

# HARPER'S

M A G A Z I N E

## Forty Questions

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by **Valeria Luiselli**

*By Valeria Luiselli, from Tell Me How It Ends, which was published in April by Coffee House Press. Luiselli is a novelist and essayist. Her article “Terrorist and Alien” appeared in the February 2017 issue of Harper’s Magazine.*

I started working as an interpreter for Spanish-speaking children in the New York City Immigration Court in March 2015. On my first day of work, I took the subway downtown in the early morning and walked to the big, ominous building at 26 Federal Plaza. Inside, the building branches vertically and horizontally into hallways, offices, windows, courtrooms, and waiting rooms, with few signs and fewer people you can ask for assistance. It’s easy to get lost. The building’s labyrinthine architecture is, in a way, a replica of the U.S. immigration system. And, as in any labyrinth, some find their way out and some don’t. Those who don’t might remain there forever, invisible specters going up and down the elevators and wandering the hallways, imprisoned in circular nightmares.

The room where screenings are conducted in immigration court feels improvised, like a small refugee camp. The space resembles a church: a rectangle, vast and austere, furnished only with benches lined up one after another. At the front, a wooden balustrade with a little door in the center cordons off an area with two large mahogany tables at which children, lawyers, and interpreters sit for the interviews. Crayons and pads of paper are set out at the ends of the tables to entertain the younger children. During each interview, the child’s relatives sit on the benches on the other side of the balustrade and wait. It’s against protocol for relatives to join the children during the interviews, since their presence could influence the children’s answers.

I didn’t quite grasp the bigger picture during the first screenings I conducted. Blindly, I followed all the questions on the intake questionnaire, one by one, and translated the answers. What I was really doing there that morning was providing backup for organizations dealing with an emergency. Not the emergency that detonated at the border with the surge of minors arriving, but the quieter, bureaucratic, legal emergency sparked by the federal government’s decision to create a priority juvenile docket in response.

Before the immigration crisis was declared in the summer of 2014, minors were given approximately twelve months to find a lawyer before their first court hearing. But then, the Obama Administration created the “priority juvenile docket,” which reduced that window to twenty-one days. In real terms, the priority docket grouped together the cases involving unaccompanied minors from Central America and moved them to the top of the list of pending cases. For the children involved, being at the top of the list was the least desirable outcome — it accelerated deportation proceedings by 94 percent.

Nonprofit organizations around the country reacted immediately. In New York, seven organizations formed an emergency coalition called the Immigrant Children Advocates’ Relief Effort (ICARE). They put together forty questions to create the intake document that I, along with other volunteers, would be using while we conducted our interviews.

Since the priority docket was created, children will continue to be deported in greater numbers and at a faster rate. What child can find a lawyer in twenty-one days? The priority juvenile docket was, in sum, the coldest, cruelest possible response to the arrival of refugee children. It was a backdoor escape route from the reality suddenly knocking at the country’s front door.

I recall every nuance of the first story I heard and translated in court. Perhaps only because I stayed in close contact with that boy. Or perhaps because of a piece of paper that he pulled from his pocket toward the end of the interview. Its creases and edges were worn. He unfolded it gently, slowly, treated it with the same careful precision that a surgeon might have when making an incision. He placed it in front of me on the table. As I skimmed through the document, he explained that it was a copy of a police report he had filed more than a year and a half earlier. The report stated, in three or four typewritten sentences, all in capital letters and with some grammatical mistakes, that the subject in question had raised a complaint against gang members who waited for him every day outside his high school, frequently followed him home, and had begun threatening to kill him. It ended with a vague promise that the police would “investigate” the situation. After showing it to me, the boy folded the document back up and put it in his pants pocket, rubbing his palm now and then against the denim, as if he were activating a lucky charm.

When my first day of work in court was over, I took the A train home. As the train sped uptown, the image of that piece of paper came back to me. Originally, it had been a legal document, a complaint filed by a boy hoping to produce a change in his life. Now it was a historical document that disclosed the failure of its original purpose. It was also a road map of migration, a testimony to the five thousand miles it had traveled inside a boy’s pocket, aboard trains, on foot, in trucks, across various national borders, all the way to an immigration court in a distant city, where it was finally unfolded, spread out on a mahogany table, and read by a stranger who had to ask that boy: Why did you come to the United States?

News coverage of the immigration crisis eventually provided a general map of and more precise numbers about the magnitude of the crisis, but it did not clarify its deeper causes and consequences. It did not answer *why*. The very notion of this “immigration crisis” referred only to the sudden surge in the arrival of Central American children to the United States. From the beginning, the crisis was viewed as a problem that Homeland Security was “suffering” and that Congress and immigration judges had to “solve.” The political response to the crisis, therefore, always centered on one question: What do we do with all these children now? Or, in blunter terms: How do we get rid of them?

Questions 9, 10, and 11 on the intake questionnaire are: “How do you like where you’re living now?”; “Are you happy there?”; “Do you feel safe?” It’s hard to imagine that these children, considered a burden to institutions and unwanted intruders by a large part of the society to which they’ve just arrived, soon to face a judge and defend themselves against a removal order, indeed “like” where they are living. In the media and much of the official political discourse, the word “illegal” prevails over “undocumented” and the term “immigrant” over “refugee.” How would anyone who is stigmatized as an “illegal immigrant” feel safe and happy? But the children usually responded yes to those three questions.

Often, my daughter asks me: So, how does the story of those children end? I don’t know how it ends yet, I usually say. My daughter often follows up on the stories she half-hears. There is one story that obsesses her, a story I tell her only in pieces and for which I have not yet been able to offer a real ending. It begins with two girls in the courtroom. They’re five and seven years old, and they’re from a small village in Guatemala. Spanish is their second language, but the older girl speaks it well. We sit around the mahogany table, and their mother observes from one of the benches in the back. The little girl concentrates on her coloring book, a crayon in her right hand. The older one has her hands crossed as an adult might, and she answers my questions one by one. She is a little shy but tries to be clear and precise in her answers, delivering all of them with a big smile, toothless here and there.

Why did you come to the United States?

I don’t know.

How did you travel here?

A man brought us.

A *coyote*?

No, a man.

Was he nice to you?

Yes, he was nice, I think.

And where did you cross the border?

I don't know.

Texas? Arizona?

Yes! Texas Arizona.

I realize it's impossible to go on with the interview, so I ask the lawyers to make an exception and allow the mother to meet with us, at least for a while. We go back to question 1, and the mother responds for the girls, filling in the holes, explaining things, and also telling her own version of the story.

When the younger of her daughters turned two, the woman decided to migrate north, leaving them in the care of their grandmother. She crossed two national borders with no documents. She wasn't detained by the Border Patrol and managed to cross the desert with a group of people. After a few weeks she arrived in Long Island, where she had a cousin. That's where she settled. Years passed, and the girls grew up. Years passed, and she remarried. She had another child.

One day she called her mother — the grandmother of the girls — and said that the time had come: She had saved enough money to bring the girls over. The grandmother noted the instructions down carefully and later explained them to the girls: In a few days, a man was going to come for them, a man who would help them get back to their mother. She told them that it would be a long trip, but that he would keep them safe. The man had taken many other girls from their village safely across the two borders to their mothers, and everything had gone well. So everything would go well this time too.

The day before they left, their grandmother sewed a ten-digit telephone number on the collar of the dress each girl would wear. The girls had not been able to memorize the number, as hard as she tried to get them to, so she had decided to embroider it on their dresses and repeat, over and over, a single instruction: They should never take these dresses off, not even to sleep, and as soon as they reached America, as soon as they met the first American policeman, they were to show the inside of their collars to him. He would then dial the number and let them speak to their mother. The rest would follow.

The rest did follow: They made it to the border, were kept in custody, in the *hielera* ("icebox"), for an indefinite period of time. (They didn't remember how many days, but said that they were colder there than they had ever been.) After that they went to a shelter, and a few weeks later they were put on a plane and flown to JFK, where their mother, baby brother, and stepfather were waiting for them.

That's it? my daughter asks.

That's it, I tell her.

That's how it ends?

Yes, that's how it ends.

But of course it doesn't end there. That's just where it begins, with a court summons: a first Notice to Appear.

Once children receive a Notice to Appear, they have to present themselves in immigration court. If they don't show up (because they fear going to court, or because they have since moved, or because they simply didn't get the notice) they are usually "removed in absentia." An immigration judge, assisted by a translator, informs those who do show up that they have the right to an attorney, but not at the expense of the U.S. government. In other words, it is the children's responsibility to find and pay for a lawyer, or find a free lawyer, who can help them defend their case against the U.S. government attorney seeking to deport them.

The most common forms of immigration relief are special immigrant juvenile (S.I.J.) status and asylum status. If a child is eligible for either of these, he or she may remain in the United States legally and can later apply for lawful permanent residency and even citizenship. For a child to apply for S.I.J. status, a family court must determine that he or she is impeded from reunification with at least one parent because of abuse, abandonment, neglect, or a similar basis under state law, and that reunification or return to the home country is not in the child's best interest. Asylum, on the other hand, is granted to people who are fleeing from or who fear persecution on the basis of their race, religion, nationality, political opinion, or association with a particular social group. It is not enough that these children have suffered unspeakable harm, that they will continue to fall victim to the systematic and targeted violence of criminal groups. The harm or persecution must be proved to be *because of* at least one of these classifications. The main problem with asylum — the reason that lawyers often consider it a secondary choice — is that if it is granted, the children can never return to their home country without jeopardizing their immigration status in the United States. Other less common options are the U visa, which can be granted only to victims of certain crimes, and the T visa, for victims of human trafficking.

If the child answers the questionnaire "correctly," he or she is more likely to have a case strong enough to be placed with a pro bono attorney. An answer is "correct" if it strengthens the child's case and provides a potential avenue of relief. So, in the warped world of immigration, it is a correct answer when, for example, a girl reveals that her father is an alcoholic who physically or sexually abused her, or when a boy reports that he received death threats or that he was beaten repeatedly by gang members for refusing to acquiesce to recruitment at school — and has the physical injuries to prove it. When children don't have enough battle wounds to show, they may not have any way to successfully defend their cases and will most likely be "removed" back to their home country, often without a trial.

The interpreters have no control over the type of legal assistance a child receives. We listen to their stories in Spanish and note key points in English. We must pay close attention to the details and find ways to classify them into various categories. It's important to record even the most minor details from each story, because a good lawyer can use them to strengthen a case in ways that might not have been evident to an interpreter. And we often look for more general categories for each story that may tip the legal scale in a future trial — categories such as abandonment, prostitution, sex trafficking, gang violence, and death threats. But we cannot make up the answers, nor can we lead the children to give us answers that are favorable to their cases, much as we would like to.

In my interview with the girls in the dresses, their answers weren't really working. That is, they weren't working in their favor. What I needed to hear was that they had been doing hard labor, labor that put their safety and integrity in danger; that they were being exploited, abused, punished, maybe threatened with death by gangs. The girls were so young that even if they had a story that might secure legal intervention in their favor, they didn't have the words to tell it.

After several months of working in the court, I realize that it is better to write the children's answers in my notebook before copying them down on the intake questionnaire.

One boy says, The gang followed me after school, and I ran, with my eyes closed I ran. So I write all that down, and then, in the margin, make a note: Persecution? He says more: And they followed me to school and later they followed me home with a gun. So I write that down too, and then make a note: Death threats? Then he says, They kicked my door open and shot my little brother. So I write that down too, but then I'm not sure what note to make in the margin: Home country poses life-threatening danger? Not in child's best interest to return? What words are the most precise ones? All too often I find myself not wanting to write anymore, wanting to just sit there, quietly listening, wishing that the story I'm hearing had a better ending. I listen, hoping that the bullet shot at this boy's little brother misses. But it doesn't. The little brother is killed, and the boy flees. And now he is being screened, by me. Later, his screening, like many others, is filed and sent away to a lawyer: a snapshot of a life that will wait in the dark until maybe someone finds it and decides to make it a case.