

# UNACCOMPANIED IMMIGRANT YOUTH IN NEW YORK:

STRUGGLE FOR IDENTITY AND INCLUSION—  
A PARTICIPATORY ACTION RESEARCH STUDY

REPORT ON STUDY FINDINGS  
AUGUST 2015



FORDHAM UNIVERSITY  
THE SCHOOL OF LAW

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- Julene Beckford – Counsel to the Immigration Committee, New York City Council
- Lauren Burke – Executive Director, Atlas: DIY
- Eduvigis Cruz-Arrieta – Assistant Clinical Professor of Medical Psychology (in Psychiatry and Pediatrics), Columbia University Medical Center
- Colleen Duffy – Immigrant Services Coordinator, New York City Administration for Children’s Services
- Camille Mackler – Director of Legal Initiatives, New York Immigration Coalition
- Margaret Martin – Supervising Attorney, Catholic Charities Community Services Unaccompanied Immigrant Minors Program
- Brett Stark – Legal Director, Terra Firma, Catholic Charities New York, Immigrant and Refugee Division
- Christa Stewart – New York State Human Trafficking and Unaccompanied Children Programs Coordinator, New York State Office of Temporary & Disability Assistance
- Andrea Vazquez – Counsel to the General Welfare Committee, New York City Council

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# TABLE OF CONTENTS

- Acknowledgements.....4
- Project Team.....5
- Executive Summary.....8
  
- I. INTRODUCTION.....12**
  - A. The Needs of Unaccompanied Immigrant Youth .....13
  - B. Unaccompanied Immigrant Children in the U.S. and New York.....15
  - C. Responses at the State and Local Level.....17
  
- II. STUDY BACKGROUND.....19**
  - Study Objectives .....19
  
- III. STUDY FINDINGS.....21**
  - A. Identity and Isolation.....21
    - 1. Discrimination and Stereotyping.....22
    - 2. Family Separation .....23
    - 3. Community.....25
    - 4. Post-Migration Challenges.....25
    - 5. Coping with Challenges .....26
  - B. Interacting with Systems and Service Providers .....28
    - 1. Building Safe Spaces .....28
    - 2. Immigration Proceedings and Family Court Systems .....29
    - 3. Child Welfare.....31

4. Education .....	32
5. Employment.....	36
6. Housing and Homelessness.....	37
7. Healthcare.....	39
8. Law Enforcement.....	41
9. Regularizing Immigration Status.....	42
<b>IV. RECOMMENDATIONS .....</b>	<b>43</b>
<b>V. CONCLUSION .....</b>	<b>44</b>
<b>VI. APPENDIX—STUDY METHODS .....</b>	<b>45</b>
A. Steering Committee Meetings.....	45
1. Community-Based Partners and Peer Researcher Recruitment.....	45
2. Peer Researcher Training .....	46
3. Ethics Review .....	46
4. Legal and Policy Research and Literature Review.....	46
B. Sampling and Data Collection.....	46
1. Interviews with Key Informants .....	46
2. Focus Groups and Interviews with Unaccompanied Youth .....	47
C. Study Limitations .....	48
D. Study Evaluation .....	49

# UNACCOMPANIED IMMIGRANT YOUTH IN NEW YORK: STRUGGLE FOR IDENTITY AND INCLUSION—A PARTICIPATORY ACTION RESEARCH PROJECT

## EXECUTIVE SUMMARY

Unaccompanied immigrant children<sup>1</sup> are one of the fastest growing, most vulnerable, and yet most underserved and poorly understood populations in our communities. Usually fleeing dangerous or abusive situations in their home countries—such as gang violence, domestic abuse, and other forms of persecution, conflict or exploitation—children often have family already living in the United States with whom they are seeking to reunite. Unaccompanied children may experience a constellation of vulnerabilities, including exploitation, poverty, discrimination, and lack of access to justice, healthcare, and education due to their dual status as unaccompanied youth and as undocumented immigrants. At the same time, their motivations for migration, cultural identity, and personal aspirations can make them resilient.

In the summer of 2014, the number of unaccompanied immigrant children arriving to the United States from Central America increased nearly tenfold from recent years, and child migrants became the topic of a vociferous political debate. The media and children’s rights advocates focused on the root causes of the children’s migration, the humanitarian crisis at the southern border, and the need for increased legal services to guide children through their immigration proceedings. Less attention has been paid to how children fare after they have resettled in cities and towns across the country. Recent reports show that approximately 85 percent of children apprehended by federal authorities reunify with a relative or family friend already living in the United States. In fiscal year 2014, nearly 6,000 unaccompanied children reunified with adults living in New York State, with a majority destined for Long Island, New York City, and Westchester and surrounding counties.

In response to the lack of knowledge of unaccompanied children’s experiences after they have resettled in communities across the country, the Vera Institute of Justice (Vera) and Fordham Law School’s Feerick Center for Social Justice (Feerick Center) designed a participatory action research (PAR) study in collaboration with two community-based partners—Catholic Charities Community Services and Atlas: DIY—to assess the needs and circumstances of unaccompanied immigrant youth living in the New York City metropolitan area. This study is a collaboration among researchers, youth and community-service providers. It presents a first account of unaccompanied immigrant youths’ needs and insights into practical challenges related to their interactions with key systems in New York. Vera and the Feerick Center trained two former unaccompanied immigrant youths to serve as peer researchers who helped design and carry out the study. The PAR involved a total of 33 individuals participants in two focus groups with 13 youth, and in-depth interviews with 10 youth and 10 key informants with which the youth interacted. Many of the children’s needs stem directly from the overlapping problems of being unaccompanied—often lacking adult support—and being undocumented—living without legal status. The findings from this exploratory research will help provide a first step to build more coherent policies at the local level to support the inclusion of unaccompanied immigrant children and youth.

### YOUTH IDENTITY AND DISCRIMINATION

In focus group discussions, unaccompanied immigrant youth emphasized, first and foremost, identity issues, isolation, perceived discrimination, and the stress of family separation. Many experienced a sense of loss of identity after arriving in the U.S., as they were categorized according to their immigration status rather than as individuals.

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1 Unaccompanied children are defined under federal law as individuals under the age of 18 with no lawful immigration status in the United States and for whom a parent or legal guardian is not available in the United States to provide care and custody. 6 U.S.C. 279(g)(2).



Others expressed discomfort in having identities assigned to them, such as “unaccompanied immigrant child” and “undocumented immigrant,” which is not necessarily how they view themselves.

Discrimination and stereotyping—arising from ethnicity, language, appearance, immigration status, and familial status—affected many study participants, who found that adults and peers regarded them with suspicion and confusion upon finding out that they were unaccompanied immigrant youth. This difficulty was often compounded by separation from families and lack of familial support, forcing them to navigate systems alone. The experience of being unaccompanied appears to have led some to internalize their precarious legal status based on interactions with institutions and individuals and develop a self-identity rooted in stigma.

## **INTERACTIONS WITH SYSTEMS AND SERVICE PROVIDERS**

For many service providers, the identification of unaccompanied immigrant youth is important in order to provide specialized services. However, to do so trust must be built, confidentiality must be guaranteed, and screening efforts must avoid stigmatizing youth. For example, soccer has been used as a creative way to draw young people to organizations and build the trust needed to encourage youth to discuss their migration histories and begin to resolve challenges. Legal service providers estimate that a majority of unaccompanied immigrant youth are eligible for immigration relief. However, the complexity of the immigration system and the difficulty of finding a competent attorney who is free or affordable can prevent young people from pursuing legal status. Perhaps due to these difficulties and pressing needs, some young people may prioritize employment, housing, and learning English over obtaining legal assistance.

Despite the fact that all young people under the age of 21 have a right to free, public education regardless of immigration status, access to education remains a significant challenge. Youth study participants reported difficulties in obtaining the necessary paperwork to enroll in school, particularly when enrolling without a legal guardian or with a guardian other than a parent. Schools may resist the enrollment of unaccompanied youth for a number of reasons, including concerns that immigrant youth may not be able to succeed academically, lowering average test scores and hurting the school’s funding and reputation, or that young people who have not been to school in years will be in classes with children who are significantly younger. Access to appropriate instruction for English Language Learners (ELLs) is critical, but some youth expressed concern about the lack of similar programs for those over 21 years of age. Others found themselves redirected to other schools, such as international schools in other boroughs, when trying to register at local schools that did not have enough support for ELL students, which made them feel discriminated against and without a choice.

For many youth, securing employment and shelter are primary goals upon arrival to the United States. While service providers appeared eager to assist children with all of their needs, employing an individual who is not work authorized or underage creates legal challenges. Since many unaccompanied youth obtain “off-the-books” work to make a living in the U.S., vulnerability to exploitation and human trafficking is a risk. While many young people live with a family member or friend soon after their arrival to the United States, breakdowns in familial and household relationships can result in children being kicked out of the home or leaving on their own accord. When this occurs, many are forced to opt for other forms of housing, such as moving between friends’ homes or entering shelters if they can meet restrictive eligibility requirements and find room in the overcrowded system.

Some unaccompanied youth seek help from mental and physical health services, although youth may not prioritize healthcare as much as employment or education. For youth in this study, the most commonly discussed problem was obtaining health insurance. While individuals in New York State under the age of 19 are eligible for state-sponsored insurance regardless of immigration status, young people are limited in their healthcare options once they are older. Although not a stated issue for the immigrant youth study participants, key informants recommended establishing peer support groups to promote mental well-being and to address the mental health needs of those youth who experienced trauma prior to and/or during their journey to the United States.

## **RECOMMENDATIONS**

In sum, as the findings from this study illustrate, unaccompanied children face many challenges having their needs met across a variety of sectors in New York. Problems of lack of information and access to services cause youth to slip through the cracks. The resulting marginalization can lead to feelings of isolation and disempowerment. There are, nevertheless, many positive suggestions for improving unaccompanied migrant youths' lives.

### **Principles of effective services for unaccompanied immigrant children**

- Nonprofit and government staff—particularly those in gatekeeping roles—would benefit from education and training on unaccompanied immigrant children and their needs.
- Expanded and enhanced community-based and grassroots services for unaccompanied immigrant youth and families are needed in order to provide information, support, and services. In particular, community-based services can help counter feelings of isolation, address challenges related to family separation and reunification, promote inclusion, health and wellness, and affirm positive self-identity.
- Services should reflect strength-based approaches based on established youth development best practices and principles and special emphasis should be placed on developing peer support networks to build strong and trusting relationships (including the use of sports and other youth activities as well as services that meet the needs of LGBT youth).
- Innovative models should be piloted, evaluated, and replicated, including models linking legal and medical services.
- Effective and appropriate language access—particularly for speakers of indigenous and uncommon languages—is critically important in both the government and nonprofit sectors.
- Best practices in promoting and providing trauma-informed services that engage youth and avoid stigma should be developed.
- Service providers should strive to develop best practices for inclusive, culturally appropriate services.

### **Special areas for service development**

- Education of unaccompanied immigrant children and youth merits focused attention, in particular fact-finding on immigrants' experiences in enrolling and staying in school and strategies that promote appropriate, inclusive, and non-stigmatizing education services. Schools can provide safe spaces for unaccompanied immigrant children and families to engage with needed services and supports.
- The need for stable and safe housing for unaccompanied youth is paramount. New York City and New York State should examine current eligibility and length of stay requirements for short-term shelter and transitional housing and ensure that unaccompanied immigrant children have access to both.
- Young people and sponsors could benefit from more accessible legal services and related information about immigration, employment, education, and healthcare.

## **Next steps for policy-makers and researchers**

- Additional fact-finding and evaluation is required to better identify service needs, gaps in services, and effective service delivery approaches and to inform practice and policy related to unaccompanied immigrant youth. Research should include in-depth qualitative as well as large-scale quantitative efforts. The success of the participatory research approach, which increases the validity of empirical findings, can and should be replicated.
- New York City and New York State government officials should consider convening task forces comprised of government, nonprofit stakeholders, and immigrant youth and families to facilitate coordinated planning and policy development. Meaningful participation by immigrant youth and families is critical in these efforts.
- A statement of principles and values or a Declaration of Inclusion by New York City or the Mayor would help address discrimination against immigrant youth.
- New York City and New York State governments are obligated to ensure the safety and basic needs of unaccompanied immigrant children. Their long-term stability and wellbeing, however, can only come through normalized legal status.

## **CONCLUSION**

Unaccompanied immigrant children and youths' circumstances present uniquely challenging public policy questions. While federal legislation is at a standstill and federal government policy makers are divided between protective and restrictionist measures, there is an opportunity for local and state governments and legislatures to promote inclusive policies that support children and youths' wellbeing and development. This study provides much-needed information as to the actual needs and circumstances of unaccompanied immigrant youth, which will inform the work of policy makers and practitioners, but more research needs to be done.

# UNACCOMPANIED IMMIGRANT YOUTH IN NEW YORK: STRUGGLE FOR IDENTITY AND INCLUSION—A PARTICIPATORY ACTION RESEARCH PROJECT

## I. INTRODUCTION

Unaccompanied immigrant children—defined under federal law as individuals under the age of 18 with no lawful immigration status in the United States and for whom a parent or legal guardian is not available in the United States to provide care and custody<sup>2</sup>—are one of the fastest growing, most vulnerable, and yet most underserved and poorly understood populations in our communities. They are often fleeing dangerous or abusive situations in their home countries, such as gang violence, domestic abuse, and other forms of persecution, conflict or exploitation, creating a complex set of circumstances and challenges during settlement and integration. While often exhibiting strength and resilience, unaccompanied children may experience a constellation of vulnerabilities, including exploitation, poverty, discrimination, and lack of access to justice, healthcare, and education due to their dual status as unaccompanied youth and as undocumented immigrants.<sup>3</sup>

In the age of globalization, children and youth are now more likely than ever to migrate on their own.<sup>4</sup> In the summer of 2014, unaccompanied immigrant children arriving to the United States *en masse* from Central America became the topic of a vociferous political debate. The debate has generally not been well grounded in the empirical knowledge needed to make informed public policy. The media and children’s rights advocates have tended to focus more on the root causes of the children’s migration and on the humanitarian crisis at the southern border of the United States than on the aftermath of their arrival. However, a large number of unaccompanied children are destined for New York, where they may have family already living with whom they are seeking to reunite. City governments such as New York, where unaccompanied minors live, know that the challenge of ensuring inclusion of unaccompanied immigrant children does not end at the border.

In late 2013, the Vera Institute of Justice (Vera Institute) and Fordham Law School’s Feerick Center for Social Justice (Feerick Center) began participatory action research (PAR) to better understand and assess the needs and experiences of unaccompanied immigrant youth<sup>5</sup> living in New York and those of government and community-service providers who interact with them. This report presents a first account of unaccompanied immigrant youths’ needs and contacts with key systems in New York. The study findings provide insights into practical challenges related to the needs of the children and their interaction with local services. Many of the children’s needs stem directly from the overlapping problems of being *unaccompanied*—lacking legal guardians and adult support—and being *undocumented*—living without legal status. In talking with study participants, it became clear that the children felt stigmatized by society and that living without legal status and social support had psychological impacts, which in turn sometimes affected how children interacted with the social systems from

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2 See 6 U.S.C. 279(g)(2). See the Appendix, which describes the study methods, for information related to sampling and how the population was defined for purposes of this study.

3 Reale, D. (2008). *Away from home: Protecting and supporting children on the move*. London, UK: Save the Children.

4 See generally, Bhabha, J. (2014). *Child migration & human rights in a global age*. Princeton, New Jersey: Princeton University Press. Governments around the world have begun to show concern for the best interests of unaccompanied immigrant children who arrive at their borders. See European Commission. (2010). Communication from the Commission to the European Parliament and the Council, Action Plan on Unaccompanied Minors (2010-2014)(SEC(2010)534). Brussels, Belgium: European Commission. Retrieved from <http://eur-lex.europa.eu/legal content/EN/TXT/PDF/?uri=CELEX:52010DC0213&from=EN>.

5 While Federal law recognizes unaccompanied immigrant children as individuals under the age of 18, the experiences of former unaccompanied immigrant children remain salient after individuals turn 18 years old, therefore, we use the term “unaccompanied immigrant youth” to refer to young people who immigrated to the United States without a parent or guardian as minors, even if over 18 years of age at the time of the study. 6 U.S.C. § 279(g)(2). However, please note that unmarried immigrant youth up to the age of 21 who have been abused, abandoned or neglected by a parent, may be eligible for Special Immigrant Juvenile Status – an immigration classification that allows youth to apply for lawful permanent resident status. INA § 101(a)(27)(J).

which they sought help. Overall, both the children and the service providers lacked information about the ways and means to overcoming the many barriers to civic, social, and economic inclusion.

This report is intended to spur consideration of state and local level program and policy reforms. In the following pages, we present background information on unaccompanied immigrant children and empirical data collected from interviewing 33 study participants. They participated in in-depth interviews [policy makers and service providers (n=10) and unaccompanied youth (n=10)] and in focus groups held with unaccompanied immigrant youth (n=13).<sup>6</sup> Given the small scale of this exploratory study, this report is a first step in the fact-finding related to this vulnerable population. Additional research involving unaccompanied immigrant youth is needed to continue to inform effective and appropriate policy and practice. The study's successful participatory action research methodology, data collection procedures as well as limitations, are described in the Appendix.

## A. THE NEEDS OF UNACCOMPANIED IMMIGRANT YOUTH

The social science and epidemiological literature on immigrant and refugee child adaptation and social integration provides a larger context for this study and, along with our study findings, helps to further ground the public debate about unaccompanied children in sound evidence. Recent research evidence demonstrates that the needs of all immigrant children are shaped by complex factors, some that are harmful and others that promote well being.<sup>7</sup> Understanding the needs of unaccompanied immigrant youth, therefore, involves examining both the many *threats* to their well being and adaptation, including pre-migration traumatic experiences, post-migration discrimination, social exclusion, and exploitation, as well as the personal and social resources that can *protect against* such threats, such as having a positive self-identity, reconnecting with family members and finding helpful social and legal services, community support and educational opportunities during integration in a new society.<sup>8</sup>

*Risk factors:* Unaccompanied youth, who migrate and may remain in the U.S. alone, lack the social support of close family and community, and may be more susceptible to the stresses of isolation, exploitation, human trafficking, discrimination and poverty.<sup>9</sup> Being marginalized, they may experience lack of access to justice, healthcare, and education, contributing to increased risk of victimization.<sup>10</sup> Unaccompanied immigrant children also tend to have experienced more trauma than those who have been accompanied by parents, which tends to increase mental

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6 Children under the age of 16 were not included in this study. *Sixteen* is the age at which informed assent to participate in research is considered reasonable.

7 See for example, Dogra, N., Karim, K., & Ronzoni, P. (2011). Migration and its effects on child mental health. In D. Bughra, & S. Gupta (Eds.), *Migration and Mental Health* (pp. 196-208). Cambridge, UK: Cambridge University Press.

8 See for example three chapters by a) Khanlou, N., Shakya, Y.B., Islam, F., & Oudeh, F. (2014). Newcomer youth self-esteem: A community-based mixed methods study of Afghan, Colombian, Sudanese, and Tamil youth in Toronto, Canada; b) Mawani, F.N. (2014). Social determinants of refugee mental health; and c) Shakya, Y.B. et al. (2014). Newcomer refugee youth as 'resettlement champions' for their families: Vulnerability, resilience and empowerment, in L. Simich & L. Andermann (Eds.) *Refugee and Resilience: Promoting Resilience and Mental Health among Resettled Refugees and Forced Migrants*. Dordrecht, Netherlands: Springer; see also Kreiger, N. (2014). Discrimination and Health Inequities. In L.F. Berkman & I. Kawachi (Eds.) *Social Epidemiology*. Oxford, UK: Oxford University Press.

9 Baily, C.D.R., Ricks, A.S., Henderson, S.W. Taub, A.R., & Verdelli, H. (2011). The psychosocial context and mental health needs of unaccompanied children in United States immigration proceedings. *Graduate Student Journal of Psychology*, (13), pp. 4-1. Retrieved from [http://www.tc.columbia.edu/i/a/document/19225\\_V13\\_1\\_Baily.pdf](http://www.tc.columbia.edu/i/a/document/19225_V13_1_Baily.pdf).

10 Reale, D. (2008); Fussell, E.E. (2011). The deportation threat dynamic and victimization of Latino migrants: Wage theft and Robbery. *Sociological Quarterly*, 52(4), pp.593-615. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/j.1533-8525.2011.01221.x/full>.

health needs.<sup>11</sup> Research also shows that lack of legal status among undocumented youth stunts the normal development of goals and social patterns.<sup>12</sup> Negative public attitudes may pose a special risk to unaccompanied migrant youth, who may face prejudice and not be easily accepted or understood. For many years, there has been an assumption that immigration is associated with a rise in crime or other negative social outcomes, which may adversely affect public attitudes toward recently arrived unaccompanied youth.<sup>13</sup> Negative public perceptions and policies that treat unaccompanied minors as dangerous only increase marginalization and failure.<sup>14</sup>

*Protective factors:* Social supports such as family and community ties are especially beneficial for many personal and social reasons.<sup>15</sup> Although unaccompanied immigrant youth may have suffered traumatic experiences and a lack of familial support, the creation of support networks in the community help youth to be resilient.<sup>16</sup> Unaccompanied immigrant youth who have experienced trauma also benefit significantly from the structure and confidence that education provides.<sup>17</sup> For unaccompanied youth, positive personal identity and self-esteem help them cope with stress.<sup>18</sup> While many immigrants may feel pressure to assimilate, maintaining cultural identity and ties to the native culture can be a very important protective factor, particularly for young people.<sup>19</sup> Immigrants tend to be highly engaged in their local communities, and this engagement is protective.<sup>20</sup> Research has long demonstrated that some common social attributes within immigrant communities protect against delinquency and disadvantage.<sup>21</sup> For example, strong family ties make immigrant communities safer, according to numerous studies that show

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- 11 Bean, T.M., Eurelings-Bontekoe, E., & Spinhoven, P. (2007). Course and predictors of mental health of unaccompanied refugee minors in the Netherlands: One year follow-up. *Social Science & Medicine*, 64(6), pp. 1204-1215.
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  - 17 Eide, K., & Hjern, A. (2013). Unaccompanied refugee children – vulnerability and agency. *Acta Paediatrica*, 102(7), pp. 666-668. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/apa.12258/full>.
  - 18 Luster, T., Qin, D., Bates, L., Rana, M., & Lee, J. (2010). Successful adaptation among Sudanese unaccompanied minors: Perspectives of youth and foster parents. *Childhood*, 17(2), pp. 197-211. Retrieved from <http://chd.sagepub.com/content/17/2/197.refs>; Khanlou, N., Shakya, Y., Islam, F., & Oudeh, E. (2014); Shakya, Y. et al. (2014).
  - 19 Desmond, S. A., & Kubrin, C. E. (2009). The power of place: Immigrant communities and adolescent violence. *Sociological Quarterly*, 50, pp. 581-607. Retrieved from <https://webfiles.uci.edu/ckubrin/Immig%20Communities%20and%20Adoles%20Violence.pdf?uniq=fn1t6x>.
  - 20 Aisenberg, E., & Herrenkohl, T. (2008). Community violence in context: Risk and resilience in children and families. *Journal of Interpersonal Violence*, 23(3), pp. 296-315. Retrieved from <http://jiv.sagepub.com/content/23/3/296.short>; Leerkes, A. (2004). Embedded crimes? On the overlapping patterns of delinquency among legal and illegal immigrants in the Netherlands. *The Netherlands' Journal of Social Sciences*, 40(1), pp. 1-19. Retrieved from [http://www.academia.edu/4237739/Embedded\\_Crimes\\_On\\_the\\_Overlapping\\_Patterns\\_of\\_Delinquency\\_Among\\_Legal\\_and\\_Illegal\\_Immigrants\\_in\\_the\\_Netherlands](http://www.academia.edu/4237739/Embedded_Crimes_On_the_Overlapping_Patterns_of_Delinquency_Among_Legal_and_Illegal_Immigrants_in_the_Netherlands).
  - 21 Reid, L.W., Weiss, H., Adelman, R., & Jaret, C. (2005). The immigration-crime relationship: Evidence across US metropolitan areas. *Social Science Research*, 34(4), pp. 757-780. Retrieved from <http://www.sciencedirect.com/science/article/pii/S0049089X05000104>.

lower levels of crime in areas with new immigrants.<sup>22</sup> Similarly, studies have found that first-generation immigrants engage in delinquency at lower rates than subsequent immigrant generations or native-born populations.<sup>23</sup> In the larger society, low perceived discrimination and high perceived social support in the host country are most critical to successful immigrant integration.<sup>24</sup> Among the most crucial supportive services for undocumented immigrant children that society can provide are legal services, which, despite their general paucity and inaccessibility, are often pivotal in helping unaccompanied immigrant youth achieve legal status and stability.<sup>25</sup>

## B. UNACCOMPANIED IMMIGRANT CHILDREN IN THE U.S. AND NEW YORK

Unaccompanied immigrant children have been arriving to the United States for years. Before October 2011, the number of unaccompanied children taken into federal immigration custody annually averaged between 7,000 and 8,000. The total for fiscal year 2011 (October 1, 2010 - September 30, 2011) was 13,625.<sup>26</sup> In 2013, the numbers continued to rise exponentially, and in fiscal year 2014, the number of unaccompanied immigrant children apprehended at the southwest border by U.S. Customs and Border Protection, an agency within the U.S. Department of Homeland Security (DHS), soared to 68,541.<sup>27</sup>

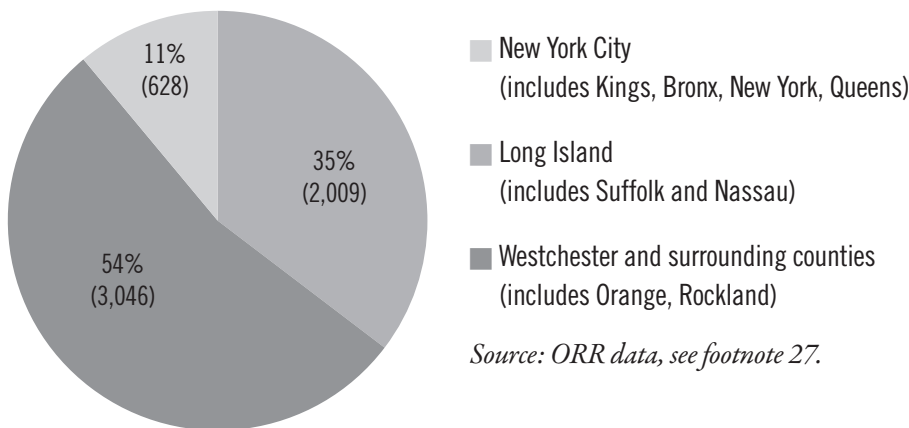
Once a child is apprehended by immigration law enforcement and classified as an “unaccompanied alien child,”<sup>28</sup> DHS has 72 hours to transfer the child to the care and custody of the U.S. Department of Health and Human Services’ Office of Refugee Resettlement (ORR).<sup>29</sup> At the same time, the DHS files a charging document called a Notice to Appear with the U.S. Executive Office for Immigration Review (the immigration

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- 22 Wadsworth, T. (2010). Is immigration responsible for the crime drop? An assessment of the influence of immigration on changes in violent crime between 1990 and 2000. *Social Science Quarterly*, 91(2), pp. 531-553. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6237.2010.00706.x/abstract>; Desmond, S.A., & Kubrin, C.E. (2009). The power of place: Immigrant communities and adolescent violence. *Sociological Quarterly*, 50, pp. 581-607. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/j.1533-8525.2009.01153.x/full>; MacDonald, J. & Saunders, J. (2012). Are immigrant youth less violent? Specifying the reasons and mechanisms. *The Annals of the American Academy of Political and Social Science* 641(1), pp. 125-147. Retrieved from <http://ann.sagepub.com/content/641/1/125.abstract>.
- 23 Wadsworth, T., (2010); Olson, C.P., Laurikkala, M.K., Huff-Corzine, L., & Corzine, J. (2009). Immigration and violent crime: Citizenship status and social disorganization. *Homicide Studies*, 13(3), pp. 227-241. Retrieved from <http://hsx.sagepub.com/content/13/3/227>; Bui, H.N. (2009). Parent-child conflicts, school troubles, and differences in delinquency across immigrant generations. *Crime & Delinquency*, 55(3), pp. 412-441. Retrieved from <http://cad.sagepub.com/content/55/3/412.short>; Sampson, R. J., Morenoff, J. D., & Raudenbush, S. (2005). Social anatomy of racial and ethnic disparities in violence. *American Journal of Public Health*, 95(2), pp. 224-232. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1449156/>.
- 24 Moussaoui, D. & Agoub, M. (2011).
- 25 Beginning in September 2014, a partnership between foundations and New York City government secured \$1.9 million in funding for legal services for unaccompanied immigrant children in immigration removal proceedings in the city. Stewart, N. (2014, September 22). Program to give legal help to young migrants. *New York Times*. Retrieved from <http://www.nytimes.com/2014/09/23/nyregion/groups-to-provide-lawyers-for-children-who-face-deportation.html>. While this funding was intended to provide access to attorneys for virtually all such children, some gaps in services appear to remain. A similar partnership was also created in Long Island. Semple, K. (2015, February 23). After surge in young migrants on Long Island, groups team up to bolster services. *New York Times*. Retrieved from <http://www.nytimes.com/2015/02/24/nyregion/after-surge-in-young-migrants-on-long-island-groups-team-up-to-bolster-services.html>.
- 26 See 6 U.S.C. 279(g)(2). U.S. Department of Health & Human Services, Office of the Administration for Children & Families, Office of Refugee Resettlement. (2012, December). ORR Year in Review – 2012. Retrieved from <http://www.acf.hhs.gov/programs/orr/resource/orr-year-in-review-2012>.
- 27 See U.S. Department of Homeland Security, U.S. Customs and Border Protection. Southwest border unaccompanied alien children (FY 2014). Retrieved from <http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children-2014>.
- 28 The DHS is responsible for classifying an individual as an “unaccompanied alien child,” as per the definition in the Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2205. Haddal, C.C. (2007, March). *Unaccompanied alien children: Policies and issues* (CRS Report No. RL33896).
- 29 8 U.S.C. § 1232(b)(3).

courts).<sup>30</sup> ORR conducts an immediate assessment to determine whether the child may safely be released to a “sponsor” living in the United States, usually a close relative or family friend.<sup>31</sup> Recent reports reveal that 85 percent of unaccompanied immigrant children who have been apprehended by federal immigration authorities are released from ORR custody to live with a sponsor while their deportation proceedings are pending.<sup>32</sup> Many unaccompanied children are eligible for forms of immigration status to remain in the United States, in particular asylum, special immigrant juvenile status (SIJS), and visas for victims of crimes or human trafficking.<sup>33</sup>

New York State has received the second highest number of unaccompanied immigrant children after Texas, with 5,955 children settling in New York in fiscal year 2014.<sup>34</sup> The vast majority of children were destined for the downstate area, with 5,683 unaccompanied children released from ORR custody to sponsors in the counties in and around the New York City metropolitan area.<sup>35</sup> The figure below shows the percentages of children released into different areas of the New York City metropolitan area. As shown, the majority of children (54%) are released in Long Island, while a sizeable number (35%) are released in New York City (Bronx, Brooklyn, Queens and Manhattan).

### Percentage of Children Released in the New York Metropolitan Area by County



It is likely that many more unaccompanied immigrant youth have arrived to New York State undetected by immigration law enforcement.<sup>36</sup> Based on 2012 estimates from DHS, there were approximately 58,000 undocumented minors (*i.e.* individuals under the age of 18) and 69,600 undocumented young people (*i.e.* individuals between the ages of 18 and 24) living in New York State.<sup>37</sup> Not all undocumented children and youth included in these estimates were unaccompanied children upon arrival, but there is some overlap.

30 See Byrne, O., & Miller, E. (2012). *The flow of unaccompanied children through the immigration system: A resource for practitioners, policy makers, and researchers*. Retrieved from Vera Institute of Justice: <http://www.vera.org/sites/default/files/resources/downloads/the-flow-of-unaccompanied-children-through-the-immigration-system.pdf>.

31 Byrne, O., & Miller, E. (2012).

32 Seghetti, L., Siskin, A., & Wasem, R. E. (2014, September). *Unaccompanied alien children: An overview* (CRS Report No. R43599).

33 Byrne, O. & Miller, E. (2012).

34 U.S. Department of Health & Human Services, Office of the Administration for Children & Families, Office of Refugee Resettlement. Unaccompanied children released to sponsors by state. Retrieved from <http://www.acf.hhs.gov/programs/orr/programs/ucs/state-by-state-uc-placed-sponsors>.

35 This total is limited to counties where 50 or more children have been released. The counties included are the Bronx, Kings, Nassau, New York, Orange, Queens, Rockland, Suffolk, and Westchester. See U.S. Department of Health & Human Services, Office of the Administration for Children & Families, Office of Refugee Resettlement. Unaccompanied children released to sponsors by county. Retrieved from <http://www.acf.hhs.gov/programs/orr/unaccompanied-children-released-to-sponsors-by-county>.

36 Byrne, O., & Miller, E. (2012).

37 These figures include both unaccompanied and accompanied youth. See U.S. Department of Homeland Security, Office of Immigration Statistics. (2013, March). *Estimates of the unauthorized immigrant population residing in the United States: January 2012*. Retrieved from [http://www.dhs.gov/sites/default/files/publications/ois\\_ill\\_pe\\_2012\\_2.pdf](http://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2012_2.pdf).



## C. RESPONSES AT THE STATE AND LOCAL LEVEL

Since the influx of children at the southern border heightened the attention of the media and, in turn, policy makers at all levels of government, many initiatives have developed at the local and state levels. New York City has long focused policies on unaccompanied immigrant children. The Administration for Children's Services (ACS) has staff dedicated to this population. The New York City Council held hearings well before the surge,<sup>38</sup> and the City also adopted a local ordinance that mandates screening by ACS of SIJS-eligible youth.<sup>39</sup> During the summer of 2014, New York City officials formed an interagency task force to respond to the growing number of unaccompanied youth settling in the city and seeking help from immigration service providers.<sup>40</sup> In September 2014, based on a recommendation of the interagency task force, New York City officials launched an initiative to post representatives from the City's health and education departments at immigration court to assist children and families with enrolling in healthcare and registering for school.<sup>41</sup> In late September 2014, the New York City Council held a hearing to discuss unaccompanied minors and developed a public-private partnership with the Robin Hood Foundation and the New York Community Trust to provide \$1.9 million to legal services organizations representing unaccompanied immigrant youth in their immigration removal proceedings.<sup>42</sup>

New York State officials have convened an interagency group and held a legislative hearing as well, but have not been as swift as their counterparts in New York City to develop an actual coordinated response. Advocates note that the most significant gaps in services are outside of New York City, where the majority of children destined for New York are settling.<sup>43</sup> Individual state agencies have also taken several actions. For example, the New York State Office of New Americans launched an initiative to combat fraud against immigrants, in response to the "unethical lawyers and other scam artists that prey on New York's immigrant community."<sup>44</sup> The State Department of Education issued guidance to all school districts emphasizing that all children between the ages of five and twenty-one, regardless of immigration status, are entitled to a free public education in New York State.<sup>45</sup> Furthermore, the New York State Attorney General's Office and the State Education Department recently announced a joint compliance review of "school district enrollment policies and procedures for unaccompanied minors and other undocumented students" focusing initially "on districts experiencing the largest influx of unaccompanied minors from Central and South America," such as Nassau, Suffolk, Rockland and Westchester counties.<sup>46</sup>

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38 *Requiring the Administration for Children's Services to review strategies and create a plan of action to protect children who qualify for Special Immigrant Juvenile Status*: Hearings before the Committee on Immigration for the New York City Council. (Mar. 2 & Mar. 24, 2010). Retrieved from <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=648832&GUID=2505C80F-DEBE-4398-BF44-AA30D2467F23&Options=ID|Text|Search=>.

39 New York City, N.Y., Local Law 6 (2010).

40 Semple, K. (2004, July 17). With surge in child migrants, New York forms task force on aiding them. *New York Times*. Retrieved from <http://www.nytimes.com/2014/07/18/nyregion/new-york-creates-task-force-in-response-to-surge-of-child-migrants.html>.

41 City of New York. (2014). Mayor Bill de Blasio and Commissioner of Immigrant Affairs Nisha Agarwal announce unprecedented city educational and health support for unaccompanied migrant children at the NYC Federal Immigration Court [Press release]. Retrieved from <http://www1.nyc.gov/office-of-the-mayor/news/441-14/mayor-bill-de-blasio-commissioner-immigrant-affairs-nisha-agarwal-unprecedented>.

42 New York City Council. (2014). NYC Council Speaker Melissa Mark-Viverito, the Robin Hood Foundation and New York Community Trust announce new \$1.9 million unaccompanied minor initiative [Press release]. Retrieved from <http://council.nyc.gov/html/pr/092314um.shtml>.

43 Written Testimony of the Immigration and Nationality Law Committee of the New York City Bar Association, (September 16, 2014.) New York State's role in addressing the influx of unaccompanied migrant youth from Central American countries.

44 Lajoie, R. (2014, October 1). Scam artists are target of immigration initiative. *Catholic New York*. Retrieved from <http://cny.org/stories/Scam-Artists-Are-Target-of-Immigration-Initiative,11577>.

45 New York State Education Department. (2014, September). Educational services for recently arrived unaccompanied children. Retrieved from <http://www.p12.nysed.gov/sss/documents/EducationalServicesforRecentlyArrivedUnaccompaniedChildren.pdf>.

46 New York State Office of the Attorney General. (2014, October). New York State Attorney General's Office and New York State Education Department launch review of enrollment procedures for unaccompanied minors and undocumented students [Press release]. Retrieved from <http://www.ag.ny.gov/press-release/new-york-state-attorney-generals-office-and-new-york-state-education-department-launch>.

Communities have also responded to the increase in unaccompanied immigrant youth arriving to New York, particularly on Long Island, where the highest numbers of children have reunited with relatives. Faith leaders and immigrant groups have been outspoken in their support of unaccompanied children, calling for compassion and due process.<sup>47</sup> However, the influx of children has led to a revival in anti-immigrant activity, particularly in Suffolk County, the site of deadly anti-immigrant violence six years ago,<sup>48</sup> including the dissemination of Ku Klux Klan advertisements with disturbing messages about Latinos and other immigrant groups.<sup>49</sup>

Despite inaction by Congress and the delays impeding the Obama Administration's executive action to defer deportation for some five million undocumented immigrants,<sup>50</sup> some states have passed legislation that, while not able to prevent the enforcement of federal immigration laws, aims to welcome and include all immigrants. For example, several states have passed laws allowing unauthorized immigrants to obtain driver's licenses and making in-state tuition and financial aid benefits available to unauthorized immigrant students.<sup>51</sup> Several states have made strides in including immigrants in public health systems, with New York being among the "most inclusive" according to a recent study.<sup>52</sup> California now allows immigrants to apply for professional licensing, including law licensing, regardless of immigration status.<sup>53</sup>

The New York is Home Act, proposed legislation that was introduced by New York State Senator Gustavo Rivera in 2014, would grant full "state citizenship" to all noncitizens who can prove three years of in-state residency and tax payments.<sup>54</sup> The bill essentially provided for the full inclusion of immigrants into New York State, by extending the full bundle of rights within a state's power to deliver: the right to drive, the right to vote in state elections, access to higher education, the right to hold public office, professional licensing, and various human rights protections related to employment, housing, banking and financial services, and education.

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47 Myles, R.S. (2014, September 1). Long Island immigrants, faith leaders and advocates call for compassion and due process for 2,200 undocumented children. *Latin Post*. Retrieved from [http://www.latinpost.com/articles/2\\_0351/20140901/long-island-immigrants-faith-leaders-advocates-call-compassion-due-process.htm](http://www.latinpost.com/articles/2_0351/20140901/long-island-immigrants-faith-leaders-advocates-call-compassion-due-process.htm).

48 Young, P. (2014, September 22). Long Island groups meet to defend unaccompanied children [Blog post]. Retrieved from <http://nysiaf.org/2014/09/22/long-island-groups-meet-to-defend-unaccompanied-children/>.

49 Baker, A. (2014, August 29). At Gateway to Hamptons, Ku Klux Klan advertises for new members. *New York Times*. Retrieved from <http://www.nytimes.com/2014/08/30/nyregion/at-gateway-to-hamptons-ku-klux-klan-advertises-for-new-members.html>.

50 On May 26, 2015, the Fifth Circuit Court of Appeals upheld an injunction against implementation of President Obama's deferred Action for Parents of Americans and Lawful Permanent Residents program (also known as DAPA). *State of Texas et al. v. United States of America*, No. 15-40238 (5th Cir. May 26, 2015).

51 Park, H., (2015, March 29). Which states make life easier or harder for illegal immigrants. *New York Times*. Retrieved from <http://www.nytimes.com/interactive/2015/03/30/us/laws-affecting-unauthorized-immigrants.html>.

52 California, Illinois, Washington, the District of Columbia, and Massachusetts were other states that scored well in promoting immigrant health inclusively. Rodrigues, M. A., Young, M.E., & Wallace, S. P. (2015). Creating conditions to support healthy people: State policies that affect the health of undocumented immigrants and their families. Retrieved from UCLA Center for Health Policy Research: <http://healthpolicy.ucla.edu/publications/search/pages/detail.aspx?PubID=1373>.

53 Villareal, G. (2015). The California blueprint: Two decades of pro-immigration transformation. Retrieved from California Immigrant Policy Center: <http://www.caimmigrant.org/research-and-analysis/the-california-blueprint/>.

54 S.7879, 2013-2014 Reg. Sess. (N.Y. 2013).

## II. STUDY BACKGROUND

As many of the unaccompanied immigrant youth who are arriving in the United States are legally eligible to remain in the U.S., sound policy must take into account these youths' needs to ensure that they are successfully integrated into society. These youth certainly encounter some of the same settlement challenges that many immigrants face, such as establishing homes, acquiring language skills, learning about laws and civic institutions, gaining access to healthcare and finding opportunities for education and work. In other respects, unaccompanied children are exceptional. Unaccompanied youth have often endured extreme violence and deprivation, much like other forced immigrants and refugees. They have traveled far, often alone at a tender age, and have acclimated to their new communities with little or no adult support. Importantly, most live with precarious legal status for prolonged periods of time, which can deeply affect every aspect of their lives. Notwithstanding expansion in funding for legal services in New York City and Long Island, too many still lack the legal representation they need to ensure that they receive due process and fair treatment in the immigration legal system. Whether they are in immigration removal proceedings, facing imminent deportation or living in the shadows undetected by immigration law enforcement, unaccompanied immigrant children are exceptionally vulnerable.

### STUDY OBJECTIVES

While there is a growing body of literature in immigration law on the federal policies and systems affecting unaccompanied children as well as motivations for migration,<sup>55</sup> there is a need for information about how unaccompanied immigrant youth fare once settled in the community and how they actually come into contact with state and local systems—the systems that often affect their well being, safety, and development.

This study constitutes a first and important step in collecting and analyzing information regarding the legal and social needs of unaccompanied children living in the community from the perspectives of the young people themselves and the practitioners who work with them. Unaccompanied immigrant youths' uniquely complex circumstances touch on many systems and issues—education, child welfare, mental and physical healthcare, employment and workplace exploitation, housing and homelessness, and possible contact with justice systems.

The primary goal of this study is to assess certain needs of unaccompanied immigrant youth in New York, relating to self-identity, education, child welfare, juvenile justice, housing and healthcare. To meet this goal, the study had two specific objectives:

- Conducting in-depth interviews with **key informants** (service providers and policy makers) from a variety of sectors to gather background information about unaccompanied immigrant youths' needs and challenges; and
- Using participatory action research methods to train peer researchers and hold focus groups and individual interviews with **unaccompanied immigrant youth** to explore and document their needs and perspectives.

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55 See e.g. United Nations High Commissioner for Refugees. (2014). Children on the run. Retrieved from UNHCR, the UN Refugee Agency: <http://www.unhcrwashington.org/children/reports>; Center for Gender & Refugee Studies & Kids in Need of Defense. (2014). A treacherous journey: Child migrants navigating the U.S. immigration system. Retrieved from Center for Gender & Refugee Studies: <http://cgrs.uchastings.edu/our-work/treacherous-journey-child-migrants-navigating-us-immigration-system>; Byrne, O., & Miller, E. (2012).

The study aimed to answer the following research questions:

- How is the population of unaccompanied immigrant youth defined in practice?
- How do service providers perceive and interact with unaccompanied immigrant youth?
- How do unaccompanied immigrant youth come into contact with local systems and services?
- What are the priority needs of unaccompanied immigrant youth?
- How are New York City and State agencies addressing these needs?
- What are the gaps and obstacles to accessing services?
- How do these gaps and obstacles impact unaccompanied immigrant youth?
- How might programs or policies be improved?

### III. STUDY FINDINGS

In the following sections, we present study findings by summarizing main themes arising from systematic analysis of all interviews and by using direct quotations from key informant and youth interviews to illustrate common perspectives or specific topics. One overarching theme that emerges is the lack of information across all sectors—for both youth and service providers—about rights, eligibility and ability to access various supports and services. The researchers set out to question all study participants about how immigrant youth interact with various local services. However, the intent was not to pre-determine or constrain the subject matter. Interviews and focus groups were structured yet open-ended, so that participants would have an opportunity to raise unprompted issues that were most salient to them. Thus, the issues raised by the youth not only related to social service needs, but also to issues often more fundamental to their life experiences, and how they are viewed and view themselves.

First and foremost, the youth emphasized their problems of identity, isolation and family separation, which, not surprisingly, are defining features of their experiences as unaccompanied immigrant youth. Second, they described challenges involving interactions with various local systems and services, such as not knowing where and how to get help, not knowing that help might be available or being discouraged from seeking help. The relative importance of identity to the youth suggests that deeper problems of stigma and isolation underlie the overtly practical challenges, including lack of information and access to services, which service providers and policy makers need to address in order to reach unaccompanied youth effectively. Many of the problems in obtaining information and services may be attributed to their being undocumented as well as unaccompanied, twin statuses that effectively double their disadvantages.

#### A. IDENTITY AND ISOLATION

Identity is particularly important for young people, who are developing concepts of self-image and self-esteem during important developmental periods and life-changing transitions; damage to self-esteem can cause immigrants measurable psychological distress.<sup>56</sup> Moreover, immigrant children and youth are often engaged in “remaking” their identities when they enter a new society and leave earlier life experiences behind and look forward to new opportunities with a sense of optimism.<sup>57</sup> Thus, the tension between immigrant youths’ self-identity and identities imposed by authorities or others is fraught with significance for youth and for their futures.

The legal definition of an unaccompanied child is only one way to define the group of unaccompanied children; there are many migrant youth residing in New York City who are separated from their families and are *de facto* unaccompanied. Overall, with the exception of the immigration attorneys we interviewed, most key informants served immigrant youth who had not been designated as an “unaccompanied alien child” by federal authorities, but who are nonetheless separated from their families and lack (or once lacked) immigration status.<sup>58</sup> A few key informants noted that they rarely, if ever, knowingly encounter immigrant youth who are in removal proceedings.

Status as an unaccompanied child is relevant beyond legalities and formalities. The label “unaccompanied immigrant child” has a specific legal meaning, but also may elicit a variety of attitudes and responses from children’s advocates, authorities and the general public. In some ways, how the children are identified and identify themselves defies easy categorization. Results showed that identity played a highly significant role in how youth interacted with systems and individuals. Participants in one focus group overwhelmingly wanted to discuss the meaning of their

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56 Bhugra, D. (2004) Migration and mental health. *Acta Psychiatrica Scandinavica*, 109, pp. 243-58. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/15008797>.

57 Suarez-Orozco, C., & Suarez-Orozco, M. (2001). *Children of Immigration*. Cambridge, MA: Harvard University Press.

58 As noted above, when federal authorities apprehend an unaccompanied immigrant child, they place the child in removal proceedings and transfer the child to the custody of Office of Refugee Resettlement, which is mandated to facilitate reunification with family (a “sponsor”) living in the United States.

identity, stating that they experienced a loss of self-identity once they arrived in the U.S., as they were categorized in the group of unaccompanied youth and no longer seen as individuals. As one youth stated, “I am no longer Jose,<sup>59</sup> but now I am a male, Latino, undocumented, person of color.” Participants described their discomfort in having to adopt an identity that was forced upon them. As another male participant stated, “We do not adopt, we adapt.” Youth overwhelmingly agreed that they were forced to adapt to the identities they were prescribed by society, both as unaccompanied immigrant children and as undocumented immigrants, rather than being able to decide how to describe themselves, which created a widespread perception of being subjected to stereotyping.

Many youth described themselves not as unaccompanied children, but rather simply as immigrants. Technically, the term “immigrant” is used to designate someone who migrates voluntarily, and is often contrasted with terms such as refugee or asylum seeker to describe those who are forced to migrate. However, some youth simultaneously revealed a sense of experience and hardship more common to forced migrants. For example, in response to the question, *How do you see yourself?* one female youth from El Salvador said,

*I think I am like an immigrant because I had to go through, immigrate, walk in order to get here. It took a long time . . . I think [what we have in common is that] we travel on almost the same path, maybe from different places, but the same suffering, right?*

Another 18-year-old female from Honduras said,

*I consider myself an immigrant, but . . . some of us are fleeing our countries because of problems. In my case it was very dangerous, lots of violence, so yes, I consider myself one of many women that flee their country so that nothing bad will happen to them. The majority of people, like parents and people . . . always come to this country to seek refuge . . . I think that is the only or the biggest motive for coming here that there is.*

Many focus group participants described feeling as if they did not belong with other youth, which led to feelings of isolation. This feeling was especially prevalent while attending school, as the youth were unaware there were others like them until they were placed in classes with other English Language Learners (ELLs) or English to Speakers of Other Languages (ESOL) learners.<sup>60</sup> A few focus group participants had attended college in New York State as well and stated that identity continued to be an issue on campus. A few stated that they sometimes adopted the identity of an international student, or were assumed to be one by other students, as trying to explain their situation often proved complicated. One male participant stated they adopted that identity when “people couldn’t understand or handle” his unaccompanied status.

## 1. Discrimination and Stereotyping

Focus group participants spoke about the discrimination and stereotyping they had faced after arrival in the U.S. The type of stereotyping that participants experienced was varied. A few described being stereotyped because they were Latino. One participant stated that most people automatically assumed he was Mexican because he spoke Spanish. Another participant described being stereotyped as a “delinquent” because of his tattoos and body piercings. One female study participant from Honduras recounted a story in which she sought help from a Spanish-speaking staff member in her school. She stated,

*I went to her because I knew she spoke Spanish. I heard her talking to someone else in Spanish. . . Well, she didn’t want to help me, and she helped the others. . . . So I went to complain to her, and she said she couldn’t help a Hispanic like me.*

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59 Names in this report have been changed to protect the identities of the participants.

60 For purposes of this report, we refer to programs for non-English speaking students in elementary and high school as English Language Learner (ELL) programs and for adult education and other programs for older non-English speaking students as English to Speakers of Other Languages (ESOL).

Many of the participants described that people, upon meeting them and learning they were unaccompanied, reacted to them with suspicion and confusion. Many attributed this attitude to media portrayals of unaccompanied children and the ignorance of those who did not understand the conditions of their home countries or the reasons they came to the U.S. As one male participant stated, “They might feel we don’t deserve things, so we have to fight to get them.” Another male stated that once someone finds out they are unaccompanied and do not live with their parents, “It’s a question mark. People can have a positive or negative reaction to it.” Adults in particular, the youth felt, did not know how to react to a child who did not live with his or her parents. The youth felt that interactions with adults were therefore often difficult. For instance, one male participant described having parents at a college dorm treat him with suspicion when they found out he was an unaccompanied immigrant child. The feeling of distrust also affected youths’ experiences with other adults in formal settings, such as when interacting with administrative “gatekeepers.” For example, many of the youth reported that school registration staff who were unfamiliar with unaccompanied youth pushed them off to other schools or staff members instead of trying to understand their situation. One male participant, who came on a student visa but later lost his funding and status, described the stigma that undocumented immigrants often feel. He said,

*You [feel] like an outsider, you don’t belong. Then, it creates a wall, you know, people don’t feel sympathy towards your suffering anymore because they’re seeing you as an outsider, an intruder. Yet, you’re just like one of them. You think, you all want the same thing. You want to have a better life for yourself.*

Some study participants emphasized being undocumented, rather than being unaccompanied. For instance, one said that she felt treated like a criminal by Border Patrol agents. She described terrible conditions, including little food, cold cells, and being forced to wake up at all hours at a Border Patrol station where she was detained for five days. “They had no compassion. They need to have training in how to treat minors, because they can be very impulsive and handcuff [us],” she said. “[The youth] feel discriminated against simply for crossing the border. This can affect them emotionally and hurt them.”

## 2. Family Separation

Although many unaccompanied youth reunite with family members in the United States, the quality of family bonds—and the extent of the social support that accompanies them—can vary substantially from child to child. According to one key informant, legally unaccompanied youth “still have the label of being unaccompanied even though they have a sponsor. But most of the time, what we find is that this sponsor [does not provide] a strong bond or any kind of protection . . . so they are still ‘unaccompanied’ in a way” (emphasis added) (*Healthcare Key Informant 1*). Another key informant expanded on this concept, adding:

*We do see a lot of those youth who maybe have not lived with their parents— usually it’s a mother—for the bulk of their lives. . . . Maybe the mom left when they were two years old and now they’re 18 years old and they come to New York City. They’ve never been really parented by that mother and there are significant issues (*Legal Key Informant 1*).*

This sentiment was echoed by study participants. While some study participants were reunited with parents upon arrival to the U.S., some still felt a sense of isolation and loneliness similar to those who did not have parents present in the U.S. One girl from Honduras said,

*My dad died when I was five years old and my mom, well, she abandoned me when I was three, so no (I was not affected by separation from parents). But the separation from my siblings and uncles, yes, it has affected me a lot because things are very different here. . . . My family supports me in everything, but it’s not the same because it’s just me and my brother.*

Many of those who reunited with family felt little connection to the parents they had not seen in years. This lack of connection had not been resolved due to the little time parents and children were able to spend together. As many of the parents were undocumented themselves, they had to work long hours at several jobs in order to support the family, which took its toll on the youth. One participant described feeling as if he had no guidance from his parents, “no one to teach me right and wrong.” Due to language barriers, youth also felt unsupported by their parents when it came to schoolwork or meeting other needs. Even those reunited with family felt as if they had to fend for themselves in many aspects of their lives. Some study participants reported having positive experiences reunifying with their families, although one youth did say that after four years apart from her family, she did not know them. However, she said, “I was very happy. It was a great experience to have them back after so many years.” Another female youth who had described mistreatment by Border Patrol agents stated that, “it was all worth it to be finally home with [my] mother.” Another male participant from El Salvador said,

*[Reunifying with my family] was very emotional because practically the whole family came [to the U.S.] when I was little, so there are even relatives I didn't know, and you get to know them and it's very emotional. It fills you with joy and you say, "Okay, I'm going to start here and I'm going to start living here and go forward and have a better life."*

A few study participants also recounted the sadness they felt in being apart from their family in their home countries. One male participant from Mexico stated, “the majority of people leave behind most of their family and I'm not the only one who feels this, this, emptiness, this loss, this distance, this loneliness.” However, he had a unique perspective on making the journey alone: “I think for me, I can say it was good coming alone without anyone in my family because it would have been worse if we came and one of my cousins [was able to cross] and I [wasn't] or vice versa. I think it's harder [that way].”

A 16-year-old girl from El Salvador said,

*It affected me because it was difficult to leave [my grandparents] and being an immigrant is harder, because you don't know if you'll be able to come back. I felt forced to come because of my difficulties in my country, but yes. It always affects me a lot that I can't be with my grandparents. I came with my brother so I feel a bit better. He keeps me company. . . . I'm closer with my mom now. Since I was little, I have not lived with her and now. . . . I feel good that I was able to meet my two brothers—and that makes me feel like I have a family, that I'm not alone, and that helps me.*

Family stress caused by parents' lack of legal status, disadvantaged economic situation, and tenuous relationships also took their toll. Overall, most youth felt that the stress and anxiety caused by lack of family support affected their ability to do well in school or to connect with others. As one male youth said, “[The stress] affects you a lot.” One youth explained these issues took an even greater toll on those who came from single parent homes, an experience he personally had. Another youth explained that he turned to alcohol to ease his anxiety, saying, “I felt like there was no one to guide me. I began to lose my life.” Others recounted stories of other unaccompanied youth who had dropped out of school or contemplated suicide because of the stress.

One female youth from Mexico illustrated how family separation could affect youth in the long-term, saying,

*I think it does make a huge impact not having your parents because they. . . they're the ones that build your character. . . . They're the ones who give you support and they're the example you follow, so by not having them there it's like you have an empty picture and then you don't. You feel like you're really missing something, like a piece of a puzzle; you have the whole thing but you're missing something.*

Similar sentiments were expressed by several key informants who added that poor relationships with family members could result in the youth running away or being kicked out of the home. In contrast, one key informant noted more positively, “My experience with most of the children I've worked with has been working in



conjunction with a parent or some type of aunt, close family member, almost without exception” (*Employment Key Informant 1*). As these different perspectives illustrate, unaccompanied youth may feel negative impacts of family separation, but reunification with concerned family members may be beneficial.

### 3. Community

Despite tenuous family ties and feelings of isolation, study participants described a sense of relief when they encountered other unaccompanied youths and saw many commonalities in each other’s situations. For instance, they reported that many came to the United States for a better life, hoping to acquire work or pursue better opportunities. A few also came to reunite with families they had not seen in years. However, they were quickly confronted with the realities of living as an undocumented immigrant in the United States, and feeling increasingly limited as both undocumented and a minor. When one male youth stated during a focus group, “struggles define us all. And the struggle is real,” others wholeheartedly applauded. This struggle was defined by the youth as a lack of growth and opportunities, which they confront living in the U.S. without legal authorization. As another male youth stated, “You live in the shadows, like a ghost.”

When asked if she would like to interact with others, a 16-year-old girl from El Salvador was thoughtful about the importance of social support from those in the community with similar experiences, saying,

*Yes, . . . [i]n order to chat with people and share your point of view on things. Maybe for an immigrant, talk to other people who have gone through the same situation or are in the same situation. Share what one has to live through or what others have to go through. I think it’s important. It would be good to—like if someone has a problem or something and there are others living like you and talk, share what I am living through and find some help. To come to understand one another, what we’re going through and to know we’re not the only ones and support each other.*

She went on to describe what she thought local government could provide that would be helpful:

*The opportunity to associate, to access productive things for us, like programs, the opportunity to be with more [people who live here in New York]. . . They have the opportunity, let’s say, to do things we can’t because we’re not legal. But I think if that were possible we can show them that immigrants can do things well.*

Given the difficulties in obtaining information and help navigating services throughout New York, youth reported receiving assistance mainly from community-based nonprofit organizations, which provided connections to help meet their needs. Study participants were highly appreciative of the support given to them by community-based organizations and believed them to be crucial. They identified organizations that helped them connect with other unaccompanied youth, which was a top priority. Examples of these were Atlas: DIY, Make the Road NY, United We Dream Network, The Door, Kids in Need of Defense (KIND), the New York Immigration Coalition and Catholic Charities. By finding and availing themselves of these safe spaces, youth were able to overcome their feelings of isolation and seek additional services. As one male youth from South Africa stated, “these services, they’re like an oasis in the desert.” Useful services included legal services, employment assistance, housing assistance, educational scholarships, health exams, and advocacy work. While a few participants also recounted having positive experiences with local clinics, participants overwhelmingly felt that nonprofits had been better equipped to assist them and were more accessible than other public or governmental agencies.

### 4. Post-Migration Challenges

Regardless of their family situation in the United States, most youth described shock and sadness in leaving their home countries, which added to their sense of isolation upon arrival in the U.S. A few also felt that they did not have ample time to say goodbye to family and friends before embarking on their journey to the U.S. One participant was told he was just going to visit family and was never told he would not be returning home.

Expressing a sense of betrayal, he said, “[My parents] lied to me.” This sense of betrayal was not unique. Many described feeling ill-prepared for the struggles they would face in the U.S. While psychological and cultural adaptation is a challenge for many immigrants, its difficulty is compounded by lack of familial social support.

Study participants agreed that dealing with these challenges on a regular basis forced them to mature quickly. As one male youth stated, unaccompanied youth feel like they are in a “military war zone. We always have to be ready for anything.” Constant vigilance and cautious decision-making defined the group; they expressed the need to “think like an adult” and be mindful that the decisions they made today would affect them tomorrow and in the future. They added that this stress was difficult to manage, especially for those without familial support. This in turn made it difficult for them to look for help or to learn how to navigate systems. As one male youth stated, “I came alone with three little suitcases. I am the only one who is going to be there for me in the end.”

Lastly, many expressed disillusionment in realizing that life in the U.S. was different from what they expected. They expressed frustration, having believed things would be easier in the U.S. and they would be able to find greater opportunities. One female youth stated, “Many who come here don’t know that the reality is different from the movies. They do not know where they are, where they are going. They don’t know the language and they need help understanding where they are.” While they felt that opportunities may still be available, the difficulty in attaining them was often daunting.

## 5. Coping with Challenges

Since unaccompanied children are often separated from their families, they are forced to navigate the systems that they rely on by themselves. How they feel about themselves (self-identity) and how others view them (social identification) play important roles in how youth interact with various systems and what services they may seek. One study of undocumented youth found that they internalize their status based on their interactions with social institutions, developing “a legal consciousness based in stigma.”<sup>61</sup> This internalization shapes how they view themselves in society. Like undocumented adult immigrants, youth also live with fear of detention and deportation, but they may feel less restricted by fear, and more burdened by stigma. The stigma associated with being unaccompanied and undocumented may limit their ability to interact with peers or administrative gatekeepers due to shame. Yet this problem could partly be overcome by sharing their experiences with others who have endured the same hardships, obtaining information, seeking help and recreating community ties.

Although unaccompanied children face an uphill battle when it comes to accessing the services they need in a variety of systems in the New York metropolitan area, the study participants exhibited resiliency and other traits that allowed them to overcome their difficulties. One male expressed his resolve and motivation by saying, “When no one believed in me, it helped. It ignites me when people look down on me.” This was echoed by other youth who stated they often worked hard in order to prove others wrong, that they could better themselves despite their difficulties. One young girl from Honduras believed her experiences with discrimination made her stronger:

*I don't let anyone humiliate me. It's true that I'm not from this country, but I believe we're all the same, because I don't think I am better or worse than anyone. I believe we all have the capacity to learn and I know that if I have the opportunity, I will learn English and I will be able to speak better than them.*

Multiple key informants also acknowledged these positive attitudes, with one service provider commenting that unaccompanied youth can be “extremely resilient, extremely persistent in trying to find some way to be able

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61 Abrego, L.J. (2011). Legal consciousness of undocumented Latinos: Fear and stigma as barriers to claims-making for first- and 1.5-generation immigrants. *Law & Society Review*, 45(2), pp. 337-370. Retrieved from <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-5893.2011.00435.x/full>.

to take care of themselves” (*Housing Key Informant 1*). Youth expressed a sense of pride and strength in their ability to navigate these systems alone and overcome obstacles with little assistance. In fact, the isolation they felt and disappointments they encountered seemed to give some strength. One child felt that the realization that “everyone is going to give up on you,” taught him the importance of self-reliance, and many youth discussed the fact that overcoming difficulties and risks would provide experiences that would assist them later in life. Key informants also recognized this self-reliance, as one service provider commented that, “I think like [the nature of being] by yourself, you’re a pretty resourceful kid” (*Community Key Informant 1*). Another key informant, discussing the fact that many of these youth are heads of households while making minimum wage in fast-paced, physical jobs added that, “We are always impressed by their tenacity and their willingness” (*Education Key Informant 2*). A female youth from Mexico illustrated this by stating, “It’s been tough, but I have always said that if you really want to make it here, you can. You just have to keep on trying and being positive no matter what.” Other key informants referred to the tendencies for youth to have a strong work ethic, sense of humor, and to rely on spirituality as additional sources of strength. However, it is important to realize that the youth who participated in this study are likely to be among the least vulnerable unaccompanied immigrant youth, because they were at least partially connected to community-based organizations and were willing and able to participate in the research. The problems encountered by youth who are not represented in this study are liable to be more challenging.

Many participants also talked about their plans for the future, displaying the hope and self-confidence that is a hallmark of resiliency. One Spanish-speaking youth stated he was planning to learn Chinese after he mastered English, so that he could start a company with a global presence. The participants agreed that getting an education was important, so that they would be able to get better jobs in the future, and not be stuck being “the same delivery boy or line cook in the same restaurant for years.” One male participant stated that seeing his parents struggle due to their limited education made him realize the importance of finishing school. He said, “If you do not study, you cannot graduate, and then you cannot get a good job. Life will be more difficult.” Many others expressed a desire to better their economic situations. As one female participant stated:

*Hope [keeps me going]. I went through so much in my life because of how I came [to the U.S.]. I dealt with depression and emotions I didn’t like to have. But, I have hope I can get a better life and be happier and I can be a role model for other youth who have gone through the same things I did.*

However, many youth felt their dreams were limited by the fact that they were undocumented; as one male youth from Guatemala said,

*Sometimes it’s like seeing the light at the end of the tunnel, but then later there’s a wall in front of you and you can’t see that light anymore. You try to keep going, but there are times when you go back to seeing that wall again.*

This did not prevent them from seeking ways to regularize their status and be treated like other youth. According to Abrego, youth may “have more possibilities than undocumented workers of overcoming barriers to make claims in the United States” and may act in ways to “minimize their stigma, elevate their social standing, and achieve a greater sense of belonging by distancing themselves from undocumented first-generation immigrants.”<sup>62</sup> Their frustration may also push them to mobilize and to fight for those rights to which they feel entitled. These sentiments were echoed in the focus groups, with one male youth stating, “It is all about getting documents, because we deserve it after all we’ve done.” Another male participant echoed these sentiments: “It’s hard to be in this country [as an unaccompanied youth]. We need to be protected in order to come out ahead.”

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62 Abrego, L.J. (2011).

## B. INTERACTING WITH SYSTEMS AND SERVICE PROVIDERS

The following section describes the needs and challenges faced by unaccompanied youth, as reported by both key informants and youth themselves, when navigating various systems in New York. These systems include the courts (immigration and family courts), child welfare, education, employment, housing and homelessness, and healthcare. A cross-cutting concern is the adverse impact of lack of information about immigrant youths' eligibility and access to needed services and opportunities.

### 1. Building Safe Spaces

While the youth themselves feel stigmatized by their status, the screening and identification of unaccompanied children by organizations serving immigrant youth can also be problematic. Key informants stated that unaccompanied youth were identified in their organizations through one of three primary ways: a screening or assessment designed to determine legal status; self-identification on the part of the child; or a referral from an organization that had previously identified the child as unaccompanied. Overall, key informants appeared to view the intake process as the most proactive approach, explaining that it is the most effective way to get someone connected to the services they need. Discussing the intake process, one key informant from the child welfare sector said, "We take it to a super simple level: what documentation do they have? If they don't have proof of U.S. citizenship, they fall into the category of needing immigration legal services" (*Child Welfare Key Informant 1*).

Although it may be necessary to inquire about immigration legal status to identify a need for specialized services, interviewees pointed out that there are significant confidentiality and trust-building concerns. One clinician noted that it may be difficult for youth to disclose their legal status, explaining, "In the beginning when you don't know enough, you don't want to put them in an uncomfortable position, so it's taboo" (*Healthcare Key Informant 1*). Another key informant from the education sector whose school conducts intakes expanded upon this idea, describing the need to make youth feel safe when asking about legal status: "I explain that I have a legal services clinic, that we can help them. It's not to report them to [the] IRS or the INS or Homeland Security or whatever. It's to plant the seed [that] this might be a safe place where they can tell" (*Education Key Informant 1*).

The idea of establishing a safe, open environment where children feel comfortable speaking freely about their legal status was brought up by multiple key informants as well as youth. When explaining how his organization, a community-based soccer program, identifies unaccompanied youth, one informant noted the importance of building strong relationships, saying:

*I think it's just because of the depth of our relationship with all the kids. We're seeing a few of them five days a week at various programs. They have really strong relationships with their coaches; they have really strong relationships with the staff. So sooner or later, it comes out (Community Key Informant 1).*

In discussing the organization, this key informant also noted that soccer is simply used as an engagement tool because, "I don't think any of them have been actively seeking help. They're actively seeking soccer" (*Community Key Informant 1*). According to this informant, this allows the organization to build the trust needed for youth to open up about their migration histories, while also accessing a segment of the population that may not have otherwise sought out services. Another key informant, whose organization seeks to prevent violence in schools, expanded upon the role of relationship building, saying,

*If a student needed assistance in some way, they would just hop in. We had an office space. If a teacher had a concern, we were there, we had a mailbox there. . . . We had built momentum; we had built trust (Juvenile Justice Key Informant 1).*

Youth participants agreed that safe spaces and trust building were important for them to seek services and assistance. A male youth from South Africa felt unsafe in many places "because [I was] undocumented. It's like

something you hold dear to you, it's like a secret. You can't tell people you're undocumented." They reported feeling less afraid about identifying as unaccompanied immigrant youth when seeking services, for example, at trusted nonprofit organizations.

Connections to other unaccompanied youth through nonprofit organizations also proved critical for many of the focus group participants. One male youth even stated, "Atlas: DIY saved my life." Through this community-based organization,<sup>63</sup> he was able to connect to other youth and feel less isolated and prone to substance abuse. He stated, "I had begun to lose my life. With no one to guide me, I started abusing alcohol." After connecting with Atlas: DIY and other youth, he stopped drinking and began to take advantage of other resources Atlas: DIY offered, such as legal services.

A female participant also praised Atlas: DIY: "They go far beyond legal needs. . . . They make one feel like part of the family. It's hard [to be here alone] because some children do have family here, but some have no family. They can also feel like they have a voice, which is what the youth need."

## 2. Immigration Proceedings and Family Court Systems

Immigration status is a priority for unaccompanied immigrant youth, particularly in the case of those who are actively undergoing removal proceedings and are therefore at imminent risk of being removed from the United States. For these youth, it is critical to obtain an attorney who can assist them with their immigration case. According to one service provider, "There are many youth [who] may be identified for relief, but there [are] not enough [lawyers] to assist them with those options" (*Legal Key Informant 1*).<sup>64</sup> Another key informant—an attorney who represents children in removal proceedings—confirmed this notion, explaining that "maybe a quarter have no relief," while the rest may be eligible to stay in the United States legally if only they had the assistance of a capable attorney to represent them in front of the court (*Employment Key Informant 1*). The importance of obtaining an attorney is magnified by the fact that many youth are not fully aware of their legal rights or that they may be eligible to stay in the country. Multiple key informants made reference to this idea, including one who noted:

*[Youth] need a lot of legal education. There are a lot of misconceptions—a lot of misinformation—as to their rights in general in the U.S. . . . There's a lot of fear with that. [They need] legal information about the immigration system, their status, their options (Juvenile Justice Key Informant 1).*

Notably, although many key informants stressed the importance of legal assistance and representation, one interviewee mentioned that this may not always be the first priority for the children themselves:

*Their legal status does not become a priority. [They think,] "My priority is to survive, and to settle and to get a job, to learn English, and then I'll worry about that later." So for some kids it's been hard to help them understand the importance of how many doors will open if they get their legal status (Healthcare Key Informant 1).*

Since key informants are aware of the benefits of obtaining legal status, such as getting lawful employment, they may identify legal needs as a priority even if some children themselves do not recognize this as an immediate need. Youth may deem legal status important, but may find it impossible to get legal assistance, which may contribute to this belief. Focus group participants who disclosed having received legal status were met with applause during the session, showing the importance that reaching full status can have in the eyes of unaccompanied youth. Additionally, one female participant stated, "My first need, which may be hard to accomplish, is to fix my papers and get legal status. I'm doing everything in my power to make that happen." Lack of available and affordable

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63 As noted previously, Atlas: DIY was one of the two community-based organizations serving unaccompanied migrant youth that were partners in this study.

64 See *supra* notes 24, 42 and accompanying text. It should be noted that some of the interviews with key informants took place before the increase in legal funding for unaccompanied immigrant youth in New York City in September 2014.

legal services is also an obstacle for some youth in trying to secure legal representation. One female youth from El Salvador had to go to several places until she found Catholic Charities. She said, “The first place cost too much. The second one did not give us much information. He didn’t know much about cases like mine. He didn’t tell us much about what we needed and did not give us much hope.”

For children who *are* seeking legal status, navigating the complex legal system is a challenge that only becomes magnified when left to do so on their own, without the help of a guardian or attorney. Not only is immigration law particularly complex and intimidating, but the trauma youth may have endured hinders their ability to remember and narrate their histories coherently, which is particularly important in asylum hearings.<sup>65</sup> According to one key informant in the child welfare sector, many children “are quite hesitant and fearful when they first engage in any formal legal process” (*Child Welfare Key Informant 1*). As one female youth from El Salvador said,

*Maybe [...] you’ll go to court, and at the last minute, they can deport you. I feel that that is everyone’s fear: that maybe they’ll go to court and they’ll be told they have to go back again. It’s a big fear. You go forward with great enthusiasm and then after they give you bad news, so it’s a threat.*

Recognizing this fear, another key informant in the mental health field commented that helping youth navigate the legal system is beneficial to both the children and the courts:

*To help kids whil[e] they’re navigating the immigration process would be really very wise. I think there’s a way to present that in terms of it being good for the courts as well, in terms of having kids who are actually able to present their stories and to handle this process (Healthcare Key Informant 2).*

Many unaccompanied immigrant youth qualify for Special Immigrant Juvenile Status (SIJS), a form of legal relief for youth under the age of 21 who have been abused, abandoned, or neglected by a parent and for whom it would not be in his or her best interests to return to the country of origin. Many key informants noted that, while SIJS is the most common form of relief for unaccompanied youth, there are still challenges to obtaining this relief and attorneys must explore other relief options whenever possible.<sup>66</sup> Children who are seeking SIJS must first obtain an order with certain factual findings in a “juvenile court” (typically Family Court),<sup>67</sup> followed by a separate application with U.S. Citizenship and Immigration Services. Focus group participants described this two-tiered process as long and arduous. The long legal process leaves service providers with a “small window” to obtain SIJS for their clients (*Education Key Informant 1*). As one service provider who works with homeless youth commented, “For many of these youth, even getting Special Immigrant Juvenile Status becomes a challenge because at the point where we’re seeing them, they’re already 18 even though they may have entered the country at a younger age” (*Housing Key Informant 1*). Another key informant, an immigration attorney, added, “I feel like there are many people who are younger, who should be identified but are not being identified until it’s quite late in the game. And if there are better ways to do that, I think that should also be pursued” (*Legal Key Informant 1*). According to these key informants, many SIJS-eligible youth are not identified until they begin approaching the point at which they “age out” of relief. As such, many children who are entitled to legal relief may miss out on the

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65 See generally, Caruth, C. (Ed.). (1995). *Trauma: Explorations in memory*. Baltimore, MD: The Johns Hopkins University Press.; Kirmayer, L.J. (1996). Landscapes of memory: Trauma, narrative, and dissociation. In P.A.M.Lambek (Ed.), *Tense Past: Cultural Essays in Trauma and Memory* (pp. 173-198). New York, NY: Routledge; Silove, D., Steel, Z. & Watters, C. (2000). Policies of deterrence and the mental health of asylum seekers. *Journal of the American Medical Association*, 284(5), (pp. 604-611). Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/10918707>.

66 Feerick Center for Social Justice. (2014). *New York unaccompanied immigrant children project family court working group: Findings from a survey of lawyers representing immigrant youth eligible for Special Immigrant Juvenile Status in NYS Family Court*. Retrieved from Fordham Law School Feerick Center for Social Justice: <http://law.fordham.edu/feerick-center/32192.htm>.

67 See 8 U.S.C. § 1101(a)(27)(J); U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Policy and Strategy and Domestic Operations. (2009). *Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions*. Retrieved from [http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static\\_Files\\_Memoranda/2009/TVPRA\\_SIJ.pdf](http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/2009/TVPRA_SIJ.pdf).

opportunity to obtain legal status simply because they are not identified early enough.

Not surprisingly, some of the greatest legal difficulties arise from the very fact that unaccompanied children, by definition, do not necessarily have legal guardians. In this regard, once a child is identified as SIJS-eligible, she may encounter difficulties establishing jurisdiction within Family Court. One focus group participant reported that the biggest obstacle was finding a legal guardian; as he did not have a parent or guardian in the U.S., he had to reach out to friends and community members for assistance. It took him a year to find someone who would agree, as many were afraid to go through the fingerprinting and background check process required for guardians in Family Court. The entire SIJS process lasted three years. He stated, “It can be hard and frustrating,” but felt that the process was done in this manner in order to prevent people from “abusing the system.” Overall, the key informants also expressed positive opinions about the state judges and the environment for obtaining SIJS in New York, although some reported resistance. According to one attorney, “We’ve gotten some push back from the clerks at the Family Court or the filing clerks telling people if you’re not a New York resident . . . or if you’re undocumented, you can’t file a petition here” (*Employment Key Informant 1*). This informant added that these access issues, even though they may not happen with great regularity, can prevent children from obtaining relief and add additional strain on legal service providers, many of whom are already under-resourced and overburdened.

### 3. Child Welfare

Depending on their family circumstances, unaccompanied immigrant youth may interact with, or be in need of, child welfare services, and New York State<sup>68</sup> and New York City have been in the forefront of trying to serve their needs through proactive screening and identifying them.<sup>69</sup> New York City policy mandates that all children in New York City are entitled to the same quality and degree of service through the child welfare system, with no regard to national origin.<sup>70</sup> According to one informant who works in the child welfare sector, New York City Administration for Children’s Services (ACS) treats “every child that comes into the jurisdiction in the same way, whether they were born in New York, whether they were born in California, or whether they were born in Vietnam. . . . It’s their needs that matter” (*Child Welfare Key Informant 1*). Although ACS says it will accept all kinds of children into its care, another key informant expressed discontent, describing an example of an unaccompanied child who ACS would not take into care and who ended up homeless as a result:

*I did have a youth who had a really precarious living situation, didn’t have family here and was being bounced around from home to home. It got kind of abusive and worrying, so I called ACS. And ACS basically came to the determination that they wouldn’t take custody over the child under the Destitute Child Provision, which is one of the mechanisms for them to do so in New York, because he could go home [to the country of origin] to his parents even though he claimed that there was fear of return (Employment Key Informant 1).*

Although ACS states that it provides equal services to all children who the agency determines fit within their jurisdiction, including those without legal status, unaccompanied youth still have a unique set of needs that can

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68 New York State Office of Children and Family Services. 08-OCFS-ADM-05 (2008).

69 New York City, N.Y., Local Law 6 (2010). Several other localities and states have also adopted mandates related to screening and identification of SIJS-eligible children and youth by child welfare agencies. Hlass, L. (2014). States and status: A study of geographical disparities for immigrant youth. *Columbia Human Rights L. Rev.*, 46, p.266. Retrieved from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2577904##](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2577904##).

70 Executive Order No. 34 (2003, May 13). City of New York: Office of the Mayor. Retrieved from <http://www.nyc.gov/html/imm/downloads/pdf/eo-34.pdf>.

prove challenging to meet.<sup>71</sup> For example, although ACS and the foster care agencies that contract with them utilize language services, this may not always be accomplished uniformly and can negatively impact a child's ability to reunify with family where available:

*I have heard some grievances about a family not being able to be connected to counseling in the language that they need. So that creates a real problem, especially when that counseling is mandated for reunification of the child with the parent (Child Welfare Key Informant 1).*

Similarly, this same informant went on to stress the importance of cultural competency training for all staff in the child welfare system—a model which they stated ACS follows, but that could be expanded.<sup>72</sup>

## 4. Education

### *i. Enrollment*

All youth under age 21 have a right to a free, public school education regardless of immigration status.<sup>73</sup> Despite the law, for the youth in the study, access to education was a significant challenge. Many of the participants in the first focus group experienced administrative obstacles when they attempted to enroll in school, including difficulties in obtaining necessary paperwork (e.g. transcripts, immunization records, or identification cards). One youth explained that staff within his local school's registration department was not helpful and claimed to be unable to understand why he did not have, or would have difficulty obtaining, the requested information. This caused him to seek assistance on his own directly through the New York City Department of Education offices in Manhattan. A few key informants mentioned that schools in Long Island in particular made it difficult for unaccompanied children to receive an education. One service provider, recalling an instance where a child's custodian initially was deterred from enrolling the child in a public school in Long Island, noted:

*We told the guardian you know, that's actually not right. They went back and sort of followed up and were able to get the kid into school, which I find really troubling. . . . [If the school] really believes that [undocumented youth cannot be enrolled in public school], then they shouldn't change their mind so quickly. So it almost seems to me like it's trying to create this artificial barrier (Employment Key Informant 1).*

This same key informant later commented that in the New York City area, Long Island is in the greatest need of resources and advocacy because it suffers from a lack of service providers, despite the area's sizable immigrant population.<sup>74</sup>

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71 ACS's Immigration and Language Guidelines for Child Welfare Staff provides that "[u]ndocumented immigrants are eligible for Child Health Plus and emergency Medicaid, and for many city and state services-including preventative and protective services offered by ACS and its contract agencies." New York City Administration for Children's Services. (2004). Immigration and language guidelines for the child welfare staff (2nd edition). Retrieved from [http://www.nyc.gov/html/acs/downloads/pdf/immigration\\_language\\_guide.pdf](http://www.nyc.gov/html/acs/downloads/pdf/immigration_language_guide.pdf). The services available to undocumented children include foster care. 7; YouthSuccessNYC: A Resource for Youth in Care and After Care. (2014). Immigration and foster care: What you need to know. Retrieved from <http://www.youthsuccessnyc.org/immigration/resources.html>.

72 Cultural competence is defined as a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals and enables that system, agency, or those professionals to work effectively in cross-cultural situations. Cross, T., Bazron, B., Dennis, K.W., & Isaacs, M.R. (1989). Towards a culturally competent system of care: A monograph on effective services for minority children who are severely emotionally disturbed. Washington, D.C.: Georgetown University Child Development Center, CASSP Technical Assistance Center. Retrieved from <http://eric.ed.gov/?id=ED330171>.

73 *Plyler v. Doe*, 457 U.S. 202, 223 (1982) (holding that states cannot constitutionally deny students a free public education on the basis of their immigration status); New York State Constitution, Article XI, Section 1 ("The legislature shall provide for the maintenance and support of a system of free common schools, wherein all children of this state may be educated."); *Appeal of Plata*, 40 Ed. Dept. Rep. 552, Decision No. 14, 555 (Mar. 29, 2001) (holding that New York state law entitling entrance into public schools for district residents (Education Law section 3202(1)) does not consider federal immigration status).

74 Recent press has supported these claims. See Mueller, B. (2014, October 21). Requirements keep young immigrants out of Long Island classrooms. New York Times. Retrieved from [http://www.nytimes.com/2014/10/22/nyregion/rules-and-paperwork-keep-long-islands-immigrant-children-from-classroom.html?ref=todayspaper&\\_r=1](http://www.nytimes.com/2014/10/22/nyregion/rules-and-paperwork-keep-long-islands-immigrant-children-from-classroom.html?ref=todayspaper&_r=1).



While New York State schools have guidance in place affirming that unaccompanied immigrant youth belong in public schools,<sup>75</sup> this document has been so routinely disregarded that, in February 2015, the State Education Department issued emergency regulations to provide clarity to districts on enrollment for immigrant children.<sup>76</sup> Additionally, after an investigation of New York State school enrollment practices, the New York State Department of Education and the New York State Attorney General’s Office compelled twenty school districts to modify their enrollment policies.<sup>77</sup> Moreover, according to some key informants and youth interviewed for this study, when unaccompanied youth have been released by ORR to a sponsor, depending on the nature of the relationship, that sponsor may not be recognized as the child’s legal guardian by the New York City Department of Education (DOE).<sup>78</sup> As one key informant who works in the area of education explained, “[If] they are living with a sponsor, there should be some recognition of allowing the sponsor to make [enrollment] decisions. Currently, there’s a total disconnect between [who] an ORR sponsor and a legal guardian is for purposes of the DOE” (*Education Key Informant 2*). This key informant added that sponsors and legal guardians “need access to information about how the system works, too. I think a lot of the information that is out there for immigrant parents is limited and there are definite opportunities for the DOE to do a much better job with how they communicate and engage immigrant families” (*Education Key Informant 2*). Providing this information to custodians allows them to assist with enrollment problems and to generally be more engaged with the child’s education, while also providing social and emotional support.

Media reports show that some school systems may resist the enrollment of unaccompanied youth for a number of reasons, including the concern that immigrant youth may not be able to succeed academically, lowering average test scores and hurting the school’s funding and reputation.<sup>79</sup> As one key informant commented, “Within the schools that we’ve worked in, there are people that have a compassion for these kids and they will go out of their way to assist them. But systemically, not so much” (*Juvenile Justice Key Informant 1*). It is not uncommon for unaccompanied children to have gaps in their formal education—having taken time out of school to work and support their family financially—making it difficult to achieve scholastic success when held to the same standards as other children.<sup>80</sup> This can be even more problematic when children have limited English proficiency. As one key informant explained:

*You have kids [for whom] this may be their second year in the country and they are not yet proficient in English and they are being required to take an exam in English at their grade level that their peers at their grade level are taking. So you are setting a kid up for failure* (*Education Key Informant 2*).

Further, many youth may be “so far behind that they would be put from a chronological age with kids who are significantly younger than they are” (*Housing Key Informant 1*). This can cause some older youth to forego a high school diploma altogether in favor of alternatives, such as GED programming, although focus group participants

75 New York State Education Department. (2014, September). Educational services for recently arrived unaccompanied children. Retrieved from <http://www.p12.nysed.gov/sss/documents/EducationalServicesforRecentlyArrivedUnaccompaniedChildren.pdf>.

76 New York State Education Department. (2014). New York State Board of Regents passes emergency regulation concerning school enrollment following joint review by State Education [Press release]. Retrieved from <http://www.nysed.gov/news/2015/new-york-state-board-regents-passes-emergency-regulation-concerning-school-enrollment>; New York Office of the Attorney General. (2014). Statement by A. G. Schneiderman on NYS Board of Regents’ Adoption of Emergency Regulations Governing School Enrollment [Press release]. Retrieved from <http://www.ag.ny.gov/press-release/statement-ag-schneiderman-nys-board-regents%E2%80%99-adoption-emergency-regulations-governing>.

77 Mueller, B. (2015, February 18). New York compels 20 school districts to lower barriers to immigrants. *New York Times*. Retrieved from [http://www.nytimes.com/2015/02/19/nyregion/new-york-compels-20-school-districts-to-lower-barriers-to-immigrants.html?\\_r=1](http://www.nytimes.com/2015/02/19/nyregion/new-york-compels-20-school-districts-to-lower-barriers-to-immigrants.html?_r=1).

78 Mueller, B. (2014).

79 Mueller, B. (2014).

80 Zimmerman-Orozco, S. (2015). Border kids in the home of the brave. *Culturally Diverse Classrooms*, 72(6), (pp.48-53). Retrieved from <http://www.ascd.org/publications/educational-leadership/mar15/vol72/num06/Border-Kids-in-the-Home-of-the-Brave.aspx>.

reported a lack of availability of these programs as well. One female participant described the lack of support she experienced while in school: “One teacher found out I was undocumented and told me I was wasting my time. I would not be able to get scholarships or get a degree. If I did not have a Social Security Number, then it was all worthless.” She later said that the “bad advice” given to her by this teacher made her believe she should not seek out opportunities in higher education. She stressed the need to train teachers and guidance counselors in scholarship opportunities available for undocumented children. Higher education remains a challenging area for unaccompanied youth; focus group participants who were able to attend college also reported obstacles to enrolling without legal status.<sup>81</sup>

## **ii. Language Access**

Another important need for immigrant youth in the education realm is the ability to access specialized services and classes that cater to their specific needs. Since many immigrant youth do not speak English as their primary language and may not be literate in their native tongue, access to English Language Learner (ELL) or English to Speakers of Other Languages (ESOL) classes is critical, an idea expressed by many key informants.<sup>82</sup> Although several schools in New York City offer ELL/ESOL components,<sup>83</sup> many programs have limited availability and demand that far surpasses the supply, according to participants. Many expressed their concern about the lack of support and programs, especially for those over 21 years of age. Many youth were afraid their lack of English ability could block them from opportunities in the future. Many stated their top priority was to learn English. As one male youth from Mexico commented, “Everything is easier with English.”

Study participants recognized the need for English classes, but these classes can also limit youth in potentially unexpected ways. Youth reported being redirected to other schools, such as international schools in other boroughs, when trying to register at local schools that did not have enough support for English Language Learners. Some youth felt constrained and discriminated against, unable to enroll in the school of their choice. A few others stated that while they could enroll in the school of their choice, they were often forced to take additional classes designed for intensive English language education, which sometimes lasted for up to three hours after school. This was deemed useful by some of the youth, but others felt that they had no choice in the matter. Additionally, some youth felt that the classes were less than ideal for non-Spanish speaking students. One participant from Africa stated that he felt uncomfortable taking mandated classes because they seemed geared towards Spanish speakers and he could not relate to those students. Another African youth stated that he was automatically placed in courses because he was “international,” even though he already spoke English. Both African participants stated that they felt that additional resources available to youth in schools were tailored to Spanish-speaking youth, and there was nothing offered to fit their needs.

A few key informants discussed the need for Spanish-speaking faculty throughout schools, including guidance counselors and social workers. Discussing a school in Long Island with a dearth of Spanish-speaking staff, one informant noted:

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- 81 In 2002, with the passage of Assembly Bill 9612 (A9612) and Senate Bill 7784 (S7784), New York became the fourth state to permit certain undocumented immigrants to pay in-state tuition in its State University of New York (SUNY) and City University of New York (CUNY) systems. Nienhuser, H.K., & Dougherty, K.J. (2010). Implementation of college in-state tuition for undocumented immigrants in New York. Retrieved from New York Latino Research and Resources Network (LYLARNet): [http://www.nylarnet.org/reports\\_immigration.shtml](http://www.nylarnet.org/reports_immigration.shtml). Generally, only those undocumented immigrants that attend a New York high school for two or more years and graduate from it or instead receive a New York State general equivalency diploma (GED) are eligible for in-state tuition. Reale, D. (2008).
- 82 Maxwell, L.A. (2014, June 27). U.S. schools gear up for surge of young immigrants. *Education Weekly*. Retrieved from <http://www.edweek.org/ew/articles/2014/06/27/36unaccompanied.h33.html>; New York City Department of Education. (2013). SIFE: Meeting the Challenge. Retrieved from NYC Department of Education: [http://schools.nyc.gov/NR/rdonlyres/E5E66E15-85DF-4704-957C-9EBC88086664/0/SIFEMeetingtheChallenge\\_khrev101713.pdf](http://schools.nyc.gov/NR/rdonlyres/E5E66E15-85DF-4704-957C-9EBC88086664/0/SIFEMeetingtheChallenge_khrev101713.pdf).
- 83 New York City Department of Education. English Language Learners. Retrieved from <http://schools.nyc.gov/Academics/ELL/default.htm>.

*They did not have any Spanish speaking personnel. So like the ones that were doing the counseling and the advising were the teachers themselves, the [ESOL] teachers themselves. . . . Even simple decisions [the schools administration can make] like security guards. There were also very few that spoke Spanish, so then you would have immigrant kids [who] didn't know where to go, or were being harassed and they couldn't express themselves (Juvenile Justice Key Informant 1).*

### **iii. Special Needs**

Another key informant explained that the language barrier poses problems other than the ability to communicate. This key informant stated that poor English skills often cause children to be incorrectly identified as having a learning disability, when they simply require language or literacy assistance. Furthermore, since some immigrant youth do legitimately have special needs—just like children from any other population—it becomes especially challenging to find programs designed to address these overlapping circumstances. One key informant, providing an example of a Spanish-speaking child with a learning disability who experienced interruptions to his formal education, said:

*We need to find a program that can meet the needs of an English Language Learner; meet the needs of someone who is at high school age but hasn't received several years of education and therefore would be many years behind; and also has a learning disability and would need programming that would address the learning disability. So finding a program and a school that could meet all of those needs is really challenging (Education Key Informant 2).*

### **iv. Tutoring**

Given the challenges that immigrant youth face with standardized testing and other educational requirements, quality tutoring services are a priority need. Multiple key informants expressed the need for tutoring, including one from the education system who commented that without tutoring, many foreign-born students would “come in and flounder because they don't understand enough to even know what questions to ask” (*Education Key Informant 1*). Focus group participants also expressed a desire for additional tutoring services and educational assistance outside of the classroom.

### **v. Other Challenges**

As many informants pointed out, unaccompanied youth have a variety of commitments and priorities outside school that may take precedence over the ability to focus on schoolwork. One key informant explained that “with work and all the other commitments, it's really hard for them to follow through and get anywhere close to being ready for [any] exam,” adding that, “They could have just focused on school but finding them housing and being able to afford everything and to focus on school hasn't been a possibility for all of them” (*Community Key Informant 1*). Another service provider discussed a 16-year-old boy who had to drop out of high school to meet other more immediate needs: “So he can either be homeless or rent a room. So he had to rent a room [and] he had to drop out of school” (*Employment Key Informant 1*). Since unaccompanied youth may need to provide for themselves financially, education can become sacrificed at the expense of obtaining employment and economic security. A female youth from Honduras, who came to the U.S. while pregnant, discussed the difficulties she faced in finding affordable childcare so that she could study. For youth who graduate high school, financial concerns also impact their ability to continue their education. All focus group participants expressed the desire to attend college—some had received scholarships from New York-based nonprofit organizations—but others expressed concern over their ability to pay for college, given their limited financial means and inability to better their economic situation due to lack of legal status.

## 5. Employment

For many children, securing employment is one of their primary goals upon arrival in the United States. Some children—especially those who do not live with adults who support them financially—sometimes feel compelled to drop out of school in order to work full-time, as many of the youth stated. While service providers appeared eager to assist these children with all of their needs, helping with employment can be a challenge for service organizations, due to the legality of employing someone who is undocumented or underage.<sup>84</sup> One informant noted that the youth need to find work on their own because, “It creates issues for us” (*Housing Key Informant 1*). Another explained their reaction when asked to assist with obtaining employment: “We usually respond, ‘We can’t help you. Go through the process to get your green card so that it’ll be easier to help you’” (*Community Key Informant 1*). Since many unaccompanied youth do not have authorization to work lawfully in the United States, getting a high-paying job can be a problem. As one key informant noted,

*Employment is obviously an issue. They’re really relegated primarily, at least initially, to getting off-the-books jobs because they don’t have papers. And it takes time. You know, if they’re eligible for Special Immigrant Juvenile Status, that process can take six months to a year or more. And so that makes it difficult for them (Housing Key Informant 1).*

As this informant points out, even children who are actively in the process of obtaining legal relief must wait for the long legal process to play out before they will be eligible to work.<sup>85</sup> Therefore, these youth can be without lawful means of supporting themselves financially for a substantial period of time. As one female focus group participant said, “Without much money, there is no possibility to gain legal status. [But], without a green card, though, there are not good jobs available and then there is no chance to earn an amount needed to adjust your legal status.”

Notably, at least one key informant felt that since unaccompanied youth generally had low expectations about their wages and working conditions, the lack of work authorization did not pose any actual barrier to employment:

*The common experience is that not being work authorized is not really a significant barrier to obtaining work if you’re willing to do not very high paying work. None of the kids have that expectation, so none of them have had a hard time finding their job (Employment Key Informant 1).*

Since many unaccompanied youth end up obtaining “off-the-books” work in order to make a living in the U.S., vulnerability to exploitation and human trafficking becomes a concern. As one key informant from the education sector explained:

*Employers simply will exploit them. If your English isn’t strong and you don’t know your rights, and you come from a country where you weren’t allowed to speak up. . . . [W]e’ve had kids come to school here for eight hours a day, leave, and go to some sort of dishwashing job at midnight and work through the night until eight o’clock in the morning, and then go home and try to sleep for three hours and they’re just grinding sort of. And [then they] get paid \$150 for the entire week (Education Key Informant 1).*

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84 Federal law prohibits individuals and companies from employing immigrants who lack work authorization. Immigration and Nationality Act, § 274A(a), 8 U.S.C. § 1324a(a).

85 Work authorization is dependent on the type of application for relief. Youth applying for SIJS are able to submit a petition on their own behalf. In accordance with, the Federal Code of Regulations, Employment Authorization Document (AED) applicants may file their Application for Employment Authorization form (I-765) simultaneously with their Application for Permanent Residence (I-485). 8 C.F.R. § 274A(a)(12)(c)(9) (2012). I-765, Application for Employment Authorization, United States Citizenship and Immigration Services. (May 22, 2015). Retrieved from <http://www.uscis.gov/i-765>. Asylees may apply for work authorization after 150 days, but are not eligible for employment until after 180 days. 8 C.F.R. § 208(7)(a)(3) (2011).

Multiple key informants provided similar examples of children they have worked with however, who have been exploited for labor, including extremely low rates of pay; identifying trafficking victims has proven to be more difficult. One male participant from Mexico expressed resentment at the way he was treated at work: “Sometimes when you start a job they say [that you can’t work] anymore because you’re a minor. They only give you a little time. [It’s] like discrimination. They have you working many hours and paying you less than the minimum.” While in this case the employer may have tried to follow the law by limiting the number of hours that he, as a minor, could work, the youth felt that the lower pay was unjust.

Identifying child victims of trafficking crimes has proven to be more difficult than seeing exploitation. Service providers are uncertain about what rises to the level of “trafficking,” and what protections there may be for exploited youth. Discussing youth who owe money to a smuggler who helped them cross the border, one clinician described uncertainty about the difficulty of identifying trafficking victimization: “I don’t think it falls into the *trafficking* category, but it feels like it, because I’ve met kids that are very stressed about paying that debt every month and if they don’t pay, they feel threatened” (*Healthcare Key Informant 1*). Other key informants expressed similar sentiments, providing examples of unaccompanied youth in exploitative work environments that they felt might not legally constitute human trafficking and therefore open an avenue for obtaining legal relief.<sup>86</sup> As one service provider said, “I don’t know how much could be done. Generally, it seems that, yeah, their opportunities for relief in that realm are [fewer] than most, especially when it’s not egregious” (*Community Key Informant 1*). Not many study participants discussed their employment situations in detail, perhaps because they were reticent to talk about off-the-books work. A few male participants discussed finding jobs through family and friends. One male participant did emphasize that finding a stable job was an important personal goal in order to have a better future.

## 6. Housing and Homelessness

Obtaining employment is important because it allows youth to find and pay for housing. Those youth who have been released from ORR custody are often placed with adult sponsors, but sometimes sponsorship breakdowns<sup>87</sup> can result in children being kicked out of the house or leaving on their own accord, necessitating that they find housing on their own. Youth who have not been through the ORR system may also be on their own for a number of reasons. As such, obtaining free or affordable shelter through low-rent apartments or homeless shelters becomes a priority need for many youth. Although New York City has a shelter system that will accept homeless youth regardless of immigration status,<sup>88</sup> this system is far from a permanent solution. Youth crisis shelters allow anyone under the age of 21 to stay there short-term for up to 30 days, with the possibility of another 30-day extension.<sup>89</sup> Provided there are available beds, youth are eligible to immediately return to the crisis shelter after the initial 30-day period has passed. Unfortunately, since there are far more youth in need of shelter than the system can support at any one time, it is not uncommon for youth to end up back on the streets after their initial stay in a crisis shelter.

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86 Workers in the United States have certain basic legal rights to safe, healthy, and fair conditions at work. These include the right to a minimum wage and overtime pay, see Fair Labor Standards Act (FLSA) of 1938, 52 Stat. 160, the right to freedom from discrimination based on race, gender, religion, national origin and age, see Civil Rights Act of 1964, 78 Stat. 241, and the right to organize into trade unions, engage in collective bargaining, and take collective action. See Occupational Safety and Health Act, 29 U.S.C. 15. New York courts have held that undocumented immigrants are covered by U.S. employment laws, even if employers are prohibited from hiring and employing them. *See, e.g., Solis v. Condy’s Total Care, Inc.*, 10-CIV-7242 (PAE) (employee’s immigration status irrelevant to claim for unpaid wages under FLSA); *Garcia v. Pasquareto*, 812 N.Y.S.2d 216 (N.Y. Sup. App. Term 2004) (undocumented workers entitled to wages earned but not paid).

87 *See supra* Pt. IV. A. 2, Family.

88 There are no citizenship/immigration or residency eligibility requirements for the NYC shelter system. Community Service Society. (2013). Benefits Plus, NYC Shelter Overview. Retrieved from Community Service Society: <http://benefitsplus.cssny.org/pbm/housing-programs-services/nyc-shelter-system/197382>.

89 Youth Represent. Youth Crises Service Providers. Retrieved from Youth Represent: <http://www.youthrepresent.org/resources-overview/youth-crises-service-providers/>.

One service provider commented that the short-term stays in the shelter “can be very hard because . . . the standard stay is supposed to be less than 30 days. And then you don’t know what happens after that. So kids may . . . really fall through the cracks and there just really isn’t a good system” (*Legal Key Informant 1*).

New York City also has transitional living programs, which allow for longer stays of up to 23 months; however, unaccompanied youth may not know what the eligibility requirements are, and even if they know, are not able to take advantage of these programs. In order to curb the demand over bed space, transitional living programs have eligibility requirements that make it difficult for unaccompanied youth in particular to qualify: “They’re often not eligible for transitional living programs because they’re not employed and they’re not going to school. And most transitional living programs for youth require that you be in one or both” (*Housing Key Informant 1*). Shelters will house anyone without regard to immigration status, but being undocumented makes it difficult to be in school or have lawful employment. Being ineligible for transitional living programs exacerbates the need for self-sufficiency, distances them from school, and ultimately prevents unaccompanied immigrant youth from becoming eligible for such housing.

Only one youth spoke about this experience, a young man who came from South Africa on a student visa, who lost legal status once his funding ended due to political unrest. At the time he was attending a university that was only able to provide him a scholarship for a short time. He was forced to leave the campus and ended up in various homeless shelters in the city. He was first in a men’s shelter where he was the youngest person. He recounted:

*It was scary to be in the men’s shelter. . . . I remember this old dude, he looked at me and said “kid- what are you doing here? Go back to school.” And I wish, I wanted to tell him “come on, man. I just got kicked out of school. I have nowhere to go, just like you.”*

At one shelter, he stated that many of the residents helped him get food and clothing, since he was unable to work due to his lack of legal status. He felt that they saw him like a “little brother” due to his young age. He also spoke more about the “growing problem” of undocumented minors in the shelters. He said,

*There’s a growing number of undocumented, they cannot get a job, and they’re usually kicked out from their shelters. Because there’s some shelters in which they tell you “you cannot stay . . . you cannot come back until 5pm. Go and look for a job.” And if you’re undocumented you cannot get a job. . . . They give you a specific time, like “get a job within three months,” and if you don’t do that, they’d kick you out. So all these issues, they [are] all affecting undocumented and unaccompanied minors.*

Human trafficking is a risk for youth who are homeless or housed precariously in shelters. Traffickers view these children as particularly vulnerable because they lack stability. One key informant expressed concerns over human trafficking and explained how shelter staff attempt to warn the youth against traffickers: “We make the young people aware who these people are out there, that they’re preying on them, and that they might offer them a job or a place to sleep. They’re not people who are there to take care of them, but to take advantage of them” (*Housing Key Informant 1*).

Key informants noted that while many unaccompanied children stay temporarily in shelters throughout the city, many opt for other forms of housing, such as moving between friends’ houses, because they do not want to live in a homeless shelter. A few mentioned that, in addition to feeling restricted by the strict curfews and rules, the children feel that living in a shelter is shameful: “Even though they’re coming from these really arduous life experiences, some of them still look down [on it]. They don’t see themselves as a kid who is homeless or should need that” (*Community Key Informant 1*). Other key informants observed that, since unaccompanied youth often migrate to the U.S. to help support their families back home, the children are ashamed by the struggles they encounter and do not want their families to find out what has happened to them. Another informant stated that “many youth do not know the options or resources that are out there for them. For example, homeless shelters. Many live on the street because they don’t know these are available to them.”

## 7. Healthcare

Some unaccompanied youth seek help from mental and physical health services, though health care is not often perceived as immediate a need as employment or education. Throughout interviews with both key informants and youth, the most commonly discussed health-related issue was that of obtaining health insurance. As one key informant pointed out, individuals in New York State under the age of 19 are eligible for state-sponsored insurance, regardless of immigration status.<sup>90</sup> However, study participants commented that since health insurance is only offered up until a certain age, youth are limited in their healthcare options once they get older.<sup>91</sup> The ability to have their health needs met past a certain age was of great concern for the youth, especially if they remained without legal status. One female participant expressed difficulties in enrolling with a health insurance program. While attempting to register, she was asked for a Social Security Number and tax returns, which her mother could not provide. Another female participant from Honduras who arrived pregnant reported that she lost her health insurance once she gave birth. Other study participants stated that they were enrolled in state health insurance, but key informants commented that many youth they encounter are unaware of these services. One study participant mentioned accessing healthcare at Planned Parenthood. Another key informant highlighted the need to educate the immigrant community about the availability of healthcare. Discussing the case of a minor with a fractured hand who was turned away from several private hospitals, she said, “When we explained to him that he needed to go to the City hospital, he was able to get surgery. It was just a matter of making clear to him that the City hospital would be where he would need to go” (*Housing Key Informant 1*).

Despite laws that make it easier for unaccompanied youth under 18 to obtain health services,<sup>92</sup> the lack of knowledge about these laws coupled with the age limitation has resulted in many uninsured immigrant youth in need of services. Furthermore, although places like homeless shelters offer in-house medical services for uninsured individuals, these services are less available out in the community. One informant, a mental health clinician, explained how the hospital where he worked served undocumented immigrants through grants dedicated towards this population, making it so “insurance was never any kind of question” (*Healthcare Key Informant 2*).

One psychologist explained that uninsured youth may be able to receive some services, but the quality is significantly lower than for the insured; for example, “They have access to emergency psychiatric care, but they don’t have access to ongoing psychiatric therapists or psychotherapy. So someone with schizophrenia can go see a psychiatrist and get refills [for medication], but that’s all” (*Healthcare Key Informant 1*). As this informant suggested, unaccompanied youth may require more mental healthcare. Post-traumatic stress, depression, and other mental health problems may occur.<sup>93</sup> Many key informants noted that most unaccompanied youth have experienced traumatic situations either in their home countries or during the migration process itself:

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90 Child Health Plus (CHPlus) is a New York State-sponsored health insurance program for children under 19 years old, and is available regardless of immigration status. New York State Department of Health. Documentation guide: Citizenship and immigrant eligibility for health coverage in New York State. Retrieved from New York State Department of Health: [http://www.health.ny.gov/health\\_care/medicaid/publications/docs/gis/08ma009att.pdf](http://www.health.ny.gov/health_care/medicaid/publications/docs/gis/08ma009att.pdf).

91 After a child ages out of CHPlus, he or she may still be eligible for Emergency Medicaid. To be eligible for the program, the patient must be a New York resident, eligible for Medicaid but for his or her immigration status, and suffering from a “medical condition . . . manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in: (A) placing the person’s health in serious jeopardy; (B) serious impairment to bodily functions; or serious dysfunction of any bodily organ or part.” 42 U.S.C. § 1396b(v)(3).

92 As a result of the Affordable Care Act, youth under the age of 18 have improved access to certain health services. U.S. Department of Health and Human Services. (2012). Preventative services covered under the Affordable Care Act. Retrieved from U.S. Department of Health and Human Services: <http://www.hhs.gov/healthcare/facts/factsheets/2010/07/preventive-services-list.html#CoveredPreventiveServicesforChildren>.

93 Huemer, J. et al. (2009). Mental health issues in unaccompanied refugee minors. *Child Adolescent Psychiatry Mental Health*, 3, 13. Retrieved from <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2682790/>.

*The ones that I've met, I think all of them have had some sort of either attempt or actual abuse and exposure to violence. A few of them have lost their mother or have seen their mother being murdered, or they've had other family being murdered (Healthcare Key Informant 1).*

This informant further noted that young women and girls tend to experience more sexual violence while young men and boys are more likely to witness or experience physical violence. These experiences are distinct from one another, but can be equally traumatic. While many young unaccompanied immigrant youth have also experienced stress as a result of the violence and discrimination they have experienced, youth participants did not openly discuss accessing mental health services. The combination of these stresses may give rise to mental health needs, but it is not clear whether the study participants had unmet mental health needs.

An important part of receiving help for mental health issues involves being able to discuss traumatic experiences with a counselor or psychologist. As one mental health professional noted, there is “trauma mixed with fear of talking about the trauma” (*Healthcare Key Informant 1*). Interestingly, demonstrating the importance and benefit of having mental health services available, this same key informant expressed the belief that unaccompanied youth who spend time in ORR shelters, the short-term federal custodial facilities, may be better off than youth who have never been detained. Detained youth “have had at least one counselor or therapist that they have talked to. . . . whereas the ones that I have met that haven't been detained, a lot of times they haven't seen any professional, they haven't seen a doctor, they don't even want to think about the idea of going to a clinic” (*Healthcare Key Informant 1*). Another informant agreed, adding:

*My sense is that they found people to talk to [in ORR care], social workers. On two or three different occasions, kids have mentioned specifically how that's been helpful and how they've almost been primed to think that it could be useful to talk about these sorts of problems in the future (Healthcare Key Informant 2).*

ORR shelters may also be beneficial to unaccompanied children because they meet other children and youth with whom they may share similar home and migration experiences. They are also given other formal supports while in government custody. One female participant who had been held in a border detention center before entering the ORR shelter explained the different treatment she received: “It was like a paradise [compared to the Border Patrol detention center]. They gave us clothes, they treated us well. They gave me a social worker and I was finally able to talk to my mom. I was also able to talk to others in my same situation.”

To help children share their experiences, a few key informants recommended establishing peer support groups, because being around similarly situated people can encourage youth to open up. Peer support groups are important for youth who may be dealing with shame and depression as well. A key informant who worked in the shelter system noted that LGBT youth in particular are often suffering from feelings of shame:

*I think that [shame issues] are even deeper with youth who come from other countries where [homosexuality] is clearly not accepted. So it's not only the shame of the family, but the shame of the culture and community that they come from that they bear on their shoulders (Housing Key Informant 1).*

Although youth may grow comfortable over time in speaking with peers or mental health experts about difficult experiences, opening up about these experiences in other settings can be harder. Unaccompanied youth who are seeking legal relief may be asked to share upsetting details about their past in court, an intimidating formal process that can be re-traumatizing by itself. “There's something around telling difficult stories, especially in front of an audience or in a potentially kind of cold and judging atmosphere that a courtroom might provide” (*Healthcare Key Informant 2*). This interviewee further explained that youth may only need to provide certain pieces of information that are relevant to their legal case, but determining which facts to highlight for the court and which pieces are extraneous can be “immensely stressful” (*Healthcare Key Informant 2*). Furthermore, if these mental health issues are never identified, the ability to qualify for legal relief may not be identified either. Struggling with mental health issues may therefore directly or indirectly affect children's ability to cope with the exacting justice system.



## 8. Law Enforcement

Contact with law enforcement was an infrequent experience among youth in the study. Only a few study participants reported hearing of problems with police that usually stemmed from not having identity documents when stopped and questioned on the street. One male youth from Mexico stated,

*[It is important to have] a card to represent you. They have told me that the police will arrest you on the street if you do not have an ID. Well they always detain you, but without ID, it's more difficult.*

Another male youth stated he knew of other youth who had been stopped and asked for identification, then sent to Riker's Island. From his perspective, it seemed to be due to the youths' lack of identification and inability to prove residency.<sup>94</sup> He noted that the lack of identification made it difficult to enter government buildings, including courts of law.

When asked about potential juvenile justice involvement among unaccompanied youth, one key informant stated that very few unaccompanied children commit offenses; those who do tend to commit minor "survival crimes," such as turnstile-jumping or petty shoplifting, because they have no money. According to another informant, those unaccompanied minors who engage in delinquent behavior do so because they do not know where else to turn. Unaccompanied youth "don't know the laws and they don't know their rights. They think it's worthless to focus on school. They think they will never get a good job. They think they will never have a chance, and so the life on the street becomes very alluring for them" (*Juvenile Justice Key Informant 1*). According to the same key informant, youth who struggle in school can become targets for gang recruitment within the school. Although many youth may migrate to the United States in order to avoid forced gang recruitment in the first place, these youth can easily find themselves being targeted by these same transnational or other American-based gangs. One informant provided an example of a child who, after repeated harassment and assaults resulting in multiple hospitalizations from a particular gang, eventually became associated with that same gang. The line between victimization and delinquency can be blurry at best. Turning down gang recruitment can be dangerous, as in the case of that individual, and the perks of the street life, including social capital and economic gain through criminal activity, are enticing. For youth who are on their own and stripped from systems of social support, the perceived support network of gang membership can also be appealing. To counteract this, one key informant noted, "If you give them somewhat of a network, then they won't have that much of a need to sell drugs. They will have all sorts of alternatives; they have all their paths" (*Healthcare Key Informant 1*). One key informant from a community-based violence prevention program described how creating a soccer tournament helped to give youth a positive focus:

*There are programs some of them are able to connect to. For example, like a soccer program and of course that helped. . . . We would invite them to come over and they would form their own teams and I think that helped keep that hope, and keep them occupied in doing something productive (*Juvenile Justice Key Informant 1*).*

Furthermore, since many immigrant youth settle in higher crime, low-rent areas because that is what they can afford, providing them with a sense of safety and a place to go when in need of help is extremely important. These communities are typically also ethnically diverse, inviting inter-group tensions that can escalate to the point of violence:

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<sup>94</sup> Police procedures are often unclear to youth who are stopped and questioned. The police are permitted to stop someone and ask for identification, but that in itself is insufficient cause for arrest, which requires the police to use standards of reasonable suspicion and probable cause. If those standards are met, the police may check for outstanding warrants or previous charges against the individual, which then can precipitate detention.

*There has always been a lot of tension between African-American communities and the Hispanic community. . . . We were finding that [English Language Learners] were getting harassed on a weekly basis by the members of the other racial community and they were also getting harassed by local street gangs from their own ethnic community. So safety, I think, is the biggest concern (Juvenile Justice Key Informant 1).*

This key informant stressed the need for a hotline or similar help where children could be offered protection and resources in their local community, suggesting that by keeping youth safe and providing them with resources, victimization and delinquency could both be curbed.

## **9. Regularizing Immigration Status**

When asked about how the government and residents of New York State could help meet their needs, all youth agreed that legalization and acceptance were the only remedies. As another male participant stated, “If we get those nine numbers [Social Security Number], we can go to work. We can go to school and we can take our own path. Once we get that, we’ll be set.” However, youth cautioned that gaining a Social Security Number through temporary legalization programs, such as Deferred Action, was not enough. They wanted a path to permanent legalization and the security of knowing they would not be deported. Many supported passing the DREAM Act and they spoke enthusiastically about how such actions could help them better their lives, as they would allow them to become future citizens. One female youth from El Salvador said, “I think if that were possible we can show them that immigrants can do things well.” Youth also stated that they wanted the residents of New York State to accept them as full residents and treat them accordingly. They did not want to be discriminated against or treated differently due to their lack of immigration status. They passionately discussed their need for security against deportation, which they felt would happen only with permanent legalization. As one male youth from Guatemala said, “They [should] give us a chance to show that we can do something for this country.”

## IV. RECOMMENDATIONS

Apart from the many challenges that unaccompanied immigrant youth face, as revealed in the study findings, existing approaches can be enhanced to improve outcomes. Our recommendations include principles to improve service delivery, identification of some sectors in need of reform, as well as suggestions for policy makers and other researchers.

### PRINCIPLES OF EFFECTIVE SERVICES FOR UNACCOMPANIED IMMIGRANT CHILDREN

- Nonprofit and government staff—particularly those in gatekeeping roles—would benefit from education and training on unaccompanied immigrant children and their needs.
- Expanded and enhanced community-based and grassroots services for unaccompanied immigrant youth and families are needed in order to provide information, support, and services. In particular, community-based services can help counter feelings of isolation, address challenges related to family separation and reunification, promote inclusion, health and wellness, and affirm positive self-identity.
- Services should reflect strength-based approaches based on established youth development best practices and principles and special emphasis should be placed on developing peer support networks to build strong and trusting relationships (including the use of sports and other youth activities as well as services that meet the needs of LGBT youth).
- Innovative models should be piloted, evaluated, and replicated, including the models linking legal and medical services.
- Effective and appropriate language access—particularly for speakers of indigenous and uncommon languages—is critically important in both the government and nonprofit sectors.
- Best practices in promoting and providing trauma-informed services that engage youth and avoid stigma should be developed.
- Service providers should strive to develop best practices for inclusive, culturally appropriate services.

### SPECIAL AREAS FOR SERVICE DEVELOPMENT

- Education of unaccompanied immigrant children and youth merits focused attention, in particular fact-finding on immigrants' experiences in enrolling and staying in school and strategies that promote appropriate, inclusive, and non-stigmatizing education services. Schools can provide safe spaces for unaccompanied immigrant children and families to engage with needed services and supports.
- The need for stable and safe housing for unaccompanied youth is paramount. New York City and New York State should examine current eligibility and length-of-stay requirements for short-term shelter and transitional housing and ensure that unaccompanied immigrant children have access to both.
- Young people and sponsors could benefit from more accessible legal services and related information about immigration, employment, education, and healthcare.

### NEXT STEPS FOR POLICY MAKERS AND RESEARCHERS

- Additional fact-finding and evaluation is required to better identify service needs, gaps in services, and effective service delivery approaches and to inform practice and policy related to unaccompanied immigrant youth. Research should include in-depth qualitative as well as large-scale quantitative efforts. The success of the participatory research approach, which increases the validity of empirical findings, can and should be replicated.

- New York City and New York State government officials should consider convening task forces comprised of government, nonprofit stakeholders, and immigrant youth and families to facilitate coordinated planning and policy development. Meaningful participation by immigrants is critical in these efforts.
- A statement of principles and values or a Declaration of Inclusion by New York City or the Mayor would help address discrimination against immigrant youth.
- New York City and New York State governments are obligated to ensure the safety and basic needs of unaccompanied immigrant children. Their long-term stability and well being, however, can only come through regularized legal status.

## V. CONCLUSION

Unaccompanied immigrant children and youths' circumstances present uniquely challenging public policy questions. While federal legislation is at a standstill and federal government policy makers are divided between protective and restrictionist measures, there is an opportunity for local and state governments and legislatures to promote inclusive policies that support children and youths' wellbeing and development. This study provides much-needed information as to the actual needs and circumstances of unaccompanied immigrant youth, which will inform the work of policy makers and practitioners, but more research needs to be done.

## VI. APPENDIX—STUDY METHODS

In order to achieve the objectives of this project, this study employed a participatory action research (PAR) approach. Participatory action research is an approach that allows the people most concerned about a research topic to play a meaningful role in setting the study agenda, carrying out data collection, interpreting findings and helping to develop recommendations for improving the programs and policies that directly affect them. This study engaged youth in critical phases of the project while providing a way to engage a hard-to-reach population. Philosophically, PAR is an enabling approach that respects the agency of unaccompanied immigrant youth who, while vulnerable in many ways, also show independence and resilience. Pragmatically, implementing PAR methods involved research skills training and short-term employment for peer researchers, who were previously unaccompanied youth. The choice of PAR methods to conduct the needs assessment guided the project activities. Thus, the research design included several consultations with community partners and steering committee members and the youth who were trained and served as peer researchers.

This section provides an overview of the participatory action research approach used in this study. First, this section describes the composition of a steering committee, which produced feedback on selection criteria, identified key informants, and provided general guidance to the research team. Second, this section describes the process implemented to recruit peer researchers and the assistance provided by community-based partners. Third, this section describes the research training that the Vera Institute provided to the study's peer researchers. Fourth, this section contains a statement regarding the ethics protocol followed in this study. Fifth, this section provides a brief summary of the legal and policy research and literature review conducted in conjunction with the participatory action research.

### A. STEERING COMMITTEE MEETINGS

Three steering committee meetings were held during the project.<sup>95</sup> The steering committee was composed of representatives from the two partner agencies (Catholic Charities of the Archdiocese of New York and Atlas: DIY), in addition to various stakeholders and interested parties including a psychologist from Columbia University who has extensive experience with unaccompanied children; representatives from the New York City Council; a representative from the New York State Office of Temporary and Disability Assistance; representatives from the New York State Administration for Children and Families; and a representative from the New York Immigration Coalition. Steering committee meetings allowed researchers to get feedback on the project plan and approach, as well as assistance on project activities. This included a compilation of key informants for the interviews, eligibility criteria for peer researchers and focus group participants and interviewees, and assistance in recruitment of youth.

#### 1. Community-Based Partners and Peer Researcher Recruitment

The two community partners—Catholic Charities and Atlas: DIY—were deeply involved in planning and implementing this study. Both Catholic Charities and Atlas: DIY assisted in the recruiting of peer researchers and youth interviewed for this study, as well as the interview process for peer researchers. The peer researchers were selected according to hiring criteria agreed upon by steering committee members. Applicants had to have had personal experience as an unaccompanied youth, leadership experience with immigrant youth, and a high school degree (those selected had completed college). Mandarin speakers and Spanish speakers were interviewed and selected, since these are the two largest immigrant groups in the New York City metropolitan area. Unfortunately, the chosen Mandarin-speaking applicant could not commit to the study due to concerns about his ability to recruit

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95 The Feerick Center and Vera held steering committee meetings in February 2014, June 2014, and December 2014.

study participants. Focus groups were hosted in the offices of the community partners. Community partners gave feedback on the key informant interview questions and assisted in connecting researchers with key informants.

## **2. Peer Researcher Training**

Two bilingual English- and Spanish-speaking peer researchers were hired and participated in a four-hour long training on how to conduct research and facilitate focus groups. Led by Vera Institute researchers, the training introduced participatory action research methods using a manual developed for this purpose.<sup>96</sup> In the training, the peer researchers learned about the participatory action method, research design and types of data collection. The training emphasized research ethics, specifically around informed consent and maintaining confidentiality. Peer researchers discussed recruitment strategy with Vera Institute researchers, created recruitment flyers, provided input into focus groups and interview questions and learned focus group facilitation and interview techniques. Vera Institute researchers continued to mentor and support the peer researchers through regular phone and email contact during recruitment and data collection.

## **3. Ethics Review**

The Institutional Review Board of the Vera Institute reviewed and approved the study's ethics protocol and data collection instruments. Because of the sensitive nature of the study participants' legal status, the peer researchers obtained oral consent from each youth interviewed. For ethical and practical reasons, the study population included only immigrant youth above the age of 15.

## **4. Legal and Policy Research and Literature Review**

Pro bono counsel from the law firm of Jenner & Block and law students and legal interns at Fordham Law School's Feerick Center for Social Justice conducted legal and policy research in four key areas identified as critical to understanding unaccompanied immigrant youths' contact with and rights with respect to state and local systems: education, employment, health, and housing. Vera researchers also conducted a review of the relevant social science literature on unaccompanied immigrant children and youth.

# **B. SAMPLING AND DATA COLLECTION**

## **1. Interviews with Key Informants**

Based upon recommendations from the steering committee, Vera Institute researchers conducted ten semi-structured in-person or phone interviews with individuals who were identified as highly knowledgeable about the experiences and needs of immigrant youth in general, and unaccompanied immigrant youth in New York State specifically (key informants). Key informants worked in a variety of sectors, including education, immigration law, housing and shelter care, healthcare, child welfare, community-based social organizations, and labor and employment. Although most key informants specialized in a particular sector, years of experience working with immigrant youth and the complexity of immigrant youths' needs afforded a breadth of knowledge spanning across systems, allowing the key informants to speak to a variety of issues. Although the key informants each worked with slightly different subsets of unaccompanied immigrant youth, there were several similarities in the characteristics of the youth whom they served. Of the key informants who provided specifics about the

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<sup>96</sup> Access Alliance. (2013). Everyone can do research: A plain language guide on how to do research. Retrieved from <http://curemontreal.org/wp-content/uploads/2014/11/Everyone-Can-Do-Research-Toolkit.pdf>. This publication is an abridged and modified version of *Community-Based Research Toolkit: Resources and Tools for Doing Research with Community for Social Change* (October 2011), developed by the Community-Based Research Team at Access Alliance Multicultural Health and Community Services, Toronto, ON, Canada.

demographic makeup of the population they serve, the majority said they worked primarily with male youth between the ages of 17 and 19 years old. Furthermore, mirroring the demographics of the entire New York City immigrant population, key informants stated that they primarily worked with youth from Central and South America, followed by youth from West Africa, Mexico, Haiti, and Asia.

In addition to asking about the youth population with whom they work, particularly unaccompanied minors, Vera researchers asked key informants questions regarding their agency's mandate; the ways in which they typically came into contact with unaccompanied immigrant youth and what they learned about them; the needs of the children; their referral process to other agencies; obstacles the children were known to encounter in connection with services or various systems; their particular agency's challenges and needs in serving this population; and their recommendations to help fill identified needs and gaps in services. The confidential interviews lasted an hour on average, were audio recorded with the interviewee's permission, and transcribed for analysis by Vera Institute researchers.

## **2. Focus Groups and Interviews with Unaccompanied Youth**

In conducting this study, the Vera Institute and the Feerick Center, working with Catholic Charities, Atlas: DIY and the peer researchers, organized two focus groups and conducted ten one-on-one interviews to gather firsthand accounts of unaccompanied immigrant youths' experiences with various systems in New York. In qualitative research, focus groups are an effective data collection technique to use with some vulnerable or marginalized groups in which individuals may feel safer to talk and share ideas with others like themselves. As facilitated group discussions, focus groups allow participants to feel supported and to hear many points of view, which may provoke new thoughts and encourage them to express their own views. Even when focus group facilitators set guidelines and lead the discussion by raising certain topics, the content and direction of the conversation may vary depending on the composition of the group and particular experiences that are shared. In this study, peer researchers recruited focus group participants (participants) from their own organization networks and from a variety of organizations with connections to unaccompanied immigrant youth. The interviews collected additional data and perspectives that were under-represented in the previous focus groups.

As both peer researchers had ties to the two partner agencies, Catholic Charities and Atlas: DIY, they began their recruiting efforts at their respective organizations. Youth focus group participants were required to meet the following criteria:

- To have migrated without parents or guardians;
- To be between the ages of 15 and 25 at the time of participating;
- To have migrated to the U.S. when they were under the age of 18;
- To have arrived in the U.S. between three months and five years prior to the study;
- To have the ability to speak Spanish, Mandarin (the two largest immigrant language groups) or English.

Recruitment involved the dissemination of a flyer with information about the study and one-on-one conversations with those the researchers felt would fit the screening criteria. Peer researchers also connected with well-known organizations in the New York City area that work extensively with unaccompanied immigrant children, such as Make the Road New York, United We Dream Network, and the New York State Youth Leadership Council. Peer researchers spoke directly with interested parties to ensure they fit the screening criteria and to alleviate any fears they may have had about participating in the focus groups.

Peer researchers aimed to recruit a representative group of males and females (approximately three-quarters of unaccompanied immigrant youth are male, but the proportion of unaccompanied female youth is growing).

They also sought to compose focus groups with youth of varying educational levels and place of residence (all five boroughs were included as well as Long Island; however, distance may have prevented youth residing in Long Island from attending). Recruitment for the focus groups proved challenging, as the pervasiveness of media attention about unaccompanied children, some of it negative in tone, made some youth afraid of identifying as unaccompanied children and participating in the summer of 2014 in a focus group.

The first focus group consisted of nine participants, eight of which were male. The ages of the participants ranged from 15 to 23 years old, and the average age was 19. Most participants came from Central America (Guatemala, El Salvador, and Honduras) and Mexico, although two of the participants were from African countries (South Africa and Ghana). All participants had been in the country for a minimum of one year, although the majority had been in the United States for four or five years; the average amount of time was three years. All but one of the participants had completed high school and two of the participants had received some college education. Most participants were bilingual and spoke in English and their native language during the focus group meetings. One participant was not proficient in English and his responses were translated into English by the peer researchers for the benefit of the non-Spanish speaking participants.

The second group consisted of four participants: three females and one male, all from the Dominican Republic and El Salvador. These participants' ages ranged from 17 to 24 years old, and the average was 22. Two of the participants in the second group had been in the country for five years, and two had been in the country for one year. All the participants in the second group had completed high school. This focus group was conducted in Spanish.

The focus group topics included how unaccompanied immigrant youth should be defined, i.e. who "belongs" in this group; the greatest needs of unaccompanied immigrant youth, especially unmet needs; how each participant has been in contact with government systems in New York State and whether or not they have been helped; the types of community-based organizations to which they turn to for help; obstacles that prevent them from getting the help they need; their goals; and how they overcome challenges to achieving them. The peer researchers obtained informed consent from the participating youth before the focus groups began. The qualitative data from both the interviews and focus groups were transcribed and analyzed thematically by Vera Institute researchers with the use of QDA Miner software. Peer researchers also were consulted to provide feedback on results of focus groups and to contribute to and validate the data analysis.

Interviewees were recruited by similar methods. Peer researchers deliberately focused on recruiting youth whose perspective was not adequately represented during the original focus groups. This meant recruiting youth who lived outside the five boroughs, youth who may have experienced homelessness, youth from non-Latin American countries, and more females. Interviewees ranged from 16 to 22 years old and averaged 19 years. Four were female, and six were male. One youth was from South Africa and the others were from Honduras, El Salvador, Guatemala and Mexico. Two of the interviews were conducted in English, and the rest in Spanish. On average, the interviewees had been in the country for two years. Many had been in the country for two or more years, while three had been in the country less than one year. Two interviewees had completed some college, but the majority of interviewees had completed some high school.

### **C. STUDY LIMITATIONS**

This report reflects the views of, and information from, those key informants and participants who took part in this study and may not represent the perspectives of other similarly situated individuals. The small sample of interviewees was purposeful; that is, it was designed to gather information about critical issues from knowledgeable individuals, but it was small in size and selective in nature. Youth participants were not necessarily representative of all language groups or vulnerabilities experienced by unaccompanied immigrant youth. Though



most youth participants were Spanish speakers, as are the majority of unaccompanied youth in New York, the study did not adequately capture the views of unaccompanied immigrant youth from other significant language groups, such as Mandarin speakers. Also, youth who have suffered severe trauma or that were very young at the time of the study, often times the most vulnerable children, did not participate. Additionally, while the focus groups consisted of both male and female participants, it is possible that had the focus groups been exclusively composed of one gender, the topics discussed would have varied.

The key informants were also not representative of all sectors concerned with unaccompanied immigrant youth. For example, one sector in New York State from which it proved difficult to recruit a knowledgeable key informant was juvenile justice. Since the juvenile justice system collects little data on the immigration status of children in its custody, it is possible that no one who could be identified felt sufficiently prepared to discuss the needs and challenges of unaccompanied immigrant youth. It is also possible that unaccompanied immigrant youth have less interaction with this system than may be assumed.

Fear of exposure due to negative public sentiments expressed in the media, which unfortunately coincided with participant recruitment for the study, appears to have limited participation despite hosting the focus groups at community organizations generally perceived to be safe spaces for undocumented and unaccompanied immigrant youth. Interviews were also conducted in safe spaces.

A few participants brought parents or supporting adults with them to the focus groups, which may have affected what participants chose to discuss with adults in the room. However, according to the peer researchers, it seemed as if most youth were comfortable in expressing their feelings and experiences.

Finally, participants in this study may have had a different perspective on needs and challenges than those who did not participate. Most study participants had already interacted with organizations that provide legal and other supportive services to immigrants. Therefore, for all the challenges described, study participants may be better off than those unaccompanied immigrant youth who are more isolated and not in touch with immigrant-serving organizations. On the other hand, some youth who may have been invited to participate and declined may not have felt an urgent need to talk about the myriad challenges associated with arriving as an unaccompanied immigrant youth if their needs were lower and already being met by adults with whom they had successfully reunified and who may be providing sufficient support.

## **D. STUDY EVALUATION**

The Vera Institute elicited confidential evaluation information from peer researchers and from youth focus group participants. Both peer researchers felt that they gained from research training and interview experience. They both appreciated learning more about other unaccompanied youth and one stated that she was “impressed with [participants’] honesty.” One peer researcher stated, “It made me more aware of the services that are lacking and what things need to be improved in order to help them assimilate and have a better chance to succeed in this country.” The other stated that she not only gained “interpersonal skills” but that “this experience has changed the perspective I had about unaccompanied minors. I was amazed by their thoughts and struggles along with their resilience.” Lastly, one peer researcher suggested disseminating the findings on a national level in order to combat negative media attention.

Feedback from youth focus group participants was elicited through a short paper survey completed after each of the focus groups. Two questions were asked: 1) *What are some things you learned from this focus group? (For example, services you were not aware of in the community, more about other youth in your situation, etc.)* and 2) *Are there topics/issues you did not discuss in the focus group that you would like us to know more about?*

Participants described learning more about organizations that could assist them in receiving needed services, including the ones described in this report. Overwhelmingly, though, participants benefited from the mutual

support. They learned a great deal about their shared experiences and common identity and appreciated hearing stories from others in similar situations. As one participant wrote, “I am not alone and there are many people like myself out there.” Another participant wrote, “I understood that everyone has their own different story.” Youth stated the benefits of connecting with other similar youth through these focus groups. Three participants said that it allowed them to keep planning for the future and stay motivated. One remarked, “It gave me the drive to keep fighting for my dream.” Another wrote “[It] gave me the inspiration for my dreams and [showed me] not to give up.”

A few topics that some youth felt were not adequately addressed during the focus groups included LGBT rights, discipline codes in schools, youth homelessness and “organizations that provide clothing and food to people who cannot pay rent.” A few youth also wanted to learn more about the proposed DREAM Act, college scholarship information and counseling. However, most of the youth felt that important topics were covered. A few additionally expressed a desire to talk more about their individual situations.



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