

Preparing Young Migrants for Immigration Proceedings:

ProBAR Services for Tender-Age Children





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.







UC Specialists provide different forms of activities for the child during intakes.

After the Know Your Rights presentation is complete, ProBAR staff focus on a second core service: the legal screening. During the screening, staff provide toys and play with the child while they meet individually and engage in conversation about the child's life in their home country and the reasons for their migration journey. Staff ask openended questions to learn about conditions in the child's home country, how they were cared for, if they suffered abuse or violence, and their journey

to the United States, among other topics. UC Specialists also inquire about the child's plans in the United States. Information obtained from these screenings allow our attorneys to determine possible legal remedies for the child.

In Abigail's case, ProBAR's Legal Department used the information gathered during her legal screening to provide full legal representation. Assigned to Abigail's case, Paralegal Marcela McGreevy stated, "The work that [UC Specialists] do, is vital to helping us build our case. Even if the child does not disclose a lot of information, the tiniest amount may give us an insight as to how the child is doing, what it is that they need, what they experienced, and why they are here."

Legal screenings can delve into delicate topics and require trauma-informed approaches tailored for the age of the child. UC Specialist Anahi Gonzalez described that providing the services with a warm tone of voice and actively playing while they talk with the children helps most feel more comfortable. Senior UC Specialist Biridiana Ballesteros adds that UC Specialists use several approaches to make sure they document what the child shares while making sure the child is not overwhelmed by the discussion. They take multiple breaks if needed and use toys, drawing pages, or grounding exercises to support children. Anahi reflected, "We just never know what they will share with us."

After Abigail was identified by our team for representation, her attorney and paralegal met with her to learn more about the reasons behind her migration journey. By gathering this information and communicating with her sponsor, the team identified that Abigail might be eligible for a form of legal status for children who have experienced abuse, abandonment, or neglect by at least one parent. After Abigail was released from detention, her legal team also collaborated with ProBAR's Release Support Department to seek a mental health evaluation, school enrollment assistance, and local health and dental resources for her.





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.



