



DEPARTMENT  
OF SOCIAL  
POLICY AND  
INTERVENTION

RSC WORKING PAPER SERIES NO. 97 /  
BARNETT PAPERS IN SOCIAL RESEARCH, WORKING PAPER 13-05

# **‘Future citizens of the world’?**

## **The contested futures of independent young migrants in Europe**

Dr Elaine Chase, Department of Social Policy and Intervention, University of Oxford (elaine.chase@spi.ox.ac.uk) and Jennifer Allsopp, Department of Social Policy Intervention and Refugee Studies Centre, University of Oxford (jennifer\_allsopp@hotmail.com)

November 2013

Refugee Studies Centre  
Oxford Department of International Development  
University of Oxford

# Working Paper Series

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## Glossary

*contrat-jeune majeur* (French) Mature-youth contract

*'When I think about maybe going back to Afghanistan I think it's time to leave the world [...] I also think [...] my 4 years of study in this country will just be a waste [...]. I'm thinking of life here and friends that I made. Even if Afghanistan is a safe country for me, still I will think that I'm new born of that country because I know I don't belong there - this is my country here [...]. Now the choices are not in my hands. If they were I would love to stay here but if they catch me when I report then there are no choices left for me...'*

*'My Terrible Day', 11 February 2013. Blog post by Tory, a former unaccompanied minor living in the UK, aged 20, from Afghanistan.*

## Introduction

Over the last decade, substantial academic attention has been given to documenting, critiquing and responding to the lived experiences and protection needs of so-called unaccompanied or separated child migrants in Europe (e.g. Thomas et al. 2004; Chase et al. 2008; Kanics et al. 2010; Knauder and Hancilova 2011). A comparative research agenda on reception procedures across European Union member states (EU Fundamental Rights Agency 2011; European Migration Network 2010) has been expanded to include analysis of the 47 countries in the Council of Europe (Kanics et al. 2010) and the Nordic states (see, for example, the work of the Nordic Network for Research on Refugee Children<sup>1</sup> which unites research on Iceland, Denmark, Norway and Sweden). This abundance of research on child migrants has been accompanied by a notable absence of literature on the experiences of young migrants over the age of 18.

Similarly, a range of national and supranational stakeholders, most notably civil society organisations and groups, have reported that current European policy frameworks designed to respond to the needs of unaccompanied minors are failing to respond to the needs of the same young migrants as they transition to adulthood (as institutionally defined) at the age of 18. Critics have included Thomas Hammerberg (2010), previous Council of Europe Commissioner for Human Rights; the European Migration Network (2010); and the European Union Fundamental Rights Agency (2011). Critics have also included a wide range of emerging youth-focused advocacy groups and individuals, such as Tory, cited above, who documents his own experiences of turning 18 within the UK asylum system on an ominously titled blog: *Life after Deportation*.<sup>2</sup>

The uncertainty of future outcomes for many young migrants across Europe brings social and economic consequences for society as a whole and, crucially, has a substantial impact on the

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\* The authors would like to thank Dr Nando Sigona, Birmingham Research Fellow at the University of Birmingham and Research Associate at the Refugee Studies Centre, for his input into this paper, which was written in the framework of the collaborative research project, 'In Protracted Limbo: Transitions to Adulthood and Life Trajectories of Former Unaccompanied Migrant Children in Europe'. The authors would also like to thank Professor Robert Walker, Professor of Social Policy at the Department of Social Policy and Intervention, University of Oxford and Tom Southerden, Associate Tutor at the University of Sussex Law School.

<sup>1</sup> <http://nordicrefugeechildren.se/>

<sup>2</sup> <http://www.lifeafterdeportation.com/>

migrants' individual wellbeing. Elaine Chase (2013a) has demonstrated that for young people seeking asylum alone in the UK, a sense of wellbeing is derived not just from feeling in control of current and past aspects of their lives, but from looking forward and having a firm feeling of belonging and a projected sense of self within a future trajectory. Other work too has highlighted how migrant young people exert agency in striving to secure futures over which they have control (Chatty 2007; 2010; Gladwell and Elywn 2012). These insights suggest that the theoretically rich vein of 'futures' is critically underexplored within current research. Looking across the disciplines, however, there is work that has great relevance to scholars of migration and refugee studies as well as policy makers. Life course academics have established a link between future prospects for 'youth' and normative constructions of the future of nations in public policy. Indeed the fate of young people has long been equated to 'the state of the nation' in popular discourse (Griffin 2001). Researchers have similarly explored the link between the future of nation-states and the risks and opportunities associated with immigration flows (e.g. Miller 2005; Castles et al. 2005).

Yet the intersection of these two areas of study and policy, as they concern independent young migrants<sup>3</sup> and their future prospects, has been largely ignored. This is despite the fact that, as this paper will demonstrate, at the normative and practical level, the concept of 'futures' has been increasingly used to shape policy responses to independent young migrants in Europe with substantial consequences at the individual and societal level.

This paper prioritises the intersection of wellbeing and futures, making the case for the need to turn attention towards a theoretical frame of futures in our exploration of young people's experience of migration on their own. As such, it marks a shift from much previous work on young people subject to immigration control in Europe which has tended to prioritise their past, their reasons for flight, the traumas they may have experienced prior to migration or as part of their migration experience and the difficulties they face once they have migrated (Warwick et al. 2006; Kralj and Goldberg 2005; Wade et al. 2005). It also adds, more broadly, to an important growing literature on the differences between official narratives and subjective experiences of the temporalities of migration control (Griffiths et al. 2013); how 'time' may be exploited as a technology of control by state institutions, and how it may also be contested by those who are subjected to it (Allsopp and Chase forthcoming).

This work is the first attempt to subject to academic scrutiny European policy frameworks shaping the treatment of independent young migrants as they 'become adult', at the age of 18. In doing so, it seeks to advance our understanding of the cultural and institutional factors

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<sup>3</sup> The term 'independent migrant young people' is used throughout this paper in an attempt to transcend the 'under 18' (child) / 'over 18' (adult) binary, as laid out in legal instruments such as the UN Convention on the Rights of the Child (1989). The term recognises that whilst the policy landscape significantly shifts for young people across Europe at the age of 18, when they become institutionally defined as 'adults', in reality the transition to adulthood is shaped by multiple intersecting social and cultural factors. The term includes young people who migrate on their own and become assigned to one or more of a range of institutional categories, including 'unaccompanied minor', 'unaccompanied asylum seeking minor', 'former unaccompanied minor' and 'undocumented migrant'. Such individuals may also be labelled as a 'child trafficking victim', although this category is of secondary concern to this paper. For a critical appraisal of the European child trafficking policy framework see EU Fundamental Rights Agency (2009) and Council of Europe (2012).

which influence the relationship between immigration control, youth migration in Europe and transitions to adulthood. Based on these insights, it sheds further light on what appropriate policy responses might be (Dixon and Wade 2007; Wade 2011). Through exploring the tension between a range of policy assumptions and what we know of the lived experiences of independent young migrants in Europe, it demonstrates that their 'futures' are a highly contested terrain. It is argued that evident tensions in how these different futures are constructed reflect not simply a miscomprehension of the way in which independent young migrants conceive of and seek to realise their futures, but a more deliberate political shifting of the burden of responsibility for them elsewhere.

## **Outline**

The paper begins, in Part 1, by outlining some background context regarding the phenomenon of independent youth migration in Europe, including trends in flows, reception procedures and processes of labelling and institutionalisation. It also provides a review of relevant sources of data available at the European level. Part 2 outlines the European policy frameworks relevant to this discussion. Particular focus is given to the 2010-2014 European Union Action Plan on Unaccompanied Minors and the 2010 Council of the European Union Conclusions on Unaccompanied Minors and Separated Children, in addition to Recommendation CM/Rec (2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors. Part 3 of the paper identifies and critically examines three assumptions upon which the European policy response to independent youth migration is based: 1) young migrants will comply with institutional processes in pursuit of their 'best interests'; 2) returning young people (to countries of origin or previous residence) is a 'durable solution'; and 3) independent young people 'belong' in their countries of origin. The paper concludes with a discussion of key themes and by highlighting a range of avenues for further research.

## **Methodology**

This paper is based on scoping work as part of a larger programme of research, funded by the University of Oxford John Fell Fund, to address the dearth in knowledge concerning the long-term trajectories and wellbeing outcomes of former unaccompanied minors and separated children in Europe. It draws on data from mixed-methods preparatory work conducted throughout 2013. Four main stages have fed into the analysis presented in this paper: a review of academic and grey literature; a critical discourse analysis (Fairclough et al. 2011) of European policy frameworks governing the outcomes of young people subject to immigration control, in particular as they turn 18; informal consultations with a range of service providers and advocates who work with young people subject to immigration control across Europe; and participant observation and interviews in London with a group of young migrants aged 18-24 years who were unable to progress to higher education because of their immigration status. The paper also draws on the authors' extensive background knowledge and previous work in the field of independent youth migration in Europe.

## **Part 1: Background**

This section begins by providing some context on the phenomenon of independent youth migration to Europe before proceeding to a more detailed exploration, in Part 2, of how in recent years the futures of independent young migrants have become the subject of increasing

policy harmonisation initiatives across Europe. It offers an overview of the main drivers of independent youth migration to Europe, young people's journeys and the reception procedures with which they are confronted upon arrival in Europe. It also gives an overview of the main data sources on independent youth migration to – and within – Europe.

### **Drivers of independent youth migration to Europe**

It is well established in migration scholarship that migratory trends are generally shaped by a range of 'push' factors in countries of origin and 'pull' factors in destination countries – a range of structural factors as well as by the specific migratory choices and agency exercised by individuals (Castles 2004; Castles et al. 2005). Whilst there has been extensive research on the drivers of adult migration (e.g. Massey et al. 1993; Hagen-Zanker 2008; Van Hear et al. 2012), to date, literature on the drivers of youth migration remains more limited (Bhabha 2004; Hopkins and Hill 2008). Studies which have broached the topic suggest that young people are more likely than adults to migrate irregularly, that youth migration usually follows patterns of adult migration and that it is often the result of a positive decision taken by the young person, or more commonly the family, with the aim of improving life opportunities through work and education (EU Fundamental Rights Agency 2010; Diop 2009; Kanics et al. 2010). The desire to secure future family reunification has also been cited as a factor (Frontex 2010), along with the impulse to flee persecution, political violence, generalised violence, family insecurity, natural disasters, poverty or domestic abuse (Chase et al. 2008). There is a growing recognition that youth migration may also in some cases be the result of coercion, by relatives and/or traffickers (EU Fundamental Rights Agency 2009), that young migrants may be more vulnerable to exploitation compared to adults, and that their migration may involve a combination of agency, such as an initial decision to depart, followed by exploitation en route or in the country of destination (Kanics et al. 2010). Studies suggest that, like their adult counterparts, young migrants exercise agency and may rely on social capital and networks when migrating (Orgocka 2010, 2012; Allsopp and Chase forthcoming). Evidence also suggests that, like adults, many young migrants are unaware of their final destination (Nicolini 2010).

Certain migration scholars have drawn attention to the role of migration, and the migration journey in particular, as a 'rite of passage' for certain young people (Monsutti 2007; Hagan 2008); specifically, as a key pathway into adulthood which may help them to become economically independent (Young 2004; van Blerk 2008), achieve a sense of safety and freedom to plan ahead (Chase 2013a), contribute to the family economy through remittances (Kandel and Massey 2002), and experience a 'sense of adventure' (Crivello 2011; Ungruhe 2010). Assunta Nicolini (2010) has found that for many young Afghan migrants, for example, migration to Europe is experienced as a pathway to adulthood, albeit a journey which often becomes stalled or truncated by policy, institutional and legal factors en route and once they arrive in Europe.

### **Migration journeys**

Although the 'migration journey' is a particularly under-researched phenomenon (Benezer and Ben-Ezer 2005; Zetter 2004; Griffiths et al. 2013), especially in relation to migrant youth (Kanics et al. 2010), evidence suggests that for many young people migrating alone to Europe is complex and prolonged (Wade 2011; Bloch et al. 2011). The journey often begins long before they arrive in what becomes their European 'host state' (Chase et al. 2008; Chase 2010; Thomas et al. 2004). Many, as is the case for a significant population of young Afghans and Palestinians, may have set out from refugee camps in countries bordering their 'own', some

having never even lived in their mythologised ‘homeland’ (Zetter 1999). Others may get stuck en route at the port of entry to Europe or spend significant periods in European transit countries, such as Greece, or in ports such as Calais, France, while they find the means to make the next step of their journey. Table 1 provides an overview of the main routes into Europe of independent migrant children and young people from different countries.

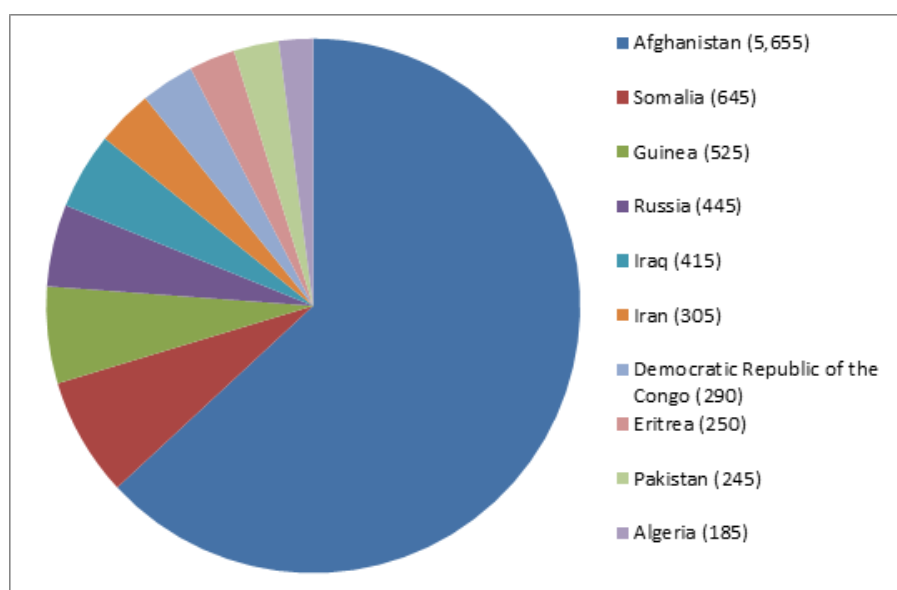
Country of origin	Main route	Means
Afghanistan, Iran, Iraq	Cross Turkey, enter Europe through Greek land or sea borders	Land and sea
Horn of Africa	Cross Sudan and Tripoli. Cross the Mediterranean (increasingly the East Mediterranean area transitioning through the Arabic peninsula in response to increased joint Italy-Libya border patrols)	Land and sea
Nigeria, Rwanda, Democratic Republic of Congo	Fly directly to target country, mainly with traffickers	Air
People’s Republic of China, India, Vietnam, Sri Lanka or Brazil	Fly directly to target country, using false documentations or false pretences	Air
Morocco/ Algeria	Travel clandestinely (often through smugglers) by concealing themselves in lorries or other vehicles crossing into Ceuta and Melilla. They also stow away in ferries linking Morocco to Spain	Land and sea

**Table 1:** Main routes of independent migrant children into Europe (adapted from Frontex 2011)

Most literature on young people’s migration journeys stops at the point of ‘arrival’, thus failing to consider how the migration strategies or ‘journeys’ upon which young people embark change across time and, in particular, once they arrive in the country of migration. Small-scale studies have found that young people may hold several co-existing cultural ideals of what is to be gained from migration and that these change over time in response to, for example, influences from their home country (Sirriyeh 2008), social networks (Bloch 2013), the experience of living in a new country or location (Skelton and Valentine 1998), and exposure to global youth culture (Massey 1998). Previous work also indicates that young people may embark upon secondary migration in Europe (Olin personal correspondence 2013) or view eventual permanent return to countries of origin as a key ‘future’ aspiration (Sinatti 2011).



## Trends in sending and receiving countries



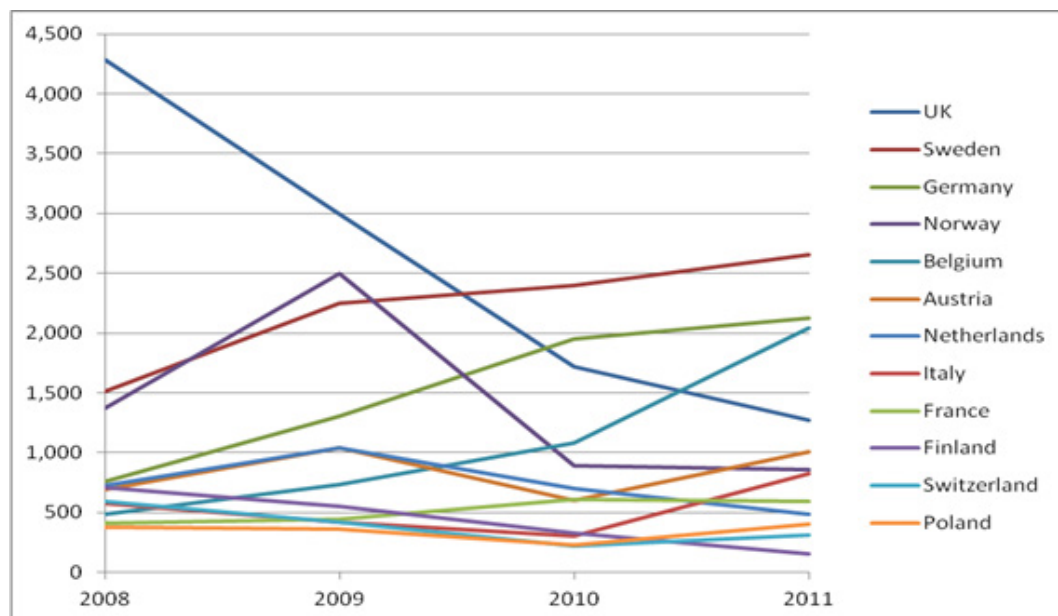
**Table 2:** Top 10 countries of origin of unaccompanied minor asylum applicants in EU in 2011 (Source: Eurostat 2013)

Table 2 provides an overview of the main countries of origin of unaccompanied minor asylum applicants in the EU in 2011. It demonstrates that the most common countries of origin for this cohort of young people are Afghanistan, Somalia and Guinea. Most unaccompanied young people are male between 16-18 years of age (Frontex 2010; Eurostat 2013). The country of origin, age and gender profiles of these young people vary significantly across time and across states, partly in response to geographical factors and the fact that some countries provide transit points to other destinations (European Migration Network 2010; European Commission 2010). Table 3, below, outlines the role of different member states in the migratory process for young people.

Country	Type of state in relation to 'Unaccompanied Minors'
Czech Republic, Lithuania, Slovakia, Bulgaria, Romania, Hungary, Slovenia, Estonia, Latvia	Transit countries, which receive very few asylum applications from unaccompanied children, but through which some children travel to reach their destination country.
Sweden, Germany, UK	Member states where unaccompanied minors arrive predominantly as asylum seekers
Italy, Spain	Member States where asylum flows are less significant in comparison to children arriving as irregular migrants.

**Table 3:** Typology of EU countries in relation to the migration of 'unaccompanied minors' (adapted from European Commission 2012b)

The numbers of asylum applications submitted by unaccompanied minors in any given European country changes over time. This is demonstrated in Table 4, below, which shows the number of asylum applications submitted by unaccompanied minors in the top 12 receiving countries in Europe between 2008 and 2012. Among the top 12 European countries which have received the most asylum applications from individuals judged to be under 18 during this period, six observed a decrease in the number of applicants over that time, whilst four saw an increase. These changes have been attributed to a range of external factors, including new migratory routes emerging in response to changing border controls (Frontex 2010), stricter policies regulating asylum applications for unaccompanied minors in certain states, e.g. in relation to age assessments in Finland (European Migration Network 2010), perceptions of welfare and family reunification rights (ibid.), pre-existing social networks and the formation of diasporas (Frontex 2010). They may also, importantly, reflect young people’s changing strategies of engagement with institutional processes (Sigona and Hughes 2012; Bloch et al. 2009), an area of research that has remained largely unexplored.



**Table 4:** Number of asylum applications submitted by unaccompanied minors in top 12 receiving countries in Europe (Source: Eurostat 2013; Norwegian Directorate of Immigration 2013)

### Data

Data on the number of asylum applications made by unaccompanied minors in each European country, and across Europe, are fairly reliable – both within the 27 member states of the EU and more broadly. Each year centralised data are collated for each EU member state and made publicly available online in the Eurostat database.<sup>4</sup> It is known, for example, that around 11,000-12,000 unaccompanied minors apply for asylum across the 27 EU member states each year (Eurostat 2013) – see Table 5, below.

<sup>4</sup> <http://epp.eurostat.ec.europa.eu/portal/page/portal/population/data/database>

<b>2011</b>	12,225
<b>2010</b>	10,845
<b>2009</b>	12,245
<b>2008</b>	11,715

**Table 5:** Asylum applications received by unaccompanied minors in the EU 27, 2008-2011  
(Source: Eurostat 2013)

Data on those who enter Europe without claiming asylum, or who formally enter a state asylum system and are counted but ‘disappear’ (usually when threatened with the possibility of return at the age of 18) are far sparser (Bloch et al. 2011; Gladwell and Elwyn 2012; European Commission 2012a). Limited and sporadic data collected by European states on the population of independent migrant youth who enter Europe without claiming asylum suggest that this group constitute a very large proportion of the overall number of independent migrant young people. These data are submitted by a number of EU states to the European Migration Network<sup>5</sup> and are drawn from a range of sources including: the number of non-asylum seeking migrant minors in the care of public authorities; residence permits issued to unaccompanied minors; victims of trafficking counted through national monitoring schemes; Eurodac checks; and the number of apprehensions (and refusals) at borders. These data demonstrate that the gap between the total number of independent migrant minors and the number accounted for in asylum figures is particularly apparent in Mediterranean countries which are commonly used as transit points to mainland Europe (again, see Table 3). In Spain, for example, which received just 60 applications for asylum from unaccompanied minors between 2008 and 2011, an estimated 5,000 independent migrant children were present on the territory over the same period (European Commission 2012b). A consequence of this data gap is that, across Europe, policy has become focused on the specific group of migrant children and young people claiming asylum, largely ignoring other categories of undocumented independent migrant children who are not in institutional care (Bloch et al. 2009; Diop 2009; Sigona and Hughes 2012).

Irrespective of how they are categorised, very little data exist at local, national or international levels regarding the outcomes of independent young migrants in Europe once they turn 18 (Dixon and Wade 2007; Kohli and Mitchell 2007; Chase 2013a). This is true whether they remain in Europe with one of a number of possible legal statuses, continue to live in Europe with no legal right to remain, embark on secondary migration (within or beyond Europe), return to countries of origin, or re-migrate to Europe following deportation—all known to be possible trajectories of independent young migrants in Europe. For some states it is harder to gain access to information about returns as these are not made publicly available (e.g. Germany). Furthermore, most states do not distinguish between adults in detention or adult deportees and former unaccompanied minors. In some states, such as the UK, it is possible to gain access to information via freedom of information requests (e.g. Dorling 2013; Gladwell and Elwyn 2012), although, to date, this has not been fully exploited as a method in academic research in this area.

There is no ‘quick fix’ to the data problems regarding independent youth migration in Europe since, in some (though by no means all) respects, they are the products of the nature of such

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<sup>5</sup>[http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/reports/studies/results/unaccompanied-minors/index\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/studies/results/unaccompanied-minors/index_en.htm)

migration. As Alice Bloch, Nando Sigona and Roger Zetter (2009) have pointed out, young migrants may adopt individual or collective responses to shifting border/institutional controls and also engage differently with institutional processes over time. Data available at the national level confirm that young people may purposefully move in and out of bureaucratic categories, especially as they approach the age at which they will lose rights and entitlements granted because of their status as ‘children’. We know that this most commonly happens as independent young migrants approach the age of 18, when the entitlements associated with the label of ‘unaccompanied child’ will expire or become less certain (Kohli and Mitchell 2007), and where, in countries such as the UK and Norway, temporary legal statuses may expire automatically when the young person turns 17 and a half, or 18. Bureaucratic classifications bring certain time-limited rights and entitlements, but also render individuals vulnerable to certain institutional practices as they turn 18 – or if they are perceived to be 18 at the point of interception. Such practices include forced removal to one’s country of entry into Europe<sup>6</sup> and detention and deportation. We know, for example, that around 2,000 former unaccompanied minors leave the care system in the UK each year (Pinter 2012), although we have little idea about what happens to them or what subsequent contact they have (if any) with immigration control (Gladwell and Elywn 2012). Several European states, such as the UK and Norway, have reported disappearances of unaccompanied minors from care centres as they approach the age of 18 and become liable to forced removal to their country of origin (Refugee Children’s Consortium 2013; Olin personal correspondence 2013).

In short, no assumptions can be made that young migrants will *allow themselves* to be counted at any given moment in time or with any consistency over time and space.

### **Reception of independent migrant young people**

Once they are ‘received’ in Europe, the lives of independent migrant young people are governed by a complex and intersecting range of local, national and supranational policy frameworks. Despite attempts to harmonise policies and procedures at the European level (see Part 2), these still vary significantly among European states (EU Fundamental Rights Agency 2011; European Migration Network 2010; Knauder and Hancilova 2011). Though more research is needed in this area, two recent reports by the EU Fundamental Rights Agency (2011) and European Migration Network (2010) provide a good overview of key areas of difference in terms of policy formulation and delivery, and also highlight common practices and procedures. They suggest that these differences may, to some extent, be determined by variables including the existing (young) migrant population, whether most independent young migrants apply for asylum or not, the dominant welfare state model in play and whether or not the state is an EU member state and adheres to the Common European Asylum System.

Migrants who are deemed to be under the age of 18 years who enter Europe without a parent or legal guardian and become known to state authorities face a range of possible outcomes, including, in some cases, family tracing and/or return to their country of origin through one

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<sup>6</sup> A recent case, *The Queen on application of MA, BT, DA v Secretary of State for the Home Department* [2013] C-648/11, found that the EU member state responsible for determining the asylum application of an unaccompanied minor is the member state where the child has most recently lodged his or her application rather than their point of entry into Europe. This stands in contrast to the legal sanction of forced removals to points of entry into Europe for those aged 18 and over in accordance with the *Dublin Regulation* [Regulation 2003 343 CE].

of a series of bilateral repatriation agreements (such as between Spain and Morocco). However they are commonly labelled and institutionalised as ‘unaccompanied (foreign) minors’<sup>7</sup> or ‘unaccompanied asylum seeking children’<sup>8</sup>. Those who have entered Europe under the radar of immigration systems may end up living ‘unlabelled’, and without access to public services and support, within social networks, with distant relatives, within private fostering arrangements or similar (Bloch et al. 2011). In some states little distinction is made between those who apply for asylum and those who do not; in others the decision to apply for asylum can have a significant impact on processes of labelling and institutionalisation (European Migration Network 2010).

Almost all unaccompanied minors who are engaged in a formal status determination process in Europe will undergo certain common procedures including an age assessment, attempts at family tracing, placement in accommodation and the assignment of a legal Guardian. The overwhelming majority of these frameworks are focused on providing care until the young person reaches the age of 18, or, in some cases 21 or 25. Across almost all European countries, unaccompanied minors are given access to health services and education. In some countries, such as Belgium and Norway, there is a separate (and inferior) care system for unaccompanied minors who do not apply for asylum or who have been refused asylum but cannot be returned because of their ‘child’ status and related protection needs. In other countries, such as the UK, the level and quality of care is, in theory, largely the same as for all children and young people in the public care system.

A further international variation is whether the minor in question enters the national care system, as in the UK, or goes through a separate system, as in Finland, Norway and Denmark. Related to this is variation in the most likely type of living arrangements (e.g. foster care or independent living) and in the provision of legal aid provided, particularly when young people are beyond the age of 18. In addition, there are notable differences among European states with respect to access to certain social and cultural rights, such as educational and vocational training opportunities (for young people both under and over 18) (Knauder and Hancilova 2011).

### **Legal statuses**

Most independent young migrants who apply for asylum in Europe are denied refugee status or humanitarian protection but are afforded time-limited welfare support and care provisions

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<sup>7</sup> According to the definition adopted by The Council of the European Union in Council Directive 2001/55/EC of 20 July 2001, unaccompanied (foreign) minors are ‘third country nationals or stateless persons below the age of eighteen, who arrive on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they have entered the territory of the Member States.’

<sup>8</sup> An unaccompanied asylum seeking minor has made an application for international protection and is part of a refugee status determination procedure. According to the 1951 Refugee Convention (and 1967 Protocol), a refugee is a person who ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country’.

under a form of temporary or ‘discretionary’ leave to remain (see Table 6, below).<sup>9</sup> Of the 67,625 asylum applications received in the top twelve European receiving countries from individuals aged 17 or under between 2008 and 2012, just 10,115 (15%) were granted refugee protection. Of a total 34,675 positive decisions, 24,560 (71%) were grants of other statuses.

	Total decisions	Total positive decisions	Refugee status	Humanitarian status	Subsidiary protection status	Refusals
Austria	4,745	1770	650	:	1115	2990
Belgium	5,130	1540	930	:	610	3600
Finland	1245	800	55	150	590	445
France	2,900	1050	975	:	75	1,845
Germany	14,460	5,180	2990	1470	715	9,280
Italy	3030	1890	485	665	750	1130
Netherlands	5,105	2780	105	:	:	:
Norway	4760	3255	710	535	2020	1495
Poland	915	345	40	135	175	570
Sweden	12,610	7,430	855	1845	4,740	5,185
Switzerland	2220	1370	620	570	175	855
United Kingdom	10,505	7,265	1700	5,495	70	3245

**Table 6:** First instance decisions on asylum applications made by individuals aged 17 years and under in the top 12 European receiving countries, 2008-2012 (Source: Eurostat 2013)

The temporary nature of many of these statuses widely applied across Europe has been equated to ‘life in limbo’, or a ‘period of waiting’ (Brighter Futures 2013), experiences which can have a significant impact on young people’s wellbeing, especially as they approach the age of 18.

### Turning 18

Once they turn 18 and become institutionally defined as ‘adults’ by their respective European host states (a process known as ‘ageing out’ among some migrant youth in the UK), independent young migrants frequently end up ‘in limbo’, uncertain of whether or not they will be able to extend their leave to remain in Europe and for how long. On the one hand, those who have evaded the authorities continue to live precarious existences without any legal documentation or associated social, economic or political rights (Sigona and Hughes 2012). On the other, those who have spent variable amounts of time being looked after by public care services are the direct targets of policies seeking to define their long-term futures. These may include formal care plans which seek to prepare young migrants for possible future options,

<sup>9</sup> Although efforts are being made to unify the approach, especially across EU member states (EU Fundamental Rights Agency 2011), the names given to the range of temporary statuses accorded to unaccompanied minors who are refused asylum vary according to each country. They also vary in terms of the amount of time for which they are granted and the nature of accompanying rights and entitlements (European Migration Network 2010; Knauder and Hancilova 2011).

such as ‘Pathway Plans’ in the UK (Wade 2011); or specific training tailored to return them to their country of origin (as has been documented in the Netherlands (Kromhout 2009)). There is little evidence to date of how these various approaches affect processes of future planning, individual and collective trajectories and the long-term wellbeing outcomes of independent migrant youth. Wade (2011), in one of the only pieces of research to address this issue, warns of a ‘high risk of planning drift’, highlighting the: ‘need to take forward an agenda of research to deepen our understanding of the care and leaving care pathways of unaccompanied young people and of the way in which care-givers and social workers can help them during this journey’ (p2429). European comparisons, he recommends, should be a key element of this research.

If they are unable to extend their leave to remain and find themselves past the age of 18 as ‘all appeal rights exhausted’ (ARE), young people are most likely to be expected to return (voluntarily or by force) to countries of origin considered ‘safe’ and may be liable to (in some cases indefinite) periods in immigration detention. Certain individuals in this situation are de facto non-returnable due to a lack of a functioning relationship between authorities in the host state and the receiving country and/or a lack of cooperation with the return process. This has been reported in the UK context, for example, in relation to individuals from Iran and Algeria who fled without documentation (Phelps 2010). Alternatively, those who have exhausted their appeal rights may ‘go missing’. For some, the formal transition to adulthood at the age of 18 thus corresponds with what Roberto G. Gonzales (2011) has called, in relation to undocumented migrant youth in the USA, a ‘transition into illegality’; such young people must ‘learn to be illegal’.

The complex policy area of what happens to young migrants as they ‘become adult’ while subject to immigration control has received at least some European policy attention in recent years. It is to this that we now turn in Part 2 before considering how the assumptions which underlie these policies correspond to young people’s lived experiences in Part 3.

## **Part 2: Harmonising the European response to independent migrant young people**

Like adult migrants, the lives of independent migrant young people in Europe are partly governed by a range of migration management instruments which have emerged, since the late 1990s, as part of the Common European Asylum System. These legal instruments reflect efforts to harmonise reception, integration and return procedures for migrants across Europe, and a more general trend to synergise immigration policies and strengthen economic and political collaboration between EU Member States (Lindstrøm 2005; Ruffer 2005; Schuster 2005). Many such policies have been criticized for normalising discriminatory and exclusionary practices (Düvell 2009; Watters, 2007; Fekete, 2005; Schuster 2003; Uçarer 2001), including in relation to children and young people (e.g. Eneajor 2008).

As noted above, collective responses to ‘independent young migrants’ in Europe – within the EU and more broadly – have largely focused on unaccompanied minors seeking asylum, and increasingly so-called ‘trafficking victims’ who are under the age of 18 (EU Fundamental Rights Agency 2009). A range of non-binding treaties and guidelines seek to harmonise and regulate these processes at the regional and international level (see, for example, the 1997

UNHCR Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum; the 2005 Committee of the Rights of the Child General Comment no. 6 on the treatment of unaccompanied and separated children outside their country of origin; and the 2010-2014 EU Action Plan on Unaccompanied Minors). The treatment of unaccompanied minors is also governed by a range of binding European and other international legal instruments, outlined in Table 7, below.

<ul style="list-style-type: none"> <li>• International Convention on the Rights of the Child (1989)</li> <li>• European Convention on Human Rights (1950)</li> <li>• UN Convention Relating to the Status of Refugees (1951 Geneva Convention)</li> <li>• Universal Declaration of Human Rights (1948)</li> <li>• International Covenant on Civil and Political Rights (1966)</li> <li>• International Covenant on Economic, Social and Cultural Rights (1966)</li> <li>• European Council Resolution of 26 June 1997 on unaccompanied minors from third countries</li> <li>• Dublin II Regulation (2003)</li> <li>• EU Directive 2003/9/EC (Reception Act)</li> <li>• EU Directive 2004/81 on the residence permit issued to third-country nationals who are victims of human trafficking or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities</li> <li>• EU Directive 2004/83/EC (Qualification Directive)</li> <li>• EU Directive 2005/85/EC (Procedures on Asylum)</li> </ul>
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**Table 7:** Legal instruments governing the treatment of unaccompanied minors in the EU

### **The Stockholm Programme**

The push to harmonise policy responses to the circumstances of unaccompanied minors in Europe was highlighted as a priority policy issue within the EU's 2010-2014 Stockholm Programme, adopted on 2 December 2009. This has led to extensive financial and political commitment to the identification of durable policy solutions. A set of 'best practices' are brought together in a series of Council of the European Union conclusions on unaccompanied minors, adopted in June 2010, for example, and in a 2010-2014 Action Plan on Unaccompanied Minors, adopted by the European Commission in May 2010. Together, they 'put forward a common EU-wide approach based on the principle of the 'best interests of the child' (European Commission 2012a, p2).

The Stockholm Programme, adopted on 2 December 2009, puts the accent on 'durable solutions' and 'best interests of the child' whilst pursuing an explicit pro-return agenda.

### **'Best interests'**

Article 24 of the European Charter of Fundamental Rights stresses '[in] all actions relating to children, whether taken by public authorities or private institutions, the child's best interests shall be a primary consideration'. This article is given legally binding force in The Treaty of Lisbon. All European policy response frameworks and tools governing the treatment of independent migrant children recognise the importance of finding a bespoke durable solution



that meets the 'best interests' of each young person, emphasising that it may, depending on its particular objectives, be implemented either in the host country or, alternatively, in the host country and in the country of origin, or in the country of origin. In specific cases it may be implemented in a third country, such as the case of family reunion. Yet nowhere is it defined what 'best interests' means (Engebriksen 2003). It is especially ambiguous as to whether the concept has relevance prospectively in terms of planning ahead for what happens when young people 'become adult' at the age of 18. Some have argued that while in theory the 'best interests' principle should extend beyond 'childhood' up until the age of 25 or, in the context of a recent UK case (*KA (Afghanistan) & Ors v Secretary of State for the Home Department* [2012] EWCA Civ 1014), that there can be no 'bright line rule' around age when dealing with age-related persecution, in practice the 'best interests' principle still appears largely irrelevant for young people once they turn 18 (Freeman 2005; Dixon and Wade 2007; Stanley 2005). This is in spite of the explicit recognition of the need for a framework which can mitigate the problems experienced because 'the specific rights offered to separated children due to their particular vulnerability evaporate when they become adults become 18' (Kanics et al. 2010, p178).

### **'Durable solutions'**

'Durable solutions' have been a central pillar of the international refugee protection framework since its inception. As outlined in the 1951 Geneva Convention and its 1967 Protocol, they are a crucial part of the mandate of the UN Refugee Agency, UNHCR. UNHCR's 1950 Statute sets out the High Commissioner's mission to seek 'permanent solutions for the problem of refugees by assisting Governments [...] to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities'.

Durable solutions as a framework is also directly applied to unaccompanied minors and separated children in UNHCR's 1997 Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum and in a 2005 Comment from the UN Committee on the Rights of the Child. The 2005 Committee on the Rights of Child General Comment on unaccompanied and separated children stresses the primary importance that should be given to finding a 'durable solution' for each migrant child. Explaining the rationale for the Comment, specific mention is given to the need to support independent young migrants in transition: 'many such children are granted only temporary status, which ends when they turn 18, and there are few effective return programmes' (paragraph 3). Again, three possible 'durable solutions' are defined: repatriation, local integration or resettlement in a third country.

### **Normalisation of return**

Whilst, as noted above, policy guidance lists a range of possible 'durable solutions' for independent young migrants who exhaust their leave to remain past the age of 18, increasingly, return appears to be the default option imposed on young migrants known to the authorities. The Stockholm Programme expressly asks the European Commission to 'examine practical measures to facilitate the return of the high number of unaccompanied minors that do not require international protection'. This is in many ways reflective of pre-existing national discourse and practice, including the existence of the aforementioned bilateral return agreements between European host states and 'countries of origin', in addition to cross-state initiatives, such as ERPUM, (the European Return Platform for Unaccompanied Minors) between the UK, Norway, Denmark and Sweden. Such initiatives have received significant financial investment in recent years (Lemberg Persson et al. 2013; European Union

2010). The European Return Fund, which prioritises the response to unaccompanied minors as among its primary objectives, for example, allocated 676 million euros for the period 2008-2013 (Official Journal of the European Union 2007).

It is important to note that the harmonisation of broader strategies in relation to independent young migrants and the facilitation of return extend beyond EU countries. Collective initiatives include the Life Project Planning framework promoted among the 47 countries in the Council of Europe and specific initiatives among Nordic countries, such as the Nordic Network for Research Cooperation on Unaccompanied Refugee Minors, which aims to improve the health and wellbeing of refugee children in Nordic countries through the sharing and wide dissemination of research.<sup>10</sup>

The Life Project Planning framework has been widely endorsed by European states both within and beyond the EU. It therefore provides a valuable insight into current and emerging norms, and their openness to contestation.

### **Life Projects – planning for an uncertain future**

The prevalence of temporary legal statuses and the common experience of waiting among independent young migrants, outlined in Part 1, means that planning for the future can be an exercise fraught with difficulties for independent migrant young people in Europe. As such, initiatives to harmonise policies and procedures have seen a parallel growth in practice-based guidance frameworks for professionals (key workers, social workers etc) tasked with helping young migrants, and their host societies, plan for the future within the confines of migration systems and structures (Drammeh 2010; International Social Service and International Reference Centre for the Rights of Children Deprived of their Family 2007; EU Fundamental Rights Agency 2011).

The most prominent of these is the Life Project planning framework promoted by the Council of Europe, as codified in Recommendation CM/Rec (2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors, and set out in the 2010 book, *Life Projects for Unaccompanied Migrant Minors: A handbook for front-line professionals*. The stated aim of Life Projects is to ‘contribute to finding lasting solutions for and with unaccompanied migrant minors that will help them to build life projects guaranteeing them a better future’ (Council of Europe 2007). This framework, though geographically broader in scope, is closely associated with policy and practice among EU member states. The 2010 Council of the European Union conclusions on unaccompanied minors, for example, explicitly refer to the Council of Europe Life Projects framework, while the European Union Agency for Fundamental Rights (FRA) dedicates a whole chapter to Council of Europe Life Projects in its 2011 comparative report, *Separated, asylum-seeking children in European Union Member States*.

As stated by Thomas Hammerberg, Council of Europe Commissioner for Human Rights between 2006 and 2012, Life Projects ‘aim at developing the capacities of minors, allowing them to acquire and strengthen their skills to become independent, responsible and active in society’. The model seeks to collate ‘best practice’ from the variety of futures planning frameworks in operation at the national level.

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<sup>10</sup> [http://nordicrefugeechildren.se/?page\\_id=2](http://nordicrefugeechildren.se/?page_id=2)

In spite of its discursive framing as a means to finding a ‘durable solution’ and to pursuing the ‘best interests’ of the child, the European Life Project Planning framework, in practice, promotes a number of exclusionary practices and discourses at the national level which seek to shift responsibility for the young person beyond the host state. These practices are based on a number of practical and normative assumptions which will now be explored in Part 3 of this paper. In particular, Part 3 analyses the dissonance between how the regional policy framework formulates and imposes a set of future options for former independent migrant children in Europe, and young people’s own conceptualisations of their futures and how they intend to realise them.

## Part 3: Assumptions

### **Assumption 1: young migrants will work with European host states in pursuit of their ‘best interests’**

The first assumption that underlies the Council of Europe Life Project Planning model, and the broader policy frameworks which it channels, is that young migrants will work with European host states in the pursuit of their ‘best interests’. Three points of contention arise from this assumption. The first is that young migrants and European host states share a common understanding of their ‘best interests’; the second is that young migrants will comply with institutional processes in seeking to achieve what they conceive to be their own ‘best interests’. The third is that key professionals are best situated to channel the perceived ‘best interests’ of independent migrant young people and to influence their planning for the future.

#### **Whose ‘best interests’?**

Much European guidance is couched in terms of providing a ‘lasting solution’ conducive to the needs of both young people *and* the host state, implying that such a solution is somehow negotiated. There is an expectation that young people’s ‘expectations, wishes and perceptions’ will be taken into account in the Life Project plan in particular, in keeping with their ‘right to have a voice in decisions that affect them’ (as outlined in Article 12 of the UN Convention on the Rights of the Child), and, importantly, their ‘best interests’. In practice, however, evidence suggests that rather than being negotiated, young people’s futures are processed through such Life Project planning frameworks, their ‘best interests’ largely determined by bureaucratic and paternalistic conveyor belts over which they have minimal control. Indeed the idea that Life Projects are negotiated ignores the structural constraints imposed by the legal and administrative systems which govern migration in different jurisdictions within and beyond Europe.

Increasingly, more than ever is being written about young people’s abilities to evade systems of control (Chase 2010; Schuster 2013; Bloch et al. 2011) and to negotiate and make measured decisions on the risks facing them in the migratory processes (Williams and Baláz 2012). It is well documented, for example, that many young migrants seek to evade detection as they pass through certain European countries in order to avoid potential return to their point of entry into Europe in accordance with the Dublin II regulation (Frontex 2010). They also take great calculated risks (Williams & Baláz 2012) in moving from one country to the next; hiding in or under lorries, crossing oceans in unstable boats and subjecting themselves to the control of the agents who transport them. Yet little literature has considered how young migrants pursue risks in navigating institutional structures once they have arrived in their final destination. As

noted in Part 1, this link between perceived ‘best interests’, future planning and risk is ripe for further investigation.

### **Compliance with institutional processes: the costs of being counted**

The extent to which young people engage in state processes may also be part of the calculated risks that they take. Furthermore, evidence suggests that many young people engaged in formal futures planning processes simultaneously pursue alternative life projects which they may or may not share (Chase 2010). Being ‘counted’ as an unaccompanied asylum seeking minor carries certain rights and entitlements but, as we have seen in Part 1, these are usually time-limited and come with accompanying patterns of institutionalisation and surveillance which the young person may seek to resist. In other words, as well as being nominally a mechanism to protect ‘vulnerable’ young migrants, immigration control, anti-trafficking and asylum mechanisms through which young migrants are channelled in Europe can also produce vulnerability (Enenajor 2008; Anderson 2012) and disempowerment (Bhabha 2003). Shortcomings in refugee status determination procedures among minors also raise the possibility of a protection gap in certain cases, where the child’s ‘best interests’ may equate to an unrecognised need for international protection (Bokhari 2008). Furthermore, the ‘costs’ of receiving support may accrue once the young person turns 18; to continue receiving support as a refused asylum seeking adult, a young person may be required to move to another location and may, for example in the case of the UK, have to sign up to voluntary return.

Table 8, below, gives a rough typology of some common characteristics of those institutionalised as ‘unaccompanied (asylum seeking) minors’ in Europe and those who live outside of institutional processes in pursuit of their perceived ‘best interests’.

Inside	Outside
‘unaccompanied (asylum seeking) minor’	‘illegal immigrant’/‘undocumented migrant’ /‘irregular migrant’
May go through asylum/anti-trafficking system	Not involved in asylum/anti-trafficking system
Formal support structures provided by the state	Rely on social networks for care – may be destitute/may be exploited
Institutional futures planning	No institutional futures planning
Adhere/disappear	Hide/disappear
Turn 18 -> may be granted extension of leave to remain/ may risk deportation	Turn 18 - > may risk deportation

**Table 8:** Institutional typology of unaccompanied (asylum seeking) minors in Europe

As demonstrated in the Table, being ‘inside’ or ‘outside’ carries a range of risks associated with future options: those on the ‘outside’, for example, forgo the institutional futures planning frameworks and their associated possibilities, such as potential (although unlikely) integration in the host country, ending up at risk of deportation; they may similarly be coerced by outside influences against their ‘best interests’. Yet those on the ‘inside’ may similarly end up facing deportation after they turn 18, having exhausted the narrow range of institutional possibilities presented ‘within’ the system.

Despite the intention of European policy to conjure a systemic, harmonised framework with clear and transparent processes for securing the ‘best interests’ of independent young migrants, evidence suggests that such processes may not guarantee compliance. Furthermore, there is an assumption that young migrants are either on the ‘inside’ or ‘outside’ of the system, when in reality, they may move between the two at any given time. Faced with a restricted set of options, young migrants may choose to disengage from institutional frameworks and pursue their own strategies of future planning as they turn 18 and beyond.

### **Where to turn for guidance: professionals and social networks**

Related to the notion of compliance with institutional processes, further assumptions in the Life Projects planning framework are a) that the key professional linked to the young person is the only individual fully capable of influencing their life project in a meaningful way; and b) that some form of institutional Life Project planning process will be their main point of reference in planning their future. The Life Project model explicitly presumes that young migrants are unable to make responsible decisions regarding their futures, as epitomised in the following statement from the Life Projects Handbook: ‘nobody who has just arrived in an alien environment, least of all unaccompanied child, could possibly make sensible choices and consider alternative life-plans in any meaningful way’ (Drammeh 2010, p6).

Indeed, as Karen Wells (2009) has articulated, ‘there is still a tendency, marked in any case in child-saving institutions, of treating ‘the child’ as an individual radically severed from social networks and effectively alone and in need of rescue’ (p328).

Whilst there is no doubt that social workers play a fundamental role in mediating the rights and future prospects of independent migrant young people, the assumption that they are ultimately in a position to direct the young person towards one path or another appears to both overestimate the extent of their authority and underestimate the agency exerted by the young people (Chase 2010; 2013a). Above and beyond the rhetoric of ‘finding solutions for and with young people’ (p7) and ‘helping to find solutions for society as a whole’ (p65), the Life Project framework offers no counsel regarding what happens when the perceived ‘best interests’ of the young person and the institutional framework imposed by the state come into conflict. A possible consequence of positioning the role of social workers as intermediaries between the state and the young person in this way is that they will end up unable to meet the proposed ‘best interests’ of either. When placed in the invidious position of having to straddle a professional agenda of upholding rights and complying with the legalities imposed by the immigration system, key professionals may isolate the young people with whom they seek to work (Chase 2010).

Research to date has demonstrated how, beyond formal support structures, independent young migrants may draw on the support of a range of non-statutory networks in pursuit of their life plans; including NGOs, religious organisations (Ní Raghallaigh and Gilligan 2010), neighbours, school teachers (Giner 2010; Freedman 2011), peer networks (Nicoloni 2010) and the diaspora community. These networks, and their associated social capital, are influenced by gender, place, age and character (Wells 2009; Chase et al. 2008) and can have a significant impact on the future options available to individual migrants. Karen Wells (2009) has highlighted the importance of analysing the dynamic ways in which young migrants pursue their own goals through variably establishing and maintaining positive social networks, removing themselves from negative ones which are constraining or coercive and reactivating old networks which may serve a purpose for them. Civil society may also play a role in

supporting certain migrants' requests to remain in the host country to pursue their perceived 'best interests', through anti-deportation campaigns (Freedman 2011) or, in contexts where legal aid for independent migrant youth is increasingly limited (EU Fundamental Rights Agency 2011), to help secure their access to legal counsel.

The European policy frameworks thus appear to be based on a flawed knowledge of the ways in which young migrants engage with bureaucratic processes and frameworks and to underestimate young migrants' use of social capital to pursue their own 'deinstitutionalised' life projects. Through its replication of the assumption that young migrants will work with European host states in pursuit of their 'best interests', European guidance appears to negate young people's willingness to take risks in pursuit of their own perceived 'best interests' – to achieve a sense of 'projected self' which is intrinsically linked to a future plan of their own making; a future plan which, by its very nature, may go against compliance with the immigration control and asylum procedures outlined in Parts 1 and 2 of this paper.

### **Assumption 2: Returning young people is a 'durable solution'**

The second assumption dominating European policy frameworks regarding the treatment of independent young migrants as they turn 18 concerns the bias towards return as the optimal 'durable solution'.

In light of international norms, the 2010-2014 European Commission Action Plan on Unaccompanied Minors and Council of the European Union Conclusions both stress that return should be considered as one of a number of possible solutions for independent migrant young people. This is in recognition of the fact that 'the issue is [...] complex and multidimensional and there are clear boundaries to the Member States' freedom of action when dealing with unaccompanied minors' (European Commission 2010, p2).

The Life Project planning framework seeks to navigate this terrain, in particular, by preparing young migrants for the eventual possibility of return. In *Life Projects for Unaccompanied Migrant Minors: A handbook for professionals* (Drammeh 2010), it is clarified that the 'durable solution' must be one which respects 'the human rights and rights of children whilst not denying states the right to control their borders' (p7). The tensions in this negotiated terrain between the rights of the child and immigration rules have been problematised elsewhere (Bhabha 2003; Engebrigtsen 2003; Crawley 2006). Where, in the case of independent young migrants, it is deemed that the state's right to control its borders overrides the protection needs of the individual, such as in the case of negative asylum decisions, Life Projects sit alongside other European-level tools, such as pre-departure counselling (European Union Council Conclusions, Article 28), recommended in recent years to prepare independent young migrants for their 'voluntary return' to countries of origin. The 'voluntary' nature of many such returns has been questioned (Cherti and Szilard 2013).

There are two main points which challenge the assumption that returning young migrants in this context is a 'durable solution'. The first relates to what Matthew Gibney (2008) has termed the 'deportation gap': 'the gap between the number of people eligible for removal by the state at any time and the number of people a state actually removes (deports)' (p149). The second relates to the long-term wellbeing outcomes and trajectories of returnees.

## **Deportation gap**

Small studies based on particular European states suggest that the push towards return as the durable solution lies in tension with growing evidence of its un-workability as a policy option. As noted in Assumption 1, rather than submitting to processes of return, for example, it is well documented that many young people tend to abscond once all their rights to appeal for extension of leave to remain are exhausted (Wright 2012; Gladwell and Elwyn 2012). Likewise, attempts to prepare young people as soon as they arrive in the host country for the likelihood of return have proved unsuccessful; this has been irrespective of whether people are offered incentives such as cash payments, vocational training before departure or craftsman's tools to take with them (Kromhout 2009). Reflecting on the Dutch experience of attempting to introduce return as a de facto durable solution, Mariska Kromhout concludes,

*The significant number of separated young people departing for unknown destinations instead of returning to their country of origin is a cause for great concern among Dutch politicians, welfare organisations, and NGOs [...] It is feared that they run the risk of ending up on the streets and being exploited by traffickers (p27).*

As detailed in Part 1, due to the lack of available data, it is currently impossible to determine in any systematic way the numbers of independent migrant young people actually returned from states across Europe to countries of origin. However, some small scale enquiries provide an impressionistic picture of the dynamics of attempting to impose returns. A freedom of information request from the Refugee Support Network to the UK government in 2012, for example, revealed that of the some 2,000 former unaccompanied minors who leave care in the UK each year (Pinter 2012), just 100 were forcibly removed from the UK in 2011. Between April 2011 and April 2012, similarly, 107 former unaccompanied minors allegedly opted for voluntary return (Gladwell and Elwyn 2012, p10). Many of these individuals will make the transition to adulthood with undetermined immigration status having exhausted all appeals to remain in the UK.

Evidence gathered by a documentary film maker in Norway, Margreth Olin (2013), who followed twenty independent young migrants as they turned 18 and became liable for deportation, revealed evidence of a similar deportation gap in Norway. Of the twenty migrants, only one was returned, forcibly, after he turned 18 (and then later returned surreptitiously to Europe); the other nineteen, despite having participated in return orientation programmes, either 'disappeared' as far as the Norwegian authorities were concerned (some becoming involved in crime as a means of survival) or moved to other countries in Europe (Olin, personal correspondence, 2013). It is difficult to see how such an outcome is in any way 'durable', or in the 'best interests' of such individuals or society as a whole.

## **Long-term outcomes: life after return**

The second point which leads us to question the assumption that returning young people is a 'durable' or 'lasting' solution concerns the lack of knowledge about long-term outcomes for those *who are* in fact returned.

Little is known about reintegration experiences, long-term wellbeing outcomes and factors facilitating/inhibiting (re)integration and the extent of re-migration of former independent young migrants who are returned to their countries of origin (Cherti and Szilard 2013). Moreover, for those who do return, we have practically no empirical evidence concerning the

extent to which their outcomes could be defined as ‘durable’ solutions. Little is known about whether young people, once returned, are able to continue their education, for example, or secure sustainable livelihoods (Auerbach 2010; Gladwell and Elwyn 2012; Schuster 2013; Clayton 2011). Similarly, we do not know what factors enable certain migrants to reintegrate more successfully than others. Nathalie Peutz’s (2010) ethnographic study of criminal alien deportees in Somaliland suggests that variation in the return experiences of migrants may be based upon a range of variables including social capital, age, wealth, clan (or ethnic group), level of integration in the host country prior to return, gender and personality type. Other evidence suggests that the dominant principle of ‘return to country of origin’ has led to some young migrants being returned to countries which they may have already left as part of their migration journey years before they arrived in their final destination (see Part 1), and in some extreme cases, where they have never even been, leading to impossibilities for re-integration. Limited documentation about the experiences of return suggests some young people struggle to eke out a sustainable existence and have little or no institutional support (though, of course, others may fare better).

A small but growing body of evidence points to patterns of re-migration becoming part of young people’s self-designed ‘durable solution’ (Schuster 2013), and that such decisions are sometimes made in close consultation with families (Gladwell and Elwyn 2012). Whilst it is important to note that evidence of re-migration may not necessarily equate to a failure of reintegration (and may, for example, point to possibilities to earn money in order to fund the new migration journey), it does suggest that the return may not be ‘durable’ in the sense anticipated by the European sending state.

The bias of ‘return home’ as a future option for independent migrant youth, and lack of follow-up or accountability following their return suggest that, like ‘best interests’, ‘durable solutions’ are primarily contrived to serve the state rather than the individual (Chimni 2004). Once returned, whether voluntarily or through force, the Life Project which the young person has embarked upon in the host country ceases to have any relevance and the state which has been responsible for initiating it becomes unaccountable for the outcomes (Lemberg- Persson et al. 2013). Liza Shuster, for example, reports that Europe continues to deport individuals to Kabul, in spite of clear warnings from Afghan officials that they are not in a position to uphold the rights of returnees (Lemberg-Persson et al. 2013; Schuster 2013).

Rather than policy reflecting the reality of the migratory experiences of young people, this rigid focus on returning young migrants to ‘countries of origin’, is more likely to continue to generate a growing population of ‘invisible’ young people who evade policies which are incompatible with their own migratory experiences and life plans. Indeed, as explored in Assumption 1, the ways in which young migrants choose to evade or strategically adopt but then shed bureaucratic labels can be read as part of a wider strategy to pursue their future plans – what they perceive to be their own ‘best interests’ - in ways that the current policy framework denies them. This clash between policy intentions and lived experiences may lead to unintended consequences for states as well as individuals, as is the case in situations of re-migration.

### **Assumption 3: independent young migrants ‘belong’ back in their countries of origin**

That the long-term ‘best interests’ of young migrants are best served through their return to their countries of origin is predicated on a number of normative assumptions regarding



membership and belonging which do not necessarily reflect young people's lived experiences. Unlike the focus on 'best interests' and 'durable solutions', 'belonging' is not explicitly referenced in European policy frameworks; however, our critical discourse analysis reveals that the assumption that independent young migrants 'belong' back in their 'country of origin' belies much European policy discourse and practice, as well as the formalised futures planning frameworks devised for this group.

### **Life Project as a temporary social contract**

The Council of Europe Life Project planning guidance frames the young person's presence in the European host country in contractual terms, as a period of 'civic participation', 'productivity' and 'development'. It requires that the young person integrate in the host country, but not too much, since there remains an assumed sense of belonging to the country of origin. Whilst they are present in Europe, the young person is thus expected to make multiple plans for multiple future possibilities.

One of the key functions of the Life Project, as outlined in its related documentation, is to determine and pursue the rights (such as 'health, education and vocational training, and employment') and obligations of the young person vis-a-vis the host country during their stay. In this respect, Life Projects can be theorised as a form of temporary social contract between the young person and the host state; 'a joint undertaking between the unaccompanied migrant minor and the competent authorities for a limited duration' (Council of Europe 2008, p8). It is recommended that Life Projects be formalised by a written agreement which sets out the respective commitments of both parties and is signed by them and/or by the guardian of the unaccompanied migrant minor. In accordance with this formal agreement, the Life Project documentation adopts the language of civic participation (citizenship). Hence, young migrants' futures are discursively linked to the futures of nations; to the host nation, with a stress on integration and participation and to the country of origin and its suitability for eventual return.

The Life Projects Handbook refers to the staged ruling out of alternative 'durable solutions', primarily integration in the host country, as a 'revision' of the life plan. This happens as the range of *possible* futures for the young migrant in the host country become clearer, for example, if the young person exhausts all appeal rights to remain – most likely over a period of several years. Up until this point, the Life Project model adopts the principle of 'multiple-planning' (Wade 2011) to address uncertainty, defined as: 'seeking and considering future opportunities before paths are blocked, using preparation and forward thinking to allow some control and choice over the future' (Drammeh 2010, p6).

In practice, however, young people's exercise of control and choice over their future pathways - and future selves - is extremely limited.

### **'Forced transnationality'**

The strategy of 'multiple-planning' requires young migrants to cultivate multiple senses of belonging, affinities and possible selves as a key part of preparing for the future. In this regard, they may experience what Nathalie Peutz (2010) has called, in relation to deportees, a kind of 'forced transnationality' (p390). In the Life Project Handbook, this 'forced transnationality' is reflected in the way in which young migrants, as potential returnees, are referred to as 'future citizens of the world' (Drammeh 2010, p65). Frequent mention is given to 'each child's potential to become an active and responsible contributor to society', but this is dependent on

them being ‘a confident and independent *world citizen* (emphasis added)’ (p5). The terminology spatially and temporally projects the young migrant’s citizenship status away from the European host country, suggesting, by implication, that they have no claim to citizenship within the host country in the here and now. This ‘distancing’ can be linked to the host state’s denial of responsibility for their future outcomes– the propagation of new, cosmopolitan subjectivities which serve to assign responsibility for the young migrant elsewhere in the world.

### **Intersectional belongings versus the ‘national’ order of things**

The European policy framework as a whole seems to start from the assumption that migration is a linear, episodic, reversible process which is to be tackled from the point of arrival in the host state. This approach overlooks the lived experiences of belonging of many independent young migrants which do not map so neatly onto geographies, especially across time. The lived experiences of young people reveal that migration is an interactive dynamic process that may be on-going and cyclical, and/or (as discussed in Part 1) part of a life project upon which the young person has already embarked and to which they are committed (Gladwell and Elwyn 2012; Nicolini 2010). Whilst some young migrants may feel a strong affinity to their home country and seek to return one day, others may experience multiple, intersectional belongings (Yuval-Davis 2011) and feel that they belong in the host country, or indeed have no sense of belonging at all. The assumption that independent migrant young people, many of whom have spent their formative years in the host country, ‘belong’, ‘back’ in their countries of origin relates to what Lisa Malkki (1995) has called the ‘national order’ of things. This normalised twinning of nationality and belonging has contributed more broadly to the normalising of returns policies across Europe (De Genova and Peutz 2010). It is also linked to the ‘Westernised’ (Engebriksen 2003) premise that family reunification is generally in the ‘best interests’ of the child (ISS and IRC 2007). This perspective fails to consider that the young person’s migration may be part of a family strategy, a ‘family life project’. Additionally, the family may not be in one place. They may be part of a Diaspora that does not map neatly into traditional geographical mappings of the ‘nation’.

Policies which require young people to ‘multiple-plan’ in relation to their lived experiences of membership then may fuel feelings of non-existent, rather than global, citizenship. Chase (2013a) for example, cites the reflections about ‘belonging’ of one young woman, aged 21 from Eritrea, as she was forced to consider the imminent prospect of deportation.

*I do not belong to this country, I have been here for four years. I do not belong in Ethiopia, I do not belong in Eritrea. I do not belong to England...If you ask me where is your home, I don’t know ‘ Cos I was born in X (name of place in Eritrea), I am Eritrean. I used to live in Ethiopia. I don’t know my country...I can’t speak my language - I speak Ethiopian language. If I go to Ethiopia, they say that the British government have agreement with Ethiopian government and they will not harass us or anything. But I don’t want to go there, because I don’t have anybody there... I don’t have family.*

### **Social membership**

Furthermore, the focus on returning young migrants to their country of origin, projected as their legal and rightful place of belonging, negates what political philosopher Joseph Carens (2009) has termed ‘social membership’ – the de facto membership which some migrants develop through ‘time’ spent and ‘ties’ developed in the host country. Carens makes a

compelling argument concerning the significance of spending one's formative years in a certain state:

*...the ten years from six to sixteen (or from eight to eighteen) are even more important in creating a substantial connection to the country where one lives than the first ten years of life...[and]...are the most important ones from society's perspective - the formative years of education and wider socialization.*

The possibility of extending one's leave in the host country past the age of 18 as an alternative to return is discussed in the Council of Europe Life Project Recommendation. Article 26 states:

*Where a minor involved in the implementation of his or her life project attains the age of majority and where he or she shows a serious commitment to their educational or vocational career and a determination to integrate in the host country, he or she should be issued with a temporary residence permit in order to complete the life project and for the time necessary to do so.*

Thomas Hammerberg, Council of Europe Commissioner for Human Rights 2006-2012, explains the need for such a provision thus:

*[I]n the absence of a mechanism that could allow young adults to remain in the country, they are sometimes forced to interrupt their studies or begin an underground life. This interruption of the residence permit has obvious consequences as a child may have spent a long time in the country and made efforts to integrate into the host society. All the efforts made by the child and social workers – learning the language, finding appropriate accommodation, assimilating in the host culture and developing a social network – risk being undermined. This should change. Separated children who have successfully integrated should be granted an extension of their residence permit when they come of age (2010, p178).*

However, Hammerberg's proposed concession yet again reveals a linear understanding of migration and, once again, a one-dimensional conception of belonging. Whilst recognising the integration of the young person in question, these extensions are anticipated to be time-limited, dependent on the young person completing a certain 'stage' in their life project with the expectation of a subsequent 'return'. Furthermore, in practice, examples of such discretionary extensions of leave are few and far between (EU Fundamental Rights Agency 2011; Kanics et al. 2010). Two minor exceptions exist in Italy and France, where policy has been instigated to offer time-limited conditional extensions of leave to certain young people on a contractual basis. The model of the *contrat-jeune majeur* ('mature youth contract') in France, for example, allows for the possibility of extending one's residence permit past the age of 18 up to the age of 21 as part of a 'social project'. This initiative is held up as best practice in the 2010 European Migration Network report; it permits the, albeit temporary, extension of residence on the condition that it will be beneficial for both the young person (through their completion of a worthwhile endeavour such as education or training), and for the host state (conditional on them completing certain integration projects). Similarly, extending one's leave in Italy is dependent on employment.

Rather than being framed as a right to membership in Carens's sense, these ad hoc extensions of leave are posited as illustrations of humanitarian good-will on the part of the state: they still assume the possibility of future return. Whilst recognising young migrants' efforts to

‘integrate’ they come with no promise of permanent residency but rather a temporary one, affording the young migrant the ‘time necessary’ to ‘complete the life project’ upon which they are already embarked. As such, they do not consider that the young migrants may hold prospective rights claims against the host state by virtue of their having spent their formative years there, and by virtue of having embarked on a life project for which the long-term, as well as short-term goal, may be unequivocally linked to the host state. Here, the episodic conception of the migration journey appears echoed in the episodic understanding of the Life Project, or rather, of life itself.

Contrary to the idea that young people aspire to be ‘world citizens’, evidence thus suggests that an inherent sense of belonging, and having a projected sense of self within some form of defined future, is at the core of young people’s conceptions of subjective wellbeing (Chase 2013). Conversely, disarray, upheaval, sudden transitions and uncertainty are known to destabilise this sense of wellbeing, and can have a detrimental impact on young people’s physical and mental health (Dixon and Wade 2007; Chase et al. 2008; Chase 2013a; 2013b). A close association has been drawn between the stresses of the asylum process and symptoms of anxiety and depression among undocumented young people (Warwick et al. 2006; Kralj and Goldberg 2005; Fazel and Stein 2002; Sourander 1998; Steel et al. 2004), particularly as they approach their 18<sup>th</sup> birthday and the natural uncertainties which ensue (Chase et al. 2008; Wade et al. 2005; Corum Children’s Legal Centre 2012). Belonging, therefore, is inherently linked to the pursuit of ‘best interests’ and ‘durable solutions’ on the part of individuals and European states. As such, it is a core part of what should constitute the life project; yet it is largely ignored in the institutional ‘Life Project’ discourse.

## Discussion and conclusion

This paper has demonstrated that European initiatives seeking to govern the futures of independent young migrants once they ‘age out’ at the age of 18 present a highly contested terrain. At best, what we are witnessing is a failure to recognise alternative strategies pursued by independent young migrants outside of the institutional processes to which they are subjected, leading to both failure to respond to the needs of a significant population of young people, and failure to address genuine policy problems, with substantial consequences for both independent migrant youth and Europe as a whole. At worst, regional policy responses to independent young migrants can be seen as strategies of political expediency to shift the burden of responsibility for them elsewhere: an attempt to discursively construct, and impose, a new kind of disposable European subject; a ‘future global citizen in the making’ for whom the ‘Life Project’ becomes a temporary passport of belonging, devoid of accompanying rights and citizenship, and devoid of any responsibility on the part of states to help the individual to realise their own projected self – a future of their own making.

Policy frameworks which seek to shape the futures of independent young migrants in this context rest on a set of flawed practical and normative assumptions about young migrants and youth migration more generally: that independent young migrants 1) will work with European states in pursuit of the ‘best interests’; 2) that return is a ‘durable solution’; and 3) that young independent migrants ‘belong’ in their countries of origin. This research suggests that these assumptions are shaped by a state-centric view of migration which is biased toward return, and by a significant underestimating of young migrants’ agency and willingness to

embrace risk as part of a migration strategy which pursues their self-defined 'best interests' and future plans.

The state-centric view of migration is typified in what the Council of Europe Handbook states to be Life Projects' ultimate aim: to restore order to the chaos of migration. Migration, it reads, 'at best [...] can produce a mismatch between aspirations and outcomes, at worst chaos and tragedy' (2010, p65). The idea that return is a 'durable solution' which marks a 'return to order' from the 'chaos' of migration in this context betrays what has been termed in migration theory as a 'sedentary bias' or 'sedentarism', 'the basic assumption that things (including people) don't move if they can help it' (Cresswell 2006, p.29, cited in Griffiths et al. 2013; see also Bakewell 2008 and Long 2010). Such bias supposes that, in being returned to 'their' nation-states, young migrants have something to 'return to', and that, if given adequate protection, they will - and ought to - remain there. This paper has demonstrated that a better future is repeatedly part of the narrative of why young people migrate to Europe in the first place (Gladwell and Elwyn; Chase 2013a); hence, situating this 'future' back in the country of origin is counterintuitive.

Given the lack of follow-up and accountability for returnees, it seems clear that the 'Life Project' prioritises a perceived future solution for the European host state over the young person. European policies formulate and impose a set of extremely narrow future options for independent migrant young people once they 'become adult' in Europe. Indeed, because the 'best interests of the child' and children's rights frameworks upon which much future planning tools for independent young migrants are based become largely redundant at the age of 18, European frameworks, and Life Projects in particular, do not offer a comprehensive solution for life. The sudden drop-off in responsibility at the age of 18 suggests, as Diop (2009) has argued more broadly, (p22) that European states may be more concerned with ensuring that they respect human rights principles on paper rather than in practice.

In this context, law and legal process play a crucial role in contesting this state bias. Indeed, although an examination of relevant case law is beyond the scope of this paper, it is important to note that the conceptions of 'best interests' and 'durable solutions' are constantly being advanced through legal channels, often in a way that stands in contrast to those practised, if not explicitly articulated by, European states. Indeed the tacit references to the human rights of young people in the policy documents discussed in this paper leave ample space for legal scholars to further explore and determine what the human rights of independent migrant young people might be in this particular context. It remains to be seen how cuts to legal aid which are being implemented as part of an austerity agenda in certain European states, such as the UK, will undermine the effective functioning of this legal safety net in practice. Legal process, when at its best, should also provide an opportunity for young people to articulate their own intentions and desires which have been informed by their lived experiences.

This scoping research suggests that the dissonance between policy intentions and the lived experiences of young migrants is highly significant. Firstly, we have seen that in terms of improving data, when analysing changing trends in (asylum) statistics for this group across time, it is imperative to take account of the various ways in which young people exercise agency in their interaction with institutional processes. This might include pursuing strategies of silence; embracing and negotiating risk as part of their migration strategies; and executing future plans of their own making. We know that a young person may not choose to follow the trajectory assigned to them by their bureaucratic label: they may temporarily accept these

labels, but then consciously shed them at certain strategic points, through disengaging from statutory services or disappearing altogether, perhaps migrating onwards within Europe. Furthermore, we have seen that, in the case of return, this willingness to embrace risk may include remigration back to Europe via dangerous routes or engaging in crime as a means of survival. The scale of this phenomenon is under-researched, yet the reported trend suggests that in some cases, return is far from being the ‘durable solution’ as it is presented; this is true both for young migrants and European states. It suggests, moreover, that it may not be in the ‘best interests’ of either.

### **Future research**

This paper has highlighted a number of gaps in current academic literature.

Very limited research exists on the longer term trajectories and wellbeing outcomes of young people who enter adulthood in various jurisdictions of Europe with underdetermined political or citizenship status, whether they remain in the host country, move to another country of their own accord or are returned. Yet evidence to date suggests that former independent young migrants frequently express total disorientation upon arriving back in their home country; that the state assumes no responsibility for them and that any reintegration, as far as it is possible, is largely left to the devices of civil society and NGOs (e.g. Gladwell and Elwyn 2012).

Equally, we have very little evidence of how variation in the implementation of institutional planning frameworks for independent young migrants across Europe and different approaches to the drop-off in support at 18 affect processes of future planning and the mental health and long-term wellbeing outcomes of independent migrant young people. This paper has suggested that such a research agenda should include further exploration of the role of non-institutional care givers, giving due consideration to the role of social networks and taking into account a range of intersecting variables including gender and ethnicity.

In its contribution to broader discussions of membership and belonging, this paper has gone beyond traditional time and ties arguments for social membership to raise the question of *what* time and *which* ties. We believe that there may be strong grounds for the development of a normative argument, perhaps based on principles of ontological security (Giddens 1991; Chase 2013) and the ‘right to private life’ (Article 8, European Convention on Human Rights), to say that independent young migrants who have spent their formative years in a host country may hold particular social membership claims and a corresponding right to integration as a ‘durable solution’.

Other studies which have looked at the process of transitioning to adulthood with undetermined migration status (e.g. Gonzales, 2011) have similarly confirmed what we have identified as the need for a comparative and longitudinal research agenda. A broad outline of this proposed future research is provided in Table 9, below.

- Contribute to wider European efforts to address the gaps in data regarding the profile of independent young migrants;
- Move beyond the ‘child’ - ‘adult’ dichotomy and give more attention to the interaction between these two stages of life;
- Focus on the longer term outcomes of former independent migrant children in Europe, in particular, their (i) experiences of repatriation and integration; (ii) secondary migration in Europe; (iii) wellbeing outcomes; and (iv) sustainable livelihood outcomes;
- Explore new methods for conducting longitudinal research with young, mobile populations;
- Compare futures planning across Europe;
- Examine the implications of ‘social membership’ and conceptions of wellbeing for policy;
- Contribute to theoretical discussions surrounding the temporalities of migration and immigration control, in particular, young people’s strategies for subverting formal processes with temporal strategies of their own.

**Table 9:** Proposed future research agenda

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