KIDS IN NEED OF DEFENSE

Frequently Asked Questions

Pro Bono Cases with KIND

WHAT IS THE TIME COMMITMENT?

KIND provides hour estimates that a new pro bono attorney can expect to dedicate to a KIND case from start to finish. The estimates account for a volunteer who is unfamiliar with immigration law, regulations, and procedures, and when applicable, state law. The final number of hours will in part be determined by the nature of the claim and the level of trauma the client has experienced. KIND's pro bono mentorship model provides the most effective and up-to-date information and advice, which enhances the attorney's ability to handle the case efficiently. Adjudication times and court/agency scheduling vary and can be jurisdiction specific. KIND can provide estimated adjudication times prior to case placement.

Case Type	Approximate Hours	Notes
Asylum	70-120 hours	The bulk of the work on an asylum claim takes place after filing the asylum application and in the first 5-10 months. Time between filing the application and the interview with the Asylum Office is utilized to develop and finalize the client's declaration and build up supporting documents and research to be submitted prior to the interview. Asylum Office interview timelines vary. Applications for Employment Authorization Documents (EAD) are filed while the application is pending (estimated 2 hours).
Special Immigrant Juvenile Status (SIJS)	State Court Process: 35-50 hours Immigration Process: 20 hours	Depending on various factors, the state court findings necessary for these types of cases can be completed in the first 4-6 months. The SIJS I-360 Petition should be filed immediately after the state court findings are obtained and is typically adjudicated within 6 months. The length of time before the final step – obtaining Lawful Permanent Residency – depends on the child's country of origin. An EAD application may be filed in the interim (estimated 2 hours). SIJS requires a state court appearance, and an active law license in the state where the client is living is required.
Asylum & SIJS	80-120 hours	The facts needed to pursue both forms of relief are often similar, but separate underlying applications are prepared and filed. There is a strategy to the timing of each filing, and both applications may not be completed if one is approved first. KIND provides support on case strategy.

WHAT WILL I NEED TO DO FOR EACH TYPE OF CASE?

SPECIAL IMMIGRANT JUVENILE STATUS (SIJS)

A SIJS case including representation in state court to obtain a SIJS predicate order typically requires:

(1) Petitioning the state court for SIJS findings and 1-2 court appearances remote or in person;
(2) Separately filing the SIJS petition and adjustment of status application with U.S. Citizenship and Immigration Services (USCIS); and
(3) For a child in removal proceedings, concurrent representation before the Immigration Court consisting of brief status updates and/or filings while the SIJS application is being adjudicated.

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ASYLUM

An asylum case involving an unaccompanied child typically requires:

(1) Filing an affirmative asylum application with the local asylum office;
(2) Finalizing declarations, letter brief and supporting documents to be submitted to the Asylum Office prior to the interview;
(3) Attending an interview with an Asylum Officer; and
(4) For a child in removal proceedings, concurrent representation before the Immigration Court consisting of brief appearances and/or filings while the asylum application is being adjudicated.

If the Asylum Office does not grant asylum, the child can apply for asylum before the Immigration Court.

WHAT SKILLS WILL I DEVELOP BY TAKING A CASE FROM KIND?

KIND pro bono attorneys work directly with children to help them build their cases, gain valuable courtroom experience, and develop expertise in a unique area of law. No immigration experience is necessary. Each pro bono attorney is assigned a KIND attorney for the duration of their case who provides guidance on case strategy, feedback on drafts, mock adjudications, samples, and checklists.

WHO IS THE CLIENT?

The child is the client for purposes of the engagement letter/retainer. When a case is placed with a pro bono attorney, the child understands that KIND will be advising the pro bono attorney on the case and reviewing documents. Firms may request that the child sign a Release of Information to continue sharing about the child's matters with KIND.

In some situations, pro bono attorneys may also represent a parent or other custodian in state court proceedings to obtain SIJS findings. In these situations, the parent/custodian will also sign the retainer and all parties will discuss and sign a joint representation agreement. KIND has sample retainers for a variety of scenarios including representation of a single child, siblings or dual representation of an adult and child in the SIJS context.

WHO PROVIDES THE INTERPRETERS?

KIND's pro bono attorneys obtain interpreters for the scope of the representation. Interpreters must be over 18 years old, pass KIND's criminal history check, and cannot have any relation with the client or their family. If pro bono attorneys cannot find an interpreter, KIND will share pro bono and paid interpretation resources. KIND does not assign volunteer interpreters to a case nor mandate that a pro bono attorney has to use a certain interpreter to allow the attorney to work with a volunteer or professional interpreter that best fits your need in representation. KIND can share best practices for working with interpreters.

WHAT SUPPORT DOES KIND PROVIDE?

KIND assigns a KIND attorney who offers subject-matter expertise, answering substantive legal questions, providing samples and guidance, offering case strategies, reviewing pleadings before filing, and preparing attorneys before hearings and immigration interviews. KIND provides extensive guidance on cases but does not

co-counsel. If the attorney's circumstances change and they can no longer represent the child, KIND does not automatically take over representation of the child.

DO YOU HAVE MALPRACTICE INSURANCE FOR PRO BONO ATTORNEYS?

KIND's malpractice insurance covers pro bono attorneys who represent a child referred by KIND for the scope of the representation.

WHO COVERS THE CASE COSTS?

The attorney is responsible for all routine expenses and costs reasonably associated with the child's representation, including but not limited to interpretation/translation services, copies, document delivery, and postage. Other costs and fees (e.g., immigration application and court filing fees) are often subject to fee waivers that KIND can provide guidance to a pro bono attorney to file in a client's case. If fees are not approved by the fee waiver or they are ineligible for a fee waiver, then these costs may be subject to agreement with the client. KIND does not reimburse case costs. Please contact KIND if you'd like further information on common costs associated with immigration filings.