

2019

A Spotlight On: Advocating for the Stateless: The Work of Professor Katherine Kaufka Walts

Samantha Schatko

Follow this and additional works at: <https://lawcommons.luc.edu/clrj>



Part of the [Family Law Commons](#), and the [Juvenile Law Commons](#)

Recommended Citation

Samantha Schatko, *A Spotlight On: Advocating for the Stateless: The Work of Professor Katherine Kaufka Walts*, 39 CHILD. LEGAL RTS. J. 331 (2020).

Available at: <https://lawcommons.luc.edu/clrj/vol39/iss3/14>

This Article is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Children's Legal Rights Journal by an authorized editor of LAW eCommons. For more information, please contact law-library@luc.edu.

A Spotlight On:
**Advocating for the Stateless: The Work of Professor Katherine Kaufka
Walts**

By: Samantha Schatko

"Children being separated from their parents at the hands of public policies and officials should evoke dark moments in history. Regardless of where one stands on immigration, we should all agree that there is a social value in protecting children, regardless of nationality or immigration status."

-Professor Katherine Kaufka Walts

I. INTRODUCTION

Professor Katherine Kaufka Walts is the current Director of the Center for Human Rights of Children (“CHRC”), an attorney, as well as a Professor and Administrator at Loyola University Chicago. Her experience includes teaching, research, direct client representation, advocacy, and policy work. Her interests span multiple topics, including immigration, health and welfare, human trafficking, and how each of these intersect with the unique experience of children. Through her work at the CHRC, Professor Kaufka Walts addresses local and global issues pertaining to children through an interdisciplinary approach to outreach and policy. As children’s rights is a broad topic, she focuses her work on child trafficking and exploitation, vulnerable youth navigating systems alone, like family separations at the border, and promoting children’s rights to a healthy and safe environment in response to environmental toxins.

This interview will touch on Professor Kaufka Walts’ background, her work at Loyola and the CHRC, and her vision for what is to come of her current projects. This article serves to spotlight Professor Kaufka Walts, her work on immigration law and human trafficking at Loyola and beyond, and her expert opinion on these topics, specifically their intersectionality and effect on children.

II. BACKGROUND

Professor Kaufka Walts identifies as a child of immigrants as a first-generation Polish-American. Hailing originally from Michigan, she was the first of her family born in the United States. She was also the first to attend school here, and the first to obtain a college degree. Working in immigrant communities came naturally to her because of her upbringing and immigration was always a passion of hers. Growing up, she had the unique opportunity to help some of her family members with their citizenship, including her parents. Yet, when she went to law school, she did not immediately jump into immigration law. There were no other lawyers in her family and she describes herself as not having a lot of knowledge about school in general. She did not realize immigration was not offered at every law school, and she felt discouraged by the lack of substantive

classes on immigration as a student at the University of Wisconsin. Because of this, she made sure to attend conferences and activities on her own as a way to stay up on what was timely in the field and as a way to network with others who were passionate about the same things she was.

III. CAREER

During law school, Professor Kaufka Walts worked at the Wisconsin Coalition Against Domestic Violence doing outreach training and technical assistance to advocates and shelters around the state. It was during this time that a new law passed that greatly influenced her future career. The Trafficking Victims Protection Act passed in 2000 which was the first federal statute that defined the crime of human trafficking as it is known today. Professor Kaufka Walts describes this as the foundational text for this area of law as it has progressed lately. This Act had a great impact on Professor Kaufka Walts, as it was the intersection of all the issues that she was interested in: immigrant rights, exploitation, refugees, with specific relief for women and children. Professor Kaufka Walts' first experience working with this law was while she was still at the Wisconsin Coalition Against Domestic Violence. She stated women would often come into the shelter saying they had nowhere to go but they met the legal definition of a household member of abuse under the statute. This Act now recognized other legal protections for these groups of people under the criminal and immigration systems and changed the way the law treats victims of trafficking.

After graduating from law school, Professor Kaufka Walts continued to work on this new Act in her role at the National Immigrant Justice Center ("NIJC"). The NIJC had just received one of the first federal grants to conduct outreach and services surrounding this Act, and part of Professor Kaufka Walts' role was telling interested parties how to incorporate it into their practice, along with direct representation. From Professor Kaufka Walts' viewpoint, this Act had monumental effects on a larger group of victims that had formerly not been provided much relief from trafficking. From an immigration standpoint, this now allowed protection for immigrants who previously would be getting arrested, deported, or both.

After working with clients directly, she was concerned with finding a way in which to prevent the long-term effects of trafficking, specifically the effects on children. Moving forward, she began to turn her focus towards prevention. Traditionally, the role of human rights were not thought of as separate from the role of children's rights. Professor Kaufka Walts refers to this as a systemic issue, in that children's rights were often overlooked in this area of the law. She worked with numerous trafficked and orphaned children who suffered social trauma, but who were seen as stateless in society. They were not considered citizens, because they were often illegal immigrants who had no documentation, no known parents in this country, and were not eligible for school. This also made them highly vulnerable to child labor and sex trafficking. She started to think of ways to create interventions earlier for these youth, by working with multiple different disciplines. She recognized the opportunity to do more training and advocacy. One of the ways she developed this intervention was through mentorship. From a research standpoint, Professor Kaufka Walts identifies this as one of the best ways to reach these children. She states this is important in helping

these children develop strong, positive social support networks, which they often lack. She also worked to develop their leadership and life skills. Their lack of both of these characteristics makes them especially vulnerable because they often do not know how to manage money, do not know their rights, nor how to take care of themselves. Professor Kaufka Walts was looking to enhance their financial literacy and their social support networks in a way that is sensitive to what they have been through and the emotional trauma they will continuously face for the years to come. Participation in this outreach and prevention is what led her to expand her role into academia.

IV. WORK AT LOYOLA

At Loyola, Professor Kaufka Walts was able to expand on this outreach and policy work to incorporate even more voices. At the time she took the position as Director in 2009, the CHRC was one of the only academic centers that was working on trafficking issues and was the only one Professor Kaufka Walts knew of that was working specifically with child victims. Once Professor Kaufka Walts transitioned into her role at Loyola, she was able to develop more comprehensive research on adolescents in order to take a more systematic approach at addressing their needs. In this role, she was able to take a closer look at first responders who often deal with children escaping trafficking, most of whom are child welfare workers. Professor Kaufka Walts found that the child welfare industry often missed the mark on how to address these children's needs, even though they are the group that should be the most knowledgeable. It became Professor Kaufka Walts' mission to create better informed responses to child trafficking for child welfare teams. Her intention was to build a movement that reached beyond each state's policies. She succeeded in this mission and was able to obtain data about what children are trafficked, how they come into the system, and the protocol for how child protection and welfare can respond to them more effectively.

When she was hired at Loyola, Professor Kaufka Walts was looking to create a more applied, practical approach to research on children's rights and trafficking by using the resources and expertise of the CHRC, along with interdisciplinary development. She was looking to create an impact in the community and promote good research that would not just stay in the halls of academia. For example, she has focused much of her work on family separation at the border. Years back, the government adopted a zero tolerance policy to those entering the United States unlawfully and treated them as criminals. Because there are laws in place that do not allow children to be detained with those who have criminal charges against them, these children were being separated from their parents in detention. After much backlash, the government backed off of that practice. In response, the government proposed a rule, that is still pending, which states that there cannot be separation of children from their parents, but allows them to detain these families indefinitely. When this proposed rule was open for public comment, the CHRC submitted a comment that contained not only the legal argument against such treatment, but that argument was backed by research from social scientists, detailing the implications of the rule on children's psyche, physical health, brain development, emotional health, etc. This comment was an incorporation of exactly what Professor Kaufka Walts tries to do in every aspect of her work at the CHRC. She stated it is

important for immigration lawyers, specifically, to have an understanding of how children's brains and bodies work.

In addition to her interdisciplinary research work, Professor Kaufka Walts has now partnered with Loyola's ChildLaw Center to incorporate the issues of immigration and trafficking into the practice of child welfare and family law done that is done at the Clinic. Specifically, she has developed a summer institute on family separation in context with immigration with Professor Anita Weinberg. This institute is designed to study the notion of family, what it means, the diminution of family, and, particularly, how that relates to current immigration policies impacting families mentally, socially, and physically. Additionally, she also teaches a human trafficking class, which is offered to the school of social work as well as the school of law. In this class, students are often paired up amongst disciplines, so a student of social work and a student of law will conduct client interviews as a pair. This way, students are able to advocate in a more holistic way, helping future practitioners and lawyers work together with other service providers as a problem-solving team.

V. CHILDREN'S RIGHTS AND HUMAN TRAFFICKING: HER TAKE

The issues of family separation and human trafficking have been covered in the news more lately than ever before and seem to increasingly be hot button issues for many. Yet, Professor Kaufka Walts states that this is something we have been dealing with for centuries. We have always had issues with slavery and trafficking of people, and even though there are laws that abolish it, it is somehow still something with which we are struggling. We have had commercial exploitation, forced labor in homes, and domestic servitudes for hundreds of years. She states that the groups of people who are most invisible in our society are children who come from trauma, such as child prostitutes, homeless youth, or commercially exploited children. Our country has continuously treated youth as perpetrators instead of victims and has criminalized prostitution with the prostitute as the offender. She feels that people often forget these groups of children as they have little power or influence in the country and are easy to dismiss. Especially with child labor trafficking, people often see these children as doing "real work" that no one else wants to do and that it is harder for people to see that this is a "real abuse." As an example, Professor Kaufka Walts cited a case out of Iowa that the New York Times covered, in which disabled adults were working at a poultry manufacturing plant de-beaking birds. Because these people were disabled, they were recruited from institutions and facilities across the country to come work on this plant and live together in houses on the property. Because these people were often white, male, US citizens, they were not the typical narrative of a trafficked population. And yet, they were unpaid, living in squalor, forced to work under harsh conditions but it took years of advocacy by local social workers and law enforcement to break up the institution. The community saw these people all the time and had no idea they were working under such horrific conditions. Professor Kaufka Walts cites this as an example of how we see these things in our community but we think they are something else, so we are able to tell ourselves that it is acceptable.

Even looking into the future, Professor Kaufka Walts identifies the hard work that must continue in order to address the needs of these populations once they have escaped trafficking. She stated that she has hardly developed enough insight into what causes children to be trafficked, that she has barely been able to touch what happens after these people have escaped. She has done some research in the past on adult victims of trafficking who she studied five years out, and yet they continued to be exploited. Even though they are “free” and some have good paying jobs or have obtained visas, their vulnerabilities don’t just go away. As Professor Kaufka Walts describes it, “trauma leads to trauma.” At this point, she believes that there is not enough intervention to provide support services to youth and families before this happens, so that they can set up systems to fall back on when they need it, and also to develop coping skills and mechanisms on how to handle the trauma in the years to come.

Finally, Professor Kaufka Walts stated that every individual affected by trafficking does not come from a distant place necessarily. Many of these issues are happening in the interior and all around us. If we are able to have a better understanding of the non-legal impact on these people, we can better form policy and laws contextually. As lawyers, Professor Kaufka Walts feels it is our responsibility to be the best informed advocates we can be in order to properly serve these populations and meet their needs from a holistic approach.

VI. CONCLUSION

As Professor Kaufka Walts looks to what is ahead in her career at Loyola, she has mentioned a few things that she would like to expand on and develop in conjunction with both her research and her role as a Professor and Director of the CHRC. She mentioned that she would like to develop a more robust, scholarly and practical knowledge around the intersection of immigration and children. “As unjust as the immigration system is, it is specifically so regarding children.” Professor Kaufka Walts went on to elaborate that the juvenile justice system, although also flawed, does acknowledge that children are different than adults and treats them as such. This is not so, in her eyes, in the immigration system. She would like to continue to expand the holistic advocacy in this area as well. She feels that, although we are being trained as lawyers, we should also have social work as a primary co-discipline when going into this particular field. She would like to also develop, in her partnership with the Civitas ChildLaw Center, a way to work more directly with child welfare advocates to broaden her research and advocacy with first responders, as well as integrate immigration into the child and family law focus. It is clear that Professor Kaufka Walts has a passion for advocating for children’s rights in multiple different capacities. And yet, it is her work of integrating current immigration issues into traditional notions of children’s rights and trafficking that set her apart. With her current partnerships and ideas for the future, her advocacy and outreach through Loyola is destined to grow greater in communities that need it most.