

## **THE FUNGIBLE FIST BUMP**

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The issue of touch in work with unaccompanied minors who travelled to the United States from the Central American countries of El Salvador, Guatemala, and Honduras arises when they are apprehended by immigration authorities and are subsequently placed in a shelter under the custody of the Office of Refugee Resettlement. The reflections on touch come from my work as a counselor at one of these shelters, and as the result of an activist's public criticism of the detention of these children at a counseling conference, where she stated some girls she had interviewed had found it difficult to be forbidden to touch, or to be touched while living in a shelter. In her criticism the activist mentioned cultural research that states touch is important for Latino children. This paper describes issues about and around touch, especially with respect to the 2014 expansion of specific Prison Rape Elimination Act of 2003 standards from prisons across the country to the shelters where these children are housed.

The Discourse Unit global gathering is an opportunity to reflect on work I did as a counselor in the United States from August 2016 to March 2017, to reflect on practices in the sense that they are an application of knowledge. My objective is to critically consider touch and promote it as an area of interest in governance research, studies that explore how knowledge gets translated into policies that in turn play an important role in determining the network of institutional practices in work with immigrant children. In this article I reflect on practices related to touch at a children's shelter, to explore the extent to which knowledge informs our ways of life in work I did with unaccompanied minors (UAMs). These children are housed at shelters run by private companies across the country under contract with the Office of Refugee Resettlement (ORR), of the Department of Health and Human Services. Most of the minors I worked with had travelled alone to the United States from the Central American countries of El Salvador, Guatemala, and Honduras. They were apprehended by immigration authorities after they had crossed the southwestern border into United States. Before reflecting on the actual touch conventions with these children in the shelters that are in part influenced by bureaucratic requirements, it is important to point out that I can only divulge general information about shelter life and its inhabitants. I am enjoined to comply with the layers of security required by the ORR, as the UAMs' custodian mandated to guarantee the safety, well-being, and privacy of every child.

The backdrop for these reflections on touch in work with UAMs is the change of administration in the United States as a result of the 2016 presidential elections. I was one of a number of shelter counselors who attended a conference in mid January 2017 titled "Culturally Responsive Counseling with Latinx - Our Past, Our Present, Our Future" at the University of Houston, Clear Lake organized by Jean Rudnicki of the Department of Counseling, Special Education and Diversity (Rudnicki, 2017) . In her keynote, Dr. Rudnicki pondered what the future would be

for counseling services for Latinos in general, and especially for the 11.1 million unauthorized immigrants, the number cited from 2014 data (Krogstad, Passel, & Cohn, 2016). There were a mix of academics and activists who talked about their work with immigrants from Latin-American countries, and to illustrate the practices around bureaucratic measures I will concentrate on the presentation of an activist who focused on the problem of UAMs housed in ORR shelters as a point of departure to explore the noise knowledge makes in work with the children. In her presentation she focused on reports she gathered from girls who had been released from an ORR shelter to live with a sponsor. Under guidance from ORR, case workers at the shelters process the reunification of the minors and most of them get successfully released to their parents or to a sponsor. The process may take various months because of a care policy that requires family reunification background checks.

The activist talked about the experiences reported by the girls she had interviewed. She focused on how hard it was for them to adjust to shelter life. At one point she mentioned research that stresses the importance of touch for Latinos to then report that some of the girls had found it difficult for them not to be able to touch, or be touched by others. My colleagues and I listened quietly to the activist speak, in part because our company policies required us to defer to our communication department for any information divulged publicly about our work at the shelter. There was a lot we could have said with respect to what we knew about the “touch policy” at our shelter. It is based on a law passed by congress intended to reduce sexual assault and rape incidents among prison inmates across the country known as the Prison Rape Elimination Act of 2003 (National PREA Resource Center, n.d.) . Due to the growing influx of UAMs coming into the country that were being housed in shelters and as a result of pressure from advocacy groups, the Obama administration expanded PREA standards to the ORR shelters for UAMs in 2014 (Carroll, 2014) .

David Androff (2016) gives us the political, legal, and social response context of the large influx of unaccompanied children that among other things resulted in the expansion of PREA to the ORR shelters. He takes a careful approach towards the terminology used to talk about the people involved, and about what had been happening across the country. He discusses how social workers might include human rights in their work with immigrants, work that attends to due process and access to legal counsel. This is particularly important given that an increased anti-immigrant political climate made many immigrants feel unsafe seeking counseling or even to send their children to school. He also identifies the push/pull factors that have influenced the migration: a) children who flee from countries experiencing increased social and economic instability; b) immigrant parents who send for their children since they can no longer visit them because of harsher immigration policies that have disrupted previously existing circular migration patterns; and c) increased smuggling based on rumors in Central American countries about immigration policies that increase emigration pressures. Adroff argues that the immigration detention practices of the United States violate international human rights accords, and highlights issues resulting from political, legal aid, and social work

responses to the influx of 2014. While he does not explicitly address the expansion of PREA standards to the shelters, he does offer social workers recommendations to treat the children with dignity. Among the different contractors he mentions, he lists the company I worked for as one that offers culturally competent services for the children.

Before returning to the issues brought up by the activist with respect to the “touch policy”, and the reaction I shared with my colleagues to how the issue of touch had been brought up, it is important to understand that shelters like ours were established as the result of a lawsuit that culminated in what is called the Flores Settlement Agreement. Previous to the agreement, children were detained at immigration facilities along with adults. Claims in the lawsuit provided evidence of violence and abuse against children and the terms of the agreement required the Immigration and Naturalization Service (INS) to promptly release the children from immigration detention, place the children in a “least restrictive” facility, and implement of standards of care and treatment for the detained children (Human Rights First, 2016) . When the Department of Homeland Security was enacted in 2002 by President Bush, Immigration and Customs Enforcement (ICE) replaced the INS and has since been required to release all the children they detain to an ORR shelter within 72 hours.

### **The “touch policy”**

Before I was hired to work at the shelter I had to go through a complete background check that included drug testing, as well as sending my fingerprints to be cleared by the Federal Bureau of Investigation. Once hired, ORR standards required that I attend two weeks of training in which one of the topics covered was the “touch policy” at the shelters. We were told that every employee has a supervisory obligation with respect to the children, from the cooks in the kitchen to personnel in the administrative offices, in accordance with compliance requirements outlined in the Unaccompanied Children's Services, ORR Policy Guide (Office of Refugee Resettlement, 2015) . In this guide, section 4.2 states the following about the Zero-Tolerance Policy:

ORR has a zero-tolerance policy for all forms of sexual abuse, sexual harassment, and inappropriate sexual behavior at all care provider facilities, including secure care provider facilities and long term foster care providers, and will make every effort to prevent, detect, and respond to such conduct.

In addition, section 4.2.2 outlines the care provider facility requirements:

All care provider facilities must have a written zero tolerance policy for all forms of sexual abuse, sexual harassment, and inappropriate sexual behavior. The policy must outline the facility’s approach to preventing, detecting, and responding to such conduct through written policies and procedures that are approved by ORR. The care provider facility’s policies, procedures, and services must:

- Be culturally-sensitive and knowledgeable;
- Be age appropriate;

- Be tailored for a diverse population of children and youth, including children or youth who are LGBTQI (lesbian, gay, bisexual, transgender, questioning, and intersex);
- Ensure that children or youth with disabilities, including but not limited to children or youth who are deaf, hard of hearing, blind, or have low vision and children or youth with intellectual, psychiatric, or speech disabilities, have an equal opportunity to participate in or benefit from all care provider facility policies and procedures;
- Ensure that children or youth with limited reading ability or who are limited English proficient (LEP) have an equal opportunity to participate in or benefit from all care provider facility policies and procedures;
- Provide for effective communication with children or youth with disabilities or who are LEP, including access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary;
- Require quality in-person or telephonic interpretation services that enable effective, accurate, and impartial interpretation services; and
- Ensure that any written materials, including but not limited to notifications, orientation materials, and instruction, are translated either verbally or in written form in the child or youth's preferred language.

When the children arrive at the shelter they require time to rest and recuperate from their journey. After they have rested they go through a thorough intake process. Of this process, the PREA orientation and the initial assessment are related. The orientation is done by a specialized intake worker who also has the duty of supervising the children who are in the intake room, and in accordance with established child to staff ratios. The ratios at the shelter I was at was eight children to one staff member during the day, and twelve to one at night. Newly arrived children are not allowed to be with the general population until they have been cleared by the medical team. While in intake, a counselor takes the child to an office for an initial assessment that includes questions related to mental health history, what their life was like in their country of origin, and information about their journey to the United States. Both the PREA orientation and the initial assessment address issues of sexuality, sexual experience, and questions about whether they had ever been abused. In the process, the children are instructed as to what is appropriate behavior at the shelter. Part of the PREA orientation stresses that every child has a right to safety, and they are told that they can pick up a special telephone to report any incident they consider to be harmful to themselves. The counselor also takes time to inform the children of their rights, through informed consent and with an explanation of the limits of confidentiality. They are informed that ORR requires every employee to report any and all significant incidents, whether they are from the past or recently experienced. As an example, a significant report would have to be submitted to ORR if a child reports having had sex with an adult in their home country, whether it was consensual or not. In this sense, the PREA orientation and the initial assessment function as a sort of introduction to the culture of the shelter, as well as to the cultural norms of the country they hope to someday call home. In my experience, the children enjoyed practicing the shelter touch conventions in our session.

I would show them that we could fist bump, touch each other on the shoulder, and possibly hug as long as it was done from side to side. I would explain that a frontal hug might look like something else. As much as they needed to protect themselves from harm, I would also explain that I too had the duty to protect myself. As an example, I would say I would need to avoid being involved in anything that would compromise my job. At some point, both of us had been made aware of the existence of cameras in most of the shelter, placed to guarantee everyone's protection from harm.

### **Self-injurious behavior and my question about touch**

As a counselor for the children under ORR custody, the issue of touch is particularly serious in cases where children reported or showed signs of causing harm to themselves. A group of counselors from the shelter went to a conference of the Cambridge Health Alliance and Harvard Medical School with the title "Assessing and Treating Self-Destructive Behavior" in Boston, from December 9-10, 2016. While cultural issues associated with cutting, skin picking, harmful eating, trichotillomania, as well as suicidal behaviors were discussed, I found it interesting that touch was never mentioned at the conference, except when I asked about it. My question was if touch, or a lack of it might be a possible cause for self-injurious behavior. I also wondered if it might be considered a possible treatment component in particular cases. My questions were related to what I was required to discuss with the children at their initial assessment. We address the restraint procedures we use in the case of a crisis with the children, as developed by the Crisis Prevention Institute (<https://www.crisisprevention.com/>). The hold involves at least 3 trained personnel, two of which stand on either side of the child in crisis. Holding the child's wrists, the two persons on each side wrap the child's arms around their waist and place their other hand on the child's back, pressing down gently to keep the child from moving. The third person stands or squats in front of the child and talks to the child to help calm her/him down. I would explain that instead of corporal punishment at the shelter, the child would suffer a loss of privileges for a set period of time, such as not being allowed to play video games during their recreation period. Part of the assessment required that I explain that if the child were to get out of control, if they were about to lash out at someone, or were about to do harm to themselves, we would use the restraint procedures to avoid danger to themselves and others. I took care to explain that the "touch policy" was as important to their safety as was the use of the restraint procedures. I explained that both of these practices were based on policies designed to ensure their safety.

On one occasion I was called upon to help out in a crisis where a boy was trying to bite his own wrist. In the intervention I remember holding his leg as he was trying to escape the CPI hold. This happened on the way to the psychiatric hospital where he ended up staying for a few days. On another occasion the same boy began to show signs of wanting to hurt himself, but another male counselor knelt down by the child and placed his hand on his back to calm him down. The boy began to respond positively as the counselor softly rubbed his back while I watched on standby with other employees in this small classroom, in

case the need to restrain the boy would be required. The counselor also spoke softly to him, acknowledging that the child had every reason to be upset because of a misunderstanding that had kept him from going on an outing with his group. When the boy was calmer, I intervened by asking him to tell us what word he had learned at the psychiatric hospital. He knew which one I was referring to, and I informed the other counselor and the shift leaders in the room what the word was. When I told them the boy smiled, and I told him that at the count of three we were all going to shout it and that he could join in with us. The word was “fuck”, and when we did it he did not join in, but there was a sense of relief on the part of everyone. I want to believe that saying the word had two effects, one of acknowledging the boy's anger about the misunderstanding, and the other was that he had been touched twice, once by the other counselor and another by the word we had all shouted on cue.

This boy became my client and in a session I remember going over everything he had been through. We talked about his self-injurious intent when he had gotten angry the time we took him to the hospital. We discussed how he responded positively to the other male counselor's touch the second time he had started to get out of control, when he had not been allowed to go on an outing with his group. I told him that while I was there with the other employees, I was afraid that if I touched him he might remember how I had held his leg down in the van on the way to the hospital. He said he remembered that van ride and I confessed that as I was holding his right foot, I was afraid he was going to kick me in the head with his other foot. I explained that I had only held down one of his legs so that he could be off balance since he was trying so hard to get out of the restraint hold two male shift leaders had on him, with him in the middle, two men and a boy sitting on the back bench of the van. He confessed that he remembered everything, and added that he only wanted to harm himself because he was so angry. From there we talked about his experience at the psychiatric hospital. With respect to the words he had learned there, he said that while the other counselor was softly rubbing his back that day he got upset in the classroom, he remembered that he had also learned two other words at the hospital. The one that we had not yet said was “shit”, and the one that the counselor kept on saying in Spanish was *respira*, “breathe”.

The occasions for touch in the shelter are varied, while also being constantly assessed for how they fit into the "touch policy". In the initial assessment with the children I would highlight the transitory nature of the shelter. Again, according to ORR policies, employees are prohibited from ever contacting the children once they leave the shelter. By the same token, it was incumbent upon me to explain to the children that their goal should be to reunify with their parents, other family members, or with a sponsor. With this, I would add that it was not in their best interest to establish amorous relationships with the other children. At orientation they were told that love notes were not allowed. While they might have a notebook it was one that might be examined for its content. Additionally, they were only allowed to use pencils in class or if a counselor were to allow the child to have a flexible pencil, given that it was important for us to control for sharp objects that could be used for self-harming. While it might be difficult to imagine how life could be with

so many controls stipulated by policies, I will offer one more example that shows how identity conventions provide for practices that have connection adscriptions, to then offer some examples that might further be explored for how they augment gestures limited by the shelter's "touch policy".

### **Where's your twin?**

The counseling job at the shelter requires that we see every child assigned to us weekly for an individual session that lasts at least 20 minutes. This is independent of the children we see for the intake process that could easily take up to two hours or more depending on the child's life history, in part due to the detailed in-house and ORR documentation required. I have to admit that the bureaucratic aspect of the job can be grueling, but the children themselves are a joy to work with. In most cases I was able to interrupt a child's activity to have an individual session, the most difficult being when a boy would beg not to be taken from the football pitch in the middle of a match. More often than not, I would choose to see another child and let the other one work off some steam.

In order to see a child, I would normally walk into the classroom, look around and locate the minor. I would either signal or let the child know I was there for her or him. Then I would give the classroom teacher or youth care worker a plastic card with my name and the name of the child. This was done to be able to account for every minor at regular intervals throughout the day. One day I went to a classroom to bring a boy to my office for his weekly session. As I walked into the classroom, I saw my client sitting at a desk next to another boy. I stopped short and had to look twice, although one looked a little older than the other, the two boys could have been twins. When I said, you look like twins, my client, the one who looked older made a sour face. The younger boy broke out into a big smile. He and I laughed and by that time my client was getting up to come to the office with me.

From that point on, every time I saw the younger twin in the hallway he would smile and I would smile back, sometimes we would greet each other and every time we acknowledged each other he would break out into the same big smile. Eventually the older twin was reunified with his mother, along with his two sisters who had also been at our shelter. After that I would still greet the younger twin in the hallway, and at least once when I walked into his classroom I asked him where his twin was, always with the same result. About two months after the older twin had left the shelter I realized that I had never asked the younger twin his name. I finally did, he smiled again and told me he already knew mine. However, as important as me asking what his name was, perhaps the fact that the twin connection I had made with him was "good enough". It was clearly that until I finally thought to consider asking him for his name. There had been times when we greeted each other with a fist bump, but somehow what appears to matter most to me is that I only remember his smile and the impact it had on me.

## **Detention realities and activist concerns**

I would hope that in this conclusion I might be able to talk about a future when the detention of UAMs would not be the common practice of the United States. Albeit the remote possibility of that happening, the small door I have chosen to open to this world might help us think about touch, or the lack of it. My hope has been to explore conventions around touch because of what touch means in different contexts. While on the one hand it is clear that the institution that has custody of these children has gone to great lengths to codify a series of design requirements that in turn have to be duly executed by the contractors, and under the constant scrutiny of compliance checks, there is something I would like to add with respect to the use of the word “client”. In our daily work we are in the habit of referring to the children as clients. There was one minor who asked me why I called him a “*cliente*”, and I said that as long as he was detained in a shelter and the fact that there was a need to hire someone like me to offer him counseling, I would consider him to be a client of mine. At the same time, the clients were in the habit of calling all of us “teacher” and I still often find myself using the word “student” in talking about the residents of the shelter. The confusion around these different titles portrays the field of contestation in which the rights and obligations of each of the members get defined. As an example, one of my challenges was to help some of the children understand what I had been hired to do, and to explain what a case worker does.

Detention is not easy, although there are some children who adjust well to shelter life. A girl that was assigned to me had been transferred from an emergency shelter. These type of shelters house more children and because of that counselors only have a specialized supervisory role, assisting the youth care workers when a child begins to show signs of distress or if the child’s behavior becomes seriously disruptive. I later learned that the girl who had been transferred to our facility had actually been transferred twice. Her reunification case was complicated because she had been adopted when her biological parents saw the need to ask another family to take her in as their daughter. The family adopted her but now that she was trying to reunify with her adoptive brother, her birth certificate had never been updated to reflect the change. In session, she was open to being patient about the documentation problems and in the meantime she was content to be in the shelter. She said our house was much nicer than where she had been before.

On the one hand there is the need for each child to adjust to shelter life which also means climbing the steep learning curve that goes with understanding what a counselor does, for example. In this process it is incumbent upon every employee to understand where the children come from, which often starts with understanding the cultural difference between them and the culture of the shelter, one that we could say grows from the bureaucratic culture of the United States. As such, the impact of touch, or the lack of it plays an important part in this process so that when an activist told to me that she had not realized that PREA standards had been expanded to the ORR, I wondered how it was that her comments at the conference had touched me. I am relegated to speaking in her defense, if only to be polite. At the break after the talk I

told my colleagues that I needed to go tell the activist she had failed to offer the context of the expansion of PREA to the shelters. While they all agreed with me, they also wondered if it was worth the effort to clarify this point with the activist.

So, I got up and walked over to stage right where she was and introduced myself. I told her I worked at one of the shelters located in town, and carefully stated that I thought it important for activists to talk about issues, especially about how our government handles children who come to our country unaccompanied. I also said that an activist has the breadth of action that a shelter counselor like me does not have since we are required to follow certain guidelines in our professional capacity. I ended by saying she had failed to offer a proper context for the comments she had made in her critique about touch. I told her it would have been helpful for her to talk about the impact of the expansion of PREA at the shelters in the work we do with UAMs. When she said she did not know the expansion had taken place I chose to ignore that point and continued to help her understand that I was in no way criticizing the importance of activism. I suppose part of her job was to be impenetrable to my criticism, as much as I was, as I tried to mitigate my intervention by saying I sympathized with her, and understood how her public critique of the work we do at the shelters was designed to have an impact, and perhaps at the expense of the same context I had mentioned around the issue of touch in our work. I would like to believe that ours was not a complete impasse, because for me it would have been worse not to have addressed the issue with her. I only wonder if it might change her activism, while also realizing that it might not.

The touch needs of the children in the shelter will continue to be a problem, as each new child arrives and especially when a child begins to have a drastic reaction to detention itself, as might be in the cases we see of self-injurious behavior. I can confidently say that the shelter I worked at has a “touch policy”, that is very different from what we might imagine a “no touch policy” to be. When I chose to take a teaching position in another country after having worked at the shelter for six months, I looked at my statistics and saw that I had successfully processed at least 76 children during my time there as a counselor. I gave my two weeks notice and proceeded to tell each of my children. Part of the process was to introduce the child to their new counselor. During those two weeks I spent time completing all of the required documentation, and also found time to walk around the hallways of the shelter. Yes, there were lots of fist bumps.

## References

- Androff, D. (2016). The Human Rights of Unaccompanied Minors in the USA from Central America. *Journal of Human Rights and Social Work*, 1(2), 71-77. <http://doi.org/10.1007/s41134-016-0011-2>
- Carroll, S. (2014). New rules to protect children in custody from abuse. *Houston Chronicle*. Retrieved from <http://www.houstonchronicle.com/news/article/New-regulations-aim-to-protect-children-in-5976315.php>
- Human Rights First. (2016). The Flores settlement: A brief history and next steps. Retrieved from <http://www.humanrightsfirst.org/resource/flores-settlement-brief-history-and-next-steps>
- Krogstad, J. M., Passel, J. S., & Cohn, D. (2016). 5 facts about illegal immigration in the U.S. Pew Research Center. Retrieved from <http://www.pewresearch.org/fact-tank/2016/11/03/5-facts-about-illegal-immigration-in-the-u-s/>

National PREA Resource Center. (n.d.). National PREA Resource Center. Retrieved from <https://www.prearesourcecenter.org/library/legal/federal-prea-statute>  
Office of Refugee Resettlement. (2015). ORR Guide: Children entering the United States unaccompanied. Retrieved from <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied>  
Rudnicki, J. (2017). UHCL to host free two-day bilingual counseling conference. *University of Houston, Clear Lake*. Retrieved from <http://newsroom.uhcl.edu/news/uhcl-to-host-free-two-day-bilingual-counseling-conference>