Framing Your Client’s Narrative: How to Write an Effective Asylum Declaration

CHRISTINE LIN, DIRECTOR, TRAINING & TECHNICAL ASSISTANCE
CENTER FOR GENDER & REFUGEE STUDIES (CGRS)
LCCR ASYLUM SEMINAR, MAY 22, 2020
Contents

I. Declaration Overview
II. Framing Your Client’s Narrative
III. Declaration Mechanics
IV. Resources
Declaration Overview
Case Theory

- Spiraling process of legal theory and factual theory development, culminating in integration of the two
- Balance doing research and keeping an open mind
- Flexibility, determination, patience
Case Theory Development Through Interviewing

- Case theory development guides interviewing
- Open ended questioning → Closed, detail-oriented questioning
- Whole picture may emerge slowly, especially with trauma
- Delay declaration drafting
What is a declaration?
What is a declaration?

• First person narrative account of all experiences germane to asylum application
• Written in a compelling, detailed, and succinct manner
• Generally in chronological order (sometimes thematic order)
• Best version of client’s own words
  ◦ Reflects the client’s age, education, literacy level, and manner of speaking
  ◦ Does not include legalese
• Based upon client’s personal knowledge
• Without exaggeration or embellishment
• Without legal analysis, argument or speculation

© Center for Gender & Refugee Studies
What is the objective of a declaration?
What is the objective of a declaration?

The declaration should “tell the asylum officer why your client deserves asylum. It should be detailed, consistent and supported by country conditions documents. It should be a compelling, well written account which intrigues and involves the reader. It should horrify if your client suffered horrible persecution; it should offend the sense of what is right and wrong; it should reflect your client's strength of convictions and character and his determination to be who he is and not to be intimidated. By the end of the declaration, the reader should feel that there is no choice but to grant asylum.”

- Stacy Caplow, Putting the “I” in WR*T*NG: Drafting an Effective Personal Statement to Tell a Winning Refugee Story, J. Legal Writing Inst. 249, 257-58 (2008) (quoting Kirsten Schlenger, The Nuts and Bolts of Representing an Asylum Applicant, 8 (PLI 1998)).
Objective of a Declaration

• Provide a cohesive narrative of the client’s experiences in a manner that demonstrates eligibility for asylum

• Enable adjudicator to ascertain all information necessary to establish client satisfies legal elements of asylum

• Present facts in client’s claim in a legally relevant manner

• Build client’s confidence and facilitate memory process of relevant details

• Sensitize adjudicator to client’s vulnerabilities and background
Introduction

1. I am a 33-year-old woman from San Salvador, El Salvador. I am seeking asylum because I do not want to return to El Salvador. Last year, armed men came to my home, looking for my husband, Mario, and threatening me and my children. Later, they came again for Mario and his nephew, Hector. They killed Hector then came to our house looking for Mario, threatening me with their guns and saying they would take my children from me if they didn’t locate Mario. I told them they should not point their guns at children. The armed men continued looking for Mario in and around the town where I lived. I was so afraid of what they might do to me and my kids that we fled to the United States. Later, Mario also came to the United States to get away from these men.

2. Our family in El Salvador says that people are still looking for Mario, and I believe that if my children and I were forced to return to El Salvador, these men would find and kill us. My sister recently died when armed men went to her house looking for Mario. If I had to go back to El Salvador, I don’t think I could reasonably relocate anywhere in the country, and I do not believe that the government is able or willing to protect me.
Include Legally Relevant Facts

Include facts relevant to asylum and withholding of removal under the Immigration and Nationality Act (INA) and protection under the Convention Against Torture (CAT)

**ASYLUM/INA WITHHOLDING**
- Country of origin
- Well-founded fear/likelihood of harm
- Persecution
- Nexus to protected ground
- Government unable or unwilling to protect
- Internal relocation
- Bars to asylum/INA withholding
- Humanitarian asylum

**CAT PROTECTION**
- Country of origin/removal
- Likelihood of harm
- Torture
- Intentional infliction
- Wrongful purpose
- By or with acquiescence of a public official
- Internal relocation
- Bars to CAT withholding

© Center for Gender & Refugee Studies
Fear and Likelihood of Harm


• Explore:
  • Flight
  • Past Harm

• Remember fear must be both subjective and objective

• Keep in mind higher likelihood standard for withholding and CAT protection (more likely than not) than for asylum (10% chance)
Persecution or Torture

- Past harm
- Threats
- Cumulative
- Type of harm feared
- Harms against similarly situated individuals, family members, etc.
- Client’s knowledge of country conditions
Nexus (Asylum/Withholding) or Intent and Wrongful Purpose (CAT)

- Relevant profile information of client
- Relevant activities/opinion of client
- Real and perceived motivation of perpetrator(s)
- Relevant dialogue between client and perpetrator(s)
- Relevant timing, location, and other circumstances
- Societal attitudes observed or experienced by client
- Actions of perpetrators against similarly-situated individuals
Failure of State Protection

- Sought government protection?
  - If yes, from whom? When? What result?
  - If no, why not?
    - Explore any restrictions to seeking protection (threats from perpetrator, culture, age, disability, etc.)

- Client’s knowledge of similarly situated individuals and country conditions

- Consider including other negative experiences with government/law enforcement not related to the persecution/torture to illustrate failure of state protection
Internal Relocation

- Perpetrator’s past successful attempts to find client
- Perpetrator’s connections elsewhere in country
- Fear of other serious harm
- Client’s knowledge of ongoing civil strife within country
- Client’s knowledge of administrative, legal, or economic infrastructure
- Geographic limitations
- Social, cultural, medical, or other constraints, e.g. age, gender, health, social/family ties, language issues, socioeconomic status, education level

See 8 C.F.R. § 1208.16(b)(3) for non-exhaustive list of factors
Humanitarian Asylum

• Severe past persecution: If past persecution is severe, document level of severity and explain ongoing harms and trauma, and explain why heightened if returned

• Other serious harm: Even if client no longer fears same persecution as in the past, discuss fear of any other serious harm

See 8 C.F.R. § 1208.13(b)(1)(iii)
One-Year Filing Deadline for Asylum

• Date of entry into the U.S.

• Exceptions to one-year filing deadline:
  • Changed circumstances
  • Extraordinary circumstances

• Filing within reasonable period of time
  • Education and/or level of sophistication
  • Time is takes to obtain legal assistance
  • Effects of persecution (e.g., continuing trauma) and/or illness
  • When client became aware of changed circumstance
  • Others?
One-Year Filing Deadline for Asylum

Extraordinary circumstances:

- Legal disability (e.g., child)
- Physical or mental illness/disability:
  - Mental health – emotions, feelings, nightmares, difficulties discussing past trauma, individual/group therapy
  - Physical health – illness, symptoms, diagnosis, medication, physical pain, headaches, disabilities, doctor’s visits, hospitalization
- Ineffective assistance of prior counsel
  - Interactions with any prior counsel, advice given, follow-up with counsel, etc.
  - Experiences with notario fraud
- Loss of lawful status, TPS, or parole
- Other?

See 8 C.F.R. § 1208.4(a)(5) for non-exhaustive list
One-Year Filing Deadline for Asylum

Changed circumstances:

• Changes in client’s personal circumstances

• Changes in country conditions:
  • Client’s knowledge of similarly situated individuals, family members, and country conditions from other sources

• Changes in relevant U.S. law:
  • Interactions with any prior counsel (e.g. client previously told not eligible)

• Changes in relationship to principal applicant
  • E.g. death of parent, divorce of spouse

See 8 C.F.R. § 1208.4(a)(4) for non-exhaustive list
Other Potential Bars to Relief (if relevant)

- Firm resettlement (asylum only)
- Particularly serious crimes (criminal issues in the U.S.)
- Persecutor of others (actions outside U.S.)
- Serious nonpolitical crimes committed outside of the U.S.
- Terrorism-related inadmissibility grounds (TRIG)
- Transit Bar (including exploring exceptions)
Framing Your Client’s Narrative
Consider...

1) What are the strengths?
2) What are the weaknesses?
3) Would you rephrase/omit anything?
4) Is there anything else you would want to know?
In the first two years of our relationship when we were living in Haiti, where we are both from, my husband never hit or touched me in an abusive manner. However, we had arguments. Our main problem back then was that I grew up very free and did not want to be controlled. He wanted to be the leader and have control of the family. These arguments were about little things such as home arrangements and furniture. When we bought new furniture, I expected he would not be involved, but he wanted to take control and to be involved in everything.

My husband drank alcohol at this time, but it never became extreme when we were living in Haiti. He liked drinking, partying and celebrating with his friends. He did not take care of my child and rarely spent time with me. At the beginning when arguments happened, I kind of thought that “this is a normal marriage. Couples have disagreements over economics and things like that.” Later, when we moved to Brazil and he drank and partied more, I felt I had been very controlled when we were living in Haiti.
24. I grew up aware that all Haitian men, especially husbands, believe that they have to be respected. They feel that they have the right to make decisions in their household. My husband believed this, too, and acted on this belief. During the first two years of our relationship in Haiti, my husband and I argued about him asserting control over me. Our main problem back then was that I grew up very free and did not want to be inferior. However, he wanted to be the leader of the family. These arguments started with things such as home arrangements and furniture. For example, when we bought new furniture, he not only wanted to be involved, but also wanted to take control of everything. At first, when these arguments happened, I thought that it was a normal marriage. I believed that couples have disagreements over economics and things like that, but in my relationship, I tended to be obedient, and I went along with what my husband said to resolve these arguments. Even though I tried to accommodate his demands, he continued to yell at me and called me hurtful names such as “bitch” and “whore”.

© Center for Gender & Refugee Studies
DECLARATION EXCERPT #3 – PRO SE

My name is Lorena Garcia Hernandez. I am 20 and from Honduras. Honduras is a very poor country and I came to the US for a better life and to find work. There is also a lot of violence in my country and gang members harm everyone for no reason. I am scared the gangs might do something to me if I go back there. Men in Honduras mistreat women. My father hit me and my mom so I went to live with David, who drank a lot and would yell bad things at me and hit me.
Avoid Undermining Nexus by . . .

• Randomizing and generalizing harm
  ◦ E.g. “Everyone is scared of the gangs,” “they harm everyone – it doesn’t matter who it is,” “he’s just a bad person,” “they are criminals who target everyone for no reason at all”
  ◦ Explore client’s particular vulnerabilities

• Emphasizing substance abuse by perpetrator
  ◦ E.g. “The violence began only when my partner started drinking,” “I was attacked by a group of drunk men”
  ◦ Explore dialogue when perpetrator was drunk/high and any other forms of harm/control when perpetrator was sober
Framing the Client’s Narrative: Lorena

Lorena tells you that David beat her a lot and he has a gun. One night when David was sleeping, she grabbed his gun and held it to his head because she thought it might be better to kill him before he killed her. However, she was afraid to pull the trigger and put the gun back where David had left it. Lorena also suspects David was involved with the MS-13. A few times, when she was babysitting her baby niece, Ana, he insisted that Lorena and Ana get in the car with him while he went to drop off packages. He told Lorena that the police would not stop a man with a woman and child. A few times, Lorena found drugs in Ana’s diaper. When Lorena confronted David, he told her to mind her own business; he was doing what he needed to provide for them. One time when David was driving with Lorena and Ana, a police car pulled them over. As the police were approaching, David handed Lorena something and told her to put it in Ana’s pants, which she did out of panic. The police were looking for someone else and let them go. Later, Lorena realized that she had put a bag of pills with some money in Ana’s pants.
Abandoned by his parents at a young age in Mexico, Marvin lived with a maternal aunt who verbally and physically abused him and deprived him of food. When he was 10, he met teenage boys who befriended him and gave him food. Sometimes he drank alcohol and sniffed glue with them, which helped him feel less sad.

Marvin later realized that these teenagers were cartel members. At some point, they told him it was time to be one of them. Marvin felt scared so he did not say anything and tried to avoid the places where they hung out. He met another boy, Luis, who told him that it was better to spend time in church rather than on the street.

One day, as Marvin and Luis left church carrying their bibles, cartel members stopped them and told them there was no more hiding, it was time to work for the cartel. One week later, the cartel accosted Marvin in his neighborhood, told him his time was up, and beat him up. Marvin tells you that he was scared for his life so he did things for the cartel and had to do some bad things like deliver drugs and shoot at people. He says he tried to “leave the cartel” and fled Mexico for the United States.
Framing the Client’s Narrative: Questions to Consider...

1. What are potentially “bad facts” that would raise red flags for an adjudicator or opposing counsel?

2. Do any of these “bad facts” trigger potential bars to asylum/withholding of removal?

3. What facts are relevant to Marvin’s asylum claim?

4. Are there any “bad facts” that can be omitted from his declaration?

5. As Marvin’s attorney, what questions would you ask to figure out what happened next and the dynamics of the situation? Is there anything you would not want to know as his attorney?

6. How would you frame Marvin’s narrative? Are there any terms/words you would avoid using in the declaration?
Rule 5-200 Trial Conduct

“In presenting a matter to a tribunal, a member:

(A) Shall employ, for the purpose of maintaining the causes confided to the member such means only as are consistent with truth;

(B) Shall not seek to mislead the judge, judicial officer, or jury by an artifice or false statement of fact or law;

(C) Shall not intentionally misquote to a tribunal the language of a book, statute, or decision;

(D) Shall not, knowing its invalidity, cite as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional; and

(E) Shall not assert personal knowledge of the facts at issue, except when testifying as a witness.”

- Rule 5-200, California Rules of Professional Conduct
Dealing with “Bad Facts” in Client Narratives

• Determine if “bad facts” must be disclosed:
  ◦ Already disclosed in client’s records?
  ◦ Relevance to claim?
  ◦ Ethical obligations: duty of confidentiality to client vs. duty of candor to court?

• Contextualize (e.g. history of abuse, threats of violence)

• Avoid loaded terms/explore alternate terms that are still accurate
  ◦ E.g. “I was forced to do what they told me to” vs. “I joined the gang”
  ◦ E.g. “A gang member held a gun to my head and demanded money from me. Fearing for my life, I gave him what I had” vs. “I paid them”

• Consider psychological evaluation to explain client’s actions (e.g. child, trauma)

• Do not make assumptions or present client’s assumptions as knowledge/facts
  ◦ E.g. Did client actually tell you she transported drugs? Does she actually know there were drugs?
  ◦ E.g. Did client’s involvement actually amount to being a gang member?
Declaration Mechanics
What details might you include in your client’s declaration?
Declaration Outline: Include . . .

- Introduction (i.e. brief summary of claim)
- Personal background and profile information
- Events surrounding past harm/leading to flight
- Flight from country of origin to the U.S.
- Events since leaving country of origin
- Fear of return
- Internal relocation not safe or reasonable
- Trauma symptoms/difficulty with memory
- Conclusion
- Client and interpreter’s attestation, signature, date
Details in the Declaration

- Time references/chronology markers
- Places
- People
- Speech
- Emotions
- Sensory details
- Experiences of other persons similarly situated
- Client’s own knowledge of relevant country conditions
- Affirmatively address known inconsistencies in file – strategy call!
But How Much Detail to Include?

• Reflect client’s memory and level of detail
  • “Harvest time,” “rainy season,” “middle of the year” NOT “June 8, 2015 at 4:00 pm” if client doesn’t know

• It is okay if client does not remember!

• Encourage client’s memory, but do not ask client to guess, make up, or agree to your suggestion

• Use qualifiers
  • “Around my birthday,” or “I was about three months pregnant”
  • Quotations, e.g. “said something like…”

• Be more general or provide an accurate range
  • Several” or “a few” or “four to five”

• Avoid inserting your own calculation of date if client does not remember
Reviewing Declaration with Client

- Review in client’s best language
- Word for word
- Ask client to alert you if there are any errors
- Correct error, review, and read back to confirm correction
- If substantial changes made, review entire declaration again to ensure internal consistency
Review for Consistency with Other Case Information

- Client’s account of events
- I-589 application
- Supplementary evidence, e.g. identity documents, psychological evaluation, other declarations, police reports, country conditions, etc.
- Statements made to U.S. consulate, Customs & Border Patrol (CBP), Immigration & Customs Enforcement (ICE), Office of Refugee Resettlement (ORR), etc.
- Other documentation provided to U.S. immigration
- Prior/concurrent immigration applications
- Oral testimony during asylum interview or immigration court hearing
- Others?
Scheduling Interviews

• No set rules as to how many interviews
  • For children and trauma survivors, it is ideal to have frequent meetings, especially at the outset, to build trust

• Experienced practitioners and mental health professionals agree meetings should not last more than 2 hours for mindful attention and limitation of trauma
  • For children, may need to keep shorter
CGRS Resources

Practice Advisories
- Domestic violence
- Children’s asylum
- Fear-of-gang claims
- Gender-based claims
- Bars to asylum and withholding
- CAT protection claims
- Conducting country conditions research

Country Conditions Reports
- Specific topics in individual countries (e.g., disabilities, indigenous, LGBTQ, gang)

Unpublished Case Law
- IJ and BIA decisions
- Legal briefs

Searchable Expert Witness Database
- [https://cgrs.uchastings.edu/expert/search](https://cgrs.uchastings.edu/expert/search)
- Searchable database of country conditions, medical, mental health, and other expert witnesses

Expert Declarations
- Country-specific (e.g., violence against women, children, LGBTQ, gang)
- Topic-specific (e.g., domestic violence, incest, trauma and memory)

Sample Pleadings
- Case documents: declarations, indices, expert affidavits

© Center for Gender & Refugee Studies
Request CGRS Assistance

CGRS provides free expert consultation to attorneys and organizations representing asylum seekers, including legal technical assistance, strategy development, sample briefs, unpublished decisions, country conditions evidence, and expert witness affidavits.

To request assistance in your case, visit: http://cgrs.uchastings.edu/assistance
DECLARATION OUTLINE AND PRESENTATION STYLE TIPS

Outline

The applicant’s declaration in an asylum, withholding of removal, and/or Convention Against Torture protection case should include the following information where applicable, though not necessarily in this order. This list is NOT exhaustive. Declarations are typically organized chronologically but may also be organized thematically, depending on the facts of the case and/or whether applicant has difficulties with memory or narrating in a linear manner.

- **Introduction**
  - Brief summary of claim – who (perpetrator(s)), what (harm suffered and/or feared), why (reason underlying harm in applicant’s words)

- **Applicant’s personal background and profile information**
  - Name, birth date, country/countries of origin (COO), i.e. birth place and nationality
  - Contextual background information
    - Relevant demographic facts (e.g. race/ethnicity, religion, education level, profession, socio-economic profile)
    - Relevant facts about family, childhood, history of mistreatment, etc.

- **If applicant suffered past persecution and/or torture in COO, events surrounding harm/threats and leading up to flight**
  - Past harm experienced in COO – who, what, when, where, why, how?
  - Reasons triggering ultimate flight – who, what, when, where, why, how?
  - Did applicant seek government protection? If so, result? If not, why not?

- **Flight from country of origin to the United States**
  - When applicant left COO
  - Brief summary of travel to the United States
  - If the applicant obtained lawful status or permission to return to any country entered prior to the United States, explanation of why applicant should not be expected to return there (e.g. restrictions on visa/permit, discriminatory/unsafe conditions)
  - If the applicant was granted asylum or refugee status in another country, explanation of why applicant did not stay in that country
  - Date, place, and manner of entry to the United States

- **Developments in COO or applicant’s personal circumstances after leaving COO**
  - Any recent developments in COO known to applicant that affect eligibility or strengthen fear (e.g., change in government, harm to others with similar profile)
  - Any recent developments in applicant’s personal circumstances that affect eligibility or strengthen fear (e.g. gender-affirming surgery, religious conversion)
  - Any relevant positive experiences in the United States compared to COO (e.g. access to mental health services, medical treatment, legal protections)

- **Fear of return and reasons**
  - Who applicant fears, what applicant fears will happen if forced to return to COO, and why, based on past harm and/or changed circumstances
  - Why applicant believes government will not or cannot provide protection
Internal relocation (unsafe or unreasonable)
- Past attempts by perpetrator to find applicant (should discuss in detail in description of events surrounding past harm/threats)
- Any connections perpetrator or perpetrator’s network has elsewhere in COO
- Any fear of other serious harm throughout COO known to applicant (e.g. ongoing civil strife)
- Administrative, legal, or economic constraints known to applicant (e.g. government permission needed to move, school registry, work unavailable)
- Any geographical limitations (e.g. small size of country)
- Any social, cultural, medical, or other constraints (e.g. age, gender, health, social/family ties, language issues, socioeconomic status, education level)

If applicant missed one-year filing deadline for asylum, reason for delay (see below if due to physical/psychological trauma)
- Explanation of changed or extraordinary circumstance(s) and why not possible or reasonable to apply for asylum sooner

If strategically appropriate, relevant facts to help overcome any other bar to relief that is likely to be an issue in applicant’s case (e.g. criminal convictions)
- Note: Assess on a case-by-case basis whether it is preferable to address a potential bar head-on in the declaration or to wait and see if the adjudicator or opposing counsel raises it

Any ongoing physical or psychological effects of past harm and/or fear, including any difficulties giving oral testimony or recalling information
- Any physical/psychological effects of past harm and/or fear that applicant continues to face (e.g. nightmares, flashbacks, emotional numbness, hypervigilance)
- Any difficulties applicant faces speaking to others about past harm and/or fear, recalling details, or remembering events in a chronological manner. Include underlying reasons in applicant’s words (e.g. age, physical harm, trauma/depression)

Conclusion
- Brief statement affirming why applicant cannot return to COO and is seeking protection

Client’s attestation, signature, date

Interpreter’s attestation, signature, date (if applicable)

Presentation Style Tips
- Identify applicant’s name and type of claim(s) in title
  - E.g. Declaration of [Applicant’s Full Name] [A Number, if assigned] in Support of Application for Asylum, Withholding of Removal, and Convention Against Torture Protection
- Include compelling headings/sub-headings
  - Consider capitalization, bolding, italicizing and/or underlining to make headings stand-out
- Use short, simple, numbered paragraphs
- Italicize and define any foreign language words
  - E.g. “pandilla (gang)”
- Qualify quotes
  - E.g. “said something like . . .”
INTERVIEWING TIPS FOR TAKING A CLIENT’S DECLARATION IN ASYLUM AND OTHER FEAR-OF-RETURN CLAIMS

- **Preparation**
  - Research country conditions background and applicable law
  - Create interview roadmap of topics and questions/have clear goals for interview
  - Review notes from prior interviews to refresh your memory

- **Comfortable interview environment**
  - Offer snacks/water
  - Clothing appropriate to religion/culture/socio-economic background
  - Seating arrangement – consider asking client to choose where to sit; sit at same level as child client; identify any physical barriers between you and client (e.g. desk/table)
  - Private space with visible exits and preferably natural light – consider whether office may be intimidating and how to mitigate
  - Use of technology – consider how impacts communication

- **Introductions and confidentiality**
  - Introduce interpreter/anyone else in the room; clarify you don’t work for the government
  - Build rapport – e.g. try memorizing a short greeting in client’s language; ask about favorite foods/activities, family
  - Explain roles of attorney, interpreter, client, and anyone else in room; describe attorney-client relationship as a partnership (what she can expect from you and what you need her help with)
  - Who does confidentiality extend to – staff, paralegals, interpreter?
  - Be mindful of limits to confidentiality in detained setting: interview through window, recording, video, etc.

- **Meeting overview**
  - Provide roadmap of what will occur at meeting – manage expectations and help client feel prepared for difficult topics

- **Questions**
  - Use open-ended questions to elicit information
  - Use closed questions for gathering basic information or clarifying your understanding
    - E.g., yes/no, date, name, etc.
    - Beware: closed questions may hem client into facts that she can’t remember later or make her feel pressured to make up a detail in order to answer your question
    - Assure client that “I don’t know” or “I don’t remember” are legitimate answers
• Avoid asking:
  o Compound/multiple questions (leads to confusion)
  o Multiple choice questions (limits answer)
  o Leading questions (prevents full disclosure, danger of inconsistency as client may not correct you)
  o Judgmental questions (may alienate client or prevent forthcoming answers)
• Keep questions short and simple and avoid using legal terms or complex vocabulary
• Ask about events/client’s experiences in relation to country of origin information
• Don’t make assumptions (can close important lines of inquiry)
• Revisit issues over the course of time to check for misunderstandings and misinterpretations
  o Consider whether a translation issue or misunderstanding based on different cultural context caused a discrepancy, or whether a product of trauma or young age
• Remind client it is OK (and normal) not to know the answers to all the questions
• Identify problem areas, e.g. inconsistencies, unresponsiveness, providing irrelevant or harmful facts, inarticulate responses about key elements, etc.
• When client has memory issues, try creating timelines, charts, drawings, and/or visual aids

**Active listening**
• Show you are listening with your body language and by reacting appropriately
• Pay attention to client’s word choice, including self-blame, and body language (e.g. client hugging bag, exhibiting signs of distress/fear, crying, closing eyes, rubbing temples)
  o If client is re-experiencing trauma, consider use of grounding techniques (e.g. breathing exercises, tossing ball back and forth, focusing on texture of an object) to bring client back to the present
  o Affirm to client that it is okay to stop discussing topic if difficult, and ask if client would like to take a break; ask client if she wants to continue
• Express empathy
  o Use empowering words that acknowledge client’s strength and resilience (e.g., “you are so strong”)
  o Provide brief verbal affirmation when appropriate (e.g., “I know this must be difficult” or “I appreciate you sharing this with me”)
  o Avoid judgment
  o Tolerate silence
• Ask permission (e.g., to move closer, or if the client wants a hug?)
• Invite client to get comfortable
• Ask how to best support client

*Trauma causes memory difficulties and can impede a client’s ability to communicate effectively with her legal representative and to recount traumatic events in her testimony.* Please contact CGRS for resources on strategies geared specifically toward working with trauma survivors, such as our practice advisory entitled *Gender-Based Fear of Return Claims for Women and Girls – Chapter II: Working with Survivors of Gender-Based Violence.*