



The present influx of undocumented children entering the United States is generating palpable discomfort, not just in border states, but throughout the country. In light of the pervasive national sense of urgency, we need some immediate technical solutions to ease national tension.

**By CHRISTINE LOCKHART POARCH**

# Immigration Options for Undocumented Children

## *Moving from Technical Solutions to Adaptive Change*

This summer, in Lawrenceville, Va., a rural town of 1,500 in the rolling hills of the state's Piedmont Region, 900 residents gathered to protest the Office of Refugee Resettlement's (ORR) plan to house undocumented juveniles at Saint Paul's College, a defunct school in the middle of town.<sup>1</sup> Residents were livid when they learned of the proposal only days before children were to arrive at the facility. Federal and state politicians rallied to the scene, blaming the government for patronizing the community by substituting its “Washington” judgment for that of elected officials and residents.<sup>2</sup> Despite ORR's best efforts to allay public fears, which ranged from disease and crime to property values, community members remained resolutely opposed to the shelter. Within a week, ORR scrapped the Lawrenceville site entirely, caught completely off-guard by the hornet's nest its proposal had stirred within the community.

Lawrenceville is a story about how all the panic and poli-

tics of the border crisis seated themselves within the city limits of one small town and, just as quickly, fled. Some people might say it is about base bigotry and small minds. Others would laud the town for fiercely standing up to “Washington,” which is still a dirty word in the South. For me it is more personal than that. Lawrenceville is my mother's hometown, where my cousins and aunts and uncles still live and work—as farmers, store clerks, and timber truck drivers. So, to me, it didn't feel heroic or bigoted. It just felt complicated, like the kind of conversation I might want to avoid over family supper.

Leadership requires us to have that conversation no one else wants to have—to talk, and listen, rather than simply steeping ourselves in tired, ineffective, and intractable polemics. Lawrenceville is a powerful metaphor for how we can reduce each other to caricatures of our positions, without confronting the deep-seated ideological divisions between us and without honoring intense personal loyalties or deeply held values when they differ from our own. As palpable in the Brunswick County auditorium as in any Congressional committee room is the fundamental question of what is required of us if we are to adapt and thrive in the face of increasing systemic stress and widening ideological division among stakeholders within the immigration debate.

To begin to think through what type of response the present border crisis requires, we first have to know what sort of challenge we're facing. Otherwise, we will risk applying the wrong set of tools to the task. This article does not solve the immigration crisis at the border or elsewhere. Rather, it proposes a method for

thinking our way through it, person to person, community by community. My hope is to mobilize those of us who espouse leadership as a personal value to consider our own default reactions, enhance our understanding of the dynamic skills necessary to lead effectively, and consider our responsibility—and that of the organizations we represent—in resolving the profound challenges facing our communities and undocumented juveniles.

### **The Recent Influx of Undocumented Children as an Adaptive Challenge**

In identifying and proposing Lawrenceville as a shelter site, ORR was solving one of the technical problems it faces in managing a large number of undocumented children without sufficient housing. From ORR's point of view, it was solving a housing insufficiency. The defunct college property it leased in Lawrenceville was sitting vacant, the campus was sufficient for a boys' dormitory, and Brunswick County straddles Interstate 85 through southern Virginia, providing easy access to the site. The site promised 300 direct jobs and even more jobs in adjacent industries. ORR's solution—locate and acquire housing within Virginia suitable for 500 undocumented children—was “technical” because it represented a solution within ORR's existing institutional skill set.<sup>3</sup> Used in this context, “technical” does not mean easy or unimportant, but refers to the source of the solution, which was squarely within the ambit of ORR's present expertise.<sup>4</sup>

**Identifying the Adaptive Challenge.** For some problems, however, “no adequate response has yet been developed.”<sup>5</sup> For these issues, “[n]o clear expertise can be found, no single sage has general credibility, no established procedure will suffice.”<sup>6</sup> As a result, “[s]tresses build up and produce a sense of urgency among certain groups within society and sometimes throughout society” necessitating a different sort of response.<sup>7</sup> The present influx of juveniles, with all the attendant stressors on individual consciences and community systems, is one such problem.

These sorts of issues, called adaptive challenges, are “murky, systemic problems with no easy answers”<sup>8</sup> that defy our expertise and carefully crafted procedures, requiring that we “mobiliz[e] people to tackle tough challenges and thrive.”<sup>9</sup> While technical solutions permit us to apply a set of organizational or institutional principles to achieve success in a particular case, adaptive practices seek to confront difficult problems that require clarification of values, alteration of habits, or re-orientation toward a specific goal.<sup>10</sup> Technical problems may be remedied by one or two changes within an organization, but adaptive challenges demand change across institutional boundaries.<sup>11</sup> While technical solutions respond well to quick, autocratic exercises of authority, adaptive challenges challenge group thinking and require leaders to engage in stochastic trial and error over time. Adaptive methods are skills; and, like all skills, we have to work diligently to acquire them, forming the musculature and teaching the tiny fibers of our reactivity to do something different and new.

**Avoiding the Work.** Lawrenceville never reached the adaptive work presented by the local crisis because authority figures and community leaders autocratically shut the proposal down to ease the community discomfort. The leaders solved the problem by attacking and avoiding it—they demanded ORR withdraw its proposal. While autocratic action may effectively meet technical challenges and relieve the organizational stress, technically solving adaptive challenges

robs communities like Lawrenceville of the difficult, value-laden, question of how small, particularly rural communities might cope more productively with immigrant populations. Other community leaders avoided adaptive work as well. The trustee of the defunct college failed to engage his neighbors. The local leaders disclaimed any responsibility and scapegoated the federal government, claiming they did not even know that the proposal was in the works.

Likewise, ORR did not rise to the adaptive challenge. If ORR had preemptively engaged community leaders, like local pastors, and leaders with formal authority, like Congressional representatives, it might have developed strong, supportive coalitions in target communities that could help educate the public, dispel myths, and facilitate debate. Moreover, by addressing the values, thoughts, concerns, and loss that the community was experiencing, ORR could have engaged stakeholders and facilitated learning across organizations and social systems.

### **Value-Laden Complexity in Adaptive Challenges**

Adaptive challenges have value-laden complexity<sup>12</sup> in which competing personal, community, or national values are at stake and arise because “past ways of thinking, relating and operating” are no longer “sufficient for achieving good outcomes.”<sup>13</sup> The present border crisis layers the legal complexity of immigration law and policy over this “human complexity”<sup>14</sup> because the “problems themselves cannot be abstracted from the people who are part of the problem scenario itself.”<sup>15</sup> As a result,

the analysis must take into account human dimensions of the changes required, the *human costs, paces of adjustment, tolerances for conflict, uncertainty, risks and losses of various sorts, and the resilience of the culture*, and network of authority and lateral relationships that will need to backstop the tensions and pains of change.<sup>16</sup>

While it is easy, and equally human, to marginalize those in our way, if we begin to examine what matters to them, what they fear losing, what costs they will suffer, and what they value the most, then we may find a way to use those values and a more sophisticated understanding of their motivations in a way that serves change rather than resists it. It is impossible to move beyond our respective sides until we locate others and ourselves within a web of stakeholders who all share a vested interest in the outcome.

**Hmong Refugees and Adaptive Resettlement.** What does real adaptive work look like when it involves multiple stakeholders and competing values? The Hmong resettlement history, simplified for the purpose of illustrating the principles of adaptive change, provides one example and illustrates the scope and breadth of an adaptive approach to resettlement.

When Hmong refugees began arriving in the United States from South Asia in the 1970s, the stated U.S. policy was to “scatter Hmong refugees evenly throughout urban and rural areas of the United States in order to promote rapid acculturation.”<sup>17</sup> Thirty years later, 40,000 to 60,000 Hmong refugees were living in Minneapolis.<sup>18</sup> Minneapolis was considered the “cultural and sociopolitical center of Hmong life in the United States,” which is why, in 2003, the U.S. Department of State chose Minneapolis as the site where it would resettle an additional 15,000 Hmong refugees.<sup>19</sup>

In preparation for the refugees' arrival, stakeholders prepared "lengthy reports" detailing technical solutions like "the potential services needed by the refugees, such as English as a Second Language (ESL) classes, job training programs, or interpreter services."<sup>20</sup> The reports included "recommendations provided for service sectors, such as the public school system, public housing, and public health (including mental health)," and stakeholders assumed that these solutions would "provide a smooth transition to the new environment."<sup>21</sup>

These technical solutions, while important, were impossibly inadequate to the task of confronting the adaptive challenge at the heart of the 2003 Hmong refugee migration to Minneapolis. In essence, the adaptive challenge—accommodating a large, new influx of refugees within a limited social services system and addressing the cultural value conflicts that undermined a "smooth" transition—was obscured beneath the overwhelming to-do list of immediate needs.

Within less than a year, the "early euphoric 'roll-up-the-shirt-sleeves' spirit dwindled ... quickly being replaced by frustration and helplessness as service providers became overwhelmed."<sup>22</sup> Stress and frustration escalated within the Hmong community, the school system, and the community at large.

Hmong resettlement, even in the 1970s, embodied a highly complex divergence between Hmong and American cultural values and paradigms surrounding education, family life, and health care. The existing Hmong community within Minneapolis had experienced

Schools formulated educational theories to directly account for specific Hmong cultural paradigms and linguistic challenges. The Hmong community developed its own method of funding Hmong business enterprises and commercial advancement. Hmong history in the United States illustrates that large group resettlement is a stochastic process by which leaders of stakeholder organizations and target populations are consistently engaged in evaluating the trajectory of the resettlement effort over time, identifying new issues as they arise.

**Engaging Diverging Values.** Like the Hmong resettlement, the recent surge in juveniles represents a fundamental clash between divergent but valid and distinctively national values. When we fail to address that value-laden conflict, then the conversation devolves and complaints dominate the dialogue between factions.<sup>25</sup> Rhetoric rules over meaningful conversation, and frustration and stress bubble to the surface,<sup>26</sup> serving only to further divide one side from another. Historically successful solutions fail and the normal coalitions are ineffective.<sup>27</sup>

This is obvious currently, where one end of the political spectrum blames Deferred Action for Childhood Arrivals and permissive deportation policies toward minors for the present crisis. The other end of the spectrum complains that existing immigration solutions do not go far enough in protecting vulnerable minor immigrant populations who

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nearly 30 years of uncomfortable experimentation<sup>23</sup> necessary to tackle adaptive challenges, but the newest group of refugees encountered a different adaptive challenge. When previous groups of Hmong refugees arrived in the United States in the 1980s, church groups acted as sponsors and were "vital for achieving self-sufficiency."<sup>24</sup> Congregations recruited people and resources to support one particular family for an extended period of time. By 2003, the existing Hmong community had moved away from those church relationships and so Hmong families sponsored many new arrivals, many of whom were family members, agreeing to provide core services like housing, food, clothing, transportation, financial support, English instruction, employment, and school enrollment. While Hmong community sponsorship of the new refugees had benefits, a dichotomy began to appear between those refugees resettled with "resourceful anchor relatives who were acculturated to the United States and knew how to navigate the social system" and those who had relatives or sponsors that were "despite their willingness, not in an economic position to assist their relatives with core services." The former group adjusted more quickly to U.S. life and social systems.

In spite of these challenges, the history of Hmong refugee resettlement provides a model for adaptive integration of a new group of refugees to the community. While one Hmong scholar called this period of Hmong–U.S. history "resettlement ... by grit," the fact that the fundamental values challenge had been identified and brought into the light made it possible for leaders of the 2003 Hmong resettlement to more adeptly address adaptive adjustment issues.

are refugees, not opportunists. In between these two poles are myriad other complex opinions.

Our debate over whether proposed or previously implemented remedies have the capacity to exacerbate or relieve the current stress of the present surge demonstrates that the underlying conflict cannot be resolved completely by fiat (executive order) or the usual consensus-building (Congressional *quid pro quo*), because both sides feel that there's too much at stake. To engage at the point of "human complexity" involving vastly divergent values, those values have to be clearly identified and given credence rather than dismissed. Those of us who work with special immigrant juveniles confront this sort of "human complexity" often when we walk into court. For this reason, while Special Immigrant Juvenile Status (SIJS) is a powerful technical solution for children, it presents a fundamental adaptive challenge.

**The Value-Laden Subtext of Special Immigrant Juvenile Status.** SIJS is a remedy for certain undocumented children<sup>28</sup> who are physically present in the United States, for whom family reunification with one or both parents is not viable due to abuse, abandonment, or neglect and for whom it would not be in their best interests to return to their home country.<sup>29</sup> The state court with jurisdiction over juveniles where the juvenile is found must make the factual and legal findings to support the child's application. Without what is commonly known as a state SIJS order, the child cannot subsequently apply for this remedy with U.S. Citizenship and Immigration Service (USCIS).



When Congress created this visa category, it confused practitioners, judges, social service agencies, and immigrants regarding the scope of its application. More than a few judicial brows furrowed as practitioners walked through the interpretative gymnastics necessary to explain why a state juvenile court was involved with federal immigration law at all.

The confusion arose from the language of the prior statute. Before December 2008, the Immigration and Nationality Act required that the juvenile court find that the child was “eligible for long-term foster care.” The implementing regulations specifically defined this to mean that “family reunification is no longer a viable option.”<sup>30</sup>

In short, even prior to 2008, actual foster care was not required. State courts made the determination whether “family reunification is no longer a viable option” in a variety of proceedings, not only true dependency actions that may implicate foster care determinations, but also in probate, delinquency, and adoption cases, in which foster care eligibility was never an issue before the state court.<sup>31</sup>

To clarify the confusion among state courts that arose from the term “eligible for long-term foster care,” Congress amended the language under the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 and “removed the need for a juvenile court to deem a juvenile eligible for long-term foster care.”<sup>32</sup> Congress replaced the language with its previous regulatory definition requiring only a finding that “reunification with one or both parents is not viable.”<sup>33</sup>

This technical statutory fix, however, did little to address the real adaptive challenge at the heart of SIJS work. The propensity for SIJS status “to stir up intense emotions” regarding the propriety of the remedy from clerk’s offices, judges, guardians *ad litem*, and even practitioners “rather than dispassionate analysis” is one indicator that an adaptive challenge lies at the heart of this remedy.<sup>34</sup> Stakeholders’ reluctance doesn’t typically stem from base prejudice or lack of understanding of the predicate legal findings, but from a value-laden objection to the breadth and scope of the statute and its application to an identifiably separate group of juveniles whose very presence creates discomfort.

The present crisis with juveniles has only heightened the sense that undocumented children may overwhelm the system and that remedies like SIJS must be highly scrutinized, even though the legislative scope has not expanded and in the last year, only 3,993 applications were filed with USCIS in fiscal year 2013. When engaging in discussions about the propriety of the SIJS statute with stakeholders, there is the sense that not enough court resources, welfare services, or some other unnamed commodity exist and that the shortage requires heightened vigilance in applying the appropriate legal standard.

The adaptive challenge is not lodged in the specific findings of fact regarding whether family reunification is an option or the child would be better here or in Mexico. Rather, a hidden subtext subtly betrays that the individual or entity is grappling with a fundamental conflict between child welfare principles and limitations on resources. Accordingly, it is incumbent on legal practitioners to anticipate and be prepared to respond to the value-laden conflict beneath the facial legal arguments to uncover the underlying values and loyalties that may form a common language for advocate and opposition.

### Community Disequilibrium, Loss, and the Flight to Authority

Lawrenceville was accustomed to a slow trickle of migrant work-

ers to the largely agricultural county surrounding the town, but the community found the idea of 500 distressed migrant juveniles in their midst to be overwhelming. The disequilibrium created by the threat of the shelter was more than the community could tolerate. While for ORR, the shelter represented a technical solution to the problem of inadequate regional housing for undocumented juveniles, the Lawrenceville community felt insecure, invaded and vulnerable.

Social systems experience their own version of fight or flight, and “like living systems ... try to restore equilibrium.”<sup>35</sup> Attempts to restore equilibrium may take many forms, but all are defensive, routine responses to avoid distress.<sup>36</sup> Lawrenceville residents externalized their discomfort, attacking the authorities they believed to be the cause of it. The discussion became about us (the community) versus them (the government or the immigrant children). A host of distractions entered the polarizing fray of community opinion, including disease, health care, criminal conduct, and gang associations, all perceived as problems that Washington had foisted upon the community.

Just as Lawrenceville looked to leaders to rally to their cause, at times of disequilibrium, we commonly look to those with formal authority—officeholders who by their role or office promise to meet certain expectations—to solve the problems that are causing us individual or collective stress. Our reflexive flight to authority<sup>37</sup> demands that our leaders provide us with answers and fix the problem. In immigration, like many issues of public life, “people generally look to their authorities to solve problems with a minimum of pain, and where pain must be endured, they often expect their officials to find somebody else to bear the costs.”<sup>38</sup>

The flight to authority problem creates risk for those in formal authority positions and permits those who participate in the dynamic from exercising their own responsibility for authentic adaptive work within their communities.

### Leading Adaptive Change from Below

Not all leaders are vested with authority.<sup>39</sup> Some change-driven individuals lack authority but nonetheless step forward to motivate others. They may ultimately embody an issue and gain informal authority<sup>40</sup> from those who embrace their ideas, but their authority doesn’t come from a formal role or a representative capacity.

Many leaders with formal authority “go beyond their job description and the informal expectations they carry within their organization and do what they are not authorized to do.”<sup>41</sup> This too is a form of leadership without authority. In whatever capacity they appear, leaders without authority “exercise leadership momentarily by impressing upon a group ... an idea that strikes a resonant chord” or “the need to pay attention to a missing point of view.”<sup>42</sup>

**Leading Without Authority: Raising Difficult Issues.** Leading without authority in the present debate over the influx of undocumented juveniles means that we raise difficult questions across multiple organizations<sup>43</sup> including governmental agencies and communities, congressional committees and family dinner tables, churches and political parties. Asking hard questions rather than offering easy solutions is the province of leaders with formal authority, but leaders without authority enjoy greater latitude to engage in “creative deviance,”<sup>44</sup> spurring adaptive work by provocative action, calling attention to the “blind spots of the dominant viewpoint” and exercising leadership from the foot of the table rather than the head.<sup>45</sup>

Without the constraints of an authoritarian hierarchy or the temp-

tation to satisfy constituents through autocratic action, the leader without authority is often more connected with the frontlines, where he or she can gather the “detailed experiences”<sup>46</sup> of stakeholders. Moreover, the leader without authority can effectively focus on “a single issue or selected, limited issues”<sup>47</sup> and lead across institutional or organizational boundaries.

Nonetheless, leading without authority requires that one “take counsel” from adversaries, incorporating in his or her strategy whatever wisdom of theirs connects to his or her central thesis.”<sup>48</sup> In short, the leader without authority is not uncompromising or dogmatic, and “is not just teaching; she is being taught.” Without reducing the other side to a one-dimensional caricature and with the purpose of mobilizing action, he or she challenges deeply entrenched political organizations with institutionalized and intransigent points of view and directly engages an antagonistic public, with its own prejudices and perceptions. Similarly, attacking the viability and validity of the “other side’s” point of view does little to engender the sort of trust and confidence necessary to give forward motion to the cause espoused by the leader without authority. She seeks collaborative relationships across factional boundaries, places “her cause in the context of the values of the opposition,” and learns from “her antagonists in order to correct for the possible narrowness of her own views.”<sup>49</sup>

**People who lack authority must “place their contributions within an ongoing tradition or organization that provides a vessel of trust to hold the distress they generate” by provoking change. Because they have “less leverage” to shape the holding environment in which the difficult conversations of adaptive change occurs, and less ability to control the temperature of the debate, leaders without authority cannot be rogues or renegades, but must use institutional or authoritative structures already in place to build structure around the desired shift in values and perspectives.**

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As a result, one of the most effective methodologies for leading without authority is education, an engagement in which the leader invites local communities feeling the heat and discomfort of the present juvenile crisis to an environment where learning conversations can occur. These may involve those who are antagonistic, threatened, and fearful. In these educational holding environments, it’s critical to have already identified and primed certain authority figures to give the environment not only structure, but support for the difficult work of thinking through an adaptive challenge like, “What if our community was asked to house undocumented juveniles?” or “What local resources do we need to mobilize to accommodate growing numbers of young foreign nationals?”

Inevitably, these learning conversations are noisy affairs, but “we can trace the richness, creativity and complexity of our cultures and organizations to our ability as individuals to carry on an internal debate among a variety of voices including the one we call our own.”<sup>51</sup>

When our attention is focused only on authorities, blaming them for their failures or reducing them to caricatures of their political positions, we fail to engage in our own work as leaders, and we hinder rather than mobilize our own and our community’s adaptive efforts.

***Leading Beyond One’s Authority: U Visas and Adaptive Theory.*** Leading without or beyond one’s formal authority has proven especially successful in the U Visa context. When U Visas were promulgated in October 2000,<sup>52</sup> the law was created specifically to give law enforcement agencies a tool to build trust and confidence—a type of informal authority—within immigrant communities, with the goal of reducing crime and increasing immigrant victim cooperation. In return for cooperation from the victim, qualifying law enforcement agencies have the discretion to sign what’s known as a U Visa certification, a three-page form that confirms the victim cooperated in the investigation of her case.<sup>53</sup> This certification avers that the individual must (1) have suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity; (2) have information concerning that criminal activity; (3) have been helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of the crime; and (4) the criminal activity violated U.S. laws.”<sup>54</sup>

This certification does not confer legal status and may be signed

not only by traditional law enforcement agencies (federal or state), but also by judges, prosecuting attorneys, child abuse investigative agencies, or other authority that has responsibility over the investigation or prosecution of qualifying crimes.<sup>55</sup> The signing authority may choose not to sign, or they may revoke the certification, if the individual fails to continue cooperating.<sup>56</sup> With the requisite certification (also known as the Supplement B), the victim can then apply for a U Visa, which is a form of temporary legal status that ultimately offers a pathway to lawful permanent residency after three years.<sup>57</sup>

Because some immigrants come from countries where the police take bribes and commit crimes, and others fear that cooperating with law enforcement will expose their precarious immigration status, many immigrants are ill equipped to automatically transfer trust and confidence to law enforcement. Accordingly, in spite of the technical solution of U Visa availability, the real adaptive work for most police departments was creating trust within the immigrant community that would permit them to use the visa category to the community’s and the department’s benefit. This adaptive challenge—gaining the immigrant community’s trust—required departments to generate informal authority beyond law enforcement’s role or office. For law enforcement agencies to shift the minds and values of an immigrant population away from fundamental distrust to active cooperation required law enforcement to act beyond its official authority for a time, building community partnerships and expanding influence beyond that normally held by the department based on traditional roles or duties.

Ultimately, in the communities that successfully tackle the adaptive piece of this work, U Visas become a kind of currency of trust between police departments and advocates, lawyers, or the immigrants themselves. A police department, state or commonwealth attorney's office, or other investigative agency that embraces a policy of signing the U Visa certification whenever it has verified that a qualifying crime occurred and the victim was harmed builds trust and engenders mutual respect.

In addition to law enforcement, practitioners share an equal amount of responsibility for this adaptive work. By educating law enforcement, lawyers, social service providers and other professionals about the appropriate use of the U Visa, and by building strong, vibrant relationships with community law enforcement partners, the practitioner and law enforcement also build a relationship of trust that extends to her clients.

### Conclusion: Keeping Adaptive Work Alive in Crisis

The present surge in undocumented children entering the United States is generating palpable discomfort, not just in border states and communities like Lawrenceville, but throughout the country. In light of the pervasive national sense of urgency, we need some immediate technical solutions to ease national tension. While these technical solutions will stabilize the environment and permit us to buy time, a "high-stakes, if somewhat less urgent, set of challenges remains."<sup>58</sup>

How do we ease the immediate crisis without permitting necessary short-term technical solutions from lulling us into a false sense of relief that obviates the pressure for real adaptive work? While ultimately we may be able to subdivide the adaptive challenge into concrete technical fixes, if we permit these quick-fix solutions to divert or supplant our adaptive work, we lose the opportunity to meaningfully engage stakeholder agencies, communities, and constituencies, and we fail to meaningfully represent the organizations that have our loyalty.

If we never identify and then tackle the adaptive challenge at the heart of the undocumented juvenile crisis, then we may successfully stave off this crisis only to invite an even greater one. Perhaps more importantly, if we fail to challenge ourselves and others to engage in and endure difficult conversations, mobilize creative thinking, encourage personal responsibility, and take committed action, then we have not only permitted the adaptive, value-laden conflict within U.S. immigration policy to persist, we have actively participated in perpetuating it.

On the other hand, when we call each other out from behind our rhetoric and begin to wrestle with the values that separate us and identify the losses that prevent us from moving forward, we develop a greater capacity to tolerate the discomfort of difficult conversations both individually and within our respective organizations. And by carefully and deliberately crafting difficult, learning conversations within our communities, we expand our capacity to jointly "bear the risks, the costs, and the fruits of shared responsibility and civic participation."<sup>59</sup> By tackling the adaptive problems inherent in the immigration debate, in whatever form they present themselves, for whatever time it takes, we embrace our accountability and responsibility for exercising leadership on these issues within our communities and fields of influence. We become a more whole, connected, engaged, and focused version of ourselves. In turn, those changes in us find their way into our organizations and our causes and our communities, where our seemingly meager efforts and offerings carve out a cultural

capacity for meaningful change "beyond our efforts ... [and] even beyond our vision."<sup>60</sup> ☉



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### Endnotes

<sup>1</sup>Sylvia Allen, *Federal government withdraws plan to house illegal immigrants in Brunswick County*, BRUNSWICK TIMES-GAZETTE, June 24, 2014.

<sup>2</sup>Robert Hurt, *Statement on HHS Decision to Withdraw Plan for Juvenile Immigrant Facility in Lawrenceville* (June 20, 2014), available at [hurt.house.gov/index.cfm/press-releases?ID=7D1EA4A0-CDA9-4DC4-A72C-CFBDFC745941](http://hurt.house.gov/index.cfm/press-releases?ID=7D1EA4A0-CDA9-4DC4-A72C-CFBDFC745941).

<sup>3</sup>Ronald A. Heifetz, *LEADERSHIP WITHOUT EASY ANSWERS* 72 (1994).

<sup>4</sup>*Id.*

<sup>5</sup>*Id.*

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

<sup>8</sup>Ronald Heifetz and Donald Laurie, *The Work of Leadership*, HARV. BUS. REV., Dec. 2001, at 6.

<sup>9</sup>Ronald Heifetz, Alexander Alexander Grashow, and Martin Linsky, *THE PRACTICE OF ADAPTIVE LEADERSHIP: TOOLS AND TACTICS FOR CHANGING YOUR ORGANIZATION AND THE WORLD* 12 (2009).

<sup>10</sup>Heifetz and Laurie, *supra* n. 8.

<sup>11</sup>Heifetz, *supra* n. 3 at 10.

<sup>12</sup>*Id.*

<sup>13</sup>*Id.*

<sup>14</sup>*Supra* n. 3 at 71.

<sup>15</sup>*Id.* at 22.

<sup>16</sup>*Id.* at 272.

<sup>17</sup>Anthony W. Tatman, *Hmong History, Culture, and Acculturation: Implications for Counseling the Hmong*, JOURNAL OF MULTICULTURAL COUNSELING AND DEVELOPMENT (2004) at 223.

<sup>18</sup>*Supra* n. 3 at 10.

<sup>19</sup>Grit Grigoleit, *Coming Home? The Integration of Hmong Refugees from Wat Tham Krabok, Thailand into American Society*, 7:2 HMONG STUDIES JOURNAL 2006.

<sup>20</sup>*Id.*

<sup>21</sup>American Paj Ntaub—Wat Tham Krabok Assessment Team Report, Wisconsin's Hmong Resettlement Task Force Report, *A Special Report: A Coordinated Network of Support for Hmong Refugees to Sacramento County*.

<sup>22</sup>*Supra* n. 14 at 10.

<sup>23</sup>*Supra* n. 9 at 75.

<sup>24</sup>*Supra* n. 14 at 10.

<sup>25</sup>*Id.* at 75.

<sup>26</sup>*Id.*

<sup>27</sup>*Id.*

<sup>28</sup>See INA § 101(b) (1) and 8 § U.S.C. 1101(b)(1). A child is defined as an "unmarried person under 21 years of age."

<sup>29</sup>INA § 101(a)(27)(J), 8 U.S.C. § 1101(a)(27)(J); 8 C.F.R. §

<sup>147</sup>Carbon Interview, *supra*, note 144.

<sup>148</sup>Department of Justice, Office on Violence Against Women, Fact Sheet, available at [www.ovw.usdoj.gov/docs/about-ovw-factsheet.pdf](http://www.ovw.usdoj.gov/docs/about-ovw-factsheet.pdf) (last visited Aug. 21, 2014).

<sup>149</sup>Carbon Interview, *supra*, note 144.

<sup>150</sup>*Id.*

<sup>151</sup>*Id.*

<sup>152</sup>*Id.*

<sup>153</sup>Nancy K. D. Lemon, *Access to Justice: Can Domestic Violence Courts Better Address the Needs of Non-English Speaking Victims of Domestic Violence?*, 21 BERKELEY J. GENDER L. & JUST. 38, 46 (2006).

<sup>154</sup>Division B of the Victims of Trafficking and Violence Protection Act of 2000, Public Law 106-386.

<sup>155</sup>*Id.*

<sup>156</sup>U.S. Department of Justice, OVW, *2012 Biennial Report to Congress on the Effectiveness of Grant Programs Under the Violence Against Women Act* 17.

<sup>157</sup>*Id.* at 218.

<sup>158</sup>OVW, *Fiscal Year 2012 Grant Awards by Program*, *supra*, note 157 at 17.

<sup>159</sup>*Id.* at 230. This percentage was calculated by dividing the total number of legal issues addressed during the reporting period (204,782), by the number identified as immigration-related (26,192).

<sup>160</sup>OVW, *OVW 2012 Report to Congress*, *supra*, note 157, at 17.

<sup>161</sup>*Id.* at 19.

<sup>162</sup>*Id.* at 20.

<sup>163</sup>*Id.*

<sup>164</sup>*Id.* at 22.

<sup>165</sup>*Id.* at 29.

<sup>166</sup>*Id.*

<sup>167</sup>*Id.* at 32.

<sup>168</sup>*Id.*

<sup>169</sup>*Id.*

<sup>170</sup>*Id.* at 10.

<sup>171</sup>*Id.* at 196.

<sup>172</sup>*Id.* at 196-97. For the period July 2009 through June 2011, the number of victims served that received support in connection with immigration matters rose steadily, culminating in 618 victims being served during the period January 2011 through June 2011. Support involved a range of immigration applications including VAWA self-petitioners, VAWA Cancellation of Removal, U Visas, asylum, and others.

*Id.*

<sup>173</sup>*Id.* at 78.

<sup>174</sup>*Id.* at 79.

<sup>175</sup>Carbon Interview, *supra*, note 144, citing Federal Bureau of Investigation, Uniform Crime Report Supplementary Homicide Reports.

<sup>176</sup>*Id.*

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## IMMIGRATION continued from page 42

204.11(c).

<sup>30</sup>INA §101(a)(27)(J), 8 U.S.C. §1101(a)(27)(J); 8 C.F.R. § 204.11(a).

<sup>31</sup>*See In re: Petitioner [Redacted]*, AAO Opinion, 2006 IMMIG. RPTR. LEXIS 21717 (August 16, 2006—Boston) [probate proceeding]; *See In re: Petitioner [Redacted]*, AAO Opinion, 2007 IMMIG. RPTR. LEXIS 26237 (June 5, 2007—Miami) [adoption proceeding].

<sup>32</sup>USCIS Memorandum, D. Nuefeld and P. Chang, *Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions*, (March 24, 2009).

<sup>33</sup>*Id.*

<sup>34</sup>*See* n. 9 at 69-70.

<sup>35</sup>*Supra*, n. 3 at 28.

<sup>36</sup>Ronald Heifetz and Marty Linsky, *LEADERSHIP ON THE LINE* 207 (2002).

<sup>37</sup>*Supra*, n. 3 at 73.

<sup>38</sup>*Id.*

<sup>39</sup>*Id.* at 207.

<sup>40</sup>*Id.*

<sup>41</sup>*Id.* at 217

<sup>42</sup>*Id.* at 118.

<sup>43</sup>*Id.* at 119.

<sup>44</sup>*Id.* at 183

<sup>45</sup>*Id.*

<sup>46</sup>*Id.*

<sup>47</sup>*Id.*

<sup>48</sup>*Id.* at 184.

<sup>49</sup>*Id.*

<sup>50</sup>*Id.*

<sup>51</sup>*Supra*, n. 3 at 62.

<sup>52</sup>*See* Victims of Trafficking and Violence Prevention Act of 2000, Pub. L. No. 106-386, § 1513(a)(2)(A), 114 Stat. 1464, 1533 (codified as amended at 8 U.S.C. § 1101 (2006)).

<sup>53</sup>*See* INA § 214(p)(1), 8 U.S.C. § 1184(p)(1).

<sup>54</sup>*See* U.S. Citizenship and Immigration Services, *Number of I-918 Applications for U Nonimmigrant Status*, available at [www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918uvisastatistics\\_fy2014qtr2.pdf](http://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918uvisastatistics_fy2014qtr2.pdf) (accessed Jul 2, 2014).

<sup>55</sup>*See* 72 Fed. Reg. 53,014 (Sept. 17, 2007), as amended, 72 Fed. Reg. 54,813 (Sept. 27, 2007).

<sup>56</sup>*See id.* § 1513(b)(3).

<sup>57</sup>*Id.*

<sup>58</sup>*See* Department of Homeland Security, *U Visa Law Enforcement Certification Resource Guide*, page 9, available at [www.dhs.gov/xlibrary/assets/dhs\\_u\\_visa\\_certification\\_guide.pdf](http://www.dhs.gov/xlibrary/assets/dhs_u_visa_certification_guide.pdf) (accessed Jul. 2, 2014).

<sup>59</sup>*Id.*

<sup>60</sup>*See* INA § 245(m), 8 U.S.C. § 1255(m).

<sup>61</sup>Ronald Heifetz, Alexander Grashow, and Marty Linsky, *Leadership in a (Permanent) Crisis*, Harv. Bus. Rev., Jul. 2009, at 6.

<sup>62</sup>*Supra*, n. 3 at 62.

<sup>63</sup>Attributed to Archbishop Romero, this reflection was written by Bishop Ken Untener and included in *THE PRACTICAL PROPHET: PASTORAL WRITINGS* (2007).