

Parallels and Meridians -

A Transatlantic Comparative Study of Unaccompanied Minors Seeking Asylum

by

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## ABSTRACT

Immigrants, refugees, asylum seekers. Three words describing the same group of people. Individuals seeking a better, safer life.

Western media is focused right now, in 2016, on the humanitarian crisis from the Middle East to the European Union; just like two years ago it was centered on the huge numbers of unaccompanied minors immigrating into the United States from Central America. Media changes its focus but problems do not end with a change of headlines.

Unaccompanied minors are the most vulnerable population looking for asylum. This study looks at two different immigration flows of unaccompanied minors: one from the Middle East going to the European Union; and the other one from Central America to the United States.

This research finds similarities and differences between these two flows of migrant children related to the reasons why they leave their countries of origin, their experiences during the trip to the destination countries, the asylum process, the legal status of these children and how these minors are perceived by societies in the destination countries. Using a human rights law framework, this thesis will explore the continuum of violations of human rights that these children endure on their journey from their origin countries to their destination states.

Through interviews with former and current direct providers of unaccompanied minors seeking asylum, previous scholarly work, documentaries and news articles on the subject, it will make clear that these two flows of children fleeing to different destinations have much more in common than what may be initially perceived.

This emergent, exploratory and inductive qualitative research will bring light to asylum law and question why the social responsibility to protect children seems to skip the most vulnerable ones: unaccompanied minors seeking asylum.

## DEDICATION

To all the resilient children that were given the chance of shelter and, especially to  
the strong ones that were sent back to danger and  
the ones that die following their dreams...

## ACKNOWLEDGMENTS

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Although far away from me physically, my family, especially my mother, is always with me; also my childhood friends who “virtually” supported and encouraged me, as well as my Phoenix friends and co-workers who motivated me throughout this process.

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## **INTRODUCTION**

[Migrants] are an irresistible target. Migrants with bodily form (rather than those merely invoked as a threat) have historically been people characterized by their vulnerability. Denied means to contest ideological and material measures used against them, they have often been a screen on to which all manner of evils can be projected. (Marfleet, P. & Hanieh, A., 2014, p. 25)

### **The Easy and Most Vulnerable Target**

The United States and the European Union have experienced a significant increase in the amount of unaccompanied minors entering their borders without the proper documentation. An unaccompanied child has been defined by the United Nations Refugee Agency as a person who is under the age of 18 and who is separated from both parents, and is not being cared for by an adult who by law or custom has the responsibility to do so. (UNHCR, 1994) Many of these unaccompanied minors are seeking asylum, meaning that they are looking for international protections by a sovereign state other than their own, as they face persecution in their origin countries. Some unaccompanied minors qualify for other type of legal protections (other than asylum) and some seek family reunification or the possibility of having more opportunities. Most of them migrate for a combination of those reasons.

The United States has seen a steady increase since fiscal year 2009. That year the number of unaccompanied minors coming from the Northern Triangle of Central America (Guatemala, Honduras and El Salvador) were 3,900; for fiscal year 2014 the



number has risen to 52,000. (Rosenblum, M., 2015) The number of these children that have applied for asylum has also risen. In fiscal year 2013 United States Citizenship and Immigration Services (USCIS) received 718 asylum applications from unaccompanied minors, most of those from nationals of Guatemala, Honduras and El Salvador. Out of those applications, 58 were granted asylum. In fiscal year 2015 (actually up to May 5<sup>th</sup> 2015) the number of asylum application from unaccompanied minors was 7,712 and 2,458 children were granted asylum. (May, C., 2015)

In the European Union the number of unaccompanied minors seeking asylum has risen to 24,075 in 2014, however the European Union does not gather information on the amount of unaccompanied minors that enter their borders and may not be seeking asylum. For 2013 there is an estimated number of more than 8,500 unaccompanied minors entering the European Union and not seeking asylum. (European Migration Network, 2015)

This migration phenomenon and the humanitarian crisis provoked will be analyzed under the lens of a human rights' law framework. Human rights related documents like the *Universal declaration of human rights*, the *Convention on the rights of the child*, the *European convention on human rights*, the *American declaration of the rights and duties of man*, the Convention relating to the status of refugees and Convention relating to the status of the stateless persons will be utilized as a compass to find and address human rights violations experienced by unaccompanied minors, as well as the violence intrinsic to those documents as they have been written with western democratic values in mind and frequently ignoring the voices of those who are supposed

to be protected by aforementioned documents. In order to do so, the concept of the marginalized Other (Simmons, W., 2011) will be introduced and discussed.

Throughout this research, two flows of unaccompanied minors seeking asylum will be studied: children from the Middle East, particularly Syria, Afghanistan and Iraq hoping for refugee status in the European Union; and minors from the Northern Triangle of Central America seeking asylum in the United States. This study aims to explain in detail the experiences that unaccompanied minors face in their origin countries that provoke their departure as well as the situations they face during the trip and the asylum process, emphasizing the concepts of the Other and statelessness.

The Other has historically been an easy target to deposit society's anxieties and can be seen in the fears of Albinos in South Africa to African Americans in the United States and Jews in Nazi Germany. Someone who is not like the majority, someone marginal easily becomes a scapegoat; the cause of most, if not all, of a community's problems.

Migrants<sup>1</sup>, immigrants<sup>2</sup>, refugees<sup>3</sup>, asylum seekers<sup>4</sup> they are not the same but they all fit that description of the Other perfectly. The resurgence of xenophobic sentiments in

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<sup>1</sup> An individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. (IOM, Glossary on migration, International Migration Law Series No. 25, 2011)

<sup>2</sup> Non-nationals who move into a country for the purpose of settlement. (IOM, Glossary on migration, International Migration Law Series No. 25, 2011)

<sup>3</sup> A person who, "owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country" (Art. 1(A)(2), Convention relating to the status of refugees, Art. 1A(2), 1951 as modified by the 1967 Protocol)

the United States of America and the European Union during the past decades resembles past times when fearing and persecuting minorities was not frowned upon, on the contrary, it was the law of the land in the first part of the XX century; from castration, imprisonment and lobotomies to gays, to slavery of African Americans. This revival of anti-immigrant sentiment on both sides of the Atlantic is not a coincidence, but the response of the First World to the influx of individuals coming from chaotic, violent, miserable and dangerous places seeking shelter in developed countries. This pertains directly to this research as it focuses on countries that are torn by conflict. Syria with its multi-sided civil war and foreign interventionism. Afghanistan continues in a state of war; rebel groups, extremist terrorist groups and a weak government engage in violent confrontations regularly while the western powers have reduced their presence in the region. Iraq also continues living under a civil war, where civilians are caught between the crossfire of rebels, terrorists, the local government and other nations' armed interventions.

On the other side of the Atlantic, there are three countries in Central America where violence have become structural: Guatemala, El Salvador and Honduras. The so-called Northern Triangle of Central America has been experiencing increasing levels of gang and *narco* violence for the past two decades. Honduras has become the homicide capital of the world, with El Salvador and Guatemala following in forth and fifth place respectively. (Habarta, P., 2015)

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<sup>4</sup> Someone who says he or she is a refugee, but whose claim has not been definitely evaluated. (IOM, Glossary on migration, International Migration Law Series No. 25, 2011)

The unaccompanied minors fleeing those countries, become “aliens” or foreigners as soon they leave their states and are usually blamed for issues related to unemployment, insecurity and the disappearance of the American or the western European culture “as we know it”. They are the Other and, as such, undeserving, unwanted and unwelcomed.

These feelings are evident in this statement by Hungary’s Prime Minister, Viktor Orban (2016):

...we think all countries have a right to decide whether they want to have a large number of Muslims in their countries. If they want to live together with them, they can. We don’t want to and I think we have a right to decide that we do not want a large number of Muslim people in our country.

The surge of immigration from Latin America to the United States is not new; just as individuals from the Middle East migrating to the European Union is an old tale. Central Americans started migrating at a large scale to the United States in the 1970s and the 1980s due to the arising of internal conflicts. The Guatemalan *coup d’etat* of 1954 that deposed the democratically elected president Arbenz, marked the beginning of a dictatorial government that lasted into the 90s, in El Salvador from the 1930s to the 1970s, authoritarian governments employed political repression and limited reform to maintain power; and in Honduras regional conflicts and state terrorism took place in the country during the 80’s. (Zong, J. and Batalova, J., 2015) Middle Easterners started migrating to Europe in big numbers in the 1990s and have continued migrating increasingly into the next two decades. The motives for this migration increase are also

related to internal conflicts, wars and western interventionism. (Bommes, M., Fassmann, H. and Sievers, W., 2014)

In recent years, a specific group amongst these migrants has emerged and confronted society with the challenge of being loyal to the so-called western values. This group is the unaccompanied minors seeking asylum. They challenge the morality of protecting all children and they question the meaning of caring for the most vulnerable in society. The picture of a dead Syrian toddler lying on the shore in Turkey in September 2015 shook the world and confronted governments with the fact that people fleeing their countries are exposed to unnecessary risks. Morgan Wehner an American who volunteered in the Greek island of Lesbos, stated: “My youngest son is the age of the young boy who washed ashore in September. I researched which island needed volunteers at that time...” Morgan is not the only one that was moved by that picture, the world was affronted with the fact that the mislabeled “immigration crisis” was actually a humanitarian crisis.

My interest in this group of children starts with personal experience. Back in 2006, I had just gotten my Masters Degree in Psychology and I was hired in my native Buenos Aires by a nonprofit organization from the United States to work in a group home setting in Scottsdale, Arizona, for unaccompanied minors from Central America waiting for either deportation, asylum granted or other types of legal protections. That experience opened up my eyes to the realities that these children endure in their countries

of origin, throughout the perilous trip to their “dream land”<sup>5</sup> and the challenges they face in the destination countries.

With this study I intend to bring light and depth to an issue that is highly publicized and superficially discussed by comparing two so-called immigration crises: one from the Middle East to the European Union and, the other from Central America to the United States. In doing so, I will focus on the most vulnerable population amongst migrants: unaccompanied minors. The main objective of this research is to draw connections, parallels and meridians, between these two flows of unaccompanied minors in order to gain a better understanding of the particular needs and realities pertaining to this specific population. My hope is that an in-depth comprehension will lead to further research and that others in the field of migration policy and refugee resettlement could potentially utilize this information.

Unaccompanied minors seeking asylum present developed countries with a paradox in regards to their explicit western values like alleviating the pain of the vulnerable, protecting children, ensuring family wellbeing, being inclusive of other’s cultures, providing for the needy. Unaccompanied minors force the developed world to question those values: Should they protect the most vulnerable even if they are not white? Should they protect children even if they are Muslims? Or, should they fear their differences and marginalize, criminalize them? Through this study, it will be self-evident

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<sup>5</sup> Aida Orgocka studied the idea of perceiving Europe as a “dream land” for Albanian youth and she found that only stories of children who have succeeded abroad made it back to Albania. These phenomenon seems not be exclusive of Albania and also happens in Central America and the Middle East.

that there are really not clear-cut answers to those questions but many contradictory interests in a constant power struggle that seems endless.

Independently of the real possibilities for change in the asylum process specifically and in immigration systems in general; these children deserve to be seen, they are worthy of discussions, debates, arguments, policy changes and many research studies. More than anything, they need all of the above not only for themselves but also for the ones coming after them. This is the main motive for this study, their lives matter; and their stories, their realities should be shared. In this study I do not claim to speak for, or on behalf of unaccompanied minors but I do hope to advocate for them to have their voices heard and their diverse stories and needs brought out of the shadows and into mainstream society.

The academic community needs to take a step further than the media, and continue paying attention to topics and problems that do not end just because the media stops covering them. Unaccompanied minors from Central America fleeing violence and coming into the United States made the headlines for quite some time back in 2014; since then, two years went by and they are barely mentioned. Since then, did those children stop leaving Central American countries (specifically Guatemala, El Salvador and Honduras)? Did they stop coming into the United States? The answer is no, they are still here, they are still coming and they are still dealing with an asylum and immigration system that leaves them in limbo for years, many times, only to end up being deported back to the country from which they were fleeing.

Now, in the first quarter of 2016, on the news, we hear frequently about “the biggest immigration crisis since War World II”, and they are referring to individuals from the Middle East (mostly Syria, Afghanistan and Iraq) seeking shelter in the European Union. The European migration network reported that 24,075 minors applied for asylum in 2014 (latest data available from the European migration network) and that number is expected to continue growing.

What struck me about these two “immigration crises” is, first of all, how mislabeled those two crises were and still are. These are not immigration crises I would argue, but humanitarian crises. A humanitarian crisis represents an imminent threat to human life; it does not only affect the social aspects of life, but the biological ones as well, it affects life itself. Immigration crises are related to socio-politics, humanitarian crises are in the realm of bio-politics (and necro-politics<sup>6</sup> as well). Many scholars agree on this point, William Simmons and Amnesty International question the deaths of migrants in the desert; Miguel Escobar Valdez and Timothy Dunn present the many deadly risks migrants face on their trips to the United States; and Anna Lindley and Jaqueline Bhabha recognize the dehumanizing experiences migrants experience in their destination countries.

Second, it made me wonder why the conflicts in the Middle East (particularly in Syria) have been legitimated by the developed world but the internal and regional conflicts in the countries that conform the Northern Triangle of Central America

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<sup>6</sup> The politics of death, the ultimate expression of Sovereignty, the power and capacity to decide who may live and who may die. (Mbember, 2001)



(Guatemala, Honduras and El Salvador) do not have the same status. This last question will be explored and possible answers discussed during this study.

## **Methods**

This is, by nature, an interdisciplinary study. In order to gather the data needed to achieve this research study's objective, I have thoroughly reviewed the body of scholarly work related to unaccompanied minors, immigration, asylum process, refugees' issues, human rights, migrations, crisis, history of Central America and the Middle East and current events in those areas. I have also conducted interviews with former and current providers of a variety of services for unaccompanied minors seeking asylum in the United States of America and the European Union. Last, I am utilizing my own experiential knowledge on the topic, gained by working as a Youth Care Worker (direct care) for unaccompanied minors from Central America at a group home in Scottsdale, Arizona from 2006 to 2007.

I have compiled significant information regarding: the reasons children leave their home countries; what kind of experiences they have on the trip to the destination state; how the asylum process is structured; and what some of the challenges that these children face are while awaiting refugee status. This combination of sources (scholarly work, interviews and self-experience) provided me with information regarding children seeking asylum in the United States and in the European Union in order to establish similarities and differences in the asylum-seeking process.

The objective of this research study is to establish connections between the motives for leaving their home countries in both regions (the Middle East and Central America) as well as finding similarities in the journeys on which these children embark in order to reach either the European Union or the United States of America. The aim of this study will also be to analyze the conditions and situations unaccompanied minors seeking asylum face once they reach a destination country; specifically, the services that are available for these children in the destination state, as well as some of the struggles they face while navigating the asylum process and dealing with assimilating into the destination country.

In addition, this study aims to critically address current asylum laws related to unaccompanied minors and to underscore the flaws and strengths of this process. By comparing asylum laws in the European Union and in the United States, conclusions can be drawn about the strategies that are currently working that could be replicated around the world.

Last, but not least, this research study has been framed under human rights law, so I have delved into human rights violations related to children while in their home countries, during their journey to the United States and the European Union and once they reach the destination country and start their quest to reach refugee status.

The significance of my study is to observe and report on connections, expose similarities that have been overlooked by not only media, but scholarly work as well, in order to spark further interest in this field and hopefully encourage more research related to the specific issues of unaccompanied minors.

## **Expected Findings**

I expect to find the motives for departure, the challenges and risks of the journey to the destination country and the struggles while navigating the asylum process similar for both groups of unaccompanied minors (Middle Eastern children and Central American ones).

I also predict to find contradictions between international treaties and conventions ratified by member states and their current national immigration and asylum laws.

Last, I foresee finding prejudice and stereotypes as the source for the lack of legitimacy of the internal and regional conflict in the Northern Triangle of Central America.

## **Contribution to the Field**

There are many journals, articles and reports regarding issues related to immigration as well as about the behavioral health issues that unaccompanied minors experience. The issue of immigration in general has a vast body of literature; however there is no scholarly work comparing the two immigration crises this study focuses on, much less specifically targeting unaccompanied minors. In that regard, the absence of someone doing a comparative study between the immigration flow from the Middle East towards the European Union and the one towards the United States from Central America, suggests that this is a key area for growth and development.

## Overview

This study has been organized around different concepts. In Chapter I: Living in Crisis, I explored the possible causes for unaccompanied minors to leave their countries of origin, emphasizing the effects of living in crisis as well as the different interpretations and manipulations of the term by political interests and media.

In this chapter, a succinct historical review of events that characterize the two regions of origin for the minors that this study focuses on, The Middle East and Central America, is offered. In doing so, I refer to multiple current periodical newspaper articles, the report by Human Rights Watch: *The Mediterranean migration crisis. Why people flee, what the EU should do* as well as Lindley's work on crisis and migrations on her book: *Crisis and migration: Critical perspectives*. The concept of necro-politics as developed by Mbembe in his book *On the postcolony* has also provided an interesting perspective on geo-political tensions.

The reason for fleeing the country of origin is an important concept as this may legitimize a claim for asylum or confirm a deportation proceeding as shown in the documentary *Well founded fear* by Camerini and Robertson; and in the journal by Cheng: *Gang Persecution as Grounds for Asylum in the USA*. In researching the topics above mentioned, I discuss, not only the historical similarities and differences of the regions, but also, as it was previously stated in this introduction, the lack of legitimacy of the internal conflicts in the Northern Triangle of Central America as a "well founded fear" to be granted refugee status.

In Chapter II: The Trip, The Asylum Process and Their Side Effects, the study focuses on the effects that going through the perilous trip to the destination countries has on unaccompanied minors. In doing so, I have referred specially to the report by Amnesty International: *In hostile terrain. Human rights violations in immigration enforcements in the US South West*, the work of Simmons and Mueller: *Sexual violence against migrant women and children*; and Simmons' book *Human rights law and the marginalized other*. In addition, I have also utilized information provided in films like *Escape to the E.U.?* *Human rights and immigration policy in conflict* by Films Media Group and *La jaula de oro* directed by Diez-Quemada.

This chapter also discusses the asylum process in the United States of America and the European Union, as well as some other legal alternatives for which minors may be eligible in order to stay in the United States, such as, special Visas and Special Immigrant Juvenile status; options that in the European Union are non-existent.

This is supported by various sources, in particular, the reports by the European Commission: *Policies, practices and data on unaccompanied minors in the EU member states and Norway* and, *Refugees and asylees in the United States* by Zong and Batalova, The journal by Galante: *Greece's Not-so-warm Welcome to Unaccompanied Minors: Reforming EU Law to Prevent the Illegal Treatment of Migrant Children in Greece* has also been relevant to this chapter.

I also refer to the book by Kenney and Schrag: *Asylum denied: A refugee's struggle for safety in America*; and by Ramji-Nogales, Schoenholtz and Schrag: *Refugee roulette: Disparities in asylum adjudication and proposals for reform*. The UNESCO

report *Migrating alone. Unaccompanied and separated children's migration to Europe*, and the report by Rosenblum: *Unaccompanied child migration to the United States. The tension between protection and prevention* provided a holistic overview of the asylum process. The documentary film *One-way ticket to Ghana: Forced deportation from the E.U* by Films Media Group and the film *El norte* by Gregory Nava are also valuable resources regarding immigration and asylum.

In addition, I also refer to journals discussing the consequences of going through the asylum process, particularly the work by Carlson, Cacciatore and Klimek: *A Risk and Resilience Perspective on Unaccompanied Refugee Minors*; the journal by Shamseldin: *Implementation of the United Nations Convention on the rights of the child 1989 in the Care and Protection of Unaccompanied Asylum Seeking Children: Findings from Empirical Research in England, Ireland and Sweden* and; Wernesjö's article: *Unaccompanied asylum-seeking children: Whose perspective?.* Reading news articles about the humanitarian crisis in Europe has also provided me with current data on how the situation is being handled.

In this section, I will also highlight the contradictions between countries ratifying certain human rights documents and the current asylum and immigration laws of member states. These contradictions expose human rights violations that unaccompanied minors experience while going through the long asylum process.

In Chapter III: *The Marginality of Being the Other and Suffering from Statelessness*; I have analyzed the idea of the Other as well as the notion of being stateless. Those two terms are extremely relevant in the case of unaccompanied minors

seeking asylum as they embody examples of both terms. I will utilize the work of Arendt in her book: *The origins of totalitarianism*, as well as Bhabha's book: *Children without a state: A global human rights challenge*; and Simmons's book: *Human rights law and the marginalized other*. These authors have written extensive literature on developing and explaining the concepts of the Other and statelessness.

In addition, the journals by Espenshade and Hempstead: *Contemporary American Attitudes Towards U.S. Immigration*; Achiume: *Beyond Prejudice: Structural Xenophobic Discrimination Against Refugees*; and Montgomery and Foldspang: *Discrimination, Mental Problems and Social Adaptation in Young Refugees* provide an in-depth understanding of what it means to be the Other for unaccompanied minors seeking asylum.

The article *What triggers public opposition to immigration? Anxiety, group cues, and immigration threat* by Brader, Valentino and Subay explored issues related to discrimination and racism that are relevant to this research study. I will emphasize the human rights violations that these minors suffer in relation to the idea of being stateless and being the Other.

In Chapter IV: Last Reflections - The Conclusion; I summarized the findings of this study and discussed if my hypotheses have been confirmed or refuted. This study does not aim for broad generalizations, but rather to elucidate specific contemporary geopolitical situations. I conclude with some inferences related to the ideas expressed in my hypothesis. My goal is for those inferences to be further tested for generalization by subsequent research related to unaccompanied minors seeking asylum. I hope this study

will contribute to future changes in the immigration and asylum process to ensure the respect of the human rights of all individuals, especially, unaccompanied minors seeking asylum.

## **METHODOLOGY**

Considering the nature of the topics addressed in my thesis, I have conducted an emergent, exploratory and inductive qualitative research. Qualitative research has special value for investigating complex and sensitive issues like the experiences of unaccompanied minors seeking asylum.

My objective is to draw connections between common issues that are shared between unaccompanied minors from the Middle East seeking asylum in the European Union and; children from Latin America seeking asylum in the United States. In order to establish those connections, I have utilized and analyzed data produced by previous scholarly work as well as journalistic articles and films on the topic.

I have also used anecdotal evidence related to my own experience when working with refugee children from Central America and in-depth semi-directed interviews to former and current providers of unaccompanied minors in the United States and the European Union.

I have conducted a total of five interviews. All interviews explored the type of work the individual does/has done related to unaccompanied minors, information



regarding the program they work/ed at, challenges that the minors face while migrating to the destination country, asylum process, legal issues, services available for unaccompanied minors in the destination state and the story of one child that exemplifies what these children go through.<sup>7</sup>

## **Participants**

All the individuals interviewed were adults that were or are in a position that relates to unaccompanied minors.

These are the individuals that participated in this research study:

1) Darla (pseudonym as she preferred to remain anonymous): A Case Manager Supervisor in a shelter for unaccompanied minors in Phoenix, Arizona, USA.

2) Andrea Lepore: A former Direct Care worker in an unaccompanied minors' group home in Scottsdale, Arizona, USA; and also a volunteer for a recreation program for refugee and asylum-seeking youth in London, United Kingdom. She has also volunteered some days in the famous refugee camp "The Jungle" in Calais, France.

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<sup>7</sup> I have also contacted the Consulate of Guatemala in Phoenix and tried to schedule a meeting with the Vice-Consul as the consulate was in the process of replacing the Consul. She politely avoided scheduling a meeting but offered to schedule one with the new Consul in March 2016. The Vice-Consul requested me to remind her to schedule the meeting at the beginning of March which I did, but the dates and times she offered to meet with the Consul were all after my deadline to present this research project.

3) Federico Rivas: Project Manager for a nonprofit that works with asylum-seekers and refugee youth in London, United Kingdom.

4) Armando (pseudonym as he preferred to remain anonymous): A former Direct Care worker in an unaccompanied minors' group home in Scottsdale, Arizona, USA; and a Clinician in an unaccompanied minors' shelter in Phoenix, Arizona.

5) Morgan Whener: A former volunteer at the Greek Island of Lesbos.

The individuals that took part in the interviews were part of a convenience sample as they were former co-workers of mine, or people referred to me by friends or acquaintances.

Prior to all interviews, participants were given an informed consent that they read and choose to sign if they were willing to have their names utilized in the study. All interviewees gave verbal consent to utilize the information gathered during the interview. All participants were asked to protect unaccompanied minors identities and privacy by refraining from disclosing personal identifiable data.

All participants were fluent English speakers and were able to speak, read and write in English with ease; however for some of them, Spanish was their first language, in those cases interviews were conducted in Spanish.

## **Materials**

To perform this study I utilized a computer with Internet access as I have employed many online resources from the Arizona State University library as well as different websites. I have also relied on technology, specifically the Whatsapp application and Skype video call to contact participants and conduct interviews, particularly for the interviewees that reside in the European Union.

I have also resorted to my personal cell phone to contact participants, to interview one participant, and also to record all of the interviews. Regarding this last statement, participants agreed to have their interviews recorded. Recordings were deleted after interviews were transcribed. Participants were e-mailed the transcriptions of their interviews and informed that a copy of that transcription will be included in the addendum section of this study.

## **Procedure**

My first step in this research was to familiarize myself with academic work on the topic on unaccompanied minors seeking asylum. For that purpose, I read journals, books, articles, listened to podcasts and news related to immigration, refugees, asylum process, unaccompanied minors and history of Latin America and the Middle East. I also watched several documentaries and films on these topics.

The research process above mentioned was ongoing during the duration of the study; however after a month of actively researching on the issue I started to recruit participants.

In the first stages of the study, I contacted individuals that work with unaccompanied minors through social media groups related to refugees. A few individuals replied to me stating they had no experience working with minors seeking asylum, others agreed to meet with me but then would be avoidant to actually commit to an interview. The only person contacted through social media that agreed to an interview was Morgan Whener.

I decided to utilize a convenience sample and started contacting former co-workers and networking with friends and acquaintances to get connected to individuals that would meet the criteria for the study: an adult that is or has worked with unaccompanied minors either in the United States, the European Union or both. Within 8 weeks, I was able to directly contact these individuals and conduct the interviews.

I contacted all participants by phone, e-mail or via Whatsapp text message, explaining how I got their contact information, if pertinent, and briefly explaining my study. I also sent all participants the consent form prior to the interviews to make sure they understood what participating in the study entailed.

I conducted the interviews in person, via Skype video call or regular phone call. I utilized a semi-structured interview guide to make sure that certain topics would be

discussed in each and every interview; however I allowed participants to elaborate in their narrative and asked additional questions depending on the specific matters each interviewee brought up.

While interviews were taking place, I continued my research and started my analysis of data. I looked into the specific subjects that my research discusses: the reasons for fleeing origin countries in a socio-historical perspective, the trip to the destination countries, the asylum process and, the concepts of the Other and statelessness. I analyzed the data gathered through previous academic works, film and news as well as the information provided on the interviews and my own experience while working with unaccompanied minors. I framed these materials under a human rights law approach to find similarities and differences between the two groups of unaccompanied minors seeking asylum that this study looks into: children from the Middle East seeking asylum in the European Union and, minors from Central America seeking asylum in the United States.

I have chosen a human rights law approach to frame my study because it:

...is grounded in transcendental justice and framed from the perspective of marginalized groups. Such law would continuously deconstruct the original violence found in all human rights treaties and tribunals and promote preferential treatment for the marginalized. It would be especially attentive to such issues as access to justice, voice, representation, agency and responsibility. (Simmons, P. 2011, Abstract)

## **Results**

My objective by utilizing these three methods of information gathering: interviews, my own involvement with unaccompanied minors and previous academic work, films and news related to unaccompanied minors was to bring objective knowledge alive with people's own narrative of their experiences. I consider that meaning is given to hard data through reality and that is what I hope I've accomplished through this research study.

The information gathered by interviews, personal experiences and scholarly work was analyzed by looking into common themes across sources and regions (European Union and the United States – the Middle East and Central America), and finding similarities and differences while looking into those recurrent issues.

This study describes the connections between these two flows of unaccompanied minors in great detail. I am not particularly looking for generalizations but to gain a better understanding of and to question the asylum process in a way that inspires and sparks further research in the field. Throughout this research study, I intended to achieve insights through exploration.

This research study could be considered the first step of many, as it is an emergent piece of work. This study is a first approximation to comparing the issues that

unaccompanied minors face globally, finding similarities and differences and questioning those findings.

**CHAPTER I**  
**LIVING IN CRISIS**

Soy, soy lo que dejaron

Soy toda la sobra de lo que se robaron

Un pueblo escondido en la cima

Mi piel es de cuero

Por eso aguanta cualquier clima

Soy una fábrica de humo

Mano de obra campesina para tu consumo

Frente de frío en el medio del verano

El amor en los tiempos del cólera mi hermano

El sol que nace y el día que muere

Con los mejores atardeceres

Soy el desarrollo en carne viva

Un discurso político sin saliva

Las caras más bonitas que he conocido

Soy la fotografía de un desaparecido



La sangre dentro de tus venas  
Soy un pedazo de tierra que vale la pena

Una canasta con frijoles  
Soy Maradona contra Inglaterra  
Anotándote dos goles  
Soy lo que sostiene mi bandera  
La espina dorsal del planeta es mi cordillera

Soy lo que me enseñó mi padre  
El que no quiere a su patria  
No quiere a su madre  
Soy América Latina  
Un pueblo sin piernas pero que camina

Tú no puedes comprar el viento,  
Tú no puedes comprar el sol  
Tú no puedes comprar la lluvia,  
Tú no puedes comprar el calor  
Tú no puedes comprar las nubes,  
Tú no puedes comprar los colores

Tú no puedes comprar mi alegría,

Tú no puedes comprar mis dolores

Tengo los lagos, tengo los ríos

Tengo mis dientes pa' cuando me sonrío

La nieve que maquilla mis montañas

Tengo el sol que me seca y la lluvia que me baña

Un desierto embriagado con peyote

Un trago de Pulque para cantar con los coyotes

Todo lo que necesito

Tengo a mis pulmones respirando azul clarito

La altura que sofoca

Soy las muelas de mi boca mascando coca

El otoño con sus hojas desmayadas

Los versos escritos bajo la noche estrellada

Una viña repleta de uvas

Un cañaveral bajo el sol en Cuba

Soy el Mar Caribe que vigila las casitas

Haciendo rituales de agua bendita

El viento que peina mi cabello  
Soy todos los santos que cuelgan de mi cuello  
El jugo de mi lucha no es artificial  
Porque el abono de mi tierra es natural

Tú no puedes comprar el viento,  
Tú no puedes comprar el sol  
Tú no puedes comprar la lluvia,  
Tú no puedes comprar el calor  
Tú no puedes comprar las nubes,  
Tú no puedes comprar los colores  
Tú no puedes comprar mi alegría,  
Tú no puedes comprar mis dolores

Trabajo bruto pero con orgullo  
Aquí se comparte, lo mío es tuyo  
Este pueblo no se ahoga con marullos  
Y si se derrumba, yo lo reconstruyo

Tampoco pestañeo cuando te miro  
Para que te acuerdes de mi apellido

La operación cóndor invadiendo mi nido

Perdono pero nunca olvido

Vamos caminando

Aquí se respira lucha

Vamos caminando

Yo Canto porque se escucha

Vamos dibujando el camino

Estamos de pie

Vamos caminando

Aquí estamos de pie. (Perez Joglar, R. and Cabra Martinez, E., 2010) [Latinoamerica](#).

[English Subtitles](#) <sup>8</sup>

In this section the reasons why children decide to leave their countries of origin in search of security is discussed. The most common reasons amongst Middle Eastern children fleeing to the European Union will be compared to the causes why children in

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<sup>8</sup> The song Latinoamérica by the Puerto Rican duo Calle 13 addresses colonial exploitation of Latin America as well as the unfavorable conditions generated by globalization for the region. The song describes the diversity of the region while also emphasizing the similarities of underdeveloped countries. Latinoamérica makes references to the dictatorial governments and state terror that provoked deep wounds that are still healing in the region, and it mentions the support provided by the United States through Operación Cóndor to dictators throughout Latin America. The song also mentions the journey of the migrants and makes implicit connections between the natural, community oriented and authentic character of Latin America vs. the superficiality, individualism and consumerism of the developed world. The song also mentions or makes reference to important Latin American cultural and sports figures.

the Northern Triangle of Central America leave their countries to enter the United States in seek of shelter.

The concept of crisis, its implications and the manipulation of the term by political figures and the media will be discussed to enhance the understanding of the common reasons unaccompanied minors leave their countries.

This section also explores the complexities and sometimes contradictions between human rights law and the asylum system while considering the handling and granting of asylum applications by unaccompanied minors.

Last, it provides a historical context to the current situations in both regions: the Middle East and Central America. This is not intended to be an in depth historical exploration of such intricate regions in the world but rather, a brief summary of historical events that will assist in understanding today's realities in the Middle East and in the Northern Triangle of Central America.

### **“The Greatest Immigration Crisis since World War II”, Really?**

The concept of immigration crisis has been broadly used and presented as a negative situation. The media shows the desperation of the migrants arriving to the coast in Greece, the world famous picture taken by Turkish journalist Nilufer Demir of the lifeless body of a Syrian toddler lying face down on the shore in Turkey after drowning

on September 2<sup>nd</sup> 2015<sup>9</sup> does not look pretty. The corpses in the desert or the almost broken bodies of the unaccompanied minors arriving at the United States border does not fit the criteria of a happy ending. However, why is migration as a whole perceived as a negative thing? The reason we are faced with those pictures and those realities are consequences of the way the transit and destination countries are dealing with what is not only a migration crisis but a humanitarian one.

Migration is usually motivated by tension and conflict in the origin countries; a condition found in both, the Middle East and the Northern Triangle of Central America. However, it should not be a *sine qua non* condition that tension and conflict have to await the migrants at their destination countries. The way that destination states receive migrants depends on their perceptions on migration, their immigration policies and the general public perception of foreigners. Unaccompanied minors seeking asylum, and migrants in general, are facing serious struggles in their destination countries, which it is not surprising considering the rise of political parties utilizing the anti-immigration sentiment in their campaigns. Nikolaos Michaloliakos from the Golden Dawn Greek political party mentioned in a rally on September 16<sup>th</sup> 2015: “Close the borders! Make the army and the navy seal our borders and not let people enter illegally”.

Considering this revitalization of xenophobic tendencies across the developed world during the last decades, the conclusion is that migration always equals crisis in the destination countries and, migration opposes the desirable human condition of not

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<sup>9</sup> The picture was first published in the Indian magazine, India Today

migrating. (Lindley, A., 2014) Crisis and migrations have been happening since the beginning of times; however the hegemonic discourse seems to be fixated on framing those as exceptional circumstances. Anna Lindley (2014) explores this idea in her book when she writes:

Notions of crisis and migration have some intriguing parallels. Both are often viewed as exceptional phenomena [...] Both are often viewed as threatening, crisis as jeopardizing social systems and human welfare; migration as undermining the integrity of the nation-state and bounded identities. At the same time, both are often described as characteristic of the contemporary world: scholars proclaim that we are in an ‘age of crisis’ and an ‘age of migration’. Together, crisis and migration have a powerful contemporary resonance. (p. 1)

Crises are not necessarily “bad”. A crisis just represents a break in the *status quo*, they embody change in a social system but that change does not necessarily need to be a negative one. However, many politicians and media have described in detail the strains and problems that immigrants bring to the western democratic world, even when talking about unaccompanied minors and/or asylum seekers. Portraying migration flows like the ones in this study as unexpected and exceptional provides politicians with the opportunity to avoid discussing the real causes of these migrations. Presenting the destination states as “victims” completely unrelated to the crisis in the Middle East or the Northern Triangle of Central America is a common theme in the United States or the European Union. Powerful interests are frequently successful in avoiding mentioning the crises that

motivate these migrations in the first place. The following excerpt from Michael T. McCaul during a hearing regarding unaccompanied minors before the House of Representatives back in July 2014 exemplifies this. He chooses to politicize the issue of unaccompanied minors entering the United States, instead of discussing the real causes for migration:

The first step is for the administration to acknowledge the cause of this problem.

No one questions the fact that there are horrible economic conditions and violence in Central America. But these conditions are not new. What is new is a series of Executive actions by the administration to grant immigration benefits to children outside the purview of the law. The relaxed enforcement posture along with talk of comprehensive immigration reform.

Crisis, for many of these unaccompanied minors seeking asylum, is more of a “way of life” than an exception. These children have grown up in critical contexts, where reality is not perceived as a continuum but fragmented. These children come from places where coherence is lost and uncertainty becomes part of their daily life. Will I eat today? Will I be able to go to school tomorrow? Will someone get killed in my neighborhood tonight? Being exposed to crisis for long periods of time creates in these children a survivor’s culture and makes crisis their context. (Lindlay, 2014) Unaccompanied minors seeking asylum have issues with long-term planning, as many of them spent most of their life focusing on daily survival. Armando, a former Direct Care Worker in a group home for unaccompanied minors in Scottsdale, AZ; and current Clinician in a shelter for unaccompanied minors in Phoenix, AZ mentioned regarding the survivor’s culture:



“They never seriously thought about their future, what I perceive is that they were living day to day without a project” (Translation mine)

A lot can be learned about the politics of our time by the way that crisis and normality are defined. Those definitions inform us about how a crisis will be handled. Taking into account the limited and insufficient response that the European Union and the United States give to unaccompanied minors seeking asylum; leads to the assumption that politics in our times finds itself between fulfilling their responsibilities to ensure the human rights of children and, “protecting” society from the threat that foreigners represent even when they come in the form of child migrants. Regarding the politics of handling a crisis Morgan Whener, a former volunteer in Greece, said:

...you do have countries closing their borders which is technically something that should get them out of the Schengen. There is a lot of political posturing going on so you never know, things go back and forth and they (the Greeks) might get kicked out of the Schengen<sup>10</sup>.

Many individuals migrate on a daily basis without being perceived as a threat, business elite migrants and highly skilled workers. This fact exposes that migration *per se*, is not threatening. Nevertheless, when the ones migrating are asylum seekers, low-skilled workers and minorities, migration adopts a characteristic of crisis in the public

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<sup>10</sup> The border-free Schengen Area guarantees free movement to European Union citizens, as well as to many non-EU nationals, businessmen, tourists or other persons legally present on the EU territory, including asylum seekers.

imaginary. When migration serves the purposes of the capital, migration is a harmonious phenomenon but when the uneven global development expresses itself in migrations, that's when it becomes crisis and the one migrating becomes a cause of fear. This adds another complexity to the already multifaceted issue of migration; class becomes a factor in the way migration is perceived: the elite migrant, the insider, becomes an asset to the destination country; but when the one migrating is poor, is marginal, is an outsider, that's when migration equals crisis. The concept of class confronts society with the moral character of migration.

Migration crises are defined as such because the individuals migrating need assistance and help, and states are expected to provide for them. The poor, the needy, the asylum seeker is not welcome and, this confronts western democratic states with their responsibilities towards defending human rights on one hand; and the xenophobic sentiment to seal borders in order to “protect” state sovereignty and economic and political power on the other. Lindley (2014) writes:

...states focus instead on ‘managing migration’ by filtering migrants into different policy categories subject to distinct measures of control, surveillance and rights.

[...] states have in fact been extremely successful in their underlying goal of ‘securitizing’ migration (formulating it as a security issue, to be dealt with beyond the normal political arena, justifying exceptional measures) as a vehicle to reassert state authority and relevance in the face of global forces, regardless of the often deadly consequences to migrants. (p. 11)

This managing and securitizing of migration goes beyond bio-politics and is no other than what Mbembe (2001) call necro-politics: the politics of death, the ultimate expression of Sovereignty, the power and capacity to decide who may live and who may die. Ultimately, immigration laws and policies are implemented and enforced by states that decide who has the right to live and who has to die. Unaccompanied minors seeking asylum (and migrants in general) face necropolitics in their origin countries and throughout the perilous trip. These children have been given the “short end of the stick” and as excluded individuals, they do not seem to enjoy the right to life. They cannot ensure their safety and health independently, and their origin states as well as their destination countries don’t seem to be willing and/or able to provide for them. (Simmons, W., 2011)

**Route 1: From the Middle East towards the European Union.** The conflicts in Syria, Afghanistan and Iraq have motivated many individuals to migrate in search of safety and security. Many of these migrants have decided that the European Union is the destination that could provide shelter for them, however many countries in Europe have not received migrants with a warm welcome.

Politicians have described this migration as having “devastating consequences for Europe” in the words of Italian Interior Minister Roberto Maroni, and have acted on those thoughts like Hungary, Macedonia, Croatia and Slovenia by closing their borders with razor wire or Austria not allowing more than eight asylum seekers daily. (Kingsley, P., 2016)

European politicians may avoid or deny any responsibility for the instability of the Middle East; however the legacy of European colonialism in the region is hard to ignore. European powers forced the Ottoman Empire to dismantle itself and re-order the region into nation-states to better serve the interest of European powers like England and France. The new borders did not take into account the religious beliefs of the population nor the economic, socio-political and human movement routes in the region. Marfleet and Hanieh (2014) wrote regarding this process: “Each state-making project involved new migrations: these, however, were mass forced migrations undertaken by people excluded from membership of new national collectives.” (p. 27)

Considering the diversity regarding ethnicity, religion and languages in the Ottoman empire, it was not hard to generate an inclusion-exclusion culture that would later be called “ethnic cleansing” (Marfleet, P. & Hanieh, A., 2014, p. 28) which is no other thing than cleaning the new nation states of the different, of the Other under European supervision.

The Ottoman Empire was ruled by Muslim dynasties, mostly of Sunni tradition but other religious groups such as Jews and Christians, as well as minority ethnicities found their specific socio-economic roles within the empire. The new division into nation-states following World War I created a nationalist sentiment and rivalry in communities that had previously lived together. In this environment, some ethno-religious groups were privileged with “national” status while others were denied. A monarch chosen by European nations typically led these ruling groups; France placing

the Maronite Catholics in a position of privilege in Lebanon and England choosing Sunni Muslims for Iraq are just some examples.

In the last five decades, European and North American-driven interests focused on energy resources converged in powerful political and military interventions in the region. For almost 200 years the Middle East has experienced foreign interventionism that has created crisis and turbulence in the region; and those crises have created mass and forced migrations as part of life for the Middle East and its political processes.

(Marfleet, P. & Hanieh, A., 2014)

Colonialism and later foreign interventions have created a difficult reality for the Middle East. Currently, for many in the region, and particularly in Syria, Afghanistan and Iraq, migrating is a survival strategy. (Lindley, A., 2014) Unaccompanied minors are fleeing countries where their own governments are terrorizing them, places where rebels and terrorist extremist groups alike try to recruit them, states that are not able to offer them any protections at this time. The only chance of getting out alive; is to risk their lives migrating.

**Route 2: From Central America towards the United States.** Just like in the Middle East, Central America has a legacy of colonialism and interventionism that frames the current situation in the region.

Central America's recent history repeats itself in most of its countries, ruled by dictatorships that instituted state terrorism and were characterized by corruption and

impunity. These oppressive regimes supported by the United States have left wounds in the region that are still not healed.

Between 1980 and 1982 in El Salvador and from 1960 to 1996 in Guatemala, the states experienced armed conflicts between local guerrillas and the government that lead to thousands of casualties, displacements and disappearances. Human rights violations were a common theme in its most extreme forms. In Honduras during the 80s, a military dictatorial regime also caused disappearances and violation of human rights. (Rodriguez, G., 2015)

These military and dictatorial governments were supported by the United States under the premise that they were fighting communism. Although Central American countries were not part of the *Operación Cóndor*<sup>11</sup>, the military coups in Central America are part of preventing the spread of Marxism through the Americas. The involvement of the United States by not only being aware of *Operación Cóndor*, but also by providing organizational, financial and technical assistance to the repressive non-democratic governments throughout Latin America was confirmed in 1999 when under Bill Clinton's presidency, the State Department of the United States released documents and confirmed that *Operación Cóndor* was part of the Cold War strategy.

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<sup>11</sup> A campaign of political repression and state terror involving intelligence operations and assassination of opponents starts in 1968 and was officially implemented in 1975 by the right-wing dictatorships of the Southern Cone of South America.

Among those documents there were records of a conversation held in June 1976 between Henry Kissinger, then US Secretary of State and Argentina's foreign minister Admiral Guzzetti, in which Kissinger stated:

Look, our basic attitude is that we would like you to succeed. I have an old-fashioned view that friends ought to be supported. What is not understood in the United States is that you have a civil war. We read about human rights problems but not the context. The quicker you succeed the better... The human rights problem is a growing one. Your Ambassador can apprise you. We want a stable situation. We won't cause you unnecessary difficulties. If you can finish before Congress gets back, the better. (Osorio, 1976)

In addition, the United States also supported dictatorial regimes in the region through the "School of the Americas"<sup>12</sup> by training Latin America soldiers "...in counterinsurgency techniques, sniper training, commando and psychological warfare, military intelligence and interrogation tactics. These graduates have consistently used their skills to wage a war against their own people" (SOA Watch, 2016) The School of the Americas has been called a "base for destabilization" in the region by former Panamanian president Jorge Illueca.

The economic and anti-communist' interests of the United States in Latin America are also exposed in Operation PBSUCCESS in Guatemala that ended in the removal of democratically elected president Jacobo Arbenz in 1954. President Arbenz

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<sup>12</sup> The School of the Americas is a combat training school for Latin American soldiers, located at Fort Benning, Georgia. In 2001 renamed the Western Hemisphere Institute for Security Cooperation. (SOA Watch, 2016)

expanded political freedoms in Guatemala; an example of that expansion was allowing Communists to participate in the country's politics. He also redistributed lands held by large property owners to landless farmers which constituted 90% of the population. Most of those lands belonged to the United Fruit Company (UFCO). UFCO was an American owned business that controlled 42% of Guatemala's land, and was exempted from paying taxes and import duties. It also owned the country's telephone and telegraph system, and almost all of its railroad tracks. UFCO was well connected to the Eisenhower administration and spent over half a million dollars lobbying in Washington particularly through Secretary of State John Foster Dulles, who had close ties to the company. (La Feber, W., 1997)

The CIA put in place Operation PBSUCCESS in order to remove Arbenz from power in an effort to protect the interests of UFCO and to fight the communist threat that Arbenz represented to the United States independently that he was not linked to the Communist party. In the Guatemalan military, the CIA found an ally in the anti-Arbenz officer Carlos Castillo Armas who lead a coup with only 150 men. The U.S. government and the CIA had convinced the Guatemalan public and Arbenz that a major invasion was underway by manipulating radio stations and bombing different locations across Guatemala. Arbenz turned to the United States for help and ended up resigning on June 27<sup>th</sup> 1954 and left Guatemala. The hand-picked Castillo Armas took his place. (La Feber, W., 1997)



During those dark years for Latin America, youth from the region migrated to the United States and some of them learned the “gang business” in Los Angeles, CA, creating the world famous “Maras”<sup>13</sup> gang that was later “imported” back to Central America. Today, the Maras have hundreds of thousands of members or *mareros* in their criminal structures. Maras activities range from arms trafficking, assault, auto theft, burglaries, drug trafficking, extortion, human trafficking, identity fraud, identity theft, illegal gambling, illegal immigration, kidnapping, money laundering, people smuggling, prostitution, racketeering, robbery and vandalism. (Maciel, A. 2006)

United States interventionism supporting dictatorial governments in the region under the guise of fighting communism, and later on during the 90s and until current times with the so called “war on drugs” have only worsened the situation. Democracy is still incredibly weak and corrupt, and the violence in the region has intensified as *narcos* from Mexico and Colombia “invaded” the Northern Triangle of Central America looking for safer territories. (Rubio Diaz-Leal, L. and Albuja, S., 2014)

In this *narco* expansion the *kaibiles*<sup>14</sup> have played a role as some former *kaibil* instructors have been linked to *Los Zetas* drug cartel. Allegedly, the *kaibiles* have introduced some of the most horrific drug-war tactics like severing rival’s heads. As Mexico’s cartels venture into Central America, current *kaibiles* are defecting to a more

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<sup>13</sup> Short for Marabunta, large stinging wasps. Also known as Mara Salvatrucha or MS-13 (operates mostly in El Salvador)

<sup>14</sup> A special operations force of the Military of Guatemala. They specialize in jungle warfare tactics and counter-insurgency operations. They were the principal instruments of the Guatemalan military government’s against leftist guerrillas. (Padgett, T., 2011)

profitable “job” working for *Los Zetas*. It has also been reported that heavily armed *Zeta* training camps for *kaibil* deserters have been found in Guatemala and that guns from the Guatemala military force entering Mexico have increased since *kaibiles* and *Los Zetas* have been linked. (Padgett, T., 2011)

Presently the Maras control whole neighborhoods and cities, imposing “war taxes”<sup>15</sup> on their residents, forcing young males to join and girls to take part in sex trafficking networks. It is in these conditions that children make the decision to flee for their lives, many times alone.

Darla, a Supervisor for Case Managers in a shelter for unaccompanied minors that operates in Phoenix, explains regarding the decision to leave:

...well...hope always wins out! You know how life is gonna be there, these parents are fully aware of it. I mean, they may die on the journey but they may make it and may not be great but it’s gonna be better.

## **Selling Crisis**

Crisis labeling has become a political art form for the United States and the European Union. The Arab revolution and uprisings that started in 2011 were supported by the general population; however western democratic governments were much more

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<sup>15</sup> An amount of money that residents, merchants and/or drivers have to pay gang networks in exchange for safety from the gang

measured in their responses, according to their interests in the region. Those Middle Eastern political crises were soon switched to immigration crises, once individuals started to flee unstable and dangerous states, and hoping for shelter in the European Union. Jeandesboz and Pallister-Wilkins (2014) eloquently described this transition: “Crisis labeling about the stability of autocratic allies in the War on Terror and neoliberal expansion easily shifted into crisis labeling about migration before even the first boat landed on Lampedusa, reflecting the often loose nature of crisis labeling.” (p. 118)

The panic created by the influx of migrants provoked European Union member states to fear for their survival and the suspension of the Schengen Area by two of its members: France and Denmark. This is the same conversation member states are currently having regarding the flow of migrants from the Middle East crossing the Aegean Sea to Greece. The European Union continues to expand its policies of exclusion while the real crisis lies in the fact that living becomes a privilege in certain parts of the world, regions ruled by necro-politics where migration becomes a survival strategy and not really an option. The decision by the European Union to return migrants from Greece to Turkey in exchange for financial assistance to this country raises not only moral and ethical questions but also legal ones. Under the pact that is set to start on April 4<sup>th</sup> 2016, Turkey would take back all migrants and refugees, who cross to Greece without the proper documentation. In return, the European Union would take in thousands of Syrian refugees directly from Turkey and reward that country with more money, visa-free travel for Turkish citizens and faster progress in European Union membership talks.

This deal completely disregards the fact that the European Union will be sending asylum-seekers to an unsafe country with a questionable human rights' record and, privileging Syrian asylum-seekers over Afghanis or Iraqis. Amnesty International described this deal as a “historic blow to human rights.” (Pamuk, H. & Baczynska, G., 2016)

The politics of exclusion in the United States and the European Union utilize many legal means like visa regimes, transport carrier fines, bureaucratic paperwork and processing fees, to name a few. All these immigration measures, implicitly, close the border to many individuals and, in certain crisis situation; end up with the actual closure of borders, always on behalf of national security, assuming again, that these asylum seekers pose a threat to the communities of the destination or transit countries. (Jeandesboz, J. and Pallister-Wilkins, P., 2014)

Unaccompanied minors seeking asylum should be able to permeate through those borders under the protections granted by seeking refugee status. Granting asylum should be an exceptional response in certain cases to these crises. However, we find that borders are actually closing in the faces of these children. In the European Union, Hungary, Croatia, Slovenia and Macedonia have actually closed their borders to asylum seekers from the Middle East, leaving migrants “Caged in Greece”, in the words of Morgan Wehner. In the United States unaccompanied minors seeking asylum are allowed to enter the country, however they are automatically placed in deportation proceedings and their asylum claims are rarely granted by immigration courts that perceive the conflict in the

Northern Triangle of Central America as not qualifying for a “well founded fear” of persecution on the grounds of their race, religion, nationality, membership of a particular social group or political opinion.

Children are leaving Honduras, Guatemala and El Salvador often times due to gang threats, structural violence and the inability of the local governments to protect them from criminal gangs that will kill them if they do not join their ranks. In the Middle East, many young adolescents leave for similar reasons Morgan Wehner said in an interview: “...for the young men that I have come across all of them say that they were being forced to choose from the rebel groups or from ISIS and they didn’t want any part of it.” However, these children fleeing conflict in Syria, Afghanistan and Iraq do count on the social acceptance and the agreement of most governments regarding their status as asylum seekers.

Why does an unaccompanied minor from the Middle East have a legitimate claim for asylum but not a Central American child? Darla wondered to this respect: “I really don’t understand why Syrians but not Guatemalans.” The only explanation suitable for Darla’s question may be that the international community, based on the political interests of the democratic west, picks and chooses which crisis should be consider legitimate for an asylum claim. In this moment in history, the crimes of Bashar al-Assad towards the Syrian population is recognized as a genuine ground for asylum, and the conflicts between governments, rebel groups and terrorists in Afghanistan and Iraq are recognized as a genuine ground for asylum; but the terror inflicted by criminal networks, gang

violence, drug-trafficking, paramilitary groups and organized crime in El Salvador, Honduras and Guatemala, added to the lack of action or protection from the government, does not seem to match the interests of the powerful nations on earth at this time. Unaccompanied minors from Central America have been routinely denied the right to international protection under asylum law. (Garcia Mathewson, T., 2015)

Children leave their home countries because of a real fear for their lives and wellbeing. The decision to leave for the European Union or the United States is influenced by the idealization of the developed world, the fact that usually only successful migrants' stories make it back to their hometowns and the image of the American or European dream. Nicola Mai (2010) wrote to this respect:

The lack of the cultural capital and life experiences necessary to understand the complex contradictions of Western capitalists societies can produce a very utopian migratory project, often based on an idealization of the West as a place where 'everything is possible'. (p. 72)

Regarding this idealization of the developed west, Andrea Lepore, a volunteer for a program that serves young asylum-seekers and refugees in London and a former Direct Care Worker for an unaccompanied minors group home in Scottsdale, Arizona, said: "...I guess it also happens in the United States that they see it like this earthly paradise and the truth is that it is not so easy." (Translation mine)

The United States seem to assume economic reasons as the main cause for migration for anyone coming from south of the border. In 2011 the director of the Central American Resource Center, Daniel Sharp estimated that half of all asylum claims filed by Central Americans list gang violence as the reason for leaving their origin countries, considering that this was before the main increase in immigration from Central Americans to the United States it could be induced that the numbers are higher five years later.

Part of the difficulties resides in proving the “well-founded fear of persecution” since fear of general strife is not a qualifying factor for asylum. Even when that fear has been justified in court, then minors face the issue of being persecuted on any of only these five grounds: race, nationality, religion, political opinion and/or belonging to a social group. Most cases filed by unaccompanied minors from Central America utilize the argument of political opinion as these children are refusing to join a gang and/or the fact that they are children and as such, a particular group. (Cheng, G., 2011)

In addition, unaccompanied minors seeking asylum must prove the failure of the local governments to protect them, which it’s extremely difficult as minors usually do not report events or do not contact the police at all out of distrust and/or not thinking it will make a difference. (Cheng, G., 2011) According to Transparency International and their data from 2015, El Salvador ranks 72/168 (with 1 being the best) and has a score of 39/100 (with 100 being the best), Honduras ranks 112/168 and has a corruption score of

31/100; and Guatemala, the country with more serious corruption issues out of the Northern Triangle of Central America, ranks 123/168 and has a score of 28/100.

The situation faced by unaccompanied minors from the Northern Triangle of Central America seeking refugee status in the United States is the prime example of the original violence in human right's law. The instruments created to protect children from human rights abuses are the same ones that are not capturing their need for asylum. The actual definition of a refugee as laid out in Section 1(A) of the United Nations *Convention and protocol relating to the status of refugees* is:

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Those five reasons to justify that “well-founded fear” limit the reach of the protections under refugee status and leave many Central American children fleeing gang violence in their home countries ineligible for refugee protections and, as a consequence, excluding and marginalizing them to the role of the Other, the *aneu logo* (voice less) and undeserving of rights.



## **Conclusion**

The origin countries that this research focuses on: Syria, Afghanistan, Iraq, El Salvador, Honduras and Guatemala may have more things in common than what it may be initially perceived.

First of all, both regions share a history of colonialism and interventionism at the hands of western countries that has affected their socio-economical makeup to current times. Latin America and the Middle East have historically and rhetorically being cast as the Other, the colony, the one to be dominated by western democratic nations and this role has affected the way they are treated when seeking asylum in the European Union or the United States. “They” are not supposed to integrate with “us”, asylum-seekers from those regions are expected to remain marginal and outside of mainstream society.

These particular countries in the region could be characterized as places where living in crisis is the norm and not the exception, creating children that struggle with long-term objectives and goals, and who are products of the culture of survival.

The flow of these children entering or making their way to their destination countries is discussed and publicized by media depending on the interests of the powerful and influential. In both cases, these humanitarian crises are cast as immigration crises, which rhetorically switch the focus from children seeking shelter, to migrants looking for

better economic prospects, mostly in the case of unaccompanied minors seeking asylum in the United States.

Unaccompanied minors seeking asylum on both sides of the Atlantic are frequently perceived as the Other. Their religious beliefs, their phenotypic characteristics as well as their racial and ethnic identities, often times, differ from the ones in the destination country. Asylum-seekers are seen as threats to national security and, as such, the destination communities need to be protected from them.

The main difference between unaccompanied minors from the Middle East seeking asylum in the European Union and unaccompanied minors from Central America seeking asylum in the United States resides in the issue of the legitimacy of their asylum claim. Unaccompanied minors from the Middle East are perceived by the general population of the destination countries like legitimate asylum seekers, and governments provide certain protections for them. Media and political interests have validated the claim that those migrants are fleeing under a “well-founded fear” of persecution. However, in the United States, unaccompanied minors seeking asylum are identified as economic migrants only who broke the law and are placed in deportation proceedings as soon as they enter the United States. Long (2014) wrote: “Once you have crossed an international border fearing for your life, you are no longer a neglected citizen, nor just a humanitarian subject in need, but a rights-holder with a claim to international protection.” (p. 162) These protections are regularly denied to Central American unaccompanied minors seeking asylum in the United States. Politicians and other invested interest groups

have the power to influence how a crisis is perceived and as a consequence, dealt with. This power is extremely significant as it decides the fate of minors. It's a deadly power that may send children back to their death.

In the European Union, unaccompanied minors seeking asylum enjoy basic protections throughout the duration of the asylum-seeking process or until the majority of age. However, they are also exposed to a lengthy and inconsistent asylum process that leaves them in a legal limbo for years before deciding if their claims for asylum will be granted or not.

Current asylum law in the United States and the European Union does not capture the complexities of the conflicts unaccompanied minors are experiencing in the current world and fleeing from. As a consequence, the asylum process frequently fails to protect all children needing refuge.

## CHAPTER II

### THE TRIP, THE ASYLUM PROCESS AND THEIR SIDE EFFECTS

...with over 200 million human beings migrating all over the world (IOM 2010).

The interaction of market forces with communications and technology promotes migratory flows from south to north and from east to west, reversing the courses followed by other migrants and conquerors five hundred years ago when Europeans traveled southward to Africa and America and eastward toward the Orient, in order to subjugate other cultures. I would call this reversal of directions a sort of poetic justice. (Escobar-Valdez, M., 2014, p. 27)

In this section, this study looks into the perilous journey unaccompanied minors endure to reach the United States or the European Union, the asylum process for both destinations; and the negative consequences that those who are in a vulnerable population, such as unaccompanied minors, experience.

In this chapter, human rights law framework will be utilized to analyze topics related to the trip, the asylum process and their consequences. Human rights law will assist in identifying human rights violations in a continuum as unaccompanied minors suffer from infringement on their human rights in the countries of origin, during the trip, and in the destination states as well.

Unaccompanied minors seeking asylum are not only children, they are not only migrants; they are a particularly vulnerable group. They are kids separated from their

parents; their lives have been marked by loss, separation, uprooting and trauma. The experiences of the unaccompanied minors are frequently marked by uncertainty and lack of control. From the moment the decision to leave is made, to the final decision regarding the legitimacy of their asylum claim, these children usually have little or no control and knowledge about what is happening and what will occur. However, unaccompanied minors are not only vulnerable, are not only victims; they are also survivors, they are resilient individuals that face adversities over and over again, and still keep their integrity, their faith and the strength to continue dreaming. They are actors in their own right. Jacqueline Bhabha (2010) writes to this respect:

Their vulnerability, therefore, is as much a product of the adversarial and rights-violating process to which they are exposed – detention, lack of effective legal representation, interdiction, short-term statuses, the climate of disbelief – as it is a consequence of their difficult life circumstances. (p. 101)

### **The Trip**

Children traveling alone are easy prey not only for human traffickers, criminal networks and drug cartels, but also, they are extremely vulnerable to abuse by smugglers and police brutality, and the abuse of other migrants and locals along the way.

Andrea Lepore, a former Direct Care Worker in the United States, stated: “The trip was too hard; the kids had their human rights violated. Many girls were raped during the trip, abused not only sexually but verbally and emotionally.” (Translation mine) The truth is, the abuse often times start in their hometowns. A significant number of the

unaccompanied girls and boys who migrate have experienced sexual and physical abuse; frequently by family members. Due to cultural factors, these children may not report these abuses as they consider them a “part of life” and/or they may be ashamed about their past abusive experiences. (Simmons, W. & Tellez, M., 2014) This reticence to discuss past abuse is detrimental to the legal status of these minors, as the fact of being a victim of abuse may qualify them for special protections. However, when children do disclose past abuse, they are frequently re-traumatized by the lack of empathy and understanding that some judges, police and state representatives display when addressing those hurtful events. (Simmons, W., 2011)

A similarity between unaccompanied minors seeking asylum in the European Union from the Middle East, and the ones that are seeking refugee status in the United States from Central America, is that they are not seeking asylum in a neighboring country; and as a consequence, crossing the last border is only one fragment of their long and dangerous trip.

Unaccompanied minors already start the trip in a place of extreme vulnerability and, frequently, lack control. The decision to leave their country of origin is not one that comes easily. Many children, on both sides of the Atlantic, are “selected” by their families as the most “fit” to endure the trip. This Darwinian selection comes with high expectations for these children to “make it.” This is the reason why healthy teenage males are usually the chosen ones to embark on the trip. Families place on these minors the responsibilities of caring, not only for themselves, but also to provide for the whole family once they reach the destination country. In other cases, the children may be the

ones making the decision, as they may have already been dealing with being alone and taking care of themselves. (Mai, N., 2010) In all cases, the trauma experienced by these children, as far as being separated from their families, having lost their families or not having one, cannot be disregarded. However the decision is being made, survival is a common theme around the reasons to flee their countries. (Wernesjö, U., 2012)

The motivations for leaving the country of origin are not so different between the Middle East and Central America; while in the Middle East, internal armed conflict, state-sponsored terrorism and repressive practices by their governments may be at the top of the list, mostly young males reported being forced to join a rebel group as the main reason to flee as refusal to join equals a death sentence. In the Northern Triangle of Central America the main reason is gang violence. Darla, a Case Managers Supervisor for an unaccompanied minor's shelter said when asked about this: "Gang threats, gang threats and more gang threats. That is a big thing, they often state that it's either join the gang or get killed. So they just take off, try for something else." In the Middle East or Central America choosing not to take part in arm conflict or in gang activities means a threat to these children's lives.

Unaccompanied minors in both regions are mainly fleeing violence: in some cases the violence is state-sponsored, and in others, the states are not inflicting the terror but they are failing to protect their citizens from the violence administered by criminal networks. (Rodriguez, G., 2015) These minors face the regrettable reality of staying and dying or, leaving to find shelter or, die trying.

Unfortunately many die trying. NPR (National Public Radio) reported that 400 migrants died in the first two months of 2016 crossing the Aegean Sea that separates Turkey from Greece; and more than 100 dead bodies were recovered from the Arizona desert in the first 9 months of 2015. However, the total number of migrants, in general, and unaccompanied minors, specifically, that perished during the whole trip, and not just the last portion of the route, remains a mystery.

All countries have the right to protect their borders; however they should do so without implementing border immigration policies that directly or indirectly lead migrants to their death. On pages 58 and 59, maps with the most common migrant routes to the European Union from the Middle East, and to the United States from Central America have been attached.

Unaccompanied minors are supposed to be protected from ill treatment, however during the journey; they often experience abuses by law enforcement in the European Union as well as in the United States. (Amnesty International, 2012; and Kanics, J.; Senovilla Hernandez, D. & Touzenis, K.,2010) Those in charge of protecting the communities of the destination countries frequently treat these children as enemies. The abuses performed by law enforcement officers are rarely held accountable and instead those become common practices. Destination countries seem oblivious to their responsibilities towards these children; Amnesty international's report (2012) says: "While it is generally accepted that countries have the rights to regulate the entry and stay of non-nationals in their territory, they can only do so within the limits of their human rights obligations." (p. 11)



Under international law, all individuals, all migrants, including unaccompanied minors should enjoy the right to life, however, the governments of the United States as well as the European Union member states, “funnel” migration routes to extremely dangerous areas (prevention through deterrence) where surviving *per se* is a challenge, and dying in an exhausting desert or inclement waters is a real possibility. Dunn (2014) writes regarding these facts: “Border Patrol should comply with international standards of health and human rights by adopting policies and strategies that do not endanger the lives and health of migrants.” (p. 68)

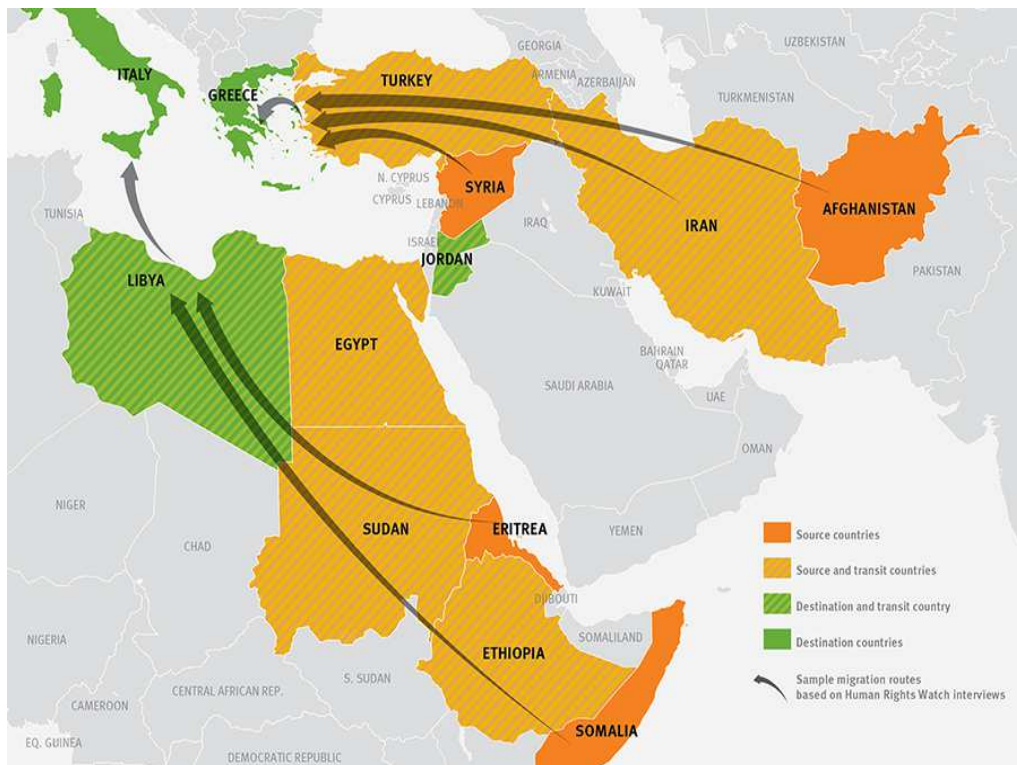


Figure 1. Migrant routes from the Middle East and Africa towards the European Union<sup>16</sup>

<sup>16</sup> Source: Human Rights Watch. <https://www.hrw.org/report/2015/06/19/mediterranean-migration-crisis/why-people-flee-what-eu-should-do>

Deaths trying to reach both the European Union and the United States have risen since the 1990s, even when, in the case of the United States, the overall numbers of undocumented migrants crossing have decreased. (Escobar-Valdez, M., 2014) For unaccompanied minors and other migrants alike, crossing borders towards the United States or the European Union makes the right to life, instead a tenuous privilege. Regardless of the dangers, migrants continue crossing to the United States and the European Union. They are families, women, children and men that are breaking the law not because they don't care, but because they rather risk their lives trying to find safety, than dying in the countries in which they were born.



Figure 2. Migrant routes from Central and North America towards the United States.<sup>17</sup>

<sup>17</sup> Source: BBC, <http://www.bbc.com/news/world-32912867>

Unaccompanied minors are stigmatized as criminals while the only crime they have committed is entering a country without the proper documentation; frequently with valid asylum claims, even when a significant percentage of these children are not even aware of their eligibility to international protections. (Amnesty International, 2012)

Fleeing the country of one's origin should not be considered a crime and the right to seek asylum in another country is considered a human right. Crimes are at the root of those forced migrations. Wars, internal armed conflicts, gang and *narco* violence, terrorism, extreme poverty, political corruption are the causes why children leave their countries. These children are leaving because criminal activities are affecting their livelihood and their safety. Unfortunately, the criminalization of the migrant is part of the modern displacement phenomenon.

The United States' mandatory detention system as well as the detention processes in many European countries like Greece, which is the main reception state in the European Union at this time (Galante, V., 2014), are in violation of international law as their detention practices of unaccompanied minors, among other migrants, violates the human right not to be arbitrarily arrested or detained as expressed in the *Universal declaration of human rights*, the *Convention on the rights of the child* (the United States did not ratify this convention) and the Convention and protocol related to the status of refugees (the United States did not ratify this convention, only the protocol) amongst other human rights documents. These countries have been unable to prove that detention is a necessary and proportionate response to unaccompanied minors entering their territories. (Amnesty International, 2012; Galante, V., 2014)

The fact that unaccompanied minors in the United States are not given appropriate legal counsel prevents these children from accessing information regarding some legal protections like the T-Visa<sup>18</sup>, the U-Visa<sup>19</sup>, the VAWA<sup>20</sup> act and SIJ<sup>21</sup> status in addition to asylum. This is not only worrisome, but a violation of human rights. The United States is failing to protect the most vulnerable children. The use of these legal aids has been proven underutilized by Amnesty international in their report from 2012: “*In hostile terrain. Human rights violations in immigration enforcement in the US southwest.*” These facts lead to the conclusion that, the United States of America is not ensuring access to justice or the adequate protections to immigrant children that have been victims of a crime in their home countries or in the United States.

In part, the underutilization of these legal protections for unaccompanied minors resides in the children’s lack of awareness of such protections but, many times professionals working in the field may also be under or misinformed about these resources which was evident in the interviews conducted for this research study. In addition, lack of training in assessment for victims of violence, trafficking, neglect, etc. is evident in the way some judges communicate with asylum seekers, showing a lack of understanding of language barriers, cultural norms and symptoms of exposure to

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<sup>18</sup> Non-immigrant visa for victims of severe trafficking.

<sup>19</sup> Non-immigrant visa for victims of trafficking, domestic violence, indentured servitude, rape and debt bondage that suffered from substantial physical or mental abuse.

<sup>20</sup> The Violence Against Women Act of 1994. Under the VAWA act, women and their children can petition for legal residence without the knowledge or consent of the abusive partner.

<sup>21</sup> Special Immigrant Juvenile Status applies to individuals under the age of 21 that are residing illegally in the United States with a pending court date and, who have been abused, neglected or abandoned by a parent. Children who qualify can apply for permanent resident status.

traumatic experiences. (Simmons, W., 2011) The low numbers of children identified as victims of abuse and/or human trafficking by US government officials display a lack of understanding and training on interviewing victims of trauma. (Amnesty International, 2012) In the European Union, there are thirteen countries that have no training whatsoever for government officials that will have direct contact with unaccompanied minors seeking asylum. (Bruun, L. & Kanics, J., 2010) Everyone who has direct contact with these minors should be trained in these legal proceedings and also, and very importantly, in trauma informed care and cultural diversity. Regarding this lack of information, Andrea Lepore recalls:

There were things that did not make sense, I've never understood certain things, or they (employer) were not trying to explain those to us, what were the motives or the reasons why some children were allowed to stay...I've always had questions in my head, many stories and legal matters that we did not have access to... (Translation mine)

As I previously mentioned, unaccompanied minors are frequently re-traumatized by the lack of empathy and understanding that some professionals show. William Simmons provides some great examples of this in his book "*Human rights law and the marginalized other*" (2011) by transcribing some interactions between immigration Judge Ferlise and some asylum seekers. In those interactions Judge Ferlise displays a disregard for language and cultural differences. At a certain point Judge Ferlise tells an asylum-seeker: "Well, I'm, I'm tired. I'm sorry. And I'm tired of hearing you say I'm sorry. I don't want you speaking English" (p.175). Judge Ferlise is referring to this

asylum-seeker with an implicit and explicit arrogance that is definitely not respectful or empathetic. This Judge was also cited for re-traumatizing asylum-seekers, here is another excerpt from William Simmons' book:

Ma'am, you, you can cry, that's fine, but your not making any sense, and the tears do not do away with the fact that your [sic] not making any sense to me. Now, rather than crying, just answer the question. You said, your father raped you at age seven and he would beat you, correct? (p. 177)

Judge Ferlise is completely disregarding the fact that he is asking about traumatic events and that re-calling those is an emotional experience for an asylum-seeker. Telling stories of abuse, torture, deprivation or any other traumatic experience in a room full of strangers it is not an easy thing to do, and an immigration judge should conduct his court in a trauma sensitive way.

In the European Union, unaccompanied minors do not have the spectrum of protections offered by the United States (asylum, T-Visa, U-Visa, VAWA act and SIJ status). In Europe, unaccompanied minors either apply for asylum or, most member states will provide them with some basic protections and delay their deportation until their 18<sup>th</sup> birthday or 21<sup>st</sup> birthday, in the case of Sweden. (Kanics, J.; Senovilla Hernandez, D. & Touzenis, K., 2010)

Unaccompanied minors seeking asylum have to deal with the lack of empathy by providers and the issues related to adapting to the destination country; in addition they also have to deal with their criminalization. The criminalization of unaccompanied minors as part of a bigger group of migrants is not only an erroneous perception, but one

that leads to intimidating attitudes while children are held in detention, indifference from the society at large, racism, and of course, in the most severe cases, death. These are children that happen to be born in regions that have historically been exploited by the developed world, through colonization first and interventionism later. The Middle East and Central America have not benefited from globalization. The effects of globalization and neoliberal economies have brought poverty, corruption, crime and political instability to the region. These children are, in a sense, victims of a globalized world that has not find a safe space for them, instead they are portrayed as a threat to the national security of the state they have entered. These are not criminals; these children are “the powerless human face of globalization.” (Dunn, T., 2014, p. 85)

In the world we live in, the one ruled by multinational corporations, the rights to leave, enter and return to any country seem to be respected for goods, commodities and capital; but when dealing with human beings, including children, sovereign states intend for their borders to be “secured.” The recent discussions in the European Union regarding the Schengen and the closure of borders is a great example of this neoliberal economic model, that is now affecting the livelihood of thousands of migrants. The European Union enjoyed the benefits of open borders for years, but now, as immigrants flow through porous borders, nation states are deciding to close their borders to asylum-seekers.

## **The Asylum Process**

Many unaccompanied minors fleeing their countries of origin in the Middle East or in Central America are eligible to file an asylum claim as a significant number of these children have a well-founded fear of persecution on the basis of their race, religion, nationality, political opinion or membership to a particular group.

In the United States and in the European Union most of the unaccompanied minors that file for asylum are defensive applicants, meaning that they are applying for asylum after being apprehended by some type of border patrol or are already in the state where they are planning to file for asylum. In the United States, defensive asylum-seekers are automatically placed into removal proceedings and they do not have the opportunity to file an asylum claim in front of an asylum officer. Their asylum application must be filed in immigration court instead; and this will be the only opportunity the unaccompanied minor seeking asylum has to present evidence in support of his/her claim. (Ramji-Nogales, J., Schoenholtz, A. I., & Schrag, P., 2009)

Legal representation is key in preparing the asylum-seeker and in the process of gathering evidence to support their case; and as a consequence, being represented by a lawyer is vital for an asylum-seeker's chance of getting refugee status.

On pages 68 and 69, I have attached flow charts of the asylum processes for the European Union and the United States. As it is evident, the process is complex and lengthy. In the case of the United States, it is hard to imagine how a child, alone, without legal representation and, many times lacking some basic skills like being able to read



and/or write, often not speaking the language would be able to navigate the asylum process successfully. Placing unaccompanied minors in a court of law, seeking asylum on their own, without legal representation, does not offer these children the right to a fair trial which is a human right as established in the *Universal declaration of human rights* as well as in the *American declaration of the rights and duties of man*.

Unaccompanied minors in the European Union and the United States are entitled to certain benefits like housing, food, health care and education. However, unaccompanied minors seeking asylum do encounter differences in the amount of help provided by the government. In the European Union, children are given legal representation by the state with which they are filing asylum. This is a significant help, however the number of cases where asylum has been granted remains alarmingly low. (European Commission, 2016).

The European Union experienced an increase in asylum applications of more than 150 % in the third quarter of 2015 compared with the same quarter of 2014, and almost doubled compared with the second quarter of 2015. During the third quarter of 2015, 413,800 individuals applied for asylum; compared to 163,400 in the same quarter of 2014. Syrians, Afghanis and Iraqis were the top three citizenships of asylum-seekers. (European Commission, 2016)

During the third quarter of 2015, national authorities of European Union member states review 135,200 asylum cases; a low number considering that during that same time; more than three times that number of asylum claims were filed. The European

Union granted some type of protection status (not necessarily asylum) to less than half of those cases reviewed. (European Commission, 2016)

The asylum process in the European Union faces the challenges of managing the interests of 28 member states. These interests sometimes are conflictive like the recent changes that migrants' reception countries like Greece and Italy demanded regarding the European Union's regulation: Dublin II. This regulation states that each member state is responsible for asylum applications of irregular migrants, meaning that the state in which the migrant arrives needs to be the country where the migrant files for asylum. This regulation has left border countries like Italy, Hungary and especially Greece (more than  $\frac{3}{4}$  of all undocumented migrants currently enter the European Union through Greece) with a disproportionate burden to care for the enormous number of migrants that every day arrive at their borders. Since January 2011, and as the situation in border countries has worsened, most European Union members have stopped sending refugees back to the country where they first arrived. (Galante, V., 2014)

In the United States, 69,933 refugees were resettled in 2013 (the most recent data available) and 25,199 people were granted asylum. Nationals of Burma (also known as Myanmar), Iraq, and Somalia were the top three countries of origin for refugees in 2015. (Zong, J. and Batalova, J., 2015) In 2014, the number of children crossing from the Northern Triangle of Central America was 51,705; how many of them applied for and were granted asylum or any other type of protection has not been documented. Research does show that when unaccompanied minors are legally represented they have 75% positive outcomes to stay in the United States under asylum law, or any other child

protection status whereas children that do not have a lawyer, have a 15% chance to stay legally in the United States. (Garcia Mathewson, T., 2015)

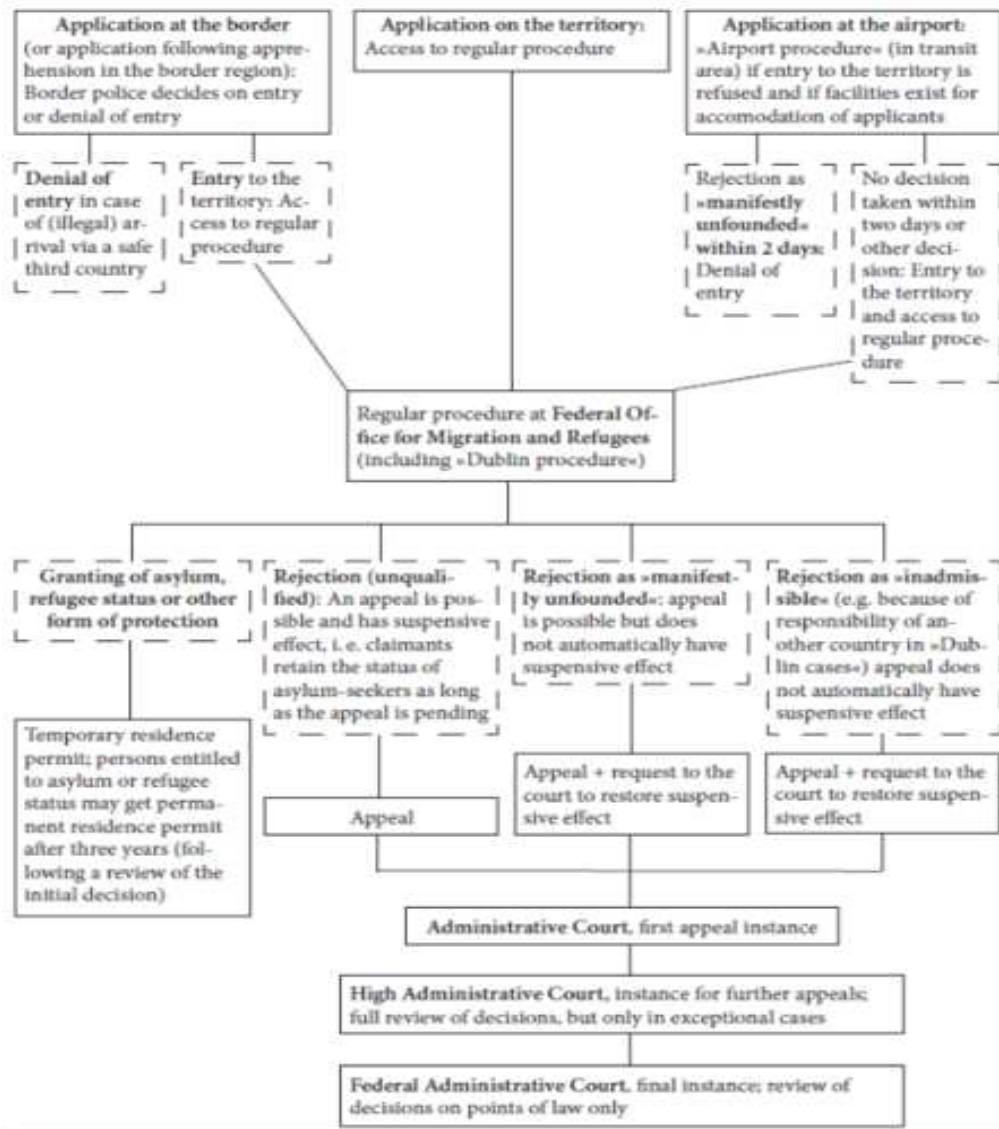


Figure 3. Asylum process in the European Union flow chart<sup>22</sup>

<sup>22</sup> Source: Asylum in Europe. January 2015  
[http://www.asylumineurope.org/sites/default/files/report-download/aida\\_-\\_germany\\_thirdupdate\\_final.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_-_germany_thirdupdate_final.pdf)

## FLOW CHART: STEPS IN THE ASYLUM PROCESS

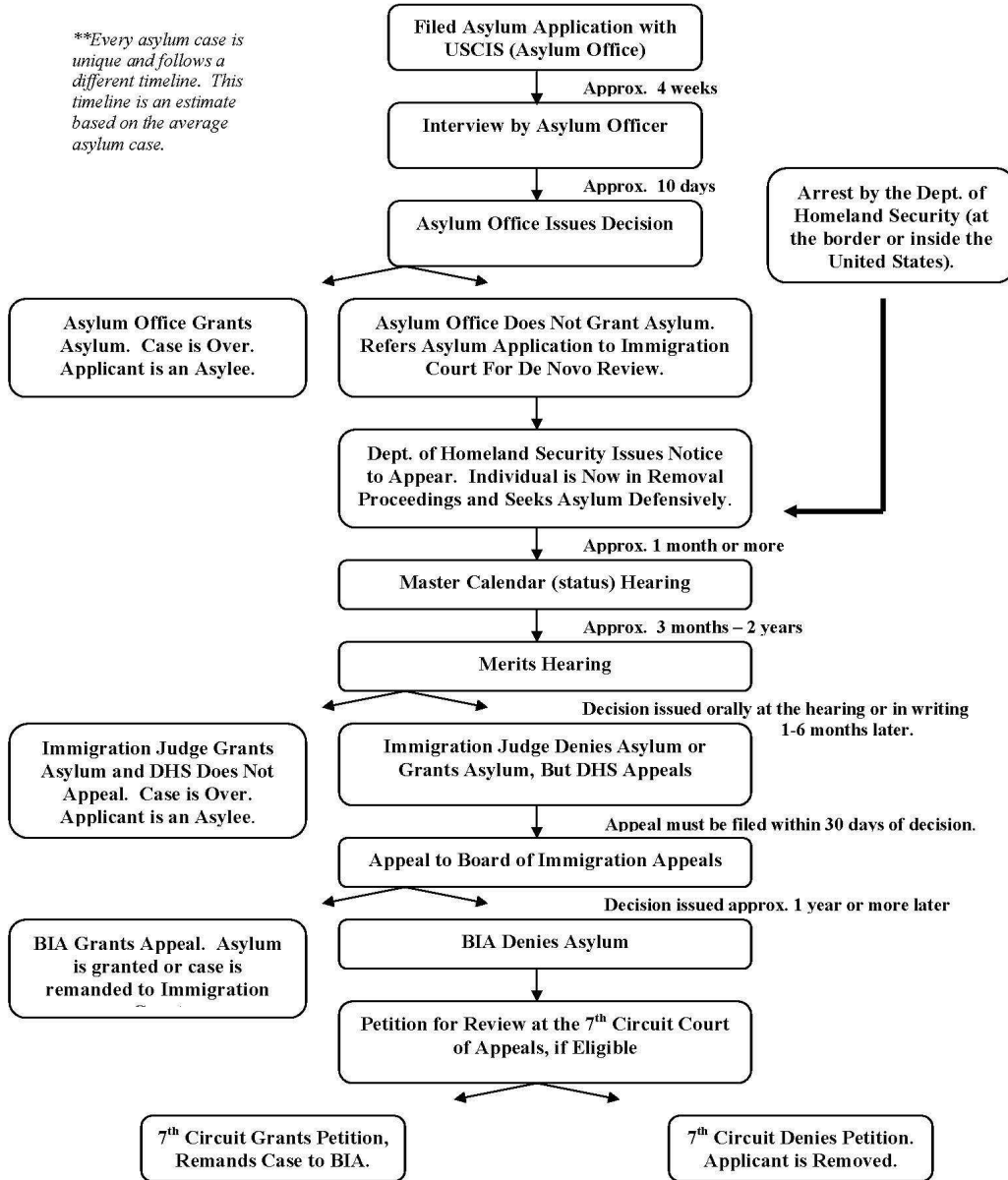


Figure 4. Asylum process in the United States flow chart<sup>23</sup>

<sup>23</sup> Source: World Wide Work Permit (2014)  
<http://www.worldwideworkpermit.com/home/index.php/en/daca/asylum>

In December 2014, the Obama administration established an in-country refugee and parole program for children from El Salvador, Guatemala, and Honduras under age 21 whose parents are lawfully present in the United States. As of August 2015, parents had submitted nearly 3,000 applications, and children were being interviewed to determine their eligibility. Because the majority of applications were received from May to July, very few such minors were admitted in 2015.

The Central American minors (CAM) refugee/parole program is a positive step towards preventing children from the violent Northern Triangle of Central America from embarking on the dangerous journey of entering the United States undocumented; however this is an option that only applies to children whose parents are residing lawfully in the United States. This measure does streamline the process for parents with a non-immigrant visa, however parents who are permanent residents, could sponsor their children to be lawful legal residents of the United States in the “traditional way.”<sup>24</sup> Basically, this is a measure that benefits a very small population: children whose parents are in the United States under a non-immigrant visa. This is not a measure that makes a significant impact regarding the very serious problem of unaccompanied minors crossing the border without the proper documentation fleeing from Guatemala, El Salvador and Honduras.

The real importance of the Central American minors (CAM) refugee/parole program, in my opinion, is that it exposes the contradictions of the United States

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<sup>24</sup> By sponsoring them in order to get a permanent resident card (Green card).

immigration and asylum systems. On the one hand, the United States acknowledges the increasing power of gangs and organized-crime groups, as well as rising rates of homicide, drug trafficking, human trafficking, and gender-based violence in the region. The 2015 report by the Migration Policy Institute reports that those issues are “well documented” (p. 3) and that the CAM in-country processing program “was created with the aim of providing minors affected by violence in Central America the ability to legally reunite with parents living lawfully in the United States.” (p. 3) On the other hand, the United States Immigration Courts consistently deny asylum claims on the basis of gang violence to unaccompanied minors from the Northern Triangle of Central America hoping for refugee status.

Basically, the United States is admitting that Guatemala, Honduras and El Salvador are countries torn by criminal activity, emphasizing gang activity, human and drug trafficking, and gender violence. The United States, by creating the Central American minors (CAM) refugee/parole program, is also acknowledging that those countries are not safe environments for a child, and also the imminent dangers of embarking on a trip up north towards the United States without legal documentation to enter the country. However, it seems that being protected from these menaces is a privilege that only pertains to children whose parents are lawfully residing in the United States. The possibility of being a refugee does not seem to reside in the country of origin’s conditions and its human rights records, but on the parents of these children’s location and legal status. What happens to the rest of the children (who happen to be the majority)?

The number of unaccompanied minors that were deported from the United States in 2014 was 1,901. More than 94% of those children did not have an attorney and, since 2013 over 7,000 unaccompanied children have been ordered deported without the chance to even appear before a court of law. (Linthicum, K., 2015) How many of them have stayed in the United States undocumented and as such, *de facto* stateless, with limited access to education, health and opportunities, is unknown; how many of them were actually returned to their countries and were able to rebuild their lives is uncertain; how many of them came back to their origin countries to find death has not been reported. A forthcoming research from San Diego state university, has compiled a comprehensive estimate of US deportees who have been murdered on their return to Central America since January 2014 to October 2015 based on local newspaper reports. The research has identified 45 such cases in El Salvador, 3 in Guatemala and 35 in Honduras. (Brodzinsky, S. & Pilkington, E., 2015)

**The Experience of Legal Limbo.** During the interviews I conducted, the issue of how long the asylum process is, has been brought up. Federico Rivas, a Project Manager for a non-profit that works with refugee and asylum seeking youth in the United Kingdom said:

...they file a case and during filing they tell them that it will last 5 months, but the case lasts for years and then in that moment, the person does not know if he/she will turn 18 and asylum will be granted or not...that messes with their heads, even when they get the refugee status, they are not ready to move on with their lives because it has been 5 years of not knowing if they were going to be

deported or not ...knowing the trauma that they already come with, waiting for so long, they are living a life that is not for a young person... (Translation mine)

The causes for the asylum process length are common in both the United States and the European Union, and could be summarized as follows: backlog and lack of resources. Immigration courts on both sides of the Atlantic are overwhelmed with the amount of work. Employees, lawyers and judges within immigration courts are in the uncomfortable position of acknowledging that they do not have the appropriate time to thoroughly review each and every asylum claim as it should be, considering that the judge's final decision is a "life or death" one.

Robert Thomas (2009), who wrote chapter 8 of the book *"Refugee roulette: Disparities in asylum adjudication and proposals for reform"* eloquently condenses the contradictions of the asylum adjudication system: "...[the UK system] has often being criticized in terms of the quality of decision making and the governmental emphasis on speed and efficiency at the expense of fairness and quality." (p. 181)

Unaccompanied minors seeking asylum face the tragic reality that the violation of their human rights have not ended once they set foot in their destination country, may this be the European Union or the United States.

The orotund rhetoric against undocumented immigration does not exclude unaccompanied minors from being arbitrarily arrested. Unaccompanied minor's detention has become the norm, more than the exception. The conditions of those detentions also violate their human right not to be subjects of inhuman or degrading treatment; in this regard Andrea Lepore talks about detention facilities in the United States:



...normally it was teenagers between the ages of 13 and 15, maybe 16 years old who were arriving but there was also kids who were 9 or 10 years old...and it was very hard to see in the conditions that they were coming, because truthfully those were...they were coming in really bad shape, their hygiene was very poor because in the detention center from where they were coming, before getting to the center that we were running, they would not get anything. They were not allowed to shower, they did not give them clothes to change, not even something to clean up themselves up with. They will also tell us that the food they were given was, honestly very bad. (Translation mine)

Unfortunately these detention facilities in the European Union are not much different, human rights groups have been denouncing that the conditions of the detention facilities across Europe are worsening as the whole immigration and asylum system is unable to withstand the amount of migrants, including unaccompanied minors. An info guide that is given to migrants arriving in Greece by a nonprofit organization called w2eu says:

Upon arrest you will be transferred to provisional detention facilities, such as fenced areas inside the port, container rooms, police stations or tent camps. [...] These detention centers are currently overcrowded. Usually the registration doesn't last more than one month, but things can change if the number of arrivals continues to increase in summer. [...] If you apply for asylum during your detention, your detention cannot last more than 6 months in total.

Detention is supposed to exclude unaccompanied minors, but children are currently “held” longer periods of time, longer than accompanied children and longer than adults as they wait for a reception center exclusively for unaccompanied minors. (Galante, V., 2014)

Another option for unaccompanied minors seeking asylum in the European Union is to request family reunification. If an unaccompanied minor has a family member that is lawfully residing in any of the European Union member states they can request to be reunited with them; however this process takes months and the definition of family in certain member states is reduced to parents and siblings only. This definition leaves many cultural considerations excluded as extended family members have a variety of levels of relevance depending on cultural factors. In addition, “family reunification” in the European Union or the United States never refers to bringing the family of the child to the destination country, if the family happens to be back at the origin country. This option, in certain cases, may be in the best interest of the child but that principle is overruled by political reasons. (Bhabha, J., 2011 - Kanics, J.; Senovilla Hernandez, D. & Touzenis, K.,2010)

The United States and Somalia are the only two countries that have not ratified the United Nations Convention of the rights of the child; all European Union member states have signed it (although the United Kingdom has excluded non-national children in order to ratify it). The places and the way that unaccompanied minors are held in these “centers” violate many articles in that convention and they definitely do not promote their physical mental, spiritual, moral and social development as stated in the convention.

Galante (2014) mentions in her journal regarding the treatment of unaccompanied minors in Greece: “Detention has been proven to worsen preexisting traumas in unaccompanied minors, both physically and mentally, the result from their reasons from migrating in the first place-internalia, to escape from abuse, armed conflict and persecution.” (p. 783)

In addition to all these human rights violations above stated, it was recently reported that 10,000 minors who entered the European Union within the last two years are missing. Many of these missing children may have been targeted for human trafficking. The fear is that criminal networks related to human trafficking have been associating with the human smugglers crossing the migrants to the European Union, especially Greece and Italy. Some of those 10,000 children have escaped from the institutions where they were detained, which should bring attention to issues intrinsic to those detention centers and shelters: Why are children escaping? Which needs specific to unaccompanied minors seeking asylum are not being met in those placements?

The European Union is not supervising these children; they are failing to protect the most vulnerable of all the migrants and asylum seekers they receive, they are not ensuring the wellbeing of all children on European soil as expressed in the European convention of human rights.

Unaccompanied minors are the easiest targets for criminal networks, as they lack resources of any kind, are minimally supervised, are poorly cared for, and once they are gone, they are not missed. Their families (if they still have one) don't know where they are. Who will advocate for them in their torn countries? Will the European Union look for them, when they wanted them gone anyway? And even if the member states of the

European Union decide to start a search for these children, how would they do it? In many cases they do not even know the names of these children. Disgracefully, these are lost kids and they do not have a name or a face to print on a “missing” sign.

The placement arrangements that come after detention are similar but present some significant differences in the United States and the European Union. The unaccompanied minors may be placed in shelters, group homes, independent living apartments (for older teenagers) and foster care homes.

However, it seems that the European Union privileges the foster home or apartments in the community as placements for unaccompanied minors; these types of housing accommodations have been proven more beneficial in comparison to shelters or group homes as children are more integrated in the community. (Kanics, J.; Senovilla Hernandez, D. & Touzenis, K., 2010)

In the United States, most unaccompanied minors are placed in shelters that could be categorized as total institutions<sup>25</sup> as the children live there, go to school on site, can not leave the premises, are supervised at all times, have rigid rules and schedules and, are segregated from the broader community.

In the United States, independently of the placement and in most cases, the child is working towards being reunified with a family member or friend in the United States. This person may be a lawful resident or not, they need to pass a background check and agree to care for the child until their next court date (that may be years away) at least. Once this “sponsor,” as they are called, is found and accepted, the unaccompanied minor

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<sup>25</sup> An isolated, enclosed social system where most aspects of its participants’ lives are controlled.

is released to that person. Those minors are still under deportation proceedings, but they will be waiting for their court date with their families. It is up to the families to find legal representation for the minor, if that is a possibility. During that court date, the minor will have the chance to apply for asylum, and submit documentation to support an asylum claim. (Rosenblum, M., 2015)

**Decision Making Regarding Asylum Claims.** The decision of granting or denying asylum is problematic and complex by nature, as judges are deciding on the livelihood of an individual. Judges will look at evidence, listen to testimonies, and hear reports regarding the situation in their country of origins before making a decision.

Research has found that legal representation makes a big difference in obtaining refugee status or not. As previously expressed, in the European Union, unaccompanied minors are provided with legal representation to file their asylum claim and go through the asylum process; however in the United States children are left on their own, or at the mercy of a nonprofit organization like the one described by Armando, a former Direct Care Worker and current Clinician for an unaccompanied minors' shelter in Arizona:

They also get legal assistance, after 3 or 4 days after their arrival...actually, the lawyers come once a week. It's a group of lawyers that work for free; pro-bono and they are in this project. Basically they are lawyers that are just starting and so they are working in the area of immigration. They counsel the children; they tell them their rights as a group and then they have individual interviews with each child. [...] My understanding is that this is a different organization (not the government). (Translation mine)

Even unaccompanied minors that may be fortunate enough to receive this kind of legal representation, only have until they leave the shelter, usually within three months, which is most likely before the minor's court date as Darla mentioned during her interview. Asylum claims take years, so even the assistance of organizations like the one described above is limited.

Legally speaking, the issue of representation is one of the main, and most important, factors regarding outcomes differences amongst unaccompanied minors seeking asylum in the United States or in the European Union. However, a common issue amongst immigration courts in the United States and those of the European Union is the lack of consistency. Asylum claims are often difficult to prove, finding evidence of a well-founded fear of persecution on the grounds of race, religion, political opinion or belonging to a certain group is not only almost impossible in certain cases, but requires the guidance of a lawyer or, at least, someone experienced within the asylum process.

Legal representation is extremely relevant to enhance the chances of a minor being granted asylum or any other legal protection; but the lack of adequate legal guidance is not the only concerning factor in the asylum process. The lack of consistency in immigration courts regarding the outcomes of asylum claims of each judge and each district that grant asylum is beyond concerning. The book by Ramji-Nogales, J., Schoenholtz, A. I., & Schrag, P. G. "*Refugee roulette : Disparities in asylum adjudication and proposals for reform*" is an in-depth study of the asylum adjudication process in the United States and also in the United Kingdom. The authors found that:

When an asylum seeker stands before an official or court who will decide whether she may be deported or may remain in the United States, the results may be determined as much or more by who that official is, or where the court is located, as the facts and law of the case. The fact that the outcome of a case appears to be strongly influenced by the identity or attitude of the officer or judge to whom it is assigned is particularly discomfoting in asylum cases, because when a bona fide application is erroneously denied, the applicant is almost always ordered deported to a nation in which she will be in grave danger. (p. 3)

The inconsistencies found by the authors were present in the United States as well as in the United Kingdom, however due to the lack of information regarding each individual judge in the UK; inconsistencies in asylum adjudication could not be studied at the individual level in that country.

It seems the more the asylum process is dissected, whether it may be in the European Union or in the United States, the chances for unaccompanied minors seeking asylum get slimmer and slimmer. Legal representation should be a right in order to have a “fair trial,” but when it comes to unaccompanied minors, it becomes a privilege that does not apply to those seeking asylum in the United States.

Unaccompanied minors wait for years to receive an answer regarding their asylum cases no matter where they are filing their claim; in the meantime, these children are supposed to “move on” with their lives disregarding the fact that at any given moment they may be informed that they will be deported back to their origin country. In the United States, children are officially under deportation proceedings until they file for

asylum but then, if asylum is denied, they will be immediately deported no matter how old the children are. (Rosenblum, M., 2015) In the European Union, unaccompanied minors as a whole have some basic protections until they reach adulthood (18 years old in most member states), and they are allowed to stay in the European Union. However, unless asylum has been granted or they are in the asylum process by the time they reach adulthood, they will receive a deportation order.

In addition to this disturbing reality, the decision of adjudicating asylum rests on the shoulders of an individual judge whose personality traits, attitudes, political affiliation and opinions will weight more in the end, than the claim itself.

The problem of lack of consistency is aggravated by the issue of the shortcomings of professionalization in the immigration courts. Judges are deciding on cases on their own, without the need to discuss or justify his/her decision to colleagues. In addition, in the United States, the verdict is given orally; they are not published so public cannot access asylum decisions as they can access federal court decisions. (Ramji-Nogales, J., Schoenholtz, A. I., & Schrag, P. G., 2009)

During the asylum process, unaccompanied minors deal with uncertainty for long periods of time and unfavorable conditions in immigration courts in order to have their claims fairly judged. In addition, these traumatized children, experience more trauma by being forced to tell and retell histories of abuse, murder and fear in courtrooms and depositions. (Carlson, B. E., Cacciatore, J., & Klimek, B., 2012).



## **Conclusion**

The best interest of the child should be the motivating force in making the necessary changes to the asylum process regarding unaccompanied minors, however it is always immigration administration bodies that decide on the future of these children. This concept of “best interest of the child” seems to be clouded, in part because immigration administration and not child welfare professionals handle the care and protection of unaccompanied minors. Another main barrier to the “best interest of the child” is that unaccompanied minors are often considered: aliens first, children second and because of their “Otherness”, they lose some of their childhood protections.

It is definitely not in the best interest of a child to enact policies that force migrants, including unaccompanied minors, to the harshest geographic and weather conditions, making extremely dangerous trips, deadly.

It is not in the best interest of the child to make asylum processes so lengthy that children become adults while waiting for a decision. The negative psychical and emotional consequences of this waiting have been thoroughly documented scientifically. (Montgomery, E., & Foldspang, A., 2008) However, laws do not change, backlogs get bigger and the ones sitting there with their lives “on hold” are the children.

**CHAPTER III**  
**THE MARGINALITY OF BEING THE OTHER AND SUFFERING FROM**  
**STATELESSNESS**

Say this city has ten million souls,  
Some are living in mansions, some are living in holes:  
Yet there's no place for us, my dear, yet there's no place for us.

Once we had a country and we thought it fair,  
Look in the atlas and you'll find it there:  
We cannot go there now, my dear, we cannot go there now.

In the village churchyard there grows an old yew,  
Every spring it blossoms anew:  
Old passports can't do that, my dear, old passports can't do that.

The consul banged the table and said,  
"If you've got no passport you're officially dead":  
But we are still alive, my dear, but we are still alive.

Went to a committee; they offered me a chair;  
Asked me politely to return next year:

But where shall we go to-day, my dear, but where shall we go to-day?

Came to a public meeting; the speaker got up and said;

"If we let them in, they will steal our daily bread":

He was talking of you and me, my dear, he was talking of you and me.

Thought I heard the thunder rumbling in the sky;

It was Hitler over Europe, saying, "They must die":

O we were in his mind, my dear, O we were in his mind.

Saw a poodle in a jacket fastened with a pin,

Saw a door opened and a cat let in:

But they weren't German Jews, my dear, but they weren't German Jews.

Went down the harbour and stood upon the quay,

Saw the fish swimming as if they were free:

Only ten feet away, my dear, only ten feet away.

Walked through a wood, saw the birds in the trees;

They had no politicians and sang at their ease:

They weren't the human race, my dear, they weren't the human race.

Dreamed I saw a building with a thousand floors,  
A thousand windows and a thousand doors:  
Not one of them was ours, my dear, not one of them was ours.

Stood on a great plain in the falling snow;  
Ten thousand soldiers marched to and fro:  
Looking for you and me, my dear, looking for you and me. (Auden, W. D.; 1939)

In this section, some pages are dedicated to discussing the concept of the Other as well as the issue of Statelessness. The reason why these two ideas are introduced together in this part of the study is because they are interconnected. The Other can stand alone without being stateless but the stateless is always the Other; and by the end of this section, it will be obvious that unaccompanied minors seeking asylum in the European Union or the United States are both: the Other and stateless.

These two qualities continue to support the fact that unaccompanied minors seeking asylum represent an extremely vulnerable and marginal population that needs special protections, no matter where they are fleeing from or in which country they are seeking asylum.

## **The Other**

I have utilized the concept of the Other as theorized by William Simmons (2011). In his work, Simmons shows clear influences from the Psychoanalytical theory by Sigmund Freud and Jaques Lacan; as well as philosophers such as Aristotle, Hanna Arendt, Emmanuel Levinas, Gayatri Chakravorti Spivak, Judith Butler and Enrique Dussel.

The Other are those individuals that have been reduced to less-than-humans, and as such, undeserving of human rights. As inferior beings, the Other, does not have a place in social life (in the *polis*) and they do not have a voice. This logic has been behind genocide, colonization, slavery and the treatment of migrants as well, including children. Regarding this sub-human condition Andrea Lepore, a former Direct Care Worker in a group home for unaccompanied minors in the United States, recalls:

...it happened to me to see kids whose cases did not go well and they had to be deported, and the treatment given by the police when they were coming to get them was deplorable. It was deplorable how they were treating these minors; they were basically not treated as human beings. It was very sad; they would treat them...I don't know, not even like animals, they were basically treated as a nuisance.

(Translation mine)

It is because of this intrinsic oppression towards the Other, that Simmons encourages human rights activists and scholars to deconstruct human rights law and start

learning to learn from the Other. He advocates that the Other's voice should be at the center of human rights' law, and it is from this position that I construct my argument.

In order to start working towards a human rights law based on the Other, it must be first recognized that most of the current human right instruments (treaties, conventions, organisms, agencies, etc.) carry an organic violence as they have been created and run not by the Other but by privileged individuals having in mind the values of the democratic developed west.

The Others are unequal and as such, they are deprived from having power, especially political power. Hanna Arendt (1951) would explain this lack of power due to the more basic needs the Other has. The Other experiences the urgency of having basic access to necessities as food, clothing, shelter; they do not have the privilege of engaging in the public life of the *polis*. This is the main reason why, in Arendt's view, the other is *aneu logo* (without a voice) because the Other is not free from necessities. For Arendt, having a voice and being active in political life makes a being, human. As a consequence, the Other as *aneu logo* and excluded from the *polis* is not a human being but a "natural man", it is a being outside of the civic life, outside of the law and outside of their rights. (Arendt, H., 1951)

The Other is left in a position of passivity, as they frequently do not decide on their destiny. This is obvious for unaccompanied minors seeking asylum, regardless of the fact that they are "heard" during depositions and testimonies in court; their voices are interpreted by individuals that do not understand their Otherness, and as a consequence,

the Other will be lost in translation even when they may technically be speaking the same language. Simmons (2011) explains:

...the voiceless will not be in a position to push for their rights, and they most likely will not be given a voice. If they are given a voice, it will be on the terms already determined by the hegemonic discourse and within a constitutional framework that sets boundaries for proper or reasonable dialogue. (p. 73)

This is why Simmons (2011) recommends a constant deconstruction of human right's law, being always reminded that there is an original violence towards the Other in human rights instruments and that the Other should be at the center of human rights' law. The western democratic nations have imposed their values and considered their way of life the ideal, and the only one that should be accepted, without realizing that for the Other some of those values, and/or that way of life, may not make sense. The developed world has been extremely vocal about the greatness of democracy and has vilified any other type of government, without taking into consideration the social and geopolitical characteristics of the countries where those non-democratic governments function. An example of this is represented in the fact that the developed world has defined what it means to be oppressed and started a "war against *hijab*" as a symbol of female oppression without questioning the organic oppression of beauty standards in the west and without hearing the voices of the women that wear a *hijab*. The democratic developed nations of the west perceive the customs and habits of immigrants as less than

“normal” and a threat to their culture. Deconstructing human rights law in today’s world is not only questioning those positions, but also placing the Other at the center of the practice.

While going through this constant deconstruction process, there is also a need to be conscious that it is impossible for an “insider” to speak for the Other. It is not feasible for a member of the *polis* to put himself into the Other’s shoes; and that there is a need to let the Other describe themselves, and prioritize, according to their realities, which rights they want to protect in the first place. The Other needs to be allowed to think and express that their world, their realities, their values and customs may be possible, and the insiders need to patiently and humbly listen to the voiceless and work with the Other. (Simmons, W., 2011)

A good example of this is the contradiction between banning child labor and the fact that many unaccompanied minors include work in their *proyecto de vida*<sup>26</sup>. These life projects are protected by the right to freely develop their personality, to have a standard of living adequate for their health and wellbeing and their right to work as established in the *Universal declaration of human rights*. In the United States and the European Union, children are not supposed to work while waiting for their asylum decision, actually even if they transition into adulthood while waiting for their asylum adjudication, they still are not supposed to work according to the labor and asylum laws of the destination countries.

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<sup>26</sup> Life’s project



The western value of protecting childhood from work does not make sense to most unaccompanied minors seeking asylum. This expectation actually exposes minors to exploitation and abuse, as most children still try to make money, but are forced to get involved in illegal work which many times means lower wages, job exploitation, and engaging in criminal activities like dealing drugs, or being targets for human trafficking networks, only to end up as sex workers or as beggars.

Not being allowed to work has been found to be directly linked with children leaving the government facilities for unaccompanied minors in order to find a job. (Kanics, J.; Senovilla Hernandez, D. & Touzenis, K., 2010) These kinds of policies do not take into account the people they will directly affect: in this case, unaccompanied minors. Forcing the Other, whose needs are not being met, whose voice is not heard, into a more extreme marginality. Federico Rivas, a Project Manager for a nonprofit that works with refugee and asylum-seeking youth in England, talks about this marginality, about being an outsider and being the Other:

And...it is isolated, regularly they get sent to places in London that are quite ugly or that are far away from downtown, where things happen...they don't have much access and then they have difficulties to integrate into society and finding their space. Easily they enter into a little bubble. And, lets say the child is from Afghanistan and he meets another guy from Afghanistan that sells fruit at a market, so that's it, that's the project he will have for his life, his aspiration...so they are very vulnerable to, not so much to become a criminal, but yes to enter

into a “street culture”, just being there, don’t do much, smoke...I don’t know.

(Translation mine)

Back in 2014, when in the United States the issue of unaccompanied minors was in the headlines, rarely were the opinions of the actual children heard. Instead, politicians, advocates, activists and scholars were called to help the general public understand these children. The actual voices of these minors were not allowed, as if those children were still outside of the border. They were (and are) in the United States but somehow it was, and still is, clear that they are not inside, they cannot participate in the community.

Now, in 2016, news from unaccompanied minors arriving into the European Union are in the media, but the same silencing phenomenon is exposed. The voices of these children are unheard. Their otherness is so obvious that the *polis* needs someone else, in the shape of an insider, to decode and explain who these children are, what do they want and how to deal with them. This approach perpetuates the violence in human rights’ law by objectifying these children, presenting them as victims needing rescue more than individuals with their own agency over their lives. A properly executed guardianship program could be a good start to ensure the asylum system is working on behalf of the child’s best interest.

Going through the asylum process in the United States or the European Union involves despoiling these children of their voice. They do not have a name anymore; they may be victims waiting to be rescued, in the best-case scenario. These children have to “buy into” the western values and its discourse, they have to symbolically kill themselves

for a chance of American or European “charity”. They are expected to openly talk about abuse, neglect and traumatic experiences to strangers in court. They are supposed to despise their countries of origin and its societal norms; they are expected to beg for mercy to the “civilized” world in an imported and arbitrarily imposed “language of legally enforceable rights and duties.” (Simmons, W., 2011, p. 189)

**Us and Them.** Unaccompanied minors seeking asylum in the European Union from the Middle East, and in the United States from Central America, are very much at risk of suffering from discrimination in their destination countries. They often do not speak the language of the destination countries, or if they do, they do it with a particular accent, and often times they do not look like a “traditional” native from Western Europe or the United States. The word traditional is quoted in the previous sentence because the demographic faces of Europe and the United States have been changing for decades, however the conservative discourse wants to hold on tight to the idea of a white United States and a white Europe. The rise of extreme right political parties in the European Union that support closing the borders to refugees in order to protect themselves from the different, the migrants; or the popularity of Donald Trump as a possible presidential candidate who labeled Mexicans as rapists and criminals; and who does not differentiate between Muslims and radical terrorist Muslims under the slogan “Make America Great Again” are just a few examples of wanting to keep an ethnic and racial *status quo*.

Being discriminated against has well-documented negative consequences for individuals, especially children, and it forces these unaccompanied minors to seek

acceptance among people that they perceive to be equals, which prevents integration with the community at large in the destination country. Montgomery and Foldspang (2007) explained:

Discrimination involves cognitive appraisal of threat and is therefore expected to affect mental health similar to other stressors and to lead to increased identification with one's own group in contrast to the majority group thus impeding negatively on social adaptation. (p. 156)

Discrimination is a threat to the unaccompanied minor and these children as the Other are perceived as threats as well. Politicians and the media in general constantly represent unaccompanied minors as threatening. They relegate their condition as minors to a second place and first of all, they are presented as migrants. They are the Other. These children are usually portrayed as criminals who have come "illegally" to take advantage of and to change the destination countries in a negative way. During a hearing before the Committee on Homeland Security House of Representatives in 2014, Paul Brown, representative from Georgia stated:

These kids have come here illegally. They have been lawbreakers already. You place them with families, and it is my understanding that some of these families may be illegal themselves [...] So what is the department (of homeland security) doing to try to deport or deal with these families that are illegal in themselves? Then you have got another lawbreaker, and the kid y'all should be following up.

The main concern is that the United States and the European Union have explicit policies against racism and discrimination but do nothing to diminish the structural causes for racism at the institutional level.

Federico Rivas shared a story that explains how asylum-seekers are perceived as the Other and a dangerous one:

We were on an outing with the kids and the police stopped us. He asked for IDs and we were with a friend that was working with us. The police officer called her aside and told her: “Be careful, that one is an asylum-seeker”, like saying, “be aware that there is a dangerous person there with you”, and that is the perception of the police. (Translation is mine)

There is agreement amongst the general population that the immigration system needs reform. Almost half the population in the United States, and similar numbers across the European Union, agree that the current system is not effective. (Jones, R.; Cox, D.; Navarro-Rivera J.; Dionne, E.J. & Galston, W., 2013) However, the numbers are similar regarding the question of if immigrants improve their host countries or worsen them. Almost the same number of individuals believe that foreigners enrich their countries’ life and culture; than the number of people that considers immigrant to be hurting their countries with their foreign influence. (Jones, R.; Cox, D.; Navarro-Rivera J.; Dionne, E.J. & Galston, W., 2013)

Immigration is definitely a polarizing issue, and a political one. On both sides of the Atlantic we have seen a resurgence of conservative parties that claim that the United States and Europe have to “protect” themselves from the devastating effects of immigration, and unfortunately those kinds of rhetoric have proven to be highly marketable and supported by a significant number of individuals, as exemplified by the popularity of Donald Trump as the frontrunner for the Republican party in the United States of America who frequently refers to building a “big wall” as the solution to undocumented immigration and, who declared in November 2015, when asked about allowing Syrian refugees in the United States: “We cannot let them into this country, period. Our country has tremendous problems. We can't have another problem.” His position unfortunately is not isolated and, in fact, the governors of 30 states in the United States have called for a halt on refugee resettlement and, as usual, it has been done in the name of national security.

This resurgence of anti-immigrant sentiment is not new; Espenshade and Hempstead (1996) eloquently gave us some context regarding the United States when they write:

...there have been persistent attempts by former immigrants to keep out newcomers ever since the founding of the new colonies, [...] New England Puritans and pilgrims toward Quakers, Episcopalians and Catholics. The English exhibited similar sentiment toward the Irish and Germans, while the latter felt the same way about Italians, Jews, and Russians. (p. 537)

Historically, since the 1920s the immigration policies in the United States tend to favor immigration from typically white countries from western and northern Europe. Espenshade and Hempstead (1996) found that immigration has become the scapegoat of preference every time there is an economic crisis and the unemployment rate is high. The very common phrases: “they come here and take our jobs,” “their low wages pull all of our wages down,” “they come here to milk our generous welfare benefits,” “life as we know it is over,” are highly publicized by politicians, the media and the general public and foment the “Us vs Them” dichotomy. This connection between anti-immigrant sentiment and economic crisis may explain why the United States and Europe experience such an elevated xenophobic sentiment after the global economic crisis that started in 2006.

Unfortunately, Brader, Valentino and Suhay’s study from 2008 discovered that:

As with many issues, Americans tend to be poorly informed and uncertain about immigration and much of what they learn comes through the mass media. We suspect that the way journalists and politicians portray immigration plays a significant role in activating (or assuaging) opposition. (p. 960)

I must add that this assumption is valid also for western European countries. The popular idea of an immigrant in the United States is frequently a low skilled “Latino looking” immigrant, Spanish speaking only, dark skin, usually male who works in construction or in the fields; while in the European Union is a “Muslim Middle Eastern

looking”, brown skin, male, with a thick accent, wearing a *thawb*<sup>27</sup> or a *keffiyeh*<sup>28</sup> and working as a street vendor. Unfortunately the children from the Northern Triangle of Central America often share the looks of that stereotype, just like the ones from the Middle East are condemned by their “bearing of a face.” When the negative costs of immigration are linked with a particular minority ethnicity (Latino/Middle Eastern) the negative perception and emotions regarding immigration are enhanced. (Brader, T.; Valentino, N.; Suhay, E., 2008)

Media and politicians are partially responsible for the misinformation of the general public, while most people thinks that asylum-seekers and refugees are in the developed world, the reality is that 80% of them are in the so called third world countries. Most of the asylum-seekers and refugees are looking for shelter in the poorest parts of the globe; and under international law there is no obligation for the first world countries to “share the load” and host a proportional number of refugees according to each state’s means and resources. (Achiame, E., 2014) The rise of xenophobic sentiment does not respond to reality and instead, aligns with the promotion of restrictionist policies regarding immigration. The discussion moves to “securing the border” and “protecting against terrorism” arguments. However, those policies affect unaccompanied minors, extending violations of their human rights to the trip and the destination state. These children are now perceived as threats, not human beings with rights. Lamentably, these implicit structural racist structures are not recognized, neither addressed; as Achiame

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<sup>27</sup> An ankle-length garment, usually with long sleeves, similar to a robe.

<sup>28</sup> A traditional headdress of the Middle East, made of a square cloth, folded and wrapped into various styles around the head.



(2014) remarks: “International law does not explicitly state what constitutes unlawful xenophobic discrimination, and there is no established consensus view” (p. 325) and he suggests that human rights law should address this relevant problem. The decision by Slovenia, Croatia, Hungary and Macedonia to close their borders in order to block the Balkan route to western Europe for the asylum-seekers; and the current deal between the European Union and Turkey to “return” asylum-seekers from Greece to that country are an example of this exclusionary logic.

This structural xenophobia is the cause of unaccompanied minors’ extreme vulnerability; the children are not necessarily fragile little creatures, but individuals with their own agency. However, laws and regulations prevent them from accessing resources; sometimes explicitly, but often times, because regulations requirements for eligibility for a benefit are so complicated that they become unattainable. This is why many unaccompanied minors seeking asylum (and unaccompanied minors in general) end up being socio-economically marginalized, an underclass: the Other. This situation becomes a self fulfilling prophecy: unaccompanied minors seeking asylum are criminalized by society and these children frequently may end up engaging in criminal activities due to the lack of feasible legal routes to fulfill their *proyectos de vida*, living their life in the margins of the *polis*. As previously expressed in this study, most unaccompanied minors come to the European Union or the United States with the objective of working. However they are not allowed to do so until they get refugee status granted and they are 18 years old or older. That may take years, many of these kids do not have that time to wait to start working, making money and sending some back to their families in the origin countries.

They are left without legal options, they are “forced” to either be exploited and/or to engage in illicit activities like selling drugs, begging, sex work (many times sex slavery), robberies, etc. This type of situations continues feeding the negative perceptions of asylum-seekers, as described by Federico Rivas: “...there is a lot of this ideas that they come and there is more violence, that they are violent...” (Translation mine)

### **The Issue of Statelessness**

A stateless person is defined by international law as a person who is not considered as a national by any state. The issue of being stateless often affects unaccompanied minors seeking asylum. Statelessness is not only a problem that pertains to children who have no nationality, it also affects children who do have a nationality but because of their irregular migration status they cannot turn to the state they live in for protection neither to their origin country. Last, statelessness also involves children who have a nationality and a legal status but may be unable to prove it.

This research study focuses on unaccompanied minors from the Middle East seeking asylum in the European Union; and from Central America seeking asylum in the United States. In both groups the issue of proving one’s nationality is a problem. Many births in the Middle East and Central America go unregistered. According to UNICEF<sup>29</sup> globally 36% of births are not registered. Even when these minors did have their births

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<sup>29</sup> United Nations Children’s Fund

registered, oftentimes they do not carry identifying documents by the time they reach the border. When they do, in this xenophobic political climate, the value of foreign birth certificates may be undermined due to lack of translation, cultural differences in the way births are registered in different countries and suspicion of falsification. This last one possibly provoked by an increase in forged documents as reported by Darla, a Supervisor for Case Managers at a Phoenix's shelter for unaccompanied minors, during her interview.

Once these unaccompanied minors are identified; they face *de facto* statelessness, as they are irregular migrants until allowed to apply for asylum. In the case of the United States, it may take years until unaccompanied minors get their chance to apply for asylum in court; in the meantime they are under deportation proceedings awaiting their court date. In the European Union, the timelines are much shorter, but considering the dire conditions that minors face at reception camps, and the dangers they are exposed to while placed in those facilities, being stateless just adds to their vulnerability.

Jacqueline Bhabha (2011) comments to this respect:

Twenty-first century statelessness has significant human rights repercussions for children in today's world, jeopardizing their access to fundamental social protections and entitlements that many take for granted. It can result in dramatic abuses, such as the detention or deportation of very young unaccompanied child migrants... (p. 2)

Most unaccompanied minors seeking asylum will suffer from *de facto* statelessness as they have migrated into their destination country irregularly independently of having a nationality. This temporary legal abandonment of these children jeopardizes their chances for inclusion. Unaccompanied minors are particularly dependent on states as they do not have a family to care for them, so when state protections are also unavailable, these children are left alone.

As previously mentioned, the European Union does a much better job than the United States in offering protections to children as soon as they apply for asylum but they have to improve their system so that unaccompanied minors seeking asylum do not spend weeks and even months waiting in reception camps where resources are scarce at best.

The issue of *de facto* statelessness in the United States for unaccompanied minors seeking asylum is particularly serious because all individuals (including minors) that enter the country without the proper documentation are automatically placed in deportation proceedings. A migrant that seeks asylum has to wait until his/her court date to be able to apply for asylum (defensive application); in the case of unaccompanied minors, they are placed in a shelter and, in most cases, released within one to three months to a “sponsor” (family or friend of the child), this is usually called “Family Reunification.” At that point, the child is still under deportation proceedings waiting for their court date, but the child’s well being has been placed under the responsibility of the sponsor. The United States government is no longer responsible for the child; the sponsor

has to provide for the minor, whose eligibility for social protections is extremely reduced due to his/her irregular immigration status. Darla explains:

They are still under deportation proceedings. The way the law is written is that during the time of those proceedings they have the right to live with their families. So that's basically what the reunification process is, trying to find a place for them while they are going through the process, whatever it entails later in the future. So...because I get people on the phone all the time "I still don't have a court date", and I say "Just call the 1-800 number every month and see if there is a court" because sometimes cases don't get filed, or they get filed but there won't be court for like 2 years. It's a really lengthy process.

The stateless unaccompanied minor seeking asylum has to deal with the marginality of being the Other and additionally, the issue of being considered "illegal" and as such, a criminal in need of discipline and punishment, undeserving of protections. Hanna Arendt (1951) wrote: "The stateless person, without right to residence and without the right to work, had of course constantly to transgress the law. He was liable to jail sentences without ever committing a crime." This observation still holds true today and can be seen in the rhetoric used by politicians in border states.

The protection of unaccompanied minors seeking asylum (and, indeed, of all noncitizens) is a joint responsibility between the origin country and the destination state. The country that saw these children born should continue providing legal, political and civil rights protections; while the country of destination should ensure basic human, economic and social rights. In reality, focusing on the subjects of this study, it is worth

wondering: Is it possible for countries like Guatemala, Afghanistan, El Salvador, Iraq, Honduras or Syria to fulfill their responsibilities towards their citizens? These are countries that are in turmoil, embedded in chaos, submerged in poverty and crime; and some of them going through declared and undeclared bloody armed conflicts that the developed western world has exacerbated.

Unaccompanied minors seeking asylum have already lost most of the protections that their home states should provide them, even before leaving their borders. A minor that is seeking asylum is, by definition, fleeing persecution in their country of citizenship. Therefore, it is impossible for an asylum-seeker to exercise his/her rights as a citizen of his/her country, that's why they are looking for shelter abroad. In addition to losing the protections that their country of citizenship should provide for them, unaccompanied minors who are seeking asylum face a precarious legal status and confront many obstacles in order to be eligible for the protections formally offered by the destination country.

## **Conclusion**

The concepts of the Other and Statelessness help us understand the complexities of the migration of unaccompanied minors and, provide a framework to present some of the struggles minors must confront in their destination countries.

Unaccompanied minors seeking asylum in the Unites States from Central America and in the European Union from the Middle East face similar struggles related

to marginality, access to protections, discrimination and statelessness. On both sides of the Atlantic, these children cannot avoid being cast as the Other.

The European Union does a better job than the United States regarding providing services and protections to unaccompanied minors seeking asylum by ensuring children are allowed to apply for asylum usually within days of arriving in Europe. In contrast, in the United States the issue of *de facto* statelessness is aggravated by the fact that children usually have to wait months and even years in order to be able to apply for asylum; and during that time these children are still under deportation proceedings.

Unaccompanied minors seeking asylum are considered the Other by politicians, media and immigration and asylum law. As the Other, they are infra-human and undeserving of rights. The structural marginalization and discrimination against the Other leaves human rights law with no other choice but to deconstruct itself and start learning to learn from below, from the Other. The challenge is now for human rights practitioners, advocates and scholars: How do we patiently listen to the *aneu logo* instead of speaking for her? How do we allow the Other to define and self-ascribe meaning to himself without labeling? How do we facilitate the expression and implementation of their *proyectos de vida*? Even in this research study the voice of the Other is missing, no direct testimonies from unaccompanied minors seeking asylum are found. Although I would like to believe that I have an insightful understanding on the topic and have been able to advocate for their interests and rights fairly, this study continues placing them in the place of the *aneu logo*. My hope is that research in this topic will be continued including unaccompanied minors seeking asylum's testimonies. I have been unable to gain access

to unaccompanied minors at this time, however with time and resources it should not be an impossible task.

Unaccompanied minors seeking asylum cannot continue waiting. They have been living long enough in a legal and emotional limbo with reduced access to services and resources. During this “waiting time” children are often exposed to re-traumatization, they are not given the possibility to make long term plans for their life, and the housing arrangements frequently do not support integration but marginalization.

Unaccompanied minors are children first, migrants second, and worthy of protections and deserving to have a system that takes into account, not only their best interest, but their opinions, ideas, wants and needs. A human rights law that centers on the marginalized Other and that makes space for their voices without the need to translate to the hegemonic discourse. In order to serve these children adequately, to provide meaningful services to unaccompanied minors seeking asylum, human rights advocates and policy makers need to learn from them: What do they expect from their destination countries? What are their immediate needs? Do they have a family? If so, where is it? If back at the destination country, what are the families’ needs? What are the concerns of the child and her role regarding her family? What are his hopes regarding his future?

Integration will never be possible unless states make changes in policy to reduce the risks of effective and *de facto* statelessness and to eliminate structural racism. Until then, it is the role of human rights law to continue deconstructing itself, to question itself and to learn from the Other and with the Other how to support unaccompanied minors in the fight to fulfill their *proyectos de vida*. These children are perceived by the general



public of their destination countries as lawbreakers, criminals or, in the best-case scenario, victims. These minors are much more than that, they are not only survivors but they are exceptional children. They are resilient and, many of them, carry the weight and the responsibilities of an adult. They are not passive recipients of assistance and care, they are providers and, in my experience, they do not complain about taking on responsibilities at an early age but they do wish for and deserve a system that understands their maturity and treats them accordingly.

## CHAPTER IV

### LAST REFLECTIONS: THE CONCLUSION

This is our future...

Globalization means migration.

Migration changes national identities.

Nations that create legal migration flows will manage change.

Nations that shut their doors to preserve their identities will stagnate.

When we say yes to them, and they say yes to us, we grow together. (Ignatieff, M., 2016)

This research study has shown that unaccompanied minors seeking asylum usually come from environments where crisis is the *status quo* and not the break in their normal life. These children come from regions in conflict.

In the Middle East, minors have to confront civil wars and regional conflicts, with intermittent foreign interventionism, in Syria since 2011, in Iraq since 2003; and in Afghanistan since 2001. In many cases, they flee because they are not only caught in the crossfire, but they find themselves forced to be recruited, either by the official military or by rebel and/or terrorist groups. On the other side of the Atlantic, in the Northern Triangle of Central America, children face the harsh realities of structural criminal networks running whole neighborhoods and cities, with local government forces unable to control these criminal gangs or, in some cases, corrupted and involved in the gangs' activities. These children also flee, not only because of the imminent threat to their

wellbeing, but also because, in many cases, children are forced to join the gangs and death is the natural consequence of refusing to join.

The rights of these children to the “free development of his personality” (United Nations, 1948, Article 22) as described in the *Universal declaration of human rights*; or their right to “an atmosphere of happiness, love and understanding” (United Nations, 1989, Preamble) like expressed in the *Convention on the rights of the child* are undoubtedly violated.

Both regions, the Middle East and Central America share a story of colonialism and interventionism at the hands of world powers. In the Middle East, the dismantling of the Ottoman Empire into nation states after World War I was designed by Europe (especially England, France and Russia), and was the beginning of a culture of exclusion and emphasis on the differences, which brought numerous internal conflicts and overall instability to the region. Several wars in the Middle East with European powers and the United States leading interventions have left the region in constant turmoil. In Central America, the nations trying to establish a democratic political culture were shaken in the second part of the XX century by military coups and dictatorial governments that devastated the region and inflicted human rights violations under the supervision and support of the United States as exposed by *Operación Cóndor*, the School of the Americas and Operation PBSUCCESS.

Colonialism and interventionism have left the Middle East and Central America living in a state of constant crisis, an environment that does not ensure “the right to a standard of living adequate for the health and wellbeing of himself and of his family,

including food, clothing, housing and medical care and necessary social services” (United Nations, 1948, Article 25) as stated in the *Universal declaration of human rights*.

This study has discussed the fact that the decision to leave their origin countries usually does not come easily, and frequently, the children lack control over the situation. Children in the Middle East and Central America often share the weight of being chosen among their siblings as the most “fit” to reach the European Union or the United States and families rely on them for their future survival. The decision to leave is influenced, in part, by the imminent threat to their safety experienced in the origin countries and also, by the idealization of the developed world.

These children are extraordinary, their resiliency, their physical and emotional strength brought them to the destination countries. Unaccompanied minors from Central America or the Middle East are often children with adult responsibilities, and have been exposed to a variety of life experiences many westerners won’t understand. Asylum and immigration law can’t ignore this fact and continue treating them as passive victims or criminals. Changes in policies and laws need to take place in order to approach unaccompanied minors as individuals with their own agency and a “plan” to survive, and frequently, to assist with their families livelihood in their origin countries as well. Destination countries need to validate their life stories, their cultures and customs instead of imposing a neo-liberal agenda that has not been proven successful in integrating these children into society.

Unaccompanied minors coming from the Middle East and Central America face a variety of dangers on the trip to the destination countries. They are easy prey for human

traffickers that may be interested in exploiting these children for organ trafficking purposes, slavery or sex enterprises. Smugglers, who abuse them (physically, sexually and emotionally) and rob them, also target them. Unaccompanied minors frequently experience ill treatment from police forces as well as the inclemency of the difficult terrain and the weather. These are common themes amongst unaccompanied minors on both sides of the Atlantic when describing their routes to the destination countries. Children from the Middle East and Central America reach the end of their journey affronting the very real possibility of finding their death in the last border crossing, even after surviving up to that point. Children from Central America confront extreme temperatures and the challenging terrain of walking in the desert for days, while most minors from the Middle East have to experience an inclement route through the Aegean Sea.

These children leave their origin countries fleeing violence and abuse, and they still have to survive the perilous trip to the destination state. The violation of human rights follows a continuum that threatens their rights to “life, liberty and security of person” (United Nations, 1948, Article 3) as guaranteed by the *Universal declaration of human rights*.

Unaccompanied minors seeking asylum tend to be recognized as a vulnerable population. That vulnerability provides them with certain protections in the European Union and the United States, but also victimizes them and presents them as passive objects rather than their own agents and survivors. “Child migration is as much about childhood enterprise, resilience and initiative as it is about child persecution and

victimhood.” (Bhabha, J., 2010, p.92) On both sides of the Atlantic the voices of these children as individuals and not stereotypes are missing. This absence makes it hard for “the best interests of the child” (United Nations, 1989, Article 3) to be a primary consideration as stipulated by the *Convention on the rights of the child*.

This study has found that often, in the European Union and the United States, the professionals in charge of providing services to unaccompanied minors seeking asylum lack the appropriate training to deal with children who have experienced trauma, separation and loss. This places children at risk of being re-traumatized in the destination countries by the people who get paid to service them and violates their right to “psychological recovery” (United Nations, 1989, Article 39) as declared in the *Convention on the rights of the child*.

Unaccompanied minors seeking asylum face detention as a regular practice in the United States and in the European Union. After apprehension by law enforcement, children are detained until a more suitable placement is available. In the case of Greece, which is the main entry for unaccompanied minors from the Middle East at this time, unaccompanied minors are usually detained longer than adults due to the lack of placements for minors; this is one of the reasons why many unaccompanied minors lie about their age and claim to be adults. In the European Union, upon release, children are usually placed with foster families or in apartments (for older teenagers).

This study has found that in the case of the United States, the placements for unaccompanied minors are usually shelters. Children are intended to stay in those from one to three months while the Case Managers are working on “family reunification.”

Family reunification is placing the child with a family member or friend that is residing in the United States and who agrees to care for the child until their court date arrives.

On both sides of the Atlantic, the conditions in which children are held while detained have been reported as a violation of their rights “not to be subject to inhuman or degrading treatment” (United Nations, 1948, Article 5; United Nations, 1989, Article 37; European Court of Human Rights, 1950, Article 3), in addition, countries are violating the human right of children “not to be arbitrarily detained.” (United Nations, 1948, Article 9; United Nations, 1989, Article 37; Inter-American Commission on Human Rights, 1948, Article XXV; European Court of Human Rights, 1950, Article 5)

Differences have been found in the approach and services the European Union offers unaccompanied minors seeking asylum, compared to the services that the United States offers to this population.

In the European Union, all unaccompanied minors are allowed to stay in their territory until they reach majority of age. Minors are allowed to file for asylum; usually within a couple of days of arriving into the member state in which they wish to file for refugee status. During the asylum-seeking process children are provided with a legal guardian, health services, education (including college education and trade training), housing, food, clothing, language services and legal representation. This assistance is provided to individuals even if they turn 18 years old (majority of age for most EU member states with the exception of Sweden, when majority of age is reached at 21) but they are still waiting for a decision to be made on their asylum claim. Differences among member states exist and not all countries deliver quality services in a timely manner;

however, the European approach to unaccompanied minors seems to be aiming to the inclusion of these children in the community as the placements for these children are within the general population, and they are supposed to attend mainstream schools. The European Union asylum system still faces many challenges regarding integration. One of the individuals interviewed who works in England stated that children are usually placed in “not nice” neighborhoods and quite isolated from services and cultural life. In addition, another interviewee who also volunteers in the United Kingdom, reported that children frequently face bullying, racism and discrimination in public schools.

In the United States, unaccompanied minors seeking asylum are placed under deportation proceedings as soon as they are apprehended by law enforcement, and they are not allowed to file for asylum until their court date, which is usually months to years away. Children are placed in a short-term placement, usually a shelter, where children receive health services, education (usually provided on site), housing, food, clothing and language services. The children are not appointed a legal guardian nor provided legal representation as happens in the European Union. In some shelters, children receive legal advice from lawyers that offer their services for free and who are associated or working for nonprofit organizations, the United States government does not provide legal council to any unaccompanied minor.

Unaccompanied minors seeking asylum in the United States will be placed with a “sponsor” a family member or a friend that will agree to care for the child until their court date and, at that point, the United States government stops providing any service to that child. This places an economic burden on the “sponsor” who frequently is part of a



vulnerable population as well. Once an unaccompanied minor is placed with a “sponsor”, that child becomes *de facto* stateless as she finds herself abandoned by her origin state and the United States as well. Due to his irregular migration status, he is not eligible to any protections. Once the child files for asylum, services from the US government are reinstated.

The United States receives unaccompanied minors and, instead of finding long-term safe placements and integrating them to society, children are isolated from the community at large; living in institutions where they not only sleep, but go to school, cannot leave and are supervised 24/7. This is in direct contradiction to the right to “take part in the cultural life of the community” (Inter-American Commission on Human Rights, 1948, Article XIII) as stated in the *American declaration of the rights and duties of man*.

This study has found that on the one hand, the United States lags behind the European Union in its treatment of unaccompanied minors seeking asylum by not offering them a legal guardian nor legal representation, and placing children in temporary placements that do not aim to integrate children in society. On the other hand, the United States offers a variety of legal protections for unaccompanied minors besides asylum: T-Visa, U-Visa, VAWA (Violence Against Women Act) and SIJ (Special Immigrant Juvenile) status; together these four legal protections cover all children (and adults in the case of VAWA and up to 21 years old in the case of SIJ status) that in their origin countries or in the United States have been victims of human trafficking, any type of abuse (including domestic violence victims and their children), neglect, and

abandonment. Providers and government officials underutilize these protections due to lack of training to identify victims and insufficient knowledge of these protections. This lack of knowledge appeared during the interviews: the three individuals that made reference to specific legal protections in the United States besides asylum were not completely sure of what those were. It is extremely important that every professional and administrative staff that works with and for unaccompanied minors understands the legal options these children may be entitled to, as well as how to screen for victims of abuse, neglect and human trafficking.

This study has found that the asylum process is lengthy in the United States and the European Union alike. Immigration courts experience significant backlogs and an overall lack of human resources. In addition, previous studies have found that granting refugee status has more to do with the specific judge that has been assigned to an asylum claim, rather than the actual claim. This confronts the European Union and the United States with the need to reform their asylum laws. Expanding their criteria for granting asylum in order to protect all individuals whose safety and wellbeing is threatened is an urgent need. The European Union and the United States must work on the significant discrepancies found in the asylum adjudication process to make sure every asylum claim is judged fairly.

Unaccompanied minors are left in legal limbo for years, while their asylum claims are being filed and evaluated. Unable to work, even if they may have become adults while waiting, unable to make long-term plans and, with a “life or death” decision in the hands of a subjective and biased system which violates their right to a “fair public

hearing by an impartial tribunal” (United Nations, 1948, Article 10) as expressed in the *Universal declaration of human rights*; children are left in a position of vulnerability that is often linked with negative consequences for the asylum-seekers, and disregards the *Convention on the rights of the child* when it recognizes the legitimate right of the child to “the enjoyment of the highest attainable standard of health.” (United Nations, 1989, Article 24)

Unaccompanied minors seeking asylum have to traverse an asylum process that is foreign to them. Asylum law does not center itself on the asylum-seeker but on the hegemonic discourse. Asylum law is a fine example of the original violence of human rights law: intended to protect the most vulnerable in society, it instead ignores their voices and forces them to be categorized and labeled by the western democratic values of the developed world.

Unaccompanied minors seeking asylum occupy the place of the Other, the *aneu logo*, the voiceless, the one that is not part of the *polis*; and as such, are considered second-class citizens and subhuman. Human rights law faces the incongruity of continuing the marginalization of the Other instead of breaking that violence and placing the Other and her *proyecto de vida* at the center of its practice. A need for deconstruction of human rights law and to start learning from the Other is needed in order to be able to have human rights law that really focuses on the Other. Unaccompanied minors seeking asylum need to be the direct source of what they need, how they want to be treated, what they want for their lives. This research study is an example of the intrinsic violence in human rights law, as I am presenting a study on unaccompanied minors seeking asylum

that actually lacks the voice of these children. Human rights documents protecting them should reflect their voices and their interests. Human rights law needs to expose that the voice of the voiceless cannot be heard enough in current human rights instruments and lead the change to a human rights law of the Other and for the Other.

Unaccompanied minors seeking asylum face racism and discrimination by the general population in the United States and the European Union. They are different, foreign, unwelcome and unworthy of rights. In this study, it was presented the contradictions caused by the fact that unaccompanied minors seeking asylum are not allowed to work as children are “protected” against labor in the European Union and the United States. In reality, that “protection” exposes them to serious exploitation and criminality; making the criminalization of these children, a self-fulfilling prophecy. By not allowing unaccompanied minors seeking asylum to work, these children are forced to engage in criminal and illicit activities and/or exposed to being exploited in order to make money, which in most cases, is part of their *proyecto de vida*.

Unaccompanied minors are perceived as criminal aliens in need of discipline, instead of as children in need of protection. Human rights law should be the framework to address these issues, and to advocate with and for unaccompanied minors and other populations that embody the Other.

This study has found that unaccompanied minors are *de facto* stateless, most of them have a nationality but cannot turn to their origin countries for assistance and their irregular migration status leaves them in a fragile position from which to claim their rights in their destination countries. This goes against the right to “non-discrimination”

(United Nations, 1954, Article 3; United Nations, 1951, Article 3) as to race, religion, sex, language, opinions or country of origin as mandated by the *Convention relating to the status of stateless persons* and the *Convention and protocol relating to the status of refugees* as well as in several other human rights instruments.

This study has provided relevant information regarding two flows of unaccompanied minors seeking asylum and it can be initially concluded that two of my hypotheses have been confirmed. The motives for departing origin countries, the challenges unaccompanied minors face, the risks of the journey and the struggles they experience while navigating the asylum process in the United States or the European Union are similar. However, more data is needed in order to claim proof and further research is necessary to have conclusive results. Ideally, a study interviewing and gathering testimonies from a representative number of unaccompanied minors currently navigating the immigration and asylum system; or adults that went through the process while minors (and unaccompanied) would provide validity to the arguments I am making in this research study. In my opinion, oral history would be a great tool for a corollary study. Such a research study would provide a solid sample to gather data and to produce conclusive outcomes.

This research study has also initially confirmed that there are contradictions between international human rights treaties and conventions ratified; and immigration and asylum laws in the United States and in the European Union. This topic needs to be more extensively studied in order to unequivocally confirm this hypothesis. My

suggestion to further investigate these issues would be to approach some of the main human rights instruments relevant for the topic of unaccompanied minors, like the *Universal declaration of human rights*, the *Convention and protocol relating to the status of refugees*, the *Convention on the rights of the child*, the *Convention relating to the status of stateless persons*, the *European convention on human rights*, the *American declaration of the rights and duties of man*, and address each state position regarding each instrument and their immigration and asylum law. Such a comprehensive study would provide evidence of the policies that do honor such human rights instruments and others that contradict those.

Last, my third hypothesis has been refuted as the source for the lack of legitimacy of the conflicts in the Northern Triangle of Central America does not seem to rest in prejudice and stereotypes exclusively, but on political and economic interests overall. The United States has no political or economic interests on recognizing the regional gang, drug and crime related conflict in the Northern Triangle of Central America as a humanitarian crisis. The United States is not part of a “union”, like many of the European nations, to buffer and moderate the impact that a humanitarian crisis close from their borders will entail. The United States had and has a role in the rise and the continuity of the structural violence in the region, and recognizing unaccompanied minors fleeing that violence as legitimate asylum-seekers may have a high cost not only economically but also politically. This area also needs more research in order to better understand the interactions between the phenomena of discrimination and political classification. A more

in depth historical study of Central America, as well as researching the commercial and corporate interest in the region will elucidate this topic.

This research constitutes a first step towards studying the connections between unaccompanied minors from the Middle East seeking asylum in the European Union and, unaccompanied minors from Central America seeking asylum in the United States. It is my hope that the scholarly community continues to research this topic in order to better understand unaccompanied minors seeking asylum and advocate for the necessary changes in immigration policies and asylum law to alleviate their considerable suffering and the denial of their basic human rights.

Unaccompanied minors seeking asylum need to be given a space to express their opinions, their wants, their needs and their *proyectos de vida*. Those voices are the ones that should determine the practices of human rights professionals and advocates in order to work towards an asylum and immigration law that treat these children for what they are: resilient, extraordinary, responsible and productive human beings.

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APPENDIX A

INSTITUTIONAL REVIEW BOARD (IRB) CORRESPONDENCE

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APPENDIX B  
RECRUITMENT SPEECH

I am a graduate student under the direction of Professor Ilana Luna in the New College of Interdisciplinary Arts and Sciences at Arizona State University. I am conducting a research study to draw connections between common issues that are shared between unaccompanied minors from the Middle East seeking asylum in the European Union and; from children from Latin America seeking asylum in the Unites States.

I am recruiting individuals to interview regarding their work with unaccompanied minors seeking asylum which will take approximately 30 to 45 minutes. Your participation in this study is voluntary. If you have any questions concerning the research study, please call me at (602) 317- 0091.

APPENDIX C  
CONSENT FORM TEMPLATE

## Parallels and Meridians: A Transatlantic Comparative Study of Unaccompanied Minors Seeking Asylum

I am a graduate student under the direction of Professor Ilana Luna in the New College of Interdisciplinary Arts and Sciences at Arizona State University. I am conducting a research study to draw connections between common issues that are shared between unaccompanied minors from the Middle East seeking asylum in the European Union and; from children from Latin America seeking asylum in the Unites States.

I am inviting you to participate because you are an adult (18 years old or older) that had/has knowledge on the topic of unaccompanied minors. Your participation will involve taking part in a semi-structured interview expected to last between 30 to 45 minutes. You have the right not to answer any question, and to stop participation at any time.

If you choose to participate in this study, please make sure no personal identifiable data regarding unaccompanied minors is being disclosed during the interview in order to safeguard their privacy.

Your participation in this study is voluntary. If you choose not to participate or to withdraw from the study at any time, there will be no penalty.

This research aims to describe the connections between these two flows of unaccompanied minors in great detail. With the outcomes of this research, I am not particularly looking for generalizations but to “tell stories” that lead to a better understanding and questioning of the asylum process and to inspire and spark further research in the field. There are no foreseeable risks or discomforts to your participation. If your preference is to remain anonymous, then no personally identifiable data will be used. If

you wish to have your name used, then you may sign below to provide permission. The results of this study may be used in reports, presentations, or publications but your name will not be used if that is your preference.

I would like to audio record the interview. The interview will not be recorded without your permission. Please let me know if you do not want the interview to be recorded; you also can change your mind after the interview starts, just let me know. The audio recording will be erased as soon as the research is completed but a full transcription of the interview will be added on my thesis addendum.

If you have any questions concerning the research study, please contact the research team at: [ilana.luna@asu.edu](mailto:ilana.luna@asu.edu) (Dr. Ilana Luna) or [mtomasin@asu.edu](mailto:mtomasin@asu.edu) (Lujan Tomasini, MA). If you have any questions about your rights as a subject/participant in this research, or if you feel you have been placed at risk, you can contact the Chair of the Human Subjects Institutional Review Board, through the ASU Office of Research Integrity and Assurance, at (480) 965-6788. Please let me know if you wish to be part of the study. By signing below you are agreeing to have your name used as part of this research.

Name:

Signature:

Date:

APPENDIX D  
SIGNED INFORMED CONSENTS

Page to be replaced by Andrea Lepore's signed informed consent.



Page to be replaced by Federico Rivas signed informed consent

Page to be replaced with Morgan Whener signed informed consent

APPENDIX D  
INTERVIEW QUESTIONS GUIDE

1. How does your work/volunteer work relate to unaccompanied minors seeking asylum
2. For how long have you been working with unaccompanied minors seeking asylum?
3. Why do you work with unaccompanied minors seeking asylum?
4. How is your program funded?
5. Why do children leave their home and travel to the EU/USA?
6. What are some of the challenges unaccompanied minors face on the road?
7. What is the process an unaccompanied minor has to go through to apply for asylum?
8. What is the legal status of an unaccompanied minor while waiting to be granted asylum?
9. In general, how are these children perceived by the local population?
10. Which kind of supports do the kids receive through the asylum seeking process?
11. Could share a story of an unaccompanied minor that would exemplify what these children go through?

APPENDIX F

INTERVIEW 1 : DARLA (PSEUDONYM)

CASE MANAGER SUPERVISOR IN PHOENIX, AZ

UNITED STATES

FEBRUARY 3RD, 2016

Lujan (L): How does your job relate to unaccompanied minors?

Darla (D): I ran the case management department for a shelter that works with unaccompanied minors. I work directly with the ORR<sup>30</sup> intake team, so they refer placement from the Border Patrol or wherever this kids may have been apprehended by and they get refer into the ORR system as minors, that's when they get sent to me.

L: Who brings them to you?

D: Well, it could be the Border Patrol, it could be ICE<sup>31</sup> doing a drop off or occasionally there is a different company, I think they are contracted through Border Patrol, if the kids are coming in from another state.

L: So do you get kids that were apprehended in Arizona and other states as well?

D: Yes. If, lets say, Texas is full, all the shelters in Texas are full, and I have 20 beds, I get those kids.

L: How many beds do you have?

D: My shelter has 120 but the whole company has many more in Arizona and also in Texas and California.

L: For how long have you been working with unaccompanied minors?

D: I've been here for 5 years.

L: Were there any changes in these 5 years regarding where these kids are coming from?

D: I don't see a difference in the places, for the 5 years I've been there it has been mainly Guatemala. I've seen a rise in Mexican kids, there used to be maybe 1, 2, 3; maybe once in a while you get a kid from Mexico but I've seen a rise on those.

L: In the past, Mexican children were deported immediately, considering what you are saying that is no longer the case, is that right?

D: All minors caught at the border are supposed to get the same treatment. It should be for every kid.

L: What are the most common reasons why these kids leave their countries.

D: Gang threats, gang threats and more gang threats. That is a big thing, they often state that it's either join the gang or get killed. So they just take off, try for something else. A lot of times, they are trying to come up and make some money, work. Those are the main reasons.

L: How old are the kids that you serve?

D: Mmmmm, I'd say 15 to 17. Because of the licensing in my shelter we take 0 to 17, I have seen more and more little ones.

L: How little?

D: 5 years old and younger. I don't know why, I'm trying to figure this one out but we've been getting a lot of little ones that get separated from their parents when they get caught. They are not legally allowed to do that. So we are trying to figure out who and why.

L: So what's the plan, the process for the kids once they get admitted into the shelter?

D: Well, first we need to figure out who they are, where they are from and where they were going; and then, tried to verify this with family and country of origin and get permission to contact relatives or friends here.

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<sup>30</sup> Office of Refugee Resettlement

<sup>31</sup> Immigration and Customs Enforcement

L: Who gives you permission?

D: Parents. We contact the parents, usually in their home countries.

L: How do you verify who these kids are?

D: It's all verbal. It's all verbal which it's scary. You know, training new people it's a lot of training them into how to ask open ended questions, like: where you expecting a call from someone crossing the border?, I'm a social worker, I work with kids, I am here with somebody that says that you are family, are you waiting for somebody? Let them tell you. Let them tell you because we have to be very careful. I've seen a rise in falsified documents; I've seen a rise in people trying to pass for family members that aren't. I've seen a rise in a lot of those things so that's one of my biggest concerns.

I give a training at new hire orientation and that is one the things I can't really stress enough...5 years ago nobody knew who we were, I didn't know who we were! Like I was shocked that something like this existed and I was getting a job at that! I would call family members and they wouldn't know, they were scared.

Today, everybody knows exactly who we are, what we do and I can call a family member and they will send me completed applications within an hour. They all talk; they all know who we are. I'll get things like, at the end of a case: "No, I'm not gonna pay for the ticket. My friend said you paid for the ticket last year".

L: So what you are telling me is that if someone, lets say in New York is willing to sponsor the child and passes the background checks and everything, do you send the child to them, or do they have to come pick the child up?

D: The way that it's written is that the sponsor needs to pick up the kid, but of course, these people are undocumented so we're not going to put them at risk. So, we fly them out. Depending on the age, staff may go with them, take them directly to the sponsor, make sure it's the person that was approved to go to; or if they are old enough and there are no concerns, they can fly alone with an airline escort, and the airline workers will check the IDs and permissions.

L: How is your program funded?

D: It's contracted out through the Office of Refugee Resettlement. It's a federal program.

L: How does the population in general perceive these children?

D: (Sighs) Not great, they don't...you know, when we were in the news, when was that?

L: 2014

D: You know, you saw on the news, people were really spiteful about it. They don't like it, they don't like the idea that these kids are coming and being released to people and they are out in the general population. You know when I tell people what I do, people that I don't know at parties and things, the general question is: "who are these parents sending these kids to take this dangerous journey? What are they thinking?" (laughs) Well...I don't think it's very favorable, I don't think they understand who these kids are, what their struggles are...

L: Why do you think that is?

D: In general, I think people have a very pathetic understanding of our relationship with Latin America. I don't think they realize how bad these kids have it in their countries of origins. I don't think that they really understand the poverty they go through and the amount of malnutrition. Culture of survival just put out a study that Guatemala was going

to declare state of emergency because of the amount of malnourishment. I don't think that is really understood. So when people see this influx of kids, they just see that's their gardener, their cleaners trying to take advantage of the system, make some money and being taken care off, they don't really get it.

I think it is a matter of education but also wanting to know and I don't think that the people want to know.

L: So, these children come into your care; what is their legal status?

D: Undocumented in removal proceedings. So to get caught and put on the shelter, you have been given a notice to appear. You have been caught crossing the border illegally and now you have been placed in deportation proceedings. So there will be court, if you don't show up, there will be deportation.

L: What is the percentage of these children that apply for asylum?

D: I really don't know because once they leave my care there is no follow up.

L: When do they usually apply for asylum then?

D: Normally, not when they are in the shelter. They are screened by the legal provider at the shelter. They provide orientation for new arrivals on "Know your rights", and they provide legal advise for all the kids and I do not get to know who qualifies and for what. If they have a sponsor they are not gonna start any processes here because laws varies by state so if it is a clear cut SIJ, special immigrant juveniles, or a clear cut visa case they are included in my e-mails and they can do referrals in that state to pro-bono attorneys there.

L: So when they get sent to their sponsors, what is their legal status?

D: They are still under deportation proceedings. The way the law is written is that during the time of those proceedings they have the right to live with their families. So that's basically what the reunification process is, trying to find a place for them while they are going through the process, whatever it entails later in the future. So...because I get people on the phone all the time "I still don't have a court date", and I say "Just call the 1-800 number every month and see if there is a court" because sometimes cases don't get filed, or they get filed but there won't be court for like 2 years. It's a really lengthy process.

And the truth is we are not informed by ORR about the legality of these processes, the only thing that I get is more e-mails with more policies and procedures, how to assess, how to do it, that's it. As far as additional knowledge, that's it. Like I heard in Univision and Telemundo, we made the news, I heard we were going to be doing sex offender checks and background checks for all household members. I don't know how that policy leaked out, from where. It's a brand new policy, started last Monday but before it even hit us, it was on the news. And that is because we've been releasing these kids to traffickers and sex offenders; so they want you to do the proper checks. So that made the news and I didn't know that. Because we have been getting household members very resistant to giving out their IDs so we can run background checks on them, and so now I am: "lets look for those news link online so they can watch them and they know I am not making up things".

I just wanna check, make sure the kid is gonna be safe; and then I had a placement cancelled because after further assessment, the kid qualified for DACA which is really weird.



L: So was he in the shelter?

D: No he wasn't, they cancelled his placement with me, so they released him to his mom because he qualified for DACA. I'm just curious, is there a loophole I don't know about or did the police arrested a kid that has been living here for over 8 years?

L: So what kind of supports or supervision does ORR provide you?

D: Yes, so there is a representative of ORR in the shelter, so my representative...I talk to her like 50 times a day. She is the one that directly approves any releases, any transfers, all those. She is with us during staffings weekly; they hear what's happening in the cases so she can make informed decisions. She approves people, she denies people, requests DNAs, she is with us there all the time.

L: Why and when do you do DNAs?

D: Is not something mandatory, it is not regular procedure. If the kids...sometimes we get babies, you know I am not releasing that baby to anybody until I have, you know...I want proof! Especially with the amount of falsification that we have, you know, that baby can't tell me who his mom is. I can get a birth certificate that tells me a name and a date of birth but that does relate to this person on the phone crying because she wants her baby? I am very sympathetic to moms and babies being separated, I can't handle it; but I am also not releasing that kid until I get proof that she is the mom. I want proof, no pictures, no just verbal, I need a physical proof, she needs to give me the right documents. Proof.

L: Do babies stay in the shelter too or do you use the foster care system?

D: There are transitional foster care programs but everywhere is really full right now and I am licensed for everything and because of the layout of my place, I will probably start getting more. We have a beautiful day care up and running, we converted one of the classrooms into a daycare and half of our outside facilities are dedicated to littler kids so when the big kids are out running and playing soccer and basketball and going crazy doing those kind of sports, the small ones get their space too.

So if we cannot get a birth certificate or if there is not a birth certificate, and the kid doesn't match as far as mom cannot prove who she is, we request DNA and that's up to the sponsor to pay for it.

L: What if the sponsor can't pay for it?

D: (Pauses) Then, you'll have a real problem...

L: So while they are in the shelter they won't start the process for asylum even if they qualify, what about if they are eligible for a T-visa or U-visa?

D: They just referred them out. In theory the kid should be out of the shelter within 30 days.

L: Is that timeframe respected?

D: I have to assess for safety more now. In 2014 you've seen the news articles and they were sending us inquires and all that stuff. They were leaving really fast because they just needed the beds. But now, you have to assess for safety longer, if you have that extra concern, you need to make that extra phone call, do it. It's hard...and then on the other hand, it's "give me the report", "what have you done about it?", "this kid needs to go"...so I get both constantly but as long as I can justify it, then, it should be OK but I have to justify it in writing.

L: What are the services that the kids get in the shelter?

D: Legal screening, medical services, so within 24 hours they are seen by a Doctor, assess for any issues and that is ongoing. So, if something comes up while they are in care, they'll get referrals out. If anything major comes up, while they are in care, they may not be able to leave because we have to make sure they'll get the care they need. There is an also religious services.

L: Do you guys take them to church or church comes to you?

D: There is a church that comes every week to the shelter. If the kid has other requests, we can make that happen to.

L: What about schooling?

D: Everyday, every single day. We do a lot of project based learning, they do field trips. Last week, we were working on structures and how they are built and, what are the materials, so we went to Home Depot. As soon as the kids get here, they get assessed to make sure they are in the right classroom.

L: There are different classrooms with different levels?

D: Yes. They go to school every day and we try to have a lot of fun. There is a person who her whole job is coming up with things to do; and they love to work with their hands, so for a while they were all making scarves, we all have a million scarves. We meet with other shelters and have basketball tournaments, and soccer tournaments and talent shows and student bodies, vocational classes, all kinds of stuff.

L: Can you think of a particular story of a kid that exemplifies what these children go through?

D: (Long silence) I think the ones that stick with me...I don't even know if there is one, the ones that stick with me are the street kids. The kids from Honduras, the kids from El Salvador that often come with nobody. I can't verify family members and country of origin, and get birth certificates, and find documents, and call sponsors because they don't have anybody. You know, they were abandoned while they were young, they were living on the streets, they made their way up and that's how it is. It's been dangerous. Sometimes they are tattooed because they were in gangs and sometimes they are not. The stories of those kids are the ones that stick with me the most. Or when I see kids... I had them deaf mute, I had them blind...how they made it all the way up? On the train and everything, is amazing to me. The resiliency to just go. It is really those street kids that really stick with me because they don't have anybody and how they assimilate to a life here? They have nowhere to go and they will qualify for some kind of legal relief so they possibly will be in long term foster care, that type of placement.

So they have been living on the streets their entire lives, then they go to live in the shelter sometimes a year or more, they fight their legal case and then, they apply for the SIJ and you know...what happens to them afterwards? Are they able to assimilate? You know, just a normal job, apartment, a life, social services, you know...those kids stick with me and of course the babies.

The girls that come in technically married to a 30 something years old guy, really pregnant or with the second or third kid. This little bitty 4 feet tall, 16 year old Guatemalan girl. You know, those are hard because then you get the parents on the phone and they are like "She's married. I'm not responsible for her"; and then what happens to those babies? Now baby has a father, he may be 30 but he's the dad and wants him; but I

have the mom who is 16 here...it gets hard, you are trying to look for the best for that girl.

L: Is it harder to find a sponsor in those cases?

D: This is the thing because I literally heard it from a sponsor not so long ago and I was like...it had to be denied because I was like: "what?!".As I heard it happens sometimes, the girl gets over there and then takes off with a boy and leaves the baby behind and, so this are things that we have to ask so I ask the sponsor: "what happens if something happens to her? What happens if she gets hurt? What happens if she takes off? Will you take care if the baby?"; "No, I will find her wherever she is and give the baby back to her. I'm only taking the baby because I'm helping out my family". And I'm like "OK, thank you for your time". The end. We're not doing that, but now what? Long term foster care placements are too hard to find right now, everywhere is really full and the clock is ticking on their ages.

L: What happens if a child becomes 18 while they are in the shelter?

D: They will be deported. ICE will take them and drop them at the bus station. We try to have volunteers to help them out in those situations, make sure they have food and a little bit of money for the journey; so I can plan for those things.

You know for the SIJ, the lawyers in Arizona, they need 6 months. The program that they can get into after age 21 is very full and there's always a long wait list for that program...so it's one of those things were we have to look for foster care...age out may be imminent sometimes, no matter what you do; but you know there are some programs, I don't know if they are out there still or not because these cases don't happen so often but the social workers, they have a network so sometimes they may be able to find a program to release the kid to so they can continue that case.

L: How do you determine the age of a child that has no birth certificate or any other documentation to verify his age?

D: So, we talk to the consulates and they should be able to find someone in the system by that name. We do get birth certificates to verify a lot because we do get a lot of falsified documents. If there is really nobody, nothing, we have to see if they are, at least, a minor, if we can prove that they are minors, then they can stay until we figure it out.

L: Who would figure it out?

D: Dental forensic, bone wrist exams, those types of things and, if they can get it even just the slightest chance that they are under 18, they can stay.

L: Why do you work with unaccompanied minors?

D: Because I have not been able to leave yet (laughs). You know I was hired as a teacher because I was volunteering as an ESL<sup>32</sup> teacher in Colorado and I knew someone that was doing this. I have never heard before, and I was always very interested in languages and forced migrations and it sounded interesting; then I became a case manager because I was the only one who qualified that was there, had a bachelors degree and the position opened up.

I had a lot of fun with the kids in the classroom, tons of fun in the classroom and then I've just stayed. Everybody gave me 6 months, because I really do not fit there, you

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<sup>32</sup> English as a Second Language

know, personality wise, completely different, you know, I'm the crazy American and they see people normally from Mexico and Cuba and Colombia and different places so they gave me 6 months; and I stayed. So I'm still surprised that I am here but you know, occasionally there is burnout and when there is, it is because of the crazy policies. The demand of things that I do not feel they are related to their safety and then there is rejuvenation. I was done last week but then I see that New York Times article that we have been giving kids to traffickers and I realized they need people like me, like my team. I'm really good at asking questions, I'm really good at assessing. If there is a problem, I will find it and I will find a solution, I will figure it out. I'm really good at it and we have fun with the kids, we have a good time and they need to be looked after, someone needs to be asking these questions. I really don't understand why Syrians but not Guatemalans. You have people dying in the desert every day and they are little... I get people asking me all the time: "who are this crazy parents that let their children go on the trip?"... well... hope always wins out! You know how life is gonna be there, these parents are fully aware of it. I mean, they may die on the journey but they may make it and may not be great but it's gonna be better.

L: What are some of the common themes that kids talk about as far as what they have experienced during the trip?

D: Mmmmm... Hotel rooms, waiting for days, not sure who was gonna come, when. Only being able to eat a piece of bread everyday, waiting until the next person picks them up... that it's easier to travel with little kids, little brothers or cousins or whatever it may be because people is nicer to little kids. A lot of generosity, being fed on the way... people helping out.

It's interesting because sometimes you get these children that come with an extraordinary amount of debt, and then you have other kids that are like "You know there is people on the journey that they will help you, so I've just left, I didn't tell anybody, just left". They work for a couple of weeks here and there during the trip and that's it.

Those are some common themes, and seeing dead bodies in the desert and something that always scares me is when they tell me that the first time they spoke with the person they were trying to meet on this side of border was right before crossing the border. That's always strange to me, the first time you called the person you are going to live with was right before you crossed the border. "Never talked to him in my life but I'm crossing the border..."

The generosity always gets me. There is also an interesting change; it seems that now they are separating women from men while they wait.

L: Who is separating them?

D: The guides, I've been hearing "they took my dad and my brother to a room and they left my mom and me with the other women". Which is good, because before I used to hear a lot of stories of fear of being left with so many unknown males.

L: Interesting.

Well, thank you so much Darla for your time.

D: No problem.

APPENDIX G

INTERVIEW 2: ANDREA LEPORE

FORMER DIRECT CARE PROVIDER IN SCOTTSDALE, ARIZONA. UNITED

STATES AND VOLUNTEER IN LONDON, THE UNITED KINGDON

AND CALAIS, FRANCE

FEBRUARY 3<sup>RD</sup>, 2016

Lujan (L): Bueno, Andrea, contame sobre tu experiencia trabajando con menores no acompañados?

Andrea (A): Bueno, yo he trabajado en Estados Unidos y en Europa; y la verdad que mis experiencias fueron bastante diferentes.

En Estados Unidos la experiencia la verdad que fue muy nueva para mi, la verdad que yo no estaba acostumbrada a este tipo de trabajo. Me sorprendió mucho el procedimiento que realizan con los menores, me informe bastante en ese momento con el caso de una chica guatemalteca que no me acuerdo el nombre, que le hizo juicio al gobierno de los Estados Unidos para proteger los derechos humanos de los menores. Y en la asociación en la que estábamos trabajando, la idea era un poco eso, valorar los derechos humanos de los menores.

En cuanto a los niños la experiencia fue muy fuerte, la mayor parte de los casos eran niños que llegaban a través de coyotes, cruzaban el desierto de Sonora, venían básicamente de Guatemala, Honduras, El Salvador, había chicos de Bolivia también, había Mexicanos que lo digo entre comillas porque supuestamente no estaban permitidos dentro del centro porque había un convenio entre en consulado mexicano y el gobierno de Estados Unidos que una vez que eran detenidos en la frontera, eran deportados inmediatamente; pero aun así, se llegaban a ver casos de niños mexicanos.

Muchos de estos niños también inventaban su procedencia, supongo que por miedo o temor a que sean encontrados y que sean devueltos. Muchos casos en los que ellos comentaban, venían a Estados Unidos como si fuese el paraíso para crecer, para estudiar y trabajar. Venían a reunificarse con familiares, muchos de los cuales las familias eran los padres o sea sus primeros vínculos que llevaban años ya en Estados Unidos, sin documentación también por decirlo así, pero la idea era enviarles la plata para mantener a sus hijos en el país de origen.

Otro de los casos eran o hermanos, o familiares secundarios como tíos, primos, etc.

Cosas que me llamaron la atención? Muchos de los niños si llegaban con, a pesar de todo el viaje que hacían que la verdad era para sacarse el sombrero porque era un viaje súper duro, pasaban por muchas vulneraciones de sus derechos humanos, muchas niñas en su caso eran violadas en el camino, abusadas no solo sexualmente si no también verbalmente, emocionalmente y... niños pequeños, recuerdo casos de niños muy pequeños. Porque normalmente llegaban adolescentes, entre 13 y 15 años, 16 por ahí pero había niños de 9 o 10 años...y era muy duro ver en las condiciones en las que llegaban, que eran la verdad que...llegaban muy deteriorados, muy poco higienizados porque en el centro de detención de dónde venían antes de llegar al centro que estábamos gestionando nosotros, no les daban prácticamente nada, ni para bañarse, ni para cambiarse, ni para limpiarse. Contaban también que la comida que les daban era, la verdad que muy pobre; pero aun así venían con la esperanza de lograr ese objetivo que se habían puesto para llegar a Estados Unidos.

L: Sabes donde era que los tenían a los chicos detenidos?

A: Era un centro de detención para menores según tengo entendido, la policía se encargaba de ellos. No tengo mucha información porque lo que me pasaba en ese momento incluso con las trabajadoras sociales, estábamos los Youth Workers, esa era mi posición, estábamos limitados a obtener información del tipo legal o información de

procedencia o de los casos de los chicos. A mí me pasaba que me sentía súper limitada porque por ahí quería averiguar más y no nos brindaban información. O sea, su respuesta era que era información que solo sabían los trabajadores sociales, por ahí estaba bien por tema de privacidad y demás pero no podías avanzar mucho más en eso; pero si me ha pasado de ver casos de chicos que no habían sido aprobado en su status y tenían que ser deportados y el trato de la policía cuando venía a buscarlos la verdad que era lamentable, era lamentable como trataban a los menores, no eran tratados como seres humanos básicamente. Muy triste, pero los trataban no sé, no sé ni siquiera como animales, eran tratados como un estorbo básicamente. Un estorbo, no les permitían llevar prácticamente nada con ellos, les hacían sacar los cordones de los zapatos, los cinturones, nada que pueda ser un objeto tajante o que pueda utilizar como un recurso de vía de escape. Los llevaban en una van prácticamente blindada y de ahí ya no se sabía más del paradero de los chicos. O sea que el viaje, si volvieron a su país de origen y... no sabíamos nada. Mismo, después les preguntábamos a las trabajadoras sociales y no teníamos respuesta. Otros casos más afortunadamente si, han sido validados y han sido refugiados, se les ha dado el status de refugio y han sido reunificados con su familia.

L: Cuando se comenzaba el proceso de asilo?

A: Los chicos recibían asistencia legal estando en nuestro cuidado y creo que empezaban el proceso de pedir asilo ahí. El derecho que tenían los chicos era para pedir asilo, una vez que entraste en territorio americano, perteneces en cierta forma al gobierno y tenes que seguir ciertas leyes e instrucciones para poder lograr ese título de solicitante de asilo, de refugio. Si mal no recuerdo, ha habido casos en que los niños han sido reunificados con sus familias pero sin tener el estatus de refugiado, se quedaban ilegales digamos. Mismo los familiares eran los que tenían que venir a buscarlos, o sea correr el riesgo de venir a buscar al menor y en el caso de ser detenidos en el camino iban a ser deportados también tanto el familiar como el menor. Pero si creo que la mayoría de los casos de reunificación no eran porque les daban asilo si no que los dejaban adentro de Estados Unidos pero de forma clandestina.

L: Puede ser que esos niños no sea que se queden ilegalmente sino que aún están en proceso de deportación?

A: Claro, los dejan ir en un estado de limbo legal. A mí me llamo mucho la atención, y más allá que nosotros no llevábamos los casos legales, la información, cuando uno empezaba a preguntar y a rascar un poco, la información estaba sellada y no habían explicaciones.

Por ejemplo con el caso de los niños mexicanos que decían yo soy de México y vos preguntabas porque si no están permitidos mexicanos, porque hay un mexicano acá? Y es reunificado... y no había respuesta al respecto. Había cosas que no cerraban, nunca se entendió bien, o nunca nos hicieron entender o no quisieron hacernos entender cuáles eran los motivos y las razones pero sí, siempre me quedaron dando vuelta un montón de historias y todos esos temas legales a los que nosotros no teníamos acceso.

No sé cómo estarán las cosas ahora porque yo trabaje con estos menores en el 2006 y 2007.

Y después también tenes el tema de la edad, chicos que mienten para tener acceso a los servicios que tienen los menores, eso pasa en Europa también. Hay chicos a los que les

tienen que hacer estos análisis de los huesos o de los dientes para corroborar si... que tampoco son 100% seguros, pero bueno los tienen que hacer... por ahí viene de descendencia de muy altos o muy grandes de familia y están en desventaja porque parecen mayores.

Acá en Europa también, sé que... bueno yo acá en Europa estuve de voluntaria en una charity que se llama Refugee Youth, estaba en un proyecto, tenían varios proyectos, pero en el proyecto que estaba yo, era digamos de leisure time que se llamaba Social Nights en donde la mayoría de los chicos... se realizaba en el Council de Creighton que es otro barrio, era el Refugee Council de acá y todos los miércoles nos juntábamos ahí y la mayoría de los jóvenes entre 15, 17... todos bien adolescentes, no había niños chiquitos y algún que otro de 20 años se veía por ahí.

La mayoría, la procedencia de los chicos, muchos de Afganistán, muchos Albanos, Vietnamitas, Etiopía y Eritrea un montón. Había el caso de una chica de Corea, que creemos que es de Corea del Norte pero ella decía que era de Corea del Sur y no quería hablar de su viaje a Europa, supongo que habrá sido demasiado traumático y no quería verbalizarlo, básicamente... y Sirios. Sirios pero había más chicos de Etiopía y Eritrea.

L: Cuando fue que trabajaste en ese programa?

A: Esto fue, hace... en el 2014, todo el 2014 y todavía sigo conectada pero no tanto como ese año.

El Council, el gobierno si les da a los menores, advise, les ofrecen ayuda legal, les asignan un trabajador social, les asignan un abogado, los asisten por ejemplo en clases de Inglés, en buscar Foster Parents. Muchos de los menores son llevados a Foster Parents que al mismo tiempo, tengo entendido y por lo que los chicos comentaban, por ahí no era la mejor opción porque no los trataban bien. Los Foster Parents por ahí no los dejaban salir, les gritaban, los maltrataban en cierta forma. Algunos, por ahí pedían el cambio, pero chicos que ya estaban por cumplir los 18 años, les cedían un departamento para que vivan solos y puedan estudiar. Para que salgan del estatus de estar con los Foster Parents.

L: Los servicios después de la mayoría de edad, después de los 18, se los dan a los que están en proceso de asilo o a los que ya tienen el estatus de refugiados?

A: Eso es durante el proceso. Tengo entendido que acá son muy poco casos en los que se les da el estatus de refugiado, o sea no a todos. O sea, es como que si se los recibe en cierta forma con los brazos abiertos, se les ofrece varios servicios pero como que al pasar del tiempo, se va achicando la brecha de servicios con los menores y hay casos en los que han sido deportados; hay casos en los que, la mayoría no se les ha dado el estatuto de refugiado y son como... se ve que se requiere mucha información, se ve que es un tema muy delicado para trabajar. Los trabajadores sociales, los jueces requieren mucha información pero no siempre se les da el estatuto de refugiado.

Tuve también la experiencia de ir a Calais en Francia que es la ciudad más cercana a Inglaterra, donde cruza el canal de la Mancha, donde cruza el train, el Euro Rail. De Inglaterra está el túnel que cruza al continente Europeo.

Bueno en Calais hay una crisis muy grande con solicitantes de asilo, yo fui una vez a acompañar y la verdad es muy duro, es muy duro ver las condiciones en las que... más allá que están en territorio europeo porque están en Francia, ellos su propósito es cruzar al Reino Unido cueste lo que cueste, están como súper obstinados y si les preguntas que



tenes en el Reino Unido que tantas ganas tenes de ir?, es o familiares o amigos o mejor nivel de vida que, en realidad...supongo que también pasara en Estados Unidos que lo ven como el paraíso terrenal y la verdad que no es tampoco tan fácil.

Bueno, estos chicos están prácticamente como en un campo de refugiados, hay un campo gigante y ahí montaron sus carpas, las hacen con carpas de verdad o con lonas. Hay creo que alrededor de entre 1000 y 2000 personas y hablo de menores y adultos también, la mayor parte son adultos pero también hay menores. Se ven mujeres embarazadas y mujeres con niños muy pequeños, me ha tocado ver a mí, mujeres con niños de 1 año y embarazadas...que la verdad que era súper duro.

Bueno ahí, esta también el gobierno de derecha y no están felices porque es como que les perturba la vista a los ciudadanos, sufren mucho maltrato de la policía, hay mucho conflicto entre ellos por nacionalidades y por diferentes culturas. Hay muchos conflictos entre los afganos y los etíopes, muchos etíopes se hacen pasar por ciudadanos de Eritrea por los conflictos que están pasando en ese país...he visto peleas entre ellos. Muchos de ellos mueren al intentar cruzar.

L: Como tratan de cruzar?, en botes?

A: No. Intentan cruzar, como está el túnel de la mancha ahí hay muchos camiones. Es una vía de tránsito y se meten en los camiones. Así como en Centro América se trepan en los trenes, bueno acá se cuelgan de los camiones. Se meten por debajo de los camiones, buscan algún lado y muchos caen a mitad de camino, son atropellados...bueno son casos súper súper complicados, súper feos. Hace poco una mujer fue arrollada, porque van todos caminando para donde está el puerto porque de ahí sale el túnel y de ahí salen los barcos también que cruzan al Reino Unido y los policías hacen los raids, empiezan a tirar gas lacrimógeno, empiezan a tirar pepper spray. Hace poco fue un caso de una mujer que por tirarle gas pimienta en la cara, quedo mareada y salió a la calle y fue arrollada por un auto...bueno así, todos los días prácticamente.

Y...intentan...y cuando yo fui ahí, recuerdo que los chicos decían todas las noches intentamos cruzar y la policía nos trae de vuelta. Sé que hay una organización que está trabajando ahí se llama No Borders, está trabajando ahí y está dando casas que están desocupadas y las habilitan para que ellos puedan vivir. En ese momento cuando yo fui, o sea ocupan casas o espacios desocupados digamos, que no están habitados y los tratan de convertir en un espacio donde ellos se puedan quedar. A veces ellos mismos se arman sus casitas o sus bloques o sus camas...viven en condiciones la verdad terribles, no tienen baños no tienen nada, los chicos que están ahí en la Jungla, así le dicen al campo de refugiados. Creo que también fueron desalojados hace poco, fue la policía con los camiones y los tractores a levantar todo...entonces es como que no tienen...no tienen...aun así, estando en Francia, no se les da...tengo entendido que cruzan por Italia. Italia es como que les abre las puertas porque saben que no se van a quedar ahí, si no que están intentando cruzar al Reino Unido, cruzan a Francia, en Calais hay 2000 y en Paris hay muchos esperando para ir a Calais, que baje un poco el nivel de gente en Calais para subir y cruzar de vuelta.

Bueno me ha pasado justo, que en esta organización...bueno cuando fui a Calais hicimos un taller de bicicleta para los chicos que se mueven ahí de un lado a otro, para que tengan un recurso y para que se puedan entretener. Que aprendan como se arma una bicicleta,

como se arregla una bicicleta y para que se puedan mover por ahí. Hicimos también un taller de Tango como una forma de desconectar de esa situación tan dramática de estar viviendo y me paso de haber estado en esta charity trabajando y que venga uno de los chicos y me diga: “Yo me acuerdo de usted, que estuvo en Calais con las bicicletas y tal”. Y me puse súper contenta y el me contó que tuvo mil intentos y que finalmente pudo cruzar en uno de los camiones. El tema es que ahora se están poniendo las cosas cada vez más bravas, nadie se quiere hacer cargo entre el gobierno del Reino Unido y el gobierno Francés se pasan la bola y nadie se hace cargo pero están poniendo muchas más trabas y más seguridad en la frontera, o sea los camiones son escaneados cada vez más, los perros que revisan todo, eh...los barcos, que me toco viajar y volverme en barco. Me toco pasar por 5 puestos de revisión de documentos, 5 en menos de 100 metros, 5 puestos para revisar mi pasaporte y decís...y en barco la verdad que no vienen. En los camiones...también han estado en huelga los camioneros, si los agarran a ellos también son detenidos por transportar a una persona, por smuggling, entonces es muy complicado y por lo que leí ayer o antes de ayer, ya van más de 10000 niños que han desaparecido en la ruta de su cruce a Europa, muy triste. Es súper duro y acá tengo entendido que es muy poco el estatuto de refugiado que se les da a las personas, incluyendo a menores.

L: Ya me contaste un poco de esto, pero como son percibidos estos chicos por la población en general tanto en los Estados Unidos como en Europa?

A: La población en general, bueno en Estados Unidos era como que estaban en una burbuja, no? Es muy difícil opinar de eso porque estaban en este centro y no salían de ahí. Básicamente...recuerdo que algunos domingos si, íbamos a misa a pedido de los chicos pero más allá de eso no, no tengo recuerdo de la gente en general.

Mas a nivel mediático, si, la verdad que no eran bienvenidos, no eran bienvenidos estaba este tema del minute man, que tienen el poder de matar a alguien si creen que corren riesgo. Así que tengo entendido que no eran muy bienvenidos en general.

Acá, en Reino Unido, lo que pasa es que en el Reino Unido...Inglaterra al menos, tienen una forma...son muy conocidos por su politeness los Ingleses, no? Y creo que eso lo aplican a todo, tienen una manera de enmascarar o de demostrar que está todo bien cuando en el fondo no lo está. Y con los menores, pasa lo mismo. Es lo que te decía antes, se les, el Council les abre las puertas, se ofrece...se promocionan como si, nosotros les ofrecemos legal advise, les podemos ofrecer una casa, los ayudamos para que vayan al college que muchos de ellos si van...

L: Quien paga por esos servicios?

A: El estado. Eso lo paga el estado y...claro se les da como un funding de acuerdo a la cantidad de unaccompanied minors que reciben por distrito, no sé cuánto es el dinero que reciben para gestionar a estos chicos y muchas veces ese dinero no se ve...muchos casos son dejados...no sé, solo...no se exacto el porcentaje de estatutos que se están dando pero tengo entendido que es muy bajo.

Con todo este conflicto de Siria, pidieron que se ampliara pero nosotros tenemos un primer ministro que no está muy contento con eso. Los trata como estorbos, los nombra como estorbos, “a ver este bulto donde lo metemos”...pero si, no se...sé que están movilizándolo y gestionando un poco el tema pero no sé cuánto más se puede llegar a lograr. Están haciendo muchas movidas, muchas organizaciones están metiendo presión,

muchas campañas se están haciendo, muchas manifestaciones acá en Londres al menos, pero de ahí a que llegue a haber un cambio real...

L: Cuales son las razones por las que los niños dejan sus países para buscar asilo en el Reino Unido y en Estados Unidos?

A: En Estados Unidos, las razones eran porque muchos tenían sus familias en Estados Unidos y querían reunirse con ellos. Trabajo también. Dinero porque en sus países de origen ellos no tenían recursos y ellos querían trabajar, recuerdo que ellos decían: "Si, yo quiero trabajar para construir mi casa y después volver". Así que básicamente era trabajar para construir y mandar dinero.

Acá, muchos no querían hablar al respecto, muchos decían por el conflicto que se vivía en mi país. En Siria y Afganistán básicamente. Muchos casos en los que sus familias han desaparecido también a mitad de camino o los mataron...pero si a buscar una calidad de vida mejor, en general todos quieren eso; que tampoco sé si la hay acá, pero ese era el ideal que tienen y lo que vienen a buscar una mejor calidad de vida que en su país. Y también hablan mucho de trabajar pero mientras están en proceso de asilo, no pueden trabajar...pero muchos aun así se buscan la vida y aun trabajan, sin contratos digamos.

L: Si un menor no recibe asilo, que pasa?

A: Viene la deportación. Hay muchos casos en los que pierden su caso pero se quedan, han cambiado básicamente teléfono, todo tipo de contacto para que no los localicen y se quedan acá de forma clandestina. Conozco el caso de un chico, pero el creo que ya es mayor de edad, creo que tiene 20 años. Él es de Albania, su caso fue llevado por 2 años y le dijeron que no, que no calificaba para refugiado y decidió quedarse igual. Otros, son deportados directamente, y los tienen en un centro de detención, una cárcel básicamente.

L: Me podrías contar la historia de alguno de estos chicos que ejemplifique lo que un unaccompanied minor tiene que pasar?

A: La historia de esta chica de Corea. Súper jovencita, creo que tiene 15 años, la conocí en las Social Evenings in Refugee Youth cuando hacíamos las meetings en el council. Me acuerdo que ella, a ella le costaba mucho hablar pero la verdad que valoro muchísimo su interés para aprender Inglés. En el año que la vi, aprendió muchísimo Inglés, estudiaba todos los días. Ella se quejaba mucho del tema de los Foster parents. Era hablar con ella y decirle si no estás feliz, habla con tu trabajadora social y pedí un cambio; lo hizo y por suerte la pudieron cambiar. Era una chica, la verdad estaba en un estado emocional súper vulnerable, quería hablar, se acercaba mucho pero no podía, se ve que no podía procesar todo lo que había vivido. Había perdido básicamente a toda su familia. La había traído una amiga de la familia, había viajado bastante, había pasado mucho tiempo en China y de ahí vino cruzando, fue un proceso de 4 meses de viaje hasta llegar hasta donde está. Su caso estaba yendo mal, parecía que no le iban a dar asilo y finalmente parece que sí, pero es una chica que sufrió mucho e incluso en el colegio me contaba que sufrió bulling. De que la trataban como, como rara, como sapo de otro pozo. Que no hablaba bien el idioma. Bueno el tema de los colegios es otra historia completamente diferente, pero...el caso de ella. Pero bueno ella termino su college, saco sobresaliente en básicamente todo y ella quería quedarse acá y su objetivo era, ella quería recibirse de doctora para ayudar a la gente. Para ayudar y trabajar con la gente. Pero si había sido un caso de una chica que había sufrido mucho y aun así, ella seguía dándole para adelante y...a prueba de todo.

L: Y el programa donde la conociste a ella como se subvenciona?

A: Donaciones y les llaman los trustees, que son organizaciones más grandes que hacen funding, diferentes empresas a las que se les muestra el proyecto y viste estas empresas grandes que por ahí tienen un departamento de social development, o algo así dan grants. Es su ayuda social a las charities pero es muy complicado conseguir funding, y cada vez es más porque se están reduciendo muchos los costos y la verdad no sé cuánto va a durar esta charity. También los councils puede que den plata, donaciones de gente, de empresas de los trustees. Básicamente eso.

L: Bueno, Andrea muchísimas gracias por tu tiempo.

A: No, de nada, avísame si necesitas algo más.

APPENDIX H

INTERVIEW 3: FEDERICO RIVAS

PROJECT MANAGER IN LONDON, THE UNITED KINGDOM

FEBRUARY 10<sup>th</sup>, 2016

Lujan (L): En que se relaciona tu trabajo con unaccompanied minors?

Federico (F): Bueno, esa es prácticamente la tarea principal de nuestra organización.

Trabajamos con unaccompanied minors seeking asylum y con youth refugees.

Nuestra organización se llama Refugee Youth y bueno te explico, nosotros por medio de las artes, esto me sale más en Ingles que en Español.

L: Decilo en Ingles si te es más fácil.

F: No, no déjame decirlo en español que quiero practicar. Básicamente construimos comunidad, construimos network, construimos una comunidad de gente a través de las artes, del teatro, de la fotografía, de filmmaking y demás. Ayudamos a los jóvenes a que se integren en la sociedad, a que amplíen sus horizontes y que conozcan otra gente, que tengan otras oportunidades, que tengan una voz en la sociedad.

Hacemos juegos, retiros...y trabajamos en diferentes partes de Londres y también en el norte de Inglaterra...y bueno, eso básicamente.

L: Y los chicos que participan en estos programas de dónde vienen originariamente?

F: Bueno, hay de todas partes, de muchísimas partes. Hay de Afganistán, Irak, Turquestán. Hay muchos chicos de Palestina, Pakistán. También hay...de Siria no hay muchos, no han llegado todavía que yo sepa; pero si hay de Sudan, de Egipto, muchos de Eritrea, de Etiopia. Muchos de Albania y Kenia...y de muchas partes de África.

L: Cuales son las causas, en general, por las cuales dejaron sus países?

F: Bueno, en ese ámbito no te puedo ayudar porque nosotros, en nuestra organización no preguntamos a las personas que paso o porque se fueron; y protegemos a los chicos porque llega mucha gente, que se yo, de los medios que quieren hacer una película y están buscando, quieren ver a quien tuvo la transición más trágica...hubo uno que vino una vez, se juntó con los chicos y dijo "this is not sexy enough". Así que por ahí, nosotros...no. Ahhh! También hay muchos chicos de Vietnam.

La mayoría, cuales son las causas?...Yo si estuve preguntando por ejemplo que pasa en Albania porque como ya no hay guerra, yo quería saber que pasaba y me dijeron que es los "black Eagle" que es una especie de mafia, ciertos grupos que tienen mucho poder y entonces un grupo mata a uno y el otro grupo entonces tiene derecho a matar 5 y normalmente los jóvenes tienen...son más vulnerables. Y la gente se desplaza y viajan solos porque hay guerras, hay conflictos internos en sus países.

L: Cuales son algunas de las dificultades que pasan los chicos en el camino y en el proceso de pedido de asilo?

F: Bueno, ya como te dije, de su journey, de su viaje no sé. Si hay mucha incertidumbre emocional pero no creo que te pueda decir algo nuevo de su transición, de su viaje. Pero si te puedo decir de una vez que llegan acá, están muy isolated, desolados...y acá lo que pasa es que la home office que vendría a ser inmigración, los oficiales de inmigración tienen la home office donde se encargan de los casos de inmigración y ellos, los jóvenes entran a hacer su caso y ellos lo único que ven en su vida aquí en Europa es un solictor, un social worker, son todos adultos legales. A su alrededor tiene solo adultos legales que supuestamente lo están tratando de ayudar pero, les pagan por eso. Y...ellos entran en un caso y el caso les dicen que va a tardar 5 meses, pero el caso dura años y entonces en ese momento y la persona no sabe si cuando cumpla los 18 le van a dar asilo o no...eso les daña mucho la cabeza, hasta cuando consiguen el refugee status, they are not ready to

move on with their lives because it has been 5 years of not knowing if they were going to be deported or not...sabiendo que ellos ya vienen con trauma, entonces el esperar tanto, el tener una vida que no es para un joven...por eso existimos nosotros para que jueguen, para que exploren, para que se relacionen...

Y...es desolado, normalmente los mandan a sitios de Londres que son bastante feos o que están alejados del centro, de donde están las cosas...no tienen mucho acceso y entonces tienen dificultades para integrarse a la sociedad y encontrar su sitio en la sociedad.

Fácilmente entran en una burbujita que, digamos que es de Afganistán y conoce otro tipo de Afganistán que vende fruta en el mercado, y hasta ahí llega su aspiración en la vida y eso...entonces son muy vulnerables a, no tanto a delinquir pero si a entrar a la "Street culture", estar ahí, no hacer mucho, fumar...que se yo.

L: Como son los lugares donde estos chicos viven, más allá de no ser barrios centrales?

F: Si son menores de 16, a la gran mayoría los ponen en Foster placements; y si son mayores de 16...Ahh! Otra cosa de las dificultades antes que se me olvide, es el "age dispute", que ellos dicen que tienen una edad pero no tienen documentos que lo corroboren y eso es un caso que los afecta muchísimo, supónete un chico que tiene 16 años que tendría que estar jugando al fútbol y que se yo pintando, haciendo arte...está yendo a un, regularmente preocupado y yendo a court dates...

Si tienen más de 16, los ponen en hostels o Foster placements pero no sé bien como definen quien va a donde.

L: Como te parece que la sociedad en general percibe a estos chicos?

F: Es una pregunta difícil porque me muevo en un ámbito y es otra cosa pero hay mucho escepticismo...yo me imagino que hay mucho de esta idea de que vienen y se incrementa la violencia, de que son violentos, de que vienen a robar los trabajos...y yo creo que otra gran mayoría de la gente no tiene ni idea de los jóvenes, de los menores, de que están acá y que situación tienen o cuantos vienen. Creo que es más por ahí, la gente habla de refugees, si, refugees pero no se imaginan realmente como es la vida de estos chicos.

L: Cuales son algunos de los servicios que el gobierno les ofrece a los menores?

F: Bueno a los menores de 18 por la UN convention, they have the right to education, housing, health care...todo.

L: Se respeta la convención?

F: Ehhh...se dice una cosa y se hace otra, pero en líneas generales yo creo que si, que se respeta.

Lo que pasa es que lo que se dice que tienen equal opportunities con un British citizen y eso totalmente no. Pero algo se hace.

L: Como se sustenta tu organización?

F: Bueno aquí hay muchas entidades gubernamentales y no gubernamentales como trusts. Por ejemplo, las loterías tienen que dar una cierta cantidad de dinero al año para este tipo de cosas y nosotros aplicamos, aplicamos para las grants y los funders dan. Somos privados, no gubernamentales, entonces tenemos más flexibilidad.

L: Cuál es tu rol en esta organización?

F: Yo podría decir que soy un Project Manager, pero es un poco de todo. Supuestamente mi job role tiene que ver con developing projects...ahora estoy haciendo grant

applications, mañana estoy haciendo facilitation de workshops pero más que nada lo mío es Project Manager.

L: Hay alguna historia de alguno de estos menores que sea ejemplificadora de lo que es pasar por el proceso de asilo?

F: Eh...buena pregunta, se me vienen a la idea varios que no sé si son ejemplificadores pero si son casos extremas...chicos que han estado esperando 7 u 8 años para recibir una respuesta...es muy difícil. Tengo un compañero de trabajo que es excelente, ha estudiado, hizo su master, le dieron 5 años y cuando fue a renovar sus papeles le dijeron que su caso estaba perdido, extraviado...no lo encuentran. Imaginate que se volvió loco. La home office que es una institución tan grande y supuestamente legal y demás y hay seguridad pero comete unos errores! Parece que hay muchos problemas.

Una cosa que una vez sucedió que tiene que ver con cómo ve el mainstream a los menores, es que una vez estábamos haciendo una actividad y nos paró la policía y nos pidió identificaciones y estábamos con una amiga que estaba trabajando con nosotros también y el policía la llamo y le dijo: "Cuidado que ese es asylum seeker", como: "está al tanto que esta persona peligrosa está ahí con ustedes"...esa es la mirada de la policía.

L: Bueno, muchas gracias Federico.

F: No, de nada, perdona si no te pude ayudar mucho.

L: No, toda la información que me diste me resulta muy útil. Gracias.



APPENDIX I

INTERVIEW 4: ARMANDO (PSEUDONYM)

FORMER DIRECT CARE WORKER AND CURRENT COUNSELOR IN

ARIZONA, UNITED STATES

FEBRUARY 12<sup>th</sup>, 2016

Lujan (L): Comentame de que se trata tu trabajo y como se relaciona con menores no acompañados?

Armando (A): Mi trabajo se trata específicamente de recibir a aquellos menores que cruzaron la frontera ilegalmente. Básicamente son menores que vienen de Centro America: Guatemala, El Salvador, Nicaragua, Honduras; y también México...y al haber cruzado...es decir unos cruzan solos y otros cruzan con adultos pero por las leyes de Estados Unidos, los adultos no pueden estar compartiendo el mismo shelter que los menores de edad; entonces nosotros trabajamos básicamente con los menores de edad, que son los menores de 18 años. También tenemos, chicas que están embarazadas y chicas que vienen con sus bebés. También tenemos bebés recién nacidos, de meses algunos.

L: Entonces, vos me decís que si una familia cruza la frontera, los separan?

A: Si, los adultos no pueden estar con los bebés o con los niños menores de 18 años, entonces quedan separados.

L: Cuales son las causas más comunes por las cuales se van de sus países?

A: Ehhh...en los que ellos manifiestan...porque hay dos cosas, una es lo que ellos manifiestan y otra es lo que yo a veces percibo. En lo que ellos manifiestan, una gran parte se va del país por temor a Las Maras, a las pandillas. Son amenazados básicamente los varones, es como que los intimidan a formar parte de una pandilla, ellos se niegan...en el medio puede haber una golpiza, o algún altercado con estos miembros de las pandillas y por miedo se van.

En el caso de las chicas, porque quieren incorporarlas en las pandillas pero obviamente para abusar de ellas o las amenazan, tiene distintos problemas de abuso.

Eso es lo que ellos dicen el algún momento de su discurso, cuando estamos haciendo las entrevistas.

También dicen que porque son muy pobres, los padres no tienen básicamente como vivir, y ellos deciden venirse para Estados Unidos para mandar dinero y darles una mejor vida a la familia.

Las percepciones que yo tengo, algunos da la impresión de que conocen las leyes acá en Estados Unidos un poco más, o se da de palabra en palabra cuales son los beneficios que pueden llegar a lograr acá...y a mí me da la impresión que muchos de ellos, sin saber realmente cómo funcionan las leyes, si ellos cruzan la frontera y se reportan a un oficial de inmigración por el simple hecho de ser menores, no son deportados y la mayoría de ellos piensa que van a quedarse pero la realidad no es así.

L: Cual es la realidad?

A: La realidad es que cuando son agarrados por la migra, se les inicia un proceso judicial por el cual ellos tienen que ir a un juzgado de inmigración y el juez es la última persona que decide, después de escucharlos varias veces, cuales son las razones por las que vinieron y demás...el juez es la única persona que tiene la autoridad para dejarlos permanecer o no.

Sabemos que el porcentaje de las personas o de los menores que se quedan es muy bajo, la mayoría, te estoy hablando de un 10% como mucho...te estoy hablando de entre un 8 y 10% como mucho entre los que logran quedarse por motivos reales, que lo han podido

comprobar que han sido amenazados, o porque su vida corre peligro, por lo que fuere. El otro porcentaje que es un 90%, luego de ir a la corte, son deportados.

L: Que tipo de servicios reciben los chicos mientras están en el shelter?

A: Básicamente, ellos cuando llegan, llegan la verdad en un estado deplorable. Muchos llegan con apenas una mochila con 2 o 3 piezas de ropa. Se les provee ropa primero, se les hace un control sanitario, van a un médico, se les ponen las vacunas que son necesarias acá en Estados Unidos, por ley para cualquier chico de su edad. Se les da entonces la inmunización, se los controla... a las chicas se ve si están embarazadas. Se hace el test de HIV también, porque muchos de ellos niegan tener relaciones sexuales, pero sabemos que muchos de ellos empiezan a tener relaciones desde muy temprano y no siempre se están cuidando. Eso por la parte médica.

También tienen la parte de odontología, si tienen algún problema se los lleva a un dentista, como para que los atiendan y, en la parte... tienen una parte escolar también, donde ellos reciben clases durante la mañana o durante la tarde, depende el turno que les toque. Se les toma un test para saber qué tipo de, o en qué nivel de educación están y en base a eso se los pone en una clase para que sigan progresando y aprendiendo. Y básicamente se los expone al inglés.

Hay también una cuestión de aculturación, donde se les muestra como es la cultura de Estados Unidos, de que se trata, se habla de eso, se los lleva a distintos lados como para que ellos tengan una vivencia directa de lo que es vivir en Estados Unidos.

Tienen un trabajador social que es el case manager de ellos, el que maneja el caso de ellos que se comunica principalmente con la familia... y quien busca los sponsors porque ellos para salir del shelter tienen que tener un sponsor. El sponsor puede ser una persona que está legalmente o ilegalmente, no nos interesa a nosotros como shelter si la persona es legal o ilegal; lo que nos importa es que sea capaz de cuidar, que sea adulto, responsable, que los lleve a la corte, que no tenga record criminal y que, obviamente, que no tenga ningún tipo de abuso contra menores. Y ese es todo el trabajo de averiguación de los case managers, comunicarse con la familia, averiguar qué tipo de familia es, como es, si tiene algún record policial o lo que fuere.

Y después esta la parte mental que esta llevada a cabo por los clinicians, los clinicians son las personas que hacen los assessments en la primer... cuando ellos llegan al refugio. Se ve si tuvieron algún tipo de abuso, algún tipo de trauma durante el viaje, cuales son los motivos por los cuales dejaron el país, y básicamente lo que se hace es tratar de ver si hay algún tipo de enfermedad mental, si lo hubiera se da el próximo paso que es hacer una interconsulta con el resto del equipo y si se necesita, una internación psiquiátrica o involucración de un psiquiatra, lo que sea pertinente para cada uno de los casos.

Nuestro trabajo es también verlos una vez por semana, al igual que los trabajadores, los case managers que los tienen que ver una vez por semana para hacerle un update del caso. El cliente tiene que saber dónde está su caso, si está progresando, si está estancado o lo que fuere... y nuestro trabajo como counselors es fijarnos la estabilidad, como esta adaptándose al programa y básicamente manejar las emociones mientras el menor está dentro del programa. Eso es básicamente los servicios que ofrecemos.

L: Reciben algún tipo de ayuda legal?

A: Perdón, sí. También se les da ayuda legal, ellos tienen a los tres o cuatro días que llegan... en realidad vienen una vez por semana. Es un grupo de abogados que trabajan gratuitamente, pro-bono y ellos están en un proyecto. Básicamente son abogados que recién inician, o comienzan y entonces están ahí trabajando en el área de la inmigración. Y ellos son los que los asesoran, les dicen cuáles son sus derechos a nivel grupal y después ellos tienen entrevistas individuales con cada uno de los chicos para tratar cada caso en forma individual.

L: Entonces este servicio lo ofrece el estado o es una organización que ofrece el servicio?

A: Hasta donde tengo entendido, es una organización aparte, hasta donde yo tengo entendido.

L: Estos abogados, los representan individualmente o es más que nada le dan advise?

A: Hay representación individual, porque cuando los chicos van a corte tienen que ir con el abogado. Entonces el abogado los acompaña y es el que los representa legalmente mientras están en el programa.

L: Cuales son algunas de las situaciones comunes que los chicos pasan en el camino hasta Estados Unidos?

A: Algunos chicos vienen con adultos y pueden llegar a estar un poco más protegidos, y otros vienen directamente solos. Hay diferencias entre unos y otros, en general los problemas empiezan cuando están cruzando México, porque hay mucha corrupción y la policía les saca el dinero que traen, y también en el medio, pueden cruzarse con traficantes que los hacen trabajar. Obviamente las mujeres están en mucho más riesgo, son llevadas a la prostitución y los chicos básicamente también son abusados, o sea, hay abuso, mas allá de los riesgos del viaje porque están subiéndose a un tren que la gente pierde la vida, las piernas, están días sin comer, no tienen donde dormir. Depende, hay todo tipo de gente que viene; el que tiene más dinero puede comprar un pasaje en el bus y hacer todo el trayecto, dormir en el bus y demás, los que tienen un poco más de dinero, pueden hacer una noche en un hotel, y otros no pueden. Las diferencias son grandes de acuerdo a los recursos que cada uno tenga.

L: Cuando hablas de abuso, a qué tipo de abuso te referis?

A: Abusos físicos, sexuales, porque como te dije recién las chicas son llevadas a la prostitución. Algunos varones también son abusados sexualmente, y obviamente emocional de las huellas que deja cada uno de estos abusos físicos desde ya. Y también está el otro gran tema, el gran tema es el trafficking humano, que ellos los llevan a trabajar, los explotan básicamente.

L: Como se sustenta el programa para el cual trabajas?

A: El programa está avalado por la oficina de refugios y restablecimiento, que es una oficina que depende del gobierno... del departamento de salud, no perdón, del de defensa. Y es una oficina que tiene su sede en Washington.

L: Si uno de estos niños califica para asilo, cuando se empieza el proceso legal para pedir asilo?

A: Todos los procesos, en general se inician en el shelter, cuando ellos hacen las entrevistas en general los abogados con sus conocimientos pueden determinar si califica para algo y el abogado puede empezar la aplicación en ese momento. Específicamente cuales son los requisitos para cada una de las cosas no los sé.

L: Como te parece que estos niños son percibidos por la sociedad en general?

A: Yo no tengo conocimiento que el común de la gente sepa de estos albergues en Arizona porque, por una cuestión de confidencialidad y por una cuestión que cada uno de estos chicos representa un monto de dinero. Porque algunos de ellos, les han pagado a guías, a coyotes para que los pasen y en general, se paga una parte cuando al chico se lo está transportando y la otra parte cuando el chico es recibido. Obviamente todos los chicos que están en el shelter nunca fueron recibidos, o sea que los guías o los coyotes recibieron la mitad del pago. Entonces esa es una cuestión con la que siempre tenemos que tener mucho cuidado, y tenemos que tener siempre...no sabemos quién está detrás de los chicos buscando o tratando de hacer dinero. Y por otro lado, ellos al ser menores de edad tampoco pueden estar expuestos públicamente. La opinión de la gente, realmente no la sé, porque no es algo que yo hable con el común de la gente, porque no quiero exponerme a que me hagan preguntas que traicionarían la confidencialidad de lo que hago.

L: Podrías compartir una historia de estos niños que sea ejemplificadora de lo que estos chicos viven?

A: En realidad no puedo comentarlo porque no sé qué pasa con ellos una vez que dejan el shelter. O sea nosotros no podemos mantener comunicación con ellos. Y no podemos saber qué es lo que pasa con cada uno de ellos una vez que salen. Se, por comentarios que he escuchado, que algunas personas o que hacen cuando ya salen del programa, las familias se mudan y no asisten a las cortes. Porque, ellos por más que hayan sido reunificados con los adultos que están en Estados Unidos, ellos tienen la obligación de seguir yendo a corte hasta que el juez decida si ellos se pueden quedar o no en el país. Aun están es proceso de deportación. Entonces, sé que muchas familias se mudan y no asisten a las cortes, eso es lo único que puedo llegar a saber pero también por una cuestión de susurros Por una cuestión de gente que comenta, pero no es algo que nosotros sepamos fehacientemente porque no podemos tener contacto una vez que ellos ya salen del programa.

L: Hace cuanto que estás haciendo este trabajo?

A: Este trabajo fue intermitente, empecé en el 2006 y lo hice aproximadamente hasta el 2010; luego empecé nuevamente este año y ahora hace 4 meses que estoy trabajando para esta organización.

L: Porque trabajas con menores no acompañados.

A: Trabajo con ellos porque me parece que necesitan ayuda, porque me gusta trabajar con adolescentes y porque me parece que en el tiempo que están en el programa, hacerles pensar algunas cosas que ellos nunca en su vida pensaron, es un punto que a mí me interesa que ellos tengan.

L: Dame unos ejemplos de cosas que ellos nunca pensaron?

A: Nunca pensaron seriamente en su futuro, lo que yo percibo es que ellos vivieron una vida de día a día sin una proyección y cuando están en el refugio, en las sesiones individuales que yo tengo con ellos los trato de que empiecen a focalizar una meta para su vida.

APPENDIX J

INTERVIEW 5: MORGAN WEHNER

FORMER VOLUNTEER IN LESBOS, GREECE

FEBRUARY 29<sup>th</sup>, 2016

Lujan (L): What was your job like in the island of Lesbos?

Morgan (M): I've been there three times. My first trip was in early September when there were really no volunteer groups there. Basically, there was just people showing up and using their own resources and that was when we were getting boats non-stop. We were lucky to get any sleep. That was a constant unloading people, at that time there was no buses so most of them were landing in northern Lesbos and then they would have to walk to Moria which is where the registration camp is.

So...it could be a 3 day walk and the government was pretty intimidated as far as volunteer groups doing things so, at that time, it was really more of "if we catch you transporting", if the volunteers were taking migrants, they would get arrested for trafficking and that sort of things.

Unfortunately at that time, there was a lot of people walking and it would be a 3 day walk so when I was there in September it was really dangerous after dark to be driving your car anywhere because the roads are really narrow and there is no street lights so we will be driving from the South of Lesbos to the North and vice versa and people would be walking that whole road.

September was very very crazy and pretty much, to me was unbelievable that this was happening in this time period, it was really really confusing.

And then, Moria which basically is an empty prison they've converted and so...I know even back in September they were getting unaccompanied minors and putting them in the locked facilities, there wasn't many, if any, volunteers to be seeing with the minors. At that point we were getting reports within Moria that the minors were threatening to hurt themselves and that they have been held in this rooms 2 to 3 weeks and...I think it was in October when a lawyer was put in charge of the kids, she was named like the guardian of them so I don't know if she has taken over completely but...I know there is an article out there that announced this lawyer being named as the guardian for all the kids that were in Moria but again, everyday volunteers really have no access to the kids.

So this was September, I returned in November. In September I was there for 2 weeks.

On November, I was there for 3 weeks; and then I was there the whole month of January so I have been on the island for about 60 days since September.

The November project that I was there for, we were setting up a medical triage center and that has been moved to Turkey, to help refugees that are so sick that can't even make the boat trip; and then, in January we were doing construction work for a center that they are converting to, basically, a free shelter for people coming in from the beaches. So every time I have been there I've done something different.

September was just so crazy that we were helping unload people from the boats.

November was more medical and then January was more of creating facilities.

I would say that every single time I have been there...it changes daily so...things change all the time. We just had a group go and the first 2 days she was "there are boats everywhere, we have been unloading", and then she was near the airport and she was like: "we have been doing nothing for nearly 2 weeks".

So yes, there is definitely that; but from Mytilene there is a 2 hour ferry ride to Chios, which is the island just south and a lot of volunteers have been doing that, if they feel, they have not been put to a good use on Lesbos. I told people, you just need to be

flexible, because people may go and there are hundreds of volunteers stepping on each others toes; or in January when I went, the boats were just not coming so we were focusing on construction.

Other than that, I kind of had a different role every time, and I do foster care, I am a foster parent and my degree from ASU was pre-K; so I would love to work with the kids but there is a lot of people that has that goal in mind so I'm one of those people that will do whatever you need.

What we see a lot in donations was a lot of kid's stuff, kids' clothes, kids' supplies and then again, with volunteers that mostly want to unload the boats and play with the kids and...so what happens is, any of us who can do or who don't mind switching, we kind of not get that time with the kids because there is always...there is plenty of people that wants to do that.

And then, in between, I'm one of the US coordinators; so basically I get a lot of calls, a lot of people asking me what kind of supplies should I be bringing, and then just logistics about the island. It's a unique island, so telling people, "you know this is where you land, and this is where you have to take the road to head north", so just stuff like that, just basic questions and I get a lot of people that is like I have 5 days off, I was gonna head there. And I am like "Well, it's a day and a half each way, so really you will only be like 2 days in the island".

And the island is huge, it's not what people thinks when you say island, so it's not something you can do in 2 days, it's a huge huge island...soooo...anyways things like... it's very mountainous which it's a thing a lot of people don't think of that of an island. Like when I was there in January, we pretty much couldn't drive because the roads go from sea level to up to the mountains real quick and it was all full of snow. Tons of snow, so it is a very unique island for sure.

It takes about 2 hours from when you land to get to the northern part. That is what most people were doing back in the day, because that's where the boats were coming in in July, August and September. They were all heading to Skala and Eftalou along the northern part of the island.

L: Which organization did you work or volunteer for?

M: I changed every time depending on the project and wherever I am needed, and there is a Facebook page called information.Lesbos and that is run by a couple of admins and they basically just assign us as coordinators based on our experiences on the island; so basically anyone from the US that runs into information.Lesbos, I think there are like 8,000 members right now. So anyone that contacted them and says "Hi, I'm from the US", they send them to me and thankfully they got 3, 4 other people from the US because, for instance when I was in January there, I didn't have time to check my e-mails or respond to them so they had to add some more people.

So basically a lot of the volunteers are totally independent which is another thing I heard it's getting phased out; but you know, everything changes daily and weekly there so it's a really interesting environment.

What I tell everyone is go in and check it out, gather your data and wait a few days to find out what is going on because I feel it changes daily about what is allowed, what is not allowed...



I've also worked with lighthouse refugee group, which is based in Skala and I have been told they have just gotten awarded the rights to do one of the camps so, I think the police officers are kind of limiting which organizations can be in the registration camps. They are saying that because of the exploitation of the refugees, they wanna have a handle regarding which groups are there but, you know, the only exploitation we have seen in the camps is the vendors that they let in. Like they would get in like food vendors and phones, you know wireless phones vendors and, basically they raise the prices extremely high.

And then, in general, there is a difference of opinion on if you are supposed to take pictures or not. I personally don't ever post pictures of people just because I have my own kids, I wouldn't want their pictures all over the internet, but there is a lot of people that argues that if it is a journalist or if it is the head of one of the groups, and they need the publicity then...send the message out there about the conditions of the camps, that sort of things.

So, I know Moria's rules have changed quite drastically about who is allowed in and who is not and there are e-mails of approval before showing up and that sort of things so...and I think there was 2 weeks ago they shut off all the water supply to the prison, to the camp, so there is no running water there anymore.

L: Is this is Moria and Kara Tepe?

M: This is in Moria. Kara Tepe, I do not know the status on that. Kara Tepe is a little bit nicer and it's smaller but it's still...when I say nicer, I don't mean that it's nice...

L: Did you work in both camps?

M: Yes, I have been in both equally and I was mostly in the north shore so it takes an hour, and hour and a half to get to Moria and to Kara Tepe. They are not far from each other. So as long as someone has a car, you can drive...you know when I was doing the construction in January, I was pretty much all day in the northern part of the island. That's where we were doing construction for the boats arriving and that sort of thing. So when we did Moria and Kara Tepe, it's normally with bigger groups of people, mostly because there are so many refugees there, it can be daunting and a little bit dangerous if you are passing out supplies. It is not because, it's not a violence issue, it's because there is definitely a cultural difference, like when you try to explain the line system...which my businesses are all based out of Japan so I get it when you are in an overpopulated area you are kind of, there is not real way to use a line system but I definitely think there is a cultural thing...when you have to explain: "you need to get in line and then you get a number", and that's change drastically.

At Moria too, because back in September, you were just standing in the rain just to register, there was no getting in line, no tickets, a lot of people was fighting because they would go to the bathroom and they would be refused their spot back by other refugees. So that has changed quite a bit, there is definitely issues with Middle Easterns getting in line, this is a new thing, it's a cultural thing, they are untrained for it...because as soon as we explain it: "everyone is gonna get one, we have plenty of sleeping bags, none is going to not have a sleeping bag, but you all have to get in line because if you don't, then we have to leave because of safety reasons". You know, people would be fine.

Other than that, I've never felt unsafe at all, and I've always been by myself. I've never felt threaten or weird in any way. It's more like the share volume. If you are passing out something for free and you have 1,000 people, many times they feel you are gonna run out. That's why I was not out there that often because I am by myself and I do not have 1,000 items to pass around, but when you travel as a group, like when I volunteered with Lighthouse, then we would go in with the group.

So, it's definitely changed during the times that I have been there, and I've always been 6 to 8 weeks apart and, it would be totally different every time. From the end of September to the very end of October or early November things have change drastically; and then again from Thanksgiving to January, things have change again.

L: How are the volunteer groups in the island funded?

M: They do "Go Fund Me" or different fundraisings. We do have the IRC that just moved into the northern part, that is the International Refugee Committee, they have a lot of money. The Red Cross, the local branch has been there but not the international.

You know, so...there is like a safe tent in Moria and Kara Tepe that has been run by "Save the Children", so you do have a couple of the larger groups there but by large...there are like "Better days for Moria", that was like one lady that started up, so basically she just said the conditions in Moria are disgusting and we gotta change this so through social media and posting pictures, she had a lot of money coming in.

There are also two doctors groups, we have doctors volunteering their time, it's basically people...like when I go, my plane tickets and everything are paid out of my own money. Luckily the last time, I had groups that wanted items but the cost of shipping is so high, so they were like we pay for your hotel room if you bring certain supplies. There is some of that going on, like: "we can pay the \$12 for her hotel room or pay \$200 for one bag or whatever". So there is a little bit of that going on but, by large everyone that I've met is totally self funded.

So, it's definitely a disaster, the EU just gave billions of dollars to Turkey to keep the refugees in which is not really, it will help a little bit but it doesn't really make any sense to give that money to Turkey...Greece could really use the money!

You know...there is definitely money exchanging hands but it's not coming through the volunteers, a lot of the big groups are not really present on the island when you think of whatever groups...I know the IRC is an American based group and they just got a contract for a refugee camp in the north, kind of where we were building the hotel area but even that... the island has a real strong group of residents and it can go either way, so you can get some really supportive residents saying "Yes, we need this" and "Keep this around for ever"; and then you have other residents who do not wanna know anything to do with the refugee crisis right now and they are putting a spin on everything.

So even when I left this last time, someone told me that the IRC camp may be dismantled because a group doesn't want them to move in the land and they did not get permission...a lot of political crap that goes back and forth.

Yes, it is very odd to me, because whenever I'm there I tell people...I have, at least once a day, I have the feeling "I am really seeing this? Am I dreaming?" Because you would just see odd behavior, some people...just weird things, like there is a group of volunteers that are clowns and they come through to entertain the kids of whatever but there was a

couple of times when they showed up in the middle of a boat like going down. I'm like, I feel like I am hallucinating right now, am I seeing...like "Guys, this is not good. People could be dying, they don't need a juggler." So yes, definitely you will see some groups that mean well, I mean actually that group is really great, but at times... you know... There are also different cultural beliefs with different groups from European countries to the United States to Spanish so it is really interesting working with people. Sometimes working with people, there are like 9 countries represented on this one project, there is a lot of collaboration.

I would say the vast majority of volunteers are college students, college age and then a lot of the single ones here, have been mothers that showed up and say where can I help out? I technically fall into that group, so it's definitely a very interesting group and like I said, with things changing every day, every time I've been there it's like: "what can I expect this time?" It changes.

L: What are the main reasons why people leave their countries? And did you find any differences specifically related to unaccompanied minors?

M: The vast majority of people that I have interacted with are families, so a lot of women and children; and normally the woman either said that they are living because the husband has been killed; or their husband made it out and set up a home for them somewhere. That's generally the only thing I have heard from mothers, either that their spouse is already dead or that their husband have left and they are trying to find him, that sort of things.

And of course, there are women travelling alone, I would say it's probably 40% of the women that are travelling with the kids and then, the majority are actually travelling with their husbands; and then for single guys that come across, they are definitely not as many of them as the media portrays; and I tell people this all the time, when the boats come across they look like they are 100% men because the boats are totally full and what the men do, without knowing that it is not really the best idea, it's they put the women and children on the center of the boat and then they sit on the outside, kind of trying to guard the water from hitting them but actually what they are doing is they are putting them at the lowest point in the boat so any water coming in the boat would actually hit them first and they kind of sit naturally on the boat. So that's why the pictures look like it's only men because the men are seated on the edge of the boat and looks like there are no children or women on the boat when actually there are quite a few.

This actually happened to me, when I have unloaded a boat and even up close, you are like: "They are all men" and then you get in there and "Oh my God! There were 20 women and children".

So...for the young men that I have come across all of them say that they were being forced to choose from the rebel groups or from ISIS and they didn't want any part of it so they are kind of being forced to...and those guys, a lot of them, have to leave the family behind because they don't have enough money to bring everyone across so, it kind of is like: "I gotta get out of here now because I'll be murder and there is a chance that my family won't get hurt if I can get out". So that's what I'm seeing mostly off.

In general they are very very very appreciative. You know, very happy to be in Greece when they arrive, so most of these young men are running from having to choose a group and then, the families they are just trying to find a place to start over.

L: What are some of the challenges that children face on the road?

M: What we are seeing a lot of is money being extorted from them for boat rides. They kind of gotten more sophisticated, so back in July and August people had to pay for multiple boat rides attempts, but they have gotten more sophisticated and now they make a down payment and then, the second part of payment is scheduled to be made after their boat is supposed to arrive. So basically from what I understand, they can go to a local bank in Turkey and allow the disbursement to happen after they arrived in Greece, so what that does it's if their boat gets stopped and they are returned to Turkey, then they can go into that branch or that bank and cancel the second payment. They got a way to save some money so that's in September people was being charged every single trip, just the cost is ridiculous!

A lot of these boats are not... We actually unloaded one boat that was like something you would buy on a K-mart or a Walmart, you would literally blow it up to put it on your swimming pool and then, it was 6 guys on this thing and there was no motor and they paddled for 14 hours to get across. That was the only time I saw one without a motor.

Other than that, from what I understood is people profiteering on the Turkey side, The smugglers always have guns and are always extremely aggressive and generally, what happens is that they are given a location to hide out and then, they have to wait for the smugglers to come; and sometimes people had to wait up to 10 days until their smuggler arrives with a boat.

So they have very little knowledge of what is going on and normally, with the work we were doing, we could tell right away if this was someone who gotten on the boat that day or that has been in the woods or whatever. So yes, the smugglers on the Turkey side are pretty aggressive and things like...they encourage them to buy life jackets for the whole family, and the life jackets are so poorly made that if anything, they are probably a drowning hazard. If you cut them open...like one that we cut open actually had metal pieces in it. So a lot of the life jackets' companies that are in Turkey right now are actually owned by the smugglers themselves so they are not only making tons of money crossing these people but they are also selling the life jackets too.

A lot of lifejackets are full of newspapers, debris from different garbage cans, they can't get a hold on Styrofoam so they use anything they have handy. It's really really bad.

Really sketchy stuff.

Once they are actually in Greece, it gets worst from there. Trying to go through Macedonia and the things going on around all the borders.

So, I think overall it has gotten better, but part of the reason why I am like: "are we on 2016?"...when I went there back in September, even in January there were a lot of refugees asking questions, that made me wonder: "did you guys do some research?" They get off the boat and they are like: "where is the nearest hotel?" and you are like: "Greece as a country will not rent you a room until you went through the registration camp and that can take anywhere from, if you are lucky 2 days or it can go up to 2 weeks", so there's times were I am: "have you guys done any research?"

You hate to be the bearer of bad news, but none has been able to stay in a hotel like that, and there are times like that...so, like people just left in a hurry, they have done no research and then they seem shocked about the conditions. I mean, Moria is just shocking; it's just a shocking place. So many times people leave in such a hurry that they have made no research...that they are totally in shock and we have met tons of refugees that said: "we would have not have come if we knew we were going to be living like this, with no food or water".

So, definitely I feel it has gotten a little bit better in the last few months but it's really quite shocking coming from a nice home in the United States when we have Internet access and blah blah blah, where you are like, these people have no idea what they are getting into and that part is equally shocking to me.

I have 5 children and I've met a lot of women that they are coming with their children and you are like: "have you done any research before this?" So, not saying...I mean I would still make the journey too but there is some people that ...I just feel that they were put on the boat and they have no idea what is going on.

So yeah, that is kind of interesting. I would say that the vast majority of refugees almost all of them have a cell phone and as soon as they get off, the first thing they do is to call their parents or whatever. That's kind of where the shock comes in, "you guys have phones, you have internet, you didn't see how horrible camps are?"

You just feel terrible, you just feel terrible sending them off knowing where they are going. So I would say 15% know the conditions of the camp so you are like: "OK, go hang out with that guy who knows what's gonna be happening", that kind of thing.

L: So, do you know when unaccompanied minors are allowed to apply for asylum?

M: So basically, from what I've been told is that they get there to the reception camp and they get whatever paperwork allowing them to leave Greece and they go to Athens and from Athens they kind of choose where are they gonna be going. A lot of them travel to the Macedonian border and from what I understood, they choose which country ultimately they are gonna be applying for asylum into.

The Greece's process, is only so they can verify that they are fleeing a war, that they meet the definition to enter Greece and from there, they can choose whichever country they wanna set residence in and that's when the Schengen staff gets in. And now all of these countries are closing their borders, you know it's kind of...Greece has to do all this processing and paperwork because they are part of the Schengen, so you know, it kind of...it's get to the point where: "now you are caging them inside of Greece" and they are not able to...you know...so there is a lot of political news, you know, political posturing. Just back in January, when people were upset that they were trying to get Greece out of the Schengen, they were threatening, saying to Greece: "you are gonna be out of the Schengen for 2 years".

My perspective was, even though the public officials were upset about that in Greece, I do not know that was something that ultimately the Greek, you know, politicians would have been thankful for. They have been basically left to do all this registration on their own and there is plenty of people in Greece that would have been like: "Ok, great, we are out of the Schengen which means none of these refugees will be coming in here

anymore”. So, there is a lot of, in our society, people reacts to the news without actually processing the information and looking at it and going...

Yeah there is a few politicians in Greece upset about it in public, but what I told a couple of my good friends there, I’m sure those are the same politicians that were in secret meetings begging to be kicked out of the Schengen because then it will stop all of this. With one single judgement, it will come to an end.

So, you do have countries closing their borders which is technically something that should get them out of the Schengen. There is a lot of political posturing going on so you never know, things go back and forth and they might get kicked out of the Schengen.

That’s why I always watch the news when I am going there, because I’m gonna go and then there’s gonna be no Schengen and I’m just gonna be sitting there for a week with nothing to do.

So, the Schengen just allows for the free movement so they are able to choose in which country they are going to apply for asylum. A lot of them are choosing countries that have some sort of stipend for them, it’s normally very small maybe 100 euros a month or something but it allows them enough to eat and...in terms of which countries are best and have, you know, nice places and stuff, I know nothing about that part of it.

It’s definitely the people that came in first that had to do more of the walking, like when I came in in September. I just don’t know how people did it. It’s a 3 day walk just to get to the north part of the island from the south. So, it’s definitely...they had the hardest journey because they were like pioneers of it. It’s definitely causing countries to start shutting down because there have been just so many, the volume it’s just so high.

L: I know you mentioned that there are specific placements for unaccompanied minors now in Lesbos, however have you seen unaccompanied minors in Moria or Kara Tepe?

M: I think they are doing a pretty good job in identifying the children and separating them. The law must be on the books too, back in like, September and even November, if you are travelling without your direct parents, and we were seeing a lot of that; like a 15 year old boy coming with an uncle for example, so there is a chance that their last names are gonna be different that there is no real way to prove that they are related kind of thing. Those kids under 18 are gonna be separated anyways and they are gonna go through a harder process to prove that they are travelling with a family member.

So what we were seeing a lot of, you know, I taught high school for many many years and one of the things we were seeing consistently was guys with head wounds and face wounds because the smugglers are very aggressive when loading the boats and they almost always got guns. So volunteers would be like “Oh my God! How could they put their kids on this boat, it looks like they are going to drown, it only holds 20 people but they are putting 50 people on it”. The boats are so over packed because the smugglers are very aggressive and, we were seeing a lot of head wounds, you know, gentleman telling the smugglers that they were not going to get on the boat, that it is not safe and that they are not gonna risk their families, so we were putting band aids and that kind of things and I consistently saw younger guys, that I would guess they were 14, 16 years old and they would always tell me “I’m 18, I’m 18, I’m 18”, and I would tell them “I’m not part of the government, you don’t have to tell me you are 18 to stay with your cousin or whatever”;

and still they would never break character, “yes, we are 18, we are 18”. “OK, not likely but whatever”...

L: So you are telling me that unaccompanied minors may lie and say they are 18 to be able to stay with a relative or friend they have been traveling with?

M: Yes, or the group of guys because if some of them are under 18 they will be sequestered and they may be held. That’s when some of the fake passports come in, change their birthdates.

And also, I think, in general, when they end up in the country where they want to end up in, it’s gonna be really hard to get a job without being at least 18 years old, so I think there are multiple reasons to do that.

So I guess the government is doing a pretty good job, and there is always people that, like that younger guys or younger groups that figure out what they need to say to go around the process. So, you know, there are times when there are so many thousand people in the camp that, you know, you probably put that kid in front of a police officer or someone that is doing the tons of paperwork that day and all right, so you are traveling with a bunch of guys, they are probably all 14 to 16 years old but I’m sure that there are plenty of officials that know better but they are like: “we are gonna stamp this through, I have many thousands of people waiting outside.”

One of the groups on Facebook, the “Better Days for Moria”, she was really one of the only volunteers I know of, that was allowed to have access to the part where the kids were. I think, last thing I heard, they were trying to get her group out of Moria and I think it was because she was very vocal about: “their toilets are disgusting and not working, they don’t even have toys, they were supposed to sit on their beds all day”. Things like that.

Most of these movements are basically...she was a single volunteer that showed up and created a Facebook page and got tons of people willing to help her in Moria and, she was really quite brave too because she would do the night shifts by herself and that’s when there is no people there.

L: Could you tell me a story that would exemplify what these children go through?

M: I don’t know about a story of a minor but in general, I would say and I have a little video clip of this...In September we were unloading boats so often, I was lucky if I’d slept an hour a day but when the boats were really full, they make this loud noise, like an explosion when they hit the rocks on the beach. So it is probably 4 in the morning and I heard that big explosion and I kind of, this is probably my last day in September so I was kind of seasoned at that point. So I put on my jogging shorts and I went down and there was a boat full of people that have hit the rocks and quietly unloaded them and showed them where we had set a tent for them and then, we helped to get the kids dressed. I had to wake up a couple of volunteers because it was just me.

We helped change the kids out of their outfits, so that was a very typical day, that kind of thing and, as we were leaving to the airport, 3 days later, we happen to see some of the children we have helped dress, so we pulled over and said “Hi”, and one of the mothers said she wanted to talk to us; and we were lucky we had some of the translators in this group of volunteers that we were just carpooling to the airport.

I really didn't know everyone; so she basically said that she was from Iraq and that when they first saw me on the shore and, because I had a reflective jacket on, they thought I was the police and that's why they were so quiet because in their country, they are taught to fear the police so you know, the translator asked what it was like for them to find someone on the shore that was ready to give them clothing and food and she said, her little boy was there, that we have helped changed. She said that it was the first time in her entire life that she was being treated as a human being.

It was just like; it just hit me like a ton of bricks. You know, we were just giving slices of bread, we did not have enough money to put peanut butter or Nutella or anything on it; and the clothing that we had, was stuff I got from my own kids clothing, it was all hand me downs and; that simple gesture, getting a slice of bread and getting some socks on her kids was one of the nicest things she has ever had happened to her.

I was just thinking this is just crazy, so in that group there was actually one refugee that was kind of translating for us and he kept in touch with us through Facebook. I think he is in Norway now.

By large, I would say they are so appreciative and so thankful, no matter what you have given them, it's always appreciation and thanks, way more so than what it probably merits so that tells me that what they are leaving gotta be pretty horrendous.

L: Why did you or do you choose to volunteer?

M: My youngest son is the age of the young boy who washed ashore in September. I researched which island needed volunteers at that time....

L: Oh, I see.

Thank you so much Morgan. I appreciate your time.

M: Oh, no problem. Thank you.