



Acacia Center for Justice

Defending Children and Overcoming Burnout in a Harmful Immigration System

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The Acacia Center for Justice is a nonprofit organization which builds, strengthens, and expands a network of immigrant legal defense programs through partnerships with immigrant legal services organizations across the country. Our familiarity with the partners in our network and the challenges they face motivated us to do this research to better understand their experiences. This project was funded by the Vera Institute of Justice. Rebecca DiBennardo of Vera drafted the research design, led the project from the early stages, and conducted some interviews. The remainder of the interviews were conducted by Alyssa Snider and L Gagne when employed by Vera. Nina Siulc oversaw the project at Vera and continued to provide invaluable feedback through the analysis and writing stages, which occurred at Acacia. Any errors are the responsibility of Acacia.



Executive Summary

Thousands of immigrant children arrive in the United States each year without an adult legal guardian. When they do, they immediately face an inhospitable and harmful immigration enforcement system, and they often face this system alone. According to the Congressional Research Service, fewer than 54 percent of unaccompanied children whose cases concluded between FY18 and FY21 had legal representation.¹ However, the Office of Refugee Resettlement (ORR) — the federal agency charged with overseeing the care and supervision of unaccompanied children and youth — has stated that they aim to achieve a 100 percent representation rate by 2027.² This laudable and ambitious goal will not be achieved without the development of a robust and sustainable workforce of attorneys capable and willing to do this work. To effectively grow and sustain this workforce, policy makers, funders, law schools, practitioners, and researchers need to understand, value, and respond to the experiences of these attorneys.

This report builds on a body of research that examines the experiences and outcomes of children and youth to shed new light on the experiences of the attorneys who defend them in their immigration proceedings and have such profound effects on their lives and cases. Based on interviews of 50 attorneys, this research centers their voices and sheds new light on the sometimes-paradoxical complexity of their experiences. The research shows how the violence of the immigration system — most directly experienced by the people facing deportation — extends to the attorneys who defend them. Attorneys representing children are harmed in several different ways. They experience moral injury — the pain associated with working in a system that operates contrary to their values. They suffer from vicarious trauma through exposure to their clients' prior traumatic experiences. Finally, attorneys working in this field experience high rates of burnout — the exhaustion and reduced effectiveness caused by cumulative work stress.

Together, these harms make it harder for attorneys to do their jobs and sometimes drive them to leave their positions. Overcoming these challenges is crucial to ensuring the sustainability of the immigrant defense attorney workforce. Policymakers, immigration legal defense organizations, and the funders that support them must implement strategies to meet these challenges and build and sustain the capacity in the field necessary to ensure that no child faces deportation without an attorney.



Recommendations for Policy and Practice

We recommend three strategies which should be implemented to meet these challenges:

1. Support Holistic Service Models to Mitigate the Effects of Vicarious Trauma and Burnout

This research shows how the role strain that comes from taking on new duties outside of the legal realm can exacerbate attorney burnout. Attorneys we interviewed spend a substantial amount of time assisting clients with nonlegal matters, such as enrolling in school, finding housing, and navigating health problems. Burnout is also exacerbated by the vicarious trauma attorneys experience when discussing clients' traumatic experiences. Organizations can address these challenges by employing holistic service models, which entails hiring case managers, social workers, and therapists to support their clients. However, organizations cannot do this alone; rather, they require the support of state and federal government agencies and private funders to employ these models and relieve some of the pressure attorneys feel to stretch beyond their typical roles to meet their clients' legal and non-legal needs.

2. Integrate Education on Vicarious Trauma in Law School Curriculum and Make Trainings in Immigration Law Workplaces More Robust

Sufficient education on vicarious trauma and burnout both in law school and in the workplace could improve attorneys' experiences. While trainings on trauma-informed engagement and vicarious trauma have become common in immigration law workplaces, such trainings rarely extend beyond a single session. Moreover, such education is relatively rare in law school, where students are typically trained to separate emotions from the law. Ensuring that there are multiple opportunities for attorneys to be educated on the prevention and treatment of vicarious trauma and burnout can mitigate these harms and help make this work more sustainable.



3. Provide Adequate Institutional Support, Flexibility, Better Salaries, and Sustainable Caseloads

Individual-level self-care is only possible with adequate institutional support. Legal service organizations and program funders should support adequate salaries, robust and holistic benefits packages, and organizational policies that reduce vicarious trauma and burnout. Low salaries are a particular problem at organizations serving child migrants. In building a strategy to reduce vicarious trauma and burnout, sufficient salaries are necessary to retain expert and supervising attorneys in the field, address financial stress experienced by many attorneys, and allow attorneys to afford supportive self-care tools. However, salary increases should be accompanied by robust benefits packages that include access to mental health services and organizational policies that allow for flexibility. Special attention should be paid to caseload distribution and management in order to reduce the number of high-trauma clients a single attorney is assigned, while also being responsive to attorney preferences and professional development goals. Implementing these changes would help reduce the pressures of the work and better allow attorneys to thrive in their work with unaccompanied children and youth facing deportation.



“I don’t know how to turn this off at the end of the day. I mean, I wake up thinking about cases. Or I can’t go to sleep because I’m cognizant of something that I need to do or haven’t done. So, even the known things kind of haunt me. But I think professionally it’s the unknown things that haunt me probably more. Because for as much as I can do...are you familiar with the starfish story? About the starfish. That millions of starfish floated up on the beach. And there was a little boy who was walking down the beach and throwing them [back] into the ocean. And an old man came up to him and said, ‘What are you doing?’ And he said, ‘I’m saving the starfish.’ And the old man said, ‘You know there are millions. You couldn’t possibly make a difference.’ And he picked one up, and he threw it in, and he said, ‘I’m making a difference to that one.’... I use that analogy because it keeps me alive.

*And I think it’s true that **you can make a difference one person at a time.**”*

- Abby, Staff Attorney



Introduction and Summary

The many thousands of immigrant children and youth who arrive in the United States each year without an adult legal guardian* –over 436,000 between FY21 and FY23³ – face an inhospitable and harmful immigration enforcement system. Building on research that examines the experiences and outcomes of those children and youth,⁴ this report sheds light on a group of key actors shaping unaccompanied children and youth’s experiences: the attorneys who represent them in their immigration proceedings. While research has shown that certain types of attorneys face high levels of vicarious trauma and related phenomena, little is known about the experiences of attorneys representing unaccompanied children and youth. This study reveals how the U.S. immigration system imposes harms not only on the immigrant youth it seeks to exclude and remove, but also upon the attorneys that defend them.

Understanding the experiences of attorneys who represent unaccompanied children and youth is critically important, as demand for their services has reached historic highs. According to the Congressional Research Service, fewer than 54 percent of unaccompanied children whose cases concluded between FY18 and FY21 had legal representation.⁵ However, the Office of Refugee Resettlement (ORR) – the federal agency charged with overseeing the care and supervision of unaccompanied children and youth – has stated that they aim to achieve a 100 percent representation rate by 2027.⁶ Dramatically increasing the proportion of unaccompanied children and youth with legal representation requires a robust and sustainable workforce of attorneys capable and willing to do this work. Effectively growing and sustaining this workforce requires understanding, valuing, and responding to the experiences of these attorneys.

Drawing on interviews with 50 attorneys who have represented unaccompanied children and youth, this report represents a first step towards that goal by providing a detailed analysis of attorney experiences. Through the interviews, we found that attorneys for unaccompanied children face harm in three primary ways: moral injury due to their work within a harmful system; vicarious trauma due to working closely with traumatized individuals; and burnout due to cumulative stressors and pressure. After exploring these challenges, we offer recommendations for how we might address them to promote recruitment and retention in the field.

* “Unaccompanied children” is the legal shorthand for children in this circumstance.



Burnout, Vicarious Trauma, and the Need to Study Attorneys Defending Children

Since the early 2000s, many studies have explored the experiences of attorneys and how exposure to their clients’ traumatic experiences affects their health and well-being. Drawing insights from psychology, medicine, and social work, this research explores burnout, secondary and vicarious trauma,* and compassion fatigue. Symptoms of these three phenomena manifest differently and there are distinctions in the ways researchers measure the concepts. However, the three are closely related and all offer frameworks to understand the mental, emotional, and physical effects of providing services to clients who have experienced trauma.⁷

Early studies into the experiences of attorneys demonstrated high rates of burnout and trauma-related disorders among attorneys, with some studies demonstrating that lawyers experience higher levels of vicarious trauma than previously identified vulnerable populations such as mental health workers⁸. Studies that looked at specific types of lawyers initially demonstrated that public defenders, criminal lawyers, and domestic violence lawyers were particularly vulnerable to vicarious trauma and burnout.⁹

The requirements of many immigration processes and the structure of the immigration system suggests that immigration attorneys may also be particularly susceptible to vicarious trauma because they work so extensively and intensely with traumatized clients.

As Cartwright et al (2020) write, “Given the layers of trauma that immigrant clients may be exposed to before even entering law offices, it is no surprise that many immigration attorneys...find themselves regularly exposed to trauma as part of their legal practice.”¹⁰

In 2021, researchers Harris and Mellinger reported on findings from the largest survey to date of asylum attorneys in the United States. This survey aimed to assess rates of secondary trauma and burnout among asylum attorneys and identify demographic and contextual factors shaping differing degrees of burnout and secondary trauma. Harris and Mellinger turned to asylum attorneys because of the way that the asylum system in the United States requires attorneys to continually review and discuss traumatic events with their clients. This results in an inherently high level of exposure to client trauma amongst asylum attorneys. Their survey results, based on responses from 700 attorneys, indicated much higher levels of self-reported symptoms of burnout and secondary traumatic stress among asylum attorneys than previously surveyed populations, which have included immigration judges, social workers, hospital doctors, nurses, and prison wardens.¹¹ Moreover, their analysis showed that female identifying attorneys, attorneys

*Cartwright et al (2020) note a subtle distinction between secondary and vicarious trauma. Secondary trauma refers to the post-traumatic stress symptoms from working closely with trauma narratives, while vicarious trauma also includes cognitive shifts in response to such trauma exposure. Here we will primarily refer to vicarious trauma.



of color, and solo practitioners reported more symptoms than others — suggesting that both demographic and contextual factors shape vulnerability to secondary trauma and burnout among attorneys.¹²

While we know that immigration attorneys, particularly those representing clients seeking asylum, experience high rates of secondary trauma, vicarious trauma, and burnout, researchers have not specifically explored the experience of attorneys representing unaccompanied children and youth. This report turns attention to the experiences of this group of attorneys for two reasons. First, attorneys' experiences are shaped and influenced by the populations they engage with and represent. Just as research has shown that those representing death row inmates or victims of domestic violence face unique stressors and experiences, we believe that representing unaccompanied immigrant children and youth places unique pressures on attorneys. Secondly, calls to expand representation for unaccompanied children and youth cannot be answered without a workforce that is both willing and able to engage in the difficult work of representing these clients. Centering the experiences of attorneys who represent children and youth is critical for providing policy makers, program administrators, and funders with the information they need to effectively build and sustain this critical workforce.

Study Design and Methods

This paper is based on research carried out at the Vera Institute of Justice and the Acacia Center for Justice. Informed by existing research on immigration attorney experiences, as well as our own involvement administering legal orientation and representation programs for unaccompanied children and youth, the project aimed to understand the experiences of attorneys representing children, the challenges they face, and strategies they use to cope with those challenges.

Because of the open-ended and personal nature of these questions, and our desire to ask follow-up questions to probe emerging themes, we determined that individual interviews with attorneys would be the most fitting research approach. We designed an interview guide, and tested and refined it among attorneys who had previously represented unaccompanied children but who were no longer engaging in direct representation. Although Vera and Acacia work with a large network of attorneys, the interviews conducted for this study included but were not limited to attorneys within those networks. Research participants were recruited primarily via privately managed email listservs for immigration attorneys,* including email listservs focused on different regions or specific forms of legal relief. Participants were also recruited through our own professional networks. Snowball sampling was subsequently used to identify and recruit additional participants.

* These listservs were not managed by Vera or Acacia.



Ultimately, 50 attorneys participated in the project. **Table 1** shows characteristics of the attorneys recruited, including demographic information, the types of organizations where they work, and their positions at their organizations. A large majority of our sample identified as women; over half identified their race as white; and half were under the age of 35. Most worked for non-profit organizations at the time of the interview. Our sample included attorneys at all levels of seniority, but about half were staff attorneys or equivalent. It must be noted that our sample was small and not selected randomly. Thus, the characteristics of the attorneys interviewed cannot be understood as representative of all attorneys who work with unaccompanied children nationally.**

Interviews were conducted via recorded Zoom video calls between July and October 2022, and lasted between 60 and 90 minutes each. Each attorney interviewed was provided with a \$50 incentive to participate. After interviews were completed, the researchers typed up interview notes. The interview recordings were transcribed by a professional transcription company. We analyzed the interview transcripts using a combination of inductive and deductive coding, redefining codes when necessary to identify recurring and significant themes. Analysis was conducted to determine the prevalence of themes across those surveyed. Specifically, we sought to pull out the most common themes spoken about by participants, to identify those that reflected or spoke to findings in other studies, and to highlight potentially important topics for future studies. All attorneys interviewed were assigned pseudonyms to protect their identities. Quotations used in this report have been edited for length and clarity, and to ensure the confidentiality of participants.

** Compared to a recent national survey of immigration attorneys more broadly, our sample skewed more female and much younger. See The AILA Marketplace Study 2022 (endnote 28) for more information.



Table 1: Participant Characteristics (N=50)*

Gender	Count	Percentage
Female	41	82%
Male	7	14%
Nonbinary	2	4%
Race		
White	30	60%
Latino/a	13	26%
Black or mixed race	7	14%
Age		
Under 35	25	50%
35-44	17	34%
45+	8	16%
Organization Type		
Nonprofit	40	80%
Private	6	12%
Academic	4	8%
Position		
Staff Attorney or Fellow	24	48%
Senior Staff Attorney	5	10%
Supervising Attorney	2	4%
Managing Attorney	10	20%
Director or Owner	6	12%
Clinical Professor	2	4%

* Participants provided their age and position and self-defined their own race and gender. The researchers identified organization type. Categories in this table were grouped by the researchers.



Content Warning: This report includes interview excerpts and discussions that some readers may find disturbing, including discussions of sexual abuse and violence against children and youth.

Attorneys Do Not Escape the Violence of the Immigration System

Though the immigration system harms immigrants most severely and directly, our research demonstrated that immigration attorneys do not escape the violence of the system. We found that attorneys who represent unaccompanied children face work-related harm in three specific ways: moral injury, vicarious trauma, and burnout. These harms reduce their ability to protect their clients, disrupt their personal lives, and sometimes lead them to stop practicing immigration law altogether, reducing the capacity of the field to manage existing cases or accept new ones.

Moral Injury: Participating in a Harmful System

Attorneys we interviewed uniformly and consistently expressed the belief that the immigration legal system is harmful to youth. Lawyers described the immigration system as “violent,” “racist,” and “oppressive,” and discussed in detail the injustices their clients suffer throughout the legal process, during case preparation, within the courtroom and asylum office, and when faced with negative case outcomes. The attorneys witness these injustices and share in their clients’ fears about what might happen if they cannot obtain legal relief. This leads to a phenomenon called moral injury, or the distress and guilt experienced when one perpetrates or is unable to prevent something contrary to their values. Immigration attorneys are likely to experience moral injury at many stages throughout the immigration process, as the system harms immigrants at multiple points.

One area where attorneys experience moral injury is seeking legal relief, which constitutes the core of their jobs. The attorneys explained that the most common forms of legal relief available to unaccompanied children – Special Immigrant Juvenile Status (SIJS) and asylum – both require the child to have experienced prior trauma.* Asylum officers and immigration judges expect detailed accounts of the client’s past traumatic experiences to establish credibility and eligibility for relief. Thus, in order to demonstrate that they qualify for relief, youth must repeatedly recount details of their traumatic experiences – first to legal staff upon intake to learn whether they qualify for relief, then again with their legal teams to flesh out their case and practice providing testimony, and finally to an asy-

*SIJS is a form of legal relief which requires that a child has been abused, abandoned, or neglected by a parent or guardian, whereas asylum requires, among other criteria, that a person would face persecution in their country of origin if deported, typically based on evidence of past persecution or harm. Less common forms of legal relief for youth also rely on past traumas, for example, domestic violence (VAWA), human trafficking (T visa), and crime victimization (U visa).



lum officer, an immigration judge, or both, who may be hostile and intimidating.¹³ Private attorney Susan reflected on the way trauma is required to be recognized as deserving of relief:

The court wants trauma. The court responds to trauma. The court is not going to let you live in America unless you've been through hell. ...[If] you're going to apply for asylum, man, you've got to talk about not only "I was raped," but "I was raped four times and these were the circumstances of each time," and details.

The lawyers we interviewed frequently described this aspect of the process of obtaining legal relief as retraumatizing for the youth and felt conflicted about their participation in the process - a hallmark of moral injury.

For example, senior attorney Lucy recalled working with a client who would turn 18 in two days, at which time she would become ineligible for legal relief. Lucy knew that the rapid case preparation was retraumatizing for her client, who was visibly upset during their meeting. But Lucy felt that she had no choice but to continue because of the short timeline. She later doubted her decision, wondering whether it was more important to file for legal relief or to respond to her client's emotional needs at that moment. Fifteen of the attorneys interviewed shared similar concerns about the ways in which they may be contributing to clients' retraumatization during client meetings. However, they felt that this aspect of the legal process could not be avoided since documenting the client's trauma narratives is required for legal relief.

Attorneys also experience moral injury by supporting and bearing witness to their clients, who live in a constant state of fear while awaiting the government's determination on whether they have a legal right to remain in the United States. Managing attorney Miranda described the prolonged fear that clients experience knowing that they are at constant risk of deportation:

When people are in removal [proceedings]...there's this sense of urgency. Even if the individual hearing is three years out, there's this feeling of fear that 'any day now, ICE is going to come to my house and they're going to deport me.'



It is not an unreasonable fear. For example, another attorney, Julia, shared her regret about a youth who was eligible for SIJS, but who was deported after a workplace raid before she could obtain lawful permanent residency.

Children who are granted SIJS do not gain lawful status until they are able to adjust their status to lawful permanent residency, a process that is significantly delayed by visa backlogs.¹⁴ * The fears associated with the liminal status of those unable to adjust their status are exacerbated by the historically unprecedented backlogs in the immigration system, which result in cases taking longer to resolve with each successive year. For example, more than 80 percent of youth who arrived in the U.S. since FY18 still had pending immigration matters at the end of FY2021, leaving them vulnerable to immigration enforcement as they wait for their cases to be adjudicated.¹⁵ These backlogs can put youth in precarious positions. Depending on where they are in the immigration process, they may or may not be able to obtain a work permit or a driver's license during these years of waiting, even as they become young adults who need to support themselves.

Immigration legal proceedings are also a frequent source of trauma and uncertainty for youth. One researcher studying the atmosphere of immigration court described the hearings as chaotic and rushed and noted that the interpretation provided was often partial or inconsistent. These factors resulted in children manifesting visible signs of anxiety and expressing confusion about what was happening during the proceedings.¹⁶ Other researchers have described judges and prosecutors being antagonistic, hostile, or intimidating.¹⁷ Again, repeatedly witnessing their clients face these traumatic systemic injustices results in stress to the attorneys, as well as to the youth themselves.

Finally, attorneys experience moral injury when they feel conflicted about their involvement in immigration proceedings that end in a client's deportation.¹⁸ For some, this led to the common fear that if they cannot win a client's case they may be complicit or even partially culpable for the client's deportation and other harms experienced in the immigration system. For example, Maria, a senior attorney, shared:

*In 2022, USCIS updated its policy guidance to consider deferred action (and related employment authorization) for youth classified as SIJ but who are unable to adjust status to lawful permanent residency due to insufficient visas. Despite this improvement, these youth remain vulnerable to immigration enforcement. See: USCIS. Special Immigrant Juvenile Classification and Deferred Action. USCIS Policy Alert PA-2022-10, March 7, 2022. Accessed May 31, 2024 at: uscis.gov/sites/default/files/document/policy-manual-updates/20220307-SIJAndDeferredAction.pdf



Emotionally, it's very draining. Yesterday, I can tell you, this case we got set for trial in October for an individual merits hearing [before a judge]. This case should have been granted [by an asylum officer, without needing to go to trial]. And I'm very upset that we're having to put on a whole trial, retraumatize this poor kid, and this judge has a 95 percent denial rate. So, it's very demoralizing. I feel like a salmon going up against the current. ...I know that I'm going to have to fight for him and do all of these things. And just remind myself that whatever we work on and we put forth in the trial, the moment it's out of my mouth, it's out of my control. And that's hard.

For Maria, the inequity structurally inherent in the U.S. immigration system is central to her feelings of moral injury and associated distress. Here, Maria is drawing attention to the violence institutionalized in the U.S. immigration system when she highlights that the judge the child is scheduled to go before has a 95 percent denial rate. As research and public data consistently demonstrate, the likelihood of an individual being granted relief varies immensely between immigration courts and individual judges, and these factors greatly impact the likelihood that a child or youth will have a positive case outcome.¹⁹ Because the outcomes of children's cases are so heavily dependent upon which judge they are assigned, Maria now fears that she is putting her client through a traumatizing process for no reason, as he is likely to ultimately be ordered deported – an outcome which she views partially as a failure of her own work.

Vicarious Trauma: Engaging with Clients' Pain

Vicarious trauma was a near-universal experience for the attorneys interviewed, with 92 percent of those interviewed describing experiences that align with the definition and symptoms of vicarious trauma. Vicarious trauma is “the emotional residue of exposure that counselors have from working with people as they are hearing their trauma stories and become witnesses to the pain, fear, and terror that trauma survivors have endured,”

92%

of those interviewed described experiences that align with the definition and symptoms of vicarious trauma.

which results in symptoms similar to those of post-traumatic stress disorder and is strongly linked to burnout.²⁰ While the term was originally developed to understand this phenomenon among mental health counselors, the concept has since been extended to include other professions that interact closely with traumatized individuals, including immigration attorneys.²¹

Previous research on vicarious and secondary trauma among immigration attorneys has tended to be quantitative survey research assessing the prevalence and



degree of these phenomena, as well as factors affecting them, such as caseloads, work environment, and the gender and race of attorneys. The qualitative approach used here complements that work and reveals more about the processes through which these traumas manifest.

As mentioned in the previous section, attorneys for unaccompanied children must solicit traumatic stories from their young clients. Unlike many other professions that regularly deal with traumatic narratives, attorneys spend many hours with their clients' stories, repeatedly examining them closely, identifying how they qualify their clients for legal relief, and shaping them to fit the needs of the next brief or application. This proximity can lead attorneys to develop symptoms of vicarious trauma. For example, Attorney Leah describes how she has experienced vicarious trauma as a result of her clients' traumatic stories:

I have a very distinct memory of laying on my sofa after working with a young person who had been raped many times, and having just listened to her tell me about that, and just like not understanding why I couldn't move, like physically couldn't move off my sofa. ... I get to learn so many interesting things every day from my clients, but the stories are really hard, and I feel really helpless much of the time.

Another attorney, Kristen, reflected on the deep ways in which these experiences have haunted her for many years:

The last asylum hearing I did was in 2018 or '19. ...I still have this recurrent nightmare because the facts of the case were so vivid and his tragedy was so vivid to me. ...To this day, I had this recurrent dream that mail comes to my apartment and it's on a manila envelope. And when I open it, I can see and feel the drops of blood coming out of the mail. I open the mail and it's [the five-year-old] little child's head.

Additional symptoms of vicarious trauma highlighted by interviewees include intrusive thoughts, anxiety, and panic attacks (especially in response to depictions of violence), difficulty managing emotions or empathizing, distancing or detachment from personal relationships, and a sense of hopelessness. Some attorneys further indicated that these symptoms are worse or more common when they share experiences or identities in common with their clients.



Overwork and Burnout: Pressure to Do More

Despite their vicarious trauma, attorneys’ dedication to their clients can often lead attorneys to overwork. Most legal service providers who represent children are non-profit organizations with limited resources. In order to provide services to children at no cost, providers often rely upon government or private funding to cover attorney salaries and other expenses. Limited funding and significant restrictions on what the funding can cover (i.e., social workers, support staff), combined with high demand, place legal service providers in the complicated position of trying to ensure as many children as possible are provided with representation without overburdening staff.

Thirty-three attorneys explained the constant internal pressure they feel to do more to protect their clients, especially unaccompanied children, for whom they often believe they are the sole protective adult in the client’s life. Supervising attorney Sara said, “I often wonder if I should be doing more for my client. I don’t know what the balance is... I don’t know if I’m giving enough without sacrificing my own wellbeing.” Expanding upon a similar thought process, Annie explained how she “feel[s] really scared to let [clients] down, that if [she makes] a mistake, the consequences are going to be so grave.” Many of the attorneys interviewed expressed a similar sentiment – that they feel a responsibility to do as much as possible to protect their clients from harm, though they are often powerless to prevent it.

This often leads the attorneys to take on tasks outside of their role as attorneys. For example, many attorneys assist clients with issues unrelated to the legal case – including everything from accessing social services to providing mental and emotional support as they work through past traumas to document them as part of their cases. Staff attorney Hannah explained:

They’ll ask me questions like, “How do I enroll in school? How can I find a therapist? How do I go to the doctor?” All these kinds of questions that I never had to navigate as a kid because my parents took care of everything, and knew the system, and they made my appointments and I just showed up.

Of the sample of 50 attorneys, 22 explicitly stated without being prompted that they feel like both a lawyer and a social worker or therapist, though without the requisite training for the non-legal work. The attorneys frequently reported providing a level of emotional support to clients that extends beyond a typical attorney-client relationship, which can cause them some discomfort. Joyce, a nonprofit director, reflected that assisting youth with matters better suited for social workers or therapists is “probably



a disservice to my clients, because I’m just not qualified to offer that kind of counseling.” Nevertheless, many attorneys continue to offer this type of support to their clients because trained social and emotional support services are often unavailable, and they care deeply about their clients’ needs.

This pressure can drive attorneys to work more hours than is sustainable to help each client. 23 attorneys commented on their high caseloads, with some as high as 127, which is more than 3 times the recommended caseload for attorneys serving unaccompanied children. In turn, 14 further admitted to working outside regular hours. High caseloads cause attorneys to work outside regular hours and result in less time available to dedicate to each case. Laura explained how she tries to thread the needle of working enough on each client’s case with a very high caseload:

There’s cases that have really urgent things, but there’s also cases that have equally important items, but they’re not as urgent. Then there’s the cases that you’re working on a lot because there’s a big deadline. And then there’s other cases that you’re not able to work and those clients have just been waiting for a really long time... So, that’s definitely a challenge as well – managing client expectations but also wishing that you could be doing more.

The need to do more combined with overwork often leads to burnout, a response to work stress characterized by exhaustion, cynicism, and lower effectiveness.²² These factors are further exacerbated by role strain, particularly when attorneys must take on roles they weren’t trained for – in this case, handling clients’ emotional and other nonlegal needs.²³ Multiple attorneys described feeling overwhelmed by their growing caseloads, the emotional demands of their job, and the pressure to assist clients with nonlegal needs such as food, housing, and medical care. Carolina said:

We’re tired. We’re really burned out. And a lot of it is just we’re just skirting that damn edge, and it doesn’t feel good. I am a good attorney, and I work my butt off. But I can’t do 60-hour weeks continuously... And like I said, even if I did 60 hours for the next three months, you’re just more tired, so you’re not as efficient. And I wouldn’t be caught up anyways.



The burnout experienced by attorneys has real consequences for their lives. Attorney Susan described how the cumulative stress of the job has affected her outside of work:

I don't really have a life. I don't have a family. I'm not married. I used to have all that. I mean I used to have an outside life. I pretty much work and, frankly, I love my work ... It's what I do. So, there's not a lot to balance. I don't have to hear about the four-time rape victim and then go to my kid's school play.

Burnout also has consequences for attorneys' interactions with clients. Attorneys Margaret and Laura each identified that when they feel more burned out, they become more irritable and less empathetic, patient, and kind, and are therefore less capable of providing the trauma-informed responses that their clients deserve. In extreme situations, the challenges associated with managing high caseloads push attorneys to question their professional integrity and quality of practice. Eight attorneys went so far as to express concerns about potential malpractice, violations of ethics rules, or otherwise providing low-quality services because their high caseloads prevent them from doing the work required by their positions in the time that they have.

The attorneys recognize the problematic effects of vicarious trauma and burnout on their lives. Although most of the attorneys we interviewed were still working with unaccompanied children (one had left the field and another was taking a break but planned to return to the work), 18 admitted unprompted that they have thought about quitting because of the high-stress nature of the work. However, many said that they felt they simply could not leave because they feel an obligation to continue their work with certain clients and feel guilty about the prospect of leaving. Attorneys that have remained in the field reported undertaking significant self-care efforts to reduce the effects of vicarious trauma and burnout in their lives: therapy, exercise, meditation, support groups with coworkers, and intentionally structuring their day to give them recovery time after stressful client meetings. Still, the emotional obligation and time commitment of practicing immigration law with children, combined with growing caseloads and a lack of resources available to attorneys, make it a profession prone to burnout.



Overcoming Burnout and Vicarious Trauma: Policy and Practice Recommendations

The Acacia Center for Justice advocates for the transformation of the immigration system into one that embodies freedom from detention, due process, and equal protection for every person facing the prospect of exile and community separation. Thus, in order to provide meaningful access to legal defense, it is critical to provide representation for all immigrants seeking to make the U.S. their home — perhaps especially so for unaccompanied children. From fiscal years 2005-2017, almost seven in ten unaccompanied children represented by a lawyer received a positive case outcome that allowed them to remain in the United States; that is seven times the percentage of children who won their cases without a lawyer. On the other hand, more than 90 percent of unaccompanied children without a lawyer were deported or voluntarily departed.²⁴ The profound difference in case outcomes among children with or without an attorney demonstrates the critical role access to representation plays in shaping children's experience and chances of immigration relief.

However, there are not enough attorneys to meet the great need for legal representation.²⁵ An analysis of data from fiscal years 2018-2021 showed that less than 54 percent of unaccompanied children were represented by a lawyer at some point during their legal proceedings.²⁶ Additionally, we estimate that there is only one free or low-cost immigration attorney nationally — who serve all populations of immigrants — for every 134 unaccompanied children who entered the country between FY2019 and FY2023. Moreover, attorneys are not distributed equally across the country, resulting in some states having as few as one free or low-cost immigration attorney for every 768 children.²⁷

This makes the problems of moral injury, vicarious trauma, and burnout among immigration attorneys very serious ones, in that they reduce the quality of representation and sometimes drive attorneys to leave the field altogether, worsening the attorney shortage. Thus, to achieve the goal of universal representation for children, it will ultimately be necessary to address the underlying factors that exacerbate the burdens placed on attorneys. While some of these stressors originate in the context of specific organizations, much of the harm suffered in their jobs is systemic in nature. Nonetheless, based on our findings, we propose several strategies that organizations, with the support of their funders, can implement to improve the experiences of immigration attorneys representing unaccompanied children.



Implement Holistic Service Models

Attorney burnout is worsened by role strain — which in this case involves taking on duties outside of the legal realm. As demonstrated, attorneys we interviewed spend a substantial amount of time assisting clients with nonlegal matters, such as enrolling in school, finding housing, and navigating health problems. Burnout is also exacerbated by the vicarious trauma attorneys experience when discussing clients’ traumatic experiences. Without major changes in immigration law, child immigration attorneys will always be exposed to some vicarious trauma, as the youth’s traumatic experiences are often key to the legal case. However, decreasing the amount of time that attorneys spend helping clients process these experiences and cope with their emotions could reduce that vicarious trauma; and providing other avenues for clients to access help with non-legal matters could reduce overwork and burnout.

Immigration organizations can accomplish this through hiring case managers, social workers, or therapists to support clients. Staff attorney Hannah, who had been struggling with client questions about topics such as school and healthcare access, explained:

We actually hired a social worker for our organization. And we can make referrals to her and that has made all the difference. ...I've been able to do so much more of the lawyering since we hired her and I've been able to have a much better work-life balance since then, because I'm not spending my time calling schools and trying to enroll my clients.

These social services staff assist clients with the non-legal needs that they might otherwise rely on their attorney for, including both emotional support and connecting to resources to help with more concrete needs. Some legal organizations have been able to justify hiring these staff to their funders because they support the legal work; social services are often needed to stabilize clients’ lives so that they are able to participate in and give adequate attention to their legal case. Holly explained:

Sometimes it's difficult because they have other honestly more pressing issues going on: food security, or shelter, or making rent, paying the electric bill. A lot more social issues that they're more concerned with than, "Oh, I need to go meet with an attorney on Thursday to sign documents." ...Or even just sometimes we've had cases where the child and the aunt or the parent are eager to come meet with us to sign, to get everything taken care of, but they don't have a car. ...In those instances, it's nice because we do have a social team. And so, I'm able to outsource that, and they're able to order an Uber or a Lyft to come drop them off for their appointment which has been a great help.



In some cases, the social services staff are formally a part of the legal team and directly help with building the legal case. Maria described having social workers present while working on declarations with clients because the clients are often more comfortable sharing difficult experiences with their social worker.

Finally, having social services staff can relieve some of the pressure attorneys feel to do everything possible to help clients, as they know there is another safe adult in the child’s life to share those emotional, logistical, and time burdens. Derek, a senior attorney, expressed that he would not be able to effectively do his job without having social workers on staff. Hiring social services staff at legal services organizations is a concrete strategy to both meet critical needs for clients and reduce burnout and vicarious trauma for attorneys, so that they are better able to meet their clients’ legal needs.

Integrate Education on Vicarious Trauma in Law School Curriculum and Make Trainings in the Immigration Law Workplace More Robust

Attorneys’ experiences could be improved if there were sufficient education on vicarious trauma and burnout both in law school and in the workplace.²⁸ While trainings on trauma-informed care and vicarious trauma have become common in many immigration law workplaces, such trainings rarely extends beyond a single session.²⁹ Moreover, such education is relatively rare in law school, where students are typically trained to separate emotions from the law.³⁰

Law school should incorporate education on trauma-informed care, vicarious trauma, and self-care, in both clinical settings and in traditional classroom settings. Katz and Haldar suggest that this trauma-informed education must include the ability to recognize trauma, strategies to prevent vicarious trauma, and normalization of conversation around vicarious trauma.³¹ Vicarious trauma should additionally be considered a required topic of continuing legal education (CLE) for lawyers working with unaccompanied children and youth. Education in both law school and CLEs could give lawyers self-care tools to help prevent and treat vicarious trauma and burnout in their work.



Provide Adequate Institutional Support, Flexibility, Better Salaries, and Sustainable Caseloads

Individual-level self-care is only possible with adequate institutional support.³² Institutional support should include adequate salary and benefits and organizational policies and practices that permit and foster self-care.

Low salaries are a particular problem at organizations serving child migrants. Twenty-three attorneys interviewed brought up low salary as one of the challenges they face in this work. While we did not ask those we interviewed for their salary information, a 2021 survey of immigration attorneys found that those providing legal aid or legal services earn, on average, \$75,000.³³ This is just 51 percent of what attorneys overall earned on average in 2021.³⁴ Nicole spoke of coworkers who had to work a second job to make ends meet; Jamie and Lorrie both gave up a job in another field that paid twice as much; Samantha said she lives paycheck to paycheck. A sufficient salary is a necessity if attorneys are to reduce vicarious trauma and burnout, as they must be able to avoid financial stress and afford supportive self-care tools (such as therapy).

Several attorneys also raised benefits as something that was important to them, particularly those related to a flexible work culture. For example, attorneys mentioned office policies that allow staff to take appropriate time for self-care: the ability to work from home, scheduling flexibility, generous paid time off, and no expectation to work overtime. Several attorneys also mentioned that having good insurance plans was important to them. In particular, given that 13 attorneys explicitly mentioned the importance of therapy as part of their self-care, immigration law organizations should offer health insurance plans that adequately cover mental health treatment.

Finally, a key part of institutional support to prevent vicarious trauma is appropriately allocating and managing cases.³⁵ The attorneys expressed widely varied perspectives on which cases they enjoy and which they find the most difficult. For example, eight specifically said that they like to have a diversified case load when possible – working on different forms of relief or with different populations – while other attorneys said they prefer to work on case types they are already familiar with or only with unaccompanied children. Ensuring sufficient supports, mentorship, and training resources are available can help attorneys expand the types of cases they are comfortable with and make case management more equitable and sustainable at organizations providing legal defense to immigrants. Because many attorneys indicated that there is an increased risk of burnout related to working on cases expected to end in deportation, those assigning cases should also ensure that these cases are spread out among attorneys. In addition to balancing the types of cases each attorney works on, it is also important to ensure a reasonable overall caseload.

Immigration attorneys providing legal aid earn

\$0.51

for every dollar earned by other attorneys.



Conclusion

Despite the difficulties they face in their work, attorneys for unaccompanied children are motivated to do their work because they enjoy working with clients and find it rewarding to help them through the legal process, as illustrated by Anna:

I like being a small part of their journey here and just whatever they want to do. Some of them are like, "I'm going to be a doctor." I'm like, "That's great." Some of them are just like, "I'm going to get a job. And, I'm going to support my family." I'm like, "Awesome." I like being able to help them get to whatever goals they have and knowing a little bit about where they came from and a little bit about what their lives are like here. That keeps me going.

However, our research has shown that despite the rewards of this work, attorneys working with unaccompanied children frequently suffer from moral injury, vicarious trauma, and burnout. These experiences contribute to attorneys' decisions to leave the field and thus worsen the problem of insufficient numbers of immigration attorneys. The skilled and dedicated attorneys who represent children facing deportation can better meet and overcome these challenges with more support from the funders of their programs, the legal field, and their own organizations. This can begin to be achieved by ensuring that federal and state programs include adequate funding to support holistic service models, raising awareness of the importance of integrating trauma education in law schools and funding robust ongoing training in immigration law workplaces, and by establishing organizational practices and policies to better counteract trauma and burnout.

Implementing these recommendations more widely would represent first steps toward reducing the strain of the work and making it possible for attorneys for unaccompanied children to thrive in their jobs and expand access to justice for immigrant children.



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