

RESOURCE INDEX

Therapeutic Legal Assistance



A collated reading list of academic and third sector-produced resources relating to trauma-informed lawyering and therapeutic legal assistance in refugee and displacement seekings



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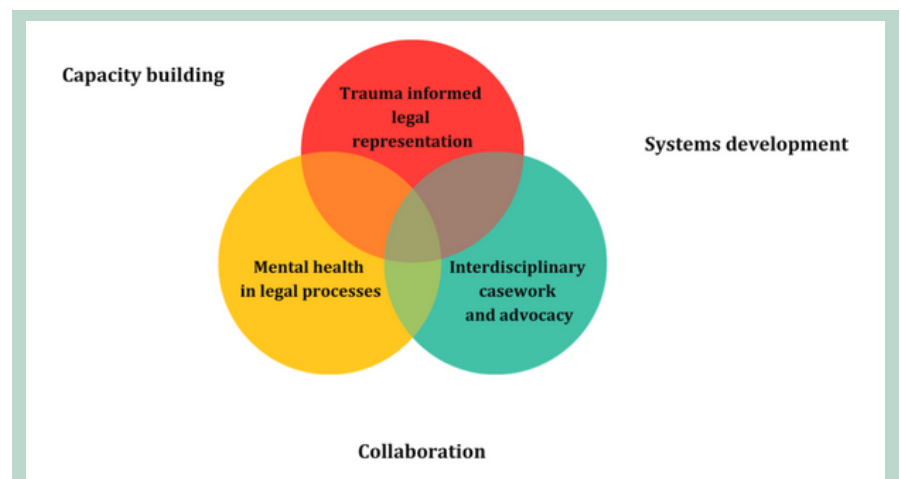
Background to this document

Quality, dignified legal information and assistance are crucial but often incredibly difficult to access services for the vast majority of asylum seekers and refugees. We often refer to legal aid as being the 'clothes peg' upon which so many other rights hang; for those within the asylum system, being able to access safe housing and the right to work, housing, education and avoiding deportation or detention are all too often contingent on being able to navigate and receive a positive decision within a complex legal and bureaucratic process in a new country, often following months or years making deadly journeys across borders to escape persecution.

In addition to having detailed knowledge of asylum and migration law, the impacts of trauma and mental distress on a person's ability to engage with a legal process in the manner required by authorities or legal aid professionals, as well as the impact on the substance of a person's asylum claim itself, mean that those involved in providing legal assistance to refugees would do well to have a thorough understanding of concepts relating to therapeutic legal assistance. This approach can act both to improve legal outcomes, and to preserve and uphold the psychological wellbeing of clients (and themselves) to the maximum extent possible.

Sadly, though there is a growing body of evidence relating to the benefits of trauma-informed approaches, opportunities for lawyers to receive theoretical and practical training and supervision in these areas remains lacking.

This fact, in large part, is what led AMERA International and SolidariTee to collaborate in the creation of what has now become known as the **Therapeutic Legal Assistance Model**.



Therapeutic legal assistance can be considered, in this context, to refer to legal advice, information and representation that is provided to refugees and other migrants in vulnerable situations in a way that gives regard to the psychological state of the client, which is provided in a manner that is trauma-informed, and which incorporates elements of therapeutic jurisprudence in recognising and responding to the therapeutic and non-therapeutic elements of legal aid in displacement settings.

The Therapeutic Legal Assistance Model is a model developed by AMERA International that offers a **framework through which legal practitioners and connected professionals can develop skills, knowledge, and create spaces for reflective practice.** In doing so, practitioners are equipped to provide legal assistance for representation of refugees and others forcibly displaced that has the potential to be therapeutic as an intervention in its own right, and which mitigates against the risks of psychological harm being caused to clients within the asylum system. The model reflects what AMERA considers to be three core pillars of therapeutic legal assistance:

- **Trauma informed legal representation**
- **Interdisciplinary casework & advocacy**
- **Mental health considerations in asylum & protection procedures**

The resources available on subsequent pages are publicly available links to research papers, articles, toolkits and case studies connected to these topics. These were collated by AMERA International as a reading list connected to the topics within the model, and the resource index is now managed and updated by SolidariTee.

The Therapeutic Legal Assistance Model is primarily designed to be delivered as facilitated training and professional development course, and a large number of original resources created by AMERA are available to participants enrolled in a facilitated training cohort, either online or in-person. The resources within this document are grouped according to modules covered within the facilitated training programme.

The development and implementation of the Therapeutic Legal Assistance was funded by SolidariTee between 2022 and 2024, with SolidariTee providing strategic and contextual inputs. Facilitated training based upon the model was subsequently rolled out under SolidariTee funding to legal practitioners in Greece across two cohorts in 2023 and 2024. In June 2024, AMERA International ceased operations, and SolidariTee now hosts and manages all resources. If you or your organisation are interested in participating in a future training, or you have any feedback on the publicly available resources, please email Alexa Netty at alex@solidaritee.org.uk.

THERAPEUTIC LEGAL ASSISTANCE MODEL

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MODULE 1: TRAUMA INFORMED LAWYERING

▶ **Guidelines for Trauma-informed Legal Practice for Lawyers Working with Adult Survivors of Human Rights Violations**

- European Human Rights Advocacy Centre, March 2022 - [HERE](#)

The document outlines a Trauma Informed Legal Practice ('TILP') that is responsive to the needs and experiences of survivors of human rights abuses. The document illustrates:

- *The impact of trauma on the brain, memory, and behaviour*
- *Developing a trauma-informed lawyer-client relationship*
- *Supporting the client through the legal process, incl. details on medical and psychological examinations*

▶ **Trauma-informed Legal Practice: Toolkit**

-Golden Eagle Rising Society, September 2020 - [HERE](#)

This toolkit provides a comprehensive guide targeted at legal professionals, educators, and social advocates, on trauma-informed legal practice, its importance, and how it should be implemented into the legal educational system. The toolkit also includes neuroscientific consideration for trauma related incidents in courts and an action plan for lawyers dealing with such cases.

▶ **Trauma-informed Lawyering** (part of Elder Justice Toolkit)

-Vivianne Mbaku, National Center on Law & Elder Rights, 2021 - [HERE](#)

A brief document outlining how being trauma informed improves communication between the lawyer and their client - often revealing additional legal considerations. The article also outlines how such practices can reduce retraumatization and improve trust between the two parties and in the legal system in general

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MODULE 1: TRAUMA INFORMED LAWYERING

▶ **Trauma-Informed Lawyering: A Tip Sheet for Family Lawyers**

-The Law Foundation for Ontario, Family Service Toronto and United Way Greater Toronto - [HERE](#)

This resource provides a tip sheet which outlines how to provide high quality legal services and reduce the chance of contributing to clients' trauma. This resource provides an approach to legal services with the objective of empowerment and respect. The resource clearly outlines this approach by outlining the following components of holistic and trauma-informed legal services: Relationship building; Empowerment; Physical safety; Communication; Office setting; Court, and; Vicarious trauma

▶ **Trauma and the Law - Applying Trauma-Informed Practice to Legal and Judicial Contexts**

-Blue Knot Foundation, 2016 - [HERE](#)

This paper outlines the importance of a 'trauma informed' approach in the legal context, by presenting key themes of the relevant research base and through the lens of challenging and changing legal contexts. It provides an evidence-based approach to the contention that 'more effective, fair, intelligent and just legal responses must work from a perspective which is trauma informed'. This paper illustrates multiple grounds as to how a trauma-informed practice can be effectively introduced and embedded in the practice of law.

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MODULE 1: TRAUMA INFORMED LAWYERING

► **Towards trauma-informed legal practice: a review**

-Colin James, 2020 - [HERE](#)

This academic meta-synthesis reviews research on trauma across a number of professional human services with particular regard for vicarious trauma and lawyer wellbeing, and provides a review of options for legal agencies to consider and embed trauma-informed approaches that support mental health within the legal profession.

► **The Pedagogy of Trauma-informed Lawyering**

-Sarah Katz and Deeya Haldar, 8 March 2016 - [HERE](#)

This article outlines how to teach trauma informed lawyering through direct examples of pedagogical approaches. This article defines trauma informed practices as ‘when the practitioner puts the realities of the client’s trauma experiences at the forefront of engaging with the client, and adjusts the practice approach informed by the individual client’s trauma experience.’ This article argues that the teaching of trauma-informed practice in law school clinics is essential and a critical aspect of preparing law students for legal careers and posits that the four key characteristics of trauma-informed lawyering are: 1. Identifying trauma; 2. Adjusting the attorney-client relationship; 3. Adapting litigation strategy; and 4. Preventing vicarious trauma.

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MODULE 1: TRAUMA INFORMED LAWYERING

- ▶ **Developing a Trauma-Informed Consciousness for Legal Practitioners,** -
-Torture Abolition and Survivors Support Coalition International, October 2019 - [HERE](#)

This resource is a presentation from training delivered by Caitlin Tromiczak LICSW-C, LCSWC Health & Physiological Wellness Programme Manager, Training Programme Creator & Facilitator from TASSC International. The training furthers practitioners' understanding of trauma, common responses to trauma and how this can work to build a trauma-informed approach (and what this means). The training practically engages with the challenge of building trauma informed approaches in an interdisciplinary and multi-layered manner. Finally, the training offers ways to address vicarious trauma and how to build in reflective and supportive supervision at an organisational level.

- ▶ **Trauma-informed Legal Advocacy (TILA) in Asylum and Immigration Proceedings: A Curated Selection of Resources for Attorneys and Legal Advocates**

-National Centre on Domestic Violence, Trauma & Mental Health, September 2016 - [HERE](#)

This article provides a curated selection of resources for attorneys and legal advocates with an annotated bibliography and links to useful resources. The resources cover the following topics: 1. The Asylum & Immigration Process as a Source of Trauma 2. Culture & Trauma 3. Trauma & Memory in Immigration and Asylum Cases 4. Trauma-Informed Legal Advocacy Techniques & Interviewing Strategies 5. Partnering with a Mental Health Provider 6. The Impact of Vicarious Trauma on Immigration Attorneys

MODULE 2: CASE MANAGEMENT & COORDINATION

- ▶ [REDRESS, 'Case Management & Digital Security for Strategic Litigation Against Torture' \(2021\).](#)
- ▶ [Mary Anne Kenny, 'The importance of psychosocial support in the RSD process'.](#)
- ▶ [Lucy Fiske and Mary Anne Kenny "Marriage of convenience' or 'a match made in heaven': lawyers and social workers working with asylum seekers', \(2004\).](#)
- ▶ [UNHCR & IRC, 'Guide to Protection Case Management'.](#)
- ▶ [Sue Bryant and Jean Koh Peters, 'Saying goodbye - Five Habits of Cross-Cultural Lawyering and More, Clinical Law Teaching Materials'.](#)
- ▶ [Chris Maloney, Julia Nelki, Alison Summers, 'Seeking Asylum and Mental Health: A Practical Guide for Professionals', Cambridge University Press \(2022\).](#)

MODULE 3: PSYCHOLOGICAL EFFECTS AND LEGAL CONSEQUENCES

- ▶ [Administrative Appeals Tribunal, Migration & Refugee Division: Guidelines on vulnerable persons, \(November 2018\).](#)
- ▶ [Gábor Gyulai et al., Credibility Assessment in Asylum Procedures: A Multidisciplinary Training Manual, \(2013\).](#)
- ▶ [UNHCR, Beyond proof: Credibility assessments in asylum proceedings., \(May 2013\).](#)
- ▶ [Herlihy & Parrott, Psychology & Refugee Status Determination: Psychological Evidence to help Inform Refugee Status Determination, 1 \(April 2014\).](#)
- ▶ [Bogner, Herlihy & Brewin, Impact of Sexual Violence on Disclosure During Home Office Interviews, British Journal of Psychiatry, 191, \(2007\), pages 75 - 81.](#)

MODULE 4: MENTAL HEALTH CONDITIONS IN LEGAL CONTEXTS

- ▶ [De Silva, Glover & Katona, Prevalence of complex post-traumatic stress disorder in refugees and asylum seekers: systematic review, 13 November 2021,](#)

- ▶ Giacco, Identifying the critical time points for mental health of asylum seekers and refugees in high-income countries, (2020).
- ▶ American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5), (2013).
- ▶ Wilson-Shaw, Herlihy & Pistrang, Non-clinicians' judgments about asylum seekers' mental health: how do legal representatives of asylum seekers decide when to request medico-legal reports?, European Journal of Psychotraumatology, (2012).

MODULE 5: MENTAL HEALTH ASSESSMENTS & REPORTS

- ▶ Redman, R., San Roque, M., Hunter, J., Hambley, T. and Martin, H., 2006. Three tales of asylum: trauma, credibility and expert evidence. Human Rights Defender, 15(2), pp.17-19.
- ▶ Ford & Courtois, Complex PTSD and Borderline Personality Disorder, (2021).
- ▶ Staniloiu & Markowitsch, Dissociative Amnesia - A Challenge to Therapy, (2018).
- ▶ Physicians for Human Rights, Examining Asylum Seekers: A Health Professional's Guide to Medical and Psychological Evaluations of Torture, (2001).
- ▶ UNHCR, Guidance Note on the Psychologically Vulnerable Applicant in the Protection Visa Assessment Process, (2017).
- ▶ UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, (2019).
- ▶ International Association of Refugee Law Judges' Guidelines on the Judicial Approach to Expert Medical Evidence. (2010).
- ▶ UNHCR, Interviewing Applicants for Refugee Status (RLD 4), (1995).
- ▶ OHCHR, Istanbul Protocol, (2022).
- ▶ UNSW, Managing and Understanding Psychological Issues among Refugee Applicants, (2013).
- ▶ AMERA International, Medical Evidence in Refugee Status Determination Procedures.

- ▶ UNHCR, Note on Burden and Standard of Proof in Refugee Claims (1998).
- ▶ Human Rights Foundation of Turkey (HRFT), Psychological Evidence of Torture a Practical Guide to the Istanbul Protocol - for Psychologists, (2014).
- ▶ Samuelson, Post-traumatic stress disorder and declarative memory functioning: a review, (2011).
- ▶ Vukcevic, Markovic, Kovacevic & Bjekic, Refugee Status Determination Procedure and Mental Health of the Applicant: Dynamics and Reciprocal Effects, (2021).
- ▶ Sigvardsdotter, Malm, Tinghög, Vaez & Saboonchi, Refugee trauma measurement: a review of existing checklists, (2016).
- ▶ Paskey, Telling Refugee Stories: Trauma, Credibility and the Adversarial Adjudication of Claims for Asylum, (2016).
- ▶ UNHCR RSD Procedural Standards Unit 2.9: Applicants with Mental Health Conditions or Intellectual Disabilities in UNHCR RSD Procedures, (2020).

MODULE 6: LEGAL RESEARCH ON MENTAL HEALTH

- ▶ Herlihy, Cameron & Turner, Psychological Research Evidence in Refugee Status Determination, Journal of Refugee Studies, (2023).
- ▶ EASO, Practical Guide: Evidence Assessment, (March 2015).
- ▶ EUAA, Judicial analysis on evidence and credibility in the context of the Common European Asylum System, (February 2023).
- ▶ Asylum Research Centre (ARC) Foundation: Thematic Country of Origin Information, Sources toolkit, (September 2021).
- ▶ European Asylum Support Office (EASO), Researching the situation of lesbian, gay, and bisexual persons (LGB) in countries of origin, (April 2015).
- ▶ EASO, Country of Origin Information (COI) Report Methodology, (June 2019).
- ▶ European Union, Common EU Guidelines for Processing Country of Origin Information, (April 2008).
- ▶ EASO, Tools and Tips for Online COI Research, (June 2014).

- ▶ Asylos and ARC Foundation: Country of Origin Information (COI): Evidencing asylum claims in the UK, (2020).
- ▶ Pritchard, 'People with Disabilities Are Invisible in Asylum Information',
- ▶ ACCORD, Researching Country of Origin Information: Training Manual, (2013).

MODULE 7: LEGAL SUBMISSIONS ADDRESSING MENTAL HEALTH

- ▶ Cameron, Refugee Law's Fact Finding Crisis, (2018).

MODULE 8: REPRESENTING SURVIVORS OF TORTURE

- ▶ The Mendez Principles: Principles on Effective Interviewing for Investigations and Information Gathering (2021).
- ▶ REDRESS, Working with Survivors of Trauma, (2021).
- ▶ REDRESS, Holistic Strategic Litigation Against Torture, (2021).
- ▶ Santhosh Persaud, Protecting refugees and asylum seekers under the International Covenant on Civil and Political Rights, UNHCR, (2006).

MODULE 9: PSYCHOSOCIAL NEEDS AND PROTECTION

- ▶ INTERSOS, Asylum seekers and refugees and the Greek asylum procedure: impacts on mental health and psychosocial wellbeing (2023).
- ▶ Fenix International, Waiting to be heard: Considerations of the impact of Greek asylum policies on the psychosocial wellbeing of asylum seekers on Lesbos (2023).
- ▶ International Rescue Committee (IRC), The Cruelty of Containment: The Mental Health Toll of the EU's 'Hotspot' Approach on the Greek Islands (2020).
- ▶ IOM, Manual on community-based MHPSS in emergencies and displacement (2021).
- ▶ Babel, Adversity Grid (Papadopoulos), Babel's training manual on Psychosocial Dimensions of the Refugee Condition (pages 78 - 83).
- ▶ Messih, Mental Health in LGBT Refugee Populations (2017).

- ▶ Giacco, Identifying the critical time points for mental health of asylum seekers and refugees in high-income countries, (2020).
- ▶ Babel, Psychosocial Dimensions of the Refugee Condition - Synergic Approach, (2019).

MODULE 10: VICARIOUS TRAUMA

- ▶ Van Dernoot Lipsky & Burk, Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others, (2009).
- ▶ Norton Et al, Burn Out and Compassion Fatigue: What Lawyers Need to Know, UMKC Law Review.
- ▶ Bryant & Peters, Five Habits of Cross-Cultural and More: Managing Vicarious Traumatization.
- ▶ Bryant & Peters, Five Habits of Cross-Cultural and More: Identifying Vicarious Traumatization.
- ▶ Bryant & Peters, Five Habits of Cross-Cultural and More: Concepts in Vicarious Traumatization.
- ▶ Nomchong, Vicarious Trauma in the Legal Profession, Journal of the NSW Bar Association, (2015).
- ▶ Buzolits, Malik, Gillis & Majeed, Addressing Vicarious Trauma in the Legal Profession through a Webinar-Based Format, Mental Health and Human Resilience International Journal, (January 2023).

MODULE 11: ACCESSIBLE LEGAL SERVICES

- ▶ The National Center on Domestic Violence, Trauma & Mental Health (NCDVTMH), Tools for Transformation: Becoming Accessible, Culturally Responsive, and Trauma-Informed Organizations, an Organizational Reflection Toolkit (2018).
- ▶ THRIVE Guide to Trauma-Informed Organizational Development, (2010).
- ▶ New York State Children's Alliance and Northeast Regional Children's Advocacy Center, Trauma-Informed Organizations, (2021).