

### **Research Problem, Aims, and Hypothesis**

This project explores the legal representation of unaccompanied children who migrate clandestinely from Fujian Province, PR China to the U.S. Specifically, my dissertation research asks how the actors who shape the legal identity of apprehended Fujianese youth- cause lawyers, immigration judges, family member and the youth themselves- negotiate the tensions that exist between U.S. immigration law and the socioeconomic reality of Fujianese child migration. My preliminary research suggests these tensions are largely mitigated through the often successful but not sufficient practice of best interest claiming on the basis of reified *difference*- in this case, age and Fujianese “culture.” I expect this dissertation research to more clearly reveal the unrecognized and potentially detrimental effects that “successful” best interest claims (i.e., those that result in granted legal status, established precedent, and avoidance of repatriation) have on the private lives of Fujianese youth. Furthermore, this research will provide unique insight into how lawyers understand culture, the circumstances in which their claims that culture should be recognized in a legal setting are accepted, and unaccompanied youths’ active participation in the traditionally “adult” realms of rights and representation.

This research focuses on the legal “contact zones” (Pratt 1992; Merry 2000) through which apprehended unaccompanied Chinese youth –nearly all of whom are from Fujian Province (Skeldon 2000; Uehling 2008)- move in the U.S. Contact zones are physical spaces: a detention center meeting room, where the young person is interviewed by an attorney, or an immigration courtroom, where she sits before the judge. They are also more abstract spaces “where disparate cultures meet, clash, and grapple with each other, often in highly asymmetrical relations of domination and subordination” (Pratt 1992:4). Having compromised her own national citizenship by leaving China unauthorized, the apprehended Fujianese youth enters U.S. contact zones positioned between two contradictory practices of rights, at the “disjuncture between physical and legal presence” (Coutin 2003). Because she is under age eighteen, the state acts as a discretionary guardian, providing her food and shelter as “inalienable” rights. At the same time, having not ratified the Convention on the Rights of the Child and thus not required to provide unaccompanied youth with comprehensive guardianship or effective legal representation (Bhabha 2009), the state normalizes the child’s detention and weakened ability to claim citizenship rights. Her contradictory and expanded relationship to state institutions (Brown 2006) makes her an active political or legal subject as well as a regulated, subordinated, and disciplined state subject (Burchell, et. al 1991; Hindess 2004; Foucault 2008).

In this context of rights and regulation, and with an accordingly tenuous claim to what Benhabib calls “the human right to membership” (2004:73), the unaccompanied youth must be made “legible” before the law (Scott 1998:32). To understand this process as it pertains to Fujianese youth, my project asks: How and why do cause lawyers, for whom lawyering is a “deeply moral or political activity” (Scheingold and Sarat 2004:2), frame the cultural and economic realities of their Fujianese clients in order to guarantee them some measure of legal relief? My own research in federal shelters, immigration courtrooms and legal clinics in Chicago evidences that as cause lawyers advocate for what they perceive to be in a child’s best interest (such as her right to family reunification or asylum), the persuasiveness of these claims is contingent on the defendant’s age and the “narrowed” narrative that is told about her in court (Mather and Yngvesson 1980). As an example, one possible legal protection, Special Immigrant Juvenile Status (SIJS), allows qualified unaccompanied youth to obtain lawful permanent residency on the grounds that family reunification is not viable (due to abuse, neglect, or abandonment) and that it is not in the child’s best interest to return her to previous country of

nationality (TVPR §235(d)(1)). In this situation, the child's legal status largely depends on the extent by which she is portrayed –and self-identifies- as a rights-worthy child from a patriarchal, authoritarian state who did not consent to her migration journey, as opposed to a much-less defensible or pitiable “economic migrant.” While this skillful manipulation may produce success in one realm (legal status), it may simultaneously compromise the child's long-term financial commitments and personal relationships.

To clearly problematize this understanding of “success,” my research will attend to Fujianese youths' deliberate accumulation of legal knowledge, the multiple transitions they experience in the U.S. (adulthood, assimilation, employment), and their complicated status as “terrain[s] of *semi*-autonomy” (Jeffrey and Dyson 2008:6) during and upon release from detention. I will conduct my second phase of research within local Fujianese communities; here, the released Fujianese youth- no longer a “dependent” charge of the state- can be viewed as an independent, transnational economic actor, this time with legal status. Even with a “successful” legal claim, however, young Fujianese often reassume tremendous economic and filial obligations (typically connected to smuggling fees) (Kwong 1997; Chin 1999; Liang and Ye 2001; Keefe 2009). This portion of research will identify and explore the effects of these obligations, which include long work-weeks, limited opportunities for education and language training, few interactions with other people, and the compounding of complex, private anxieties that young people –let alone young immigrants- face. The data I collect will detail these realities, youths' unique perspectives on their legality, and the limited availability of familial, educational and social support in this transitional phase. This will bring to light the largely unknown latter stages of Fujianese youths' migration journeys, thereby more comprehensively problematizing the laws and ideologies that govern unaccompanied youths' rights (and their representation), the legal definition of “success,” and the stabilized and stereotypical versions of “Chinese culture” that often emerge in legal claims.

Through an analysis of the discourse and behavior of cause lawyers, immigration judges, and the youth themselves, I will demonstrate that the current practices by which cause lawyers advocate for unaccompanied Fujianese youth (which may disallow or selectively absorb certain understandings of age, rights, and Chinese family economy) have potentially life-long and far-reaching effects on their clients. Despite increasing numbers of Fujianese children moving through detention centers and immigration courts each year (Haddal 2007), the tensions that these “contact zones” exhibit have received relatively little scholarly consideration, let alone in-depth, sensitive inquiry. As an age-appropriate and multi-sited ethnographic project, this research aims to address this deficiency by making visible the problematic junctures of legal ideology, “best interest,” and “culture” that exist in the contact zones of unaccompanied Fujianese migration, as well as the unintended, private consequences of “successful” legal claims.

### **Review of Literature and Significance**

My project draws on the following areas of scholarship: 1) socio-legal studies of the rights and regulation of unaccompanied youth; 2) the anthropology of youth; and 3) Chinese kinship. This paper identifies the management and expression of a Fujianese youth's legality as predicated on a powerful, limited definition of rights. As evidenced in the Universal Declaration of Human Rights (1948) and, significant to this project, the Convention on the Rights of the Child (1990), rights are inherent in all humans and thus precede the state. These “inalienable” rights prove uniquely tied to citizenship, however, for only a state can provide and guarantee the basic protections of life, liberty and security to its members (Arendt 1966; Malkki 1997). It is the

*stateless individual*, here the detained Fujianese youth, who exposes the limits of these supranational “inalienable” rights. Her presence doesn’t break the presumed continuity between man and citizen, nativity and nationality (Agamben 1998). Rather, the unaccompanied Fujianese youth evidences a “continuum” of citizenship, experiencing the different degrees of membership that distinguish illegal immigrants, legal residents, and citizens (Schuck 1998; Calavita 2005). It is often through the essentialized conflation of cultural identity with discrete nation-states (Chu 2006; Gilroy 1993) that attorneys most successfully appeal to the hierarchical ideology of rights that constrains them as well as their Fujianese clients. Here emerges a powerful dissonance, for “those rights discourses in which culture is invoked as an argument... [don’t belong] to those who may need rights protected, who talk in terms of wrongs and needs, not rights and culture” (Chanock 2000:15). Following Coombe, we must note how difference is “made and remade” (2000:37) in the contact zones of unaccompanied Fujianese youths’ legality, and what the costs are of essentializing differences *between* social groups and denying the differences *within* them.

The second area of scholarship is the anthropology of youth, which explores children’s cultural practices and the emergence of identities that uniquely evidence global capitalism, transnationalism, and local culture (Bucholtz 2002). Drawing from this approach, my project emphasizes the agency and age-specific positionalities of apprehended Fujianese youth. Specifically, it focuses on youth in the legal sphere, a space in which young people integrate into a social fabric and through which possibilities for meaningful transitions to adulthood, legal engagement and self-expression arise (Venkatesh and Kassimir 2007). At the same time examining the child’s tenuous legal status and her social and emotional needs as a dependant (Atkins, et. al 2008; Gozdziaik 2008), this research builds from the argument that identities are “forged in relation to law, in accommodation and in resistance to it” (Coombe 2006:53).

The unaccompanied child’s unique internalization of and responses to the law (as well as to the state, the private sector, and so on) emerge on multiple levels. First, the child’s autonomous and unauthorized presence in the U.S. *implicitly* challenges conceptualizations of children as exclusively dependent (Coutin 2005). Following Das’ argument that “passive states... are not seen as lacking in intentionality,” this research pays particular attention to every-day interactions and relationships between those persons conceived as active agents (here, attorneys, advocates and judges) and the children who are “perceived as passive recipient[s] of forces that emanate from outside [themselves]” (Das 1989:273). Besides contributing to our understanding of the child, delineating these conceived and perceived roles will also contextualize the child’s identity and rights within the framework of an “adult-centered” society like the U.S. (Scheper-Hughes and Sargent 1998). Secondly, by identifying the deliberate decisions children make- often alone- in the course of migration, this research also hopes to *explicitly* convey the “overtly agentful” (Coe, et. al 2008) roles of unaccompanied youth. Identifying the “spatialized networks of practice” by which youth mitigate their exclusion and develop new forms of social mobility will underscore youth strategies in everyday and uncommon processes of change (Jeffrey and Dyson 2008; see also Jeffrey et. al. 2008).

Despite the recent attention paid clandestine child migration in social and legal studies (Seugling 2004; Bhabha and Crock 2006; Byrne 2008; Uehling 2008), still no research has exclusively considered youth from PR China. In this third section, I place in opposition two bodies of literature: that which has introduced or perpetuated essentialized versions of Chinese kinship (which are often evidenced in an attorneys’ cultural defense), and recent interdisciplinary work that explores Fujianese migration trends and family strategies. While the over-simplified or stereotypical versions of Chinese culture utilized in legal contact zones are relatively obvious, it

is more difficult to distinguish the “orthodoxy of the lineage paradigm” (Dos Santos 2006) that influences this practice. Largely developed by anthropologists in the 1960s, the lineage paradigm puts forth a male-centric, politico-jural model of the “Confucian family;” it is founded on shared norms (such as patriarchy and filial piety), shared resources, and a common ritual base of ancestral duties and obligations (Fei 1947; Freedman 1958, 1966; J. Watson 1982). Though subtly challenged by Wolf’s “uterine family” (1972), R. Watson’s attention to social inequality (1985), and Judd’s emphasis on women’s relationships within natal families (1989), the lineage paradigm shaped and continues to allow for a static notion of “Chinese Culture.” Returning to the aforementioned discussion of “remade” difference (Coombe 2006), the academic discourse on Confucian culture emerges with greater significance, for it “constitutes a form of Orientalist economics that constructs Chinese culture as a set of timeless ‘Oriental’ essences that exist in radical separation from and opposition to the West” (Greenhalgh 1994:747-8; Said 1978).

Moving from and against the Confucian family model, I turn to more recent scholarship on China. Relevant research situates Fujianese migration trends in state reform policies and economic development (Kwong 1997; Chin 1999; Liang and Ye 2001; Keefe 2009) as well as in established migration networks in the U.S. (Kotlowitz 2006; Massey, et. al 1994). The picture of emigration is further complicated by Julie Chu, who argues that Fujian Province has a distinct “politics of destination” (2006) by which the identities of “emplaced” Fujianese -those who will not or have not yet migrated- are remade in relationship with others’ actual (and showy displays of) transnational migration. As a powerful challenge to the aforementioned essentialized difference of Chinese, Chu demonstrates the normative yet *differentiated* mobility of Fujianese migrants (Chu 2006; see also Massey 1993). Taken together, this research creates a more detailed picture of the economic and socio-cultural motivations for Fujianese migration; however, it grants little –if any- specific attention to Fujianese youth. While some recent scholarship specifically examines how youth from China navigate and reconfigure networks of family, finance and tradition (Fong 2004; Ikels 2004; Miller 2004; Ngai 2006), still no one has asked how Fujianese youth uniquely negotiate quickly-changing filial and economic obligations in post-socialist China or in the unfamiliar spaces of U.S. law and regulation.

### **Preliminary Studies and Preparation**

My academic and professional experience provides me a strong basis for researching unaccompanied Fujianese migration. In my undergraduate studies at Loyola University Chicago I majored in Anthropology and International Studies and minored in Asian Studies. From 2001-2005, I worked for Chicago’s Heartland Alliance Refugee Services as an ESL teacher and after-school program director. As my proposed fieldwork will be in part conducted at Heartland Alliance’s international Children’s Center (ICC), this employment experience provided me valuable familiarity with the structure and activities of this organization. In 2005, I moved to Sichuan Province, China, where I served as a research and field assistant for Alpha Communities Sichuan (ACS), a nonprofit that develops long-term education and environmental initiatives. There, I conducted qualitative and quantitative data collection and also developed manuals and workshops for local community members. Coupled with over five years of language training, my time in China granted me a deeper familiarity with various local norms and state and economic structures, as well as with a variety of research and communication strategies.

Since beginning graduate studies at the University of Washington in 2008, I have taken foundational classes in anthropological theory, methods, and analysis. I have also taken coursework in studies of youth and transitions to adulthood, undocumented migration, the

anthropology of law, sociolegal research and methodologies, Chinese political and demographic history, and Chinese kinship. I am concurrently pursuing a graduate certificate in sociolegal studies through the UW's Comparative Law and Society Center (CLASS).

In the summer of 2009, I began volunteering as a child advocate and research assistant for the Immigrant Children's Advocacy Project (ICAP) at the University of Chicago, an organization that provides legal support and advocates for the best interest (safety and well-being) of unaccompanied children. This experience familiarized me and placed me in a position of trust with ICAP's director, Maria Woltjen, as well as with other Chicago-based actors and agencies that work with unaccompanied youth, including staff at the National Immigrant Justice Center (NIJC) and the International Children's Center (ICC). It also introduced me to numerous detained, released and resettled Fujianese youth, with many of whom I still maintain contact.

In June, 2010, I conducted research at the U.S.-Mexico border in Arivaca, AZ and Nogales, Sonora through UCLA's Ethnoarchaeology of Undocumented Migration field school. This research familiarized me with the geopolitical landscape of U.S. border crossing, the state actors apprehended Fujianese youth first encounter in the U.S., and the translation and welfare provision (or lack thereof) immediately available young detained migrants. From July-September of 2010, I conducted research in Chicago through the aid of a pilot research grant from the University of Washington's Department of Anthropology. Drawing on my already-established rapport with ICAP staff and my familiarity with the state and national institutions involved with unaccompanied youth, I used snowball-sampling techniques to locate and conduct extensive interviews with fifteen attorneys, law professors, child advocates and detention center staff who work on behalf of unaccompanied Fujianese youth. The majority of these individuals work in Chicago, though I conducted telephonic interviews with individuals in California and New York. During this time, I also attended numerous immigration hearings, observed "Best Interest Determination" (BID) Panels with legal experts, and collected archival and statistical data. My research provided greater insight into cause lawyers' training and motivations, their specific work on behalf of unaccompanied Fujianese youth, and their knowledge of Fujianese economy and "culture." I transcribed all interviews and performed a content analysis of each, and my data was incorporated into a research competency paper for which I will receive my Master's degree (expected March 2011). This research guides my dissertation project, and it has proven invaluable in gaining trust and access to young people in federal custody, as well as to the adult actors who influence the legal lives of unaccompanied Fujianese youth.

### **Research Design and Case Selection**

From August, 2011 to January 2012, I will conduct interviews, observe relevant exchanges, and collect and trace documents to understand the discursive utilization (and long-term outcomes) of age and culture in legal advocacy on behalf of unaccompanied Fujianese youth. My fieldwork will focus on four principal areas: 1) detained Fujianese youth in federal shelters; 2) immigration proceedings; 3) the tracing of documents, and 4) Fujianese communities in New York. This case will not only shed light on the legal lives and experiences of those youth at the forefront of my study, but it will allow for careful generalization to other apprehended unaccompanied youth in the U.S and their cause lawyers, for whom culture is understood and utilized in immigration courtrooms to "successfully" obtain legal relief. In collaboration with the University of Washington Internal Review Board and the research review committees of youth detention centers, I will develop strict confidentiality procedures. I will also secure necessary permission from the Office of Refugee Resettlement for the shelter component of my research.

All consent or assent forms will be presented in English and Mandarin, and project participants will be thoroughly informed of the scope of this research, as well as of their right to withdraw at any time. The anonymity of participants will be maintained for the duration of this project, and all collected data, written transcripts and field notes will be stored in a secure, private location. I will destroy audio recordings following transcription.

*Phase One: Chicago (August 2011- January 2012)*

As the two primary “stops” along unaccompanied children’s journeys in the U.S., detention centers and immigration proceedings are spaces in which the private pressures of clandestine migration merge very publicly with U.S. immigration policy, legal advocacy and family interests. This phase of research will utilize these two spaces to investigate how Fujianese youth and legal advocates understand and organize transnational attachments, economic obligations, and shifting understandings of legality and identity.

1) *Unaccompanied Youth in Federal Shelters*: I will carry out fieldwork at the International Children’s Center (ICC) for approximately five months. During this time, I will comprehensively survey the process of legal orientation that Fujianese youth experience in detention. While it remains unknown how many Fujianese youth will pass through ICC during this period of research, I estimate a sample size of 40 youths. There are, on average, ten Fujianese youth in the shelter at any given time, and their typical length of stay is 45 days. Most of these youth are age 17, and they are fairly evenly divided by gender. My research will begin with cohorts of newly detained youth (as opposed to young people who have been in detention for a while). Following an introductory interview with each young person, I will observe the initial “Know Your Rights” presentation and legal intake evaluation she receives from a legal advocate. I will conduct one one-on-one interview with each participant every other week until they are released; in these interviews, I will note family histories, migration narratives, the availability of communication between the detained youth and her family, and the employment and legal expectations that each youth reports. I will also observe subsequent meetings between the youth and her legal advocate. As project participants gain familiarity with the legal options that may be available to them (family reunification, Special Immigrant Juvenile Status, asylum, and so on), I will invite youth to describe these legal protections for me in their own words. I will ask them to identify how and from whom they have this knowledge and to discuss what they feel are the benefits or drawbacks of various legal protections.

By attending to the deliberate accumulation of legal knowledge throughout youths’ detainment, I will identify the key stages of legal orientation, the actors who shape youths’ legal identities (cause lawyers, youth themselves, family members), and the unique ways in which legal ideologies are translated- first between attorneys and youth, and secondly between youth and their families. Throughout, I will employ ethnographic methods appropriate to the age and tenuous legal status of my primary research population, including narrative interviews and kinship mapping. These tools will enable respondents to describe daily life and life histories on their own terms, thus revealing those aspects of legality and identity that Fujianese youth find significant. To maintain as comfortable and safe an atmosphere as possible, I will take notes (rather than tape record) all interviews with young participants.

In 2010, I conducted extensive interviews with attorneys who work on behalf of Fujianese youth in Chicago. As they are now familiar with my research, I will again interview these and other relevant legal advocates, this time inquiring of their specific concerns or strategies regarding the legal claims of youth in my sample population. Identifying the economic and familial elements that intake evaluations elicit, I will ask attorneys to discuss the relative

significance of these elements as they decide whether or not to assume a youth's case. If an attorney does agree to represent the youth, I will ask the attorney to describe how she will utilize and present the Fujianese youth's (perceived) economic and "cultural" background as a best interest determination and grounds for legal relief. I will also ask legal advocates, like Fujianese participants, to discuss what they feel are the benefits and drawbacks of various legal protections for their clients and clients' families. In this way, I will observe the process by which the actual and very complex socio-economic realities of Fujianese migration, are "narrowed" into limited accounts that best appeal to an ideology of rights (and rights-worthiness). This will help demonstrate the powerful tension that exists between the moral and political goals of cause lawyers- many of whom, I've found, are impressively familiar with their client's financial and familial commitments- and what they identify as the limited, long-term effects of legal "success."

## *2) Immigration Proceedings and Tracing of Documents*

I will conduct this research in conjunction with my fieldwork at ICC, accompanying those individuals within my sample population to immigration hearings and meetings with attorneys and legal advocates. In court, I will note specifically the participation of youth, judges, and lawyers in hearings, the availability of translation services, and the ways in which legal discourse is shaped for a young, non-English speaking audience. I will also pay particular attention to rights and best interest discourse and the times in which attorneys utilize "culture" to legitimate legal strategies and protections. During this period of fieldwork, I will also compile and analyze the various types of institutional paperwork that track Fujianese youth in federal custody, including transfer forms between agencies, shelters and families, immigration applications and rulings, and affidavits and case documents. These documents will be added to those I collected during pilot research in 2010. Performing a content analysis of each document and coding for key terms will allow me to critically compare the institutional and legal discourses *about* Fujianese youth with the articulations of individual youth and family members that I acquire in other fieldwork sites. This will better delineate the tension that exists between state and legal representations of youth and the lived experiences of youth themselves. It will also contribute theoretically to scholarship that considers the remaking of "difference" in legal contact zones (Coombe 2006).

## *Phase II: Fujianese communities in New York (February 2012- July 2012)*

In this second phase of research, I will explore a number of yet-unconsidered forces that shape the young person's on-going migration journey. These include: family members who aid in the child's migration and resettlement processes, educators, and social service providers in New York City, where over 200,000 Fujianese live (Macabasco 2005). As my foremost informants, I will also focus on the youth who live and most likely work in these Fujianese communities. I will begin this portion of research by identifying ten young, resettled Fujianese who might safely consent to participate in this research. Most, if not all, will be youth from my initial sample at ICC with whom I've kept in contact. Others may be young people I met during preliminary research in Chicago. With these individuals, I will employ appropriate ethnographic methods, including participant observation and informal one-on-one interviews. I will ask the child to describe her resettlement process and the realities she expects in her future. I will also emphasize the significance of the child's interpretation of her legality, inviting her to discuss her detention and legal representation, as well as broad aspects of unaccompanied youths' "management" that might be made more appropriate or transparent for Fujianese children.

Placing relocated youth at the center of my analysis, I will trace outwards the network of actors involved in the resettlement process. I will perform in-depth interviews with the family members or *ad litem* guardians in the U.S. who have provided financial and social assistance to the child, inquiring specifically into the socio-cultural and economic factors that motivated their participation in the child's journey, as well as their hopes and expectations for the young person's future. To gain a better picture of the child's social and emotional wellbeing, I will accompany project participants to sites of employment, education, and welfare assistance, observing youths' interactions with employers, educators and/or social service providers. With the youth's permission, I will conduct formal one-on-one interviews with teachers or welfare providers. [Because many Fujianese youth are employed in restaurants or shops operated by undocumented Fujianese, I will only informally observe these spaces.] I will ask teachers and social workers to describe their relationship with the young person, their knowledge of the young person's socio-economic background, family life, and long-term goals, what they feel are the unique needs of Fujianese immigrant youth, and the extent by which they believe these needs are met. These interviews will allow me to evaluate the support structure –if any- that young people may access after they have left detention centers and gained some sort of legal status. Taken together, the data I collect during this phase of research will detail youths' unique perspectives on their legality and the limited availability of familial, educational and social support in this transitional phase. Besides more generally problematizing the “reparative or remedial dimensions” (Geertz 1996) of legal relief- here, the granting of legal status- this will supplement current sociolegal research on unaccompanied alien youth, the majority of which focuses on youth from Latin America. It will also significantly contribute to research on transnational migration from Fujian Province, which almost exclusively considers adult migrants, and other area studies research on China and the Chinese family.

### **Research Site**

This multi-sited ethnographic project will first take place in a federally-contracted detention center for unaccompanied youth in the Chicagoland area of Illinois, where a relatively large number of apprehended Fujianese youth are placed by the Office of Refugee Resettlement. The reasons for this placement are unofficially attributed both to the number of beds available in this region, as well as to the presence of nationally-known legal and social service providers who work with unaccompanied youth and offer services in Mandarin, including the Immigrant Children's Advocacy Project and the National Immigrant Justice Center. The majority of Fujianese youth are placed in the International Children's Center, or ICC, a 54-bed non-secure facility in Chicago. Accordingly, and because I have well-established rapport with ICC staff through previous pilot research in Chicago, I will conduct fieldwork at ICC in the first phase of research. I will concurrently accompany research participants, detained youth and attorneys, to immigration proceedings in Chicago-area courtrooms.

The project will also occur within the Fujianese community of the New York metropolitan area. As briefly mentioned before, established migration networks are powerful means by which clandestine Fujianese emigration to the U.S. is facilitated and increased. They are “sets of interpersonal ties that connect migrants, former migrants, and nonmigrants in origin and destination areas through ties of kinship and shared community origin” (Massey, et. al 1994:728). These networks have a regional basis and direction: one of the most mature networks connects potential migrants in Fujian with established Fujianese in New York City. Fujianese emigrants are most likely to choose New York as their destination, and New York City now



boasts a population of 200,000 Fujianese- a 100% increase since 1994 (Macabasco 2005). Of the 300 undocumented Fujianese that Ko-lin Chin interviewed in New York City, 70% had relatives who had previously settled in the US (Liang 2001).

### **Operationalization of Key Concepts**

The contact zones of unaccompanied Fujianese migration involve multiple, power-filled, and dynamic elements of culture. Taken together, these signs and symbols comprise legal ideologies that are *themselves* cultural forms, and that point to particular courses of action (Merry 1985; Geertz 1973). While Merry's reading of legal ideology never denies the hierarchical nature of law, it ultimately emphasizes the *possibility* that law provides for those who adopt or buy into this ideology. At the same time, however, legal ideologies may also be viewed as activities of struggle by which certain regimes of power are consolidated in stabilized relations of difference (Coombe 2006). Here, legal ideology is "*a central locus for the control and dissemination of those signifying forms with which difference is made and remade... law generates the signs and symbols... with which difference is constituted.*" (Coombe 2000:37).

Conducting research in detention centers, immigration courtrooms, and communities of resettlement will allow me to better understand how cause lawyers wield, counter, and/or appeal to the laws and ideologies that govern the clandestine migration and representation of unaccompanied youth in the U.S today. It will also allow me to trace the process by which "difference"- in this case age and "Chinese culture"- is reified in legal representation on behalf of unaccompanied Fujianese youth. In each field of this project, I will focus on spatial elements (the judge's elevated seat, for instance, or the disconcerting invisibility of telephonic translators), stylized or symbolic elements (the professionally-dressed attorney in contrast with the child in her standard detention center-issued sweat-suit), and ritualized elements. I will also pay particular attention to the discursive aspects that emerge or are highlighted as the child's complex migration experience is translated first from Mandarin to English, then "narrowed" into the "language of the law" (Mather and Yngvesson 1980). Following these elements and processes will allow me to situate the relatively static legal picture of Fujianese youth as uniquely "vulnerable," "dependent" or even "abandoned" within a broader context of legal ideology and practice. I will simultaneously complicate this legal identity by looking in and beyond legal contact zones to include those youth who have obtained legal status and since integrated into Fujianese communities. Comparing the static versions of "Chinese culture" and the Fujianese client that appear in cause lawyers' verbal defenses and court documents with the verbal reflections, everyday practices, and actual obligations of young Fujianese will allow me to identify the creative and multiple ways in which "Chinese" kin and ethnic identity is constantly negotiated and reshaped by youth (Ngai 2006).

### **Data Analysis**

While conducting fieldwork, I will continuously write up and analyze my data. Interview notes will be typed and encrypted on my computer, and digitally-recorded interviews will be transcribed through the University of Washington's temp agency. I will examine the content of interviews, notes, and legal documents, coding descriptively for basic themes (such as how children define legal protections, the various obligations they encounter upon relief, attorneys' descriptions of Chinese "culture," etc.) and more specifically for emergent abstract concepts relating to law, citizenship, age and identity. I will also perform critical discourse analysis on those interviews and observation notes obtained in institutional settings like

immigration court. Here, I will attend to the type of legal language that is communicated to Fujianese children prior, during, and following their court appearances, the unique ways in which attorneys discursively “age” and “culture” in best interest determination, and the ways in which judges communicate with attorneys and advocates in the presence of youth. These forms of analysis will allow me to identify the sort of reality that emerges before each child in legal “contact zones,” as well as to more critically explore the ways in which the Fujianese child, as a legal subject, responds to and is identified by legal discourse. Taken together with the demographic and archival data I collect throughout my fieldwork (including case documents and transfer forms), these analyses will allow me to develop a more complete picture of legal representation on behalf of unaccompanied Fujianese youth

### **Research Schedule**

This dissertation research is scheduled for a 12-month period beginning August 2011. From August 2011-January 2012, I will conduct fieldwork at the International Children’s Center (ICC) in Chicago, Illinois with a sample of approximately 40 apprehended youth. The average detention of unaccompanied youth is 45 days; following this estimate, I expect to conduct one introductory interview, two structured interviews (one every other week), and one follow-up interview with each project participant. I will also observe their legal intake evaluations and meetings with attorneys, sit in on Best Interest Determination (BID) meetings as pertaining to project participants, and accompany youth to their immigration hearings. The first stage of research will additionally entail formal interviews with the attorneys who represent the youth in my sample population, and during this time I also will begin gathering the various types of institutional paperwork that track Fujianese youth in federal custody. I expect to conduct fieldwork six days a week, working around or incorporating detention center schedules, immigration hearings, and relevant meetings. Maintaining a flexible and available approach in this way will allow me to compensate for scheduling complications and unanticipated delays.

The second stage of research, from February to July 2012, will take place in New York and be organized on a weekly basis. During this time, I will study the resettlement process of ten Fujianese youth; this will involve informal interviews and observations of youth as I accompany project participants to sites of employment, education and welfare assistance. I will also conduct formal interviews with the actors who interact with this sample of youth, including family members or *ad litem* guardians, educators, and/or social service providers. As in the first phase of research, I will adjust my research schedule to accommodate social events and employment obligations. During this time, I will continue tracing and collecting bureaucratic documents.

Following my 12-month period of fieldwork ending in July 2012, I will prepare a draft of my dissertation with the intent to defend it in September 2013. I will concurrently develop papers for publication in peer-reviewed anthropology and sociolegal journals, and I will present my research at national conferences such as the American Anthropological Association’s annual meeting, the annual Law and Society conference (check!), and the annual meeting for the Society for Applied Anthropology. Through my affiliation with the Immigrant Children’s Advocacy Program and the positive professional relationships I developed while conducting preliminary research in 2010, I will conduct workshops at law schools in Chicago (including the University of Chicago and DePaul University’s Asylum and Immigration Clinics) and Loyola University’s Center for the Human Rights of Children. At the University of Washington, I will actively pursue interdisciplinary opportunities in which to present my work, specifically at the Graduate Student Group on Greater China and the Comparative Law and Society Studies (CLASS) group.