

## **INITIAL CLIENT INTERVIEW**

Please remember that NIJC has already conducted an intake and assessed eligibility. The initial interview provides you with an opportunity for you and your client to meet, discuss their case, review documents, answer questions, and to identify next steps.

Every client is different and some will want to discuss their cases in detail, whereas others are more might have some hesitancy. It is important to remember that we are trying to empower our clients to reclaim their autonomy and independence. However, each client will determine what is best for them, and regardless of our personal feelings, we have to support our client's decisions. Your client might remain with their abuser, or they might return to their abuser after leaving. Although it is fine to discuss these issues with your clients, refrain from giving advice on these matters and remind them that ultimately it is their choice and that you support their decision. If your client is not in counseling, this is a good time to make a referral to allow them to explore these and other issues in more depth with a qualified individual.

The initial interview with your client will take between 1.5 to 2 hours. However, if you are using an interpreter it may take longer due to the time it takes for interpretation. There is no particular "order" in which the various materials that need to be covered should be discussed – you should conduct the interview in a manner that feels comfortable and natural to you. The following are guidelines, and it is important to cover all of this information in the interview.

- When you set up the initial interview, ask the client to bring in all legal documents such as their marriage certificate, children's birth certificates, all immigration-related documents, orders of protection, police records, and/or copies of joint tax returns. (*See VAWA Pro Bono Manual, 31-32*) At your interview, you can determine what additional documents you need after your review.
- Determine at the outset whether it is safe for you to call their home or cell phone. If not, set up an alternate number where you can reach the client or leave a message, or arrange to have them call you on a specified date or time. (This information is usually obtained during the initial intake, but it is important to verify whether their situation has changed.)
- Avoid using legalese. Try to explain the legal process and other requirements in plain English to avoid confusing the client. Many clients know they are receiving help with their immigration status, but few understand the legal process. It is your job to help them understand the steps and their role in the process.
- Explain to the client that everything you discuss will remain confidential, and that the information they provide to you will not be shared with unauthorized third parties. Tell them that your office has procedures in place to prevent their abuser from finding out that they have legal representation or that they are filing a self-petition. This might also be an appropriate time to discuss the confidentiality provision of INA § 384 (*See VAWA Pro Bono Manual, 30.*) You should explain that there will be times when you need to discuss parts of their case with other individuals, but that you will not do so without their permission. Have the client sign a "Release of Information" form, and explain its purpose. For example, you may need to obtain the client's permission before speaking to a specific individual, such as a friend, who can write them a letter of

support. Explain that in order to assemble the applications for relief, you may need to talk to their counselor, or divorce lawyer or other individuals who might provide needed information about their case. Reassure them that you will notify her prior to providing or obtaining information from third parties.

- Have the client sign a contract/letter of engagement with you and explain its provisions. Make sure that the client understands their rights and responsibilities, and give them an opportunity to ask questions.
- Explain the legal eligibility requirements for VAWA to your client. This material can be confusing, so it is helpful to run through all the requirements briefly before going into detail.

**Discussing the abuse: it is not necessary, at the initial interview, to obtain a detailed understanding of the abuse.** In fact, we discourage too much discussion about the nature of the abuse at the first meeting since you and your client have yet to develop a trusting relationship, and they might feel uncomfortable. As your relationship develops, your client will open up more. On many occasions clients will divulge new facts either at the time of filing, or once you receive a request for evidence, because they did not feel comfortable discussing them before. This is often the case with sexual abuse which is very difficult to talk about.

When you discuss the abuse, it is generally in the context of explaining the client affidavit. They will need to write an affidavit detailing the crime and how they or their family member was a victim. If the qualifying crime relates to domestic violence, you can initially discuss the abuse in a way that distances the “issue” of domestic violence from your client’s personal experience. Use the “Power and Control Wheel” (*See VAWA Pro Bono Manual*, 11) and the “Cycle of Violence Wheel” (*Id.* at 13) to discuss what domestic violence is. Tell your client that if any of these forms of violence existed in their relationship, they should write about them in their affidavit. Many survivors of domestic violence do not identify some actions as abuse because it has been such a normal part of life. Therefore, you will need to give examples and ask the same question a few different ways. For example:

- Don’t ask: Did your spouse/partner beat you?
- Ask: Did your spouse/partner ever slap you, punch you, kick you, shove you, bite you, strangle you, poke his finger in your chest, raise their fist at you, grab you, pull your hair, throw things at you, destroy your property, threaten to use a weapon, threaten you with a weapon, etc.?
- Don’t ask: Did your spouse/partner ever rape you?
- Ask: Did your spouse/partner ever coerce you to do anything sexually against your will?
- Don’t ask: Did your spouse/partner ever threaten you?
- Ask: Did your spouse/partner tell you they would call the immigration authorities and have you deported, tell you they would hurt you physically, tell you they would take your children away from you, tell you they would hurt your family, etc.?

Procedural and other issues to discuss:

- Explain the procedure for filing a VAWA application and length of time it generally takes to obtain an approval. You will also need to explain that the procedure for applying for adjustment of status (to obtain their green card) involves a separate application, and how long this process will take after the grant of their VAWA self-petition.
- Refer your client for domestic violence advocacy and counseling if needed, as well as for legal representation for divorce and/or custody matters.
- Discuss the supporting documentation, whether they have sufficient evidence to prove each requirement and whether they need additional evidence. Make copies of the materials they bring to the interview, and review the checklist with them to see what additional materials they might need. This is also a good time to assess whether your client needs to develop a safety plan and offer your office as a place to keep important documents.
- Give your client the opportunity to ask any questions that they may have. Make sure they understand what steps need to be taken next, such as writing their affidavit and collecting supporting documents. Make sure you know how to contact them and vice versa.

**Practical Checklist:**

- Discuss confidentiality.
- Explain VAWA process: timing, application, your role, client's role.
- Collect and make copies of documents client brings.
- Discuss affidavit, importance, types of details wanted, length, and give client due date.
- Double check safe address and phone number for client.
- Sign engagement letter.
- Double check on need for and presence of counselor.
- Answer any questions she may have.
- Discuss next meeting time/date.