

ALI-ABA Training Materials

from ALI-ABA's

**BEST PRACTICES IN REPRESENTING ASYLUM-SEEKERS
A VIDEO RESOURCE FOR *PRO BONO* ATTORNEYS**

First Client Interview

© 2004 by the American Law Institute. All rights reserved.

For more information:

www.ali-aba.org/aliaba/RDVD01.asp

ALI-ABA Training Materials

from ALI-ABA's

**BEST PRACTICES IN REPRESENTING ASYLUM-SEEKERS
A VIDEO RESOURCE FOR *PRO BONO* ATTORNEYS**

Viewer's Guide to First Client Interview

© 2004 by the American Law Institute. All rights reserved.

For more information:

www.ali-aba.org/aliaba/RDVD01.asp

A Viewer's Guide to THE FIRST CLIENT INTERVIEW

THE HUMAN FACTOR

Building Rapport with Your Client is Essential

- Aside from constructing a general asylum claim, your most important task is building rapport with your client.
- Rapport between the client and lawyer is vital because your client will be revealing very sensitive and personal matters to you and you want her to trust you.
- A good way to start this process is demonstrating that you have read about the general country conditions in your client's country.
- Make sure that your client is as comfortable as possible.
- Offer your client something to eat or drink.

Working with the Interpreter – Remember the Interpreter Should be a Passive Participant

- It is absolutely essential to make sure that everything your client says is interpreted.
- The interpreter should always relay information to you in the first person.
- The interpreter should not simply summarize what the client said. You need to know everything your client says. It is up to you to determine what is relevant, *not the interpreter*.
- The interpreter *should not* conduct independent conversations with your client during the interview.
- The interpreter *should not* attempt to add his or her own knowledge about your client's home country during the interview. You can interview the interpreter separately, if necessary, at a later time.
- The interpreter should act like a telephone that automatically translates verbatim your questions in English to your client's native language, and your client's answers into English.

LEGAL CONSIDERATIONS - CREDIBILITY

Potential Problems with Interpreters and How to Handle Them

- Keep an eye out for paraphrasing by the interpreter. You need to know everything your client says.
- Do not let the interpreter give you responses in the third person.
- Do not allow the interpreter to ‘constructively testify’ – i.e. answer your questions without relaying them to the client.
- Pay attention to the video and make a mental note of what effective/ineffective interpretation looks and feels like.
- This is the preferred technique because it allows the client to tell her story in her own words and reduces the risk of overlooking important information.
- Finish your questions with precise closed-ended questions during the first interview, or at subsequent interviews.
- End your interview with a brief outline of the ‘next steps’ you intend to take in your client’s case.
- If applicable, give your client a few assignments, such as gathering identity documents and other relevant support for the case.

LEGAL CONSIDERATIONS – LEGAL THEORY

Remember Your Role as a Counselor

- Discuss the burden of proof and legal elements required to successfully pursue an asylum claim.
- Provide your client with a brief overview of what will happen in court/at the asylum interview.
- Make sure to give your client an opportunity to ask you any questions her or she might have about substantive or procedural aspects of his or her asylum claim.

Explain the Importance of Confidentiality to Your Client and the Interpreter

- Your client may be fearful that the information she tells you will be relayed back to her government or abusers. Consequently, she may be reluctant to tell you about the abuse she suffered. A thorough explanation of the attorney-client relationship may allay her fears.
- The interpreter must also understand that the information he or she relays to you in the process of interviewing the client must be shared with no one.

Explain the Interpreter's Role to Your Client

- It is equally important that your client understand the interpreter's role in the interview.
- Make sure that your client is comfortable with the interpreter – this includes making sure that your client knows that the interpreter is duty bound to keep all information discussed during the interview confidential.

How to Create Effective Interview Questions

- Start your interview with open-ended questions, and after developing a general framework/timeline, start asking more specific questions.

ALI-ABA Training Materials

from ALI-ABA's

**BEST PRACTICES IN REPRESENTING ASYLUM-SEEKERS
A VIDEO RESOURCE FOR *PRO BONO* ATTORNEYS**

Suggested Questions for First Client Interview

© 2004 by the American Law Institute. All rights reserved.

For more information:

www.ali-aba.org/aliaba/RDVD01.asp

Sample Questions For Your First Client Interview

- Why did you flee your home country?
- Why are you afraid to return to your home country?
- What happened to you in your home country that makes you fearful of returning?
 - How exactly were you harmed or mistreated?
 - When did this occur?
 - How often did this occur?
 - Who was responsible for mistreating/harming you?
 - (If applicable) How do you know the abusers were working with the government?
 - Where did the abuse occur?
 - How did the abuse make you feel?
 - Do you remember anything about what the abusers said as they were harming you?
 - Do you have any idea why the abusers wanted to harm you?
 - Were the abusers harming anyone else in your family/group?
 - (If yes) How, when, where, why?
- What prompted you to flee when you did?
- What would happen to you if you returned?
 - Who would harm you?
 - Why would they harm you?
 - How do you know this?
- How are you doing now that you're in the US?
- Have you been in contact with anyone at home?
 - Who?

Sample Questions For Your First Client Interview

- When?
- How Often?
- What did they say?
- Are they safe?
- Is there anything else you would like to tell us?
- Do you have any other questions about anything at all?
 - This is a good question to ask at the end of the interview to increase trust and build rapport.