



Root of Conflict Podcast

**Episode: Precarious Protections**

*featuring*

Chiara Galli, Author, Precarious Protections, and Sociologist at the University of Chicago

*interviewed by*

Natalie Reyes, Pearson Fellow

Gabriela Rivera, Pearson Fellow

Reema Saleh, Pearson Fellow

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Full Transcript

Reema Saleh:

Hi, this is Reema and you are listening to the University of Chicago Public Policy Podcasts. You are listening to Root of Conflict, a podcast about violent conflict around the world, and the people, societies and policy issues it affects. In this series, you'll hear from experts and practitioners who conduct research, implement programs, and use data analysis to address some of the most pressing challenges facing our world.

Reema Saleh:

Root of Conflict is produced by UC3P in collaboration with the Pearson Institute for the Study and Resolution of Global Conflict, a research institute housed within the Harris School of Public Policy at the University of Chicago.

Reema Saleh:

What is the human toll of the US immigration bureaucracy? In this episode, we speak with Dr. Chiara Galli, a sociologist at the University of Chicago. Her latest book, Precarious Protections chronicles the experiences and perspectives of Central American unaccompanied minors and their immigration attorneys as they navigate the asylum process and pursue refugee status in the United States.

Reema Saleh:

Spanning six years of research between the Obama and Trump administrations, her ethnographic research examines the paradoxical and precarious criteria that decide who is deserving and who must we protect. We talk about how US asylum laws often fail to help children who are escaping life-threatening violence, how new immigration changes are impacting unaccompanied minors and how Chicago will grapple with an unanticipated influx in migration.

Natalie Reyes:

I am Natalie Reyes. I'm a first year MPP student at the University of Chicago, and I'm also a Pearson Fellow.

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Gabriela Rivera:

And my name is Gabriela Rivera. I'm a one year student at the MA and I'm from Guatemala. I'm a lawyer, so it's amazing for me to be here today.

Reema Saleh:

And my name is Reema. I'm the producer of Root of Conflict and I'm a second year at Harris.

Chiara Galli:

My name is Chiara Galli. I'm assistant professor of Comparative Human Development at the University of Chicago. I'm the author of Precarious Protections: Unaccompanied Minors Seeking Asylum in the US.

Reema Saleh:

Yeah. So you joined the Chicago faculty pretty recently, right?

Chiara Galli:

Yeah, I just moved here, what was it? Last summer. So this is my first year joining U. Chicago. Yeah, it's been a great year thus far.

Reema Saleh:

Yeah. What brought you here kind of as a sociologist here in the Comparative Human Development department?

Chiara Galli:

Well, they hired me, so I was very glad to come and accept their offer.

Reema Saleh:

How did you first get involved in kind of international migration studies?

Chiara Galli:

Well, so I'm an immigrant myself. I migrated to the US as a child with my parents, and actually we came to the northern most suburbs of Chicago. So for me, coming to U Chicago is kind of a homecoming of sorts, you know I spent my life between suburban Illinois and Rome, Italy where I'm originally from. So I've been interested in immigration from like my personal experience for a long time. And I worked in the immigration policy world in the European Union before starting grad school. But I was really interested in being able to ask my own questions and define my own research agenda, which is why I chose to pursue a PhD.

Reema Saleh:

So what brought you to the topic of Central American migration and unaccompanied minors?

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Chiara Galli:

Yeah, so I've been interested in Latin American studies for a long time, and that was kind of the focus of my bachelor's degree in development studies and then in my master's degree as well. And I'm fluent in Spanish, so I'm really a believer that you need to be to speak the language really well in order to do good in depth ethnographic field work. So it was kind of my draw towards studying Latin American populations, and I was interested in immigration policy and how it impacts people's lives because of my experience in the policy research realm. But to be completely honest with you, I kind of stumbled upon the topic of this book. It was my very first year in grad school and I had just moved to Los Angeles and I needed to find a field site for my ethnographic field methods class where we would do hands on, learning the method by doing ethnography.

Chiara Galli:

And so I reached out to a lot of nonprofit organizations in Los Angeles offering to volunteer with my Spanish skills in exchange for research access. And so I heard back from an organization that had a long history of helping Central American seek asylum in the US. And so this was what was happening at the time. It was just shortly after summer of 2014 when the Obama administration declared that a humanitarian crisis was underway as increased arrivals of children and families from Central America arrived at the border, these asylum seeking kids and families. And it seemed to me that this was such an important and understudied topic. And so after having fortunately stumbled upon it, I decided to stick with it and I ended up doing six years of research on the topic.

Reema Saleh:

So let's talk about your book. What first drew you to begin writing after you had started this field work?

Chiara Galli:

So this book is born out of my dissertation, and initially I actually started doing the research with asylum seekers from Central America of all ages. And it was only later on during the course of my dissertation that I decided to really center in on the case of children. And that was both because I noticed that not very much had been written on the topic, whereas there's quite an extensive literature on asylum seeking adults. And this was despite the fact that increasing numbers of children are migrating alone to seek asylum worldwide in rich countries like the United States.

Chiara Galli:

But I really think that the case of children in the asylum process is an interesting one for the purposes of thinking through theories of immigration as well, because you know we have this contrast between these two forces, these two competing forces at play in countries that are liberal democracies that receive asylum seekers.

Chiara Galli:

On the one hand, on the face of it, we say that we respect human rights and the rule of law, but on the other hand, very much receiving countries of immigration want to be able to control their borders, regulate immigration flow, and exclude those categories whom they see as undeserving or undesirable. And so you know when human rights belong to foreigners, then it brings this tension into play. And I think that not just in the US but really in countries all over the world, including in Europe, the rights of asylum seekers have been chipped away at more and more because of this tension.

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Chiara Galli:

But in the case of children, it's a lot harder to do that, right? Because we widely agree upon the fact as an American society that children should be protected. And so this is what gives rise to these protections for this population of unaccompanied minors in the US asylum process. But unfortunately, I show in the book that when they're implemented, they're precarious protections in practice because we're still trying to chip away at them in various ways. And so this is what leads a lot of kids to actually not be eligible for asylum and not obtain the protection that our laws promised despite the fact that they escaped from violence in Central America.

Gabriela Rivera:

Well, first of all, as a Central American, and I must say that I really appreciate you writing about Central America. As you very well said, it is an understudied area. So really thank you very much. So one of the things I found more interesting in your book is that through all of these stories that you heard from minors, you found that there's not only a lot of suffering, but there is also a lot of strategies that the families and the kids themselves have to make in order to show exactly what types of suffering they lift and the amount of suffering, the intensity of the suffering to be able to be protected by law. So what are other categories that you think should be introduced in asylum law in the US or in the process to be able to capture these particular types of suffering these kids are going through?

Chiara Galli:

Yeah, so in the book, basically, I argue that these children are defacto refugees, right? Because they flee conditions of life-threatening violence in Central America, which is a place where you know teenagers are especially at risk. And one of the things that they're especially at risk at of is forced gang recruitment and being targeted and victimized by gangs, which is not a valid reason to seek asylum in the United States under the current state of our case law.

Chiara Galli:

So this is what kind of leads attorneys to have to search for other eligibility grounds that do satisfy existing case law, such as child abuse, such as persecution on account of one's race, which is sometimes a type of case that indigenous Central Americans pursue. So a very kind of straightforward fix would be to recognize these experiences of forced gang recruitment and victimization as eligible for asylum. And indeed, according to the United Nations High Commissioner for Refugees, they believe that those experiences should count as valid reasons to be granted asylum. So really the United States has a more restrictive interpretation of refugee law than the UNHCR recommendation.

Chiara Galli:

So that's one thing. And then more generally, I think that we should have an asylum law that protects people who are fleeing their homes, and that seems like a pretty straightforward point to make. But the truth of the matter is that our asylum law currently does not protect those individuals who are fleeing violence, including children.

Gabriela Rivera:

And in your book you talked about introducing this concept of humanitarian capital and how minors and the people representing them gather this in order to make them eligible for differently held protections. Could you tell us more about this concept of humanitarian capital?

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Chiara Galli:

Yeah, so this humanitarian capital is kind of drawing on a Bourdieusian framework, and I define it as a form of symbolic capital that lawyers activate as they interview their clients in order to make their suffering legible to the decision makers who have such great powers over their lives and can decide whether or not to grant them relief on humanitarian grounds based, yes, on formal criteria and legal definitions, but also on a host of discretionary criteria that really hinge on these evaluations of who is deserving, who is compassionate and whom we should protect.

Chiara Galli:

So I think the concept was helpful to me in explaining the process because it allows me to highlight all of the paradoxical ways in which human suffering is translated and then counts or does not count in helping people obtain protection. So a good example of this is, you mentioned that children and their families have a lot of strategies. For example, also in planning escape from the home countries, they have to navigate and mitigate conditions of violence, and they do so in several ways, for example, by helping kids go into hiding while they accrue enough resources and savings and loans to pay smugglers to get them out alive, Right?.

Chiara Galli:

So of course, these strategies are carried out by family members who love and want to protect their children, but then these go on to carry unexpected weight in the asylum process and play out in negative ways. Because the paradox is that if you flee too soon and before anything really bad happens to you and before the right, the correct type of bad thing happen to you, then you might not have enough humanitarian capital to make a case that you've suffered enough to meet this bar of persecution. So these decisions that these loving caretakers make to protect their children then go on to actually harm their chances to get protection in the US asylum process.

Natalie Reyes:

You actually talked about this a little bit in your previous question, and it's something that Gabrielle and I have been talking about, so there's this enormous dichotomy between the adult responsibilities given to the minors and then fulfilling the necessary expectations of what childhood is supposed to look like Right?, to extract the compassion from those in the immigration system. What results have you seen on the development of these kids?

Chiara Galli:

Well, so that's a hard question in the sense that to be able to really answer that question, I will have to write a second book after following the respondents for a long time. And the adaptation trajectories and how they lead to positive or negative outcomes in terms of the integration of immigrants is one of the key questions that interest sociologists who study immigration. So you know to really answer that question, someone will have to do the research in the future, but I do identify some mechanisms that I think do give us a hint as to what the effect might be.

Chiara Galli:

So for example, in the book I write about this process of legal socialization, which is how kids learn about the law and acquire all sorts of values and attitudes about their law, their position in society, their relationship with the state and the rights that they have or do not have. And they undergo this process of legal socialization really quickly because from the moment when they first step foot on US soil, they're channeled through this complex bureaucratic maze. They interact with all of these actors from border patrol officers in holding facilities at the border, office of refugee resettlement, so-called shelters, which are detention facilities. They go to court, they interact with immigration judges, with asylum officers, they interact with their immigration attorneys, they're integrated into migrant community.

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Chiara Galli:

So all of these adults who are surrounding these kids are sending them different messages about what it means to be a newcomer in this society, what it means to be an asylum seeker, and how they should behave if they want to have a good chance of being able to stay. So this is where all of these kind of infantilizing messages and these contradictory messages come into play.

Chiara Galli:

So kids are told to behave in an innocent way, to not demonstrate adult-like desires or aspirations. They're told to be very compliant and well behaved. And attorneys also tell them about their rights that they have because they are a protective category in the US. But what I found unfortunately is that kids retain much more the information that they received about how to be well behaved, how to be good kids, and they retain far less information about their rights as a protective category. And so I think that this really shows that undergoing this asylum system is a disempowering process. It's not a process that will produce a lot of activists or a lot of people who will want to change American society. Rather it's going to produce people who will be very afraid of being deported, very fearful, who will know that they have to be exceptional and exceptionally compelling to win asylum and also unlike people like them.

Chiara Galli:

So it also creates these discourses of distancing from other individuals in communities and kids reproduce these discourses of, "I'm not like those other bad immigrants, or I'm not like those other bogus refugees." So in this sense, I think that this kind of foreshadows some of the things that we might expect about this population and their long-term trajectories in the United States.

Natalie Reyes:

So this actually brings me to my next question. So throughout the book you talk about how the minors internalize all of these stigmas about, quote, unquote, "bad immigrants, bogus refugees, and then the deviant Latino teens", and they learn to perform their deservingness in contrast to these identities. So how do you see this mental narrative influence how they then interact with other groups once released?

Chiara Galli:

So this is also a tricky question. So something I had wanted to do for the study that I wasn't able to do was actually, because of course, one can never do everything when writing a book, but I really wanted to embed myself more in the communities of these children and their everyday lives, and I would've very much liked to be present during their peer to peer interactions. So that just didn't end up being feasible. First of all, just to the sheer scope of the project, I ended up focusing much more on children's relationship with the state as it was mediated by these attorneys and these nonprofit organizations.

Chiara Galli:

So I got to see kids kind of reproduce these narratives and perform these behaviors in these spaces of the nonprofit of the legal clinic. And then really the only glimpse that I got into kids' everyday lives was through a formal research interview, sort of a formal research encounter. And as much as I made a lot of efforts to make that as informal as possible in the sense that I didn't want to reproduce the encounter that kids had with their immigration attorneys and these interviews that have the goal of producing an asylum narrative, because those are very re-traumatizing interviews, they're very anxiety filled encounters.

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Chiara Galli:

So I met with them in local parks, sometimes in their homes, oftentimes at Starbucks. That was a very popular meeting place, and we spent a lot of time chatting and getting to know each other before getting onto to actually addressing the research questionnaire. So beyond the fact that they kind of reproduce some of these narratives with me, and they said that they did that when they were in other spaces, including community spaces, I really can't answer that question. And I guess this is a limitation of the study or a study that can be taken up by another scholar who will do an ethnography that's less kind of an ethnography of the state or an ethnography of the law in action and more an ethnography embedded in migrant communities. And that's very difficult to do with teenagers because the age difference creates a big power differential.

Chiara Galli:

I mean, there's always a power differential between the researcher and the research subject, but the age issue kind of heightens that. So someone would need to come up with an innovative research design to do that. And people have done studies of children.

Natalie Reyes:

Okay. Yeah. Thank you. So I'm going to go ahead and change the subject to something that you've mentioned a little earlier, and that was the Office of Refugee Resettlement Shelters or detention facilities like you said. There was a section where you described how militaristic they are. There was an alarming rigidity about the rules, even arbitrary ones in which girls weren't allowed to hug one another or even brush each other's hair. And that made me curious because when there are plenty of opportunities implement rules regarding schedules appropriate activities, why do you think these shelters feel the need to intervene in such emotional or personal interactions?

Chiara Galli:

Well, what I argue in the book is that it's by design to teach compliance to these kids. And this kind of resonates with the messages that shelter staff give them. They give them a lot of advice about how to be well behaved, how to stay on the state's radar, show up to courts, make sure they don't get in trouble. So teaching compliance is part of the institutional kind of mandate or agenda of the office of Refugee resettlement as is caring for children. And in some way, these two things do overlap. I mean, I think that in some ways it's not just, let's say like an evil agenda. We do tell children what to do to protect them as adults. And I think that the shelter staff could probably come up with reasons and rationales for why they do this. I know that they're very concerned about kids harming themselves or each other.

Chiara Galli:

So they're trying to limit interpersonal contact without supervision. They have to manage a large number of kids in these facilities. But the truth of the matter is it does teach key lessons about compliance. And most importantly, unaccompanied minors, they experience these rules in a way that's kind of punitive and constraining and frustrating and arbitrary. So they would complain about the shelters to me. I mean, I will say that there are different types of facilities from more emergency facilities, which are on the far side of the spectrum, like the famous tent court in Hampstead, Florida, which are really abysmal conditions. One of my respondents told me that several children fainted every day because it was so hot under the tents.

Chiara Galli:

Then there's more like mid-range facilities, which have a lot of kids in them, and they have these kinds of arbitrary rules like no touching each other or braiding each other's hair, things like that. And then there's more foster care like arrangements. And I will say that some of the kids who I interviewed describe these arrangements as something like when you do study abroad and you stay with a family, they reminisced about these kind families taking them on field trips. So there was a spectrum of treatment, of objective treatment.



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Chiara Galli:

But I think that a quote by one of my research participants says it best, he called the shelters a fancy prison, and he said, because they treat you well, but it's a prison, right? Because you can't leave. So we can't forget that these are detention facilities, these are facilities that are surveilling children where their liberty is deprived. They're not free to leave. And so even though we have some protections, it stemming from the florist settlement, this key lawsuit that created a series of legal protections for children in US detention facilities that adults don't benefit from. So that's improved conditions and some care must be provided, some schooling must be provided. They're still fit prisons despite the fancy aspects that some of them might have.

Gabriela Rivera:

So we saw in the book that a lot of the minors spend a lot of time in these facilities, but then eventually go out and they have access to legal services. And you spend a lot of time shadowing these interactions between the lawyers, the paralegals, and these kids. And I must say that as a lawyer, I felt very validated when you explained this work of legal translation that lawyers and paralegals do.

Gabriela Rivera:

So was that very different? Do you think that's very different to the general idea people have about lawyers? How was your experience shadowing these interactions? Because we all think about lawyers as just people in a fancy office just signing contracts all day and not doing all of these different things that you talk about in the book.

Chiara Galli:

Well, first of all, I'm very glad to hear that you felt validated as a lawyer in reading the book because that means a lot to hear that. It means I did a decent job in describing, as you say, this crucial role of legal translation that these individuals do. So I mean, first of all, just a briefly about the context. I mean, immigrants are not guaranteed free legal representation in the United States, and this includes children. So in some ways, the children who I followed were somewhat privileged because they had gotten access to services from nonprofit organizations. And these lawyers, their place of work and what they do does look pretty different from what people imagine in the sense that their offices are really not fancy. These nonprofits, they're strapped for resources. They're working with very limited resources and trying to represent as many kids as they can with a lot of resource constraints.

Chiara Galli:

So in the organizations where I did my work, lawyers could represent as many as 70 or 80 cases of kids at the same time. So it's very difficult work. Lawyers report a lot of secondary trauma, burnout. They're doing exceptional work considering the very scarce resources at their hands. And I think that there's another way in which the legal translation work that these lawyers do is fundamentally misunderstood by the general public.

Chiara Galli:

So President Donald Trump called asylum lawyering a big fat con job, and he said, "Lawyers sell asylum seeker's story." So I think that this is a widely held misconception among the American public and also in other countries. But it's not at all true that lawyers sell their clients' stories. Rather what they do is they try to ascertain which facts in their clients' narratives of escape fit with our existing interpretation of refugee law, which is an exceptionally narrow definition, which doesn't guarantee that if you escape from life-threatening violence, you are going to qualify. And they don't make anything up. They just ask questions until they can find some detail that fits.



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Chiara Galli:

So for example, when a child fled force game recruitment, that is not an eligible experience for asylum, but if that child also suffered severe child abuse at home, then that is an eligible experience. And so they'll focus the legal narrative on that. So it's their job to teach kids what asylum eligibility is so they can volunteer relevant facts about their experiences and then to make these experiences eligible. And that's central to their legal translation role. And sometimes all they can do is tell their clients, I'm sorry, you don't qualify. And that's that.

Gabriela Rivera:

Yeah, that was very interesting to read when you highlight that the reason why they end up applying for asylum or for any kind of labor protection is often not the exact reason why they left their countries. And as I read it, it seems like it's a very surprising moment for a lot of these kids to realize that their reasons are not necessarily the useful ones. How did you see this moment of surprise? Because sometimes culturally, a lot of the things that are considered serious harms against a young person here are culturally acceptable in Central America, or at least in the context where these kids lived. So how did you see that process of realizing, well, maybe my whole life made me eligible for one of these protections and I didn't even know it.

Chiara Galli:

This is a big issue, I mean, there's a level of normalization of violence within vulnerable low income children and indigenous children in central America. And that stems from a longer history of violence becoming normalized since the civil wars. And so a lot of the things that may seem commonplace to these children, they wouldn't even think to disclose them. So something that's child specific is the example of child abuse.

Chiara Galli:

So some form of corporal punishment may seem appropriate according to their perspectives. It's something that is part of child rearing practices. It's something that they've seen in families around them, and so they wouldn't necessarily disclose that. Another example that is really interesting where kids really pushed back is so these children not, these children not only apply for asylum, but they also apply for this form of relief called special immigrant juvenile status, which is a form of protection for children, abandoned, abused, or neglected by one or both of their parents.

Chiara Galli:

So the neglect category was fascinating because the definition of neglect is a definition that comes from state law. So in the case of where I did my research in California law, and the parent doesn't need to have had an intent to harm the child for the lawyer to be able to prove neglect and get relief for the child. And so one of the things that constitutes parental neglect is working from a very young age or working in certain types of jobs or working in dangerous conditions. And so that was extremely perplexing to kids.

Chiara Galli:

And attorneys would ask them things like, well, they would ask him things like, how young were you when you started working? What kind of work did you do? And they would never portray this as something that they didn't want to do as something that they were forced to do. For boys in particular, it was a source of pride to be able to enter the labor market to support their families. It was something that they wanted to do. And they found satisfaction in these jobs, even sometimes in very exploitative or intense jobs that they did in their home countries. And attorneys would ask some things like, did you enjoy work? And they would say, yes, I did enjoy work and no one forced me to work. So that was a real moment, kind of a major dissonance between children's subjective understandings of their lives and these narrow legal categories.

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Chiara Galli:

And then attorneys would make a big effort to try to tell kids, it doesn't matter that you didn't feel this way, but for the purposes of your eligibility and being allowed to stay, you still qualify under US law. But there was a lot of perplexity that you could read with body language. There was a lot of pushback too. Kids didn't want to speak ill of their caretakers. They had complex relationships even with abusive family members. There was love and abuse in families happening at the same time oftentimes.

Chiara Galli:

And then finally, kids had a lot of trouble. And this comes back to for asylum eligibility, they had a lot of trouble focusing not on why they fled, which oftentimes was because the gangs wanted to kill me, but rather on describing the persecutors motivation for targeting them. So this is required in order to satisfy the refugee definition that requires that you show not only that you were persecuted, but that you were persecuted on account of a protected ground like race, religion, nationality, political opinion or membership in a social group. So that's where the describing the why of the persecution is really important, and that's just not something that makes a lot of common sense to a person of any age, but even less so to a young person.

Gabriela Rivera:

Do you think these categories are so narrow or there is an element of the historical bias against Central American migrants? What keeps these legal categories so narrow that a lot of these experiences can't fit?

Chiara Galli:

Yes, absolutely. This is crucial. So we have a long history of denying asylum to Central Americans in the United States. Since the 1980s, especially Guatemalans and Salvadorans were fleeing these right-wing regimes that were being supported by US funding in the Cold War era. It was a very deliberate denial of asylum to Central Americans. Only about 2% were granted asylum at the time. And this was in the context of the geopolitics of the Cold War era where you would deny asylum to people fleeing your allied countries and granted to those fleeing enemy regimes such as the Soviet unions such as Cuba.

Chiara Galli:

And things have changed somewhat since then, and they've changed thanks to the legal advocacy that's been done since trying to get protection for people who are fleeing violence. So for example, so matter of ARCG was a case law that was a result of 20 years worth of advocacy to protect women fleeing domestic violence. And there were cases of women, Central American and Mexican women that contributed to this case law.

Chiara Galli:

So while the current context isn't as restrictive, the grant rates are higher, the fact that the refugee definition isn't expanding is absolutely a product of that longer history. And if you see the legal battles to where the particular social forced game recruitment, attorneys are trying to argue that this should be a recognized particular social group in the courts. And you read the written decisions of judges in these cases, the narrative, the justification for denying is that they're worried of opening the floodgates to excessive numbers of arrivals. And this isn't happening in a vacuum. When they talk about floodgates, they have particular people in mind and they have Central Americans in mind. So in this sense, this is a population that's seen by the US government as undesirable and a population to be excluded. So that's absolutely rooted in this longer history of exclusion of Central Americans in the United States.

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Natalie Reyes:

So I'm going to back up here and try to tie in your tides to you talked a little bit about EU migration, and it was funny because throughout the book I was reminded of *The Swimmers*. I'm not sure if you've seen the Netflix movie about the Syrian sisters who make their way from Syria to first Greece and then Germany. Would you anecdotally be able to compare how legal socialization differs for unaccompanied minors in Europe versus the US?

Chiara Galli:

So initially I wanted to do a comparative study actually, of the reception of unaccompanied minors in Europe and the US and then for pragmatic reasons of kind of resource and time scarcity, I decided to focus on the US because there's so much to say just on this context alone. But I do have some insights because I did spend some time thinking about this.

Chiara Galli:

So first of all, generally the European Union countries actually provide more protections to unaccompanied minors than the United States. So for example, countries like Italy, they give unaccompanied minors a work and residency permit. So they have the right to reside legally in the country until age 18, and they get access to all sorts of benefits in the meantime, including housing. And this is not detention, this is housing where people are free to come and go and leave. They get access to Italian schools, vocational training, access to legal services, so all sorts of things.

Chiara Galli:

So the legal context in European countries is more protective than it is in the US. Of course, the major contradiction arises when these kids turn 18 and age out of the protections very abruptly. And it's then where they really have to fight for their right to stay. And different countries have different ways in which unaccompanied minors are able to do so. In the Italian case, they can apply for asylum and they can try to apply for a work permit if they're able to find jobs in different sectors. And there is some support for, as I said, vocational training to try to help them have that transition, make that transition successfully rather. And of course, there's always a big gap between the law on the books and the law and practice. So it's not like everything is rosy there, but it does matter that legal protections are more protective on paper.

Chiara Galli:

And that I do think has an impact on how people perceive their relationship with the state and the kinds of messages that they receive. So based on what I've read, based on other people's work, and there's a very rich scholarship on unaccompanied minors treatment in different European countries.

Chiara Galli:

In a country like Italy, people aren't really worried about deportation because we don't really have a deportation machine of the same magnitude of the United States that's so well funded. So it's much more rare for people to actually be deported. So kids, as they come of age, they face a series of vulnerabilities and they're very much at risk of kind of blending into the larger undocumented population, but they're not so much at risk of being returned. And that of course shapes the decisions that people make.

Chiara Galli:

But there was a very interesting book that compared the treatment of unaccompanied minors in the UK and Italy and what they've found, because since the UK does carry out deportations of minors who come of age, what they've found is that some of these kids who come of age as unaccompanied minors in the UK, they turn 17 and a half, 18, they then migrate to Italy to avoid deportation.

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Chiara Galli:

So migrants learn about the law and they strategize. They make decisions for their life, their life course trajectories, and in order to work around these laws that really constrain the choices that they have at their disposal and that they learn about in imperfect ways. So there's never 100% transparency and knowledge of the law, which is what I talk about in my book, that's also very much true in the European context, but migrants learn what they can about the law and then they make decisions accordingly.

Reema Saleh:

We're hoping to kind of talk a little more about current border policy and how that's impacting unaccompanied minors. We've all been hearing about the expiration for Title 42 just happening tomorrow, May 11th. Could you tell us a little about what is Title 42, who does it apply to, and how has it impacted unaccompanied minors?

Chiara Galli:

Yeah, so Title 42 is an obscure public health policy that ostensibly has nothing to do with border enforcement, that the Trump administration strategically mobilized and decided to use to close off the US Mexico border just one month into the Covid Pandemic. And what was interesting about the use of Title 42 is that the Trump administration had experimented with all sorts of new policies to curtail the rights of protected groups, including asylum seekers and unaccompanied minors.

Chiara Galli:

But really in terms of being able to access the border, unaccompanied minors had been spared from the worst of these attacks because we have this law, the 2008 Trafficking Victims Protection Act, which says that unaccompanied minors from non-contiguous countries are allowed to be admitted without undergoing any hurdles such as the credible fear interviews that adults have to undergo before being allowed entry into the United States. So what non-contiguous countries means is essentially kids from everywhere but Mexico because there aren't a lot of Canadian unaccompanied minors seeking entry to the US obviously, because we're similarly rich countries, et cetera.

Chiara Galli:

So Title 42 applied to everyone. It was a hard closure of the border that really violated the United States' commitment to the non-refoulement principle, the idea in international refugee law that you should not expel someone to a country where they fear persecution, where their lives are at risk. This policy essentially functioned as a state of exception. So the Covid Pandemic was framed as this crisis that required the border to be closed off despite the fact that public health experts actually never supported the policy. They thought that actually it would backfire by pushing people into crowded refugee camps in Mexico, and that would actually promote viral spread. You can't control a pandemic based on national borders because viral spread doesn't take a person's passport into account.

Chiara Galli:

But that's what the Trump administration did. And so they excluded everyone coming in at the border, including unaccompanied minors. And something like 10,000 kids, I believe were expelled in the first few months of the implementation of Title 42. And by kids, I mean unaccompanied minors.

# ROOT OF CONFLICT

Chiara Galli:

And I know that the Biden administration likes to say that it exempted unaccompanied minors from the policy. But the truth of the matter is that unaccompanied minors started to be exempted from Title 42 in November of 2020 because of a lawsuit filed by the ACLU. And so this shows you kind of the power of advocacy work, right? The ACLU said that the Title 42 was unlawful, that it was a violation of the Trafficking Victims Protection Act. And so since then, unaccompanied minors have actually been allowed to enter the US and to seek asylum, but Title 42 remained in place for asylum seekers from many, many other countries. So this had the interesting effect of producing a situation in which for months on end, really the only asylum seekers being allowed entry into the US were children.

Chiara Galli:

And then the Biden administration entered office, it decided to continue not applying Title 42 to unaccompanied children, and then it started applying Title 42 with caveats. So giving quite a bit of discretion to the border patrol to decide who to let in, when to apply Title 42, and when not to apply it. So some people have been able to gain admission at the border such as Ukrainians, for example, for a period Venezuelans and Cubans were allowed in, but that's no longer the case.

Chiara Galli:

And now, tomorrow, as you said, Title 42 is set to expire. And what's very unfortunate is that the administration has been trying to find other ways to curtail access to the US asylum process by essentially resuscitating the, what advocates called the Trump era asylum bans, right? The idea that if you transit through a country that is a signatory of the UN Refugee Convention and you should have applied for asylum there, you don't have a right to apply for asylum in the US. And there's nowhere in refugee law that says that this should be the case or to make people who cross between ports of entry ineligible to apply for asylum.

Chiara Galli:

So these are policies that the Trump administration experimented with first that were struck down by the courts, and that the Biden administration is trying to reintroduce with a series of caveats for vulnerable populations, for populations who use this CBP One app at the border. But really, I mean, the substance of the policy is very similar. Right?

Reema Saleh:

Yeah, no, it's definitely interesting to see how a lot of Trump era border policies just kind of came back in different forums. I keep reading about just app crashes for the CBP One app and just that being required now for authorized entry, and it's definitely strange to see it happening. Yeah, I guess this is kind of impossible to ask, but what do you expect that people will start to see in the near future for people at the border?

Chiara Galli:

Well, I can't predict the future, but I mean, I will say this, I think that the Trump administration set a series of dangerous precedence by really curtailing the rights of asylum seekers by undermining our commitment to non-refoulement. And so this puts us in a very dangerous territory, and I know that advocates are very well organized. They were energized initially during the Trump administration, maybe now, well actually, I know that towards the end of the Trump administration, people were exhausted, right? Because they felt like they were fighting all of the time through impact litigation on behalf of their clients that they represented individually. But the work that advocates do, and this is one of the messages that I try to send with my book, it's so important because if it weren't for advocates, trying to keep the government accountable, we really would see human rights be dismantled much, much more.

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Chiara Galli:

So that's happening on the one hand. On the other hand, the Republican Party has now introduced a bill that's taking us in a very, very concerning direction, which is not expected to pass, but it does kind of signal the movement in which a segment of the American political system and specifically the Republican Party, would like to go in, which is essentially an end to asylum. And there's a provision in that bill that would do away with the Trafficking Victims Protection Act, protections for unaccompanied children, the ones that allow them to be admitted at the border.

Chiara Galli:

So while it's unlikely that that act will pass, it is concerning that it's being proposed. I will say this, I mean, it's not the first time that Congress tries to do away with TVPRA protections. Asylum has already been under attack once before in the 90s when there were debates leading up to the illegal immigration reform and what is it, IRIRA, a series of restrictive policies that were introduced in the 90s to limit access to asylum.

Chiara Galli:

And this is what I was so interested about, the reason that I wrote this book, to see the interaction between these protective and exclusionary forces. This is not new. This is kind of a constant in the US immigration system, but just how that will play out in the years to come is quite concerning because each time you set a precedent undermining human right, it becomes that much easier for future administrations to do this. So I've purposefully not made any concrete predictions because I don't have a crystal ball, but we'll all be following the news very closely in these upcoming weeks to see what actually happens. But it's not a time to take a vacation from advocacy work, that's for sure.

Gabriela Rivera:

So you were talking about all of these different types of barriers that the US puts on immigrants. Some are physical borders, some are legal barriers, try to deter people from coming, and they have changed in time and increased, but also in the time period that you tracked in your book, the amount of unaccompanied minors coming into the US has also increased steadily and sharply. So what do you think this means, what it represents, that all of these different measures seem to be failing, right? Because the amount of children that are coming to the US is not decreasing. All of these deterrence policies are not being reflected in the amount of children that are coming. So are they failing? What is it that policymakers in the US are not seeing?

Chiara Galli:

Well, in some ways, a lot of our policies are actually producing more unaccompanied minors because when you have a system in place at the border where it's easier to gain admission as an unaccompanied minor than it is for an entire family who's traveling with their kids, this leads families to make really difficult decisions sometimes to send their children to the border alone, to save their lives. And they do this because they have no other option. These aren't easy decisions. These aren't decisions that families want to make, but we're really tying their hands with our policies.

Chiara Galli:

So for example, when the Trump administration introduced the migrant protection protocols, forcing asylum seekers to apply from tent courts in Mexico, and unaccompanied minors weren't subject to that policy, asylum seeking families found themselves in a situation of real danger. Being stuck in transit is very dangerous. There's been reports by human rights watch, a lot of kidnappings, rape, extortion, deaths happening in Mexico to Central Americans who are extraordinarily vulnerable.



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Chiara Galli:

So of course, families would send their kids alone to the United States. So that's part of it. Another part of it is the fact that the border was closed for a long time due to Title 42. People were traveling less because of Covid. And so now we're kind of seeing a backlog too, of people including children who want to seek refuge and a better life in the United States. And there's also some interesting research that shows that when you have increased rates of violence in specific sending communities, this creates a spike in out migration. But then that out migration stream balloons over time. So there's a snowball effect.

Chiara Galli:

So of course these flows will increase over time. And this similar things happen for voluntary migration. Once migration starts, it's a process that tends to sustain itself over time. People create migrant networks, they make connections, and all of these things kind of ease the constraints on exit, migrants loan each other money to pay for smugglers, et cetera.

Chiara Galli:

And all of this is happening while, of course, we spend more and more money on the externalization of border control, and we've been funding Mexican border enforcement to apprehend and deport Central Americans on route to the US and now Guatemala border enforcement as well. But the fact of the matter is that people who are fleeing violence will continue to flee violence regardless of our immigration policies. So even though we try to regulate, we try to externalize enforcement, we give Mexico money to apprehend and the poor Central Americans. If the conditions of exit don't change, people will continue to flee their homes and children continue to be at the risk in Central America today.

Natalie Reyes:

So bringing our focus back to the process in the US, you focused on LA as a research site, but I was wondering if you could comment on or maybe compare the advantages or disadvantages between Los Angeles and other cities, maybe Chicago for example. How is the immigration advocacy landscape different here than it is in other cities?

Chiara Galli:

Well, so in many ways, Los Angeles was a best case scenario to study this phenomenon. So I think it's telling that I tell a relatively bleak story in the book about our protections and our humanitarian laws failing to protect many children when they're implemented in practice. But I also do tell a somewhat optimistic story about the power of legal advocacy to help kids who would otherwise not have a chance of getting asylum and to stop the government from implementing policies that chip away at established protections and human rights.

Chiara Galli:

And I think I was able to observe that because as I said, LA is in many ways a best case scenario, and that's for several reasons. First of all, it's a sanctuary city in an immigrant friendly state. So people aren't afraid to go to engage with the court system to seek out legal representation. The state and the city funded nonprofits providing legal services to immigrants, but particularly so providing legal services to unaccompanied minors. So there was enough funding that there was actually an organizational landscape that could provide legal services for these kids. It wasn't enough to go around. Not everyone was represented, but there was a far more access to legal representation than, for example, in a rural area or in an anti-immigrant state.



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Chiara Galli:

I have a new project where we're comparing state level representation rates, and we're seeing that in Republican states, unaccompanied minors access to legal representation is much lower than it is in states like California. LA also has a long history of immigration advocacy, immigrant rights organizing, and this long history of the sanctuary movement, the movement that helped Central Americans who were fleeing violence in the 1980s. So all of that legal infrastructure kind of dates back to that movement, to this longer history. And so these advocates know what they're doing. They have a lot of expertise to deal with this population.

Chiara Galli:

Many of them are second generation immigrants, Latinos, the children of Central American asylum seekers in some cases. And who selected into this profession because of their social justice motivations to give back to their community. So they have the linguistic skills necessary to do this work. They have the cultural competencies necessary to do this work. So you can imagine that in a rural area, an immigration attorney who doesn't speak Spanish, who's representing their first Central American cases would have a lot more trouble. It probably wouldn't be such high quality representation.

Chiara Galli:

So I think it's interesting that this is the kind of a best case scenario. And it's also finally, I'll just say it was in some ways a best case scenario also in terms of the institutions who decide cases, because the Los Angeles asylum office does have a reputation for being staffed by liberal young asylum officers, some of whom have gone to law school or some of whom have sociology or anthropology degrees. And this is very different from other asylum offices. There was a report that was recently published on the Boston Asylum Office where virtually everyone is denied asylum because institutional culture is important because discretion plays a big role in these decisions. Who the decision makers are really matters for whether people get protection or not.

Chiara Galli:

And there's always more immigrant friendly and anti-immigrant decision makers in courts and asylum offices all over the US There was just a higher concentration of individuals who wanted to grant cases using the legal protections at their disposal if they could compared to other parts of the country. But all of these differences, I think, create a lot of interesting research opportunities for people who want to do the next ethnography on unaccompanied minors experiences. I think there's really interesting comparative work to be done taking into account, particularly I think rural-urban comparisons or comparisons of different cities, right? Cities where there's fewer migrant networks, where there isn't a strong community of Central Americans, like the one that exists in cities like LA, Washington DC, that all have really strong, for example, Salvador and immigrant communities.

Reema Saleh:

So Chicago has seen a pretty big increase in migration, partly because Texas Governor Abbott is busing migrants here. And I think generally city officials, like the departments seem kind of unprepared. People kind of comment a lot that there's not the same infrastructure here as in other cities for housing migrants and delivering services. I guess, what does Chicago have to do to adapt to this?

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Chiara Galli:

Well, I think we're experiencing a very interesting moment because it's actually never been the case that we have housed migrants and asylum seekers. I mean, we've detained them, but we haven't given them housing. So I actually think that it's exceptional what's happening in this city of Chicago and seeing these reception centers and these shelters being set up to house asylum seekers whose cases are pending. This is actually much more similar to the European bottle in which asylum seekers are not only detained, but they're frequently housed in facilities where it's not like they have amazing conditions and they're particularly fancy, but they're not detention centers. They have the right to come and go as please and to leave.

Chiara Galli:

So really, I think it's quite interesting, this historical moment in which we're seeing that a lot of resources like the state of Illinois has invested quite a lot of resources to support this population that's been bused in from the border. And I think that in part has to do with the political differences of takes of the Democratic and Republican parties on immigration. There's a desire to present the state of Illinois and the city of Chicago as a welcoming place for immigrants because I do think that that plays into the national politics of immigration that has become such a contested issue.

Chiara Galli:

Now, of course, again, there's a resource scarcity. The city was unprepared. This tends to be the case generally when asylum seekers arrived to new places. I mean, during the course of my field work, there had been some people who had been bused into LA. So this kind of scrambling to find support is kind of a key characteristic of the phenomenon of trying to help immigrants. And there isn't a very institutionalized system of reception in the US. So really we're seeing something new that I think in many ways is encouraging the fact that the city and the state have been trying to find ways to house asylum seekers and provide them at least a short term place to stay while they adapt to their new homes.

Chiara Galli:

Of course, there's lots of things that we could do to provide more support. For instance, providing housing for a longer period of time. I know that in some of the shelters, they're now requiring asylum seekers to leave after 30 days. That's really not enough time for people to get on their feet and find jobs and find housing, particularly so because it's taking forever for asylum seekers to get work permits right now. Asylum seekers have the right to get a work permit once they apply, and usually the so-called clock would start upon their applications and they would get their permits after six months. But because of a series of changes the Trump administration made, now it's looking more like nine months to a year.

Chiara Galli:

So there's a real mismatch between the amount of time you get a roof over your head and the amount of time it takes for you to get a work permit that's going to enable you to get a job where you can actually pay rent in the city of Chicago. So perhaps we should be housing people for a longer period of time, but the fact of the matter is that there's very scarce resources to go around. So I think the city is trying to distribute those resources as it can because people continue to arrive.

Gabriela Rivera:

So we have been talking about all of these difficult topics, violence and this difficult journey to the US and the super complicated conditions that people face when they come into the US. But what I think makes your research so fascinating is the fact that you decided to focus in this group of people that are going through this intense period of their lives. Most of them are teenagers. So how was it to work with teenagers going through these very complicated period in their lives and going through all of these incredible changes at the same time?

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Chiara Galli:

I think that teenagers are a fascinating group, right? Because not only were they in a state of legal limbo between the potential promise of protected refugee status and the risk of being denied asylum and potentially becoming undocumented or being deported back to their home countries, but they were also in a liminally social position in the life course. A teenagers are kind of in a hybrid state between childhood and adulthood. And so they're very interesting group of people to work with. And they exhibit inherently both kind of what we think of as childlike dependent traits and adult-like traits of wanting independence, of seeking independence.

Chiara Galli:

I mean, of course, disadvantaged poor indigenous kids tend to grow up much more quickly in El Salvador, Guatemala, Honduras than teenagers do in the US where they're much more sheltered. And of course, I mean, there's a racial dynamic to this. There's a class dynamic to this, but white middle class kids are especially sheltered in the US, less so for a working class minority kids. But in Central America, kids do tend to grow up more quickly than they do in the US, which is why they feel infantilized by this need to show their childlike innocence, et cetera.

Chiara Galli:

But in some ways they also do retain some childlike trade. So for example, a lot of my research participants were hoping that they would be supported by their family members when they got here. Some of them actually wanted to stay in school and continue to pursue their education, and they were quite disappointed when they realized that the family members, sometimes aunts and uncles who they didn't really know well, they hadn't had a lot of contact with prior to migration. These individuals had promised, "You can leave ORR and I'll help you finish school and you can live with me." And then they found out that actually they would have to work to support themselves because their aunts and uncles that were supporting their own kids in Guatemala, so they couldn't afford to have them continue in this childlike dependent role of being in school and then continuing on to get their education in college.

Chiara Galli:

So they felt betrayed and they felt a lot of a sense of strong responsibility, a big burden on their shoulders because they had to work, provide themselves, sometimes send remittances back home, payback debt they had incurred due to their migration. So all of these adult-like responsibilities weighed really heavily on their shoulders. At the same time, they had all of the wonderful dreams and aspirations that teenagers have. I think teenagers are very future oriented. They dream about the future. They dream about who they want to be as adults, what are their aspirations for the kinds of jobs they want to do, the kinds of things they want to study, the kinds of people they want to be.

Chiara Galli:

And so something the kids would talk about, I have a story in the book about this Honduran girl who I call Linda, she wants to feel womanlike and she wants to buy things that will make her feel sexy essentially, right? Stiletto heels, mini skirts. And so this nonprofit organization where I was doing research told Linda, "We have these volunteers that want to give donations to kids, so what do you want?" And so she made this list that had these items on it, the stiletto heels, the platforms, the miniskirt. Because she had just turned 18, of course, she wanted those things. When we're teenagers, you're trying to signal that you're adult-like. It's part of your metamorphosis process as you try to look like an adult, to behave like an adult. You have your romantic relationships, et cetera. And it was very sad because the organization told her, "There's no way people are going to want to donate these items to you because you're an unaccompanied minor. You're a poor kid. They're going to want to give you things that you need, not things that you want."

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Chiara Galli:

So I thought these teenagers are really not allowed to have the wants and desires that teenagers have as they transition to adulthood. At least not in any formal capacity. When they're trying to get help, they're trying to get support, they're trying to get legal status, they have to perform the childlike state in that space. And then of course, in their everyday lives, they very much signal the adult-like behaviors. And they're very much teenagers in the sense that they dress quite fashionably when they have little bit of money to do so.

Chiara Galli:

But it's a really fascinating population to work with, and they're a very inspiring group of young people. So I think that if only we did a little bit more to support them and a lot less to make their lives impossible by making it so hard for them to undergo this legal system with so few resources, they could really thrive and contribute in amazing ways to American society.

Reema Saleh:

So after spending so much time with unaccompanied minors and the immigration system, how would you say that things need to change? If there is anything that policymakers should take from your book, what should it be?

Chiara Galli:

So, well, they should read the policy recommendations that I make in the conclusion. And there's lots of things that should change. First of all, we need to completely rethink the immigration system in the sense that I make a case in the conclusion that I think that protections for vulnerable categories, including unaccompanied children, should be supplemental to a basic human rights protections for all immigrants. And this is really in line with the spirit of the convention of the rights of the child that says, children have human rights like all individuals, but in addition, we give them supplemental protections because they need protections due to their unique vulnerabilities because of their stage in the life course, their position in society, their developmental needs.

Chiara Galli:

So I think that this should be the logic of the immigration system, and that's not what the current logic of the US immigration system is, but also it's not the logic of what the European immigration systems is, which is to kind of chip away at the basic rights of immigrants, do away with asylum protections with access to asylum, make it harder and harder, and then create spaces of exceptions for vulnerable categories such as children, unaccompanied minors. In the European Union, there's some exceptions for migrants who are ill, for pregnant women, but really those protections need to be supplemental on top of what we give basic human rights guarantees for everyone. So this is a huge systemic change that I think needs to happen in the US and worldwide.

Chiara Galli:

And then the asylum system needs to change. I think that we should interpret refugee law to protect people who are fleeing life-threatening violence in their homes. And we've seen some evolution of the refugee law in the past that's been encouraging, such as protections for victims of gender-based violence, particularly domestic violence. And so this shows that these changes are possible. It is possible for the interpretation of the refugee definition to expand, to better reflect the conditions that are pushing people to flee their homes today. So we need to continue to do that work. And then finally, I mean, I have many, many ideas, but just to say one more, I think that we need a universal legal representation system for people who are facing deportation proceedings, removal proceedings in immigration court.

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Chiara Galli:

And I say people and not children because I think that no one can prepare their asylum case on their own because it's exceptionally difficult to do so because of the complex nature of the law and our bureaucracies. And so we don't have a public defender system in the immigration courts because ostensibly these are civil proceedings. But if you think about it, really the impacts that the outcomes of these proceedings have on people's lives are much more similar to criminal proceedings. It's the deprivation of liberty. You can literally lose the right to stay in the United States and be sent back to a country where you might be facing life-threatening violence. So we should, at the very least, give people the resources that they need to actually fight their case in court and qualify for protections that they might very well qualify for. And because we know that the impact of legal representation is really important in producing these positive outcomes in the immigration system, and there's a lot of research to back that up.

Reema Saleh:

Thank you for listening to this episode of Root of Conflict featuring Chiara Galli. This episode was produced and edited by Reema Saleh and Ricardo Sand. Thank you to our interviewers, Natalie Reyes, Gabriela Rivera, and Reema Saleh. Special thanks to UC3P and the Pearson Institute for their continued support of this series. For more information on the Pearson Institute's research and events, visit the [pearsoninstitute.org](http://pearsoninstitute.org) and follow them on Twitter.