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Assessing Parental Fitness and Care for Unaccompanied Children



LAUREN HEIDBRINK

Despite an increasing visibility of unaccompanied children in the media and among policymakers, little is known about the experiences of unaccompanied children within and beyond immigration detention. Based on a three-year, multi-sited ethnography with migrant children and their families, this paper traces the impact of U.S. institutional sponsorship policies and practices on unaccompanied children and their families. The article delineates several intersecting institutional logics—the universalization of childhood, the pathologization of mobility, and the criminalization of transnational parents—that underpin federal policies and practices for the care and custody of unaccompanied children. The article argues that these policies overflow from the spaces of detention and shape young people’s help-seeking behaviors and sentiments of belonging following release from detention.

Keywords: unaccompanied children, detention and deportation, migration

Since 2010, the number of unaccompanied migrant children in federal custody has increased from approximately eight thousand annually to more than sixty-eight thousand in 2014. The influx of unaccompanied children has created a humanitarian crisis on the U.S.-Mexico border, generating an expansive network of institutions and organizations designed to “care for” children in immigration detention while the state attempts to remove them via deportation.¹ Reports by the United Nations High

Commissioner for Refugees (UNHCR) and nongovernmental organizations (NGOs) largely attribute the influx of migrant children to gang violence, child abuse, and deepening poverty in El Salvador, Honduras, and Guatemala (Bookey 2014; UNHCR 2014). This line of thought frames the child as pathologically vulnerable, susceptible to adult malfeasance, be it parental abuse or neglect or criminal networks. Such explanations often presume that parents are either abusive or neglectful and un-

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1. An unaccompanied child is an individual under the age of eighteen without a parent or legal guardian able or willing to provide care and custody. Although the term *separated children* more accurately reflects the contingent and temporary nature of separation, the juridical category of the *unaccompanied child* used in the United States is a useful point of analysis because it alludes to children who are alone or unattached to kin or community, a claim that is the basis of legal and institutional interventions (for further discussion, see Heidbrink 2014, 34–36).

able or unwilling to protect and to care for their children. It further assumes that children are not involved contributors to their own migration decisions. Research with migrant children and their families reveals a compelling need to consider alternative narratives of unaccompanied child migration.

Although the past decade has brought increasing visibility to unaccompanied children in the media and among policymakers, little is known about the experiences of unaccompanied children beyond immigration detention.² Elsewhere I document the experiences of unaccompanied children in immigration detention in the United States and the ways they navigate immigration and family court (Heidbrink 2013, 2014, 2015). The question here is what happens to young people and their families following their release from detention. How do detention practices and institutional policies shape young people's everyday experiences as they adjust to life in a new country? How do young people understand these policies? And, what are the intended and unintended consequences of institutional policies on young people and their families?

In response to these questions, this article examines the institutional practices of sponsorship, colloquially termed family reunification, within Office of Refugee Resettlement (ORR) detention facilities for unaccompanied children. Under the Flores Settlement Agreement of 1997, unaccompanied children must be placed in the least restrictive environment, allowing them to be released to a parent or sponsor while removal proceedings are contested in immigration court.³ ORR has designed a sponsorship process in which a parent or qualifying sponsor can complete a series of paperwork with the corresponding supporting documentation to secure an unaccompanied

minor from federal custody. For those families able to secure the requisite documents and forms necessary to substantiate a parent's or sponsor's relationship to the child, ORR evaluates the suitability of the care provider and the caregiving environment following a series of institutional logics, logics that, I argue, are based on a series of flawed assumptions. Although these policies are designed to assess the safety and well-being of custodial relationships, tensions emerge between institutionalized notions of children's best interests and the complex sociocultural realities that may spur transnational migration of young people. In particular, I detail a coercive logic behind the ORR's policies and practices that simultaneously universalizes the space of childhood, ignores global inequality spurring migration, and pathologizes the mobility of young people. Such thinking is rooted in a heteronormative notion of the family, which implicates both kin and culture, and in its unattainable standards, ORR risks marginalizing young people and their families.

The confluence of cultural, legal, and institutional assumptions that undergird ORR's family reunification policies are predicated on a presumption that parents of unaccompanied children are unfit, in contrast to the presumption of suitability, absent an accusation of abuse, abandonment, or neglect, customary in the domestic child welfare system (see, for example, Thronson 2005, 2006). To overcome this presumptive deficit, ORR has bureaucratized assessments of parental fitness in a series of institutional processes that are at once disorienting for children and parents and at times insurmountable. Although much of the communication involved in the family reunification process is conducted by telephone and mail,

2. For a curated visual exhibit of the public discourses among the news media and nongovernmental organizations surrounding unaccompanied children in the United States, see <http://www.youthcirculations.com> (accessed March 8, 2017).

3. The 1997 Flores Agreement stipulates that the INS must ensure the prompt release of children from immigration detention; place children with a pending release from detention in the "least restrictive setting appropriate to the minor's age and special needs"; and implement basic standards of care and treatment of children in immigration detention, including a range of requirements for mental health services, health care, education, recreation, religious services, access to legal representation, telephones, and transportation arrangements. The Flores Settlement Agreement continues to set the minimum standards for the care of unaccompanied children in federal custody.

suitability assessments involve a home visit by subcontracted caseworkers to evaluate the caregiver and the caregiving environment and to issue a recommendation to ORR in a written report. Through an analysis of suitability reports and through the observation of home visits, this article examines the ways ORR enters the domestic sphere to assess care and the tension that emerge between assessment criterion and the meanings young people and their families assign to these institutional evaluations.

From long-term ethnographic research with young people within and beyond detention, we learn that the family reunification process has rippling effects on young people and their families long after children are released from detention. Children must contend with competing demands—at once encouraged to assimilate into American life through school attendance, participation in recreational activities, and securing social and health services, yet imminently deportable, needing to secure often costly legal representation to contest their removal in immigration court. These contradictory messages also have an impact on sponsors. ORR requires that family members or sponsors provide a nurturing and supportive environment, yet sponsors must sign agreements to surveil children's actions and movements at great consequence to both young people and their families. In these and other ways, the state shapes the everyday lives of young people beyond the confines of detention. At the same time, young people and their families navigate and contest the imposition of these contradictory demands in ways that attempt to preserve family integrity. By bringing together policies and practice with the everyday experiences of unaccompanied children and their families, I aim to highlight the complex ways young people experience the policies intended to ensure their best interests.

RESEARCH METHODS

This paper emerges from a three-year, multi-sited ethnography (from 2007 to 2010) that focuses on a largely invisible population of unaccompanied migrant children in highly restrictive and largely inaccessible spaces, such as border patrol stations, immigration detention, immigration and family courts, and in

communities. In the larger study, from which this article emerges, I conducted multiple, one-on-one interviews with eighty-two detained and nondetained children from nineteen countries in five facilities in Illinois, Texas, and Indiana, and supplemented that information with participant observation for ten months within additional ORR facilities in New York, Arizona, and Virginia. I interviewed more than 250 stakeholders—individuals engaged in the apprehension and detention of migrant children, including government bureaucrats, NGO facility staff, follow-up service providers, attorneys, guardians ad litem, state court and immigration judges, border patrol and Immigration and Customs Enforcement (ICE) agents, consular officials, foster families, teachers, and policymakers across multiple sites in the United States, Mexico and El Salvador. In addition, I analyzed the files of eighteen unaccompanied children who underwent suitability assessments, accompanied caseworkers in home visits, and conducted semi-formal interviews and participant observation with another twenty young people who received follow-up services provided by ORR subcontractors. I draw on this larger study to provide context for the following ethnographic research with a sample of twenty-six youth and their families or sponsors living in the United States. I focus on their experiences of release from immigration detention, the integration of young people into families, and the force of institutional and legal processes on everyday experiences and help-seeking behaviors of young people.

The majority of young people with whom I conducted longitudinal, ethnographic research are from Mexico ($n = 4$) and Central America (Guatemala, $n = 8$; El Salvador, $n = 5$; Honduras, $n = 3$; and Nicaragua, $n = 1$). Four additional countries are represented in this sample: Somalia ($n = 2$), China ($n = 1$), India ($n = 1$), and Brazil ($n = 1$). In addition to participant observation, archival research, and surveys, I conducted multiple informal or semi-structured interviews lasting one to three hours in English, Spanish, or Portuguese; all translations are my own. The majority of interviews with young people were conducted in person, both while detained and at various points after their release. The remaining inter-

views, primarily with those who moved multiple times, were conducted by telephone. When possible, interviews were recorded and transcribed. In compliance with the policies of ORR and individual facilities, interviews conducted within detention centers were not recorded. For these, I relied on handwritten notes taken during interviews and transcribed immediately afterward. This longitudinal ethnographic approach allows me to track change over time and to critically examine the consequences of policies and institutional practices on young people and their families.

After the research was completed, I served as guardian ad litem (GAL) for unaccompanied children, visiting them in immigration detention and accompanying them following release as they enroll in school, seek employment, access services, and attend immigration court. Although this ongoing GAL work is excluded from this paper for both confidentiality and ethical considerations, it informs my analysis of ongoing patterns and trends.

In contrast to media accounts, which depict unaccompanied child migrants as alone or abandoned by their families, I use the household as the primary unit of analysis because migrant children and youth are members of rich social and kinship networks. Anthropologists have long recognized that migrants are members of transnational, multigenerational households and that children contribute to familial migration decisions (Brettell 2003; Fass 2005). By focusing on households affected by child detention, I attend to how young people reintegrate into their families, peer groups, and communities, paying close attention to the ways institutional policies and practices shape intimate, familial relationships. This methodological approach allows for an analysis of the unintended consequences of policies and practices on children and their families when state-sanctioned care is considered complete.

INSTITUTIONAL ASSUMPTIONS OF CARE

One of the few benevolent provisions for children under U.S. immigration law is that unaccompanied children can be released from immigration detention to the custody of a parent or sponsor without posting a bond as they con-

test removal proceedings in immigration court. Within seventy-two hours of apprehension, whether by ICE within the interior of the United States or by Customs and Border Protection along the U.S.-Mexico or U.S.-Canada border, unaccompanied children are transferred to the care and custody of the Department of Health and Human Services' Office of Refugee Resettlement. Through a series of subcontracts with nongovernmental organizations, ORR detains unaccompanied children in one of approximately one hundred detention facilities throughout the United States. While the children are detained, ICE initiates deportation proceedings. Simultaneously, children pursue one of the following custodial arrangements: release to a parent or sponsor, placement in federal foster care or group home, transfer between ORR facilities, transfer to adult detention on their eighteenth birthday, or deportation. The complexity and variation of children's custodial and legal cases informs each trajectory: factors taken into consideration include the availability and suitability of care providers, assessments of children's eligibility for legal immigration relief, trauma and delinquency histories, age at the time of detention, and the availability of federal resources. I focus on the processes of family reunification, the most common trajectory for nearly 65 percent of unaccompanied children (Byrne and Miller 2012). In 2012, of those released to a sponsor, 48 percent of children were released to a parent, 23 percent to another adult relative, 15 percent to a sibling, 14 percent to a nonrelative, and 1 percent to a grandparent (ORR 2012).

Despite the significant variation of children's life experiences and origins, the institution's policies and practices are predicated on a series of "child-saving" assumptions, and—as I show in the sections that follow—these assumptions often clash with the socioeconomic realities and cultural beliefs and practices of many migrant communities. Namely, I argue that the cultural construction of childhood and the pathologization of mobility bind children and their families to unattainable expectations. Parental fitness is scrutinized, behaviors criminalized, and cultures implicated as institutional actors evaluate their caregiving. Although delineated discretely for analyti-

cal clarity, in practice these expectations intertwine, and are thus experienced in varied ways.

UNIVERSALIZED CHILDHOOD

Now in his third month of detention in a New York facility for unaccompanied children, fifteen-year-old Ricardo grew increasingly anxious about remitting money to his family in Tacaná, a Guatemalan town bordering Mexico, who had mortgaged their home for \$6,500 to finance his migration.⁴ Ricardo described the consequences of his failure to remit, including verbal threats, physical violence, and expulsion from their land as the local *prestamista* (moneylender) had vowed. Struggling to explain his detention to his parents in a telephone call, Ricardo said, “I am here [in the United States] but this place [detention] is not America. I can’t leave. I am losing time here.”

The caseworker, known as a family reunification specialist, counseled him to remain calm: “Focus on your education. That is not your responsibility to work. Let your parents worry about paying. This [migration] was their decision, not yours, so it is not your debt.” The contrast between the caseworker’s advice to ignore his financial debt and Ricardo’s anxiety about fulfilling his social obligation to his family reveals an important gap between the assumptions about childhood made the institution and its actors and the expectations held by the population they serve.

Emerging in the early 1900s among European and American middle classes, childhood continues to be understood as the period when a person is younger than eighteen years old that is marked by a series of developmental stages leading to maturation (Bucholtz 2002; Cunningham 2012). Initially institutionalized through psychological assessments of children as “nonsocial” or “presocial,” childhood has evolved into assessments of “normal” or “abnormal” children (Fleer, Heregaard, and Tudge 2009). This normative framing views children—understood as naturally innocent, vulnerable, and dependent on adults—as being in the process of becoming rather than being, exclusively reduced to factors of biology and divested from the varied historic, sociocultural,

sociopolitical, and socioeconomic contexts that shape differing constructions of childhood. “Children are learners not earners” has gained increasing traction as childhood worldwide has become a period of compulsory schooling and play, insulated from the vagaries of the economic market (Mayall and Morrow 2011). Left uninterrogated, the universalization of childhood not only ignores the vast diversity of childhoods but also pathologizes those not conforming to the hegemonic norm. Although similar values and professional practices are used in the U.S. domestic child welfare system, the consequences of holding global youth and their families to a cultural-constructed understanding of childhood, one historically rooted in white, middle-class norms, has particularly profound consequences on family integrity and young people’s sense of belonging.

In recent decades, the anthropology of youth has centered on children and youth as social actors, giving voice to a social group often ignored and marginalized and recognizing their legitimacy and importance as subjects of research (on giving voice, James and Prout 1997; Honwana and Boeck 2005; Bluebond-Langner and Korbin 2007; on recognizing, Mayall 2002). Researchers have documented their social agency in the ways young people create, sustain, and repair their social worlds amid the unequal distributions of power and resources that characterize their social lives (Hutchby and Moran-Ellis 1998). Diverging from existing adult languages and meanings for understanding children and youth, scholars argue that youth employ personal agency to construct their worlds through their own competencies and through their relationships to adults and institutions (Christensen and James 2008). In other words, considering only the structural forces in children’s lives and reducing childhood and youth to periods of transition or molding threaten to negate their contributions as social actors.

Although scholars have shown the legal and social categories of a child and childhood to be highly problematic, U.S. immigration law and ORR policies continue to define childhood narrowly and ethnocentrically (see Stephens

4. Following disciplinary custom, all names are pseudonyms.

1995; Lancy 2014; Cunningham 2005). For example, caseworkers describe the attributes of a child as dependent on the actions and relationships with his or her parents; whereas in the country of origin, the same child may maintain his or her own household, work independently, at times even be a parent—attributes often associated with adults in the U.S. context. A universalized childhood is institutionalized in the efforts of ORR and NGO subcontractors in the ways children's days are structured around schooling, recreation, and socialization programs, all which belie the fact that children have no freedom of movement and are continually surveilled by staff and cameras throughout facilities (Heidbrink 2014). Within the spaces of detention, ORR seeks to socialize children into American childhood through behavioral modification programs, education, hygiene practices, and incentivized trips to stores like Walmart and Target.

The contradictory messages—that is, the tension between this notion of American childhood as the natural, and best, model for development and their status as detained illegal immigrants—are not lost on young people:

My mom is sick. She needs me to pay for her medicine. How is coloring inside the lines going to help me? — Manjgit, age sixteen, India

I just want a cup of hot coffee; the only coffee in this place is on the wall [pointing to a poster hanging on the basement cafeteria wall]. They say it will stunt my growth but I've been drinking it every day of my life. It's too late. —Faviola, age fourteen, Brazil

The walls here are bright yellow and there are posters all over saying we have human rights; but we have no rights here. They bring people here and show them, look how wonderful this place is and how they are taking care of us, but it isn't that way. We are stuck here and we can't get out. It's like I am caught in this big joke but there is no punchline. —Isaias, age sixteen, Mexico

Some young people describe feeling infantilized by educational and recreational activities that simultaneously ignore their lack of

freedom within detention. Others internalize messages of “appropriate” and “proper” childhoods. The ways ORR, NGOs and attorneys reframe childhood provides a new cultural script rooted in a romanticized childhood that clashes with young people's culturally and socially mediated experiences in their countries of origin. Young people are left struggling to reconcile the two, and at times, holding their parents culpable for failing to provide them with the markers of a “good” childhood.

PATHOLOGIZED MOBILITY

Developmental models of childhood are particularly problematic for migrant children and youth, bolstering the fear that a displaced child with fractured social ties and a lack of attachment to community results in solitary, detrimental behavior carried into adulthood (Eck-enrode et al. 1995). Children who remain highly mobile are seen as missing the opportunity to learn the skills necessary to live a productive life (Sampson 1988). Spatial fixity, then, becomes the naturalized assumption for the proper place of the child and a requirement for social connectivity (Fass 2005, 938). Although the norm of stability may be an ideal for childhood, a satisfactory or fulfilling childhood is not necessarily forfeited by the child's mobility. For many children, migration may be a rational resource within a context of global inequities. Migration may allow for greater access to educational and employment opportunities and may facilitate consumption practices that otherwise are restricted to those more “privileged” (Hannerz 1996). Young people may circulate between households or geographical territories in an effort to satisfy basic needs, ensure their physical and psychic integrity, or expand educational, professional, or marriage opportunities—and, importantly, this mobility is often undertaken with the explicit or tacit support of their extended kinship networks.

Indeed, although children make up nearly 20 percent of the world's migratory flows (Dobson and Stillwell 2000, 395), their movement is typically viewed as an indication of rupture, be it natural or man-made disasters, violence or abuse, divorce or parental death, leading to the increased vulnerability of children who as a re-

sult are exposed to harsh labor or living conditions (Hashim 2006, 4), or to abuse or abandonment (Suárez-Orozco and Suárez-Orozco 2009; Vericker, Kuehn, and Capps 2007). Each reduces childhood mobility outside the family structure to pathological terms, particularly the specialized literatures of child soldiers, street children, and trafficking victims (Huijsmans and Baker 2012; Panter-Brick 2002), and a growing literature on “unaccompanied children” (Bhabha and Schmidt 2008; Byrne and Miller 2012; Terrio 2015). Such discourses respond to child migration as a symptom of trauma and rupture rather than asking why young people migrate, focusing problematically on the presence of the individual child migrant rather than the diverse sociocultural, sociopolitical, and socioeconomic circumstances that spur mobility and the varying meanings young people assign to their (dis)placement. The pathologization of mobility thus ignores histories of colonialism, foreign intervention, civil war, and neoliberal reforms that result in extreme social inequality globally.

For example, in undertaking the unaccompanied journey to the United States, Ricardo and his family sought survival and advancement. His parents’ insistence on his remitting of money and repayment of the migration debt documented by the caseworker during his weekly monitored phone calls, however, became a source of concern in his potential placement with an uncle in rural Georgia. The caseworker explained in a weekly staffing meeting: “I am worried that he is just going to work and not go to school. This is an uncle he doesn’t know well, who doesn’t have kids and who is ill-equipped to provide [Ricardo] with the structure and stability he requires to realize his potential.” Citing factors such as the uncle’s precarious employment status seasonally harvesting peaches, his limited financial income to support Ricardo, an ambiguous potential for viable child-care arrangements (in spite of Ricardo’s upcoming sixteenth birthday), and the household composition of several unrelated men renting a single home, the specialist concluded, “This placement is an unhealthy living arrangement for a young boy coming of age in a new country.” These criterion—residential fixity, stable and well-paying employment, su-

pervision, and heteronormative household composition—are rooted in middle-class, Western social norms that reflect a romantic ideal of childhood that conflicts with the social, cultural, and economic realities of many migrant children and their families (for further discussion on the history of the Child Savers movement and its impact on the care of unaccompanied children under ORR custody, see Heidbrink 2014, 63–83). Trapped between these intersecting assumptions of the natural state of childhood and the pathologization of migration, Ricardo’s release to his uncle was denied. Ricardo was later deported to Guatemala.

CRIMINALIZATION OF TRANSNATIONAL PARENTS

Implicit in such assumptions about childhood is a condemnation of parents for not providing the requisite conditions for “natural development.” Certain epithets are commonly used to describe parents of unaccompanied children—neglectful, abusive, or ignorant—for forcing their children implicitly or explicitly to undertake desperate, clandestine journeys in pursuit of economic opportunity. These assumptions not only decontextualize the complex decision-making processes of young people and their families but also homogenize the multiplicity of young people’s experiences of migration, at the same time underwriting the public policies and institutional practices that evaluate parental fitness and determine custody arrangements (Heidbrink and Statz 2017).

At once frightening and onerous to potential guardians and children, the sponsor of an unaccompanied child must complete a complex paperwork process that includes providing proof of the sponsor’s identity (birth certificate, passport, national identity document, or driver’s license), the child’s identity (birth certificate), relationship to the child (such as court records, guardianship records, marriage certificates, or birth certificates), and address if the sponsor is not a biological parent of the child (such as current lease, mortgage statement, utility bills). In addition, sponsors must consent to background and biometric checks, which includes disclosing aliases, current and former residences, and household members. In the case of nonparental sponsors, all house-

hold members must also submit biometric data, which are processed through the Federal Bureau of Investigations National Crime Information Center, the Central Index System, and the Deportable Alien Control System. As a caseworker in Texas explained, “The sponsorship process is designed to ensure that we are not releasing children to abusive sponsors or to parents who just want their kids to support them, or worse, criminal networks of traffickers or human smugglers who have a vested financial interest in children working.”

As a sponsor of his son, who was detained on arrival from Honduras, Santiago described the logistical, financial, and emotional toll of the family reunification process:

It is all so overwhelming. *Cédula* [national identity document], birth certificates, death certificates, pay-stubs, leases, so many forms to complete and sign. . . . I want to do right by [my son] but this is too much. I have done nothing wrong. I have tried to be the best father I can, sending money each month, calling regularly, sending gifts at Christmas, asking about their grades. I have tried my best, but this [pointing to a stack of forms] makes me feel like a criminal.

In the interview, Santiago describes his efforts to maintain contact through Facebook, Skype, and phone calls with his wife and children, remitting \$500 monthly from his meager income, and cutting costs through sharing a two-bedroom apartment with eight people and “eating only rice and beans my first two years here.” Rather than recognizing these as expressions of care, parental responsibility, and self-sacrifice, Santiago’s limited access to material and financial resources is held in the institutional process of determining “parental fitness” as condemnatory evidence of his deficiency as a parental provider. In effect, he is criminalized for being a transnational parent.

Simply securing the necessary documents from his native Honduras presented a series of bureaucratic vortices: paying a notary to secure the requisite documents in Honduras regarding his wife’s untimely death, taking several days off work to travel to the embassy in Chicago, and in so doing risking his employ-

ment as a stock clerk at a local Aldi. More than 70 percent of sponsors and parents in this study expressed similar concerns regarding the time and cost associated with securing required documentation, at times risking tenuous employment, and most often with no support from ORR or its NGO subcontractors.

Explicitly, the bureaucratic process is intended to ensure the safety and well-being of post-release placements. Implicitly, however, the institutional presumption is that parents of unaccompanied migrant children are unfit by virtue of their child’s “unaccompanied” status (6 U.S.C. § 279(g)(2)). The juridical category of the “unaccompanied alien child” points to, and is constructed from, a perceived rupture in the social unit of the nuclear family and calls into question a parent’s capacity to attend to the child’s “care, custody, and discipline.” Rather than a presumption of innocence, as is customary in the domestic child welfare system absent an accusation of abuse, abandonment, or neglect, compliance with a convoluted bureaucratic process becomes the metric of fitness for parents of unaccompanied children. The sacrifices of parents and families to facilitate an often expensive and dangerous journey are ignored, holding a young person’s mobility, marked by their status as an “unaccompanied alien minor,” as irrevocable evidence of parental malfeasance or neglect. Placing the parent alongside the smuggler or trafficker as actors from whom children need protection, as the caseworker explained, emboldens the criminalization of parents. Because of this situation, only through completing a rigorous series of institutional paperwork and enduring scrutiny by NGO subcontractors may parents regain custody of their children from the federal government.

For undocumented parents who sponsor their children, the risks are compounded. Beyond the obstacles of engaging with multiple state actors to secure documents, and to fluently navigate complex institutional processes required of all sponsors, undocumented parents must divulge their identities (both real and assumed), address, unlawful employment (and employer), as well as identifying information such as date and point of unlawful entry into the United States, information that regularly

appears on a Notice to Appear, the charging document issued in deportation proceedings. No presumption or claim of confidentiality exists despite the caseworkers' attempts to allay the fears that ICE will use this information to apprehend unauthorized parents. In 2012, advocates reported that ICE had begun using information disclosed by sponsors in raids on workplaces and households—a fact, several attorneys contended, that ORR seeks to conceal from potential sponsors.

Parents are thus confronted with the stark realities of their deportability in the sponsorship process forced to weigh a multiplicity of factors, emotions, and fates. Ana grappled with this reality in sponsoring her fifteen-year-old daughter Haydee from ORR custody, weighing the multiple demands on her as a single parent of a transnational family:

What happens if immigration comes after me? I become just a statistic like so many other people that just disappear from here and months later reappear in a different place. And, you know, it isn't just about me or about [Haydee]. I have two children born here [in the United States] and send money each month to my mother who is watching [my son and daughter] in Honduras. They depend on me to eat, to go to school . . . to survive. Look, it isn't just about me; it's about them.

Despite assurances from a caseworker that deportation would not result from sponsorship, Ana did not complete the required paperwork in three months following Haydee's apprehension.

Because she had only limited information about the reunification process, even with regular assurances from her mother that she was working on the paperwork, Haydee grew hopeless in a Texas facility:

I don't understand. I came this whole way, risked so much so that we could finally be together but now she doesn't want me. She says she loves me and wants me to be with her but maybe she doesn't love me anymore. I am stuck here in this place, losing time. Why doesn't she just turn in the papers?

Maybe it is all just words; maybe she wants a new life with her new kids without me. I can't wait anymore . . . enough . . . I don't want to go back [to Honduras] but what option do I have?

Citing the confidentiality of the sponsor's details and the protection of children from "unnecessary worry and anxiety" as an ORR federal field specialist explained, children often struggle to understand the bureaucratic intricacies of the sponsorship process and the social realities of their sponsor or family members. In an absence of information, children decipher the sponsorship process from their peers in the facility and from family members during their weekly phone calls. The absence of communication with children leaves young people to make assumptions about their parent's willingness and ability to provide care, and even love. Haydee was left to interpret her mother's inaction as a lack of emotional investment or care, an interpretation that shaped her willingness to accept voluntary departure rather than to pursue an asylum claim.

ASSESSING SUITABILITY

In a small but growing number of sponsorship applications, ORR subcontractors conduct home studies, known as suitability assessments. Suitability assessments are evaluations to determine the safety and appropriateness of the caregiving environment and caregiver prior to the release of an unaccompanied children from federal custody. Under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008,

A home study shall be conducted for a child who is a victim of a severe form of trafficking in persons, a special needs child with a disability (as defined in section 12102 of title 42), a child who has been a victim of physical or sexual abuse under circumstances that indicate that the child's health or welfare has been significantly harmed or threatened, or a child whose proposed sponsor clearly presents a risk of abuse, maltreatment, exploitation, or trafficking to the child based on all available objective evidence. (U.S. Code § 1232 (c)(3)(B), Public Law 110-457)

Among the criteria determining suitability, both in initial assessments by facility staff and in suitability assessments by subcontracted caseworkers, are factors such as the consistency between the family reunification application and interviews with the child and sponsor, income and employment verification, family relationship, and household composition. More subjective elements include the gender composition of the household, authenticity of family ties, child-care arrangements, sleeping quarters, attitudes of household members, number of family members in the home, poverty level, and the ability of the sponsor or family member to care for the child. Some criteria, such as a criminal record or a pending deportation order, de facto disqualify a sponsor, in which case a suitability assessment would not be conducted.

Among the eighteen suitability assessments I examined and the seven home visits I observed, assessments were required of a father due to a conviction for driving under the influence (DUI) ($n = 3$), a mother whose HIV status was considered a potential “hazard for the health and safety of the child” ($n = 1$), a twenty-three-year-old sibling seeking sponsorship of his sixteen-year-old sister ($n = 1$), parents of children with mental health diagnoses ($n = 5$) or physical disabilities ($n = 3$), a nonabusive parent of a child who suffered child abuse ($n = 2$), and a family who lived in a “dangerous” neighborhood ($n = 3$).

Imely, a sixteen-year-old born in Mexico and raised since the age of five in the United States, explained: “I haven’t always seen eye-to-eye with my mother, but she is a good woman. She has worked lots of jobs, cleaning homes, cooking for people, caring for an old woman at night, all to take care of us kids. I haven’t always appreciated her, but she isn’t a bad person.” Imely was transferred to an ORR facility in Chicago following a six-month stint in domestic residential treatment center in Florida. After nine months in three ORR facilities, she was “stepped up” to increasingly restrictive detention centers due to behavioral issues. Imely was frustrated at the inability to reunify with her mother, because, as the suitability report indicated,

Her mother struggles to provide for her seven children as a single-mother [*sic*] working under the table. She is unable to provide the financial and emotional structure that [Imely] requires to reintegrate into school and social and familial life. Because her mother is always working, [Imely] is largely left unattended and this lack of supervision is precisely what led to her involvement with the juvenile justice system.

Because of her tenuous employment as a domestic worker and elder-care provider, Imely’s mother was unable to monitor her children’s behaviors, and so unable to provide the discipline and structure deemed critical for Imely. Compounded by her meager income, her mother was seen as, the report read, “unable to provide the appropriate care and conditions [Imely] requires for healthy growth and development.”

Instead, Imely was released to a maternal uncle in Indiana, a legal permanent resident, who was also a single parent with two children, but who maintained a stable job as a medical aide in an assisted living complex. Although better equipped to deliver the material markers of an American childhood, he proved unable to provide the emotional support Imely desired. “He doesn’t know how to talk to me. I need to talk and he is afraid of me or something. He has sons so maybe he just doesn’t know how to talk to daughters, but you know what I think? I think he just doesn’t want to be bothered by me and what I need right now in my life.”

At fifteen, José was apprehended with a friend by the Los Angeles police for loitering at 11:00 p.m. at his high school’s football stadium. José’s friend was found with two ounces of marijuana, and both teenagers were taken into police custody. Before charges were filed, José was transferred to ICE and, because of his status as a minor, was then transferred to an ORR staff secure facility in Chicago. His mother, with whom he had lived for the previous ten years, since they immigrated from El Salvador, completed the required sponsorship paperwork within two weeks. In a phone conversation, his mother disclosed to the case-

worker that she had difficulty controlling her son's activities and that he was increasing falling in with "the wrong crowd." After further scrutiny of his police file and lagging school attendance, the caseworker requested a suitability assessment.

Caseworkers are at times wary of requesting a suitability assessment because home studies can delay a child's placement with a sponsor and require that a child remain detained for the duration of the study. During my research, the average length of time for a suitability assessment was ninety days, with a minimum of seventy-five days and a maximum of five months. A suitability assessment often is not immediately requested on the child's apprehension, but instead, as more information is gathered from young people and their sponsors, may be requested several months later.⁵ Ultimately, the evaluator recommended that José not be reunified with his mother because she could not protect him from the risks presented by their "gang-infested neighborhood." The caseworker recommended in her report that his mother "seek alternative housing in a safe neighborhood, removed from the risks of gangs and drugs which threaten [José's] physical safety and emotional well-being, discourage his regular school attendance, and limit his future potential." When presented with this recommendation, according to the caseworker, José's mother said that she could not afford to move and currently lived close to both her current employment and her church, which she attended regularly. "These are not unrealistic requests for a mother who loves and desires to reunify with her son," the caseworker remarked. Institutional conceptions of family assume that expressions of care often are met with a prescribed emotive response; his mother's reluctance did not coincide with the caseworker's expectations for a loving mother. José's involvement with the criminal justice system (though never formally charged) was cited as evidence that his mother was unable to parent adequately. After five months in detention, José grew increasingly frustrated

and threatened to request voluntary departure to El Salvador, a country he hardly remembered.

When I met Isabella, she was entering her seventh month in a west Texas facility. For two months, her mother struggled to complete the requisite sponsorship paperwork, only to find that on submission, the caseworker requested a suitability assessment. At fourteen years old, Isabella was eager to return to school in Michigan, where she was with an uncle when he was apprehended at a routine traffic stop: "A tail-light landed me here and now I don't know what will happen to me. I don't think they will let me live with my mom but they don't say why." The caseworker's home study described Isabella's father as "a domineering head-of-household." In her report, she surmised the possibility of "domestic violence in the household." However, the report indicated that interviews with a neighbor and a teacher did not reveal evidence of this accusation and the father's criminal record was clean, with the exception of a ten-year-old DUI. Describing Isabella's mother as "timid and subservient," the caseworker elaborated: "due to Ms. [Rodriguez's] undocumented status in the United States, she is likely disinclined to contact the authorities if she is threatened or experiences abuse. In addition, it is unlikely she will access the necessary medical and social services for [Isabella]." Caseworkers routinely recognize the unique risks that unauthorized parents face, particularly in states with harsh anti-immigrant policies. Fourteen of the eighteen suitability reports examined indicate that these risks impede a sponsor's ability to navigate state bureaucracies necessary for securing needed services. Yet per the Flores Settlement Agreement, an undocumented parent may sponsor his or her child from federal custody. Ultimately, ORR agreed with the home study and declined to release Isabella to her mother's custody.

Although, ORR routinely assesses parental fitness and makes custody determinations, as an administrative body it has no legal author-

5. ORR has recently made efforts to reduce the time to complete home studies; however, the process may still take several months from the time the study is ordered until the final ORR decision.

ity to limit or to terminate parental rights. However, in practice, ORR's refusal to release Isabella to her mother de facto prohibits Isabella from reunifying with her parents. Neither Isabella nor her parents had attorneys to file a writ of habeas corpus to contest ORR's ongoing custody of Isabella. Isabella's parents had few options to reunify with their daughter. Unable to remain in federal custody and found to not qualify for legal relief (a prerequisite to enter federal foster care), Isabella lingered in detention.

Although no single factor universally determines denied placement, the confluence of institutional assumptions that idealize childhood, pathologize mobility, and criminalize impoverished and transnational parents shape the caseworker's assessment of a child's risk of harm and delinquency. Western social norms inculcated in the personal beliefs and professional training of caseworkers are transmitted through assessments of caregiving and caregivers. When working cross-culturally, the judgments documented in suitability assessments become particularly problematic for migrant children. As a result, family members were routinely denied custody of their children because the sponsor was presumed ill-equipped to meet the needs of the child. Held to a living standard, encapsulated by the type of neighborhood, home, and income, families struggle to regain custody of their children.

REVERBERATING EFFECTS

Families and children are not immune to these bureaucratic processes: state policies and practices overflow from the spaces of detention. In its most immediate sense, the bureaucratization of care frequently reconfigures households, most directly by denying release of children to their families. Sponsorship policies also impact household members, who themselves were never detained. At twenty-six, Jorge left his elder brother Juan's home where he had lived since his arrival in the United States; Juan's arrest for robbery a year earlier was preventing a third, younger brother from being released to Juan's custody. Family reunification specialists may advise household members to relocate, or, as with Jorge, family members may

preemptively move as a strategy to ensure a young person's reunification with particular attention to ORR's expectations for household composition. ORR policies also reconfigure spatial arrangements within households. A caseworker for Clara, a sixteen-year-old from Mexico, informed Clara's father that she could not be released until the sleeping arrangements in their two-bedroom apartment were segregated by gender. Leaving Clara's father to sleep with his two young stepsons, Clara would sleep with her stepmother, whom she had yet to meet.

Prior to release, a sponsor must sign a written agreement vowing to ensure that a child attends all immigration proceedings, that the child remains in the United States while his or her immigration case is adjudicated, and that a child report for removal if he or she is ordered to be deported. The sponsor must agree to notify the Department of Homeland Security (DHS) within seventy-two hours if a child flees the placement or is threatened by smugglers or traffickers. Furthermore, the sponsor agrees that if he or she does not comply with the agreement, DHS may take custody of the child again. In other words, in signing this agreement, the sponsor must assume the surveillance and discipline of the unaccompanied child from ORR and DHS. This surveillance weighs heavily on children and their sponsors alike.

Young people describe feeling "trapped," "stuck," or "like I'm still in jail" following their release from detention. Over coffee at a diner in Indiana, Esmeralda spoke of her relationship with her aunt who serves as her sponsor:

She is on edge. Everything I do, she reminds me that they can send me back to jail: "Don't be late to school. Come straight home. Don't get into trouble. Don't, don't, don't or else they will take me to jail." My mom says the same: "Don't do anything wrong or they will deport me and your brother and sisters." My aunt watches me all the time. I feel like I am back in jail with all those cameras watching every move but now it's my aunt and my mom. They say I'll get everyone deported if I mess up. It's too much pressure. I just can't handle it anymore.

When a sponsor assumes custody of a child from ORR, he or she must sign a Sponsor's Agreement to Conditions of Release form, in which the sponsor assumes responsibility for the child's physical, mental, and financial well-being, including medical, dental, and mental health; school enrollment; legal services; and physical needs (food, shelter, and clothing). Children, and by extension their sponsors, are encouraged to establish the markers of middle-class childhood through compulsory school, participation in recreational activities, and basic standards of health and housing. Because children remain in immigration removal proceedings, families are also compelled to secure legal representation, often at great cost. Despite these expectations, no financial support is provided to the sponsor; no health care is provided to children; and no assistance is given in locating an attorney to represent the child in removal proceedings. At the time of my research, 1.5 percent of children released from ORR custody received post-release services. Primarily through telephone conversations, a caseworker assists young people with referrals to school, health, and legal services for up to six months following release.⁶ For the 98.5 percent of children without post-release services, young people and their families must navigate a myriad of bureaucracies to meet ORR's conditions of release.

Julio, a fourteen-year-old from Guatemala now residing with his parents in rural Georgia, told me over the telephone, "I tried to enroll in school but they said I couldn't because I don't have the right papers. My mom didn't go to work so she could come with me but they sent us away. Besides, I need to work. I can't spend all day in school when we have to pay a lawyer. They say it is expensive." The barriers to school enrollment are considerable. As a native Mam speaker, Julio and his mother struggled to communicate with the English-speaking administrators. Despite a legal right to enroll in public school regardless of his legal status, without an advocate to assist him he was deterred. Having accompanied dozens of

young people to enroll in public schools from Maryland to New Jersey to Illinois to Texas, I have observed that these barriers are not easily overcome, even with a cultural interlocutor or advocate. An additional pressure is to contribute financially to the household through unauthorized employment, at times at the expense of school attendance.

Young people and their families must thus navigate competing narratives that at once encourage them to assimilate and prepare them for removal from the United States (see, for example, Grace and Roth 2015). In court proceedings, affidavits from teachers, pastors, neighbors, and therapists attest to judges that a young person is an asset to his or her community, of good moral character, and worthy of immigration relief. Yet young people are hyper-aware of their tentative status in the United States, unsure of the desire to develop social relationships that may be severed should they be removed. Guillermo, a sixteen-year-old from Chiapas, Mexico, struggled with this contradiction:

Do they want me to stay or go? I mean, they say I should do well in school and make friends and volunteer at church, but the lawyer wants another \$5,000 before court. I already paid \$2,500. Where am I going to get \$5,000? I already borrowed from my aunt and cousin and a couple of friends. I need to work but then I have to be in school and play on the soccer team and then volunteer? I don't have time for all of this.

Rather than enroll in the local high school, Guillermo enlisted in English classes on the weekend and worked in construction, a job his cousin had secured for him. As his court date neared, Guillermo was unable to earn the needed \$5,000 for his attorney. In the interim, his mother still residing in Chiapas, had become ill and Guillermo remitted his available income to his mother for dialysis. "I want to stay and do the right thing, but it's my mother. There is no choice here." Children are coun-

6. Per the Trafficking Victims Protection Reauthorization Act of 2008, post-release services are provided to children who underwent a home study and who have "mental health or other needs who could benefit from ongoing assistance from a social welfare agency" (8 U.S. Code § 1232 (c)(3)B).

seled and sponsors obliged to seek markers of a middle-class childhood while ignoring the innumerable structural obstacles that impede their efforts.

Young people describe multiple complex emotions, from elation and euphoria at the moment of reunification to distress at not recognizing parents after prolonged periods to despondence on meeting new siblings to anxiety around language acquisition and adaptation to schooling. For detained and nondetained young people, these sentiments are not uncommon when reuniting with family members after a prolonged separation. However, I suggest that institutional policies and practices designed to ensure children's best interests not only intensify an otherwise difficult transition but also inflict significant harm to children's sentiments of self-worth and belonging.

Feelings of anxiety, confusion, disappointment, and resentment that young people describe experiencing during the sponsorship process do not resolve on their release from immigration detention, but rather continue to shape their sentiments of belonging to kin and community following release. After six months in detention, Christina, a fifteen-year-old from Honduras, was released to a family friend who reluctantly served as her sponsor. Christina reflected on the impact of her mother's failure to successfully sponsor her from detention, "We aren't the same, me and my mom. She has her new family. I'm doing my best here. I miss her even though I see her every so often. I wouldn't say that coming here [to the United States] was a mistake but I did not plan on being alone." Christina described a tense relationship, at times feeling lost, and emotionally disconnected from her mother and family. "We fight for no real reason about everything. . . . If I really think about it, I'm sad and angry and disappointed and lonely all at the same time." For Christina, and others, the social and cultural adaptation to a new life in the United States is compounded by the emotional challenges accompanying a failed reunification after prolonged periods of separation. The irony remains that the very institutions claiming to ensure a child's best interests inflict harm through detention (absence of freedom),

through valuing or negating kinship relationships, and through the setting of implausible expectations often with no support in reaching them.

CONCLUSION

While detained in ORR facilities, children and youth are subsumed by experiences of deportability, ranging from behavioral modification programs to eating practices to educational curriculum to forms of acceptable communication (Heidbrink 2014). Even after they are released, ORR policies and practices seep into the everyday lives of children who remain in the United States and those who are deported (Heidbrink and Statz 2017). The experiences of children in ORR custody reveal the ways the state devalues and refuses to recognize some kinship relations and how these state policies and practices shape children's notions of relatedness and belonging. In other words, state practices are so pervasive that there are few ways in which youths' lives are not constrained or informed by these institutional modes of being. Families are forced to make difficult calculations to ensure family integrity, sustain transnational families, and care for their children despite residing in multiple localities or maintaining mixed legal statuses (Coe et al. 2011; De Genova and Peutz 2010; Gardner 2012; Zatz and Rodriguez 2015).

Although the state structures kinship in a particular way, young people and their families do resist and at times circumvent the state's assessments of fitness and caregiving in an effort to ensure their collective well-being. In my larger research study, nearly a third of the children who received follow-up services left their initial sponsors' homes, often seeking out parents ORR had denied as suitable guardians during the sponsorship process. Once a child departs from an approved sponsor's custody, ORR advises the voluntary agency to close the case in order to terminate ORR responsibility to and liability for the child. However, case-workers often scavenge for local services in the child's new locale. Lily, a fifteen-year-old from Ecuador, left her aunt's home in Pennsylvania to live in Tennessee with her mother, who, based on a pending order of deportation, had not been approved for reunification. Her case-

worker remarked, “Lily came here to be with her mom. She said she didn’t want to live with her aunt but with her mom. She said this throughout the suitability assessment, but ORR didn’t listen. So, why are they surprised she left? I could have told you this even before her aunt picked her up from [the facility].” In the same ways that transnational migrants employ “autonomous family reunification” to preserve family integrity, unaccompanied children may defy ORR placements in an effort to reunite with trusted caregivers the state does not recognize as such (Boehm 2008, 798).

As I have argued, despite best intentions, the very policies intended to ensure the best interests of unaccompanied children may inflict harm on young people and their families. The institutional practices of nongovernmental organizations who administer these federal policies are firmly embedded within culturally normative frames that universalize the space of childhood and that, importantly, conflict with the complex lives of the global population of young people they serve. In recognizing the power-filled reflections and experiences of young people like Ricardo, Haydee, Imely, Julio, and Lily, both in and beyond ORR detention, we might recognize the social agency of young people who remain intimately and intricately embedded within communities of origin and destination in spite of claims that pathologize their mobility and criminalize their parents. If these portrayals are not confronted and enhanced with a more nuanced consideration of migration, age and obligation, young people will remain reified on a trajectory that imperils rather than ensures their safety and well-being.

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