I answered my phone to hear a young voice: “Hi, this is Jocelyn. I saw a flyer at my immigration attorney’s office about a study on Central American unaccompanied minors. I’d like to participate.” Driving through the Los Angeles traffic, I made my way to the predominantly Latino neighborhood where Jocelyn shared a tiny apartment with her aunt and two cousins. We sat at the kitchen table together, and, after overcoming some initial shyness, Jocelyn told me her story. Her father had never been a part of her life. Her mother migrated to the United States when she was just a baby. They had barely kept in touch. In El Salvador, Jocelyn was raised by her grandmother, whom she considered to be her “real mom.” Jocelyn also felt close to her aunt, who had called her often and sent remittances from the United States. When Jocelyn was twelve, one of her classmates was murdered by MS-13 gang members at school. Her grandmother decided that it was no longer safe for her to attend. Jocelyn would spend the next three years barely leaving her house before she finally fled the country in 2015. The violence in her hometown had escalated, a microcosm of the national trends of rising homicide rates in El Salvador.

In the meantime, Jocelyn’s aunt had been saving up for her quinceañera, a rite of passage that marks the life-course transition from girlhood
to womanhood in Latin America. Yet violence had put Jocelyn’s coming-of-age on hold: she had left school but was unable to work. Her family decided to use the quinceañera savings to extract her from her risky life as a teenager in El Salvador instead. They paid a coyote to smuggle Jocelyn out of the country, leading her along the dangerous, unauthorized migration route to the US-Mexico border, the only travel option available for children who migrate alone to join undocumented parents and relatives in the United States. Then fifteen-year-old Jocelyn was apprehended at the US-Mexico border and admitted as an unaccompanied minor, a formally recognized vulnerable category in US immigration law. She was detained in an Office of Refugee Resettlement (ORR) shelter, where she would spend six months before joining her aunt in Los Angeles. Upon release, Jocelyn was one of the lucky youths represented by a free immigration attorney paid for by the limited government funding available for the legal representation of unaccompanied minors in removal proceedings.

In the United States, Jocelyn found temporary refuge from the risks she faced in El Salvador. Yet, despite her formally protected status, even with high-quality legal representation, she would face an arduous journey to lasting protection and legal status. Despite the fact that Jocelyn had escaped from violence, her attorney told her that she had slim odds of winning her asylum case. People assume that asylum protects those who fear returning to their homes. Yet this commonsense understanding is a far cry from how asylum law works in practice. The United States interprets the refugee definition narrowly and fails to adequately recognize the age-specific forms of violence and persecution that cause children and youths to flee their homes today. Expertly working within the constraints of this legal system, Jocelyn’s attorney strategically advised her to apply for Special Immigrant Juvenile Status (SIJS) instead, a form of immigration relief for children abandoned, abused, or neglected by their parents. The process would be longer, but Jocelyn was far more likely to win her case and eventually become a lawful permanent resident and then a US citizen. When I met her, Jocelyn was eighteen years old and still in legal limbo, waiting for the result of her case. She had crossed the threshold of the age of majority but was still unable to legally work, her rite of passage to adulthood on hold even as a young immigrant in the United States.

Jocelyn is one of the over three-quarters of a million unaccompanied minors who have arrived at the US-Mexico border since 2009 (Figure 1),
as violence, human rights violations, and deprivation have triggered outflows from El Salvador, Guatemala, and Honduras, where teenagers are especially at risk of being targeted and victimized by gangs. This migration stream reflects broader global trends: children make up over half of the world’s displaced population; and more children than ever before are crossing international borders alone to seek asylum in rich liberal democracies in the Global North. In the United States, unaccompanied minors’ asylum applications have increased exponentially from just over four hundred in 2009 to a high of more than twenty thousand per year during the years this research took place (Figure 2).

Like all countries party to the United Nations Refugee Convention and Protocol, the United States must abide by its commitment to non-refoulement, which prohibits states from returning individuals to countries of origin where they fear for their lives, at least until their asylum claims have been examined. Yet asylum seekers are perceived as ethnoracial, cultural, and economic threats. Countries like the United States try to keep them far away from the physical space where non-refoulement is activated—namely, the territorial border—and thereby from the advocates
who can help them claim rights and protection. These same countries externalize migration control through a combination of walls, visa restrictions, and bilateral agreements with transit countries that restrict mobility and fund camps that both aid and contain refugees in the Global South, where 85 percent of the world’s displaced people live.7

All immigrants who circumvent these obstacles and show up “uninvited” at the border to seek asylum pose a challenge for immigration control. Receiving states have sought to chip away at their rights to exclude them. Yet unaccompanied asylum-seeking children present an especially exacting dilemma because they are considered too innocent and vulnerable to be morally excluded outright. Children are the social group perhaps best able to tap into the emotional nature of compassion. Widely accepted ideals of children’s “natural” role as dependents mark childhood as a time to be protected by adults. Indeed, over the course of the past two decades, advocacy on behalf of unaccompanied minors has become a major force in US immigration politics, securing gains such as funding to represent children like Jocelyn in removal proceedings. Lawmakers have responded to pressures from advocates by introducing humanitarian laws that exempt unaccompanied minors from aspects of immigration enforcement aimed at adults at the border and in detention facilities, as well as granting them special due process protections as asylum seekers.

Fig. 2. Unaccompanied minors’ USCIS asylum applications (and approval rates), 2009–2019. *FY 2019, partial data through March. (USCIS Quarterly Stakeholder Meetings, Minor Principal Applicant Reports, www.uscis.gov)
Since their numbers first grew sharply during the Obama administration (Figure 1), unaccompanied minors have been portrayed by policymakers and the media with starkly contrasting narratives that highlight the liminal, or in-between, position that these youths occupy in the United States. At times, they are seen as scared and helpless victims of violent home countries, innocent children allowed to migrate alone by irresponsible parents. Other times, they are perceived as “bogus” refugees who file fraudulent asylum claims or—merely by virtue of being teenagers from Central America—even as dangerous MS-13 gang members, deviously making their way into the country by taking advantage of the misplaced generosity of protective laws. In recent years, these laws have transitioned from being relatively obscure, and agreed upon across the political spectrum, to being extremely visible. Proponents of immigration restriction—former President Donald Trump and his senior adviser Stephen Miller prominent among them—politicized and tried to delegitimize these protections by framing them as “loopholes” that allow unwanted immigrants to cheat the system. In contrast, immigration advocates argue that these laws are too limited in scope and should be expanded to provide more protection to a greater number of vulnerable immigrant children.

Social scientists have investigated unaccompanied minors’ detention in federal facilities and the perspectives of the state actors who manage them. We know far less about youths’ perspectives and their experiences after they are released from federal custody, as they adapt to their new homes while navigating the US asylum process. Legal scholars have highlighted the inadequacy of an asylum institution created for adults as a means to protect children, as well as the “ambivalence” of immigration laws targeting unaccompanied minors. On the one hand, like adults who are undesired immigrants from the Global South, the state seeks to exclude unaccompanied minors. On the other hand, as legal minors—and children who enter the United States alone, without their parents—they are seen as deserving of protection. Following a tradition of sociolegal ethnographic scholarship, this study takes a step further to examine the gaps between the law in books and the law in action. This book asks how the contradictory legal context of reception—characterized by exclusion and protection—shapes the lives of immigrant youths and the legal strategies of those who advocate on their behalf.
This book centers the experiences and perspectives of my two groups of key informants—unaccompanied minors and their immigration attorneys—and describes how they work together to navigate the US asylum bureaucracy, seeking protection, refugee recognition, and membership rights. This is a story about the contradictions of asylum law and other categories of humanitarian admission that are fraught to begin with; about the young immigrants who, often uncomfortably, inhabit them; and about the legal advocates whose professional motivation is rooted in social justice, who try to expand these categories but face many constraints in doing so. The chapters that follow guide the reader along the arduous journeys that youths undertake from sending countries, where their lives are at risk, and through the multi-agency maze of the US immigration system. My goal is to demystify the highly politicized, yet little understood and complex asylum process, illustrating the challenges that youths and their advocates face. In this way, I aim to disrupt discourses that portray unaccompanied minors as either innocent children deserving of protection or menacing teenagers and quasi-adult “illegal” immigrants to be excluded and expelled.11

These youths are migrating to the United States to flee violence and deprivation, to survive and find hope, to join their families, to pursue their dreams and aspirations, to work and study, and to continue transitions to adulthood put on hold due to insecurity in their home countries. I highlight both the real vulnerabilities and agency of Central American unaccompanied minors and the repercussions of inhabiting a dual liminal position in the United States: as teenagers, suspended between the social positions of childhood and adulthood; as asylum seekers, in legal limbo between protected refugee status and deportable “illegality.” I argue that these young asylum seekers are de facto refugees because they escaped life-threatening violence in Central America. Yet, despite the strides made, thanks to decades of advocacy work, to recognize their unique vulnerabilities in the US asylum process, youths’ lived experiences still too often fail to match the narrow refugee category.

To qualify for asylum, youths must demonstrate that they experienced the “right” amount and types of suffering prior to fleeing their homes. The timing of their escape hence goes on to influence their chances of success in the asylum process. But when and how youths make it out of their
home countries depends on a combination of resources and sheer luck. In addition to meeting legal definitions, youths must also elicit the compassion of the asylum officers and immigration judges who make discretionary decisions on their cases. This compassion is conditional on embodying a one-dimensional identity as a helpless refugee child.

Although under some conditions advocates can expand eligibility categories and challenge this rigid legal system, the narrow refugee category is often perpetuated through organizational practices and lawyering strategies. As a result, vulnerable youths who escaped from violence are frequently denied protection in paradoxical ways or face lengthy legal limbo. The asylum process, in turn, spills over to affect youths’ everyday lives as their legal and social liminality interact. Unlike their peers for whom adolescence marks a moment of transition to adulthood, I demonstrate that youths like Jocelyn undergo a rite of reverse passage in the United States. To be seen as deserving of free legal representation, refugee status, protections for abandoned children, and, more broadly, of aid and support, unaccompanied minors must distance themselves from markers of adulthood and instead present childlike narratives and behaviors.

The findings I present in this book are based on six years of research (2015–2021), spanning the Obama and Trump administrations. I conducted longitudinal and multi-sited ethnographic fieldwork in various nonprofit legal aid organizations that represent unaccompanied minors in Los Angeles. There, I shadowed immigration attorneys and other staff as they helped nearly eighty youths apply for asylum and/or SIJS and navigate challenges beyond the legal realm. Many of these staff members had a personal connection to this phenomenon as Latinx immigrants or as the children of immigrants. They entered and persevered in the stressful and poorly paid profession of public interest immigration lawyering because they wanted to give back to their communities. In these same legal aid organizations, I also spent countless hours working as a volunteer legal assistant and English-Spanish interpreter to help attorneys prepare asylum cases. Playing an active role in the process I was studying positioned me in the field as an advocate as well as a researcher-volunteer. This experience allowed me to acquire firsthand knowledge about the challenges of working with asylum-seeking youth. I complemented the ethnography by conducting 122 in-depth interviews, 55 of which were with immigration
attorneys, other advocates, and asylum officers. The rest of my interviews were with 45 Central American unaccompanied minors and 10 of their caretakers; I stayed in touch with many of these youths over an extended period of time and re-interviewed 12 of them roughly two years after we first met. I point those interested in reading more about how I carried out the research and the characteristics of study participants to the methods appendix at the end of the book.

The rest of this introductory chapter is structured as follows. First, I situate the book’s intervention in the academic literature and broader debates on immigration law, refugee flows, and childhood and the life course. Second, I discuss how protections for unaccompanied minors and asylum seekers came to exist in US immigration law and policy, developments that are, in part, tied to a longer history of Central American immigration to this country. Third, I briefly anticipate how these protections uniquely shape youths' trajectories in the US immigration bureaucracy. Last, I discuss why Los Angeles was a strategic site to conduct this research. I end by outlining the structure of the book.

**WHAT CAN WE LEARN BY STUDYING THE CASE OF UNACCOMPANIED MINORS?**

This book bridges and extends two strands of international migration scholarship, while also informing academic and real-world debates on refugee flows. Child-centered migration studies have focused on how an individual’s stage in the life course shapes migratory aspirations and assimilation, but they have neglected to examine the role of the state and its immigration laws in these processes. Conversely, a burgeoning socio-legal scholarship has focused on how immigration laws affect the lives of adults. With few exceptions, studies about how lawyers broker immigrants’ applications for legal status have likewise focused only on adults.13 This is perhaps unsurprising since minors—those under age eighteen—are generally invisibilized in the realm of immigration law and considered derivatives on parents’ applications.14 Their fate depends on how the state treats their parents. The case of unaccompanied minors—who migrate without their parents or legal guardians and hence must make