

# Chapter 1: Representing Children In Immigration Matters

## DISCLAIMER

This chapter is provided for informational purposes only, and does not constitute legal advice of any kind. Before proceeding with any legal matters under U.S. immigration law, please consult, as needed, both the primary source documents referenced in this chapter (statutes, regulations, cases, etc.) and your KIND pro bono coordinator.

## Who is an unaccompanied alien child?

An unaccompanied alien child is a minor who is under eighteen years of age and who has no parent or legal guardian (refers to a formal legal/judicial arrangement) in the United States who is available to provide care and physical custody. This definition encompasses separated minors, e.g., those who are separated from their parents or guardians, but who are in the informal care and physical custody of other adults, including family members.

**NOTE:** A child who entered the United States with a parent or other adult guardian but who subsequently left the parent's or guardian's care is considered an unaccompanied minor.

## How does a child client differ from an adult client?

This might be the first time you have represented a child as a client, or you may have had experiences representing children in other contexts such as custody, abuse, and neglect cases, or parental rights termination hearings. For a variety of reasons, representing children can be very challenging. For the same reasons, representing a child will be some of the most rewarding work you will do as a lawyer.

When representing a child, it is important to be aware of the differences between a child client and an adult client. A child does not have the same capacity as an adult to understand her situation and its implications. While some children appear mature beyond their years, it is important that you remember that they are children. In fact, this appearance of maturity is most likely due to the

tremendous adversity and trauma the child has had to overcome at a very young age.

In fact, for some children, you may be the first or one of a handful of adults who have wanted to help them. Too often, the adults in these children's lives have abused and mistreated them. You may have to work very hard, especially in the beginning of the relationship, to establish and build trust and rapport.

A child's developmental, intellectual, psychological, and emotional level of functioning will greatly affect your ability to establish a positive working relationship with the child, to communicate and obtain information from the child, and ultimately, to provide effective representation. Some children simply do not have the ability to provide the information needed for their case, much less provide it directly or in a straightforward manner. Remember that a child will not act or react like the adult clients with whom you may be accustomed to working.

## What should I consider when working with my child client?

**Children do not know what the lawyer's job is or why they may need a lawyer.** Children find it difficult to distinguish each person's role and to understand how a lawyer is different from a social worker, a counselor, an immigration officer, or another government official. Be clear that you work for the child, not for "Immigration." You might want to consider explaining the roles to them or asking them to explain the roles to you as an ice breaking technique.

**Children are not used to keeping appointments.** You should constantly remind your child client about appointment dates and times. Be repetitive. Tell her the appointment date, write it down for her, have her write it down in a calendar or book, and remind her about it often. Children will miss appointments for many reasons: because they forgot, because they did not know how to get to your office or did not have transportation, or because they did not want to deal with the sensitive or traumatic issues they know you will want to discuss. It is also a good idea to remind the guardian or caregiver about the appointment, if they will be accompanying the child.

**Some children may have a hard time trusting adults.** This is because for many of these children, adults have abused and mistreated them. As mentioned above, you will have to work hard to establish rapport and trust. Building trust is essential because you want your child client to feel secure in disclosing sensitive or painful facts.

**Some children are predisposed to rely on adults.** If this is the case, it is important that you ensure that the child is still directing the representation and that you are not making decisions for the child.

**Children are much more susceptible to suggestion than adults.** Children want to please and will give you the answers they think you want, so make sure you are asking open-ended questions. It is important not to ask leading questions, particularly in light of the fact that once a relationship of trust is established between you and the child, the child may be more likely to want to answer in a way that they think you want. Open-ended questions are generally preferable so as not to influence the child's response. It is also important to avoid compound questions (e.g., "Were you ever punished for not doing your chores, and if so, were you hit or yelled at?"), because this can be confusing for children.

**Children are often reluctant to disclose sensitive and relevant information.** It may take several conversations over a period of time for the child to open up enough to provide the information that ultimately leads to relief from removal. It is important to spend enough time with the child to establish the necessary level of trust and comfort.

**Children may have suffered physical, psychological, or sexual abuse.** The resulting trauma may affect the relationship a child client has with you and may make it difficult for her to talk about her experiences. Keep in mind the effect your questions, tone of voice, and responses to your client's answers may have. Try not to be judgmental and allow the child to express emotions.

**Children often recant disclosures of abuse, neglect, or maltreatment.** Whether out of guilt, loyalty, recent communication with family, fear, denial, or some other circumstance, a child may come to you and say that "nothing really happened" or that she made something up. This is a natural phenomenon for children who have been abused or neglected. It is important to give children the space they need to work through their emotions. Follow up with children who recant. Ask them why they are recanting, what else is going on in their life right now, who they have been speaking to, if they feel afraid and if so, why, and what they think will happen if they do/do not go ahead with their case.

**Children may not remember details such as dates, duration, and frequency of occurrence, or the locations and names of people or places.** Some may also be illiterate and/or lack basic knowledge of numbers and math. This may be frustrating, as these are the details that immigration judges or adjudicators often want. If possible, try to have the child provide details of her account within a context that makes sense to her (e.g., have her describe the season or what the weather was like when something happened, rather than stating the month; ask what grade the child was in when something was going on, rather than the exact year; have the child provide a description of her home

or where she lived rather than the name of the town/city; have the child use holidays/important occasions, like birthdays, Christmas, summer vacation, etc., as "before" and "after" references to explain when something occurred). In addition, helping the child to create a visual timeline may assist her in recalling the chronology of events.

**Children's understanding of the truth may vary.** It is important to ensure early on that the child understands the difference between the truth and a lie, and understands the importance of providing only information that is true. Although in cases such as asylum it is common practice to refer to a client's "story," you may want to avoid using that word with children as a child's understanding of "story" may be suggestive and trigger a made-up or embellished account of events. Instead, suggest alternative descriptions such as "personal history," "story of your life," or ask the question, "If someone was writing a book about your life, what information would they need to know?"

**Children may not have the life experience or cognitive ability to answer questions about why something happened.** This is particularly relevant in asylum claims, as the applicant has the burden of proving that she suffered or fears suffering persecution on account of a particular ground. Therefore, consider other strategies early on for obtaining such evidence. This may include speaking with family members or other individuals who know the child and may have knowledge of the facts relevant to her claim. It may also involve speaking with an expert on particular issues in the child's country of origin. Whomever you speak to, it is vital to obtain permission from the child first. In addition to raising attorney-client confidentiality concerns, such conversations can hurt the relationship with the child if she feels that you were speaking to others about her without her knowledge.

**Children define normalcy in relation to their own experiences.** It is important when questioning a child that you ask fact-based questions that elicit factual and descriptive details, rather than conclusions. For example, if you ask a child whose parents regularly hit her and her siblings with a belt as a form of punishment, a question such as, "Did your parents ever hurt you?" or "Did anything bad ever happen to you in your house?" the child might honestly answer, "No" because she might feel that such treatment is normal or accepted. She might not recognize it as "harm" or something "bad." However, regardless of the child's contextual understanding of what constitutes "harm" or "bad," a question such as, "What would happen to you if you did not listen to your parents?" could elicit the response, "They would hit me with a belt."

## What is your role as the child's lawyer?

Your role is to explain the law and legal processes, to help the child understand what she can expect and make decisions, to prepare the child's applications, and to advocate zealously for the child's express wishes. The child is the client and should direct the case.

The child needs to understand your unique role and relationship with her. The child can share her thoughts and feelings with you, knowing that you will not tell anyone what she says without permission. You will help the child understand her own rights and how her decisions may affect her future. You will explain what the child wants to the immigration court. Establishing rapport and trust with the child client is critical to fulfilling these responsibilities but may be hindered by differences in language, culture, race, education, age, and economic status. There are specific standards for representing children, as well as special techniques and resources for developing an effective working relationship with them. These standards and strategies will be covered in upcoming sections.

## **What special considerations should I be aware of when meeting with my child client for the first time?**

Your first meeting with a child is very important. A safe environment is crucial to helping the child feel at ease in the midst of what is often a new and stressful situation. The goal is to facilitate the opportunity for the child to engage in self-expression. Creating a safe and comfortable environment for a child requires taking certain factors into consideration, such as space and office set up. As much as possible, the interview location should be the same for every meeting with the child, as this creates a sense of consistency and continuity.

The interview space should generally be a quiet and private setting.<sup>1</sup> You may also want to provide a few items that can be used as distractions (e.g., a tennis ball, crayons and paper for drawing, pen and paper, a doll, etc.) if the child begins to withdraw into herself during a particularly difficult topic of conversation.

Keep in mind that different cultures have their own norms as to appropriate distance for personal space. Regarding seating arrangements, generally, the suggested approach is not to have any barriers (e.g., a desk) between you and the child, and to have equal level seating. In addition, to increase the child's feeling of security, you may want to ensure that the child's access to the door is not restricted by any physical barrier (e.g., a wall), or by you or the interpreter, where your child client would have to make her way around one of you in order to exit the interview space.

## What are some techniques for interviewing child clients? <sup>2</sup>

- Initiate the meeting by explaining the purpose of the interview and by introducing yourself, the interpreter, and other members of the legal team.
- Start the interview with small talk, for example, about the child's interests (e.g., soccer, drawing, sports teams, music).
- Allow the child to set the pace of the interview, with appropriate breaks due to a child's limited attention span.
- Be attentive to the child throughout the interview.
- Show the child respect and empathy by not interrupting and by affirming responses when appropriate.
- Use age appropriate language and avoid technical and/or legal terms.
- Children who do not feel comfortable talking about themselves may be able to draw detailed pictures of their families and experience.
- Recognize when the child may feel overwhelmed.
- Give clear instructions and establish clear expectations.
- Let the child know how to reach you.
- Keep promises.

## As a lawyer should I advocate for my child client's express wishes?

Yes. Every attorney-client relationship is client driven. This is true in the case of child clients as well. You may not be accustomed to dealing with children as clients. It is important to remember that your role is to advocate for what the child wants, even if what the child wants is not, in your opinion, the most appropriate decision. The child has the right to participate in the entire process of her case. It is important to ensure that the child understands that she has some control, such as, over where to sit, when to take breaks or what to talk about first. This child-centered approach not only increases the child's feelings of security and control, but also contributes to the self-empowerment of the child.

## What if you think your client's express wishes are not in the child's best interest?

You may want to seek out a third party to help you determine how to proceed if you believe that the child's wishes are in direct opposition to what may be in your client's best interests. As a lawyer, you are interested in protecting the child's legal interests; however, you do not have the specialized expertise to assess a child's overall best interests and it may be appropriate to turn to a neutral third party for additional guidance (See below on guardian ad litem).

## How can I advise my child client?

Children are often unable to conceptualize long-term consequences and have a limited capacity to understand their options. They may only be concerned with the here and now instead of recognizing the future effects of the decisions that they make. For example, signing a stipulated order of removal (i.e., an order conceding and agreeing to deportation) may cause the child to be released from detention more quickly, but it also keeps her from legally returning to the United States for 10 years or more. Part of your role will be to help the child understand how her long-term interests may be affected by her decisions. One way to properly advise the child is to help her consider all of the possible consequences of the decision. For example, if the child says that she wishes to return even though she is still afraid, you can walk the child through her hypothetical return with questions such as these: Who will you live with if you go back? What will it be like there? What do you think may happen? Who will you be able to ask for help if you need it?

## What can I do to ensure I am communicating effectively with my client?

You have a duty to communicate effectively with your child client. This means not only understanding all of the facts and circumstances relevant to the child's case, but ensuring that the client understands them as well. Further, a child may not admit that she does not understand an explanation, even if you ask. You should make concerted efforts to verify that the child does in fact understand what is being said, what her options are, and what may result from each possibility. Rather than ask the child if she understands, you should ask the child to tell you in her own words what she understands. This is a much better indicator of the child's comprehension level. Further, it may be helpful to explain issues to the child in multiple ways, including non-verbal explanations (e.g., drawing a chart or diagram).

## What is my duty of confidentiality with my child client?

Just as with your adult clients, you have a duty to keep confidential all communication between you and the child client, unless the child gives you permission to share such information. It is important to remember this when representing children because it is common for attorneys working with children to make decisions on behalf of the child without consultation, based on what the attorney thinks is best. However, you must ensure that when acting in the child's best interests, you are not in any way violating your duties or disclosing information without prior permission from the child. For example, if you intend to call an expert witness in the case, you may want or need to share information about the client with the witness, (e.g., a copy of the client's affidavit). In this situation, as with adults, you must obtain the child's permission before sharing any information with the expert. You must be careful never to disclose anything to the immigration judge or other parties that may thwart the child's wishes.

## Do standards for representing an unaccompanied child exist?

In August 2004, the American Bar Association issued [\*Standards for the Custody, Placement and Care; Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States\*](#). These standards and their accompanying comments are extremely comprehensive.

With respect to your role, generally, the standards require the following:

- Ensure the child's participation in the proceedings to the greatest extent possible, taking into consideration the child's developmental needs, abilities, and circumstances.
- Advise the child of her legal options and their consequences, without imposing your own views as to what the child should do.
- Zealously advocate for the child's legal interests, as expressed by the child. If the child does not express her wishes, or is found incompetent (pursuant to a competency evaluation “it is not sufficient for you to just have a hunch that the child is incompetent), then you should advocate for the child's legal interests.
- Make contact with the child as quickly as possible upon being assigned, and maintain frequent contact with the child.
- Respect the child's right to confidentiality, including with any third parties in the child's case (e.g., translators, interpreters, experts, etc.).
- Ensure that each covered person or entity involved with the child complies with the ABA Standards, and if they are not doing so, advocate for such compliance. When a child is detained, ask the child on a regular basis about her treatment and living conditions in order to ensure compliance.<sup>3</sup>

## What expectations do children have of their attorneys?

**A child expects and wants you to be honest with her, even in the face of negative information.**<sup>4</sup> Fear of the unknown is more distressing for children than facing the reality of bad news. It is important to regularly communicate with the child about all of the details, both positive and negative, of the case.

**Your child client expects that you will meet with her regularly, talk with her, and listen.** The establishment of a positive relationship between you and the child is key to making the child feel comfortable enough to disclose sensitive information. Many children do not tell their lawyers about relevant sensitive information because they do not feel that they can trust the lawyer. It is vital that you take the time to build that trust.

## What are some common questions you should be prepared to answer about a child in immigration proceedings?

A child is likely to have many questions about immigration proceedings. Depending on a child's social and cognitive development, you may have to repeat information numerous times. The need to repeat information arises in part because the child can become confused about other people's roles and her own rights in the immigration system. Here are some questions you should be prepared to answer; be sure to "translate" the answers into child-friendly language.

### **Q: Who decides whether the child can legally stay in the United States?**

**A:** Immigration judges decide if a child in removal proceedings in immigration court can legally stay in the United States. Asylum officers decide for children applying affirmatively at the asylum office. U.S. Citizen and Immigration Services (USCIS) officers decide for Special Immigrant Juvenile Status (SIJS) applications and other applications/petitions. U.S. Immigration and Customs Enforcement (ICE) officers enforce immigration laws but they do not make decisions about legal relief.

**Q: What happens if the child loses the case before the immigration judge or USCIS?**

**A:** There is the possibility of appealing the case before the Board of Immigration Appeals (BIA) or Administrative Appeals Office (AAO), respectively. The child needs to understand that if she loses the case, ICE is not going to take her into custody that day and put her on a plane to her country of origin. However, when a child is placed in the care of the Office of Refugee Resettlement (ORR), it should be explained to her that during the appeals process, she may remain in government custody unless a sponsor deemed eligible by ORR takes custody of the child.

**Q: What happens to a child when an immigration judge issues a final order of removal?**

**A:** If the judge's decision at the individual hearing is not appealed within 30 days from the date of the decision, it becomes a final order of removal. Thereafter, ICE will enforce the order by mailing a "bag and baggage letter," stating the date, time, and place the child is to report to be removed from the United States.

Questions about children who are in the custody of ORR or who have been detained under the care of ORR, but were released to a qualified sponsor and placed in removal proceedings:

**Q: Once released from the government's custody, is the child free to stay in the United States permanently?**

**A:** Being released from government custody does not mean that a child has the legal status to stay in the United States. Once a child is released from government custody, she must attend all future court hearings to determine if she can remain in the United States.

**Q: What happens to the child if she doesn't attend future hearings?**

**A:** The immigration judge can and may issue a final order of removal in absentia, without the

child being present in court. This may result in the child losing any right to relief from removal, including her ability to legalize status in the United States in the future and to return to the United States in a lawful manner.

**Q: What happens to the ORR sponsor if the child doesn't attend a future hearing?**

**A:** This is a difficult question to answer. When an ORR-approved sponsor takes custody of the child, the sponsor signs a release agreement stating that she will take the child to all future immigration court hearings. To date, there is little, if any, information to say what exactly the government may do to a sponsor if the child does not show up to court. In situations where the child is no longer living with the sponsor (e.g., runaway or relocation), the sponsor is supposed to notify ICE of such a change in custody, pursuant to the ORR release agreement.

**Q: Does a child's behavior at the ORR shelter affect the child's legal case?**

**A:** A child's behavior does not have any bearing on the immigration case, unless the child's actions rise to criminal conduct. ORR-contracted shelters can contact the police if the child is violent towards other people or property is damaged. If there is a police report, such evidence may be used against the child in her immigration case.

**Q: Can a child work after being released from ORR custody?**

**A:** A child can only work if she applies for and receives employment authorization from USCIS. Not all children will be eligible for a work permit. The child's release from custody does not have any effect on whether the child is or is not eligible for a work permit.

**Q: What happens if a child wins her case?**

**A:** Different forms of relief have different benefits. For example, while asylum allows the child to apply for a green card after one year, withholding of removal does not. It is important for you to

explain the various benefits available to the child should she win the case. However, it is also important to be honest with the child about what the child will not be able to do should she win. For example, if a child is granted Special Immigrant Juvenile Status (SIJS), she will not be able to petition for her biological parent(s) to come to the United States.

## What other issues should I be aware of when working with immigrant children?

Many children have been abused and traumatized.

**Physical and sexual abuse.** Physical and sexual abuse of children crosses all boundaries and might occur within a variety of circumstances, including, for example:

- **Abuse by non-relatives in the home country.** Unaccompanied children may have been victims of violence and abuse at the hands of strangers targeting them for a particular purpose, or simply as a result of general conflict. Sexual abuse, such as rape, has been used during times of armed conflict as a weapon of war to humiliate and oppress.
- **Abuse by relatives in the home country.** Their own family members may have victimized unaccompanied children. Parents, grandparents, or other relatives or caretakers may have physically or sexually abused them with impunity.
- **Abuse on the journey to the United States.** Unaccompanied children may have suffered physical abuse, kidnapping, or sexual abuse such as rape and forced prostitution at the hands of perpetrators they encountered in the course of their travel from their home country to the United States.

For any abused child, discussing the incident of abuse can lead to feelings of embarrassment, shame, anger, fear, and low self-esteem. This is even more likely in the case of a sexually abused child who may also have feelings of guilt associated with the experience. In the case of sexual abuse, boys may find it more difficult and more shameful to discuss their experience than girls.

Allow for appropriately paced interviews over a period of time. If necessary, have a mental or medical care provider evaluate the child. This will enable you to best serve the needs of the victimized child

without re-traumatization. Trust is a big issue for abused children. The more the child trusts you, the easier it becomes for the child to open up about painful and perhaps partially lost memories. Information about painful experiences may emerge late in the professional relationship after trust has been established, rather than early on.

Because of their vulnerability to trauma, children need to feel that the world is safe and that they will be protected. Creating a safe and comfortable interviewing space, coupled with sensitivity towards the child based on her age, development, culture, and life experiences will help you provide the feeling of safety the child seeks and help establish a trusting relationship, thereby enabling a productive and successful interview.

**Post-traumatic stress disorder.** Some children may exhibit symptoms of post-traumatic stress disorder (PTSD), an anxiety disorder. PTSD is an emotional reaction to overwhelming experiences, such as seeing or surviving a dangerous event.<sup>5</sup>

Symptoms of PTSD can make it difficult to interact with others appropriately. PTSD may affect the child's ability to remember or describe events and experiences. In the process of interviewing children who could potentially be suffering from PTSD, be aware that certain behaviors, such as lack of interest, moodiness, and an inability to concentrate are not indicative of a lack of interest in the case or the interview, but perhaps a product of PTSD over which the child has little or no control.

Experiences that produce PTSD are outside usual human experience. They may include rape, crime, war, torture, or witnessing death, particularly of a loved one, as well as other traumatic experiences. Children respond differently to traumatic events depending on their age and understanding. For example, some common symptoms for young children (ages 1-6) include sleep disturbances, separation fears, and somatic symptoms (e.g., stomach aches, headaches). Children ages 6-11 tend to have symptoms such as withdrawal, guilt, anxiety, fear, feelings of responsibility, and distractible behavior. Young adolescents with PTSD may exhibit symptoms such as depression, eating disorders, and social withdrawal, among others.<sup>6</sup>

## What about cultural differences?

The child will bring to the interview the totality of her learned behavior patterns, beliefs, identity, attitudes, and perceptions. Working cross-culturally requires you to recognize that your personal views may not be universally held. The child's statements and actions will come from her cultural context, and it is very important that you perceive and interpret them in that light, rather than from a

personal perspective.

Cultural differences may be expressed through non-verbal cues such as body language and facial expressions and can lead the child to misinterpret these as disapproval or disinterest. This becomes more crucial when a language barrier exists and the only way for the child to assess her interviewer is through non-verbal communication. You may also misinterpret the child's body language or other non-verbal cues to be a sign of dishonesty or disinterest, when in fact, it may be a product of the cultural norm for that child and considered appropriate behavior when showing deference to adults.

**Examples of social norms that may differ by culture include:**

Personal space; eye contact; ways of showing respect for elders, or deference to authority; physical contact between males and females; body language indicating discomfort or displeasure; significance of smiling or laughter.<sup>7</sup>

## How do I consider the differences in our education?

Some unaccompanied children may not be able to read or write. Often, due to poverty or other circumstances, a child must stop attending school to earn income or to help her family with chores and other responsibilities. The school may be too far to attend regularly. When parents and other family members lack education themselves, they may not see the value of education for their children. It is important for you to assess and determine the child's literacy level at the early stages of representation. This determination may be accomplished by asking the child how many years of schooling she has received in her home country (and how many months each year and days each week she attended school), asking her to read or write something in her native language, talking with the child's U.S. teacher, or arranging for a professional educational assessment - particularly if it is believed that the child is developmentally delayed.

Take into consideration any educational impediments that a child may have when assessing the child's case and determining how to proceed.

## Who else besides the child should I expect to interact with?

**You should expect to work with your client's family.** The family's involvement may trigger confidentiality and loyalty issues, but maintaining a good relationship with the family is also important to the success of the child's case. The child's family can help you by obtaining information from the

home country, offering declarations in support of the child's claim, and providing important information about the child's background that the child may be unable to tell you. Working with the family is always a balancing act, but in the end, the child's case can benefit from the family's involvement. It is important for the family to understand and trust that you are only acting to promote and protect the interests of the child, as the child expresses them.

**You may need to consult with a social worker.** In working with your child client, you may find that your client will call upon you to address non-legal matters. For example, a child may look to you for help with emotional issues or housing needs. When a child asks you to get involved in these types of matters, the child is signaling that she trusts you enough to ask for your help in other areas of her life. Children often do not understand the concept of specialties. The child may not understand that you are only helping with the immigration case and cannot serve the role of a social worker. You may be asked to deal with situations outside of the scope of your knowledge and which are more suited for a social worker. Contact your KIND pro bono coordinator for social services resources in your area.

## What are the roles of guardians ad litem and child advocates?

In legal proceedings outside of the immigration system, such as juvenile, family, or even probate court, a judge can appoint an attorney or social worker to serve as guardian ad litem (GAL) who is responsible for protecting a child's best interests. In contrast, immigration courts do not utilize GALs for children placed in removal proceedings. Typically, decisions about how to proceed in a child's immigration case have been left to the child to make, in consultation with her attorney. An exception to this may arise when a child is involved in both immigration court proceedings and juvenile court dependency proceedings, through which the state juvenile judge might appoint a GAL. Under those circumstances, the state court GAL could communicate to the immigration judge about what is in the child's best interests.

## Citations

<sup>1</sup>These are generalizations and may not be appropriate for a particular client. For example, if the child was regularly abused by an adult figure in a small private room, you may want to conduct the interview in a more open space that is visible to others (while ensuring confidentiality of information).

<sup>2</sup> For more information, see the American Bar Association, Interviewing and Counseling a Child Client <http://www.abanet.org/litigation/committees/childrights/materials.html>.

For accompanying materials

[http://www.abanet.org/litigation/committees/childrights/docs/childclient\\_notes.pdf](http://www.abanet.org/litigation/committees/childrights/docs/childclient_notes.pdf)

<sup>3</sup> American Bar Association Commission on Immigration, Standards for the Custody, Placement and Care; *Legal Representation; and Adjudication of Unaccompanied Alien Children in the United States*, Section V (Aug. 2004).

<sup>4</sup>At a conference regarding unaccompanied alien children sponsored by the Vera Institute of Justice, three unaccompanied juveniles who had been through removal proceedings in the United States provided this advice to attorneys.

<sup>5</sup>For more information see, What is Post Traumatic Stress Disorder? Signs and Symptoms, <http://www.nimh.nih.gov/health/topics/post-traumatic-stress-disorder-ptsd/index.shtml> (last visited October 28, 2010).

<sup>6</sup>See Diagnostic and Statistical Manual of Mental Disorders 424, at 427-29 (American Psychiatric Association 1994); Andrea E. Bopp Stark, Post-Traumatic Stress Disorder in Refugee Women: How to Address PTSD in Women Who Apply for Political Asylum Under Grounds of Gender-Specific Persecution, 11 Geo. Immigr. L.J. 167 (1996); 4therapy.com Network, How do Young Kids and Teens Respond to Trauma? Is Posttraumatic Stress Disorder (PTSD) a Concern?, 2009, available at [www.4therapy.com](http://www.4therapy.com); Mental-health-today.com, Post-Traumatic Stress Disorder, <http://www.mental-health-today.com/ptsd/part.html> (last visited October 28, 2010).

<sup>7</sup>See the video or audio version of, Child Clients Are Different: Best Practices for Representing Unaccompanied Minors, for information about cross-cultural and language issues when interviewing children and preparing them to testify, available at <http://www.abanet.org/litigation/committees/childrights/materials.html> (last visited November 15,

2011); to learn about the types of child maltreatment and how to recognize child maltreatment in refugee families, considering cultural factors see the BRYCS, Child Abuse Issues with Refugee Populations (PART I)- Recognizing Suspected Child Maltreatment in Culturally Diverse Refugee Families, audio and PowerPoint presentation and highlighted materials, available at <http://www.brycs.org/askBrycs/webinars-archived.cfm> (last visited November 15, 2011).