

# Melting Polar Icebergs, Part 3: Teaching Empathy & Self-Care As Core Skills in Asylum Advocacy

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# Skills Taught with Goal of Increasing Empathy

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## 1. Cross-Cultural Lawyering Skills:

- Knowing what's at stake for our clients enhances understanding and improves communication

## 2. Trauma-Informed Client Interviewing Skills

- Understand how trauma impacts memory
- How to Plan for Trauma-Informed Affidavit Writing Sessions
- Skills to elicit a more complete and credible narrative

## 3. Self-Care Skills to Mitigate Secondary Trauma

- Self compassion is a prerequisite to compassion and empathy
  - Self care reduces secondary trauma, compassion fatigue, and burnout
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# CROSS-CULTURAL LAWYERING AS A FOUNDATION

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Reading: “Five Habits for Cross-Cultural Lawyering,” Sue Bryant & Jean Koh Peters

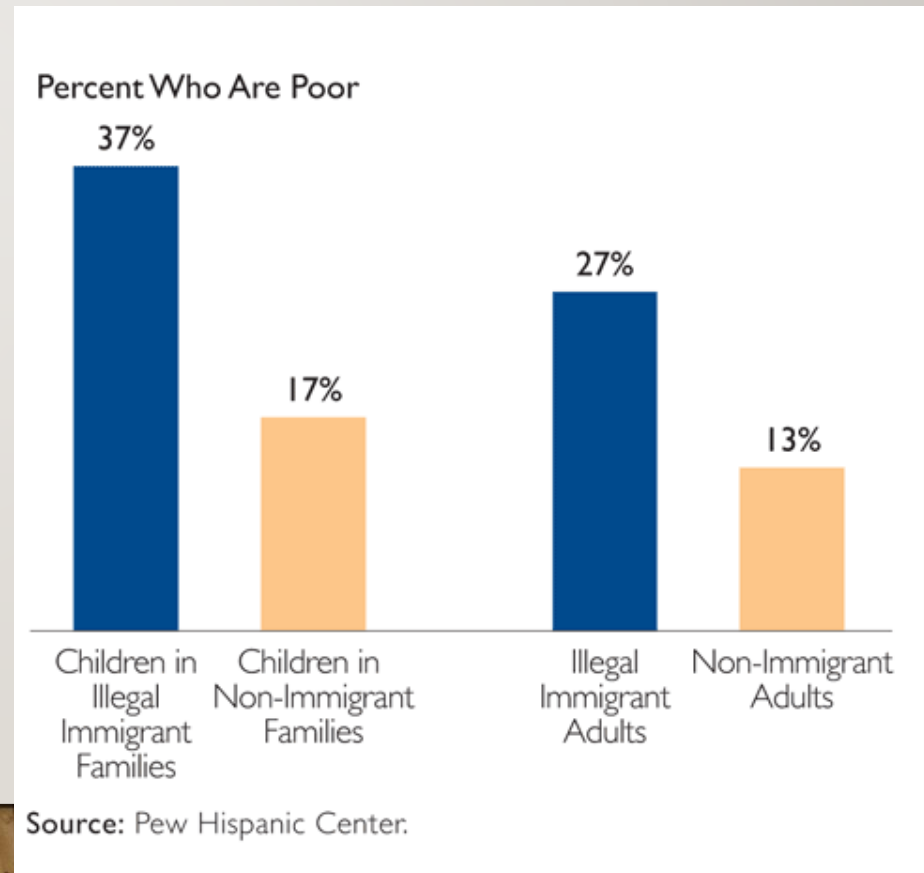
- Learn about clients’ values and goals
- Understand what is at stake for clients
- Leads to more accurate understanding of what client is communicating
  - “attribute to action and communication that which the actor or speaker intends.”
- Aids in preparing client for interactions within the legal system

# CROSS-CULTURAL LAWYERING: UNDERSTANDING WHAT'S AT STAKE FOR OUR CLIENTS

## Immigration status determines:

- How long can remain in the U.S.
- Risk of deportation
- Permission to work & attend college
- Eligibility for public benefits & drivers' license
- Ability to travel
- Whether family can come to U.S.
- Safety and freedom from harm

## Undocumented Immigrants and Poverty






# WHY IMMIGRATION STATUS MATTERS

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## UNCERTAINTY ABOUT STATUS CAUSES:

- Fear of deportation
- Prolonged separation from family
- Feelings of helplessness, depression, anxiety
- Exacerbation of mental health symptoms

## STRESSORS DURING LEGAL PROCESS:

- Preparing the necessary documents requires re-traumatizing clients
  - Maintaining “victim” status
  - Practical barriers to income, benefits, etc.
  - Stress, anxiety, uncertainty
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# TRAUMA INFORMED INTERVIEWING TECHNIQUES: UNDERSTANDING HOW TRAUMA IMPACTS MEMORY

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- Reading: “Unpacking Pandora’s Box: Innovative Techniques for Effectively Counseling Asylum Applicants Suffering from PTSD,” Carol M. Suzuki
- What is Trauma v. PTSD (Tahiri Justice Center PowerPoint slides)
- Trauma increases discrepancies, especially in recalling “central details”
- Discuss how traumatic memories are stored as sensory fragments (peripheral details)
  - sound, smell, feel, taste, see
  - Not stored as chronological events

# TRAUMA INFORMED INTERVIEWING TECHNIQUES: TRAUMA-INFORMED AFFIDAVIT WRITING SESSIONS

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- Reading: “Increasing Law Students’ Effectiveness when Representing Traumatized Clients: A Case Study of the Katharine & George Alexander Community Law Center,” Lynette M. Parker
- Discuss importance of building a trust relationship:
  - “Empathetic engagement”: lawyer “in it” with the client
- Create a “client-centered” and “trauma-informed” environment
  - Patience, focus, compassion
  - “Do the least damage”: get information in least traumatic way
  - Warn client that today’s meeting may leave them feeling worse than when they arrived
  - Take breaks and check-in often!

# TRAUMA INFORMED INTERVIEWING TECHNIQUES: SKILLS TO ELICIT CONSISTENT AND CREDIBLE ACCOUNTS

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- Open-ended questions first.
- Chaining: what happened right before? Right after?
- Segmenting: ask about other senses: sight, sound, smell, taste, feel
- Ask client to keep a diary
- Address inconsistencies! Discuss the legal process and how the adjudicator will respond
  - Always show on the same team!



# SELF-CARE SKILLS & SECONDARY TRAUMA

- What does “your” emotional health have to do with empathy? EVERYTHING!
- What is resiliency? What is self-care?
  - Reading: Am.Psych.Assn article “The Road to Resilience.”
- Take ProQOL self-test. Can use to check-in throughout semester.
- “Your Life Well” Exercise

## Your Life Well<sup>1</sup>

Things that drain the well

Things that replenish the well



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Jennifer Loudon (self-care expert) said: *Self-care is not selfish or indulgent. We cannot nurture others from a dry well. We need to take care of our own needs first, and then we can give from our surplus, our abundance.*

Consider the things in life that drain your “Life Well;” these could be physical, psychological, emotional, spiritual, relationship-based, workplace-related aspects of your life. Make a list above of the ways in which you well becomes dry.

Similarly, consider the things in your life that allow you to replenish your well. Make a list of those on the other side. What is it about those things or activities that allow you to feel replenished?

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<sup>1</sup> Exercise adapted by Lindsay Harris from an exercise developed by Liala Buoniconiti, LICSW with the Harvard Immigration and Refugee Clinical Program

# FOR MORE INFORMATION:

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