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The Effects of the COVID-19 Pandemic “Crisis” on Unaccompanied Minors Navigating US Removal Proceedings

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Abstract: Unaccompanied minors are among the most vulnerable undocumented immigrants facing removal proceedings in US immigration court. To avoid being sent back to violence and deprivation in their home countries, unaccompanied minors may apply for asylum or deportation relief for abandoned, abused, or neglected children. The COVID-19 pandemic represented a crisis for American society that also had key impacts on immigrants’ lives and their ability to interact with state systems to apply for legal status and claim rights. This paper asks: (1) How did the COVID-19 pandemic affect unaccompanied minors’ social vulnerabilities in the US?; and (2) How did the COVID-19 pandemic impact the US immigration bureaucracy and the work of nonprofit advocates who broker unaccompanied minors’ interactions with these state systems? Findings show that the pandemic exacerbated unaccompanied minors’ social vulnerabilities, with especially adverse effects on indigenous youths, those in legal limbo, unrepresented youths, and those experiencing job loss. The pandemic also disrupted the US immigration bureaucracy and, consequently, the work of advocates who broker immigrants’ interactions with these systems, making it more difficult to interact with traumatized youths to obtain necessary information for their cases, meet strict deadlines, and identify their needs. This case study provides lessons on how states and civil society strategically manage a “crisis” and discusses the implications for immigrants’ rights and vulnerabilities.

Keywords: immigrants; unaccompanied minors; asylum; civil society; crisis; COVID-19



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1. Introduction

As the COVID-19 pandemic wreaked havoc worldwide, the Trump administration seized the opportunity to continue its anti-immigrant agenda. A disaster unparalleled in 100 years, the pandemic functioned as a “state of exception”, allowing the executive to quickly introduce punitive immigration policies, with lasting effects (Agamben 2005). Under the pretext that this would help America fight the virus, in April 2020, the Trump administration started using an obscure public health provision called Title 42 to expel all immigrants who arrived at the US-Mexico border, including protected groups, such as asylum-seekers and unaccompanied minors. The latter are children under age 18 who migrate without their parents or legal guardians, most of whom are fleeing violence and deprivation in El Salvador, Guatemala, and Honduras (UNHCR 2014). Public health experts immediately condemned Title 42, noting that the policy would not help stem the spread of COVID-19, but, instead, risked backfiring, as it pushed individuals into crowded refugee camps in Mexico.

During its previous three years in office, the Trump administration had already introduced dozens of policies that curtailed the rights of protected groups of immigrants, finding ways to expel asylum-seekers who, under US and international law, should not be returned to countries where they fear persecution (Pierce and Bolter 2020). Yet, unaccompanied minors—a protected category generally deemed too vulnerable to be morally excluded outright—were exempted from the worst of these attacks (Galli 2023a). Using Title 42, the Trump administration suspended unaccompanied minors’ rights under the 2008 Trafficking

Victims Protection Reauthorization Act (TVPRA); mainly, the right to be admitted at the US-Mexico border and placed in the custody of the Office of Refugee Resettlement (ORR), which then releases most children to their family members while they await the outcomes of their removal proceedings. While advocates sued to block the use of Title 42 and uphold the TVPRA, securing a temporary injunction in November 2020, in the meantime, over 13,000 unaccompanied minors were expelled (ACLU 2020). The use of Title 42 for other groups arriving at the border remained in place for over three years, until 11 May 2023, when the Biden administration ended the national state of emergency over COVID-19.

Thanks to extensive media coverage and reports by human rights organizations and policy research institutes (Human Rights First 2020b, 2022; Human Rights Watch 2021; Abu Alrob and Shields 2022), we know about the impact of Title 42 border closures on asylum-seekers who were stuck in Mexico and unable to enter the United States. In this paper, I examine a less visible and under-explored aspect of the COVID-19 pandemic's fallout: its impact on the US immigration and asylum bureaucracy, which unaccompanied minors must navigate to seek deportation relief, usually by applying for asylum or Special Immigrant Juvenile Status (SIJS) for abandoned, abused, or neglected children. Worldwide, the pandemic similarly unsettled the bureaucracies that distribute refugee status and rights to asylum-seekers, with systems grinding to a halt until new processes, such as virtual interviewing, were established. Indeed, just 1.1 million people applied for asylum in any country in 2020, an unprecedented 45% yearly drop since record-keeping began (Vijayaraghavan and Mukhopadhyay 2022).

This paper is based on 28 interviews with existing participants of a larger ethnographic study on Central American unaccompanied minors' experiences navigating US removal proceedings with the help of nonprofit legal advocates in Los Angeles during the Obama and Trump administrations (2015–2020). Concretely, the analysis presented in this paper is based on interviews with 12 immigration attorneys, 4 case managers, and 12 Central American immigrant youths who entered the US as unaccompanied minors. I conducted these interviews at the height of the COVID-19 pandemic in December 2020. Leveraging my longitudinal ethnographic study design that predates the pandemic and provides a baseline of information on how the state processes unaccompanied minors in "normal" times, in this paper, I examine the impacts of the COVID-19 "crisis" through two interrelated research questions:

- (1) How did the COVID-19 pandemic affect unaccompanied minors' social vulnerabilities in the US?
- (2) How did the COVID-19 pandemic impact the US immigration bureaucracy and the work of nonprofit advocates who broker unaccompanied minors' interactions with state systems to help them claim rights?

My findings show that the pandemic exacerbated youths' pre-existing social vulnerabilities, amplifying inequalities along the axes of indigeneity, economic precarity, and more, with implications for their ability to engage with legal systems to claim rights. The pandemic was also highly disruptive for the US immigration bureaucracy. Dysfunctional even in "normal" times, with extreme backlogs and frequent due process violations (TRAC 2022; Galli 2023a), the asylum office and immigration court were ill-equipped to pivot to new online modalities that could keep bureaucrats, advocates, and immigrants safe from the threat of COVID-19 exposure. Nonprofit immigration attorneys and case managers tried to mitigate the adverse effects of these disruptions on their young clients. Yet heightened uncertainty and the daunting new challenge of interacting with their clients over virtual mediums made it more difficult for advocates to work effectively with traumatized youth to obtain information indispensable for their cases, meet strict deadlines, and identify and alleviate their needs.

This paper makes an empirical contribution by adding to an emerging body of research documenting the effects of the COVID-19 pandemic on Latinx immigrants in the US, including recently arrived Central American asylum-seeking families and children (Siegel 2022; Sigmund 2022; Oliveira and Segel 2022). Existing work has focused on the

pandemic's impact on immigrants' health outcomes and social vulnerabilities. Yet the COVID-19 pandemic not only had direct implications for health, but it also caused broader societal disruption, with impacts on the welfare state, civil society, and the immigrant-state relationship. I add to past work by examining the parallel disruption of the pandemic on the bureaucracies that process claims—and, thereby, determine children's right to stay in the US in the long term—and on the work of advocates who help children claim those rights. This paper thus makes a theoretical contribution to the critical scholarship on "crisis" (Agamben 2005; Lindley 2014; Abrutyn 2022; Matthewman and Huppatz 2020; Ticktin 2005; Hanafi and Long 2010; Davitti 2018; Landau 2006; Abu Alrob and Shields 2022; Le Espiritu 2014) by speaking to broader questions about how states construct and manage crises strategically to curtail immigrants' rights, as well as about how civil society actors respond to crises from the bottom up.

As I will show, nonprofit advocates put in overtime and sometimes risked their health to mitigate the adverse effects of the crisis on the legal process and help youths during the months of lockdown. They also found ways to leverage, to their clients' benefit, the unintended positive effects of the pandemic-imposed hiatus on bureaucrats' decisions on asylum cases, which would likely otherwise have been denied in the exclusionary Trump context. However, advocates face significant constraints in their ability to help immigrants even in "normal" times, given the precarious nature of US rights and protections for unaccompanied minors, which were further undermined by Trump's punitive immigration policies (Galli 2023a). Nonprofits regularly function with limited resources, which were stretched increasingly thin in the light of rising needs as the pandemic exacerbated the social vulnerabilities of immigrants and other vulnerable groups in US society. I argue that, despite civil society's efforts, the state managed the COVID-19 pandemic crisis strategically to prioritize its immigration enforcement mandate and halt the distribution of rights even to this formally protected category of immigrant children.

The rest of this paper is structured as follows. I begin by reviewing the emerging research on the impacts of COVID-19 on the health and social vulnerabilities of immigrants in the US and the critical scholarship on "crisis". Next, I discuss the data and methods. Two sections presenting the empirical findings follow, focusing first on how the COVID-19 pandemic exacerbated the social vulnerabilities of unaccompanied minors. Second, I examine how the pandemic affected the US immigration bureaucracy and the work of nonprofit legal brokers who mediate youths' interactions with state systems to help them claim rights. The paper ends with a conclusion.

2. COVID-19 as a Case Study in the Implications of "Crisis" for Access to Rights

Existing research on the impact of the COVID-19 pandemic on Latinx immigrants in the US has focused on health outcomes and social vulnerabilities. We know that the adverse effects of COVID-19 were experienced unequally along axes of inequality, such as race, class, gender, age, and legal status, disproportionately affecting the most marginalized in society. Death rates among Blacks and Latinos were as much as six times higher than for Whites nationwide (CDC n.d.; Ford et al. 2020), and were four times higher in Los Angeles, where this study took place (LACPH n.d.). These unequal health outcomes can be explained by the social determinants of health, including disadvantages in housing and occupation (Webb Hooper et al. 2020). For example, living in crowded housing and having jobs that did not allow for social distancing or sick leave led to higher infection rates for Blacks and Latinos, which translated to higher mortality rates because these groups also face barriers and discrimination in healthcare institutions. "Racialized legal status"—the intersectional identities of ethno-racial minority and criminalized "illegal" status (Asad and Clair 2018)—made undocumented Latinx immigrants especially vulnerable. Fuentes-Mayorga and Kucheva (2022) found that Latinos in New York who were living with at least one undocumented family member were more likely to be infected with COVID-19 than others, and most were exposed at work.

Nationwide, immigrants were over-represented in both occupations deemed essential work and occupations hardest hit by layoffs and income loss, as a result of stay-at-home measures, with an estimated twelve million immigrants working in these jobs in sectors such as healthcare, restaurants, construction, and food processing (Gelatt 2020). While US citizens and immigrants with legal status who lost jobs benefitted from state support, which was further augmented through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, undocumented immigrants faced heightened precarity because they are largely excluded from welfare benefits and the social safety net. In a survey of undocumented Latino immigrants in New York City, Smith and Besserer-Rayas (2022) found that their respondents experienced a steep decrease in income and depleted their savings within the first few months of the pandemic. Unable to rely on welfare state support, these immigrants took on dangerous new jobs where they contracted COVID-19; without healthcare access, many developed long-COVID, which, in turn, led to diminished work capacity and more income loss. School closures and remote learning also exacerbated the vulnerabilities of undocumented families by depriving them of the school-based resources that normally fill the gap left by their exclusion from the welfare state, such as free meals, therapy, and academic support programs (Oliveira and Segel 2022).

Noncitizens' exclusion from the social safety net was also crucially exacerbated because, just before the pandemic, the Trump administration introduced the Public Charge Rule, which disqualified undocumented immigrants from future legalization if they used any welfare benefits, including unemployment, health insurance, and food stamps (Siegel 2022). The Trump rule had a "chilling effect" on non-citizens' use of all public benefits, regardless of whether those benefits were included in the new criteria for public charge, and this behavior was also observed among unaccompanied minors who were not formally subject to the policy (Beyer and Workie 2022). As with other undocumented and "liminally legal" immigrants (Menjívar 2006), unaccompanied minors, a population already facing significant health and labor market vulnerabilities in normal times (Canizales 2019, 2022; Menjívar and Perreira 2019; Castañeda et al. 2021), experienced heightened social vulnerability during the COVID-19 pandemic, as I discuss below.

The pandemic also had other crucial impacts that have not been examined by past work: it disrupted the functioning of the bureaucracies that disperse legal status and rights to immigrants, as well as the work of nonprofit legal advocates who act as "brokers" between immigrants and these state systems (Lakhani 2014). Taken together, I show how the dual impacts of the COVID-19 pandemic compounded the challenges involved in engaging with state systems to claim rights, placing the most vulnerable unaccompanied minors at higher risk of case denial, prolonged legal limbo, and deportation.

I draw on the critical scholarship on "crisis" to make sense of pandemic-era disruptions on immigration bureaucracy. Immigration scholars have argued that states actively construct crises from the top down. When politicians and the media frame immigrant influxes as exceedingly large, uncontrollable, and disruptive to the social order, they prompt "moral panic" that facilitates state prerogatives to exclude immigrant groups perceived as undesirable ethno-racial, cultural, or economic threats (Lindley 2014). Moments of crisis or moral panic are usually accompanied by increased racism, xenophobia, and hostility against immigrants, asylum-seekers, and minoritized groups, who are portrayed as threatening to citizens and even accused of being vectors of disease (Halikiopoulou and Vlandas 2019; Shams 2020).

Scholars have drawn on Giorgio Agamben's (2005) concept of "state of exception" to theorize about the intersection of constructed crises and migration management in receiving countries in the Global North and refugee camps in the Global South (Ticktin 2005; Hanafi and Long 2010; Davitti 2018; Landau 2006; Abu Alrob and Shields 2022; Le Espiritu 2014). The state of exception concept captures a series of intertwined legal and political phenomena that can be seen in the case of the United States' response to the pandemic: the voluntary creation of an emergency to introduce exceptional measures that are usually not legal and involve a "suspension of the juridical order" in democratic states

(4); the blurring of the separation of powers and expansion of executive power; and the tendency of new measures to endure even when the crisis is resolved.

The use of Title 42 is a prime example. Before the pandemic, the Trump administration leveraged executive power to experiment with dozens of policies that limited the rights of protected groups of immigrants (Pierce and Bolter 2020). While the new virus itself was not created voluntarily, its existence was strategically constructed as a crisis that required border closures at the US-Mexico border, despite critiques from experts who did not think this was an effective public health measure (Physicians for Human Rights 2021). This instrumentalization of the crisis allowed the Trump administration to further expand its executive power, blocking access to the US territory in violation of non-refoulement through an exceptional measure that endured for over three years, even as policymakers had largely given up on managing the pandemic in other realms. As we will see, within the US, the different agencies of the immigration bureaucracy and adjacent state systems that process unaccompanied minors enacted different policies to mitigate the spread of COVID-19 and manage their operations; these measures and priorities reveal key insights about which groups have value to the state and how the adverse situation was exploited, by some agencies and not others, to further exclusionary goals of immigration control.

Scholars have also taken a bottom-up approach to studying moments of “crisis” by examining how civil society actors on the ground both actively construct crises to secure resources for their operations, as well as how they understand and respond to situations that they perceive as externally imposed or exogenous crises (Lindley 2014). Recent work by sociologists has characterized COVID-19 as an exogenous crisis—in other words, a disaster that disrupted society in drastic and sudden ways, with crucial implications for civil society. Abrutyn (2022) argues that the COVID-19 pandemic undermined civil society, because it was a unique kind of disaster that not only laid waste to existing infrastructure, such as a natural disaster might, but it also provoked anomie and weakened social ties by disrupting the micro-level interactions through which community is enacted, thus amplifying social cleavages and undermining solidarity. Matthewman and Huppatz (2020) argue precisely the opposite. Their position is that crises such as COVID-19 are experienced by the public as a form of collective adversity, which can create new and special forms of solidarity that give civil society a boost because we are social beings, and helping others gives meaning to life. In my research, I found some support for both the pessimistic and optimistic take on civil society’s response to the COVID-19 crisis. The response from nonprofit legal advocates that I will discuss below reflects both special forms of heightened solidarity and the limitations of what civil society can do in light of disruptions to both infrastructure and interpersonal forms of social interaction.

3. Data and Methods

This paper is based on interviews conducted as part of a larger study on Central American unaccompanied minors’ experiences navigating US removal proceedings during the Obama and Trump administrations (2015–2020).¹ For the larger study, I conducted over four years’ worth of ethnographic fieldwork in various nonprofit legal aid organizations that represent unaccompanied minors in Los Angeles, one of the top destinations for this population in the United States. There, I shadowed immigration attorneys and other staff as they helped nearly 80 youths apply for asylum and/or SIJS and navigate challenges beyond the legal realm. I also conducted in-depth interviews with unaccompanied minors from El Salvador, Guatemala, and Honduras, their caretakers, nonprofit advocates, and asylum officers.

I stayed in touch with several study participants, which allowed me to conduct the 28 interviews that this paper is based on in December 2020. I interviewed 12 immigration attorneys and 4 case managers (i.e., staff members who assist youths with their needs beyond the legal realm). I also interviewed 12 former unaccompanied minors who were nearly all young adults ages 20 to 22 (one was 16) in 2020, having spent between two and six years in the US (see Table 1).

Table 1. Characteristics of n = 12 youths interviewed in 2020.

Nationality		Gender		Age		Occupation		Case Status	
El Salvador	6	Female	6	16	1	Studying	4	Granted	6
Guatemala	3	Male	6	20	5	Working	6	Pending	4
Honduras	3			21	3	Both	1	Denied	2
				22	3	Neither	1		

The ethnography and first-wave interviews (2017–2019) were conducted in person. For the second wave (2020), because of the COVID-19 pandemic, I shifted my interviewing modality to phone and video calls. The latter were conducted over WhatsApp or Zoom and were recorded in audio only. Immigrant interviewees received a \$30 gift card for their participation. Switching to online interviewing posed no challenges for advocates, who are well-accustomed to using this medium. I was initially hesitant about conducting virtual interviews with youths because I feared that the quality of the information that I could obtain in this modality would be inadequate. In-person contact had been crucial to establishing rapport with youths when they started participating in my study (see [Galli 2023a](#)). However, virtual interviews with youths also turned out to be effective, likely because I was getting back in touch with individuals who already knew and trusted me. With one exception (more on this below), all youths interviewed had a good internet connection and access to a private place to speak, which allowed for smooth and in-depth conversation.

The small sample size of youths (n = 12) interviewed during the COVID-19 pandemic limits the generalizability of my findings as pertains to youths' experiences of the pandemic. However, my strategically sampled interviews with 16 legal advocates (each attorney was representing between 50–70 youths, with case managers serving many more), working in eight different nonprofit legal aid organizations that serve unaccompanied minors in Los Angeles, allowed me to quickly reach "saturation" ([Small 2009](#)); these expert interviews hence provide valuable insights on the thus far unknown effects of COVID-19 on the US immigration bureaucracy.

Interviews with advocates and youths were semi-structured. The interview protocol for advocates included questions about the impact of the COVID-19 pandemic on the legal process, on their work representing unaccompanied minors, and on their young clients' lives and access to social benefits. The interview protocol for youths included questions about school, work, family life, and how the COVID-19 pandemic had affected them and their loved ones in the US and their home countries. I coded interview data with the software Atlas.ti using an abductive approach ([Tavory and Timmermans 2014](#)), which involves several rounds of iterative coding, looking both to the literature and to themes that emerge inductively to generate categories of analysis.

4. How Did the COVID-19 Pandemic Affect Unaccompanied Minors' Social Vulnerabilities in the US?

As a local context of reception, California is comparatively more favorable than other parts of the country because it does integrate undocumented immigrants into the social safety net in some ways, and the adverse impacts of the pandemic on immigrants' social vulnerabilities may have been even greater in less immigrant-friendly states. Perhaps most importantly, undocumented immigrants under the age of 26 qualify for Medi-Cal, a state-funded, free health insurance program for low-income populations. All twelve of my unaccompanied minor interviewees—who ranged from ages 16 to 22 in December 2020—had health insurance under Medi-Cal. Their parents and caretakers, however, were all older undocumented immigrants who did not qualify for these benefits. My respondents

worried that their family members would be unable to access medical care if they contracted the virus, which exacerbated the universally shared fear of COVID-19 exposure.

The economic fallout of the pandemic, however, was a far more salient concern reported by my immigrant interviewees. Youths and their caretakers lost their jobs or, more commonly, lost income when their hours were reduced by employers for weeks or months. Youths and their families coped with income loss by living off their savings or moving into crowded households with relatives to pool resources. Angel, a former unaccompanied minor from Guatemala and young parent, recounted:

“COVID-19 affected my family here so much. I lost my job, my girlfriend lost her job, and we were so worried about how to pay rent and feed our daughter. How are we going to survive all this? [. . .] My brother is living with us, [and] I asked him to help us by paying the rent. I told him that I would pay him back once I find another job”.

To make things worse, the Trump administration introduced policies limiting access to work permits for asylum-seekers, and COVID-19-related office closures also made it more difficult to renew work permits. Angel had been laid off from his job as a cafeteria chef when the school where he worked transitioned online. After months, he finally found a new job in a retirement home, only to worry that he would soon lose it because his work permit was set to expire in two months, and he had yet to hear back on his renewal application. Falling out of employable status is always a risk for asylum-seekers with pending cases, but this became more likely due to COVID-19-era disruptions in the immigration bureaucracy, combined with the disruption purposely caused by the Trump administration to curtail the rights of protected groups.

Job and income loss, in turn, led to a snowball effect of social vulnerabilities, including food and housing insecurity. Nonprofits collected donations and gift cards to help their clients buy food, as food pantries quickly reached capacity in Los Angeles, given the increased needs of all city residents. However, nonprofit resources were too scarce to provide these gift cards to all clients, and case managers only dispensed these on an ad hoc basis, when youths proactively asked for help. Paying rent in an expensive city such as Los Angeles is challenging for low-income families even in normal times. Following lockdown in March 2020, LA Mayor Eric Garcetti introduced a rent moratorium so that people unable to pay their rent would not be evicted. However, nonprofit case managers noted that this policy did not necessarily benefit unaccompanied minors and their relatives who were often either unaware of the moratorium or not protected by it because they were renting without formal leases, and, even when they qualified, they did not feel safe calling the police when landlords tried to evict them, because of their undocumented status.

Virtually all unaccompanied minors live in households with a least one undocumented immigrant (Galli 2023a), and they were therefore ineligible for federal stimulus payments under the CARES Act. To remedy undocumented immigrants' exclusion from federal relief, California Governor Gavin Newsom created a \$125 million fund to give California-based undocumented families a one-time \$500 payment. Funds were insufficient, however, to cover all the undocumented residents of California. Payments were allocated on a first-come, first-served basis, to be obtained by calling a hotline, a system that case managers described as both unfair and poorly implemented:

“In the first few hours, you couldn't call [the hotline], the system broke. It was a one-time support based on a lottery system, which is already messed up. It's so frustrating because it feels like you're fighting with other nonprofits and your colleagues to get these resources for your clients. You're also pitting your clients in the same community against each other because you're trying to get make sure that they're the ones getting the resources”.

The existence of favorable state and local policies would suggest that Los Angeles, California was a comparatively better place for undocumented and liminally legal immigrants to experience the pandemic than other parts of the US. However, a closer look at the implementation of these policies shows otherwise. While access to healthcare through Medi-Cal was undoubtedly crucial for immigrant youths' health, the rent moratorium

and household payments did little to mitigate their social vulnerabilities, including job and income loss and food and housing insecurity. As their social vulnerabilities were exacerbated, this undermined the extent to which unaccompanied minors were able to interact with their legal representatives and with the immigration bureaucracy to continue to claim rights and benefits, as I discuss next.

5. How Did the COVID-19 Pandemic Impact the US Immigration Bureaucracy and the Work of Advocates Who Help Unaccompanied Minors Claim Rights vis-a-vis the State?

The COVID-19 pandemic disrupted the functioning of the immigration bureaucracy—with its dual role of disbursing rights to immigrants and carrying out deportations. The uncertainty and challenges that arose in the legal and bureaucratic realms and the heightened social vulnerabilities in the everyday lives of youths each amplified the other, creating a vicious cycle. These dual disruptions constituted a difficult-to-manage crisis for the nonprofit legal advocates who brokered immigrants' interactions with state systems.

Some of the new legal and bureaucratic challenges were effectively produced by the state, with the explicit goal of curtailing immigrants' rights. As mentioned above, the Trump administration capitalized on the pandemic to construct a "state of exception" (Agamben 2005), introducing Title 42 to virtually stop all immigrants, including unaccompanied minors, from entering at the US-Mexico border for several months. In an unprecedented shrinkage of rights since the passage of the 2008 TVPRA, unaccompanied minors were expelled at the border, passing first through squalid hotels where they risked COVID-19 contagion. Advocates responded by filing a class action lawsuit (*PJES v. Pekoske*) that suspended Title 42 expulsions for unaccompanied minors in November 2020, a major victory for the rights of this protected group of immigrant children, while the rights of other asylum-seekers remained curtailed for over three years (ACLU 2020).

Nonetheless, there was little that advocates could do to shield their young clients from the risks involved in navigating the various agencies of the US immigration bureaucracy, especially during the first several months of the pandemic, when little was known about the virus and vaccines were unavailable. To begin, detention in ORR shelters, a source of vulnerability for unaccompanied minors even in normal times (Terrio 2015; Galli 2023a), became exponentially more dangerous. As congregate settings that detain groups of 15 to 120 children, depending on the type of facility (Ryo and Humphrey 2021), ORR shelters were prime settings for viral spread among children and staff living in close quarters, where available space did not allow for social distancing. One of the nonprofit case managers I interviewed had previously worked in an ORR shelter. She described how running day-to-day ORR activities, which include providing meals, medical care, and educational and recreational activities to children, became challenging and potentially hazardous:

"In the beginning, we didn't have tests. If a child or worker got sick, we didn't know whether it was COVID-19. Once we finally got testing, wow! We started knowing, and the kids were sick. They had to quarantine and isolate. [. . .] [All these kids] stuck in ORR shelters, and they can't interact [with each other] as much with the CDC guidelines".

Lockdown policies also made it more difficult for ORR staff to implement procedures to vet family member sponsors, at the very time when it was more urgent than ever to quickly release children from risky congregate settings. What had previously been, by comparison, relatively simple tasks for family members, such as obtaining and submitting paperwork and getting their fingerprints taken for background checks, became near impossible as the pandemic more broadly disrupted public infrastructure, and postal offices and other services shut down or limited their hours. This meant that children were stuck in ORR shelters for prolonged periods, as the case manager explained:

"Home studies were put on hold. We were trying to figure out how to do a home study in a safe way. I started doing them virtually, and I just accepted now that the virtual home studies are as safe as they can be, even if you can't see everything [in the sponsor's home]

or check [everything] you wanted to [. . .] we also had to make sure that children did not have COVID [before they were released], and it was hard to get to testing centers. For sponsors, we needed to get their fingerprints, and trying to find a fingerprint site that was open was another task, if sponsors needed IDs, or this or that, it was all delaying their case”.

Upon release from ORR shelters, unaccompanied minors interact with a maze-like system made up of multiple bureaucracies in the immigration and child welfare realms to pursue their claims for legal status and deportation relief. Each of these bureaucracies put in place its own policies to mitigate the spread of COVID-19 and made decisions about whether to stop or continue implementing their various mandates, including facilitating applications for immigration relief, granting rights and benefits, and carrying out deportations. Rules varied across systems and changed over time as the pandemic evolved. According to attorneys, their young clients were confused about how the pandemic would affect their cases and whether they still had to attend periodic hearings in immigration court.

Attorneys assessed that some bureaucracies adjusted to COVID-19 better than others, enabling them to continue to help youths apply for immigration relief. Concretely, the State of California’s family, dependency, and probate courts best managed the pandemic, transitioning relatively smoothly from in-person to telephonic and video-conference hearings. In these courts, attorneys obtain “SIJS findings” from judges who decide that it is not in the child’s best interest to return to the home country, which is the first part of the SIJS application process. Because youths age out of SIJS eligibility—they must obtain their “SIJS findings” before age 18 or 21, depending on the circumstances of the case—it was crucial that these courts stay open to enable unaccompanied minors to apply for this form of relief while they still qualified. According to advocates, these bureaucracies, which, more broadly, manage cases pertaining to family law and child welfare, successfully reconciled the concerns of limiting the risk of COVID-19 exposure for all parties involved, while also allowing applications for legal status to move forward. This example shows that reconciling these goals was not impossible in practice, and the state courts that were serving a broader population, which included not only immigrant children, but also US-born children and families, continued their operations. However, not all US agencies managed the pandemic in such ways.

The immigration courts neither protected immigrants, advocates, and bureaucrats from the risks of COVID-19 exposure, nor allowed for the disbursement of rights to continue. As one attorney put it, “it’s just obvious how little the immigration court cares about immigrants”. Tellingly, while case processing ground to a halt when it came to granting legal status, the immigration courts found ways to continue expediting deportations. Concretely, the Trump administration decided that the removal cases of both unaccompanied children and adults who were in custody should move forward, regardless of the risks of COVID-19 contagion and spread, and these immigrants were still forced to attend immigration court in person. This allowed the government to continue the deportations of those individuals whom it could most easily locate and expel. A *New York Times* report documented that the US government carried out various deportation flights with sick immigrants on board, thus playing a role in spreading the virus abroad to countries of origin (Kassie and Marcolini 2020), all the while using Title 42 as a public health measure to allegedly protect its citizens.

The Trump administration considered immigrants to be “in custody” for the new COVID-19-era processing criteria in immigration court, not only if they were detained in ICE detention facilities for adults—this included unaccompanied minors who had been transferred from ORR shelters to ICE upon their 18th birthday—but also in the cases of unaccompanied minors who had been placed in long-term foster care. The latter arrangements are made for approximately 4% of children in ORR custody who do not have family members in the US who can care for them (Ryo and Humphrey 2021). The new COVID-era case processing priorities thus most adversely affected the most vulnerable unaccompanied children, including those who had lost their protective status upon transfer to ICE and those who were completely alone in the US, without the support of their families.

Among immigrant children whose removal proceedings were moving forward, those who lacked legal representation were especially at risk of both COVID-19 exposure and deportation. Immigration judges in Los Angeles usually waived the presence of represented children in court, allowing their attorneys to attend telephonic hearings on their behalf instead. Conversely, children who were not represented had to attend court hearings in person, where they faced the risk of infection, in addition to the heightened risk of deportation that unaccompanied minors without attorneys face even in normal times. Existing research shows that legal representation vastly improves unaccompanied youths' chances of being allowed to stay in the US, from 13% to 75% (TRAC 2014).

One immigration attorney recounted the harrowing experience faced by her client, who was forced to attend immigration court in person, due to a clerical error. The attorney faced a difficult decision in this case, having to balance the risk of being exposed to COVID-19 while pregnant and the risk that sending her client to court alone would result in a deportation order:

"I filed an emergency motion [with the court] to request a telephonic appearance, citing the pandemic, the circumstances of me being pregnant, including a citation about why pregnant women were more at risk and shouldn't go to public places like a courthouse. I mentioned the fact that my client had a newborn baby and did not have childcare. She had just recovered from COVID and did not want to get it again, and she was scared about exposing her [newborn] daughter. [. . .] The judge denied [my request]. I knew she would, she wasn't a very sympathetic judge. [. . .] The client went [to court] with her baby. We sent an Uber for her. We didn't want her to take public transportation. [. . .] My supervisor appeared in person with our client, while I argued telephonically. I wasn't sure if the judge was going to get mad at me for not appearing in person. My supervisor went so we would have an attorney in court with the client and she wasn't alone".

This example shows how civil society actors found ways to manage the pandemic crisis by making difficult decisions that involved balancing their commitment to serving their young immigrant clients and risks to their own health. Ultimately, the supervising attorney took on the risk of attending court in person, protecting both her pregnant colleague from COVID-19 exposure and their immigrant client from the heightened risk of getting a deportation order, which she would have faced had she attended court alone.

The USCIS asylum office—another key agency of the US immigration system involved in the disbursement of rights (refugee status) to unaccompanied minors—shut down completely, putting all asylum cases on hold, starting in March 2020, and lasting through the end of that year. One of my attorney respondents had been among the first to return to in-person interviews at the asylum office. Her account suggests that the asylum office was still struggling to implement its new COVID-19 mitigation protocols at the time. The attorney described an asylum interview that was both dysfunctional and distressing for her client, exacerbating what is an already re-traumatizing experience for children in "normal" times (Galli 2023a):

"The asylum office refused to reschedule unless we had a COVID-related reason [. . .] I wasn't going to lie and say that I had COVID, or my client had COVID. [At the asylum office], me, [the client], and the interpreter were in three different rooms, each with a little iPad to see each other. But the audio wasn't working, so we had to use the phone for audio. The [asylum officer] was in a fourth room. But there were issues, because of the angle of the iPad, [the officer] could only see our foreheads. You know, in an asylum interview, so much is about credibility. I don't know how you gauge things like credibility with an iPad that's facing your forehead. [. . .] Because there were so many tech issues [. . .] we ended up being there past 5:00 p.m. When my client asked for a bathroom break, they denied it. It was past 5:00 p.m., and my client hadn't eaten or used the bathroom [. . .] It was a very sensitive case, and she wasn't given any breaks. Because I was in a separate room, whenever I tried to speak up, they were like, no".

These examples reflect how ill-equipped—or perhaps, unwilling—these agencies were to adjudicate cases during the pandemic, in ways that would be both fair and safe for asylum-seekers and their advocates. Immigration court and asylum office closures prolonged what were already protracted states of legal limbo for asylum-seekers in the US, a bureaucracy that was experiencing extreme backlogs of over 1 million cases even before the pandemic (TRAC 2022). However, according to my attorney respondents, the pandemic-era hiatus on asylum decisions also had some unintended positive effects; it halted an asylum system that had become far more focused on denying protection, rather than granting it (Galli 2023a). Grant rates had plummeted, starting in 2018 (TRAC 2021; Human Rights First 2020a), when the Trump administration upended the asylum precedent that had previously allowed some Central American unaccompanied minors—and adults—to qualify for asylum as victims of domestic violence and child abuse, or because of their family ties.

In this context, my attorney respondents characterized the asylum hiatus as a silver lining of the pandemic; one that, surprisingly, would ultimately play out in the favor of many of their clients. It was preferable for asylum cases to remain pending and not be decided because unfavorable case law under Trump would have forced even those immigration judges and asylum officers who would have otherwise approved cases to interpret asylum law more restrictively; as one attorney explained, “*if it wasn't for COVID [office closures], we would probably have had a lot more denials during the last year*”. Since asylum-seekers with pending cases obtain a stay on deportation, lawyers saw these delays as a gift of time and safety in the US for their clients.

In the meantime, attorneys strategized to keep applying for asylum, even for individuals who were ineligible under the new, narrower interpretation of refugee law under Trump, in hopes that, if their cases were sufficiently delayed, they may be decided after there were new developments in case law, or when a new administration was elected. Their predictions were correct. Soon after taking office, the Biden administration ordered the Attorney General to return asylum case law to the Obama-era status quo, once again making many Central American children and families eligible for asylum protection as victims of domestic violence and individuals persecuted due to their family ties. In this way, civil society actors creatively made use of an unintended consequence of government policies halting the functioning of the immigration bureaucracy, and they turned this to the advantage of their clients.

Nonetheless, the hiatus in decisions on petitions for immigration relief did not necessarily always mean that immigrant youths could simply apply for benefits and legal status at a later time. Because unaccompanied minors “age out” of SIJS eligibility, as noted above, as well as out of some special asylum protections upon turning 18 (Galli 2023a), they must still apply for relief as soon as possible, which is something they cannot do without legal representation, given the complexity of the law. As a result, once again, youths without legal representation were the most adversely impacted by COVID-19-era disruptions on the legal system, since they could not benefit from the legal strategy of “playing the long game”, which undermined their chances of being able to stay in the US in the long term.

Importantly, the US government does not provide legal representation to all unaccompanied children in removal proceedings, who can seldom afford expensive private legal services and must, instead, compete for free legal aid in scarce supply. In 2017—the last year data are available—unaccompanied minors attended court in the Los Angeles immigration court without an attorney 30% of the time (TRAC n.d.). The number of unrepresented unaccompanied minors is likely to have increased further during the pandemic. My attorney respondents noted that it became more challenging for them to find new clients during the pandemic, since most youths were no longer attending court. The juvenile dockets of the LA immigration court had previously provided the infrastructure and support where many unaccompanied minors obtained referrals and connections to nonprofits and private attorneys. For the first time, the same nonprofits that usually have long waitlists to take on new cases (Galli 2023a), instead struggled to find new clients. No longer interacting with

immigration court thus had mixed effects. On the one hand, youths were protected from COVID-19 exposure and the risk of deportation in the short term. On the other, youths had more trouble securing representation, and they hence risked becoming ineligible for deportation relief in the long term, since they delayed submitting their applications.

The COVID-19 crisis also made it far more challenging for attorneys to prepare applications for deportation relief for the immigrant youth whom they were representing. As with other workplaces, migrant-serving nonprofits also introduced new pandemic mitigation policies of their own, shifting all work to an online and remote modality. To continue to help their unaccompanied minor clients apply for asylum and SIJS, advocates had to learn how to do their jobs without any in-person interaction, which presented additional challenges for a form of lawyering that is difficult even in “normal” times, for several reasons (see Galli 2018, 2020, 2023a). For one, children’s developing minds are more susceptible than those of adults to the nefarious effects of trauma, which makes it more difficult for them to remember and disclose information crucial for a successful asylum case (Given-Wilson et al. 2016, 2018). To obtain the information necessary to prepare cases that stood a chance in court or at the asylum office, attorneys had to build trust with their young clients. As one attorney noted:

“The nature of the work [with children] is all about rapport building, and it’s hard to get the same effect on Zoom. [. . .] [In person], I can read their body language. I can sense when they’re not comfortable, when I need to repeat something, or take a break [. . .]”.

In the new virtual medium, attorney-client interactions were far more challenging than they had been in person. Reading body language was near-impossible, but this is crucial to conduct ethical and effective interviews with children because it allows lawyers to know when to pause their line of questioning, which can often be distressing in asylum and SIJS case preparation that focuses on details about past violence, harm, trauma, family abandonment, abuse, and neglect. Interactions in the new virtual medium weakened social ties between attorneys and their young clients, who could potentially feel less trusting, and, thus, more reticent, to disclose crucial information.

Technological and logistical challenges exacerbated the lower quality of these interpersonal dynamics. Many unaccompanied minors had limited access to smartphones, tablets, computers, and, perhaps most importantly, a reliable internet connection. In addition, because unaccompanied minors are a low-income population who often reside in crowded homes, many did not have a safe and private place where they could speak with their attorneys. The lack of privacy in interactions with clients, in turn, made it more difficult for attorneys and case managers to identify and intervene in delicate situations, such as when abuse was occurring in the home, at a moment when social isolation more widely exacerbated incidents of domestic violence (Kourti et al. 2021). One case manager shared how difficult it was to help a new client who was having problems with his father because she was unable to discern exactly what was happening in the home, which is indispensable before asking the Department of Child and Family Services to intervene:

“It was clear there were issues but since we couldn’t meet in person due to COVID-19 restrictions, it became really difficult to figure out [exactly] what was happening. Every time we called to talk to [our client], the dad was in the room. Even when we asked for a confidential space, it was clear somebody was listening. [. . .] As soon as the [LA] County restrictions were lifted a little, we said, ‘Okay, we’ll make an exception [. . .] so he can come [to the office], and we have a confidential space to find out what’s happening to the child, figure out his forms of relief and if he’s safe in his home.’”

With youths no longer coming to the office in person to discuss their cases with their attorneys, it was more difficult for advocates to identify and alleviate youths’ needs beyond the legal realm. For example, before the pandemic, case managers met briefly with each child when he or she came into the office to provide information about how to enroll in free health insurance under Medi-Cal. With meetings going virtual, it became more difficult to promote health insurance access, precisely at a moment when this was more important

than ever. Advocates complained that they were constantly working in “full-on crisis mode”, having to address unprecedented levels of need with organizational and welfare state resources, already scarce to begin with, further strained by the pandemic.

Pre-existing axes of inequality shaped which unaccompanied minors were most adversely affected by the transition to virtual interactions with their advocates. Indigenous children were particularly negatively affected. Some of these children did not speak Spanish, the language that most attorneys in Los Angeles use to communicate with their clients. Not only are indigenous language interpreters generally hard to find, but reliance on interpreters added a whole other layer of complexity to virtual interactions. Communicating through interpreters is generally more challenging when the parties involved are not in the same room. Calls also had to be scheduled around interpreters’ availability, but children and their caretakers, who had already seen their incomes decrease due to the pandemic, could not afford to miss any more work.

Some indigenous children had been placed in the care of adults who had limited literacy, for whom even something as seemingly simple as navigating the US postal system to send signed forms back to their attorneys was a formidable challenge. For these families, using a technology such as Zoom to interact with their attorneys or attend virtual hearings was an even greater, and often insurmountable, challenge. As one attorney explained:

“I would mail things to them, mark where they had to sign, including an enclosed envelope for them to mail back. [. . .] For some clients this was challenging because they didn’t understand the mail system [. . .] or what an envelope [or] a stamp was”.

Another group that was especially adversely affected were youths facing job and income loss. Many of these youths were no longer able to pay their phone bills, and, when their cell phone lines were disconnected, they became unreachable to their attorneys, who often have time-sensitive tasks to complete, including meeting the age-based eligibility criteria mentioned above. Missing those deadlines places youths at a heightened risk of deportation. In trying to get back in touch with my immigrant youth study participants in December 2020, I also found that some of their phone numbers were no longer in service, and I suspect many were disconnected for similar reasons.

In sum, the pandemic exacerbated youths’ social vulnerabilities, especially along pre-existing axes of inequality, undermining their ability to continue interacting with their attorneys, and, through them, with state systems, to seek benefits, rights, and deportation relief. These findings lend support to sociological understandings of the pandemic as a kind of disaster that both destroyed existing infrastructure and weakened social ties by disrupting the micro-level interactions between marginalized social groups and their advocates (Abrutyn 2022).

Unaccompanied minors who were enrolled in Los Angeles Unified School District (LAUSD) schools, however, were provided with tablets, laptops, and Wi-Fi hotspots. These devices were not only essential to enable youths to attend online school, but they also attenuated the challenges noted above by making it possible to stay in touch with their attorneys and keep up with their immigration cases. Nonetheless, case managers reported that technology access through the LAUSD program also had its problems:

“Some clients told us that the LAUSD computers are really old and don’t work. Their classmates are using their own computers and having an easier time. I also had multiple parents tell me, ‘Look, Miss, I know schools are providing computers, but I don’t want to sign the letter because it says there that if they lose or break it, I have to pay for it. And I can’t [afford to] pay for it.’ [. . .] Even if they do get the computer, the internet [is a problem]. A lot of our clients are saying that they have to wait for their parents to get home to do their homework using the hotspot on their parent’s phones”.

My own interview with Melani, a former unaccompanied minor from Honduras who was using one of the Wi-Fi hotspots provided by LAUSD, was cut short, due to the extremely poor quality of the internet connection. We each had to repeat ourselves various times before the other could understand, and I was able to glean only superficial

information about Melani's life. This was a first-hand experience of what was lost to advocates when in-person interactions with their clients became impossible. Notably, while my interview protocol was composed of relatively mundane questions about everyday life, attorneys were forced to probe into past trauma and harm over this less-than-ideal new virtual medium. Melani's free internet connection was far too unstable to have allowed her to interact with her attorney. Luckily, she had already been awarded asylum. Youths who had to file brand-new asylum or SIJS cases, which require multiple, hours-long information-collection interviews with attorneys, were more disadvantaged by poor technology access than those whose cases had already been filed before the pandemic and were either pending or had been granted.

While advocates, of course, knew and appreciated that working from home and social distancing were important to prevent COVID-19 exposure, many of them concurrently saw some of the policies that their organizations put in place to protect them as unnecessary "red tape". They were frustrated at their organizations' inability to adapt quickly, and sometimes took matters into their own hands, deciding how to balance health risks with their commitment to help youth. For cases that they considered delicate—for example, if a client was suicidal or, as mentioned above, when there was suspected child abuse—staff asked managers for exceptions on a case-by-case basis to meet with clients in person. However, attorneys complained that approvals took too long; all the while, they still faced unrelenting deadlines from the immigration bureaucracy, and youths had urgent needs:

"I worked with an indigenous kid who came into the country four weeks before his 18th birthday. He was living with a family member, and they had one shared cell phone. They came from this very rural community, [where] things like Zoom were just not available. The phone calls were really difficult to coordinate. Spanish was not his first language. Arranging for an interpreter plus his sponsor to all be present and use the software was difficult. [. . .] The sponsor would be at work every day during business hours, and I couldn't text her because she couldn't read or write. So, I had to rely on phone calls with the sponsor to arrange times to talk to the client. And even then, we had to get signatures and submit his applications in the mail before his 18th birthday, and there was a huge delay with postal services. So, it became really difficult to decide what to do with the [COVID-19] protocols at [name of nonprofit organization]. I ended up meeting with him in a public park to make sure that we were able to apply for asylum, to get it in on time. And I sort of got in trouble for it, but there was just no other way to do it".

This was not the only attorney who prioritized her client's needs and immigration case over personal health concerns. The fact that advocates went above and beyond to continue their jobs, even occasionally going against employer policies and "getting in trouble" to find ways to restore the interpersonal interactions that are crucial for their work with unaccompanied minors, reflects a strong civil society response and heightened solidarity during the COVID-19 pandemic (Matthewman and Huppertz 2020).

Despite their best efforts, however, it was more difficult for attorneys to keep their young clients interested and engaged in their immigration cases at a time when youths were facing other, more pressing, concerns. As described in the section above, unaccompanied minors were disproportionately vulnerable during the pandemic, as they were juggling multiple problems tied to job and income loss, food and housing insecurity, and sickness. In this context, applications for immigration relief shifted from being an ever-present preoccupation in youths' minds (Galli 2020, 2023a), to being a second-order priority, as one attorney recounted:

"One of my clients [a 19-year-old] lost his job and could no longer pay rent. He experienced a period of homelessness and [. . .] I lost touch with him [for months]. And then, finally, we reconnected, and I was talking to him about priorities in his case, and what I was I thinking about [in terms of legal strategy], and I had this very sobering moment when he was really honest with me. He was like, 'I just don't care [about my case] right now. That's not what I'm worried about. I'm worried that my employer didn't

give me my last check, and my cousin kicked me out of her house, [and now] I'm living in a crowded home with a lot of people who are essential workers."

As the COVID-19 crisis exacerbated the social vulnerabilities of unaccompanied minors, this had crucial implications for youths' ability to continue to engage with their legal advocates and with state systems to claim legal status and rights.

6. Conclusions

By sorting immigrants into different categories, the immigration bureaucracy disburses rights and legal status, on the one hand, and enables states to carry out deportations on the other. The COVID-19 pandemic put both processes on hold, albeit to different degrees. The diverging approaches undertaken to manage the pandemic by the different bureaucracies that unaccompanied minors navigate in the US show that continuing to distribute rights to non-citizens was possible in practice, but this was not a priority for the federal government and its immigration apparatus, which, instead, chose to privilege exclusionary goals. These contrasts reveal how states instrumentalize crises to curtail non-citizens' rights and augment immigration control.

Concretely, the State of California's family, probate, and dependency courts that grant "SIJS findings" were able to pivot to online modalities seamlessly enough to allow advocates to continue applying for SIJS for their unaccompanied minor clients, while also limiting the risk of COVID-19 exposure for all parties involved. These agencies continued their operations because their mandate is not focused on immigration enforcement, and they serve not only immigrants, but all children and families. Conversely, the asylum office and immigration court no longer heard asylum claims to distribute rights. Tellingly, however, the immigration courts did continue their operations to the extent that this enabled the removal cases of detained immigrants and unaccompanied children in foster care, who could easily be targeted for deportation, to proceed, and the courts even required in-person presence for some cases, putting immigrants, advocates, and bureaucrats at risk of contagion. Several deportation flights were also operated during the pandemic (Kassie and Marcolini 2020), with little regard to whether those on board were sick and could spread COVID-19 abroad. What's more, while the State of California and LA County implemented some policies to expand access to the social safety net and mitigate the adverse impacts of the pandemic on its undocumented residents, the Trump administration, instead, chose to exclude undocumented immigrants and their household members from support under the CARES Act.

Perhaps the most impactful way in which the Trump administration capitalized on the pandemic crisis to augment immigration control was by using Title 42 to effectively close the border to new immigrants seeking entry, upending the rights of asylum-seekers and unaccompanied minors, in violation of non-refoulement and the TVPRA. Despite the fact that experts had long argued that closing the border is not an effective public health measure, the Biden administration continued to use Title 42 to curtail the rights of asylum-seekers for over three years, even as the US government largely abandoned other COVID-19 management policies. Even as it ended its use of Title 42, the Biden administration introduced a host of other policies hindering access to asylum drawn from Donald Trump's playbook, which were, concretely, a ban on asylum eligibility for those for who transit through countries that are party to the Refugee Convention and those who try to enter without scheduling an appointment through CBP One, an app riddled with glitches (Galli 2023b; Immigration Impact 2023). These draconian developments demonstrate that, when the rights of protected groups of immigrants are undermined during supposedly exceptional moments, the devaluation of rights not only tends to outlive the crisis, but also sets dangerous precedents that make it easier for future governments to pursue anti-immigrant agendas.

This case study lends support to the critical scholarship that argues that states construct crises and "states of exception" strategically to exclude undesired non-citizens (Agamben 2005), while also showing that, even in these moments of augmented state power, there is

room for resistance and maneuvering by civil society from the bottom up. While advocates could not block the use of Title 42 outright, they did succeed with a class action lawsuit to protect the rights of unaccompanied minors who were no longer subject to the policy at the US-Mexico border, starting in November 2020. Advocates also played a key role in mitigating the legal and social vulnerabilities of unaccompanied minors who were facing removal proceedings in the US, and they were able to use the unexpected positive consequences of the pandemic hiatus on asylum decisions to the benefit of their clients. Slowing down the bureaucratic machinery that both grants refugee status and facilitates deportations—which was far more focused on the latter under Trump—was a silver lining of the pandemic that benefitted unaccompanied minors who had escaped from child abuse or who were being targeted due to their family ties in Central America, who would have qualified for asylum under Obama-era case law, but were almost certain to be denied under Trump. The Biden administration upended Trump-era case law and restored asylum eligibility to the Obama-era status quo. Some of these children can now once again hope to be recognized as refugees and find safe and stable futures in the US because advocates strategically continued submitting their asylum applications, despite the unfavorable Trump-era legal context. Those youths who lacked legal representation and delayed submitting their applications for relief, however, might not be so lucky.

Contrary to more pessimistic analyses ([Abrutyn 2022](#)), I found that COVID-19 was not a disaster that provoked anomie and amplified social cleavages. Instead, solidarity from civil society actors towards immigrant children that remained strong ([Matthewman and Huppertz 2020](#)). Despite new challenges, my advocate respondents demonstrated renewed commitment to assisting unaccompanied minors, working harder than ever, and making difficult decisions, including going against organizational policies and assuming health risks. Nonetheless, even in “normal times”, there were already many limitations to what civil society could do to help undocumented immigrant youth in a context that does not guarantee free legal representation to all children in removal proceedings, provides limited funding for immigrant-serving nonprofits, and largely excludes undocumented immigrants from welfare benefits. The resources at advocates’ disposal to help youths, already scarce to begin with, were stretched even thinner during the COVID-crisis.

The pandemic also certainly undermined existing infrastructure, including by shutting down the physical spaces and in-person services that had been essential to help youths find legal representation, and disrupting the in-person interactions between immigrant youths and their advocates that are crucial to establish the trust necessary to prepare successful asylum and SIJS cases and to identify and alleviate youths’ needs and vulnerabilities beyond the legal realm. Advocates lamented that it was impossible to achieve the same rapport with their young clients as remote work policies transformed lawyering by shifting it to new virtual mediums such as Zoom, which made it far more difficult to effectively interview traumatized immigrant youths who are already reticent to share information in person ([Galli 2023a](#)). The adverse effects of the COVID-era crisis on access to rights were felt most strongly by the most vulnerable unaccompanied minors, in particular, those who lacked legal representation, those who had not yet submitted their applications for relief, those who were in detention facilities or in foster care and without family support, indigenous youths, and those experiencing job or income loss and other forms of heightened social vulnerability.

The COVID-19 pandemic undoubtedly presented very real challenges for the functioning of state bureaucracies and services. Yet, the US immigration system was arguably undergoing a crisis long before 2020, the origins of which lie in the bureaucratic mismanagement of the immigration courts and asylum offices nationwide, with backlogs soaring under both Obama and Trump. This situation was exacerbated by the pandemic pause on case processing: by the end of 2022, nearly 2 million cases were pending in immigration court, and over 470,000 were pending at the asylum office ([TRAC 2022](#); [Galli 2023a](#)). Addressing the backlog so that these systems can return to dispensing rights and benefits poses a formidable challenge for the US government. With increasing numbers of immigrants in

these systems, the demand for legal services continues to increase; all the while, nonprofits' resources are not being sufficiently augmented through additional funding. Until these problems are resolved, formally protected unaccompanied minors and asylum-seekers will continue to be denied rights and to be excluded from the social safety net, facing lengthy legal limbo and persistent intersecting social vulnerabilities.

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Notes

- ¹ This study received IRB approval. I obtained verbal informed consent from research participants and their parents or other adult caretakers when study participants were under age 18. To protect the anonymity of study participants, I omit the names of the nonprofits where I conducted my research, and all names used in this paper are pseudonyms.

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