



U.S. Citizenship and Immigration Services



Child-Sensitive Interviewing

Training for Officers that Adjudicate Special Immigrant Juvenile Cases

September 2016



**U.S. Citizenship
and Immigration
Services**



Introduction

Purpose: To enhance field officers' ability to employ child sensitive interview techniques to ensure:

- That the officer obtains the most accurate information; and
- That the interview does not trigger any additional trauma for the youth from the abuse, neglect or abandonment suffered.

Note: This training is intended to supplement (but not replace) USCIS basic training, policy and procedures on interviewing techniques.





Setting and Logistics

- Set up a comfortable interview space that is as free from distractions and noise as possible.
- When possible, and if appropriate and safe, permit the child to have a trusted adult at the interview (not a substitute for an attorney).
- If an interpreter is used, :
 - Speak your questions to the child, not the interpreter.
 - Instruct the interpreter to translate everything you say and everything that the child/youth says; interpreters should not just summarize.





General Pointers

- Smile and make eye contact
- Use simple words in easy-to-understand sentences
- Pause and allow the youth time to process before responding
- Let them know, by your behavior, that you respect them





Pointers: Introduction

Introduce yourself, and clarify the purpose of the interview.

- **Intro:** Good morning, (name). My name is XXX. I am an officer with USCIS, and I will be meeting with you today and asking a few questions.
- **Ask:** Do you know what this interview is all about?

Keep it simple and short. Let him/her know what the purpose of the interview is and why you are asking questions.

- **Explain:** This is what is going to happen today.
- **Add:** If you need a drink of water or to use the bathroom, just tell me.





Pointers: Non-adversarial Manner

Ask clear, concise, easy-to-understand questions in a non-adversarial manner.

- **Ask:** At the border you told the officer that your father lives in Honduras, but now you say he lives in Texas? Can you help us with this question? We need to be sure that we have the right information.

Sometimes children get worried when they see an adult writing down notes.

- **Explain:** I am going to take some notes because I want to be sure to remember what you said.





Eliciting the Truth

Clarify what you expect of them.

Explain:

- It is important that you tell me the truth to the best of your ability.
- If you don't know the answer to a question, please say I don't know. Please do not guess.
- If you don't understand something I say, then tell me, I don't understand.
- If I say something that shows you I have misunderstood what you have told me, please tell me, No. That is not what I meant to say. And then tell me what you meant to say.





Eliciting the Truth (cont'd.)

- It is possible that the youth has been coached on what to say and what not to say.
- The adults in a child's life hold tremendous power over them. It may be difficult for a youth to say something they have been told not to say.

Explain: I know this may be hard for you to talk about, and maybe someone told you to tell us something different, but it is really important that you tell us the truth. Our job is to be sure that we have all the information we need to make a good and fair decision on your case.



Child/Youth Interview Considerations

An interviewer should take into account:

- The petitioner's chronological age and relative characteristics of child development stage;
- The impact of the abuse, neglect, abandonment and other traumatic events on children and youth; and
- Cultural factors that influence how a child/youth may respond to an adult with authority.





Children's and Youth's Perceptions

What might a child/youth be thinking during the interview?

- The police or government officials back home couldn't be trusted, so why should I trust this government person?
- If I don't give the answer that the person in front of me wants me to say, I will be sent back to my country.
- If I tell the truth, maybe I will get my family in trouble.
- Everybody at home told me to say something different if I was asked that question. What do I do?
- I am too ashamed to tell the truth. It is too embarrassing.





The petitioner's chronological age and relative characteristics of child development stage.





School Age Children (7-10)*

This age group:

- May have problems processing complex questions or abstract ideas (i.e., What were you supposed to have been doing at that time?)
- Be easily confused by multiple negatives (i.e., You don't deny that you did it, do you?)
- Not be equipped to deal with adult sarcasm or irony
- May still believe that all adults in general speak the truth.





Pre-Teens, Adolescents, and Young Adults (11-18+years)

This age group:

- Thinks about-and are more concerned with-the present (the here and now)
- May be confused by multiple negatives and linguistic ambiguity.
- Will likely lose track of long, complex questions.
- May be reluctant to ask for clarification of questions.
- May not want to acknowledge that they do not understand something.





Older Adolescents and Young Adults

- Older teens may sometimes look like adults, but if they have been abused or neglected, may not have advanced beyond the younger school age level of development.
- Sometimes adults misjudge the comprehension level of an adolescent because the young person comes across as mature.
- The prefrontal cortex of the adolescent brain is not completely developed, which means that a teen's ability to make good choices may be limited and may affect their judgment.





Developmental Factors

Factors that may impact chronological age characteristics and development include the child's:

- Family, cultural, educational and experiential background
- Experiences with forms of violence, including abuse in the home
- Chaotic social and environmental conditions
- Lack of protection or caring by significant adults (neglect or abandonment)
- Physical or mental disabilities
- Nutritional deficits





The impact of abuse, neglect, abandonment, and other traumatic events on children.



Youth and Trauma

- What is trauma?
- What may be trauma's impact on the interview process with youth?
- How can interviewer help prevent re-traumatizing youth?

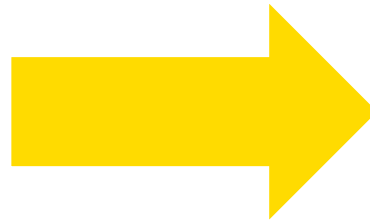




What is Trauma?

Child Traumatic Stress refers to the physical and emotional response of a child to events that threaten the life or physical integrity of the child or someone critically important to the child (such as a parent or sibling).

Traumatic Events



Overwhelm a child's capacity to cope and elicit feelings of terror, powerlessness, and out-of-control psychological arousal.





Types of Trauma

Acute Trauma
(describes a single traumatic event limited in time)

Examples include:

- Experiencing or witnessing horrific injury
- Serious accidents
- A specific act of community violence
- Sudden or violent loss of a loved one
- Physical or sexual assault

Chronic (or Repeated) or Complex Trauma
(describes a person's exposure to multiple traumatic events)

Examples include:

- Lack of consistent caregivers or abandonment by primary caregiver
- Repeated abuse or neglect
- Homelessness and/or lack of basic needs being met (extreme poverty)
- Violence (witness/victim) and the parents are unable to protect
- Forced labor





Migration Trauma

- Abuse and neglect in their home country
- Abandonment by a parent
- Violence and deprivation on the journey
- Uncertainties about reunification with family





Migration Trauma (cont'd.)

- Separation from families and friends
- Robbery, assault or intimidation by gangs and thieves
- Coercion or abuse by adult smugglers
- Kidnapping
- Sexual violence
- Harassment and bribery by local authorities
- Hunger, thirst, and exhaustion on the journey
- Uncertainty about the future
- Detention, fear of deportation, or legal involvement



Impact of Trauma on Interview Process



Trauma may make a youth:

- Fearful of strangers, particularly adults or authority
- Afraid to talk or have a hard time explaining events
- Become confused, forget or mix up details of past events
- Feel physically sick
- Seem uncooperative or without emotion





How to Avoid Triggering the Trauma

Remember:

- Children and youth who have difficulties communicating or those with the most severe behavior problems may be the most traumatized.
- People respond to trauma differently, so some traumatized children may appear to be functioning well.
- The judge in the juvenile court proceeding has already made a determination about the abuse, neglect or abandonment by a parent. It is not the role of USCIS to make a child welfare decision or to re-question the petitioner about the abuse, neglect or abandonment.





Cultural factors that may influence how a child responds to an adult, particularly a government official with authority.





Cultural Considerations

It is extremely helpful to understand certain aspects of the culture of the child being interviewed, particularly:

- How do children in that culture interact with adults?
 - Is eye contact considered rude or permitted?
 - When asked questions by adults, are children expected to respond briefly or with details?
- How do children in that culture perceive authority figures, such as law enforcement (police), government officials, a U.S. immigration officer?
 - Are they from a country where there is mistrust, lack of confidence in or fear of law enforcement?





Cultural Considerations (cont'd.)

How do children in their culture interact with their family?

- Most children have an ingrained response to defend their family or not speak ill of older family members.
 - This custom may inhibit children's willingness or ability to contradict information that might have been provided from an adult family member.
- Some families (in any culture) do not communicate well within the family environment, especially when members have been separated by time and by thousands of miles.
 - Conflicting information/stories may occur.





Cultural Considerations (cont'd.)

- In many cultures, extended family members and even certain close family friends are treated as part of the nuclear family.

Example: A “godmother” may not have any biological relationship with the child but because she raised the child, may be called (and considered to be) “mother.” People called “uncle” or “aunt” may not be blood-related, but treated as though they were.

- This may cause confusion when questioning the youth about who did what.





Multiple Interviews

- CBP, if apprehended crossing the border or later
- Clinicians and case workers and other staff within HHS shelters
- Social workers and case workers within a child welfare agency
- Legal service providers (lawyers, paralegals, and others)
- Immigration judges in Immigration Court, and
- Judges in juvenile court, where the youth may have either spoken him/herself or listened to a lawyer tell the story of the minor's abuse, neglect, or abandonment by a parent.



Pointers: Ending the Interview

- Do they have any questions?
 - Teens and young adults may have questions, such as when they will be informed of your decision and when they may receive work authorization.
- What happens next?
 - Explain the next steps in simple terms, for example:
 - How long it will take for a decision to be made?
 - How they will be notified of the decision?
 - How can they check on the status of their case?





Remember...

- You are one more interview, of many.
- You are a critical interview, one that may determine whether he or she may remain in the United States.
- The child or youth or young adult is most likely nervous and scared, even if accompanied by a lawyer, even if he or she is trying to appear “cool.”
- It is important that you get at the truth, but how you go about doing that may determine whether or not you are able to get the answers to your questions.





About this Presentation

- Author: USCIS, Office of Policy and Strategy
- Date of last revision: July 13, 2016
- This presentation contains no sensitive personally identifiable information (PII).
- Any references in documents or text, with the exception of case law, relate to fictitious individuals.
- Images in this presentation were purchased from Istock photo at www.istockphoto.com.



Disclaimer

This training module is intended solely for informational purposes. It is not intended to, does not, and may be relied upon to create or confer any right(s) or benefits(s), substantive or procedural, enforceable at law by any individual or other party in benefit applications before USCIS, in removal proceedings, in litigation with the United States, or in any other form or manner. This training module does not have the force of law, or of a DHS directive.



Resources Used in This Training

- Asylum Officer Basic Training Course. (2009) *Guidelines for children's asylum claims*. U.S. Citizenship and Immigration Services – RAIO – Asylum Division.
- Buffington, K., Dierkhising, C.B., & Marsh, S. C. (2010). *Ten things every juvenile court judge should know about trauma and delinquency*. Reno, NV: National Council of Juvenile and Family Court Judges. Downloaded October 4, 2015 from http://www.ncjfcj.org/sites/default/files/trauma%20bulletin_1.pdf
- Center for Innovation and Resources, Inc. (2011). *Guide for forensic interviewing of Spanish-speaking children* (2nd edition). Downloaded September 1, 2015 from www.CIRinc.org.
- Fontes, L.A. (2008). *Interviewing Children Across Cultures: A Practitioner's Guide*. NY: Guilford Press.
- Fontes, L.A. (2009) *Interviewing Immigrant Children and Families for Suspected Maltreatment*. Elmhurst, IL: APSAC Advisor.
- Fontes, L.A. (2010). *Interviewing Immigrant Children for Suspected Child Maltreatment*. Journal of Psychiatry and Law (38), 283-302..
- Lang, J.M., Campbell, K., & Vanderploeg, J.J. (2015). *Advancing trauma-Informed systems for children*. Farmington, CT: Child Health and Development Institute of Connecticut. Downloaded October 3, 2015 from <http://mha.ohio.gov/Portals/0/assets/Initiatives/TIC/Advancing%20Trauma%20Infomred%20Systems%20for%20Children.pdf>
- Lutheran Immigration and Refugee Service (2014). *Working with refugee and immigrant children: Issues of culture, law and development*. Downloaded September 1, 2015 from <http://immigrantjustice.org/sites/immigrantjustice.org/files/Appendix%20O%20-%20LIRS%20-%20Working%20with%20Refugee%20and%20Immigrant%20Children.pdf>
- National Child Traumatic Stress Network (NCTSN):
 - *Promoting culturally competent trauma-informed practices* (2005).NCTSN Culture & Trauma Briefs,1(1). Downloaded September 3, 2015 from www.NCTSN.org.
 - *Preliminary Adaptations for Working with Traumatized Latino/Hispanic Children and their Families* (2007).NCTSN Culture & Trauma Briefs, 2(3). Downloaded September 3, 2015 from www.NCTSN.org
 - *Guidance for working with unaccompanied migrant children*. Downloaded January 15, 2016 from www.NCTSN.org
 - *NCTSN Bench Card, for the Trauma-informed Judge*. Downloaded January 15, 2016 from www.NCTSN.org.
 - *NCTSN Bench Card, for Court Ordered Trauma-informed Mental Health Evaluation of Child: Sample Addendum*. Downloaded January 15, 2016 from www.NCTSN.org.
 - *The 12 Core Concepts: Concepts for Understanding Traumatic Stress Responses in Children and Families*. Downloaded September 3, 2015 from www.NCTSN.org



Resources Used in This Training

- Newlin, C., Steele, L.C., Chamberlin, A., Anderson, J., Kenniston, J., Russell, A., Steward, H., & Vaughan-Eden, V. (2015). *Child forensic interviewing: Best practices*. U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice. Downloaded September 1, 2015 from <http://www.ojdp.gov/pubs/248749.pdf>.
- Pilnik, L., Kendall, J.R. (2012). *Victimization and Trauma Experienced by Children and Youth: Implications for Legal Advocates*. Moving from Evidence to Action: The Safe Start Series on Children Exposed to Violence, Issue Brief #7. North Bethesda, MD: Safe Start Center, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs. U.S. Department of Justice.
- Reitman, K.A. (2011). Attorneys for children guide to interviewing clients: Integrating trauma informed care and solution focused strategies. Downloaded September 10, 2015 from http://www.stcl.edu/lawclinics/resources_pdfs/Interviewing_Children_Trauma_Informed_Integration.pdf
- Russell, A. (2004). *Forensic interview room set-up*. State & National Findings Words Courses Newsletter. American Prosecutors Research Institute (APRI), prepared under cooperative agreement from Office of Juvenile Justice Delinquency Prevention, U.S. Department of Justice. Downloaded September 20, 2015 from <http://www.nationalcac.org/professionals/images/stories/pdfs/forensic%20interview%20room%20set%20up.pdf>
- Somers, M. A. (2014). *Children in immigration proceedings: Concepts of capacity and mental competency*. Practice Advisory, produced for the Vera Institute of Justice's Unaccompanied Children Program. (unpublished)
- Subcommittee on Best Interests of the Interagency Working Group on Unaccompanied and Separated Children (2016). *Framework for Considering the Best Interests of Unaccompanied Children*. Prepared by The Young Center for Immigrant Children's Rights at the University of Chicago. (See Endnote #23 in the report.) Downloaded June 1, 2016 from <http://www.law.georgetown.edu/academics/centers-institutes/human-rights-institute/our-work/research/upload/Best-Interests-Framework.pdf>.
- UNICEF (2005). *Children and migration*. Factsheet. Downloaded September 1, 2015 from https://www.gfmd.org/.../gfmd_brussels07_contribution_unicf_children_and_migration_en.pdf
- UNHCR, Commissioner for Refugees, Community Services Guidelines, Working with Unaccompanied Children: A community-based Approach (2nd edition). Geneva: UNHCR, Revised May 1996.
- Walker, A, G. & Kenniston, J. (2013). *Handbook on Questioning Children: A Linguistic Perspective* (3rd Edition) ABA Center on Children and the Law, Washington, DC.
- Washington State (2009). *Child Interview Guide*. Harborview Center for Sexual Assault and Traumatic Stress and WA State Criminal Justice Training Commission, in cooperation with the WA State Department of Social and Health Services. Downloaded September 15, 2015 from <https://depts.washington.edu/hcsats/PDF/guidelines/WA%20State%20Child%20Interview%20Guide%202009%202010.pdf>

