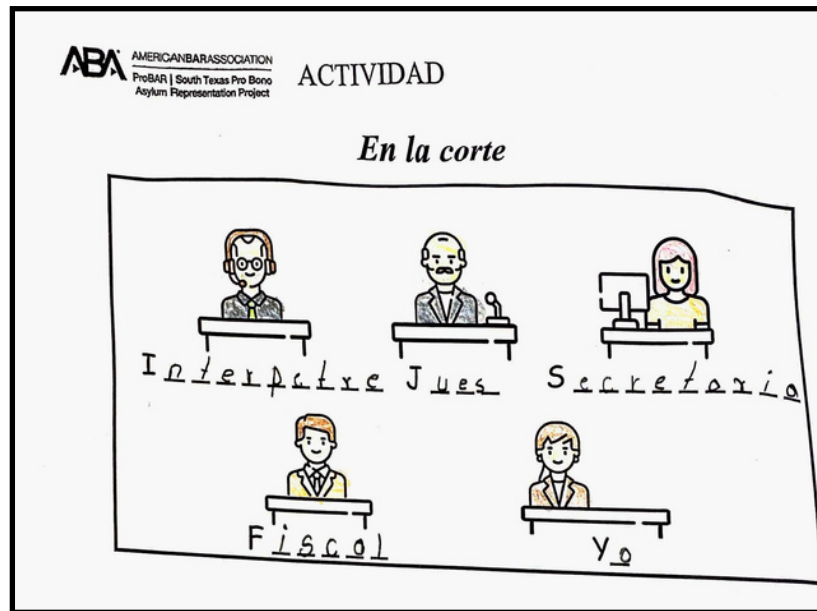




Preparing Young Migrants for Immigration Proceedings: **ProBAR Services for Tender-Age Children**



ProBAR uses worksheets to encourage young children to engage with legal concepts.

For young children like ProBAR's 7-year-old client Abigail*, being placed in the custody of an Office of Refugee Resettlement (ORR) immigration detention facility without a parent means facing an unfamiliar environment and the uncertainty of immigration proceedings without a trusted adult. ProBAR's Unaccompanied Children Legal Services Specialists (UC Specialists) begin their work here, bringing not only legal training but also strategies and tools to engage children, help them understand the legal proceedings they will face, and make sure they feel safe and valued.

Unaccompanied children of tender age enter the United States each day. These young migrants have made a difficult journey from their home countries to our southern border for widely varied reasons, many of them seeking protection from harm. In recent years, approximately 15 to 16 percent of unaccompanied children placed in ORR custody annually are 12 years of age or younger. While many of these children arrive at the border without a parent or guardian, since late 2020 some have also reported separating from their parents on the Mexican side of the border following the expulsion of their family under Title 42. Children not apprehended with an accompanying parent or guardian are classified as unaccompanied children by Department of Homeland Security officials





Despite their young age, the Department of Homeland Security places tender-age children who enter the United States unaccompanied in removal proceedings, where they are subject to deportation unless they can demonstrate their eligibility for some form of available relief from removal under U.S. laws. Like adults and teenagers, they do not have a guaranteed right to appointed counsel for their removal proceedings. However, in accordance with the Trafficking Victims Protection Reauthorization Act of 2008, the ORR funds many organizations around the country to provide legal services and representation to detained children and to some of the children who have been released from ORR custody. Through ORR funding, ProBAR provides legal services to detained children in ORR custody.

Six-year-old Abigail* was placed in ORR custody in 2022 after her journey to the United States from Central America accompanied by family members but without a parent. Newly detained without an adult relative, Abigail received a Know Your Rights (KYR) presentation and legal screening from ProBAR staff.

ProBAR's UC Specialists are responsible for providing KYR presentations and legal screenings to all unaccompanied children detained in the Texas Rio Grande Valley region, including tender-age children. Our team brings tremendous creativity to the task of providing these services in an age-appropriate way.

KYR presentations for tender age children use a combination of strategies that take into account young children's attention spans and



UC Specialists engage children in play with a range of toys. One imaginative child built a spaceship out of magnets.

the need to tailor wording and explanations to the children's ages. In some cases, staff use interactive tools such as electronic notebooks that encourage the child's participation. For example, putting a puzzle together, or interacting with the presenter to describe information shown on slides.

The topics addressed during a KYR presentation include an explanation of why people are placed in removal proceedings - including the concept of crossing a border, what the Immigration Court will be like, and why it is important to attend hearings before the Immigration Judge. UC Specialists explain the child's rights, including attending school and staying safe from harm, and provide examples of when to call 911 for emergency assistance. Different strategies and information are employed and shared with children based on their ages, backgrounds, and developmental stages.



*Name changed to protect the identity of the child.



Marcela recalls, "Abigail understood we were there to help. She was very talkative and enjoyed telling us how she came to the US. She even mentioned her dream of becoming a doctor one day." The UC Specialist's child-friendly legal orientation and screening built a foundation that is now supporting the Legal Department's representation of Abigail despite her tender age.

Effective services for tender-age children also create a uniquely rewarding connection for our staff. Senior UC Specialist Xochilth Roman stated about working with tender aged children, "I get to be my authentic self. I can be playful with them, and I get to do so many creative things." Ultimately, says Xochilth, "I like them to feel valued. I want them to see there are people who care and want to help."

Successful legal services for children like Abigail allow them to engage with complex concepts, equipping them with information and preparing them for the immigration process ahead. Both Anahi and Xochilth agree that what children take away most from KYRs and legal screenings is the importance of going to court and having an attorney, and the knowledge that it is safe to reach out to ProBAR even after they leave the ORR facility. The tremendous care and creativity used by the team empower these young children for the journey ahead.



UC Specialists use a range of strategies to keep children engaged during legal intakes. Here the child used magnets to build a spaceship with a pilot inside.

