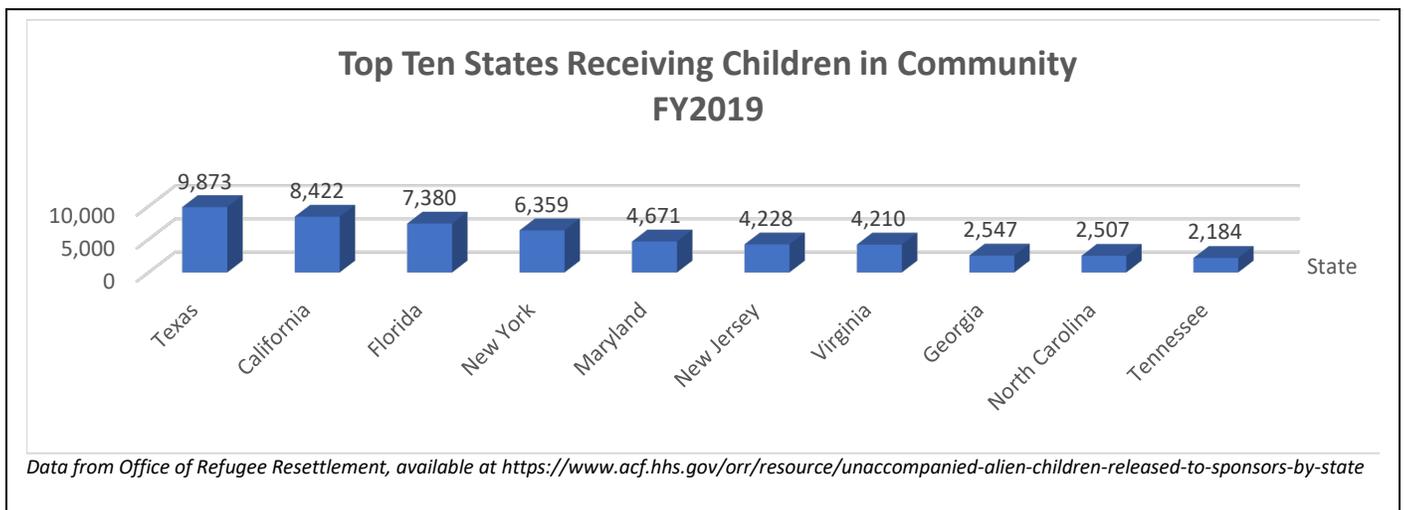
The numbers speak for themselves. Representation makes a significant difference in the lives of children facing deportation. Many children have legal relief available that could offer them protection and more security in the United States. The only thing missing is knowledge and guidance to navigate the system. Children appearing in immigration court alone are unable to access the relief from deportation that is available to them under the law. The need is greater than the services the current system of non-profit legal service providers can provide. The needs of this resilient group are specialized: attorneys must earn the trust of young people from all over the world who have travelled a long way



from their homes and support systems, understand the nuances of the dynamic immigration system, be ready to work on a case for years, and communicate using child friendly practices in languages other than English. **There is no doubt that appointing a free, specialized attorney to every child in this system is the gold standard.** Until that standard is realized, many children need help from attorneys on a pro bono basis to fill this gap.

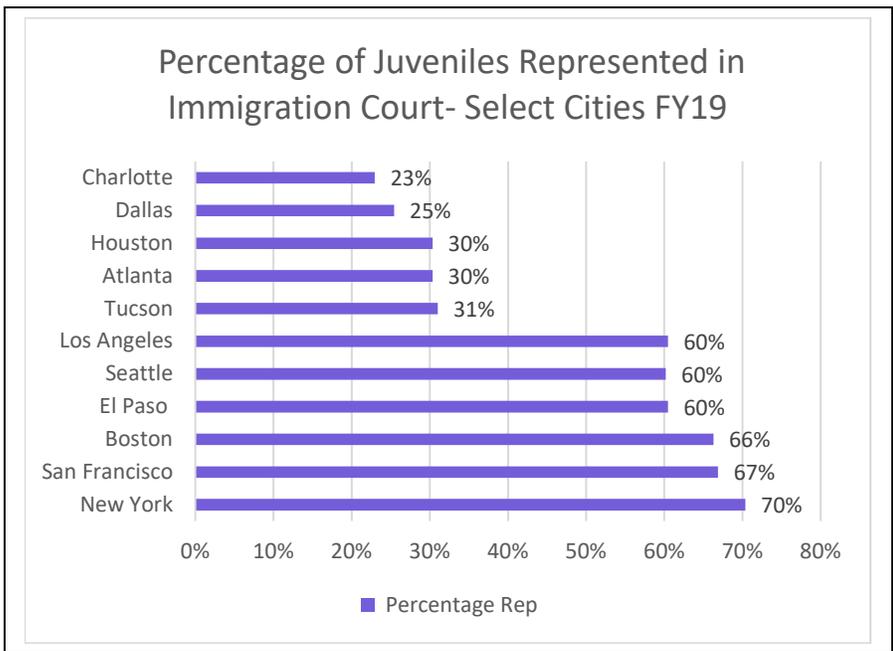
### Children's Access to Lawyers in Immigration Proceedings

The latest data available from September 2019 showed that more than 450,000 juveniles were facing deportation in immigration courts across the United States including [a community near yours](#). Unfortunately, those youth are not entitled to free appointed legal counsel or best interest advocates like children in the juvenile or child welfare systems in the U.S. In fact, about 35% of those youth were facing deportation alone. And of those without representation, 82% were deported.<sup>1</sup> **We must find a way to elevate the voices of youth by providing them representation no matter what their personal story is or how long they must wait for their visa applications to be reviewed.**



There are many barriers to obtaining representation for children facing deportation. Federal funding authorized by the Trafficking Victims Protection Reauthorization Act (TVPRA) provides legal orientations and screenings for children who are in Office of Refugee Resettlement (ORR), along with representation while they are detained.<sup>ii</sup> Many youth, however, are released to a sponsor somewhere in the United States, and are set for hearings at immigration courts in their communities.

Although children may have spoken to a lawyer while they were in detention, there is no guarantee of representation in the community where they are released, especially if they are released to a different area than where their shelter was located. Additionally, many parts of the country do not have legal service providers that represent unaccompanied children for free or low cost or who are able to provide support to pro bono attorneys to help kids released in their areas.<sup>iii</sup> This means that youth in some areas are not represented upon release from detention unless a pro bono attorney is willing to take the case.



According to data from TRAC, Houston, Dallas, and Miami have the three highest number of unrepresented juveniles despite a large presence of non-profit legal service providers. Those cities receive a high number of youth and are not able to outpace the demand. Cities like New York City have high representation rates thanks in part to funding provided by the city.<sup>iv</sup> The cost of hiring a private attorney is a major barrier for many young people who are often still in school and not eligible to work in the United States. Immigrant youth without immigration status do not qualify for most federal benefits and are often dependent on any resources offered through their local communities.

### **Representing Children in Immigration Matters is a Unique Area of Practice**

Immigration law is complex, and many rules and policies are constantly changing or subject to federal litigation. Immigration court is regulated by the Attorney General of the United States making the rules quite different from federal or state court, or even administrative courts. Appeals are often necessary. Recently arrived children and youth have often survived multiple forms of trauma, like physical or sexual assault, death of a loved one, extreme poverty, and detention, which makes them an incredibly unique and resilient population to work with. Many children facing deportation may be eligible for a visa called “Special Immigrant Juvenile Status” that allows the child to apply for permanent residency in the U.S. That visa requires certain findings from a state court based on state law which will vary based on the state where the child is living.

[Click to learn](#) how cultural humility can empower a pro bono attorney to connect with your client by creating a safe space

## **Pro Bono Programs: No One Size Fits All Model**

Children's Immigration Law Academy (CILA) conducted a recent survey on pro bono engagement in legal service organizations funded by the Vera Institute of Justice. Despite the complexities, 94% of the organizations who participated in the survey revealed that they utilize pro bono support in a number of different ways, and all of the participating organizations believe that pro bono help can support their mission. Pro bono attorneys have supported legal service non-profits by taking on full representation of a child facing deportation, taking on unbundled pieces of a legal case (research, brief writing, etc.), participating in a one-time clinic, representing a sponsor in a family law suit, volunteering as a pro bono attorney or guardian ad litem in family court, representing clients in the appeal process or an appeal to federal court. Legal service providers report that pro bono attorneys thrive when they have an established relationship with the non-profit, are able to commit to the length and depth of the opportunity, are provided training and resources, and space to connect and ask questions. The survey also revealed that all organizations have limited resources to provide the trainings, resources and mentorship that helps a pro bono attorney thrive. CILA will issue a more detailed report of the survey results later this year.

**Are you a legal service provider who would like to post opportunities on the portal? Email us at [probono@abacila.org](mailto:probono@abacila.org).**

In some cases, organizations are also trying to support the children that end up in communities without legal services. For example, 35,726 youth have been released to states with no Vera funded legal service provider since October 2014. Programs that see a high number of youth before they are released are working, with limited resources, to try and connect those children with pro bono attorneys and other resources in the communities where they are released.

**Click [here](#) to find a pro bono opportunity**



**Pro Bono Matters  
for Children Facing Deportation**

## **Collaborating to Empower Children Facing Deportation**

Funded by the Vera Institute of Justice, [Pro Bono Matters for Children Facing Deportation](#) is a vehicle for non-profit legal service providers who work with youth detained by ORR or released into the community to identify ways in which pro bono attorneys can support the youth. In turn, interested lawyers and advocates can search and share available pro bono cases and opportunities. The needs of youth may vary depending on where in the country they are located, and

whether they are already connected with a legal aid organization who can support a pro bono attorney. The ability of the legal services to provide training, templates, assistance, or mentorship may also vary.

The immigrant advocacy community is incredibly resourceful, however, and we invite interested pro bono attorneys to join us! Whether you are a new or seasoned immigration or children's attorney, CILA has resources available to support you in your representation. A great starting point is our newly released 9-part webinar series on introductory topics related to representing children in immigration proceedings. The free webinar series can be found here: <http://www.cilacademy.org/resources/101-webinars/>.



The [American Immigration Lawyers Association](#) (AILA) and the [American Bar Association](#) (ABA) are two member organizations well worth the resources and networking they will provide to interested pro bono attorneys. The ABA [Working Group on Unaccompanied Minor Immigrants](#), represents a cross-section of various ABA entities, including the Commission on Immigration, Standing Committee on Pro Bono and Public Service, Section of Family Law, Section of Litigation, and the Solo, Small Firm and General Practice Division among others. The American Academy of Matrimonial Lawyers (AAML) has an Unaccompanied Immigrant Children's Taskforce for members of that organization, and many local bar associations or entities have collaborative immigration groups available for participation.

#### **Listservs to Crowd Source Questions and Trends**

- <http://lists.lirs.org/mailman/listinfo/childimmigration>
- Facebook: UC Defenders Group
- Facebook: Nerdy Immigration Lawyers
- Facebook: Immigration Attorneys
- Facebook: CAMi589
- AILA (members only) Nonprofit Listserv
- AILA (members only) Federal litigation

Until we have universal representation for all children in immigration proceedings, we hope the platform can be used as a tool to help connect legal service organizations with pro bono attorneys, and CILA hopes to help bridge the gap by providing resources to help guide pro bono attorneys in effective representation of youth.

#### **Institutional Knowledge and Practice Advisories**

- Children's Immigration Law Academy (CILA): [www.cilacademy.org](http://www.cilacademy.org)
- Immigrant Advocates Network (IAN): [www.immigrationadvocates.org/probono/](http://www.immigrationadvocates.org/probono/)
- Immigrant Legal Resource Center (ILRC): [www.ilrc.org/](http://www.ilrc.org/)
- American Immigration Council (AIC): [www.americanimmigrationcouncil.org/](http://www.americanimmigrationcouncil.org/)
- Catholic Legal Immigration Network Inc. (CLINIC): <https://cliniclegal.org/>
- Vera Institute of Justice: [www.vera.org/securing-equal-justice/supporting-immigrants](http://www.vera.org/securing-equal-justice/supporting-immigrants)

<sup>i</sup> Data obtained from <https://trac.syr.edu/phptools/immigration/juvenile/>.

<sup>ii</sup> There have also been reports of limitations to children's access to representation while detained. The judge in *Lucas v. Azar* lawsuit authorized a class of children in the Office of Refugee Resettlement (ORR) based on the fact that "ORR blocks lawyers from representing detained children with respect to placement, non-consensual administration of psychotropic medications, or release to available custodians notwithstanding that Congress has allocated funds specifically to provide such lawyers to represent children who are or have been in ORR custody in 'legal matters,' including issues related to ... [placement in the least-restrictive setting]."

<sup>iii</sup> For a list of free legal services, search this directory by state and filter for "Removal Proceedings" and "Juveniles"  
<https://www.immigrationadvocates.org/legaldirectory/>.

<sup>iv</sup> <https://www.wnyc.org/story/new-york-immigrants-have-nations-highest-rate-legal-representation/>.