



YOUNG CENTER CHILD ADVOCATE PROGRAM

for Child Trafficking Victims and Vulnerable, Unaccompanied Children

The Young Center serves as the federally-appointed best interests guardian ad litem (Child Advocate) for vulnerable unaccompanied children in government custody as authorized by the Trafficking Victims Protection Reauthorization Act (TVPRA). We are a national program and serve hundreds of children in eight locations across the United States every year. **Our independent Child Advocates accompany children in federal custody and advocate for their safe placement, release to family, appropriate treatment and services in custody, and a permanent outcome that is in their best interests.** We also run a policy program to advance changes in federal law and policy that protect the safety and well-being of immigrant children. The Young Center must match 25% of each dollar in federal funding for Child Advocate services. Support from foundations and other private donors allows us to serve more children, conduct international home studies, and operate our policy program.

In 2018, pre-school-aged sisters Deisy and Alma were separated from their mother under the Administration's zero-tolerance policy. Their mother was deported within days, without the chance to take her daughters with her. The girls were placed into a temporary foster home and a Young Center Child Advocate was appointed to their case. The girls expressed deep love for their mother and the desire to be with her, but they also clearly enjoyed the comforts of their foster home. When immigration attorneys asked if they would tell a judge that they wanted to return to home country, the girls hesitated. As a result, the attorneys were reluctant to go to court, where each sister would have to ask for the "benefit" of returning home (known as "voluntary departure"). The sisters thus faced prolonged time in "temporary" government custody. But our Child Advocate was able to identify each child's most pressing desire—to be with her mother, regardless of location. Our Child Advocate shared this information with the Immigration Judge, including images the girls had created showing their hopes for reunification with their mother, and the Immigration Judge immediately granted the sisters' return to home country, where they joyfully reunified with their mother. *Pseudonyms*

REFERRAL AND APPOINTMENT OF CHILD ADVOCATES

The TVPRA authorizes the Secretary of Health and Human Services to appoint Young Center Child Advocates. Any person working with an unaccompanied child may refer that child for appointment of a Child Advocate, including Immigration Judges, agency officials (DHS and ORR), care providers, legal services providers, and ICE trial attorneys. These referrals are submitted through a secure portal: <https://www.clienttrack.net/TYC/portal>.

ROLE OF CHILD ADVOCATES

Our volunteer Child Advocates meet individually with children each week and accompany them to hearings or appointments at immigration court or the asylum office so that they are not alone. Young Center staff—attorneys and masters-level social workers—work behind the scenes to gather information about each child’s case and to develop best interests recommendations (BIRs) grounded in domestic and international child welfare law. We then submit written recommendations to agency officials, Immigration Judges, Asylum Officers, attorneys and others. The recommendations may address whether the child should be transferred to a different placement, released to a sponsor, receive legal representation, or safely repatriate, and the child’s need for medical, mental health, or other services in care or upon release.

INDEPENDENCE

As mandated by the TVPRA, Young Center Child Advocates are independent. They do not play any other role in the system for unaccompanied children, meaning that the organization does not provide direct legal representation, residential services or traditional post-release social services. **Our sole responsibility is to advocate for the best interests of the child in each decision made about that child.** Child Advocates are not decisionmakers, but rather make reasoned, fact-based recommendations grounded in best interests law. A 2016 report by the independent General Accounting Office found that our recommendations are followed by federal agencies more than 70% of the time. **The Young Center also leverages private funding and *pro bono* experts to conduct international home studies in select cases involving a risk of unsafe repatriation.** In particularly complex cases, the Young Center convenes Best Interests Determination (BID) panels of interdisciplinary experts in child welfare and migration pursuant to guidelines promulgated by the U.N. High Commissioner for Refugees to make recommendations in a child’s case.

A CHILD’S RIGHTS PARADIGM

To recognize children’s rights as set forth under the Convention on the Rights of the Child and to minimize the risk that bias, stereotypes and subjective values influence our recommendations, the Young Center uses a paradigm based on child welfare and international law to evaluate each child’s best interests. This paradigm takes into account widely-accepted best interests principles of safeguarding a child’s safety and well-being and expressed interests, as well as the child’s rights to health, family integrity, liberty, development, and identity. The paradigm mirrors



recommendations set forth by the federal Interagency Working Group on Unaccompanied and Separated Children’s 2016 *Framework for Considering the Best Interests of Unaccompanied Children*, which can be found on our website.

The Young Center is working to create a system in which unaccompanied and separated children are recognized and treated first as children, where they are met at each step by adults who are trained in child development and the impact of trauma, and where they have a fair opportunity to tell their stories—after reuniting with family, recovering from trauma, and working with counsel and a Child Advocate.