



# GUIDANCE AND REFLECTIONS ON PROVIDING REMOTE LEGAL SERVICES TO IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE

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## I. Introduction & Purpose

The COVID-19 pandemic has created a myriad of challenges for immigration legal service providers. While some research and best practices for providing remote legal services have been developed<sup>1</sup>, serving immigrant survivors of domestic violence requires a unique set of considerations. This advisory describes the findings of a small study exploring how service delivery models have been adapted for this vulnerable population during the pandemic. The advisory outlines the concerns, strategies, and lessons learned from the field in order to continue to serve immigrant survivors throughout the pandemic and beyond.

## II. Data Collection

The ILRC collected data and information through two mechanisms: an online survey and one-on-one interviews with legal advocates throughout the state of California. The purpose of the survey was to gather data about how service models have shifted, identify strategies that have been effective, and highlight emerging trends. A total of 35 legal advocates from across the state responded to the survey. As a follow-up to the survey, in-depth interviews were conducted over the phone with 9 immigration legal advocates to further explore these themes and gather more details about successful practices and reflections on shifts in their practices.

## III. Overview of Current Practices and Reflections

### A. Engaging New Clients

Nearly all organizations who completed the survey (97%) indicated they were still accepting new clients despite their offices being closed for in-person services. While some reported that there had been an interruption in services initially during the switch to remote work, nearly all organizations had resumed services for new clients. Most advocates indicated that new clients could seek their services by calling their office for a consultation, although other platforms such as email or web-based inquiries could also be used. Most of these

<sup>1</sup> See for example, the American Bar Association's Coronavirus (COVID-19) Task Force resources webpage at <https://www.americanbar.org/advocacy/the-aba-task-force-on-legal-needs-arising-out-of-the-2020-pandem/>

initial consultations were done via phone, and the cases where video conferencing was used depended on the client's ability to use technology.

For domestic violence survivors, safety considerations are paramount. While in-office appointments ensure a safe space is available to clients, assessing safety issues can be more complicated through remote work and those issues may change over time. During initial contact with clients, advocates emphasized the importance of understanding if the client is still living with the abuser, if they have a safe and quiet place to have the consultation, and if they have access to the safest and most consistent communication channels. Advocates emphasized the importance of having more than one number for the client, and/or identifying a third party with whom they could communicate, and understanding how the client prefers the legal services provider identify themselves when they call.

Advocates highlighted the importance of assessing the client's level of comfort, access to, and skills with technology from the initial contact, so a realistic plan could be developed. For those clients with less technological skills, advocates inquired whether someone in their home could safely help with the use of technology, or if they were working with a service provider (such as a social worker or domestic violence advocate) who might help with technology. Some advocates reported having to spend time teaching the client, as much as a half an hour, how to use videoconferencing or other online tools before it could be utilized effectively.

Most advocates indicated they used the phone for communication with new clients, but also highlighted the need to work harder to build trust over the phone. However, most advocates (83%) also reported using a video conferencing platform, like Zoom, to conduct some of their client appointments. In addition to all of the standard issues when conducting a legal consultation, when using a videoconferencing platform advocates had to ensure that during the appointment no one else was in the room, there was a secure and confidential space for the client, that the client was using the technology in a safe manner (i.e. not driving), and that they had someone taking care of any small children, so they could focus and speak freely.

Benefits resulting from the shift to remote services were also noted. Some advocates reported that creating remote systems for services has allowed them to reach clients who would not normally be able to get their office due to barriers such as transportation. Remote service systems can be utilized beyond the COVID-19 pandemic to reach clients who live in isolated areas, have limited physical mobility, or lack transportation. In addition, advocates who worked for organizations with multiple office locations indicated that staff were able to share work across offices as staff members at one office could serve the clients of another location since the work was done remotely. This allowed organizations to leverage resources according to client demand beyond the capacity of any single office.

Some organizations have been able to safely provide limited in-person services during the COVID-19 pandemic by requiring masks and social distancing, offering outdoor consultations, implementing health screening and temperature checks, adding clear, plexiglass barriers in all public spaces, and more. For those who have been able to safely serve clients in-person, having an initial meeting with the client in-person or a mix of in-person and remote services also facilitated and increased trust and rapport. Once trust and rapport were established it was easier to continue to relationship through phone calls, texting or videoconferencing.

With any of the remote services platforms used, advocates reported that moving to a technology-based system to communicate, rather than meeting in-person, required much more time. This time was spent not only to help build rapport but also to troubleshoot technological complications and explain expectation for how meetings and document sharing would be conducted using technology. Some advocates reported they were spending more than twice as much time as they had with each client prior to the pandemic.

## **B. Communicating with Clients**

Some advocates noted that once they had taken on a case, it was a harder to maintain contact with clients and keep them engaged in completing the case work. Most survey respondents (74%) reported that there has been an increase in the number of clients who do not follow up on pending casework since the pandemic began. They noted this might have to do with the many pressing and immediate needs of clients and their families due to the pandemic, like housing, security, and health. There were some instances where clients reported difficulties in having time away from the abuser because of the pandemic and shelter-in-place orders. It was noted that domestic violence service providers played a helpful role in ensuring clients could connect to their legal service provider when they did not have access to a safe location.

Many advocates described difficulty in establishing rapport with a client through remote services and that it has been harder to build a strong working relationship with a client. Some indicated the importance of starting and sustaining work on a case immediately, rather than spreading out appointments over time or allowing a lapse in time between the consultation and the appointments where the case work begins. Advocates reported this can require more engagement with the client early in the process and being very clear on the process to move forward with the case. Some reported clients would ask questions about the advocate's role or the process at each appointment, underscoring the importance of reiterating the roles, process, requirements, and timeline to build trust and partnership.

Advocates highlighted several practices that were effective in keeping clients engaged. These strategies included: having more frequent phone calls with clients, scheduling brief phone check-ins, ensuring that they checked voicemails more frequently and returned calls promptly, and being clear on a client's technological abilities and limitations so they would not face additional barriers. It was critical to ask the client about the best way to communicate and share documents and then to follow that guidance consistently.

One communication strategy that was used by nearly all advocates (94%) was text messaging. Advocates reported that clients were comfortable with text messages and have used applications like WhatsApp, WeChat, Google voice, and other messaging systems. These third-party texting services were favored where legal services providers wanted to communicate with clients via text but didn't want to use their own, personal cell phone number for work purposes. While many clients were not familiar or proficient in videoconferencing services, most had experience with one or more text messaging platforms.

## **C. Collecting Documents**

Immigration cases generally require an application as well as extensive documentation. Document gathering is usually done collaboratively between the client and their legal advocate, with the client playing a key role in accessing personal and confidential records on their own behalf. During the pandemic, advocates reported playing a greater role in document gathering on behalf of clients. Advocates indicated they had to facilitate contact and request documents on behalf of their clients directly with outside agencies, such as police

departments or clinics, in order to get the documents via mail. This marked a departure from prior practices where clients were able to go in person to request relevant records and was an increased burden on legal advocates. However, legal service providers noted that domestic violence service providers were often very helpful in securing a client release of information and sharing documents from a client's file in order to make the process more efficient and avoid having to seek records directly.

Just as the process for gathering necessary documents shifted as a result of the pandemic, the process by which clients provide documents to legal service providers has also shifted. Certain documents, such as identification, birth certificates, or marriage certificates, are more likely in the possession of the client and need to be shared with the legal advocate by the client. Some advocates reported clients would share scanned copies of documents or take a picture of the document and share it over text message or email. However, advocates noted that sometimes these tools resulted in low-quality copies, and the documents had to be secured some other way. Another problem raised with photos was that if a document was long, it was hard to take a picture to send via text. This was especially true with foreign language documents that later had to be translated. Some clients relied on school-aged children in the house who would be able to guide the parent through using the applications needed to scan and email the documents needed. Advocates noted the need for the development of guides in multiple languages to orient clients about how to use different applications for sending scans or other processes.

For clients who were not technologically savvy and could not share a scan or photo, documents would be sent via regular mail or dropped off at their legal service providers office through a mail slot. Mail was an important option and several advocates reported providing clients with stamped self-addressed envelopes so they could easily submit needed documents. A few advocates reported having a staff member set a meeting time with clients to receive documents outside of the office, in parking lots or other public places, or even in front of a client's home when safe to do so. These same practices were utilized when advocates needed to secure a client signature on an application, declaration, or other document.

#### **D. Completing Declarations and Applications**

Over half of the advocates surveyed indicated that they complete applications (53%) and declarations (57%) over the phone with clients. This was mainly due to the technical challenges for both the advocate and client to complete the process through videoconferencing, such as Zoom. For example, when clients were accessing videoconferencing technology through a smart phone rather than a laptop or desktop computer, reviewing documents together through a "share screen" mode was not feasible as documents appeared too small on the client's cell phone screen to view them properly.

The primary drawback to communicating verbally by phone with no videoconferencing capacity was that it was harder for advocates to read their client's facial expression and body language and to build rapport during the process. Some advocates noted the importance of having to incorporate more meetings into the process so that they could break down the time the client was on the phone recounting their traumatic experiences.

Some advocates (21%) reported meeting with clients in-person for this portion of case preparation in order to have that direct client contact, while about the same number (21%) used videoconferencing platforms. While some advocates noted they feared a videoconference would not be secure, others preferred the ability to share their screen and have the client see the application as it was being completed or the declaration as it was being drafted. One advocate noted that, given COVID-19 restrictions, they preferred to meet via

videoconferencing rather than in person so they could see the client's face and expression rather than meeting in-person with facemasks.

Many advocates reported it was taking longer to complete and file a case through remote services. However, some advocates noted that delays could be mitigated by completing as much work as possible early on in the process and spending time to clearly outline the requirements and agree on a process. These early conversations help to ensure that the rest of the interactions and case completion go smoothly.

### E. Staff Support

While not the focus of the project, advocates who were interviewed did share their thoughts and experiences about ways to support staff as they work remotely. While serving immigrant survivors can be difficult under ideal conditions, the shift to remote services added additional challenges, as outlined above. Furthermore, staff also had to adjust to circumstances in their personal lives such as financial difficulties resulting from unemployment or underemployment of family members, caring for and supporting the education of school-aged children, caring for older relatives and loved ones, and the strain of shelter-in-place orders and other restrictions on mental health and well-being.

Some of the practices identified by those surveyed as helpful to them as they continue to provide legal services remotely include:

- Ensure staff had adequate and ergonomic office equipment and needed support from an IT department, including increasing the number of IT staff as needed.
- Giving staff extra paid days off to allow for better work-life balance and opportunities for self-care and to take care of other personal matters.
- Flexibility with work hours so staff could complete tasks while also attending to family responsibilities and other needs.
- Collaboration among staff members to serve clients and provide mutual support, including relying on each other to scan documents or coordinate services from different locations.
- Conducting regular check-ins between staff and supervisors to offer support, identify needs, and maintain consistent and open communication.

## IV. Conclusion and Best Practices

The information presented in this advisory was collected from a small sample of legal service providers, but common themes and lessons learned have emerged. While there is some overlap with best practices for remote legal services more generally, below are some of the key takeaways for serving immigrant survivors remotely:

1. ***Assess the best communication system for the client and be ready to adapt***—understand their specific safety concerns, their experience with different technology platforms, and ask whether they have a trusted friend, relative or service provider who can support them. Depending on their responses, be prepared to proceed over the phone, through videoconferencing, or through the use of mail and text messages. Have several approaches to case work ready in order to adapt to the client's needs and situation.

2. **Communicate with the client frequently and schedule brief check-ins**—since in-person meetings may not be possible, in order to build trust and keep momentum with the case, communicate regularly with the client in whatever form they prefer. Be prepared to review the plan for their case, where things are in the process, and answer their questions.
3. **Frontload the case work**— clearly explain the steps and documents required to complete the client’s case and make a plan for how and when meetings will take place and documents will be shared. Move the case forward at a brisk pace in order to support the trust building process and prevent the client from falling through the cracks.
4. **Develop partnerships with other service providers**—identify service providers with whom the client has received services who may be able to support the client in accessing technology or securing documents. Leverage these relationships to streamline document gathering or maximize the use of technology. Establish working relationships with key service providers beyond just referring clients. And be ready to return the favor to them and other advocates.

The ILRC hopes this information can be useful to advocates and organizations as the legal field shifts during these unprecedented times and that some of these tools and practices can be utilized moving forward to serve hard-to-reach populations.



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**About the Immigrant Legal Resource Center**

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC’s mission is to protect and defend the fundamental rights of immigrant families and communities.