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Spotlight on: The Young Center for Immigrant Children's Rights

By Elizabeth Youakim

Each year over 80,000 unaccompanied minors seek entry to the United States. In 2010, United States Immigration Authorities took more than 8,000 unaccompanied immigrant children into custody at borders and airports. As of 2013, more than 700 of these children are in federal custody in Texas alone and countless others remain in custody across the nation. The children come from around the world and for various reasons; some come to flee political turmoil, poverty, and child labor, while others are motivated to be reunited with family members already in the United States. Despite these variances, these children have one thing in common: they venture across United States borders alone, without the help or guidance of an adult guardian.

Named after one of the first child clients they served, the Young Center for Immigrant Children's Rights ("Young Center") advocates for the best interests of unaccompanied immigrant and refugee children in the United States. Although the Young Center is based in Chicago, Ill., they just opened a new office in Harlingen, Tex. in 2013. Staff attorneys, law students, social work students, and other volunteers receive training to serve as either Child Advocates or friends of the child. The volunteers get to know the children, determine why the children are in the United States, and identify the next steps for the child. Some children qualify for asylum or special protective visas. Regardless of where the children eventually end up, all of the volunteers and advocates protect the best interests of the children they serve.

Currently, the Young Center is sponsored by the Tides Center, a nonprofit organization that provides fiscal sponsorship to other organizations. Other organizations, such as the Chicago Bar Foundation, support the Young Center. Additionally, the organization asks for private donations from individuals.

Like many organizations dedicated to serving vulnerable populations, the Young Center relies on volunteers to continue their mission. The Young Center trains volunteers to become Child Advocates for unaccompanied immigrants. Although the Young Center has a need for bilingual volunteers, the organization welcomes volunteers from all backgrounds, professions, and cultures who are at least twenty-one years old. Volunteers attend a two-day training session covering child development, effective communication with children, United States immigration laws, and the issues facing unaccompanied immigrant children. After successfully completing

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the training, each Advocate is assigned to an individual child. The Advocates continue to receive training, support, and supervision from the Young Center throughout this process. In turn, the Advocates must maintain constant communication with the Young Center, the child's case manager at the shelter, and the child's attorney representing the child.

In addition to training, Advocates commit to serving the needs of their specific child. This includes: visiting the child at least once a week, helping the child think through options and decisions, and accompanying the child to court hearings and other important meetings or interviews. Additionally, the Advocate must conduct research on the current situation in the child's home country, draft a written report regarding the best interest recommendations for the specific child, and advocate for the best interests of the child.

In 2004, the Young Center received seed funding from the United States Department of Health and Human Services Office of Refugee Resettlement ("ORR") in order to develop a program where *guardians ad litem* ("GAL") could assist unaccompanied immigrant children. In child protection proceedings or other proceedings involving incompetent adults, court-appointed GALs typically represent the minors and incompetent adults in order to represent the best interests of the individual. In this role, the attorney must investigate the case, interview the children and the parties involved, and submit a written report to the court regarding best interests recommendations. United States immigration courts, however, do not recognize the inherent differences between children and adults and do not distinguish between them in immigration and deportation proceedings.

With the help of the ORR funding, the Young Center developed a model program whereby both experienced attorneys and volunteers actively worked to serve as child advocates for unaccompanied immigrant minors. The attorneys have experience in both immigration and child welfare, combining the GAL model with the immigration proceedings. Additionally, by working on establishing a best interests standard for juvenile immigration proceedings, they hope to change the current immigration justice

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system into one that recognizes children as a class of their own and focuses on the safety and well being of this vulnerable population.

Children in immigration proceedings experience drastically different conditions than children in domestic child protection cases. Once immigration authorities take custody of an unaccompanied minor, the child faces removal proceedings in Immigration Court. These proceedings are adversarial and do not distinguish between adults and children. Children must adhere to the same rules of evidence and procedure as adults. Contrast this with the traditional child protection case, where the court appoints a GAL and must consider the child's best interests before handing down a decision on whether to remove a child from his or her home.

In partnership with the Vera Institute of Justice, a nonprofit organization dedicated to improving justice and safety systems nationally, the Young Center has recommended expansion in three additional sites across the nation. The Young Center will tailor its programs and procedures to meet the specific needs of the site and its community. Until these new sites are fully operational, the Young Center is currently training volunteers from specific sites so they can be assigned as Child Advocates in complex cases. These volunteers will receive the same training, support, and guidance as volunteers in Chicago and Harlingen.

Additionally, the Young Center advocates for national policy change. First, the organization is working on protecting a child's right to be raised by their parents, in accordance with Article 9 of the Convention on the Rights of the Child. The Young Center has also advocated against the increase of detention centers for unaccompanied minors along the United States-Mexico border. The organization posits that these detention centers place additional barriers between children and reunification with their families.

The Young Center lists fourteen principles that guide the organization and the work of their attorneys and Advocates. The principles come from international standards set forth by the United Nations as well as domestic proceedings. The organization focuses on caring for the safety and well being of the child involved. For example, "In all actions concerning children, the best interests of the child shall be a primary consideration." The Young Center also

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recognizes this as a right and not a privilege, stating, "Every child has the right to such protection and care as is necessary for his or her well-being." The organization also goes so far as to suggest policy considerations, such as, "Organizations, government departments and professionals involved in providing services to unaccompanied children must cooperate to ensure that the welfare and rights of unaccompanied children are enhanced and protected."

One story featured on the Young Center's website highlights how advocates use these principles to guide their recommendations for the children they serve. The story involved two siblings who had been abandoned and abused by their family. At the request of an attorney, Child Advocates prepared an in-depth best interest report and provided recommendations based upon their findings, which was then submitted to the Immigration Judge. As a result of this report, the two siblings were granted asylum, which allowed them to lawfully stay in the United States. This story highlights how the Young Center embraces its guiding principles and advocates for unaccompanied children.

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