

**ASSISTING FOREIGN CLIENTS
TERRY LEA ELIZONDO**

In addition to the usual consideration that goes into the handling of a case, major ramifications exist for non-citizen clients involved in the Juvenile, CPS, or Immigration forum.

JUVENILES

The treatment of foreign respondents is far from consistent. Courts vary in each country and from county to county as do probation officers and law enforcement.

The most obvious foreign client is a child who is detained and has no parent in the country to ask for release pending court. Typically the child came to the United States after experiencing a dysfunctional life on the streets or with over burdened relatives in a Central American country. They know relatives in the area but have no adult who is legally responsible.

The juvenile is generally unable to converse in English and may have used illegal drugs. Assuming they are found to have engaged in delinquent conduct, you must try to locate a relative in the United States willing to supervise. Often parents or family friends are also un-documented and refuse to come forward for a variety of reasons:

- a. fear of the system;
- b. inflexible employers;
- c. placing their need/desire for income above the needs of their child
- d. exhaustion; and
- e. belief that the government will handle the problem better than they can.

Depending on the severity of the offense and the probation officer involved a variety of outcomes may occur:

- a. deportation through ICE;
- b. CPS referral; and
- c. location of relatives to take custody.

I know of no juveniles who have a single misdemeanor conviction who has been deported but it appears that some undocumented or non-citizens juveniles are being deported after completing their time at TYC. This is because there is no-one to parole them to or because they committed a serious crime.

Another area where an attorney familiar with the procedures for assisting a foreign client can help in getting witnesses to court from foreign countries. If a witness or parent has no deportation on their record, the Consulate of the country where they are located can get a special Visa for them to come to court. This takes 2-4 weeks and is fairly easy to obtain. Also, the Consulate will perform home studies (generally in a CPS matter) on relatives in a foreign country who could be proposed and approved to assist in avoiding a deportation.

Primarily kindness and explanation of the court procedure goes far in gaining the trust of the foreign client. Assuring them that most have not been deported, that their case is civil rather than criminal, and that they will not be reported for getting involved in the rehabilitation of the child should alleviate much of their fear.

There are many issues that arise concerning foreign clients, from the use of interpreters to the need to carefully explain the procedures used in Texas courts. With a bit of extra effort the foreign client has a better opportunity to be successfully in the system.