

Interviewing children and adolescents (Guide for staff members and volunteer attorneys)

This material is adapted from and based on the following protocols:

- Protocol for the consular care of unaccompanied migrant children and adolescents / UNICEF [et al.]. Online resource
https://www.gob.mx/cms/uploads/attachment/file/109332/Protocolo_ING_.pdf
- Child clients are different: best practices for representing unaccompanied minors. The American Bar Association [et.al]

Introduction

According to UNICEF, the United States is the first hosting country of international migrants under 18 years of age. This population is in a situation of special vulnerability due to the combination of different factors, such as age, sex, education level, and their own migratory condition. Therefore, it is important to have the appropriate tools for their protection.

This manual compiles strategies and tools from various specialized resources with the objective of providing basic tools on how to interview children and adolescents. The goal is that the volunteer attorney, intern or staff member of The Advocates, can have quick and easy access to mechanisms that could be useful to establish a relationship with the child.

This guide is a limited resource and not legally-focused. However, there are other tools available if the interviewer wants specialized information:

- *American Bar Association Standards of Practice for Lawyers who Represent Children in Abuse and Neglect cases*. Approved by the American Bar Association House of Delegates, February 5, 1996.
- American Bar Association. *Child Clients Are Different: Best Practices for Representing Unaccompanied Minors*. 2007.
- Buss, Emily. "You're my what?" *The Problem of Children's Misperceptions of Their Lawyers' Roles*. Fordham Law Review, Vol. 64, Issue 4. 1996.
- L.Maze, Candice. *Advocating for Very Young Children in Dependency Proceedings: The Hallmarks of Effective, Ethical Representation*. Center on Children and the Law. October 2010.
- Casa for Children. *Rational and Methods for Preparing Children for Success in the Courtroom*. September 2012.
- Keller-Hamela, Maria. *The Child Interview, Practice Guidelines*. Nobody's Children Foundation.
- Kelly, Nancy & Carrera, Willshire. *A "child-centered approach" to asylum claims of children fleeing the central American Triangle*. Harvard Law School.
- Cunningham, Alison & Stevens, Lynda. *Helping a child be a witness in court: 101 things to know, say and do*. Centre for Children & Families in the Justice System, 2011.
- Appell, Annette Ruth. *Representing What: Critical Reflections on Lawyering for Children*. APPELL PP, 2008.
- Phillips, Allie & Walters, Susanne. *Creating Child-and Adolescent- Fair Courtrooms*. National District Attorneys Association, May 2013.
- United Nations High Commissioner for Refugees. *Refugee Children: Guidelines on Protection and Care*

STEP 1: Things to think about before the interview

The interviewer will have to observe and analyze the situation, by asking the following questions:



- Does the child or adolescent seem intimidated by the adult that accompanied the child to the interview?
 - In every case, we ask to meet the children alone.¹ But it is especially important to provide a private setting for the interview if the interviewer identifies that the child doesn't look comfortable with the adult.
- Are there in the room elements that may frighten the child or adolescent?
 - If yes, the interviewer should remove/cover those objects.

• Specific considerations – defense mechanisms during adolescence

Our clients have experienced a difficult situation that caused fear, confusion, and anxiety. If one interacts with an adolescent in a stressful situation, they may be functioning at a lower level than what is their chronological age would show, and below their potential. This is the mechanism of *regression*, which is frequent in situations of stress, and consistent with a psychological movement². This means that sometimes, even if the adolescent looks physically like an adult, they will be functioning – from a cognitive perspective – at a level closer to childhood than to adulthood.



- Some indicators of *behavior of regression*: they talk or act like young children, or close themselves off.
 - They will require simple interventions, closer to the way of thinking of a young child.

Another defense mechanism that is common is the *transformation of fragility into omnipotence and challenge*, as attempts to control reality. Thus, they appear to be strong, when, in fact, they feel insecure and weak. They need to show strength in their opinions, when in fact, they are full of doubts and do not fully understand what's happening. Some indicators of behavior of omnipotence: they say

¹ The child or teenager is the client. This means you owe the same duties of **confidentiality** and competent representation to them as to any other adult client. Initially, you can invite the adult to explain your role and the work you do, but the interview will be conducted only with the minor. There are exceptions for young children, who may feel more comfortable by having a trusted adult. You should exercise judgment about interviewing the child in presence of third party (parent, other family member, social worker).

² More information can be found at https://www.gob.mx/cms/uploads/attachment/file/109332/Protocolo_ING_.pdf, p. 28.

things like “I don’t need help”, “I can do it by myself.” The adolescent is angry and challenging, they are being passive-aggressive.



- If the interviewer identifies the appearance of defense mechanisms:
 - It is not recommended to insist with the same questions at that moment.
 - The interviewer should register the moment and the theme where the anxiety appeared.
 - You can propose talking about something else for a while. You can also incorporate support materials (play dough, colors).
 - Once the adolescent is calmer, you can approach the subject again but with a different question and perspective.

STEP 2: Observe

- **Setting the place for the interview**

The interviewer should try to do arrangements to have a proper setting for the interview.

- The room has to provide privacy but it has to be ventilated and lightened up.
- Hide any materials or objects that could be intimidating.
- The selected room should be a space where the interview will not be interrupted.

The interviewer should focus on general conditions of the children.

- Do they have wounds or injuries?
- Do they look tired?
- Are their clothes inappropriate for the current weather?

This will help to identify if the person requires urgent and immediate care, in which case, the interviewer should check the referrals materials.

- **Age of the minor**

If the child is 10 years or under, the interview should have specific materials (such as drawings, colors, play dough, etc.), which make it easier to build trust and to interact.

STEP 3: Framing the interview

Before formally initiating the interview, it is recommended to start a relaxed chat on some topic that would be pleasant to the child. This allows “breaking the ice.” It is very helpful that whoever is interviewing says something about themselves, and allows the child or adolescent to ask some questions. For example, the interviewer may share information on pets or hobbies.

Subsequently, the interviewer will introduce him or herself using information that is accessible in accordance with the child/adolescent’s developmental stage. The language that proves to be more useful is the one characterized for its simplicity.



TIP

Prevent the interrogation. Show interest in the situation of the child or adolescent. Under stressful situations, it will not be easy for children to understand complex verbal sentences.

Try

to use simple sentences and words that they can understand. For example:



KEY PHRASES – INTRODUCTION

- *My name is _____. I work at the Advocates for Human Rights. My job is to help people who had to leave their home country.*
- *In my job, I meet people from different countries, and I talk to them to see if we can help them. For example, we help people who left their country to seek protection in the United States. Some people need help because something bad happened to them, if they tell me about it, we can work together to decide the best way to protect them.*
- *When people tell me what happened to them and they need help, sometimes I can help them to stay in this country if they feel safer here.*

ABOUT CONFIDENTIALITY³

- *People tell me their stories and my job is to keep it confidential. That means that I cannot tell anybody what you told me if you don’t want me to.*
- *I will always ask for your permission before sharing information about your story with others.*

³ One difficulty is when the child expresses something that the attorney believes would endanger the child. In these cases, the attorney can try to identify different alternatives with the child. The lawyer can also make an appointment with the guardian, who is responsible of defending the child’s best interests without being restricted by the child’s direction.

With regards to adolescents, it is easy to make the mistake of thinking that they function like adults, because their physical development makes this look real. However, at a cognitive and emotional level, an adolescent is sometimes similar to children due to various reasons:

1. The adolescents need to rebuild their identity and achieve their transition into adulthood. He or she might feel vulnerable because their identity is not entirely defined yet. He or she is no longer a child, but neither is an independent adult yet. In the situation experienced by an unaccompanied migrant adolescent, this reality becomes more complex and adds further pressure to interview process.
2. Adolescents need rebuild who they are, BUT, at the same time, they need a safe base which to go back to, whenever they need it. This base is often made of their significant adults. The presence of nurturing adults is indispensable in order for the process of individuation to develop in a healthy manner. If, for whatever reason, they do not have a strong base, they often maintain a permanent feeling of anxiety, vulnerability and fear.

For example, unaccompanied immigrant adolescents may have left supportive adults in their home country. Some of them immigrated to reunite with supportive adults in the US. And some may no longer have safe adults in their life.

3. The belonging to a group of peers is essential in this phase, and the opinion of the group may have more weight on the adolescent's psychological reality than that of his or her parents or other adults. This makes them particularly vulnerable to recruitment by exploitation networks.

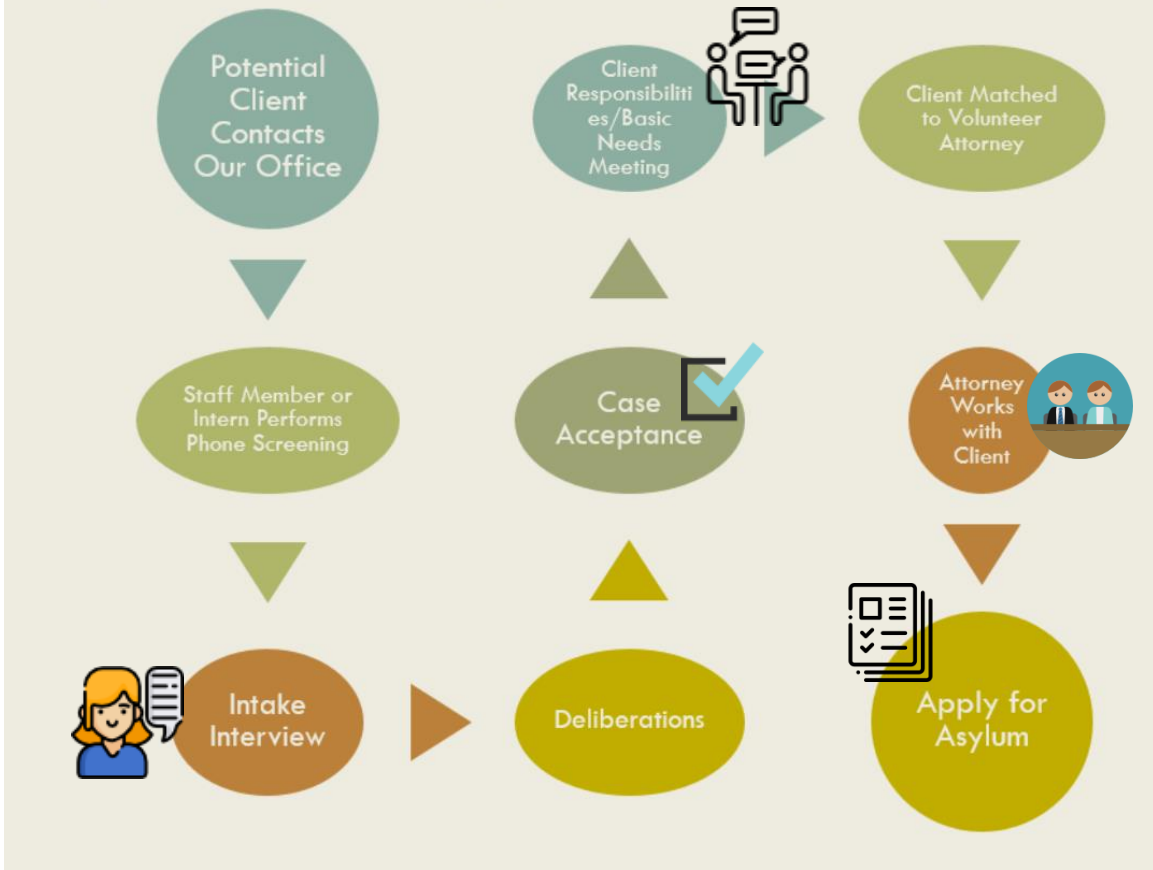


KEY PHRASES – To use when children/ adolescent is somehow resistant to share information:

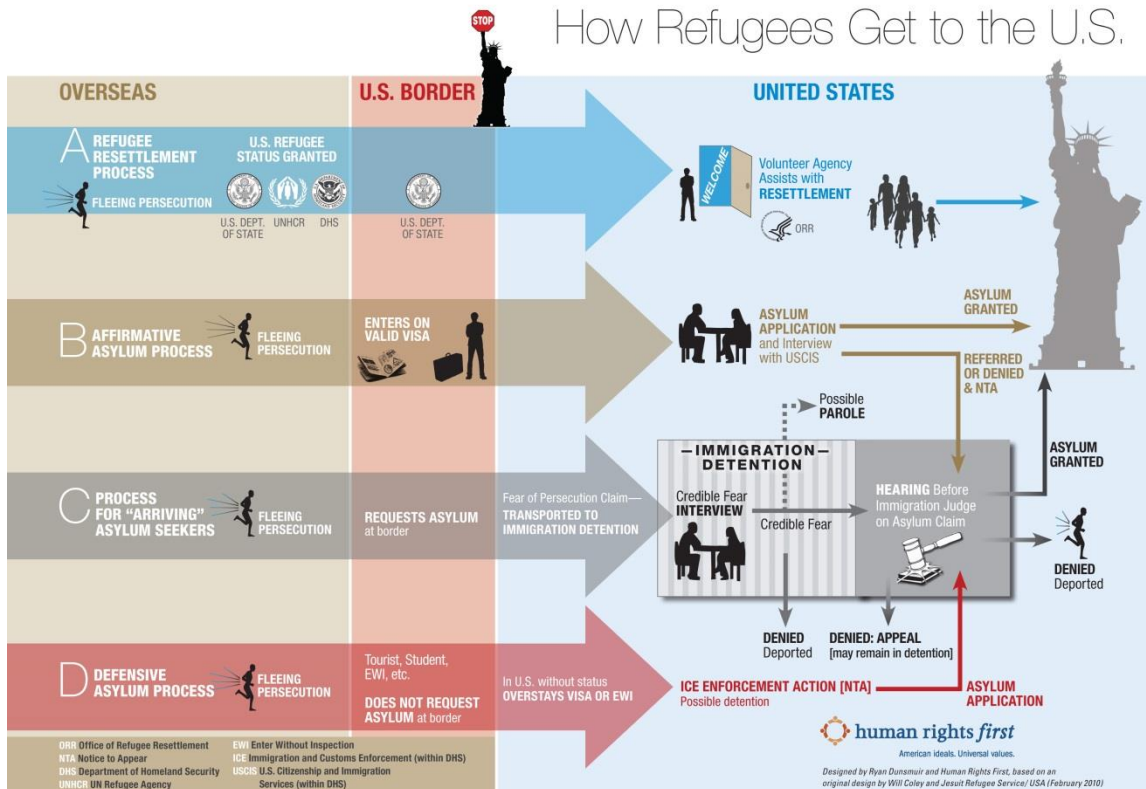
- *Many of the people I know are children/adolescents like you. Some told me they were travelling on their own, others that they were travelling with other people. Most of them wanted to get to the United States.*
- *All the children/adolescent to whom I have spoken were sometimes worried, afraid and did not understand what was happening. Some were afraid to tell me things. But the more they would tell me, the more I could help.*
- *If something happened to you, and you would like to tell me about it, I will tell you about the ways I can help and you can decide if you want my help with any of the options.*
- *In order to know people well, I need to ask them questions. I do not ask these questions because they are in trouble. I ask them because the more they tell me, the better I can help.*

After providing the child or adolescent with the key messages, the interviewer will have to clarify the objective of the interview through the use of sentences that will make the child or adolescent feel that he or she is an important participant in the latter. In other words, the interviewer should explain the process that The Advocates follows to make a decision regarding their case. It could be useful to draw a diagram of the process that the interviewer is trying to explain. You can design your own, but here are some examples:

Refugee & Immigrant Program Intake Process



How Refugees Get to the U.S.



It is important to talk to the child/adolescent with honesty and to ensure that no unrealistic expectations are generated.



KEY PHRASES – To control expectations:

Example for intake interview:

- *I will do everything in my power to help you. This is the first step of the process. After, The Advocates will decide if we can take your case and give you an attorney. If we cannot take your case, we will ask for help from other organizations and/or will give you information and resources that you can use.*

Example for meeting with an accepted client

- *I will do everything in my power to help you. However, there are some decisions and parts of the process that we cannot control.*
- *The process of asylum/Tvisa is long and complicated. So I understand if you are feeling frustrated, angry or sad. But I will do everything in my power to help you and answer all your questions.*



TIP

It is recommended that the interviewer convey empathy and containment through their tone of voice and active listening. Physically touching the children or adolescents, as means of approach, must be avoided, given that touch may be intrusive for them.

STEP 4: Conducting the Interview

In general terms, the ideal method to obtain information from a child or adolescent has two components. One, it requires that the adult offers information first, and then ask questions. Second, it requires that a concrete situation or topic be used as a context for the conversation. This prevents the interview from being perceived as an interrogation, and prevents triggering anxiety or fear.

In the case of children that have had migratory experiences, this can be used as the concrete situation for the interview. The topic of the conversation is the journey and not the interrogation of the child. Based on age, the interviewer can use different materials.



KEY PHRASES – To start the interview

- *I have a few things here that I would like to show you. Look this is where we are, Minnesota, and is located here (take out a printed map or draw on a piece of paper).*
- *Sometimes, the children/adolescents I have met here have a story to tell, and I can write it down.*
- *To start, what about drawing the line of where we came from? Look, for example, I met a girl, who was born in _____, and now she's here (draw the line to Minnesota). Where were you born? _____. That is here (draw a line).*
- *Now we can also write down the name of your father and mother, where is your father now? _____; and your mother? _____*
- *We can add other important people on this map. This girl I met had a family. Who is an important person for you? _____ Where is he/she? _____*

This method is also useful to obtain information on the status of being unaccompanied or separated from the child's family:



KEY PHRASES – To obtain information of the status of being unaccompanied or separated from the family

- *Now, we can talk about what you did along this path (indicate the first part of the line on the map). For example, when you left home, who was there?*
- *And then, do you remember who was there? _____ (indicate different levels along the line).*
- *And then, what happened?*
- *During the journey, did you meet anyone?*

On the decision to migrate and possible asylum claim, the following initial interaction is suggested:



KEY PHRASES – To start the conversation about the asylum claim

- *A very important chapter of your story is when you were here (indicate the place of origin in the map) and had the idea of getting here, to Minnesota. Tell me about the idea of coming here.*
- *Tell me about _____ (home country). Why did you come here? What was happening there that made you come here? Is there any other reason?⁴*
- *How was the moment in which you took the decision to leave, what do you remember about that time?*

⁴ According to the UNHCR, most of the displaced children had been personally affected by violence in the region, and criminal actors, such as drug cartels and gangs. Some others have survived violence in their homes by their guardians.

These key phrases are to initiate the conversation; the interviewer should gather detailed information based on the specific questions of the Intake Interview Process.



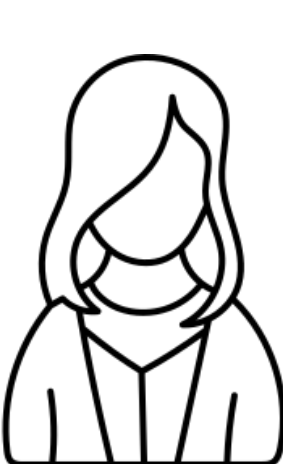
TIP

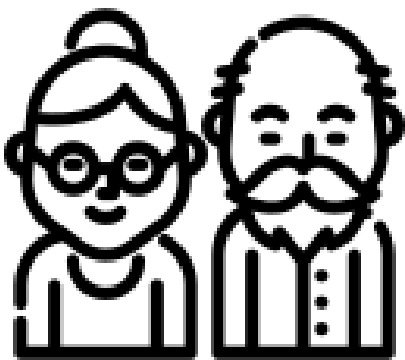
The use of concrete materials (map and drawings) is recommended for children and adolescents. The handling of concrete and visible materials is important support in order for them to tell events, in particular at times when they feel anxiety in relation to issues that are difficult to talk about or that they do not understand.

With young children, the material and the techniques are used to tell a story or to “build a story”, whilst with adolescents, the materials are rather used with a tone of “sharing our stories”, with various chapters.

Here are examples of drawings that the interviewer can give to the child and use to “build a story”.

- To build a story about the child’s family:





- To build a story about the children's emotions:



When the child or adolescent feels too much anxiety

There are situations that are difficult to remember and to talk about freely, such as abuse experiences. In this type of situation, it is suggested to offer concrete objects that can be handled, to channel the anxiety whilst proceeding with the meeting. A rubber ball or play dough that can be kneader may be useful.

When the individual is experiencing or has experienced a traumatic situation, sometimes he or she struggles to talk about it. The following phrases are suggested to help children feel comfortable sharing experiences that create feelings of anxiety:



KEY PHRASES – When the child/adolescent feels anxiety

- *Some children/adolescents, whom I have talked with before, told me that there are people on the way, who help. Was there someone in your story, before and after you came here, who helped you? ... Do you think that there was someone, who made things more complicated instead of helping? What about when before your trip?*
- *Only you know all that has happened in this story and throughout the journey that you managed to make. If you would like to tell me, I would be happy to hear it. For example, I would love to know what the most impressive part of your story is. The part that you most like. Other children/adolescents have told me many things, but I am sure that you have a very good one.*
- *What is the worst part of your story? The most horrible, of the kind that should never have happened to you, nor to anyone else. Maybe it is one you want to forget or one that you don't remember all of the details, but sometimes these are the stories that are key to letting you start a new chapter in the US.*

*** For asylum, this comic is a good example you can use during an interview: "Travel To Your Safety" <<https://supportkind.org/resources/viaje-a-tu-seguridad/>> is a Spanish-language publication in comic book form for those working with unaccompanied children to help these children understand asylum and the process of seeking asylum in the United States.*

In general, the interviewer can follow a method of informing the child/adolescent to obtain information. For example:

GIVE INFORMATION	ASK INFORMATION
Look, this is my professional card. It says that I work at The Advocates for Human Rights. I've been working here for _____.	Have you ever had a job? How was it?
To work here I went to school. I had friends and teachers.	How about you? Have you been at school? Did you like it there?
I work here and I plan to stay in Minnesota for a long time.	What is your plan? What would you like to do?

Also, remember that it is important to take note of body language while the child or adolescent is sharing a traumatic event.

STEP 5: Conclude the interview

Once the child or adolescent has finished telling their story, the interviewer must thank the child or adolescent for having shared their story, and reiterate the basic messages for emotional recovery.



TIP

To conclude with messages that reflect value as to the identity is fundamental to counteract feelings of failure, helplessness, lack of options, uncertainty and anxiety that are present in the psychological reality of children and adolescents in these conditions.

Immediately, the interviewer will describe the steps that will follow. Finally, it is recommended that the interviewer provide the child or adolescent with his or her contact details, explaining that they may contact him or her if necessary. Additionally, you should let them know they can contact you if they have questions or if they remember something else after the interview. You can give the child your professional card, or write down your contact information for them. Let them know what way of communication both of you can have (texts, email, phone, etc.).