ASYLUM SEEKER ADVOCACY PROJECT

Best Practices for Providing Legal Aid and Working Remotely

The Asylum Seeker Advocacy Project (ASAP) provides legal assistance to asylum-seeking families, regardless of where they are currently located. Our work has three components: online community support, emergency legal aid, and nationwide systemic reform. Since our founding in 2015, we have served over 4,000 asylum seekers at a distance in over 40 U.S. states and 5 countries, including asylum seekers forced to return to Mexico to await their trials. Our staff of 11 also work remotely, spread across 7 states.

This document includes some of our internal best practices on how to foster a sustainable remote workplace, provide remote legal services, and build community among clients at a distance. We are sharing it in light of the COVID-19 crisis, which is causing many other organizations to explore remote working and remote legal representation.

Setting up a Remote Workplace and Building Staff Community Remotely

A note on remote working in general

Remote working can be an exciting opportunity to attract and work alongside the most talented coworkers, without regard to their physical location. But remote working is much more likely to be successful and fulfilling if the organization's systems allow all staff to seamlessly connect with resources and each other at a distance. In a time when remote working is mandated for many, organizations now have the opportunity to shift systems in this direction.

Accessing mail, fax, phones, and other systems remotely

- ASAP uses a virtual mail service that receives our physical mail at a fixed address. Using an online interface, we are then able to scan and send items virtually or to forward physical items by mail to the right staff member as needed. We're happy to discuss more if helpful.
- We use a virtual fax number that allows us to receive faxes as electronic files and only print them when needed.
- We use a virtual phone number through Google Voice as our general contact line, which allows our staff to receive and make general calls and texts. We can also auto-forward calls and voicemails to various traditional phone lines and/or email addresses.

- We also use a shared password management software to make sure all staff can access various online and software accounts and update passwords for all staff members securely.
- Don't be afraid to use screen sharing to clear up confusion. It can be helpful to see exactly what another team member is looking at to understand the best ways to problem solve or get on the same page, particularly for tech/software issues.
- Slack is a very useful default platform for remote office communications. As opposed to email, Slack allows organizations to set up a transparent, accessible, and organized remote workplace, including in-app video calls and screensharing.
    - ASAP has multiple, programming-specific channels for each department; an all-staff channel for organization-wide announcements; a hangout channel for social connection; various operations channels for issues such as mail and expenses; management-specific channels; and a news and resource channel that staff can intentionally access or avoid in whatever way that best supports their mental health.
    - We are happy to discuss more about the benefits of defaulting to Slack over email for internal office communications, as well as the best ways to organize Slack channels and threads.

Connecting through video calls

- When communicating with coworkers, it is best to default to video calls over voice calls, and to only use voice calls when video calls are not possible.
- It is helpful to make sure all staff members have at least a few weekly recurring video calls, including departmental or team calls, check-ins with direct supervisors, and so on.
- We hold at least one staff-wide video call every two weeks, and we dedicate at least a quarter of the call to all-staff social interaction as opposed to substantive agenda items.
- We also schedule regular, optional hangout calls that staff members can join while they eat lunch, or just to chat.
- It can be helpful to encourage staff to set up video calls with a co-worker where they simply work at the same time, for the sake of company.
- If you find yourself messaging or emailing back and forth several times without reaching a resolution, shift to a video call—a conversation is likely needed instead.

Using calendars and to-do lists to communicate availability

- Make sure all staff can see each other's calendars. It is possible to show different levels of information to different staff members if needed (e.g. "Busy" vs. "Call with X").
- To promote work-life balance, we ask each staff member to visibly mark the times when they are offline (e.g. Mon. 5pm ET to Tues. 8am ET).
- We encourage staff to mark times on their calendar when they are working on longer projects and would prefer not to be interrupted.
- At all other times, we set an "open door" policy where staff feel comfortable asking each other to jump on a quick video call.

- ASAP uses a shared to-do list software as an organization. This allows staff to create and assign to-do's as a team, to quickly get a sense of what others are working on, and to make sure smaller tasks (e.g. making sure to periodically restart work laptops) aren't forgotten.

Setting up each employee's personal workspace

- It is helpful to set up each staff member office with the basics. Items may include a printer with scanning and copying capability, printer paper, ink/toner, sticky notes, pens, stapler and staples, two hole punch, prong fasteners, paper clips and binder clips, filing cabinet, shredder, office chair, desk, standing desk equipment, monitor, keyboard, and/or headphones.
- Staff should have an easy way to mail documents.
    - For example, ASAP has accounts with both USPS and FedEx, and our staff have a supply of regular envelopes, USPS priority mail flat rate envelopes, stamps, pre-printed return address labels, and blank address labels on hand.
    - USPS allows you to print priority mail labels from their website if you have an account, so documents that require tracking can be mailed directly without needing to go in-person to a post office.

Providing Remote Legal Services

A note on remote legal representation in general

When we first started ASAP, we saw remote representation as a last resort option, necessary when the client could not access traditional legal services—but not ideal. However, over the past 5 years of doing this work and seeking feedback from hundreds of clients on their experiences, we have come to realize that many clients actually prefer remote representation to in-person models.

Remote representation makes it easier to accommodate clients' busy schedules with work and childcare and means that they do not have to find a way to travel to a physical office, which is especially difficult for people who are not able to drive or cannot access public transportation. Working with someone by phone or video also makes it easier to have multiple follow-up conversations within a relatively short period of time, breaking up difficult or heavy conversations and building rapport gradually.

Getting in touch with clients remotely

- When you first introduce yourself to a client, send an initial text message before you make a phone call. Let them know how you got their contact information and what service you are hoping to provide. It is also helpful to share information about the organization you work for, including the organization's website.

- Before collecting information, be sure to ask the client where they are and who they are around. A client may say they can provide contact information or review a legal filing without realizing that they are not in a space that allows them to share comfortably or maintain attorney client privilege. Being in a non-private space may cause clients to filter their answers to say only what they feel comfortable disclosing to those around them, rather than providing the whole answer.
- In the initial call, ask the client what their preferred mode of communication is (e.g. text, call, WhatsApp message, Facebook message). Include that information as a "Best Practices for Communicating" case note pinned to the top of their case record.
- Make sure you won't lose access to the client if their preferred mode of communication changes. Without a brick and mortar office, it is important to have as many backup methods of communication as possible.
- Ask clients to share all possible methods of communication. If we can't reach them by phone for whatever reason, how else could we get in touch?
    - Do they have a Facebook account? Many of our clients' phone numbers change regularly while their Facebook profile remains consistent.
    - Do they have a WhatsApp account?
    - What is their physical address? Is it a reliable place to send physical mail? Are there any other places we can or should send mail in their primary physical address is unreliable?
    - Ask for the contact information of a family member or friend, where available. If we are not able to get in touch with the client, it is very helpful to be in touch with other people in their lives.
    - While these mediums are less common with our particular clients, feel free to ask about email, fax, and other options.

Building trust and rapport with clients remotely

- It is important to build rapport and trust with your client. One way to do this is to give verbal cues that you are listening and to use spoken language to convey kindness, understanding, and patience. This is especially important when talking about traumatic events.
- It is helpful to tell someone up front if the call will cover difficult topics, to offer them breaks during such calls, to leave time at the end of a difficult call to talk about less traumatic topics and answer any remaining questions.
- Be transparent about the obstacles you may face providing trauma-informed care remotely, e.g. "I am talking to you on the phone, so I can't always see how my questions are impacting you. I'm sure these are difficult questions to answer, so please tell me if you need a break."
- Video phone calls can be helpful for building relationships with clients and allowing both sides to read non-verbal cues. This helps us to be mindful of how the topics we discuss are impacting our clients. Here are some situations in which we have chosen to use video calls:
    - Introducing yourself for the first time.
    - Asking difficult questions about traumatic events in someone's past, e.g. in an asylum application.

    - Identifying whether a client is comfortable with moving forward with a case, e.g. when reviewing a retainer or making a strategic decision related to litigation or press.
- When determining the best platform for a video call, it is worth considering software that clients are already familiar with because they are using them to communicate with family and friends. For example, most of our clients are already using WhatsApp to communicate by text message with relatives abroad. Because WhatsApp is a familiar app that also has a video feature, it is the video platform we most often use. If using WhatsApp, make sure the client has WiFi access if they are calling from their phone.

Maintaining regular communication

- Set clear expectations about the frequency of communication you expect to have with a client and how they can reach you if an urgent situation arises.
- Set expectations for when you'll be able to answer the phone or respond to messages, including by letting clients know about your regular work hours.
- For long-term cases, make sure to follow up with clients at least once per month. This is especially important when there is a long wait time for a decision to come out.
    - Assign yourself a to-do list reminder to call at least once per month.
    - Long wait times can lead to the general anxiety of waiting to hear back. Give the client a sense of assurance that you are checking on their case regularly and that you are still attentive to the case, e.g. let them know if you are calling the court hotline every week to make sure there is no update.
- Communicate what the client should feel comfortable calling you for. In general, make sure they know they can call you if they have questions about what's going on in their case. Let them know it's fine for you to repeat anything you've explained before.

Communicating with people and collecting evidence outside the United States

- You may need to work with a client, their family members, or other contacts outside the United States. In this situation, we communicate primarily through Facebook Messenger, WhatsApp, and Skype. You should also determine whether your cellular plan allows for certain international messaging and calls.
    - FB Messenger and WhatsApp are our preferred choices because voice and video calls are free over WiFi.
    - If the person does not have access to WiFi, ask if they have a family member or neighbor with access to WiFi.
    - If this is still not an option, you can purchase Skype credits so you can call their landline or cell phone directly.
- Relatives or other contacts abroad may have more access to collecting documentary evidence for a client's case. It is valuable to explore these possibilities and to communicate with these contacts directly if the client feels comfortable and gives you permission.
- Collecting information from someone abroad (or even in the United States) can be difficult. If the contact does not have access to a scanner, email, or fax, you can also ask them to take

a clear photograph of the evidence or document and text it to you via text or WhatsApp. You can also ask the contact to use a scanner app on their phone.

Preparing filings and setting realistic timelines

- Always work backwards from the deadline and figure out a realistic timeline for submitting the filing in time.
- If you need a physical signature, make sure to factor in the time you will need to send the filing to the client and have them return the physical signature back to you.
- Review the timeline with your client to understand if it is reasonable on their end.
- Make sure you clearly review all the logistics of submitting the filing, especially if you are filing something very time sensitive.
    - For example, ask the client whether they have access to a photocopier, and if not, make photocopies for them as needed.
- Talk through as many variables as possible and leave room in your timeline for things not to go as planned.

Getting signatures

- Double check to make sure original signatures are truly required. For example, on March 20, 2020, U.S. Citizenship and Immigration Services relaxed original signature requirements due to the COVID-19 crisis. On April 3, 2020, the Executive Office for Immigration Review also relaxed original signature requirements.
- If you will be collecting signatures and mailing the final filing yourself, it can be faster to priority mail the document out to the client, including a tracking number, rather than asking the client to print the document themselves and then mail it to you. You can also include a pre-addressed and stamped return envelope.
- If mailing a document to a client, use a sticky note to clearly indicate where the client should sign or date the document.
- If you don't need an original signature, you can try the following:
    - Have the client sign on their phone. For example, this video made by Legal Aid of North Carolina explains how to sign a document on a phone using WhatsApp and Adobe.
    - Ask if the client has access to email and a computer. If so, you can email the document, have them sign on the computer using a program such as Adobe, and return by email.
    - Ask if the client has access to fax or to printing and scanning.
    - Ask if they can take a clear picture of the signed page.

Getting passport photos

- Finding a way to get passport photos can be challenging without transportation.
    - Make sure the client understands that passport photos have to meet specific requirements.

    - Give them a list of places they could get passport photos taken, e.g. Target, Walmart, CVS, etc.
- If the client is unable to obtain a passport photo in person, you can also capture and print passport photos remotely, with the right tools.
    - Ask the client to take a photo of themselves against a plain white or off-white backdrop, from the shoulders up, and text or email it to you.
    - Ensure that the photo meets U.S. passport photo requirements and is sized to be exactly 2"x 2". A passport photo app can help.
    - Print the photo in color on photo-quality paper and carefully cut it out.

Reviewing final filings with clients

- When you are reviewing a filing with an individual on the phone, it is helpful for both sides to have a visual reference point.
- If you are preparing and submitting the filing, you could try the following:
    - If time permits, mail the entire filing to the client so they can review the physical document and then mail it back. Before mailing any documents, ask the client whether documents can be reliably sent to their home address or whether they should be sent elsewhere to ensure the package can be received securely.
    - Send a PDF file by text, WhatsApp, or other means.
    - Send sequential photos of the filing by text, WhatsApp, or other means.
- If the individual is preparing and submitting the filing themselves, you could try the following:
    - Use a video call to review the final filing together, which allows you to make sure the individual signs and dates in the right places and assembles pages in the right order in real time.
    - Request sequential photos to confirm everything is included in the right order.

Explaining how to mail documents

- Finding a way to get to the post office can be challenging if the person does not drive or know how to take public transportation.
    - Help the client look up the closest post office to their address. (Using Google Maps, you can type in "USPS near me.")
    - If the client doesn't speak English, send the client a short text in English that communicates what they need, so they can show it to a postal employee if needed.
        - For example, "I need a blue priority envelope with 2-3 day shipping and a tracking number. Could you help me find this?"
    - Get a general sense of when the client is going to the post office and let them know who to contact if they have issues.
    - If the client is getting a tracking number, communicate that they need to take a photo of the receipt or the envelope with the tracking number.

Preventing Client Isolation and Building Client Community Remotely

ASAP manages two private online communities for over 4,000 recently arrived asylum seekers in removal proceedings in the United States. The communities are secret groups by invitation only—one is specifically for mothers and the other is for asylum seekers of all genders. In the groups, ASAP staff post resources, answer legal questions, share local referrals, and connect with individuals who need *pro se* assistance on urgent forms and filings.

If you are working with clients who are similarly situated to one another, it may benefit them to have the opportunity to connect with one another. While ASAP provides legal assistance and information within our online communities, the groups are also powerful spaces of mutual support and community. If you are interested in setting up an online community or have questions about how it would work, we would love to help—please contact us!

To Learn More

Please contact us at info@asylumadvocacy.org if you have questions or would like additional information or support! Visit ASAP's resources page for legal guides and toolkits for advocates and attorneys at www.asylumadvocacy.org/resources. For resources in Spanish on how to navigate the asylum process in the United States, visit ASAP's Spanish-language website: www.apoyodeasilo.org.