

Oberlin

Digital Commons at Oberlin

Honors Papers

Student Work

2022

Migratory Stories: Building Ethical Immigration Policy

Lucca D. Abele
Oberlin College

Follow this and additional works at: <https://digitalcommons.oberlin.edu/honors>



Part of the [Political Science Commons](#)

Repository Citation

Abele, Lucca D., "Migratory Stories: Building Ethical Immigration Policy" (2022). *Honors Papers*. 859.
<https://digitalcommons.oberlin.edu/honors/859>

This Thesis - Open Access is brought to you for free and open access by the Student Work at Digital Commons at Oberlin. It has been accepted for inclusion in Honors Papers by an authorized administrator of Digital Commons at Oberlin. For more information, please contact megan.mitchell@oberlin.edu.

Migratory Stories: Building Ethical Immigration Policy

POLITICS HONORS THESIS

Lucca Abele

Submitted: April 18, 2022

Defended: May 2, 2022

Advisor, First Reader: Professor Kristina Mani

Other Readers: Professor Angie LaGrotteria and Professor Md Rumi Shammin

Acknowledgments

This project would not have been possible without the support and guidance of academic advisors and those who offered their time to read the drafts of this thesis. First, I would like to express extraordinary gratitude to Professor Kristina Mani for supporting this project and helping me feel confident in my ideas for this thesis. Professor Mani encouraged me to go further with my thesis and always took the time to provide thoughtful feedback that inspired my writing. During my time at Oberlin, her courses have greatly informed my interests in the Politics department and inspired my ideas for this thesis. I have greatly valued and appreciated her feedback and support throughout this process.

I would also like to thank David Forrest for teaching the honors seminar, providing advice throughout the process, and developing thoughtful comments on my thesis. Thank you to my readers, Professor Md Rumi Shammin and Professor Angie LaGrotteria, for taking the time to be on my committee and providing feedback and insight during the process. Thank you to everyone in the honors seminar who took the time to workshop my thesis and everyone who listened to me talk about writing this thesis. Thank you all for your support and meaningful observation.

Finally, I would like to thank Yorki J. Encalada Egúsquiza, Libni Lopez, Reverend David T. Hill, Nina Rabin, and Lizzy Brooks for their willingness to participate in interviews for this project. Starting this project, I wanted interviews to be the center point of my research, but I was not sure if anyone would be willing to be interviewed. Thank you for your willingness and thoughtfulness. All of your words helped structure this project and served as inspiration for my development of thoughts on this inherently difficult topic.

Table of Contents

I.	Abstract	4
II.	Introduction	5
III.	Chapter 1: The Problems with Current Border Policies	9
IV.	Chapter 2: The Cores Stakeholders	25
V.	Chapter 3: Experiences of Child Migrants	38
VI.	Chapter 4: Policy Recommendations	59
VII.	Chapter 5: Realizing an Ethical Framework	73
VIII.	Bibliography	85
IX.	Appendix 1	92

Abstract

Yorki J. Encalada Egúsquiza, an academic who studies border issues, discusses the reality that Child Migrants (CM) face, “They are minors traveling alone, then they have to appear in immigration courts, regardless of age. We're talking about children, in some cases, toddlers, without lawyers, who have to face a court that wants to deport them.” United States immigration policy fails to aid CMs who arrive at the U.S.-Mexico border; in a practice of exclusionary policy, it further traumatizes children who have journeyed to the U.S. alone. Using interviews I have conducted, memoirs, political theory, and scholarly literature, my research scrutinizes U.S. immigration policy surrounding CMs and the ethics behind policy making. This thesis examines the CM experience through three stakeholders' eyes: CMs, policy organizations, and provider organizations. Their viewpoint develops an understanding of the unethical practices of current policy while examining the everyday work that stakeholders do to aid in the CM experience. Through theoretical conceptions of cosmopolitanism and ethics, this thesis develops a framework on ethics, creating a standard for ethical policy making founded on a mutual understanding that stakeholders must be involved in policy making for CMs. This thesis calls attention to the inherent unethical nature of and sheer lack of policy for CMs and the ethical reasoning behind why the U.S. must approach this crisis in an informed and ethical way.

Introduction

In this current political moment, it is glaringly evident that U.S immigration policy and treatment of child migrants (CMs) at the U.S-Mexico border has prompted a crisis and a blatantly unethical approach to the treatment of children. The number of encounters, apprehensions, or expulsions of CMs at the border exceeded previous apprehension records in the first nine months of 2021, with 93,512 encounters (Kandel, 2021). A wide range of scholarly and journalistic observers agree that the United States' current policies for addressing this issue are highly unethical. Most of these observers agree that building an ethical policy will require paying greater attention to stakeholders (child migrants, policy organizations, and provider organizations) in the CM experience. These three distinct stakeholders provide a complete picture of the experience. They encompass all actors, from the CMs themselves, the aid organization providing water at the border, to the journalists reporting from Washington D.C. The viewpoints of these stakeholders allow for an examination of policy making and develops the role of direct stakeholder participation in the CM experience. Answering the question: What is ethical policy for child migrants?

This thesis points to the clear problem that current immigration policy in the United States is insufficient in its ability to manage and treat CMs ethically. From a baseline agreement that the treatment and administrative processing of CMs lacks ethics and a mutual understanding that stakeholders should be more involved in policy making, this thesis argues the voices of those closest to the issue must be elevated in the development of policy. Simultaneously, the actions of current stakeholders to aid CMs that are arriving at the U.S.-Mexico border must be better supported by the state and those who hold financial means. In this thesis, I take an exploratory and normative ethical approach to analyze humane and ethical immigration policy making for

CMs. In an exploratory context, I examine the roles of stakeholders, and their commonalities and differences, by reviewing existing literature and personal interviews that I conducted. I focus on the three sets of stakeholders mentioned earlier: child migrants, policy organizations and provider organizations. Commonality amongst stakeholder recommendations further emphasizes the need for policy to reflect the actions and involvement of those closest to the issue. In a more normative context, I take an ethical approach through cosmopolitanism as a framework to understand how hospitality, responsibility, and the right to dignity create a level of reasoning for the United States to develop more ethical policy to govern the treatment and processing of CMs. The normative ideals draw us back to the need for stakeholder involvement in the policy process, referring to the larger ethical question of “what is an ethical policy?”

Research Methods

This thesis draws broadly from various primary and secondary sources to provide information on past and current policies, viewpoints, and theoretical claims. My analysis and literature surrounding current policy, governmental actions, and reports gives context to this issue, contributing to recommendations of ethical policy making. In contribution to the normative ideals exemplified in this thesis, I utilize academic discussions of cosmopolitanism as a framework for discussing ethics regarding CMs. Additionally, I rely on the personal narratives of CMs, utilizing memoirs and interviews, to create a more individualized view of the issue.

I conducted original research, through five “open-ended” interviews with individuals who are stakeholders in the CM issue. Participants in these interviews included chroniclers (participant-observers, journalists, writers, educators, etc.) that have studied the CM experience or were CMs themselves. These participants come from different groups of stakeholders and allow for a complete understanding of the involvement of stakeholders. I asked each participant

if they would be willing to be interviewed about their work, their relationship to the experience of the CM, the reasoning for doing the work they do, what they thought problems in the immigration system were, and potential solutions. While I went into each interview with a set of questions, I allowed interviewees to dictate the conversation to better reflect their concerns and thoughts surrounding the CM experience. Each participant offers a unique insight from their differing perspectives, insights that we cannot gain by just looking at statistics and literature surrounding policy problems. While those interviewed represent a generally privileged group, they provide an important personal perspective that is vital to understanding this issue. All interviewees are individuals who have already discussed their viewpoints on this issue, allowing them to be at less risk of experiencing or re-experiencing the emotional stress or trauma of recounting their experiences.

The usage of interviews as a method of study aims to prioritize the opinions and feelings of those closest to the CM experience. Interviews and personal narratives are utilized to evoke an emotional response from the reader and ensure that this thesis does not get bogged down in discussions of policy making that do not emulate stakeholders' thoughts on this issue. I seek to develop a story that reflects the uniquely personal nature of this matter in its contribution to a larger conversation surrounding the treatment of CMS in the United States. The methodology of interviews has allowed the structure of this thesis to be dictated by CMs and well intentioned participant observers. I feel as if listening to the thoughts of those involved in this issue allows for this thesis to highlight the true nature of the struggles of the CM experience and recommend policy solutions that reflect the needs of this vulnerable population of children.

Thesis Outline

This thesis is structured into five sections; the first outlines current policies surrounding CMs and the ethical principles that define this conversation. The second chapter defines the three stakeholders (child migrants, policy organizations, provider organizations) and their role in the CM experience and related policy making. Chapter three details the CM experience, through the eyes of the stakeholders, exemplifying the implications of violence and trauma. The fourth chapter compares and contrasts the three stakeholders' policy recommendations, further demonstrating the need for stakeholders to hold a place in policy making. Chapter five shifts the thesis to a more normative approach, examining on a theoretical level ethics and concepts including cosmopolitanism. Throughout this thesis, I use the term child migrant to give the concept a more ethical name. Terms like “unaccompanied minor” or “unaccompanied alien children” alienate the subject, removing the personal and individualistic severity of the issue. This term is vital to the nature of this thesis, as I aim to remain grounded in the individual context of this issue and present this story as it is told by those closest to the issue.

Chapter 1: The Problem with Current Border Policies

History and theory provide an important context for questioning how policy should better manage and aid in the experience of CMs. Contextualizing this issue allows for an analysis of flawed policy and dictates a clear linkage to the existence of current policies. In this chapter, I take a broader look at the general history of U.S border policy, exemplifying increasingly restrictive policies. Following this discussion is an examination of specific policies governing CMs. Using these discussions, I examine current initiatives and illustrate failures of the system, utilizing evidence from reports and other literature. I then take a more ethical approach, in which a proven unethical nature of the immigration system leads to an examination of cosmopolitanism, looking at its history and the ideas of different theorists. This section concludes with developing a framework of cosmopolitanism; this framework creates a methodology for understanding the flaws of current policy and how stakeholder recommendations meet the standards of a more ethical framework.

Broad History of Border Policies

Borders are socially constructed and dependent on international recognition. They are a way to categorize the world to make sense of our physical and social environment (Sager, 2020: 9). Looking at the history of border policy in the United States assists in the analysis of the relationship between the state, borders, and the development of U.S. immigration policy.

In 1851, the joint United States and Mexico Boundary Commission met to survey and mark the new boundary, beginning a decade-long drawing of the border (St. John, 2013: 12). Both nations believed controlling the borderlands was essential to their success. Yet many actors disagreed with this conception, native people living on the land challenged the authority of the

border in a fight for their sovereignty (St. John, 2013: 13). After reshaping the boundary through different treaties, the 1882 new International Boundary Commission re-surveyed and remapped the border (St. John, 2013: 91). This commission began a new era of state control along the border, evident with the arrival of U.S. and Mexican customs officers at the end of the 19th century (St. John, 2013: 96). Custom officers aimed to channel crossings into designated entry points to monitor, restrict, and tax goods. The need for control over the border and what crosses it has been evident since our early history while simultaneously peoples' need to cross the border has grown. Today we see increased numbers of children needing to cross the border as security continues to tighten; exhibiting a highly flawed and unethical system of policing borders.

The early twentieth century marked the beginning of U.S border patrols preventing the entry of unauthorized immigrants along the boundary line. In 1875 the U.S Congress excluded “convicts and prostitutes” from crossing the border, later adding “Chinese immigrants, lunatics, people likely to become public charges, contract laborers, polygamists, anarchists, and other undesirable people” (St. John, 2013: 103). During World War One, the U.S worried about the vulnerability of the border. The wartime Passport Control Act, 1918-1921, required all non-U.S citizens to obtain a visa before entering the United States, along with an increase in military presence at the border (St. John, 2013: 139). The collapse of the U.S economy in 1929 called for increased border restrictions, as the migrant population was viewed as excess labor and a strain on overtaxed public services (St. John, 2013:187). Public opinion then shifted during World War II, with the Bracero labor agreement, 1942-1946, between the U.S and Mexico, which worked to fill U.S labor shortages in the war effort. As a result of increased border crossings of individuals without documentation, the U.S government launched “Operation Wetback” in 1954, which deported two million undocumented immigrants and increased Bracero visas for legal entry (St.

John, 2013). “Operation Wetback” can be seen as the end of the era of relaxed border security and as the turning point towards a more militarized border. The United States has in a way experienced the fluctuation of border policies throughout its history, policies shifting in conjunction with politics and public opinion. Through the examination of times of more relaxed border policies, there comes a greater understanding of present and the future possibilities of policy for CMs.

A newly heightened securitized border is evident in two immigration reform acts, based on increased exclusion and harsher penalties. Regan's Immigration Reform and Control Act 1986 and the Immigration Act 1990 under George H. W. Bush. The 1994 Violent Crime Control and Law Enforcement Act, 108 Stat. 1791, enhanced penalties for the smuggling of migrants and reentry after deportation in addition to increasing Border Patrols appropriations. Furthering this surge in militarization, the 1996 Illegal Immigration Reform and Immigrant Responsibility Act advanced harsh immigration reform by increasing penalties and Border Patrol presence, creating more challenging procedures for asylum seekers'. Shortly following the September 11, 2001, terrorist attack on the United States, the “war on terror” embarked on a new era of militarized security. The 2003 Homeland Security Act created the Department of Homeland Security (DHS) and its three agencies: U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (USCIS). Secure the Fence Act 2006 furthered the popular congressional strategy of fence building, despite its ineffective deterrence of drug smuggling and migration without documentation (St. John, 2013: 206). All of which essentially furthering the physical militarization of the border, following the precedent of previous legislation. In this exclusionary moment, the United States should take an opportunity for reassessment, to question the flaws of past border policies. In this sense we can

look at the current crisis of CMs and assess how policy can better aid both the U.S. and CMs who seek entry into the U.S.

Child Migrant Policies

U.S policy on the treatment and administrative processing of CMs in the United States is based on three legal precedents. The Flores Settlement Agreement 1997, the Homeland Security Act 2002, and the Trafficking Victims Protection Reauthorization Act 2008 (Kandel, 2017: 5). U.S Customs and Border Protection (CBP) procedures and directives are intended to protect CM. Yet, nongovernmental organizations and human rights groups have repeatedly documented violations of legal standards and abuse of rights by the CBP (Coulter, 2020: 96). Organizations like the American Public Health Association, the American Academy of Pediatrics, and the American Psychological Association have all issued statements detailing psychological trauma and health risks placed on CM due to these violations (Coulter, 2020: 97).

The Flores Agreement established a nationwide policy for the detention, treatment, and release of CM. It recognized the vulnerability of CM while detained without a legal guardian, thus developing the following requirements for detention. The agreement details food and drinking water, medical assistance in emergencies, toilets and sinks, adequate temperature control/ventilation, adequate supervision to protect minors from others, and separation from unrelated adults whenever possible. Advocates continue to emphasize that the INS has not fully implemented these requirements (Kandel, 2015: 5).

The Homeland Security Act 2002 divides responsibility between the Department of Homeland Security (DHS) and the Office of Refugee Resettlement (ORR, 2021). The DHS was assigned responsibility for the apprehension, transfer, and repatriation of CM, while ORR was assigned to coordinate and implement care and placement of CM. Additionally, the act

established a definition for CM as: “unauthorized minors not accompanied by a parent or legal guardian” (Kandel, 2015: 6). Despite policy developments, advocates continue to call for improved treatment of CM. Concerns for U.S. Customs and Border Protection (CBP) agents' inability to adequately screen CM for human trafficking or persecution evidence resulted in Congress passing the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA). TVPRA directed the Secretary of DHS and other federal agencies to develop policies and procedures to ensure that CMs in the U.S. are only returned to their home countries after certain procedures are followed. TVPRA requires that CM be screened for evidence of human trafficking within 48 hours of apprehension. Requiring that all CM in custody must not be returned to their home countries if there is evidence that they are human trafficking victims or fear returning to their home country (Kandel, 2015: 6).

The Trump administration ran largely on an anti-immigration claim, “build the wall,” which significantly impacted the functioning of these precedents. In April of 2018, ORR, ICE, and CBP entered a memorandum of agreement for information sharing. As a result of the memorandum, many potential sponsors for child migrants were deported, as information sharing allowed the immigration status of the sponsors to be accessed by ICE. This agreement increased the average number of days CM spent in ORR custody. During 2015 and 2016, CM spent an average of 34-38 days in ORR custody, while in 2019, they spent an average of 89 days, which declined to 55 days in 2020 (Kandel, 2015: 26). A congressional delegation characterized the conditions of a temporary facility as inhuman and unstable for children after visiting the site in February 2019 (Kandel, 2015: 23). Title 42 under the CDC's declaration of a public health emergency allowed the CBP to expel CM at the border without considering asylum claims (Kandel, 2015: 29). When the Biden administration stopped expelling CM under Title 42, more

minors arrived at the border. Given limited ORR shelter capability, CBP expanded temporary housing and detention centers. The strain on these facilities caused CM to be held in overcrowded shelters, many for over the allowed 72 hour time period (Kandel, 2015: 30). The lack of adequate policy specific to the CM experience and conditions of restrictive immigration policies have resulted in countless violations on the treatment of children at the U.S.-Mexico border.

System Failures

The 2021 Congressional Research Service report on Unaccompanied Alien Children highlights recent failures of policy and overall operation of the United States immigration system, specifically regarding policy relating to the treatment of CM. The conditions of ORR Temporary Shelters are of great concern and portray a failure to protect the most vulnerable lives. A 2019 congressional delegation visit to a temporary facility characterized its conditions as “inhumane and unsuitable for children” (Kandel, 2015: 23). In that same year, investigative work revealed the ORR’s system’s shortcomings for reporting incidents of sexual abuse or harassment within the shelter network (Kandel, 2015: 24).

The Biden administration, confronted with limited ORR Shelter capability, proceeded in the expansion of temporary housing to accommodate arriving children. Fort Bliss EIS's temporary facility demonstrates the mismanagement and unsuitable conditions repeatedly seen in facilities. A July 2021 complaint filed by two federal workers to Congress and US Department of Health and Human Services alleged that the private contractor employees running the facility had “no child welfare experience, no Spanish language skills, and no relevant prior training... characterized as gross mismanagement and a threat to public health and safety” (Kandel, 2015: 33).

With increased CM apprehensions and referrals, ORR has struggled to maintain child welfare protocols and standards. A 2016 Senate investigation found some CM supposedly sponsored by distant relatives/legal guardians were forced to work under oppressive conditions on an Ohio farm in 2014 (Kandel, 2015: 24). Traffickers managed to take advantage of a federal program intended to place CM with sponsors and family members as their cases were processed. This tragic case points to systematic problems and failures of the child placement process. The sponsor system is processed through the Office of Refugee Resettlement, where CM are placed in shelters until the department can find a parent, relative, or another qualified sponsor. Immigrant advocates call for reform as the sponsor system lacks oversight and follow-up procedures, which continues to worsen with increased arrivals of CM (Hennessy-Fiske, 2015). The structural issues with U.S. immigration policy demonstrate the unethical nature of current policy, creating space and the dire need for core stakeholders to be more involved in policy making to develop an ethical and humane framework for the treatment and processing of CM.

Review of Ethics and Lack of Responsibility

Many academic and policy experts agree that current U.S policy on CM is unethical and unjust. They point to the lack of ethics surrounding due process, detention, and organizational responsibility. Carlson details the crisis of backlogs and failure of due process, as the liminal space of delays perpetuates continued psychological harm. The author recommends resources and the training of new immigration judges and asylum officers to protect due process rights (Carlson, 2015: 151). Corneal adds to this by emphasizing how proceedings pit children against the state. Represented CM are four to six times more likely to win their asylum cases than unrepresented CM, yet less than half of children detained have counsel (Corneal, 2004: 659). Many emphasize the poor conditions of detention centers. Despite the Flores settlement

agreement, detention conditions continue to be extremely poor. While in detention, minors are often housed with adults or violent juvenile offenders, denied access to legal aid/information, restricted from outside contact, and geographically isolated from supportive communities (Corneal, 2004: 646). The Office of Inspector General, Human Rights Watch, and the Women's Commission for Refugee Women and Children have all separately found significant violations of the standards detailed in the Flores agreement (Corneal, 2004: 652). All of which distinctly points to the unethical treatment and management of CMs in the U.S.

The federal government has failed to allocate responsibility for the oversight of unaccompanied juvenile minors. There is a longstanding disconnect between agencies and offices, which continues to have consequences for children who suffer from the incoherent policies and unmonitored conditions of the CM experience (Corneal, 2004: 655). Concerning the Trafficking Victims Protection Reauthorization Act, 2009, academics voice concerns surrounding Border Patrol's ability to screen children fairly, leading to calls for improvement in the screening process. Under the notion that children should not be screened by people in uniform with weapons and that "best interests of the child" standard should be incorporated into all decision-making¹ (Carlson, 2015: 151).

With a clear understanding that current policy and systems are unethical and do not exhibit children's best interest, we can consider the ethical approach to policy. As a general trend, U.S. immigration laws and policies have become increasingly restrictive since the late 1700s, driven by white supremacy, xenophobia, and economic exploitation (Brock, 2020: 390). To

¹ As mandated by law ORR, "places an unaccompanied alien child in the least restrictive setting that is in the best interest of the child" (ORR, 1.1). Therefore placement is determined based on the following considerations: trafficking/safety concerns, heightened vulnerability to sexual abuse, location of potential family/sponsor, siblings in ORR custody, needs for legal representaiton, behavior, criminal background, danger to self or community, escape risk, age, gender, length of stay in custody, and location of apprehention (ORR, 1.1).

develop ethical policy that moves away from exclusionary practices, academics argue the need for stakeholders' involvement and the government's responsibility in collaboration with non-governmental organizations in the policy making process. Carlson observes how the U.S. government, non-governmental organizations, and individuals can work together to protect CMs. Immigration courts can work with NGOs and private attorneys to better adjudicate children's cases (Carlson, 2015: 150). Brock argues that the state should play a role in justice, competent administration, and adequate planning to protect fundamental liberties in the policy making process (Brock, 2020: 392). As it is evident that the current institutions are failing, traditional approaches need to be expanded, ensuring that local partners rework relevant programs (Brock, 2020: 392). This literature lays the framework for my analysis of three stakeholders, child migrants, policy organizations, and provider organizations, and how they can be involved in reworking just policy within government and non-governmental organizations.

Consensus of Cosmopolitan Theory

In considering ethical immigration policy, many scholars have focused on the theoretical notion of cosmopolitanism. This perspective exists within this thesis by examining the roots of cosmopolitan thinking, the context of these roots in the globalized world, and how contemporary scholars draw from cosmopolitanism to address current world challenges. At its most basic level, cosmopolitanism is the idea that all persons belong to a universal community of humanity and hold equal moral status as citizens of the world (Smith, 2017). Introduced by the Cynics and later developed by the Stoics and thinkers of the Enlightenment, cosmopolitanism is based on the notion of mutual respect, targeting forms of discrimination based on identities that classify people into distinct categories (Van Hooft, 2009: 5). Based on this idea of a universal community of humanity, cosmopolitanism would imply that open borders are required by justice (Christiano,

2008). Yet many liberal democracies are fearful of immigration flows, seemingly due to fear of losing control over the community or general xenophobia (Christiano, 934). With this understanding, academics argue that cosmopolitan justice requires equal opportunities for all persons, which can only be achieved if all persons have access to wealthy economies and stable political societies. We see injustice in excluding large numbers of low-income people from Africa and Latin America from participating in Europe and North America (Christiano, 937). In this context cosmopolitanism emphasizes open borders and the equal moral status of all humans. Using this framework we can claim ideals of ethical policy making based on the foundations of a universal community of belonging.

The cosmopolitanism framework draws from, notions of hospitality, safe harbor, generosity, and inclusion have been grounded in a theoretical logic of society's tradition to support others in need. Cosmopolitanism holds roots in openness and tolerance of cultural and historical differences in people's identities, which can be traced back to ancient times. The Greek root "kosmos" or "world" is in the term 'cosmopolitanism;' one is a citizen of the world, cosmopolitēs before being a citizen of a state (Canto-Seperber, 2006: 269). Medieval cosmopolitanism was as religious and political as it was moral, more radical than ancient cosmopolitanism. It was the philosophical and political equivalent to Christianity throughout Western Europe (Canto-Seperber, 2006: 269). The cosmopolitanism of the Enlightenment existed in a framework of a system of states, in a more moderate ideology than that of their ancient and medieval predecessors (Canto-Seperber, 2006: 269). Kant's cosmopolitanism falls into this period of theory, where peace depends on creating a union of states, regulated by laws that are cosmopolitan at their core, which would apply to the whole earth. He states that cosmopolitanism

is built upon universal moral laws and respect for the relations between states, in which a wish for universal hospitality is accepted and participated in (Canto-Seperber, 2006: 270).

Today the normative foundations of the cosmopolitan ideal are linked to the goal of building an international order not made up of states but on a world scale (Canto-Seperber, 2006: 268). This cosmopolitan ideal calls for government by international laws, based on responsibility on a world scale (Canto-Seperber, 2006: 271). Modern cosmopolitan ideals operate on the understanding that the world is gradually becoming a shared world. Cosmopolitanism acknowledges “human dignity” or “global humanism” and “humanity,” there is a global community where all people, by virtue of their humanity, are members (Van Hooft, 2009: 6). Jürgen Habermas details the ethical ambitions of Cosmopolitanism as: “Different people belong to different political groups; the state is only one among them. Citizenship depends in part on nationality, but is not limited to it” (Canto-Seperber, 2006: 271). Through the lens of history, we see a foundation and consensus on the norms of a theoretical world that inherently implies principles of hospitality, safe harbor, and inclusion.

In a closer examination of modern perceptions of cosmopolitanism, John Rawls and David Miller subscribe to a theory of which principles of justice and fairness are based on an obligation to members of a given society, based on belonging to a nation-state (Young, 2006: 103). Miller states that obligations of justice presuppose the existence of shared political institutions (Young, 2006:104). Charles Beitz in “Political Theory and International Relations” challenges Rawls's assumptions, arguing that the principles of justice that Rawls argues for apply in a global context as there are social and economic relationships on a global level. Many refer back to Immanuel Kant’s calls for basic moral respect owed to all people based on cosmopolitan obligations of hospitality and justice, but now framed for a globalized world (Young, 2006: 104).

Onora O'Neill argues that social relations that connect us to others are not restricted to nation-state borders. On the international scale, our actions contribute to institutions that affect others, while their actions contribute to institutions that affect us. So we must make a moral commitment to others through our actions. Allen Buchanan contributes to this discussion of an existing global moral structure of obligation of justice between people that crosses borders and boundaries (Young, 2006: 106). Similarly Iris Young states that obligations of justice are not based on political institutions. Instead, they come from the social process that connects people. These structural social processes connect people globally without regard for political boundaries (Young, 2006: 102).

Today we find nations plagued by growing exclusionary logic, contrary to our global foundations of inclusion. From these foundations we can use cosmopolitanism as a framework for deciphering how policy making and the treatment of CM can embody the ideals and morals of cosmopolitan theory. This framework establishes a norm and assumed international practice of welcoming strangers and stateless people

The Practice of Cosmopolitanism

Cosmopolitanism is a practical framework that allows us to decipher what is ethical policy making and the actions of states regarding the treatment of outsiders. As it pertains to this thesis, the cosmopolitan framework splits into three distinct sectors: hospitality, responsibility, and the right to dignity. This framework utilizes theories from Kant, Iris Young, and Matthew Weinert to outline key notions of the cosmopolitan requirements for treatment and responsibility of CMs. This framework provides a categorical way to organize and understand the many ideas that stakeholders recommend. The cosmopolitan framework also allows for a deeper comprehension of the current failures of the immigration system, as throughout the thesis, we see

that existing rules and norms of the immigration system do not fit within the normative framework of cosmopolitanism.

As dictated by Kant, hospitality tells us that cosmopolitanism asks us to provide temporary residency for two reasons. First, the idea of “Perpetual Peace” in which standing armies do not fit in the cosmopolitan world. Under “Perpetual Peace,” hospitality can only be denied if denial does not lead to doom or death, and if the stranger behaves peacefully, he can not be met with hostility (Knowles, 2017). Secondly, Kant discusses the “right to the earth's surface,” in which there are universal visitation rights. Hence states have the duty to be hospitable and a good host to those who arrive as it is the strangers' right to settle in other nations temporarily (Knowles, 2017). Under the hospitality piece of the framework, we can ask if a given policy welcomes strangers and if turning a peaceful stranger away would result in their doom or death.

Based on Iris Young’s “social connection model,” responsibility tells us who has responsibility and how responsibility for structural injustice should be distributed. Young deciphers this based on five points of the social connection model and the provisions that define the degree of responsibility. Solutions to structural injustice point away from a liability model in which responsibility is assigned and derived from legal reasoning that gives blame to a particular individual or group of individuals. Instead, the “social connection model” is non-isolating; with structural injustice, there is no use in finding a few guilty as everyone's actions have contributed to injustice (Young, 2006). A liability model looks for an unusual process that has caused harm, while the “social connection model” understands that everyday actions and structures are what is morally wrong. This model is forward-looking rather than backward-looking; it celebrates collective action in change instead of looking to the past for blame (Young, 2006). Creating shared responsibility and an emphasis on collective action round out the “social connection

model,” emphasizing that we are all responsible for injustice and that no one can fix injustice on their own (Young, 2006). While it is true nobody can fix injustice on their own, some are more responsible than others. Not all participants bear the same degree of responsibility. According to Young, degrees of responsibility follow power, privilege, interest, and collective ability. In understanding policy and recommendations, we can ask if the given policy fits relatively into the five points of the social connection model and if those bearing responsibility hold responsibility because of their positionality.

Right to dignity is established in Matthew Weinert’s book *Making Human: World Order and the Global Governance of Human Dignity*, where dignity describes what it means to be human (Weinert, 2015). The right to dignity then explains the legal claims people can make to make sure that their humanism is recognized. Weinert looks to Arendt for the fundamental human right as “a right to have rights” or “a right to the human condition itself” (Weinert, 2015: 53). Dignity is a social status not just based on membership in a state or political community but also based on the status of being human. We must ask how policy, laws, and regulations can protect people's right to dignity and ability to demand that their humanism be recognized. Keeping these three frameworks in mind aids in developing opinions on solutions to this issue and the ability to classify what exact parts of the current system are unethical.

Theories developed from cosmopolitanism point to several fundamental principles that can inform a more humane immigration policy for today's world. Notions of hospitality, responsibility, and right to dignity create a set of rules and standards for making immigration policy and the treatment of CMs. Kant tells us that hospitality requires that we act as innkeepers and welcome stateless strangers that arrive at our borders. Kant’s “Perpetual Peace” requires that we do not turn away those whose lives would result in doom or death if turned away and that we

abolish standing armies. Thus we must welcome those who flee violence, hardship, or disaster, and we must stop fortifying our borders and treating all outsiders with suspicion. Young's "social connection model," tells us who is responsible for structural injustice. The U.S., a nation that has perpetuated violence in Central America and Mexico, must take responsibility for its actions by addressing the root causes of migration and undoing structures of violence and harm, including the current immigration system. Young tells us to use collective ability to allocate responsibility; we need to understand that power and privilege must support those with interest, which include civil society groups that are already aiding CMs. Dignity tells us that all humans have "a right to have rights." Thus, regardless of citizenship status, all people have the right to receive an equitable education, not be placed in detention centers, be met at the border by a trauma-informed response, receive legal aid, and go through citizenship proceedings promptly.

Historical and theoretical analysis provides context to the CM experience and lays a foundation for examining the problem and potential solutions. The context of the overarching trends in more restrictive border policies paired with a discussion of immigration policies that govern CMs develops a much-needed background understanding of the unethical nature of immigration policy surrounding CMs. This analysis tells us that immigration policies have become increasingly exclusionary and restrictive, while CM policies mostly lack existence apart from three legal precedents. These precedents demonstrate that the current system is plagued by failure in which protocols do not maintain welfare standards or ethical treatment of CMs. Current policies are highly unethical, and discussing their flaws allows us to create a better approach to policy, one that involves the voices of stakeholders in the policy making process. The framework of cosmopolitanism provides a way to look forward toward ethical policy making in which notions of hospitality, responsibility, and right to dignity remain at the forefront of policy

making. The next chapter builds off of cosmopolitan ideas of responsibility, highlighting the role of stakeholders in the CM experience and demonstrating the current work of civil society to aid CMs. Using the cosmopolitan framework in the context of responsibility, Young tells us that civil society groups made up of stakeholders represent the group with the most interest and thus the powerful and privileged must work to maintain collective ability by supporting these stakeholders.

Chapter 2: The Core Stakeholders

Stakeholders on an issue hold unique experiences with differing views on recommendations and problems. The stakeholders in this study are composed of groups and individuals that prioritize the needs of the most vulnerable population, CMs. As defined in this thesis, the stakeholders are split into three distinct groups: child migrants, provider organizations, and policy organizations. Each stakeholder group holds a distinctive positionality and a diverse role in the migratory experience, allowing stakeholders as a whole to be useful participants in policy making. This chapter develops a distinct categorization of each stakeholder group and enlarges the conversation on the current actions of stakeholders within the context of the CM experience.

While every group plays an individualized role, the nature of small aid organizations causes crossing of categorical boundaries. For example an organization may fit into the role of provider and policy organization or a now adult CMs may be a part of provider or policy organization. In general CMs capture the individual experience while other stakeholders highlight the bigger picture. We need these two perspectives in dialogue to have a complete understanding of both problems and solutions. I aim to categorize the work of different organizations to emphasize the need for the involvement of diverse stakeholders in the CM experience.

Three Core Stakeholders

CMs are defined as those who cross the border at a young age, under the age of 18, unaccompanied by a parent or guardian. As defined by the U.S. Office of Refugee Resettlement, a child migrant “has no lawful immigration status in the United States, is under 18 years of age,

has no parent or legal guardian in the United States or no parent or legal guardian in the United States is available to provide care and physical custody” (Office of Refugee Resettlement, 2021). For the purpose of this thesis, a CM is not determined based on the existence or lack of a parent or legal guardian in the U.S., I define a CM simply as an individual under the age of 18 that makes the journey to the United States on their own, regardless of the existence of a parent or guardian in the U.S. Often children make the journey across the border to find and reunite with a parent. In Enrique’s Journey, Sonia Nazario discusses the experience of Gabi, a fellow child journeying to the United States to find her mother, “Of forty-eight children in her class, thirty-six had a parent in the United States, most often mothers” (Nazario, 144). Often, parents decide to go to the United States, leave their children behind, find work, and send money back to make a better life for their children. Children like Enrique and Gabi go to the United States searching for their mothers motivated by ending their separation from their mothers, unbearable conditions at home, the need for money, escaping gang recruitment, and other violences.

Provider Organizations are characterized as those who provide aid for CMs. These organizations exist to provide support for those in need; while they may have views on policy, their role is not to explicitly focus on policy but rather provide support for CMs. Organizations include schools that offer education, food, and a safe haven; civil society groups such as sanctuary churches, legal aid societies, and groups providing physical support by delivering water at the border. For example, KIND (Kids in Need of Defense) is a nongovernmental organization that focuses on protecting CMs; as a far-reaching organization, they exemplify the general goals of provider organizations. The organization aims to address the gap in legal services for CMs; they provide legal assistance and social services through partnerships with pro bono legal representation. I identify provider organizations in terms of the aid they provide, with

groups often providing multiple forms of aid: survival aid, legal aid, economic aid, educational aid, and mental aid.

Policy organizations serve as the groups that come up with ideas to solve public policy problems. Essentially, they decipher the problem and then advocate for a policy response or recommendation that they believe to be the best solution. Organizations include academic or participant-observers, think tanks, policy communities, and journalists. These organizations do not necessarily work directly with CMs, but their observations of needs and understanding of policy are valuable in discussing what ethical policy looks like for CMs.

Child Migrants

Child migrants themselves are largely not heard, as their voices are often not regarded in immigration policy. It is important to underscore that U.S. immigration law is the only area of the law that makes no legally binding distinction between adults and children in legal decisions. In court, to receive asylum, adults and children alike must demonstrate a well-founded fear of persecution for reasons of religion, nationality, political opinion, or membership in a particular social group (Immigration and Nationality Act 208, 8 U.S.C. 1158). Essentially children must meet a standard of past persecution or fear of future persecution. Given the current policy system children especially need to have a wide array of adult advocates to act on their behalf.

Immigration advocates often argue for the “best interest of the child” standard to be more broadly incorporated into immigration law in a child-centered approach that allows the voice of the child to be heard (Statz and Heidbrink, 2019).

The United States is not party to some of the most important international initiatives of the rights of children. In a global context, the treatment of children by states is detailed in the Convention on the Rights of the Child (CRC), which declares that children possess civil,

political, economic, social, and cultural rights and that national governments are correspondingly obligated to protect and assure those rights. The best interest of the child emerged from the CRC, stating that “in all actions concerning children whether undertaken by the public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration” (Statz and Heidbrink, 2019: 367). As the United States has not ratified the CRC, U.S. immigration law fails to consider the best interests of children on a systemic level, essentially disregarding specific declarations in the CRC. As a result, U.S. immigration law treats children as adults; it does not have systems in place to deal with child-specific persecution such as child soldiers, youth resisting gang membership, and young political activists (Bhabha, 2014).

Currently, the U.S. has two immigration agreements that vaguely resemble the “best interest” of the child. Special Immigrant Juvenile (SIJ) status is granted when abandoned, abused, or neglected children seek a dependency order in family court, which can be used to petition for a visa. Under SIJ status, the child must become a dependent of the state and thus forfeit any rights to petition for their parents or siblings to immigrate to the United States lawfully. This policy is a start to policy centered on the "best interest of the child" but may create circumstances that perpetuate harm for a child. The 1997 Flores Settlement Agreement attempts to consider the “best interest of the child.” While not specifically immigration law, the agreement sets minimum standards for care and release of detained CMs, focusing on the vulnerability of children and the need to create requirements for the needs of children (Statz and Heidbrink, 2019).

The positionality of CMs as a stakeholder is blatantly restricted and forced to be nonexistent by the state. The system of the U.S. denies them agency as children by forcing them

to not only be adults but adults that pose a threat in the eyes of the courts. Immigration policy sets up numerous barriers for their survival; even as U.S. law has some carve-outs for CMs, it is insufficient in aiding in the magnitude of trauma and violence inflicted on CMs, largely at the hands of the United States. The missing link here is that the system removes the voices of CMs, civil society and critics have thus been responsible for giving them a voice. This dire situation, in which CMs have no voice in the eyes of the state, requires that we hear from them through our connections and access to other stakeholders who do have the power to advocate for CMs at the policy making table.

Provider Organizations

Provider Organizations² serve to aid in the wellbeing of the CM in the United States. Organizations provide different services through various methodologies, often not fitting into the distinct groupings of survival aid, legal aid, economic aid, educational aid, and mental aid. Instead, aid organizations are often complex and address a multitude of issues surrounding CMs.

The U.S. public education system is an important stakeholder in providing aid to the issue of CMs. Immigration policy largely shapes how immigrant youth experience life in the United States. As CMs today exist under unprecedented enforcement levels, anti-immigrant sentiments, fear, and anxiety about status and place in the United States; an examination of CMs' feeling of belonging allows for an understanding of the ways that policy and the work of aid organizations, specifically schools, shape CMs' lives (Gonzales et.al, 2020). K-12 schools can, in many ways, fit into all categories of aid organizations. As mandated by law, public schools must serve all children, regardless of citizenship status. Plyler v. Doe ruled that children without documentation have the same right to attend public primary and secondary schools as U.S. citizens and permanent residents. Public schools can not deny admission to a student based on citizenship

² See Appendix 1

status, treat students differently, require students to disclose status, show documentation that would expose lack of status, or make inquiries about status (Plyler v. Doe, 1982). K-12 schools most traditionally fit into educational aid. Additionally, they assist with mental aid, food, clothing, and many other survival-based aid forms. This aid is seen in providing school lunches, counseling services, clothing drives, ect. Legal inclusion in schools helps undocumented youth be integrated into communities. The formative experiences that occur in school give CMs a sense of belonging within the United States (Gonzales et.al, 2020).

Non-governmental organizations and nonprofits create a space for aid. Within the aid sector, many organizations approach aid through different means. Immigration Youth Shelters with the National Council of La Raza is an organization that primarily focuses on education while providing a range of other assistance. While in the shelters, children receive crisis stabilization legal and medical services and attend an on-site nontraditional k-12 school as they await the resolution of their case.

Faith based groups have had particularly broad experiences with CMs and have developed an important array of outreach services. The tradition of service through faith based organizations is highly applicable across many providers, First Church in Oberlin, Ohio follows this tradition as it accepts and aids families seeking refuge and asylum. The Catholic Charities of the Rio Grande Valley (CCRGV), with the help of the Sacred Heart Church in McAllen, Texas, provides a place for refugees to rest, have a warm meal, shower, and receive clothing, medicine, and other supplies before continuing their journey into the United States. CCRGV provides emergency assistance programs for medical and housing needs, a disaster response program assisting with housing damages, counseling services, a pregnancy center, and a summer food program. CCRGV primarily fits into the categories of survival and mental aid. Often churches

serve as a physical place of refuge and sanctuary for migrants, both at the border and throughout the United States.

In addition to faith based organizations, secular nonprofits play an important role. Border Angels is a secular nonprofit organization whose aid consists of survival, economic, and legal aid. They exemplify the work of an “on the ground” organization based at the border, ready to meet the needs of migrants. Their services include water drops and a bond program to get migrants out of detention centers who are qualified to be released on bond, a similar system to bail. They support migrant shelters in Tijuana, provide day laborers with food, water, clothing, hygiene products, and legal representation for children seeking Special Immigrant Juvenile Status (SIJS). San Diego Rapid Response Network (SDRRN) is an aid organization working in all sectors, responding to dehumanizing immigration enforcement, including checkpoints, raids, arrests, and harassment in San Diego County. In addition to providing transitional services including shelter, travel assistance, food, medical, legal, and financial support for those seeking asylum.

Provider organizations prove significant in their efforts to supply direct support services to migrants. In a hierarchy of power when placed in comparison to CMs they hold a greater voice in the current realm of immigration policy. These organizations play an important role in the experience of the CM, as they provide on the ground support for CMs throughout their lives in the United States. They make up the groups that are most directly involved in the community, thus they hold the most important knowledge of the needs of the community, making them the best connector to policy organizations.

Policy Organizations

Policy Organizations³ conceptualize and take steps to fix problems, often through the courts. Numerous cases have been brought to court in defense of due process and rights for those seeking asylum. Recent cases based on the injustices of Title 42 include: J.B.B.C. v. Wolf 2020, G.Y.J.P. v. Wolf 2020, Texas Civil Rights project v. Wolf 2020, P.J.E.S. v. Wolf 2020, and most recently Huisha-Huisha v. Gaynor 2021. Title 42 disregards laws and precedents of existing immigration laws established by Congress to ensure the fair determination of the right to stay in the U.S. Existing immigration statutes that protect refugees state that refugees are entitled to make claims for asylum or other forms of humanitarian relief. Unaccompanied children are entitled to added protections; they are required to be given legal representation and other aid through the Office of Refugee Resettlement. Title 42 ignores existing laws, as adults and CM asylum seekers can be detained and subject to summary expulsion back to their home countries. Since February 2021, the Biden administration has expelled over a million asylum seekers under the notion of the Title 42 Policy. Public health officials, including the C.D.C., have stated that this policy is unnecessary and morally wrong (Center for Gender and Refugee Studies, 2021).

Under P.J.E.S. v. Wolf, the D.C. Circuit court in January of 2021 ruled that unaccompanied children are not subject to the Title 42 policy. Yet, Title 42 Policy continues to expel adults, children, and families seeking U.S. protection, denying them the opportunity to present their asylum case to an immigration judge (Center for Gender and Refugee Studies, 2021). The ongoing case of Huisha-Huisha v. Gaynor essentially argues that public health laws do not authorize the government to expel refugees from their country without consideration of the standards and procedures outlined by existing immigration laws (A.C.L.U, 2022). Huisha-Huisha v. Gaynor is an ongoing case, thus allowing the government to continue expelling

³ See Appendix 1

families and adults. The goal of this case is representation of the family unit, those who flee their countries seeking safety with at least one child (Center for Gender and Refugee Studies, 2021).

In addition to courts, policy organizations use various avenues to detail problems and offer solutions. Alliance San Diego and its programs, including San Diego Immigrant Rights Consortium and Southern Border Communities Coalition, engage voters and the civic process to make more effective immigration policy. They believe in working together to engage the civic process effectively to create systemic change. The organization develops leaders, engages voters and community members, advocates for policies, protects human and civil rights, and strategic communication. Similarly, Carecen SF aims to create awareness of current immigration policies and their traumatic impact on migrant children and families. They engage the community, activating immigration networks to support the campaign and call on local officials to pressure legislators to prioritize freeing CMs.

On the international scale, organizations advocate for immigration reform, looking at the whole picture finding cross-boundary solutions to this complex problem. Washington Office of Latin America (WOLA) works through research and advocacy organizations to advance human rights in the Americas. They advocate to address problems that transcend borders and focus on cross-border solutions. Although this thesis focuses on solutions that start at the U.S.-Mexico border, the work of international policy organizations is vital to acknowledge as their work is influential to the work of domestic policy organizations.

Policy organizations are the farthest up on the power food chain of the three stakeholders; they have the most voice in the development of immigration policy. Often these organizations contribute to policy through litigation and lobbying while they also produce reports, studies, and advocacy work. Policy organizations are less connected to communities as their work generally

happens apart from interactions with CMs. Given their distance from the needs of CMs, the need for conversation, connection, and collaboration with other stakeholders, particularly aid organizations, is vital for the success of their policy work.

Crossing Organizational Boundaries

As I noted earlier, many organizations do not fit neatly into the aid organization or policy organization boxes. Given the issue's complexity, many groups cross organizational boundaries, as aid and policy advocacy rely on each other. Often, in organizations that cross boundaries, we see a pattern of policy organizations having a legal aid sector, with legal work constantly informing policy making. Aid and policy stakeholders often bridge their work through legal strategies. The following organizations discussed play a large role in legal services either directly for individuals through legal aid or in broader challenges through court cases. Legal services thus work in conjunction with the policy work of these groups to act as a more connected actor to the policy needs of CMs.

Kids in Need of Defense (KIND) is one of the most popular organizations in this cross-section. KIND aims to address the multifaceted needs of CMs. They focus on social services, legal services, family separation, policy, advocacy, and international work. The Center for Gender & Refugee Studies (CGRS) similarly works as a policy organization through its contribution to legal efforts including *Huisha-Huisha v. Gaynor* 2021 and a legal aid organization through litigation defending asylum seekers. The Advocates for Human Rights works to provide free legal services to migrants who are victims of human rights abuses while working to reform the legal system through documentation and reporting on human rights abuse, and advocating for better immigration laws.

Casa Cornelia Law Center works in the legal aid sector. They are a public interest law firm that provides legal services to victims of human and civil rights violations, focusing on the immigrant community of Southern California. As a law center, it seeks to educate others about the ills of immigration law and policy to promote the public good, thus slightly crossing paths with policy organizations. Raices, The Refugee and Immigration Center for Education and Legal Services, provides legal services, social programs, bond assistance, and an advocacy team that focuses on changing the narrative around immigration and fighting for immigrant rights. Based in Texas, this organization provides legal and economic aid while simultaneously advocating for policy initiatives. These two organizations primarily focus on aid with policy as a product of that aid.

Chirla (Coalition for Humane Immigration Rights) provides legal services and advocates for humane immigration reform, immigrant workers' rights, educational empowerment, access to healthcare, and ending mass detention. While this organization's priority is as a policy organization, its roots in legal aid are essential in understanding organizations' multi-faceted approaches to policy and aid work. National Immigrant Justice Center with the Immigrant Children's Protection Project provides services to CMs in Chicago-area shelters. The project visits shelters weekly to conduct legal assessments and "know your rights" presentations to overview the immigration court process. This project creates "an in-depth perspective on the realities children face when they enter the United States alone, and on the need for systemic reforms to ensure that children's human rights and due process are not compromised when they enter the complex immigration legal system. Again, it demonstrates organizations' complexity as aid comes out of policy work goals.

Organizations' Importance in Practice

These complex organizations hold many stakes in the CM issue, as they each maintain a connection to the experience. Breaking stakeholders into child migrants, aid organization, and policy organization creates clear boundaries and definitions of involvement and importance in the CM experience. By assigning value to the experience through categorization, we can agree that these stakeholders should be more involved in the policy making process. Each stakeholder holds a piece to the puzzle that is ethical policy.

The stakeholders in this experience are multifaceted beings that often cross boundaries and fit outside the boxes we try to place them in. It is important to note that many groups and individuals are not only focused on questions of immigration, for example, Chirla is an organization that looks intersectionality at the issues vulnerable populations confront. The work of these organizations suggests that how we understand the positionality of migrants is related to how we understand the positionality of vulnerable people who are immigrants with status or already citizens. Many of these stakeholders grasp the understanding that “migrants” or “refugees” are not alien, rather they have much in common with existing populations in the United States composed of simply people seeking to make their lives in the U.S.

In examining the work of the stakeholders in this chapter, it is evident that their knowledge and views are imperative to the CM experience. From providing water at the border to supplying housing to giving legal aid to bringing unethical immigration policy to court, these stakeholders are intertwined in the existence of CMs in the U.S. All three stakeholders should be involved and consulted in policy making. Given the difficulty of having actual children engaged in the process, the voices of aid and policy organizations need to be aware of the needs of children to advocate for policy that is truthfully in the best interest of CMs. The words and

thoughts of individuals like Javier Zamora⁴, who now write about his experiences of being a CM, are paramount to understanding solutions to this complex issue. The next chapter attempts to continue the work of Javier Zamora, diving into the experiences of trauma and violence from CMs homes, journeys, and lives in the United States.

⁴ Javier Zamora is a poet and activist from El Salvador. His book of poems *Unaccompanied* (2017) tells his story of his journey from El Salvador to the U.S. at the age of 9, detailing his experiences as a CM. His other books include *Nine Immigrant Years* (2011) and *Solito: A Memoir* (2022).

Chapter 3: Experiences of Child Migrants

This section utilizes all three stakeholders' viewpoints to depict a holistic picture of the child migrant experience. It examines the violence and trauma during migration, beginning from violence in home countries to the everyday liminal experience of living in the U.S. as a person without documentation. The experiences discussed in this chapter gained specificity through the themes highlighted in both interviews and memoirs, thus allowing the stakeholders' viewpoint to dictate this discussion. In addition to demonstrating the positionality of the CM, this section aims to emphasize how U.S. policy decisions are not made in the “best interests of the child”—rather, decisions follow a trajectory of harm and violence, affecting the lives of CMs for years to come.

In a close examination of this stakeholder, I aim to provide a comprehensive analysis and picture of the CM experience. As I began this project, I started with an in-depth examination of memoirs about the CM experience, either written by CMs themselves or participant observers of the experience. Memoirs hold a crucial place in understanding and realizing this issue. Written as stories, they push the reader to understand the pain, struggle, vulnerability, and violence that CMs experience, as they leave everything they know behind to make the deathly journey to the unwelcoming borders of the United States. The unique and thought-provoking style of memoirs motivated me to conduct interviews for this study. As the issue of CMs is a highly personal issue, I feel it is vital that research and discussion of this issue reflect that positionality.

In order to create the full picture of the CM experience, this chapter connects stories gathered from memoirs and my interview work. Memoirs demonstrate a more complete account of the CM experience, often beginning from early childhood and working their way through the journey and life in the U.S. Interviews add reflection to the journey and a more in-depth

explanation of the liminality of life in the U.S. In interviews, it proved difficult to gain information on early experiences in home countries and the journey to the U.S. due to lack of memory from CMs and lack of understanding from well-intentioned observers. Thus interviews and memoirs in conjunction detail the whole picture and experience of CMs, as each medium alone would not adequately describe the complexity of the journey of a CM from early childhood through the liminal experience of residing in the U.S. as a migrant.

Each personal narrative told by a CM encapsulates the intricacy of the migratory experience, the hardships, violence, grief, and the joy encompassed in leaving home at a young age, journeying to the United States, and existing in a system designed for failure. As we discuss the experience of CMs, it is vital to hold the individual's perspective and the personhood of the experience. This paper argues that policy creation should occur with the lives of the most vulnerable in mind, as that is ethical. Thus the experiences and lives of those affected by the policy must be known and understood. Steven Mayers and Jonathan Freedman, in the book *Solito, Solita Crossing Borders with Youth Refugees from Central America*, emphasize the need for interviews and personal narratives by stating that interviews are utilized to “... to portray narrators as individuals in all their complexity, rather than as cases studies” (Freedman and Mayers, 2019: 13).

Memoirs and narrative encapsulate the full CM experience on a personal level. Steven Mayers and Jonathan Freedman’s book *Solito, Solita Crossing Borders with Youth Refugees from Central America* is a collection of stories in which fifteen narrators describe why they fled home, their journeys crossing the U.S.-Mexico border, and their ongoing struggles of life in the United States. Lauren Markham’s book *The Far Away Brothers: Two Young Migrants and the Making of an American Life* details the lives of Ernesto and Raul Flores, twins from El Salvador. Beginning

with their lives in El Salvador she details their experiences on the journey to the United States and their struggles while living in the U.S. as teenagers. While not detailed in this thesis, *Enrique's Journey* by Sonia Nazario exemplifies the story of Enrique, and his journey to find his mother from Honduras to the United States. The story demonstrates the reality of the treacherous journey to the U.S. and the difficulty of life as a CM. In this chapter, I generally begin each section drawing from the memoirs of the CM experience, these memoirs serve as a starting point for this story. From the memoirs, interviews are able to build upon these stories and connect to the themes that memoirs highlight.

Interviewees Introductions

Interviews serve to encompass the ideas of stakeholders while maintaining individualized aspects of this issue. Interviewees include a former CM, a law professor, a college professor, a Reverend, and an immigration rights volunteer. Each individual lives a life that is intertwined with the CM experience and they all offer valuable insight into the problem and solutions to the issue. Libni Lopez is a bilingual staff therapist at the Student Health and Counseling Center at Oberlin College. Originally from Tijuana, Mexico, he migrated to the United States with his mother and siblings at nine years old. He lived in Imperial Beach and other San Diego cities, where he worked with non-profit organizations like San Diego Youth Services and the LGBT Community Center. Now living in Ohio, Libni provides the personal perspective of being an immigrant, focusing on ideas of community or lack of community in the United States.

Nina Rabin is a law professor at UCLA law school, where she directs a clinic located in a large urban public school in Los Angeles. The clinic provides legal services to the kids and families in the school, primarily recent arrivals, including CMs. Law students under Nina's supervision provide legal services, including representation in removal proceedings for children

and families. Nina provides insight into the legal system and existing policies that largely shape the lives of CMs in the United States.

Yorki J. Encalada Egúsquiza is a Hispanic Studies professor at Oberlin College. His research focuses on the representation of border women and gendered violence along the U.S.-Mexico border. As an academic observer, Yorki explains the struggles CMs face at home, crossing the border, and while residing in the United States. In his interview, he provides a more academic perspective that focuses on the root causes of the problem. In contrast, other interviewees that have experienced migration to the U.S. at a young age tended to focus more on the journey and the experience of living in the United States.

Reverend David T. Hill at First Church in Oberlin, Ohio is a graduate of Colgate University and has a Masters in Divinity from Yale Divinity School. First Church has converted its basement into a space for families seeking refuge and asylum. While families live in the church the congregation helps them find the legal, economic, and emotional support they need. Reverend Hill focuses on what asylum looks like in the context of the church, offering stories of interactions between the congregation and the asylum seekers that reside in the church.

Lizzy Brooks⁵ volunteers at a midwest immigrant rights center after working all day at her “day job.” Coming from a Lutheran background and an educational background focused on migration and human rights issues she emphasizes her interest and feeling of responsibility to help those who journey to the United States seeking assistance.

In looking at this spread of interviewees it is evident that these people generally reside in two concentrated parts of the country, Ohio and California. Although ideally interviewees would reflect a larger population sample of the entire country it is important to note that these two locations are in quite different parts of the country, but these stakeholders have many shared

⁵ To protect her identity a pseudonym is used.

views. Thus the commonalities we see in problems and solutions to this issue prove the significance of a critical mass of thinking from civil society groups, across different locations. California is a strong blue state, bordering Mexico, with a 39% Latinx population (Johnson et al., 2022). Meanwhile Ohio is a state that has often voted red, a traditional very White Midwestern state, with a 18.5% Latinx population (McCain, 2021). These strong differences prove useful in analyzing the recommendations of stakeholders across differing political spaces. Commonality in views further demonstrates the severity of this issue and the glaringly obvious need for the U.S. to listen to the thoughts of stakeholders.

Violence on the Early Brain

A large part of the CM experience occurs during young ages and formative periods of development. As the brain develops, its environment is highly influenced, particularly during early childhood. The brain matures by constructing links between different parts of the brain; these links develop in response to experiences, much of which depends on caregivers' ability to provide a safe and supportive environment (Dutton, 2018: 6). During adolescence, the brain is developed significantly in the frontal lobe. The frontal lobe dictates self-regulation, response inhibition, planning, and flexibility; these skills allow people to control impulsive behavior and utilize self-control (Dutton, 2018: 6). Youth react more to emotions and impulses than adults, causing youth to be more vulnerable to stress and fear. Early childhood and adolescence fall within the time that countless children make the journey to the United States, causing an already traumatic journey to have long-lasting implications on their development and well-being.

CMs make the journey to the United States for protection; they have survived trauma, abuse, and neglect, all of which cause harm and long-lasting effects. These effects tend to heighten normal levels of developmental immaturity. Trauma exposure during early life can

potentially disrupt the brain's physical development, resulting in “less thoughtful and more reactive responses” (Dutton, 2018: 7). Abuse and neglect have similar effects on the brain as traumas. Children who grow up in these environments have “difficulty identifying genuine threats, regulating emotions, and inhibiting inappropriate behaviors” (Dutton, 2018: 9). Brain development builds on previous development and experiences; harm that occurs at a young age creates a problematic situation in which experiences of harm are at the foundation of future development (Dutton, 2018: 9).

The experience of fleeing home alone at a young age creates a unique risk for psychological well-being issues. In a general overview of the experience of being a CM, we see a series of incidents that increase the risk of mental disorders (Frounfelker et al., 2020). Refugees underutilize mental health services as a result of a lack of knowledge about services in the host country, due to stigma around mental illness, linguistic obstacles, and lack of cultural sensitivity of service providers (Frounfelker et.al, 2020: 160). CMs continue to experience violence and traumatic events both pre and post-migration. Prolonged activation of the stress response system can lead to “toxic stress.” This condition has long-lasting effects on brain structure and function, resulting in cognitive deficits and an increased risk of mental health issues (Frounfelker et al., 2020: 161). When these experiences occur in early childhood, during critical developmental periods, the effects of traumatic experiences are magnified.

In a review of 22 studies on the mental health of refugee youth, the prevalence of post-traumatic stress disorder (PTSD) was 36%, and depression was 18% (Frounfelker et al., 2020: 162). In general, researchers agree that CMs and refugee youth, in general, have poorer mental health than host-country populations. CMs experience violence at home, often during early childhood, on their journeys to the U.S, while in detention centers, and throughout their

time living in the United States, which significantly impacts their capability to succeed and prosper while living in the United States.

Violence at Home During Early Childhood

Julio Zavala from San Pedro Sula, Honduras, represents the struggle of the experience of violence at home at a young age. Julio is one of the CMs whose story is told in Mayers and Freedman's book, *Solito, Solita: Crossing Borders With Youth Refugees from Central America*. He was neglected and abused from a young age and joined a gang to seek protection from his family. When the gang disowned him for refusing to kill his family as a show of loyalty, no longer under the gang's protection, Julio left on his own for the U.S. Children who suffer from early childhood trauma present a challenging question "what to do with young migrants who have been forced into gangs, suffer trauma, need therapy, and end up behind bars" (Freedman and Mayers, 2019: 206). Julio's abuse continued through his violent journey to the U.S. and experience in maximum security prison. Frequent hospitalizations due to past trauma made it difficult to hold a job (Freedman and Mayers, 2019). His overdose in 2018 demonstrates the harsh reality of the impact of experiences of violence at a young age. Yorkki, details in his interview the violent communities that CMs flee, emphasizing the actuality of Julio's experience as an ordinary reality that many CMs face. Communities are torn apart by violence and poverty, forcing families apart as parents struggle to support their children and make their way to the United States.

"I think most of the communities that these children come from are broken communities, they have been hit by violence, natural disasters, injustice of capitalism, and all of that. These children have family members already in the US, parents or close relatives, which means that their communities have already lost valuable members." (Yorkki)

In addition to violence experienced at home, violence occurs as children are torn away from their community and the familiarity of home. In Libni's interview, he discussed the most challenging part about coming to the United States to be leaving everything behind in Mexico. "The most difficult part of making the transition here for me and my family was leaving family, leaving friends, leaving everything that you were connected to behind. And not knowing when you are going to get that back...It was hard, my father was in Mexico, my parents were separated, and she brought us over to the U.S. and I didn't see him for a long time. I would only get to see my cousins once in a while...We had nothing, nothing but a couple of suitcases. So it was really hard, it was a really hard decision, I hated my mom for it for a long time. I loved my family in Mexico, I loved my friends, I loved everything about my experience in Mexico. So being pulled from that was very traumatic." (Libni)

Given the complexity of childhood development, as briefly stated in previous sections, the trauma of essentially forced removal has long-lasting developmental impacts on children. This is a common traumatic experience that United States policy fails to manage and instead perpetuates through the cycle of violence for CMs. Nina Rabin, lawyer and UCLA law professor furthers this sentiment in discussing the biggest problems with the current immigration policy:

"These are kids that have suffered trauma, and they're just not being greeted by a system that's approaching them in a trauma informed way. I think that's a really big problem."

Earlier in discussion about the challenges that CMs face once they arrive to the United States, Nina states:

"...even just getting in across the border is a huge challenge and set of problems they're often held in detention, which is traumatizing, and usually the reason that they're coming is

because they've had some trauma in their home country. We are creating further trauma in getting across the border and then arriving here is extremely hard on their mental health.” (Nina)

CMs make the journey to the U.S. not by choice but by necessity. They flee violence and poverty that are inflicted on them by gangs, family members, climate change, wars, the ills of capitalism, and countless other causes that academics repeatedly acknowledge and aim to solve in examinations of “root causes.” Children leave behind violence and everything they know only to enter a new type of violence. The stories and thoughts from the stakeholder experiences in memoirs and interviews demonstrate a prolonged understanding of trauma which is then exacerbated and perpetuated by the United States immigration system.

Violence on the Journey to the U.S.

The journey to the United States is often quite risky and traumatic for children. They travel on top of dangerous trains, dodging violent gangs, immigration agents, and moving trains that claim the limbs of many unlucky migrants. They travel with coyotes laying eyes on violence, death, and exploitation. They find themselves lost in a never-ending desert where they hope U.S immigration agents will see them as that fate is better than the inhospitable conditions of the desert. Migrants know how awful these journeys can be, yet children repeatedly are forced to face this journey as they flee their even worse fates at home.

Lauren Markham, an Oakland International High School administrator, wrote *The Far Away Brothers: Two Young Migrants and the Making of an American Life*. The book details the journey of Ernesto and Raúl, two brothers fleeing gang violence in El Salvador. Markham travels along the migration trail and conducts personal interviews, creating a story the twins want told through a combination of first-hand reporting and reconstructed scenes. Raúl was the first to leave El Salvador; on his way out of El Salvador with a coyote, a group sent by his uncle

attacked him. After the attack, Ernesto, who had also planned to travel to the U.S, joined Raúl in the coyote's house (Markham, 2017). The two continued to experience violence; Ernesto saw a coyote kill someone they were traveling with while in a safe house. The twins got lost in the desert where Ernesto fell on a dead body (Markham, 2017). After arriving in the United States and spending time in detention centers and shelters, the twins reunited with their older brother, Wilber, who journeyed to the U.S before their arrival. Through Wilber's observation of the twins, Markham writes, "He knew how bad the journey could be, but he didn't ask any questions — they'd survived, and to keep pushing forward, these things were best left undiscussed" (Markham, 2017: 95). Raul discusses his struggles with PTSD, referring to this experience as the presence of dark spirits, while Ernesto depicts his struggles through his dreams:

"Nights were the hardest. Once Raúl awoke to a feeling of someone standing over him. He saw a thick figure against the wall, but there was no light. He thought of the Guatemalan boy at the shelter, the barking dog the night before he left La Colonia, the guy with the photo on the side of the road. Now the dark spirits were here with him in California.... Ernesto's sleep was still afflicted - worse now... Almost nightly he fell into suffocating dreams. He'd be in a bus, or out in the desert, or in the forest back in El Salvador, and a dead man would rise up and chase him" (Markham, 2017: 102).

The twins struggle from PTSD, as do many CMs who experience violence while journeying to the United States. Throughout the book, their struggles are evident as they experience rage, guilt, pain, terror, and the many emotions that come from being subjected to violence.

UCLA law professor, Nina Rabin, reiterates the struggle of the journey that has profoundly impacted the lives of Ernesto and Raúl. In a discussion of the difficulty of migrating

to the U.S, Nina states: “I think that their life is truly in danger on the trek through Central America and Mexico, there's just so much danger, in terms of cartels and people that are taking advantage of migrants and preying on vulnerable people. And then actually crossing the border, they're going through an incredibly treacherous desert. I think that just the journey itself to get here is probably just in terms of life threatening risk, the highest risk” (Nina)

CMs continue to come to the U.S. in high numbers subjecting themselves to gangs, immigration agents, uncertainty, and treacherous conditions. All contributing to a continued and never ending cycle of violence that CMs are subjected to. CMs do not receive any sort of relief as their journey does not end when they cross the border. The immigration system continues to view children as a threat and aims to expel rather than aid those who arrive at the border in need.

Waiting in the United States

CMs living alone or in detention centers have worse mental health than those in accommodations with support (Frounfelker et.al, 2020: 168). Establishing new relationships and social support networks in the U.S. helps CMs in part recover from past trauma and other mental health issues. The hostility that the United States exudes towards CMs creates conditions that in no way aid in the establishment of relationships and social support for CMs in the U.S. United States immigration policy is not welcoming to migrants, regardless of whether they are children or not, making the experience of waiting in detention centers and waiting for court hearings a further continuation of trauma. Libni emphasizes the struggle of adjustment to the U.S. and its unwelcoming sentiments:

“The adjustment to living in a foreign country that is hostile to families is difficult. There is this picture in the media about what it is like to live in the US. One where people have a future and are able to provide for their children; we think of the U.S. as the most amazing country in the

world, with so many resources and possibilities. And then there is corruption, issues with drugs, issues with poverty and having children in these environments might put them at risk. It's very complicated because it is all part of what makes people make the trip here, it's for the hope that they can provide a better future, opportunity, and access.” (Libni)

David Hill, from First Church, details stories of his experiences with families who reside in the basement of the church while seeking asylum. His story of this family further demonstrates the fear and uncertainty that people experience as they reside in waiting in the U.S. “We just found out yesterday that all three toilets down in the basement of the church are clogged, we didn't know. Apparently, it had been that way for a couple of days and the families were reluctant to tell us because they felt like they had done something wrong. They hadn't done anything wrong, it's an old church and old plumbing, this stuff happens, but the plumber can't come until Friday. So for the rest of this week, if they need to use the restroom, including in the middle of the night, they have to come up from the basement and walk all the way through the church to the modern restrooms that are down by my office. You know, that probably is awkward to say the least...I can't imagine the stress of having uncertainty about your housing. With the asylum family, at least in the short term, we are saying you have a safe place here while you sort this all out and we're going to help you get ready for the next step.” (David) Stories of asylum seeking families demonstrate the struggle of waiting in the U.S. in uncertainty, residing in churches and being forced to rely on the aid of others. Despite residing in a space in a relatively safe place the fear and worry that come with uncertainty continues to weigh on asylum seekers.

Lizzy Brooks emphasizes the struggles of those who are forced to experience a significantly unsafe space of waiting, outside the U.S. She calls out Remain in Mexico as a vital piece of legislation further traumatizing CMs. She states, “I mean, personally, I consider the

Remain in Mexico policy to be a disgraceful violation of the human rights of asylum seekers coming to the U.S. under international human rights law to which we are a signatory. It would help a lot if Remain in Mexico were immediately eradicated overnight.” (Lizzy) Countless policies continuously build more barriers for CM to experience safety and certainty in their space in the U.S.

As previously mentioned, CMs are required to appear in court to defend their case to gain status in the U.S. (Immigration and Nationality Act 208, 8 U.S.C. 1158). CMs who arrive in the U.S. are, in reality, not regarded as children; rather, they are treated as the same level of threat as the perceived threat of adults. “They are minors traveling alone, then they have to appear in immigration courts, regardless of age. We're talking about children, in some cases, toddlers, without lawyers, who have to face a court that wants to deport them” (Yorki).

In conjunction with the hostility towards migrants in the court framework, residing in fear of deportation plagues the lives of migrants. “ Fear of deportation and traumatic experiences of being arrested, uncertainty, fear of deportation, and trauma doesn't end just with a successful crossing experience. So they're dealing with these issues while also trying to adjust to American society. There is also the language barrier; we're talking about many indigenous children, so they don't have a really good knowledge of Spanish, let alone English. So when talking about the journey, I think the most difficult part is dealing with uncertainty in the United States, not knowing where they're going, where their next meal is going to come from, if they will see their families again, if they will be allowed to stay, or if they will make it here safely. All of those are just horrible” (Yorki).

While residing in detention centers, shelters, churches, prisons, awaiting court dates, and the lengthy return process of immigration paperwork, CMs live in constant fear of deportation.

As they cross the border into the U.S., CMs are met with enforcement and courts that are unwelcoming and unwilling to aid in the betterment of their lives. These experiences do not end once they settle in the U.S. CMs continue to struggle with the lifelong implications of being an individual who experienced the hardship of being a migrant in the U.S. and encountered such severe violence at such a young age.

Liminality of Life

While living in the United States as an immigrant, different status types cause differing degrees of liminality and certainty in belonging. Special Immigrant Juvenile Status, Asylum, Deferred Action for Child Arrivals (DACA), citizenship, and many other forms or lack of status determine CMs' sense of belonging and inclusion. An estimated 10.5 million people living in the United States do not have documentation. More than 2.5 million have lived in the U.S. since childhood (Gonzales et al., 2020). These children have grown up during an unprecedented time in the U.S, full of enforcement and anti-immigrant rhetoric. All of which heightens anxiety and fear amongst immigrant communities about their status and place in the U.S (Gonzales et al., 2020). Undocumented immigrants are excluded, denied privileges, rights, and continuously live in a space of uncertainty.

In discussing the journey to the United States Libni emphasizes the most difficult part of the journey to the United States as the liminality of living in the U.S. As a nine year old traveling to the U.S, he was not able to recall most of the journey, meanwhile in discussion of the difficulty of being a migrant he emphasized the stress of citizenship: "It took several years until we were able to make the trip and get our green cards. But even then it was still risky coming back and forth, we were worried that making the trip back and forth would cause issues later

when it came to citizenship. So for my mom I think in her mind was that we needed to get established as soon as possible, to make connections.” (Libni)

The threat of deportation weighs heavily on both children and families who lack or hold uncertainty of status in the United States. Apart from the multitude of stressors inflicted on migrants living in the United States, the threat of deportation is a constant fear that alters and dictates the lives of many. The social and legal liminality of residing in the U.S. is taxing on the lives and wellbeing of CMs. In discussions of community in one’s home country compared to the community in the United States, migrants emphasize the lack of community in the U.S. and often the feeling of not belonging in many sectors of their lives. Libni describes the joy and sense of belonging brought by the community in his home, Mexico:

“...it's almost like a different feeling that you get from community in Mexico, it's hard for me to describe. It's almost like an extension of family. It's a different understanding of you... Oftentimes you don't have to explain what's happening, or what's going on, it's almost understood in the group. It's different here. Community here is getting together, having mutual made experiences. For me, community in Mexico is something that is organic, and it happens when you go to the store, when you go to eat out with friends, when you meet someone on the public bus. It's a very different sense of community” (Libni)

There are many discrepancies in the presence of communities for CMs. Place plays a prominent role in the potential for community; major cities and areas closer to the United States-Mexico border tend to hold more close-knit communities for CMs. On the legal front, states encompassing major cities, notably California, tend to have more extensive systems for migrants' aid and protection. Schools play a significant role in CMs' sense of community and belonging through assistance and the social networks created in schools. UCLA Professor Nina

Rabin exemplifies the community work of Robert F. Kennedy Community Schools in Los Angeles, California:

“I'm working at a school that's an amazing community for newcomers students, so they have special seminars for them, and our clinic is there, the teachers are really aware, and there are a lot of students that have similar experiences. So I think that they really do find community in Los Angeles, it's such a heavily immigrant city. I think that there's lots of ways to find community here, but I don't think that's true in lots of places... I think community can be really complicated, because they don't know anyone here. They come to reunite with family members, but they haven't seen those family members often since they were tiny. So even though there is some community here, I think it can also be a really isolating experience. They just have left everything that's familiar, don't know their family well, and there's just so much that's new and different.” (Nina Rabin)

Life in the U.S. for CMs creates unimaginable uncertainty, fear, and isolation that make existence in the U.S. unbearable for young migrants. Simultaneously CMs find community and familiarity in the new places they reside; Libni never found that same sense of community he had experienced in Mexico at a young age. Still, at times individuals do find a place within immigrant communities. Often these communities take place in schools; given disparities across the U.S. in access to immigrant communities and adequate programming for CMs in schools, those who live in major cities, particularly close to the border, have a more likely experience of community and belonging.

Struggles and Assistance at School

This thesis has in multiple cases looked to schools as a space for CMs to aid and a community to incorporate themselves in. This sentiment is true for many CMs, but school is also

a stressor for many migrant students given the social barriers of status, language, and intellectual ability. Although there are some checks in place that regulate the lives of CMs in public schools, there are many discrepancies in the capacity of children to find belonging and succeed.

In a legal sense, schools protect CM students through two legal bases: *Plyler v. Doe* and The Federal Educational Rights and Privacy Act (FERPA). As discussed in chapter two, *Plyler v. Doe* states that all children have the right to attend public primary and secondary schools regardless of citizenship status, and requiring information regarding immigration status violates the constitutional principles of *Plyler* (*Plyler v. Doe*, 1982). FERPA prevents schools from releasing students' educational records, including information regarding immigration status. Schools may only disclose information to ICE officials with the consent of a parent or student (if over the age of 18) or if required to comply with a judicial order or subpoena signed by a judge (FERPA, 1974). The ACLU makes many recommendations to further protect and remove barriers to success for CMs in schools. They recommend that schools limit enrollment information requirements, including proof of residency, age, and immunization records. Schools should ensure that school police are committed to not inquiring about immigration status or reporting students and families to immigration enforcement while also limiting law enforcement interactions with students (ACLU, 2022).

School is often both a sanctuary and a hell for CMs. Given the burden of trauma and violence experienced in their home country, education is often interrupted, resulting in many difficulties. Older children are usually placed in lower-level classes where they find themselves with younger kids and a push to graduate as schools aim to get older students out of the system. Steven Mayers and Jonathan Freedman write the stories of countless children who hold this educational experience. Noemi Tun San Marcos, Guatemala, grew up surrounded by fighting

over water and land, only allowing her to attend school up to 5th grade. She then worked to save money for her and her sister to hire coyotes to take them to the United States. After being released to their parents, they continued their education in the United States (Freedman and Mayers, 2019). In the success story of Pedro Hernandez Tzununcap Huehuetenango, Guatemala, he was born into poverty and went to school until 6th grade, when he then started working in the fields. After spending time in La Hielera⁶ and then multiple centers for CMs, with the help of a social worker, he got a job and went on to attend Truman College. Disjointed education often makes schools difficult for CMs. Libni discusses difficulties with his elementary education. A struggle hinged on language and the lack of adequate staff or programming available for English language learners:

“I have very limited memories from school. It was a very difficult time for me so a lot of it is forgotten... I was in three hour ESL classes because I was not excelling fast enough. And I think a couple of my teachers ended up transferring me because I was too difficult to handle, I had a hard time understanding things. So being put in ESL courses definitely helped. I remember a particular teacher who told me, one way to help you learn English is memorizing songs. My mom had this old stereo that she kept in the living room. I remember listening to 90.3, it was like a hip hop station, I would record songs on empty cassettes, transcribe them, and memorize the lyrics. So that way I could also look cool when the songs came up in school and I could sing them even though I didn't know what the hell I was singing. I feel like that was part of me trying to assimilate because I would hear all these songs and I liked the beat and rhythm, but I don't know what the hell they're saying. I remember singing this Dr. Dre song and memorizing it, even now when it comes up on the radio I still remember the lyrics. The chorus is like a bunch of cuss

⁶ La Hielera or “The Ice Box” is what many migrants call a Customs and Border Protection holding center. This name comes from the freezing cold conditions in the holding centers.

words. But I just remember being so proud of myself to be able to memorize and sing it out loud in the classroom when it was played by someone. So, taking cues from pop culture references and memorizing songs, was helpful and made me feel part of the greater community particularly when it came to friends. So I think the teachers helping me, ESL classes helped, but also the community of people that I hung around with helped with English.” (Libni)

Libni's interview highlights many of his positive memories, brushing aside his experiences of struggle while learning English. He mentions being taken out of the classroom and put in ESL class as an easier solution for his teachers, often the case for many students whose lack of English speaking becomes a struggle for teachers. Libni highlights English learning through social means, the desire to learn English to participate in social settings. Often, public schools view English learners as a burden, as in Libni's case; alternatively, the ideal exemplified in the Robert F. Kennedy Community Schools in Los Angeles is detailed by Nina.

“I think it's a really nice mix, they don't segregate the kids a lot. They do have this one seminar which is for the newcomer students, defined as having arrived in the last three years or so. It's almost like a homeroom where they'll do different topics related to sort of adjusting to life here. The school has a lot of immigrant families, not all of whom are newcomers. So there's a lot of bilingual education, English language learning is a big part of what the school is trying to not have as a stigma, but instead like something to celebrate that people are bilingual. So there's a really strong belief in dual language teaching and students are pretty much just in regular classrooms. Some of the other schools just put all the English language learning students together. A lot of them come on the older side of high school so they might be put into ninth grade classes even though they're 18 or 19. So I think that there's hard things about like, their education has often been pretty disrupted and they're all of a sudden in these high school classes

with younger kids. There's a certain amount of pressure to either graduate or not continue, because the school doesn't want these older kids to be in school for too long.” (Nina)

Continuously schools are examined as a prevalent stakeholder in the CMs experience. Discrepancy amongst schools regarding funding and programming makes the schools a struggle and an opportunity for aid. Public schools located in major cities often create communities of immigrants that assist in the social lives of CMs, giving them a sense of belonging. These schools generally have more extensive support systems, and programs for CMs since a large population of these schools fall into the CM or recent arrival category. Schools such as Robert F. Kennedy Community Schools in Los Angeles and Oakland International High School exemplify high levels of programming and opportunity for CMs. Education serves as an essential part of the lives of CMs in the U.S. and an important piece of policy making that can better aid CMs. National educational funding and policy can better support CMs in schools in rural and urban settings across the United States.

Conclusion

The migratory experience for CMs is one of constant struggle, liminality, and violence. Violence beginning during early childhood continues throughout their journey, and while living in the U.S. Immigration policy fails to welcome or aid the experience of CMs. Once CMs enter the United States, the U.S has the power to alter their experiences and policy should be better equipped to house, shelter, and aid in the recovery of those who have risked their lives at such a young age to journey to the United States, the land of opportunity. The current immigration policy in the U.S. fails to do this; a more ethical approach to policy making and the involvement of stakeholders (child migrants, aid organizations, and policy organizations) proves as a solution

to a more welcoming and trauma-informed immigration policy that encapsulates “the best interest of the child.”

This chapter has directed its attention to the experiences of CMs as viewed and told by the stakeholders of the experience. This approach will be echoed in the following chapter as it presents an overview on policy recommendations. The voices of those who are involved in the issue will outline the most important policies and needs of individuals. Policy ideas are generated from the experience of the subject and thus policy must echo the needs of the individual CM. Due to the reality that CMs (as children) do not have a direct seat at the policymaking table, we must largely rely on the recommendations of other stakeholders who observe the experience and make policy recommendations with the needs and best interest of CMs in mind. The following chapter looks at the recommendations of stakeholders, elevating the voices of those who have direct connections to the CM experience.

Chapter 4: Policy Recommendations

Stakeholder recommendations provide us with critical insight into the real issues that CMs face and concrete ways to solve those issues. Given that children will never be able to dictate policy making decisions, we must utilize the closest link to them, aid organizations and policy organizations. As previously stated, aid organizations often work more directly in solving the needs of CMs and thus have a closer relationship with the policy. In all policy making decisions, stakeholders who are nearest to the issue must have the most prevalent voice in decision making for solutions to reflect the needs of CMs. This discussion of reform and best practice, as gathered through interviews in conjunction with academic literature, develops a baseline on recommended solutions to this issue and demonstrates the importance of stakeholder involvement on an ethical level.

As previously stated, U.S policy on the treatment and administrative processing of CMs in the United States comprises three legal precedents. The Flores Settlement Agreement 1997, the Homeland Security Act 2002, and the Trafficking Victims Protection Reauthorization Act (TVPRA) 2008 (Kandel, 2017: 5). The Flores Agreement established a national policy for the detention, treatment, and release of CM. The Homeland Security Act 2002 divided responsibility between the Department of Homeland Security (DHS) and the Office of Refugee Resettlement and constructed a definition for CMs (ORR, 2021). The DHS was assigned responsibility for the apprehension, transfer, and repatriation of CM, while ORR was assigned to coordinate and implement care and placement of CM. TVPRA developed policies and procedures to ensure that CMs in the U.S. are only returned to their home countries after officials complete a specific set

of protective procedures (Kandel, 2015: 6). CMs face problems when they enter the United States, largely due to the lack of humane policy.

This section lays out recommendations to policy solutions held by the stakeholders presented in this study. I use interviews, memoirs, and academic writing to highlight the various recommendations that individuals and groups hold. I begin by discussing the minor policy pieces that some consider to be working. This discussion of the good and the flawed aspects of policy then leads to discussions of solutions to four core issue sectors: educational reform, legal aid, responding to trauma, and the altering of the core of immigration policy. Following these solutions is a brief discussion of “root causes” and a transnational approach. It examines how some stakeholders think the United States should address issues in Central America and Mexico. This chapter does not aim to offer any concrete solutions, as a solution to the issue of ethical policy making for CMs can not be answered by an individual, group, state, or country. It requires the input of multiple actors, stakeholders, governments, and countries to create a solution. This thesis highlights that stakeholders in the CM experience contribute ideas and experience that is vital in making ethical policy decisions.

What Some Think is Working

While the U.S. immigration system has many flaws, the immigration system facing CMs is not entirely broken. There are existing aspects that work and can be improved further. Special Immigrant Juvenile Status (SIJS) exemplifies a positive aspect of current United States immigration policy. Interviewee Nina Rabin, Professor at UCLA law school, details how SIJS is an essential part of her clinic and proves to be an important legal tool in her work with CMs. In a discussion of SIJS, Nina states: “It’s an amazing, amazing legal tool in our toolbox. It’s one of the few options for young people that will actually put them on a path to a green card and then

citizenship. I think it's under-identified, so a lot of kids don't realize that they are eligible. One of the big efforts in our clinic is we actually do a lot of outreach in school, going into classrooms and talking about SIJS so that kids might come to our clinic, who might otherwise not know that they're eligible. I think that a lot of kids don't like to think about their parents as being, you know, abusive, or neglecting them or abandoning them. And sometimes it is complicated, but based on state law, they would qualify. And so we found a lot of kids who didn't realize that they were eligible that were then able to apply. And California is a super friendly state for SIJs, so it varies because it's kind of an unusual type of immigration application that relies on state court to make certain findings, and the California State courts tend to be very friendly towards making the findings that are needed for the visa. So we really tried to find as many kids as we could to get them this status, I mean, I do think that SIJS has some problems for sure, there are really, really long delays and waits" (Nina).

Created by Congress in 1990, SIJS establishes a pathway to achieve lawful permanent residence for immigrant children who have been abandoned, abused, or neglected. Despite her utilization and praise of SIJS, Nina Rabin highlights that the path SIJS takes to citizenship has a lengthy and stress-inducing process. In 2016 backlog emerged primarily because green cards for SIJS children are categorized under "employment-based" immigration given country-specific and worldwide annual visa limits. Children from El Salvador, Guatemala, Honduras, and Mexico experience the effects of backlog while they wait for two to five years for their green cards. While waiting, children cannot work or access federal financial aid for college, often leading to homelessness, trafficking, wage theft, and deportation. In April 2020, the backlog reached over 63,000 youth (Davidson and Hlass, 2021: 5).

What does SIJS look like in practice? Williams Guevara Martínez from El Salvador details his story of leaving the United States to escape his father's abuse and gang violence in the book *“Illegal Encounters: The Effect of Detention and Deportation on Young People.”* His story exemplifies the complexity of SIJS within the fear and uncertainty prevalent in the current immigration system. While SIJS eventually allowed Williams to gain citizenship, the lengthy processes demonstrate a perpetuation of harm through abusive detention centers and the torturous uncertainty of waiting: “The immigration agents were really abusive. They forced us to get in trucks and go to a station...They took me to a detention center and did all the paperwork. I am not sure what you call it, but it was a place with no windows. We were put in a big cell, with benches and one bathroom. It had an open toilet in the corner. There were cameras inside. We were confused, and we couldn’t tell if it was night or day. There was one guy in our group. The guard asked him questions and made him say he was older than eighteen...When he came to me, he wanted me to say the same thing. I said, “Why would I say that? I am not eighteen.” We knew that you got sent to a shelter if you were under eighteen. So I had to stay in that place (Border Patrol station) for five days. It was awful. Everything was bad. The juice, the bread, and the ham. The burritos were cold. Our clothes were wet, and we were so cold. Later they took us to a shelter in Los Fresnos, Texas” (Martínez, 2019: 69)

“Right away they talked about family reunification. They asked if I had family in the United States and if I had a phone number they could call. I stayed at the shelter for twenty-four days, and on October 24, 2012, I finally saw my brother. At this point I was finally safe, and I lived with him in Maryland. Because I had to go to immigration court, my brother found out about a law clinic Esperanza in Baltimore. We contacted the head of the office. She helped me. I needed a guardian. My older brother helped me. I went to court, and I told my story, the whole

story, to the judge. I got a Special Immigrant Juvenile visa, and after two years I got my green card” (Martínez, 2019: 70).

As previously mentioned in chapter two, SIJS is a complex concept. Recipients of SIJS must essentially renounce their familial connections and become dependents of the state. This status requires children to detail their experiences of abandonment, abuse, and neglect to the court to seek a dependency order in family court, which is utilized to petition for a visa (Statz, 2019: 369). The experience of abandonment, abuse, and neglect are deeply traumatic, and the need for the court to force children to recount those experiences is unjust. Although SIJS proves to be an effective method and tool for CMs, the wait time and uncertainty experienced causes a toll on countless CMs. U.S. immigration policy surrounding the treatment and processing of CMs can and should be better.

Educational Policy Reforms

As I described in chapter three, CMs' experiences in school largely shape their everyday lives. Given that children spend large portions of their time at school, policy must reflect the needs of students and administrations. As previously exemplified, schools like the Robert F. Kennedy Community Schools in Los Angeles show us an ideal school that meets and celebrates the diverse needs of CMs. In reality, many schools do not have the resources to meet the needs of CMs. Libni shows the lack of resources in the Oberlin, Ohio school district, which falls under more of a norm than the experience of CMs in Los Angeles schools. Rural areas tend to lack adequate staffing and funding to aid CMs in their academic, social, and legal needs in the United States. Nina details this variation in schools: “So, you know, like our school is great, but I just think there's a lot of schools that aren't really equipped to respond to their needs...schools should

get special funding to serve this population, because it is a high needs group, it's a resource intensive thing to provide the kind of care that these kids need” (Nina).

Libni discusses the need for schools to reform education to be more inclusive to CMs. He emphasizes that some cities' education systems are inclusive and pedagogically sensitive to CMs and English learners, while others do not hold that capacity: “There's a lot more that could be done. I can talk more specifically about Oberlin [Schools] in general, there's just no infrastructure. I don't think there's enough people that speak the language. I think the schools try to be accommodating, and in Oberlin in particular, they are so supportive to folks. But I think they only have one or two teachers that speak Spanish, that then rotate among the students in this school district to support them and teach them how to learn English. But there's just not enough. It ends up being one hour or two hours a day, at most, if not every other day. So if you have a 10 year old or 12 year old, who has no understanding of the English language, and is sitting in a classroom full of only English speakers. That kid is going to be stunted in development because they're just sitting and not learning. They're confused and they're probably scared because there's nobody in the classroom that looks like them and they already feel withdrawn and pulled away from the community. So think about the development of that kid, their understanding of themselves, their comfort, their safety, and then their trauma that they carry every day from being pulled from the community, into a place that has very little resources. You know, if they're undocumented, or if they're fighting the case, there's limited resources. They don't qualify for any type of governmental aid to get them help for their health or if they need to be treated for anything that's related to mental health. There are very limited resources.” (Libni)

Widespread policy to create funding, adequate personnel, and a pedagogical approach that aims to educate English language learners is essential to meet the educational needs of CMs.

Ideally, policy would provide schools with the ability to aid CMs in their legal, emotional, and economic needs to enable a complete and successful educational experience in the U.S, leading them to be better prepared and equipped to be productive members of society. On the most basic level, schools should be equipped with culturally sensitive staff, translators, and program funding for integration into schools and language assistance. Increases in funding and personnel would reduce the current strain on public schools, allowing schools to celebrate and focus on justice, equity, diversity, and inclusion of CMs.

A Trauma Informed Response

As exhibited in previous chapters, the U.S immigration policy does not operate in a trauma informed way. Policy fails to acknowledge the needs of children and the traumatic experiences they hold. The National Child Traumatic Stress Network outlines key ingredients when attending to the mental health of refugee children: trauma informed treatment, strategies for access and engagement of children, provision of culturally competent services, and strategies for coping with resettlement stressors (Frounfelker et al., 2020: 163). CMs are arriving in the U.S. with, often, a plethora of mental health struggles. Mental health interventions for young refugee children can look like a range of different strategies, including caregivers, schools, and communities.

Intervention for school-age youth is a multi-level approach including individual psychotherapy, family-oriented programs, school-based work. Congress created the National Child Traumatic Stress Network (NCTSN) in 2000 as part of the Children's Health Act. As a unique network of frontline providers, family members, and researchers under NCTSN, developed initiatives like Psychological First Aid (PFA). PFA is "the provision of human, supportive, and culturally appropriate support in postcrisis settings with the aim of reducing

emotional distress and negative mental health consequences" (Frounfelker et al., 2020: 165). PFA aims to nurture healing elements in local culture and support networks, to create a sense of safety and security among asylum-seeking youth (Frounfelker et al., 2020: 165). Therapies that better serve refugees' unique traumatic experiences, including Trauma-focused cognitive behavioral therapy (TF-CBT) for PTSD treatment, should be more readily utilized (Frounfelker et al., 2020: 165). CMs need to be met with psychological aid and trauma response in their schools and communities.

Caregivers are often not present in the lives of CMs, thus making the involvement of schools and communities ever more critical. Australian-developed cognitive behavior therapy focused on anxiety prevention and emotional resilience, FRIENDS, exemplifies the utilization of a trauma informed response in schools. In the case of non-English-speaking, mixed-migrant children ages 6-19 who participated in the FRIENDS program, students showed significantly greater self-esteem, fewer internalized symptoms, and a less pessimistic future outlook. The program promoted crucial personal development skills, including self-esteem, problem-solving, and self-expression, while also helping children manage anxiety and depression (Frounfelker et al., 2020: 166). Similarly, culturally sensitive mentoring programs aid in adjusting refugee students entering the school system by promoting their sense of belonging (Frounfelker et al., 2020: 166). Given the unique risk and experience of CMs, schools and communities must be mindful of their unique experiences by implementing mentorship and therapy programs that allow CMs to be supported and aided in their transition to life in the United States.

More Legal Support

“You can put a baby in a bassinet before an immigration judge, and she would have to make her claim just like a 45-year-old man would” (Statz, 2019)

This sentiment surfaces two issues, the treatment of children as adults and the need for more legal representation of children. Nina points to the injustice that not every child has access to a lawyer: “I really do think one of the biggest issues is the fact that there aren't attorneys for every kid that's in the system. I just really, really think that's so unbelievably unjust. We need a more humanitarian, compassionate framework for greeting them just in general, the system is not seeing them as children they are seeing them as threats. And, so you know, there should be much more in the way of caseworkers and social workers... We need funding to support legal service organizations so that they can provide legal aid. If the government isn't going to provide it, at least there's more funding for organizations like, KIND, there's a lot of organizations that do wonderful work, but they just don't have enough funding.” (Nina)

To solve this issue of a lack of lawyers, ideally, immigration policy would have systems in place to have the state provide legal aid to all CMs. Given that this may be an unlikely reality, Nina gives the more feasible solution of funding aid organizations. The backlog due to a lack of lawyers, judges, and asylum officers violates due process rights. The current system is full of long delays, causing witnesses to no longer be available, memories to fade, torture victims to suffer from the prolonged process, ultimately causing psychological harm (Carlson, 2021: 151).

Lizzy Brooks, discusses how the current funding system makes this ideal solution, where legal aid groups would provide more services, an impossible reality. She discusses the onerous process that state and federal funding present. Lizzy's full-time job is at a non-profit organization, giving her experience applying for federal and state funds; she discusses, “We've been around for five, six years, and we've got a lot of people with strong educational backgrounds, and it's still a huge thing every time we have to write a federal or state grant. I don't think the group that I'm in (referring to the immigrant rights center she volunteers with), at

this stage, can even consider writing for federal or state grants. I think to some extent, if the federal government wanted to put money behind what groups on the ground are doing. It would be almost better off in terms of either making more funding available to existing community block grants, it's very burdensome." Organizations are already doing important work; as Lizzy emphasizes, part of the problem is that they often lack funding due to the extensive process of applying for grants. The federal government can take a step against perpetuating the unjust nature of the treatment of CMs by simply making the grant process more accessible and finding meaningful ways to support groups who already provide aid and other services to CMs.

The lack of lawyers, judges, and a timely court system contributes to the unjust nature of the U.S. immigration system, treating children as adults in the eyes of the court. An increase in funding and personnel is necessary for a just immigration system. Children should not have to enter courts on their own when they are often unable to speak the language and have limited knowledge of the legal system. Every CM that makes the journey to the United States must have adequate legal support, transparency, and information. In fixing the structural issues of courts and legal processes, the United States should turn to providing lawyers for CMs either through the state or by funneling funding to aid organizations who already do the work of providing legal aid to CMs.

Altering the Bases of Immigration Law

CMs, provider organizations, and policy organizations emphasize the deep rooted structural issues of U.S. immigration law. This thesis offers solutions described by stakeholders that call out policy issues and present policy and non-policy-oriented solutions. Nina Rabin highlights asylum law as a major problem: "Right now one of the huge problems is that asylum law is just so totally screwed up. And does not address the problems that kids are fleeing in their

home countries, so I think there has to be changes to asylum law to be more in line with why people are fleeing. And then there's kind of specific policy issues to make SIJS and asylum proceedings work better even just with the existing laws that we have” (Nina). The National Immigrant Justice Center (NIJC) offers recommendations for changing the asylum process to aid CMs. NIJC advocates for transparency and oversight in detention centers, transitioning away from the detention of families and towards reception shelters where families can access services and protections to pursue their asylum claims, protection of CMs private information from ICE officials, and the ultimate end of detention of children in ICE custody (NIJC: 2021).

Looking more in depth at policy surrounding detention, policy organizations take issue with CBP’s screening procedures and Border Patrol’s ability to screen children for trafficking persecution fairly and prevent the return of children to persecutors or abusers. The current screening process in which people in uniforms with weapons question children is neither effective nor a humanitarian approach to managing children. CMs should, at the very least, be paired with child welfare experts or NGO personnel (Carlson, 2021: 151).

Violations of due process are taxing on the mental state and lives of CMs. Individuals and organizations argue for a better system that provides procedural protections, resources, and time to protect children and families without a delayed adjudication process (Carlson, 2021: 152). Protection of due process includes access to court-appointed counsel and legal-oriented programs, which allow CMs to get through the court system in a timely manner with the appropriate representation. Given that immigration court exists under the umbrella of civil court, the state is not required to provide a lawyer. Issues of legal support and procedural protections need to be solved on a policy level through increased funding for legal aid groups, more judges,

a task force of state-appointed lawyers, and more extensive procedural and treatment protection for CMs.

A Transnational Approach

While this section could easily take up the length of this entire thesis, this project more generally focuses on U.S. immigration for CMs once they cross the U.S.-Mexico border. Although not the focus of this thesis, it is necessary to acknowledge that solutions to this issue are multifaceted and should cross borders and boundaries. The transnational approach to migration looks at migration as part of the human condition and then must support the rights of migrants both domestically and in their home countries. The transnational approach requires collaboration internationally between civil society groups and governments. A 2016 meeting in San Salvador between Central America and Mexico civil society actors exemplifies this, where participants shared stories, information, misconceptions, and opportunities for collaboration (Núñez and Gittinger, 2019: 178).

Hispanic Studies Professor and researcher at Oberlin College, Yorkki, focused on the issue of root causes in his interview. Root causes are defined as core issues, in this case root causes are the issues present in CMs home countries. Root causes in Central America and Mexico often present as different forms of poverty, violence, oppression, and climate related disasters. When asked about solutions to the current immigration crisis in regards to CMs Yorkki stated: “So yes, we can bring kids into this country, which is great. But if we don't fix the problem that is happening back in Mexico, Guatemala, in Honduras, wherever they are, then they are going to just keep on coming. And I don't think that's very sustainable... I think the US has a lot of responsibility for this humanitarian crisis. The United States has intervened in the politics of these countries for decades, for generations. So I think trying to be humanitarian right now and

accepting these kids is good, but it's just putting a little band-aid and hoping one day it will be better. But you're not really healing and you're not really addressing the issue" (Yorki). In providing a recommendation for the United State's responsibility to aid in the betterment of root cause problems he says: "I think that the US as the richest country in the world can do a lot of good with all these resources that we have. So for example, our country spends about 700 to 800 billion dollars on military spending, which is crazy. So what is stopping us from taking that money and trying to rebuild these countries. I know from my research that if migrants had a safer place to live and economic stability, they wouldn't be leaving their countries, they wouldn't be risking their lives, because they would have a place where they can be safe and where they can grow " (Yorki). Lizzy Brooks adds to Yorki's viewpoint stating that, "...bigger picture, U.S. foreign policy needs to shift drastically to make it so children and families don't have to come to the U.S. in the first place in order to find safety. " (Lizzy)

Individuals and groups offer their recommendations for allocating U.S. funds and other forms of aid to Central America and Mexico. These suggested solutions are split into four broad categories of economic development, violence prevention, reintegration, and corruption prevention. Economic development includes job creation, vocational training, and educational opportunities. Violence prevention incorporates funding to violence prevention programs and protections for children suffering from violence. Reintegration efforts include funding for young adults and children who want to get out of the gang's influence, allocating funds to gang intervention and reentry programs. Corruption prevention or anti-corruption may look like creating professional and accountable police forces and more effective criminal justice systems, and increased government transparency and accountability (Carlson, 2021:152).

Conclusion

The migratory experiences of CMs is of constant struggle and perpetuated violence that policy has the responsibility to change to protect the rights of CMs and mitigate the impacts of violence they are exposed to. Policy solutions are multifaceted approaches that require the involvement of multiple actors. Stakeholders exhibit consensus on the need for educational reform, legal reform, and policies that support a trauma informed response. Some argue for more resounding resolutions that require uprooting the bases of immigration policies, including asylum law and Border Patrol's screen procedures. Many agree that the speed at which immigrations proceedings occur perpetuates a system of violence rather than a system of care and humanitarian aid. The dire need for lawyers, judges and legal assistance for CMs requires an immediate solution that allows CMs to get through the court process with the appropriate representation. Many stakeholders call attention to the issue of root causes; if situations in CMs' home countries are not addressed, no amount of policy change to treatment and processing of CM in the U.S. will alter their traumatic experiences while at home and on the journey to the United States.

I look to stakeholders' policy recommendations in this thesis as stakeholders' involvement and positionality in the CM experience provide them with a perspective that highlights the actual needs of CMs. Thus, their participation in policy making proves to be a more ethical approach to creating policy for CMs. This chapter has looked at policy recommendations through the lens of stakeholders as ethical solutions to policy making; the following chapter looks at ethical policy making through the lens of cosmopolitanism. It argues that CM policy making and treatment of CMs should exhibit an ethical lens because the United States immigration system should operate on a notion of welcoming, global citizenship, and the ethical treatment of children in need.

Chapter 5: Realizing an Ethical Framework

Cosmopolitanism provides a crucial framework of theory to discuss ideas of ethics, hospitality, and openness. Taking a moment to resurface the framework presented in chapter one of cosmopolitanism based on hospitality, responsibility, and the right to dignity; we utilize this framework to operationalize stakeholder recommendations previously discussed in chapter four. In addition to the use of this framework to synthesize policy recommendations, this chapter highlights forms of reasoning outside this framework, including religion and moral obligation. We understand cosmopolitanism as the idea that all persons belong to a universal community of humanity and hold equal moral status as citizens of the world (Smith, 2017). In a time of exclusionary logic, this theory and a framework of hospitality, responsibility, and right to dignity can aid us in thinking about policy change and shifting norms to welcome and respect those in need. This framework of ethics adds to the core of this thesis, contributing to the assertion that U.S. immigration policy is not ethical. To be ethical, the making of policy must involve the input of stakeholders (CMs, provider organizations, and policy organizations) in the CM experience.

Hospitality

As exemplified in Kant's theory, the framework of hospitality is to temporarily provide residency to those who need it due to the idea of the "right to the earth's surface" and "Perpetual Peace." Knowles poses the question through Kant's notion of hospitality: "Can the refugee crisis at least give us an occasion to reflect on the conditions of possibility of hospitality—or the extent to which we have rendered the earth inhospitable?" (Knowles, 2017: 349). Cosmopolitanism tells us that we must be innkeepers; to be a good host is to house those who arrive without suspicion. We must not treat stateless people as enemies due to the universal "right to the earth's surface" (Knowles, 2017). "Perpetual Peace," tells us we can not deny entry if it would result in an

individual's doom or death. Under this notion, Kant clearly states that standing armies have no place in the cosmopolitan world (Knowles, 2017).

Under this framework, current U.S. immigration policies do not fit into the cosmopolitan world and do not exemplify hospitality. Starting with the “right to the earth's surface” and a notion of the innkeeper, Special Immigrant Juvenile Status (SIJS) demonstrates the inhospitable ways in which immigration policy treats children. From UCLA Law School, Nina Rabin presents SIJS as a somewhat positive portion of U.S. immigration policy. SIJS gives children a chance at a VISA, but there are long delays. Using the analogy of the innkeeper, does hospitality look like making a patron wait five hours before helping them find their room? We would say no; under those conditions, we would find that the innkeeper is not hospitable. Looking at the data, we see children from El Salvador, Guatemala, Honduras, and Mexico that have applied for SIJS experience waiting up to five years to receive status (Davidson and Hlass, 2021). Thinking back to Williams Guevara Martínez’s story in chapter four, traveling from El Salvador upon entering the United States, he was not treated with hospitality. Rather, he was treated as the enemy as he experienced horrific treatment in a detention center, a treatment that fails to fit into this framework.

Kant’s “Perpetual Peace” theory also tells us that we should not have standing armies; ICE and Border Patrol agents are standing armies. The fortified state of the U.S.-Mexico border and the militarized nature of immigration policy goes against every notion of hospitality and the cosmopolitan ideal. Similarly, policies like Remain in Mexico and Title 42 expel stateless people in a way that does result in individuals' doom and death. Refugees, migrants, and asylum seekers arrive at the U.S.-Mexico border in need. Remain in Mexico sends people in need back to Mexico to wait out the duration of their U.S. immigration court proceedings (Chishti and Bolter,

2021). While in Mexico, people are forced to live under harsh and often dangerous conditions subjecting them to inherent doom. Title 42 essentially expels and denies people seeking assistance at the border based on an arbitrary health code, forcing stateless people back to death and doom. Court processes and the initial personnel at the border assume migrants are the enemy. Immigration policy in the United States does not follow the requirements of “Perpetual Peace” theory and hospitality. The cosmopolitan framework tells us that U.S. policy should follow these principles to create a more ethical world where stateless people are welcomed without suspicion. These principles ask us to treat those in need with respect and eradicate the useless militarized structure that confronts CMs as an assumed enemy.

Responsibility

Iris Young discusses responsibility based on the “social connection model.” The attributes of her model are based on a movement away from a liability model, as structural injustice can not be solved by placing blame on an individual or group. As discussed in chapter one, the “social connection model” does not isolate responsibility; it judges the background conditions that demonstrate the wrongdoing of structures. It is forward looking and focuses on shared responsibility and collective ability. Since this paper does not attempt to provide concrete policy solutions, these five points of the “social connection model” can exemplify what policy makers and civil society can use to make more meaningful structural change. What this framework helps us understand is who bears responsibility. Who should be responsible if we are all pieces of a larger structural system?

Previously, in chapter four, Oberlin College Hispanic Studies Professor, Yorke discussed the issue of root causes and the need for a transnational approach to this issue. He emphasizes how we can keep bringing kids to this country, but that this is not a solution to why people are

leaving. In actuality, people do not want to leave their homes, and if they end up under conditions of forced removal, people often hope to return home in the future. For Yorkki, the U.S. is responsible for the human rights crisis that forces people out of their homes. It is time for the U.S. to assume responsibility for its historical and colonial past actions. The U.S. has consistently intervened on the side of the powerful and wealthy in Central America and Mexico, helping crush any activists that call to attention poverty and injustice—turning a blind eye to violence and oppression for profit or ideological gain of the U.S. (Borger, 2013).

Violence time and time again finds its roots in U.S. intervention. The long civil war in Guatemala traces back to the 1954 coup backed by the U.S. against democratically elected Jacobo Arbez, resulting in the killing of 200,000 people. A similar case is evident in El Salvador, the U.S. backed, trained, and funded right-wing death squads to defeat the left in a civil war in the name of anti-communism. An issue that has left a militarized society filled with gangs, imported by the U.S. as high profile gangs like MS-13 are deported to El Salvador. Honduras today is plagued by high crime and a militarized society, exacerbated by the military seizure of Manuel Zelaya, the reformist president, that the U.S. did not intervene to stop. This destruction eventually allowed Juan Orlando Hernández to come to power, further militarizing the police force and inflicted violence on his opposition (Borger, 2018). Time and time again, the U.S. has supported violent dictators for their political and economic gain, leaving countries in ruins with governments that continuously violate human rights. The U.S. has inadvertently created a refugee crisis as its policies support violence, pushing children, families, and adults to make the treacherous journey to seek safety in the U.S.

The United States prides itself on being a nation that stands for and protects human rights. In February 2021, Secretary of State Antony J. Blinken shared in a press release that,

“The United States is committed to a world in which human rights are protected, their defenders are celebrated, and those who commit human rights abuses are held accountable” (Bliken, 2021). In a 2016 commitment and pledge titled *U.S. Mission to International Organizations in Geneva* it was stated that, “The deep commitment of the United States to championing the human rights enshrined in the Universal Declaration of Human Rights is driven by the founding values of our nation and the conviction that international peace, security, and prosperity are strengthened when human rights and fundamental freedoms are respected and protected” (U.S. Mission Geneva, 2016). Apart from the fact that the U.S. does not always adhere to being the champions of human rights that it claims to be, as is evident in its involvement in Central America and Mexico; the idea and pride that comes from protecting human rights is vital in acknowledging responsibility to accept those in need into the United States. Given this commitment to human rights and past opposition to human rights committed in the home countries of those forced to journey to the U.S. The U.S. must take responsibility for aiding in the human rights crisis of migration and establish an immigration policy that follows the morals it stands for, while righting the wrongs of the past.

In this apparent need for responsibility due to a structural injustice, cosmopolitanism tells us who should take responsibility based on Young's conditions of power, privilege, interest, and collective ability. Power and privilege go hand and hand, as agents with the greatest power and privilege benefit the most from structures and thus the most interest in maintaining them. Due to this, these people must be the ones to instigate actual structural change. Those with the most significant interest have the most reason to be responsible for structural change. That interest comes from either an interest in keeping systems or transforming them (Young, 2006). In the current political climate, it is difficult to expect those with power and privilege to instigate

change; instead, we should look to the civil society groups that are already doing the work and are interested in developing more ethical policy and treatment of CMs. We can ask the powerful and the privileged to support these groups to enable them to have the capacity to do more. This partnership coincides with Young's final point of allocation of responsibility through collective ability. Power, privilege, and interest must work together to boost existing organizations to collaboratively move towards a more ethical treatment and management of the current crisis of CMs.

Right to Dignity

Dignity tells us what it means to be human, “a right to have rights.” Rights of dignity are often encased in legal claims that govern individuals' ability to have their humanism recognized (Weinert, 2015). Dignity is not based on political membership but on the rights of being human. In many ways, the lack of laws present for CMs violates the dignity of being human. In chapter four's education policy discussions, stakeholders emphasized the disparities seen across the country in terms of resources for CMs. We see a massive difference between the Robert F. Kennedy Community School in L.A. that Nina Rabin works for and the Oberlin School system that Libni discusses. Urban California schools have many more resources and funding for CMs compared to Ohio. So why is education policy not more pedagogically sensitive universally? Why do some CMs receive the dignity of understanding their place in a new country and having the resources to speak to someone in their language while others sit in a strange country in a classroom where nobody looks or speaks like them? We need an education policy to create a standard of dignity regarding personnel, funding, and opportunity for CMs across the U.S.

On a general basis, immigration policy lacks a trauma-informed and legal response, taking away CMs' right to dignity as they reside in detention centers, shelters and uncertainty of

their belonging. Stakeholders constantly focus on the need for a trauma-informed response full of family-oriented programs, school-based work, mentorship, and adjustment programs, attempting to end the cycle of trauma and create a sense of belonging for children. As repeatedly discussed, the long waits for hearings and access to legal aid demonstrate a lack of dignity and respect for the CM. Nina Rabin emphasized the lack of lawyers, judges, and legal aid in the system that perpetuates timely and unjust court systems. To create a system that values cosmopolitan ideals and an individual's right to dignity, CMs need to be protected by laws and institutions that provide equitable access to education, legal aid, trauma-informed programming, and a court system that protects CM's right to due process.

A Wider Source of Moral Obligation: Religious Faith

Going past the idea of cosmopolitanism, moral obligation is accepted based on two central beliefs, philosophy and religion. These bases of moral obligation are governed by either the thought that western liberal democracies have a moral obligation to help refugees achieve a minimum condition of human dignity and resettle the most vulnerable or that morality is up to the individual, a personal issue, best addressed through individual charity (Parekh, 2020). Regardless of what governs our commitment to moral obligation, it tells us what we should do and is present in our everyday lives; we should do our taxes, visit our grandparents, complete our work, and pay for the subway. While many other types of obligations may be paired with moral obligation, including obligations bound by external mechanisms and enforcement: legal and contractual obligations (Parekh, 2020). In some situations external factors do not bind moral obligation; take the example of the moral obligation to help your elderly grandmother carry her groceries up the stairs to her apartment. There is no reason for you to help your grandmother with her groceries legally or contractually. Still, most reasonable people would agree that helping

an elderly relative is something you should do. In order to avoid familial ties, we can use the example of a passerby noticing a young child drowning in a pond with no parent or guardian around. A reasonable person would come to the child's aid in some way not because of external constraints but because of a moral obligation to save the life of a child. The question is, why do we not afford this innate moral obligation to CMs?

Like cosmopolitan theory, philosophers demonstrate important concrete arguments for utilizing moral obligation in the making of refugee policy and commitment to humanitarian aid. John Rawls discusses the "sense of separateness of persons" where we treat each individual as a single entity, entitled to equal moral concern. It is never acceptable to sacrifice the good of the individual for the sake of the group (Parekh, 2020: 58). We do not treat CMs with moral concern; we sacrifice their wellbeing for a perceived betterment of our nation. Kant uses "categorical imperative," which asks if the way a country, group, or individual acts could be applied and sustained universally (Parekh, 2020: 59). Is it feasible for all countries to be exclusionary in their immigration policies? Peter Singer illustrates the philosophy that if you can prevent something bad from happening at a relatively low cost to yourself, you should do it (Parekh, 2020: 63). Refugees and CMs risk death, extreme violence, and suffering both at home and on the journey to the United States. Western states, particularly the U.S., can aid them at a relatively low cost to ourselves. Based on these philosophies and in accordance with the theory of moral obligation, the United States must assist CMs and other refugees. Our moral obligation tells us that CMs are children in need, and thus we must afford them assistance. Philosophy tells us that current immigration policy sacrifices the individual, is exclusionary, and that changing these policies would come at a relatively low cost to ourselves. From this, we can conclude that moral

obligation and philosophy tell us that the U.S. has the capability and obligatory responsibility to develop a less restrictive immigration policy that aids those in need.

Religion presents an explicit moral obligation to refugees, furthering the case made by philosophers. Sections of the Torah, Gospel, and Qur'an all detail an obligation to refugees, all rooted in the basis of moral good. Judaism, Christianity, and Islam all view the refugee as someone who should be welcomed, cared for, and treated with compassion. Often aid organizations, as exemplified in chapter two, are religiously based and reflect these beliefs. The religious obligation to welcome, protect, and provide sanctuary to those in need aids the argument of a moral obligation by Western countries. For instance, the Hebrew Immigration Aid Society (HIAS), established in 1881, exemplifies obligations founded in religion. The organization's work is rooted in its understanding of what it means to be Jewish: "Now we welcome refugees not because they're Jewish, but because we're Jewish" (Parekh, 2020: 67).

Philosophy and religion show us a moral obligation to refugees and CMs. In practice, this obligation looks like centering policy and action around human rights and dignity. Human rights tells us how to treat people regardless of what the law says (Parekh, 2020: 69). U.S. law does not provide CMs with legal representation in court, but human rights argues that not providing legal representation is a violation of human rights. The Universal Declaration of Human Rights (UDHR) developed a common standard of achievement for all people. The Office of the High Commissioner for Human Rights (OHCHR) supports human rights components of peacekeeping missions. The international community has developed a standard in which intervention is expected to protect human rights around the world. If states are willing to intervene on the grounds of human rights in other states, then noncitizens that enter a country as a result of human

rights violations at home should be met with the same concern, care, and moral obligation to aid as those whose rights are violated to a degree of awareness to the international community.

Applying Theory to Practice, Conclusions

Refugees become refugees in the beginning due to conditions in their home countries, a crisis, and violence of its own. They then face a second crisis when they cannot access refuge without risking their lives; this is a crisis Western countries have created and thus must work to fix. Many stakeholders studied in this thesis share the view that solutions should better support the integration of refugees politically, socially, and economically. Stakeholders push policy to be more welcoming and hospitable to outsiders through the development of a more ethical immigration policy and by calling to government to better support organizations that are already doing the work to aid migrants.

Faith based organizations demonstrate an openness and practice of welcoming that concretely puts theories of cosmopolitanism and moral obligation into practice. Given the importance of faith groups in this country, highlighting how religious tradition speaks to responsibility is vital in understanding ideologies of the ethics of the treatment of CMs. Religion tells us to do to others as you would have them do to you. In an interview with Reverend David T. Hill at First Church in Oberlin, Ohio he details what drives his work with asylum and sanctuary, “For us, it comes straight out of our faith tradition, that it's important to look after the least and the lost and the most vulnerable. So it really gets into our stance as a just peace church, a church that values justice and peace. This is not the first time First Church has been involved in things like this. In the 1980s with the overground railroad, people from Central America came through the United States to get to Canada. They were staying in various people's homes and things like that on their journey to Canada, and First Church members participated in that as it

passed through Oberlin in some instances” (David). Currently David and First Church have opened up their basement to a family seeking asylum on the basis that it is the right thing to do.

Lizzy Brooks, who volunteers her time at a small immigrant rights group, is inspired to work both due to religious obligation and a sense of responsibility as a citizen of a nation that has caused harm. She explains her moral obligation and responsibility in an interview, “I was raised Lutheran, to me it is a religious practice to do this kind of work of welcoming the stranger. I feel like it’s talked about in the *Imitation of Christ*, which made it very clear how you are supposed to treat strangers who come to the country that you live in, who don't have anything when you have everything you need. There's no ambiguity there in my mind. I feel like to some extent it's a religious obligation for me, and then to a large extent, I feel it's like a moral obligation. I feel like U.S. foreign policy during the Cold War and even now, has destabilized the democratic process in a lot of countries in Latin America. That's why there's essentially gang rule and corrupt governments, not to mention when you add in the vast financial incentive of drugs being illicit. Like you’re just asking for cartels to be the most powerful actor. People are seeking asylum from a lot of these nations where the democratic process has already been undermined time and time again, by US intervention. So, to some extent, I feel like it's my responsibility, because that's the legacy of Kissinger, that's kind of how I see it.” (Lizzy)

Cosmopolitan theory, religion, and ethics all point to a need to prioritize the needs of CMs. The United States needs to be willing to resettle CMs, and coordination between countries needs to exhibit a system of responsibility sharing (Parekh, 2020). In Western countries, the current norm is that those without citizenship status matter less than citizens. This norm also prevails as countries hold easier standards of acceptance for some outsiders in comparison to others, where those from Central America and Mexico are deemed as violent outsiders. The

United States needs to shift to a norm that welcomes refugees and greets them with just measures. Today in the United States, we see civil society groups doing the work. Should policy find better ways to support them? As state immigration policy has faltered, the work of civil society groups has prevailed. Despite these efforts the problem is not going away, as Iris Young has pointed out civil society has the interest and thus needs to be given the space and the resources to become a more impactful solution. As discussed in chapter three and four, looking back to the recommendations and thoughts provided by the interviews it is important that we see a lot of people on the same page. Across the country there are agents of change, ready and willing to continue doing this work, all the state needs to do is enable them.

This thesis serves to detail the experience of CMs and the stakeholders attached to the issue. It points to the failures of the state, the injustice of policy, and the horrific mismanagement seen in the immigration system. Understanding that situations will not change without a complete understanding of all the voices involved proves the usefulness and need for this thesis. I utilize interviews and memoirs as oral storytelling to give the reader a more profound impact. Stories have existed throughout lives and histories, and they leave us with a deeper memory and understanding of a situation. Rather than questioning current immigration policy by looking into the details of laws, regulations, and numbers, the stories of those who experience the impact of these policies create a more impactful understanding. Deeply comprehending the CM experience allows us to think about contributing to part of the solution. It is my hope that this thesis will lead to action and awareness about the needs of others. It is our responsibility, as privileged members of western society, to aid children, act with human decency and welcome the needs and the lives of CMs with open arms.

Bibliography:

ACLU. "FAQ for Educators on Immigrant Students in Public Schools." 2022.

<https://www.aclu.org/other/faq-educators-immigrant-students-public-schools>

Bhabha, Jacqueline. "Child Migration and Human Rights in a Global Age", vol. 22.

Princeton, NJ: Princeton University Press. 2014

Blinken, Antony J. "Putting Human Rights at the Center of U.S. Foreign Policy." *U.S.*

Department of State. February 24, 2021.

<https://www.state.gov/putting-human-rights-at-the-center-of-u-s-foreign-policy/#:~:text=The%20United%20States%20is%20committed,righ%20abuses%20are%20held%20accountable.>

Borger, Julian. "Fleeing a hell the US helped create: why Central Americans journey north." *The Guardian*. Dec. 2018.

<https://www.theguardian.com/us-news/2018/dec/19/central-america-migrants-us-foreign-policy>

Brock, Gillian. "Justice for people on the move: Migration in challenging times."

Cambridge University Press, 2020.

Canto-Sperber, Monique. "The Normative Foundation of Cosmopolitanism." Proceedings of the Aristotelian Society. 06/01/2006

Carlson, Elizabeth, and Anna Marie Gallagher. "Humanitarian Protection for Children Fleeing Gang-Based Violence in the Americas." *Journal on Migration and Human Security* 3.2 (2015): 129-58. *ProQuest*. Web. 13 Nov. 2021.

Center for Gender and Refugee Studies "Title 42 Challenges."
<https://cgrs.uchastings.edu/our-work/title-42-challenges>

Chishti, Muzaffar and Bolter, Jessica. "Court-Ordered Relaunch of Remain in Mexico Policy Tweaks Predecessor Program, but Faces Similar Challenges." Migration Policy Institute. December, 2021

Christiano, Thomas. "Immigration, Political Community, and Cosmopolitanism." *San Diego Law Review* , vol. 45, no. 4, November-December 2008, p. 933-962. *HeinOnline*,
<https://heinonline.org/HOL/P?h=hein.journals/sanlr45&i=941>.

Corneal, Devon A. "On the Way to Grandmother's House: Is U.S. Immigration Policy More Dangerous Than the Big Bad Wolf for Unaccompanied Juvenile Aliens." *Penn State Law Review*, vol. 109, no. 2, Fall 2004, p. 609-656. *HeinOnline*,
<https://heinonline.org/HOL/P?h=hein.journals/dlr109&i=621>.

Coulter, Kiera, et al. "A Study and Analysis of the Treatment of Mexican Unaccompanied Minors by Customs and Border Protection." *Journal on Migration and Human*

Security, vol. 8, no. 2, 2020, pp. 96-110. OhioLINK Electronic Journal Center,
doi:10.1177/2331502420915898. 2020

Davidson, Rachel Leya and Hlass, Laila L. “Any Day They Could Depart Me: Over 44,000 Immigrant Children Trapped in SIJS Backlog.” *The Door*. November 2021.
<https://static1.squarespace.com/static/5fe8d735a897d33f7e7054cd/t/61a7bceb18795020f6712eff/1638382830688/Any+Day+They+Could+Deport+Me-+Over+44%2C000+Immigrant+Children+Trapped+in+the+SIJS+Backlog+%28FULL+REPORT%29.pdf>

Dutton, Anne. “Statutory Bars to Asylum and Withholding of Removal in Children’s Cases: CGRS Practice Advisory.” *Center for Gender & Refugee Studies*. June 2018

Frounfelker, Rochelle L., et al. “Mental Health of Refugee Children and Youth: Epidemiology, Interventions, and Future Directions.” *Annual Review of Public Health*, vol. 41, no. 1, 2020, pp. 159–176., <https://doi.org/10.1146/annurev-publhealth-040119-094230>.

Gonzales, Roberto G., Kristina Brant, and Benjamin Roth. “DACAdmented in the Age of Deportation: Navigating Spaces of Belonging and Vulnerability in Social and Personal Lives.” *Ethnic and Racial Studies*, vol. 43, no. 1, 2020, pp. 60-79.

Hennessy-Fiske, Molly. “Is the Ohio Case of Migrant Youth Trafficking Evidence of Systemic Problem?.” Nov. 15, 2015,
<https://www.latimes.com/nation/la-na-ohio-immigrant-sponsor-20151115-story.html> .

Freedman, Jonathan and Mayers, Steven. “Solito, Solita; Borders with Youth Refugees from Central America.” Haymarket Books. 2019

Johnson, Hans. McGhee, Eric. Mejia, Marisol Cuellar. “California’s Population: Fact Sheet.” Public Policy Institute of California. January 2022.

Kandel, William A. “Increasing Numbers of Unaccompanied Alien Children at the Southwest Border.” Congressional Research Service. August 5, 2021.

<https://crsreports.congress.gov/product/pdf/IN/IN11638>

Kandel, William A. “Unaccompanied Alien Children: An Overview.” CRS Report , 2017, pp. 1-18. SIRS Issues Researcher , <https://search.proquest.com/docview/2260274250> .

Knowles, Adam. “Hospitality’s Downfall: Kant, Cosmopolitanism, and Refugees.” *The Journal of Speculative Philosophy*, vol. 31, no. 3, 2017, pp. 347–57, <https://doi.org/10.5325/jspecphil.31.3.0347>. Accessed 17 Apr. 2022.

Martínez, Williams Guevara. “Illegal Encounters: The Effect of Detention and Deportation on Young People.” Edited by: Boehm, Deborah A. and Terrio, Susan J. New York University Press. 2019

McCain, Carly. “Ohio’s Growing Minority Population: An Analysis of Hispanic/Latino Community.” Latino Community report. 2021

Nazario, Sonia. "Enrique' Journey." New York, Random House Trade. 2007

NIJC. "Recommendations to Repair the U.S. Asylum System and Hold the Biden Administration Accountable." *Issues* National Immigrant Justice Center: A Heartland Alliance Program. 2021 <https://immigrantjustice.org/issues/asylum-seekers-refugees#youth>

Office of Refugee Resettlement. "About the Program." April, 2021
<https://www.acf.hhs.gov/orr/programs/ucs/about>

Office of the United Nations High Commissioner for Refugees Geneva. Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum. February 1997, <https://www.unhcr.org/3d4f91cf4.pdf>

ORR. "Summary of Policies for Placement and Transfer of Unaccompanied Alien Children in ORR Care Provider Facilities." 2021.

Parekh, Serena. "No Refuge: Ethics and the Global Refugee Crisis." Oxford University Press, 22. Oxford Scholarship Online. Date Accessed 10 Mar. 2022

Plyler v. Doe, 457 U.S. 202 (1982)

Sager, Alex. "Against Borders: Why the World Needs Free Movement of People." Rowman Et Littlefield International, 2020.

Smith, William. "Cosmopolitanism." *The International Studies Encyclopedia*: Wiley-Blackwell. Oxford Reference. Date Accessed 15 Dec. 2021
<<https://www.oxfordreference.com/view/10.1093/acref/9780191842665.001.0001/acref-9780191842665-e-0408>>.

Statz, Michele and Heidbrink, Lauren. "A Better "Best Interests": Immigration Policy in a Comparative Context." *Law & Policy*, Vol. 41, No.4, University of Denver and Wiley Periodicals. October 2019

St. John, Rachel. "Line in the Sand: A History of the Western U.S.-Mexico Border" Princeton University Press, 2013.

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), 1974

U.S. Mission Geneva. "Human Rights Commitments and Pledges of the United States of America." *U.S. Mission Geneva*. February 2016.
<https://geneva.usmission.gov/2016/02/24/human-rights-commitments-and-pledges-of-the-united-states-of-america/>

Van Hooft, Stan. "Cosmopolitanism: A Philosophy for Global Ethics." Taylor & Francis Group, 2009. ProQuest Ebook Central,
<https://ebookcentral.proquest.com/lib/oberlin/detail.action?docID=1886938>.

Weinert, Matthew S. "Making Human: World Order and the Global Governance of Human Dignity." University of Michigan. 2015

Young, Iris Marion. "Responsibility and Global Justice: A Social Connection Model." *Social Philosophy and Policy*, vol. 23, no. 1, 2006, pp. 102-130. OhioLINK Electronic Journal Center, doi:10.1017/S0265052506060043.

Appendix 1:

Immigration Youth Shelters and The National Council of La Raza

<https://www.larazacrc.org/>

First Church Oberlin

<https://firstchurchoberlin.org/>

The Catholic Charities of the Rio Grande Valley (CCRGV)

Sacred Heart Church McAllen, Texas

<https://www.catholiccharitiesrgv.org/Home.aspx>

Border Angles

<https://www.borderangels.org/>

San Diego Rapid Response Network (SDRRN)

<https://rapidresponsesd.org/>

Center for Gender and Refugee Studies (CGRS)

<https://cgrs.uchastings.edu/>

San Diego Immigration Rights Consortium

<https://www.immigrantsandiego.org/>

Carecen SF

<https://carecensf.org/>

Washington Office of Latin America (WOLA)

<https://www.wola.org/>

Kids in Need of Defense (KIND)

<https://supportkind.org/>

The Advocates for Human Rights

<https://www.theadvocatesforhumanrights.org/Home>

Casa Cornelia Law Center

<https://casacornelia.org/>

The Refugee and Immigration Center for Education and Legal Services (Raices)

<https://www.raicetexas.org/>

Coalition for Humane Immigration Rights (Chirla)

<https://www.chirla.org/>

National Immigrant Justice Center

<https://immigrantjustice.org/>