

**A qualitative study on emotional well-being and coping mechanisms of foster youth through the process to obtain legal immigration status in the United States**



**The United States Conference of Catholic Bishops  
Migration and Refugee Services**

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**USCCB**

## INTRODUCTION

Children who migrate to the United States alone are among the most vulnerable populations; seeking security, protection, and a sense of belonging, to a community, a family, and a country. They have fled insecurity, many times, been victimized along the journey, and are in need of protection and permanency.

The Homeland Security Act of 2002 defined this population as Unaccompanied Alien Children (UAC), and recognizing their need for protection, designated the federal Department of Health & Human Services (DHHS)/Office of Refugee Resettlement (ORR) the responsibility of their custody and care.<sup>1</sup> UAC with potential for legal immigration relief may be referred for long-term foster care through a number of ORR-funded programs, one of which is the United States Conference of Catholic Bishops/Migration and Refugee Services' (USCCB/MRS) national network of Unaccompanied Refugee Minor (URM) programs. These programs provide community-based foster care and group home care while youth remain in the legal custody of the federal government, and pursue immigration relief.

Once in the United States there are several immigration relief options for which UAC may be eligible, including Special Immigrant Juvenile Status (SIJS), for those who have been abused, abandoned, or neglected by one or both parental caregivers; asylum, for those fleeing persecution; and the Trafficking visa (T visa) for victims of human trafficking. SIJS is the most commonly pursued form of immigration relief for UAC. Once youth obtain SIJS status, they are eligible to officially enter the URM program and transition out of federal custody into state or local custody.<sup>2</sup>

The analysis provided in this paper responds to recommendations published in a 2012 USCCB/MRS paper entitled, "The Changing Face of the Unaccompanied Alien Child: A Portrait of Foreign-Born Children in Federal Foster Care and How to Best Meet Their Needs." The paper recommended further study on the outcomes of UAC transitioning out of ORR custody and additional planning for youth nearing the age of 18.

Through regular review of quarterly UAC Individual Service Plans/Case Summaries and discussions with foster care providers across the USCCB/MRS network, it is evident that youth nearing the age of eighteen are experiencing significant levels of anxiety and stress over the legal process to obtain immigration relief. The impact of such stress is believed to impact school performance, behavior and perceptions about their futures. The goal of this study is to examine youth's emotional well-being and effective coping mechanisms as they move through the legal

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<sup>1</sup> *Homeland Security Act of 2002*, Public Law 107-296, 6 U.S.C. (November 25, 2002), section 462.

<sup>2</sup> ORR, State Letter #10-11: Eligibility for the Unaccompanied Refugee Minor Program for Children Granted Special Immigrant Juvenile Status, <http://www.acf.hhs.gov/programs/orr/resource/state-letter-10-11> (accessed November 6, 2013).

immigration relief process, as well as the impact of obtaining legal status on their future plans. Identification of trends will help inform recommendations for future practice for ORR and other stakeholders serving UAC to better support their needs through the arduous legal process.

## **METHODOLOGY**

### **Sample:**

In June and July of 2013, USCCB/MRS interviewed ten of the forty youth (25%) who received SIJS and subsequent URM designation in fiscal year 2013 while in USCCB/MRS UAC long-term foster care. All ten youth interviewed met the following criteria: 1) were enrolled in the URM program at the time they were interviewed; 2) represented varying lengths of legal case timeframes—youth who received SIJS quickly as well as those whose legal cases took more than one year; and 3) represented at least half of USCCB/MRS’s long-term foster care programs.<sup>3</sup>

One reason why USCCB/MRS chose to interview only youth who received SIJS was because of the complexities of pursuing this form of immigration relief—youth must interface with both the juvenile<sup>4</sup> court as well as federal immigration court throughout their legal case. Although pursuing other forms of immigration relief such as asylum is an equally arduous process, a vast majority of UAC in USCCB/MRS long-term foster care pursue SIJS. Thus, the findings are representative of the greatest number of youth in the program and the recommendations are more relevant to the programs serving them.

All youth interviewed were either seventeen or eighteen years of age. Prior to participating in the study, youth who were eighteen and legal guardians of the seventeen-year-olds were required to sign a consent form authorizing the USCCB/MRS interviews. Of the ten youth interviewed, nine were males and one was female. All ten youth were from Central America.

USCCB/MRS conducted one-on-one telephone interviews in Spanish consisting of twenty-one questions focused on the period prior to obtaining SIJS, coping mechanisms, resources, and future plans. Questions asked in the pre-immigration status phase focused primarily on access to information and resources related to their legal case, including access to their attorney. The coping section of the questionnaire explored the resources youth were given access to or sought out on their own to help support them through the legal process. In the future plans portion of the questionnaire, a “wish question” was included. It was phrased similarly to the “miracle question” often used in psychology and social work to help clients visualize a goal and construct

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<sup>3</sup> Youth were interviewed from the following programs: Bethany Christian Services – Grand Rapids, MI; Catholic Community Services – Tacoma, WA; Catholic Family Center – Rochester, NY; Catholic Charities Community Services – Phoenix, AZ; and Commonwealth Catholic Charities – Richmond, VA.

<sup>4</sup> Depending on the jurisdiction, the court may be called juvenile, family, probate, district, circuit, or superior court.

steps toward achieving it.<sup>5</sup> Youth were asked to identify their primary wish when they left their country and their wish presently, in an attempt to capture a spectrum of growth. It is important to note that the wish question is not an extrapolation of reasons for migration—what the youth hoped for may or may not be related to why they left their home countries.

**Limitations:**

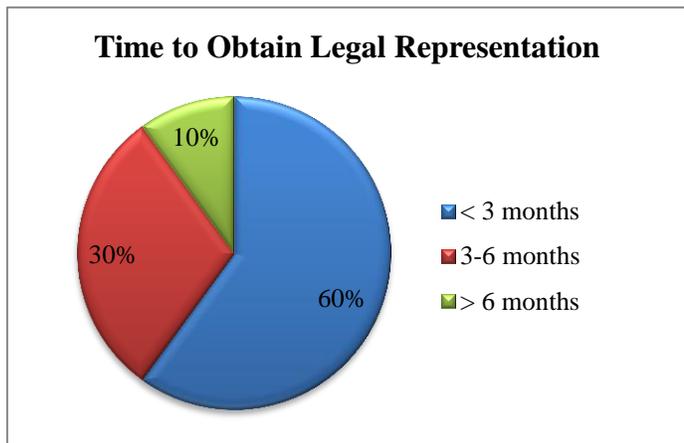
Youth interviewed currently remain in URM foster care and likely were hesitant to critique the program to USCCB/MRS staff. The interviewer noted that with some questions, youth required prompting (i.e., asking for clarification). Additionally, through interviews it was apparent some youth were unable to distinguish between attending court for dependency versus attending immigration court. Likewise, distinctions between obtaining SIJS and physically receiving lawful permanent residency (green card) appeared unclear for some.

**FINDINGS**

**Pre-Immigration Status:**

The majority of youth were told either by staff or an attorney in the shelter setting that they had a chance at obtaining legal status before they were referred to foster care. Youth knew that if they won their case, they would be able to remain in the United States permanently. When asked what they would have done if they did not obtain legal status, seven of ten youth replied that they would have returned to their country of origin. One youth stated, “I didn’t know, I had no reason to go back to my country.”

The majority of youth (six of ten) were connected with their attorney through their UAC foster care program within three months of arrival. Another three received their attorney match between four and six months of arrival; only one match took longer than six months. Overall, youth relayed that contacts with attorneys were positive and focused on the sharing of information about what was going to happen in the coming



months as their petitions for SIJS were filed. Youth’s perceptions of their attorney contacts varied. Some perceived their attorneys as allies ready to fight for them. These attorneys conveyed messages of optimism about the youth’s case and some gave timeframes of petition processes. Other youth relayed more neutral recollections of initial attorney contacts where they

<sup>5</sup> The miracle question is often referenced in Solution Focused Therapy. It involves imagining an ideal future and connecting it to the present. Clients are challenged to look past their obstacles and hopelessness and focus on possibilities.

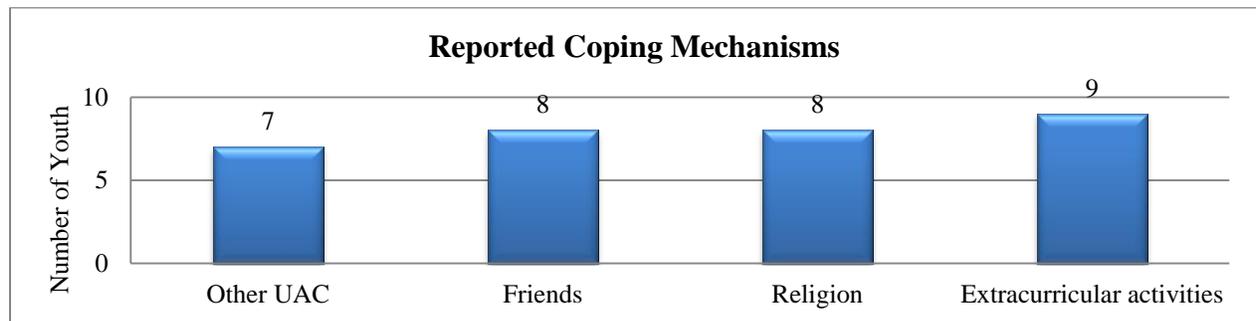
were told that they would receive assistance, but that outcomes were unknown. However, 100 percent of youth interviewed stated that they felt better after speaking to their attorney. One stated that he felt better knowing his options. Others noted feeling happier, more at ease, and encouraged emotionally.

Nine of ten youth stated that they were provided contact information for their attorneys and could reach them if they desired. One youth stated he did not know how to contact his attorney. Four youth stated they never found it necessary to seek contact outside of scheduled meetings. Despite the overall positive responses on attorney access, 50 percent of the youth stated that there was a language barrier between their attorney and themselves, with only one making reference to the use of an interpreter.

**Coping:**

When asked how often they thought about their immigration case prior to obtaining legal immigration relief, two youth stated that they thought about it more than once per day, two stated that they thought about it daily, and another two said they thought about it weekly. Only two of the ten youth interviewed relayed that they did not think about their immigration case often. Based on the majority of responses, it may be concluded that not knowing the outcome of one’s SIJS application contributes to anxiety and stress.

Based on the premise that having to share a traumatic experience multiple times may re-traumatize youth and/or induce stress,<sup>6</sup> data was gathered on each youth’s experience of telling his/her story. Two youth reported telling their story between one and three times, six reported telling their story three to five times, and the remaining two reported telling their story more than five times. Youth shared their stories primarily with attorneys in the shelter, and again in the foster care setting: all ten shared their story with their caseworker, four with a therapist,<sup>7</sup> and one youth relayed sharing with a foster parent.



<sup>6</sup> Van der Kolk BA, McFarlane A & Weisaeth L. Traumatic Stress: The Effects of Overwhelming Experience on Mind, Body, and Society. Guilford Press; New York: 1996

<sup>7</sup> Data was not collected regarding how many youth had therapists and were in counseling during that time period.

Responses related to coping mechanisms were diverse. Youth reported relying heavily on biological family, foster families, caseworkers and therapists. However, the most uniform response was the reliance on friends. Seven of ten youth noted reliance on other UAC in the foster care programs, and eight of ten listed friends as playing a significant role in their coping. Participation in extracurricular activities also rated highly with nine of ten youth stating they were helped by participation in sports or art. One youth noted that going to camp helped distract him from the stress of his legal process, while another noted that a relationship with a volunteer was particularly valuable. Eight of ten youth listed religion as playing a role in helping them cope, demonstrating that faith plays an important role in coping.

When asked to give advice to UAC waiting for outcomes of their legal relief applications youth provided the following suggestions:

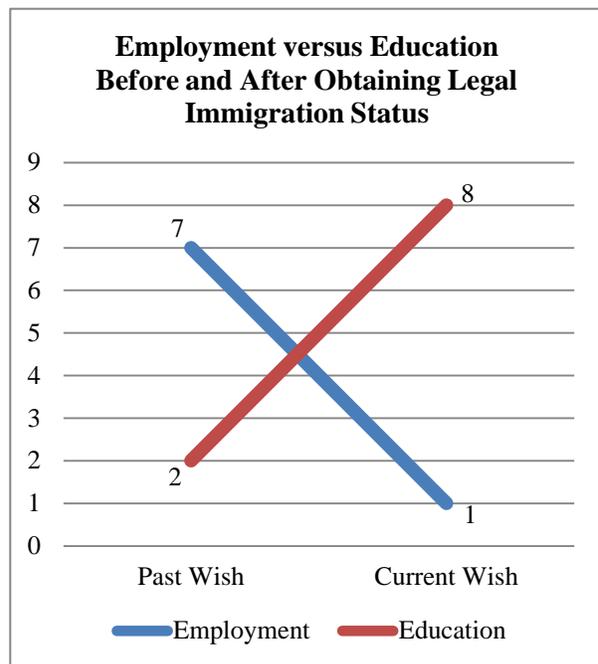
- Have patience, behave well, and keep studying.
- [I would] encourage them, that they can win their case and that they need to be patient.
- Behave well. Follow the rules or else you know what happens. Stay away from vices and remember you are not living in your own house.
- Don't lose hope. Stay in contact with your attorney. Talk to the social worker and other UAC so that you don't feel alone.
- Don't ever give up. Keep trying. Get an education.
- Trust in God. Keep moving forward. God knows what He is doing.
- Put forth effort even if it's hard to communicate or live in a situation because it will benefit you if you get status.
- You have to be patient. Go to school. Don't be bad at school or get in fights. Respect others? and your foster family—they are doing what they can to help you.
- Behave yourself. Follow the rules. Stay out of trouble and study a lot.
- Be patient. Everything will happen in its own time. Some people give up too soon. After one year I thought about giving up, but here I am, almost with my papers.

### **Past versus Current Wishes:**

Care settings and service options vary across the URM national network for youth after the age of eighteen. Five of ten youth stated that now they are in the URM program with access to services and benefits beyond eighteen, they plan to remain in care until the age of emancipation, usually age twenty-one. Three youth who were under the age of eighteen when interviewed stated their intentions to remain in the program only until age eighteen. Another stated he plans to leave foster care as soon as his permanent resident card arrives or when he finishes school, and his long-term plan is to reunify with his family. The tenth youth stated that at the time of the interview he had no plans to leave the foster care program, and he wishes to finish high school.

At the beginning of each interview, youth were asked to identify the number one wish they had at the time they left their country. (Again, youth were not asked their reasons for migration.) Answers primarily included a desire to work, with seven of ten youth stating that they wanted to seek employment in the United States. While obtaining employment was the number one wish stated by youth, some youth provided multiple answers to this question. Two youth hoped to obtain education, two to help family, and another two wished to reunify with family.

When asked what their primary wish is today, after having gained legal immigration status in the United States, eight of ten answered that they wish to continue their studies, seven of which have plans to attend college; one will seek vocational training. The youth spoke of helping their families, having their own families and visiting family. Only one youth identified work as a part of his present wish list, and five listed it as a part of their long-term plans. One youth has plans to enter the Army. Three stated that they wish to own a house. One dreams of becoming an artist and another an electrician. They stated that their goals are more positive now than before—“the same but better” one youth shared. Another identified a wish to show more respect.



## CONCLUSION

Overall, analysis of the above findings highlight the positive impact of access to resources and fostering coping strategies for UAC in the legal immigration process. It was apparent that individuals working with UAC promote their resilience and internal strengths which help them cope in times of stress. Youth identified multiple supports within and outside the foster care program, to include: emotional support from caseworkers, counselors, and foster families; access to legal representation; and legal advice from their attorneys. Youth also referenced access to extra-curricular activities and contact with biological family as methods of coping, both of which remain a high priority for the USCCB/MRS foster care programs. Finally, youth overwhelmingly had very positive outlook about their futures now that they have legal status in the United States.

Despite the positive responses about access to legal representation, there is cause for concern over some of the lengthier attorney match timeframes. In addition, half of the youth interviewed stated that there was a language barrier between their attorney and themselves. Although not

evaluated in this study, the inability to effectively communicate with their attorneys *may* have been a source of stress for youth on top of an already anxiety-producing process.

## **RECOMMENDATIONS**

A review of the above data has led to the following recommendations:

➤ **Faster attorney matches.**

After four months of arriving in long-term foster care, four in ten youth were still waiting for an attorney to be assigned their case. Each youth recognized independently feelings of relief and optimism after having met with their attorney the first time. Matching time frames indicated in this study were likely reflective of attorney availability at each program site, some of which have historically relied solely on pro bono attorneys. In fiscal year 2014, all UAC in long-term foster care will have federally funded representation, an indication that there is a shared commitment to decrease attorney match time frames.

➤ **Increase availability of third party interpretation services or bilingual attorneys.**

Five of ten study participants reported a language barrier between themselves and their attorneys and only one youth referenced the use of an interpreter. Comprehension of one's life story is imperative when it comes to obtaining legal status. Miscommunication can lead to inaccuracies which might impact legal outcomes. Furthermore, the information shared by youth is of a personal and often sensitive nature (i.e. discussion of abandonment, abuse and neglect). Third party interpreters or bilingual attorneys are able to respond with supportive clarity which may assuage the youth's concerns.

➤ **Increase extracurricular activities, support for religious practices and contact with other youth in the programs.**

Almost all youth interviewed in this study identified extracurricular and religious activities along with connection to peers as positive coping outlets. Research supports the idea that religious practice and beliefs among youth provide a sense of meaning and comfort, and foster an increased sense of control.<sup>8</sup> Through recreation, religion and their peers, youth find sources of strength. Linking UAC to such activities and facilitating peer gatherings is therefore an ongoing priority for USCCB/MRS foster care programs to promote the resilience of the youth served.

➤ **Research on the effects of multiple story-telling and the qualities of individuals with whom youth share their stories.**

Youth in this study reported sharing their stories multiple times. Sharing one's story has proven to be an effective intervention for children and adolescents who have experienced

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<sup>8</sup> Ni Raghallaigh, Muireann. Religion in the Lives of Unaccompanied Minors: An Available and Compelling Coping Resource. *British Journal of Social Work* 41, no. 3 (2011): 539-556.

a traumatic event or have a history of trauma. Research suggests that sharing one's narrative repeatedly with a skilled trauma clinician leads to greater desensitization to past trauma allowing space for children to process negative events while feeling in control. This type of therapy takes place once the youth has built up sufficient coping skills and feels safe.<sup>9</sup>

It appears that the above could have taken place between the youth in this study and providers with whom they shared their stories. Many inferences could be made from this. For example, it could be that the youth interviewed came into the program with certain protective factors that allowed them to cope with anxiety and trauma and metabolize their stories based on their past relationships and experiences. Or, it may be that the providers with whom they shared their stories were trauma informed, had certain characteristics and/or were well-equipped to create a safe space for the youth to share difficult experiences. More feedback from youth and other providers is needed to draw detailed conclusions.

This study did not assess the level of trauma that these youth experienced or the strength of the bond youth had with those with whom they shared their story. Research is recommended to better understand why youth did or did not share their story with program staff and members of their foster care community.

➤ **Research on the impact of waiting for legal status on UAC.**

Based on the findings noted above, this study indicates that UAC in USCCB/MRS long-term foster care are in a supportive environment while they are on the path to obtaining legal immigration status. However, more information is needed about how UAC felt at various intervals during this process to make greater connections between mood and action. For example, the study asks youth the amount of times they thought of their legal cases, but does not connect the thinking of their legal cases to an emotional state. It could be that thinking about their legal cases signaled anxiety, but it also could be that this was a coping mechanism.

Additionally, follow-up questions are needed to clarify obscure responses. For example, when one youth was asked what his primary wish is for himself today, after having gained immigration status in the United States, he responded that he wished to have a future without a need for alcohol. Without further inquiry, it is difficult to ascertain what if any relation this has to the time period he was awaiting legal relief. Through exploration, subsequent studies can identify when such a behavior (such as alcohol use/abuse) may have begun and if it has any relation to waiting for legal status. Research in this area would help inform programs and other individuals working with UAC on how

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<sup>9</sup> Cohen JA, Mannarino AP, Deblinger E. Treating trauma and traumatic grief in children and adolescents. Guilford Press; New York: 2006.

best to support them during this anxious time of waiting for legal status – an outcome that impacts a youth for the rest of his or her life.

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