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**Publication Date**

2017-04-01

Peer reviewed

# **A Rite of Reverse Passage: The Construction of Youth Migration in the US Asylum Process**

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**Published in:** *Ethnic and Racial Studies*: <https://doi.org/10.1080/01419870.2017.1310389>

## **Abstract**

Drawing on ethnographic research at a legal aid organization, I analyze the legal brokerage of youths' asylum applications. As youths increasingly seek asylum alone, the United States has adopted policy changes allowing them more favorable access to the asylum process than adults. Despite this opening, I argue that mediating youths' asylum claims remains challenging. First, youths have more difficulty sharing their stories than adults, and I identify three youth-specific interviewing strategies that legal intermediaries employ to elicit their accounts of forced migration. Second, I analyze how intermediaries edit these accounts to satisfy the asylum system's expectations about childhood, as well as forced migration, constructing narratives that distance youths from criminalized adult identities and depict them as innocent child-refugees, which configures the asylum process as a victimizing and infantilizing *rite of reverse passage*.

## **Keywords**

Asylum; unaccompanied minors; migration; rites of passage; Central America; legal brokerage.

## **Introduction**

In 2014, an unprecedented 67,339 unaccompanied minors from Honduras, El Salvador, Guatemala and Mexico were apprehended at the US-Mexico border (CBP 2015). Most had been forcibly displaced, predominantly fleeing from the persecution of gangs that coercively recruit them when they reach adolescence but also from state violence and domestic abuse (UNHCR 2014a). While youth have always migrated alone to pursue employment and adventure (Hernández-León 1999), and the US has historically resettled children from refugee camps (Steinbock 1989), previously, predominantly men have sought asylum in western countries. However, the number of unaccompanied minor asylum-seekers is increasing worldwide (UNHCR 2014b), including in the US (from 431 applications in 2009 to 6,990 in 2014), where 92 per cent are from El Salvador, Guatemala and Honduras (USCIS 2015). Drawing on ethnographic research at a legal aid organization, I examine how legal intermediaries prepare the asylum claims of this emerging population of asylum-seekers, who present several differences as compared to adults

Studying the asylum system is important for scholars of race, ethnicity and nationalism because it places at the forefront the tension inherent in the self-understandings of western liberal democracies (Joppke 1997). On the one hand, these nation-states espouse the rule of law and universalistic human rights as the cornerstone of their political ideologies. On the other hand,

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when human rights apply to foreigners, they are fundamentally at odds with the particularistic identity dimension of the nation and the state's sovereign will to exclude foreigners. This tension is exacerbated when asylum-seekers, whose rights are protected by international and domestic laws, are perceived as a threat to the cultural and ethno-racial homogeneity of the host country.

While all migrants seeking refuge in western nations represent a challenge to immigration control, migrant children are particularly problematic because they are considered too innocent and vulnerable to be morally excluded outright. Accordingly, recent changes in US policy have created a window for the expanded acceptance of unaccompanied minors' asylum petitions. Despite this opening, I argue that mediating youths' asylum claims remains challenging. To begin, I discuss the factors that curtail youths' discursive agency and identify three youth-specific interviewing strategies that intermediaries employ to elicit their accounts of forced migration. Next, I illustrate how intermediaries shape these accounts to meet the demands of the asylum system, which excludes most applicants by criminalizing them as economic immigrants while granting status to a minority who fit a victimized profile of refugee (Fassin 2013).

All asylum claims must dwell on the forced nature of the migration, ignoring migrant agency and the commonalities with the motivations and strategies pursued by economic immigrants. For youth, however, this intermingling of agency and constraint poses a particular danger given the 'ambivalent' ways in which receiving societies understand them (Bhabha 2014), whether as near-adults, chafing at the constraints of childhood and prone towards risky and deviant behavior or as children, passive, dependent and requiring protection. Youth from El Salvador, Guatemala and Honduras and Mexico are particularly at risk of appearing as deviant near-adults rather than innocent children, as conceptions of childhood interact with racialized constructions. These youths are similarly racialized in the US milieu, characterized by heightened anti-Latino sentiment, an immigration enforcement system that disproportionately targets Latinos (Menjívar, Abrego and Schmalzbauer 2016), and sensationalist media accounts that stereotype Latino youths as gang members.

Because only the innocent child profile is consistent with the moral demands of the asylum system, processing youths' asylum applications yields accounts that deny the agency of the very same adolescents who surmounted significant obstacles in their search for a safe haven. In contrast to theories that conceptualize youth migration as a 'rite of passage,' during which adolescents access resources and prestige in the receiving country and transition to adulthood (Massey et al. 1999), I argue that asylum-seeking youth undergo an infantilizing and victimizing *rite of reverse passage*, as intermediaries construct narratives that distance them from criminalized adult identities and depict them as innocent child-refugees.

## **Minors in the US asylum system**

Asylum-seekers interact with two separate bureaucracies in the US (Hamlin 2014). Those who have been apprehended and placed in removal proceedings apply for *defensive* asylum during adversarial hearings in immigration court, with a lawyer representing the Department of Homeland Security and arguing for their removal. In contrast, immigrants who have *not* been apprehended apply for *affirmative* asylum. Their claims are evaluated during non-adversarial interviews at the USCIS asylum office, a bureaucracy created in the 1990s after the American Baptist Churches v. Thornburg class action lawsuit denounced that asylum applications were being evaluated with an emphasis on immigration enforcement rather than in compliance with

international obligations. Asylum officers either grant refugee status directly or deny it and pass the case on to the immigration judge for the adversarial hearing. '[This] two-tiered system was created because [...] affirmative applicants were seen as more legitimate, and therefore more deserving, of a thorough system of administrative justice' (69).

Immigration law defines the 'unaccompanied alien child' (UAC) as an individual with no lawful immigration status, under age eighteen, for whom no parents or legal guardians are available in the US to provide care and physical custody (6 U.S.S 279(g)(2)). Two policies protect the due process rights of UACs in the US asylum system. First, the 2008 Trafficking Victims Protection Act established that minors apprehended without parents must be admitted and allowed to petition for asylum through the non-adversarial process at the asylum office. However, this does not apply to Mexican unaccompanied minors, who are usually deported within 48 hours of apprehension, without a chance to present their cases.

Second, the May 28<sup>th</sup> 2013 USCIS memorandum established that the asylum office must accept the initial determination of UAC status without making ulterior factual inquiries into the applicants' age or unaccompanied status. This is an important change because the Office of Refugee Resettlement (ORR), which has initial custody of apprehended UACs, releases the majority to family members while they await the outcomes of their petitions, in accordance to the 1997 Flores Settlement that protects the 'best interest of the child' (Terrio 2015). Since June 2013, the asylum office no longer revokes preferential access to affirmative asylum after UACs reunite with parents or reach majority of age.

Access to the asylum office is crucial for Central Americans and Mexicans, whose asylum cases are predominantly based on persecution from gangs, because it is possible to win these cases at the asylum office<sup>1</sup> but not in immigration court. These claims pose unique challenges because they do not conform to the 'state-centric' refugee definition formalized in post World War II international law that viewed refugees 'as a product of oppressive, totalitarian regimes [...] that preyed on certain sections of their citizenry,' thus privileging males fleeing political persecution (Gibney 2004, 6). Gang-based claims fall under the 'membership in a social group' grounds for asylum<sup>2</sup>. While this is the only category that has allowed for expansion of the refugee definition in the context of its otherwise increasingly restrictive application in western countries of asylum (Hamlin 2014), attorneys recognize it as the most difficult grounds on which to win a case due to problems of ambiguity of definition (Bohmer and Shuman 2008). In contrast to UNHCR (2010), which considers that any kind of forcible recruitment by violent groups amounts to persecution, the US Board of Immigration Appeals has ruled that resisting the violent recruitment of gangs is too 'amorphous' to meet the definition of social group (Coutin 2011).

The discrepancy in the implementation of asylum law within the 'two-tiered' US asylum-system ensures that the legal category asylee remain restrictive, since it is not being expanded in court through precedent setting case law, which would formally sanction forcible gang recruitment as persecution. At the same time, the policies discussed above allow UACs from non-contiguous countries to be channeled through the asylum office, where they benefit from less exacting standards and greater protection of their due process rights.

## **Theorizing the legal mediation of youths' asylum claims**

This paper puts the following literatures in conversation to analyze the mediation of youths' asylum petitions: the work examining the role of legal intermediaries in the immigration context, the literature on asylum and human rights, and theories of youth migration.

Legal intermediaries serve as brokers who reduce gaps in meaning, translating between immigrants and the institutions of the receiving country (Lakhani 2014). Intermediaries use different strategies to 'persuade adjudicators that their clients qualify for and deserve [...] legal status' (Lakhani 2013, 442). In her seminal ethnography of Salvadoran forced migrants' struggle for legalization in the US, Coutin (2000) analyses legal brokerage in adults' asylum applications. She highlights that, because abiding to the formal requisites of the law is more important than the reality of the immigrant's deservingness or any ethical considerations of justice, intermediaries tailor each account of forced migration to be standard enough to comply with the refugee definition but also remain true enough to its essence to sound genuine to the adjudicator. With her work on undocumented victims of crime applying for the U-Visa, Lakhani (2013, 449) shows how lawyers engage in the active construction of clients' narratives through 'selective information gathering and presentation' and, in doing so, simultaneously reinforce and challenge legal categories. Legalization thus works as a 'dialectical process,' determined by the state and its subjects who present their experiences 'in ways that filled the legalization molds attorneys believed would curry favor with adjudicators' (569).

Studies have also documented how lawyers prepare asylum-seekers for interactions with adjudicators that assume them to be untrustworthy. Analyzing asylum hearings in Italy, Jacquemet (2009, 530) shows how mistranslations and adjudicators' inability to mediate intercultural encounters caused crucial aspects of asylum-seekers' accounts to be altered, misrepresented or omitted from the record. Controversially, adjudicators denied claims using these discrepancies as evidence that the asylum-seeker was lying. Indeed, consistency and details are considered the main indicators of credibility during asylum interviews, and lawyers prepare their clients by eliciting meticulous accounts that they reorganize chronologically to satisfy adjudicators' expectations for narrative coherence (Bohmer and Shuman 2008). Intermediaries also leverage the services of 'agents assumed to be both neutral and expert' to lend credibility to asylum-seekers' accounts; for example, psychologists and doctors certify trauma and physical suffering (Fassin and D'Halluin 2005, 600).

To carry out their brokerage role, lawyers must anticipate the formal and informal expectations of the asylum system, crafting clients' applications to comply with these. In contrast to developing countries where the refugee category is broadly assigned to groups of displaced people, who find themselves in refugee camps and whose victimhood is *assumed through group membership*, in western receiving countries, asylum-seekers are subject to *individualized scrutiny* to determine whether their experiences satisfy the formal refugee definition (Bohmer and Shuman 2008). Fassin (2013) notes that asylum-seekers were subjected to increased scrutiny in western countries starting in the 1970s, when immigration control became a key prerogative for two reasons. First, the financial crisis decreased demand for immigrant labor. Second, refugees were no longer prevalently from European countries, as they were after World War II, but from developing countries, individuals perceived as inassimilable racial and cultural 'others'. Asylum adjudication based on individualized scrutiny allows western countries to reconcile the tension caused by the competing logics of immigration control and the need to formally respect human rights, excluding most, while admitting a select few.

These countries criminalize asylum-seekers from the global south by framing them as

economic immigrants instrumentally filing false asylum claims. Because the asylum bureaucracy categorizes subjects into two mutually exclusive categories, victims or agents (Coutin 2000), distancing oneself from this entrepreneurial identity is a necessary precondition to acquire status. In this way, the asylum process reinforces a false dichotomy between voluntary and forced migrants, ignoring the complex ways in which economic/proactive and political/reactive motivations to migrate interact (Richmond 1993). The asylum application can thus be understood as a 'rite of institution' (Bourdieu 1992) that transforms those who undergo the ritual (*producing* refugees) and renders legitimate the social boundary between migrants accepted by the receiving society on humanitarian grounds and migrants who are not.

However, migratory flows of vulnerable groups, such as forced migrants who are minors, complicate countries' strategies of immigration control. Indeed, childhood is a protected status under both international (1990 UN Convention on the Rights of the Child)<sup>3</sup> and domestic law (e.g. Plyler versus Doe). Bhabha (2014) characterizes western policies dealing with immigrant minors as both infantilizing and punitive. This 'ambivalence' reflects two opposing sentiments: the compassion motivating human rights law and the self-interest motivating exclusion. Consequently, minors are framed according to two opposing discourses: 'child-as-victim,' which emphasizes passivity and dependency, or 'child-as-juvenile,' which emphasizes agency.

Because conceptions of childhood interact with racialized constructions, male immigrant youth of color experience heightened risk of being framed as 'juveniles' and being viewed, like adults, through an immigration enforcement lens (Heidbrink 2013). This places youth from Mexico, Guatemala, Honduras and El Salvador in an especially delicate position in the US, where they are similarly racialized and criminalized, as reflected by the fact that these four nationalities made up 94 per cent of deportations in 2011, despite only constituting 66 per cent of the undocumented population (Menjívar, Abrego and Schmalzbauer 2016).

Conversely, if youth are framed as 'victims,' they are readily deemed deserving of protection. Therefore, asylum-seekers who are also minors are disciplined by two parallel discourses of criminalization versus victimization: as asylum-seekers, in limbo between refugee status and the non-status of undocumented immigrant, and as adolescents, in limbo between childhood and adulthood. Thus, to file successful asylum claims, youth must convincingly portray a lack of agency that satisfies western assumptions about childhood and forced migration.

This reality starkly contrasts with the literature's theorization of youth migration as a 'rite of passage' through which (mostly male) adolescents transition to adulthood by searching for adventure, emancipation from adult control and access to resources in the receiving country (Hernández-León 1999, Massey et. al. 1999). Rites of passage into adulthood are characterized by three stages: a ritual in which separation from the previous status occurs (i.e. the migration abroad); a period of limbo between past and future states (i.e. encountering the receiving country); and, finally, embracing the new social position of adulthood (Monsutti 2007). Youth forced migrants similarly commence their passage when they distance themselves from their persecutors through migration. However, I argue that, unlike their 'adventurous' peers, to navigate the asylum process, they undergo an infantilizing and victimizing *rite of reverse passage* because they regress to childhood rather than move forward to adulthood as their accounts are stripped of agency to conform to the child-refugee narrative.

## **Methodology**

My analysis is based on sixteen months of ethnographic fieldwork, starting in January 2015, at the Center for Legal Aid (CLA)<sup>4</sup>, a non-profit that provides legal services to immigrants in Los Angeles County, an area relatively well served by pro-bono and low-cost legal services as compared to places with less dense immigrant populations. Because CLA relies on scarce resources, Spanish-speaking volunteers are welcomed, and I gained access by offering to assist in service provision while carrying out research, which positioned me in the field in the role of legal assistant.

I observed legal intermediaries meet with asylum-seekers to fill out I-589 asylum applications, interview them to craft written accounts of forced migration and prepare them for interviews with adjudicators. I participated in case preparation by: compiling documentary evidence; translating depositions, which gave me access to several cases, enabling me to distinguish narratives of youth and adult asylum-seekers; and interviewing clients, which helped me understand the difficulty of eliciting information from youth.

After I explained my dual role as volunteer and researcher, n=30 asylum-seekers from Guatemala, El Salvador, Honduras and Mexico agreed to take part in the study. Participants were either: (1) UAC-status youths applying at the asylum office, all of whom had entered the US alone but had successively been reunified with a family member; (2) minors who entered the country with their mothers; (3) adults. The last two groups were applying for defensive asylum in immigration court, which severely curtailed their chances of success.

(Table 1)

I recorded observations in notes while in the field, which I later transcribed, translated and expanded. I analyzed my data using an ‘abductive’ approach (Timmermans and Tavory 2012), taking into account themes drawn from theory as well as those that emerged inductively from the material. To explore the distinctiveness of youths’ asylum claims, I contrasted these cases to my adult comparison group and to examples from the literature on legal brokerage, which primarily focuses on adults. While the present research design focusing on one organization limits the generalizability of my findings, intermediaries work within a codified legal system, which significantly shapes their actions. Indeed, asylum officers rely on written *Guidelines for Children’s Asylum Claims*, as well as their discretion, when adjudicating claims.

### **Eliciting youths’ stories**

Observing interviews during which intermediaries elicit and transcribe accounts of forced migration, I explored what makes the mediation of youths’ asylum claims unique. It became apparent that adults have better access to information, which they volunteer more spontaneously, they are more responsive to questioning, and they more easily relate their experiences to those of others, contextualizing them in social and political home country dynamics, all things youths have difficulty doing. I identified three youth-specific interviewing strategies that intermediaries use to overcome youths’ curtailed discursive agency.

First, youths generally have less access to information, especially about events that occurred during their childhood. Intermediaries overcome this challenge by adopting a strategy that I call *eliciting collaborative storytelling*, in which they request information from family members, particularly adults, but also other youths. While adults help fill information gaps, their presence

during interviews can also silence youths' voices. I observed cases in which adults provided accounts and answered questions on behalf of youth, even when they were not present to witness the persecution suffered in the home country. Aware of this problem, attorneys advise adults to wait outside during interviews, explaining that youths may otherwise participate less because they may be afraid to be reprimanded or may not feel comfortable speaking about painful experiences in front of family members with whom they have reunited after long separations.

CLA's staff mediates this complex situation on a case-by-case basis. For example, I helped attend two UAC brothers from El Salvador for their interviews, Jose (18 years old) and Rafael (16). They reunified with their father, who decided to assist to Rafael's interview despite admitting, *'there are things that they haven't told me, because they still don't have enough familiarity with me'*. While Jose told me about his problems with the gangs and his abusive grandparents, Rafael was passive during his interview. He only shared in his story during a later appointment, without his father present, when asked specific questions to confirm the information in his brother's deposition. *Eliciting collaborative storytelling* is especially common with families of asylum-seekers, and it is crucial to ensure that family members' individual accounts include no contradictory details, which could otherwise be used to deny petitions for lack of credibility.

Second, research has found that asylum-seekers experience post traumatic stress disorder (Bohmer and Shuman 2008), which makes remembering and sharing stories difficult. This dynamic affects youths more than adults (USCIS 2009), and they must often be questioned at length because they have difficulty spontaneously volunteering information. To overcome this obstacle, legal intermediaries adopt a *potential scenario provision* strategy, citing examples of things that could have happened, which they draw from their experience working with asylum-seekers of all ages:

Paralegal: *'When he didn't hit you, did he use words that hurt you? For example, "you are stupid" or "you are useless"?'*

Alejandro [17, from El Salvador]: *'He always talked to us in a nice way. Well, when he was angry, yes.'*

Paralegal: *'When you didn't listen to him, what was it that you wanted to do? Play? Or were you tired?'*

Alejandro: *'Yes, sometimes I felt tired; I didn't feel like doing anything.'*

The intermediary provides the adolescent with potential scenarios: examples of hurtful things his abusive father might have said and possible explanations for his actions. Alejandro agrees that things were sometimes like what is suggested and 'selects' the examples relevant to him. This additional guidance from the intermediary allows the 'dialectical process' of narrative construction (Lakhani 2013) to move forward, despite the youth's curtailed discursive agency, and it simultaneously reinforces the legal category asylee as the intermediary draws on material from previous cases to provide potential scenarios.

Third, because refugee status is granted according to the criterion that, if a person returns to his home country, his life will be in danger, convincing the asylum officer of one's fear of return is crucial. However, youths' comparatively lesser capacity to interpret sending country circumstances in political terms complicates this (Bhabha 2014). Therefore, legal intermediaries adopt *concretization strategies* to help youth describe their fear of return:

Paralegal: *'What do you fear?'*



Enrique [15, El Salvador]: 'I'm afraid to live there.'

Paralegal: 'What other fears do you have? Are you afraid that if you go back, they will kidnap you and torture you?'

Enrique: 'I never thought about that.'

Paralegal: 'Have you never heard of any boy who was deported and kidnapped and beaten by the gangs, any occasion in which the gangs asked for a ransom?'

Enrique shakes his head no, visibly nervous and fidgeting in his chair.

Paralegal: 'Well, I'm telling you, that's what happens [...] People who don't get asylum and have to go back are in grave danger, they can get kidnapped, beaten, even killed by gangs.'

According to USCIS (2009, emphasis mine) 'a well-founded fear of persecution involves both *subjective* and *objective* elements, meaning that an applicant must have a genuine fear of persecution and that fear must be objectively reasonable.' Enrique tells the paralegal that he is afraid of living in El Salvador (genuine *subjective* fear). However, because USCIS finds answers that cite 'general ambiguous fears' insufficient, the intermediary evokes a series of specific potential violent situations that could occur upon return. These incidents serve to motivate the youth to think of concrete future scenarios and elaborate on his fear of return in ways that reflect the political insecurity of the country of origin (*objective* fears). In this way, he becomes aware of the dangers that people like him face, linking his experiences to those of others and interiorizing the legal category's characteristics in his narrative.

Obtaining detailed information from youth is challenging, for the reasons mentioned above, but crucial for successful case outcomes, and intermediaries do their best working within the constraints of scarce resources, which limit the amount of time that can be dedicated to each case. Nonetheless, eliciting youths' narratives of forced migration by requesting information from adults, suggesting potential scenarios and promoting a concretization of sending country conditions that reflects an external assessment rather than youths' own perceptions inevitably empowers the legal intermediary while disempowering the youth. Indeed, the power asymmetry between advocate and petitioner is heightened in the mediation of youths' claims, as compared to adults, and these interviewing strategies create the premises that allow intermediaries to guide youths through the three-stage *rite of reverse passage*, as they craft narratives that satisfy the formal and normative expectations of the US asylum system.

### **Constructing the child-refugee narrative**

Intermediaries employ different discursive moves to construct the child-refugee narrative, highlighting certain aspects of youths' accounts of forced migration while downplaying or omitting others. Describing the events that occurred in the home country and motivated the migration is, unsurprisingly, the central component of all asylum applications, which must clearly point to the forced nature of the migration. What is particular to the cases of these youths is that their decisions to geographically distance themselves from recruitment into criminal activity during the first stage of their *rite of reverse passage* coincide with the discursive need to distance them from the identity of criminal deviants, during the second stage: the asylum application. This is crucial to avoid criminalization and racialization in the US as Latinos, who are readily stereotyped as gang members. It thus becomes instrumental for legal intermediaries to highlight this specific aspect of the youth's agency and decision-making.

Paralegal: *'What happened after the kidnapping? Did they follow you?'*

Nicolas [15, El Salvador] tells us that an uncle went to see him after his brother disappeared: *'He wanted to force me to kill them [the kidnappers]. He said, "you give it or you get it".'*

Paralegal: *'What I understand is that he told you that it's better to kill than to be killed. But you couldn't have done this by yourself. You would have needed to get allied with the rival gang.'*

Nicolas: *'It never crossed my mind to join the gangs [...] I never wanted to kill anyone, I didn't dare. There, I had resigned myself to the idea that they would kill me.'*

Paralegal [types, then says]: *'Let's see, help me. The reason [you fled] isn't altogether clear in my mind. So you were not threatened by the gangs?'*

Nicolas says that the rival gang approached him; they didn't like the fact that his brother was kidnapped on their territory.

Paralegal: *'That's it! [Starts typing, reads aloud] A rival gang approached me to recruit me to avenge the death of my brother but I was not willing to kill. [...] What other fears do you have if you go back to your country?'*

Nicolas: *'That if I go back, they will force me to kill a person.'*

Paralegal [types and reads]: *'and I don't want to kill or be a criminal. [Asks] How do you feel here in the US?'*

Nicolas: *'I'm calmer now. But I still have this panic, that I can't trust anyone.'*

Nicolas gives the paralegal instrumental material to depict him in stark opposition to the gang members he left behind: he feels strongly about staying out of the gangs and, not only does he not wish to kill, he even accepted the idea of dying rather than embracing a criminal lifestyle. By adding the phrase *'[I don't want to] be a criminal'* to his deposition, the paralegal crafts Nicolas' narrative in a way that underscores his morality for the sake of the adjudicator. As CLA intermediaries typically do, for youths and adults, the paralegal then wrote that the US is a better place for Nicolas and that here he is happy, thus emphasizing a 'here'/'there' dichotomy. The host country is presented as an ideal safe haven where laws are respected. The home country, on the contrary, is portrayed as a violent place, where criminals are in charge. The morality of the youth is thus made salient as he is discursively depicted against this backdrop: he is a 'good boy' and, therefore, he belongs in the 'good' country.

Indeed, other studies have emphasized that asylum cases are more likely to be successful when the sending country is depicted in opposition to the receiving country, as the cultural 'other'. Bohmer and Shuman (2008, 242) show that claims based on domestic violence are more difficult to win than those based on 'barbaric' forms of persecution, such as female genital mutilation, because they are 'too similar to behavior at home'. With gang-based claims, actively 'othering' the sending country is crucial because gangs also exist in the US; indeed, the escalation of violence in this region is also a consequence of US deportations of Central American gang members (Bhabha 2014).

CLA's intermediaries engage in 'othering' the sending country by questioning youth and adult asylum-seekers about police protection to emphasize how the institutions of the 'bad country' fail to protect their citizens. Thus, they demonstrate that what appears to be a problem of mere criminality is in fact a problem state failure and better satisfy the 'state-centric' refugee definition<sup>5</sup>. Furthermore, intermediaries' depiction of US institutions as superior to those of the sending country constitutes the asylum process as a 'post-colonial encounter' (Ranger 2005), which serves to uphold the myth that western countries are a bastion of democracy, ignoring the reality that their commitment to human rights is curtailed by immigration control and geopolitical interests.

Conversely, there are several aspects of the minor's agency that intermediaries downplay so he will appear passive and more appropriately match the categories forced-migrant and 'child-as-victim'. Mirroring findings in Coutin's (2000) ethnography, I observed that adult asylum-seekers were encouraged never to claim that they *decided* to leave but, rather, that they were *forced* to leave. Indeed, to be seen as legitimate, asylum-seekers must convey that they could in no way have escaped danger remaining in the home country, thus justifying the need to seek asylum abroad (Zolberg, Astri, and Aguayo 1989). In youths' cases, this lack of agency was portrayed more starkly as they were allowed to take no ownership of their decision, even by saying in the first person that they were forced to leave. Rather, intermediaries encouraged them to say that adult family members who were afraid for their lives *sent* them away. This portrayal coincides with western assumptions that see children as passive and dependent on adult family members, considered to be the key decision makers (Orellana et al. 2001), and that pathologize the independent mobility of youth (Heidbrink 2014). Distancing youth from the migration decision thus satisfies the prevailing assumptions of adjudicators who frequently use minor status to disqualify youth from asylum on the basis of their supposed 'incapability of acting as political agents' in line with a 'concept of "political act" in refugee law [that] is still insufficiently gender and age inclusive' (Bhabha 2014, 229).

When the adolescent reunifies with family in the US, this downplaying of agency in the migration decision-making process extends to those family members as well:

Enrique [15, El Salvador]: *'I told my grandmother what happened, she got scared and she called my parents, and they looked for a way to bring me here.'*

The paralegal stops typing and addresses Enrique: *'we never say to immigration that your parents looked for a way to bring you here. They can associate them to coyotes, and this is not good. If you say that [...] your grandmother decided to send you away because she was afraid, [...] she could not protect you. This way you don't jeopardize your parents, you jeopardize your grandmother but that's ok because she is not here and nothing will happen to her. If you jeopardize your parents, and they are associated with human trafficking, this could hurt them.'*

Migrant networks theory demonstrates that migrants provide information and resources to family and friends, facilitating their migration (Massey et al. 1990). Moreover, less experienced migrants rely on *coyotes* to make the perilous journey north (Terrio 2015). However, there is no place for entrepreneurial means to escape the home country in formal asylum applications. The 'culprit' decision-maker who prompts the migration must be the grandmother who is abroad and not family members who are at the hands of US immigration enforcement. This forces the adolescent asylum-seeker to hide the agency of his parents who looked for a way to help him escape. Despite the evident reality that, if it were not for preexisting migrant networks and information on how to travel 'illegally' across borders, few would make it to a safe country to petition for asylum in the first place, the asylum-seeker and his family must be portrayed as passive subjects and discursively distanced from the criminal figure of the *coyote*.

Furthermore, to clearly situate youths' decisions to migrate in the forced category of the forced/voluntary migrant dichotomy, legal intermediaries enquire into family migration histories. Statements about parents' motivations to migrate such as *'to seek out a good future'* or *'give us a better life'* are avoided to discursively distance the youth from the identity of economic migrant. On the other hand, family histories characterized by forced migration are emphasized:

Clara [17, Honduras] fled from criminal violence and domestic abuse and reunited with her

mother, Miriam, who was living in the US. The paralegal asks Miriam why she came to the US. Miriam: *'When my husband died, I was alone. One day, I was waiting for the bus, and a man came and grabbed me forcefully. He was basically a child, but he was in a gang, and he used a lot of drugs. He told me he wanted to rape me and then kill me.'* She says that another man saved her, making the gang member go away.

[...] Paralegal: *'You came here after that?'*

Miriam: *'After I went to work for a maquiladora, but I was very afraid, so I made up my mind, I told my father, and I decided to leave.'*

Paralegal: *'I am asking you this so that you will relate it to what happened to your daughter.'*

Miriam says she did not tell her daughter when she left because she was only 8 years old.

Multi-generational forced migrations commonly characterize the mobility patterns of Central American families, with parents fleeing situations of violence similar to the ones their children became exposed to in the home country upon reaching adolescence. While youth like Clara, who have not seen parents in many years, are often unaware of their reasons for migrating, they learn about these during their interviews at CLA. Through intermediaries' constructed narratives, parents' accounts of forced migration become part of youths' accounts, thus discursively associating youth with the category forced-migrant.

Youths' agency is also downplayed by emphasizing accounts of painful lived experiences, which are instrumental to constructing a compelling image of victimhood and obtaining the adjudicator's compassion. In most of the stories I heard, domestic violence and abuse had been part of the immigrant's childhood. Abandonment is also a reality for children of emigrants left in the care of, sometimes abusive, family members: *'whose love is not the same as that of a parent,' 'who can't provide protection from gangs' and 'can't help them avoid trouble like a parent would,'* all things that intermediaries help their young clients note. To emphasize abandonment, they ask youths to remember where they felt the loneliest, when they realized their distant parents could not protect them. The school comes up most often as a place of suffering because it was where youths were made aware of their parents' distance by seeing friends accompanied by parents. Importantly, it is also where the persecution took place for many adolescents, as gangs actively recruit in schools. Abandonment and abuse are incorporated into the youth's account of fear of return as intermediaries ask questions like: *'if you were to go back, would you have somebody to take care of you?'* or *'could you go back to live with your [abusive] aunt?'* In this way, intermediaries highlight youths' need for adult protection and salvation from the sending country, where homes and schools are unsafe.

In addition to editing the content of their life *narratives*, intermediaries coach asylum-seekers to present themselves in particular ways during their asylum hearings because performance plays an important role in informing how immigration bureaucrats assess credibility (Kim 2011). Dressing conservatively and speaking formally and respectfully during hearings are ways adult and youth asylum-seekers can convince the judge or asylum officer that they are 'good' and trustworthy people. Maintaining eye contact is also advised as it is thought to indicate that a person is telling the truth, although there is no scientific proof that this is the case (Bohmer and Shuman 2008). For example, preparing 16-year-old Carlos from Honduras for his interview at the asylum office, an attorney advised:

*'You should talk to the officer with confidence, speaking in an audible voice. Address him respectfully, saying "sir," saying "yes" or "no" and never "uh-huh". Make sure you look him in the eye. And dress as if you were going to church. [...] This will be the day you have to convince the officer. I'm not telling you to lie, you should be honest, and if you need to cry, well you should*

*cry. Think that they can deport you and separate you from your father.'*

As indicated above, the self most effectively communicated to adjudicators is one that simultaneously conveys an understanding of the officer's power but also convincingly demonstrates the harm experienced prior to leaving home. Because bureaucrats' evaluations of credibility are subjective and informed by western norms, crying is generally considered the appropriate way for children to express their vulnerability. However, most asylum-seeking minors are adolescent boys (ORR 2015), and high expectations for crying can clash with the gender roles to which they were socialized prior to migration. Nonetheless, intermediaries flag crying as an appropriate behavior because it serves to make the identity child appear more salient than the identity man in these adolescents. The 'child-as-victim' identity better satisfies the demands of the refugee category, and it is more distant from the criminalized stereotypes associated with adult male immigrants of color, which particularly affect these youth given the heightened anti-Latino sentiment in the US.

Sometimes, however, youth rebel against these normative expectations for child-like behavior and resist being portrayed as vulnerable and passive, as is exemplified by Christian's case, a 14 year-old who fled from Honduras with his mother Maria, escaping the abuse of his stepfather and forcible gang recruitment:

Paralegal: *'In this time, how much did [the stepfather] abuse? What would the abuse be when you were working or...'*

Maria: *'He forced him to work with him.'*

Paralegal types and reads aloud: *'to work with him like an adult [Christian nods, paralegal asks] So Maria, let's see, he was a child but the work that of an adult?'*

Maria and Christian both: *'uh-huh'*

[...] Paralegal: *'At what moment did he abuse him, insult him and hit him? When he did not keep up to pace working?'*

Maria: *'Because he got tired, he would tell him "hurry up; this is why young boys become gay, because they don't work since they are small."'*

The paralegal types and reads aloud, then looks at Christian and asks: *'But did you cry?'*

Christian: *'No, because if I cried, he would say I was gay.'*

Maria: *'Yes, sometimes he cried and he would tell him "you look like a little girl, you have to become a man."'*

Mother and son provide opposite versions of Christian's emotional reaction to his stepfather's abuse. Maria's account conforms to the expectations of the asylum process. On the other hand, Christian challenges these expectations by denying having cried because, in Honduras, his abusive stepfather used homophobic discourses and coercion to instill in him that crying is not 'masculine' and, therefore, not a desirable behavior. Furthermore, Christian's resistance reflects the fact that his perception of self does not correspond to the infantile persona required by the asylum process. However, the paralegal negotiates these two competing accounts by selecting Maria's more infantilizing one and writing that Christian cried. Emphasizing child-like expressions of vulnerability is one the discursive moves that legal intermediaries undertake to edit youths' lives, coach their self-presentation, and guide them through their *rites of reverse passage*, which finalize when the adolescent is made to conform to the child-refugee narrative.

## **Conclusion**

Analyzing the peculiarities of the asylum process for minors in the US, this paper makes two theoretical contributions. First, I build on the literature on legal brokerage in the immigration context by emphasizing how the mediation of youths' asylum claims entails an asymmetric co-construction of narratives in which legal intermediaries play the prominent role as they employ three youth-specific interviewing strategies: *eliciting collaborative storytelling*, *potential scenario provision* and *concretization*.

Second, I advance the conceptualization of a three-stage *rite of reverse passage* to build on theories of coming of age through migration by pointing out that the context of reception that awaits migrant youth can curtail the extent to which the migratory experience signifies emancipation and ritualistic passage to adulthood. The first stage occurs as youth make their geographic move away from the sending country and their persecutors. The second stage begins when they encounter the asylum bureaucracy in the receiving country, a system that acts within culturally defined western norms and 'ambivalent' notions about childhood and forced migration, constituting victims and agents as mutually exclusive categories (Bhabha 2014). To satisfy its demands and acquire status, youth rely on legal intermediaries who edit their accounts of forced migration to construct narratives, which distance them from identities that emphasize agency and associate them with those that exemplify the standards of passivity and victimhood expected of children, through a series of discursive moves: from criminal gang-members to 'good boys'; from economic to forced migrants; from migrants who leverage entrepreneurial and 'illegal' means to travel to passive pieces of 'luggage' sent abroad by relatives who cannot ensure their protection (Orellana et al. 2001); from men to crying children. These moves reflect how intermediaries and youths respond to the way in which the latter are perceived in the US, where conceptions of childhood interact with the racialization of Latinos. Thus, during the third stage, youth asylum-seekers fail to move forward to the new social position of adulthood, like other migrant youth. Rather, adopting the child-refugee narrative reverses the direction of their passage, from adolescents to children.

I elaborated the *rite of reverse passage* concept from the vantage point of the legal intermediaries. The data presented does not allow me to make conclusive remarks about the relationship between this infantilizing process of narrative construction and youths' own sense of self and their subjective experiences of forced migration and the asylum process. These are crucial matters that should be addressed by future research so that we may appreciate the agency of migrant youth and understand how they make sense of coming of age while crossing borders and navigating the asylum process.

## Notes

1. 42.6 per cent of all UAC cases are approved at the asylum office nationwide (USCIS 2015).
2. Others are race, religion, political opinion and national origin (UN 1952 Convention and 1967 Protocol).
3. Despite never ratifying the Convention, the US incorporates 'best interest of the child' standards in immigration law.
4. This research obtained IRB approval. CLA and personal names are pseudonyms.
5. 'Harms such as child abuse, forced labor, or criminal exploitation are often inflicted by non-state actors. [...] The applicant must demonstrate [...] that the government is unable or unwilling to protect the child from the alleged persecutor' (USCIS 2009).

## Acknowledgements

I thank Dr. Roger Waldinger and Dr. Stefan Timmermans for their constructive comments on previous drafts.

## Funding

This work was supported by the National Science Foundation Graduate Research Fellowship [DGE-1144087]

## References

- XBhabha, Jacqueline. 2014. *Child Migration and Human Rights in a Global Age*. Princeton: Princeton University Press.
- Bohmer, Carol, and Amy Shuman. 2008. *Rejecting Refugees: Political Asylum in the 21st Century*. New York: Routledge.
- Bourdieu, Pierre. 1992. "Rites as Acts of Institution." In *Honor and Grace in Anthropology*, translated by Roger Just, 79–89. Cambridge: Cambridge University Press.
- Coutin, Susan. 2000. *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. Ann Harbor: University of Michigan Press.
- Coutin, Susan. 2011. "Falling Outside: Excavating the History of Central American Asylum-seekers." *Law & Social Inquiry* 36 (3): 569–96.
- Fassin, Didier. 2013. "The Precarious Truth of Asylum." *Public Culture* 25 (1 69): 39–63.
- Fassin, Didier, and Estelle D'Halluin. 2005. "The Truth from the Body: Medical Certificates as Ultimate Evidence for Asylum-seekers." *American Anthropologist* 107 (4): 597–608.
- Gibney, Matthew. 2004. *The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees*. Cambridge: Cambridge University Press.
- Hamlin, Rebecca. 2014. *Let Me Be a Refugee: Administrative Justice and the Politics of Asylum in the United States, Canada, and Australia*. New York: Oxford University Press.
- Heidbrink, Lauren. 2013. "Criminal Alien or Humanitarian Refugee: The Social Agency of Migrant Youth." *Child. Legal Rights Journal* 33: 133-190.
- Heidbrink, Lauren, 2014. *Migrant Youth, Transnational Families, and the State: Care and Contested Interests*. Philadelphia: University of Pennsylvania Press.
- Hernández-León, Ruben. 1999. "¡A la Aventura!: Jóvenes, pandillas y migración en la conexión Monterrey-Houston." In *Fronteras Fragmentadas*, edited by Gail Mummert, 115-143. Zamora, Mexico: Colegio de Michoacán.
- Jacquemet, Marco. 2009. "Transcribing Refugees: The Entextualization of Asylum-seekers' Hearings in a Transidiomatic Environment." *Text & Talk* 29 (5): 525–46.
- Joppke, Christian. 1997. "Asylum and State Sovereignty: A Comparison of the United States, Germany and Britain." *Comparative Political Studies* 30(3): 259–98.
- Kim, Jaeun. 2011. "Establishing Identity: Documents, Performance, and Biometric Information in Immigration Proceedings." *Law & Social Inquiry* 36 (3): 760–86.
- Lakhani, Sarah. 2013. "Producing Immigrant Victims' 'Right' to Legal Status and the Management of Legal Uncertainty." *Law & Social Inquiry* 38 (2): 442–73.

- Lakhani, Sarah. 2014. "From Problems of Living to Problems of Law: The Legal Translation and Documentation of Immigrant Abuse and Helpfulness." *Law & Social Inquiry* 39 (3): 643–65.
- Massey, Douglas, Rafael Alarcon, Jorge Durand, and Humberto González. 1990. *Return to Aztlan: The Social Process of International Migration from Western Mexico*. Berkeley: University of California Press.
- Massey, Douglas, Joaquin Arango, Graeme Hugo, Ali Kouaouci, and Adela Pellegrino. 1999. *Worlds in Motion: Understanding International Migration at the End of the Millennium*. New York: Clarendon Press.
- Menjívar, Cecilia, Leisy Abrego, and Leah Schmalzbauer. 2016. *Immigrant Families*. Cambridge: Polity Press.
- Monsutti, Alessandro. 2007. "Migration as a Rite of Passage: Young Afghans Building Masculinity and Adulthood in Iran." *Iranian Studies* 40 (2): 167–85.
- ORR (Office of Refugee Resettlement). 2015. *Unaccompanied Children's Services Facts & Data*. [www.acf.hhs.gov/orr/about/ucs/facts-and-data](http://www.acf.hhs.gov/orr/about/ucs/facts-and-data)
- Orellana, Marjorie, Barrie Thorne, Anna Chee, and Wan Shun Eva Lam. 2001. "Transnational Childhoods: The Participation of Children in Processes of Family Migration." *Social Problems* 48 (4): 572–91.
- Ranger, Terence. 2005. "The Narratives and Counter-narratives of Asylum." *Third World Quarterly* 26: 3, 405–421.
- Richmond, Anthony. 1993. "Reactive Migration: Sociological Perspectives on Refugee Movements." *Journal of Refugee Studies* 6 (1): 7–24.
- Steinbock, Daniel. 1989. "The Admission of Unaccompanied Children into the United States." *Yale Law & Policy Review* 7 (1): 137–200.
- Terrio, Susan. 2015. *Whose Child Am I?: Unaccompanied, Undocumented Children in US Immigration Custody*. Oakland: University of California Press.
- Timmermans, Stefan, and Iddo Tavory. 2012. "Theory Construction in Qualitative Research: From Grounded Theory to Abductive Analysis." *Sociological Theory* 30 (3): 167–86.
- UNHCR (United Nations High Commissioner for Refugees). 2010. "Considerations in Regard to Eligibility for International Protection in the Context of Gangs and Other Groups Involved in Crime." [www.refworld.org](http://www.refworld.org)
- UNHCR. 2014a. *Children on the Run: Unaccompanied Children Leaving Central America and Mexico and the Need for Protection*. [www.unhcrwashington.org](http://www.unhcrwashington.org)
- UNHCR. 2014b. *Statistical Yearbook*. [www.unhcr.org/us/statistics/country/56655f4e0/statistical-yearbook-2014-table-content.html](http://www.unhcr.org/us/statistics/country/56655f4e0/statistical-yearbook-2014-table-content.html)
- USCIS (US Citizenship and Immigration Services). 2009. *Guidelines for Children's Asylum Claims*. [www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/AOBTC%20Lesson%20Plans/Guidelines-for-Childrens-Asylum-Claims-31aug10.pdf](http://www.uscis.gov/sites/default/files/USCIS/Humanitarian/Refugees%20%26%20Asylum/Asylum/AOBTC%20Lesson%20Plans/Guidelines-for-Childrens-Asylum-Claims-31aug10.pdf)
- USCIS. 2015. *The 2014 Humanitarian Crisis at our Border*. [www.uscis.gov/tools/resources-congress/testimonies-and-speeches/2014-humanitarian-crisis-our-border-review-governments-response-unaccompanied-minors-one-year-later-senate-committee-homeland-security-july-2015-associate-director-joseph-e-langlois](http://www.uscis.gov/tools/resources-congress/testimonies-and-speeches/2014-humanitarian-crisis-our-border-review-governments-response-unaccompanied-minors-one-year-later-senate-committee-homeland-security-july-2015-associate-director-joseph-e-langlois)
- CBP (Customs and Border Protection). 2015. *Southwest Border Unaccompanied Alien Children FY 2014*. [www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2014](http://www.cbp.gov/newsroom/stats/southwest-border-unaccompanied-children/fy-2014)



Zolberg, Aristide, Suhrke Astri, and Sergio Aguayo. 1989. *Escape from Violence: Conflict and the Refugee Crisis in the Developing World*. Oxford: Oxford University Press.