



# CILA Practice Toolkit

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*\*\*\*This is not legal advice. This resource is for informational purposes only and should not substitute your own research and analysis.\*\*\**



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## Table of Abbreviations

Term	Definition
AOS	Adjustment of status
CAT	Convention Against Torture
DHS	Department of Homeland Security
DOJ	Department of Justice
EAD	Employment authorization document
EOIR	Executive Office for Immigration Review
HHS	Health and Human Services
ICE	Immigration & Customs Enforcement
NTA	Notice to Appear
OPLA	Office of the Principal Legal Advisor
ORR	Office of Refugee Resettlement
SIJS	Special immigrant juvenile status
TPS	Temporary protected status
TVPRA	William Wilberforce Trafficking Victims Protection Reauthorization Act
USCIS	United States Citizenship and Immigration Services
VAWA	Violence Against Women Act

## I. Introduction

### A. About CILA

The [Children's Immigration Law Academy \(CILA\)](https://cilacademy.org) is an [expert](#) legal resource center created by the American Bar Association (ABA). CILA's mission is to empower advocates who guide immigrant youth through complex legal procedures, to do so with courage, competency, compassion, and creativity. CILA builds capacity for those working to advance the rights of immigrant youth seeking protection through trainings, technical assistance, resource development, and collaboration.

CILA serves nonprofit, pro bono, and private sector legal advocates who work with children in immigration-related proceedings. CILA began operations in Houston, Texas in late 2015 in response to the thousands of children from Central America who entered the United States at our Southern border. Many children were fleeing prolific violence and abuse in their home countries and seeking humanitarian protections offered under U.S. law. Through our work, we hope to ensure more immigrant youth are represented and to provide the resources and expertise needed to support those who endeavor to represent them. In furtherance of this goal, in 2022, CILA expanded its technical assistance program nationwide and offers trainings and working groups to a national audience.

Complementary and critical to our capacity-building efforts for legal advocates, CILA's social services program aims to increase capacity for social workers and social services providers serving immigrant youth at legal services organizations in Texas and beyond, thereby ensuring stability in the lives of youth so that they may meaningfully participate in their immigration cases.

- [Visit https://cilacademy.org](https://cilacademy.org) to learn more about CILA, request technical assistance, register for upcoming trainings and working groups, and view our resources.
- [Create a CILA account](#) to access more CILA resources.
- [Express interest as a pro bono attorney or volunteer](#) to help immigrant youth on CILA's platform, Pro Bono Matters for Children Facing Deportation.
- Sign up to receive a CILA newsletter: [Champions for Immigrant Youth](#) (monthly) and/or [Pro Bono Matters](#) (quarterly).
- Follow CILA on social media ([Facebook](#), [LinkedIn](#), [X](#), [YouTube](#)) to connect with us and learn about current happenings.
- [Donate to CILA](#) to further CILA's efforts to support advocates working with immigrant youth and share encouragement and the tools needed for effective legal and social services advocacy.

### B. About this Toolkit

CILA created this toolkit for individuals new to working on a full immigration matter in a child's case. Many times, practitioners have experience working on a portion of a case or



interacting with immigrant youth at a fixed point in their journey—for instance, through a limited scope immigration project, as part of an immigration law school clinic, working at an organization that serves detained clients, or handles only a portion of their immigration case. It is a different task to work on an immigration case from beginning to end. This resource is developed for those who are new to taking on a full children’s immigration case—whether in your job or through a pro bono opportunity. This resource can help those who are working on an individual matter and those who are managing a full caseload. The toolkit contains general guidance and tips on a variety of issues, from communications with clients to case management. Additionally, it includes checklists, cheat sheets, and organizational preparation sheets to help you stay organized.<sup>1</sup> Those materials can be found in a companion resource, “Checklists, Cheat Sheets, & Organizational Documents” found [here](#). We hope that this toolkit will help attorneys learn about and stay organized throughout the life of an immigrant child’s case, while collaborating with their client(s).

This resource is not comprehensive. We cover several topics in the Toolkit and refer to additional CILA materials throughout the Toolkit so that you can learn additional information. The [CILA Pro Bono Guide: Working with Children and Youth](#) (*CILA Pro Bono Guide*) is a key resource that should be utilized along with this toolkit. The *CILA Pro Bono Guide* covers various forms of legal relief and skills necessary for effective representation, such as trauma-informed lawyering, interviewing tips, and working with interpreters and translators. CILA regularly adds new resources to our [website](#), and many CILA resources can be accessed after setting up a free [CILA account](#).

## II. Background on Clients

### A. Generally, Who are Unaccompanied Children?

Children who migrate to the United States may make the journey alone or with relatives or family. Whether the federal government considers them to be *accompanied* versus *unaccompanied* when they arrive at the U.S. border is important, as it plays a role in the applicability of certain laws and regulations to a child’s legal case. The Homeland Security Act of 2002 and the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA) define an unaccompanied child as an individual who is (a) under eighteen years of age, (b) lacking lawful immigration status, and (c) without an available

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<sup>1</sup> These materials along with other CILA resources and templates referenced in this toolkit are included for informational purposes only and should not be construed as containing legal advice. All templates, checklists, samples, etc. are provided to help practitioners see the type of information that can be included when creating similar documents. These materials are not comprehensive. We simply aim to highlight some information and resources to get you started.

parent or legal guardian in the United States to provide care and physical custody of the child.<sup>2</sup>

As you work with unaccompanied children, you will learn that no child is the same. Unaccompanied children may vary in age, sex, gender identity, emotional intelligence, maturity, country of origin, religion, cultural background, and sexual orientation, amongst other factors and characteristics.

After being deemed an “unaccompanied child,” a child is transferred to the care and custody of the Office of Refugee Resettlement (ORR), a department of the Health and Human Services (HHS). While in ORR custody, an unaccompanied child will be screened for legal relief, and ORR will determine if the child can be placed with a sponsor residing in the United States. [Section III.](#) of this Toolkit covers the various agencies unaccompanied children will interact with and their experiences when reaching the United States.

Every child has different reasons for coming to the United States. In many cases, children flee their countries of origin due to pervasive violence, lack of resources, neglect, natural disasters, and abuse. Such circumstances may have impacted the child and traumatized them, so a trauma-informed approach is necessary when working with unaccompanied youth. For more information about trauma-informed advocacy and tips to employ trauma-informed care in your representation, check out CILA’s [“Tips for Working with Migrant Youth and Trauma-Informed Lawyering,”](#) Oct. 2023, a tip sheet with practical guidance. CILA also has a resource titled, [“Cultural Competence and Humility: Guidance for Legal and Social Services Staff Working with Unaccompanied Children,”](#) June 2024, to guide advocates working with unaccompanied children.

Those who have not previously worked with or represented unaccompanied children released from ORR custody may not realize the unique nature of unaccompanied children’s cases. When an unaccompanied child is released into the custody of their sponsor, they can pursue legal relief while residing in the community. Working on a released child’s immigration case requires an understanding of working with a child who is now balancing school and possibly work, getting accustomed to a new culture, and also being party to a legal case. We have included some practical tips below that can help you collaborate with a child on their case.

#### Tips for Getting to Know Your Client:

- Do not assume that your client speaks a certain language based on their country of origin. Best practice is to ask your client what their preferred language is, versus what language is predominantly spoken in their home country.

<sup>2</sup> Homeland Security Act of 2002, Pub. L. 107–296, 116 Stat. 2135 (Nov. 25, 2002); [6 U.S.C. § 279](#). TVPRA, Pub. L. 110-457, 122 Stat. 5044, 5080 (Dec. 23, 2008); [8 U.S.C. § 1232](#).





- Likewise, do not assume that your client has a specific cultural background because they come from a certain country. You may have multiple clients from the same country but may find that your clients differ in religion, language or regional dialect, or ethnicity.
- Rapport matters, and it helps your client learn to trust you as their advocate. Take the time to get to know your client and their interests, as it may facilitate more open communication.

## B. Clients Residing in the Community

If ORR identifies a stateside sponsor for a child in ORR custody, the child should be reunified with their sponsor—at which point they can live with their sponsor and progress through their case while in their sponsor's care. Children are reunified with sponsors across the United States and are set for hearings at immigration courts in their communities.<sup>3</sup> Youth released from ORR care and living in the community with their sponsors are like other youth—they attend school, partake in extra-curricular activities, have social lives, or may work part-time. They live like children and teenagers—because they are. This is important to remember as you set case expectations with your clients. Remember that your client may be juggling many events or things in their day-to-day lives, and as youth, they may not understand the need to prioritize their legal case.

With long case durations, youth go through much during the course of their legal case, including maturing, and entering different phases of life—all while their legal case pends and/or progresses over time.

**EXAMPLE:** Carlos entered the United States in 2019 at age 16, and he was designated as an unaccompanied child and placed in removal proceedings. He was in ORR custody for three weeks before reuniting with his mother in Houston and, soon after, obtained legal representation with a legal services organization. He attended a local high school and played soccer with his friends. Through his attorney, Carlos filed his asylum application with USCIS in 2020. Meanwhile, Carlos had his first immigration court master calendar hearing (MCH) in September 2021. As of June 2024, Carlos still has not received an interview date with the USCIS Asylum Office. He now has a job and has gotten more connected to his community. Though Carlos has reached adulthood, he maintains his designation as an unaccompanied child. His case is pending, and he is waiting for an asylum interview; meanwhile, his removal proceedings have been dismissed.

<sup>3</sup> The Office of Refugee Resettlement (ORR) provides data about unaccompanied children released to sponsors by state and county online. "Unaccompanied Children Released to Sponsors by State," ORR, Child Advocate Program," <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state> (last updated June 3, 2024). Read more information in the [CILA Pro Bono Guide: Working with Children and Youth](#) (CILA Pro Bono Guide) Sections I.B. and II.A., Oct. 2023.

CILA's Social Work program has developed numerous resources for youth and for their sponsors to ease the transition into the child's new community and new way of life. Check out CILA's [social services resources and recorded trainings](#) to learn more about different ways you can better support or provide support to your client.

#### Tips for Working with Released Youth:

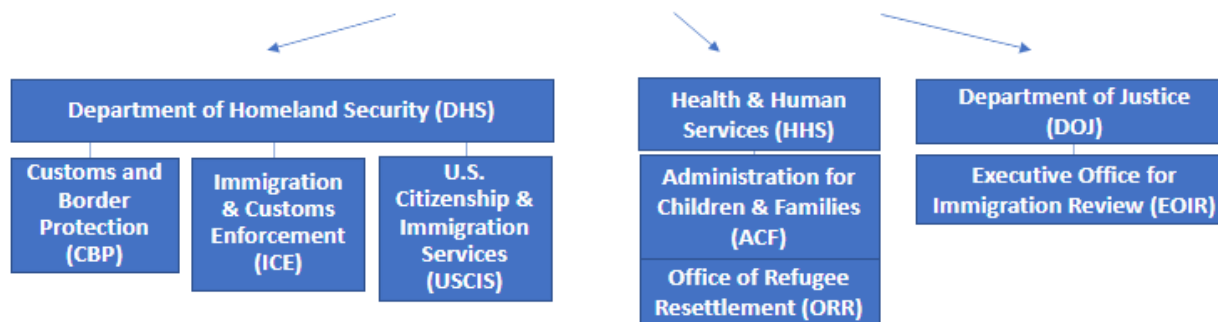
- Set clear, realistic expectations with your client.
- Give reminders about upcoming meetings or deadlines.
- Try to give advance notice of meetings or deadlines, when feasible.
- Maintain steady communication with clients.
- Try to work with and understand your client's schedule and responsibilities.
- Exercise patience throughout the course of your case.

### III. Legal Process

#### A. Overview of Federal Agencies Involved

Throughout the life of an immigrant child's case, the child will encounter multiple agencies, may have different attorneys or advocates assisting them, and will likely accrue many agency correspondence letters and other significant legal documents relevant to the child's case. Knowing the potential stakeholders involved is an important first step when working on any legal case. In children's immigration cases, there are frequently many stakeholders involved including many federal agencies. The following is an overview of some of the key federal agencies involved.

## Who's Who in the Unaccompanied Children's World *Federal Agencies*



- **Department of Homeland Security (DHS)**
  - [Customs and Border Protection \(CBP\)](#): Agency that screens/interviews and apprehends immigrants at the border.
  - [Immigration & Customs Enforcement \(ICE\)](#): Agency that apprehends immigrants taken into custody internally. The opposing counsel in immigration court proceedings are ICE attorneys from the [Office of the Principal Legal Advisor \(OPLA\)](#).
  - [U.S. Citizenship & Immigration Services \(USCIS\)](#): Agency that adjudicates affirmative petitions for immigration benefits.
- **Health & Human Services (HHS)**
  - Administration for Children & Families (ACF) – [Office of Refugee Resettlement \(ORR\)](#): ORR is within the ACF, a division of the Health & Human Services (HHS). ORR is the entity responsible for caring for detained unaccompanied children and reunifying unaccompanied children with approved sponsors. They also provide some post release services.
    - ORR has two distinct programs that serve immigrant children: the Unaccompanied Children (UC) Program and the Unaccompanied Refugee Minor (URM) Program. A child may be placed in the UC Program and may later apply for placement in the URM program, if they are eligible for URM placement.
- **Department of Justice (DOJ)**
  - [Executive Office for Immigration Review \(EOIR\)](#): EOIR is within the DOJ and conducts removal proceedings in immigration court and considers appeals through the Board of Immigration Appeals (BIA).

CILA's resource, "[Who's Who in the Unaccompanied Children's World? A Guide to Identifying and Working with Stakeholders](#)," Jan. 2024, and the accompanying visual, "[Who's Who in the Unaccompanied Children's World? A Visual Guide](#)," Jan. 2024, provides further details regarding the various stakeholders involved and includes tips for working with stakeholders. Additionally, included in the [companion resource](#) is a list of online tools and EOIR and USCIS contacts that you may reference as you work on a full case.



## B. General Process & Role of the Government

It helps to know the general process unaccompanied children go through from the point when they enter the country to when an attorney may be working on their case.<sup>4</sup> When immigrant children arrive at a port of entry or cross the U.S. border without a valid entry document or without U.S. government assistance, oftentimes CBP agents apprehend the children and transfer them to a temporary CBP holding facility. There, CBP agents process the children and determine whether each child meets the legal definition of an unaccompanied child. This legal definition does not recognize nonparent caregivers or family members that sometimes accompany a child to the United States. Thus, children traveling without a parent or legal guardian are considered unaccompanied.

Since 2003, HHS has tasked ORR with the safety and care of unaccompanied children, as well as reunification of the child with a suitable sponsor to care for the child while the child is in removal proceedings. The law requires that an unaccompanied child be transferred to an ORR shelter within 72 hours, although children are sometimes in the temporary holding facilities for longer before going to an ORR shelter. ORR contracts with and funds residential care facilities—which must be state licensed—that shelter unaccompanied children, until a sponsor is identified or, in the case that a sponsor is not available, until the child obtains legal status, is deemed for placement in a long-term foster care setting, or turns 18 (at which time, they are transferred to DHS custody). Though the unaccompanied children are in ORR-funded residential facilities, they are still considered to be in the custody and care of ORR. While an unaccompanied child is in ORR custody, they receive a range of benefits until a sponsor is identified. Benefits include housing, medical care, mental health care, access to legal services, and more.<sup>5</sup> These benefits cease when a child reunifies with a sponsor.

In some situations, for the most vulnerable children, the [Young Center for Immigrant Children's Rights \(Young Center\)](#) can assist by providing a [child advocate](#) for an unaccompanied child.<sup>6</sup> The Young Center can get involved after a [referral](#) is made by staff at a legal service provider or by an ORR care provider. The Young Center is appointed as a child advocate by ORR, typically in cases of detained unaccompanied children, but not

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<sup>4</sup> For more information on unaccompanied children's journey and the processes in place from the time children enter at the border, read the [CILA Pro Bono Guide](#), Oct. 2023 and CILA's resource, "[ABA CILA Fact Sheet: Unaccompanied Children at the Border](#)," Sept. 2023.

<sup>5</sup> You can learn more about the services provided on ORR's website. "Services Provided," U.S. Department of Health & Human Services (HHS) ORR, <https://www.acf.hhs.gov/orr/about/ucs/services-provided> (last updated May 16, 2019).

<sup>6</sup> The Young Center for Immigrant Children's Rights (Young Center) provides services to a wide range of vulnerable children; some examples on their website of children they have served include: "children who have been abused, infants who are the subject of international custody battles, children who have developmental disabilities, young girls who want to live with their traffickers, those who have lost their parents to violence, and more." "Child Advocate Program," The Young Center for Immigrant Children's Rights, <https://www.theyoungcenter.org/child-advocate-program> (last visited June 25, 2024).



exclusively. They are an independent nonprofit organization, not part of ORR, and they make recommendations to various stakeholders about the *best interests* of a child.<sup>7</sup>

An attorney may start to work with a child while they are detained at ORR or after they have been released to a sponsor. Immigrant children have a right to legal representation, though at no expense to the United States government.<sup>8</sup> While detained children have access to legal services, children released to sponsors and residing in the community often do not and have to seek legal representation on their own. Many individuals cannot afford to hire an attorney and cannot find pro bono representation, and this is also true for unaccompanied children and other youth in immigration court proceedings.<sup>9</sup>

Unaccompanied children have certain legal protections, which create significant procedural and substantive differences from immigrant adults in the legal system. Predominantly, these protections stem from the *Flores* Settlement Agreement, Homeland Security Act of 2002, and the TVPRA. On April 30, 2024, HHS issued regulations, that went into effect on July 1, 2024 and titled “[Unaccompanied Children Program Foundational Rule](#)” (the Foundational Rule), that codified certain protections for unaccompanied children in ORR custody. After HHS issued the regulations, in May 2024, the Biden administration moved to terminate the *Flores* Settlement Agreement, arguing that the Foundational Rule sufficiently codified the key aspects of *Flores* and that the new regulations would better provide standards for children in ORR custody.<sup>10</sup> On June 28,

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<sup>7</sup> Read more about child advocates and their best interests determinations in a Director’s Memorandum (DM) issued by the Executive Office for Immigration Review (EOIR) to provide immigration judges with guidance on the issue EOIR. DM 23-03 The Role of Child Advocates in Immigration Court, <https://www.justice.gov/eoir/book/file/1589691/dl?inline> (July 5, 2023).

<sup>8</sup> 8 INA § 240(b)(4)(A); [8 U.S.C. § 1229a\(b\)\(4\)\(A\)](#). There are limited government-funded legal services for unaccompanied children, such as providing legal orientations and screenings for children who are in the custody of the Office of Refugee Resettlement (ORR), and representation while children are detained. “Services Provided,” U.S. Department of Health & Human Services (HHS) ORR, <https://www.acf.hhs.gov/orr/about/ucs/services-provided> (last updated May 16, 2019). Additionally, there is some government-funded services for the National Qualified Representative Program (NQRP) to provide counsel for those who are deemed incompetent. Learn more about this program on EOIR’s website. “National Qualified Representative Program (NQRP),” EOIR, <https://www.justice.gov/eoir/national-qualified-representative-program-nqrp> (last updated Feb. 18, 2020).

<sup>9</sup> Learn more about access to counsel in immigration court. “U.S. Immigration Courts: Access to Counsel in Removal Proceedings and Legal Access Programs,” Congressional Research Service (CRS) (July 6, 2022), <https://crsreports.congress.gov/product/pdf/IF/IF12158>. Also read Syracuse University’s Transactional Records Access Clearinghouse (TRAC) report on the low availability of immigration attorneys and the impact on representation. “Too Few Immigration Attorneys: Average Representation Rates Fall from 65% to 30%,” TRAC, <https://trac.syr.edu/reports/736/#f1> (Jan. 24, 2024).

<sup>10</sup> Learn more about the *Flores* Settlement Agreement and the litigation to terminate the 1997 agreement, see Rosa Flores, “Judge partially terminates agreement governing conditions for migrant children in US custody,” CNN, <https://www.cnn.com/2024/07/02/politics/judge-terminates-agreement-migrant-children/index.html> (Jul. 2, 2024). See also Bob Ekelgo, “Judge grants Biden admin’s request to terminate agreement granting protections to migrant children,” The San Francisco Chronicle, <https://www.sfchronicle.com/politics/article/biden-flores-settlement-19561538.php> (Jul. 8, 2024).



2024, Judge Dolly Gee in the Central District of California issued a [decision](#) granting in part and denying in part the government's motion to terminate. Read more in CILA's resource, "[Overview of the ORR Foundational Rule for the Unaccompanied Children Program](#)." Also, check out this "[Explainer: Regulations on the Care of Unaccompanied Childre in Federal Custody](#)" from the National Immigrant Justice Center, Acacia Center for Justice, and Young Center for Immigrant Children's Rights to learn more about the impacts of the Foundational Rule on the *Flores* Settlement Agreement.

Notably, unaccompanied children are not subject to expedited removal and are instead entitled to go through removal proceedings, where they can present their case before an immigration judge and seek any legal relief for which they are eligible. Cases are initiated when an ICE OPLA attorney files the Notice to Appear (NTA), a charging document, with the immigration court. The NTA<sup>11</sup> contains facts and charges (i.e., any violations of immigration law) against the respondent, the individual in proceedings. This document explains why the child is in immigration court proceedings and may also include the date, time, and location of the child's first hearing with the immigration court.

Immigrant children's cases may take years to be fully adjudicated. The long nature of these cases means that the client will age, mature, and may even transition to adulthood during the life of the case. With time, the nature of the legal relief may change as well.

## IV. Forms of Legal Relief

### A. Considerations When Determining Legal Relief

There are typically several parts to an unaccompanied child's legal case. Many times, unaccompanied children are seeking forms of legal relief that involve advocacy before multiple forums (court(s) and immigration agencies) and different timelines are involved for each.

Immigration  
Court

USCIS

State Court

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<sup>11</sup> To learn more about Notices to Appear (NTAs), review EOIR's self-help guide, "[Do You Have a Form Called A Notice to Appear \('NTA'\)?](#)" Jan. 2022. Also, ILRC has a resource, "[The Notice to Appear \(NTA\)](#)," June 2020, with more information. CILA's resource, "[Challenging a Defective Notice to Appear \(NTA\) in Children's Removal Proceedings](#)," Jan. 2024, helps advocates understand the potential impact of a "defective," or putative NTA in removal proceedings.



Most unaccompanied children are in removal proceedings in immigration court.<sup>12</sup> They may be seeking legal relief before the immigration court, or they may need to keep the immigration judge apprised of relief they are seeking before other agencies.

The two most common forms of legal relief that unaccompanied children seek are asylum and special immigrant juvenile status (SIJS). A SIJS case involves three key phases: (1) obtaining a custody or dependency order from a state court, (2) submitting the SIJS petition for a decision from USCIS, and (3) applying for lawful permanent residence (either with USCIS or an immigration judge). Unaccompanied children who apply for asylum should be able to seek asylum in the first instance in a non-adversarial process before a USCIS Asylum Office rather than in an adversarial immigration court hearing.<sup>13</sup> Other forms of humanitarian relief, such as U nonimmigrant status (U visas), T nonimmigrant status (T visas), and temporary protected status (TPS), are adjudicated by USCIS rather than an immigration judge in immigration court. Some forms of relief such as cancellation of removal, withholding of removal, protection under the Convention Against Torture (CAT), and voluntary departure are only adjudicated by an immigration judge in immigration court. The type of relief and forums involved will differ per case depending on the particular facts involved and case strategy.

**EXAMPLE:** An unaccompanied child is in removal proceedings, and they must appear in immigration court and go before an immigration judge. They will have to admit or deny the facts and concede or contest the charges in the NTA, and the judge will want to know what type of legal relief they are requesting. In this example, the child is seeking two forms of legal relief: SIJS and asylum. Since they are an unaccompanied child, they plan to file their asylum application with a USCIS Asylum Office to adjudicate their claim rather than in immigration court. Additionally, they plan to seek a state court order in their local state court before filing Form I-360 to petition for SIJS with USCIS. They must inform the judge regarding the legal relief they are seeking, and determine how they would like to navigate removal proceedings—whether they plan to ask for dismissal/termination of their removal proceedings while they seek relief in other forums or alternatively, ask for their case to be continued, administratively closed, or placed on a status docket. **Note:** these options are further discussed in CILA's resource, [Procedural Options in Removal Proceedings](#), to help advocates consider various procedural tools in immigration court.

<sup>12</sup> Access CILA's resource, [Procedural Options in Removal Proceedings for Youth](#), to learn more about various procedural tools in immigration court including continuances, status dockets, administrative closure, dismissal, termination, and off-calendar.

<sup>13</sup> TVPRA; INA § 208(b)(3)(C); [8 U.S.C. § 1232\(b\)\(3\)\(C\)](#).





## B. Table: Common Forms of Legal Relief in Children's Cases

The below table includes common forms of legal relief in unaccompanied children's cases and resources to help you gain familiarity with these forms of relief.

**Table: Common Forms of Legal Relief in Children's Cases**

Common Forms of Legal Relief	CILA Resources to Get You Started in Your Research
Asylum	<p><a href="#">CILA Pro Bono Guide</a> Section III.B.</p> <p><a href="#">CILA recorded 101 training</a> "Introduction to Asylum for Unaccompanied Children"</p>
Withholding of Removal & Protection Under the Convention Against Torture (CAT)	<p><a href="#">CILA Pro Bono Guide</a> Section III.C.</p> <p><a href="#">CILA recorded 101 training</a> "Introduction to Asylum for Unaccompanied Children"</p> <p>CILA webinar "<a href="#">Overview of Withholding of Removal and Protection Under the Convention Against Torture (CAT) Claims for Unaccompanied Children</a>"</p>
SIJS & SIJS-Based Adjustment of Status	<p><a href="#">CILA Pro Bono Guide</a> Section III.D.</p> <p>CILA resource "<a href="#">Special Immigrant Juvenile Status (SIJS) Overview</a>"</p> <p><a href="#">CILA recorded 101 training</a> "Special Immigrant Juvenile Status (SIJS) &amp; Adjustment of Status 101"</p> <p>CILA webinar "<a href="#">Overcoming Analysis Paralysis: Practical Considerations for Adjusting Status Based on SIJS</a>" and a related <a href="#">FAQ</a></p>
U Visa	<p><a href="#">CILA Pro Bono Guide</a> Section III.E.</p> <p><a href="#">CILA recorded 101 training</a> "Options for Child Survivors of Crimes"</p> <p>CILA webinar "<a href="#">Immigrant Survivor Relief for Unaccompanied Children</a>"</p>
T Visa	<p><a href="#">CILA Pro Bono Guide</a> Section III.E.</p> <p><a href="#">CILA recorded 101 training</a> "Options for Child Survivors of Crimes"</p> <p>CILA webinar "<a href="#">Immigrant Survivor Relief for Unaccompanied Children</a>"</p>





	CILA Symposium presentation, " <a href="#">T Visa Practice Updates &amp; Best Practices for Children and Youth</a> "
Family-based cases	<a href="#">CILA Pro Bono Guide</a> Section III.F.  <a href="#">CILA recorded 101 training</a> "Family-Based Immigration and VAWA for Unaccompanied Children"
Violence Against Women Act (VAWA)	<a href="#">CILA Pro Bono Guide</a> Section III.F.  <a href="#">CILA recorded 101 training</a> "Family-Based Immigration and VAWA for Unaccompanied Children"
TPS	<a href="#">CILA Pro Bono Guide</a> Section III.A.  ABA COI, TPS webinar " <a href="#">Temporary Protected Status (TPS) for Noncitizens in Removal Proceedings</a> "  ABA COI webinar " <a href="#">Temporary Protected Status (TPS) 101 for Afghans</a> "
Voluntary Departure	Immigration Equality, <i>Asylum Manual</i> , <a href="#">8. Voluntary Departure</a>

While this list is not exhaustive of all potential immigration legal relief, it provides a snapshot view of the common forms of relief to screen for in a youth's case. VAWnet, a project of the National Resource Center on Domestic Violence, also provides a helpful [visual](#) on various legal protections and humanitarian forms of immigration relief.

### C. Screening for Legal Relief

When a child is in ORR custody, they are screened for eligibility for legal relief, but the child will also need to be screened again when they first meet with their attorney. Best practice is for the attorney representing the child to review the ORR intake but not depend or rely on it as an accurate showing of the child's eligibility or lack thereof for relief, as various factors may have impacted the child's answers given during the ORR intake.

Screening a client for legal relief and determining the case strategy is a critical part of any legal matter. Diving into all of the options for potential legal relief and exploring the eligibility requirements and procedure for each is outside the scope of this resource. There are many resources available on the substantive forms of legal relief created by CILA and other organizations. To properly screen a client, you must be familiar with various forms of legal relief. You may want to reference the [CILA Pro Bono Guide](#) Section



III.A. “Assessing Forms of Relief,” which includes helpful information on screening and seeking multiple forms of relief. Additionally, Section III. of the *CILA Pro Bono Guide* covers eligibility requirements, sources of law, and resources on multiple forms of relief. The [ABA CILA & COI Pro Bono Program Resources & Templates Toolkit](#), July 2022, also provides example templates for an “Adults & Family Groups General Initial Intake Form” and “Children’s Cases General Initial Intake Form” that can be modified and used to gather important information during initial intake and screening.<sup>14</sup>

#### D. Rescreening for Legal Relief

Moreover, it is best practice to re-screen clients for additional potential forms of legal relief over time. Clients may have changed circumstances as they are in the United States over a longer period of time, and other circumstances in their personal lives or in their home countries may also impact their eligibility for certain legal relief. CILA has a rescreening blog post series, “[Supporting Our Clients in the Interim by Rescreening for Relief](#),” and the posts include hypotheticals to demonstrate the issues and cover several forms of relief such as asylum, U visas, T visas, and VAWA. The blog post series helps show some of the various changes that can occur that affect eligibility for legal relief and case strategy. Another important form of relief to screen for as a case progresses and as a youth is in the United States for a longer period of time is cancellation of removal.<sup>15</sup> Speakers from RAICES and Kids in Need of Defense (KIND) also provided a presentation on rescreening at CILA’s 6<sup>th</sup> Annual Symposium in May 2024 titled “[Companions Throughout the Journey: The Importance of Incorporating Rescreening During the Entire Span of an Unaccompanied Child’s Case](#).”

### V. Communications with Clients

#### A. Communication and Ethical Obligations

Communication is a critical part of case representation, and for attorneys, it is an ethical obligation. [Rule 1.4](#) of the ABA Model Rules of Professional Conduct states that:

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client’s informed consent, as defined in Rule 1.0(e), is required by these Rules;

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<sup>14</sup> Keep in mind that templates are intended to be tools to help practitioners see formatting and the type of information that should be included when creating similar documents. The substantive information contained should not be relied upon, as that information has not been reviewed or updated recently, and the information may be outdated. We simply aim to highlight some information and resources to get you started.

<sup>15</sup> An individual can apply for cancellation of removal and adjustment of status for certain nonpermanent residents using [Form EOIR-42B](#) or apply for cancellation of removal for certain permanent residents using [Form EOIR-42A](#).



- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Based on the ABA Model Rule, there are many aspects of communicating with clients. You must communicate about anything that would require their consent, inform your client of any update relating to their case, and keep them aware of their case status. It may seem difficult, but you owe the same duty of communication to your child client as you would to an adult client. With that said, as you update your client about anything happening in their case, check for understanding, and ensure that you are communicating effectively so that your client can provide consent or feedback. Because immigration cases can last for years, it is important to maintain a steady form of communication with your client and to stay informed about their current contact situation. Read more about your ethical obligations in the [CILA Pro Bono Guide](#) Section II.E. "Ethical Considerations."

#### Practice Tips for Maintaining Contact with Clients:

- When you meet with or call your client, regularly ask them if they have had any changes to their phone number or address. Confirm that the number and address you have on file are the preferred and best ones to use for communication.
- It helps to have alternative contacts on file—ask your client for an alternative contact person's name, phone number, and email to have in case you need to reach them in the future, and you are having difficulty doing so. Have your client sign a document to allow you to contact the alternative contact and find out the extent to which you can provide information to this individual.
- For safety reasons, always ask your client whether or not you can leave a voicemail for every phone number on file and confirm that mailing information relates to their case is okay.
- Ask whether their mail is reliable or whether they have a better mailing address that is different from their physical home address.



## B. Communicating with Child Clients – Setting Expectations and Roles

When attorneys work with any client, the roles must be clear from initiation of representation: you are the advocate and on their side. If a client has difficulty understanding your role or trusting and collaborating with you, it may help to explain that you do not work for the U.S. government. Importantly, you need to be clear with the client that they are at the center of the relationship and also the owner of their legal case. This must be especially emphasized to child clients, who may not feel as though or understand that they have agency to make decisions in their cases. As you communicate with your client and move through the steps of the case, remind the client of their role: that they play a key part in the case, that they hold decision-making power, and that the case is theirs and not yours.<sup>16</sup>

Additionally, clients will have to help build their case—not just attend meetings and hearings or receive information. Clients are often integral to gathering and collecting evidence relating to their underlying claim. Attorneys should inform clients of this at the beginning of the representation and when explaining legal relief eligibility. When setting deadlines for clients to provide information, communicate the deadlines clearly and ask your client if they need reminders or anything else that would help them.

It may not always be easy to get clients to commit to meetings, especially if they would have to miss school or work. It also may be difficult for clients to stay organized and remember appointments, meetings, and hearing dates. Check out CILA’s interdisciplinary toolkit, [A Toolkit for Navigating Difficult Conversations with Child Clients: Guidance & Examples](#), to learn more about setting expectations with clients.

Additionally, review these CILA materials to help with client communication with youth: CILA webinar, “[Child Interviewing Techniques](#),” Nov. 2021, Symposium presentation, “[Innovative Communication Tools and Resources – Using Play, Active Engagement, and Trust Building with Unaccompanied Children](#),” May 2022, and [CILA & Loyola Considerations for Tender-Aged Children in Immigration Court Proceedings](#), Sept. 2023. Resources with visuals can also be helpful to explain issues to clients. For example, CILA’s resource “Pathway to Special Immigrant Juvenile Status (SIJS) & a Green Card—available in [English](#), [Spanish](#), [French](#), & [Haitian Creole](#)—was created as a youth-facing resource to help advocates explain the process from seeking a SIJS petition to seeking a green card.

## C. Collaboration with Sponsors

If your client has been released from ORR custody and resides with their sponsor, then you will likely get to know the client’s sponsor as well—especially if your client is tender-age or if they rely on their sponsor for communication and coordination for meetings and/or phone calls. Remember, your duty is to your client, and you represent your client—

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<sup>16</sup> See [ABA Model Rule 1.2: Scope of Representation & Allocation of Authority Between Client & Lawyer](#).

not their sponsor—but it is important to additionally make a connection with the client’s sponsor as well. That being said, it should be made clear to the sponsor that you represent the child and not the sponsor. Establish your role and your duty to the client when you first meet with the sponsor, and establish boundaries, if necessary. For example, consider the different boundaries that may be necessary if, without the client’s knowledge or consent, the sponsor asks for information about the client’s case or if they insist on attending meetings with the client. Remember the duty of confidentiality owed to your client, along with the duty of loyalty, and remember that you can obtain informed consent from your client about certain disclosures about information obtained through legal representation.

On a practical note, keep the sponsor’s phone number and address up to date in your records, especially if these details differ from the client’s and in case you lose communication with the client or are unable to contact the client. If the client is unresponsive to correspondence, or if they appear forgetful with dates and deadlines, consider asking your client’s permission to send notifications and reminders to their sponsor as well.

## VI. Case Management

### A. Staying Organized

Maintaining a client’s case file for a full-representation case requires a high level of organization, as you may be keeping up with records from multiple agencies, notes from client meetings and phone calls, and your client’s confidential documents—potentially for a number of years, depending on how long the case is pending. As you work on a legal case, not only do you need to learn about effective organization for your tasks as the attorney, but if you work for a legal service organization, you must also factor in your organization’s systems and standards to manage your cases. Pro bono attorneys must also consider any case management requirements of the referring organization, and possibly, the practices of their firm, if the case is taken through their workplace.

Effective organizational techniques vary from person to person. What one person finds helpful to stay organized may differ from another person’s idea of staying organized. Consider the ways through which you are able to stay organized and manage, remember, and keep up with your tasks. Will it assist you to write down your tasks on a personal task list? Do you need to keep a physical calendar, in addition to the calendar on your computer? Do you need reminders and notifications for deadlines, and if so, how often and through which means—via email, calendar notifications, a case management system, some combination thereof, or other ways? How can you designate priorities and track deadlines? Questions like these are important to ask yourself and explore, since you will be responsible for many assignments and must hold yourself accountable.

Along with your personal organization style or routine, learn, consult, and understand the policies at your workplace that you may have to incorporate in your case management. If you are new to your organization or receiving a new client or a list of clients for the first time, consider asking these questions:

- Does your organization require the use of a specific case management software? Is there an onboarding training to learn how to use the software?
- Does the software cover both tasks and communications or only one or the other?
- Is the same system used to store client contact information or is that stored using a different software?
- Is there a standard calendaring system to track hearing dates and deadlines? What tickler systems are in place, or what should you set up?
- Does your organization or the referring organization for pro bono attorneys provide templates or have a standardized way of maintaining cases? Is there a template case log you can use?
- Are you required to organize folders or store documents in a certain way?
- Is there a naming system in place for files and folders?
- Are you able to secure paper records, along with electronic records?
- What steps must you take to make sure that your clients' documents and files are safe and secure?
- What are the steps for setting up a new case? On the other hand, what are the steps for closing a case?
- If you are collaborating with legal support staff and designating tasks within a child's case, what is an effective way to store these deadlines and mark off tasks as they are completed?

Organizations should have an electronic way to assist in case management, such as through a case management database like LegalServer, elmmigration, MyCase, or ProLaw. Whichever your organization utilizes, be sure to become familiar with the software so that information is properly inputted, logged, and saved. Legal staff should also be familiar with the organization's case management software and have a uniform approach to storing client information.

## **B. Documenting Case Updates**

Case management generally involves actively managing cases and proper documentation of the case progress and steps. Both components are essential to ensure that if a case were to be picked up by another individual, there would be continuity in services.

Not only should you learn about the mechanics of utilizing a case management database, but you must think through what level of detail should be provided in notes within the particular database, as well as in physical files. If an attorney takes a new case, they should be able to understand the procedural posture, the current status, and any steps that had



been taken before based on the electronic and physical files. The case's history and next steps should be clearly outlined and thoroughly detailed.

For those working at a legal service provider, frequently when a new attorney joins the organization, they “inherit” cases that have been with the organization for some time. By the time a new attorney receives their cases, it is possible that each case has been pending for years, and it is also possible that a decision has already been made by an agency—such as, if the child already had their asylum interview with USCIS and was referred to immigration court after receiving a denial. Sometimes this also occurs in the pro bono context—when a big law firm took on a matter, and then an associate leaves the firm, and the case stays with the firm and is assigned to a new associate to continue the work. Along with these “inherited” cases, a new attorney may also be receiving new cases that require intake and workup from the very beginning with screening for relief and eventually signing a retainer agreement.

As an attorney, it is important from a liability stance to record all activities occurring in a case. A common issue among legal service organizations is that many new staff may never have been taught proper case documentation. If you are unsure of the expectations around how to document a case, it is important to ask your supervisor and/or the referring organization for your pro bono case. Otherwise, valuable information will likely be inevitably lost. Not only would the loss of critical information affect your client, but it may also affect your job and put your law license at risk. Best practice is to document as much as you can—even if you think it may not be relevant at the time.

#### Examples include:

- Engaging in the practice of logging all phone calls, meetings, emails, and texts with your client and detailing the date and time and what transpired or what was said. If your client calls with a question that does not seem related to their case, that should be logged as well.
- If your client comes to your office to pick up any documents or drop anything off, log or note that, too.
- The moment that your client notifies you about a change of contact information, that should be documented and updated in all places. Failure to do so can have serious consequences for your client.
- If your client qualifies for a certain form of legal relief but decides not to pursue it, this should be noted in the client's case file.
- If you mail any documents or file any documents with the court or USCIS, scan the shipping label or the file-stamped documents, showing the dates, and additionally log the dates in your case management system.

Additionally, accurately recording what happens in the case may be important for documenting various deliverables for organization funders. Organizations have vastly different methods of accounting for metrics, and every person plays a role. Remember this as you keep track of your cases and learn about how to properly record information.

### C. Multiple Clients & Personal Case Logs

If you are managing a caseload rather than just one case, consider using a personal case log to track all of your cases and to keep important information in a central, easily accessible location just for you. It is important to have a method to track important deadlines and updates across multiple cases through a system—whether through a case management system, spreadsheet, or another tracking method that works for you. For example, maintaining a personal case log may allow you another form of organization to better assist you with managing multiple cases and all of the moving parts within each case.

While a case log will not be able to display every aspect of each case, it can help attorneys stay organized with the most important information and keep track of the larger moving parts within a case. You may want to create your personal case log in an electronic spreadsheet, such as Excel. Spreadsheets are also very customizable and can include as little or as much as you want, so you are able to incorporate your personal organization style into making a spreadsheet of your case log.

With an electronic spreadsheet, you can list significant dates in your clients' cases, include links to other electronically stored files, and also note the current status and next steps of the case. Consider the table below as an example or starting point.

Case Log Example 1:

Client Name	Date of Birth	A Number	Case File	Immigration Court	Upcoming MCHs	Upcoming ICH
John Doe	XXXXX	XXXXXXXX	(insert link to digital file)	Yes	XX/XX/XXXX	XX/XX/XXXX
Jane Doe	XXXXX	XXXXXXXX	(insert link to digital file)	No (Dismissed on XX/XX/XXXX)	N/A	N/A



You can indicate the form of relief or divide your case log in any way which makes sense to you. For example, you can indicate the client's legal relief through color-coding and by using section(s) or separate your clients based on their primary form of legal relief.

Case Log Example 2:

Client Name	Date of Birth	A Number	Case File	Immigration Court	Upcoming MCHs	Upcoming ICH
John Doe	XXXXXX	XXXXXXXX	(insert link to digital file)	Yes	XX/XX/XXX	XX/XX/XXX
Jane Doe	XXXXXX	XXXXXXXX	(insert link to digital file)	No (Dismissed on XX/XX/XXXX)	N/A	N/A

You can also use a spreadsheet to track your last and next steps in a client's case.

Case Log Example 3:

Client Name	Case File	Immigration Court	Upcoming MCHs	Upcoming ICH	Last Action Taken	Next Steps
John Doe	(insert link to digital file)	Yes	XX/XX/XXX	XX/XX/XXX	EAD application sent to USCIS on XX/XX/XX (tracking number is XXXX).	Meet with John on XX/XX/XX.
Jane Doe	(insert link to digital file)	No (Dismissed on XX/XX/XXXX)	N/A	N/A	I-360 mailed to USCIS on XX/XX, Receipt	Check USCIS Case Status online, let Jane know



					No. is XXX.	that petition is pending still.
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## VII. Overview of a Case

### A. Where to File

After identifying legal relief, create a case strategy that includes the necessary steps for seeking relief from USCIS and/or EOIR. The initial step may be determining where to file the application or petition for relief. If you are unsure whether to file the application or petition with USCIS or EOIR, review the relevant instructions, and if it is still unclear consult some of the resources provided in section [IV.B. Table: Common Forms of Legal Relief in Children's Cases](#). Additionally, if your client is in removal proceedings, many times the immigration judge will want to see proof of filing and status of any pending forms of relief, even if the application or petition will not be adjudicated by the court.

### B. Seeking Relief in Multiple Forums

CILA's resource, [Procedural Options in Removal Proceedings](#), Apr. 2024, covers key information for advocates as they consider various procedural tools in immigration court. The resource includes information on prosecutorial discretion, continuances, status dockets, administrative closure, dismissal, termination, and off-calendarizing. The resource also includes charts, links to key authorities, and hypotheticals reflecting common scenarios that arise in unaccompanied children's cases. Since, oftentimes, youth are seeking relief in more than one forum, it is important to know the procedural options in immigration court to create an overall effective case strategy—this resource can be a reference point when developing that strategy.

### C. Table: Key Case Phases, Related Tasks, & Resources

Attorneys new to children's immigration must become familiar with keeping track of their caseload, what stage each case is in, and what is to come for each case. The below chart provides a *simplified overview of the typical steps* involved when working on a full case and highlights some key resources to help at each phase. These phases are generally the same regardless of whether the case is pending with USCIS or EOIR. Additionally, it is important to maintain case files and communication with clients over time as discussed above. It is also helpful to connect your client to any needed resources or support that they may need as the case progresses.



**Table: Key Case Phases, Related Tasks & Resources**

Case Phases	Tasks	Resources
Initial Case Steps	Review the child's ORR file.	See above Section IV.
	Conduct screening & identify legal forms of relief.	See above Section IV.
	Review the legal retainer agreement with the client and ensure their understanding.	
	Determine case strategy.	See above Section IV.
	Review the Notice to Appear (NTA) and consider pleadings	
Case Development	Work on case filings. This could include state court filings and/or immigration forms depending on the form of legal relief.	Companion resource, " <a href="#">Checklists, Cheat Sheets, &amp; Organizational Documents</a> "
	Develop any needed supportive evidence. Likely some evidence will be developed at the initial stages and other evidence will be developed later in the case.	Companion resource, " <a href="#">Checklists, Cheat Sheets, &amp; Organizational Documents</a> "  CILA Symposium presentation, " <a href="#">Getting Your Case Together: Asylum Affidavits &amp; Exhibits</a> "
	Plan for rescreening for legal relief over time.	CILA blog post series " <a href="#">Supporting Our Clients in the Interim by Rescreening for Relief</a> ,"  CILA Symposium presentation " <a href="#">Companions Throughout the Journey: The Importance of Incorporating Rescreening During the Entire Span of an Unaccompanied Child's Case</a> "
File application(s) and/or petition(s)	File application(s) and/or petition(s) before USCIS and/or EOIR.	



	File any needed documents in state court.	
Adjudications	If in <u>state court proceedings</u> , prepare your client and any potential witnesses in advance. Also submit all needed filings and briefing. Seeking a state court order is a key part of any SIJS case.	
	If in removal proceedings, continue to attend any scheduled hearings: <u>Master Calendar Hearing(s)</u> .  Prepare your client and any necessary case filings, and/or motions in advance.	<a href="#">CILA recorded 101 training</a> "Introduction to Removal Proceedings for Unaccompanied Children"  CILA resource <a href="#">Procedural Options in Removal Proceedings</a>
	If in removal proceedings, continue to attend any scheduled hearings: <u>Individual Calendar Hearing(s)</u> .  Prepare your client, any witnesses, any necessary case filings, briefing, and/or motions in advance.	CILA resource <a href="#">Procedural Options in Removal Proceedings</a>  CILA resource " <a href="#">Youth's Testimony in Immigration Court</a> "  CILA resource " <a href="#">Trauma-Informed Asylum Interview and Merits Checklist</a> "  CILA resource " <a href="#">How to Prepare for an Individual Hearing: Different Practitioners' Perspectives</a> "
USCIS Interview	Prepare client and attend any scheduled USCIS interviews.	CILA resource " <a href="#">Trauma-Informed Asylum Interview and Merits Checklist</a> "  CILA webinar " <a href="#">Introduction to Trauma-Informed Interviewing for Pro Bono Attorneys Working with Immigrant Children</a> "



Steps After Adjudication	<p>If <u>approved</u>, ensure that your client is connected to any related benefits and that they have proof of the approval/status.</p> <p>If you receive a <u>USCIS Request for Evidence (RFE)</u> or <u>Notice of Intent to Deny (NOID)</u>, prepare a response.</p> <p>If <u>denied</u>, consider the case for appeal.</p> <p>In some cases, it may be necessary to update EOIR on the case status and resolution of matters before USCIS.</p>	<p>CILA and National Immigration Litigation Alliance (NILA) webinar "<a href="#">Winning at the BIA</a>"</p> <p>CILA and NILA webinar "<a href="#">Petitions for Review and Judicial Stays of Removal to the Fifth Circuit Court of Appeals 101</a>"</p>
	<p>If your client filed for SIJS, track the Visa Bulletin over time to see when they are eligible for adjustment of status (AOS).</p>	<p>CILA, End SIJS Backlog Coalition, ILRC, &amp; NIPNLG resource, "<a href="#">Breaking Down the Visa Bulletin: What SIJS Advocates Need to Know</a>"</p>
	<p>Consult the retainer agreement in place with your client or your organization or firm's policies for post-adjudication steps.</p>	

#### D. Obtaining Employment Authorization

You will likely have to assist your client with applying for or renewing their employment authorization with USCIS while they pursue legal relief from removal. Many clients want to have an employment authorization document (EAD) even if they do not have plans to work, because the EAD provides a form of photo identification. Clients can also apply to obtain a social security number when applying for the EAD. EADs are divided into different categories, and the application for an EAD will be based on a specific category depending on the type of legal relief being sought. For example, clients with a pending application for asylum can apply for an EAD under the (c)(8) category, if the application has been pending for a set period of time. Special immigrant juveniles with a grant of deferred action can apply for an EAD under the (c)(14) category.



Keep in mind that the EAD periods of validity vary by category, and the best practice is to submit renewals several months prior to expiration. Some EADs may automatically renew for a certain period of time upon expiration due to backlogs in processing EAD applications, but such policies may not affect EADs in other categories. Further, filing instructions and fees differ per EAD category. You will want to familiarize yourself with the differences among your clients' EADs and regularly check [USCIS's I-765, Employment Application](#) webpage to learn about and see any updates to forms, filing instructions, fees, and periods of validity and expiration for EADs, along with details about when and where to file the EAD. Read more in the [CILA Pro Bono Guide](#) Section IV.D. "Representation before USCIS and the Asylum Office" to learn about EADs.

Along with your clients' pending applications and petitions for legal relief, you will also have to keep track of your clients' EADs, whether they are up for renewal or when they will be, how long renewals have been pending, and if you have any clients that are eligible to apply for their initial EAD. You can create a "tracker" or separate log for client EADs, or you can add a column to your personal case log to note EADs. Whatever the method may be, the EAD is another important component of representation that must be properly documented and logged.

#### E. Table: USCIS & EOIR Sources of Information

Knowing where to get information, such as immigration forms and agency policy, is essential to navigating both USCIS and EOIR. Much information is available online on the agencies' websites. Here, we include where you can find key sources of information from both agencies to help you conduct your research.

Table: Key EOIR & USCIS Sources

Topic	USCIS Key Sources	EOIR Key Sources
Website	<a href="#">USCIS Website</a>	<a href="#">EOIR Website</a>
Forms	<a href="#">USCIS Forms</a>	<a href="#">EOIR Forms</a>
Rules & Agency Guidance	<a href="#">USCIS Policy Manual</a>	<a href="#">EOIR Immigration Court Practice Manual</a> <a href="#">EOIR Agency Memoranda</a>
Filing Fees	<a href="#">USCIS Filing Fees</a>	Fee information is included with <a href="#">EOIR Forms</a>
Case Information	<a href="#">USCIS Case Status Online</a> <a href="#">USCIS Processing Times</a>	<a href="#">EOIR Case Information</a>

Office & Immigration Court Information	<a href="#">USCIS Find a USCIS Office</a>	<a href="#">EOIR Immigration Court Information</a>
Appeals	<a href="#">USCIS Administrative Appeals</a>	<a href="#">EOIR Board of Immigration Appeals (BIA) Practice Manual</a>

The [CILA Pro Bono Guide](#) Section IV.C. “Introduction to Immigration Court” and Section IV.D. “Representation before USCIS and the Asylum Office” both provide more detailed information on presenting cases before these agencies. Also, see the “EOIR & USCIS Online Resources” contained in the [companion resource](#) with additional details and key contacts to stay informed about EOIR & USCIS.

## VIII. Holistic Approach: Collaborations & Supporting Clients

### A. Collaboration with Social Workers

Many legal service providers have social workers and social services programs integrated into their core services, and attorneys working with released immigrant youth often engage and collaborate with social workers for non-legal aspects of the child’s life. It is best to check in with your organization at the onset of a case to see whether there are social services staff members who can assist as needed and to learn about their roles and how they can potentially assist. If you are working on a case pro bono, the referring organization may have available social services staff or connections/referrals to assist as certain issues arise, it is also a good idea to ask about this possibility. If you are unsure of your role or your responsibility to assist a child with something not related to the legal case, consider talking to a social worker, if available, to see if they can help. For example, social services staff may be able to assist clients with questions related to accessing community resources, school enrollment, utilizing mental and physical health services, obtaining identification like a driver’s license, or issues related to housing.

Social services staff and social workers can also play a key role in providing support to your client throughout the scope of representation. It is no secret that many immigrant children come to the United States on account of difficult and often extreme circumstances, lending to trauma, which can manifest in various ways and affect the child’s participation in their case. A social worker may be able to help. You can seek the assistance of a social worker if you have concerns about your client’s mental health, or if you know that you are going to have a difficult meeting with a client and have their permission to include the social worker. A social worker may be able to help your client find a therapist or receive a psychological evaluation, and a social worker may be able to provide support to your client in a professional way in which you cannot.

Also, check out CILA's social services [materials](#) to help you support youth, including the CILA resource [Emotional Wellness Workbook for Youth](#) and CILA webinar "[Tips and Guidance for Helping Unaccompanied Immigrant Youth Access Publicly Funded Benefits and Services.](#)"

## B. Remembering Your Role

When working with immigrant children, it is likely that you will face situations during which you ask yourself, "Is this request within my role?" For many children, you may serve as their main connection or first encounter with the United States, American culture, and the community. Sponsors and child clients alike may not understand your role, or they may understand your role but still turn to you for assistance and guidance for things that do not relate to their case. It is understandable and common, but it is important to reiterate your purpose to your client's case and maintain a boundary. Consider different ways and the different communication styles that your clients may have, through which you can effectively communicate your duties and position to the client. Perhaps you can lend a helping hand and point your client or their sponsor in the right direction to find answers, but always remember what being the child's attorney means and what the scope of that professional relationship encompasses.

Because many child immigrants have experienced traumatic situations, you will likely encounter the different ways that your client is reacting to the trauma. Maybe your client is apathetic, forgetful, aloof, and untrusting, or maybe your client tells you that they are extremely depressed, having mental breakdowns, and not sleeping or eating properly. You may encounter behavior that concerns you or gives you pause, and you may want to encourage your client to seek additional help or learn about the different types of resources available to help those suffering from trauma. You are not a mental health expert, and it is not within your role to diagnose your clients with anything relating to their mental health. However, it is within your role to engage in trauma-informed lawyering and create an environment for your client that is safe and prevents retraumatization. Check out additional CILA resources such as "[Tips for Working with Migrant Youth and Trauma-Informed Lawyering](#)," Oct. 2023, [A Toolkit for Navigating Difficult Conversations with Child Clients: Guidance & Examples](#), Aug. 2023, and the CILA webinar, "[Advocating with Empathy: Awareness and Practical Guidance for Working with Unaccompanied Minors with Disabilities](#)," Apr. 2024, to learn about how you can promote safety and stability for your client within the boundaries of your role.

## IX. Conclusion

Representing a youth in a full immigration matter takes dedication. There are several phases of the case, and much can change over time. There is a need for [access to counsel](#). Immigration law is complex and cannot be easily navigated without the assistance of an





advocate. This is true for adult and family immigration matters, and even more so for children's immigration cases.

As you pursue this case and represent a youth, we hope that this resource along with other CILA materials aid you in your work—to be able to effectively represent a child in their immigration matter. Review the [companion resource](#) to this toolkit which includes checklists, cheat sheets, and organizational preparation documents to help you stay organized. Additionally, CILA regularly adds new resources and trainings to our [website](#), and many CILA resources can be accessed after setting up a free [CILA account](#).

