

Children Displaced Across Borders  
*Applying a Children's Rights Framework in Texas: Human Services and Education*  
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1. What are the most critical issues you see regarding differential treatment of different categories of displaced children in human services or education in Texas?

- General:

- The impact of immigration status and subsequent stability including access to resources.

While the actual experience and event(s) that led to the decision to flee their home country may be very similar for UAC's (or more broadly Central American minors) and "traditional" refugees (those that entered the United States with an I94), the immigration status upon entry into the United States effects the services that are available and the child's reception.

- Education:

- Access to and resources available to obtain a quality education
  - Even though federal law states that undocumented children have the same right to attend public school as US citizens, and children are required to attend school until age 18 in Texas, children are meeting resistance when they attempt to enroll and are even turned away.
  - Limited access to resources necessary to succeed in school (physical supplies, time, adult/guardian support, access to technology, etc)
- Knowledge, experience and cultural competence within the school and the school system to meet the unique needs of diverse population with high rates of trauma.

2. What are the most critical issues you see in terms of current practice or policy responses to the holistic needs of displaced children in Texas?

- Ability (or inability) to provide safety

- Legal safety
- Mental health care/safety
- Physical safety and security (homes, access to food)

- What the best interest of the child truly is.

- Using an American standard and expectation to determine best interests.
- Is the guardian that is tasked with caring for the child truly aware of the child's best interests and needs if they are essentially strangers.

- Asking children to be children and have the role of a child when they have had the experiences of an adult and are faced with decisions that have adult implications.
3. What different understandings of ‘best interests’ do you see in your work? Is there a gap between intention and practice in terms of prioritizing the best interests of displaced children in human services or education?
    - Best interests are often driven by limited resources including limited time and limited money
    - The nature and intensity of the work is often marred with crisis that must be addressed in part due to the continued instability and pervasiveness of complex trauma. When a crisis has to be addressed, the best interest shifts to maintaining safety in the moment.
    - “Best interests” often reflect values and cultures and can be subjective.
  4. What are the opportunities and barriers for the voices of displaced children to be heard in decisions that affect them?
    - Opportunities: Children can be asked for feedback and their perspective. The professionals that work with the children whether providing legal, medical, mental health or educational services should have some background information about the community they are engaging in order to effectively make meaning out of a child’s responses and dig deeper for meaningful/follow up information.
    - Barriers: Children, UAC’s in particular are living in legal limbo and have fear legal repercussions if the speak up and speak out. Additionally, not knowing how systems and implicit and explicit rules in the United States “work,” their age/developmental level/maturity (simply being children and adolescents) and limited language proficiency are all barriers.
  5. Using a children’s rights framework, what are the primary recommendations you would make to strengthen policy, practice, or research to improve the lives (specifically through human services and education) of children who have been displaced across borders?
    - Practice: Have an open dialogue with the child and seek multiple sources of information in order to determine the child’s best interest. Find out what the child perceives as their needs and priorities.
    - Education: Look for creative answers, seek solutions that are non-traditional and “outside the box.” Don’t be afraid to take risks.
    - Practice & Policy: Draw on children’s inherent strengths, skills and resilience to find new creative solutions.
    - Policy: Begin to shift thinking about displaced children simply as children with enhanced needs and incorporate them into the child protection framework that already exists.