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A Guide for Children: Let's Prepare for the Asylum Screening

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A Guide for Children: Let's Prepare for the Asylum Screening
Una guía para niños: ¿Nos preparamos para la selección de asilo?

Senior Project Submitted to
The Division of Social Sciences
of Bard College

by
Zoë Merchan

Annandale-on-Hudson, New York
May 2023

Para mi mamá, mi mejor amiga, gracias por ser mi fan número uno. Gracias por apoyarme en absolutamente todo y por soportar todas mis diatribas y quejas. Gracias por el infinito amor y paciencia que me muestras. No sabes cuánto te admiro. Te aprecio y te quiero mucho.

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Author's Note

As a first-generation Ecuadorian-American, I have always been interested in the immigration process. Ever since my first day of kindergarten, all I remember is how I came home crying that day because I could not understand a single thing anyone had said. My mom continued to remind me that it would get easier and that eventually, I would catch on. It's easier to learn a new language when you're young, than it is as an adult. Therefore, for my parents and family members who immigrated to the United States, learning a new language and adapting to a new culture was not easy. It was too shocking and isolating for it to be excitingly new; it was scary. Growing up as the eldest and one of the only ones who understood English forced me to see and try to understand what my family couldn't.

It wasn't until highschool where I started to really connect my understanding of immigrants and immigration with the political atmosphere at the time. This connection pushed me to look for alternatives and different ways to help out immigrants going through this process, especially when the political atmosphere was clearly anti-immigrant. I have always been observant and interested in the immigrant experience in the United States because of my physical and emotional surroundings.

What you are about to read is the product of this sustained interest and desire to engage with the immigrant experience. I hope to find different ways to help simplify this complex process known as the asylum process for immigrants, especially immigrant children who are thrown into this and expected to provide and cope for themselves.

Introduction

This project began initially as part of a final project for my *Latin Americans in the United States* history class with Miles Rodriguez. I wrote a mini how-to guide dedicated to immigrant children who crossed the U.S.- Mexican border. In this project I wanted to simplify some frequently used terms that have to do with immigration, to inform the kids going through this process, so they could somewhat understand the process. Apart from defining some terms like refugee or immigrant, I also reached out to an NGO I used to work for, the Connecticut Institute for Refugees and Immigrants (CIRI), and asked them if they had certain questions the parents often asked about the immigration process. Most of the questions were about the schools that kids would be attending, whether they offered English as a Second Language (ESL) or how they would get to and from school. I didn't feel that the questions fit what I wanted to develop for the project, so I decided to focus on trying to simplify the terms. However, as I was working on my final project I found myself with not enough time when trying to simplify those terms whose definitions themselves needed more defining. Trying to simplify and define certain terms without introducing a new term, was itself a very difficult process.

Months later, I found myself going back to this idea of wanting to make a children's guide that would simplify the terms and processes that are thrown into the faces of many children without ever giving them a warning. This guide would be handed to them or read to them by organizations, social workers, or school counselors whose job is to help guide the children through this process. This idea of wanting to make a children's guide was inspired by Valeria Luiselli's work, *Tell Me How it Ends*. In her book, we follow the process of immigrant families, mostly children, being told to answer forty questions. These questions determine whether the

children will get deported or receive some sort of legal status. The children need to answer these questions “correctly” in order for the judge to find enough substance to support their asylum case, which would then allow the children to stay in the U.S. for a little longer. The forty questions the children are asked form part of a legal questionnaire drawn up by immigration attorneys. The questions formulated by immigration attorneys differ from NGO to NGO, but are more or less the same question, just rephrased.

The questions or expected responses are not simplified in a way for the children to understand them, nor can they ever be, because of how complex these kids’ situations are. Nevertheless, it is also safe to assume that the majority of the kids that cross the southern border are not fluent in English so they are entitled to a translator. However, the children are aware that they are surrounded by people speaking to each other in a language they do not understand and still, are expected to confide in this stranger to translate their answers the way they want, to help their case. Not only are the children questioned by people whom they probably do not trust, but they are also asked to specify as many details as possible about their journey to the United States and why they had to make that journey. It is disturbing and difficult to imagine a room with one child surrounded by adults whom they do not know and whom they can not understand, and whom they are told to trust.

These questions ask a lot from the children. They entail heavy legal terminology that makes it difficult for me to understand, nevertheless the kids. A lot of these terms are terms that these kids will have to learn sooner than later in order to become familiar with the process and more importantly, to understand what will be happening to them or their family members. In addition to the complex terminology included in the questions, the questions ask for specificity.

The questions ask for dates, for times, for information on people who have helped the children get to the U.S., and information on the children's family members. The questions expect too much from children.

When I found out these questions were being asked to the children, I was infuriated. Apart from reading Luiselli's *Tell Me How It Ends*, my experience working with Immigrants and Refugees made me realize the importance of needing more workers in that sector in order to welcome, introduce, lead, and teach the kids the steps on how to co-exist here in the U.S. after their arrival. Both my work experience and class readings have played a role in my Senior Project.

My senior project is to create a type of a "children's guide-book," originally written in Spanish, considering the target audience are Spanish speaking children who have migrated. This guide will attempt to inform immigrant children on what they will need to know once they arrive in the United States prior to the asylum screening, also known as the credible fear interview. This guide will then be translated into English to then facilitate any further translations. This information will be based on my research and my relationship with some NGOs. I am still in contact with the Connecticut Institute for Refugees and Immigrants (CIRI), more specifically with their Youth Services Coordinator, Lauren Kilcourse. Lauren has helped me gather some questions that they at CIRI have to answer once the immigrants arrive in the U.S. and questions their immigrant clients have.

I have gathered questions and research from CIRI, outside sources, Luiselli's book, and my classes here at Bard. However, I would also like to include certain legal or historical background information I deem necessary for the kids to know in order to introduce the legal

terminology. I will touch upon the questions asked, how to answer those questions, and historical topics necessary to understand. These sources will allow me to see what it is that these immigrant children and asylum-seekers should know prior to coming to the United States. I will highlight what is worth knowing. I want to help facilitate their process through this maze-like process known as asylum. Although I later speak about the dangers of questioning children in an overwhelming environment, the questions I have listed in my guide are not intended to forcefully get answers out of the children to help form their case. Rather, my questions are there to guide the children and help them feel more prepared when they are questioned.

My hope is that these findings will have a couple of common denominators that I could use to help inform immigrant children on what they need to know. My objective is to attempt to familiarize the children, along with their parents, with what they will need to know and learn, prior to their arrival in the U.S., and the credible fear interview, to help facilitate their arrival and lifestyle in the United States. This guide is directed toward the children who are about to go through the immigration or refugee/asylum process, so the language and explanations will be simplified and in Spanish for them to understand. This guide is unlike others because through my findings, I have not been able to find a type of guide with terms and definitions whose primary intent is to help guide children through the asylum screening. Instead, I seem to find more narratives on personal experiences, which can be just as helpful because it helps the child relate their experiences and realize that they are not going through this alone. However, with the guide, I would like the person handing it around or reading it to the children to clarify that they are there to help guide them through this process and explain that the guide itself is just a starting point on terms, background, and identity.

Having some sort of guidebook should be a requirement that can differ from NGO to NGO. Whether it's a book, guide, or brochure, some form of this should be a requirement for translators or NGOs that work with immigrants to share with the children. The guides would be necessary because they would help explain certain terms, processes, or frequently asked questions the children might find or have. In my first chapter, I will talk about the forty questions from Luiselli's book *Tell Me How It Ends*, and preface it with the historical and political context at the time. I will then go on to define some more commonly used legal immigration terms that tend to have more than one meaning. My second chapter will be the actual guide for the children, written first in Spanish and then translated into English. This guide is broken down into a question and answer format that will help prepare the kids for the asylum screening. In my third chapter, I talk about the ever changing asylum process and because of that, why it is important to have a more general guide to introduce certain terms and topics for immigrant children going through the asylum process. It's important for the guide to be more general so it can be more consistent and accurate with the continuous political and social changes. I also cover the drawings included in the guide, why they are important, and what they add to the guide. I conclude my chapter with my final remarks on the journey this project has taken me and how this guide can be applied in real-life situations or organizations. This guide will help the children avoid having to go through the asylum process blindly. Even if the guide doesn't fully answer every question the children may have, it is a start and more significantly, it will introduce them to terms with the intent to protect them rather than them hearing the term with the intent to be categorized or seen negatively.

Chapter 1: The 40 Questions Asked and Simplified

1.1. Historical and Political Context

Before I speak on the questions from Valeria Luiselli's *Tell Me How It Ends* or on some of the legal immigration terms, I would like to preface this information with some historical context on Central and South America and some of the major push factors that lead their citizens to leave their home country and immigrate to the United States. During the 19th century, the American west's economy started to expand greatly. As the United States' territory and economy expanded, more job opportunities were created, which led more people to come to the U.S. specifically for job opportunities. This led to an increase in Latino immigration to the United States. With the increase in Latino immigration, the United States created guest-worker programs to help control the influx of people coming in and settling down. The Bracero Program, one of the guest worker programs, allowed a large number of immigrant workers to come work for a "fair" wage, food, and housing for a temporary time. The program had immigrant laborers from Mexico, Honduras, Jamaica, and the Bahamas. Also, because of the revolutions and political turmoil that was going on in the South, more people started to immigrate to the U.S.

As more people started coming into the U.S, the U.S. rewrote the American Immigration and Naturalization act of 1965. This new law created national quotas making it difficult for many Latin American countries to obtain visas and or settle in the United States. These quotas created a stigmatization of who is and who isn't allowed, of who they prefer and whom they do not. The 1970s and 1980s was a time of political turmoil, which is what led to a wave of migration of Central Americans in the United States. Furthermore, many people from South America emigrated to the United States not only for protection, but for better economic opportunities that

are not available to them back home. The Hispanic population had grown greatly from about 9.6 million in the 1970's to 50 million by 2010.¹ Unauthorized immigration had grown and continues to grow because of the “economic displacement, chronic unemployment and underemployment, simmering civil unrest, and the escalating violence associated with the rise of the drug trade, human trafficking, and other illicit economic activities.”² This increase of unauthorized migration led to stronger and stricter security measures at the border, deportations and voluntary departure, and many fear tactics that we see being used today to keep immigrants away.

First, we should look at the political background of 2014 in regards to the president, their stance on immigration, and the effects of their immigration policy. This is important because it will inform us on the political stance taken at the time the translators were asking the children the forty questions and the stakes of their situation. In the summer of 2014, many Central American children, some with their parents, started arriving at the U.S - Mexico border searching for safety. Most of the people who arrived in the U.S. to seek asylum came from El Salvador, Honduras, and Guatemala (also known as the Northern Triangle). They were experiencing a humanitarian crisis where their human rights were being violated and they were not being protected. The influx of people at the border was labeled as a “refugee crisis”, more so because of the lack of organization by the government on placing unaccompanied children in safety and prioritizing their needs.

¹ Gutiérrez, Ramón A., and Tomás Almaguer, eds. *The New Latino Studies reader: A twenty-first-century perspective*. Univ of California Press (2016): 214.

² Gutierrez and Almaguer, “The New Latino Studies Reader,” 118.

Barack Obama served as president from January 20, 2009 to January 20, 2017. During Obama's term, deportations reached their highest rate in U.S history, higher deportation rates than our past president— Donald Trump, whose whole campaign was based on this anti-immigrant sentiment. With an increase in immigrants in the U.S., border security strengthened their policies and started to deport more people. The deportation rate during this presidency reflected more removals that occurred near or at the border, rather than the deportation of long-term residents. During Obama's first term, there were about 300,000 Immigration and Customs Enforcement (ICE) internal arrests because of the changes in procedures and an increase in enforcement at the border.³ In fact, the Obama administration had an enforcement policy of priority groups they were focused on removing. The *Priority 1* group of removals included “people engaged in terrorism or espionage, convicted gang members, and those with non-immigration-related felony convictions”.⁴ *Priority 2* included those convicted of three or more misdemeanors or one serious misdemeanor and those who crossed the border without authorization. *Priority 3* included those who did not comply with a removal order from 2014 or later.⁵ This priority system stressed the importance of which immigrants the Obama administration preferred to detain - those who crossed the border and or had a criminal history.

During Obama's second term, the amount of removals and interior arrests decreased as enforcement eased, and the beginning of Deferred Action for Childhood Arrivals (DACA) was announced. DACA is a policy that “allows certain individuals who meet program requirements

³ Bolter, Jessica, Emma Israel, and Sarah Pierce. "Four years of profound change: Immigration policy during the Trump presidency." *Migration Policy Institute* (2022) 3.

⁴ Watson, Tara, and Kalee Thompson. "The Border Within." In *The Border Within*. University of Chicago Press, (2022) 123.

⁵ Watson and Thompson “The Border Within,” 123.

to request a grant of deferred action.”⁶ Once they are granted DACA, they are eligible to work in the United States. However, when Donald Trump came into office, he rejected the structure of a priority system because he believed one’s criminal background to not matter and instead, encouraged officers to pursue those who crossed illegally, regardless. The Trump administration relied on the tactic of fear— of “harassment, detention, and hardship for undocumented immigrants and their families.”⁷ Trump's whole platform was centered around anti-immigrant ideals. He used psychological warfare by voicing that immigration is a threat to both the U.S. economy and security, and by associating immigrants with terms like criminals or rapists. These negative associations towards immigrants swayed some citizens to fear immigrants and justify their dislike toward them. The Trump administration also blocked asylum access, which contributed to a decrease in the arrivals at the border. He also banned travel from certain countries, which would deny visas to certain nationals of other countries. Because of Trump's successful use of terror-tactics, there were less people who applied for immigration benefits and less people who applied for green cards under his administration.⁸

It is important to see the political atmosphere in regards to immigration during this time because this is when many of the kids that are mentioned in Luiselli’s *Tell Me How It Ends* were questioned. As I said earlier, Valeria Luiselli’s *Tell Me How It Ends* is about what happens to the unaccompanied children who arrived in the United States. Luiselli worked as an interpreter with NGOs helping the unaccompanied children who were facing deportation. In 2014, Barack

⁶ Immigrant Legal Resource Center. "DACA." In *Immigrant Legal Resource Center*. Immigrant Legal Resource Center. <https://www.ilrc.org/daca#:~:text=Deferred%20Action%20for%20Childhood%20Arrivals>

⁷ Watson and Kalee Thompson “The Border Within,” 125.

⁸ Scribner, Todd. "You are not welcome here anymore: Restoring support for refugee resettlement in the age of Trump." *Journal on Migration and Human Security* 5, no. 2 (2017): 267.

Obama created the priority juvenile docket in immigration courts to help deal with the deportation proceedings of the many undocumented children who arrived. Prior to 2014, families who were seeking asylum were placed into removal proceedings before an immigration judge where they could obtain assistance from a counsel, justify and prove their needs for asylum, and even appeal a negative decision to the Board of Immigration Appeals.⁹ The amount of unaccompanied children coming to the U.S. between 2014 and 2015 reached about more than 102,000 people that were then detained at the border.¹⁰ After Obama's creation of the priority juvenile docket, came the expedited removals. Prior to the juvenile docket, children were given about one year to find a lawyer to represent their case; however with the creation of the priority juvenile docket, that one year was reduced to twenty-one days. The children had twenty-one days to find someone to represent them, ergo less time to build a strong defense on why they deserved to stay. Expedited removal is an administrative process that allows few protections to people requesting asylum. It is when the Department of Homeland Security (DHS) will remove people as fast as possible without allowing them the time to explain their claims before an immigration judge. If they do not have a credible fear or "correct" answer to stay, DHS returns them to their home countries.

In response to the expedited removals, many nonprofit organizations decided to team up and form an emergency coalition with lawyers and translators to help represent these children. The questions listed below are questions made by the organizations to help guide their screenings

⁹ Musalo, Karen, and Eunice Lee. "Seeking a rational approach to a regional refugee crisis: Lessons from the summer 2014 "surge" of Central American women and children at the US-Mexico border." *Journal on Migration and Human Security* 5, no. 1 (2017): 146.

¹⁰ Luiselli, Valeria. *Tell Me How it Ends: An essay in 40 questions*. Coffee House Press, (2017) 38.

of the children. Although the intent of the questions are to protect the children, the density of the questions makes it harder to imagine what additional questions could be asked outside the organizations.

1.2. The 40 Questions in *Tell Me How It Ends*

The first terms I would like to address are the forty questions found in Valeria Luiselli's *Tell Me How It Ends*. These questions were asked to unaccompanied children who crossed the U.S-Mexican border to try and determine whether they could be granted legal sanctuary in the United States. This work is essential because it shows the reader the actualities of what occurs during the asylum process in regards to the children. We see the children being questioned with the intent of strengthening their case to receive asylum. The questions asked are difficult to answer whether you are a child or an adult. Most people who come and seek asylum are because they have gone through traumatic and inexplicable experiences and "will keep coming as long as there is a need to escape from realities too frightening to bear."¹¹ How do we expect children to summarize their experience into three perfect sentences that check off every box needed to receive asylum?

Valeria Luiselli states that many of the questions used in her book were part of a legal questionnaire drawn up by immigration attorneys. I tried to look for a copy of the questions that tend to be asked to determine if someone can receive legal sanctuary, and it is important to note that the questions in Luiselli's book word for word, can not be found on the internet. I could not find the official questionnaire from the NGO used in Luisellis book in a PDF nor online, so I had

¹¹ Luiselli, "Tell Me How it Ends," 4.

to resort to the ones in her book. Besides these questions, I was trying to find an official or formal screening questionnaire that is used for credible fear screenings. Although there were many unofficial FAQ pages, there wasn't one official questionnaire of an asylum or credible fear screening that could be found on an official government website.

There should be at least a couple of official documents that are accessible to the public in both English and Spanish for immigrants to access. However, by not allowing them a simple and easy access, you are having them go through other employers and organizations to try and find answers, furthermore just complicating the process for them to reach safety. This led me to think that the questions being asked depend solely on the person asking you or whoever they are working with/for. There is danger in not having a sample questionnaire because that gives those questioning you the ability to rephrase the questions in the way they want or with a goal in mind. More importantly, it strips the children and family members from a fair and just trial if they aren't able to access the information on their own.

When looking for an official document of the questions asked toward the child to prepare them for asylum court, what shows up is an abundance of different ways to interview your immigrant client, from a lawyer's perspective.¹² There aren't as many sources on how to answer these questions as the immigrant client themselves. There are either sites with about one hundred questions designed to ask the immigrant about themselves and their situation, or there are guidelines on how to conduct an intake questionnaire. Some sites will cover more about the immigrants personal details like why they came here and what their justifications are for coming, while others ask for information on how many times the immigrant has tried to enter, their

¹² For this reading I will be using the term 'client' as in the asylum seeker or immigrant going through the asylum process.

history on visas or interviews, any previous immigration court hearings, and previous immigration application history.¹³ Not only will the client need to prepare for personal background information on themselves, but they will also have to know any immigration history that involves them and or their family members. They will then need to know how to explain what happened in their home country that pushed them to leave, if someone harmed them then who, why they think the third party wanted to harm them, if they reported it, and if they are afraid of returning.

After the client tells their story, they need to explain their journey to the United States, who paid for it, who accompanied them, if they brought anything and if someone hurt them along the way. They then have to talk about their time in the U.S., if they have been questioned or have interacted with the police, and then talk about their living situation. After the questionnaire, the lawyer or whoever is asking the questions gathers all the paperwork and the client's story, which is probably impossible to ever simplify into words, is then saved and uploaded into the database.

To try and make sense of the questions that were asked to the kids, I will use the questions Luiselli was told to use by the nonprofit organization she was working for to give the readers an idea of the complexity of these questions and why a guide could help simplify the process.

¹³ National Immigrant Justice Center. "Asylum Project Intake Questions." In *National Immigrant Justice Center*, 1-3. National Immigrant Justice Center, 2015.
https://immigrantjustice.org/sites/immigrantjustice.org/files/BestPracticesManual_2.%20NIJC%20Asylum%20Project%20Intake%20Questions.pdf.

The 40 Questions in *Tell Me How it Ends*:

- 1.) Why did you come to the United States?
- 2.) When did you enter the United States?
- 3.) With whom did you travel to this country?
- 4.) Did you travel with anyone you knew?
- 5.) What countries did you pass through?
- 6.) How did you travel here?
- 7.) Did anything happen on your trip to the US that scared you or hurt you?
- 8.) Has anyone hurt, threatened, or frightened you since you came to the U.S.?
- 9.) How do you like where you are living now?
- 10.) Are you happy here?
- 11.) Do you feel safe?
- 12.) Have your parents or siblings been the victim of a crime since they came to the US?
- 13.) Was it reported to the police?
- 14.) Do you still have any family members that live in your home country?
- 15.) Are you in touch with anyone in your home country?
- 16.) Who/ How often?
- 17.) Do you have any other close family members who live in the US?
- 18.) Immigration Status?
- 19.) Who did you live with in your home country?
- 20.) Did you ever live with anyone else?
- 21.) How did you get along with the people with whom you lived?
- 22.) Did you stay in touch with your parents?
- 23.) Did you go to school in your country of origin?
- 24.) How old were you when you started going to school?
- 25.) When did you stop going to school?
- 26.) Why not?
- 27.) Did you work in your home country?
- 28.) What sort of work did you do
- 29.) How many hours did you work each day?
- 30.) Did you ever get in trouble at home when you lived in your home country?
- 31.) Were you punished if you did something wrong?
- 32.) How often were you punished?
- 33.) Did you or anyone in your family have an illness that required special attention?
- 34.) Did you ever have trouble with gangs or crime in your home country?
- 35.) Any problems with the government in your home country?
- 36.) If so, what happened?
- 37.) Have you ever been a member of a gang? Any tattoos?

- 38.) What do you think will happen if you go back home?
- 39.) Are you scared to return?
- 40.) Who would take care of you if you were to return to your home country?

The questions we see listed above are the questions that were asked to the unaccompanied kids in Valeria Luiselli's *Tell Me How it Ends*, by the lawyer. This process is known as a *screening*. A screening is where a lawyer or an organization has the ability to question the client, or child in this case, on why they came to the United States. They ask and hope for as many details as possible to help make the case even stronger. An "ideal" or "successful" screening is one that would be able to prove a "credible fear." Although all the questions are centered around hoping to find a credible fear, the questions that specifically ask you to prove this credible fear, for example, are questions seven and eight. Question seven asks, "Did anything happen on your trip to the US that scared you or hurt you?" and question eight asks, "Has anyone hurt, threatened, or frightened you since you came to the U.S.?" These questions are asking the children to prove their fear of persecution or of torture. A "credible fear" would be proving that they have been persecuted or have a fear of persecution based on their race, religion, nationality, membership in a particular social group, or political opinion if they were to return to their country.¹⁴ A credible fear is also proving that "it is more likely than not that they would be subject to torture if returned to their country."¹⁵ If an asylum officer believes the child to have credible fear, they may consider their application for asylum in the United States.

¹⁴ USCIS. "Questions and Answers: Credible Fear Screening | USCIS," May 31, 2022. <https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/questions-and-answers-credible-fear-screening>.

¹⁵ "Questions and Answers: Credible Fear Screening | USCIS."

Now whether the client or child in this case is granted asylum or not, from the moment they step into the United States, they are put into a box. Although children should be seen as apolitical, once they cross into the United States illegally, unfortunately, they are seen as illegals or “aliens” by the U.S. government. Some of the terms I have listed below are terms I think are worth knowing. Instead of using these terms as playing into the categorization of humans, the reader should know how to distinguish the terms from one another to know their rights if anything or anyone threatens them because of their status.

1.3. Legal ‘Identification’ Terms

- Immigrant vs. Migrant vs. Refugee
- Asylum vs Asylum Seekers (Asylees)

The main legal terms I want to address include “immigrant”, “migrant”, and “refugee.” Here I would like to go into more detail on what defines each term and why it is necessary to inform the child on their *label*. I want to define these terms because some are needed to further understand the forty questions. Here, I will be defining them as they are legally or officially written; they will not be simplified here as how I intend to do in Chapter 2 for the children. Neither we nor the court can assume that the kids know the legal terminology that is about to be thrown at them. In this chapter, I will be defining certain terms that need to be clarified for the reader because of how misunderstood and ever changing the terms can be. Once the children step foot into the U.S, we can assume that most of what the children will be hearing will include certain legal terminology that can have more than one meaning. For example, the term “migrant” itself is complex enough considering the different types of migrants there are or can be. These

terms should be defined for the children to have some sort of insight of what will be happening during the procedure, and more importantly to themselves.

The terms I have chosen to define are the more generalized ones in order to answer certain questions. For example, for the question: “What’s your immigration status?” The immediate and ‘simplest’ answers that come to mind are either U.S. Citizen, Immigrant (non-citizen), Migrant, or Refugee/Asylee. These are the answers before each categorization of citizen, immigrant, or refugee gets broken down into more sub-categories. To begin defining these terms — that are used to describe the other or the outsider— we should define the citizen—the insider. A citizen “is a person who, by place of birth, nationality of one or both parents, or naturalization is granted full rights and responsibilities as a member of a nation or political community.”¹⁶ In other words, to have citizenship is to have some form of community membership where you have a legal standing that is dependent on where you reside.¹⁷ With this status, you are given certain privileges, rights, and obligations that come with it. Citizenship is merely a status that tells you what community you are or are not a member of. Having citizenship or membership has the power to create exclusion of those who aren’t citizens—which in this case, is the immigrant, the other, the foreigner.¹⁸

By choosing to acknowledge who *is* a citizen, who would then fit under the non-citizen category? A non-citizen, also known as an “alien”, is not a legal member of the state nor can they enjoy the legal rights that come with citizenship.¹⁹ Immigrants can also fall under the non-citizen

¹⁶ “Citizen.” *LII / Legal Information Institute*, <https://www.law.cornell.edu/wex/citizen>

¹⁷ Bosniak, Linda. "The Citizen and the Alien: Dilemmas of Contemporary Membership." (2008) 5.

¹⁸ Bosniak, “The Citizen and the Alien,” 10.

¹⁹ To preface, I have included alien here because that is what is shown as the legal definition but I will avoid using it because of the problematic connotations it incites.

category. An immigrant is someone living in a country where they were not born. There are four types of immigrants— *Lawful Permanent Residents, Temporary Visitor Status, Undocumented Immigrant Status, and the United States Citizen*. A *lawful permanent resident* is an immigrant who was given the right to stay permanently in the U.S. because of a family member already there or because of job purposes. A *temporary visa* is given to immigrants who only intend to stay in the U.S. for a short period of time. An *undocumented immigrant* is someone who crossed the borders of the United States illegally and lives in the U.S. While some may be sent back home, others are known as the *undocumented immigrants* or as *illegal immigrants*. Lastly, as we now know, a U.S. citizen is someone who was born in the U.S. but an immigrant can also obtain U.S. citizenship if at least one of their parents is a U.S. citizen.

Outside of the four types of immigrants, there is also the refugee or asylee status. Asylum status is what these forty questions seek to achieve for those who are undocumented. As an asylee, you have the right to work in the U.S., can apply for a social security card, can request to travel, and can request to bring family over.²⁰ A refugee is someone originally outside of the United States who demonstrates they were persecuted or have a fear of being persecuted due to their race, religion, nationality, or political opinion. Refugees can also seek asylum, where they are granted protection allowing them to remain in the U.S. They are then called asylees. Refugees differ from asylees since a refugee has been resettled to the U.S. through a U.S. resettlement program.²¹

²⁰ UNHCR USA. "Rights and Duties - USA," January 3, 2018.
<https://help.unhcr.org/usa/rights-and-duties/>.

²¹ United Nations High Commissioner for Refugees. "Asylum Seekers." In *United Nations High Commissioner of Refugees*, by The UN Refugee Agency. The UN Refugee Agency.
<https://help.unhcr.org/usa/rights-and-duties/asylum-seekers/>.

It is important to distinguish immigrant from migrant, refugee, and asylee because each *category* is entitled to different rights, therefore different protections. These are important for both children and adults to know so they know where they stand if anything or anyone tries to strip them of their rights. Once you are in the United States, regardless of your race or national origin, the constitution protects you from discrimination. This applies to all people who are within the borders of the U.S., even those who are here illegally. However, those who are here illegally may face deportation, but it is important for them to know what they are entitled to as “illegal immigrants.” They are entitled to a hearing before an immigration judge, representation by a lawyer, a chance to examine evidence and the government's witnesses, an interpreter if English is not a language they are comfortable with, clear and convincing proof that the government has a valid reason for deporting them, and a notice of the charges, time of the hearings and the location.

It is crucial to know the rights that each person has, especially when requesting asylum. I will be simplifying the legal terms and will include questions and answers the children should know in order to help facilitate their process once they arrive in the United States. This guide will act as a booklet with terms and explanations that will help guide the children for their asylum screening.

Chapter 2: *Una guía para niños: ¿Nos preparamos para la selección de asilo?*

2.1. Objetivo



Dibujo 1

Una guía para niños: ¿Nos preparamos para la selección de asilo? está dirigida a los niños que vienen a este país en busca de asilo. Cuando buscan asilo, tienen que pasar por una evaluación donde se lo hacen muchas preguntas que tienen que responder “correctamente” para que les puedan dar asilo. Muchas de estas preguntas piden mucho a los niños, lo que les hace difícil entender el proceso y encontrar una manera de responderlas por completo.

El objetivo de esta guía es ayudar a simplificar las preguntas que el niño va a tener que contestar para el proceso de asilo. Esta guía busca preparar a los niños para la evaluación de su caso de asilo, también conocido como la detección de miedo creíble. Esto es la detección de que corren peligro en su hogar. La guía es necesaria porque muchas veces, se normaliza la violencia

que los niños han tenido que sufrir y el trauma no debe ser entumecido. Esta guía va a incluir unas preguntas con respuestas simplificadas, las cuales tendrán como lectores: los niños. En específico, la guía es para el grupo de edad de 12 años en adelante.²² Cualquier edad más joven no están listos mentalmente y emocionalmente para cubrir temas que podrían causarles estrés y más trauma. El formato de la guía cubre diferentes términos legales, recursos de ayuda y preguntas más frecuentes en el formato de preguntas y respuestas.

2.2. Preguntas que preparan para la evaluación del asilo

Para empezar, repasemos algunos términos que seguirán escuchando a lo largo de este proceso y, por lo tanto, necesitarán saber. Antes de informarte sobre la evaluación de asilo y, específicamente, las preguntas que se te harán, deberás saber la diferencia entre los términos comunes de inmigración. Los términos que a menudo escuchamos y usamos para los estados de inmigración son *inmigrante*, *migrante*, o *refugiado*. Voy a explicar cada término, los derechos que conlleva y la importancia de conocer cada término para poder distinguir el uno del otro.

Esto no significa en absoluto que tú, como niño, debas conocer cada detalle y derecho que viene con estas palabras. Lo que desearía es que tengas una idea de los términos que se utilizan para identificarte, y que sepas dónde puedes encontrar o pedir ayuda si tienes preguntas que tengan que ver con uno de estos términos. Mi objetivo es prepararlo para los tipos de preguntas que le harán y brindarle información sobre lo que debe saber o esperar antes de ser entrevistado. Quiero simplificar al máximo estas preguntas para que sepas cómo responderlas.

²² Decido dedicar la guía para niños mayor de 12 años porque los niños menores no están listos mentalmente y emocionalmente para entender y aprender estos temas.

2.3. Lo que deberías saber para la entrevista de asilo

A. Preguntas sobre términos legales

- 1.) ¿Qué es el asilo?
- 2.) ¿Qué es un migrante?
- 3.) ¿Qué es un inmigrante?
- 4.) ¿Qué es un refugiado?

B. Preguntas de información general

- 5.) ¿Por qué voy a la corte de asilo?
- 6.) Si no puedo hablar inglés, ¿qué hago?
- 7.) ¿Alguien me va ayudar? ¿Cuáles son mis derechos?
- 8.) ¿Cómo encontrar un abogado? ¿Qué tipos de abogados hay?
- 9.) ¿Qué tipo de preguntas me harán y por qué?

C. Preguntas que el abogado hará en relación con tu testimonio

- 10.) ¿Quién te encontró? ¿Cómo te sentiste cuando te encontraron? ¿Cómo llegaste aquí?
¿Viniste tú solo? ¿Dónde están tus papás? ¿Te gustaría ponerte en contacto con tus padres?
- 11.) ¿Por qué te fuiste de tu país?
- 12.) ¿Alguien te amenazó, si es así, quien?
- 13.) ¿Por qué eligieron hacerte daño?
- 14.) ¿Podrían ayudarte la policía y el gobierno? Si no es así, ¿por qué?

D. Preparación para el entorno judicial

- 15.) ¿Cómo es la sala del tribunal? ¿Cómo tengo que actuar? ¿Dónde se sienta cada persona?
¿Tengo que estar presente allí?
- 16.) ¿Qué es lo más importante destacar?

A. Preguntas sobre términos legales

- 1.) ¿Qué es el asilo?

El asilo es una forma de protección que ofrece seguridad. Las personas que buscan asilo son conocidas como “*solicitantes de asilo*”. Según el Alto Comisionado de las Naciones Unidas para los Refugiados, los solicitantes de asilo son definidos como “*Personas que buscan*

protección internacional contra conflictos y persecución, según la agencia de la ONU para los refugiados.” ¿Qué es la persecución? La persecución es cuando alguien te está tratando injustamente debido a tu raza o creencias religiosas.

Para poder recibir asilo, el gobierno tiene que ver si cumple con la definición de refugiado. Esto se encuentra en la entrevista de asilo antes del tribunal de asilo. Durante la entrevista debes tratar de explicar tu razonamiento detrás de por qué tuviste que irte de casa. El concepto principal de la ley de asilo es demostrar el miedo en regresar a tu país de origen. Un profesional te va ayudar con tu caso de asilo. Te van a hacer una entrevista preguntándote sobre tu vida, tus papas, y por qué te fuiste. Con tus respuestas, van a tratar de encontrar información suficiente para ayudarte a recibir el asilo.

2.) ¿Qué es un migrante?

Un migrante es una persona que se muda a otro país, pero por voluntad propia. Se mudan para mejorar sus condiciones económicas y sociales. Los migrantes se pueden mudar para residencia temporal o de forma permanente.

3.) ¿Qué es un inmigrante?

“Inmigrante” es el término general de alguien que está viviendo en un país en el cual no nació. Los inmigrantes son las personas que se mudan a un nuevo país con la intención de quedarse. Se emplea este término para una persona después de que hayan llegado al nuevo país. Hay muchas razones por las que las personas deciden mudarse. Se mudan para tener más

seguridad, más oportunidades, para reconectarse con sus familiares, o para mejores condiciones de vida.

La diferencia entre migrantes e inmigrantes es que un migrante se muda a otro país temporalmente, pero un inmigrante se muda a otro país con la intención de quedarse allí permanentemente.

4.) ¿Qué es un refugiado?

Los refugiados son personas que huyen de su país por conflicto o miedo a la persecución. No tienen otra opción, tienen que huir por su seguridad. La definición de refugiado es tener miedo a ser perseguidos por razones como tu raza (color de piel), religión (por ejemplo: católico, judío,) nacionalidad (Honduras, Guatemala), tu pertenencia a un grupo social determinado, o por tus creencias políticas. Por estas razones, tienen miedo de regresar a su país de origen. Además, hay muchas razones por las que las personas tienen que abandonar su país. Muchos de estos factores son vistos como *factores de empuje*. *Factores de empuje* describen diferentes razones que hacen que las personas quieran salir o escapar de su hogar. A continuación se muestran algunos ejemplos de las causas que llevan a los refugiados a huir:

Factores de empuje

- | | | |
|-----------------------|-----------------------|----------------------|
| - desempleo | - inseguridad | - falta de servicios |
| - pobreza | - sequía | - guerra |
| - peligro y amenazas | - aislamiento | - salarios pobres |
| - desastres naturales | - separación familiar | - hambruna |

B. Preguntas de información general

5.) ¿Por qué voy a la corte de asilo?

Vas a la corte de asilo porque estás en los Estados Unidos como solicitante de asilo, el tribunal de asilo es donde tienes que saber justificar las razones detrás de por qué dejaste tu país y por qué eso significa que necesitas protección. ¿A qué tienes miedo que no puedas regresar a tu país de origen? El tribunal de asilo luego determina si tu temor es válido como un temor a la persecución y si merece una aprobación de asilo. Tienen que ver si hay suficientes razones justificadas de tu miedo a volver a casa para que te quedes en los Estados Unidos.

Para prepararte para el tribunal de asilo, alguien te va a entrevistar. Te van a preguntar información sobre ti y porqué te fuiste de tu país. La manera en que contestes estas preguntas es muy importante. Para recibir asilo, tienes que ser lo más específico posible cuando estás contestando las preguntas para que el abogado o quien sea pueda explicar con razones suficientemente fuertes que te debes quedar en este país.

6.) Si no puedo hablar inglés, ¿qué hago?

Como un niño no acompañado, inmigrante, o niño inmigrante, tienes derecho a pedir un traductor. El gobierno te lo dará. Estará contigo en la entrevista y durante el juicio. El traductor va a ayudar que tu y tu abogado se puedan comunicar. Es un orden que cada agencia federal proporcione acceso significativo para el cliente— en este caso el niño.

Cuando digo “acceso significativo”, eso quiere decir que el traductor debe acompañarte durante cada audiencia y juicio en las que tienes que estar presente. Tu caso no se verá afectado por pedir un traductor, es tu derecho. Tendrás tu traductor para la entrevista de asilo y para

cualquier proceso del tribunal.

Tienes derechos humanos como seres humanos... y se le requieren protecciones suplementarias porque depende de los adultos.

7.) ¿Alguien me va ayudar? y ¿Cuáles son mis derechos?

Aunque el gobierno no está obligado a proporcionarte un abogado, hay diferentes maneras de conseguirlo. Tienes derecho de preguntar a los jueces de inmigración que te proporcionen una lista de servicios legales pro bono, es decir, gratuitos. Hay organizaciones cuya única intención es ayudar a los niños inmigrantes y hablar por ellos en la corte. Estas organizaciones se encargan de todo esto y tratan de asegurar tu protección, tu identidad como niño, y facilitar el proceso de asilo porque como niño menor de edad, esto no debería ser tu responsabilidad.

Cada abogado tiene también su propio derecho a determinar a qué clientes les gustaría ayudar dependiendo de la probabilidad de éxito. Suelen ayudar a los clientes que creen que tendrán un resultado “más positivo.” Los abogados pueden comparar el caso de un cliente con el caso de otro cliente para tratar de anticipar cómo el juez va evaluar ese caso. Justamente por eso, es muy importante que expliques en detalle todo lo que sucedió y por qué huiste.

Durante la entrevista tienes derecho de tener personas allí presentes contigo. Debes tener un representante legal, una persona de asistencia jurídica, y un experto de niños como un psicólogo o terapeuta. También puedes tener un miembro de tu familia o un tutor. Si crees que hay mucha gente y te sientes agobiado, díselo. Tienes derecho a pedir tiempos de descanso o

decir que no quieres hablar sobre un tema en específico. Si no entiendes la pregunta o una palabra que usaron, tienes derecho de preguntarles que lo expliquen otra vez o de otra manera. Si no quieres contestar una pregunta, tienes derecho a decir que no la quieres contestar. Puedes pedirles que te expliquen cuales son tus derechos, cualquier cosa que te haga sentir más seguro y cómodo.

Todos los niños involucrados o directamente afectados por la migración internacional tienen derecho al disfrute de sus derechos, independientemente de su edad, género, origen étnico o nacional y situación económica o de documentación, tanto en situaciones de migración voluntaria como involuntaria, ya sea acompañado o no acompañado, en la mudanza o de otro modo liquidada, documentada o no documentada o cualquier otra.

8.) ¿Cómo encontrar un abogado? ¿Qué tipos de abogados hay?

Encontrar representación legal va a ser difícil. Se puede encontrar representación a través de diferentes organizaciones legales. Hay tres tipos de representaciones legales— pro-bono, bono bajo, y servicios de precios completos. La representación pro-bono es completamente gratis. Puedes recibir estos servicios a través de abogados que trabajan en organizaciones sin fines de lucro. Es decir, organizaciones que se encargan de ayudar a personas como tú. La representación bono-bajo también es a través de organizaciones o abogados individuos que se enfocan en la justicia social en vez del dinero. Estos abogados cobran poco comparado a los abogados en oficinas privadas. Los servicios de precios completos suelen ser abogados que trabajan individualmente usualmente motivados por la ganancia. Esta opción es la más cara.

9.) ¿Qué tipo de preguntas te harán y por qué?

El abogado o traductor va a empezar la entrevista preguntándote un poco sobre ti — lo que te gusta hacer, comer, y más. Luego, te explicará como la entrevista va ir. Te explicaran tu responsabilidad en la entrevista, la responsabilidad del traductor y van a destacar la importancia de que la conversación sea confidencial. Confidencial significa que lo que tu decides contarles durante la conversación se va quedar entre los dos.

Lo que ellos quieren saber es porque estás aquí y qué pasó para que tuvieras que huir de tu casa. Quieren saber esto para poder trabajar contigo y hacer un caso para que tengas asilo. Diles lo que has experimentado en tu país de origen. Trata de no preocuparte en cómo responder a una pregunta si no lo sabes, no hay respuestas correctas o incorrectas. El objetivo de la entrevista es para que los abogados recolecten información que será necesaria para cuando el juez tenga que tomar la decisión.

Para empezar te preguntarán cosas sobre tu identidad como tu nombre, tu edad, tu lugar de nacimiento, tu etnia, tu religión, los idiomas que hablas, cuantos años en la escuela has hecho, y si sabes algo de tu ciudad natal o contactos desde casa. La segunda parte se va a enfocar en información sobre tu familia. Te van a preguntar sobre la identidad de tu mamá, papá, hermanos, abuelos, y tíos y tías. Te preguntarán cosas alrededor del tema familiar, como que hacen tus padres o las personas que te cuidan y si ellos han estudiado y cómo te apoyan. Si sabes información sobre la identidad política o religiosa de tu familia, también te preguntarán si alguna vez tus papás fueron amenazados por sus creencias. Recuerda uno de los ejemplos que mencioné anteriormente.

Después de haber recopilado información sobre tus padres o tutores, hablarán sobre tu experiencia final y las circunstancias detrás de tu llegada. No te olvides de que, si hay una pregunta que no te sientes cómodo de responder, no estás obligado a responder.

C. Preguntas que el abogado hará en relación con tu testimonio

10.) ¿Quién te encontró? ¿Cómo llegaste aquí? Si tus papás no están contigo, ¿sabes dónde están? ¿Te gustaría ponerte en contacto o hablar con ellos?

Quieren información sobre tu llegada y la mayor cantidad de detalles posibles para poder tratar de encontrar pistas sobre por qué tienes miedo a volver a casa. Quieren saber si el miedo tiene que ver con tus papás o aspectos de tu religión, cultura o identidad. Esta información les llevará a preguntar: ¿Por qué te fuiste de tu país?

Quieren saber si viniste a los Estados Unidos con alguien, y si es así, si pueden ser responsables de ti o apenas los conoces? Quieren saber los detalles detrás de cómo la conseguiste, con quien viniste y, lo más importante, por qué? ¿Tuviste la opción? ¿Querías venir? Ya sea que estuvieras solo en tu país de origen y quisieras ver a tus padres en los EE.UU. o si solo necesitabas irte por miedo a alguien, debes decirle al abogado de dónde viene este miedo. Es importante que digas dónde están tus padres, si lo sabes. Di todos los detalles como sea posible sobre por qué tuviste que dejar tu país, si tenías otra opción y como tu miedo de regresar a casa no se superará rápidamente.

11.) ¿Por qué te fuiste de tu país?

La primera cosa que debes recordar es si alguna pregunta no te hace sentir cómodo, no la tienes que contestar. Lo que la entrevista trata de hacer es reunir la mayor cantidad de información para construir tu caso. Trata de decir lo que te acuerdas y todos los detalles posible. Si has sufrido daños o amenazas, diles. Es importante tratar de confiar en el abogado y avisarles sobre tus miedos o lo que crees que te llevó a huir. En lugar de decir que hay mucha violencia, si te sientes cómodo, ¿puedes decir lo que significa esta violencia? ¿Es esta violencia hacia ti o hacia toda tu familia?

También es importante destacar si había razones como conflicto en tu país donde no había otra opción que no fuera irse inmediatamente. Esto sería una separación involuntaria. Ejemplos de separación involuntaria es si hay una guerra, si hay desastres naturales, si hay trabajos forzosos, o si hay secuestros. Lo opuesto de una separación involuntaria, sería una separación intencional.

12.) ¿Alguien te amenazó, y si es así, quién?

Parecida a la última pregunta, quieren saber si hay alguien en específico que pienses que te quiere hacer daño a ti o tu familia. ¿Hay alguien, algo o algún grupo al que temes en tu país de origen? Si no sabes quien te amenazó a ti o amenazó a tu familia, puedes decir quién crees que podría ser y cuál es la motivación de esa persona o de esas personas que te amenazaron a ti o a tu familia.

13.) ¿Por qué eligieron hacerte daño?

No pasa nada si no sabes por qué te quieren hacer daño. Crees que hay algunas características tuyas o de tus padres como la raza, religión, identidad, nacionalidad, u opiniones políticas que llevaron a esta persona o grupo querer hacerte daño a ti o a tu familia? Había algo de ti o de tu familia que a otros no les gustaba, porque a veces esa razón es una posibilidad para que otros puedan verte como el “enemigo” o el malo. Esto no quiere decir que haya algo negativo contigo o con tu familia, solo necesitan toda esta información posible para tratar de ver qué podría ser lo que a otros no les gusta. A veces lo que no les gusta o con lo que no están de acuerdo es el razonamiento detrás de querer lastimarte o amenazarte.

14.) ¿Podrían ayudarte la policía y el gobierno? Si no es así, ¿por qué?

Aparte de las personas o grupos a las que puedas temer, es importante saber si alguno de estos grupos está conectado con el gobierno o el ejército de tu país de origen. En caso de que sí, esto enfatizará la importancia de aprobar tu solicitud de asilo. Puedes pedir asilo si unos de tus miedos de volver a casa se basa en que el perseguidor es parte del gobierno. También es importante incluir si en alguna vez, pediste ayuda a la policía, que se dice sobre la policía, y contar lo que pasó.

Lo más importante cuando estás contestando estas preguntas es no generalizar tu experiencia, siempre empieza con tu primer incidente, el peor incidente, y luego el incidente más reciente.

D. Preparación para el entorno judicial

15.) ¿Cómo es la sala del tribunal? ¿Cómo tengo que actuar? ¿Dónde se sienta cada persona?

¿Tengo que estar presente allí?



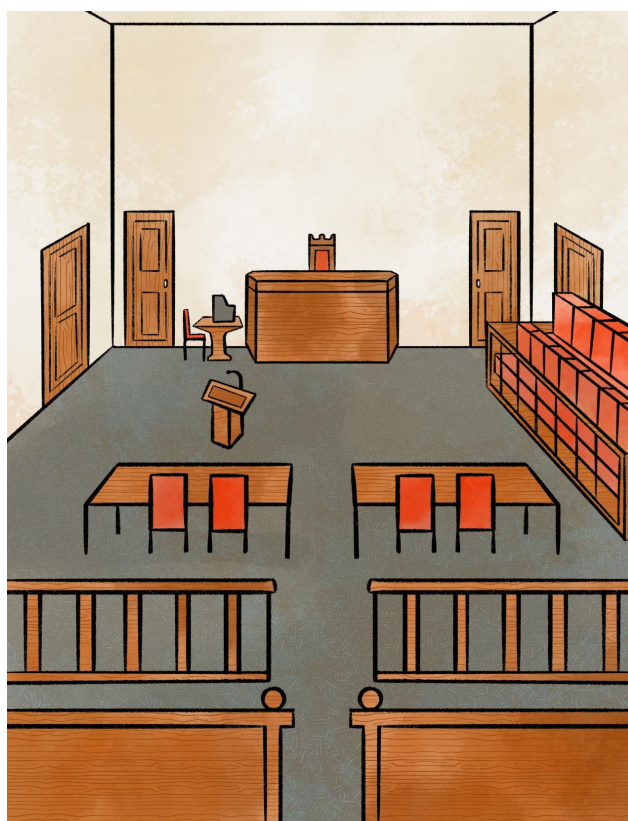
Dibujo 2

Al principio, la sala del tribunal va ser un lugar desconocido pero tienes derecho a solicitar visitar el tribunal de inmigración antes de ir por primera vez para la audiencia inicial. La sala del tribunal es donde son las audiencias para tratar ciertos asuntos. Si sabes que vas a estar

incómodo o con miedo, y crees que te ayudará a traer un libro o juego no ruidoso , lo puedes llevar contigo.

Hay ciertas cosas que debes seguir cuando estés en la audiencia. Si tienes que hablar, asegúrate de que lo haces claramente y de no estar comiendo o masticando chicle o goma de mascar mientras hablas. Tienes que ser puntual, no llegues tarde. Si tienes acceso a ropa más formal, trata de venir vestido de manera respetuosa. Mira los ejemplos en el dibujo número dos.

También no dudes en preguntar a quién te esté ayudando si es necesario estar presente durante la audiencia. A veces el tribunal puede darte permiso para que no estés presente, en ese caso no estarás obligado a ir.



Dibujo 3

16.) ¿Qué es lo más importante destacar?

El proceso de asilo es donde tu historia, tus emociones, y tus experiencias de sufrimiento son el objeto principal que podrá movilizar tu derecho a tener un estatus legal. El abogado tiene que ver tus experiencias vividas y determinarlas como suficiente para construir un caso legal de asilo.

Uno de los puntos más importantes de recordar es que eres un niño y que dependes de los demás. Te recomiendo enfatizar tanto tu infancia como tu falta de infancia debido a la situación en la que te encuentras. Te tienes que distanciar de los factores de la edad adulta y, en cambio, mostrar características infantiles para mostrar que todavía dependes de los adultos. Además de demostrar que todavía eres un niño, también debes enfatizar tu condición de refugiado para obtener protección.

Lo más importante de recordar:

Lo más importante que debes recordar es que está bien pedir ayuda y no saber exactamente qué está pasando. Nadie espera que lo sepas. Recuerda que tú eres un niño cuya responsabilidad no debe ser aprender a representarse a sí mismo en los tribunales. Esta guía no está aquí para reemplazar a los trabajadores sociales o terapeutas que estarán a tu lado durante este proceso de asilo, sino que está aquí para ayudarte y prepararte para algunas de las preguntas que te harán.

2.5. Bibliografía consultada para esta guía

Esta guía adaptada a niños inmigrantes ha sido realizada en base a las siguientes fuentes, que podrán ser consultadas por adultos para mayor información. Decidí incluir las citas y notas al pie para que el lector, niño o adulto, pudiera regresar y encontrar donde podía buscar más información si es necesario.

Abel, Laura. *Language access in immigration courts*. Brennan Center for Justice at New York University School of Law, 2011.

Douglas, Paul, Martin Cetron, and Paul Spiegel. "Definitions matter: migrants, immigrants, asylum seekers and refugees." *Journal of travel medicine* 26, no. 2 (2019): taz005.

Finland: Directorate of Immigration, *Guidelines for Interviewing (Separated) Minors*, March 2002, available at: <https://www.refworld.org/docid/430ae8d72.html> [accessed 17 April 2023]

Galli, Chiara. *Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States*. Univ of California Press, 2023.

International Organization for Migration. "Key Migration Terms | International Organization for Migration," July 5, 2019. <https://www.iom.int/key-migration-terms>.

"Reporting Terminology and Definitions | Homeland Security," n.d. <https://www.dhs.gov/immigration-statistics/reporting-terminology-definitions>.

"Teaching Materials Ages 12-15." UNHCR US. Accessed April 17, 2023. <https://www.unhcr.org/us/what-we-do/build-better-futures/education/teaching-about-refugees/teaching-materials-ages-12-15>.

United Nations High Commissioner for Refugees. "Teaching about Refugees." UNHCR, n.d. <https://www.unhcr.org/en-us/teaching-about-refugees.html>.

Chapter 2: *A Guide: Let's Prepare for the Asylum Screening*

2.1. Objective



Drawing 1

A Guide: Let's Prepare for the Asylum Screening is intended for children who come to the United States seeking asylum. For the asylum process, the children have to go through a screening or interview where they are asked many questions that they have to answer “correctly” for them to receive asylum. Many of these questions ask a lot from the children, making it difficult for them to fully understand and answer the questions.

The objective of this guide is to help simplify the questions that a child will have to answer for the asylum process. The guide seeks to prepare the children for the screening that comes before asylum court. This guide will include some questions with simplified answers, where the intended audience is the children. Specifically, the guide is for children ages twelve

and up.²³ Anyone younger than twelve is not mentally or emotionally ready to cover these topics that could cause them further stress and trauma. The format of the guide will cover different legal terms, list helpful resources, and list frequently asked questions all in a question and answer format.

My goal is to prepare you for the types of questions you will be asked and provide you with information on what you should know or expect prior to being interviewed. I want to simplify these questions as much as possible for you to know how to answer them.

2.2. Questions to Prepare for Asylum Screening

To begin, let's go over some legal terms that the children will continue to hear throughout this process and therefore will need to know. Before I inform you on the asylum screening and specifically, the questions that will be asked, you will need to know the difference between some common immigration terms. The terms we often hear and use for immigration statuses are *immigrant, migrant, or refugee*. I am going to explain each term, the rights that come with it, and the importance of knowing each term to be able to distinguish one from the other.

This does not mean that you as a child have to know every detail and right that comes with these words. What I want is for you to have an idea of the terms being used to identify you and for you to know where you can find or ask for help if it has to do with one of these terms

2.3. What you should know for the Asylum Screening

A. Questions about legal terminology

- 1.) What is Asylum?
- 2.) What is a Migrant?

²³ I decided to dedicate the guide for children older than 12 years because younger children are not mentally and emotionally ready to understand and learn these topics

- 3.) What is an Immigrant?
- 4.) What is a Refugee?

B. Questions about General Information

- 5.) Why am I going to Asylum Court?
- 6.) If I can't speak English, what do I do?
- 7.) Will someone help me? What are my rights?
- 8.) How can I find a lawyer? What types of lawyers are there?
- 9.) What type of questions will they ask me? Why?

C. Questions the Attorney will ask regarding your Testimony

- 10.) Who found you? How did you feel when they found you? How did you get here? Did you come alone? Where are your parents? Would you like to contact your parents?
- 11.) Why did you flee your home country?
- 12.) Did someone threaten you, if so, who?
- 13.) Why did they choose to hurt you?
- 14.) Could the police and or government help you? If not, why?

D. Preparation for the Court Setting

- 15.) What is the courtroom like? How should I behave? Where does everyone sit? Do I have to be there?
- 16.) What is the most important thing to highlight?

A. Questions on legal terminology:

- 1.) What is Asylum?

Asylum is a form of protection that offers security. People seeking asylum are known as “asylum seekers.” Asylum seekers are defined as “People seeking international protection from conflict and persecution,” according to the UN agency for refugees. What is persecution?

Persecution is when someone is treating you unfairly because of your race or religious beliefs.

In order to receive asylum, the government has to see if you meet the definition of a refugee. This is found in the asylum interview before the asylum court. During the interview, you should try to explain your reasoning behind why you had to leave home. The principal concept

of asylum is proving your fear of returning to your country of origin is valid. A professional will help you with your asylum case. They will interview you, asking you about your life, your parents lives, and why you left. With your answers, they will try to find sufficient information to help you to receive asylum.

2.) What is a migrant?

A migrant is someone who moves to another country, but on their own free will. They move to improve their economic and or social conditions. Migrants can move for temporary or permanent residence.

3.) What is an immigrant?

Immigrant is the general term for someone who is living in a country in which they were not born. Immigrants are people who move to a new country with the intention of staying. This term is used for a person after they have arrived in the new country. There are many reasons why people decide to move. They move to have more security, more opportunities, to reconnect with their families, or for better living conditions. Some immigrants are known as “undocumented immigrants” or “illegal immigrants” because they entered the country without permission.

The difference between migrants and immigrants is that a migrant moves to another country temporarily, but an immigrant moves to another country with the intention of staying there permanently.

4.) What is a refugee?

Refugees are people who are fleeing their country because of conflict or fear of persecution. They don't have a choice, they have to flee for their safety. One is seen as a refugee if they fear being persecuted for reasons like race (color of your skin), religion (ex. Catholic, Jewish), nationality (ex. Honduras, Guatemala), membership in a particular group, or for your political beliefs. For these reasons, they are afraid to return to their country of origin.

Furthermore, there are many reasons why people have no choice but to leave their country. Many of these factors are known as *push factors*. Push factors include some of the reasons why many people want to leave or escape from their home. Here are some examples of push factors that lead people to flee:

Push Factors:

- | | | |
|----------------------|---------------------|--------------------|
| - unemployment | - unsafety | - lack of services |
| - poverty | - drought | - war |
| - danger and threats | - isolation | - poor wages |
| - natural disasters | - family separation | - famine |

B. Questions about General Information:

5.) Why am I going to Asylum Court?

Since you are in the United States seeking asylum, the asylum court is where you have to justify your reasons behind why you left your country and why that means you need protection.

What are you afraid of that prevents you from returning home? The asylum court will then determine whether your fear is valid as a fear of persecution and warrants an asylum approval.

The court has to see if there are sufficient justified reasons for your fear of returning home for you to stay in the United States.

To prepare you for the asylum court, someone will need to interview you. They will ask you for information about yourself and why you chose to leave your country. The way you answer these questions is very important. In order to receive asylum, you have to be as specific as possible when answering the questions so that the lawyer or whoever is interviewing you, can build a sufficiently strong case on why you deserve to stay.

6.) If I can't speak English, what do I do?

As an unaccompanied, immigrant, or migrant child, you have the right to a translator. The government will give you one. The translator will be with you during the screening and the trial. The translator will help you and your lawyer communicate. It is mandatory that each federal agency provides meaningful access for the client, in this case the child.

When I say *meaningful access*, that means the translator must accompany you during every hearing and trial at which you are required to be present. You will have a translator with you for the asylum interview and for any court proceedings. Your case will not be affected if you ask for a translator, it is your right.

You have rights like human beings... and require supplemental protections because you are dependent on adults

7.) Will someone help me? What are my rights?

Although the government is not required to provide a lawyer, there are different ways to seek one. You have the right to ask the immigration judges to provide you with a list of pro-bono legal services, that is to say, free. There are organizations whose sole intention is to help immigrant children and help represent them in court. These organizations strive to take care of the asylum process and try to ensure the child's protection, identity, and facilitation of court, because as a child it should not be your responsibility to represent yourself in court.

Every lawyer also has their own choice to determine what clients they would like to help depending on each client's probability of success. They tend to help the clients they believe will have a “more positive” outcome. The lawyers can compare one of their clients' cases with the case of another client to try and anticipate how the judge will evaluate their present case. Because of this, it is very important that you explain in detail everything that occurred and why you fled.

During the interview you have the right to have people present there in the room with you. You could have a legal representative, a legal aid staff, and a child expert such as a psychologist or therapist. You may also have a family member or guardian. If you think there are too many people and you feel overwhelmed, you can say something. You have the right to ask for breaks or to say that you do not want to talk about a specific topic. If you do not understand the question or a word that was used, you have the right to ask them to explain it again or in a different way. If you do not want to answer a question, you do not have to. You can ask them to explain what your rights are and what you are entitled to, anything that will make you feel more secure and comfortable.

All children involved in or directly affected by the international migration are entitled to the enjoyment of their rights, regardless of age, gender, ethnic or national origin and economic or documentation status, in both voluntary and involuntary migration situations, whether accompanied or unaccompanied, on the move or otherwise settled, documented or undocumented or any other.

8.) How can I find a lawyer? What types of lawyers are there?

Finding legal representation, a lawyer, will be difficult. You can find legal representation through different legal organizations. There are three different types of legal representation—pro-bono, low-bono, and full price services. Pro-bono representation is completely free. You can receive these services through lawyers who work in nonprofit organizations, therefore organizations whose sole focus is helping people like you. Low-bono representation is also available through organizations or individual lawyers whose focus is social justice instead of only profit. These lawyers charge little compared to those in private offices. The full price services tend to be lawyers who work privately, usually motivated by money.

9.) What type of questions will they ask me? And why?

During the interview, the lawyer or translator will start the interview by asking you a little bit about yourself— what you like to do, eat, and more. Then, they will explain how the interview will go. They will explain your responsibility in the interview, the responsibility of the translator, and they will highlight that the conversation will remain confidential. Confidential

meaning that what you decide to tell them during the conversation will remain between the two of you.

What they want to know is why you are here and what happened to make you run away from home. They want to know this so they can work with you and make a case for you to be granted asylum. Tell them what you have experienced in your home country. Try not to worry about how you answer a question, there are no right or wrong answers. The objective of the interview is for the lawyers to collect information that they deem necessary for when the judge has to make the decision.

First off, they will ask you about your identity such as your name, your age, your birthplace, your ethnicity, your religion, the languages you speak, how many years of schooling you have, and if you know anything about your hometown or contacts from home. The second part will focus on information about your family. They will ask you about the identity of your mom, dad, siblings, grandparents, and uncles and aunts. They will ask you overall questions about your family life, such as what your parents or guardians do for a living, and if they have gone to school, and how they support you. If you know information about your family's political or religious identity, you will also be asked if your parents were ever threatened because of their beliefs. Remember some of the examples I listed earlier?

After they have gathered information about your parents or guardians, they will ask about your final experience and the circumstances behind your arrival. Do not forget that if there is a question that you do not feel comfortable answering, you are not required to answer.

C. Questions the Attorney will ask regarding your Testimony

10.) Who found you? How did you feel when they found you? How did you get here? Did you come alone? Where are your parents? Would you like to contact your parents?

They want information on your arrival and as many details as possible so they can try and find why you are scared to return home. They want to know if this has anything to do with your parents, religious aspects, culture, or identity. This information will hopefully lead them to find a conclusion on why you left your country.

They want to know if you came to the United States with anyone, and if so, can they be responsible for you or do you barely know them? They want to know the details behind how you got here, who you came with, and most importantly, why? Did you have a choice? Did you want to come? Whether you were in your home country alone and wanted to see your parents in the U.S., or whether you needed to leave because you feared someone hurting you, you need to tell the lawyer where that fear is coming from. If you know, it is important to state your parents' whereabouts. Give as many details as possible on why you had to leave your country, whether you had a choice, and how your fear of returning home will not surpass quickly.

11.) Why did you flee your home country?

The first thing you should remember is if a question does not make you feel comfortable, you do not have to answer it. What the interview/ screening aims to do is collect as much information to help build your asylum case. Try and say what you remember and all the details possible. If you have suffered harm or threats, you should tell them. It is important to try and trust the lawyer and let them know about your fears or what you think caused you to leave.

Instead of saying that there is lots of violence in your home country, if you feel comfortable, can you say what this violence signifies? Is this violence towards you or your family?

It is also important to highlight if there were reasons such as conflict in your home country where there was no other option but to leave immediately. This is known as an involuntary separation. Examples of involuntary separation are if there is war, natural disasters, forced labor, or kidnappings. The opposite of an involuntary separation is an intentional separation.

12.) Did someone threaten you, if so, who?

Similar to the last question, the court wants to know if there was anyone specifically who you believed wanted to hurt you or your family. Is there someone, something, or some group in your home country that you fear? If you do not know who threatened you or your family, you are allowed to say who you think it could be and why you think it could be them.

13.) Why did they choose to hurt you?

It is alright if you do not know why they threatened or want to hurt you. Do you think there could be certain characteristics of either you or your family like race, religion, identity, nationality, or political beliefs that led this person or group to want to hurt you or your family? Was there something about you or your family that other people did not approve of? Sometimes what other people don't like or can not accept is a reason to them on why it is okay to see you as the enemy. This is not to say that there is something wrong with you or your family. The lawyer needs to collect as much information as possible to try and see why you are being persecuted and

what you fear. Sometimes what others don't like or agree with is the reasoning behind wanting to hurt or threaten you.

14.) Could the police and or government help you? If not, why?

Apart from the people or groups you may fear, it is important to know if any of these groups are connected with your country's government or military. If they are, this will help highlight the importance of needing to approve your asylum request. You can claim asylum if one of your fears of returning home is based on the persecutor being part of the government. It is also important to include if at any time, you asked the police for help, what is said about the police, and what happened once you contacted them.

The most important thing to know when answering these questions is to try not to generalize your experience. Always start with your first incident, your worst incident, and your most recent incident.

D. Preparation for the Judicial Environment

15.) What is the courtroom setting like? How should I behave? Where does everyone sit?

Do I have to be there?

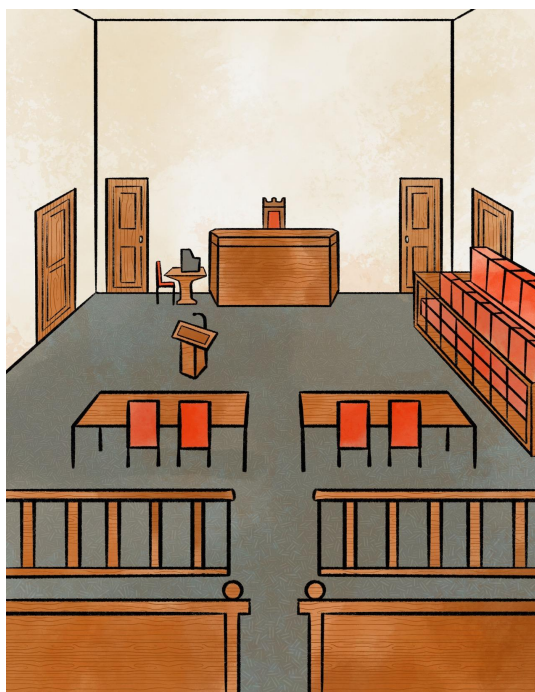


Drawing 2

At first, the courtroom will be an unfamiliar place, but you have the right to request to visit the courtroom before your initial hearing. The courtroom is where hearings are held to deal with certain issues. If you know you are going to be uncomfortable or scared, and you think it would help to bring a book or quiet toy, you can bring it with you.

There are certain rules that you must follow in the courtroom. If you have to speak, make sure you speak clearly and that you are not eating or chewing gum while you speak. You have to be punctual, don't be late. You have to come dressed respectfully. Look at the example in drawing number two.

Do not hesitate to ask whoever is helping you if your presence during the hearing is required. Sometimes there are ways the court can waive your appearance, therefore you will not be required to attend.



Drawing 3

16.) What is the most important thing to highlight?

The asylum process is where your story, your emotions, and your experiences of suffering is the principal object that could lead you to a legal status. The lawyer has to hear your experiences and determine whether they are worthy enough to build a legal case for asylum.

One of the more important points to remember is that you are a child and that you depend on others. You have to emphasize both your childhood and lack of childhood because of the situation you are in. You have to distance yourself from the factors of adulthood and instead

display childlike characteristics to show that you are still dependent on adults. In addition to proving that you are still a child, you must also emphasize your refugee status in order to get protection.

2.4. What is worth remembering

The most important thing to remember is that it is okay to ask for help and it is okay to not know exactly what is going on. No one expects you to know. Remember that you are a child whose responsibility shouldn't be learning to represent themselves in court. This guide is not here to replace the social workers or therapists who are by your side throughout this asylum process, rather the guide is here to act as a helping hand and to prepare you for some of the questions that they will ask you.

2.5. Bibliography consulted for this Guide

This guide, adapted for immigrant children, has been made based on the following sources, which can be consulted by adults for more information. I decided to include the citations and footnotes so that the reader— child or adult— could go back and find where to look for more information if necessary.

Abel, Laura. *Language access in immigration courts*. Brennan Center for Justice at New York University School of Law, 2011.

Douglas, Paul, Martin Cetron, and Paul Spiegel. "Definitions matter: migrants, immigrants, asylum seekers and refugees." *Journal of travel medicine* 26, no. 2 (2019): taz005.

Finland: Directorate of Immigration, *Guidelines for Interviewing (Separated) Minors*, March 2002, available at: <https://www.refworld.org/docid/430ae8d72.html> [accessed 17 April 2023]

Galli, Chiara. *Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States*. Univ of California Press, 2023.

International Organization for Migration. "Key Migration Terms | International Organization for Migration," July 5, 2019. <https://www.iom.int/key-migration-terms>.

"Reporting Terminology and Definitions | Homeland Security," n.d. <https://www.dhs.gov/immigration-statistics/reporting-terminology-definitions>.

"Teaching Materials Ages 12-15." UNHCR US. Accessed April 17, 2023. <https://www.unhcr.org/us/what-we-do/build-better-futures/education/teaching-about-refugees/teaching-materials-ages-12-15>.

United Nations High Commissioner for Refugees. "Teaching about Refugees." UNHCR, n.d. <https://www.unhcr.org/en-us/teaching-about-refugees.html>.

Chapter 3 : The Everchanging Asylum Process

3.1. Asylum during the Obama, Trump, and Biden administration

With the asylum process and laws being dependent on the president and their political stance on immigration during that time, the asylum process itself becomes malleable and blurry as the law and certain requisites for asylum can drastically change every four years. As the asylum process can change in regards to details like what entails credible fear or what defines a refugee, the guide covers general terms of asylum in order to last for more than one president's term. As long as the asylum process in the United States continues to change, so can the terminology and law.

As much as asylum regulations can change depending on the political atmosphere, so can the way immigrants and refugees are treated and viewed. For example, as I stated in Chapter 1, during the Trump presidency (2017-2021), the administration made it their goal to use fear tactics to deter as many immigrants from coming to the United States. They were outwardly anti-immigrant as they described them as unwanted and criminals. They emphasized that if immigrants were to arrive, they would be detained, sent back, or separated from their family.²⁴

Apart from scare-tactics, they would use terminology to make these immigrants and refugees appear as the bad guy or the bad citizen. Jeff Sessions, one of Trump's attorney generals, outwardly said that the unaccompanied minors who are crossing into the United States are to be seen as "wolves in sheeps clothing," meaning that although they may appear as these innocent beings riding on the fact that they are children and need the help of the United States, they are actually affiliated with gangs from their home country trying to 'cheat' their way into

²⁴ Romero, Mary. "Trump's Immigration Attacks, in Brief." *Contexts* 17, no. 1 (2018): 35

the U.S. and take advantage of what we have to offer.²⁵ He is saying they are riding on the fact they are children when in reality they are probably affiliated with trouble. By openly calling immigrant children “wolves in sheeps clothing,” as an attorney general who has a platform, both him and the Trump administration are clearly stating their stance on immigration.²⁶ The Trump administration was extremely anti-immigrant. Trump's racist rhetoric was shown when he stated he did not want immigrants from “shithole” countries, referring to countries in Africa.²⁷ The Trump administration relied on their racist rhetoric and fear tactics to show their stance on immigration to try and deter immigrants from coming to the United States.

The Trump administration's stance on immigration impacted the immigration laws and rights that were already in place in the United States. During the Trump administration, the asylum screening known as the ‘credible fear interview,’ became more complicated to pass, to be seen as an asylum seeker, and therefore gain asylum. Along with complicating who is/was eligible to be granted asylum, the Trump administration introduced *Title 42* during Covid-19, as a way to prevent the spread of Coronavirus at the time. *Title 42* allowed the United States to expel upward of two million immigrants from the border, including asylum seekers.²⁸ This law allowed the U.S. to expel migrants as quickly as possible without even giving them the chance to apply for asylum. Moreover, Jeff Sessions ended the practice of “catch and release” and encouraged the Trump administration to grant felony charges for those who enter the country

²⁵ Galli, Chiara. *Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States*. Univ of California Press, (2023.) 72

²⁶ Galli, Chiara. “Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States,” 72.

²⁷ Romero, Mary. “Trump’s Immigration Attacks, in Brief,” 35.

²⁸ O’Neil, Shannon K. “Migrants at the U.S. Border: How Biden’s Approach Differs From Trump’s.” Council on Foreign Relations, (2021) 6.

illegally, no longer allowing a distinction between unauthorized immigrants who are there to work with those who have a criminal background.²⁹ Furthermore, under the Trump administration, immigration judges lost their ability to manage cases in regards to granting them additional time for relief if they believed the client needed it. These new changes made receiving asylum more difficult. More significantly, there was also no longer a distinction on how to interview children vs. adults, rather asylum officers held the child's testimony and credibility to the same standards as an adult's testimony.³⁰

Under the Trump administration, we have seen clear examples of how the requirements to seek asylum can change depending on the administration or political atmosphere. As we have covered, to seek asylum, one has to prove their fear of suffering because of either their race, their religion, their political opinion, their membership in a particular group, or their nationality. In 2018, Jeff Sessions issued the decision to disqualify domestic violence as a reason to seek asylum.³¹ The Trump administration was apparent in their stance on immigration with their anti-immigrant rhetoric and use of fear-tactics. These constantly evolving requisites or definitions continue to complicate the process for the asylum seekers and the lawyers trying to help them. The changes will continue to blur the definitions and confuse those needing to understand— specifically the youth's ability to understand their rights under the U.S. immigration law.

²⁹ Romero, Mary. "Trump's Immigration Attacks, in Brief," 35.

³⁰ Galli, Chiara. "Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States," 167.

³¹ Galli, Chiara. "Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States," 166.

Currently, under the Biden administration (January 2021- present), although the President does not use scare-tactics or is as anti-immigrant as the Trump administration was clear to be, his administration also continues to alter asylum laws. The Biden administration reversed many of Trump's hard policies related to immigration. However, they continue to use *Title 42* because of the so-called "*Migration Crisis*" allegedly being that the amount of migrants arriving at the border has peaked.³² With the increase of migration from Latin America, the Biden administration continues to use *Title 42* to quickly expel migrants, even though *Title 42* received great backlash once it was reintroduced during the Trump administration. President Biden has also tightened immigration laws by denying people from Cuba, Nicaragua, Venezuela, and Haiti the chance to apply for asylum if they were to cross the Mexican border without authorization.³³ Instead, they are returned to Mexico.³⁴ Biden showed a certain *disregard* for immigrants when he stated, "If you're trying to leave Cuba, Nicaragua, or Haiti, or have agreed to begin a journey to America, do not, do not just show up at the border."³⁵

Although the Biden administration is not as explicitly anti-immigrant as the Trump administration was known to be, this statement reinforces the idea that one can not present themselves at the border and request asylum without justification. Nonetheless, by complicating this they are highlighting how some fears are stronger than others, diminishing many people's fear. Although it is not easy to accept everyone who fears returning to their home country, it is

³² O'Neil, Shannon K. "Migrants at the U.S. Border: How Biden's Approach Differs From Trump's," 1-2.

³³ Shear, Michael D., Eileen Sullivan, and Miriam Jordan. "Biden Announces New Crackdown on Migrants Crossing at the Border." *New York Times*, January 6, 2023

³⁴ Shear, Michael D., Eileen Sullivan, and Miriam Jordan. "Biden Announces New Crackdown on Migrants Crossing at the Border."

³⁵ Shear, Michael D., Eileen Sullivan, and Miriam Jordan. "Biden Announces New Crackdown on Migrants Crossing at the Border."

not humane to not even allow them a chance to apply for asylum. Instead of completely blocking access to request asylum, Biden allowed 30,000 people, every month, the chance to migrate *legally* to the United States. However, this can only happen if they can afford a plane ticket, have someone in the U.S. to sponsor them, pass a background check, and pass other requirements.³⁶ By doing this, the Biden administration is practically complicating access to a legal pathway a step further, further enforcing existing immigration laws, and adding new restrictions on the right to claim asylum. By making it harder for someone to claim asylum, in a way you are denying or diminishing their fear.

While the Trump administration tried to deter the flow of migrants coming in, the Biden administration states they are trying to manage the amount of migrants coming into the United States and instead of blaming the countries the immigrants are fleeing from, they are trying to change the situation in those home countries.³⁷ They want to address the root causes of migration to help prevent violence and to create more economic opportunities for those countries. However, their justification of trying to find ways to manage migration instead of completely dismissing it like the Trump administration did, does not justify their new restrictions on the right to claim asylum and the continued use of *Title 42*.

Overall the Biden-Asylum rule that was put in place in March 2022 changed the asylum process by implementing stricter timelines for families and individuals seeking asylum. Those who appear in the U.S. Citizenship and Immigration Services (USCIS) can have their “credible

³⁶ O’Neil, Shannon K. “Migrants at the U.S. Border: How Biden’s Approach Differs From Trump’s,” 7.

³⁷ O’Neil, Shannon K. “Migrants at the U.S. Border: How Biden’s Approach Differs From Trump’s.” 6.

fear interview” within days of being apprehended and their asylum interview could be between twenty-one to forty-five days after their positive screening— not giving them enough time to prepare. If their credible fear screening is denied by the asylum officer, they then have to appear for immigration proceedings where someone's whole case could be heard within four months of their arrival!³⁸ This Biden-Asylum rule is a type of expedited process that was put in place to consider asylum claims at a faster pace than other immigration policies.

Trying to rush an asylum seekers case can be more threatening to children in that kids need the extra time in order to open up emotionally, mentally, and verbally. As children, their brains don't fully develop until their twenties. Therefore, for them to summarize their traumatic experience in the “correct” way and within a specific time frame is asking for a lot. Furthermore, children need time to build trust with their lawyer, social worker, and translator. Since asylum-seeking children are still children and depend on adults, you can not force a child to tell their story in a predetermined timeline.³⁹ All the expedited processes are doing is punishing both asylum-seeking children and their families. There should be more that the Biden administration can do to help facilitate the asylum process and weigh the asylum-seekers' fear fairly and justly.

3.2. The Guide’s Intent

This guide is intended to be used for children prior to coming to the United States and seeking asylum. It is for those who will find themselves in the asylum seeking process and do not understand any of it. This guide introduces terminology the children should understand before

³⁸ First Focus on Children. “Home - First Focus on Children.” First Focus on Children - Making Children and Families the Priority, February 27, 2018.

³⁹ First Focus on Children. “Home - First Focus on Children.”

they are thrown into this legal maze of asylum. The guide will be passed along through nonprofit organizations. Instead of there being “know your rights” presentations, I want this guide to be in the format of a brochure or book, and given to social workers or group coordinators in the organizations. The social worker will then pass this information to the immigrant children or family prior to the child's meeting about asylum or before any procedure that will determine the child's legal status. I want the child to obtain the guide before any of the legal process, so they have enough time to inform themselves on what may happen and what terms are important to know. Ideally, it would be helpful to also pass this information along to the children's parents or guardians for them to get an understanding of the asylum process. The guide is simplified enough for parents and children who have no knowledge on U.S. asylum and legal immigration terms to receive some understanding of it. I decided to translate the guide into english, to further facilitate any future translations of the guide to be made into any other language.

Ideally, the guide could also be posted as a PDF online on some non-profit organizations websites in order for people to be able to access it as early as they deem necessary and to simply amplify the ways migrants, social workers, lawyers, and coordinators could access the guide to help ease the child's stress in this process. Instead of having the usual “Know your rights/*Conoce tus derechos*” presentation, as an alternative or an addition, we can use *Una guía para niños: ¿Nos preparamos para la selección de asilo?* Those organizing the presentations, whether it be social workers, coordinators, or lawyers, may choose the questions they deem relevant for their clients, considering the particularities of each case, rather than presenting each question. At the presentation, everyone would be handed a pamphlet of the guide and should be given the opportunity to ask any questions they may have.

As we have seen, with every administration, there have been and will continue to be changes in the asylum process and immigration law. Each administrations' stance takes a toll on the immigration and asylum process, continuously changing the laws, terminology, and requirements for asylum. Because of the continuous changes in asylum, *Una guía para niños: ¿Nos preparamos para la selección de asilo?* has focused on the more constant themes of immigration and asylum that won't change as quickly as other laws and requirements. The guide covers terminology that, for the most part, will remain as is for the foreseeable future. This said, with the great amount of changes from the Trump to the Biden administration, we can only imagine how much more it will change even one year from now.

With the continuous changes in the political atmosphere of this country, this guide, *Una guía para niños: ¿Nos preparamos para la selección de asilo?* contains more generalized terms that should continue to stay similar, for the most part. However, many of the terms and laws could still be adjusted and or changed, showing the complexity of ever fully understanding the asylum process without having to go back in every four years or so to see what changed, therefore what do I need to learn or adjust from my understanding. Because of how much the laws can change, the guide seeks to cover the generalized terms for it to be as helpful for as long as possible.

3.3. A Guide for the Everchanging Asylum process

Many of the questions or themes covered in this guide are similar to those used in Valeria Luisellis's, *Tell Me How it Ends*, where the forty questions are those used to interrogate the child in the asylum screening. Although that exact questionnaire is not easily accessible online, the

questions asked are generally the same ones that are used for other asylum screenings that can be found online. Although the screening is not precisely online nor clear, the questions are usually listed as an idea of what you will be asked during the screening. However, depending on the organization or institution, the questions can be reworded a little, but overall will maintain the same meaning. The lists of questions accessible online could ask the same questions as Luiselli, but might emphasize different details. Works like Valeria Luiselli's *Tell Me How it Ends* and *Una guía: ¿Cómo me preparo para la selección de asilo?* are vital to not only immigrants and family members of immigrants, but to U.S. citizens as well, because it helps emphasize to the readers how complicated this asylum process is and how everchanging it is.

In addition to the asylum process itself being convoluted and complicated for anyone, imagine a child having to describe their traumatic experiences not in the way they understood it to happen, but by using legal language that supposedly proves they suffered the “right” amount to be granted asylum. Many children, prior to coming to the United States, have little to no knowledge on the asylum/immigration process and what it will entail. Before they migrate, “most youths know almost nothing about asylum and US protections for unaccompanied minors” and even those who do know some of their rights, are unable to protect themselves from rights violations “given their unequal power relationship with the state.”⁴⁰ Because of how complicated and inaccessible the understanding of asylum can be, this guide will help introduce immigrant children and their family members to more generalized terms that allows them a place to start, rather than being thrown into this mess defined as the asylum process.

⁴⁰ Galli, Chiara. “Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States,” 218-219

3.4. Intent of drawings included in the guide, and explanation

With the creation of my guide *Una guía para niños: ¿Nos preparamos para la selección de asilo?* I have decided to include some drawings to go along with the questions in order to help the reader understand the context better. With the addition of the drawings, the drawings help aid in the explanations. The visuals can help facilitate the understanding of the asylum process by providing visual clues and showing expression to set the scene and create empathy.

For the drawings, I would like to thank Yadriel Lagunes (Bard '26) for being part of this project and for giving me these drawings. During our first meeting, we met and talked about the premise of my project and what I wanted it to entail, specifically how the drawings can help enforce this simplification and explanation for the immigrant children. I sent him the version of the guide I had at the time, and let him read through it to see what questions or topics stood out to him where he would be able to simplify it by drawing a picture. We both decided it would be best to only draw three pictures to give the reader an idea of what my guide could become with the accompaniment of drawings. The first drawing resembles an example of an asylum screening interview. The second drawing is an example of the toys you can bring to court with you, what you should and should not do, and what clothes are most appropriate to wear. The third drawing is a drawing representing the courtroom. These drawings go hand in hand with the questions listed in the guide, as they provide visuals to what the kids are reading.

3.5. Final Remarks

The trajectory of this project has changed drastically from the early stages to now. It began as a children's book intended to only simplify the legal terminology that was used in the

forty questions in Valeria Luiselli's, *Tell Me How it Ends*. Then I decided it would be helpful to instead, send out questionnaires to participants of organizations who have gone through the asylum process and get their experience first hand, in order to see what is and isn't necessary in the guide. However, this became complicated in that I would have needed more time in order to get approved by Bard College to ensure my interviews were ethically moral. With this, I was no longer able to use the questionnaires that I had already worked on, so I decided to take a different approach and instead, use the research I had access to, the organizations I was in contact with, and my overall experiences working with immigrants. The resources I had access to allowed me to construct a guide for immigrant children that would help explain the asylum screening to them and would no longer leave them in the dark.

Specifically, *Una guía para niños: ¿Nos preparamos para la selección de asilo?* differs from other works since my intended audience is the immigrant children going through the asylum process or about to go through it. The guide is an adaptation of certain "Know your rights" presentations in that it is for children and with that, attempts to facilitate the legal language used in the asylum process for the children to understand. The guide, along with the historical context and analysis shows us how everchanging the asylum and immigration process is and will continue to be. With the continuous changes in policy, dependent on the current administration at the time, how can we expect immigrant children to ever win their asylum cases if they do not know what to expect?

Appendix:

In the appendix, I will include the questions I received from the Connecticut Institute of Refugees and Immigrants (CIRI). These questions are categorized as frequently asked questions that the parents or participants of CIRI tend to have about their situation, their family, or their rights. I decided to gather these questions as well because they would make a great addition to the guidebook, chapter 2, since they are questions CIRI knows people tend to have once they come here. Apart from the FAQ, I will also include the questionnaire I made, so the reader can see the types of questions I decided to ask and how I will (later) incorporate them into Chapter 2. I will also include the responses so you can see how I then decide to build my questions or responses in the guidebook based on what people said to the questionnaire. The questionnaire is in both english and spanish to accommodate the participants and encourage comfortability when answering. More importantly, I will include the responses to the questionnaire so my reader can access the voices of the immigrants and their first-hand experience. I do not intend to speak for the immigrants, rather help highlight what they deem as important to know once you arrive in the United States.

CIRI Frequently asked Questions:

- 17.) Are some of my family members still at the military base?
- 18.) How do I contact my family back home?
- 19.) How do I get access to technology (laptop, phone)?
- 20.) Where can I buy food, and clothes?
- 21.) Where are places of worship located?

- 22.) How do I learn English?
- 23.) Where is my resettlement money?
- 24.) Where will I receive my medical care needs?
- 25.) Where will I work? Where will my kids go to school?

Questionnaire in English:

Survey 1

My senior project is to write a children's book directed to immigrant children who cross the Mexican border. When children are applying for asylum, they have to go through court and are asked to answer complex questions. These questions form part of the legal questionnaire that determine whether the children get deported or receive a legal status. These questions are not simplified in a way for them to understand it, nor can they ever be because of how complex these kids' situations are. These questions entail legal terminology that makes it difficult for me to understand, nevertheless the kids. A lot of these terms are terms that these kids will have to learn sooner than later.

The objective of the questionnaire is to help simplify the immigration, asylum, and refugee process children have to go through by attempting to familiarize the kids with what they will need to know and learn in order to remain in the United States. I wanted to direct the book toward children going through the immigration or refugee/asylum process, ergo the language and explanations are directed for the kids to understand it better.

I'm taking these surveys to gather more information on people who went through a similar process and learn about what they would have liked to know prior to coming to the U.S. and starting the legal process. Please feel free to write whatever you think would help the kids during the immigration/asylum court. As an exclaimer, all your information will remain anonymous.

Nationality of origin?

Short answer text

Gender

- Female
- Male
- Prefer not to say
- Nonbinary

Age

Short answer text

Citizenship Status

- U.S. Citizen
- U.S. Dual Citizen
- U.S. Permanent Resident
- U.S. Refugee or Asylee
- Other
- None of the above

What year did you arrive to the United States?

- 1993-2001
- 2001-2009
- 2009-2017
- 2017-2021

Where do you currently reside? (City, State) ...

Short answer text
.....

In what state did you request asylum?

Short answer text
.....

What would you have liked to know before arriving to the U.S.?

Long answer text
.....

Have your expectations for living in the United States been met?

Yes

No

Would you care to share some of the expectations that were or were not met? Explain

Long answer text
.....

What were some of your reasons for coming to the United States?

Long answer text
.....

In a few sentences, how would you describe your process coming to the United States?

Long answer text
.....

The Questionnaire in Spanish:

This questionnaire is in the same format as we see above, but here I will be listing the questions.

S Encuesta 1

Mi proyecto de último año es escribir un libro infantil dirigido a los niños inmigrantes que cruzan la frontera mexicana. Cuando los niños solicitan asilo, tienen que pasar por los tribunales y se les pide que respondan preguntas complejas. Estas preguntas forman parte del cuestionario legal que determina si los niños son deportados o obtienen un estatus legal. Estas preguntas no están simplificadas de manera que puedan entenderlas entonces les resultan difícil de entender. Estas preguntas tienen una terminología legal que me resulta difícil de entender, sin embargo, los niños. Muchos de estos términos son términos que estos niños tendrán que aprender más temprano que tarde.

El objetivo del cuestionario es ayudar a simplificar el proceso de inmigración/asilo por el que deben pasar los niños . Quiero familiarizar a los niños con lo que necesitarán saber y aprender para permanecer en los Estados Unidos. El libro esta dirigido a los niños que están pasando por el proceso de inmigración, asilo, o refugio y el lenguaje así cómo las explicaciones están adaptadas para que entiendan mejor.

Realizo estas encuestas para tener más información sobre las personas que pasaron por un proceso similar y lo que les hubiera gustado saber antes de venir a los EE. UU. y comenzar el proceso legal. Siéntase libre de escribir lo que crea que ayudaría a los niños durante el juicio de inmigración, asilo, y los refugiados. Sepa que toda la información que facilite aquí permanecerá anónimo.

1.) Genero?

- Femenino
- Masculino
- Prefiero no contestar
- Nobinario

2.) ¿Edad?

3.) ¿Nacionalidad de origen?

4.) ¿Estado de ciudadanía?

- Ciudadanía estadounidense
- Ciudadanía doble de los Estados Unidos y otro país
- Residente permanente de los Estados Unidos
- Refugiado o asilado en los Estados Unidos
- Otro
- Ninguno de las anteriores

- 5.) ¿En qué año llegó a los Estados Unidos?
 - 1993-2001
 - 2001-2009
 - 2009-2017
 - 2017-2021
 - 2021-hoy

- 6.) ¿Dónde resides en este momento? (Ciudad, Estado)

- 7.) ¿En qué Estado de los Estados Unidos pidió asilo?

- 8.) ¿Qué desearía haber sabido antes de llegar a los Estados Unidos?

- 9.) ¿Se han cumplido las expectativas que tenías para vivir en los Estados Unidos?

- 10.) ¿Le importaría compartir algunas de esas expectativas que se cumplieron o no se cumplieron? Explique

- 11.) Explica algunas razones por las que vino a los Estados Unidos.

- 12.) ¿Cómo describiría en pocas palabras su proceso de acogida en los Estados Unidos?

Bibliography

- Abel, Laura. *Language access in immigration courts*. Brennan Center for Justice at New York University School of Law, 2011.
- Ali, Mahrukh. "Zero Sympathy: Unaccompanied Minors' Rights in the US Immigration System." *Ind. J. Global Legal Stud.* 28 (2021): 245.
- Anzaldúa, Gloria. "The Homeland, Aztlán." *Defining Travel: Diverse Visions* (2001): 232.
- Ataiants, Janna, Chari Cohen, Amy Henderson Riley, Jamile Tellez Lieberman, Mary Clare Reidy, and Mariana Chilton. "Unaccompanied children at the United States border, a human rights crisis that can be addressed with policy change." *Journal of immigrant and minority health* 20 (2018): 1000-1010.
- Bolter, Jessica, Emma Israel, and Sarah Pierce. "Four years of profound change: Immigration policy during the Trump presidency." *Migration Policy Institute* (2022).
- Bosniak, Linda. "The Citizen and the Alien: Dilemmas of Contemporary Membership." (2008).
- Cavendish, Betsy. *Children at the border: The screening, protection and repatriation of unaccompanied Mexican minors*. Appleseed, 2011.
- Center, Immigration Policy. "Children in danger: A guide to the humanitarian challenge at the border." *Washington, DC: American Immigration Council* (2014).
- "Citizen." *LII / Legal Information Institute*, <https://www.law.cornell.edu/wex/citizen>
- Coolgeography. "The Impact of Migration on Population Structure." In *Coolgeography*. Coolgeography. <https://www.coolgeography.co.uk/A-level/AQA/Year%2012/Population/Population%20change/Migration%20and%20population%20new.htm>.
- De León, Jason. *The land of open graves: Living and dying on the migrant trail*. Vol. 36. Univ of California Press, 2015.
- Department of Homeland Security. "Reporting Terminology and Definitions." In *Department of Homeland Security*, by The Office of Immigration Statistics. Office of Immigration Statistics, 2022. <https://www.dhs.gov/immigration-statistics/reporting-terminology-definitions>.

- Dickerson, Caitlin. "We Need to Take Away Children." *Atlantic* 330, no. 2 (September 2022): 36-76.
<https://eds.p.ebscohost.com/eds/detail/detail?vid=0&sid=0c2f6038-6ccc-4132-8392-22ce9cb32e4f%40redis&bdata=JnNpdGU9ZWRzLWxpdmUmc2NvcGU9c2l0ZQ%3d%3d#d b=edo&AN=158440079>.
- Douglas, Paul, Martin Cetron, and Paul Spiegel. "Definitions matter: migrants, immigrants, asylum seekers and refugees." *Journal of travel medicine* 26, no. 2 (2019): taz005.
- Finland: Directorate of Immigration, *Guidelines for Interviewing (Separated) Minors*, March 2002, available at: <https://www.refworld.org/docid/430ae8d72.html> [accessed 17 April 2023]
- First Focus on Children. "Home - First Focus on Children." First Focus on Children - Making Children and Families the Priority, February 27, 2018. <https://firstfocus.org/>.
- GAO (US Government Accountability Office). "Unaccompanied Alien Children: Actions Needed to Ensure Children Receive Required Care in DHS Custody." (2015).
- Galli, Chiara. *Precarious Protections: Unaccompanied Minors Seeking Asylum in the United States*. Univ of California Press, 2023.
- Gutiérrez, Ramón A., and Tomás Almaguer, eds. *The New Latino Studies reader: A twenty-first-century perspective*. Univ of California Press, 2016.
- Hasson III, Robert G., Thomas M. Crea, Ruth G. McRoy, and Ân H. Lê. "Patchwork of promises: A critical analysis of immigration policies for unaccompanied undocumented children in the United States." *Child & Family Social Work* 24, no. 2 (2019): 275-282.
- Huynh, Jennifer. "La Charla: documenting the experience of unaccompanied minors in immigration court." *Journal of Ethnic and Migration Studies* 47, no. 3 (2021): 616-630.
- International Organization for Migration. "Key Migration Terms | International Organization for Migration," July 5, 2019. <https://www.iom.int/key-migration-terms>.
- Immigrant Legal Resource Center. "DACA." In *Immigrant Legal Resource Center*. Immigrant Legal Resource Center.
<https://www.ilrc.org/daca#:~:text=Deferred%20Action%20for%20Childhood%20Arrivals>.

- Jensen, Tine K., Krister W. Fjermestad, Lene Granly, and Nicolai H. Wilhelmsen. "Stressful life experiences and mental health problems among unaccompanied asylum-seeking children." *Clinical child psychology and psychiatry* 20, no. 1 (2015): 106-116.
- Kandel, William A., Andorra Bruno, Peter J. Meyer, Clare Ribando Seelke, Maureen Taft-Morales, and Ruth Ellen Wasem. "Unaccompanied alien children: Potential factors contributing to recent immigration." *Current Politics and Economics of the United States, Canada and Mexico* 17, no. 3 (2015): 453.
- Lee, Erika, Maddalena Marinari, and Evan Taparata. "# ImmigrationSyllabus: The Necessity of Teaching Immigration History Today." *Journal of American Ethnic History* 37, no. 3 (2018): 102-111.
- Luiselli, Valeria. *Lost Children Archive: A Novel*. Vintage, 2019.
- Luiselli, Valeria. *Tell me how it ends: An essay in 40 questions*. Coffee House Press, 2017.
- Musalo, Karen, and Eunice Lee. "Seeking a rational approach to a regional refugee crisis: Lessons from the summer 2014 "surge" of Central American women and children at the US-Mexico border." *Journal on Migration and Human Security* 5, no. 1 (2017): 137-179.
- National Immigrant Justice Center. "Asylum Project Intake Questions." In *National Immigrant Justice Center*, 1-3. National Immigrant Justice Center, 2015.
https://immigrantjustice.org/sites/immigrantjustice.org/files/BestPracticesManual_2.%20NIJC%20Asylum%20Project%20Intake%20Questions.pdf.
- Negy, Charles, Shari Schwartz, and Abilio Reig-Ferrer. "Violated expectations and acculturative stress among US Hispanic immigrants." *Cultural Diversity and Ethnic Minority Psychology* 15, no. 3 (2009): 255.
- "New Book Documents Lives of Unaccompanied Minors," June 14, 2022.
<https://inequality.cornell.edu/news/new-book-documents-lives-unaccompanied-minors>.
- Office of Refugee Resettlement. "ORR Unaccompanied Children Program Policy Guide: Section 1." In *Office of Refugee Resettlement*, by An Office of the Administration for Children & Families. Office of the Administration for Children & Families, 2023.
<https://www.acf.hhs.gov/orr/policy-guidance/unaccompanied-children-program-policy-guide-section-1>.

- O'Neil, Shannon K. "Migrants at the U.S. Border: How Biden's Approach Differs From Trump's." Council on Foreign Relations, 2021. <http://www.jstor.org/stable/resrep31157>.
- Romero, Mary. "Trump's Immigration Attacks, in Brief." *Contexts* 17, no. 1 (2018): 34–41. <https://www.jstor.org/stable/26394259>.
- Scribner, Todd. "You are not welcome here anymore: Restoring support for refugee resettlement in the age of Trump." *Journal on Migration and Human Security* 5, no. 2 (2017): 263-284.
- Shear, Michael D., Eileen Sullivan, and Miriam Jordan. "Biden Announces New Crackdown on Migrants Crossing at the Border." *New York Times*, January 6, 2023, A10(L). *Gale General OneFile* (accessed April 9, 2023).
- Signpost. "5 Questions You May Have about Immigration Cases and Your Rights in the US." In *Signpost*. ImportaMí, 2023. <https://www.importami.org/hc/en-us/articles/4411262341655--Top-5-Questions-You-May-Have-about-Immigration-Cases-and-Your-Rights-in-the-U-S->.
- Sourander, Andre. "Behavior problems and traumatic events of unaccompanied refugee minors." *Child abuse & neglect* 22, no. 7 (1998): 719-727.
- The Rights of All Children in the Context of International Migration, Rep., at 22 (2012).
- United Nations High Commissioner for Refugees. "Asylum Seekers." In *United Nations High Commissioner of Refugees*, by The UN Refugee Agency. The UN Refugee Agency. <https://help.unhcr.org/usa/rights-and-duties/asylum-seekers/>.
- . "Teaching about Refugees." In *The UN Refugee Agency*. United Nations High Commissioner for Refugees. <https://www.unhcr.org/us/what-we-do/build-better-futures/education/teaching-about-refugees>.
- . "Teaching Materials Ages 12-15." In *United Nations High Commissioner for Refugees*. The UN Refugee Agency. <https://www.unhcr.org/us/what-we-do/build-better-futures/education/teaching-about-refugees/teaching-materials-ages-12-15>.
- UNHCR USA. "Rights and Duties - USA," January 3, 2018. <https://help.unhcr.org/usa/rights-and-duties/>.
- U.N. Committee on the Rights of the Child. *General comment no 12 (2009): The right of the*

child to be heard. UN Doc. CRC/C/GC/12; 2009.

U.N. General Assembly. *Convention on the Rights of the Child*. UN Doc. A/Res/44/25; Nov 20, 1989.

USCIS. "Questions and Answers: Credible Fear Screening | USCIS," May 31, 2022.

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum/questions-and-answers-credible-fear-screening>.

Vervliet, Marianne, Melinda A. Meyer Demott, Marianne Jakobsen, Eric Broekaert, Trond Heir, and Ilse Derluyn. "The mental health of unaccompanied refugee minors on arrival in the host country." *Scandinavian journal of psychology* 55, no. 1 (2014): 33-37.

Walker, Jesse, Amanda Venta, and Betsy Galicia. "Who is taking care of central American immigrant youth? Preliminary data on caregiving arrangements and emotional-behavioral symptoms post-migration." *Child Psychiatry & Human Development* 52 (2021): 217-224.

Watson, Tara, and Kalee Thompson. "The Border Within." In *The Border Within*. University of Chicago Press, 2022.