

Assessing and Addressing Protection Needs of Undocumented Migrant Children in North Carolina

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Executive Summary:

This thesis investigates differential protection outcomes among undocumented migrant youth from Central America who are transferred to North Carolina. The literature shows there is a significant gap in research on the protection needs of undocumented minors in the US, but also points to potential problems in child protection as migrant children are situated squarely within often competing agendas of human rights and national security imperatives. Lastly, research shows that children are dependent on states for basic services, yet lack of documentation and family support are shown to impede their access to basic services. In order to understand uneven protection outcomes among undocumented migrant youth in the US, I examine the following three interrelated questions: What happens when the children arrive in the US? How do they arrive in North Carolina? Why do some children end up in foster families, whereas others are reunited with their own families, others in institutions, and others deported? And, what are the protection needs of undocumented youth in North Carolina and the guardians who support them? Drawing on data collected from archival analyses of newspaper articles, focus group research, and semi-structured interviews with foster families, immigration lawyers, and agencies involved in the process in North Carolina, this research makes several key interventions in current debates about child protection, migration, and citizenship in North Carolina and in the US more generally. In examining how children end up in disparate circumstances, this mixed-methods research revealed that North Carolina lacks a clear policy on the issue, there is a spread of misinformation that exacerbates tensions around immigration and protection and there is a lack of support systems in place for child migrants and their families, as well as the particular professions (teachers, lawyers, and clinicians) that serve this population. Ultimately, this research reveals that state and federal governments are failing to protect the fundamental human rights of all children within the territory of the US, due to incoherent protection policy guidelines at different levels of government, and due to problems in uneven, contingent, and highly variable circumstances of policy implementation.

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Policy Question

How can the state of North Carolina and child welfare agencies ensure that unaccompanied child migrants receive equitable care and treatment under the law, which accords with the highest standards of human rights protection?

1. The Challenges of Protecting Undocumented Minors

Due to persistent conflict and political unrest around the world, asylum claims in the US are currently at historic highs. A large proportion of people claiming asylum in the US are undocumented children and youth, tens of thousands of whom endure tremendous hardship to risk crossing, illegally, the southernmost border with Mexico. The population of undocumented migrant minors has been growing almost exponentially: In 2011, US Customs and Border Protection (CBP) apprehended 4,059 unaccompanied and separated children. By 2012, this number leapt to 10,443, which then doubled a year later, to 21,537 unaccompanied children seeking asylum in the US (UNHCR, 2014, p.4). In 2014, the number of unaccompanied children more than tripled to 67,339. And, so far for 2015, CBP has encountered over 15,000 unaccompanied children (CBP, 2015). The states with the largest number of unaccompanied children released to sponsors from October 2013 to September 2014 are California (5,831), Florida (5,445), New York (5,955), and Texas (7,409). North Carolina has had the eighth largest number of undocumented minors released to sponsors, with 2,064 arriving from October 2013 to September 2014 (ORR, 2014). In 2014, over 53,000 unaccompanied minors were released to sponsors, who are usually family members or close family friends of the child, in different states (ORR, 2015).

This dramatic rise in the number of unaccompanied minors, which is commonly referred to in the US as “the surge,” is fueled by growing gang violence and drug trades, lack of protection from the state, systemic poverty, and domestic violence in El Salvador, Guatemala and Honduras, as well as in Mexico (UNHCR, 2014, p.7).¹² The presence of undocumented youth in the US reveals a complicated tension between political pressures to deport undocumented immigrants in the post-9/11 context, and the various legal and policy frameworks at federal and state levels for protecting and providing for children and minors as a particularly vulnerable population (Bhabha, 2011).

The Homeland Security Act of 2002 (PL 107-296) defines an unaccompanied child as a child who “has no lawful immigration status in the United States; has not yet attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody” (Wasem & Morris, 2014, p.1). As a population of undocumented migrants, they are under the jurisdiction of the Department of Homeland Security (DHS), which includes US Customs and Border Protection (CBP), US Immigration and Customs Enforcement (ICE), and US Citizenship and Immigration Services (USCIS), as well as the Department of Health and Human Services (HHS). As children, however, they warrant special protections and provisions, such as education, that are afforded by federal and state governments. Yet, tensions exist between and across levels of government as well. States vary greatly in what they are doing with regard to providing

¹ In 2012, the United States received 85 percent of the total applications for asylum from both child and adult immigrants from El Salvador, Honduras and Guatemala (UNHCR, March 2014, p.4).

² The United Nations High Commissioner for Refugees (UNHCR 2014) conducted a study, that interviewed 404 undocumented minors that came to the US from El Salvador, Honduras, Guatemala and Mexico during or after 2011, which found that 58 percent were “forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection”(UNHCR, 2014, p.6). This is compared to a 2006 study the UNHCR Regional Office for Mexico, Cuba and Central America conducted with Save the Children, which found only 13 percent of 75 children that were in need of international protection (UNHCR, 2014, p.25).

protection for undocumented minors. Some states, like New York, are taking progressive action to help the undocumented minors receive education, health services and legal representation (Gartland, 2014). Other states, such as Arizona, are not taking action to protect undocumented minors, and in fact, some residents in Arizona have protested the arrival of undocumented minors and have urged their deportation (Martinez, Yan & Shoichet, 2014). The effects of the disjunctures between, within, and across state levels in the treatment of undocumented minors are only beginning to be understood: Heightened border security has enabled CBP to apprehend an estimated three quarters of the children while crossing the Rio Grande Valley in Texas (Park, 2014). Little is known about those who are not apprehended.

If the undocumented, unaccompanied minors are apprehended by CBP they are transferred by ICE to the custody of HHS Office of Refugee Resettlement (ORR) (Seghetti, Siskin & Wasem, 2014, p.4). ORR is required to provide food, shelter and medical care for these children until they can be released to sponsors, who are typically relatives, pending their hearing with immigration court. Sponsors have to pass a background check and ensure the presence of the child at all hearings. Many of the children placed in the care of relatives still do not show up to their hearings (Nakamura & Zezima, 2014). If a sponsor is not available, the children are placed in ORR shelters or foster homes until their immigration hearing. USCIS examines the initial asylum application filed by the undocumented minor. In July 2014, the White House signaled that most of the unaccompanied minors crossing the US-Mexico border would be deported. White House press secretary Josh Earnest said it is “unlikely that most of the kids who go through this process will qualify for humanitarian relief, which is to say that most of them will not have a legal basis...to remain in this country” (Nakamura & Zezima, 2014). Others, such as Wendy Young, who is the executive director of Kids in Need of Defense, believe this

influx of undocumented minors into the US is a refugee movement and not an immigration wave (Nakamura & Zezima, 2014).

Since there are so many children waiting for a hearing, many of them will likely be in the US for years, until they find out if they will get some form of relief or be deported. Some could be in the US for up to three years, which for many may be three years away from violence in their countries as they are reunited with relatives living in the US. Around 90 percent of the undocumented minors are living with relatives or family friends, while the rest are in foster care (Greenblatt, 2014). Once the undocumented minors are released to sponsors, ORR does not follow the status of their cases in immigration court (Terrio, 2014).

What accounts for these apparent inequalities in care outcomes between youth with regard to those who are apprehended, those who are not, those who access sponsors, education, health care, a fair trial, and those who do not? Whether and how undocumented youth access the rights and protections afforded them under federal and state laws as they move from the border to their new homes in North Carolina comprises the guiding concern of this thesis. Specifically, this thesis will address the following subset of interrelated questions:

Research Questions

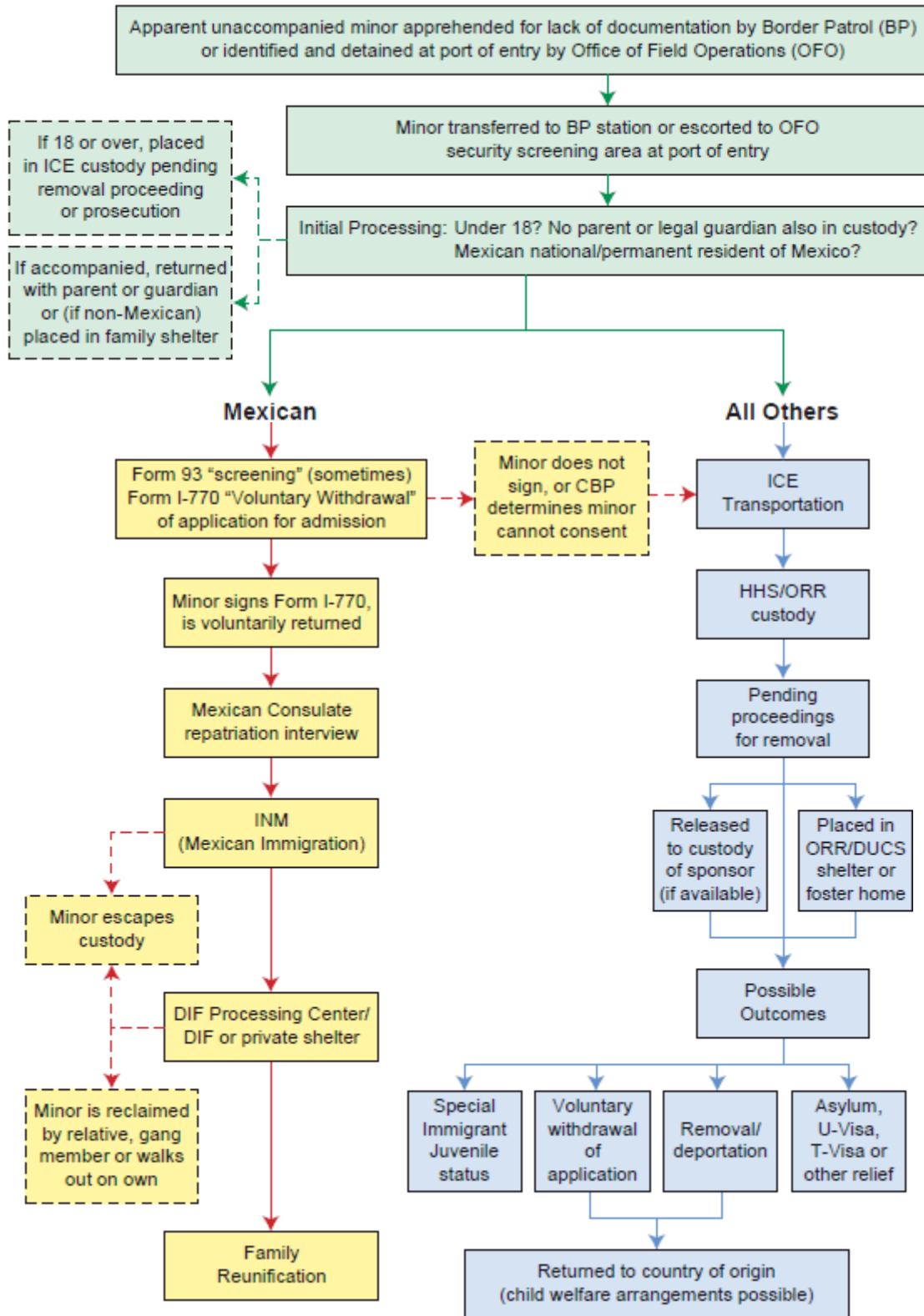
1. What happens when the unaccompanied minors cross the US-Mexico border and arrive in the US? How do they arrive in North Carolina?
2. Why do some children end up in foster families, whereas others are reunited with their own families, others in institutions, and others deported?
3. What are the protection needs of undocumented youth in North Carolina and the guardians who support them?

2. Literature Review: Protections for Undocumented Minors and the Effects of Precarious Status in the US

2.1 Current Framework of Action for Protecting and Sorting Minors in the US

As the following framework shows, many decisions are made that determine the fates of undocumented minors apprehended in the US at the border. There are five main outcomes for undocumented minors apprehended at the border. If they are from Mexico, there are two outcomes: 1) they can be reclaimed by a relative, gang member or walk out on their own or 2) they can be reunified with their family. If they are from any other country, there are three main outcomes: 1) they can be granted Special Immigrant Juvenile (SIJ) Status, 2) they can be returned to the country of origin or 3) they can be granted Asylum, a U-Visa, a T-Visa or some other type of relief (Cavendish & Cortazar, 2011, p.21). This framework does not include undocumented minors who are not apprehended and living illegally in the US.

Figure 1. Processing of Minors Who Are Apprehended at the Border



Source: Cavendish, B. & Cortazar, M. (2011) Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors. *Appleseed*. p.21.

2.2 Current Legal and Policy Framework of Protection in the US

The legal and policy framework for child protection and immigration operate at different levels from federal to state. Some policies are about protecting immigrants, and others are about protecting US national security. The various immigration policies help explain the foundation and background for the process undocumented minors go through when they are apprehended at the border.

The Immigration Act of 1924 (PL 68-139), also known as the National Origins Act, put country quotas in place to determine the number of people allowed to immigrate to the US (USCIS, 2012, p.7). In 1965, the national origins quota system was abolished with the Immigration and Nationality Act of 1965 (PL 89-236), also known as the Hart-Celler Act. This act (PL 89-236) established visa categories for immigrants that had family in the US or special skills the US was looking for (USCIS, 2012, p. 9). It also started the requirement that immigrants to the US could not affect the employment or wages of Americans (Skrentny, 2011, p. 302).

In 1986, the Immigration Reform and Control Act (IRCA, PL 99-603) was passed, which legalized undocumented immigrants that had been living in the US since 1982, increased the penalties for employers who knowingly hired undocumented immigrants, created a new category for seasonal agricultural workers and increased enforcement on the border (Skrentny, 2011, p. 302). Four years later, the Immigration Act of 1990 (PL 101-649) was enacted, which increased the number of immigrants allowed into the US to 700,000 from 1992 to 1994. It also created a flexible cap of 675,000 immigrants allowed into the US from 1995 on. The act updated the reasons immigrants could be deported and gave the Attorney General the power “to grant temporary protection status to undocumented aliens from countries with armed conflict and natural disasters” (Skrentny, 2011, p.302).

In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, PL 104-193) was passed, which increased the eligibility requirements for legal immigrants to gain access to “means-tested welfare programs,” and decreased the restrictions for welfare benefits that undocumented immigrants can access (Skrentny, 2011, p.302). A month later in 1996, the Illegal Immigration Reform and Immigrant Responsibility Act (PL 104-208) was passed, which “created measures of border control, worksite enforcement, and for the removal of deportable immigrants; increased restrictions on welfare benefits for aliens; created requirements for educational institutions to collect information on foreign students’ status and nationality for the Immigration and Naturalization Service (INS)” (Skrentny, 2011, p.302).

Many of the immigration laws passed in the 2000s were about protecting the United States by increasing enforcement at the US-Mexico border to prevent migrants from crossing over. After September 11, in October of 2001, the Patriot Act (PL 107-56) was signed into law by President Bush, which was an act created to deter terrorist attacks in the US. The act also tried to cut down on the immigrants in the US as part of the protection plan. It increased the number of workers and improved technology at immigration checkpoints, and increased the number of reasons immigrants could be denied admission to the US (Skrentny, 2011, p.303). In 2002, the Homeland Security Act (HSA, PL 107-296) was enacted, which created the US Department of Homeland Security (DHS). Many of the powers of the Patriot Act fall under organizations in the HSA. In 2005, the Real ID Act (PL 109-13) was enacted, which added requirements to the procedure for immigrants to claim asylum and allowed Homeland Security to increase the barriers and roads on the US-Mexico border. In 2006, the Secure Fence Act (PL 109-367) was passed, which allowed a 700-mile fence to be constructed on the US-Mexico border (Skrentny, 2011, p. 303). In 2010, the Emergency Border Security Supplemental Appropriations Act (H.R.

5875) was passed, which provided \$600 million to help increase law enforcement and border security (Skrentny, 2011, p.305). Other legislation has been introduced during this time period and some has passed the committee stage or within the House of Representatives or the US Senate, but did not make it further (Skrentny, 2011, p.304-305).

United States immigration law is built on four principles, which include “the reunification of families, admitting immigrants with skills that are valuable to the US economy, protecting refugees, and promoting diversity” (Immigration Policy Center, 2014, p.1). Many of the undocumented minors crossing the US-Mexico border would fall under refugees and asylums. The United States admits refugees if they are unable to return to their home because of a “well-founded fear of persecution due to their race, membership in a social group, political opinion, religion or national origin” (Immigration Policy Center, 2014, p.4). The 1951 Refugee Convention is the key document that defines “who is a refugee, their rights and the legal obligations of states” from an international perspective (UNHCR). Fifteen years later, the 1967 Protocol “removed the geographical and temporal restrictions” from the 1951 Refugee Convention (UNHCR, 2001-2015).³

Refugees from around the world are admitted to the US based on a number of factors, which include “the degree of risk they face, membership in a group that is of special concern to the United States, and whether or not they have family members in the US” (Immigration Policy Center, 2014, p.4). The president every year establishes the “numerical ceiling for refugee admissions” (Immigration Policy Center, 2014, p.4). For FY 2013, President Obama set the worldwide refugee ceiling at 70,000.

³ The 1951 Refugee Convention went into effect April 22, 1954. Since then, there has only been one amendment—the 1967 Protocol. The 1951 Refugee Convention was used post-WWII and was limited to people fleeing from within Europe before January 1, 1951. The 1967 Protocol removed the limitations and “gave the Convention universal coverage” (UNHCR, 2010, p.2).

Some undocumented minors are applying for asylum. If they are already in the US and were persecuted in the past or fear being persecuted if they return to their country, then they can apply for asylum in the US. Persecution is defined as showing that the individual has experienced or fears harm that is sufficiently serious (USCIS, 2009). An individual who has been persecuted or fears future persecution has to petition for asylum within 1 year of arriving in the US. Unlike the number of refugees allowed into the US, there is no limit to the number of people that can receive asylum each year in the US (Immigration Policy Center, 2014, p.4).

In order to help with the sudden surge of children coming to the United States, the Obama administration asked Congress to give \$3.7 billion in July 2014. US officials are also trying to discourage families in Central America from sending their children to the US. Rumors in these countries are leading the families to believe that their children will be able to live with relatives already in the US (Greenblatt, 2014). Republicans have claimed that President Obama's decision in 2012 not to deport "so-called dreamers," who are illegal young people brought to the US, has led families in Central America to "hope for similar treatment" (Greenblatt, 2014).

Current US policy treats the children coming from Central America differently than those coming from Mexico. Under US policy, Mexican child immigrants who cross the border can be sent quickly back to their countries. For children from Central America, the key policy informing state and non-profit action (or inaction) is the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA, PL 110-457).

In order to combat child trafficking in the US, a law was passed in 2008 called H.R. 7311 (110th): William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA, PL 110-457) (DoS, 2008). It went into effect early in President Obama's first presidential term. The idea of the legislation was to give "substantial new protections to children

entering the country alone who were not from Mexico or Canada by prohibiting them from being quickly sent back to their country of origin” (Hulse, 2014). Instead, the undocumented minors would be given the opportunity of an immigration hearing, a consultation with an advocate, and recommended access to legal representation. According to the law, the children would be placed in the care of ORR, which was directed to put them in a setting in their “best interest,” as well as try and reunite them with family members (Hulse, 2014).

The Obama Administration claims the law, H.R. 7311, is partially responsible for preventing it from being able to handle the surge of undocumented minors (Hulse, 2014). In July 2014, President Obama asked Congress to change the 2008 law, so that it would be easier to send these children back to their countries (Greenblatt, 2014).

There are three major US policies that affect the “treatment and administrative processing of Unaccompanied Alien Child (UAC)” (Seghetti et al., 2014, p.3). These policies include the Flores Settlement Agreement of 1997; the Homeland Security Act of 2002; and the Trafficking Victims Protection Reauthorization Act of 2008. The Flores Settlement Agreement was the result of lawsuits from allegations of the mistreatment of undocumented minors by the former INS during the 1980s. This settlement created a policy in the US for the “detention, treatment and release of UAC and recognized the particular vulnerability of UAC while detained without a parent or legal guardian present” (Seghetti et al., 2014, p.3). The settlement said that the immigration officials had to provide six things to the undocumented minors: “1) food and drinking water; 2) medical assistance in emergencies; 3) toilets and sinks; 4) adequate temperature control and ventilation; 5) adequate supervision to protect minors from others; and 6) separation from unrelated adults whenever possible” (Seghetti et al., 2014, p.3). In 2002,

when the Homeland Security Act (PL 107-296) was enacted, it divided the responsibilities of processing the undocumented minors between DHS and HHS (Seghetti et al., 2014, p.3).

As demonstrated, the immigration process for undocumented minors is complex and difficult to navigate, even under ostensibly clear immigration policy frameworks. The ambivalent spaces between protection and deportation in which undocumented minors are located can be understood, and perhaps addressed, within a framework of statelessness.

2.3 Precarious Status and the Framework of Statelessness

In the United Nations High Commissioner for Refugees (UNHCR) Global Action Plan to End Statelessness, statelessness is defined as someone who is “not considered as national by any State under the operation of its law” (UNHCR, 2014, p.6). According to the UNHCR, there are estimates that, as of 2014, over 10 million people suffer from statelessness. There are many reasons statelessness occurs, including discrimination of an ethnic or religious group or by gender; the emergence of new States and State succession; the conflict of nationality laws; the legacy of colonization; administrative barriers and lack of documentation; and the inheritance of statelessness (UNHCR, 2014, p.6). The “causes, profile and magnitude of statelessness vary,” meaning that each case of statelessness may be different, and therefore, may need to be treated differently (UNHCR, 2014, p.4).

UNHCR recently released their new goal: to end statelessness by 2024. In order to reach this goal, they have put together a guiding framework of 10 actions. The big goals are for major situations of statelessness to be resolved, new cases of statelessness to be prevented and to better identify and protect stateless populations (UNHCR, 2014, p.2). While this is an impressive goal, statelessness is not always visible to states. People who are stateless are often denied basic rights, such as identity documents, employment, education and health services (UNHCR, 2014).

The second action in the *UNHCR Action Plan to End Statelessness* is to ensure that no child is born stateless (UNHCR, 2014, p.9-11). The *Ending Statelessness within 10 Years* report put out by UNHCR states that over a third of the world's stateless are children (UNHCR, 2014, p.4). In order to ensure that no child is born stateless, in some cases, there would need to be a change in nationality laws for states to grant nationality to children born in their territory. It may not be easy for states to change their nationality laws or politically feasible.

There are many different interpretations of statelessness and solutions to it. Laura van Waas focuses on statelessness as the “total destruction of an individual’s status in organized society” and nationality as the “right to have rights” (van Waas, 2011, p.40). After WWII and the human rights crimes committed by the Nazi’s, the United Nations took an interest in protecting human rights and developing a framework of protection—resulting in the Universal Declaration of Human Rights. This began to change the thinking behind human rights; it was no longer that having citizenship would allow one to enjoy rights, but rather just being human would allow one to enjoy rights.

Lynch and Blitz define statelessness as “people who struggle to exist, much less enjoy protection of their human dignity” (Lynch & Blitz, 2011, p.195). Many associate statelessness with political upheaval, displacement, and migration, but it is often sustained by the absence of law and weak systems of governance. Lynch and Blitz look at how different countries have tried to help those who are stateless gain citizenship and found several common threads throughout, including that there was no complete remedy for all those stateless in a particular country and that trying to help the stateless regain citizenship was a slow process. Lynch and Blitz highlighted the importance of the stateless receiving identifying documentation, which allowed them to be mostly safe and secure. Also highlighted were the importance of receiving political

rights, access to the labor market, and property ownership. Less attention was paid to education, health care or access to social assistance. Lynch and Blitz ultimately concluded that giving citizenship will not in itself be sufficient to ensure the protection of human rights.

Constantine (2015) argues that those who are stateless do not belong to any country, and typically are refused “social, civil and economic rights.” Statelessness means being unable to work legally, receive basic health care, receive an education, travel freely, own land, or obtain essential documents, such as a passport. Constantine (2015) argues that statelessness paralyzes people in poverty. This overlaps with Arendt (1968) who also focused on the harsh conditions that statelessness leaves people in, saying it forces people into “conditions of savages” (Arendt, 1968, p.302). Statelessness often is a result of conflict, changing borders, creation of new states, or discrimination and intolerance (Constantine, 2015).

According to Arendt (1968), many people thought there were only two ways to solve the problem of statelessness: repatriation and naturalization, which both do not work for a variety of reasons. For example, often, there was no country that was willing to accept the stateless (Arendt, 1968, p.281). Arendt shows that providing asylum or rights to the stateless is seen at odds with the rights of the state (Arendt, 1968, p.280). There is often a tradeoff between protecting the rights of human beings and protecting the borders of states. For the unaccompanied migrant children, this tradeoff may produce differential treatment on the ground.

Bhabha (2011) examines statelessness among children in different parts of the world. According to Bhabha, statelessness can cause many problems for children as it impedes their access to “fundamental social protections and entitlements” (Bhabha, 2011, p.2). International law defines a stateless person as “a person who is not considered as a national by any State” (Bhabha, 2011, p.3). Bhabha examines three types of statelessness. The first type is *de jure* or

legal statelessness, which can be defined as the lack of any nationality. The second type is *de facto statelessness*, which can be defined as the lack of legal migration status, despite a legal nationality. An example of this form of statelessness can be seen with the undocumented minors living in the US, who are nationals of a different country. The last type is *effective statelessness*, which is being unable to prove formal nationality and legal immigration status, even though the individual has both. Any form of statelessness can be devastating for children and lead to vulnerability as they are unable to access essential resources, services and protections (Bhabha, 2011, p.3).

Statelessness is an important “social and political child-rights issue,” as children are often dependent on states for basic services if their families fail them (Bhabha, 2011, p.13). Some states have given children access to basic education, but have not given them access to other necessary services, such as healthcare or shelter (Bhabha, 2011, p.13). Many studies argue that children have a strong claim to public protection, but often there are tensions that cause conflict with child protection obligations of states, such as the tradeoff of border control or national security responsibilities (Bhabha, 2011, p.17). For unaccompanied minors, it is not clear if they are stateless or not as they fall into an unusual space of legality; since they are children, they warrant special protection, but since they are immigrants, there are laws enacted to treat them as criminals.

Bhabha questions the myth that statelessness among children exists because they are invisible. Children cannot participate in politics and make policy; they have to rely on adults for that. According to this theory, adults can overlook the needs of children, rendering them invisible. Bhabha raised the point that these children did not just fall between the cracks because they were invisible (an idea she has revisited since these children are often in the media), but also

because we, as people and states, are ambivalent about our obligation, about our role, to protect them. The conclusion about ambivalence seems problematic as we are talking about a child and it seems that we have now fallen into the role of the state and have stopped seeing these children as children.

Bhabha also raises the issue of US immigration law, which is centered on parents, rather than children. Some children are placed in the system as though they were adults. In the US, unaccompanied minors are not guaranteed access to legal representation or even a translator when they go through immigration court proceedings. This is a complex system to navigate as a US citizen or as an adult, but these children, mostly under 16, are expected to navigate the system and understand what is happening to them.

2.4 Effects of Precarious Status on Children and Youth in the US

Most of the research done on the protection of undocumented minors has focused on education. Studies examine the 1982 Supreme Court decision of *Plyler v. Doe*, which allowed all children in the US, no matter their immigration status, the right to public primary and secondary school education (K-12) (Schmid, 2013, p. 695). While this was a big step towards ensuring one particular measure of protection for non-citizen children, undocumented minors are still unable to receive financial aid for higher education, federal healthcare or a driver's licence (Schmid, 2013, p. 693). In many states, higher education is unavailable to undocumented minors because of the high costs, which essentially bars them from access (Bhabha, 2011, p.11).

In order to look at the rights of undocumented minors, Schmid (2013) conducted an in-depth analysis of the Dream Act and Deferred Action for Childhood Arrivals (DACA) and found that citizen rights for undocumented immigrants and their children are controversial and often disputed. DACA was created in 2012 by Executive Order, which allowed some undocumented

immigrants who arrived in the US prior to 16 and before June 2007 to be protected from removal for two years and have the potential to receive a work permit (Schmid, 2013, p.696). Schmid (2013, p.693) also found that “theories of immigration and citizenship do not adequately explain the situation of undocumented childhood arrivals” because undocumented children often occupy the space between illegal and semi-legal. Also, citizenship theory does not take into account the position undocumented children are in, as they often do not arrive in the US of their own free will and end up living most of their lives in the US (Schmid, 2013, p.703).

Most of the literature on the protection of undocumented minors focuses on education. This is likely because the US has taken action to address the protection of children’s rights to education. Most of the literature mentions the lack of healthcare and state protection for children, but fails to look deeper. As there are gaps in the literature on the protection of undocumented minors, the thesis attempted to fill them by looking at one particular state, North Carolina. The thesis looked at other child protection rights and services available to them, such as healthcare and legal representation. With the surge of undocumented minors into the US, many states are taking progressive, moderate or conservative action toward the undocumented minor issue and the thesis attempted to look at the situation in North Carolina.

3. Methods of Data Collection, Data Description, and Data Analysis

3.1 Research Design and Data Collection

To understand what drives differential protection outcomes among undocumented migrant youth from Central America who are transferred from the US border to North Carolina, I started in North Carolina looking at the rights and services available to them in the state and moved backward to examine the process of how they arrived in North Carolina. I broke it down

into three phases: 1) the arrival of the unaccompanied youth in North Carolina, 2) immigration court proceedings, and 3) the rights and services available to them in North Carolina. As the children are moved through these phases, they pass under different jurisdictions of government (Cavendish & Cortazar, 2011, p.19-21). Therefore, I collected data on the policies put in place by the federal government and by one state government (North Carolina) in regard to undocumented minors and their protection.⁴

In order to answer the first two research questions to understand the role agencies play, gaps in jurisdiction and discrepancies in child protection, I conducted interviews with key people within the various agencies involved with unaccompanied minors in North Carolina. In order to answer the last research question to understand the protection needs of undocumented youth in North Carolina, I analyzed data from the interviews, a focus group, newspapers and current policy.

I used a qualitative methods research design to draw on interview data, current policy and newspaper articles. According to Morse (1991, p.120), qualitative research is well suited to questions that are not well studied in literature—where “a need exists to explore and describe the phenomena and to develop theory.” Although researchers show that there is a problem, little is known about how and why the gaps exist in regard to the protection of undocumented minors. I collected data that shows how and why there are differential protection outcomes for undocumented minors. This data stemmed from two methods—a secondary analysis of newspaper sources as well as an analysis of interviews.

⁴ I focused on North Carolina because it is one of the biggest destination states for undocumented minors, yet, potentially lacks the infrastructure to handle the large influx of undocumented minors into the state, as compared to New York, which has a more coordinated response. I also collected data on which agencies were involved in the process and their role.

I employed different types of qualitative methods in order to have confirmation of findings, which means that I verified the findings from one type of data (i.e., newspaper articles) with the findings of another type of data (i.e., interviews) (Small, 2011, p.63). There are often gaps found in literature, which I filled using interviews. I used a variety of qualitative methods to help with validity. I relied on other data in addition to data collected from interviews because there were limits, such as information was revealed through the view of the interviewee, the presence of the researcher may have caused bias in responses and everyone was not equally perceptive (Creswell, 2014, p.191). All methods have biases within them, but by using two or more methods the bias can be offset and the results of the various methods can corroborate each other, enhancing the validity of the study (Greene, Caracelli & Graham, 1989, p.256).

3.2 Data/Population

I conducted interviews with three different populations: Foster parents for undocumented minors, immigration lawyers, and agencies involved with the unaccompanied minor population. I was referred to a foster family by one of my committee members. My client referred me to an immigration lawyer in North Carolina, who then referred me to other immigration lawyers. I relied on snowball sampling to get in contact with various agencies working with unaccompanied minors. After contacting several people via email and phone, I started to get referrals to other people. Through these referrals, I generated a list of possible interviewees, including their name, affiliation, who referred me to them, dates contacted and other notes. I also attended the Duke Kenan Institute for Ethics Unaccompanied Child Migration Symposium, where I met several people working with the unaccompanied minor population in North Carolina, many of whom I ended up interviewing. In the end, I communicated with over 40 people by phone or email, and conducted 14 official semi-structured interviews. I contacted

people by email or phone and then conducted the interviews in person if possible, otherwise by phone.

List of Interviewees (n=14)

- Foster Parents (n=1)
- Immigration Lawyers (n=3)
- The NC Justice Center (n=1)
- Southern Coalition for Social Justice (n=1)
- Legal Services of Southern Piedmont (n=1)
- Justice AmeriCorps (n=1)
- North Carolina State Government Agencies (n=2)
- North Carolina nonprofit⁵ (n=2)
- Middle School ESL teacher in Durham (n=1)
- US Government Agency (n=1)

Focus Group

- Unaccompanied Child Migration Symposium, Feb. 23, 2015 hosted at The Kenan Institute for Ethics at Duke University

3.3 Methods of Data Analysis

The goal of my research was to highlight the gaps in protection that account for the discrepancies in child protection outcomes. The findings are organized into two phases: 1) the process for undocumented minors once they have arrived in North Carolina and, 2) the gaps and/or overlaps in protection for migrant children. Post-interview, I transcribed and coded the transcriptions to look for specific themes within. The themes I identified through systematic engagement with the text are: Education, Legal Advocacy, Health, Federal, Border Crossing, Community Collaboration, Policies and Politics and the Living Situation for Unaccompanied Minors.

⁵ In order to protect the identity of people and affiliations, I used nondescript terms when requested.

Themes and Codes for Interviews

Theme	Code
Education	How do unaccompanied minors enroll? What is the role of the Department of Public Instruction? How have schools responded to unaccompanied minors enrollment?
Legal Advocacy	How do the unaccompanied minors get access to legal representation? What are different forms of relief the unaccompanied minors can receive? Do most receive Special Immigrant Juveniles Status? Or, is asylum a more likely form of relief?
Health	How has mental health factored into the needs of unaccompanied minors? How do unaccompanied minors gain access to health services? How has health education affected access to health services for unaccompanied minors?
Federal	What immigration policies are in place that affect the unaccompanied minors? What is the role of the Office of Refugee Resettlement?
Border Crossing	What is the role of Customs and Border Protection? What is the role of Immigration and Customs Enforcement? What are some of the push factors associated with why the unaccompanied minors are coming to the US?
Community Collaboration	What type of community support/engagement is occurring to help the unaccompanied minors? How do referrals between agencies work for the unaccompanied minors? Have immigration working groups formed?
Policies and Politics	How does the political situation in North Carolina and the US affect the unaccompanied minors? What North Carolina policies affect the unaccompanied minors? How has the state and various counties within the state responded to the arrival of the unaccompanied minors?
Living Situation for Unaccompanied Minor	What is the custody situation for the unaccompanied minors? Who are the sponsors? Are many unaccompanied minors in foster care? Is family reunification a factor?

Following Saldaña (2009), I employed first cycle coding methods, which were used during the initial coding of data. First cycle coding methods are broken into seven categories: Grammatical, Elemental, Affective, Literary and Language, Exploratory, Procedural, and Theming the Data. Of these seven, I focused on elemental methods, which has “basic but focused filters” that help lay the groundwork for future coding cycles (Saldaña, p.66). Within elemental

methods, I focused on structural coding and descriptive coding. Structural coding, which is useful for semi-structured protocols to collect themes or topics lists, “applies a content-based or conceptual phrase representing a topic of inquiry to a segment of data that relates to a specific research question used to frame the interview” (Saldaña, p.66). I also used descriptive coding, which “summarizes in a word or short phrase— most often as a noun— the basic topic of a passage of qualitative data” (Saldaña, 2009, p.70).

3.4 Data Management and Security

This study was approved by Duke Office of Research Support--Campus Human Subjects Protections Program in January of 2015. There were no direct benefits to participants in the study, but the study aimed to understand gaps in overall support structures for guardians, attorneys and child protection service providers in order to enhance their collective and individual efforts to care and provide for vulnerable children. I was trying to learn more about the process and gaps in the protection of undocumented minors, so I did not ask for or use the names of foster families or of the children they care for. Immigration attorneys and other service providers may have granted permission to use their names, but their right to confidentiality was respected if requested.

I asked for permission from the interviewee before I used names, quotes or recorded interviews. If the subject did not want their name in the study, I either assigned a different name in my codebook or refrained from using names at all. If recorded, the interview was downloaded to my password protected computer until May 2015, when the project was completed. I also transcribed the interviews I recorded, which were stored on my computer and the secure Duke University network. I organized the information into folders on my computer.

Only I had access to the identifiable data. If audio recordings were made, they were

deleted in May 2015 when the project was completed and only I had access to them. As all of the families I interviewed were lawfully caring for undocumented youth, they were not acting in violation of the law. I did not interview any guardians (unofficial or family) who were not designated and recognized by the US government.

4. Findings

In Fiscal Year 2014 (October 2013-September 2014), 2,064 unaccompanied minors were released to sponsors in North Carolina, and in Fiscal Year 2015 (October 2014-February 2015), 222 unaccompanied minors were released to sponsors in North Carolina (ORR, 2015).

According to ORR, there are 8 counties in North Carolina that had over 50 unaccompanied minors released to sponsors for FY 2014: Burke (55), Duplin (54), Durham (215), Guilford (63), Mecklenburg (683), Sampson (62), Wake (250) and Wayne (71) (ORR, 2015). No other county in North Carolina has more than 50 unaccompanied minors released to it.

Through the interviews I have conducted, several themes emerged. These include: 1) Gaps in Information Sharing and Perpetuation of Damaging Myths; 2) Barriers to Health Access; 3) Denial of a Right to Education; and 4) Lack of Legal Representation.

4.1 Gaps in Information Sharing and Perpetuation of Damaging Myths

At first glance, it seems there is a lack of a clear picture on what is happening to the unaccompanied children once they arrive in North Carolina, who is working with the population and what rights and services, such as education and health, are available to them. After digging deeper into this world, it is evident there are answers to what happens to the unaccompanied minors when they arrive in the state and also a community of organizations and people working with them.

I faced many difficulties in getting in touch with people and getting them to talk with me. Many people did not believe they were the experts with the unaccompanied minor issue and kept referring me to other people. With the research I have done, it seems that there is no one who is “the expert” on the issue of unaccompanied migrant children in North Carolina. An interviewee from a North Carolina non-profit said, “What resources are available and where these kids are going is a grey area.” It seemed that no one working with the unaccompanied minor population felt that they fully understood the full scope or breadth of the topic, and nearly all expressed a desire for better information sharing across agencies.

According to the NC Justice Center, people enter the debate or the conversation with very different backgrounds, so someone who works at the state level has a clear set of experiences and knowledge about how the system works, but may not know the other side of the issue. While no one seems to be the expert, this research revealed that there is a large number of agencies that are working on the issue, whether directly or indirectly. Moreover, not all agencies work independently: One group of non-profit legal services providers, which is a large group that meets fairly regularly to understand some of the legal needs of these families and how to meet them. There is an immigration working group in Greensboro, which includes organizations, such as International Health, American Friends Service Committee, Latino Community Coalition of Guilford County, and the Center for New North Carolinians. I also located a group of private attorneys, who are members of the American Immigration Lawyers Association (AILA), which provide pro-bono legal services to the unaccompanied youth. Many of the agencies collaborate and share what they learn from different cases in an effort to better represent these children, yet many of them work within career fields (e.g., law or social services), rather than across them.

The NC Justice Center, which is an organization that focuses on economic, social and political justice, has worked with community groups across North Carolina to help them better understand how to work with teachers, social workers, and faith based groups in an effort to respond to the needs of the children and families during the peak period in the summer of 2014. One interviewee at the NC Justice Center sums up the collaborative effort: “I’ve seen groups working really well around these issues, [so it] seems like the children and their families really [do] come first.” Many organizations that work with this population are dedicated to making sure the kids get the protection and assistance they need, whether that is legal assistance or social assistance.

Spread of Misinformation

Concern among organizations about the lack of useful information to enhance child protection is directly tied to the spread of misinformation in the US and in North Carolina about unaccompanied minors as potential threats to national security or public health. There has been misinformation spread about the rise in unaccompanied minors and its relation to federal legislation: the Dream Act, Deferred Action for Childhood Arrivals (DACA), Deferred Action for Parental Accountability (DAPA) or the executive programs announced in November 2014. Several interviewees explained there is no connection between the rise in unaccompanied minors in the US and these programs. DACA and DAPA are for people who have been in the US for a long time and explicitly exclude people who have recently entered the country.

Two of the interviewees spoke of the need for an open conversation about immigration in the US and in North Carolina. According to almost every interviewee, there is a clear chain of custody for these children after they leave the custody of border patrol, where they have either voluntarily turned themselves in or were noticed by law enforcement. Susan Terrio, at the

Unaccompanied Child Migration Symposium,⁶ highlighted that one myth is that the unaccompanied minors are coming to the United States for legal status. Almost all of the interviewees stated that many of the children are fleeing extreme violence and dire economic circumstances in their home countries; The increase in the number of children is occurring more because of what is happening in their home countries, rather than what is occurring in the US.

Honduras, one of the countries these children are fleeing from, has the highest murder rate in the world. Many of the organizations that work with the unaccompanied minors have heard stories of unspeakable cruelty, abuse, fear and targeting of these children. One interviewee from a non-profit in North Carolina said that in order for adults in Central America to make the decision to send someone so young on such a dangerous journey to the US, the situation would have to be dire.

“...if [criminal abuse] was happening to your child, you would [want to] get them out of that situation also...[Y]ou wouldn't want your child to...be abused by a relative or threatened by gangs. I mean some of the gang violence [stories] that we hear about [are terrifying]...their friends are dismembered and left on the front porch and nothing's done because...the gang...is...in cahoots [with] or controls the police. So, if you heard that...your child telling you that, I mean, how would you react? You wouldn't be like, “Oh just stay inside honey,” you know?”

-Program Officer for Post Release Services

The arrival of these children in North Carolina has become a big political issue. Interviewees spoke of the atmosphere around immigration in North Carolina as a barrier for people to figure out the truth of who the immigrants are, why they are coming to the state and how they affect the community. Many participants in the study bemoaned the rapid spread of false information, which can become “mean spirited very fast.”

⁶ Hosted by the Kenan Institute for Ethics at Duke University on February 23, 2015.

“So, I guess you’ve...heard the very misleading statement that I believe came from McCrory [the Governor of North Carolina]...that these [unaccompanied] children are... [placed] on a bus and then...dumped in communities in North Carolina and then [the] local communities have to scramble...to figure out how to help a group of children arriving in the community. That really is not at all what’s happening...”

-Interviewee with North Carolina non-profit

Many organizations, including Latino and immigrant advocacy groups, and the NAACP, stood together at the Forward Together: Moral Movement in response to Governor McCrory’s “fear mongering and inaccurate” statements about the children arriving in North Carolina last summer.

In North Carolina, many people believe that these children are taking up resources that residents have paid for and that the “children could carry serious disease,” which is why some members of the public and some politicians are against them being here (Yu-Hsi Lee, 2015). They also believe the arrival of unaccompanied minors in the state will have a large impact on states’ education and health systems. According to the Unaccompanied Children Information Sheet, put out by the Compassion Action Network for Children—Charlotte CAN, in North Carolina, the unaccompanied minors represent an “increase of less than one-tenth of 1% of the student population” (CAN, 2014). Also, normally the unaccompanied children who enter the North Carolina school system have already been vaccinated in their home countries and as a safety precaution, were given a medical exam and complete vaccinations by ORR before they were released to sponsors in North Carolina (CAN, 2014). This means that the state should not have to pay for health vaccinations for these children as they have already received them prior to entering the state.

Arriving in North Carolina: The Process

According to several interviewees, these children are arriving in North Carolina because they are being placed with sponsors who live in the state. Many of these sponsors are family members—parents, siblings, aunts and uncles, cousins and grandparents—or close family friends who know the child. The sponsors have to undergo background checks and there is a strict set of rules about how the sponsor is to interact with the federal government and the immigration proceedings for the child they have taken in. A North Carolina non-profit explained the sponsors have to provide birth certificates, which is not always easy:

“If the [sponsors] don’t have [the birth certificates] they have to...say the dad is...[in the US] and he doesn't have...[the birth certificate]...he has to send a family member to go and get the birth certificate from the home town...depending on the country and where they...live.”

-Program Officer for Post Release Services

Family members are also required to show how they are related to the unaccompanied child through birth certificates. According to a Program Officer for Post Release Services, many will get a *carta de poder* (power of attorney) to show approval from a parent in the home country of the child being released to the family member. The sponsors get fingerprinted, though not everyone in the house has to be fingerprinted unless there are concerns. If the unaccompanied child is identified by the Office of Refugee Resettlement (ORR) as high risk or high needs through a history of trauma, abuse, or sexual abuse in their home country, then they are given post release services, which means that a home study will be conducted before the child is released to the sponsor. In this case, all adults in the house are fingerprinted by a nonprofit organization in North Carolina. If an adult refuses to get fingerprinted, it could jeopardize the release of the child to the sponsor, unless they are waved by an ORR Federal Field Specialist.

Sponsors of unaccompanied child migrants can be undocumented. Indeed, one immigration lawyer estimates that 90 percent of them are undocumented. According to a Program Officer for Post Release Services, an undocumented sponsor taking custody of the undocumented child is not supposed to cause the sponsor to be deported. Some interviewees have heard that ICE in other parts of the country conducts raids in neighborhoods where undocumented children have been released to undocumented sponsors. According to one interviewee, if someone hears of a raid “there is a network of attorneys and social workers and programs [who] work together, so [if they hear a raid has occurred]...it’s put on a listserv pretty fast and people do react fast to incidents like this.”

Once the unaccompanied minors have been released to a sponsor and leave ORR custody, the government does not have any jurisdiction over them. According to a Program Officer for Post Release Services, if any welfare or safety issues arise, it is the responsibility of Child Protective Services (CPS) within the county to make sure the child is safe. A Program Officer for Post Release Services saw many CPS workers helping unaccompanied children, but she says many of them claim they have never received training on what to do with an undocumented person. If a safety issue arises, the child can be removed from the sponsor and placed with a foster family.

The foster family I interviewed, which has been foster parents for about 15 years and has fostered around 13 children, said that the process for an undocumented minor being placed with them is the same as a documented minor—through the Department of Social Services (DSS). The foster parents said that services vary by county and in Orange County, where they are located, there is no difference in the process or services for documented versus undocumented children. The biggest challenge they face fostering children in general is to get the child up to

date with doctors, dentists, schools, psychologists, etc., because the child has urgent needs that have to be addressed within the first couple of months, such as regular doctor and dentist checkups. A three-year old child they fostered had to have all of his teeth pulled out within the first week of arriving with them because the rot was so bad. The foster family said a typical issue that arises with their undocumented foster children is the language barrier as a perceived problem, but they claim there is a language barrier because the child is foreign and not because they are undocumented. They have not seen any differences in fostering documented versus undocumented children, which “has impressed them as you could easily see prejudices or political pressures, but [we] never saw any of that.”

Navigating a Complex and Contradictory Policy-scape

There have also been big differences in policy on the unaccompanied minor issue at the county level, which can be difficult to navigate. Some counties in North Carolina have passed resolutions to welcome the unaccompanied youth, such as Durham, Chapel Hill and Carrboro (Sayers, 2014), whereas other counties, such as Rowan, Surry and Brunswick, have passed resolutions to discourage unaccompanied youth from being placed there and attending their schools (Hui, 2014).

The Southern Coalition for Social Justice (SCSJ) has helped encourage local governments to pass resolutions that welcome the immigrant community. They recently helped the Durham City Council pass a resolution supporting the undocumented children: In January 2015, Durham became the largest jurisdiction in North Carolina to welcome the unaccompanied migrant children when the Durham City Council voted unanimously to adopt a resolution in support of them as they wait for their immigration court date. This resolution encourages Durham residents, businesses and government organizations to welcome the unaccompanied

children in the county (Yu-Hsi Lee, 2015). This was a unique process as it was led by community members—DACA students, undocumented students, and 40 to 50 members of the Latino community, who showed up at the meeting to share their thoughts on the resolution.

4.2 Barriers to Health Access

There are currently many barriers for the unaccompanied children to access medical care. The unaccompanied minors do not qualify for Medicaid and the government does not give them any direct services after they leave ORR facilities. An interviewee at one of the organizations working on health said the unaccompanied youth is “still a population that we’re learning more about. I feel like there is a lot of room for us to grow as far as adjusting to their needs and responding to those.” The organization is working to make sure the unaccompanied youth can access medical care and primary care or any kind of medical service they need by addressing how to work around the need for parental consent for medical care. According to a recent study on access to healthcare for unaccompanied minors, there is misinformation about the laws for a minors consent to treatment—“Although the general rules for serving minors is to require parental consent, the statutes in most states allow clinicians a great deal of flexibility in using their best judgement to determine what course of action would be most beneficial to a patient” (Fernandez, 2014, p.4). In North Carolina, the minor is explicitly authorized to consent on contraceptive services, prenatal care, STI/HIV Services, treatment for alcohol and/or drug abuse, outpatient mental health services and general medical health services (Fernandez, 2014, p.2).

There is also a growing need for mental health services and education around that:

“A lot of these kids have gone through some pretty intense experiences... with sexual assault, especially, and family members doing it... [A]nd then also on top of that, [the kids do not feel] like they can report it anywhere in their home country. [They are afraid of corrupt informants, because] if they do report it, [they can be in] a more vulnerable situation where they could become the target of gangs or police...[So they have the fear of being targeted for reporting the abuse] on top of, you know, whatever the abuse is...”

-Program Officer for Post Release Services

According to a Program Officer for Post Release Services, getting children mental health services can be specifically challenging in North Carolina. A North Carolina non-profit tries to build relationships with mental health agencies throughout North Carolina, which is not an easy state to get services without insurance or a social security card—making it difficult for unaccompanied minors to receive access to medical services. Some mental health agencies and pediatricians have stepped up to provide free services for the unaccompanied children.

“...[O]ther states, recognize better that mental health isn't necessarily something you can control and it does affect the community, whether you treat it or not,” according to a Program Officer for Post Release Services. As organizations work with unaccompanied minors in need of mental health services, they try to reach out and partner with ones that are already serving the Latino populations. But, there are not a ton of Latino agencies in North Carolina, so the ones that exist are “wearing a lot of hats.”

4.3 Denial of a Right to Education

Many of the organizations I spoke with believe that there is a role to ensure that immigrant children have access to quality public education and therefore perceive that some of these children are not getting this right at the policy level and at the individual/family level. One of the private immigration lawyers, Cynthia Aziz, argues that many kids try to take jobs to help

their families out when they are released into custody. Therefore, in her work, she advocates for the unaccompanied minors to remain in school:

“The idea is that these children are given opportunities that they didn't have and that's why they fled, so if they are going to work and not [going to] school, that's not really what this is trying to do. To protect the rights of the child, they need to remain in school.”

-Cynthia Aziz, Immigration Lawyer

As stated in previous sections, according to the 1982 Supreme Court decision, *Plyler v. Doe*, all children, no matter their immigration status, background or economic level, have the right to free public education (K-12) (Schmid, 2013, p. 695). Going against federal law, in North Carolina, some public schools have denied enrollment to unaccompanied minors. The Southern Coalition for Social Justice (SCSJ) has taken on some of the cases where these children were denied or delayed entry into schools.

In May 2014, the North Carolina Department of Public Instruction (DPI) issued a letter to all school districts on the procedures to follow in regard to allowing the undocumented minors to enroll in school.⁷ This included what kinds of documents and questions can be asked for during the enrollment process. For example, children should not be asked for any transfer documents, social security numbers, etc. According to SCSJ, this first letter that went out to school districts was clear in language, accurate and complied with federal guidance. Then, the North Carolina Department of Public Instruction issued a subsequent letter to school districts with authority to supersede the guidelines issued in the first letter. The guidance in this subsequent letter was vague about enrolling immigrant youth and about the documents that schools can ask for and the impact was delayed or denied enrollment for unaccompanied minors in some school districts.

⁷ A copy of the first letter issued to school districts from NC DPI is in the appendix.

“With unaccompanied minor children, a child may be placed with a relative who is not a parent. That relative may be making decisions regarding the child’s health and general welfare, but may not have actual legal custody (i.e. have a court order granting custody). This situation can lead to problems with school enrollment (such as delays) if schools don’t accept other documents showing that the sponsor is making parental decisions for the child and that the parent(s) are not physically present in the locality.”

-George Eppsteiner, staff attorney for SCSJ

Other non-profits in North Carolina work on educating the schools on who “these kids are and that they do have the right to attend school and that there are federal guidelines as to what documentation is needed to enroll,” in order to make sure the school knows what their role is. Interviewees claimed it is helpful when the school districts have clear guidance, especially since the schools have to comply with federal law. A Program Officer for Post Release Services found that some of these issues are at both the principal level and the front desk level, as these are the people that families walk up to. Many times there is no Spanish speaker in the front office or a system in place to get an interpreter. This nonprofit has seen schools “try to use other students or a family member or a younger sibling, even” as an interpreter. Whenever the state government agency sees this, they work to correct the schools and explain the dynamic they create by having “a younger sibling interpret... [for the parents] about what’s happening [at school], especially if there... [are]...behavioral issues [from the older sibling] or fighting going on at school.”

A Middle School ESL teacher in Durham has many unaccompanied children in her class, and her experiences reveal that once kids are in school, problems persist. Specifically, she said, “Half [of the time she] is teaching English and half [of the time she is teaching] how to be in school. [For many of these children]...it’s unclear that you don’t fight for fun and it has taken months of training [for them] not do that.” While these kids may have some behavioral issues,

the Middle School teacher says it never takes much to redirect them on the task at hand because “this is the dream—they are living the dream—to be with mom and to be in the US.”

Need for Teacher Support

According to the Middle School ESL teacher, the two biggest things to help these children be successful are literacy and therapy. She says that the low literacy is very concerning and as a middle school teacher she knows how to teach English, not reading and “abc’s.” One of the struggles she has faced is the huge disconnect between having to teach a child something, such as prepositions of place, when the child, for example, walked alone in the desert for three days. Therapy is also an important need for these children. There are cases of cutting and self-abuse: One child in her class used to cut himself. He has no parents in Mexico or in the US and is living in the US with his aunt, who has financial issues and is not sure how she will be able to keep him, so the child was cutting himself. Now, he is doing a lot better after therapy and no longer cutting himself.

One of the biggest issues the Middle School Teacher has faced is the interrupted schooling—not knowing how much school these children had in their home countries. She says there is no good newcomer curriculum for the teachers to use as guidelines. Some of the children have not spent much or any time in school and were working in their home country. There was a huge setback from the majority teacher stream on why there was not a newcomer center for these children. They asked why the children were being put in their classes and what they were going to do with them.

In the Middle School Teachers class, many of the children feel safe enough to talk about their journey to the United States. She tries to approach the topic as a strength—the obstacles they have overcome are a strength. She has seen some of the parents of these children struggle as

they feel guilty at their separation and are bewildered on how to handle their children; most of the parents have not seen their children in many years, since they have been here in the US, while their children have been in Central America.

One of the major services the Middle School teacher has seen available to these children is El Futuro, an organization that tries to provide support to their clients and the community. Some of the services they provide include mental health evaluations, family and group therapy, psychiatric treatment, and trauma treatment. She tries to refer children and their parents to El Futuro anytime she can; she can tell between a child who has gone to them and a child who has not. She told a story of how one mom heard from friends and family that she would be arrested and deported if she took her child to get services from El Futuro, so she was afraid to seek out the services her child needed. This speaks to the misinformation and fear among undocumented parents about getting their children the services they need.

The Middle School teacher had glowing remarks about her class; she loves working with these children. She says the kids are very grateful all the time and send her thank you notes and pictures.

4.4 Lack of Legal Representation

It is very difficult to navigate our complex immigration system and there is a large need for these children to have legal representation. Legal representation is not guaranteed to these children—unlike the right to council in a criminal proceeding, immigration proceedings do not guarantee defendants the right to an attorney. Participants in the study reveal that immigrant court proceedings are typically slow and backlogged. Many interviewees highlighted the shortage of immigration attorneys and resources available for attorneys to take on the cases.

Several immigration lawyers revealed that there can be overlaps in jurisdiction in some of these cases. Immigration law is completely adjudicated in federal courts, but some of the forms of relief these children are eligible for involves state court. In order to be granted Special Immigrant Juvenile (SIJ) Status, a court order, typically a custody order, is necessary for the application. One immigration attorney said that sometimes attorneys will split cases if the unaccompanied minor qualifies for SIJ status—in some cases they will have someone who handles state court cases in family matters work on the state court order and someone who works on the immigration court.

According to one of the immigration lawyers, many cases are being held up as the adjudicators in North Carolina are not all in agreement on the definition for unaccompanied minors: the child has to be 18 at the time of the custody order, but not at the time of the filing of the immigration application, as long as the child is under 21, which meets the definition of a child for immigration laws, which should be adequate. However, only children who qualify for SIJ status are those who show they have suffered abuse and/or neglect from one or both of their parents. If the child came with the best wishes of the other parent, then the child would not qualify for SIJ status. If the child crossed the border alone, but has two parents in the US now, the child is not going to meet the requirements for SIJ status.

Some undocumented minors have legitimate claims for asylum, but successfully acquiring asylum status is extremely challenging because the definition of asylum in law is narrow. A lot of attorneys are trying to make the argument that the children are trying to stay away from gangs, but they are being targeted and the gangs are inflicting harm on them or their families. However, this argument is not holding up well in court to guarantee children a claim to asylum.

One program that was formed to help provide legal representation is Justice AmeriCorps, which is a collaboration between the Department of Justice, AmeriCorps and other funders. Justice AmeriCorps provides legal representation to unaccompanied minors in deportation proceedings; it's a nationwide program that began December 1, 2014. For North Carolina, Justice AmeriCorps is located in Charlotte because that is the location of the immigration court for the Carolinas. The attorneys in the program receive extensive training and continue to undergo training in order to better represent the children and know the legal relief available to them.

Justice AmeriCorps attorneys are at the court any time there is a juvenile in the court docket. They screen all children to determine if they qualify for their program. If they do, they follow up to get more information and then offer representation. They began meeting children in January 2015, but most will not have their second court appearance until May, June, July or even August. Most of the children will not have an outcome for at least a year, unless they have a release, which means they will either get an order of removal or voluntary departure. Voluntary departure means the US technically does not deport them, but the kids leave of their own free will to return to their home country. One local nonprofit has seen some unaccompanied minors choose to go back to their home country—they help them go back safely and by voluntary departure, which does not bar them from being eligible for a visa; If an unaccompanied minor receives an order of deportation, they cannot apply for a visa for 10 years. Many of the unaccompanied minors trying to stay in the US will not qualify for any relief:

“A lot of these children aren't going to have any sort of relief, so they are going to get deported or get an order of deportation and there's...nothing we can do about it, unfortunately, because we have to follow the confines of the law, so there is only so much we can do.”

-Immigration Attorney

In order to provide legal representation to the children who arrived during the surge, Legal Services of Southern Piedmont (LSSP) runs a program called the Immigrant Assistance Program, where they coordinate about 40 volunteer attorneys at the immigration court to screen any unrepresented respondents at the immigration court. Any child who is identified for SIJ status is placed in a pro bono project. They have provided about 100 children with legal representation so far, who otherwise would not have had it. According to Mark Bowers, an Immigrant Justice Attorney, LSSP also does a 2 hour long full legal orientation for sponsors of the unaccompanied children to explain the process of reunification, outline their responsibilities as sponsors with a focus on identifying trauma and identifying mistreatment, exploitation, and trafficking.

Another organization that provides individual representation to unaccompanied children is the NC Justice Center. They increased the number of SIJ status cases they took because they were concerned about the increasing number of children going through the Charlotte Juvenile Docket of court without representation. According to an interviewee at the NC Justice Center, these children face many challenges at court when being asked to divulge details of their life, family and migration by ICE or an immigration judge without representation and with the language barrier. Many of these children do not speak English and do not understand what is happening during their proceedings. Many immigration attorneys worry when they have to say no to some of these cases due to lack of resources as these children may go without legal representation to court:

“These kids are...[usually]...fleeing for their lives, and we aren't going to be able to help all of them just because of the way our laws work and because of the particulars of being in North Carolina and in this circuit.”

-Immigration Attorney

Many private immigration attorneys have been taking on unaccompanied minors cases pro bono. Each case is very intensive, requiring a lot of time and deadlines. Cynthia Aziz, a private immigration attorney, has one case that she has been handling for going on three years—all for free. She says, “It would be lovely if we had more services around us to help support that pro bono effort,” so that immigration attorneys can continue to provide pro bono services.

The environment for enforcement and immigration is changing right now—one immigration attorney says: “There is a shifting of policy in the US—the shift is sometimes very humanitarian, seemingly, and other times it goes backward with the political shift.”

5. Discussion

“We hoped...instead that many political leaders would see this as an opportunity to live up to our best ideals of humanitarian relief, of being a nation of immigrants, and also, that we always should want to band together to protect children...”

-Interviewee at a North Carolina nonprofit

The children crossing the US-Mexico border are rendered effectively stateless when they enter the United States. They are fleeing their home countries (El Salvador, Guatemala, Honduras, and Mexico), where they have citizenship, due to a variety of reasons, including gang violence and gang targeting, drug trades, poverty, and domestic violence (UNHCR, 2014, p.7). These children are giving up the rights available to them in their own countries through citizenship in an effort to find a safe haven in the United States, where they are routinely denied fundamental rights to which children should have access in the US. At the same time, these children are not passive victims. Those who have been apprehended in the US have demonstrated tremendous capacity to protect themselves by virtue of their journey.

The unaccompanied minors fall under a form of statelessness called *de facto* statelessness, which means they have a legal nationality, but lack legal migration status for the

country they currently reside in (Bhabha, 2011, p.3). A framework of statelessness as an intervention would not necessarily provide better access for the unaccompanied minors. Children are a vulnerable population who rely on the state for protection (Bhabha, 2011, p.13). In many cases, children who are stateless are being denied protections and basic human rights.

The unaccompanied minors crossing the US-Mexico border have been increasingly in the media as their numbers continue to grow. Their situation and their lack of a state has brought attention to them, but it has not necessarily opened doors of access. Many organizations have formed and stepped in to help get these children services, such as legal representation, which may have not have happened if they were not stateless. This can be seen in North Carolina with the network of agencies working with the unaccompanied minor population to provide legal and social services. While there are some benefits the unaccompanied minors have received from groups working with the population, there still are disjunctures on what benefits they can receive, except for education, once they leave federal custody.

The unaccompanied minors are being denied access to legal representation, health care, and even in some cases, education—although it is federal law for all children to have access to public education (K-12), no matter their legal status. Being stateless is a problem for these children as they no longer are afforded the protection of the state as children. In this case, with the unaccompanied minors, it is necessary to look at the root cause of that statelessness, which could be one of the solutions in protecting them.

As scholars of citizenship and exclusion often note, there is a tension between protecting human rights and national security—a tension that often results in ambivalent treatment (Arendt (1968), Agamben (1998), Bhabha (2011)). As people continue to migrate across borders in large numbers, states have become concerned about their security and have increased enforcement.

Since September 11, 2001, the United States has passed legislation to decrease the number of immigrants coming into the US and to strengthen immigration checkpoints and borders in an effort to manage the movement of migrants into the US (Skrentny, 2011, p.303). While these acts help protect the country and its national security interests, they often take away some of the human rights elements, making it more difficult for people fleeing harsh conditions, such as the unaccompanied minors, to find safe havens.

The importance of identifying documentation has increased with the surge of migrants, particularly unaccompanied minors, into the United States. Documentation is used by states to figure out who citizens are and exclude those who are not by denying them entry into the country, as well as protections and services. Blitz and Lynch (2011, p.201) conclude through their research that the stateless focused less on their need for healthcare, education and social assistance from the state. However, as my research has shown, when it comes to the unaccompanied children, these are very important and necessary services they need access to.

There is a need for better guidance in place by the international community on what the stateless, especially children, are entitled to, in order for a framework of statelessness to provide better access and afford benefits. The UNHCR is working on a 10 year campaign to end statelessness, but the results of this campaign will not be seen for many years and will not target these children. Laura van Waas (2011, p.31) focuses on the role that international law plays on nationality and if nationality can be a remedy for the stateless, who have fallen between gaps in protection. She concludes that those who are stateless may be excluded from certain rights, until they are no longer stateless (van Waas, 2011, p.31-32). This likely depends on the country and the right—For example, in the United States, all children are entitled to access to education no matter their legal status. Stateless children are able to gain access to education, until high school.

After that point, it depends on the state and the higher education institution as to whether they can attend college and there are often many barriers, such as cost.

My research has shown that there is a need for an open conversation about immigration, specifically in regard to the unaccompanied minors, in the United States and in North Carolina. There is a lack of information and a spread of misinformation on what actually happens when these children arrive in the United States and then go to different states, and these problems in information impede the capacities of support organizations to offer basic services and protections to children and their families! Once these kids are released to the state, in many cases they fall out of the reach of the federal government. They are supposed to attend immigration court for their court hearings, which is federal, but states are responsible for providing services. Difficulties can arise with this as states have very different policies and feelings towards unaccompanied minors. There is also no process in place to follow up with the families and children after their final immigration court hearing. To date, it is unclear how these children are faring once they are given the rights to stay.

Due to the current political climate and the spread of misinformation, North Carolina is not an easy state for the unaccompanied minors to be in. It is a common misconception that these children are sent to North Carolina without a purpose and dropped off for the state to take care of. In actuality, they are only sent to North Carolina if they have been released to sponsors, who already live in the state. These children are often fleeing dire circumstances and rejoining families that are already living in the United States. States vary in what services and protections they provide for undocumented minors. Since there is such variability in attitudes towards the unaccompanied minors and services offered, unaccompanied minors in some states and even counties within those states may have easier access to education, healthcare, legal representation

and other social services.

Since there is a lack of information, a spread of misinformation and no firm direction from the state, many times the policies regarding unaccompanied minors are left up to the county. In North Carolina, some counties have welcomed unaccompanied minors, while other counties have tried to bar entrance and expressed negative feelings towards them. In some counties, undocumented minors in North Carolina have been denied enrollment into schools, even though it is against federal policies to deny any child enrollment. Some unaccompanied minors in North Carolina have been able to receive legal representation, but others have been unable to obtain it. And, some have been able to receive health services, while others have not. This variability in services shows that there is confusion on how this population fits into the state and the United States as a whole.

Through my research, I found tensions between the gaps in information sharing and a network of people working with the unaccompanied minors. It seems that there is a lack of a clear picture on what is happening with the unaccompanied minors in North Carolina, but after conducting my research, I discovered an entire network of people and organizations that are working towards getting these children legal representation, access to education, access to health care, and other important services. It is possible that the system is rendered less visible due to the political situation in North Carolina, and the US in general, and the negative feelings towards immigration.

5.1 Limitations of research and new directions

There is a lack of data on what happens to the unaccompanied minors once they cross the US-Mexico border, are apprehended by Customs and Border Protection (CBP), and then released to sponsors in different states. Because my research was limited to the state of North Carolina,

the research cannot speak to the ways in which kids end up in different states, but placement appears to be linked to where their families are living. I looked at the unaccompanied minor situation in North Carolina from many angles and perspectives by interviewing people in organizations at different levels from the federal to the state to the non-profit to the private sector, as well as a foster family that has fostered undocumented children. A future direction for this research would be to look at the situation in other states and see where the similarities and differences are. I was also limited by time constraints, and while able to construct most of the picture for what happens when the unaccompanied minors are in North Carolina, I was unable to speak with every organization working with this population. Through my research, I have found there is a need for projects, such as this, to shed light on the reality of where the unaccompanied minors are, why they are here and what services are available to them. There is a need for more accurate information, more resources for groups working with these unaccompanied minors, more legal representation to help the children fleeing horrible circumstances have a chance at a safe haven, more information on the rights available to these children in different states and a clearer picture of where they can go.

6. Conclusion

In this thesis, I have investigated the protection outcomes among the undocumented minors from Central America who arrive in North Carolina. An examination of the literature on unaccompanied minors exposed a lack of research on the protection of undocumented minors in the US, the tensions between child protection and national security and the dependence children have on the state for basic services. This thesis attempted to fill the gaps in the literature on protection by looking at the process unaccompanied minors go through after arriving in one state, North Carolina, and the services available to them following their arrival. I did so by conducting 14 semi-structured interviews with foster parents, immigration attorneys and agencies involved with the undocumented population, and an archival analysis of newspaper articles for confirmation of findings. Through my research four themes emerged regarding the process of unaccompanied minors arriving in North Carolina and the services and rights available to them: 1) Gaps in Information Sharing and Perpetuation of Damaging Myths; 2) Barriers to Health Access; 3) Denial of a Right to Education; and 4) Lack of Legal Representation. I argue that gaps in protection stem from information gaps and misinformation about child migrants, lack of support systems for both child migrants and their families, as well as for teachers, lawyers and clinicians who serve these children, and lack of clear guidance from the state.

In conclusion, the question remains: What should be done to enhance support? Based on the research, I offer the following sets of guidelines for enhancing support at state, county, city, school, etc., levels:

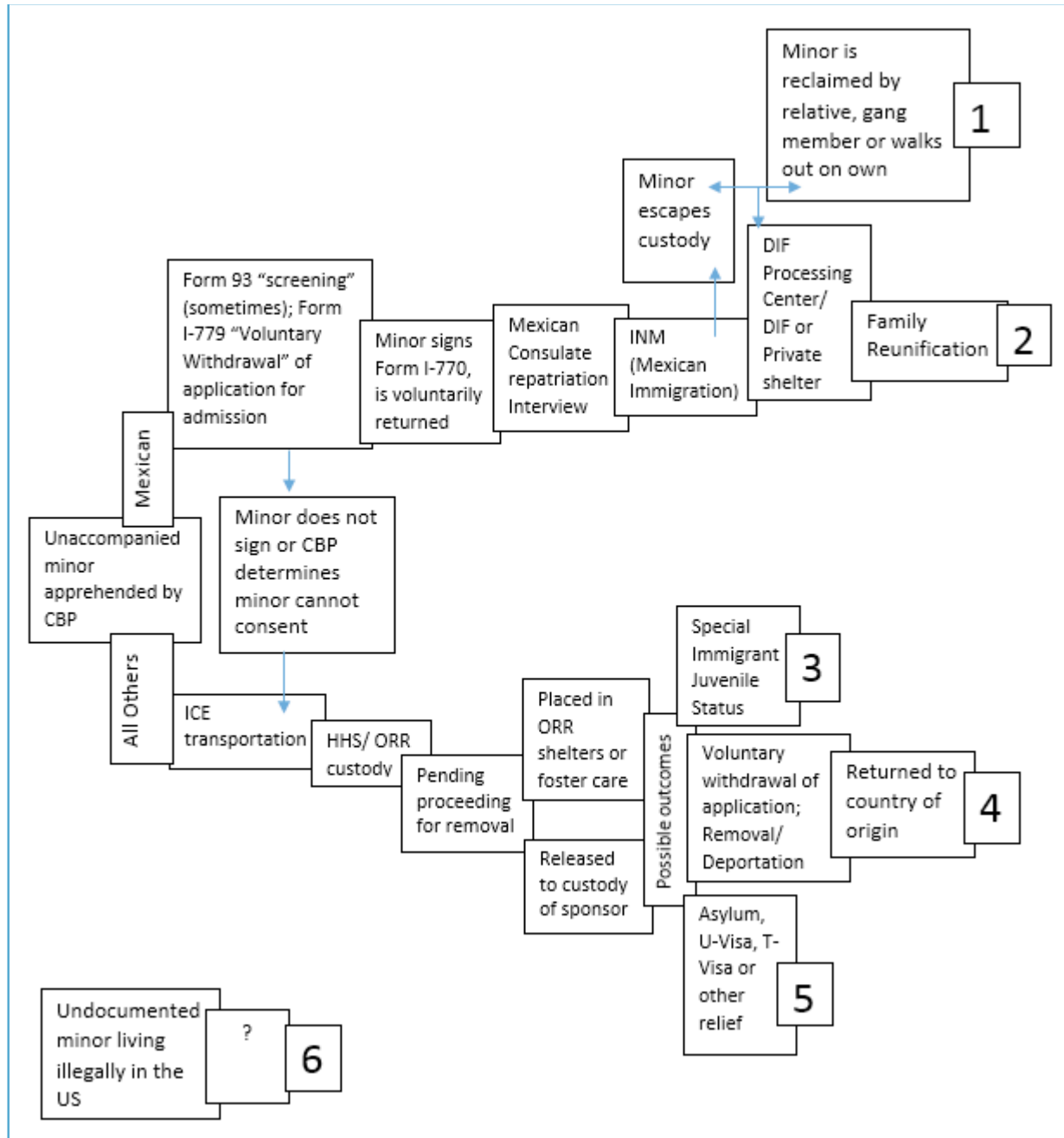
1. Release accurate information about the reasons why undocumented children migrate to the US, and avoid hyperbolic, sensational news coverage of the issue.

2. Release information on the services and rights available to the undocumented children to agencies working with this population.
3. Increase support for attorneys providing pro bono legal representation to the unaccompanied children.
4. Strengthen help for teachers when they must act as social workers and counselors, such as ensuring families have counselors, to support their effort to bring kids up to speed rapidly in the classroom.
5. Expand access to mental health services for the unaccompanied children.

Glossary of Acronyms

AILA-American Immigration Lawyers Association
Charlotte CAN-Compassion Action Network for Children
CPS-Child Protective Services
DACA-Dream Act and Deferred Action for Childhood Arrivals
DAPA-Deferred Action for Parental Accountability
DHS-The Department of Homeland Security. Within DHS:
 CBP-Customs and Border Protection
 OBP-Office of Border Patrol
 OFO-Office of Field Operations
 ICE-Immigration and Customs Enforcement
 USCIS-U.S. Citizenship and Immigration Services
DOJ-Department of Justice. Within DOJ:
 EOIR-The Executive Office of Immigration Review
DoS-Department of State
DPI-Department of Public Instruction
DSS-Department of Social Services
HHS-The Department of Health and Human Services. Within HHS:
 ORR-Office of Refugee Resettlement
INS-United States Immigration and Naturalization Service
IRCA-Immigration Reform and Control Act of 1986
LSSP-Legal Services of Southern Piedmont
PRWORA-Personal Responsibility and Work Opportunity Reconciliation Act of 1996
SCSJ-Southern Coalition for Social Justice
SIJ-Special Immigrant Juvenile Status
TVPRA-The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
UAC-Unaccompanied Alien Child
UN-United Nations. Within the UN:
 UNHCR-United Nations High Commissioner for Refugees
 UNICEF-United Nations Children Fund

Figure 1: Adapted to show outcomes in the Framework of Action for Protecting and Sorting Minors in the US



Source: Adapted from Cavendish, B. & Cortazar, M. (2011) Children at the Border: The Screening, Protection and Repatriation of Unaccompanied Mexican Minors. *Applesseed*. p.21.

Figure 2: UAC Initial Placement Referral Form

Unaccompanied Alien Child (UAC) – Initial Placement Referral Form
See Footer for Instructions – Last Updated 01/03/13

UAC Information

Last Name	First Name	Middle Name	A#	DOB	Gender
					Choose one
Alias:					
Country of Birth	Immigration Status	Health Concerns?:	Criminal Charges?:		
	Choose One	<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Medical/Mental Health Information section.)	<input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, complete Secure/Staff Secure Addendum)		

UAC Apprehended With:

Parents/Legal Guardians Other Related Adults Related Minors Alone

Please provide the following for all relatives apprehended with the UAC, if more space is needed, use the *Referral Notes*:

Name	A #	Relationship to UAC

Medical/Mental Health Information

Does the UAC report or appear to have any medical or mental health conditions?

<input type="checkbox"/> Pregnancy <input type="checkbox"/> Injury <input type="checkbox"/> Illness <input type="checkbox"/> Other	Summary (List diagnosis, medications, observations, and number of months pregnant) Click here to enter text.
---	--

Scan and email or fax available Medical/Mental Health documentation to ORR/DUCS along with this form.

Apprehension and Transfer Information

	City and/or Location Code	ST	Date
Entry			
Apprehension			
Current Location			

Office/POE Loc Code	Processing Officer's Name	Email Address	Desk Phone	Cell Phone
ICE Office Loc Code	FOJC Name	Email Address	Desk Phone	Cell Phone

Referral Notes

Email this form to orrducs_intakes@acf.hhs.gov, with a copy to your ICE/DRO FOJC.
 Additional documentation should be scanned and emailed along with this form or faxed to 202-401-1022.

Figure 3: First memo issued to School Districts from NC Department of Public Instruction




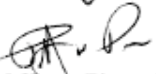
PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

WWW.NCPUBLICSCHOOLS.ORG

May 12, 2014

TO LEA Superintendents
Charter School Directors
PowerSchool, Home Base, and Data Collection Coordinators
Program Coordinators

FROM June St. Clair Atkinson 
Philip W. Price 
Chief Financial Officer, Financial and Business Services

REGISTRATION/ENROLLMENT PRACTICES AND REQUIREMENTS

For next school year, I would like to remind you of some of policies regarding admission and enrollment of students in North Carolina public schools and the administrative requirements for enrolling them without denying or delaying enrollment.

All students under the age of 21, who are domiciled in school administrative units and have not been removed from the schools administrative unit, or who have not obtained a high school diploma, are entitled to attend the public schools to which they are assigned by local boards of education.¹ North Carolina students under the age of 21 who have not yet graduated may not be told they are too old or otherwise ineligible to enroll in school because they lack credits, English language skills, or for any other reason.

Students should be enrolled in school immediately and should not be denied access to school while schools validate documents required to register. Any validation of a student's age, residency, or other registration documentation may be conducted subsequent to admission and enrollment of the student. In short, lack of registration documentation shall not bar a student from enrolling; students should be registered and allowed to attend school while document validation is taking place.

Students should be enrolled in school without regard to when in the school year they attempt to enroll. Students seeking to enroll near the end of the school year or at any other time must be enrolled immediately.

¹ Guidelines to enrollment can be found in the School Attendance and Student Accounting Manual: <http://www.ncpublicschools.org/docs/fbs/accounting/manuals/sasa.pdf>, specifically Chapter 1 and Chapter 2, section II.

OFFICE OF THE STATE SUPERINTENDENT

June St. Clair Atkinson, Ed.D., *State Superintendent* | june.atkinson@dpi.nc.gov
6301 Mail Service Center, Raleigh, North Carolina 27699-6301 | (919) 807-3430 | Fax (919) 807-3445
AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

LEAs cannot require students to take an English proficiency examination as a condition of enrollment. If taking such an examination is necessary for determining placement in an English as a Second Language program, the student should always be enrolled first before requiring the examination. Some LEAs have been denying enrollment to students who do not produce a certified copy of their birth certificate. However, a certified copy of a birth certificate is not the only acceptable way to verify a student's age. Examples of documents that may be accepted as proof of a student's age include but are not limited to:

- Photocopy of a birth certificate
- Previously verified school records
- State-issued identification document
- Driver's license
- Passport
- Parent's affidavit
- Physician's certificate verifying a student's age
- Life insurance policy
- Immunization records
- Entry in family Bible
- Baptismal or church certificate

School districts, whether through registration, student information verification, or other data collection, may not require Social Security Numbers, may not ask questions regarding or evidence of immigration status, or for any other documentation that is not required in order to register or enroll in school.

If students are eligible for free or reduced lunch, failure to follow these procedures will result in incorrect certification numbers. Incorrect certifications will lead to reduced funding amounts for the LEA due to inaccurate counts of students and Free/Reduced Lunch participants.

Thank you for your work in ensuring that North Carolina public schools enroll students as quickly as possible and are welcoming and accepting of new students.

If you have any questions regarding this communication, please feel free to contact Sandra Johnson at Sandra.johnson@dpi.nc.gov or (919) 807-3737.

JSA/PWP/AS/SJ/dkm

Appendix 1: Interview Protocol for Foster Family

My questions are designed to fill the gaps in protection for undocumented minors crossing the US-Mexico border and arriving in North Carolina. Here is a sample interview protocol:

Introduction:

As you know, I am a Masters of Public Policy candidate at the Sanford School of Public Policy at Duke University. I am working on a Master's thesis related to the unaccompanied minors crossing the US-Mexico border and arriving in North Carolina. This interview will help me to understand what particular challenges face these youth and their guardians in order to enhance the supports you receive in caring for these kids.

Interviewee Background:

So, I am going to start with some questions about your background...

How long have you been a foster parent?

What made you decide to become a foster parent?

How many kids have you fostered?

How many of those have been undocumented? How do you know the documentation status of the kids?

Interview Questions:

I am trying to understand how the undocumented children end up with your family. Can you tell me the story of how an undocumented minor ends up with your family?

How did you decide to take in undocumented minors?

Who identified you as a foster family that an undocumented minor could be placed with?

What are the challenges you have faced?

How long do the children normally stay with you?

What services/programs/resources are available to you?

What services/programs/resources are available to them?

Can you tell me about a particularly frustrating experience you have had in terms of trying to advocate for your kid? (health care, schooling? legal? etc.).

Can you tell me about a particularly rewarding experience you have had?

(If they foster undocumented minors and documented minors) Are there any differences in fostering documented vs undocumented minors?

Additions:

Is there anything else you would like me to add that I left out?

Is there anyone else you suggest I speak to?

Thank you for your time.

Appendix 2: Interview Protocol for Agency and Attorneys

My questions are designed to fill the gaps in understanding how undocumented minors arrive in North Carolina and are placed in different kinds of care. I also seek to understand what special or unique kinds of protection needs these kids and their guardians have, in order to enhance protection services for them and their appointed families. Here is a sample interview protocol:

Introduction:

I am a Masters of Public Policy candidate at the Sanford School of Public Policy at Duke University. I am working on a Master's thesis related to the protection needs of unaccompanied minors crossing the US-Mexico border who arrive in North Carolina.

Interviewee Background:

What is your position?

How long have you been at this institution?

In what capacities do you work with undocumented youth and their guardians or guardian institutions?

Interview Questions:

I am trying to understand how the undocumented minors end up at your agency. Can you tell me the story of how an undocumented minor ends up at your agency? The process? Are these processes very different? If so, how?

How do you determine what happens to the child/ where the child is placed?

If it's a foster family, how do you pick the foster family?

Briefly describe what kinds of programs/ services your agency provides for undocumented minors.

How have programs/services changed for undocumented minors? Why?

What is your agency's goal in regard to the population of undocumented minors in the US?

How does state jurisdiction affect you? Do you work with state officials? In which ways? Do your goals compete or conflict with state goals? How?

Are you affected by federal jurisdiction also? In what ways do you work with the federal government and federal agencies? In what ways does your work conflict with federal government goals?

What governmental and non-governmental agencies, if any, do you work with for undocumented minors?

Have you found any tensions between agencies working with undocumented minors? If yes, what are these tensions related to? Do they affect service provision to youth and their appointed guardians?

What resources are available to your agency to support undocumented youth and their appointed guardians?

What is your agency's greatest challenges in addressing the needs of undocumented minors? What have been your agency's greatest successes?

Is there anything else you would like me to add that I left out? Is there anyone else you suggest I speak to?

Thank you for your time.

Appendix 3: Recruitment Emails

Recruitment email for Agency or Attorneys

Hi _____,

_____ referred me to you. I am a Masters of Public Policy candidate at the Sanford School of Public Policy at Duke University working on a Master's thesis related to the unaccompanied minors crossing the US-Mexico border and arriving in North Carolina. I am investigating how policies in the US, and specifically within NC, ensure the protection of undocumented minors crossing the US-Mexico border and arriving in NC. I am conducting several interviews to help me fill in some of the gaps of what happens when the undocumented minors cross the border and arrive in North Carolina. Would you be willing to participate in an interview? It will only last around 30 minutes.

Thanks,
Brianna Van Stekelenburg

Recruitment Email for Foster Family

Hi _____,

_____ referred me to you. I am a Masters of Public Policy candidate at the Sanford School of Public Policy at Duke University working on a Master's thesis related to the unaccompanied minors crossing the US-Mexico border and arriving in North Carolina. I am trying to learn more about the different types of protections in place for unaccompanied minors crossing the US-Mexico border and arriving in North Carolina. Specifically, I am interested in policies that protect undocumented youth, once they cross the border and arrive in North Carolina. I am also trying to find any gaps that exist in these policies, in particular any challenges these youth and their guardians face. Would you be willing to participate in an interview? It will only last around 30 minutes. If you agree, you can skip any question you do not want to answer, stop the interview at any time, or ask to be withdrawn from the research at any time.

I look forward to hearing from you,
Brianna Van Stekelenburg

Appendix 4: Consent Form—Professionals/ Experts

Consent to Participate in a Research Study

Investigator: Brianna Van Stekelenburg
Faculty advisor: Amada Flaim, Ph.D.

Purpose

The purpose of this study is to gather information about the different type of protections in place for unaccompanied minors crossing the US-Mexico border and arriving in North Carolina. Specifically, I am investigating how policies ensure undocumented youth are protected, once they cross the border and arrive in North Carolina.

The information I collected will be used to inform my Master’s Project for the Sanford School of Public Policy at Duke University.

Procedures

Participation in this study includes a 30-minute interview. With your permission, I would like to audio-record our conversation. Audio-recordings will be discarded after they have been transcribed. It is up to you whether you choose to be audio-recorded or not.

Confidentiality

Findings from this research will be submitted to Duke University, the Center for Adoption Policy, and scholarly journals. My final report may also appear online.

With your permission, I would like to identify you by name and affiliation in my research. If you choose not be identified, I may use a pseudonym or vague identifier, such as, “immigration attorney” or “service provider.” It is up to you whether you choose to be quoted/identified in my research or not.

Voluntariness

Participation is voluntary. If you agree to be in this study, you can skip any question you do not want to answer, stop the interview at any time, or ask to be withdrawn from the research altogether. You can also choose whether or not you would like to be audio-recorded or quoted/identified in my research.

Contact Information

For questions about my research, please email me at bv27@duke.edu, or my advisor, Amanda Flaim, at amanda.flaim@duke.edu.

For questions about your rights as a participant in my research, please contact the Duke University Institutional Review Board at ors-info@duke.edu or 919-684-3030.

Please indicate how you would like to participate in my research:

Do I have permission to use your real name and affiliation in my research?

YES

NO

Do I have permission to audio-record the interview?

YES

NO

Please sign and date below to participate in my research:

Name of Participant

Date

Name of Person Obtaining Consent

Date

Appendix 5: Consent Form—Foster Families

Consent to Participate in a Research Study

Investigator: Brianna Van Stekelenburg
Faculty advisor: Amada Flaim, Ph.D.

Purpose

The purpose of this study is to learn more about the different types of protections in place for unaccompanied minors crossing the US-Mexico border and arriving in North Carolina. Specifically, I am interested in policies that protect undocumented youth, once they cross the border and arrive in North Carolina. I am also trying to find any gaps that exist in these policies, in particular any challenges these youth and their guardians face.

I will use the information I collect from our conversation to write my Master's thesis to graduate from Duke University.

Procedures

Being in this study includes a 30-minute interview. With your permission, I would like to audio-record our conversation. Audio-recordings will be destroyed after they have been transcribed. It is up to you whether you choose to be audio-recorded or not.

Confidentiality

My Master's thesis will be submitted to Duke University, the Center for Adoption Policy, and scholarly journals. My thesis may also appear online.

You will not be identified by name in my research. I will use a pseudonym or vague identifier, such as, "foster parent" or "sponsor" to represent you.

Voluntariness

You do not have to be in this study if you do not want to. If you agree to be in this study, you can skip any question you do not want to answer, stop the interview at any time, or ask to be removed from the research completely. You can also choose whether or not you would like to be audio-recorded in my research.

Contact Information

For questions about my research, please email me at bv27@duke.edu, or my advisor, Amanda Flaim, at amanda.flaim@duke.edu.

For questions about your rights as a participant in my research, please contact the Duke University Institutional Review Board at ors-info@duke.edu or 919-684-3030.

Please indicate how you would like to participate in my research:

Do I have permission to audio-record the interview?

- YES
- NO

Please sign and date below to participate in my research:

Name of Participant

Date

Name of Person Obtaining Consent

Date

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