

# Trauma-Informed Legal Advocacy: Medicolegal Approaches & Best Practices for Immigration Attorneys

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## **Abstract**

Trauma-informed legal advocacy is a compelling approach to utilize when attorneys represent traumatized individuals. Trauma-informed legacy advocacy in partnership with medicolegal approaches is a growing field within the medical and legal professions with theoretical underpinnings still developing. Excessive conflicts, trauma, persecution, human rights violations, and war across the globe are associated with an increased efflux of individuals and families from affected areas and an increased influx of people in host countries that are largely developed countries including North America, Australia, and Europe, making the role of immigration attorneys challenging. The traumatic experiences of these immigrants, refugees, and asylum seekers with psychological or neuropsychiatric symptoms not only stem from past traumatic experiences but also are associated with potential fears of being deported, separated from family, legal ramifications, and residential uncertainties in host countries while harboring memories of suffering from fear of persecution due to nationality, race, religion, political opinion, affiliation in a social group, and sexual orientation in countries of origins. Though much of the literature on trauma-informed practice focuses on the secondary traumatic stress of medical professionals, little attention has been geared toward the secondary traumatic effects on attorneys. While the increasing demand for an immigration psychological evaluation may be beneficial for an immigration case and helps create an avenue for immigration attorneys to understand their clients' traumatic experience, there is a gap in knowledge about how to limit attorneys' exposure to secondary trauma when providing trauma-informed legal advocacy, how to identify malingering among clients, and how a client's trauma and memory lapse interplay. This article discusses the importance of immigration attorneys understanding and utilizing trauma-informed legal advocacy, recognizing the re-traumatization of victims during legal appearances, the

importance of an immigration psychological evaluation of a client, and developing routine self-care practices.

**Keywords:** Trauma-informed legal advocacy, immigration law, immigration attorney, immigration psychological evaluation, neuropsychiatry, medicolegal, secondary traumatic stress

## **Introduction**

Trauma-informed practice is prevalent in social, therapeutic, medical, and legal services. Efforts to reduce re-traumatization are needed, including recognition of how trauma may interfere with the attorney-client relationship. Trauma-informed practices not only assist immigration lawyers (attorneys) to understand clients but also help advance advocacy strategies while simultaneously may help increase the compliance levels of clients with treatment, legal and medical recommendations. Like physicians, attorneys must recognize their trauma exposures and implement prompt measures to reduce or prevent secondary traumatic effects while delivering quality and efficient services to clients with traumatic experiences. Though physicians face great risks of secondary trauma exposures in hospital emergency departments, during childbirth delivery, or while treating patients in psychiatric hospitals, attorneys also are subjected to indirect trauma effects from representing traumatized clients. The risk of re-traumatizing the client is of great concern for attorneys, especially when clients have to relive their trauma by discussing experiences with a lawyer or testifying in court. The professionals must focus on their self-care concurrently to counterbalance the client's traumatic experiences while being aware of and reducing secondary traumatic stress [3,9,13].

Immigration law in the United States is a complex area of law, requiring skillful knowledge of immigration laws to maneuver multiple intricacies. The U.S. immigration system mandates that people seeking asylum prove their persecution claim is credible and their fear of returning home is well-founded [23]. Immigration attorneys are usually the first ones to come in contact with traumatized immigrants when individuals seek legal representation. Immigration attorneys are also known as referring providers, as they may refer their clients to medical professionals for healthcare treatment or licensed mental health providers (psychologists, psychiatrists, counselors, social workers, forensic/clinical evaluators) for outpatient behavioral therapy, psychiatric treatment, or for an immigration psychological evaluation for a Violence Against Women Act (VAWA), U-Visa, T-Visa, asylum, or extreme hardship case may play a critical part in the legal

proceeding. Immigration psychological evaluations are often considered interchangeably as immigration forensic evaluations, forensic affidavits, immigration mental health evaluations, medicolegal evaluations, clinical evaluations, or psychological evaluations with few variations in the structure of the evaluation framework. Attorneys can collaborate with medical and mental health practitioners to obtain relevant information from a psychological evaluation to help prove or disapprove legal claims. Notably, trauma can impact an individual's memory, and a lapse in memory to chronically recall details of traumatic events may incorrectly persuade an immigration official, in particular, an asylum adjudicator to deny an asylum claim. The partnership or collaboration minimizes the requirement for asylum seekers to narrate their traumatic experiences multiple times and to multiple professionals [15, 22,23,25,30]. Therefore, being culturally sensitive to provide trauma-informed legal advocacy while balancing self-care is imperative for immigration attorneys.

Trauma-informed legal advocacy practice plays a pivotal role in the psychiatric well-being of attorneys and clients as well as the outcomes during court appearances. Secondary trauma is a prevalent occupational risk for professionals who interact with trauma survivors. Trauma-informed professionals must constantly be mindful of the sensitive nature of their work. Asylum seekers and refugees are vulnerable people, and providing medical care or legal services can be challenging. Besides voluntary international relocation due to various reasons, many asylum seekers and refugees are forced to leave their homes amidst wars, conflicts, persecution, or inhumane circumstances. The efflux of individuals and families from the affected regions in the world is proportional to the heavy influx of them in developed countries such as North America, Australia, and Europe [13]. There are several challenges associated with the arrival and settlement of individuals and families in developed countries. Many factors must be considered when assisting traumatized vulnerable populations such as different challenges and fears faced by victims/survivors, the role of immigration attorneys in implementing trauma-informed legal advocacy for asylum seekers, immigrants, and refugees, risks of secondary traumatic stress for immigration attorneys, the different characteristics of an immigration psychological evaluation, and the benefit of self-care for both the client and attorney.

### **Trauma-Informed Care**

Trauma-informed care is essential in the legal system to help optimize strategies while ensuring culturally sensitive approaches. Trauma-informed legal advocacy (TILA) is rooted in an understanding of the impact of trauma on individuals' lives. Trauma-informed legal advocacy must be encompassed with principles of self-care, safety, choice, collaboration, self-awareness, and empowerment. TILA recognizes that clients may have had prior experiences with the legal system that were negative and traumatizing. Professionals must seek to avoid re-traumatization by creating a safe and supportive environment for clients. Trauma-informed legal advocacy allows professionals to recognize that clients are the experts on their own lives and experiences, and works to empower clients to make choices about their self-care, legal and medical compliance, and resiliency pathway while simultaneously allowing attorneys to identify best practice approaches to ensure appropriate legal advocacy. TILA is still relatively new, but it has the potential to transform the way attorneys work with clients who have experienced trauma. By understanding the impact of trauma and using trauma-informed principles, attorneys can provide much-needed support and advocacy to clients who have experienced trauma [1].

Immigrants and refugees face numerous obstacles as they attempt to seek asylum in developed countries. While formulating legal claims to be presented during court hearings, the asylum seekers may fail to produce relevant and adequate evidence of violence including sexual assault and physical abuse during immigration. An immigration psychological evaluation comprising the objective documented psychological and physically traumatic experiences may strengthen the legal claims. Licensed healthcare professionals along with mental health professionals may conduct physical examinations and psychological evaluations, respectively, for documenting physical, psychological, and neuropsychiatric harm.

Trauma can have a profound effect on individuals, families, communities, legal systems, and healthcare sectors. In addition to the initial trauma experiences of the asylum seekers, refugees, and immigrants, they undergo further traumatic experiences during the migration and resettlement which can cause long-term consequences on their mental health and overall well-being. This population represents a highly-traumatized group, with psychological and neuropsychiatric symptoms consequent to prior torture or maltreatment that may interfere with cognitive function and their ability to recall their trauma [24]. The governmental, non-

governmental, and some social organizations may be inadequately prepared to address and resolve the trauma experienced by individuals and families who need trauma-related legal and medical assistance, which may adversely affect trauma-informed advocacy efforts when limitations exist with language and cultural barriers, including legal uncertainty. Trauma-informed approaches are beneficial for addressing the impact of trauma on the overall mental and physical health of immigrants and refugees [6,9,20].

Trauma-informed care interventions are critical to improvement in health outcomes, accessibility and equity in the provision of healthcare services, and reduction in healthcare costs, including the benefits of an immigration psychological evaluation. Trauma-informed care includes the development of structurally competent tools for the assessment of trauma, an inclusive healthcare environment, and interdisciplinary models for care. The provision of mental health services can significantly improve the severity and risk of Posttraumatic Stress Disorder among refugees [15,24]. Not only is outpatient therapy beneficial for individuals diagnosed with Posttraumatic Stress Disorder (PTSD) but also having an immigration psychological evaluation conducted by an experienced licensed mental health professional is a compelling part of many immigration cases.

### **Immigration Psychological Evaluation**

Immigration psychological evaluations are beneficial for some clients with trauma, as the evaluation may assist clients to understand the psychological effects that they are experiencing as well as assist immigration attorneys to formulate a legal strategy for a case. An immigration psychological evaluation is a comprehensive clinical assessment embedded with a medicolegal framework. An immigration psychological evaluation is one of the components that is used to help immigration courts to determine whether or not an individual will be able to remain lawfully in the United States. Immigration psychological evaluations help provide supportive evidence, or lack thereof, of an individual's psychological effects from a traumatic experience. A mental health and psychosocial framework of a client and clinical ramifications are explored. Though evaluations are recommended for many legal matters, immigration psychological evaluations are often encouraged for traumatized individuals with immigration cases in the United States involving VAWA, U-Visa, T-Visa, asylum, and extreme hardship. Notably, though the word 'women' is associated with VAWA, men may pursue a VAWA

Petition and request to receive an immigration psychological evaluation. If a clinical evaluator determines through an immigration psychological evaluation that psychological evidence is consistent with an individual's account of domestic violence, torture, abuse, or persecution, an individual may self-petition or hire an immigration attorney to submit a petition to the United States Citizenship and Immigration Services (USCIS) or the Executive Office for Immigration Review (EOIR). Though the USCIS and EOIR have the discretionary judgment to make decisions, an immigration evaluation helps immigration attorneys and immigration government officials involved in a case to understand and be informed about a client's traumatic exposure and the psychological effects that an individual may endure if removed from a host country,

The likelihood of malingering or lack thereof is an essential component that must be assessed and incorporated into an immigration psychological evaluation. Immigration attorneys should request that a section assessing malingering is included in the evaluation when the attorney requests for a licensed mental health professional to evaluate a client which will add credibility to the immigration psychological evaluation. Additional key components of the evaluation must include the client's mental health and/or substance use diagnoses, clinical recommendations, and referral sources. The evaluator should not provide outpatient therapy to the evaluated client to ensure ethical standards. Since with many legal cases, especially immigration cases, where there may be a secondary gain for a client to meet the criteria of a mental health diagnosis, malingering of a client/patient must be assessed. The chance of fraudulent intents and false descriptive traumatic events must be considered with malingering, especially when there are inconsistencies with a client's details. A trained professional must detect such fraudulent acts, and a failure to do so should be unacceptable and places many at risk. Licensed professionals must carefully assess the reliability, credibility, and responses of a client, including analyzing the consistency of information, non-verbal and verbal cues, body posture and eye movements, and timing of reactions to questions during an evaluation process. Additionally, a recommend that a neuropsychiatric evaluation is also conducted to accompany the immigration psychological evaluation when a client displays noticeable cognitive or mental deficits. A licensed physician (psychiatrist or neurologist) may evaluate to determine neuropsychiatric factors associated with an individual's physical, mental, and neurological trauma-related conditions such as evidence of seizures/epilepsy, memory loss, palsy, attention deficit disorders, migraines, traumatic head injuries, psychological disorders, or other complex conditions [9,19,22,23].

Immigration psychological evaluation can contribute significantly to an immigration court case. Licensed mental health professionals must be trained and experienced to compose psychological evaluations to rule in or out malingering. Though the scope of an immigration psychological evaluation is not a clinical specialty area, it is imperative that professionals who lack understanding of immigration matters and do not have a higher degree of clinical analytical knowledge, skills, training, and psychological awareness of asylum seekers, immigrants, and refugees' experiences, should refrain from composing such evaluations to prevent harm to the client/patient and a disservice to immigration attorneys, legal systems, and society as a whole. Not only are immigration psychological evaluations essential for immigration cases, but considering the sociocultural factors of a client that may be at play, it is essential to provide effective clinical and culturally-sensitive approaches during the evaluation as well for immigration attorneys to provide representation with a focus of trauma-informed legal advocacy to traumatized victims.

The benefits of psychological evaluations, which may be documented in forensic affidavits or petitions, include an increase in the permit rates for protected immigration as opposed to asylum applications which are submitted without forensic affidavits. The document also provides information about the history of the asylum seeker, mental and physical health outcomes, and the exposure of the asylum seeker to human rights violations. While medical-legal evaluations hold utmost importance in the acceptance of asylum applications, these evaluations may accompany psychological and physical abuse of the asylum seeker along with the abused individual experiencing the negative psychological consequences of these evaluations[19]. Outcomes of psychological and physical evaluation depend on several factors which may lead to some immigration officials being likely to be more sympathetic toward younger asylum seekers as compared to older individuals [4,21]. The asylum seekers may have memory lapses and inconsistency in their statements as a consequence of traumatic experiences. These memory lapses may be incorrectly perceived by asylum adjudicators, as indicators of dishonesty and jeopardize the person's creditability and asylum claim [22,24]. The adjudicators may point to the inconsistencies, which may lead to the denial of asylum claims, resulting in negative consequences on the mental health of the asylum seeker[4]. Memory lapse may serve as an indicator of complex trauma. Immigration attorneys, medical, and immigration court and

enforcement officials must recognize the interconnection of trauma and memory loss and how impairments can impede the immigration proceedings for vulnerable populations [24].

### **Re-Traumatization & Legal Proceedings**

The implementation of the trauma-informed approach in the practice of law has useful implications in the reduction of victim re-traumatization, improvement in advocacy, provision of opportunities to increase connections, and the attorney-client relationship [2]. When legal professionals employ a trauma-informed perspective in their practice, traumatized victims tend to engage more effectively after a level of trust is established. In the context of court proceedings, persecution is initiated by governmental or non-governmental personnel which may require a traumatized victim to relive memories of sexual, emotional, financial, medical, and physical abuse. Such events may be seen as trauma to the immigrants, asylum seekers, or refugees within their country of origin or the country they fled from. Many immigrants and asylum seekers experience varying degrees of trauma, supplemented by detention or imprisonment in the host country [30]. The engagement of such individuals in courts regarding their trauma experiences often results in re-traumatization. The traditional practice of cross-examination has detrimental outcomes on the accuracy of testimony. Reducing re-traumatization throughout the entire justice system, not just immigration courts, should be the focus. Exposure to particular triggers during legal proceedings may cause the immigrants to experience the symptoms of post-traumatic stress disorder, depression, and anxiety [30].

The integration of mental health screenings and services can largely improve client outcomes in legal proceedings. Individuals with impaired mental well-being or neuropsychiatric disorders upon psychiatric evaluation shall not only receive psychotherapeutic interventions but shall also be handled in courts and by attorneys implementing a trauma-informed approach. The psychological evaluation comprises trauma screening of clients with traumatic experiences. This is useful for the recognition of trauma in the clients, which may assist attorneys, court personnel, and mental health practitioners in improving the psychological well-being of the client. This is

also useful for both the lawyer and the court personnel to develop a trauma-informed environment when dealing with the client. The psychiatric evaluation of the client also allows the attorneys and the court personnel in reducing the risk of re-traumatization of the client. A proper psychiatric evaluation will also prepare the lawyer in coping with the trauma while directly dealing with the client and facilitate the development of self-awareness and self-compassion in the lawyer [11,14,15,25].

There is a risk of re-traumatization when individuals are required to recount details of traumatic experiences. Trauma-informed legal advocacy helps professionals to identify and minimize risk factors. Though the risks of re-traumatization should be considered when requiring traumatized individuals to testify or undergo scrutinizing questions, the benefit of the process should be considered to ensure compliance with all laws, especially immigration laws. Three potential domains of trauma-informed legal practice should be considered when evaluating benefits such as system benefits, client benefits, and attorney benefits. In the context of client-based dimensions, trauma-informed legal advocacy addresses the safety and empowerment of clients. The attorney-based practice dimensions of trauma-informed advocacy include management of secondary trauma, trauma understanding, trauma awareness, self-care, and improved representation of clients in court. The legal system benefits of trauma-informed lawyering include potentially improved outcomes, compliance with laws, and improved advocacy practices to minimize re-traumatization. The pedagogical techniques employed in teaching trauma-informed advocacy in legal training include trauma-specific education, interdisciplinary partnerships, experiential learning, and trauma-specific curriculum.

The appearance in court of clients with traumatic experiences is inadvertently associated with traumatic experiences. Mental health symptoms associated with trauma among asylum seekers are common in the immigration courts. The people involved in the immigration courts may also be subjected to stress related to immigration proceedings or victims of human trafficking. The justice system cannot cure or eliminate the traumatic experiences of the witnesses and victims. However, the justice system, particularly court appearances, is closely associated with intensifying the trauma that is otherwise responsible for the presence of the victim or witness in the court because the intense anxiety of the individuals may provoke re-traumatization. Such re-traumatization may have long-term negative consequences on the life of the client that may also

intervene in the healing or recovery of the client from the traumatic experiences. Traumatized victims reported having a greater degree of psychological distress following contact with the justice system as opposed to victims with relatively lesser contact with the justice system[5, 7,11,20,22].

### **Trauma-Informed Court Environment: Large vs. Small Jurisdictions**

In courts where trauma-informed approaches and policies are not implemented, the emotional and psychological well-being of traumatized individuals may be significantly threatened. There is a difference in understanding trauma and the implementation of relevant practices and policies in large versus small jurisdictions. Smaller jurisdiction personnel demonstrate a greater understanding of trauma and perception of being more trauma-informed as compared to larger jurisdiction personnel[14]. Such differences in understanding trauma may be attributed to a smaller and homogenous population, open collaboration and communication, less formal procedures, and greater time for addressing trauma in the case of smaller jurisdiction personnel[15,25].

Many asylum seekers and refugees presented in immigration courts appear with experiences of being traumatized by torture, war, and political or ethnic oppression in the country/region of origin. These individuals are highly susceptible to the development of different psychological and neuropsychiatric disorders including PTSD, depression, anxiety, migraines, seizures/epilepsy, and other complex conditions. Asylum interviews and testimonies in court hearings may exacerbate the symptoms of PTSD in these individuals, especially in large court environments or in a setting with numerous court officials or interviewers. A smaller setting may contribute to decreased chances of re-traumatization. In addition to refugees and asylum seekers, individuals (females and males) subjected to sexual abuse may also experience the onset of PTSD symptoms following testifying in court. Victims of trauma may also experience stress while giving testimony in court [8, 28,29]. Their verbal and non-verbal cues and emotional reaction may support or adversely affect the credibility of their testimony. Having a trauma-informed courtroom environment will increase understanding of victims' reactions. Owing to the negative consequences of a court hearing on the psychological well-being of the victim, accusation, and disbelief, the victims may withdraw their complaints[16,26]. Victims of abuse

with PTSD may also develop other comorbid psychological disorders including generalized anxiety, major depression, and bipolar disorder[17,20,29].

### **Trauma & Sociocultural Factors**

When providing legal advocacy to traumatized victims, it is important to consider the various sociocultural factors that may be at play. This includes understanding the victim's social and cultural background, as well as the specific context of the trauma experienced [7]. Asylum seekers and refugees are subjected to potential fears during their arrival and settlement in the host countries. These fears are associated with perceived challenges associated with immigration, settlement, medical care, and legal ramifications. When the country of origin and the host country are culturally and socially different, the asylum seekers are more likely to have traumatic experiences that may lead to the development of or complicate the already existing (PTSD) and chronic impairments. Uncertainty in the legal and residency status adds to the distress and trauma among these individuals [12,14].

The asylum seekers may have a well-founded fear of persecution for several reasons including race, nationality, political opinion, sexual orientation, religion, and being members of a specific social group. These individuals are uncertain about their future in the host country and experience fear of deportation which may cause depression, anxiety, and other psychiatric disorders, including substance use. The post-migration stressors also include fear of separation from the family, failure to get a work permit in the host country, and delay in the processing of their asylum applications [11, 22]. These factors among many others support the necessity of trauma-informed legal advocacy.

### **Role of Attorneys in Trauma-Informed Legal Advocacy**

Trauma-informed immigration attorneys, including human rights attorneys, can play an important role in assisting clients who have experienced trauma. Victims can be provided support, advocacy, and help to ensure that they are protected. In addition, trauma-informed attorneys can help to educate clients about their rights, and options, and provide information about resources that may be available to them [13]. A trauma-informed legal practice considers the impact of trauma on individuals and their families while preparing to provide the highest level of legal representation. Attorneys play an important role in such practices, as attorneys may

be one of the most important, and in many cases, the first point of contact for victims and families dealing with trauma. As the first point of contact, attorneys have a unique opportunity to provide guidance and support to families impacted by trauma. In many cases, attorneys can provide resources and referrals to other professionals who can offer additional support. Attorneys can also help families navigate the legal system, which can be complex and confusing for those who are dealing with the aftermath of a traumatic event. By taking a trauma-informed approach, attorneys can help families rebuild their lives after a traumatic experience. This includes helping families to access necessary resources, navigate the legal system, and find support from other professionals [10].

### **Secondary Traumatic Stress & Immigration Attorneys**

Secondary traumatic stress among immigration attorneys is essential to consider due to the increasing likelihood of exposure to indirect trauma when representing traumatized clients. While attorneys are actively involved, sometimes in collaboration with medical professionals, in addressing the legal needs of asylum seekers, immigrants, and refugees, they often experience secondary trauma. Medical professionals have an increased vulnerability risk of exposure to secondary traumatic stress when working with traumatized patients, though many professionals are reluctant to disclose the psychological impact due to concerns of adverse impacts on careers, reputations, and professional image [9]. Attorneys as well come in contact with traumatized clients especially immigration attorneys and human rights attorneys who work with asylum seekers and refugees for many hours to prepare for court hearings, legal documentation, and interviewing. The discussion between the attorneys and the client involves the extraction of details out of the traumatic experiences of the client to make a strong asylum, VAWA, U-Visa, T-Visa, or extreme hardship claim. While medical professionals may be equipped with learned techniques to cope with some trauma exposures, attorneys do not always learn these techniques, falling victim to the negative consequences of secondary traumatic stress [9, 21].

Refugees and asylum seekers may not open up about the trauma when they are not asked to do so. Immigration attorneys play an important role in inquiring about traumatic experiences by initiating discussions with the clients by asking about their lives in their home country along with the circumstances that led to their escape from there. The mental health sequelae of traumatic experiences among refugees and asylum seekers may persist for years. The psychological effects

of migration stemming from acute trauma along with the cultural, economic, and social conditions of the home country may be devastating for some attorneys to hear. Similar to many professionals, the effects of seeing or hearing traumatic incidents may subject attorneys to secondary traumatic stress. Initiating a strategic plan to interact with victims of trauma is essential and required emotional balance, cultural sensitivity, and self-awareness. An effective management plan for addressing the trauma among asylum seekers and improving their mental health and overall well-being involves the incorporation of mental health services in primary care clinics, to normalize mental health care and decrease the associated stigma [8, 26].

## **Trauma-Informed Legal Advocacy Strategies**

### **Strategies for Immigration Attorneys**

The following strategies are useful in helping immigration attorneys understand the benefits of implementing trauma-informed legal advocacy as well as identifying how to mitigate the risk of secondary trauma reactions when representing clients with traumatic experiences. Immigration attorneys must bypass the notion of trying to learn complex clinical theories and focus primarily on developing practical client-centered and interpersonal skills that can be applied to ensure overall safeguards of mental well-being and the production of quality legal services while advocating for traumatized and non-traumatized clients.



**Fig. 1:** Trauma-Informed Legal Advocacy Best Practices

### Self-Care

Self-care among immigration attorneys is beyond a privilege but is the professional responsibility of immigration attorneys for sustaining them in their practice. Immigration law is embedded with rapidly changing regulations, and the daily stressors, demands, and deadlines of a huge immigration caseload can compromise immigration attorneys' self-care balance as well as overall mental and physical health. Self-care is also integral to the provision of a well-regulated and supportive experience to the clients to minimize the risk of re-traumatization. Immigration attorneys can engage in an appropriate professional balance, become aware of burnout indicators and personal secondary stress reactions to clients' trauma, and acquire consultation and support from their mentors and peers. Experiencing secondary stress reactions is an inevitable component of immigrant legal practice owing to engagement with individuals exposed to trauma[18].

Self-care is essential to help attorneys protect themselves from harm caused by secondary traumatic stress. Attorneys should practice self-care because it is essential for both professional development and professional competence. Attorneys shall begin by learning

about trauma theory. This will motivate them to build resilience as well as adaptive habits to counter trauma. Attorneys who are trauma-informed understand that the impact of trauma is both real and manageable. Attorneys with a growth mindset learn from the experiences the clients bring in and develop safe and adaptive behaviors to cope with the traumatic experiences of their clients [12,14].

Self-care is highly recommended for law students interested in immigration law to help them learn concepts of self-care early on to help minimize the risk of secondary traumatic stress. Law school is undoubtedly stressful, and incorporating strategies to focus on mental and physical health balance is imperative. Law school family law, immigration law, human trafficking law, and healthcare law classes, including law school clinics, are appropriate settings to introduce trauma-informed legal advocacy as well as encourage discussions about routine self-care implementation when representing clients with traumatic experiences. Self-care plans for immigration attorneys, including law school students, should comprise regular exercise, awareness of mental health services, mental health counseling, consuming a healthy diet, proper rest, stress management, and supervision from mentors and senior immigration attorneys. The components of self-care strategies include personal physical, professional, personal psychological, societal, organizational, personal moral, and personal social components [13].

### **Self-Awareness**

Self-awareness and proactive care can help identify mental and physical health early on. Mindfulness-based approaches are also useful for learning and inculcating self-compassion and self-awareness in attorneys. Different mindfulness interventions are useful for improving performance, overall well-being, and resilience to stress among attorneys. Mindfulness starts with self-awareness which requires individuals to recognize changes within themselves, whether emotional, psychological, mental, physical, etc. For instance, attorneys can adopt a basic mindfulness practice of meditation or may also engage in stress management, walking, and yoga as well as ensure proper rest and consumption of healthy balanced meals. Self-awareness with mindfulness concepts allows the attorneys to integrate and subsequently resolve the somatic, emotional, and cognitive aspects of the trauma. It also helps the attorneys engage in post-traumatic

growth, encompassing greater meaning of life, appreciation of life, and forward-thinking optimism. Restorative justice in the legal systems is an important aspect of criminal law, which largely involves trauma and the consequences of traumatic experiences both in the client and the lawyer. Other domains of the legal system where restorative justice and trauma-informed approach can be articulated include child abuse, personal injury, domestic violence, coronial law, and family law.

### **Minimization of Re-Traumatization**

The legal system should focus on limiting the re-traumatization of clients with traumatic experiences. Courts with a trauma-informed environment can help reduce the re-traumatization of the victims and witnesses at different levels of policy, person, practice, and environment. Immigration attorneys can be instrumental in encouraging court personnel to actively participate in defining trauma and educate themselves about the importance of a trauma-informed court environment. The court personnel can also implement trauma-informed legal advocacy strategies by prioritizing re-traumatization or secondary traumatic stress, identifying risk factors, eliminating re-traumatizing factors, and providing a supportive court environment. This also helps in the recognition of useful resources for offering support to the victims and witnesses as well as allowing them to relax and decompress. The court personnel can also acquire the opinions of the community members regarding the different aspects of the legal system. This helps the court personnel in identifying and resolving the stressors that otherwise go unnoticed. Another important step to implementing trauma-informed practice in courts is to develop a diverse environment with similarities among the population and the court staff [11,15,25].

### **Elimination of Secondary Traumatic Stress**

Secondary trauma management techniques largely focus on the management of attorneys' specific well-being and health. The key principles of trauma-informed legal practice include gender, cultural, and historical issues; safety; peer support; voice, choice, and empowerment; trustworthiness and transparency; and mutuality and collaboration[30].Minimization of secondary trauma experienced by immigration attorneys is imperative and helps to adjust the attorney-client relationship. Immigration attorneys shall set up clear boundaries in the attorney-client relationship and communication to prevent being overwhelmed. This practice is also critical to the self-efficacy of the attorneys and their response to the trauma [13].After identifying the trauma experiences of the client, the attorney shall adjust the relationship accordingly. This is important because the trauma experiences of the client and secondary trauma may affect the process of acquiring the complete story of the client. Therefore, the Immigration attorney should employ different strategies to adjust the relationship to promote trust and safety in the client and to retrieve information necessary for the case [18].

The creation of safe spaces for immigration attorneys and other legal practitioners who experience secondary trauma reactions is integral to the prevention of vicarious trauma. In such safe spaces, the attorneys can discuss their clients with exposure to trauma and having a previous trauma history with another individual regularly. This approach can be utilized in law school clinics by implementing case rounds, supervising the students and attorneys, and reflecting on their practice. A safe space allows immigration attorneys to regulate their emotions and buffer the trauma experiences during legal proceedings. The students can also benefit from learning important skills and techniques to implement in their legal practice [18].

### **Caseload Management**

Management and diversification of the caseload can also help attorneys in preventing secondary or vicarious trauma while handling immigrant cases. Effectively managing caseloads helps to reduce stress levels while simultaneously resulting in productive and efficient work products and a proper balance of overall mental and physical health.Immigration attorneys are at a high risk of experiencing vicarious trauma in high-

volume practice and limited resources for handling cases. To prevent secondary trauma reactions, attorneys should avoid becoming overwhelmed by the cases and manage their workload effectively. Another important strategy to supplement the management of caseload is to adapt to a workplace culture that should constitute peer support, open communication, and supervision of Immigration attorneys [4].

### **Stigma Elimination Advocacy**

There is significant stigmatization of mental health concerns among many professionals, contributing to a threat to their well-being while working directly with witnesses, clients, and victims of traumatic experiences. Like medical professionals, attorneys are required to listen to the traumatic experiences of their clients including graphic descriptions of violence. While some attorneys do not experience any damaging or life-changing effects, other attorneys are subjected to adverse outcomes while dealing with such clients. Though attorneys may exhibit the symptoms of post-traumatic stress disorder, similar to other professionals, they may be reluctant to seek psychological help due to the stigma of having a mental health diagnosis. A trauma-informed approach and societal acceptance can help many professionals, including attorneys, to develop the confidence to seek help, remove social constraints of stigma, and survive and thrive through secondary traumatic experiences with the usage of outpatient psychological counseling with a focus on Cognitive Behavioral Therapy (CBT). The trauma-informed approach may also help attorneys to develop resilience, overcome the stigma, normalize the outcomes of indirect exposure, ensure supporting systems at the workplace, and maximize protective strategies [12,14].

### **Trauma-Informed Court Environment**

There is a great need for immigration attorneys to advocate for a trauma-informed court environment. Besides personal-level trauma-informed approaches to the legal system, the court personnel can introduce some modifications at the environmental, policy, and practice levels. This includes positive interactions between the victim and court personnel, providing services coherent with the unique requirements of the victims and their families, and introducing trauma screenings of the victims to identify and diagnose trauma. Increasing rapport with USCIS and EOIR officials may also contribute to

streamlined interactions while simultaneously increasing awareness of court environmental trauma-related factors, including interview processes. Trauma-informed approaches on an environmental level include the provision of separate waiting rooms for the accused and the victims to promote the feeling of safety among the victims and the development of an environment limiting arousal and frustration in the victim. At the level of policy, the court personnel can adopt Project ONE (one family – one judge), which limits the frequency of recall of trauma and in turn, reduces re-traumatization [25]. Of course, it is reasonable to consider that court personnel (a client's attorney and the government's attorney) may be involved in an immigration case. Consideration must be geared toward limiting additional court personnel appearances to decrease the risk of re-traumatization of a client as well as applying preventive measures to decrease the chance of court officials, not just immigration attorneys, from being subjected to secondary traumatic stress.

### **Medicolegal Approach**

Medicine and law (medicolegal) may be the key to effective trauma-informed approaches and partnerships to ensure clinical best practices approaches to providing medical and legal services to immigrants, asylum seekers, and refugees. Incorporating immigration psychological evaluations, making appropriate medical and clinical referrals for traumatized clients to seek treatment, advocating for trauma-informed practices, recognizing how trauma and memory lapse interplay, attending training relevant to how trauma intertwines with some immigration laws and understanding of psychological effects of trauma are some medicolegal approaches that an immigration attorney can implement. The medicolegal approach creates a platform for immigration attorneys, medical professionals, and licensed clinicians to strategically implement best practices to treat not only traumatized immigrants, asylum seekers, and refugees but traumatized patients/clients as a whole. Ongoing collaboration is needed to gradually shape professional settings to adapt trauma-informed practices. Combining a medicolegal approach with trauma-informed legal advocacy will help immigration attorneys to identify effective avenues to represent traumatized victims while implementing strategies to bridge understanding of how the psychological effects of a victim interface with

immigration law. Additionally, increasing professional rapport with USCIS and EOIR officials may contribute to streamlined interactions for the advocacy of trauma-informed practices while simultaneously helping promote the efficiency of immigration services. This facilitates the improved provision of legal services to the clients, which further minimizes severe legal problems, identifies legal relief, and may prevent deportation. Improved case management services allow for increased primary care services for underserved populations. Improved health and well-being of immigrant clients based on trauma-based legal practice mediates better health, support, and coping skills. These approaches allow for more efficient communication between the client and attorney, facilitating better court-related outcomes and reducing the occurrence of re-traumatization when experiencing certain triggers during legal proceedings [19].

The medicolegal approach is, in fact, useful for addressing the political and social determinants of health, which are relevant to refugees, immigrants, and asylum seekers in many countries. In the context of medicolegal partnerships, both doctors and attorneys can promote trauma-informed advocacy whereby the doctors can determine the magnitude of an individual's trauma while the attorneys zealously represent the client in the legal spaces to protect the lives of asylum seekers, immigrants, and refugees. These partnerships are integral to curating the best case for those who are seeking asylum, particularly relevant to court proceedings. The medicolegal approach also involves the bidirectional exchange of information between the attorney and doctor. Attorneys can assist medical professionals in navigating legal barriers, policies, and terminologies while medical professionals can offer health and trauma-informed services to asylum seekers [20]. Equally important, doctors and attorneys must understand the vulnerabilities of the asylum seeker along with the identification of the resources and challenges associated with the management of physical and mental health [18,22,23,27].

## **Conclusion**

Traumatic experiences have negative outcomes on the psychological well-being of the traumatized individual that can adversely impact many professionals, including attorneys.

Trauma-informed legal advocacy with consideration of medicolegal strategies is a remarkable approach for promoting the overall well-being of both the attorney and the client but also may influence the outcomes in courts. While the attorneys may not learn trauma theories or medical terminology, they can develop self-awareness and self-compassion to cope with the traumatic experiences of the client to help court personnel contribute significantly to limiting re-traumatization in the victims. Particularly, it is important to encourage trauma-informed legal advocacy in immigration courts where the people involved are asylum seekers, immigrants, and refugees who are victims of human trafficking, torture, domestic violence, abuse, and oppression. Immigration psychological evaluations and trauma screenings of these individuals aid in the provision of appropriate psychotherapeutic interventions and also facilitate immigration attorneys and court personnel in adapting to the necessary measures. Neuropsychiatric trauma-related memory lapses should not be a conclusive indicator of dishonesty when providing representation or making immigration decisions for traumatized individuals. Of most importance for an immigration attorney is routine self-care which should be highly considered when representing individuals with traumatic experiences.

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