

Unaccompanied Migrant Youth

Service Needs and Gaps in the New York Metropolitan Area

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Executive Summary

Unaccompanied migrant youth are one of the most defenseless populations in the New York Metropolitan Area. Despite New York's vibrant history of immigrants and its leadership to make progress in addressing the needs of these populations, many challenges still exist. Migrant youth flee their home countries due to dangerous situations such as violence, domestic abuse, and exploitation. Youth seek safety in the United States; however, they often face many hardships once they enter the U.S. and try to adapt to life in the country. Although many changes to immigration policy have occurred since the initial research for this report, the key findings and recommendations remain crucial to providing assistance to this highly vulnerable population.

In late 2016, UNICEF USA and Children's Defense Fund – New York ("CDF-NY") conducted a study on the gaps between the needs of unaccompanied migrant youth in New York and the legal and social services available to them. CDF-NY organized several focus groups with unaccompanied youth and sponsors in New York City and Long Island, administered a survey to migrant service providers, and conducted multiple in-depth interviews with key service providers. These providers, who had firsthand knowledge of the unaccompanied youth population, provided detailed information and assessments of services in New York. They described the service gaps that youth face, including language barriers, a dearth of services within NYC, a lack of resources, and a lack of funding, which make it difficult for them to effectively help this migrant

youth population. The study addresses four specific needs that key providers and respondents found significant in ensuring a safer environment for these unaccompanied youth: legal, health and mental health, education, and basic income support services. This report highlights the capacity and service gaps that make it difficult for youth to adapt to and integrate into the United States.

Included in this report are four model programs that provide effective help to unaccompanied migrant youth. These model programs are significant because they offer legal and health services, other integrated services and use community resources effectively to address the needs of unaccompanied migrant youth. In addition to a set of broad recommendations, this report also includes a set of multi-level recommendations for organizations based on the study findings.

Study Findings

Legal Services

Survey respondents indicated that legal services are the most in-demand service for unaccompanied migrant youth. High-quality legal representation is pivotal to ensuring a safe future for unaccompanied youth in the U.S.; however, youth have difficulty finding legal representation due to the lack of services available in New York. More than half of the unaccompanied youth in New York live on Long Island, but Long Island has few free legal services

available to unaccompanied migrant youth. New York City courts are overwhelmed with cases, and many of the cases are on pending status for long periods of time.¹ Organizations also turn away viable cases or put them on waitlists due to insufficient resources. In addition, youth and sponsors are generally not aware of their rights during the immigration process. Thus, they need assistance to find legal representation at each stage of the immigration process.

Health and Mental Services

The providers surveyed indicated that health and mental health services are the second most in-demand services after legal services. Many times, unaccompanied migrant youth experience trauma in their home countries or during their journeys to the U.S.² They indicated that youth need help adapting to their new home, language, and culture. Youth should be seen by a professional health provider to establish a medical history and to assess any mental health needs of the unaccompanied child. Health and mental health information can also be valuable in supporting a youth's immigration case. There is also a language barrier that makes it impossible for some unaccompanied youth to receive mental health services. There are only a small number of health providers in New York that offer services in Spanish, and there is a general lack of mental health services on Long Island. Health and mental health care is vital for migrant youth to adjust to life in the United States and be able to thrive.

Education

Unaccompanied migrant youth have education-related needs that make it difficult for them to fully integrate into the education system. They face difficulties when enrolling in school, assessing their educational progress, and mastering English and other subjects. Youth have an eagerness to learn but are not provided adequate educational support. Schools are a useful tool for youth, as schools can provide information on legal resources, social services, and health and mental health counseling. Only a few of the key providers indicated they provided educational support; however, many respondents stressed the importance of educational support for unaccompanied youth.

Basic Income Support

Unaccompanied youth and sponsors face financial burdens on

a day-to-day basis. There are ongoing costs in providing housing, food, clothing, and transportation to unaccompanied youth. Many sponsors face multiple up-front costs with low-wage jobs, making it difficult for them to make payments while providing the best care for youth. Only a few of the organizations indicated that they provide financial support for basic needs. Although basic income support was not reported as one of the most in-demand services, it has still proven to be a burden on sponsors and youth in adjusting to life in the U.S.

Spotlight on Model Programs

Four programs that help unaccompanied migrant youth receive legal, health, and other social services upon entering the U.S. were highlighted in the report. These model programs include: *Immigrant Children Advocates Relief Effort (ICARE)*, *The Door*, *Terra Firma*, and *Safe Passage Project*.

ICARE, a public-private partnership funded through New York City and the philanthropic community, provides free legal representation and referrals to social, mental health, and medical services for unaccompanied youth in the New York Immigration Court. Among other accommodations, the partnership with the New York Immigration Court allowed attorneys to use a small room to meet with unaccompanied migrant youth before their first appearance before an immigration judge. *The Door* is a service provider that offers holistic programming for youth in English classes, mental health counseling, legal services, arts and recreation, free meals, and supportive housing. *The Safe Passage Project* addresses the legal needs of low-income migrants living in New York. *Safe Passage* provides universal screening to unaccompanied youth with no legal representation. *Terra Firma* is a medical-legal partnership that provides health, mental health, and legal services to unaccompanied youth. They also offer other enrichment activities so youth have the opportunity to heal from past traumatic experiences.

Since the initial research for this report, some services have been limited. The information provided on model programs is as of January 2017. The partnership between New York's Immigration

Court and providers of free immigration services for children (known as *ICARE*) is deficient. The Court no longer offers ICARE a space to screen children. They are also dispersing unaccompanied minors' cases throughout the docket, making it impossible for the partner organizations to be present to provide information to children and families at their initial hearing dates.

Key Changes to Immigration Policy

Unaccompanied migrant youth face many hardships in obtaining legal settlements in the U.S. This process has become even more difficult because immigration policies have changed significantly since the initial research for this report and remain very fluid. The current U.S. President has signed multiple executive orders that have changed immigration policies, which leave present and future unaccompanied minors vulnerable in the U.S. Two of these executive orders are *Enhancing Public Safety in the Interior of the United States* and *Border Security and Immigration Enforcement Improvements*. These executive orders instruct judges to expedite non-priority cases, limit the number of youth classified as Unaccompanied Alien Children (UAC), target/punish sponsors and family members of UACs, and expand local abilities to enforce immigration laws.

Since the current administration came into office in January 2017, all immigration judges have been instructed by the Chief Immigration Judge to expedite all cases of children in government custody who do not have a sponsor with whom they can potentially reunify with in the U.S.³ The Department of Homeland Security (DHS) Memorandum (*"Implementing the President's Border Security and Immigration Enforcement Improvement Policies"*) directs U.S. Citizenship & Immigration Services (USCIS), U.S. Customs and Border Patrol (CBP), and U.S. Immigration and Customs Enforcement (ICE) to develop "uniform written guidance and training" regarding who can actually be classified as an Unaccompanied Alien Child (UAC). The current administration has also directed federal law enforcement to criminalize parents, family members, and any other individuals who are involved in the child's unlawful entry into the U.S.⁴ The Department of Homeland Security (DHS) has been asked to engage

with state and local governments to enter into agreements allowing them to perform the functions of federal immigration enforcement officers in the investigation, apprehension, or detention of noncitizens. Some municipalities like New York City have refused, but that is not the case across all municipalities in the state.

The current administration's policy initiatives have put the safety and health of unaccompanied minors at risk. Many of the protections provided by the Office of Refugee Resettlement (ORR) and other social services are now either limited or completely eliminated. Key providers indicated that under the current administration, the Office of Chief Counsel for Immigration and Customs Enforcement has stopped granting prosecutorial discretion to unaccompanied minors. The current administration also released a list of policy priorities for upcoming immigration reform. Among the long list of priorities include the implementation of the expeditious return of UACs and family units.

Broad Recommendations

The study recommendations are based on the information gathered throughout the research study as well as from the study participants. It is acknowledged that some of the recommendations may be more challenging under this current administration, but based on the study findings, these are the policies, practices, and procedures that should be followed.

Although this study focused on issues and challenges faced by migrant children and their families in the New York City area, clearly, the U.S. Government's policies and programs have positive and negative impacts on children. Therefore, the U.S. Government and Congress are urged to maintain programs and improve policies that protect children and minimize traumatic experiences.

At the local level, one of the most visible needs is for additional resources to support ongoing training of both immigration judges and asylum officers regarding how to apply child-sensitive techniques in hearings and interviews as well as how children's asylum claims fit within the refugee definition.



Introduction

Unaccompanied migrant youth are among the most vulnerable populations in New York and in the U.S. Faced with dangerous situations in their home countries—as survivors and witnesses of gang violence, domestic abuse, and exploitation—youth risk a long and dangerous journey to reach the U.S. border.⁸ Youth then arrive in New York needing a safe and secure home and hoping they can adapt to life in the U.S.

Most unaccompanied youth arriving at the southern border of the U.S. since the initial influx in the summer of 2014 are from Central America—generally El Salvador, Honduras, and Guatemala⁸—have a family member in the U.S. with whom they are hoping to reunite, and are escaping “crime, gang threats, or violence.”⁹ The journey to the U.S. can take weeks, and the youth face many hardships, such as physical violence, robbery, and exploitation.^{8, 10}

Once they cross the border, many youth are apprehended or turn themselves in to the U.S. Customs and Border Patrol (CBP) or other Department of Homeland Security (DHS) personnel. Under federal law, youth in the custody of any federal agency must be transferred to the Office of Refugee Resettlement (ORR) within 72 hours of determining that they are unaccompanied children.^{8, 10, 11} The ORR is then responsible for coordinating and implementing the care and placement of unaccompanied children and is required to promptly place each child in the least

restrictive setting that is also in the child’s best interest.¹² Youth are placed in shelters, foster care, staff-secure shelters or secure shelters, residential treatment centers, or group homes.⁸ Once a child is in ORR custody, efforts are made to identify and screen potential sponsors (usually a parent, legal guardian, or close relative) and to plan for release.⁸ The vast majority of youth nationwide are eventually released to a parent, aunt or uncle, sibling, or family friend.¹ If no sponsor is identified, youth either remain in ORR facilities or are placed in ORR’s long-term foster care.¹³

At the writing of this report, there have been substantial changes to the definitions and processes associated with being a young unaccompanied migrant in the U.S.¹⁴ The research for the report was completed prior to these changes, so it reflects the reality of the prior administration’s procedures.

Study Background

In early 2016, UNICEF USA and the Children’s Defense Fund-New York began a study to better understand the gaps in the needs of unaccompanied migrant youth in the New York metropolitan area. The purpose was to identify the legal and social service needs of unaccompanied migrant youth living in New York and to analyze the capacity of existing service providers to meet their needs. This report provides multi-level recommendations regarding methods that can increase the capacity of legal,

social, and other services to better integrate existing services and to change systems through policy, practice, and program development in New York. Building on the findings of an earlier report by the Vera Institute of Justice and Fordham Law School's Feerick Center for Social Justice, this study focused specifically on the current capacities and service gaps that exist for unaccompanied migrant youth in New York.

This study aimed to answer the following research questions:

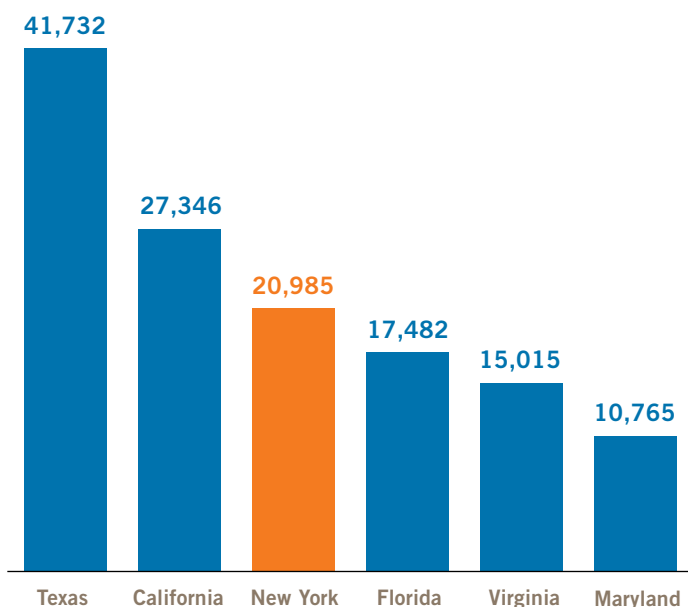
- What are the key services that unaccompanied migrant youth need upon arriving in New York?
- What are the key services that sponsors/guardians of unaccompanied youth need when youth arrive in New York?
- What are the key services that providers believe they need to better serve unaccompanied migrant youth, and what are the current capacities?

The information gathered from this study was taken from a survey developed and administered to providers (n=39), a series of

focus groups with unaccompanied youth in New York City (n=5) and Long Island (n=10) and sponsors in New York City (n=7) and Long Island (n=7) conducted by a bilingual facilitator, and several in-depth interviews with key providers (n=13). Although the study had a small sample size, it provided important information on the thoughts and assessments of key providers who have worked extensively with the population of unaccompanied migrant youth as well as firsthand accounts from unaccompanied migrant youth and their sponsors. More detailed information on the methodology is included in the appendix of this report.

The report provides a broad overview of unaccompanied migrant youth in New York. It then describes an overview of the study respondents and the study findings in the areas of legal, health and mental health, education, and basic income support services. Throughout the report, there are information boxes that highlight four model programs were found effective based on the services provided to unaccompanied migrant youth because: 1) they meet the needs most in demand (legal, mental health, and educational support services); 2) they offer integrated services or have optimal service-delivery models that other organizations can replicate; and 3) they leverage community resources in a unique, effective way. Finally, the appendix of the report provides a set of multi-level recommendations based on the study findings.

Unaccompanied Youth: Top Six States FY 2005 – FY 2016



Source: TRAC-Immigration, Juveniles – Immigration Court Deportation Proceedings Court Data (Through October 2016)

Migrants in New York: Background

New York, a state known for its vibrant migrant heritage, is home to one of the largest populations of unaccompanied migrant youth living with sponsors in the U.S.¹⁵ In the past twelve years, nearly 21,000 youth were released to sponsors in New York, the third largest concentration of unaccompanied youth in a single state behind only Texas and California,¹ and more than half of New York's unaccompanied youth have arrived in the state since 2014.

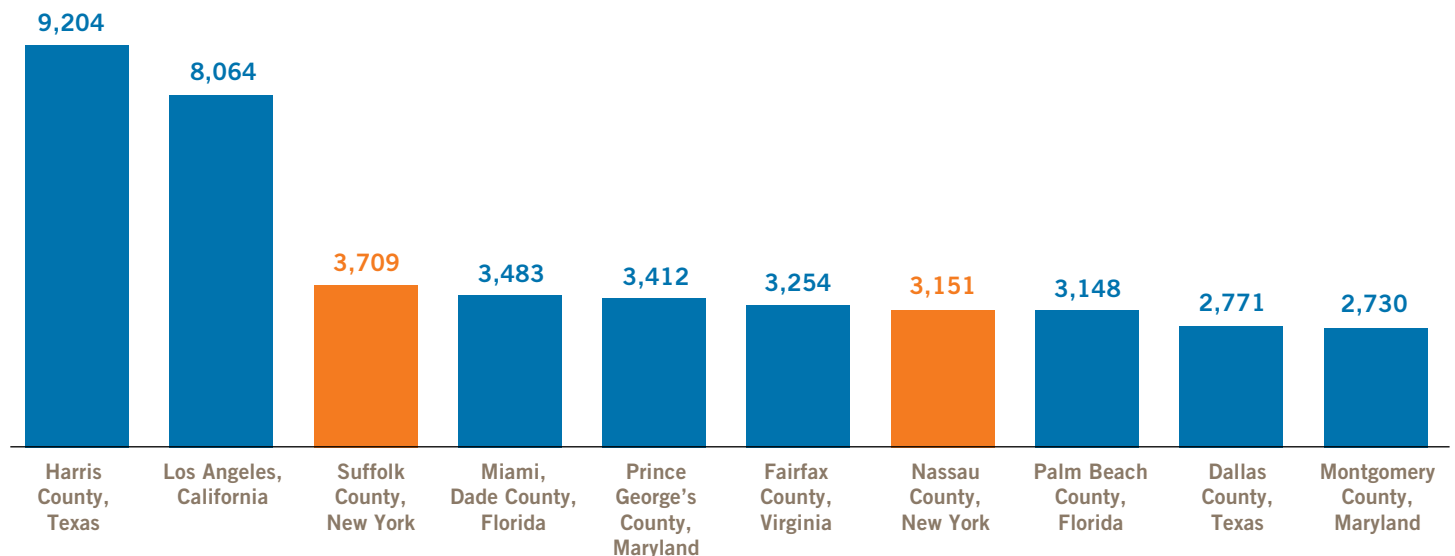
Over the past few years, national, state, and local organizations have worked to provide a more protective and supportive welcome to the U.S. In New York, local government and nonprofit

organizations, particularly in New York City, have begun to adapt to better support the needs of this population; however, much more can be done to address gaps in needed services and to develop programs and caring communities that support these youth and allow them to thrive.

A large concentration of unaccompanied youth live with sponsors on Long Island. Since 2014, more than half of New

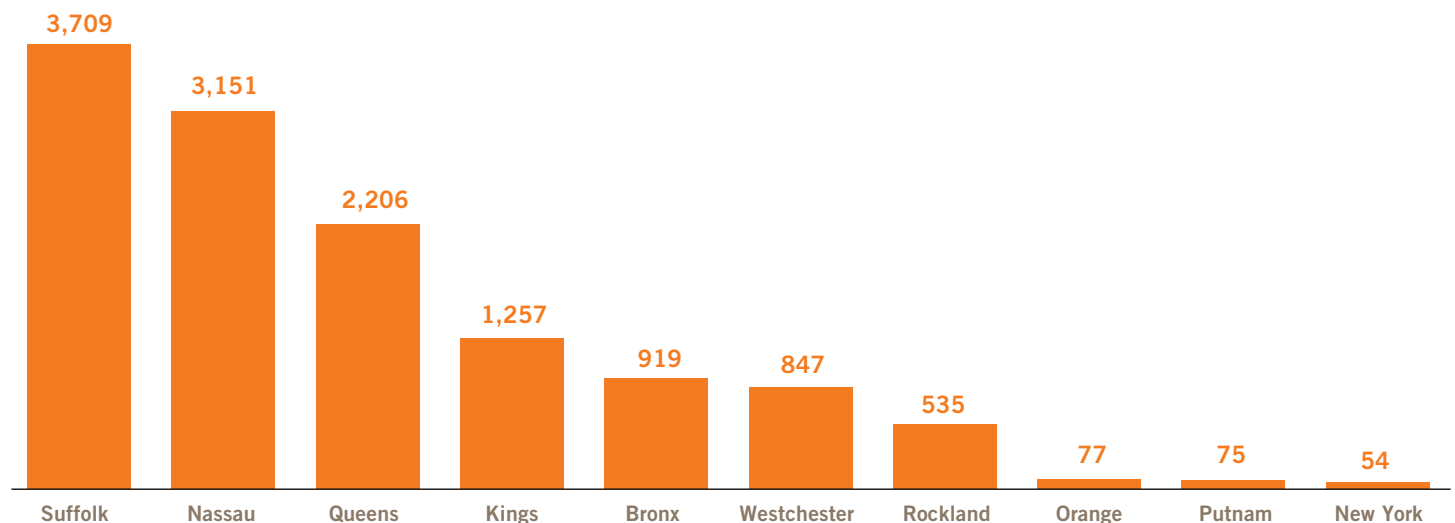
York's unaccompanied youth have been released in Suffolk and Nassau Counties. Suffolk County is home to the third-largest group of unaccompanied youth who arrived in the U.S. over the past three years.¹⁶ After Suffolk and Nassau Counties, Queens County, Kings County, Bronx County, Westchester County, and Rockland County are home to the next-largest populations of youth in the state of New York.¹⁶

Unaccompanied Youth: Top Ten Counties FY 2014 – FY 2016



Source: Office of Refugee Resettlement, Unaccompanied Children Released to Sponsors By County, FY 2014 (and also FY 2015 and FY 2016).

Unaccompanied Youth in New York by County FY 2014 – FY 2016



Source: Office of Refugee Resettlement, Unaccompanied Children Released to Sponsors By County, FY 2014 (and also FY 2015 and FY 2016).
Note: Only counties with more than 50 youth were included.

Findings

Overview of Study Respondents

The study respondents provided overviews of their capacity and information about the population of unaccompanied migrant youth.

Language Capacity The vast majority of unaccompanied youth seeking services in New York are from Central America and speak Spanish.¹⁶ While all survey respondents worked at organizations with an in-language capacity to serve youth in Spanish, many reported that they encounter youth who speak indigenous languages, which can be challenging for them to accommodate, and that few organizations have in-house interpreters that speak indigenous languages. The focus groups organized for this study reflected this trend, and thus they included youth from Central America and were conducted in Spanish.

Location of Services Although nearly half of the unaccompanied youth released in New York settle on Long Island, there is a dearth of services for migrant youth there. New York City has

a relatively vibrant migrant services network, and while providers indicated that their service areas are larger than Manhattan and the five boroughs, most of the providers are physically located in Manhattan, Brooklyn, or the Bronx. The vast majority of service providers reported that they serve the Bronx, more than half serve Brooklyn, Manhattan, Queens, and Staten Island, half serve youth from Long Island, and less than half serve the Hudson Valley. Less than one-sixth of providers are located on Long Island, and none of the providers that responded to the study survey is actually located in Queens (the closest borough to Long Island).

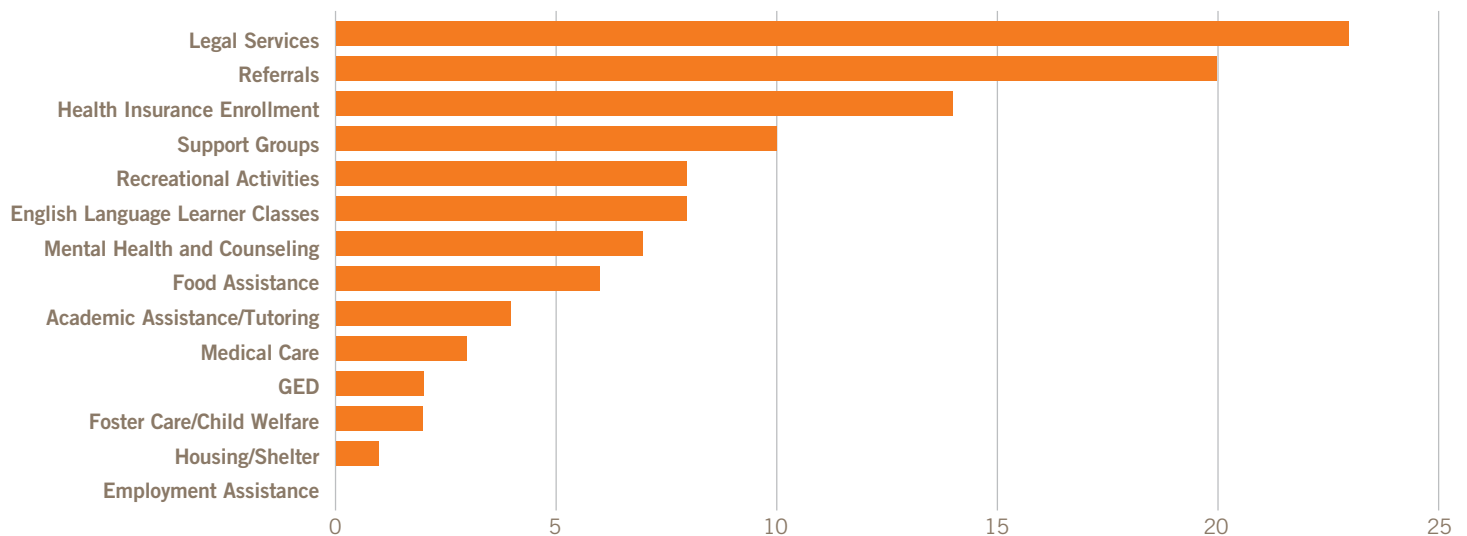
Resources The vast majority of providers surveyed must turn youth away due to the lack of resources, in part because services for unaccompanied youth often last one to two years. Most organizations surveyed had a small staff of less than five members who work with unaccompanied youth, and about one-third had more than five staff members. More than half of the

“We are very concerned about Nassau and Suffolk counties. 60 percent of the children we see [live] there...[there are] way fewer attorneys because of less funding, fewer social workers, mental health, homeless shelters, fewer social service agencies to support sponsors, and additional challenges [with the] school system. [Also] greater...social exclusion than New York City and less access to public transit.” *–Provider Interview*

respondents reported they can serve less than 50 unaccompanied youth, though about one-third serve 200 or more per year. Of the few respondents who noted that their organizations maintain a waitlist, they reported that it took between two and eight months for youth on the waitlist to be served. Many organizations do not maintain a waitlist, preferring instead to offer a referral to another provider.

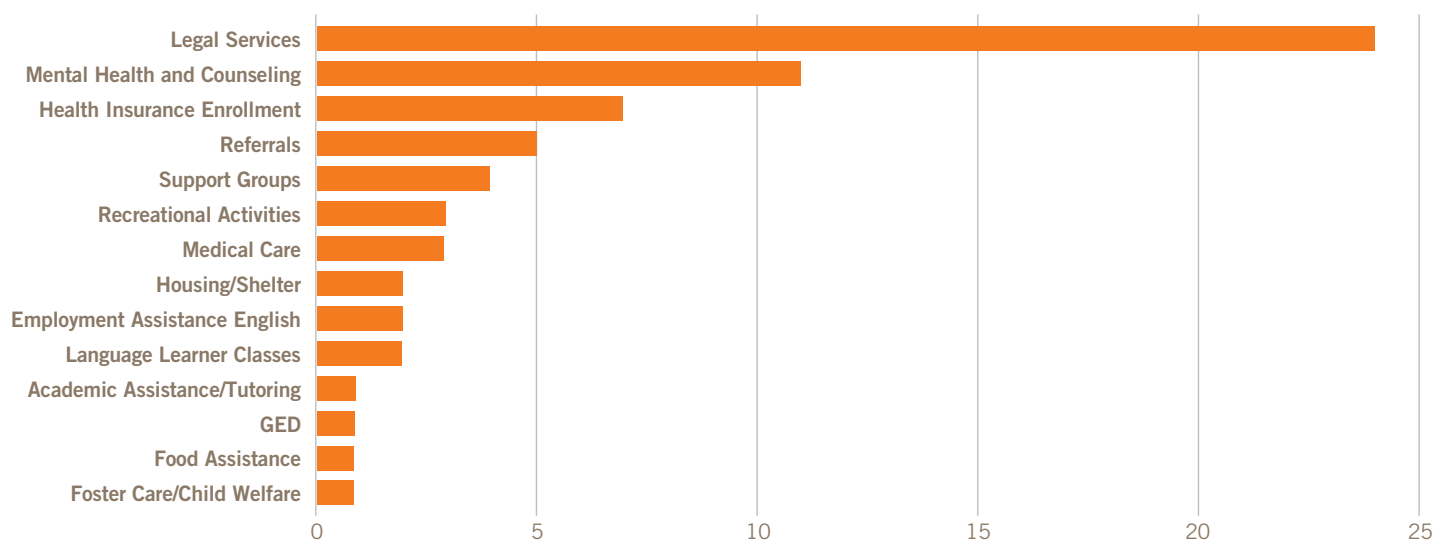
Funding Sources More than half of the organizations surveyed rely on private funding from foundations or individual donors, and about one third rely on federal, state, or local government funding. Of those receiving government funding, more organizations rely on local government funding than state or federal funds. Organizations with federal funds tend to be contracted with the Office of Refugee Resettlement (ORR) to provide pre- or post-release services.

Services Provided by Respondents to Our Survey



Source: CDF-NY Survey of Providers of Services for Unaccompanied Immigrant Youth, Summer 2016

Services Providers Said Were Most In-Demand for Unaccompanied Youth



Source: CDF-NY Survey of Providers of Services for Unaccompanied Immigrant Youth, Summer 2016

Length of Service About half of the respondents indicated that they provide services for one to two years, and about one-third of respondents indicated they provide services for more than two years or less than one year.

In-Demand Services For unaccompanied youth in New York, the study survey revealed that legal services are the most in-demand services, followed by health insurance enrollment and mental health and counseling. Because unaccompanied youth often require legal and social services that last longer than one year and most organizations that serve them are only able to provide services for less than a year, these organizations are operating over capacity. Providers often could not help youth in-house and provided referrals to mental health and counseling services and help securing housing or shelter and medical care. Other common referrals were for health insurance enrollment, legal services, and public school enrollment.

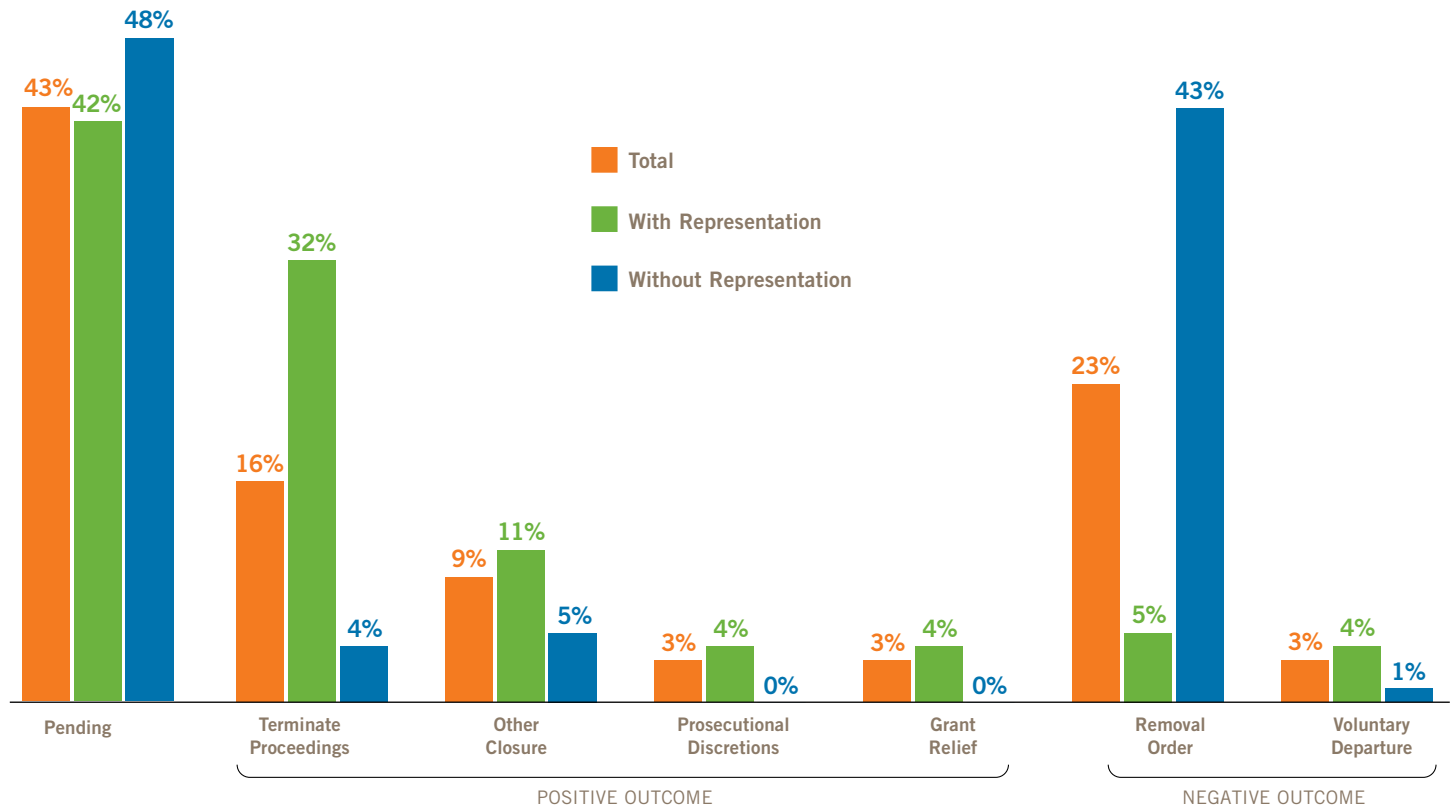
Integrated Services The providers recognized the need for integrated, holistic services to fully support unaccompanied youth. Not a single respondent to the survey was able to provide the full scope of legal and social services that unaccompanied youth or sponsors need. Legal service providers expressed a strong desire to work in concert with social workers and mental health providers. Yet, many organizations providing legal services do not even have a social worker on staff to help youth navigate the many steps of the process. One provider said that even one bilingual social worker embedded in a legal services department of 12 attorneys makes an enormous difference and allows the organization to accept more cases.

Legal Services

Finding high-quality legal representation is the key to a better future for unaccompanied youth who are placed in immigration removal proceedings when they arrive in the U.S. The providers surveyed for this report indicated that legal services are the most in-demand service for unaccompanied youth and in higher demand than mental health or health care services. Legal representation also increases the likelihood that youth will appear in court. Nationally, children are much more likely to appear in immigration court if they have access to legal representation.¹⁷ Unaccompanied youth in New York who are *represented by attorneys* are five times more likely to have a positive outcome—meaning they ultimately receive legal status in the US—and youth *without legal representation* are four times more likely to have a bad outcome—meaning they are denied legal status;¹ however, because the New York Immigration Courts are overwhelmed, a larger-than-average number of cases in New York are pending compared to the U.S. as a whole, so cases take a long time to resolve. Nearly half of cases filed since 2005 in New York were still pending in November 2016.¹ The importance of gaining legal status cannot be underscored. One legal service provider said that once youth gain legal status, it is common for them to have a better paying job with better hours within just a few days.¹⁸ While New York City has a vibrant free immigration legal services infrastructure, many of these services are oversubscribed, leaving organizations to triage and turn away viable cases or place them on a waitlist. In Long Island, where the largest number of unaccompanied youth live, there are even fewer legal services available. Youth age out of key pathways to legal status, such as Special Immigrant Juvenile Status (SIJS)

“15 days after [I] arrived, I got a letter to go to court, and I followed up. Then I got another appointment six months later, but I was very young [and] immature, and I wanted to work. You come here with the dream to work, not to study. I began to work in a store... I needed to go to court the following day, and I did not go because I was happy working and making money.” —*Youth in New York City Focus Group*

Immigration Court Outcomes of Unaccompanied Youth in New York FY 2005 – FY 2016



Source: TRAC-Immigration, Juveniles – Immigration Court Deportation Proceedings Court Data (Through October 2016)

at age 21, so it is critical that youth find legal representation before their opportunity for legal status under SIJS expires.

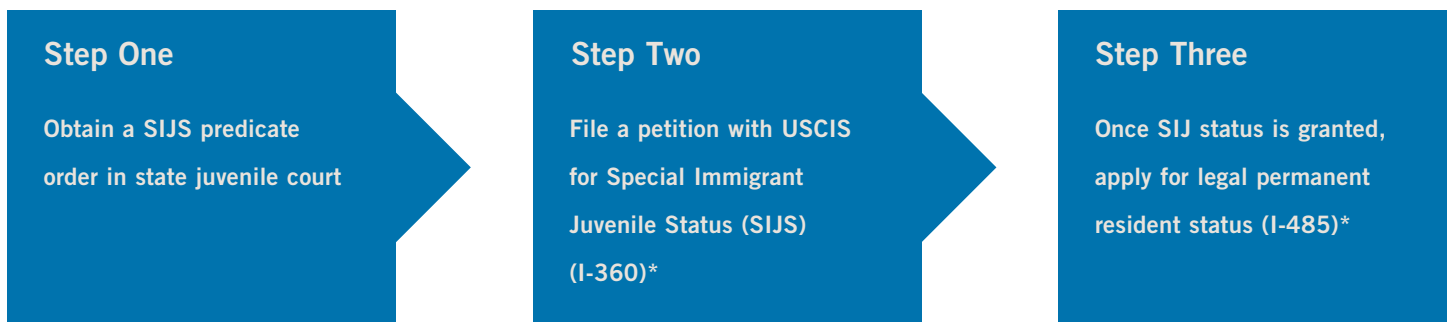
Know Your Rights

Youth and their sponsors require assistance understanding their rights finding legal representation at each stage of the immigration process. The Office of Refugee Resettlement’s (ORR) grantees are required to provide information on legal rights and the availability of free legal services to youth while in ORR facilities;⁸ however, many youth come to live with sponsors in New York without knowing how to find legal help or take other steps to gain legal status. There are many reasons for this lack of knowledge regarding the process and their rights, including the complexity of the legal process and the need for adult support to navigate a difficult system. The Executive Office of Immigration Review (EOIR), along with the ORR, provides a legal orientation program for custodians (LOPC) of unaccompanied children.^{8, 19}

In New York City and on Long Island, Catholic Charities runs the LOPC program. Sponsors, some of whom are also undocumented, know firsthand how important legal status is and do not want to miss an opportunity for youth to obtain it.²⁰ Two sponsor participants in the New York City focus groups said that their greatest need was to ensure the youth could stay in the U.S. legally and to expedite the legal process to grant legal status. Because they know that they need legal assistance, some sponsors have unknowingly turned to people, sometimes known as “notarios,”

“You cannot do this work as a lawyer without the integration of a social worker...You can win the (legal) case, but the child also needs help adjusting to life in the United States and overcoming trauma.” –Provider Interview

Special Immigrant Juvenile Status Process High-Level Steps



*Youth can file for employment authorization (I-765) after SIJS status is approved (I-360) and is eligible for employment authorization during the time it takes to decide the I-485.

**In November 2016, USCIS has generally centralized SIJS adjudications which has resulted in increased requests for evidence (RFEs) and notices of intent to deny (NOIDs).

who fraudulently take their money without providing help with their cases. At least one sponsor in the study focus group lost hundreds of dollars to an attorney who did not work on the case. Sponsors also have much at stake and are fearful about the immigration consequences of a case in immigration court.

One sponsor feared not only that the youth's status might not be legalized but also that she herself would be deported and unable to stay with the youth. Sponsors seek information about the legalization process wherever they can find it, such as at church or social service events, and there is a desperate need for more "know your rights" events for the migrant community.

Pathways to Legal Status

The legalization process is long, and preparing cases involves multiple steps that are both legal and factual. Finding free or low-cost counsel is the first step in the process, and all but two of the sponsors had obtained legal assistance.²⁰ Unaccompanied

youth have different pathways to legal status, including asylum, SIJS, U Visas (for those who have been abused), and T Visas (for those who have been trafficked). In the focus groups, sponsors also noted the costs and time needed to attend meetings and gather paperwork and translations to support the immigration case, which delays the immigration process. Unaccompanied youth who live with sponsors outside of New York City face difficulties reaching asylum offices and immigration courts.²¹ For youth and sponsors on Long Island, travelling to Manhattan is expensive and means missing an entire day of school or work. The vast majority of immigration judges are in the immigration courts in New York City, with a smaller number of judges in Buffalo and Batavia (near Rochester).²²

Many youth and attorneys face the additional legal hurdle of appearing in family courts to seek an abuse, abandonment, or neglect finding against a parent as the underlying reason for SIJS

"When my daughter came...I hired a lawyer and had to pay \$500. They told me [that] they would call me but never did. In December, they called me and told me they would be closing [the] case and to keep it open I needed to pay \$500 again. I was worried because my daughter had a scheduled court date in July, and they had not done anything about it. I went to a presentation at Loreto Church and then I was sent here [Catholic Charities] for a lawyer." –Sponsor in Long Island Focus Group

relief. For the youth to be eligible for SIJS, multiple steps in the process are required before the youth turns 21. SIJS is a form of relief for unaccompanied youth who have been abused, abandoned, or neglected by a parent. Unaccompanied youth seeking SIJS must first obtain an order with factual findings that declare the youth's eligibility for SIJS (because they have been abused, abandoned, or neglected by a parent) in a state court. In New York State, the court that provides the order declaring a youth eligible is the New York family court in the county where the youth resides. After obtaining an order with factual findings, the next step is to apply for SIJS with the United States Citizenship and Immigration Service (USCIS), and this step must be completed before a youth turns 21 years of age.¹⁷ There are many difficult aspects of this process: (1) time limits associated with completing the process before a youth ages out of eligibility at age 21; (2) difficulty finding a (required) custodian or legal guardian willing to go through fingerprinting and background checks when s/he themselves may be undocumented; and (3) challenges providing the required notice about the case to parents in Central America. Legal provider interviews highlighted that family court was a particularly challenging environment for youth and sponsors. Although judges and other family court staff have undergone cultural sensitivity trainings and other educational activities, key informants said that barriers including language access, discrimination, and a generally inhospitable environment continue to exist. In addition, immigration lawyers might be unfamiliar with family court procedures, and family court judges and staff might be unfamiliar with SIJS requirements.

Competing Priorities

While sponsors and youth understand the value of legal status, more urgent and competing needs can take precedence over pursuing legal status. All youth in the Long Island and New York City focus groups were working with an attorney to gain legal status; however, youth mentioned several times they had not managed to appear in court because they were either busy working and/or going to school, they had not yet found a lawyer to help them, or they did not understand the notice to appear.

The youth did understand the value of legal status and that it could lead to a higher paying job or an opportunity to go to college and get a better job in the future.

Legal Services Capacity in New York City and Long Island

Although many organizations in New York City provide legal services to unaccompanied youth, the need still greatly exceeds current capacity. Many free legal services providers have expanded their capacity to take on cases for unaccompanied youth in the past few years; however, the vast majority of providers responding to the study survey—even in New York City where the survey confirmed the greatest capacity—turn away unaccompanied youth and other undocumented youth every month due to lack of resources. One legal service provider noted that the seven agencies participating in the program in immigration courts in New York City are all at capacity and regularly turn youth away.

Free immigration legal services are scarce on Long Island. Although more than half of unaccompanied youth in New York live on Long Island, it has few free legal services. Many youth on Long Island must travel to the New York City area for legal help. Long Island providers interviewed noted that with few large law firms on Long Island, it also lacks the *pro bono* manpower of attorneys from larger law firms in New York City, although small firms do take on some *pro bono* cases. At the time of the report, Long Island counties provided no government resources to support services. In late 2014-early 2015, private foundations, the state, and community-based organizations on Long Island collaborated to bring additional resources to provide legal and behavioral health support for unaccompanied youth. The funders collaborative composition has changed over the years and has included the Alpern Family Foundation, Episcopal Diocese of Long Island, JM Kaplan Fund, Long Island Community Foundation, Long Island Unitarian Universalist Fund, Sisters of St. Joseph, and Hagedorn Foundation. The Tortora Sillcox Foundation has been assisting by providing individual grants to organizations funded by the collaborative.²³



Spotlight on Model Programs

Immigrant Children Advocates Relief Effort (ICARE)

In September of 2014, New York City, the Robin Hood Foundation, and the New York Community Trust announced they would provide \$1.9 million to fund the provision of free legal representation and referrals to social, mental health, and medical services for unaccompanied youth in the New York Immigration Court.²⁴ These funds were supplemented to include services for adults with children, which brought the annual funding to \$2.6 million per year.²⁵

ICARE uses a universal representation model in which unaccompanied youth in removal proceedings on the Juvenile and Surge Dockets receive legal representation if they live in New York City, have no legal representation, and have some legal claim. Through a partnership with the New York Immigration Court, attorneys are able to use a small room in the New York Immigration Court building to meet with unaccompanied youth before their first appearance with an immigration judge. Bilingual attorneys conduct intake and screening for legal relief, are available to provide counsel for the first court appearance, and ensure that the child has legal representation either with their own organization or another participating legal organization. A bilingual health insurance enrollment worker is also on site. Community-based organizations in the New York City area receive funds and play key roles:²⁴

- The Legal Aid Society and The Door take immigration cases for direct representation and co-counsel cases with pro bono lawyers from select New York City law firms.
- Catholic Charities Community Services provides direct representation through staff attorneys and law student interns under strict staff supervision.
- The Safe Passage Project matches cases with alumni of New York Law School, who work free of charge, as well as pro bono associates from New York area law firms.
- Make the Road NY provides direct legal representation and accepts referrals.
- Central American Legal Assistance, Kids in Need of Defense (KIND), and Atlas: DIY, (Developing Immigrant Youth) accept referrals for direct representation.

As of September 30, 2016, ICARE partners accepted 1,265 cases for representation.²⁴ Of the cases, 322 cases were concluded successfully with approximately 414 cases pending resolution. ICARE made over 800 referrals to social services.

Since the initial research for this report, the model used in the Immigration Court has undergone a change, which limits access for migrant youth.

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Health and Mental Health Services

Unaccompanied migrant youth have been through a rollercoaster of experiences and emotions by the time they reach a sponsor's home in New York: leaving an unsafe situation, embarking on a dangerous journey, being detained at the border, and needing to adapt to a new home, language, and culture. Youth should be seen by a professional who can establish a medical history and assess mental health needs and perform any necessary follow-up mental health or psycho-social support services. Sponsors may also need mental health support as they become acquainted or re-acquainted with youth. In addition, information supplied by health and mental health providers can provide critical information to support a youth's immigration case. Unfortunately, there is a scarcity of providers available to provide mental health services in Spanish, particularly on Long Island, and few organizations surveyed are able to provide these services in-house. Activities that allow youth to relax and bond with their peers, such as soccer, dance, art, and photography programs, attract youth and can therefore serve as a bridge to other needed services for youth reticent to seek help.

There is a great need for health and mental health services among unaccompanied youth. The providers surveyed indicated that mental health services, such as counseling and support groups, were the second most in-demand service after legal services. Of the providers surveyed that do not provide mental health services in-house, half responded that mental health services are among the services for which they most often provide referrals. The providers also indicated that health insurance enrollment was the third most in-demand service.

“While a lawyer can play an important role of helping youth gain a legal immigration status, without social support and mental health care, youth who have survived trauma will not be able to thrive.” –Provider Interview

Trauma

Many unaccompanied migrant youth have experienced trauma. Providers repeatedly stated that many youth have experienced trauma in their home countries or during their journeys to the U.S. Providers also emphasized that travelling without a parent or guardian and relying on smugglers to get them to the U.S. also exposes youth to violence and exploitation, which can leave lasting impacts on a child's development.² One provider recounted that youth in her support group told her that Immigration and Customs Enforcement (ICE) treated them “like dogs,” denied them food, insulted them, pulled them roughly by the arm to move them from place to place, and even threatened to place them into adult detention before they were released to a shelter placement. After this type of experience with immigration officials, youth can develop a similar fear of the court process, assuming that court officials will treat them like they were treated at the border. In turn, this can make each step of the legal process more difficult and painful.

Trauma affects youth differently than adults, and youth may exhibit various symptoms based on what they have experienced. Research confirms that trauma directly impacts brain development. Chronic or extreme stress affects the prefrontal cortex of the brain, which controls impulses, planning, and executive functioning.² One provider observed that youth coping with traumatic injuries might exhibit symptoms of defiance, difficulty controlling impulses, aggressive behavior, negative attitudes, difficulty trusting authority figures, and acting out and calling for attention;²⁶ however, some youth internalize their experiences and are more likely to feel depressed, be withdrawn or isolated, feel guilt and/or shame, have low self-esteem, or develop somatic illnesses, such as headaches or stomach pain.²⁷

Sponsors, who often have their own traumatic past and immigration-related fears, may overlook their need for mental health counseling and support. Sponsors also experience the stress of managing a relationship with recently arrived youth, with whom the sponsor may not have previously had a bond. Youth may have

“[I lived for] 16 years without my mom. She left me when I was 1 year old. [I] never saw her in that time—only spoke by phone. [It] is like beginning a new part of life.” —*Youth in Long Island Focus Group*

a “honeymoon period” reuniting with a parent, family member, or other sponsor when they arrive but then face challenges in the relationship and power struggles after the initial period. In addition, youth often arrive in the U.S. to meet new siblings and step-parents for the first time. Many youth experience anxieties about whether family in the U.S. will treat them well.

There are even fewer mental health counseling and support services available for sponsors of unaccompanied youth. First, sponsors are more likely to be low-income, uninsured, and ineligible for affordable health coverage programs if they are not lawfully in the U.S. Second, sponsors often work long hours, frequently during times when mental health services are available, making it difficult to attend appointments.

In the provider survey, five respondents of 39 from three organizations—*Terra Firma*, *Safe Passages*, and *Catholic Charities’ Archdiocese of New York*—indicated that they provide support groups for sponsors of unaccompanied youth. *Terra Firma’s* support group for sponsors began in March 2016. It meets once a month and provides both informational sessions and support. Topics have included: attachment and relationship with youth, information about affordable housing, home finance and budget training, and immigration status for adults. A provider from

Terra Firma indicated that generally, about a dozen sponsors attend this support group, but when *Terra Firma* advertised an adult immigration information session, as many as 30 sponsors attended.

A provider whose agency conducts home studies reported that sponsors, usually parents or relatives, have their own traumatic pasts, and that counseling services can assist them as well as the youth. One sponsor in the New York City focus group had a home study conducted and appreciated having access to the social worker in case problems arose post-release.

Medical Assessments

Information from provider interviews indicate that establishing a medical history is important to a youth’s health, mental health, and even legal case. One provider suggested that primary care providers should be trained to provide health services in a way that builds trust, guarantees confidentiality, and does not cause the youth to feel stigmatized by the process. The medical history should include questions about the youth’s health and wellness during four phases: 1) pre-migration, 2) the journey to the border, 3) detention, and 4) the post-release/community phase. Providers suggested that issues in a screening should include lead, tuberculosis, reproductive health, hearing, vision, blood disorders, oral health, and safety and injury prevention. Youth should also be screened to ensure that they are on target for physical growth and development, school readiness, and behavioral health issues. According to providers, generally, when youth leave ORR custody, they have immunization records and an initial assessment to be used for school enrollment purposes but not a full medical record.

“I had a [social worker] before my child arrived, and I still have her. I don’t understand for how much longer will I have her. Now she comes less and less. She used to check if there was food in the refrigerator...When she comes she still checks that my daughter has her bed and space...I feel supported by her because if something happens, I have someone that I can tell what is happening” —*Sponsor in Long Island Focus Group*

“I [treated] a kid with a bullet in his back. Without the x-ray, it was hard for a judge to believe he was caught in a cross-fire and his neighborhood was so dangerous that his life was put at risk”

—Provider Interview

A medical history can also include questions related to possible legal recourse. A medical history might include questions such as: “Did the youth lose a parent?” or “Did the youth come from an indigenous community that was persecuted?” Youth may have experienced trauma before migration (potentially causing the migration) or at any point on the journey, in custody, or even when released to a sponsor in New York. Moreover, if the primary care provider is co-located with a mental health provider or is part of a medical home, a mental health provider could be called on to perform a mental health assessment when needed. When possible, warm handoffs, where the primary care provider physically takes the youth to a mental health provider, should be done to ensure that youth follow up with mental health professionals.

Medical and mental health assessments can play a key role in a youth’s legal immigration case as well. Proving that a youth meets the requirements for asylum, SIJS, or other immigration relief requires facts, which health providers can sometimes corroborate. Evidence of physical abuse and injuries can reveal information about a youth’s past. For example, one provider discussed a case in which a boy was hit by a car as he was trying to escape a gang in Honduras. The boy had leg fractures from the incident and continued to have chronic leg pain once in the U.S. Medical imaging done in New York was used in his legal case to corroborate his testimony regarding gang presence in his life in Honduras.

Mental health assessments are also key to providing information relevant to a migrant youth’s legal case. Cultural norms and past experiences that stigmatize mental health treatment

can make it difficult for youth to trust adults and pose a challenge in the provision of mental health care for migrant youth. Some youth may reveal parts of their past to a mental health provider—trained in how to sensitively ask questions about trauma—more readily than they would reveal such information to an attorney. For health providers supporting a case, it may involve conducting a medical and mental health assessment, writing an affidavit, participating in case conference meetings with attorneys, and possibly preparing youth for asylum interviews or court hearings.²⁷ Mental health providers in particular can assess traumatic histories, explore what motivated the dangerous journey to the U.S., and determine the impact of the trauma over time and how trauma is exhibited in youth. Mental health providers can also help attorneys learn more about the youth’s past experiences. In most asylum cases, a provider documents a history of gang or other types of violence.

In settings where mental health, health care, and legal services are integrated, legal and health care providers can more closely collaborate to improve the lives of youth. When health care and legal service providers collaborate in a medical-legal partnership, doctors can work directly with attorneys to prepare a youth’s immigration case. Terra Firma reported that they had not lost an unaccompanied youth’s case in which doctors and lawyers worked together. See “Spotlight on Model Programs” for more information.

It can be particularly difficult to identify funding sources for the ancillary and support services that unaccompanied youth need. One key informant noted that providers who coordinate care, provide case management and social work services, or facilitate support groups are not covered by New York’s health coverage

“I like my photography class...that I take in the evening, [it is] a free program for people like us.” —Youth in New York City
Focus Group

programs. He noted that his organization must raise funds for these supportive services from philanthropic sources. Another key informant noted that it is easier to raise funds to pay for lawyers to work on cases but more difficult to financially sustain support roles such as case management and social work.

Sponsors spoke frequently of the mental health struggles of the youth, but youth themselves rarely mentioned it. One provider noted that once youth begin to participate in mental health services, whether support groups or individual therapy, “no-show” rates for unaccompanied youth for appointments are actually *lower* than for other populations with whom they work.

Building Community

Youth are drawn to physical activity and art as ways to manage stress and to create a sense of community. According to multiple providers, unaccompanied migrant youth need positive activities and safe spaces to spend time with their peers. One reason is that adolescents are more likely to share thoughts and feelings with friends than with adults. Providers stated that being on a team not only increases feelings of belonging and self-esteem but is also a great way for an organization to build trust with youth. This positive momentum can lead to youth participation in other services. For example, if a youth bonds with an athletic coach, the coach could help with challenges at school or at home or even encourage a youth to access health services. Activities provided by organizations serving unaccompanied youth can serve as a bridge to receiving other types of support services from that organization. Youth also indicated that these activities provided a sense of community with others like them.

One of the favorite sports activities for many youth in the U.S.—migrant and non-migrant alike—is soccer.²⁸ *Terra Firma* started

an informal soccer program that meets on Saturdays, and it now has separate team of girls and boys. Key informants also mentioned that South Bronx United’s soccer program, which helps with academics, college preparation, leadership development, health and wellness, and migrant legal services, is a great program for unaccompanied youth.²⁹ Another popular activity is dance. One key informant mentioned that her organization’s Executive Director is also a Zumba teacher and leads classes. In the summer, the program combines English classes with Zumba and other activities to keep youth engaged. Others enjoy art as a creative outlet for their thoughts and feelings, which informants noted is ideal for youth who are less interested in physical activities. The Door provides a program called “Art as a Second Language” in collaboration with the Whitney Museum. The Whitney sends art teachers to The Door each week, and at the end of the program, youth are invited to the museum and receive two vouchers for a future visit.

Health Insurance

New York’s state-funded health coverage program for low-income pregnant women under age 19, regardless of immigration status, plays a critical role in the lives of unaccompanied youth. This program provides comprehensive health care, including inpatient and outpatient mental health services and prescription drugs.³¹ Pregnant women are eligible for a Medicaid-like program that provides services regardless of immigration status.³² These services include a psychosocial risk assessment, screenings, counseling and referrals for care, mental health counseling services, and transportation to prenatal visits.³³ Providers mentioned that having access to insurance is important for youth in need of health or mental health care.³² All youth in the Long Island focus group confirmed that they had health insurance and had

“[For mental health care,] more than for medical care, it is important to [live] close to the [mental health provider] site because [youth] will go frequently [to see their mental health provider.] It’s not practical to go far from home, and [youth] end up missing a lot of appointments.” –Provider Interview



Spotlight on Model Programs

Terra Firma

Terra Firma is a medical-legal partnership that provides over 300 unaccompanied youth in New York with access to health, mental health, and legal services and also offers enrichment activities²⁷. Founded in 2013 by a pediatrician, mental health provider, and attorney, Terra Firma is a project of Catholic Charities of New York, The Children's Health Fund, and The Children's Hospital at Montefiore. Its goal is to empower migrant children to develop resilience, attain stability, and reach their full potential.³⁰

Lawyers from Catholic Charities visit Montefiore one afternoon per week and make referrals to Montefiore's medical and mental health team. The legal services providers focus primarily on immigration legal needs but also provide support or referrals for other legal needs.

When seeing unaccompanied youth, the medical team at Montefiore takes a full medical history that looks at four discreet phases of the youth's journey to the United States: 1) pre-migration, 2) the journey, 3) the detention phase, and 4) the post-release and community phase. This includes an identification of medical needs as well as asking questions related to legal options. Terra Firma doctors make referrals to mental health providers and/or attorneys.

Terra Firma conducts therapy groups for youth in an effort to help them heal from past traumatic injuries and develop a sense of belonging. Terra Firma also provides enrichment activities for youth who receive other services from the organization, including a Zumba class, a cooking and nutrition class, a photography class, field trips, English classes in the summer months, and a soccer team in collaboration with South Bronx United.²⁹ Terra Firma recently began offering a monthly gathering for sponsors and caretakers.

Youth have won half of the 60 cases in which Terra Firma's medical and mental health teams have submitted legal affidavits, and the rest are pending. They have not lost a single case.

The legal and medical/mental health sides of Terra Firma are separately funded. New York's Child Health Plus health insurance program plays a significant role in sustainability because of reimbursements for health services for eligible children. The organization is then able to target funding from grants and donations to support activities that are not reimbursable, including enrichment groups, peer support, and health care services for youth older than 18. Legal services are funded by Catholic Charities through its own grants and donations.

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“In Hempstead and Westbury, [recently arrived migrant] students were denied enrollment. Sometimes [they were] told they were too old to be enrolled when they weren’t, and some [were] sent to night school to learn English even though they were still of the age to attend school.” –Provider Interview

received medical care in the U.S. Most of the youth in the New York City focus group were also enrolled in health insurance, but not all had been seen by a doctor since arriving in New York. One sponsor in the Long Island focus group noted that although her daughter was enrolled in health insurance coverage, she had a difficult time getting her an appointment at the clinic and felt she needed to take time off work to go the clinic in person to secure an appointment.

Unaccompanied migrant youth age out of health insurance eligibility when they turn 19. If youth are still undocumented when they turn 19 years old, they become ineligible for free care through Child Health Plus.³⁴ Although they can then receive free or reduced-cost services at community clinics, one provider noted some stop taking advantage of services due to concerns of receiving a bill they cannot pay. Once youth receive legal immigration status, they may be eligible for the marketplace.

Health and Mental Health Capacity in New York and Long Island

New York City has tried to increase access to Mental Health services through its Thrive NYC program, especially for those who are traditionally disenfranchised, such as Black and Latino communities.³⁵ In contrast, survey respondents noted a particular lack of mental health services on Long Island. A common scenario, as described by one provider, involves youth living on Long Island receiving legal services or visiting health care providers in New York City. Providers also indicated that it is difficult to make referrals to mental health providers in Long Island

who are able to communicate in Spanish. Even if a provider is identified and a referral is made, youth may have logistical difficulties receiving regular counseling.³⁵ One provider reported that there are few counseling centers available. Because public transportation is limited on Long Island, if youth do not live close to the available counseling centers, they may not be able to attend their appointments.

The frequency of appointments and the need to have a conveniently located provider make it difficult to deliver mental health services. Providers indicated that youth in individual or group therapy may need to have weekly visits with a provider for a prolonged period of time. One provider noted that due to the frequency of appointments, a youth’s ability to keep appointments and to succeed dwindles if they live far from providers.

Education

Unaccompanied youth may face interruptions in their studies for months or years and generally do not speak English when they arrive in the U.S. Their education-related needs include enrolling in school, assessing educational progress, mastering English, and other subjects. They must also weigh competing priorities, such as employment, developing skills for future work, and for some, applying for and attending college. Within the limited study survey, few organizations provide educational support in-house, yet providers stressed how important these services are for unaccompanied migrant youth and their ability

“In the beginning, I could not register because they told me my father and mother needed to be present. I told them they were not here, and I brought my uncle, but he did not have all the papers they asked for. [A staff person] at Terra Firma helped me enroll.”

–Youth in New York City Focus Group

and eagerness to learn. Although providers did not identify educational support as the most in-demand service, many organizations indicated that these services are among the most common referrals.

Enrolling in School

Depending on the school district and know-how of the sponsor, unaccompanied youth may need assistance enrolling in school. Youth in the state of New York have a right to attend public school in the district in which they reside until they receive a high school diploma or until the end of the school year in which they turn age 21, regardless of immigration status;³⁶ however, unaccompanied youth and sponsors continue to face barriers such as document requirements or diversions into night or GED programs and may need an advocate to safeguard their rights.

On Long Island, unaccompanied youth encounter significant barriers to enrolling in school, and thus continued enrollment support and monitoring is needed. There are more than 100 separate school districts on Long Island, each with its own superintendent and annual state budget allocation.³⁷ Many school districts were unprepared to receive an increase in unaccompanied youth in 2014 because the state had not anticipated the influx in its budget allocations. Although enrollment has improved in some districts, Long Island key informants reported ongoing problems with barriers to enrolling migrant youth. Advocates continue to closely monitor the situation by partnering with “liaisons” in the Long Island schools who provide information about enrollment practices. The liaison can be a parent, teacher, counselor, or other staff person who can inform advocates or the state when problems arise.

“I left [school] because it got very difficult...In Ecuador, I stopped going to school when [I] was in 10th grade. That was three years ago. I did not remember much.” –Youth in New York City Focus Group

“My daughter had problems in school. In the beginning, some girls wanted to hit her. They were harassing her, and they would call her names because she did not understand English.” –Sponsor in Long Island Focus Group

Although not as prevalent, there have been a few anecdotal stories about migrant youth facing barriers to school enrollment in New York City. A sister of an unaccompanied youth in the New York City focus group reported that she was sent to three different schools and was asked for identification, to translate a notarized letter into English, and for other papers she did not have since she herself was undocumented. She finally asked her brother’s immigration legal services attorney to intervene, and the situation was resolved.

Support within Schools

Most unaccompanied youth have gaps in their formal education and need an assessment and a plan to acclimate to school in the U.S. Most youth in the New York City focus group acknowledged that they stopped going to school for a while in their home country and during their transition to the U.S., which made it difficult to reengage in the learning process. Students who were 17 and 18 years in the New York City focus group were enrolled in 9th and 10th grade (rather than 11th and 12th). Some stated that the academic expectations in the U.S. generally seem higher than in their home countries. In the Long Island focus group, one youth said that in Guatemala, she was ready to start college, but in the U.S., due to limited English proficiency, she was sent to high school. Some youth in the Long Island focus groups were able to continue at the appropriate grade, but others had to repeat a year or even two.³⁸

Youth need a plan for learning English to succeed at school and to overcome feelings of isolation and exclusion. Youth in both the New York City and Long Island focus groups agreed that

learning English is the hardest part of going to school, and all those attending school were in English Language Learner (ELL) classes. Not knowing English makes it difficult to succeed academically and makes it a challenge to fit in socially with peers at school. One provider said that Hicksville, a school district on Long Island, provided tremendous support for ELL students. She said that more than 100 languages are spoken in the Hicksville School District, and during enrollment, ELL teachers meet with each parent and student to conduct an assessment. Many youth in both the New York City and Long Island focus groups described feeling socially isolated and excluded at school, even by other Latino youth. They described being treated poorly by classmates and even facing bullying and harassment.

Unaccompanied migrant youth may need assistance with schoolwork, and their sponsors may need help navigating and communicating with the school and learning how to help their kids succeed. In the focus groups, youth said that they were more likely to get assistance and support from teachers than from other students. In the New York City focus group, a student discussed a teacher staying two hours after class to teach him and explain his homework.

School as a Resource

Like all youth, unaccompanied migrant youth have dreams for their future and want to learn about the path to college. Youth in the focus groups reported a desire to stay in school, go to college, work at NASA, become a chef, psychologist, teacher, doctor, nurse, and even become a lawyer to help other migrant youth; however, youth may need assistance planning a path to college, meeting college preparatory requirements, understanding how to pay for college, and preparing college applications. Many of these

youth are the first in their families to attend college, so their parents and siblings often do not have experience to guide them.

Schools can inform unaccompanied youth and their families about their legal rights, help connect them to legal and social services, and encourage parent/sponsor engagement in school and academic achievement. One provider in the study organizes opportunities for local nonprofits to provide information and training at schools on Long Island. The training program educates families about available mental health counselors, bilingual teachers, social services, and paths to immigration relief. Another provider noted that one of the school districts on Long Island works with local nonprofits to provide a migrant family-friendly “university,” which disseminates information to students and parents about immigration law, free legal services, health insurance, and other social services programs. The school brings in teachers to babysit the children of participating families, interpreters are available, and dinner is provided to make it easier for working families to attend.

Competing Priorities

Unaccompanied youth feel pressure to work, which may cause them to miss school or leave school altogether. In focus groups, youth indicated that they feel pressured to work for many reasons: 1) family members are not able to provide for transportation, clothing, and other expenses; 2) they need to repay debts to those who helped them reach the border; 3) they are already in the habit of working in their home country; or 4) they do not see the long-term payoff from education as a possibility for them.³⁸ Although unaccompanied migrant youth are generally not legally authorized to work in the U.S. when they are released to a sponsor, many older youth work “off the books.”³⁹

“If I had a person that would maintain me or support me, I could focus in school. I am working and going to school, [and it] is hard to do everything. I wish I had parents that could support me so I could focus on school. My life is from work to school, [and there is] not enough energy for school.” –Youth in New York City Focus Group

Education Capacity

Few organizations included in the study survey are able to provide educational support in-house, yet key informants stressed the importance of education-related services for unaccompanied youth. The study survey showed that about one in three organizations serving unaccompanied youth provides education-related services, and most only provide assistance with school enrollment or ELL classes. A small number of respondents' organizations have the in-house capacity to provide general academic assistance or GED programming. One provider's organization works with high school students as early as 9th grade on college readiness and provides tutoring, SAT classes, and college advisors who speak Spanish to newcomers. This program is eager to serve recently arrived migrants, and some unaccompanied youth are already successfully participating in it.

Basic Income Support

Many unaccompanied youth live with a parent or other relative who provides shelter, meals, and clothing and is burdened by the financial stress of raising a young person in New York. The cost of living in the New York City area is one of the highest in the nation. Migrant families are struggling to earn the resources necessary to provide a stable home, which adds to the stress of a youth's adjustment and often pushes youth to work instead of attending school.⁴¹ The study's research found that there are significant upfront costs associated with receiving a child, and families often have little time to financially prepare for a child's arrival. They are faced with the ongoing costs of providing housing, food, clothing, and transportation. Some sponsors may even have to forego work—an additional financial burden—to provide emotional and logistical support to newly arrived youth. Few organizations that responded to the study survey provide help with these needs in-house, but they commonly provide referrals for assistance. In addition, when unaccompanied youth are released to sponsors, there is rarely a home study conducted to assess the accommodations of the sponsor, and few sponsors and youth receive ORR-funded pre- or post-release services

to help the family when the youth is sent to the sponsor. This means that sponsors and youth generally rely on resources from within their communities when a need arises.

Financial barriers

Help with basic needs was not reported to be the most in-demand service, but focus groups attested to the financial pressure on sponsors and youth. Youth reported having day-to-day basic needs that sponsors could not meet, which caused the youth to seek paid work and the sponsors to report financial stress when they received the youth.

Some sponsors struggle to make ends meet and work multiple jobs. On the other hand, several sponsors needed to reduce their workloads or leave jobs altogether to have the flexibility to take youth to necessary appointments with doctors, lawyers, or school in the months following their arrival.

Lack of transportation can be a barrier to youth receiving legal, mental health, and other services that are necessary to thrive. New York City has a robust public transportation system, but it is costly for those with limited incomes, especially if they need to make multiple trips each day. In Long Island, public transportation is more limited, and youth often need an adult with a car to transport them to services. Sponsors often have work commitments that do not allow them to be available to deliver youth from place to place, unless they are willing to sacrifice paid work hours or risk losing a job.

Sponsors are not always able to benefit from programs in place to support low-income working families. Some of the sponsors in the New York City focus groups were aware of food banks and the Women Infant and Children's Program, but they found it difficult to manage the pickup of food items given their demanding

“I have two jobs—one job is six days a week and the other four days [a] week.”
—Sponsor in Long Island Focus Group



Spotlight on Model Programs

The Door

The Door is a premiere youth development provider in New York City that offers a full range of programs to help young people succeed at both its main location in downtown Manhattan and its other site in the Bronx. The Door's services are in-house, holistic, confidential, and free. Its integrated, comprehensive service model includes health care, career and education programs, including English for Speakers of Other Languages (ESOL) classes, mental health counseling, legal services, arts and recreation, a public charter high school, runaway and homeless youth support, free meals, and supportive housing. The majority of the nearly 10,000 young people who come to The Door every year are from low-income families and communities with high unemployment rates, failing schools, substandard housing, and high rates of crime and violence.

Because The Door provides immigration legal services and integrated social services for the most vulnerable youth, including many services in Spanish, it has been home to many unaccompanied migrant youth. In 2014, The Door ensured that nearly 200 undocumented youth were able to gain some form of relief and were permitted to stay in the U.S.⁴⁰ The legal services department has grown to 13 attorneys and two support staff, but the legal needs are so great that they turn away 100 to 200 eligible undocumented youth each month, including unaccompanied and undocumented youth. Because they must limit their number of clients, they use a triage system to determine which cases to take, with preference for children in removal proceedings, foster care, homeless youth, medically fragile youth, or youth aging out of eligibility for Special Immigrant Juvenile Status (which ends when youth turn 21).

Unlike other agencies, youth between the ages of 12 and 24 become "members" of The Door to receive services. Youth become members by walking in during afternoon office hours and doing a brief interview with an intake counselor to discuss themselves and their interests and to learn about The Door's programs and services. Youth can then sign up for any services they want or need for free. The Door offers drop-in hours each day and each evening as well as extended drop-in hours for runaway and homeless youth.

The Door, 121 Avenue of the Americas, New York, NY 10013, Tel: (212) 941-9090, www.door.org

work schedules. One sponsor mentioned that she struggled with the paperwork required for her teenage daughter to receive services, and she feared she was a bad mother for asking her daughter to do some of the paperwork.

Few organizations surveyed can provide in-house support for many basic needs. Less than one-third of organizations that responded to the study survey provide help with transportation, clothing, shoes, personal care, and food acquisition. Services for housing and shelter along with medical care are the second-most frequent referrals by these respondents. Few providers that responded to the study survey are able to provide assistance with child protection issues or housing directly.

Financial Cost to Sponsoring a Youth

Sponsoring an unaccompanied youth has multiple upfront costs that sponsors with low-wage jobs find difficult to absorb, which in turn increases stress on the household. Sponsors said that they are better able to plan for the costs associated with receiving a child when they know the timeline early in the arrival process. While the average length of stay in ORR custody was 34 days in FY 2015,⁴² sponsors in the New York City focus group said it took anywhere from 15 days to seven months from the time children were detained until they were released to them. They often did not learn of the child's release date until a few days prior at most. Sponsors in the Long Island focus group also mentioned the difficulty they faced in needing to gather funds quickly to pay for a youth's flight to New York from the location at which they had been held in ORR custody. Some sponsors said it cost them over \$1,000 for the child's flight, which could be half of a month's salary for a family whose members work low-paying service industry jobs.

Some sponsors described needing to change their housing situations to accommodate youth. New York City is the most expensive city in the world in which to rent, and the cost of living in

“In my case...I was living in a home and had rented a room for my daughter, but “they” did not want me to live in a house with other people. I had to rent an apartment and had to find \$3500 at once, and if you don’t have it, what do you do? ...They are not aware of what it means to us.” –Sponsor in Long Island Focus Group

Long Island is also very high.⁴³ As such, sponsors often need to rent rooms in houses or apartments shared by other unrelated people. Because ORR requires the fingerprints of anyone in the home that the minor will interact with, sponsors must move if they rent a room in a house with individuals who are not willing to be fingerprinted. Funding the deposit on a new home and moving costs without much time to plan is an additional stressor for families.

Few sponsors and youth receive ORR-funded pre- or post-release services, so they must use their own resources or depend on services that may be available in their communities. ORR only provided post-release services to 18 percent of unaccompanied youth in 2016. Post-release service providers coordinate referrals to services in the community where the unaccompanied child resides, which can occur until the minor reaches 18 years of age;⁴⁴ however, the sponsor must still cover the costs of the most basic needs, as ORR does not include funding for legal services, mental health care, or other services and instead refers youth to services in the community. Because many children do not have ORR post-release services in their release plans, sponsors are left on their own to provide for the basic needs of the unaccompanied youth or to locate organizations in their communities that might provide assistance.

Spotlight on Model Programs

Safe Passage Project

Formed on the basis that no child should stand alone in immigration court, the Safe Passage Project addresses the unmet legal needs of low-income migrant youth living in New York City. Located at New York Law School, the Project is now both a law school clinic and a nonprofit organization. The Project provides universal screening to all unrepresented youth appearing in the New York City Immigration court several days a month.

In 2014, in response to the dramatic increase in the arrival of migrant children, Safe Passage Project and its partners in the NY Immigration Children's Advocate Representation Effort (ICARE) coordinated with the NY Immigration Court to try to ensure that ICARE teams are present at every proceeding in juvenile cases.

Safe Passage Project currently provides services to nearly 600 children and screens many more. It provides services to youth in New York City's Five Boroughs, Long Island, and the Upper Counties. Most of the youth live in Suffolk County, followed by Nassau County and the Bronx.¹⁷

In 2015, Safe Passage obtained 81 family court orders, had 44 SIJS petitions approved, had 39 deportations terminated, helped 30 clients receive green cards, and had 14 asylum cases granted. The Project was able to achieve these successes while keeping its costs very low because it relies on volunteer and pro bono attorneys who receive strong training and mentoring, and its workspace is donated by the New York Law School and the Episcopal Diocese on Long Island. In 2015, it estimated its expenses averaged less than \$1,000 per case. The program relies on funding from government grants and foundations, with some contributions from individual donors as well.

The Safe Passage Project has grown its staff to 16 full-time employees and more than 450 pro bono attorneys. The organization has expanded its capacity in part by involving Justice AmeriCorps Fellows, Immigrant Justice Corps Fellows, and Equal Justice Works Fellows.

In addition to providing legal services and referring youth to other needed social services, Safe Passage works to establish a welcoming environment for youth. The on-site social worker meets every other week with a peer group to discuss day-to-day issues related to health care, school, and family.¹⁷ Safe Passage has also hosted an all-girls soccer team for high schoolers in the South Bronx called "Las Cheetas Chulas" (The Cool Cheetahs).⁴⁵

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Conclusion

Unaccompanied migrant youth are a vulnerable population with complex needs; however, when provided with appropriate services and support soon after they arrive in New York, they can gain legal status and thrive as productive and valuable residents of New York and future U.S. citizens. In addition to highlighting the legal and social service needs of unaccompanied youth and identifying gaps in services currently provided,

this work includes recommendations regarding how to increase capacity, better integrate services, and change existing systems through policies, practices, and program development. Given the complex and volatile national immigration policy environment, New York can continue to assume a leadership role to ensure that youth within its borders have an opportunity to succeed.



Appendix A – General Recommendations

Study recommendations are based on the information gathered throughout the research study and from the study participants. These recommendations highlight general policies and practices that would improve current programs that affect migrant children and that would minimize the traumatic experiences of migrant children. This is not meant to be a comprehensive list of recommendations, but rather a broad list of policy and practice needs that were identified through the research. Input from all key stakeholders on how to move forward to address these needs is required.

Federal

Ensure the rights and dignity of migrant children and families. Although this study focused on issues and challenges faced by migrant children and their families in the New York City area, clearly, the U.S. Government's policies and programs have impacts on migrant children, which are both positive and negative. We work with other national organizations, including Kids in Need of Defense,⁵ the U.S. Conference of Catholic Bishops,⁴⁶ and The Young Center,⁴⁷ to advocate for substantive federal policy proposals to ensure the rights, dignity, and protection of unaccompanied migrant children.

Maintain if not increase support for refugee and migrant assistance. Local service providers note that they are stretched to the

limits in providing services to migrant children and their families. It is critical that the U.S. Congress maintains, if not increases, federal funding for refugee assistance and resettlement. This includes funding enabling the Department of Health and Human Services Office of Refugee Resettlement (ORR) to adequately serve all vulnerable populations under ORR's care, including unaccompanied children and victims of human trafficking. ORR provides custody and care, shelter, and support services to unaccompanied migrant children apprehended in the U.S.

Ensure proper training of federal authorities. At the local level, one of the most visible needs is for additional resources to support the ongoing training of federal immigration judges and asylum officers regarding how to apply youth-sensitive techniques in hearings and interviews and how youth asylum claims fit within the refugee definition.

New York State

Provide additional funding to:

- Expand model programs, such as those highlighted in this study, from New York City to other parts of the state.
- Replicate the New York City guide to services developed by the NYC Mayor's Office of Immigrant Affairs for other parts of the state.

- Test a pilot project of state or locally funded post-release social services modeled on support for refugees.
- Provide ongoing educational sessions and case management for unaccompanied migrant youth and their sponsors that goes beyond the initial Legal Orientation Program for Custodians of Unaccompanied Alien Children (LOPC).

Strengthen and enhance education opportunities

- Monitor and enforce New York State Department of Education guidance that all children ages five to 21 are entitled to free public education in NY State.
- Provide training for school administrators, teachers, counselors, and staff related to unaccompanied youth's needs.

Provide legal protections for migrants

- Continue efforts at the state level that go beyond the LOPC program to protect unaccompanied youth and their sponsors from fraudulent attorneys.
- Protect sponsors from sharing information about their own immigration status when seeking services and support for youth by creating policies that limit information sharing.

Provide health coverage

- Continue to provide state-funded health coverage to children regardless of immigration status and expand health coverage for youth up to age 21 or older, regardless of immigration status.
- Ensure that Child Health Plus and Medicaid for Pregnant Women cover all mental health, case management, and social support services needed.
- Support initiatives that create a more diverse and language-capable mental health workforce in primary care and specialty care settings.

- Support and promote the cultural adaptation of trauma-informed treatments and mental health screeners for migrant populations.

Immigration and Family Court

Maintain access to the courts for migrants

- Continue and expand programs to connect youth and sponsors with legal assistance, health care, and education when they appear in immigration court.
- Adopt an explicit public policy—that is enforced—of maintaining confidentiality of immigration status and of refusal to cooperate with immigration enforcement in court.
- Family courts should continue to work with provider interpreter services for all limited English-proficient individuals by fully implementing *Court Interpreting in New York: A Plan of Action*, issued by the Office of Court Administration.
- Provide regular opportunities for attorneys working with unaccompanied migrant youth to engage in dialogue with family court judges.
- Consolidate unaccompanied migrant youth cases on particular dates before certain judges so that legal service providers can be present to provide low-cost or free immigration help.

Service Providers

Create more accessible and collaborative integrated services

- Provide a flexible schedule for service provision, including weekends, evenings, and early mornings.
- Collaborate with other service providers to form a more comprehensive services model, where legal services are integrated with mental health, case management, and other support services.

- Create mechanisms for ongoing collaboration or networking between providers to share best practices, challenges, opportunities, etc.
- Build connections with training programs that focus on migrant health, case management, and other services for opportunities to collaborate, recruit members, and conduct research.

School Districts

Ensure schools provide appropriate services

- Have schools with large immigration populations provide assessments for students with interruptions in education to ensure they have the best chance to learn and graduate from high school.
- Increase availability of Spanish-speaking counselors at school sites and provide opportunities to educate youth and their families about services they may need.
- Minimize the presence of law enforcement officials at schools by creating policy/practice that adopts a child safety approach.
- Highlight misinformation regarding unaccompanied youth and create partnerships with local organizations to address this issue.

- Monitor schools' involvement with ICE to ensure protection of children and sponsors and that the ICE sensitive locations policy is being enforced.

Philanthropy

Provide resources to support programming for unaccompanied youth

- Invest in initiatives offering positive social activities and peer support to at-risk unaccompanied migrant youth.
- Fund services and programs that are supportive of sponsors' mental health needs.
- Fund resources for education support and college preparatory programs so that more organizations serving youth can integrate these services into providing legal or other social services.
- Fund transportation cards or meal vouchers or other incentives for youth who engage in positive support services and activities but are unauthorized to work.
- Fund initiatives that focus on the physical and mental well-being of both unaccompanied youth and their sponsors.

Appendix B – Updated Immigration Policies Affecting Unaccompanied Migrant Youth

Since the initial research of this report, the current administration has implemented new immigration policies that have an impact on the specific situation of unaccompanied youth. The current U.S. President signed multiple executive orders at the start of his presidency enforcing immigration laws that leave present and future unaccompanied minors vulnerable in the U.S. Two of these executive orders include *Enhancing Public Safety in the Interior of the United States* and *Border Security and Immigration Enforcement Improvements*. These policies eliminate protections for unaccompanied minors and leave them vulnerable and at risk of deportation.

Executive Order: Border Security and Immigration Enforcement Improvements

Limit the number of youth classified as UACs

The Department of Homeland Security (DHS) Memorandum (“Implementing the President’s Border Security and Immigration Enforcement Improvement Policies”) directs USCIS, CBP, and ICE to develop “uniform written guidance and training” on who can actually be classified as a UAC. In other words, the DHS will strictly define who can be classified as an “Unaccompanied Alien Child,” therefore stripping away certain protections and social services that otherwise would be available.⁴⁸ For instance, these are just a few of many changes that may occur:

- Fewer children who are apprehended at the border being classified as UACs. As a result, these children could be subject to expedited removal without seeing an immigration judge.⁴⁹ In addition, these children could also be placed in DHS detention centers as opposed to the HHS’s less restrictive centers.
- At the age of 18 or if and when a UAC reunifies with their parent/legal guardian, they can be stripped of their UAC designation. This is significant, as there are specific protections that only apply to UACs, meaning they may 1) be subject to expedited removal after being released from HHS custody rather than being placed in removal proceedings under INA § 240; 2) not qualify to receive post-release services from HHS; 3) and no longer be eligible for voluntary departure at no cost.

Target/Punish Sponsors & Family Members of UACs

The current administration has directed federal law enforcement to criminalize parents, family members, and any other individual who “directly or indirectly... facilitates the smuggling or trafficking of an alien child into the U.S.” This jargon includes anyone who aids in the travel arrangement of a child traveling to the U.S., helps pay for a guide for the child from their home country to the U.S., or encourages a child to enter the U.S.^{50, 51} In other words, any individual who is involved in the child’s unlawful

entry into the U.S. could be prosecuted and placed in removal proceedings if they are removable or could be tried for criminal prosecution.⁴

Executive Order: Enhancing Public Safety in the Interior of the United States

Expand local ability to enforce immigration laws

The DHS has been asked to engage with state and local governments to enter into agreements allowing them to perform the functions of federal immigration enforcement officers in the investigation, apprehension, or detention of noncitizens. In other words, this allows local law enforcement representatives to act as immigration officers and to enforce federal civil immigration laws. Local law enforcement is authorized to perform immigration-related enforcement on the streets in their communities in terms of detention and removal of migrants in the U.S. Essentially, local law enforcement has been tasked with checking the immigration status of an individual as part of their regular policing duties. Along with their regular policing duties, they are able to perform additional tasks, including 1) the interrogation of any person believed to be an alien about his/her rights; 2) issue arrest warrants for immigration violations; 3) issue immigration detainers and Form I-213, Record of Deportable/

Inadmissible Alien, for processing aliens in categories established by ICE supervisors; and 4) detain and transport arrested aliens subject to removal to ICE-approved detention facilities. To date, New York City has chosen not to enforce federal immigration laws and has an administrative policy on migrants who are not to be detained.⁵²

U.S. Department of Justice Memorandum: Revised Practices Relating to Certain EOIR Priority Cases

Expedite court processing of UACs without a sponsor

As of January 31, 2017, all immigration judges have been instructed by the Chief Immigration Judge to expedite all cases of children in government custody who do not have a sponsor with whom they can potentially reunify with in the U.S.³

Key providers indicated that under the current administration, the Office of Chief Council for Immigration and Customs Enforcement has stopped granting prosecutorial discretion to all migrants and specifically to unaccompanied minors. Prosecutorial discretion closures are no longer implemented to protect unaccompanied minors from deportation.

Appendix C - Methodology

The research conducted for this report includes: 1) gathering input and direction from an advisory board; 2) conducting focus group research with unaccompanied youth and their sponsors; 3) administering a survey (“Study Survey”) to direct service providers in New York; and 4) conducting semi-structured interviews with key informants who provide services to migrant youth. A review of relevant literature was conducted, and the author also analyzed data from the Transactional Records Access Clearinghouse at Syracuse University (TRAC). Themes were extracted from all the research methods and considered when writing this report.

Advisory Board

This report reflects the input of an advisory board of service providers, government officials, advocates, and experts who work to address the needs of unaccompanied migrant youth. Advisors were selected and confirmed in January and February 2016. The advisors met early in the project in March of 2016 and again in October 2016 at UNICEF USA in New York, New York. In addition, many advisors served as key informants during the interview phase of the project, and a select few reviewed a draft of this report.

Focus Groups

A bilingual clinical social worker trained in trauma-focused cognitive behavioral therapy with years of experience working with migrant youth conducted focus groups in New York City and on Long Island to inform this report. Before participating, youth and their sponsors reviewed and signed a consent form in Spanish or English, informing them that the focus group was completely voluntary and confidential. Focus group participants received Metro cards for their travel and an incentive VISA gift card (amount \$20-\$25). Four focus groups were conducted:

- 1 July 26, 2016, at the Door in New York, New York – Youth: Five boys ages 17 and 18 at the Door in New York, New York.
- 2 August 9, 2016, at Catholic Charities in Amityville, New York – Youth: Eight girls and two boys ages 14 to 17.
- 3 July 21, 2016, at Catholic Charities in New York, New York – Sponsors: Five parents, a brother and a family friend.
- 4 August 9, 2016, at Catholic Charities in Amityville, New York – Sponsors: Five parents, an aunt, and a brother.

Provider Survey

An online survey (“Study Survey”) was shared with organizations that provide services to migrant youth in New York. Children’s

Defense Fund – New York conducted a review of providers who served unaccompanied migrant youth for legal, medical, mental health, and social needs across New York City, Long Island, and the Hudson Valley areas using existing legal and social service referral guides and conducting online research. The online survey was then shared with more than 50 direct service providers by email, and several reminders were sent. The survey was open from August 4, 2016, to September 19, 2016. A total of 39 individuals from 28 different organizations responded to the survey. Among the organizations responding to the survey, 18 are located in New York City (including the five boroughs and Manhattan), five in Long Island, four in the Hudson Valley, and one in Ithaca.

Interviews with Key Informants

Thirteen hour-long semi-structured interviews with key informants were conducted from October 7, 2016, to December 9, 2016. Individuals interviewed included service providers delivering legal, child protection, mental health, social support, and health care services as well as community organizers and trainers and policy advocates of child migration.

Study Limitations

This study represents a small number of respondents from the focus groups, provider surveys, and provider interviews. There was an overrepresentation of legal service providers in the provider surveys, which resulted in an overemphasis of the legal needs of unaccompanied youth. Due to the immediacy of the legal needs and the investment made in New York City toward legal services, these provider organizations are the most organized regarding unaccompanied migrant youth and are easier to reach.

The number of representatives from other service needs, particularly in the education setting, is another limitation. With additional time and resources, ample research can focus on the needs of unaccompanied youth in the educational settings in New York City as well as outside the city.

Finally, the focus group participants—both youth and sponsors—were generally self-selected from those who have interacted with provider organizations. It is reasonable to assume that the needs of unaccompanied youth who are not connected to provider organizations would be even more dire.

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The insight, experience, and input of an advisory board and key providers helped to inform and shape this report and the subsequent recommendations. The recommendations do not necessarily reflect the views of individual advisory board members or key providers, nor have they endorsed the recommendations and conclusions of this report. The following individuals contributed

to the report by participating in the advisory board sessions, being interviewed by the authors, and/or providing written feedback on drafts of the report:

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