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The logo for the International Institute of Social Studies, featuring the word "Erasmus" in a stylized, cursive script.

**(Un)Caged Voices:
Stories from immigrant child detainees in the US**

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Disclaimer:

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Acknowledgements

This paper is dedicated to the 545 to 666 children¹ separated from their parents at the US border—by the Trump administration’s Zero Tolerance Policy—whose parents (at the time of writing) are unable to be located.



Drawing 1²

To the immigrant child detainees who agreed to share their stories with Flores Team members in June 2019 while detained at Customs and Border Protection facilities in Clint, McAllen, El Paso, Santa Teresa, and Weslaco, Texas: this paper is also dedicated to you.

To the members of the Flores Team, for the work you have done and continue to do on behalf of immigrant children and their families: you are heroes. Thank you from the bottom of my heart.

To my advisors, colleagues, friends at ISS: thank you for your support and accompaniment on this journey.

To Mom: thank you for always supporting my seemingly endless schooling, even when Dad refuses.

To my partner, Jojo: thank you for loving me through it all.

¹ (Dickerson, C. 2020; Soboroff & Ainsley 2020)

² Drawn by girl detained at Clint CBP in June 2019, provided by W. Binford (Appendix 2: Interview C).

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List of Acronyms

ACF	Administration for Children & Families
BIC	Best Interests of the Child
CBP	Customs and Border Protection
CRBA	Child Rights-Based Approach
CRC	Convention on the Rights of the Child
DHS	Department of Homeland Security
FSA	Flores Settlement Agreement
HHS	Department of Health and Human Services
ORR	Office of Refugee Resettlement
PA	Project Amplify
TRO	Temporary Restraining Order
UAC	Unaccompanied Alien Child
UN	United Nations
US	United States of America
ZTP	Zero Tolerance Policy

Abstract

In June 2019, immigrant child rights advocates visited multiple Customs and Border Protection processing facilities in the US state of Texas to interview immigrant child detainees. The stories told by the—predominately Central American—minors in McAllen and Clint, Texas led the team of advocates to release their findings to the public and file the children’s declarations in a temporary restraining order against the government agencies in charge (as part of ongoing litigation known as the Flores Settlement Agreement). The children’s declarations (sworn statements) revealed the ways in which they acted in and advocated for their own best interests and the best interests of other child detainees during their incarceration. This study is an amplification of their voices—the voices of infants, young children, adolescents, and teenagers caged, neglected, and abused for crossing the US border. A CRBA (child rights-based approach) guided by children’s voice and participation and informed by grounded theory, constitute the theoretical framework of this child-centered, advocacy-gear research paper.

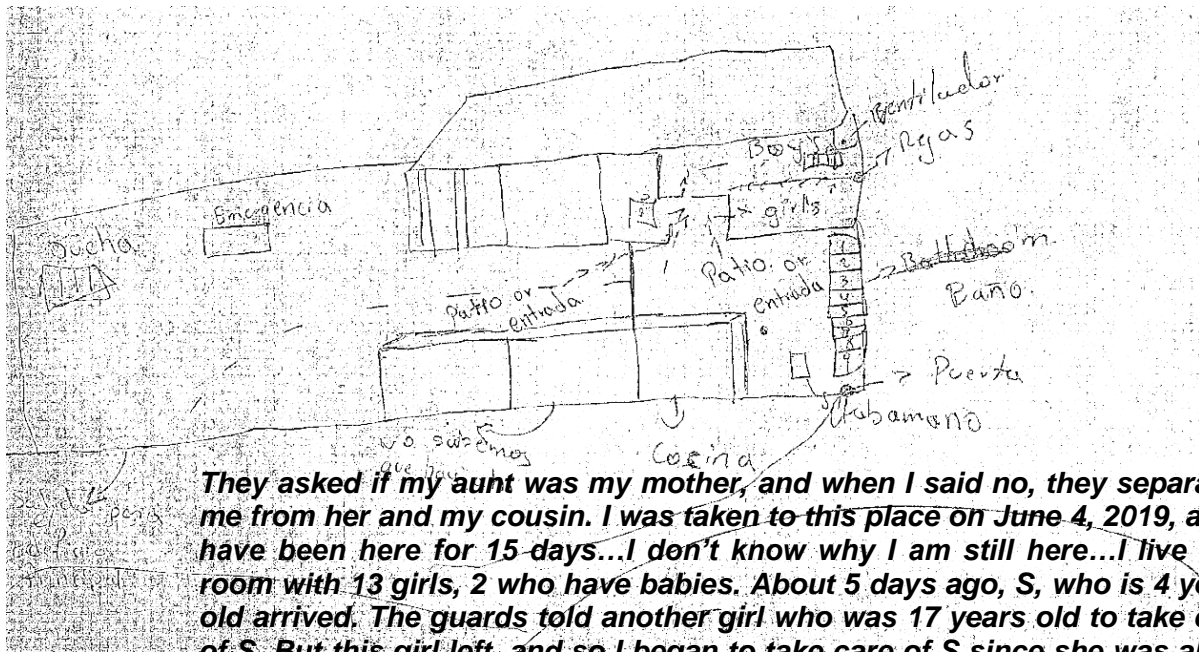
Relevance to Development Studies

Research has recently been published regarding the effects of the Trump administration’s “zero tolerance policy” on asylum seeking children crossing into the United States. However, what that previous research often lacks is the children’s perspectives, stories, voices, or participation. The authors provide an adult perspective on the situation, always with concern for the children impacted, but without fully integrating views or voices of the children themselves. I regard the open call by (non-profit advocacy campaign) Project Amplify as ample motivation to move these stories to the foreground—to emphasize that these children are not statistics but rather people with histories and futures. In that regard, this research is not only an analysis of immigrant child detainee stories but a response to Project Amplify’s call to action. I cannot create a song or produce a video³, but I can write a research paper.

Keywords

advocacy, asylum seekers, best interests of the child, children’s rights, child rights-based approach, family separation, US immigration policy

³ Project Amplify (2020) makes suggestions on its campaign website for “amplification events” and other ways to: “AMPLIFY THE CHILDREN’S VOICES. SHARE THEIR STORIES. ELEVATE THE TRUTH.”



They asked if my aunt was my mother, and when I said no, they separated me from her and my cousin. I was taken to this place on June 4, 2019, and I have been here for 15 days...I don't know why I am still here...I live in a room with 13 girls, 2 who have babies. About 5 days ago, S, who is 4 years old arrived. The guards told another girl who was 17 years old to take care of S. But this girl left, and so I began to take care of S since she was all by herself. S is also from Guatemala and told me that she traveled to the United States with her father who dropped her off with someone and went home. S was supposed to meet her mom, but she doesn't know where she lives or her phone number. When S arrived, she cried a lot. The guards asked me to bathe S the day before yesterday. This was her first bath since arriving 4 days before. I brushed S's teeth after every meal. This morning at around 6am a guard came into the room and read off a list of people's names. He told all of the people whose names were on the list to come with him. S's name was on the list, but mine was not. It was early in the morning, so S and I were asleep side by side. S heard her name and clung to me, crying. I had to explain to her that they had called her name, and that she had to go along without me. It was hard to have to tell her that. She did not want to go with a group of people that she does not know, and they did not tell her where she was going. S looked back at me as she joined the group that had been called. Tears were running down her face. I felt very sad but did not want her to see me cry.

-C from Guatemala, Clint CBP facility June 20, 2019⁵

C's story, and that of little S, is a recent thread in the decades long fabric of tales woven together in defense of immigrant child detainees in the United States (US). The story of Jenny Flores, a 15 year old seeking asylum from war-torn El Salvador, locked in a Southern California hotel room by US immigration authorities in 1983 launched a court case that eventually led to the

⁴ Clint CBP facility diagram drawn by 14 year old boy from Ecuador (Appendix 1: Exhibit 14)

⁵ Appendix 1: Exhibit 46

Flores Settlement Agreement in 1997. Since then, volunteer members of the “Flores Team⁶” have worked with the Flores legal counsel to hold the US government accountable for violations of the agreement—accountable for violating the rights of children seeking asylum. The Flores Team travels to immigrant processing facilities, foster shelters, hotels, warehouses, and anywhere else the federal government has detained immigrant children over the years⁷. In June 2019, Flores Team members visited multiple Customs and Border Protection (CBP) processing facilities in South Texas. The stories told by children detained in Clint and McAllen, Texas prompted the Flores legal counsel to seek a Temporary Restraining Order against the United States government and motivated Flores team members to launch an advocacy campaign—*Project Amplify*—to broadcast the voices of those children and others like them.

This paper is a response to Project Amplify’s⁸ (2020) call to action, and thus it is an advocacy paper, as much as a research paper. To understand the circumstances that led to C and S being locked up in a Clint, Texas detention center, I begin with a history lesson in Part 1 of this introductory chapter. In Chapter 1, Part 2, I address my motivations for embarking on this journey, my role as a researcher, and my study objectives. In Chapter 2, *Discovery*, I present my theoretical framework, methodology, and quantitative findings. Chapter 3, *Amplify*, is devoted to a deeper analysis of the children’s declarations and presentation of their stories. Finally, I conclude this paper, in Chapter 4, with hope that my study is not an end in and of itself but a stepping stone—or launch pad—into more meaningful and impactful advocacy for immigrant child detainees in the US.

Ch. 1, Part 1: How did we get here?⁹

For Part 1 of this introduction, I present the background to my research in three parts. *Flores 1985-2019* provides an overview of the history behind the Flores Settlement Agreement (hereon referred to as FSA) and its relevance to the current issue of immigrant child detention in the US. In *Zero Tolerance Policy* I sketch the timeline and impact of the Trump administration’s immigration policies that enforced family separations and the subsequent mass incarceration of “unaccompanied alien children” (HHS 2020a). Finally, in *Flores Team and June 2019 TRO*, I explain the circumstances that led to the dispatch of immigrant child rights advocates, the “Flores Team,” to Clint and McAllen, Texas in June 2019 and the ramifications of their findings—relevant to the lives of immigrant child detainees in general and, more specifically, the children highlighted in this study.

⁶ Flores Team is an unofficial term for the group of volunteer lawyers, interpreters & pediatricians who work alongside the official Flores legal counsel

⁷ Appendix 2: Interviews A-C; Schrag 2020

⁸ “Amplify the Children’s Voices. Share Their Stories. Elevate the Truth. [How? Any way you choose as long as it is respectful of these children and the stories they have entrusted to us.](#)”

⁹ This section draws on historic and current situation analyses explored in previous coursework (DeGross 2020b, 2020c).

Flores 1985-2019

Two recently published books (Briggs 2020; Schrag 2020) approach the US American history of apprehending and detaining children in different yet similar ways. In Briggs' (2020) book, *Taking Children: A History of American Terror*, she outlines a political history of separating children from their families. Schrag's (2020) book, *Baby Jails: The Fight to End the Incarceration of Refugee Children in America*, dives directly into the modern history of immigrant child detention in the US—beginning with the initial lawsuit in “Jenny Flores 1985-1988” and ending with “Trump 2017-2019.” I can in no way cover the amount of material (time, space, minutiae) that these two books address, but I will summarize (with reference to a variety of additional sources) key milestones, actors, and agencies involved in the FSA litigation and implementation since its inception. In addition, I will explain its purpose and relevant guidelines stipulated in the FSA.

The FSA is ongoing litigation that began in 1985, prompted by the story of Jenny Flores and children like her (AILA 2020; Briggs 2020:137-141; HRF 2018; Schrag 2020:11-29). In 1993, Justice Stevens (Supreme Court 1993:320) argued in his dissent that the Supreme Court (in a 7-2 judgment in favor of the government) sought to discredit the best interests principle as criteria for treatment of immigrant child detainees while settling for detention conditions that were merely *good enough* (Schrag 2020:30-48). It took another four years to settle, but the federal government (represented by the ensuing string of attorney generals) has been consistently brought to court in violation of the FSA (AILA 2020; Briggs 2020:140-146; Schrag 2020:61-268). In 1997, after many years of litigation and other forms of legal mobilization, the FSA was finalized by the US Immigration and Naturalization Service (INS). This agreement provided for specific protections for immigrant child detainees in the United States. It established detention time limits for immigrant children; mandated that child detainees be kept in the least restrictive environment; assured basic standard of nutrition, clothing, health, safety and sanitation (Roth et al. 2020:84; Monico et al. 2019a:173). FSA Section V, paragraph 12 states:

Following arrest, the INS shall hold minors in facilities that are safe and sanitary and that are consistent with the INS's concern for the particular vulnerability of minors. Facilities will provide access to toilets and sinks, drinking water and food as appropriate, medical assistance if the minor is in need of emergency services, adequate temperature control and ventilation, adequate supervision to protect minors from others, and contact with family members who were arrested with the minor. The INS will segregate unaccompanied minors from unrelated adults (USDCCDC 1997:4).

The INS was replaced by the Department of Homeland Security (DHS), and the Office of Refugee Resettlement (ORR) a branch of the Department of Health and Human Services (HHS) is currently responsible for ensuring that care facilities comply with the standards set forth by the FSA (Monico et al. 2019a:173). However, since the 1997 Agreement, numerous violations have

been documented in court cases brought against the US government (AILA 2020; Briggs 2020:140-146; Papenfuss 2019; Schrag 2020:61-268). Judgments in 2018 and 2019 (AILA 2020) at the district court level mandated a special monitor and ordered injunctions against the Trump administration, the ORR and HHS for failure to uphold FSA guidelines. Yet, as Lopez (2012:1668) argues, judges are hesitant to initiate policies or insist that immigrant child detention is in opposition to the law—relying instead on Congress. Disappointingly, congress has yet to act, and until they do, the FSA—despite unpredictable implementation and enforcement resulting in uncertainty as to what rights, if any, immigrant child detainees are afforded—still stands (Lopez 2012:1669).

The FSA was the first set of legal guidelines for the protection of immigrant child detainees (Lopez 2012:1648). For decades, various agencies (INS, DHS, HHS, ORR) have been repeatedly in violation of the FSA (AILA 2020; Monico et al. 2019a:173, 2019b:186). The executive branch has also been heavy handed with a Trump administration proposal to eliminate the FSA, strip immigrant children of protections, enable indefinite detention, and subvert the best interests of those children (Monico et al. 2019a:173). The FSA is no doubt flawed and vulnerable to violations, but without its guidance, there are no other guarantees that detained immigrant children will have access to basic standards of care, release, or reunification (Roth et al. 2020:85). In other words, it is better than nothing. The FSA guidelines are essential yet incomplete protections for asylum seeking children, because while the settlement provides goals and tools for handling violations, it has failed to prevent those violations (Lopez 2012:1669). As a result, anti-immigrant sentiments and challenges to FSA protections have led to child rights violations in the name of immigrant deterrence—such as the Zero Tolerance Policy (Roth et al. 2020:86).

Zero Tolerance Policy

“I remember that one day in the morning we passed a wire fence and went to some buildings that looked like offices, with a big sign that said, **‘Welcome to the United States’**...”

-Teen girl from Honduras, separated from her uncle after crossing the border and detained at Clint CBP facility for 13 days at the time of interview. Her cousins live in Houston, Texas.

(Appendix 1: Exhibit 48)

It would be naïve to hold the Trump administration responsible for the country’s history of immigrant child detention offenses without acknowledging prior administrations’ shortcomings (Androff 2016; Lopez 2012). Nevertheless, Trump’s government undermined the well-being of asylum seeking children to an extreme degree. In April 2018, U.S. Attorney General Jeff Sessions announced the implementation of the zero tolerance policy (ZTP) with the goals of deterring and criminalizing “illegal” immigrants (Monico et al. 2019a:165). The majority of children and families seeking asylum in the US, during that



time, were fleeing the *Northern Triangle* (Map 1) region of Central America (comprised of Guatemala, El Salvador and Honduras) due to intense levels of domestic and/or gang violence (Schrag 2020:245-250; Terrio 2018). Families crossing into the US with children became targets, and illegal entry was considered grounds for denying asylum (de la Peña et al. 2019:154). Asylum claims were rendered moot, and the FSA became an excuse for family separations, because while the settlement does not define detention conditions for families, it does require that children be detained separately from adults (Roth et al. 2020:84-85). This allowed the government to separate children from families, detain them separately, and manufacture unprecedented numbers of UACs, or “unaccompanied alien children” (HHS 2020a, 2020c). A UAC is “defined as a child who has no lawful immigration status in the United States; has not attained 18 years of age; and, with respect to whom, there is no parent or legal guardian in the United States, or no parent or legal guardian in the United States available to provide care and physical custody” (HHS 2020c). Supporters of family separation positioned it as an alternative to “catch-and-release” methods that kept families intact but risked their integration or “disappearance” into the general public (Sussis 2019:1). The intended message was: do not cross

Map 1¹⁰



our border (Map 2) unless you want your children taken away (Monico et al. 2019a:165).

Map 2¹¹

¹⁰ Retrieved from <<https://endchilddetention.org/wp-content/uploads/2015/09/Northern-Triangle-map.jpg>>.

¹¹ Adapted from <<https://www.washingtonpost.com/graphics/2020/national/immigration/border-wall-progress/>>.

When they separated us from my [19 year old] sister, we lost contact with my family. My sister had a paper with my parents' address and phone number on it, and she also has that information memorized. I don't know my parents' number. I have asked the guards here twice if they can ask my sister for my parents' phone number. They took her name but did not say they would ask her for my parents' number...We haven't been able to speak to anyone in my family until we met with the lawyer here today. No one from the detention center has tried to make contact with our family. We are all alone. Every time I talk about my family I start to cry.

- 11 year old boy from El Salvador detained 14 days at Clint CBP with his twin brother at the time of interview—separated from their 19 year old sister and her 3 year old son. Their parents live in New Jersey, US (Exhibit 44).

The ZTP—driven by discriminatory ideologies—ensured thousands of asylum seeking children were separated from family members upon arrival at the US-Mexico border (Alberto & Chilton 2019:207; Briggs 2020: 160-163; Connolly 2019; Roth et al. 2020:84). For those children whom the Trump administration and immigration officials sought to make examples of, the UAC designation was applied despite the fact most crossed the border with family members (Monico et al. 2019a:165). Apprehended families were transported to processing centers where an official determined whether to deport, prosecute, or release, and at times manipulated parents into signing away their rights to asylum (de la Peña et al. 2019:154). Once a parent or guardian was charged and detained, their child or children were deemed unaccompanied (de la Peña et al. 2019:154). The UAC classification holds significant legal ramifications, as unaccompanied children must make their own immigration case without the help of their parent, whether alone in court or through an attorney if they were fortunate enough to have one (de la Peña et al. 2019:154). By rendering them unaccompanied aliens, the US essentially stripped asylum seeking children of any protections (social-emotional, physical, legal) they had prior to separation.

Count and Ages of Minor[s] separated from April 2018 - July 2019			
	4 and Under	5 and Above	Grand Total
2018			
Apr	14	95	109
May	27	1482	1509
Jun	39	952	991
Jul	2	10	12
Aug	5	19	24
Sep	4	25	29
Oct	8	29	37
Nov	12	39	51
Dec	11	55	66
2019			
Jan	7	39	46
Feb	14	58	72
Mar	29	91	120
Apr	37	116	153
May	28	100	128
Jun	28	146	174
Jul	12	69	81
Grand Total	277	3325	3602

Table 1 (ACF 2019)

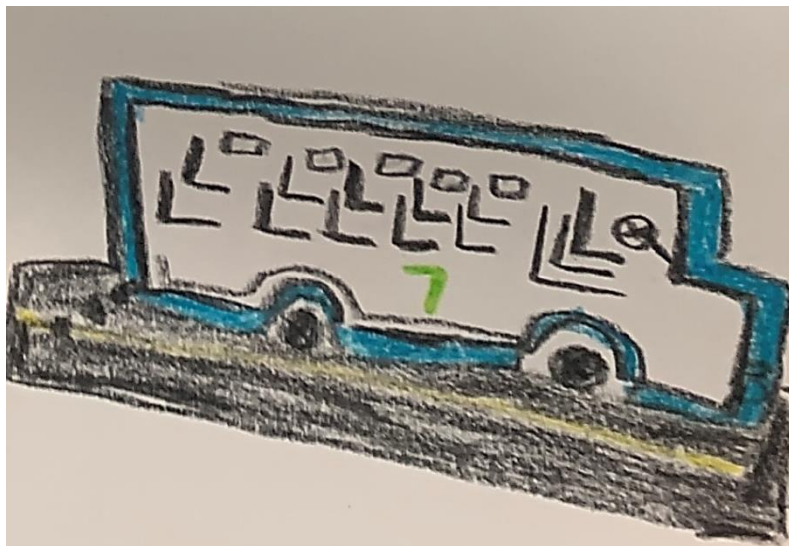
Once children were declared UACs, they became the responsibility of the ORR (Monico et al. 2019b:181).

Due to the vast number of manufactured UACs, separated children were placed in a variety of substandard facilities, including adult detention centers, NGO shelters, tents, and warehouses (Connolly 2019; Lokka 2019:178-179; Appendix 2: Interviews B & C). Despite a June 2018 executive order which suspended the ZTP *on paper* two months after it officially began—the government’s failure to resolve various immigration agendas created further legal and advocacy dilemmas in addition to the fact that families continued to be separated at the border. (Connolly 2019; Monico et al. 2019a:174; 2019b:181; Thompson 2018). While the total number of separated children remains unclear, as it was revealed separations began well before an official rollout of the ZTP, and the U.S. managed to unofficially continue ZTP deterrence strategies, the official timespan of the policy resulted in 3,602 child separations between April 2018 and 2019 according to the HHS (2020b) report to congress—see Table 1 above (ACF 2020; Roth et al. 2020:84). Others, such as the Flores Team members, Human Rights Watch (Bochenek 2019) and the Southern Law Poverty Center (SLPC 2019), took notice and found the U.S. guilty of crimes far greater than the refusal to supply soap and toothbrushes to immigrant child detainees—a refusal that was, along with images of “kids in cages”, widely publicized in the media (Briggs 2020:159-166; RAICES 2018; Papenfuss, 2019; Roth et al. 2020:86). This brings us to June 2019, and the advocacy work of the Flores Team in Clint and McAllen, Texas, because what they observed and learned from child detainees during the course of a few weeks set off a chain of events that over a year later has yet to be resolved.

Drawing 3¹²

Flores Team and June 2019 TRO¹³

In order to amplify the children’s stories in my findings and analysis, I have chosen to present some findings regarding the Flores Team as background. Most of what I know about the Flores Team—for example, the work they do and their roles in interviewing detainees and preparing



¹² Drawn by boy detained at Clint in June 2019, provided by W. Binford (Appendix 2: Interview C).

¹³ TRO is a common abbreviation for *temporary restraining order*, a “legal document issued by a judge before trial that forces or prevents an action for a specified time frame” (Retrieved from <<https://www.winston.com/en/legal-glossary/temporary-restraining-order.html>>).



Map 3¹⁵

Peter Schey (one of two original FSA lawyers) is still lead counsel for the FSA and basically calls the shots when it comes to pursuing litigation (Schrag 2020:273-276; Interviews B & C). June 2019 visits to Texas CBP centers were organized with the help of Flores Team member Hope Frye (Frye 2019) and under the legal guidance—which included prepared interview questionnaires geared at identifying FSA violations and instructions to interview as many child detainees as possible—of Schey (Appendix 2: Interviews B-C). After child detainee interviews in Clint and McAllen (Map 2) revealed the CBP facilities were in gross violation of FSA standards of care (particularly in regards to lack of hygiene, adequate sleeping arrangements, temperature control, and the fact that many children were detained far beyond the 72 hour time limits), it was decided to go public with the team’s findings (Attanasio et al. 2019; Cohen 2019; Denham 2019; Novack, S. 2019; Soboroff & Ainsley 2019). Media coverage of the detention center conditions and Schey’s decision to file a temporary restraining order (TRO)—for which the children’s declarations (sworn statements) were entered as evidence—also drew the attention of members of congress (Connolly 2019). Multiple Flores Team members testified before congress over the course of a week in July 2019 in addition to submitting written testimonies (Frye 2019; Long 2019; Mukherjee 2019). Although the June 2019 TRO declarations were compiled and made public on the Project Amplify (PA) campaign website in 2019, based on my interview with PA co-founder Warren Binford (Appendix 2: Interview C), it is unclear (at the time of writing) what the outcome of the TRO was or its current status.

declarations for court exhibits—surfaced during my initial review of the June 2019 TRO professional declarations and subsequent interviews with a few team members.¹⁴ That process is spelled out in more detail in Chapter 2, Part 2 where I discuss methodology. However, to better outline the historical background and move directly to the timeframe in question (June 2019), I will summarize how the Flores Team brought the children’s declarations into being—without which, this research would never have been possible.

¹⁴ Appendix 1: Exhibits 13, 15, 20-22, 24, 63, 67-69 & Appendix 2: Interviews A-C

¹⁵ Adapted from <<https://www.infoplease.com/atlas/north-america/united-states/texas-map>>.

Ch. 1, Part 2: Why me? Why now?

Beginning with why this research topic matters to me and where I fit *as a person* in the broader story feels more apropos than speaking of my positionality¹⁶ *as a researcher*. While my intentions have been less in flux throughout the research process, my grounded theory approach is absolutely flexible. As I discovered which stories asked to be told, I also discovered how to do the telling. As a queer man, I am drawn to advocating for asylum seeking children for similar reasons Black Lives Matter protestors and LGBTQI+ advocates cry for solidarity (e.g. Black Trans Lives Matter). If you expect others to fight for your rights, how can you not fight equally for theirs? The same dominant powers continue to oppress queer lives and black, brown, and immigrant lives—regardless if they are infants, children, or adults. As a long time child rights advocate, the determination to protect, support, and empower children has felt innate, unquestionable. However, I learned along the way that not everyone cares equally about their own children and *other people's* children. Indeed, not everyone cares about children. If the majority will not come to the rescue, we must align our marginalized struggles against the common denominator—institutionalized discrimination. We are part of the same story.

I may have only turned six years old in 1990 (and been somewhat unaware of my queer identity), but in the same year homophobic ideology was invoked in the name of anti-immigrant US policy (Schrag 2020:38), I met my childhood best friend in our first grade classroom. Felicia was second generation Puerto Rican American; her parents were immigrants from the territory. We were different ethnicities from different socio-economic backgrounds, with different home languages, but we befriended each other unaware of any implications those differences might entail. She was a girl, and I was not, but that did not matter either. Similarly, my younger sister met her childhood best friend as a first grader two years later; Edina was third generation. Edina's maternal grandparents came from the Dominican Republic and her father's parents from Haiti. Edina's Dominican grandparents lived at home with her, and I can still recall the sound of her grandmother's telenovelas blaring from the living room as I ran in to pick up my sister on Sunday afternoons. Fast forward two decades, and my sister married her high school sweetheart, a second generation Haitian American whose parents had fled the political turmoil of 1980s Haiti. Skip ahead to present day, and I am living with my first generation Filipino American partner, who immigrated to California as a nine year old with his family.

As an early childhood educator over the past decade, I also cared for countless first and second generation immigrant children and their families, regardless of language, ethnicity, or citizenship status. How could any of those things get in the way of caring for and respecting another human being—particularly a child? More importantly, how could anyone in a stolen land

¹⁶ Positionality refers to “the social and political context that creates your identity in terms of race, class, gender, sexuality, and ability status. *Positionality* also describes how your identity influences, and potentially biases, your understanding of and outlook on the world” (Retrieved from <<https://www.dictionary.com/e/gender-sexuality/positionality/>>).

full of immigrants (via forced and elective migration) where indigenous populations are highly marginalized condemn other immigrants? My family raised me to understand my “roots”—a genealogy stretching far and wide but definitely stemming from Europe across the Atlantic Ocean. My ancestors were immigrants too. I did not choose to be born in the US, but those ancestors collectively solidified my destiny—just like millions of other Americans. Locking up those seeking asylum, seeking safety and protection, those seeking better education and quality of life, we may as well be locking up our siblings, parents, grandparents, lovers, and best friends. We may as well be locking up *our own* children, not just *other people’s* children.

Researcher Role

I have difficulty seeing myself a researcher, just as I never quite felt comfortable calling myself a teacher. In both roles, I see my position as an advocate—predominately a child advocate, often advocating for children’s rights, sometimes for individual children, other times for groups of children. To be honest, I pursued a career in early childhood education because it was the quickest path to full-time child rights advocacy. In any case, I (as an adult) seek to invoke my adult privileges on behalf of children (who experience limited privileges dependent upon the context in which they live). In the context of immigrant child detainees in the US, I am not alone in this desire to advocate for those children whose voices are most stifled. However, through my research I have sought to identify gaps in the advocacy of others—not as critique but an attempt to fill in the missing spaces. The voices of children, from infants to teenagers, have all too often remained caged not only in the detention centers where they were held but behind the bars of adult expertise—journal articles, book chapters, testimonies, news reports, and so on. My role in this research is to help uncage those voices.

Objectives

While much has been written about child rights and migration¹⁷, and academics¹⁸ have weighed in on the rights of immigrant child detainees in the US, few authors have centered their work on the child’s perspective, included children in their research, or even directly cited the words of the children at the heart of their studies. Similarly, migrant child rights discourse tends to focus on *violations* of children’s rights rather than *enactment* or *realization* of rights—particularly in the case of immigrant child detainees, where there are clearly documented violations (AILA 2020). My objective is threefold: 1) to show how the children who participated in the compilation of June 2019 TRO declarations for *Flores v. Barr* became advocates for their own rights and the rights of other immigrant child detainees; 2) to allow the children to speak for themselves, as

¹⁷ (Bhabha 2001, 2009, 2014, 2019; Bhabha et al. 2018)

¹⁸ (Alberto & Chilton 2019; Androff 2016; Briggs 2016, 2020; Bruzzone & González-Araiza 2019; Schrag 2020; Thronson, B. 2018; Thronson, V. 2018).

experts on their own lives and experiences; 3) to move beyond rights violations discourse by highlighting the child detainees' agency.

Questions

What are their stories? What did they want to say? These two seemingly broad yet simple questions are the true core of my research methodology (explained in depth in Chapter 2). Nonetheless, in an attempt to hone in on the roles of advocacy and agency in the children's declarations, I have asked:

In what ways did immigrant children detained at Clint and McAllen, Texas Customs and Border Protection facilities in June 2019 advocate for their own best interests and/or the best interests of other immigrant child detainees, as revealed in their personal stories (via declarations prepared as court exhibits) in the 2019 Temporary Restraining Order filed by Flores counsel in the case of *Flores v. Barr*?

Sub-questions

- a) How have immigrant child detainees described the actions of detention facility personnel?
- b) How have immigrant child detainees described their own actions in relation to their best interests or the best interests of other children?

Chapter 2 - Discovery

In this chapter I discuss the discovery phase of my research—establishing a theoretical framework, methodology and analysis. My struggles with discovering and defining the theoretical framework for this study are flushed out in Part 1 of this chapter. Part 2 is devoted to methodology and outlines both my approach to data gathering and reflections on the process. In Part 3, I address how I analyzed my data. This chapter serves as scaffolding for the findings (children's stories) I will present, in depth, in Chapter 3.

Ch. 2, Part 1: Staying grounded...

This section serves as a discussion of my theoretical framework. I am not a fan of theory, and I am perhaps too eager to admit it. In my mind, and my experience, no amount of theory is going

to feed a hungry child, shelter homeless children, or heal the wounds of childhood trauma. Working with and serving children (and families) has taught me that my words and actions matter in real time. There may be room for critical reflection after the fact, but more often than not, decisions are needed sooner rather than later. Access—to resources, representation, and rights—is needed *yesterday* not tomorrow. Theory is only helpful if I want to write about what happened (or should have happened) after the fact, but it will not alter the outcome. All of this is to say, in advocating for children, they must be given the chance to take the lead.

When parents ask me for advice on a matter related to their child, my immediate response is, “have you asked your child?” It never ceases to amaze me how so many adults never think to ask children for their opinions, let alone participation, in matters that directly impact those children. It may go without saying, but I am also not a huge fan of adults. This leads me to the rational conclusion that theory is the adult factor in research, which means inquiry and exploration are the childlike elements of research—with space for curiosity and creativity. Accordingly, that is where my study began, looking and listening for the children, asking what they have to share, and considering the tools and supplies most appropriate for building a child-centered theoretical framework. A child rights-based approach (CRBA) seemed obvious, but as my advisors consistently pointed out, I needed to define *my* CRBA. However, considering the stories I have chosen to amplify do not belong to me, as they belong to the children who have shared their experiences, ideally what follows would be an attempt to frame *our* CRBA. Nonetheless, the children at the heart of this study did not truly have a direct say in its framing, and it would be foolish for me to pretend otherwise. In the end, my CRBA problematizes how to come to terms with, embrace, and celebrate the presence of my child participants.

Child Rights-Based Approach

How do you amplify the voices of children in a research paper? It took months for me to decide—to really understand—that in order for the children to be seen and heard in a text-based format, their words had to outnumber the adults’. Are we not experts on our own lives and lived experiences? Who am I to rely on others to validate the stories of immigrant child detainees? The children did not ask for validation, mine or anyone else’s. They simply shared their experiences when asked. The Flores Team promoted the storytelling, recorded the stories, and made them public. My role is to turn up the volume of the children’s voices and turn down the adults’. There are no direct quotes from adults in this paper. In order to amplify the words of my child *participants*, all adult source materials and citations are paraphrased in-text, or referenced in footnotes, and kept to a minimum. My own adult presence is unavoidable (as the author of this paper), but in my capacity as an advocate and researcher, my aim from day one has been to remain child-centered. This paper is not for or about me. The children have, however, (through their stories) guided me, grounded me, and inspired me—hopefully to the benefit of other immigrant child detainees in the US. Advocacy that promotes children’s rights is not a “one-off event” and is necessarily long-sighted (Save the Children 2007:88). This paper is meant to be

shared, to show that children’s rights are not simply adult protectionist measures but, more importantly, acknowledgement that children (despite the harshest circumstances) are capable of employing agency in their own best interests and the best interests of others. I refer to this specific hue of agency as an *advocacy of care*.

Despite the fact that the US is the only country yet to ratify the Convention on the Rights of the Child (CRC), and has no obligations to uphold those rights, I rely in part on the convention’s general principles (non-discrimination, best interests of the child, and participation) in my analysis, because the CRC provides the most authoritative statement on children’s rights (UN 1989). While I will not discuss the principle of *non-discrimination* at length, it is important to note that the ZTP is a discriminatory policy by design, and the immigrant children separated and detained as a result of the ZTP have not been given the opportunity to realize their right to non-discrimination. Further, my analysis focuses more on the *best interests of the child* and *participation* principles as they provide lenses for understanding the agency of my immigrant child detainee participants, both in the stories of their experiences and in framing their role in my research.

As previously discussed, the FSA provides standards and guidelines for the treatment of immigrant child detainees, and directly invokes the “best interests of the child” in its language and related rulings—as does the HHS “unaccompanied alien children” program (Briggs 2020:138; HHS 2020a; Supreme Court 1993; USDCCDC 1997). The CRC general principle, *best interests of the child* (BIC), is by no means a novel concept envisioned by the convention’s authors and has a long history in common and civil law, including in the US (Mendez 2007: 106-108; UN 1989). However, the use of BIC in legal and rights matters related to immigrant child detainees in the US has long straddled the fence between complete realization of the children’s best interests and good enough attempts. What I am demanding via my CRBA I am not only the full realization of immigrant child detainees’ best interests but recognition that they too have demanded that realization. Fundamental to this approach is the incorporation of children’s participation and voice through a grounded theory.

Children's Participation & Voice¹⁹

How are immigrant child detainees participants in this study? If we look at the *ladder of participation* concept, the children in my research are not necessarily situated on the most favorable rung: “child-initiated and directed” (Alderson 2008:167-169). Ideally, I would have involved and consulted the children before, during, and after my research—basically, every step of the journey (Alderson 2008:143-189). That being said, while the children detained at Clint and McAllen in June 2019 may have technically not initiated the process, their stories absolutely initiated and directed the path of my study. Children’s voice goes beyond merely allowing

¹⁹ This section draws on methodological considerations explored in previous coursework (DeGross 2020a).

children to speak and requires a curiosity and inquiry into how a child's view contributes to what we know and how we think about society (James 2007:262). I set out to learn from the declarations of immigrant children in detention centers about their lived experiences, and I have positioned myself as a learner rather than an expert. Without access to their actual voices, I must be *reflexive* in how I represent the children's stories (their voices) and why I have chosen to represent them in the first place (Mruck & Mey 2007). I am employing immigrant child detainees' voices, in the form of written testimonies, as research data or actionable evidence, but in order to maintain legitimacy, I must also examine the authenticity of these voices (James 2007:265). Moreover, I must account for the potential to either represent or misrepresent—through interpretation and analysis—the voices I intend to amplify. A particular challenge arises from the fact that these declarations have been translated (almost entirely from Spanish to English) and transcribed into a legal format. In other words, I must sift through multiple layers of interference, static if you will, and consider how each layer may detract from or conceal children's voices.

Grounded Theory

Inviting the children, indirectly and via their declarations, to guide my research constitutes a type of grounded theory—a crucial element to my CRBA. I like to think of it as accidental theory, in my case. Accidental, because it was by no means intentional. While I was happy to perceive my methods as simply child-centered, others (colleagues and supervisors) were eager to point out that I had definitely not re-invented the wheel. Instead, I acknowledged that my CRBA is, after all, akin to decades old understandings of grounded theory (Glaser & Strauss 2017:1-18). I have had to constantly reflect on my role, my position, which questions to ask, and ultimately how to answer them without losing sight of the children and their stories in order to maintain authenticity (Mruck & Mey 2007:13-15). Another grounded theory strategy I have implemented is narrative analysis, or storyline, in order to move beyond simply describing or interpreting the children's experiences to understanding and amplifying their stories (Birks & Mills 2019).

Ch. 2, Part 2: From the top...

Project Amplify (2020), a non-profit advocacy campaign, has made public hundreds of declarations (exhibits in *Flores v. Barr* 2018-2019) from children, parents, and professionals. The children's declarations, though secondary data, serve as my primary source. According to Project Amplify's (2020) website, the campaign is managed by volunteers with support from the Lawyer Moms Foundation. When I originally encountered the Project Amplify site, explicit details were not posted as to how or by whom the declarations were obtained. Nonetheless, each declaration was accompanied by case and exhibit numbers, as well as the identifying information (name, organization, address) of the professional responsible for preparing the declaration.

Further, the compiled declarations of lawyers, doctors, and interpreters provided insight into: how the child declarations were obtained; detention center conditions; the overall well-being of the child participants at the time of interview. I reached out to a number of the aforementioned professionals, members of the Flores Team, for additional information on the circumstances and process for interviewing immigrant child detainees and preparing their declarations. I also inquired as to the founding of Project Amplify and the original source of the declarations. The Project Amplify website has been updated since my research began, and interestingly, much of the information I requested during the interview process (detailed below) has now been added to the campaign site.

Data Gathering

As previously stated, my primary source of data is the compilation of children's declarations made public by Project Amplify (from here on referred to as PA). A declaration²⁰ is a sworn written testimony signed under "penalty of perjury." I came across the PA website while searching for information regarding the FSA. The entirety of the children's declarations, compiled by PA, comprises nearly a thousand pages spanning the two years (2018-2019) directly following the implementation and supposed cessation of the ZTP. These are separate from the corresponding declarations signed by parents and professionals which are also made available by PA. The benefit of declarations in the case of immigrant child detainees is that the children *do not* have to testify in court for their statements to be presented as evidence. However, a key ethical dilemma for my research concerns the circumstances and methods with which the declarations were gathered: I was not present to either guide or comment on the process. Therefore, I found it necessary to contact both PA and the "professionals" (Appendix 1) involved in the preparation of the children's declarations. The first step in this process meant reading the professional declarations prepared by the Flores team members (comprised of lawyers, pediatricians, and interpreters). While useful, I still had lingering questions after reading their declarations and decided to contact a majority of those individuals.

With a child rights-based approach in mind, I chose to tackle the compendium of children's declarations and (enter grounded theory) allow their stories to guide me. Sorting through a printed stack a thousand pages thick proved initially daunting, but I had to begin somewhere. So I started, literally, from the top. The pile of declarations were organized chronologically in the manner they had been presented by PA: "Flores January 2018," "Flores April 2018," "Flores July 2018," and "TRO June 2019." If you have been following closely up until this point, you may predict where this is going (i.e. the TRO declarations were at the bottom of the thousand page pile).

²⁰ For "Legal Definition of Declaration" see <https://www.upcounsel.com/legal-def-declaration>

My first sort was based on age categories and included all the compiled children's declarations from the four PA files. I began with 0-9 and 10-18 in my first sort. This was time consuming but crucial in determining which data set (which group of children's declarations) I would ultimately work with (Appendix 1). First, I discovered the children who participated in the 2018 declarations were nearly all in the 10-18 year old range (12-17, 11-20, 8-18, respectively). This was not problematic, per se, but a bit disappointing considering my personal (and professional) interest (and expertise) is early childhood. Secondly, the 2018 declarations represented a wide array of detention facilities—geographically and in terms of programming and purpose. In other words, the children's declarations were gathered from facilities all over the US, spanning different points in the immigration process, including (but not limited to) CBP processing stations, foster shelters, and juvenile justice centers. Finally, the 2018 declarations, while confined to the span on one calendar year, comprised an overwhelming chunk of information—close to 700 pages in total.

One the third day of my first age-based sort, I made it to the bottom of the stack, and there I found inspiration: the June 2019 TRO declarations. What made these particular children's declarations so solid? During my initial sort, I noticed the TRO declarations represented a wider age range of children (infants to age seventeen) including many children below ten years of age, a factor admittedly of personal significance. Meaning, while the stories and experiences of immigrant adolescents and teenagers in detention are equally moving and concerning, my own focus has always been early childhood, and it is therefore easier for me to understand the difficulties and emotions of caring for children younger than ten. Additionally, the TRO declarations were limited primarily to two CBP processing centers in Texas—with only a handful of declarations from children in other Texas facilities²¹. Further, the TRO file—comprised of 69 total declarations—were all gathered within a concise timeframe (over a span of a few weeks in June 2019) and totaled just shy of 300 pages.

With my pared down data-set in hand (and grounded theory now in full bloom), I began a second sort, coding each declaration by location—either *Clint, McAllen*²², or *other* (Stern 2007). It was during this process that I noticed two main themes emerge: children taking care of children and children's descriptions of guard behaviors. I became distracted, at times, from the location sort and found myself drawn to tales highlighting these themes. However, I did not thoroughly code for those themes at that point, because I needed to keep things moving. After recording the location spread, I was then able to identify corresponding declarations from the Flores team professionals involved in the preparation of the children's TRO declarations at Clint and McAllen in June 2019. I focused on contacting the interpreters, lawyers, and doctors who participated in the Clint and McAllen interviews and had each individually prepared a declaration regarding their own experiences at the facilities. There were more Flores Team

²¹ The other CBP sites were located in El Paso, Santa Teresa, and Weslaco, Texas.

²² Although the McAllen, Texas CBP facility is colloquially referred to as "Ursula" (including throughout the declarations), I have chosen to refer to the facility by its place name for the sake of clarity.

members who participated in the site visits, but for the sake of time, I did not reach out to every professional involved. While each professional declaration indicated the site(s) they volunteered at as well as professional affiliations (advocacy groups, law offices, universities, etc.), often the only contact information provided was a physical address. This meant it was necessary to engage in a bit of Google sleuthing to track down email addresses for those I wished to contact.

Out of the six initial emails I sent (from nine potential contacts), only three correspondences materialized into interviews²³ (via email, phone, or Zoom). I did not further pursue those who did not respond, and I similarly did not contact additional professionals recommended by my interviewees. I found the firsthand accounts shared in those interviews alongside the suggested news articles and congressional testimonies (as well as the professionals' declarations) sufficient material to supplement and support the children's TRO declarations. More importantly, the information provided by the Flores team helped me better understand the circumstances, process, and overall conditions under which the children were interviewed (and their declarations were prepared) at Clint and McAllen. At that point, the only missing perspective was that of the CBP personnel—the *guards*. I had long deliberated over how and whether to contact the Clint and McAllen facilities directly. In hindsight, I deliberated too long and took the plunge only after all three of my interviewees encouraged me to do so—although my supervisor had given me the same nudge months earlier. I say “too long” because once I mustered the courage to call the Clint CBP station in September 2020, I was met with the realization that my research was by no means CBP priority, and (at the time of writing) I have still not received a response to my questions.²⁴

After completion of my interviews and an attempt to engage the CBP personnel, I focused my attention back on the children's declarations—55 in total, excluding 3 exhibits that identified the children as still accompanied by parents. I began a third intensive coding process from which I created four data tables. Prior to my access, identifying information was redacted²⁵ in all declarations—including full names and birthdays. In some instances, age was also redacted. While initials are visible, and in most cases, children have stated their age, in nearly all cases, gender had to be deduced contextually, because it is not directly stated, and the redacted names provide no source of inference. To the best of my ability, I identified and recorded, age (Table 2), gender (Table 3), country of origin (Table 4), and purpose(s) of journey/asylum claims (Table 5)—settling for “unknown” descriptors when I was unable to determine a particular category. The information I recorded was based on the children's stories rather than the declaration description assigned by the Flores team or PA. Reason being, one child may have been interviewed and signed each declaration, but within their story, the child advocate may

²³ Appendix 2: Interviews A-C

²⁴ Appendix 2: Interviews D-E

²⁵ Unredacted and redacted versions of the declarations were submitted to the judge and court, however only redacted versions are available to the public (for a fee). These redacted versions are the ones obtained by the founding Project Amplify advocates and made available on the PA website (Appendix 2: Interview C).

account for their siblings or their infant child or an unrelated younger child in their care. Therefore, I included anywhere from one to three children per declaration (designated by exhibit numbers) in each table so as to better represent the stories being told. During this process I also coded more precisely the themes of children caring and/or advocating for other children and descriptions of guard behaviors. I also focused only on information relevant to the two CBP facilities (McAllen and Clint) and excluded information pertaining to prior processing facilities and experiences (i.e. border tents, CBP transport, border crossing, etc.).

Age of Child Detainees

Table 2

Age	0 - 4	5 - 9	10 - 14	15 - 18	Age Redacted	Unknown
<i>Total at McAllen CBP Facility</i>	18	2		14	5	
<i>Total at Clint CBP Facility</i>	11	10	12	21		2
<i>Total at Other CBP Facilities</i>	3				3	2
<i>Overall Total</i>	32	12	12	35	8	4

Gender of Child Detainees

Table 3

Gender	Female	Male	Other	Unknown
<i>Total at McAllen CBP Facility</i>	25	13		1
<i>Total at Clint CBP Facility</i>	33	18		5
<i>Total at Other CBP Facilities</i>	6	2		
<i>Overall Total</i>	64	33		6

Origin	El Salvador	Guatemala	Honduras	Other	Unknown
<i>Total at McAllen CBP Facility</i>	6	10	19	Ecuador*2	2
<i>Total at Clint CBP Facility</i>	18	17	8	Ecuador*9 Mexico*1	3
<i>Total at Other CBP Facilities</i>		4	2		2
<i>Overall Total</i>	24	31	29	12	7

The information presented in the tables above helped me better understand who (demographically speaking) the children were. For example, there were nearly twice as many female participants as males, and in speaking with Flores Team members, I learned that they had specifically asked to interview as many of the young mothers with infants as possible during their visits (Appendix 2: Interviews A-C). So although the number of declarations made by girls outnumbered the declarations made by boys, it does not necessarily mean that more girls than boys were detained in those facilities at the time. On the other hand, the representation of Northern Triangle countries, as child participants' countries of origin, is in line with the trends discussed in Chapter 1.

Finally, during my last coding process, I recorded the exhibits which contained references to the themes identified above and noted which stories (direct quotes) were either likely or definite candidates for including in my findings. This determination was based on three main qualitative factors: corroboration amongst declarations (i.e. facts, descriptions, anecdotes, etc. that appeared in multiple declarations); substantial or well-articulated stories (more than simple answers to interview questions); the compelling nature of particular passages (I cried a lot over the months spent reading and re-reading the children's declarations). Once I determined which quotes and passages I would like to include, the toughest decision became how much to cut—for the sake of word count. It is hard not to feel guilt in choosing one child over another (no matter what the context or circumstances), but in the end that is what I was forced to do.

Additional Considerations

I am restricted to desk research with the secondary data I have already identified (namely the children's declarations provided by Project Amplify) due to Covid-19 restrictions but also the pre-existing difficulty in arranging meetings or interviews with current or former immigrant child detainees. Also, redacted information in the children's declarations admittedly limits the accuracy of my data—particularly in the case of unknown factors but also instances where I have made an educated guess based on contextual evidence. There are no photographs associated with

the declarations. However, Project Amplify (2020), #NoKidsInCages (RAICES 2018), and Kids in Need of Defense (KIND 2019) implement and encourage the use of art and imagery for their advocacy and awareness campaigns against the detention of immigrant children in the US, and while I have not included any of those images in my paper, they certainly helped bring to life the children's experiences during my research journey.

Similarly, a handful of child detainee's drawings have been shared in news articles (Aguilera 2019; Cohen 2019; Ingber 2019) depicting their experiences while in detention, and a few drawings were shared by Warren Binford, a Flores Team member and co-founder of Project Amplify. I have included these drawings throughout this paper to aid in illustrating the lived realities and stories voiced via the children's declarations. However, I have little information as to the meanings behind the drawings (unless otherwise noted). I have chosen not to use any photographs of children, because I did not take the photos and cannot ask for consent. Likewise, no photos of adults are presented in my research. I have included only children's drawings in an effort to further amplify their voices—and named the drawings for the sake of description (see page 5). Maps and tables are my own rendering (or adaptation) unless otherwise noted.

Ch. 2, Part 3: Reading softly...²⁶

I completed a Master's degree in Early Childhood Education in 2012, and as a full-time kindergarten teacher at the time, I chose to complete a self-study of my teaching practice. My 5 year old students acted as participants and collaborators as we explored the role of agency in our classroom—basically, how my agency as an adult educator impacted their agency as young learners. My relationship with my child participants back then was tangible, professional, yet personal: we could see, hear, touch, smell, *experience* each other five days a week. As an educator, I could interpret their needs and assess their abilities, adapting my practice along the way, incorporating their suggestions and interests as we became co-creators of our curriculum and classroom community. Similarly, as research participants, my kindergarteners assisted in data generation, collection, and analysis. They were the heart of my study, and their words, photographs, and drawings comprised the bulk of my findings. My current study is different in so many ways, but the most challenging difference is the distance from my child participants. They are still the heart of my research, but I cannot know them in the same way as my previous participants. Our only connection is their translated stories in written words, a few drawings, the perspectives and descriptors provided by other adults, and my commitment to amplifying those stories. In order to hear the children, to be able to answer my research questions, I have had to *read softly*.

²⁶ I cannot take the credit for comparing my CRBA to Ngutuku's (2019) "listening softly," for it was my supervisor, Karin Arts, who noted the similarity and suggested that I was "reading softly."

Adult Perspectives

Adults are generally regarded as experts and knowledge-bearers in the child-adult dichotomy.²⁷ When it comes to the plight of immigrant child detainees in the US, a cacophony of adult voices²⁸ ring out on all sides of the issue—including (but not limited to) academics, immigrant rights advocates, congress members, federal immigration agencies, journalists, celebrities, presidents, and celebrity presidents. All these adults have something to say about why, how, and under what conditions immigrant children should or should not be detained, but what about the children themselves? Where are their voices? What do they have or want to say? A key component of my CRBA is to drown out all the adult static, to amplify the children’s voices, and recognize that I (as an adult, an advocate, a reluctant researcher) must tread lightly and *read softly*. Ngutuku’s (2019:30) concept of “listening softly” refers to a rhizomatic (multi-method) approach to research—specifically, research with and about children—in which the researcher must rely on more than just spoken words to capture the nuanced perspectives present in a child’s voice and experiences as they surface. For example, silences have meaning, just as intonation, word choice, and body language have meaning. In uncaging the voices of my child participants, I have had to read softly, stepping over and around the words and interpretations of the adults who recorded (only in writing not audio²⁹) and translated child detainees’ stories. Adult perspectives have undeniably influenced my understanding of the topic of immigrant child detainees in the US—the history, political climate, rights advocacy and so on. I have read countless journal and news articles, books, testimonies, legal documents, policies, and advocacy campaigns *all* written by adults. I have conducted interviews with and sought additional information from adults.³⁰ I have been guided and supervised in my research process by adults, and my work will be evaluated by adults. With all those adult perspectives informing (and possibly clouding) my own perspectives, it is with utmost care that I have endeavored to remain receptive of the children’s voices—by reading softly.

Shifting Focus from Violations to Agency

One way I have managed to read softly is on the topic of FSA violations. The Flores Team (and most current literature on the topic) represents the experiences of child immigrant detainees in the US through a lens of rights violations—primarily based on FSA guidelines.³¹ This is not necessarily how the children held at Clint and McAllen would have chosen to represent

²⁷ This is a topic I explored more in depth for previous coursework—*Development Needs a Band-aid: Children’s Knowledges as Alternative* (DeGross 2019).

²⁸ My reference list provides plenty of samples to select from.

²⁹ Flores Team members were not allowed to audio or video record interviews with children in CBP facilities (Appendix 2: Interviews B & C).

³⁰ (Appendix 1: Exhibits 13, 15, 20, 21, 22, 24, 63, 67, 68, 69; Appendix 2: Interviews A-E).

³¹ (Alberto & Chilton 2019; Briggs 2020:137-166; Lokka 2019; Monico et al. 2019a, 2019b; Roth et al. 2020; Schrag 2020:163-268; Appendix 2: Interviews A-C).

themselves, especially since their declarations revealed that not a single one of the children interviewed had been informed by CBP personnel or any other immigration officials of the protections provided by the FSA. Indeed, despite Flores Team questions directed at revealing FSA violations, the children’s stories revealed agency rather than merely victimhood. This is not to say their rights have not been violated or to deny the injustices they have been dealt. The point is to reclaim and reframe the narrative by shifting from a narrow, adult-centric view of these child detainees as either criminals (in the eyes of the State and CBP personnel) or victims (in the eyes of rights advocates).

Asylum Seeking Children

Another example of reading softly occurred during my quantitative analysis and regards the children’s purposes for seeking asylum and/or journeying to the US. Jacqueline Bhabha (2001; 2009; 2014; 2019; Bhabha et al. 2018) has produced a substantial body of scholarly work devoted to the rights of migrant and asylum seeking children at the international and (US) national levels. Others³² have shed light on challenges faced by Central American children

Purpose of Journey/Asylum Claim

Table 5

Purpose	Domestic Violence	Gang Violence	Family Reunification	Other	Unknown
<i>Total at McAllen CBP Facility</i>	4		21	18	
<i>Total at Clint CBP Facility</i>	5	18	46	Safety*5 Education*1	4
<i>Total at Other CBP Facilities</i>	2	2	4	“Better Life”*1	2
<i>Overall Total</i>	11	20	71	25	6

seeking asylum in the US, addressing both their reasons for fleeing their home countries and for making asylum claims as well as the hurdles met once North of the border. While the general consensus is that children and families from the Northern Triangle countries of El Salvador, Guatemala, and Honduras head for the US predominately to escape either domestic violence, gang violence, or some combination of the two, I discovered by reading the children’s stories softly that the majority of children entered the US with the goal of family reunification—even many of those who had crossed with and were subsequently separated from guardians. Table 5

³² (Alberto & Chilton 2019; Androff 2016; Briggs 2016; Briggs 2020:136; Bruzzone & González-Araiza 2019; Schrag 2020: 248-266; Terrio 2018; Thronson, D. 2018:157; Thronson, V. 2018:229).

(above) illustrates these findings. For most children, there was someone waiting for them in the US (a parent, sibling, cousin, etc.). Some did indeed flee violence and told heartbreaking tales of abuses that prompted their journey, but family reunification—reuniting with the family members awaiting them in the US or those from whom they were separated at the border—was a subtheme of the children’s declarations.



Drawing 4³³



Drawing 5³⁴

Chapter 3 - Amplify

This chapter belongs to my child participants. I may be holding the mic, but only because they deserve a break—having held each other up for so long. In Part 1 of this final chapter, I introduce the children’s perspectives of the guards. The children then describe and interpret the guards’ actions. Part 2 is devoted to amplifying the children’s advocacy of care and the many ways in which they took care of themselves and each other. All references to children’s declarations in this chapter are denoted by exhibit number, as listed in Appendix 1. In most instances, I include the number of days children had been detained at the time of their Flores interview, because (as mentioned in Chapter 1) the time limit stipulated by the FSA is 72 hours.

Ch. 3, Part 1: The guards here are mean...

³³ Drawn by girl detained at Clint in June 2019, provided by W. Binford (Appendix 2: Interview C).

³⁴ Drawn by boy detained at Clint in June 2019, provided by W. Binford (Appendix 2: Interview C).

“The guards here are both men and women. Some of them are mean. They do not smile” (Exhibit 53).



Here I present children's perspectives of immigration guards/agents as well as what I've found regarding immigration personnel's views. I have very little to work with in terms of the guards' perspectives, and my data leans heavily in the other direction—i.e. advocates', child detainees', media's viewpoint. ProPublica (Thompson, A.C. 2019; Thompson, G. 2019) released two incriminating articles regarding CBP personnel behavior. In the first article, it

was reported that border patrol agents were part of a demeaning Facebook account where they joked about migrant deaths, posted sexist content, and described immigrants with obscenities (Thompson, A.C. 2019). In the second article, a veteran CBP agent assigned to McAllen (in the same period as the June 2019 TRO declarations were prepared), described how he realized he had become numb to the abuses and neglect meted upon the child detainees (many fellow agents having “given up”) until the Flores Team arrived and caused an uproar (Thompson, G. 2019).

I made an effort to allow the guards to speak for themselves (Appendix 2: Interviews D-E)—rather than relying only on the Flores Team’s or child detainees’ perspectives of the guards. As explained in my methodology section, it was not something to hold my breath over. In the end I realized the guards have spoken for themselves, and here I present their words as quoted by the children in their care. Further, rather than judge (i.e. analyze) the guards’ characters or behaviors, I present evidence based on the children’s impressions and descriptions of their wardens—evidence that, frankly in my estimation, speaks for itself. In my CRBA, the children are experts on their own lived experiences, and as their words are recorded in sworn statements, I am not here to question or doubt, simply to share the(ir) truth(s). The children observed three categories, or levels, of guard behavior: 1) mean language and actions; 2) refusal to assist or accommodate children’s requests; 3) punishment. There are certainly crossovers amongst these categories, and the children’s stories often touch upon multiple levels within a few sentences, but for the sake of storyline, I have organized this section by category.

Mean Language & Actions

Many children described guards as mean or angry and confessed to being scared of them. After being separated from their grandmother, a 12 year old Ecuadorian girl (whose mother and father

³⁵ (Cohen 2019)

live in the US state Massachusetts) was detained with her 8 and 4 year old sisters at Clint for 2 days when interviewed. She said, “The officials here are very bad to us. During the night when we’re trying to sleep they come in and wake us up, yelling and scaring us. Sometimes children rise up in the night and officials yell at them to lie back down. The guards who are yelling don’t speak much Spanish, so it’s hard to understand what they’re saying. My sisters and I are very scared when they yell at us and other children” (Exhibit 9). A 14 year old native Mam speaker from Guatemala, detained at Clint, explained his fear of going outside: “They say we can go outside once a day, but I don’t go because I am afraid of them yelling at me. I’ve only been outside twice in the 21 days since I’ve been here” (Exhibit 59).

Children reported guards yelling, calling child detainees mean names, and deriding them for migrating. A 17 year old mother with infant son (from Honduras), detained for 20 days at McAllen, spoke on behalf of an injured cellmate and other teen mothers who had been belittled by guards: “In my cage there is a girl in a wheelchair. When she was in Mexico she got cramps, and now she can’t walk. No one is helping her. She’s been here 4 days. An officer came and in front of all of us said it was a total lie that she was sick. Once when we were waiting to go into the shower, women officers came and told us that we got pregnant just to be able to come to the US and that we aren’t worth anything” (Exhibit 29). After 3 days at Clint, a teen mother from El Salvador (with her five month old) observed, “Some of the guards here at Clint are mad a lot of the time. When we ask them things, they respond in an angry way...All of us feel scared of the guards getting angry. One day I was crying because I didn’t want to be here. A male guard came up and said to me, ‘Why did you come here if you don’t like it?’ When I think about what he said, I start to cry. It is so difficult to be here. At times I am sobbing” (Exhibit 49). Male and female guards alike were reported to treat child detainees with disdain. Some children were scared to request hygiene needs due to angry guard rebukes: “I haven’t asked to shower or for a toothbrush because I have heard other people ask for a bathroom or toothbrush but officers get angry. They have said many things, including, ‘you’re not in your country,’ and ‘you’re being punished here, not to be asking for things’” (Exhibit 38). Complaining about conditions and treatment only seemed to make things worse, as a teen girl from Honduras detained at McAllen for 21 days reported, “I have seen that when we try to complain to the consulate about the conditions then the officers want to know what we said. Then they start yelling at us saying things like: ‘You don’t belong here.’ ‘Go back to where you came from.’ ‘You are pigs.’ ‘You came here to ruin my country.’ They try to intimidate us” (Exhibit 35).

Some children described guards throwing objects or slamming doors, verbally threatening and physically manhandling detainees. A 17 year old girl (separated from her 13 and 25 year old brothers) fled gang violence in El Salvador to reunite with their parents who already lived in the US. She had been detained at Clint for 7 days when she shared, “One of the guards came in yesterday afternoon and asked us how many stripes were on the flag of the United States. We tried to guess, but when we were wrong, he slammed the door” (Exhibit 50). After 17 days of detention at McAllen, a 16 year old mother from El Salvador (with her 2 year old

daughter and hoping to reunite with a sister living in California), explained, “Sometimes when other girls ask for things, the guards yell at us and just throw them at us” (Exhibit 23). Unsettlingly, after five days at Clint, three teenage cousins—siblings 16 and 14, cousin 16— from Ecuador were able to explain their fear of guards after witnessing abuse: “One time, when a boy approached the fence to talk with a girl, the guard screamed at him, ‘The next time you will have a problem!’ The guard grabbed the boy by the back on the neck and dragged him away. We have never seen this boy again. We do not know what happened to him. It is terrifying to be here...Some of the guards here are mean. We are scared of them. It is better to stay quiet with them and not get on their bad sides or make them angry” (Exhibit 14).

Refusal to Assist or Accommodate

Guards refusing doctor visits for babies, or guards claiming babies were healthier than their mothers feared, constituted a common thread amongst the declarations of young mothers, especially at McAllen:

“The guards told me that for a cough or a cold my baby couldn’t go to the doctor” (Exhibit 25).

“The guards told me that only the very sick babies can see doctors, so my baby can’t go although she has had a fever and was vomiting” (Exhibit 26).

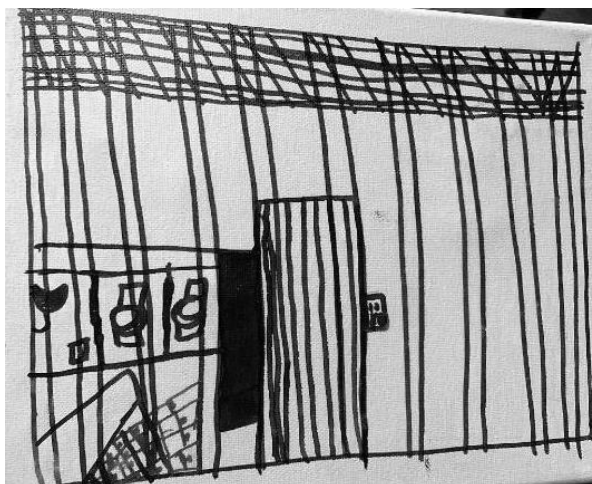
“When I have asked about getting the baby seen, the officers come and touch him and say he is just fine” (Exhibit 35).

“The staff is abusive so I am afraid to ask for anything. Yesterday my baby was crying because he was hungry and the staff said to me, ‘Hey take care of your baby. It’s okay to have them but you have to take care of them.’ They didn’t bring me any food for him” (Exhibit 19).

“The day we arrived, my baby became sick. She could not open her eyes and had a fever which got much worse during the day. I asked the guard for help and he told me to ‘just deal with it’” (Exhibit 30).

After around 10 days at McAllen, a 16 year old Honduran mother with her eight month old daughter (hoping to reunite with her father who lives in North Carolina, US) shared, “The day after we arrived here, my baby began vomiting and having diarrhea. I asked to see a doctor and they did not take us. I asked again the next day, and the guard said, ‘She doesn’t have the face of a sick baby. She doesn’t need to see a doctor’...The water in the jug is bad and makes me feel sick, and I use my bottled water to make the baby’s bottles. When I ask for more water, the guards are very mean and tell me that the baby and I don’t need it” (Exhibit 17). Guards constantly dismissed the young mothers’ attempts at advocating for their babies.

In the areas where toilets were separate from cells, children reported struggles to access the toilets due to guard behavior. “There are toilets near the cage but not inside. So we have to ask the guards to use the bathroom, and they don’t always let us use them” (Exhibit 25). “There are toilets near the cage but not inside. Sometimes the guards get angry and will close them” (Exhibit 26). Some distressed children were simply ignored by guards. “There was a nine-year-old little girl that was detained in the same cell as me, but she was by herself. She cried for her dad, but none of the officers paid any attention to her” (Exhibit 38). Children who asked to speak with family members were often denied phone access, such as a 17 year old mother detained at Clint for 18 days (after being separated from her mother and sister) with her eight month old baby. She had fled gang violence in El Salvador with her mother and sister to live with a cousin already in the US. “I have asked to speak to my mother or sister...but the officials will not let me. I keep asking, and they keep saying, ‘No.’” (Exhibit 52). Guards repeatedly deferred responsibility for unaccompanied young children to unrelated older children—an occurrence flushed out more in Part 2 of this chapter: “There are some children here without their mothers who are very young, only two or three years old. The guards tell girls to take care of these youngsters, even though some of the girls do not want to take care of such young children” (Exhibit 53).



Punishment

The children’s stories revealed threats of punishment, perceived punishment, and clearly meted punishment at the hands of the guards (**emphasis mine**):

“One of the other teen boys got into trouble, and we were told that he was taken to the freezer box, *hieleras*, as **punishment**...One of the officers makes fun of those who cry” (Exhibit 11).

“The brother of the 5 year old came over and started telling the 17 year old to let his little brother help. The 17 year old reported him to the official, and the official came over and said the older brother should not say anything to the 17 year old, because he was the one who helped all the time. He yelled at the brother of the little boy and said next time **he would punish him**” (Exhibit 62).

“The guards wake us at 3:00am and take away our sleeping mattresses and blankets. They leave babies, even little babies of two or three months, sleeping on the cold floor. For me, because I am

³⁶ (Cohen 2019)

pregnant, sleeping on the floor is very painful for my back and hips. **I think the guards act this way to punish us**... Sometimes, **to punish us**, the guards close the bathrooms and do not permit us to use the toilet” (Exhibit 31).

One particular story of punishment—regarding a missing lice comb and brush—was shared in separate interviews by unrelated Salvadoran girls (one 15 years old, the other 7 years old) who were held in the same cell at Clint. The 15 year old girl had been separated from her 11 year old and 19 year old brothers after they fled gang violence in El Salvador to reunite with their mother in the US. She explained, “Today a nurse got mad at us because a comb is missing. Two girls asked to use a comb, but only one was returned. We are not allowed to keep combs, so they came in and took out all of the beds and all of the blankets in order to punish us. Now we will have to sleep on the floor” (Exhibit 41). The following day, the 7 year old detailed the chain of events that lead to the threat of punishment in addition to confirming guards had followed through with their threats (**emphasis mine**):

“Yesterday after lunch a nurse brought the lice comb and hairbrush. A little while later a guard came back and asked for the lice comb and hairbrush. He was bald and had a light complexion. When the guard asked for he lice comb and hairbrush, we did not know where they were. We looked at each other to see who had the combs. The guard was angry and asked in a rough voice who had the brushes. The other kids were scared, and so was I. I felt dizzy and started to cry. He said that we had ten minutes to look for the combs, and that if we could not find them, we were going to be without beds and without covers. He gave us ten minutes. All of us were panicked looking for the combs. We looked under the beds. Kids asked each other if they had seen the brushes. He came back and yelled at us, asking if we had found the combs. We had to tell him that we couldn’t find them. When we told him, officers came into the room and started taking everything away. They took pillows and blankets. We had a blanket that we were using to hold up in front of the bathroom because there is no door. The officer even took that one. He said that we were going to sleep on the floor. **He said it was punishment** for losing the combs. What he said was true. We all slept on the hard tile floor last night. Nobody tried to climb into a bed because the guard said that they were going to take away anybody who tried to get into the bed. They told us that we could not have blankets anymore” (Exhibit 51).

I cannot help but comment on the absurdity of threatening (let alone punishing) children—who are already scared, traumatized, and incarcerated—over a comb and hairbrush. The children’s mistake in no means merited the severity of collective punishment and subsequent threats they endured. The 7 year old felt the same way and requested the opportunity to call her father in Washington, D.C. and explained to him what had happened. “My dad asked to speak to someone who works in the place where I am being held. I passed the phone to a man officer, but I cannot remember what the officer said to my dad” (Exhibit 51). By time she was interviewed by the Flores Team, the little girl had already exercised her agency to advocate for herself and fellow detainees and demand accountability. Bravo.

Ch. 3, Part 2: The kids take care of each other...

“This is not a place where children and babies should be...There are children who are very young here, only two or three years old, and their mother is not with them. They cry for their mothers all the time. Other children who are older try to take care of the little ones. It is an incredibly sad situation”

-Salvadoran teen mother with five month old, detained 3 days at Clint after being separated from her pregnant 20 year old sister and 3 year old nephew. She hoped to reunite with her infant’s father in Washington D.C. (Exhibit 49).

Finally, I present my main theme of children advocating for children—an advocacy of care. If the children’s wardens had acted in the best interests of their wards, children would not have had to rely on themselves and each other for meeting basic needs. These findings extend beyond the realm of the originally scripted Flores questions, and the stories of children taking care of each other arose more organically during the interview process, with children often advocating for others in their rooms or cells or elaborating responses to team members’ inquiries about family (Appendix 2: Interview A-C). As with the previous section, I have categorized my findings, and as with the previous section, these categories are intertwined: 1) noticing advocacy of care; 2) mothers with infants; 3) caring for siblings; 4) unrelated younger children. Not all heroes wear capes, and in my view, the children’s resiliency and ability to advocate and care for one another is nothing less than heroic.

Noticing Advocacy of Care

It was common for children to note, via their declarations, observations of other children advocating for each other. One such instance was as an 8 eight year old who was detained for 3 days at Clint after being separated from an aunt and cousin, when they said, quite simply, “The kids take care of each other” (Exhibit 2). Despite the cramped quarters and lack of supervision, the children try their best (**emphasis mine**):

“We eat, sleep, and live in Room 198. There are about 50 kids in there and 8 or 10 beds. There are no workers inside to take care of us so **the kids try to take care of one another**” (Exhibit 5).

“I am in a room with dozens of other boys. Some have been as young as 3 or 4 years old. Some cry. Right now, there is a 12 year old boy who cries a lot. **Others try to comfort him**. One of the officers makes fun of those who cry” (Exhibit 11).

“I am in a room with about 15 other girls. Some little girls are 3 and 4 years old. Their parents are not here, and **they are expected to take care of themselves**” (Exhibit 55).

A 17 year old mother (detained 18 days at Clint with her eight month old baby after having fled gang violence in El Salvador) relayed the story of a 2 year old detained alone after she was separated from her aunt, “One of the girls tried to take care of her” (Exhibit 52). Another Salvadoran teenage mother, caring for her own 2 year old daughter and 13 year old sister, shared the story of a girl who looked after someone else’s baby:

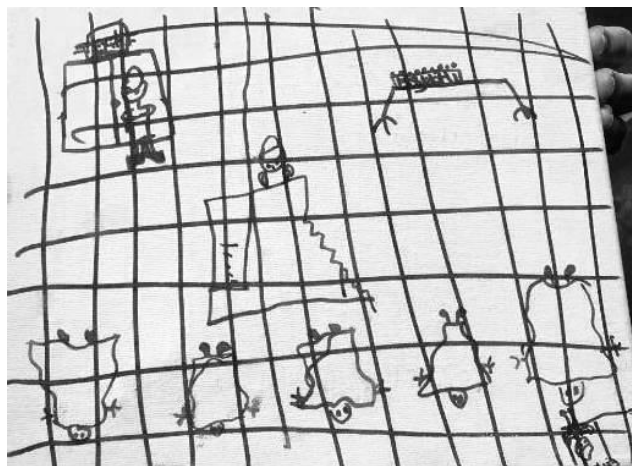
“There are a lot of children who are five or six years old who are here without their mothers. One day I asked a teenager if she was the mother of a young baby girl who was only about six months or one year old. The teenager said no. She said that she had to take care of the baby because the baby’s mother was pregnant and had been taken to the hospital. The baby was here without her mother for eight or nine days. I felt very upset to learn this terrible information. I would never want my own daughter to be here alone without me” (Exhibit 53).

Children also noticed the everyday advocacy of care required to tend to basic needs—such as using the toilet. “The bunk beds are right in front of the toilet stalls and so the people from the top bunks can see the kids going to the bathroom, but they try to look away to give the person on the toilet privacy and the person using the toilet usually tries to cover themselves” (Exhibit 5). My sister and I hold a blanket up for one another so no one can see us when we go to the bathroom” (Exhibit 10). Even in such traumatic circumstances, children noticed the ways in which child detainees cared for and tended to each other’s needs, including decency and respect for privacy.

Mothers with Infants

Drawing 7³⁷

As noted in Chapter 2, many young mothers were interviewed at McAllen and Clint by the Flores Team, with sick infants of particular concern to the team members (Exhibit 13). It nearly goes without saying that the mothers were also frightened and concerned as they attempted to care for their babies. An especially distressing story came from a 17 year old Guatemalan mother who had given birth to her daughter, via cesarean section, in Mexico immediately prior to crossing into the US. After being held for 5 days at McAllen, she reported alarming health concerns for both herself and her newborn:



³⁷ (Cohen 2019)

“I am now in pain from the waist down. I am in such pain that I still can’t sleep. The lights are on all night. I usually remain sitting in the wheelchair. I cannot walk without falling. My left leg cannot support any weight. I just fall...It is very cold. My daughter is freezing. Her hands and feet are cold. She doesn’t have any clothes. My daughter and I are still in the clothes we traveled in. Another migrant lent me a sweatshirt for my daughter. I keep asking for new clothes for my daughter, but I have not received any yet” (Exhibit 28).

More young mothers revealed their concerns as they attempted to care for their cold, sick, tired, or dirty infants:

“It’s very cold all the time and I have trouble sleeping at night because of the cold. My son gets so cold he feels frozen to the touch. The lights are on all the time. There is lots of noise all the time because there are girls and children who can’t sleep and who cry a lot. We are all so sad to be held in a place like this” (Exhibit 29).

“We are being held in a room about 30 feet by 20 feet. There are so many people in the room and no windows. There are bunk beds but not enough of them. My daughter and I have been sleeping on the floor with just a blanket, no mattress for two weeks” (Exhibit 40).

A 17 year old mother with a 2 year old child (and 8 months pregnant with her second) had fled domestic abuse in Honduras to live with her mother in New York. Still incarcerated at McAllen after 20 days, her worst fear was to give birth in detention: “I am very pregnant, so I must urinate often. But when the bathrooms are closed, I just have to bear it...The food here is not appropriate for children, and it is making them sick...I also do not want to give birth here, because this place is not appropriate for a newborn. We would be crowded together with many other people, and it would not be clean. I am desperate to leave here. My baby is coming very soon” (Exhibit 31). Another young mother was desperate to keep her 3 month old son clean and warm after the baby had soiled himself three days prior. “I had no place to wash the clothes so I could not put them back on my baby because when he went to the bathroom his poop came out of his diaper and all over the clothing...I have been told that they do not have any clothes here at this place. I just want my baby to be warm enough. I have to make sure that I carry my baby super close to me to keep his little body warm. I also have borrowed a jacket from another person detained with me just to keep him covered” (Exhibit 36). Caring for infants can be trying in the best of circumstances, but these young mothers had the odds stacked against them as they advocated for the best interests of their babies and struggled to keep them healthy.

Caring for Siblings

Some young children were fortunate enough to be detained with siblings, but older siblings of mixed gender (i.e. adolescent and teen brothers and sisters) were often separated. For siblings held together, caring for each other—particularly older siblings caring for younger siblings—became a difficult necessity. The truth is, many older siblings (such as the “big sisters” who are about to speak) were still young children or adolescents themselves, not much older than their

little brothers and sisters. Three siblings from Ecuador, an 11 and 7 year old sisters and their 9 year old brother were detained together at Clint. The big 11 year old sister spoke for herself and her siblings: “Nobody takes care of us here. I try to take care of my little brother and sister since no one will take care of them. There are little kids here who have no one to take care of them, not even a big brother or sister. Some kids are only two or three years old and they have no one to take care of them” (Exhibit 5). Despite caring for her own younger siblings, the 11 year old still advocated for other young children in need—by informing the Flores Team that there were toddlers left alone.

Another big sister from Ecuador (a 12 year old girl caring for her 8 and 4 year old sisters at Clint after being separated from their grandmother) also expressed concern for little ones with no one to care for them: “There are many young children there [in our room] who don’t have siblings to help care for them. It is a very sad situation...It’s difficult for me to care for my sisters here...I am worried about the very young children here who do not know what country they are from and where they should go...Children should not be here” (Exhibit 9). Two Honduran sisters, also separated from their grandmother, were hoping to be reunited with their mother in Houston, Texas but ended up at Clint. The older sister, only 8, tried to care for and console her 6 year old little sister: “They took us away from our grandmother and now we are all alone. They have not given us to our mother. We have been here for a long time. I have to take care of my little sister. She is very sad because she misses our mother and grandmother very much. My sister has been very sick. The doctor told her not to cry because if she cries she will get sicker” (Exhibit 10). There were many other siblings who advocated for each other but whose stories did not make it into this paper, and as a big brother myself, I cannot imagine a childhood filled with such unfortunate demands.

Unrelated Younger Children

While the young mothers and siblings detained at Clint and McAllen no doubt cared for their babies, brothers, and sisters out of familial love, the stories in this final section leave me speechless. Children cared for unrelated, younger child detainees out of pure humanity—humanity their adult “caretakers” (guards) seemingly lacked or otherwise lost along the way. If the Flores Team is made up of heroes, these final child advocates are *superheroes*. I apologize for the way my government treated them, and out of the utmost respect, out of an advocacy of care, I now step back so they may tell their stories.

“My brother has a learning disability. He cannot speak very clearly, but I understand him. I have taken care of him since he was a baby. He trusts me. He received some education, but it was not special. He knows how to count. At Clint, we are housed in a room with dozens of other children—some as young as 2 years old. Many do not have their parents

with them. I have to take care of many of the other children who are sad and cry. I do my best to help other children who are sad”

-12 year old with 4 year old brother, separated from uncle, from Guatemala, 13 days at Clint, mother lives in Miami, FL (Exhibit 12).

“There are 2 younger girls who don’t speak Spanish, so I don’t know anything about them. One is from Guatemala, but the other I have no idea. They don’t talk to each other, so I don’t think they speak the same language. I don’t know how old they are, but they wear diapers. The older girls try to help take care of the littler girls. I clean them and help them get dressed. Another girl who is here for the flu changes their diapers”

-16 year old girl from Honduras, 11 days at Clint (Exhibit 6).

“A border patrol agent came in our room with a two year old boy and asked us, ‘Who wants to take care of this little boy?’ Another girl said she would take care of him, but she lost interest after a few hours and so I started taking care of him yesterday. His bracelet says he is two years old. I feed the 2 year old boy, change his diaper, and play with him. He is sick...He likes for me to hold him as much as possible”

-15 year old girl separated from 11 year old and 19 year old brothers, fled gang violence in El Salvador, 2 days at Clint, mother lives in US (Exhibit 41).

“There was a two year old boy who had been in quarantine because he was sick. There was another girl taking care of him, but she also got sick so when he was released from quarantine, I started to take care of him. I am the third teenage girl who has tried to take care of this little two year old boy. His name is E...I feed him and give him water. I also take care of another little kid. She calls me ‘Mama.’ Her name is A. She is 6 years old. I have been taking care of her for three days. I try to comfort her and help her go to sleep. A said that she came with her parents and her little sister and they separated her from her parents”

-15 year old girl fled violence in Mexico, 9 days at Clint, parents live in US (Exhibit 57).

“There was an 8 year old girl with no parent here who was trying to take care of a little 4 year old girl. She did not know how to take care of a little girl so she kept asking me what to do, and I started telling her but then just started taking care of her myself. I take her to the bathroom, give her my extra food if she is hungry, and tell people to leave her alone if they are bothering her. She has been sick the whole time I have been taking care of her, and is coughing and has mucous. She doesn’t talk hardly at all, just yes and no. She wears diapers and I change them for her. Her bracelet says her name is K, but I don’t know where they got that name...I am also taking care of another little girl who arrived yesterday. The roster says her name is G...She said that she came to the US with her aunt

and cousin but was taken away from them by the guards. Like me, she is very sad and crying all the time. Right now, I am holding both little girls in my lap to try to comfort them. I need comfort, too. I am bigger than they are, but I am a child, too”

-14 year old girl, separated from 18 year old sister, fled gang and domestic violence in Guatemala, 3 days at Clint, father lives in California (Exhibit 54).

Chapter 4 – Conclusions

Ch. 4, Part 1: Looking back...

My research serves as an example of reimagining, inviting, and supporting children as sociopolitical participants (Rodgers 2020:6-22). My study is undeniably biased. How can I not “side with” the children who have been locked in literal cages, subjected to torturous treatment and deplorable conditions, oblivious to their fates despite attempts to gather information from their captors? How can I not demand accountability from those who have knowingly created, enabled, and extended these practices despite legal and social counter-measures? The mistreatment and abuse of asylum seeking children turned child detainees is unconscionable. Yet, this was a predictable conclusion, and my study only emphasized an extremity of the unconscionable. Instead, I would like to say something about finding and providing hope in a hopeless situation, something children are infinitely (in my experience) better at than adults.

“Best interests of the child” is my entry point, because the CRC, FSA, and UAC program all invoke the language of “best interests” (UN 1989; USDOJ 1997; HHS 2020a). The Flores Team solicited participation from child detainees through a rights-based approach—explaining that the children had rights and that a judge would like to protect those rights (Appendix 2: Interviews A, B, C). The moment that the children agreed to participate in the interviews (and sign their declarations), those child participants became legal advocates for themselves and the immigrant child detainees they represented. However, even before that point—before the Flores Team interviews—those same children, as their stories attest, had been advocating for each other in a multitude of ways, to the best of their abilities, while incarcerated. This I refer to as an *advocacy of care*. Children cared for children, yes, but they also requested and sought out improvements (generally the bare necessities) in the best interests of themselves and others. The immigrant child detainee’s stories, as recorded in the June 2019 TRO declarations, paint a picture of agency and resiliency, advocacy and care.

Ch. 4, Part 2: Moving forward...

It has been over a year, and the situation for immigrant child detainees in the US has become more desperate with 2020's Covid-19 pandemic (Shoichet & Sands 2020). The issue of “kids in cages” and missing parents—children separated with little hope of being reunified—even figured into the final presidential debate between Donald Trump and his opponent Joe Biden (Ainsley & Soboroff 2020; Dickerson 2020). I have a stack of stories that did not make it into this paper, and I am left wondering what to do with all the printed declarations I have literally carried across the globe and up and down the California coast between August and October this year. I could simply shred and recycle or stash them away in a filing cabinet, but that seems to defeat the purpose of embarking on this journey. I am not generally one to directly engage politicians (beyond voting), but in this case, the children's stories may speak for themselves. I have already written my paper. Now I can release their declarations to a wider audience: fold each one up nicely, slip them into individual envelopes, affix postage stamps, and mail them to elected officials. The harder decision is pinpointing the exact recipients. Fortunately, I can easily email pdf files of declarations once the hard copies run out. I may not be a Flores Team member, but I can do my pro bono part to help the cause. As I stated early on, this paper is not about me, and this issue will not disappear after submission. There are so many more ways to uncage the voices of immigrant child detainees in the United States; my work has only just begun.



Drawing 8³⁸

³⁸ Drawn by child detained at Clint in June 2019, provided by W. Binford (Appendix 2: Interview C).

Appendix 1: Declarations³⁹ (June 2019 TRO Exhibits)

Exhibit	Description
1. Child	Declaration of E., June 11, 2019
2. Child	Declaration of C., June 18, 2019
3. Child	Declaration of J., June 18, 2019
4. Children	Declaration of J., and J. (an infant), June 18, 2019
5. Child	Declaration of K., June 18, 2019
6. Child	Declaration of K., June 18, 2019
7. Child	Declaration of L., June 18, 2019
8. Child	Declaration of L., June 18, 2019
9. Child	Declaration of M., June 18, 2019
10. Children	Declaration of M., and L., June 18, 2019
11. Child	Declaration of U., June 18, 2019
12. Child	Declaration of W., June 18, 2019
13. Professional	Declaration of Dr. Dolly Lucio Sevier (and record of physical exams on 21 infants at McAllen, TX facility), June 18, 2019
14. Children	Declaration of K., R., and B., June 19, 2019
15. Professional	Declaration of Attorney Elora Mukherjee (RE: LRC & X), June 18, 2019
16. Child	Declaration of A., June 11, 2019
17. Child	Declaration of B., June 11, 2019
18. Child	Declaration of C., June 12, 2019
19. Age redacted	Declaration of C., June 12, 2019
20. Professional	Declaration of Dr. Amy J. Cohen, June 14, 2019
21. Professional	Declaration of Attorney Genevieve Grabman, June 14, 2019
22. Professional	Declaration of Attorney Toby Gialluca, June 14, 2019
23. Child	Declaration of E., June 12, 2019
24. Professional	Declaration of Dr. Nancy Ewen Wang, June 14, 2019
25. Child	Declaration of K., June 12, 2019
26. Child	Declaration of K., June 12, 2019
27. Child	Declaration of K., June 12, 2019
28. Child	Declaration of K., June 11, 2019
29. Child	Declaration of L., June 10, 2019
30. Age redacted	Declaration of M., June 11, 2019
31. Child	Declaration of M., June 12, 2019
32. Child	Declaration of M., June 11, 2019
33. Child	Declaration of O., June 12, 2019
34. Child	Declaration of S., June 15, 2019
35. Age redacted	Declaration of W., June 15, 2019

³⁹ Adapted from Project Amplify (2020) TRO compilation found here: <https://www.project-amplify.org/declarations>

Appendix 1: Declarations (June 2019 TRO Exhibits) continued

Exhibit	Description
36. Age redacted	Declaration of Y., June 6, 2019
37. Other	Spreadsheet of Medical Notes from McAllen
38. Child	Declaration of E., June 12, 2019
39. Age redacted	Declaration of N., June 12, 2019
40. Child	Declaration of A., June 17, 2019
41. Child	Declaration of A., June 19, 2019
42. Child	Declaration of A., June 19, 2019
43. Child	(with parent—excluded from study)
44. Child	Declaration of A., June 19, 2019
45. Age redacted	Declaration of C., June 18, 2019
46. Child	Declaration of C., June 20, 2019
47. Age redacted	(with parent—missing from compilation & excluded from study)
48. Child	Declaration of E., June 19, 2019
49. Child	Declaration of E., June 17, 2019
50. Child	Declaration of G., June 19, 2019
51. Child	Declaration of G., June 20, 2019
52. Children	Declaration of G. and F., June 17, 2019
53. Child	Declaration of J.V., June 17, 2019
54. Child	Declaration of K., June 17, 2019
55. Child	Declaration of K., June 19, 2019
56. Age redacted	Declaration of L., on behalf of N., June 19, 2019
57. Child	Declaration of M., June 17, 2019
58. Child	Declaration of M., June 17, 2019
59. Child	Declaration of M., June 19, 2019
60. Child	Declaration of N., June 19, 2019
61. Child	(with parent—excluded from study)
62. Child	Declaration of Y., June 19, 2019
63. Professional	Declaration of Attorney Elora Mukherjee, June 26, 2019
64. Child	Declaration of K., June 18, 2019
65. Child	Declaration of M., June 19, 2019
66. Child	Declaration of S., June 17, 2019
67. Professional	Declaration of Interpreter Kathleen O’Gorman, June 25, 2019
68. Professional	Declaration of Attorney Bill Ong Hing, June 26, 2019
69. Professional	Declaration of Attorney Warren Binford, June 26, 2019

Appendix 2: Interviews & Correspondence

	Participant	Date(s)	Format
	<i>Flores Team</i>		
A)	Gialluca, T.	Aug. 17–23, 2020	Email
B)	O’Gorman, K.	Aug. 31, 2020	Email & Phone Call
C)	Binford, W.	Sept. 1, 2020	Email & Video Call
	<i>CBP</i>		
D)	Harris, M.	Sept. 2, 2020	Phone Call
E)	Castillo, X.	Sept. 3 – 8, 2020	Email

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