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Special Immigrant Juvenile Status and the Integration of Central American Unaccompanied Minors



LUIS EDWARD TENORIO

Although research has advanced our understanding of immigrant integration, understanding how this integration occurs in concert with or in contrast to legal processing remains unexplored. Drawing on ethnographic research of the lived experiences of Central American unaccompanied minors, this analysis focuses on how special immigrant juvenile (SIJ) status affects the initial integration of unaccompanied minors into the key social institutions of the home, school, and work. I argue that the integration effects of SIJ status are two-pronged. The first involves the effects of the process and structure of legal relief, in this case, through a bifurcated system of local (family court) and federal governance (immigration court and federal agencies). The second encompasses the collateral effects on the unaccompanied minor's social networks and relationships.

Keywords: SIJ status, Central American, unaccompanied minors, integration

Despite surges in the migration of unaccompanied minors to the United States in recent years, little is known about this vulnerable population, their unique circumstances, and the challenges they may pose to our understanding

of first- and 1.5-generation integration patterns.¹ Fiscal years 2014 through 2018 alone saw at least thirty thousand Central American unaccompanied minor apprehensions each year—as reported by the U.S. Department of

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1. Despite possible variation, the 1.5 generation is generally understood to be those who arrive in the United States before the age of fourteen. Those who migrate in their late teens (age fifteen and into early adulthood) have generally been considered first-generation migrants (Zhou 1997). Because the sample in this article includes those both younger and older than fourteen, I mention both the 1.5 and first generation.

Homeland Security (DHS).² Research on unaccompanied minors has examined their migration experiences, their motives, or decision-making models (Casillas 2006, 2009; Lorenzen 2017; Donato and Perez 2017), the asylum-seeking process (Connolly 2015; Bhabha and Schmidt 2006; Bhabha and Young 1999), dilemmas in policy and practice (Rosenblum 2015; Zatz and Rodríguez 2015), or child migration in other social and geopolitical contexts (see Wells 2015). However, we still know little about the integration experiences of this population, despite advancements in scholarship on the first and 1.5 generation and the role of legal status, for example, in the transition to adulthood (Gonzales 2011), access to higher education (Abrego 2006), opportunity structures for employment (Cho 2017; Abrego and Gonzales 2010; Gleeson 2010), and cultivation of a political or legal consciousness (Negrón-Gonzales 2013; Abrego 2011). More important, one axis of difference still underplayed is the effects of seeking legal status and related bureaucratic entanglement, given that studies of the first and 1.5 undocumented generation have generally focused on DACA (Deferred Action for Childhood Arrivals) recipients or those simply undocumented.

Drawing on ethnographic data collected between 2014 and 2018, I explore the initial integration of Central American unaccompanied minors into the institutions of the home, school, and work. Within this group, I focus on unaccompanied minors who are either seeking or have attained special immigrant juvenile (SIJ) status—a legal protection offering a pathway to citizenship for those determined to be abandoned, abused, or neglected. My motivating research question is how the process and attainment of SIJ status affects integration for Central American unaccompanied minors. The analysis across home, school, and work analyzes the relationships minors cultivate within these institutions as well as how they relate to and navigate their landscapes. I demonstrate how even the traditional advantage afforded by legal status is not a panacea for integration, in part because of the complexities of the SIJ sta-

tus process. I argue that we must pay sociological attention to the structure and process of legal relief and how their effects permeate migrant life and restrict or foster integration into key social institutions. A tracking study of a cohort of unaccompanied minors apprehended in 2014 highlights the value of this contribution as well as the nonlinearity of legal status and integration, revealing that much of the cohort continued to be in proceedings for legal relief in 2018 (OIS 2018). This situation underscores the contemporary challenge to linear expectations of immigrant and generational integration (Gans 1992; Portes and Rumbaut 2006; Portes and Zhou 1993), given that the minors no doubt saw immense uncertainty regarding their overall status, which potentially informed how they were living, studying, or working in the United States. Therefore, we must analyze how outcomes in everyday life may take form in contrast to, or in concert with, legal processing.

In this undertaking, I take calls for the study of integration across the life course and through an intergenerational approach seriously. I argue, however, this initial integration data, spanning four years, is potentially precedent setting for these minors given the formative years during which this study occurred. This article thus adds to the literature examining the everyday constructions and effects of legality (Coutin 2000; De Genova 2002; Ngai 2004; Willen 2007; Cho 2017) and responds to Alejandro Portes and Patricia Fernandez-Kelly's (2008) acknowledgment of the value in taking alternative approaches to understanding what produces different integration trajectories and outcomes.

BACKGROUND ON SIJ STATUS

The dominant family-sponsorship framework of the U.S. immigration system sets a barrier to securing legal status while communicating a preference for family unification, both of which disadvantage unaccompanied minors. In fact, U.S. immigration policy largely discusses children in relation to their parents, a trend also reflected in the literature on migration, whether

2. The exception to this being fiscal year 2015 (U.S. Border Patrol 2019, "Southwest Border Unaccompanied Alien Children Apprehensions by Country").

the act of migrating or the vulnerabilities it may bring about (Dobson 2009; Bailey and Boyle 2004; Dreby 2012). The *special immigrant* designation, however, is an exception to the family-sponsorship framework. To be eligible, an individual must meet four criteria: be under twenty-one years of age and unmarried; be a dependent on a juvenile court; have it found not in their best interest to return to their country of origin or last habitual residence; and have found reunification with one or both parents to be unviable because of abandonment, abuse, neglect, or similar basis under state law.

Given its focus on victimhood—through abandonment, abuse, and neglect—SIJ status embodies a larger theme across immigration relief involving crimes (U visas), trafficking (T visa), abuse by a U.S. citizen or permanent resident (VAWA petitions), or persecution (asylum). Studies highlight how navigating perceptions of victimhood is integral to applications for relief (Coutin 2000; Bhuyan 2008; Berger 2009; Villalón 2010). Others underscore back-drop perceptions of threat that are simultaneously present (Doná and Veale 2011; Hancock 2003; Chavez 2017). The tension between these two can be seen in the inability to extend the protections of SIJ status to family members or caretakers. However, how victimhood intersects with other variables that contribute to an individual's decision or compulsion to migrate remains unrecognized. This leaves applicants vulnerable to scrutiny over whether protection from abandonment, abuse, or neglect is the true motive underlying the minor's case. Scholars have reported concerns of fraud throughout SIJ status's history (Pulitzer 2014)—which this fieldwork contemporarily confirms.

Much like other forms of relief, such as the U visa, SIJ status is also a delegated process. It operates as a bifurcated system, between local and federal governance, each with different fo-

cuses (juvenile courts on the best interests of the child and federal agencies on state immigration interests, respectively). The inclusion of juvenile courts is meant to compensate for immigration law's lack of legal standards for a child's best interests. This bifurcation has led to a power struggle among stakeholders in the decision-making process—and ultimately to an increased concentration of power in federal decision making and to bureaucratic involvement as part of a larger move to consolidate federal immigration authority (Hirota 2017; Motomura 2014; Zolberg 2006). Examples include previously requiring the attorney general's consent to process applications, authority being given to the Department of Health and Human Services to investigate the child's dependency determination through the 2008 Trafficking Victims Protection Act, and federal agencies questioning the application of local family court statutes in the cases of unaccompanied minors. Given a growing roster of stakeholders—juvenile courts, DHS, the Department of Justice, and HHS—the ability of minors to fall through the cracks has also increased. In 2018, federal agencies involved in processing unaccompanied minors acknowledged this vulnerability, admitting to a lack of tracking post-apprehension (Dickerson 2018).

Since the creation of SIJ status, the difference in the scope of need for relief and increased awareness of its existence has also challenged what characterized its early years: a designation with comparatively few applicants and recipients.³ The large numbers of unaccompanied minors arriving at the United States southern border between 2010 and 2019, increased awareness of its existence, and reforms that increased accessibility have caused it to face the challenge of bureaucratic backlog at both the juvenile court and federal agency levels.⁴

3. Only 660 children received SIJ status in 2005, for instance, despite the thousands in DHS custody in that year (OIS 2005).

4. The 2008 reform of the TVPA saw removal of a filing fee—a significant financial barrier; removed eligibility for long-term foster care as a criterion; emphasized reunification with one or both of the child's parents not being viable because of abandonment, abuse, or neglect; and required the secretary of DHS to process all SIJ applications within 180 days of filing. In 2015, a policy memo issued by the U.S. Citizenship and Immigration Service noted that applications could not be denied based on one of the following three criteria: one, the ap-

INTEGRATION FOR UNDOCUMENTED YOUTH

The reexamination, reform, and evolution of assimilation theory have led to the development of a number of terms to describe the experience—among them integration, incorporation, and acculturation (Waters and Gerstein Pineau 2015). Although the meaning of each varies depending on context, integration best captures and embraces the diversity of socio-cultural differences (Favell 2001; FitzGerald and Cook-Martín 2014). This is in contrast to sacrificing cultural norms in the pursuit of social mobility, as traditionally informed assimilation theories argue (Alba and Nee 1997, 2003; Glazer 1993; Kazal 1995; Rumbaut 1999). Integration also allows for a wider discussion informed by support for migrants (García 2019), which is a useful lens in assessing protections such as SIJ status. Taken in conjunction with the importance of social cohesion and human capital for integration outcomes (Portes and Rumbaut 2001, 2006; Portes and Zhou 1993; Zhou 1997), fundamental social institutions such as home, school, and work are prime grounds for understanding key mechanisms of migrant integration.

In recent years, research has further complicated axes of difference in integration by intersecting the significance of legal status in studies of the undocumented (Menjívar and Abrego 2012; Menjívar and Lakhani 2016) or those under tenuous legal status (Menjívar 2006; Mountz et al. 2002), especially youth (Gonzales 2011; Abrego 2006). Studies analyze how being undocumented plays a formative role in employment (Cho 2017; Abrego and Gonzales 2010; Gleeson 2010), education (Abrego 2006), political engagement (Andrews 2018), and identity (Negrón-Gonzales 2013). Although being undocumented is a constant circumstance, studies highlight salient moments during which it brings about “newly stigmatized identities” and causes migrants to “navigate new restrictions” and “reshape their aspirations” (Gonza-

les 2011, 608). Yet unaccompanied minors—Central American or otherwise—remain distinctly understudied in this regard. This lack of attention is also seen in studies unpacking the web of tenuous legal statuses for Central American migrants (Coutin 2000; Menjívar 2006; Menjívar and Abrego 2012; Menjívar and Lakhani 2016). Lauren Heidbrink calls for more scholarly consideration on the matter, noting the potency of the law, its processes, and discourses in shaping “where they circulate, how they engage with or evade the state, how and where they access resources and opportunities, with whom they construct social networks, and how they envision their futures” (2014, 85). Setting the landscape for legal status and integration broadly, context of reception—such as state policies and racial stratification—is also salient in determining migrant integration (Menjívar 2000; Reitz 1998; Bhabha and Young 1999; Zolberg 2006; Kastroom 2010; Dreby 2007), even more so for those undocumented (Rumbaut 1995, 1997; Chavez 1998). With exclusionary policies and the denial of legal relief come critical restrictions to the migrant’s network, economic opportunities, and overall precarity (Chavez 1998; Coutin 2000). This is important for Central American migrants given their history of being denied protections in the United States (López, Popkin, and Telles 1996; Hamilton and Chinchilla 2001), as well as the general disproportionate effect of immigration policies and militarization felt by Latin American migrants (De Genova 2004).

In regard to unaccompanied minors, it is important to consider how factors before arrival in the United States may also inform integration patterns. Studies have shown concerns for children who have had to cross several dangerous international borders (Casillas 2006, 2009), given the potential social and psychological consequences (Ashworth 1975; Aronowitz 1984; Williams and Berry 1991; Portes and Rumbaut 2006). In addition are the physical, social, and psychological impacts of having been de-

plicant turned twenty-one after filing the SIJ petition but before adjudication; two, the applicant’s juvenile court order, which was valid and in effect at the time of filing the SIJ petition, was terminated based on age after filing the SIJ petition but before adjudication; or, three, the applicant did not receive a grant of HHS specific consent before going before the juvenile court and the court order did not alter the applicant’s HHS custody status or placement.

tained. Children have been shown to exhibit apathy, a sense of worthlessness, and even critical psychological disorders (Piwowarczyk 2006; Bhabha and Schmidt 2006). Although not dismissive of these concerns, some research suggests that incremental improvement in later stages of integration is possible. For instance, Portes and Rubén Rumbaut (2001) note the increase in measures of self-esteem over time in immigrant youth, echoing that though precedent setting, this study does not attempt to overwrite the evolving dynamics of integration across the life course that scholars have unpacked.

DATA AND METHODOLOGY

This analysis draws on participant observation data collected between 2014 and 2018 at a legal and social services organization in New York, Relief for Migrant Children (RMC), where I served as a volunteer in providing legal services to Central American unaccompanied minors. These services included but were not limited to conducting screenings for immigration relief, interpreting, translating affidavits and other court documents between English and Spanish, conducting home and school visits, attending court appearances, interviewing others living in the home, reviewing school and other personal records, and tending to other needs that arose on a case-by-case basis. I worked directly on forty-eight cases, thirty of which involved SIJ status. This points to the inherent limitation of my data: each unaccompanied minor observed had legal representation.

The restriction of the sample to those with legal representation was methodologically intentional. As a form of civil court, individuals appearing before immigration court—even children—do not have the right to legal representation. Should they wish to be represented, they are obliged to seek and pay for such services themselves. Data on the representation of children in immigration court suggest that the majority go unrepresented, despite findings

that those represented fare significantly better.⁵ In regard to SIJ status, family court may appoint an attorney for the child but the representation does not extend beyond family court. To my knowledge, no data on children represented in family court for SIJ status are available, though my ethnography suggests that representation itself is a barrier to pursuing SIJ status to begin with. Including unaccompanied minors with an attorney provided additional supervision to my data collection, minimizing any potential risk to an inherently vulnerable population. Moreover, focusing on unaccompanied minors with strong traditional advantages (legal representation and a case for immigration relief) enables me to highlight the way in which outcomes are influenced by the process and structure of relief.

My sample was further restricted to minors age seven and older—a decision made in consultation with the institutional review board at the University of California, Berkeley. In table 1, the age range of six to eight includes those who were six or younger when their case was launched with RMC but seven or older when this study began. Not including cases of minors under seven years of age assuaged concerns that respondents may not be positioned to provide assent. Further, I had no control over case selection because I did not select RMC's clients, nor did my relationship with RMC afford the opportunity for case selection or input.

Because it is based on available data, my sample lacks representativeness and proportionality to the general trends of Central American unaccompanied minors arriving in the United States. The Office of Refugee Resettlement has reported Guatemala as the most represented country of origin for unaccompanied minors among Northern Triangle countries, El Salvador and Honduras alternating for the second and third most represented (for more, see ORR 2020). My sample, as shown in table 1, is thus not representative of nor proportional to the general trend of unaccompanied minors

5. TRAC data, current through June 2014, notes that “children were not represented about half of the time (48%) they appeared in Immigration Court, although there is wide variation by state and hearing location. Less than a third (31%) have thus far been able to secure an attorney in currently pending cases” (TRAC Immigration, “New Data on Unaccompanied Children in Immigration Court,” July 2014, <https://trac.syr.edu/immigration/reports/359>, accessed May 20, 2020).

Table 1. Unaccompanied Minors Observed (N = 48)

	El Salvador		Guatemala		Honduras		Total	
	n	Percent	n	Percent	n	Percent	N	Percent
Age group								
6–8	2	09	2	12	0	0	4	08
9–11	8	36	7	41	4	44	19	40
12–14	10	45	5	29	3	33	18	38
15–17	2	09	3	18	2	22	7	15
Immigration relief								
SIJ status	15	68	9	53	6	67	30	62.5
Asylum	7	32	8	47	3	33	18	37.5
Case outcomes								
Granted (SIJ)	10	45	7	41	4	44	21	44
Pending (SIJ)	5	23	2	12	2	22	9	19
Granted (asylum)	6	27	5	29	3	33	14	29
Pending (asylum)	1	5	3	18	0	0	4	8
Caretaker-guardian								
Biological parent	6	27	2	12	3	33	11	23
Family member (I)	4	18	0	0	1	11	5	10
Family member (E)	10	45	12	71	5	56	27	56
Other	2	9	3	18	0	0	5	10
Gender								
Male	17	81	10	59	7	70	34	71
Female	4	19	7	41	3	30	14	29

Source: Author's calculations.

apprehended at the U.S. southern border based on country of origin. This same lack of representativeness and proportionality extends to the age and gender make-up across the sample—however, the sample's significantly higher representation of male versus female unaccompanied minors reflects the general trend data suggest.⁶

Gaps in available data also limit the extent to which proportionality and representativeness in the sample can be assessed. For instance, to my knowledge no public data are available on who the caretakers, guardians, or custodians are for unaccompanied minors seeking any forms of relief. The majority of those in my sample have been united with some type of family member, whether immediate (noted as Family Member (I) in table 1), ex-

tended (noted as Family Member (E) in table 1), or a biological parent.

FINDINGS: HOW THE PROCESS AND STRUCTURE OF RELIEF MATTERS

This research suggests the integration of unaccompanied minors into the institutions of the home, school, and work are significantly affected by their experience seeking SIJ status. The process of seeking legal relief forced minors to confront their illegality—despite studies suggesting undocumented youth are more protected from critically doing so until transitioning into adulthood (Gonzales 2011). For the minors in this study, their illegality transformed into a liminal state they then had to process, in addition to navigating the collateral damage to their social networks related to

6. FY 2018 reported 71 percent males to 29 percent females (ORR 2020).

pursuing SIJ status. Thus, this effect is twopronged: embedded in the relief seeking process (such as court appearances) and felt in social relationships that then inform how they navigate key institutions.

Managing removal proceedings in immigration court while managing family court proceedings on the grounds for SIJ status, appointing guardianship-custody, and determining best interest kept the stakes at hand ever-present for the minor. One of the most significant was the threat of deportation. As Javier explained, “Any time I go to court, I am afraid they will take me; that the judge will say I need to go back [to Honduras] right away or that I cannot go to school anymore or that I don’t belong [in the United States].” This blurred distinction between immigration and family court (the former of which has the authority to order the minor removed), and its connection to the fear of deportability, was common across unaccompanied minors regardless of their age or the favorability of the judge. Javier went on to elaborate that it was not only going to court which caused these fears, but also that they were a looming presence in his mind: “I think about what can happen while I’m at school,” he told me, “or when [my family and I] are driving somewhere, or when I’m at home alone.” This confirms Joanna Dreby’s (2013) argument about the wide circle of harm caused by deportation. Although the presence of these fears alone is important, minors also relayed the social effects they produced. Ixchel noted that when these fears arose she felt “numb”: “I can’t speak. No matter where I am, I want to isolate myself. I just want to be alone and I don’t like to talk about it.” This reaction, not unique to Ixchel, potentially may be a result of abuse, abandonment, or neglect—research having shown reduced ability to effectively process emotions when undergoing such experiences (Young and Widom 2014). Yet in this case it is important to underscore how the process of seeking legal relief proved a catalyst for these emotions and impacts as is clear in Ixchel’s comment, “maybe I should give up [on my case], so I can stop feeling this way.”

Apart from a fear of deportation, seeking relief also brought a fear of being a burden. As noted, SIJ status requires dependence on a juvenile court. Throughout my field observa-

tions, this was established by having a family court issue an order of guardianship or custody—even if the proposed guardian or custodian was their biological parent. Therefore, should the proposed guardian or custodian withdraw from the case, the process would be stymied. Even though in most cases caretakers and minors saw their not court-sanctioned arrangement as guardianship, the formality of the process added pressure and anxiety. One caretaker noted, “What if the judge doesn’t think I would be a good guardian? Will [the minor] be sent to foster care? Can they take my children away too?” That many of the unaccompanied minors observed had limited histories with their proposed guardian or custodian only complicated feelings of being a burden. It was not uncommon for an unaccompanied minor to have never met the family member they were united with when turned over by DHS, or to have not even seen the family member for the majority of their life. Felipe, who had been united with his aunt, remarked, “I had no memory of meeting her before. We talked on the phone a few times when she would call my mom in El Salvador, but that’s it. I knew her basically from her voice and through pictures.” Likewise, it was also common for these same family members to be undocumented—true for more than half of my sample. None of this is to suggest the guardians and custodians were not interested in supporting the unaccompanied minor throughout the process, only that their investment existed within a larger landscape of concerns, especially, as alluded to earlier, when they had children of their own. As Felipe’s aunt explained during a home visit, “I want to do everything I can to help Felipe, but I don’t have papers. There is only so much I can do. I’m scared. I have my own children who also don’t have papers. I’m worried. I can’t afford to let something happen to them.” Acknowledging this type of concern, as well as feeling like a burden, Ian remarked, “I’m embarrassed to ask my uncle for things, like things for school or to take me somewhere if I want to go out. He already has to do a lot, so I try to stay quiet and not bother him or my cousins and stay in my room. He doesn’t like going to court, but he has to because of me, and I feel bad, because it is my fault. . . . Would he get in trouble if I lose

my case? Would they send him and my cousins back to El Salvador also?"

Here we see Ian tying a sense of burden to his acts of self-isolation and withdrawal; we also see the threat of deportation as being not only something the minor must consider for themselves, but also something that weighs heavily for them as a potential risk for their proposed guardian or custodian and others tied to them. These feelings and concerns were heightened when cases were prolonged.

Among the cases observed, a common reason for prolongment was tensions in the bifurcated system of SIJ status. In family court, judges would try to assess the immigration merits of the case, something reserved for federal agencies or immigration court, as well as the best interests of the child. They would thus ask the minor to testify repeatedly or focus significant court time on the migration journey itself rather than the criteria for SIJ status eligibility. Attorneys would challenge that the focus of the local court should be eligibility for SIJ status—not strengths of the case for application approval, or the migration motives of the minor. This argument, however, did little to stop judges from moving court appearances in that direction. At times, judges' questioning became an interrogation that entailed significant stress for the minor. Take the following isolated questions asked of Magda, age nine and from Honduras:

Did you come to the United States alone?

Who was with you as you traveled to the United States?

Were your parents with you?

Where were your parents?

No one else came with you?

Did you come with an adult?

Who told you how to get here?

You did it all by yourself?

Did anyone tell you to come to the United States?

Did you know how dangerous it is to come to the United States?

No one tried to stop you?

Why do you want to live in the United States?

Why did you leave Honduras?

Did you see others you knew leaving Honduras?

Did you like living in Honduras?

Did you like living in Honduras more than you like living in the United States?

What would happen if you went back to Honduras?

Who would you return to in Honduras?

Have you spoken to them recently?

How often do you speak to them?

Do they miss you?

Do your parents miss you?

Did you told them you left?

What did they say?

Relatedly, the way in which the judge prefaced their interrogation of Magda also induced stress: "I am going to ask you a few questions. I want to remind you, you are in court and under oath. Do you know what that means? It means that you are required to tell the truth. Not what your attorney told you to say, not what your family told you to say—the truth. This is a big deal."

The hearing left Magda distressed. After she had been interrogated for a while, Magda's responses were reduced to "I don't know" as she visibly held back tears. When asked how she felt about the experience, she said that she had felt "scared" and was under the impression the judge "wanted [her] to mess up" and "wanted [her] to feel guilty," to which she confessed, "I'm sorry, I feel bad to have wasted everyone's time." Overall, case prolongments such as these were a resource and psychological drain on caretakers and minors, who would have to arrange their schedules, miss work or school, and commute to and from court for both family court and immigration court appearances. Another factor is the meetings that are necessary to prepare for these appearances. The frequency of appearances and the required time investment kept precarity front and center in the minor's mind. It also disrupted their ability

to build relationships or be integrated into the institutions of interest for this article.

Tension was also spurred by federal agencies pushing for faster removal proceedings and against the interpretation of local family court statutes—challenging the jurisdiction family court had over aspects of these cases. In December 2017, the Department of Justice advised immigration judges against considering “the best interest of the child” in determining removability, eligibility for relief, or protection from removal and to remain alert to potential fraud (Keller 2017). This discouraged the discretion of judges to let the SIJ status process play out before deciding on removal and conveyed assumption of or concern about abuse of immigration relief. This in turn translated to more frequent immigration court appearances. It also meant that immigration court appearances were more dynamic and tense and that judges challenged the progress made in family court. Responding to these delays and pressures, Leo said, “I hate that [the process] is taking so long. I can see [my attorney] and [my family] are stressed. I’ve been putting them through this for over a year now; I don’t want this to be a problem for everyone anymore.” As delays continued, collateral damage was evident in Leo’s school performance, as he explained: “I can’t focus on school with all these problems [with my case]; I get anxious and distracted. My grades are bad. I’ve failed three exams already.” For those who were working, a collateral impact could also be seen in their work relationships, as Javier noted: “My boss hates [that] I have to miss work because of my case. They’ve started reducing my hours. . . . [My coworkers] can tell I’m distracted at work and they don’t talk to me as much, probably because they can tell I’m in a bad mood. They don’t ask me to go out with them anymore like they used to.” The frustrations of delays were experienced across age groups, but the older the unaccompanied minor, the more likely they were to have these expressed stresses boil into considering withdrawing from the SIJ status process.

Case prolongment could also occur after the SIJ status petition was approved. However, in this case, the reason was the adjustment of legal status. Adjustment of status is what grants

the individual legal permanent residency (a green card). The number of green cards available for all special immigrant categories has an annual cap, however. When the number of applications exceeds the number available, a retrogression period begins whereby priority dates are issued to applicants to then be acted on in future allotments outside the current annual cap. In other words, for SIJ status, an applicant may be designated with SIJ status in 2015, but because the cap has been reached for adjustment of status from certain countries of origin, the applicant is issued a priority date and must wait for the visa bulletin to post their priority date at a later time. That same applicant may be able to adjust their status in a year, two years, or even later depending on how deep the retrogression is. This allows for SIJ status to serve as another form of what Cecilia Menjívar (2006) terms liminal legality, when migrants are between documented and undocumented. Despite having an approved SIJ status petition, not having a green card plants seeds of doubt and uncertainty as the minor embarks on a waiting game to reach their priority date. As they await status adjustment, however, they are issued work authorization, should they be old enough. This further entrenches them in liminal legality, which began as hope but evolves into uncertainty. I discuss later how receiving this work authorization is also encouragement to shift aspirational trajectories away from education and toward the workplace.

Integration into the Home

Whether in the home, in school, or at work, unaccompanied minors found themselves in contact with others who were also undocumented. The primary difference, however, was that most lacked legal representation and the promise of legalization. At times, this engendered tension in social relationships among unaccompanied minors, manifesting itself through boundary work (Lamont and Molnár 2002)—where a good-bad dichotomy would be drawn, meant to underscore the perceived shortcomings of the unaccompanied minor and elevate the behavior of the other—resulting in feelings or behavior of social exclusion. Even for younger youth, the inclusionary protections generally afforded through institutions such as

schools (Bean, Telles, and Lowell 1987; Chavez 1991, 1998), did not assuage the social effects on relationships with peers or those in the home.

In the home, this boundary work came in the form of allegations around the minor's approach to their case. Xochitl, age twelve from Guatemala, explained: "My cousin will scold me, telling me I am not taking my case seriously enough, because I do not ask enough questions [to the attorney] or am too quiet [in court]. She says I should be more 'grateful' of the 'privilege' that I have to be [in the United States] and getting legal help." In such cases, the elevated behavior was often of relatives who were also undocumented and had no legal resources. Xochitl went on to say, "She is frustrated that my cousins [her children] are undocumented. When she scolds me, she'll tell me how much effort my cousins put into finding resources at school and stuff, how it shows how grateful they are . . . but [my cousins] grew up here though; we're different. Still, it makes me feel bad. It is like she is saying they are the ones who deserve an attorney, not me." For some, this boundary work also involved physical distancing. Felipe, a ten-year-old Honduran, elaborated: "since my cousins saw [my attorney] come to [talk about my case], they have been trying to avoid me around the house. I remember hearing them ask my aunt why me and not them." Aside from enhancing a feeling of burden, these forms of boundary work deteriorated unaccompanied minors' feelings of belonging in the home and more broadly in the United States—the latter through comparisons of deservingness in relation to other undocumented counterparts. Cases like this—when although the entire household might be undocumented, not all had the same access to or potential for legal status—raise the importance of studying mixed-potential-status families, complementing existing research on mixed-status families, where typically the child has legal status but at least one of the parents does not (Abrego 2019).

Another tension in the home was around the unaccompanied minor adapting to a new level of independence. This was particularly true for male minors who were in or entering their teenage years. Cesar, a sixteen-year-old from Guatemala, explained:

In Guatemala, I was already working; I didn't have to tell someone where I was going or when I would be back. I brought money into the household. I felt that was part of my role, to provide. But it is really different here. I cannot provide in that same way and [my uncle's] rules are different. It can be frustrating. Sometimes we argue because I feel he treats me like a little kid. I know he needs to become my guardian [to seek SIJ status], but he can still treat me more like an adult.

Female minors, in contrast, more frequently noted growing up with limited independence and therefore found less of a need to adjust to a new degree of independence and more of one to adjust to a new authority figure. Case prolongments fueled these tensions and adjustments because they reminded the minor of their dependence on their caretaker, which, for the caretaker, provided them grounds to have more oversight of the minor and rein in the minor's independence. Cesar's caretaker explained it this way: "I'm going to be his guardian now, that's why we are going to family court. That means, it is also my responsibility to make sure that he behaves, and he has to stick to the rules—my rules. He is not in Guatemala anymore where he could do whatever he wants. Here [in the United States] there are rules." Here we also see a distinction being made between what childhood or adolescence means across national borders—yet a third form of boundary making. Although in Cesar's case tensions with his uncle never escalated, in other cases unaccompanied minors would become what their guardian would call a delinquent. As a result, minors experiencing these dynamics were reported to spend less and less time in the home of their guardian, yet another ground for isolation from the home and perceived deviance.

Cases also existed of strong relationships between caretakers and unaccompanied minors. Marcella, age eight from El Salvador, called her cousin and eventual guardian "both the mother and sister I never had." The difference in circumstances here was that Marcella's cousin had legal status and had no children of her own, allowing her to dedicate substantial time

and attention to Marcella even as she moved forward supporting the SIJ status process without personal fear or risk. In addition, absent other immediate children or undocumented youth as a basis for boundary making, this situation was rare. These factors were common in other cases of strong relationships between caretakers and unaccompanied minors. Another, though uncommon, factor in strong caretaker-minor relationships was when the minor had had a substantive, lived history with the caretaker before migration.

Cases in which the unaccompanied minor had been reunited with a biological parent also generally showed strong social cohesion. One minor noted being reunited with a parent made them feel a little more “normal” and “happier than [they] could have been without them.” A parent remarked, “even though I would not have liked my child to have migrated the way they did, I can’t help but be happy to be able to hold them again and see them.” In these cases, points of tension arose around questions of why the parent had left the home country without the child or why the child had decided to migrate to the United States without the parent’s permission. In contrast to some of the mixed-potential-status cases, parents reported no tensions around not being able to secure status, “at the end of the day, I want what is best for my child; that’s the purpose of my life now that I am a mother. . . . Is it going to be rough to stay undocumented? Sure, but I have done it and I will continue to do it. I just pray my child gets status, because I want them to be able to do more and be more than me.”

The absence of a strong relationship or social cohesion does not suggest a negative assessment of either actor. However, across strong and weaker relationships between guardians and parents was an uncertainty about how to address that apathy, withdrawal, depression, or other indicator of concerning social behavior—let alone equipped to reconcile past trauma with the cultural and social adjustments that were being demanded as the minor begin integrating into U.S. society. The degree to which any parent or caretaker is equipped to handle these circumstances and situations, however, is debatable.

School Integration

In school, as other studies posit, relationships had the potential to serve as an integral resource of support and identity formation (Portes and Fernandez-Kelly 2008). School provided unaccompanied minors the opportunity to date, develop friendships (outside the focus of their legal status or migration experience), and consider different career trajectories. The driving variables of what made integration into the school successful for those I observed varied based on the age of the minor, as well as the make-up of the school itself.

For minors between twelve and sixteen, a positive transition into the education system depended largely on their ability to establish community or a peer group early on. Several of the minors observed in this study attended schools with a sizable number of other Latino undocumented youth. For some, this situation provided the opportunity to develop relationships with others who could empathize with their circumstances and thus serve as a social foundation through which to ease their transition. On building community with other Latina peers, Maribel, age fifteen from Guatemala, commented,

It has been really helpful to make friends that are also Latinas. I felt comfortable with them from the beginning. I can speak Spanish with them, and they don’t make fun of my English when I try to speak it even though I’m still learning and it’s not that great. Some of them understand what it was like in Guatemala and we can talk about how different it is to the United States or I can talk to them about having to go to court and stuff. . . . We hang out outside of class during the breaks or form study groups to work together.

Having established this social group early on, Maribel and others similar to her in this respect engaged in school social activities, expanded their group of friends, progressed steadily in their academic performance, and consistently advanced their English-speaking abilities. Even when their cases were delayed or complicated, their academic performance suffered less than that of their peers. After having

secured SIJ status, those able to establish a school-based community or social group early on also found themselves more engaged in conversations with their peers about future educational or career plans. Although bureaucratic delays in processing their adjustment of status still loomed over them, the comfort of SIJ status allowed for a small sense of stability.

In contrast, Alejandro recounted the following story from his middle school: “The Mexican kids have their own group. There are two other boys from El Salvador at my school, though I don’t really talk to them; they call us ‘the refugees’ and they pick on us. . . . It pisses me off, because I know they are also illegal. Why do they see me as any different?” This shows not only the hostile relationships that can arise, but also that part of forming a sense of self and integrating is understanding where they fit in the larger fabric of U.S. immigration distinctions and categories, what that means, and perhaps even an understanding of how they see themselves within the larger Latino community in the United States. Alejandro’s school, as in other similar cases, had a small Latino population. In cases like Alejandro’s, characterized by more of an absence of community or a foundational social group early on, minors noted less enthusiasm for school, a more difficult time learning English, a smaller circle of friends, and a greater desire to leave school and enter the workforce. They also noted not sharing much of the experiences related to their case with others, and also saw delays and challenges in their case affect their academic performance considerably. Even once this group secured SIJ status, many of these characteristics remained.

For minors eleven years old and younger, transitioning into the education system was relatively seamless overall—especially if their school had the infrastructure and support for those who did not speak English as a first language. This held true even if they were not able to develop a foundational social group; in fact, many did not have a small group but instead a wide range of acquaintances and relationships across their class. Their academic performance in school may have suffered initially as they transitioned, but over the course of a few months notable improvement was observed.

This positive transition allowed them to develop and establish long-term goals. “I really like school. My friends and I really like science; one of them told me she wants to be a doctor. I think I want to be a doctor one day also,” Magda said. For those who secured SIJ status, no longer needing to appear in court or be constantly reminded of their legal precarity allowed this to fade into the background, even if their status was not yet formally adjusted. Those who were granted legal permanent residency were able to adjust to their peers all the more seamlessly.

Although peer groups played a role in encouraging minors toward a particular educational trajectory, the SIJ status process continued to exert its influence as well. Family court judges often steered those twelve years old and older toward technical careers or GED programs during the SIJ status process. Throughout my observations, female unaccompanied minors were never encouraged to take up a technical career, only to pursue GED programs. Their male counterparts were generally offered both, greater emphasis being on a technical career. This may reflect a gendered understanding of who belongs in technical careers or even male-female trends in college attendance and graduation rates in the United States. Nevertheless, for the minors, it reflected how they saw their ability to achieve upward mobility. Female unaccompanied minors such as Maribel spoke this way: “Me making the best for myself and my future is in getting an education. I want to work. I want to make money, but I don’t want to lose focus on school because it will work out in the long run.” Male unaccompanied minors such as Cesar explained a different perspective: “It is important for me to work. The faster I can get a job, the faster I can start working on moving up in that job and making money and providing for myself. I think the judge telling me about a technical career makes sense.”

In contrast, minors older than sixteen (both male and female) expressed interest in school, but also an understanding (more common among males) that the need to work was more immediate. The first response for many was to start work on a GED program—though when tensions with their guardian or custodian were

a factor, they prioritized financial independence and the ability to support their family in their country of origin—reiterating a system and cycle of remittances that many generations of Central American migrants, as well as migrants generally, have come to participate in.

Workplace Integration

Those who reported to be working were generally older than sixteen. Further, those granted SIJ status were able to secure employment authorization—even before formal status adjustment to legal permanent residency. Having this authorization in hand compelled those wanting to prioritize their sense of urgency to work to do so. Like many migrant workers throughout the country, these minors entered low-skill labor sectors—construction, retail, fast food, landscaping, and agriculture. Most who chose to prioritize work were male unaccompanied minors, continually expressing a need to continue to fulfill the role of a financial contributor to their families—in the United States and abroad. Selvin, age seventeen from El Salvador, explained it this way:

Now that I'm working, and I can bring back some money to my aunt and save some money to send back to El Salvador, I feel a lot better. I feel more comfortable at home, knowing that I am not just taking from my aunt and her family. It's like I'm earning my spot to be with them. That makes me feel much better. . . . I don't make that much, but it's something. I've thought about looking for another job, but it isn't easy. . . . I have great coworkers though. They're all much older than me, but many also came from El Salvador. They tell me I remind them of when they first came, so they've been really nice and help me learn things quick. We go out after work and sometimes when I'm with them it feels like El Salvador is a little closer.

Like Selvin, minors mainly expressed dissatisfaction in feeling constrained in their earning or job-seeking potential. Working in sectors with a higher concentration of immigrants, minors often found community among Spanish speakers, others who would sympathize and understand the experience of migrating, as well

as those that had strong ties with their countries of origin. As a result, the workplace offered strong avenues for integration as well as potential mentors. Further, this significantly positive integration, coupled with the fact that the minor was able to earn money, provided them a different outlook into how they navigated institutions like the home. Selvin's comments about "earning [his] spot" are not uncommon for those in situations like his.

Although not as common, some expressed seeing their adult counterparts as a manifestation of their fears. Cuthberto, age sixteen from Honduras, noted,

I see the people I work with and something inside me feels shaken. All they do is work. They have multiple jobs, they live in apartments with a lot of roommates, sometimes paying to sleep in the living room—all so they can live here, send some money back home. . . . I don't want to live that way and at the same time I'm scared that's the only option I have. I don't know when my case will be closed. If I lose my case, how will I keep studying? I feel since coming here, I've had to give up my dreams just to keep living. Even if I win my case, will I be able to turn it around? What if it is too late? What if this is the only choice I have?

Here we see difficulty in accepting the need to adjust future aspirations and a sense of hopelessness in successfully avoiding doing so. For this group, even SIJ status did not assuage these feelings or concerns. Instead, what weighed most heavily was the adjustment of legal status and how waiting for it to happen would only require more adjustments.

DISCUSSION AND CONCLUSION

It is clear both the process of SIJ status and the integration it facilitates are increasingly complex and far from perfect. The bifurcated structure of SIJ status in local governance, through family courts, and federal governance, through a number of federal agencies and immigration court, have yielded a tension that not only plays out among stakeholders (evident in its history), but also can be felt by those it processes. In reporting observations around bureaucratic de-

lays or conflicts between purpose and practice in family court, for instance, I highlight the potential volatility in avenues for legal relief. How this volatility is exacerbated by changes in federal administration and overall immigration management, though not explored in this article, remains a critical gap in the literature—especially regarding unaccompanied minors (for more, see Wadhia 2019). These vulnerabilities may not be unique to SIJ status, but instead similar to a number of other protective statuses and visas. Studies dissecting the process of seeking various forms of relief are therefore needed to complement studies of the undocumented experience. Moreover, although recent scholarship has underscored the way in which immigration has made its way into the criminal court system, this study shows that immigration proceedings have also permeated other aspects of the system, such as family court (for effects on foster care, see Wessler 2011).

In studying initial integration into home, school, and work, I outline how each operates as a potential site of inclusion and exclusion. A common salient factor is legal status—whether through boundary work, strains in relationships due to dependency, or the social foundation for mentorship. The workplace tended to show greater rates of inclusion for older minors, highlighting the social cohesion possible among undocumented communities, although schools showed more mixed results in this social cohesion. What remains to be explored is whether this contrast is the result of limited general social services or of experiences not uncovered in this study. The concern with the findings of the workplace is that although unaccompanied minors may experience greater social cohesion in this institution, such trends (if generalizable) would suggest that this population is positioned to operate as a new cohort of labor vulnerable to greater precarity and exploitation and, given its limited social mobility, as a more permanent underclass. Such positioning would also make the findings on the educational trajectories of male versus female unaccompanied minors important to consider.

In addition, the focus on this understudied population—unaccompanied minors—provides a platform for future scholars to contex-

tualize studies of how such a uniquely positioned population navigates long-term integration into U.S. society and the possible impact across generations. For example, sociological work such as that of Margaret Frye (2012) understands imagined futures or aspirations as an assertion of one's identity. Thus future research may more closely study the evolving aspirations of unaccompanied minors or minors who withdraw from seeking relief or are denied relief altogether and their potential cultivation of new imagined futures and aspirations outside a secure legal status. Additionally, given events such as recent surges in migration, this case opens the door for conversations on the evolving migrant demographics in the United States and discourses of the Latino or migrant threat more broadly. The importance of these discussions, particularly those on evolving demographics, is in how different migrant groups and cohorts interact with one another, and in how they understand or create boundaries based on the legal categories of status and the like.

What has not been as well articulated here is the relief and pathway to citizenship that SIJ status has provided for a number of migrant children. However, the need for stronger support systems and wraparound services is evident. Although not specific to SIJ status, two important developments worth investing in to aid this population are efforts to advocate for the guaranteed representation of unaccompanied children and to create a standard for consideration of the best interests of the child in immigration law. Such a standard is important, despite the expertise held by juvenile courts, because not all cases of minors—unaccompanied or otherwise—reach juvenile courts. The scope of impact in creating such a standard is therefore much broader. Its creation could also inform greater synergy and coordination between the processing elements at the federal and local levels.

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