Factors Influencing the Decisions, Acts, and Behaviors of Children and Youth Seeking Refuge in the United States

A Consensus Report

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Introduction and Rationale

The current report reviews the developmental, psychological, and environmental factors that influence the conduct and behaviors of children and youth (generally, ages 6-25) seeking refuge in the United States. During immigration proceedings, interpretations and assumptions regarding child and youth behavioral histories commonly influence legal and judicial decisions. These include decisions, acts, and behaviors relating to child and youth histories in their respective country of origin, as well as histories during their time in the United States. This consensus report reviews general considerations relevant for interpreting child and youth behavior, as well as specific factors and experiences that are particularly relevant for immigrant child and youth populations.

Adjudicators in the field often follow two common but faulty assumptions: that problematic behaviors on the part of children and youth result from (1) fully conscious, volitional, or intentional processes, or (2) fixed, permanent, or necessarily long-term patterns of behavior. In fact, the scientific literature and our combined experience teach that many children who find themselves seeking refuge have experienced significant and multiple traumatic events. Impaired decision-making and behavioral regulation are commonly a response to (or a function of) prior trauma exposure. Indeed, as a universal feature of human psychology, individuals exposed to abuse, violence, and threat in childhood and adolescence will prioritize survival skills (e.g., fight or flight) over executive control and emotion regulation skills—with a clear, corresponding impact on decisions, acts, and behaviors. And yet, these natural human responses to acute trauma or adversity are not irreversible. Rather, children and youth are highly amenable to rehabilitation and positive transformation, especially within the context of child and adolescent development.

With an eye towards informing judicial and other legal personnel responding to the needs and requests of immigrant populations, this report reviews the developmental, psychological, and environmental factors that influence the conduct and behaviors of children and youth (generally, ages 6-25) seeking refuge in the United States. This report offers general considerations relevant for interpreting
child and youth behavior, as well as specific factors and experiences that are particularly relevant for children and youth migrating to seek refuge. The goal is to inform legal proceedings pertaining to immigrant children and youth seeking refuge to ensure better and more fair outcomes that take into account the psychological and medical research on the impact of trauma and adversity on children and adolescents. The report demonstrates that maladaptive behaviors seen in protection-seeking children are not permanent or irremediable. Rather, fulfilling the inherent needs of children and youth for security and safety diminishes the need for self-protective survival behaviors that can lead to adverse psychological and legal outcomes; aids healthy socio-emotional development and social and educational engagement; and heightens their sense of control and agency. Decreased perceived dangers or threats, an increased sense of control and agency, and greater social and academic engagement allow child survivors to begin healing and thriving in their new contexts.