

Running head: MOBILITY, RISK and CLOSURE

Mobility, Risk and Closure: Unaccompanied and Separated Child Asylum-seekers and  
the Construction of "Risk Identity"

BY

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**THESIS**

SUMMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE  
DEGREE OF

Master of Social Work

McGILL UNIVERSITY  
MONTREAL, QUEBEC

2008

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*Your file* *Votre référence*  
ISBN: 978-0-494-66930-3  
*Our file* *Notre référence*  
ISBN: 978-0-494-66930-3

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## ABSTRACT

The purpose of this study is to decipher the means by which the identities of particular people, specifically unaccompanied and separated child asylum-seekers, are socially constructed as risk. Theorized here as “risk identity”, this has occurred within a global context increasingly preoccupied with security. Racialized and imbued with ideological notions of citizenship, this preoccupation and the anxieties contained within it, are effectively yet unduly transferred onto individuals, who for a variety of reasons not innately related to security, are seen as undesirable. The “risk identity” classification becomes the means by which their exclusion is legitimized and perpetuated. The increased movement of unaccompanied and separated children across international borders has occurred within this global context. Positioned largely in opposition to citizens of the industrialized west, unaccompanied and separated children seeking asylum in Canada are constructed as risk in myriad ways. Based on 13 interviews, 9 with stakeholders and 4 with youth, this study highlights four interconnected categories of risk, which serve to construct unaccompanied and separated minors as risk. These are anti-refugee discourse, anti-youth discourse, as it relates to juvenile justice discourse, prejudicial attitudes and the fear of difference, and securitization discourse.

## ABREGE

Le but de cette étude est de clarifier le processus par lequel certaines populations, notamment les enfants séparés et non-accompagnés qui cherchent asile au Canada sont identifiés comme risque pour la société. Cette théorie d'identité à risque se place dans un contexte mondial de plus en plus préoccupé par la sécurité. Racialisée et imbue des notions idéologiques de citoyenneté cette préoccupation et les peurs qu'elle engendre sont souvent transférées de manière excessive sur le plan individuel. Ces individus sont alors catalogues comme indésirables pour une variété de raisons n'ayant rien à voir avec la sécurité. Cette classification d'identité à risque devient alors la justification de leur exclusion. Les mouvements de plus en plus nombreux des enfants séparés et non-accompagnés se font dans ce contexte global. Face aux vrais citoyens du monde industrialisé, les enfants séparés et non accompagnés qui cherchent asile au Canada sont donc considérés comme risque et ce de diverses façons. Basée sur 13 entrevues, 9 avec des intervenants et 4 avec des jeunes, cette étude examine 4 catégories de risques qui sont reliés les uns aux autres. Ces catégories sont les suivantes: l'argument anti-refugié, l'argument anti-jeune (directement lié à celui de la justice juvénile) les préjugés et la peur des différences, et finalement l'argument de la sécurité.

## ACKNOWLEDGEMENTS

First and foremost I would like to thank my thesis advisor Dr. Myriam Denov for her kindness and expertise. This work has been greatly improved by Dr. Denov's support and encouragement, her constructive feedback and our numerous discussions. I would also like to thank Dr. Denov for inviting me to participate in her on-going research exploring the experiences of unaccompanied and separated child asylum-seekers in Canada. My involvement in the project greatly facilitated this research and has proven to be an invaluable experience.

I would also like to acknowledge the research team involved in Dr. Denov's research project, Simon Atem, Mike Acton, Micheal Montgomery, Suha Diab and Lindsay Jones for their assistance and support.

I would like to thank the McGill School of Social Work for providing me with financial assistance in the form of the Margaret Mary Burns fellowship award. As well as the numerous faculty members and instructors I was fortunate to work with during my time at the McGill School of Social Work, notably, Dr. Amanda Grenier, Sheilagh Cahill, Joan Simand and Oonagh Aikten for their consistent support of my academic endeavors. Additionally, I would like to acknowledge Dr. Nicole Ives for her thorough and thoughtful review of this work, and Lillian Iannone for all of her help and support.

Finally, I would like to thank my family, friends and peers for their support and companionship over the last year, particularly my partner, Solomon Nagler.

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### **List of Abbreviations**

CCR	Canadian Council for Refugees
CIC	Citizenship and Immigration Canada
CRC	Convention on the Rights of the Child
DR	Designated Representative
IRB	Canadian Immigration and Refugee Board
IRPA	Immigration and Refugee Protection Act (Canadian legislation)
H&C	Humanitarian and Compassionate grounds for landing
PRAIDA	Programme régional d'accueil et d'intégration des demandeurs d'asile (Regional Welcoming and Integration Program for Asylum-seekers – Quebec)
UNHCR	United Nations High Commission on Refugees



## INTRODUCTION

## Global Paradoxes, Migration and Risk

The current global order is one marked by great paradox. A system of complex and conflictual relationships, globalization invokes a world, which is at once accessible and restricted, in which mobility is easily achieved and rigorously managed, and where capitalist expansion and human rights discourse run parallel. The ability of an individual to navigate the global system is linked to socially, politically and economically constructed categories of personhood and citizenship, whereby certain people are able to access the advantages of the globalized world and others are not (Noumoff, 2001; Shamir, 2005; Turner, 2007). Considered undeserving of the citizenship rights allotted to western nationals and inherently untrustworthy in their attempts to access those rights, migrants who arrive in the industrialized west enter a context where “migrant” is understood as deviating from the normative category of citizen (Sassen-Koob, 1981; Sharma, 2002). Rather than attenuating these inequalities, globalization has intensified the differences between territories and in so doing, has exacerbated the conditions leading to migration (Klein, 2000; Noumoff, 2001).

Within this framework, migration, particularly migration to industrialized western countries from third world nations, has become highly contested. In an effort to reduce the inward flow of migrants, the mobility of individuals residing in global territories construed as risky, by virtue of civil unrest, economic instability or cultural and ethnic difference, is constrained (Turner, 2005). This occurs in a variety of ways including the militarization of borders, the expansion of surveillance technologies and the application of increasingly narrow immigration and refugee protection policies. Constructed as

necessary, these measures are justified by security discourse and the perceived need to gauge and limit the potential dangerousity of particular people (Hornqvist, 2004; Butler, 2005). Within this context, individuals belonging to groups identified as “risk” do not need to violate the law to be classified as “risk” (Ericson & Haggert, 1997; Ericson, 2007). Rather, they are constructed as innately suspect and excluded by virtue of their membership to the risk group (Hornqvist, 2004). Within this work, this classification has been conceptualized as “risk identity”: the displacement of a collective anxiety onto specific individuals, by virtue of characteristics regarded as inherently risky, to facilitate the identification of culpability, warranted or not. Racialized and imbued with gender ideology, “risk identity” serves to limit access to citizenship rights and legitimize discriminatory treatment.

Unaccompanied and separated children represent a growing population of irregular migrants who, having circumvented licit channels of immigration, seek illicit admission to industrialized western states. Like the majority of the world’s migrants, unaccompanied and separated children originate from the world’s poorest regions (Stasiulis & Bakan, 2003), their status as asylum-seekers intrinsically connecting them to other potentially mobile individuals and groups. This association, within the context of western refugee receiving countries, discredits unaccompanied and separated children, invalidating the request for asylum. This occurs in spite of their status as children, which as entrenched in the Convention on the Rights of the Child (CRC), entitles them to myriad rights and protection. Within the context of children’s rights discourse, children are regarded as independent agents, their relationships with adults intended to facilitate access to rights and protection. Taken together these two facets, the tendency to regard

unaccompanied and separated children as suspicious and the equally prevalent tendency to consider them worth of inherent rights, present a dialectic; a contradiction of ideals and practices, barring the entrance of unapproved migrants on one hand, and offering protection to vulnerable people on the other. This tension, in light of the current global climate, cedes to the former. As a result, “risk identity” is transposed on the majority of migrant individuals, regardless of their level of vulnerability or their inherent right to protection. The experiences of unaccompanied and separated children seeking asylum in Canada offer a unique vantage point from which to explore “risk identity”. Broadly this study explores the creation, maintenance and imposition of “risk identity”. More specifically and more importantly, this study sought to answer the following research question: How are unaccompanied and separated children socially constructed, by virtue of their status as refugees and as children, as risk?

Stateless and parentless, unaccompanied and separated children represent a particularly vulnerable segment of the global refugee population. Despite this and their recognized need for protection, this study found that unaccompanied and separated children are not exempt from the “risk identity” classification. Rather, they are constructed as risk in a number of ways. Unaccompanied and separated youth, as both refugees and youth, face various barriers not experienced by their adult counterparts. Drawing on 13 qualitative interviews, 9 with stakeholders and 4 with youth who sought asylum in Canada as unaccompanied or separated children, this study highlights four interconnected categories, which inform the construction of these youth as risk. These are 1) anti-refugee discourse, whereby unaccompanied and separated children are seen as facilitating the migration of adult family members; 2) anti-youth discourse, which

positions youth, particularly migrant youth, as inherently criminal; 3) xenophobic reactions to difference, whereby anxiety concerning cultural and ethnic dilution serve to simultaneously over emphasize and negate the child's difference in relation to the host population; and 4) security discourse, which having successfully established the sense of perpetual crisis legitimates the other three categories. Summarizing the effectiveness of the final category, Stasiulis and Bakan (2005) write,

There is no minimizing the horror of the events of September 11. However, the increased scrutiny of immigrants and refugee claimants by governments that adopt racialized and otherwise discriminatory criteria to police that borders has not created a safer world. Instead, innocent people, particularly people of colour from Third World regions, have been increasingly treated with undue suspicion: the risks to Third World non-citizens are grave indeed (Stasiulis & Bakan, 2005, 9)

Given the centrality of security discourse, securitization is a recurring theme within this work. In many ways, it represents the new global paradigm. Here, the increased focus on security serves to encapsulate the citizen/migrant binary, reinforcing fear and suspicion of migrants and justifying their exclusion. In spite of its prevalence, within state policy and practice, and academic research, an analysis of security as it impacts on unaccompanied and separated children has, for the most part, been peripheral. Rather the existing body of literature concerning unaccompanied and separated children has tended to focus on psychosocial outcomes in host countries, inconsistent policies and practices, and the child welfare/immigration control binary.

## Overview of the Thesis

The first chapter of this text provides a review of literature relevant to the situations of unaccompanied and separated children seeking asylum in western industrialized nations, focusing primarily on the Canadian experience. In doing so, this chapter highlights a number of variables, which have impeded our ability to identify unaccompanied and separated children, our ability to understand their experiences and as such, our ability to offer adequate protection. This chapter begins with a description of various definitions used to classify unaccompanied and separated children, including those of Citizenship and Immigration Canada (CIC), the Immigration and Refugee Board (IRB) and the United Nations High Commission on Refugees (UNCHR). This is followed by a review of available Canadian demographic data. Through the literature, various inconsistencies in policy and practice emerge, including inadherence to various guidelines and conventions intended to facilitate the refugee determination process for unaccompanied and separated children. This chapter concludes with a discussion of unaccompanied and separated children and security. Commented on by a number of scholars, unaccompanied and separated children are caught between two competing normative frameworks: child welfare and immigration control. The existing literature on unaccompanied and refugee children, which has dealt with securitization has done so primarily through the lens of this binary. This section will review this dichotomous discourse, as well as a number of other themes that emerge in the literature related to the issue of securitization.

The second chapter establishes the study's theoretical foundation. Grounded in the paradox of contemporary globalization, this chapter highlights a number of theoretical

considerations central to the construction of “risk identity”. These have been divided into three general categories: global mobility regime, risk and closure. Localized within what has been called the “paradigm of suspicion” (Shamir, 2005), the first category, global mobility regime, is concerned with the management of cross-border movement. Central to this category is the reemergence of the nation-state as a means of preventing migration. Very much connected to the restriction of mobility, the second category, risk, is assigned to individuals on the basis of the perceived threat they pose to a given territory. Risk is reinforced by racialized ideology and the inability of the individual, by virtue of specific characteristics, such as ethnicity and culture, to conform to normative constructs of appearance and behaviour. It is through the construction of risk and the imagined link between crisis and migration, that closure, the third category is legitimized. Theorized in this study as bordering, closure is experienced, physically and ideologically, during flight and upon arrival in the host country. Serving to delineate privileged global spaces from those that are not, territorial borders become the one of the means by which large populations of globally marginalized people are immobilized. Those who do become mobile and who successfully cross territorial borders, encounter a series of ideological borders upon arrival to the host country. These ideological borders serve to limit access to social services, deny protection and exclude newly arrived individuals from democratic processes. The final section of this chapter considers the implications of these three categories on unaccompanied and separated children. Here, securitization is explored in relation to the child welfare/immigration control binary. As illustrated by this study, this binary further immobilizes unaccompanied and separated children, invalidating their claims for asylum and constructing them as risk.

The third chapter, describes and provides rationale for the employed research methodology. Qualitative in design, this study explores the intersection of social meaning and identity in the classification of unaccompanied and separated children as risk, through in-depth, narrative interviews. In spite of the prevalence of security discourse, individual experience with mechanisms of state security and with host populations remains subjective and particular. Participants were asked to share their experiences of being, or working with, unaccompanied or separated children. Additionally participants were encouraged to reflect on and analyze their experiences. This was particularly true for youth participants, and was seen as contributing to the trustworthiness of the study. Data was collected over the course of five months, with interviews, lasting approximately one and a half hours, conducted in person or by phone. Additionally, ethical considerations are discussed including issues of informed consent, participant vulnerability, particularly as it relates to youth participants, and confidentiality. This chapter concludes with a brief description of the analytical process, which identified and explored the experiential commonalities related to the classification of unaccompanied and separated children as risk.

The fourth chapter of this text presents the study's findings. Drawing on the literature and theory reviewed in chapters one and two, this chapter offers an analysis of the classification of unaccompanied and separated children as risk. Here, unaccompanied and separated children who arrive in Canada are found to be constructed as risk in four interconnected ways. These include the association of these children with other potential migrants residing in global spaces designated as risk, the fear of youth crime and the tendency, within Canadian youth justice discourse, to associate migrant youth with

juvenile delinquency, the prevalence of racist ideology, and the perception of a permanent state of crisis, fostered by perceptions of irregular migrants as threatening physical safety, cultural uniformity and economic stability. Taken together, these four facets signify the “risk identity” classification as it is applied to unaccompanied and separated children within Canada. Additionally, the impact of gender on “risk identity” is considered, albeit not in as much detail as would have been preferred, given the lack of female youth participants. Male gender, according to stakeholder participants, tended to exacerbate the level of risk assigned to the unaccompanied and separated child, whereas the reverse tended to be true for female gender. This chapter concludes with a discussion of the intersection of securitization and the child welfare/immigration control binary, including an analysis of the detention of unaccompanied and separated children.

This text concludes with a brief review of the findings as well as their implications for policy, practice and future social research. Additionally, consideration is given to the potential of unaccompanied and separated children, as stateless persons, as asylum-seekers and as children, to challenge normative constructs of statehood and citizenship. It is my belief that these children, both conceptually and practically, contain the radical potential to destabilize the circular logic and “common-sense” of contemporary globalization, whereby those with a vested interest in the expansion of global capitalism, have also been assigned the task of evading the potential threats of globalization (Sharma, 2002). Mobile and stateless yet intrinsically worthy of protection, unaccompanied and separated children trouble various facets of contemporary globalization: the reasserted primacy of the nation state, and the necessity of citizenship to access fundamental human rights.



## CHAPTER ONE INVISIBLE CHILDREN

### Review of Literature on Unaccompanied and Separated Children

Over the last 20 years children have become increasingly mobile (Ayotte, 2001; Brysk, 2005). Fostered by the current context of globalization, children's movement across borders, while exposing them to potentially precarious and exploitive circumstances, has made them visible, cultivating and legitimizing the struggle for the entrenchment of children's rights (Brysk, 2005). Unaccompanied and separated children, representing one of the most vulnerable populations of mobile children, embody this binary. Extremely susceptible to harm, their movement into industrialized nations has enabled researchers and advocates to highlight their stories, assess their needs and attempt to develop long-term durable solutions.

This chapter provides a review of literature pertinent to the situations of unaccompanied and separated children seeking asylum in industrialized nations, focusing primarily on the Canadian experience. In doing so this chapter illustrates a number of variables, which having gone unresolved over the last 20 years, have limited our collective ability to identify, understand and subsequently, protect unaccompanied and separated child-asylum seekers. These variables include the failure to identify unaccompanied and separated children due to inaccurate systems of classification; inconsistent adherence to international conventions, particularly in relation to the best interest of the child principal; underdeveloped national policies, attributed largely to split jurisdiction and conflicting mandates; limited and variable program development; and an inability to resolve the child welfare/immigration control dichotomy. The latter, of

particular interest to this study, highlights the incompatibility between the principle of best interest and increased political and public concern with national security.

### Definitions and Demographics

Although exact demographic data for the global refugee population is not available, it is estimated that of the approximate 18 million refugees worldwide. Between 2% and 5% of these are children who have been separated from their families because of unexpected displacement due to conflict or because their families have sent them away (Montgomery, Rousseau & Shermarke, 2001). The inability to determine an exact figure is due to a variety of factors related to the ability of governments and non-governmental agencies, such as the UNHCR, to identify and document unaccompanied and separated children. Children traveling with adults who are not family or older siblings and those without official identity documents often go undetected and unrecorded. This is exacerbated by a lack of international consensus, amongst governments, NGOs, advocates and researchers concerning how this population is defined. This section reviews the various definitions applied to this population, and provides the available demographic information on unaccompanied and separated children in Canada.

#### *Defining Status: Who is Unaccompanied and Who is Separated?*

The UNHCR defines a separated child as “a person who is under the age of eighteen years, unless, under the law applicable to the child, majority is attained earlier and who is separated from both parents and is not being cared for by an adult who by law or custom has the responsibility to do so” (Cited in Ayotte, 2001, 6). Increasingly

advocates and researchers have adopted the term “separated children” as opposed to the early used, “unaccompanied minors”. Unlike “unaccompanied minors”, “separated children” is a broader conceptualization, which identifies the centrality of the child’s separation from parents and family. In her presentation at the 2001 TransAtlantic workshop on Unaccompanied and Separated Children, Maloney (2001) comments on the use of “separated”, stating that the term “more fittingly describes this class of children because it recognizes the underlying trauma – separation from parents or long-term primary caretakers – that renders these child migrants so vulnerable” (Maloney, 2001, 103). Additionally, it allows for a distinction between youth who seek asylum with family and youth who travel accompanied by an adult who, upon arrival in the host country, is unable or unwilling to assume responsibility for the youth (Ruxton, 2000).

Within Canada both terms, “separated” and “unaccompanied” are used. While this is not inherently problematic, each term designates a particular type of asylum-seeking youth with unique experiences and needs, practical concerns related to the application of each term persist (Ayotte, 2001). For example, in spite of distinct definitions for each, CIC tends to use the terms “separated” and “unaccompanied” interchangeably. CIC defines separated children as individuals “under the age of 18 who [are] separated from both parents, or from their legal guardian, but not necessarily from other relatives”, whereas unaccompanied children are individuals “under 18 years of age and not accompanied by a parent or an adult legally responsible for them” (Citizenship and Immigration Canada, 2006, 61). At the same time, the Immigrant and Refugee Board (IRB) defines both unaccompanied and separated children as individuals who are living alone in Canada without parents or anyone claiming to be family (Ayotte, 2001). While

slight, this variation has considerable implications for data collection. For example, in 2000, CIC reported 1, 088 separated children, whereas the IRB only reported 671, due to the living arrangements found for the child once he or she had arrived (Ibid). This difference represents not only an important irregularity in information gathering, it speaks to the ability of children to access necessary care and protection. Youth who, having arrived unaccompanied, find living accommodations with family members or friends, under the IRB definition, are no longer eligible for the care and follow-up services available to youth residing independently.

Given the lack of screening of family members for suitability (Ali, 2006), the IRB definition is fraught with limitations, namely it negates the child's vulnerability on the premise that residing with family is inevitably in his or her best interests, irrespective of whether this is the case or not. Recognizing the limitations of the IRB definition, this text uses CIC's definitions and, given the use of both terms within the Canadian policy context, will refer to this population as "unaccompanied and separated children". That said, it is important to acknowledge that while all unaccompanied children are separated children, by virtue of their separation from parents and family, not all separated children arrived in Canada unaccompanied. As such, when referring to specific examples, typically pertaining to methods of travel and arrival in Canada, the appropriate term will be employed. This will allow for a broad application of both terms while acknowledging the variation within each classification, including the possibility of exploitive arrangements of accompaniment.

*Canadian Demographics*

As children and as refugees, unaccompanied and separated children seeking asylum require multifaceted yet comprehensive protection (Darlypme, 1987; Pask, 1989; Ayotte, 2001; Ali, 2006). Encompassed simultaneously under the 1951 *Convention relating to the Status of Refugees*, the 1989 *Convention on the Rights of the Child*, separated children bear rights not only to protection but also to social, political and familial structures that encourage their development and maximize their future capacity for self-determination and participation. Yet, situated at the intersection of these two vulnerable populations, unaccompanied and separated children are subsumed within the larger body of knowledge pertaining to either children or refugees (Bhabha, 2001). As such, specific attention to unaccompanied and separated children has only recently been paid (Ibid). The consequence of this oversight has been a lack of consistent and reliable data: who they are unaccompanied and separated children, how old they are when they arrive in the host country, where they come from and why they flee is grossly absent from much of the literature.

While not unique to Canada, this lack of comprehensive data collection is of significant concern within the Canadian context (Ayotte, 2001; Ali, 2006; Wouk et al., 2006). This was illustrated in 2004 when the UNHCR has conducted an international analysis and comparison of the flow of unaccompanied and separated children seeking asylum into industrialized countries. Canada, among several other countries including the United States and France, was not included in the analysis because of unavailable and incomplete data (UNHCR, 2004). This lack of comprehensive data is further illustrated by Citizenship and Immigration Canada's (CIC) 2006 Report to Parliament on

Immigration. The report states that in 2005 20% of the total percentage of female claimants (44% of the total refugee population), 20% were minors, without specifying whether the minors were separated from their parents or if they had traveled to Canada unaccompanied (CIC, 2006).

The inability to consistently define separated and unaccompanied children, as discussed above, has hindered the ability of Canadian officials to gather accurate data concerning the youth who arrive in Canada. This is further compounded by research, which rather than relying on inconsistent yet available definitions, construct new definitions on which to base analysis (Wouk et al., 2006). While the majority of the Canadian literature reviewed in this chapter points to an increase in separated and unaccompanied children arriving in Canada (Bhabha, 2001), inconsistent programming (Ayotte, 2001; Ali, 2006) and acceptance rates similar to those of adult claimants (Ayotte, 2001), Wouk et al. (2006) offer a different perspective. In their review of 280 claimant files from CIC databases, Wouk et al. state that under 1% of the total refugee population entering Canada between 1999 and 2004 were truly unaccompanied minors, arguing that the number of unaccompanied and separated children is not, increasing but rather decreasing.

Demonstrating the effects of inconsistent definitions on data collection, Wouk bases her data on who is “unaccompanied” and who is not in relation to three considerations. These are, who is a minor, what does being unaccompanied entail and who, in the absence of parents or a legal guardian, can be considered an acceptable caregiver. Based on this discussion and their review of the literature, the following definitions are used by Wouk et al.: “unaccompanied minors” are individuals under the

age of 18 who are separated from parents and other appropriate caregivers at the time of their claim for asylum, “separated minors” are individuals who are separated from their parents but who are in the care of an acceptable adult caregiver (Wouk et al., 2006). This is problematic, in that their statistics only include those individuals who, under Wouk et al.’s definition, are “unaccompanied”. While the acknowledge that of the 280 cases, 47 had been brought to Canada by smugglers, their definitions, slightly different from those provided by CIC and the IRB, fails to take into account exploitive care arrangements. As a result, separated children, in spite of their significant needs, are excluded from the statistical analysis. Despite its limitation, this study represent one of the only analyses of separated and unaccompanied children demographics in Canada and as such, will be utilized in the present study.

Much like other vulnerable and marginalized segments of the refugee population, for example women, separated children typically lack the resources to arrange international travel and subsequently, the majority are found in countries neighbouring their own (Bhabha, 2001). That said, separated children comprise between five and fifteen percent of the refugee population arriving in industrial nations (Ruxton, 2000). Although, as mentioned, specific numbers are difficult to ascertain, due to variance in how this population is conceptualized by Canadian officials and researchers and insufficient data collection (Ayotte, 2001; Wouk et al., 2006), the number of unaccompanied or separated children entering Canada over the last decade has grown considerably, with the number of separated children arriving in Canada quadrupling between 1993 and 2000 (Bhabha, 2001). In 2006, using CIC data on 280 asylum-seeking minors, Wouk et al. (2006) estimate that between 2000 and 2004, 1,087 unaccompanied

minors and 1,683 separated children arrived in Canada. Of the 46 unaccompanied minors in their sample (N=240), 39.1% were female, the mean age of which was 15.2, with the majority coming from Sri Lanka, China and Burundi. Of the 71 separated children in their sample, 50.7 were female, the mean age for which was 15.3, with the majority coming from Sri Lanka, Somalia and Colombia. The mean age of approximately 15 years old for unaccompanied and separated claimants corresponds with available data concerning all separated and unaccompanied children, with 52% either 16 or 17, 30% between the ages of 11 and 15, and 18% between the ages of 0 and 10 (Ayotte, 2001).

Within the Canadian context, a separated or unaccompanied child is considered deserving of refugee status when he or she meets the criteria of Sections 96 and 97 of the IRPA, which stipulate that refugee protection is granted when an individual has met the conditions of the Geneva Convention. In their analysis, Wouk et al. (2006) found that of unaccompanied minors, of the 41 of the 46 unaccompanied minors were eligible for refugee status under Canada's interpretation of the Geneva Convention and that 25 received a positive IRB decision (60.9% of those eligible). Of the 71 separated children, 70 were eligible and 40 received a positive IRB decision (57.1% of those eligible). This data differs from other analyses, notably Ayotte (2001), which makes the claim that in 2000 only half of the claims made by separated or unaccompanied minors were accepted. This, however, is arguably due to variance in how the population is defined.

While there is some lack of consensus regarding the numbers of separated and unaccompanied minors seeking refuge in Canada, an increase in unaccompanied and separated children seeking asylum is observable in most industrialized western nations (UNHCR 2001; UNHCR, 2004) and consequently a growing body of research has



developed in the UK, Nordic nations, Australia and the United States, as well as in Canada. While the content of this research is varied, few studies explicitly explore the impact of securitization on separated children. Rather they tend to focus on psychosocial outcomes (Sourander, 1998; Almqvist, 1999; Bean et al., 2007; Geltman et al., 2007) or policy and practice limitations. Within the Canadian context, research has been limited to the latter, with the majority of research based on policy analysis (Bhabha, 2001; Ayotte, 2001; Sadoway, 2001; Kumin & Chaikel, 2002; Ali, Taraban & Kaur Gill, 2003; Ali, 2006; Wouk et al., 2006; Martin & Curran, 2007).

### Following the Movement of Children: Review of Literature

#### *Historical Context of Children's Mobility*

While the movement of unaccompanied children across borders is not a new phenomenon, with accounts of children's migration dating back to the resettlement of 100 boys from Britain to the United States in 1618 (Ozdowski, 2005) and the forced relocation of over 80, 000 children from Great Britain to Canada between 1868 and 1925 (Ayotte, 2001), few studies detailing the experiences of unaccompanied minor flight and resettlement had, prior to the 1980s, been conducted. Exceptions to this included research on the flight of 14, 000 Cuban minors in the 1960s and the arrival of the Vietnamese boat children in the United States, Australia and Canada in the mid-1970s (Bhabha, 2004). Efforts to redress this oversight began in the United States, Australia and Europe during the late-1970s and early-1980s. It was during this time that special consideration began to be paid to the unique circumstances of unaccompanied and separated children, both in their countries of origin and resettlement. More specifically this earlier body of research

explored psychosocial adaptation (Lewis, 1981; Von Bethlenfalvy, 1983; Sokoloff, Carlin & Pham, 1984), mental health outcomes (Eisenbruch, 1988) and issues of legal representation, jurisdiction, and policy (Walter, 1979; Schulz & Sontz, 1984; Jockenhovel-schieke, 1986; Zulfacar, 1987; Pask, 1989), as well as reasons for flight and issues around successful resettlement (Ressler, Boothby & Steinbock, 1988). Similar efforts were also made in Canada with York University's Refugee Documentation Project, which, in 1984, conducted a study exploring the experiences of 500 Indochinese unaccompanied refugee minors in Canada as part of an international study on separated children in emergencies (Ali, Taraban & Jaur Gill, 2003). This coincided with the Canadian resettlement of approximately 900 separated child refugees from Vietnam, Cambodia and Laos who had been residing in refugee camps in South East Asia (Ayotte, 2001).

In spite of the emergence of a growing body of research into the experiences and situations of unaccompanied and separated children in the 1970s and 80s, it was not until the mid-1990s that governments and international advocacy groups began turning their attention to the needs of children who increasingly were arriving from other countries without parental or familial care (Ali, Taraban & Jaur Gill, 2003). Unlike the separated and unaccompanied refugee youth who had arrived in Canada during the late 1970s and early 1980s, those who arrived during the 1990s came from all regions of the world (Ayotte, 2001) including Algeria, Armenia, the Democratic Republic of Congo, Ethiopia, Guinea, Iran, Pakistan and China. That said, while the reasons for flight remained constant, death of parents, forced recruitment into armed forces, persecution of the

child's ethnic group, abusive family situations and family's potential political activities (Ibid), the nature of children's mobility had shifted.

*Altering Course: Explaining Children's Increased Mobility*

In her 2001 article "Minors or Aliens? Inconsistent State Intervention and Separated Child Asylum-Seekers", Bhabha identifies three interconnected reasons for the increase in unaccompanied and separated children arriving in industrialized western countries during the 1990s. These continue to be salient. The first, the changing nature of contemporary war has repositioned children as victims of genocide, forced military conscription, sexual violence, torture and exploitation, leading to the increased displacement of children. The second explanation speaks to the expansion and contraction of international borders and in regard to the latter, the convergence of various government technologies in defense against the perceived threat of uncontrolled migration. Here Bhabha stipulates that families, only able to afford smuggling fees for one family member and believing that children are more likely to go undetected by border authorities, will choose to send a child. This decision, she argues, may also be influenced by the child's greater vulnerability, aspirations for the child's future or because the child is regarded as the preferred survivor (Ibid).

In contrast, but not in opposition, to the first two accounts provided by Bhabha (2001) for the high numbers of separated children entering industrialized western nations, the third is directly informed by contemporary children's rights discourse. The current paradigm of children's rights, situated more broadly within human rights discourse, is a blending of old and new constructions of children (Brysk, 2005). In her book Human Rights and Private Wrongs: Constructing Global Civil Society, Brysk comments that

children's rights are both an extension and entrenchment of children's entitlement to care and protection and an empowerment of children as "new agents" (Ibid). In relation to separated refugee children, Bhabha argues that many children, having shouldered adult responsibility, have become "miniature adults with enhanced longevity" (Bhabha, 2001, 291). This coupled with the improved accessibility of travel and communication technology, has meant that a small but emergent number of children may be choosing to seek out survival opportunities elsewhere (Ibid). A fourth reason for the increased travel of unaccompanied minors is what has been regarded as the anchor or magnet theory (Maloney, 2001). Anchor theory asserts that parents send their children to industrialized nations in search of asylum in order to facilitate their own migration. Widely contested by advocates, Maloney (2001) argues that the theory negates the real reasons why children flee. Additionally, anchor theory propagates the mistrust of refugees, assigning culpability to unaccompanied and separated youth prior to their arrival in order to discredit their claims to protection.

#### Variations in Policy and Practice: The International Context

Although the last two decades have seen an increase in the numbers of unaccompanied and separated children globally (Bhabha, 2001) and subsequently, research, awareness and service development. A review of earlier key pieces of research demonstrates that youth continue to flee their countries of origin for similar reasons, are still effected by underdeveloped policy initiatives and inappropriate systems of care in host countries, and remain vulnerable to negative psychosocial and mental health outcomes. This lack of progress has been largely attributed to an underdeveloped and

relatively ineffective children's rights movement (Dalrymple, 2006), a tendency amongst children's advocates to solely focus on cases where the travel itself has been exploitative (Bhabha, 2001) and an unwillingness on the behalf of refugee receiving nations to develop and implement appropriate services for unaccompanied and separated children seeking asylum within their borders (Ali, Taraban & Kaur Gill, 2003).

*Protracted Inconsistencies: Understanding the Present Through the Past*

A review of early research in the area of unaccompanied and separated refugee minors effectively illustrates the protracted nature of change in the area of refugee protection and the on-going importance of issues related to best interest of the child, care provision and status determination. Published prior to the development of the UNHCR's guidelines on the treatment of separated children in 1997, early research spoke to a number of current concerns regarding theoretical ambiguities, policy inconsistencies (Pask, 1989) and program variations (Zulfacar, 1987). Examples of early research into the provision of short-term care upon arrival and legal representation include Zulfacar (1987) and Pask (1989). While writing in different national contexts, both authors comment on the inconsistent and arbitrary treatment of unaccompanied and separated children.

In her work, Zulfacar (1987) provides a comparative analysis of provisions of care for Indochinese unaccompanied refugee minors arriving in Australia and the U.S. Commenting on the improvised nature of programs are development and implementation, she writes, "marked differences in the patterns and types of provision call into question the rationales on which policies and programs are based. Such rationales are often not

explicit and can rest in assumptions that are taken for granted” (Ibid, 62). Zulfacar notes the arrangement of care services for unaccompanied and separated children entering industrial nations, particularly Australia and the United States, in the 1970s occurred as a reaction to the movement of Indochinese refugee children immediately prior to the end of the Vietnam war in 1975 (Zulfacar, 1987). She argues that while an initial ad-hoc approach may be understandable, several years following the crises, few long-term objectives had been defined. This occurred in both national contexts, with care provision occurring without federal policy in Australia and inconsistently, in spite of federal policy, in the U.S.

The lack of a comprehensive policy framework to guide practice with unaccompanied and separated children as identified by Zulfacar (1987) is also commented on by Pask (1989). One of the few pieces of Canadian research in the field of unaccompanied and separated children to be published prior to the 1990s, Pask’s “Unaccompanied Refugee and Displaced Children: Jurisdiction, Decision-Making and Representation” (1989) addresses the legal and jurisdictional issues affecting children seeking asylum alone. Pask found that while a globally accepted standard of protective care remained undefined, a number of practical conventions could be found within refugee receiving countries. These related largely to state sovereignty and jurisdiction including control over the child welfare practices and interpretation of the 1951 Convention. The culminated effect of these nationally-based conventions minimized the ability of the larger, international community, which recognized unaccompanied and separated children as a particularly vulnerable segment of the refugee population, to respond to their needs. That said, it has become increasingly apparent that the availability

of international guidelines is insufficient to coordinate nationally-based efforts. In spite of the establishment of such guidelines in 1997, the issues identified by Pask and Zulfacar have retained their relevance. This can be attributed to the continued primacy of the nation-state, which will be discussed in greater detail in the second chapter.

One of the most prolific scholars in the area of unaccompanied and separated children, Bhabha (2001, 2008) has extensively commented on the inconsistencies first demonstrated in the work of Zulfacar (1987) and Pask (1989). In her most recent work, co-authored with Schmidt, Bhabha (2008) poignantly labels the American system “Kafkaesque”, writing that the U.S. approach to children seeking asylum is “surreal in its application of adult procedures...[and is marked] by a void in U.S. law, which results in children being funneled through an adversarial system that violates their human rights and ignores their best interests” (Bhabha & Schmidt, 2008, 128-129). She argues that unaccompanied and separated children are positioned as doubly vulnerable: to traffickers and smugglers who exploit their vulnerability on the one hand, and to a system that ignores their vulnerability on the other. In this context, the risk unaccompanied and separated children face en route is not resolved upon arrival to the U.S., rather it is augmented. This, she claims, is because of myriad limitations inherent to the current American system. These are a systematic unwillingness to recognize the primacy of childhood, the continued advancement of an immigration control agenda and the discrediting of children’s claims because they do not correspond to the experiences of adults. Based on a reading of Canadian policy analysis conducted by, among others, Bhabha (2001), Ali (2006) and Pask (1989), it is reasonable to claim that these limitations are equally pervasive within the Canadian context.

*Redressing Inconsistencies: International Conventions and Guidelines*

Internationally two documents have attempted to remedy the limitations in practice and inconsistencies in policy highlighted by Zulfacar (1987), Pask (1989) and later by Bhabha (2008). These are the United Nations Convention on the Rights of the Child (CRC), which entered into force in September 1990 and the UNHCR “Guidelines on Dealing with Unaccompanied Children Seeking Asylum” issued in 1997. The Guidelines are based on the principle of the best interest of the child as set out in the CRC. Derived from Article three of the CRC, the best interests of the child principle represents a paradigm shift in regards to child welfare, whereby the interests of the child take precedence over parental rights or in the case of asylum cases, state interests (CCR, 2002). Article three of the CRC mandates that the interests of children be of primary consideration in the development, administration and resourcing of all government policy and programming, and are as such, applicable to state asylum policies (Ruxton, 2000). That said, in the opinion of a number of scholars, researchers and advocates, including Ayotte (2001), Bhabha (1999, 2001, 2004), Montgomery (2002) and Ali (2006), noncompliance with international standards and inconsistent application of existing national policies intended to benefit unaccompanied minors continues to be the defining feature of the current unaccompanied refugee minor protection regime.

*Applying the Best Interest of the Child Principle.*

The best interest of the child principle recognizes youth as moral agents, as bearers of rights and as individuals who require protection and support. In national law the best interest of the child principle is often invoked when a child is considered to be at risk, for example in situations of child abuse (Dalrymple, 2006). Internationally, the



principle is embodied in the CRC and, regarding unaccompanied and separated children, is a central component of the 1997 UNHCR Guidelines. In spite of this, the principle is often ignored by national governments in their application of the 1951 Convention to cases involving unaccompanied and separated children. This is of particular interest to a number of researchers (Ruxton, 2000; Bhabha, 2001; Dalrymple, 2006).

Dalrymple's 2006 article "Seeking Asylum Alone: Using the Best Interests of the Child Principle to Protect Unaccompanied Minors" challenges current practices of asylum determination in the United States for unaccompanied minors. Like Pask (1989), Dalrymple argues for a child-centred system of refugee determination for unaccompanied and separated children. In her article, she highlights how the unique vulnerability of separated minors is simultaneously discounted and exacerbated by the use of inappropriate, adult-centred legal standards of determination. While her work is situated within the American context, her analysis of the 1951 United Nations Convention relating the Status of Refugees and its 1967 Protocol illustrates the limitations of the Convention in determining the refugee status of separated youth. She states that because age is not included as a basis for protection, youth must demonstrate persecution on the basis of one of the five enumerated grounds: race, nationality, membership in a particular social group, political opinion or religion.

*National Noncompliance and the Best Interest of the Child*

Although youth may experience persecution on one or more of the enumerated grounds, Dalrymple (2006) argues that youth are also vulnerable to a number of human rights violations not encompassed by the Convention. Moreover, children may have a limited understanding of the context of their persecution. The unwillingness of host

countries, including Canada, to apply the best interest of the child principle has meant that unaccompanied and separated children are virtually invisible, their voices inaudible because of systems unable or unwilling to recognize them. Ruxton writes,

When considering whether or not a child has a valid ground for fleeing his or her country of origin, responsible officials often pay insufficient attention to child specific forms of human rights violations. There are virtually no examples...of cases where child-specific forms of human rights violations are taken into consideration in the refugee status determination. There is considerable evidence that some countries enroll children in armies or rebel groups, but there is often official disbelief that the problem exists. For example, in the Netherlands, a child who claims to be afraid of forced recruitment into the army is sometimes considered as no more than a draft dodger (Ruxton, 2000, 79-80).

Of the American system, Dalrymple comments that “regardless of how sympathetic the child’s asylum claim may be, the best interests principle does not alter the refugee definition that children must meet” (Dalrymple, 2006, 155). Here, the tension between international standards, which prioritize the child’s welfare and national politics, which prioritize state interests on the other, gives way, due to the ability of government to interpret and apply international guidelines in a manner conducive to internal interests, to the latter. As a result, individual national governments are able to circumvent international standards regarding separated children.

### Migrating Children in Canada

#### *Historical Context of Canadian Intervention in the Migration of Children*

In spite of the relatively recent interest in unaccompanied and separated child asylum-seekers, Canadian intervention in the migration of children is not new (Bhabha, 2001). Rather, Canada has been implicated in the movement and resettlement of children since the mid nineteenth century. This involvement typically occurred through

sponsorship and resettlement programs for children orphaned by war and other groups without parental or familial support. Up until relatively recently, Canadian state intervention has been limited to those children whose travel had been organized or overseen by the state. For example, between 1860 to 1930s, nearly 100, 000 children were sent from Britain to Canada to work as farm and domestic labourers (Buti, 2002) and more recently, the evacuation of over 10, 000 British children to Canada during the early 1940s (Smerdon, 2008). In contrast, children whose migration was self-propelled or voluntary received no state attention (Bhabha, 2001). Underlying the lack of involvement was the assumption that where migration had benefited the child or where there were adequate family or community supports within the host country, post-entry state assistance was not required (Ibid). Over the 15 years, this approach has given way to an increasingly interventionist approach, including the establishment of special procedural guidelines in 1996, which in spite of its efforts to sufficiently support young people, have been applied inconsistently (Ibid).

*Canadian Guidelines Concerning Unaccompanied and Separated Asylum-seeking Children*

The refugee determination process represents the transition from claimant status to refugee status. “The passage from one world to another” (Montgomery, 2002, 59), this process establishes the conditions by which unaccompanied minors are able to participate more fully in the society of the host country. In order to facilitate this process, the Canadian Immigration and Refugee Board (IRB) established the *Child Refugee Claimants: Procedural and Evidentiary Issues* guidelines in 1996. Premised on the best interest of the child principal but not legally binding, the guidelines offer insight into the unique needs of youth in the determination process. Quoting Nurjehan Mawani, the chair

of the Canadian Immigration and Refugee Board (IRB) in 2001, Bhabha writes of the best interest of the child principle, “the emphasis on the best interests of the child reinforces the treatment of children as individuals and not as a rigid, undifferentiated class. Every child is different. What is in the best interest of one child may not be in the best interest of another” (Mawani cited in Bhabha, 2001, 300). The guidelines allow for the appointment of a designated representative (DR) and provide suggestions for eliciting and evaluating children’s testimony, taking into account age, culture, personality and exposure to trauma (Bhabha, 2001).

Much like other systems of refugee child protection, the Canadian system developed largely as a reaction to an influx of unaccompanied and separated children. Consequently, the current Canadian system, including the application of Canada’s own guidelines, is characterized by many of the same subjectivities and irregularities as discussed in relation to the American and Australian systems by Zulfacar (1987).

Although Canada, as previously discussed, had received a number of unaccompanied and separated Indochinese children following the end of the Vietnam war in 1975, it was not until the arrival of 134 separated Chinese children, ages 11 to 17, in British Columbia in July and August of 1999, that significant attention, nationally and internationally, was paid to unaccompanied and separated children in Canada. Motivated by the arrival of the Chinese children, the UNHCR published a discussion paper outlining the situation of separated and unaccompanied asylum-seeking children who enter Canada. Written by Ayotte (2001), the paper was, as much a reaction to the arrival of the children, as it was to the lack of coherent national policy in place to address their needs and assure their protection. Based primarily on qualitative interviews with agencies and individual

workers in British Columbia, Ontario and Quebec, the paper represents one of the only major, cross-country studies exploring the Canadian refugee determination process as it relates to and impacts on unaccompanied and separated children. Ayotte moves between the principles of various international conventions and guidelines, including the Geneva Convention, the CRC and the UNHCR Guidelines on the treatment of unaccompanied and separated asylum-seekers, and the Canadian system, illustrating strengths and discrepancies.

*Canadian Inconsistencies: Unaccompanied and Separated Children in Canada*

*Canadian Application of the Best Interest of the Child Principle*

Echoing the concerns of Pask (1989) almost two decades earlier, Ali (2006) characterizes the Canadian approach to the refugee claims of separated youth as insufficiently grounded in international guidelines and conventions promoting their rights and protection. This, she maintains, is compounded by issues of jurisdiction and sovereignty. While the federal immigration guidelines specify 18, a child may be ineligible for additional provincial services if he or she is over the age specified in provincial child welfare law<sup>1</sup>. The inconsistencies that exist between international standards and Canadian practices are, based on Ayotte's (2001) work, largely related to the best interest of the child principle. For example, at any Canadian port of entry the relationship between a child and the adult accompanying him or her is to be evaluated by Immigration Officers. Officers are to establish whether or not the relationship is in the

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<sup>1</sup> For example, in British Columbia an individual is eligible for child protective services until the age of 19, in Ontario and Quebec until the age of 18 and in Saskatchewan until the age of 16 (CIC, 2008).

child's best interest and take efforts to detect trafficking. While this procedure is consistent with the 1997 UNHCR guidelines, through her interviews, Ayotte found that officers were often reluctant to employ them. This was attributed to a lack of training and a discomfort with interviewing children. A more overt example is the disavowance between international standards regarding the detention of child asylum seekers and Canada's detention practices. The UNHCR guidelines state that as a rule, child asylum seekers should not be detained. Article 37 of the CRC, while not prohibiting the practice in totality, stipulates that children not be detained with adults, that detention be a last resort and that it be used for the shortest period of time. While the Canadian government, upon ratification of the CRC in 1991, entered a reservation to Article 37, maintaining the right to detain children with adults, division 6.60 of the IRPA, in line with the CRC, affirms "as a principle that a minor child shall be detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child" (IRPA, division 6.60).

Other than division 6.60 of the IRPA there is nothing in Canadian law, according to Ayotte (2001), which prohibits the detention of minors and subsequently, many of the 134 separated Chinese children who arrived in 1999, were detained, some for as long as six months. That said, when compared with other industrialized nations, Canada detains fewer asylum seekers, including child asylum-seekers (Ayotte, 2001). While there are no comprehensive statistics on the detention of children, unaccompanied, separated or with parents, CIC estimated that from 1999 to 2000, 338 children were detained, 252 were held with a parent, the remaining 86 were separated (Ibid). In their 2002 review of states' procedures and practices relating to the detention of asylum-seekers, Human Rights First,

found that at any given time, 11 asylum-seeking children are detained. In her review, Ayotte found that these children can be held in a number of settings, including immigration detention centres, adult correctional facilities and young-offender facilities. Regarding one facility in Ontario, she writes “in the opinion of the researcher, the centre is a bleak environment, rundown in appearance. Its limited common spaces also serve as cafeterias. Detainees must remain in their rooms except during specified meals and activity periods. They may only talk to visitors via a windowed booth: no direct contact is allowed” (Ayotte, 2001, 19).

Following the publication of Ayotte’s (2001) UNHCR document, the National Roundtable on Separated Children Seeking Asylum (2001) brought together child welfare professionals, child advocates and immigration officials to build partnerships and development awareness of the realities of separated and unaccompanied children seeking asylum in Canada. The roundtable was a response to a number of events including the 134 separated Chinese children who had arrived in British Columbia in 1999, the UNHCR’s review of the Canadian system (Ayotte, 2001) and mounting international concern regarding children’s rights. In their summary article of the event “Taking the Agenda Forward: The Roundtable on Separated Children Seeking Asylum in Canada”, Kumin and Chaikel (2002), highlight a number of themes which emerged through the various discussions held over the course of the roundtable. These include, the interpretation of the CRC’s best interest of the child principle, the lack of consistent data collections and consequently, the lack of reliable demographic information, the disjunction between federal jurisdiction over immigration and provincial jurisdiction over child welfare, and the tension between immigration control and child welfare concerns.

These themes are present in much of Canadian research since the early 2000s and are generally considered to be linked to the limited development and varied application of Canadian refugee determination policy pertaining to separated and unaccompanied children (Ayotte, 2001; Bhabha, 2001; Ali, 2006). Like Ayotte's UNHCR report, these publications continue to point out the inconsistencies and limitations of Canadian asylum policy and practice as they relate to unaccompanied and separated minors. Most significant amongst these is the absence of a comprehensive and enforceable national policy. This has been a primary concern of a number of refugee and children's right advocates in Canada, including Save the Children Canada and the Canadian Council for Refugees (CCR).

#### *Canada's Lack of Federal Policy*

In their report "Impacts on Children of the *Immigration and Refugee Protection Act* (IPRA)", the CCR (2002) comments that "despite the extreme vulnerability of separated children claiming refugee status, there is no national policy to ensure that their rights are properly taken care of. Separated children seem to fall into the gap between federal responsibility for immigration and provincial responsibility for youth protection" (CCR, 2002, 22). The issue of divided jurisdiction as it affects unaccompanied and separated children is also discussed by Sadoway (2001), who argues that the tension between federal jurisdiction over naturalization and immigration, and provincial jurisdiction over the administration of justice, education, health care and social services, creates a disconnect between programs available for refugees and refugee youth. This, according to Sadoway, becomes particularly problematic for unaccompanied and separated minors who, in addition to not receiving immediate and comprehensive



assistance regarding the process of applying for refugee status, do not have assistance in other areas of their lives, which parents would normally deal with. In an attempt to resolve this issue, the IRPA mandates, in accordance with the Canadian guidelines, the appointment of a designated representative for children seeking asylum alone.

While the Canadian guidelines offer important insight into the needs of unaccompanied and separated children, they are often overlooked or inconsistently applied. For example, according to the CCR the role of the designated representative is ill-defined and limited, never, according to Sadoway (2002), intended to fulfill the role of guardian. Furthermore, there is nothing in the IRPA that requires that the designated representative be immediately assigned upon the youth's arrival. Consequently, it is very possible that a child will have no representative during the early stages of his or her application, including the initial interview at the port of entry or inland immigration office. This lack of adequate adult support, according to the CCR, occurs throughout the refugee determination process as well as during resettlement and integration. Refugee children, they maintain, habitually wait two to three years, often in very stressful and precarious circumstances, for resettlement. This happens in spite of the 1996 Canadian guidelines, which urge officials to process the claims of separated children more urgently, and international conventions which, as mentioned, stipulate that the "benefit of the doubt" be afforded to children.

#### *Inconsistent Application of 1996 Canadian Guidelines*

According to Ali, Taraban and Kaur Gill (2003), the lack of federal policy has meant inconsistent program development and varied adherence to the Canadian guidelines on the treatment of unaccompanied minors by officials. In her UNHCR work,

Ayotte (2001) highlights the extent to which the fairness of the refugee determination is compromised by insensitivity towards the cultural difference, personality and age of unaccompanied and separated children during their hearings. Adding to this is the lack of information the youth themselves have regarding the process. In her study, Montgomery (2002) found that the youth she interviewed had little insight into the process, consequently the process was seen and experienced by youth as confusing. Youth are moved through the system by adults only to find themselves in a highly subjective hearing yielding highly subject, if not arbitrary, rulings, which according to Montgomery often reflect “the personalities of the Board members present during the hearings rather than the facts of the cases themselves” (Montgomery, 2002, 60). If status is granted, very little follow-up is offered, leaving children unsupervised or in some cases, in abusive or exploitive foster care arrangements.

Ali (2006) identifies a number of reasons why, in spite of international recognition of Canada’s earlier refugee policies<sup>2</sup>, Canadian policy and procedure has not developed in a coherent and consistent manner. Drawing on Bhabha’s 2001 work, Ali argues that the two competing normative discourse identified by Bhabha, immigration control and child welfare is compounded by Canada’s federal system, whereby the federal government has jurisdiction over immigration, the provinces over child welfare. This dichotomy appears repeatedly in the literature and is of particular interest to the present study. To resolve this tension, Ali, Taraban and Kaur Gill (2003), comment that, policies which comprehensibly take into account the various competing imperatives

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<sup>2</sup> For example, in 1986 Canada received the Nansen Medal from the UNHCR. The Nansen medal, now called the Nansen Refugee Award, is awarded yearly to individuals and groups for outstanding services in supporting refugee causes.

informing the Canadian system, for example, refugee youth protection versus immigration control, Canada's ratification of various international treaties versus the maintenance Canadian jurisdiction over people within its borders, and between the numerous agencies charged with providing care and services, are required at all levels of government. Both Ayotte (2001) and Ali (2006) contend that in order to meet this requirement, federal and provincial authorities must work together and that clear national standards be developed to meet the needs of separated and unaccompanied children.

As discussed by Zulfacar (1987) and Pask (1989) over a decade earlier, policy and procedural inconsistency is experienced within countries, between various levels of government and nongovernmental agencies, and between countries, as interpretation of various international policies are left to individual governments. Like Pask (1989), Ali, Taraban and Kaur Gill (2002) identify this as the inherent tension between international collaboration and national sovereignty. Additionally, this disjuncture mirrors opposing discourses defining youth as vulnerable children deserving of protection, grounded in international discourse concerning refugee protection and children's rights, or as manipulative and rational agents warranting suspicion, grounded in nationally-based public discourse regarding the deceitfulness of refugees (Daniel & Chr. Knudsen, 1995; Pratt & Valverde, 2002) and political concern with "anchor children" or children sent unaccompanied by families in order to bypass official channels of immigration (Maloney, 2001). This is of particular concern to Bhabha (2001), who contends that both paradigms educe harmful results by calling the trustworthiness of the child into question. This paradox speaks to the issue of child welfare verses immigration control and is of central concern to the present study.

### Separated Children and Security

The last several years have seen an increase in research and analysis regarding the growing political and public preoccupation with national security also referred to as securitization (Butler 2004; Shroder, 2006; Webb, 2007). Discussed in the theory chapter of this text, while the conceptual and practical link between immigration and national security is not a new phenomenon, the recent preoccupation with security and subsequent attempts to minimize risk represents a shift away from a system of globalization marked by openness and enhanced mobility towards one of relative closure and immobility. This, according to a number of scholars has resulted in a global context which is at once unified in its obsession with security and disjointed in its composition as state sovereignty and national security assume priority (Butler, 2004; Agamben, 2005; Shamir, 2005; Rumford, 2006). Within this context, migration becomes suspect and protection is granted on the basis of citizenship (Crocker et al., 2007). Clearly this has considerable ramifications for asylum seekers who move across international borders.

While a number of studies explore the impact of an immigration control focus on unaccompanied and refugee children, the current body of unaccompanied refugee minor literature is limited in its review and analysis of securitization as it impacts on children seeking asylum alone. Rather the body of research focused on securitization tends to look more broadly at the impact of an increased political preoccupation with national security on migrants, including refugees, more generally (Lohrmann, 2000; Pratt & Valverde, 2002; Sharma, 2005; Crocker et al., 2007). That said, a number of scholars and researchers working in the area of unaccompanied and separated children have begun, albeit to a limited extent, examining the intersection of securitization and involuntary

migration as it effects separated minors. In these texts, discussion of securitization tends to be peripheral with the research focusing more specifically on the immigration control/child welfare binary (Bhabha, 2001; Ayotte, 2001), experiences of discrimination (Montgomery, 2002) and the disjunction between political rhetoric regarding the protection of minors and actual practice (Ali, 2006).

### *The Child Welfare/Immigration Control Binary*

The child welfare/immigration control binary is most clearly articulated by Bhabha (2001) in her work “Minors of Aliens? Inconsistent State Intervention and Separated Child Asylum-Seekers”. In her review of state intervention within Canada, the United States and the United Kingdom, Bhabha notes that the inconsistencies in intervention reflect the absence of a concerted effort to redress systematic limitations, the invisibility of children and most notably, that state intervention is “pulled in different directions because of clash between two opposing normative frameworks – immigration control preoccupations on the one hand, and welfare protection (including child’s rights) concerns on the other” (Bhabha, 2001, 293). While welfare discourse, encompassing children’s rights and the best interest of the child principle, prioritizes childhood, immigration control discourse focuses on the minors irregular status. Within a context increasingly characterized by its preoccupation of security, immigration control discourse has effectively usurped welfare discourse in relation to unaccompanied and separated asylum-seekers. This is evident in the construction of unaccompanied and separated children as manipulative and adult-like, their association with trauma and conflict, incompatible with decision-makers notions of childhood. It is also apparent in a number

of intra-national and national resolutions on the handling of unaccompanied and separated children. This is illustrated by Ali, Taraban and Kaur Gill (2002) who cite, as an example, the 1997 *Resolution on Unaccompanied Minors who are Nationals of Third Countries*, which aims to harmonize the treatment of unaccompanied minors in the European Union. While the Resolution recognizes the unique needs and special rights of separated children it also stimulates that “member states should take appropriate measures, in accordance with their national legislation, to prevent the unauthorized entry of unaccompanied minors and should cooperate to prevent illegal entry and illegal residence of unaccompanied minors on their territory” (Ali, Taraban & Kaur Gill, 2003). Similar inconsistencies have been found within the American system by Bhabha (2001) and Dalrymple (2006), and within the Canadian system by Ayotte (2001), Sadoway, (2001), Bhabha (2001), Kumin and Chaikel (2002), the Canadian Council for Refugees (2004), and Ali (2006).

The disjunction between the normative discourses identified by Bhabha (2001), child welfare on one hand and immigration control on the other, is perhaps most present in Canadian policy through the *Immigration and Refugee Protection Act* (IRPA). The IRPA, which came into force in June 2002, replacing the 1952 *Immigration Act*, which had been in effect since 1978. While the IRPA mandates that the best interest of the child be considered and that it is to be applied in a manner consistent with the various international human rights conventions ratified by Canada, the IRPA, according to the Canadian Council for Refugee (CCR), fails to meet the needs of asylum seeking youth. The aforementioned CCR report “Impacts on Children of the *Immigration and Refugee Protection Act*” (2004), argues that while the IRPA does include some reference to the

best interests of the child, it does not fulfill Canada's ratification of the CRC, in so far as it only requires that the best interest principle be taken into account in certain specific situations but not in others. For example, in regards to deportation, the government has argued that the best interest principle need not be applied. This contradicts the CRC as well as Canada's own policy regarding landing on humanitarian and compassionate (H&C) grounds, under which consideration of best interests is central. Additionally, the report states that even in cases when the best interest principle is applied, it is done so inadequately. Citing an experienced refugee advocate, the report asserts that many immigration agents simply dismiss the best interest of the child principle in their assessment of H&C applications, arguing that if the child is young enough, family unity is sufficient to maintain his or her wellbeing. The report quotes one immigration official in a rejected H&C case, "I note their [the children's] anxieties flow directly from their attachment to their mother, which leads me to believe that no matter where they are, if they see that their mother has recovered her psychological stability, they will recover their happiness" (CCR, 2004, 5). In spite of the centrality of family unity in regard to deportation orders, there are no mechanisms available to children to reunite them with parents or siblings living outside of Canada (CCR, 2002). This has particular ramifications for separated children and unaccompanied minors, who, even if their application for asylum is granted, have no means of bringing a parent or sibling to Canada. This, according to Maloney (2001) is a response to political-anxieties concerning "anchor children".

The construct of "anchor children" serves as a repudiation, a means of ascribing guilt to unaccompanied and separated youth prior to their arrival. It permits both officials

and the public to view unaccompanied and separated children suspiciously, thereby justifying immigration control discourse. Added to this, are numerous practical obstacles, which upon arrival, serve to reduce the ability of individual refugees to fully integrate, thereby legitimizing prejudicial attitudes and further validating immigration control discourse. These obstacles, informed by systems of trust and distrust, which permeate public discourse pertaining to refugees (Valentine Daniel & Chr Knudsen, 1995), as well as political mechanisms, regulate entrance and integration into Canadian society. They include difficulties in finding employment, exclusion from government sponsored training programs and barriers to accessing language courses, housing, medical services and education. These challenges, when experienced by unaccompanied and separated children, are exacerbated by the vulnerability inherent to young age. Additionally, young refugees may experience obstacles related to peer groups, social support and accessing mental health care services (Goodman, 2004). Using a case study conducted in Quebec, Catherine Montgomery's (2002) article "The 'Brown Paper Syndrome': Unaccompanied Minors and Questions of Status" explores these challenges in relation to children who are in the process of requesting asylum. In reference to immigration papers, the "Brown Paper Syndrome" is what identifies status, or lack thereof, and classifies the separated child as different, justifying prejudicial treatment. Citing one youth in her study, Montgomery writes, "What I don't like is when you produce the brown paper...It's not exactly racism, but then...it's like you're contaminated. It's just a label. Immediately it's like, 'Oh, okay, there's a wall in front of me'. Stay away" (Montgomery, 2002:56).

Commenting on those youth whose applications are not granted, Bhabha (2001) states that separated children tend to occupy a precarious location, denied status largely



because of the incompatibility of child welfare and refugee protection with immigration controls. Paradoxically, according to Bhabha, while children are often the most affected by war and conflict, their experiences of trauma, largely incompatible with western notions of childhood, place separated children at a disadvantage in terms of receiving appropriate services upon arrival and in terms of receiving refugee status. Here, rather than being viewed compassionately, Bhabha contends that unaccompanied and separated children are viewed with heightened skepticism and hostility. Similarly, Dalrymple (2006) notes that the application of the best interest principle to the admission of unaccompanied minors seeking asylum is increasingly influenced by the wider policy debate regarding refugee determination. She writes that “admitting a growing number of asylum applicants conflicts with an increasing public awareness of finite national resources and unsatisfied domestic needs” (Dalrymple, 2006, 153). According to her, this perception has been aggravated by increased concern with issues relating to national security, resulting in political and popular resistance to refugee admission.

Although social services departments, as opposed to immigration or law enforcement, are supposed to be primarily responsible for unaccompanied minors, in a number of national settings, including the UK, the United States and Canada, immigration control practices do in many instances dominate (Bhabha, 2001). Concerning the American context, Dalrymple (2006) maintains it is because of the conflict between these two paradigms, best interest and security, that the United States has been reluctant to extend the best interest of the child to asylum law. As a result unaccompanied minors continue to be detained and are no more likely than adults to be granted asylum (Ibid). The former, resulting in diminished mental and physical health (Crawley & Lester, 2005)

and the latter, in cases where the youth is deported, increased risk of physical harm and in some instances, death (Dalrymple, 2006). This, according to Bhabha, is no less the case in Canada.

As discussed in this chapter, the Canadian approach to unaccompanied and separated asylum-seeking children has tended to be disjointed, limited by issues related to federal and provincial jurisdiction, inconsistent classification and unreliable identification, and most relevant to this study, the disjunction between child welfare, encompassing children's rights and the best interest of the child principle, and immigration control discourse. The following chapter provides the theoretical foundation of the current study. In doing so, a number of concepts related to mobility and risk will be considered, culminating the articulation of "risk identity", a theoretical concept intended to describe the location of mobile, yet marginalized, populations within the current context of globalization, whereby mobility is experience hierarchically, dependant largely on economic status but also on ethnicity, cultural background, gender and age. Unaccompanied and separated children, in spite of their age or perhaps, in part, because of, are, as demonstrated by this study, are vulnerable to this classification.

## CHAPTER TWO THEORIZING “RISK IDENTITY”: IM/MOBILITY, RISK AND CLOSURE

### Theoretical Foundation

Complimentary and conflictual, contemporary manifestations of globalization simultaneously invoke a world which is both open and closed, in which mobility is easily achieved and stringently regulated, and where the call for human rights is rivaled only by the call for the unrestricted expansion of capitalism (Shamir, 2005; Turner 2007).

Refugees, mobile and stateless, embody the practical and ideological inconsistencies of the emerging global world order. They are at once constrained by the management of mobility, restrictive immigration policies and heightened border security, and empowered by human rights discourse. Moreover, they serve to highlight the limitations of modernist understandings of personhood as they relate to the primacy of state-membership. Added to this refugee youth seeking asylum without parents or caregivers defy contemporary constructions of childhood by demonstrating its complexity.

In spite of the challenge they pose to existing global structures of movement, rights and citizenship, refugees, in their search for state-centred protection, continue to be positioned in opposition to those identified as citizen, with the risks associated with non-citizens, crime, dilution of national identity, terrorism, social service reliance and paradoxically, saturation of the labour market, serving to legitimize prejudicial attitudes and discriminatory (in)action against them. Within this context, racialization, the exacerbation of existing racism, and securitization, the increased preoccupation with risk and implementation of security measures, become mutually reinforcing and consequently permissible through the assignment of “risk identity” or the indiscriminant categorization

of groups as “risk” by virtue of shared characteristics. Unaccompanied and separated asylum-seeking youth are vulnerable to such classification for a variety of reasons, including age, statelessness and association with conflict. This chapter will illustrate some of the theoretical underpinnings of the current global epoch relevant to the movement of unaccompanied and separated children seeking asylum. In doing so it will introduce the theoretical basis and analytical lens of the current study.

### Underpinning “Risk Identity”: Overview of Principle Concepts

#### *Global Mobility Regime, Risk and Closure*

Encompassed under the concept of “risk identity”, this chapter, drawing on the work of several contemporary social theorists, will introduce three interrelated and mutually reinforcing concepts. These are 1) global mobility regime (Shamir, 2005), 2) risk and 3) closure. Taken together these three concepts form the theoretical underpinnings of “risk identity”. Additionally, they assist in explaining the continuation and evolution of prejudice and discriminatory attitudes towards refugees, in spite of the ideological entrenchment of human rights doctrine and the development of modern-day cosmopolitanism.

#### *Global Mobility Regime*

The first, mobility regime (Shamir, 2005), is concerned with the management of movement across borders. The existing mobility regime is at once characterized by mobility and immobility, as it enables the movement of certain individuals and groups, while restricting the movement of others. Those whose mobility is controlled are typically those who reside in global spaces designated “unsafe” by virtue of political

unrest, conflict and ethnic and cultural difference. These areas have been conceptualized as “hyper ghettos” or “border networks” (Rumford, 2006). What is important to consider about global mobility regime is that it is marked by both risk and closure; in so far as it facilitates mobility through new technology it is, in part, the cause of risk; in so far as it seeks to limit that risk by restricting mobility, is it the cause of closure, and as such, is not independently distinguishable from either.

### *Risk*

The management of movement occurs within a within a larger political and cultural context preoccupied with security, which has identified by Agamben (2005) as the current “state of exception”. The “state of exception” as it relates to heightened preoccupation with risk and risk management will be reviewed in this text. The restriction of movement is motivated by the second concept, risk. Risk is assigned to populations due largely to their connection to “unsafe” global spaces but also because of the threat they are perceived as posing to “safe” global spaces. These risks include more tangible forms of risk, such as physical violence, terrorism and crime, as well as more subtle, insidious forms, such as dilution of national or cultural identity, welfare dependence and job market saturation (Hornqvist, 2004; Liu & Mills, 2006). Within this work, risk, based on Beck’s early work (1992), is seen as indefinable yet pervasive. It is the perceived omnipresence of risk that rationalizes racist discourse, directed at those from “unsafe” global spaces. This has been labeled by Liu and Mills (2006) the “plausible deniability of discrimination” and is, given current anti-refugee sentiment in the West, of particular relevance to this study. It the culmination of these two concepts, the management of

mobility and the ubiquitous nature of risk, that results in what Shamir (2005) has labeled the “paradigm of suspicion”, and in the third concept, closure.

### *Closure*

The consequence of risk within the context of the current mobility regime is the third concept, closure and is, through a variety of political mechanisms, deemed justified (Hornqvist, 2004). Closure, is the experience of restricted movement, it is exacerbated by risk and the necessity of state membership in receiving protection. The theorization of closure within the context of globalization reflects the paradoxical effects of an increasingly global world. Labeled “enclave society” by Turner (2006), it also serves to broaden traditional sociological understandings of globalization, which, since the 1990s, have focused on increased global mobility, invoking images of flexible citizenry and porous national boundaries (Thurow, 2000).

This chapter provides a generalized definition of “risk identity”, and then, drawing on the various constructs mentioned in this chapter’s introduction, expands on it. Following the elaboration of “risk identity”, this chapter explores reaction to the perception of risk, and to the consequence of perceived risk, closure. This section examines the theoretical and practical ramifications of borders as methods of deterring mobility, and will look at the impact of borders, both as territory demarcations and as ideological boundaries on refugees. Here, issues of state-membership, state-centred protection and source control will be addressed. The final section of this chapter will address the situation of unaccompanied and separated children with the current global mobility regime. This section will explore the paradoxical interaction of the global

mobility regime, marked by suspicion, risk and closure, and human rights discourse, as it impacts on children's mobility.

### Indiscriminate Culpability: The Forming of "Risk Identities"

#### *Defining "Risk Identity"*

Conceptualized as the displacement of a generalized and collectively experienced anxiety onto particular populations through systems of profiling and classification, risk identity or the assignment of indiscriminate culpability by virtue of shared characteristics, limits the ability of certain individuals and groups to enter privileged social spaces. The assignment of risk to a particular population by virtue of characteristics deemed suspect or threatening by the dominant group is not a new phenomenon (Shamir, 2005). Rather it reflects a historical tendency to conflate social ills with the newly arrived.

The construct of "risk identity" represents an integrated application of Ulrich Beck's theory of "Risk Society" (Beck, 1992) and variants of globalization theory, which seek to understand the relationship between global mobility and state closure. In a sense the current mobility regime represents a departure from Beck's risk society thesis, which serves as an illustration of the arbitrariness of territorial boundaries. Unlike risk society, which is global in scope, enclave society is founded on the reemergence of the sovereign nation state (Wood, 1999), as individual states struggle to manage risk by redefining territorial boundaries and restricting the flow of migrants (Hirst & Thompson, 1996; Noumoff, 2001). While the issue of global migration was not an integral component of Beck's original risk society thesis, the notion of risk, as conceptualized by Beck, provides

useful insight into various national reactions to global migration and labour mobility. Risk, according to Beck, no longer tactile and individual, has become a pervasive yet intangible facet of the human condition. In order to resolve the internal chaos and distress caused by such uncertainty, specific groups, by virtue of their religious, cultural or ethnic differences, are constructed as the source of risk. Conceptually, it can, perhaps, be seen as a contemporary manifestation of Beck's risk society: the perceived threat of terrorism and globalization replacing the unseen dangers of pesticides and radioactivity (Beck, 1992) in the public psyche.

### *Expanding "Risk Identity"*

#### *The Global Mobility Regime and the Management of Movement*

Contemporary globalization has yielded a system of mobility, which at once impedes and facilitates movement across borders (Sassen-Koob, 1981; Shamir, 2005; Rumford, 2006; Turner, 2007). Within this system a small social echelon experiences hypermobility while the vast majority of the world's population is left virtually immobilized (Shamir, 2005). The ability to cross borders is largely connected to an individual's socio-economic standing within the system. Individuals possessing sufficient financial means and residing in privileged social spaces are able to move, relatively unrestrictedly across borders (Rumford, 2006), their movement facilitated by the supposed lack of risk they represent. For those without capital and for those residing in marginalized social spaces, movement is regulated. While refugees, by virtue of flight, are mobile, the mobility they experience is regulated through various state mechanisms. Restriction of mobility occurs in a variety of ways including the militarization of



territorial borders (Turner, 2006), the development and use of surveillance technology (Webb, 2007), more stringent immigration controls and increasingly restrictive refugee policies (Bhabha, 2001). These measures, in place to minimize the professed risk refugees represent, occur within a global mobility regime, informed by increased securitization in the face of the perception of a constant state of emergency. Here the immobilization of populations which are seen as possessing a threat, either to physical safety, financial prosperity and increasingly, cultural and ideological consistency within a given locality, is constructed as necessary. The invocation of necessity in relation to security permits and validates political systems of repression, which limit cross border mobility of marginalized populations.

Localized within the paradigm of security, the current global mobility regime which, through the regulation of movement across borders represents the increasingly paradoxical relationship between globalization, mobility and state sovereignty. Turner (2007) argues that «as the economy becomes increasingly global, especially in terms of the flow of finance, investments and commodities, states and their bureaucracies have in many respects become more rigid in attempting to defend the principle of sovereignty» (Turner, 2007, 288). This, together with the anxiety induced by globalization and the perceived destabilization of state authority and citizenship, has multiple ramifications for marginalized people, both within industrialized capitalist nations and within the developing world (Noumoff, 2001; Turner 2007). These include a strengthening of national barriers to migration (Crocker et al, 2007; Walter, 2006) and increased hostility and xenophobia (Crocker et al, 2007; Turner, 2007). Within this framework, immigration

and the perceived threats of crime are conflated. The culmination of these consequences has resulted in the categorization of particular persons as “risk”.

*“Risk Identity” as Plausible Racism in the Global Mobility Regime*

*The “State of Exception”.* Underpinning the increased tendency to assign mutual or shared culpability in the form of risk identity, is the “state of exception” as theorized by Giorgio Agamben (2005), whereby state reaction to emergency or crisis displaces juridical norms (Agamben, 2005). What ensues is a permanently imposed state of emergency, which fosters an acute sense of uncertainty and increasingly informs refugee policy in much of the industrialized western world (Watters, 2008). Central, almost inevitably so, to the “state of exception” is a point of incongruity between public law and political fact. This disjunction is manifested on a number of levels. On a macro level, the perceived pervasiveness of risk results in the usurping of democratic expressions of decision making through the restoration of sovereign authority. In her text Precarious Life: The Powers of Mourning and Violence, Judith Butler (2004) writes “the state *produces*, although through the act of withdrawal, a law that is no law, a court that is no court, a process that is no process” (Butler, 2005, 62). Here Butler is describing the reinstatement of sovereign power through the implementation of rules, which supersede law and are arbitrarily and unilaterally applied. These rules owing to the state of exception, through which they are developed and legitimized, reflect the suspension of law and more broadly, the suspension of human rights in the pursuit of heightened security in the face of perceived risk. This is then experienced at a micro-level as a

disjunction between policy and practice, and more generally in terms of discourse, or the recognition of need, and policy.

Although contemporary manifestations of the state of exception are, at least in the context of the West, less explicit, “the declaration of the state of exception has gradually been replaced by an unprecedented generalization of the paradigm of security as the normal technique of government” (Agamben, 2005, 14). This generalized paradigm of security and the suspicion instilled within it, lend a certain political validity to racialization, the exacerbation and justification of existing racism. Used to understand more implicit forms and expressions of racism, the theory of symbolic or “modern” racism understands racism as the synthesis of traditional values and anti-minority sentiment (Liu & Mills, 2006).

*The “Plausible Deniability of Racism”.* Within the framework of symbolic racism, minority groups are not criticized because they are different but rather because they violate mainstream values and normative behaviour (Liu & Mills, 2006). Premised on the notion that a minority group has done something to warrant dislike, symbolic racist discourse, as opposed to more overt and traditional expressions of racism, avoids immediate detection because its intent is veiled in alternative and seemingly reasonable explanations. These explanations serve to discredit accusations of racism, while legitimizing and justifying the dislike of a particular group. They also permit a distinction between “real” racism, pathologized as emotionally driven and irrationally categorical, and the “reasonable” dislike or suspicion of a minority group based on socially acceptable justifications (Figgou & Condor, 2006). The former enables prejudiced individuals to separate their views from those of other prejudiced individuals. Linked to

the distinction between “real” and “reasonable” racism,, the “plausible deniability of racism” by psychologists James H. Liu and Duncan Mills (2006), represents a central component of symbolic racism. The “plausible deniability of racism” facilitates the expression of racist sentiment within social and political contexts intolerant of overt forms of prejudice. In their work, Liu and Mills identify two principle mechanisms through which “plausible deniability of racism” is achieved. These are, the extent to which minority groups are seen as deviating from traditional, mainstream values and the ways in which nationalistic discourse celebrates the norms and well-being of the majority. In this instance, minority groups may or may not be directly criticized. Rather they are indirectly implicated as threatening mainstream national identity.

Within the context of neo-liberal globalization, “plausible deniability of racism” occurs nationally, directed at immigrant populations, as well as intra-nationally, directed at marginalized populations who may (or may not) become mobile (Noumoff, 2001). Globalization, and the potential for mobility contained within it, has resulted in a growing disjunction between physical and social distance, whereby our increased capacity for mobility is at odds with the perception of particular populations as threatening (Shamir, 2005). The current global system is then marked by an integrated system of risk management, which targets threatening populations based on their potential movement across territorial borders. Fostered within a climate of global risk management, racism is both denied and legitimized, constructed as “reasonable”, through what Shamir has identified as the “paradigm of suspicion”.

*The “Paradigm of Suspicion”.* Integral to the current process of globalization, the “paradigm of suspicion” represents the means by which the perceived threats of crime,

immigration and terrorism are exaggerated and conflated (Shamir, 2005). The perception of these threats as plausible and therefore likely, allows symbolic or “modern” racism to proliferate largely unchallenged. This is largely connected to public and political tendencies, both currently and historically, to link immigration to crime, disease, moral contamination, poverty and increasingly terrorism (Ibid). In spite of considerable variance, these risks are conceptually linked and conflated under the “paradigm of suspicion”. As such, they are all associated with external threats that are imported rather than locally situated. Tied to the “mobility of the dangerous, undesirable and fear-inducing” (Rumford, 2006), these threats have resulted in the establishment of the global mobility regime, which is concurrently inclusive and exclusive, integrated and segregated, and porous and impermeable. It follows then that individuals entering Canada, as refugees do not arrive to an ideologically neutral environment. Rather, they enter a cultural context where citizen is prioritized and “migrant” or “refugee”, conceptually linked to an existing category, is understood as deviating from the normative category of Canadian (Sharma, 2002). In her work Montgomery references the brown immigration papers refugees use as identification. The brown paper, as a marker of the ambiguous and precarious status of refugee claimants, functions as a discursive resource yielded by the majority to justify inequality (Liu & Mills, 2006). In other words, it is the physical representation of their irregular legal status, of their violation of societal norms, which serves to validate, to legitimate, to make “plausible” the discrimination ensuing its presentation. Given the centrality of the age of majority in Canadians law, the alienation experienced by unaccompanied and separated children is then compounded by

their status as minors and additionally, by their status as youth without parents or legal guardians.

### Redressing Uncertainty through Closure

Differences between citizen and migrant exemplify the conflictual, yet inevitable relationship between globalization, state membership and risk. National boundaries, albeit abstracted and permeable, are nonetheless regulated and refortified, offering protection to those seen as legitimate and denying it to those who, by virtue of their “foreignness”, are not, regardless of residence within a particular territory (Wood, 1999). This is facilitated by racist discourse, which posits minority groups as deserving of suspicion, the conflation of migration and risk, and the subsequent demarcation of advantaged global spaces from those considered risk-producing. Territorial delineation serves to separate privileged countries from other regions, resulting in the creation, both practical and conceptual, of suspect countries. This is of particular importance for those in need of asylum who, given the small number of individuals who actually arrive in industrialized nations, remain largely confined to circumstances recognized as dangerous by virtue of the classification of suspect country. Concurrently, individuals who manage to circumvent territorial borders, arriving in industrialized nations, are subject to the ideological borders of protection based on state membership.

### *Theorizing Borders*

Theorizing borders in terms of mobility and movement is a relatively recent sociological phenomenon (Shamir, 2005; Rumford, 2006). Having acquired a more

specific and significant meaning with the development of the modern nation state, borders, as conceptual and territorial markers, have continued to simultaneously expand and contract in relation to globalization and increased mobility (Tilly, 1992; Wood, 1999; Shamir, 2005). Over the last ten years, two dominant approaches have developed to theorizing borders (Rumford, 2006). The first, shaped largely by current thinking on globalization and mobility, contextualizes borders within a global system comprised of social networks. Here the idea of society is replaced by an integrated system of social networks. First invoked in the seminal work of Manuel Castells, “network society” constitutes fluid space flows, where borders are increasingly transcended and territories are less easily defined or recognized (Castells, 2000). Also grounded in the disintegration or reconceptualization of territorial boundaries, the second approach theorizes borders in terms of societal transformation and a new politics of space (Rumford, 2006). Here, borders are seen as locations in and of themselves. Taken as the prototypes of the network society, the European Union simultaneously represents these modalities. While movement within the EU is unrestricted, those who seek entry are marginalized. Their marginalization conceptual, ideological and spatial, they are forced to exist on the peripheries of the network society.

### *Borders as Territorial Boundaries*

#### *Suspect Spaces and Expanding Borders*

“*Hyper-ghettos*”. Also theorized as “hyper-ghettos”, suspect countries refer to “both urban and rural areas, at times covering an entire sovereign national territory to whose boundaries the population is more or less permanently confined” (Shamir, 2005,

205). Typically found within these territories are large concentrations of marginalized and displaced people, relegated to a variety of confined spaces including slums and refugee camps. Internationally, the perceived threat posed by these populations has resulted in the reconceptualization of borders as not only protecting state sovereignty against organized invasion but also against insidious infiltration by suspect populations (Ibid). Through the delineation of privileged and non-privileged global spaces, borders serve to manage mobility by segregating and containing entire national populations. Through this, only small segments of given national, ethnic and economic clusters are able to move within the confines of the hyper-ghetto and even fewer are able to penetrate its borders. Within this context, mobility, particularly amongst those with no property, is seen as a suspicious activity. Here, border encompasses both sovereign states as well as larger “risk” producing territories, which may include a number of states. This section will explore the construction and maintenance of borders, specifically highlighting the ramifications of bordering on vulnerable people requiring state-centred protection.

Paralleling “hyper-ghettos” and the construction of “suspect countries”, the concept of borders has “become so diffuse that whole countries [and populations] can become borderlands” (Rumsford, 2006, 156). Taken together, these theoretical approaches, also regarded as “debordering” and “rebordering” represent the paradox of contemporary mobility. Encountered by those residing in privileged global spaces as “non-boundaries”, borders continue to be experienced as physical barriers for individuals attempting to gain access to those privileged spaces. In this sense, in spite of the establishment of network societies and increased internationalization, borders have retained their modern application; the control of movement into a particular territory and



the classification foreigners as a distinct group of people, warranting limited rights and close surveillance (Tilly, 1992).

The tension between “debordering” and “rebordering” can be partially resolved through the theorization of “network borders”, whereby borders serve to distinguish between privileged networks and marginalized or “suspect” networks. Within this framework, collaborative efforts between privileged spaces to deter the flow of unwanted migrants proliferate. For example, in 2004 the UK supplemented its domestic border controls with international border controls, taking the form of immigration offices, in a number of French and Belgium cities. The purpose of which was to deter the flow of illegal immigrants into the UK, prior to their departure (Rumford, 2006). The preemptive deterrence of unwanted migration rests largely on the categorization and management of particular individuals and groups. By virtue of their potential movement across territorial boundaries, these populations are perceived as threatening not only to normative cultural values and norms but also to national prosperity and arguably, within the context of western welfare states, continued access to publicly funded social and health care services. Consequently, in spite of the increased possibility of movement across borders, individual nation states have implemented policy and practices intended to deter the flow of migrants into their territories. In relation to refugee mobility, these policies, operating within the “paradigm of suspicion”, have increasingly represented a doctrine of containment as opposed to resettlement (Aleinikoff, 1995). This shift represents a movement away from state-centred protection, towards policies and practices of refugee flow deterrence and repatriation.

*Ideological Borders: Protection and State Membership*

In contrast to high-tech border surveillance techniques, the development of policy intended to restrict movement and limit resettlement represents a more insidious form of rebordering and closure. Broadly conceptualized within the social sciences, refugees are, for the most part, involuntary migrants, persons obliged to leave their customary places of residence because of social, political and environmental situations outside of their control (Aleinikoff, 1995). This definition, useful in its consideration of both human-made circumstances and acts of nature, subordinates notions of statehood, sovereignty and boundaries to the individual's need for assistance (Ibid). Linked more closely to these notions, the legal definition of refugees is predicated on the understanding that a refugee, outside of his or her country of origin is without the protection afforded by his or her state membership and subsequently is in need of the protection of another state. In spite of the recognition of the need for state membership, international refugee law does not guarantee state membership outside of the country of origin (Ibid). In other words, while international refugee discourse calls for state-based protection, refugee-receiving states are not legally required to offer state membership to stateless individuals, regardless of their accepted level of need.

*Sovereignty, Citizenship and Refugees*

The presence and the movement of refugees challenge the modernist construction of national sovereignty and citizenship. More fundamentally, refugees bring to the forefront the inequalities that exist both between and within individual nation states. In spite of the recent proliferation of network societies, territories comprised of myriad nation states unified by economic and ideological similarities, protection, both legal and

social, continues to necessitate state membership. Within this system, refugees constitute a breach of the state of origin/citizen relationship (Aleinikoff, 1995), whereby the state is responsible for the general well being of its citizens. In many regards, such an understanding relies on uniformed notions of the modern state, an understanding that posits parallel political development and similar reliance on modernist, liberal ideology. Arguably, such uniformity has not occurred, with considerable variance found between politically and economically similar states. That said, in spite of differences in the provision of state protection, a state-centred citizenship and as such, eligibility to protection has become emblematic of all nation states. The centrality of state membership has particular ramifications for refugees, as the authority of states to deny asylum can leave individuals stateless and consequently, ineligible for protection (Ibid).

Influenced and reinforced by rebordering and the subsequent refortification of the nation state, the continued state-centeredness of protective rights provision contextualized by the “paradigm of suspicion” serves to facilitate the distinction between those with inherent rights by virtue of their belonging to a particular state and those without rights by virtue of their foreignness. This is seen in refugee policy as well as other immigration policies, and is reinforced by social policy that posits citizenship as a requirement for accessing medical services and social protection (Stasiulis & Bakan, 2003). Current refugee policy furthers the distinction between migrant and citizen by increasingly moving away from principles of resettlement towards those of “source control”. This shift, although grounded in international human rights discourse pertaining to the rights of individuals to safely reside in their countries of origin, represents a transition towards a paradigm of containment within refugee protection discourse.

*“Source control” as Containment*

The basic tenant of “source control” is to stop the flow of refugees by redressing conditions within the country of origin, which may result in departure. Within this framework, resettlement is construed as relieving refugee producing states of responsibility to their citizens, while burdening refugee receiving countries (Coles, 1989). From both the liberal rights and communitarian perspectives, this shift represents a restoration of the basic right to reside freely in one’s country of origin (Aleinikoff, 1995). However, when contextualized within the “paradigm of suspicion” (Shamir, 2005), the focus on “source control” and repatriation represent a form of internationally implemented risk management, an attempt to reduce the influx of potentially threatening individuals. This has been facilitated by the construction and application of “risk identity” and has occurred in spite of burgeoning awareness of universally construed human rights and as discussed in the previous chapter, ratified international conventions and national guidelines to the contrary. This divergence between political fact (deterrence) and public law (sanctioned international law requiring protection), as encompassed within the state of exception (Agamben, 2005), is particularly problematic and salient for children who, over the last two decades have become increasingly mobile and whose inherent rights are increasingly, albeit at times inconsistently, recognized (Brysk, 2005). That said, human rights discourse has, for many, including children, become the means by which the “state of exception” is mitigated, the issues related to the current global mobility regime, risk and closure partially resolved.

## Migrating Children

*The Paradox of Childhood: Human Rights in the "State of Exception"*

Shaped by their movement, unaccompanied and separated children concurrently challenge long-standing notions of personhood and systems of citizenship and categorizations of childhood. As children, they belong to a rapidly growing global constituency, one with a "history of special status as dependents, burgeoning universal rights claims, and vastly increased mobility" (Brysk, 2005, 29). As refugees, separated children are stateless and are increasingly recognized, albeit it often rhetorically, as warranting protection. Taken together, the dual identity of unaccompanied and separated children problematizes and challenges modernist configurations of state membership and family authority, particularly as they relate to protection and care. This, when considered in relation to the culminated effects of the current global mobility regime, risk and closure, represent a paradox. This paradox, as well as its individual components impact on unaccompanied and separated children in a number of ways.

Chosen as the preferred survivor and recognized as the most likely to circumvent licit channels of migration, children are increasingly more likely to travel across borders (Bhabha, 2001). Children's increased movement has also meant increased visibility and subsequently, the proliferation of children's rights (Bysk, 2005). The ensuing juxtaposition, securitization and human rights discourse, mirrors the immigration control/child welfare dualism, which serves to dilute and confuse refugee policy and practice as it relates to unaccompanied and separated children (Bhabha, 2001).

*Securitization and Unaccompanied/Separated Asylum-seeking Children*

Increased emphasis on security, stringent visa requirement, militarized borders and escalating immigration controls have meant that large number of refugees are increasingly forced to rely on unorthodox and clandestine means of crossing borders, including, as is frequently the case for separated children, reliance on the services of smugglers (Bhabha, 2001; Derluyn & Brockaert, 2005). These methods, while increasingly necessary given state efforts to reduce irregular border crossings, reinforce securitization and risk management discourse, which conflates insecurity with the illegal movement of irregular migrants across international borders. Here, in part, lies the tension and increasingly, the circularity between debordering and rebordering as the movement of refugees across international borders facilitates and abrogates the process of debordering, resulting in a myopic tendency towards rebordering, which, rather than reducing risk, serves to heighten it, for both migrants and receiving states, through the increased involvement of smugglers and traffickers.

Securitization also influences the treatment of minors upon their arrival in industrialized countries. Within the Canadian context, preoccupation with risk and risk management has meant that children, in spite of CRC and the best interest principle, are only as likely to be granted asylum as their adult counterparts (Ayotte, 2001). At times detained, children, particularly male children, are often subject to suspicion and hostility (Crawley & Lester). The detainment of children is perhaps one of the most explicit expressions of the construction of separated children as risk. It represents a heightened manifestation of the state of exception, whereby children become the target of state security measures and political fact diverges from public law. In their 2005 study of child

detention practices in the UK, Crawley and Lester comment, “the detention of children for the purpose of immigration control runs contrary to a range of international standards relating to the treatment of children and prisoners set by the UN Convention on the Rights of the Child. In recognition of the particular vulnerabilities of children, international law and policy places the needs of children above the requirements of immigration control” (Crawley & Lester, viii).

*Children’s Rights and Unaccompanied and Separated Asylum-seeking Children*

Children’s rights represent a merging of two traditions, one which posits human beings as inherently worthy of rights regardless of capacity and one which posits children as inherently deserving of particular types of protection conducive to the development of capacity (Brysk, 2005). Children’s mobility, according to Brysk, by bringing to light the reasons behind children’s displacement, underscores the necessity of children’s rights. As discussed in the previous chapter, children’s mobility is not a new phenomenon. That said, children’s mobility within a global context increasingly preoccupied with risk and to a lesser but considerable extent, children’s rights, is. The more recent movement of children across borders has yielded a variety of outcomes. At times conflictual, these coincide with a number of competing discourses, which, mirroring children’s rights, simultaneously construct children as passive, individuals who require protection and as rational, agents who are able to make decisions on their own behalf. Added to the construct of children as agents, is the notion that as agents, children are capable of manipulation and as such, should be regarded suspiciously. Very much rooted in this discourse as well as larger refugee protection debates, a second set of competing frameworks, which at once position refugees as worthy and unworthy of protection also

greatly impact on separated youth. While these classification are by no means mutually exclusive, they serve to confound the practical application of children's rights, namely the best of the child principle, to separated children's asylum claims on practical levels.

*The Child Welfare/Immigration Control Binary*

Ensuing their classification as either passive victims of as irregular migrants (Bhabha, 2001) who have circumvented licit channels of immigration, URM's are constructed as both legally incompetent dependents, unable to provide reliable information and rational individual agents, undeserving of special consideration. In both instances, the trustworthiness of the child is called into question. This is then compounded by the youth's inability, by virtue of their experiences, to conform to normative constructs of Western childhood. Separated children, upon their arrival in Canada, are often confronted with contradictory system, one in which child welfare is valued but in which immigration control is becoming increasingly paradigmatic. Within the context of child welfare the separated child's minority is privileged, with his or her incapacity and limited experience, justifying extra protection and warranting additional trust. Here separated children are viewed as children and are cared for accordingly.

While separated children may effectuate some sympathy and concern amongst the Canadian public, the system of refugee determination, as a function of immigration control, increasingly has viewed this type of refugee claimant suspiciously. Here, the paradigm of securitization, the political preoccupation with risk management, undermines and reshapes popular sentiment by repeatedly invoking immigration control as the means of increasing security, minimizing external threats and reducing risk. Bhabha (2001) comments "immigration concerns focus on the child's alien and irregular status. Here



children, like adults, are views as illegal migrants, who have chosen, or consented to, the evasion of immigration controls in order to gain access, who have lied, knowingly made use of false documents; from this point of view children's minority is a disqualification or, at best, an irrelevance [as they] are assumed to be 'bogus' before they are assumed to be in need of help" (Bhabha, 2001, 293-294). Within this framework, the separated refugee youth, by virtue of their desire to enter social spaces designated as privileged (Shamir, 2005), their association with conflict (Watters, 2008), their cultural and ethnic difference, their exposure to trauma (Bean, 2006), their separation from family and their subsequent reliance on state-provided services (Sourander, 1998), are ideologically constructed by both the risk they represent and the sympathy they invoke.

The latter, the construct of "child", entitles unaccompanied and separated children to more support services vis-à-vis their adult counterparts, while the former, the construct of "non-child", results in the conceptualization of refugee children as "untrustworthy" or as "damaged" (Watters, 2008); untrustworthy because they are irregular migrants who have crossed borders illegally and because they do not have an adult to substantiate their claims, damaged because of the trauma they have experienced. In each sense, they are seen as problematic; an imported threat, a state-less individual who requires public service and who is unworthy of trust. The issue of distrust is particularly salient, given current Canadian youth justice discourse, which conflates criminality with youth, particularly immigrant youth (Schissel, 1997). Within this context, one in which refugees and children are regarded as suspect, heightened measures, both policy based and ideological are employed in an attempt to ebb the flow of unaccompanied and separated children.

The tension contained within the immigration control/child protection dichotomy is reflected in the treatment of separated children within the Canadian system and is indicative of trends throughout the industrialized western world. The ramifications of these incongruent yet pervasive discourses are particularly salient when considering issues of detainment and application success rates. As a signatory of the 1990 *Convention of the Rights of the Child*, the Canadian government is only able to detain individuals under the age of 18 as a measure of last resort, when all other options have been exhausted<sup>3</sup>. Additionally, signatory states are obligated to provide appropriate protection and assistance to unaccompanied asylum seekers and furthermore where there are no parents or family presents, afford URM's the same protection as any other child residing in the country<sup>4</sup>. In spite of Canada's ratification of the Convention and its implicit agreement with its protocol, the Canadian government continues to detain children when they are seen as a flight risk or when there is evidence of trafficking. While the child's protection is often cited as justification for confinement, the practice is in direct violation of the Convention. Furthermore, it successfully reinforces the image of refugee youth as "risk". The remainder of this text will explore the connection between "risk identity" and unaccompanied and separated youth. The following chapter, will describe the current study's research methodology as well as its limitations.

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<sup>3</sup> Article 37(b)

<sup>4</sup> Article 22

## CHAPTER 3 METHODOLOGY

The paradox of globalization is embodied in the experience of unaccompanied and separated children who move across borders: their movement is restricted yet they are mobile, they are viewed with suspicion yet recognized as deserving protection. It is this conflictual space where, in the case of unaccompanied and separated children, “risk identity” is assigned or not. The current study used a qualitative approach to explore “risk identity” in relation to the experiences of unaccompanied and separated children seeking asylum in Canada. A total of thirteen interviews were conducted: 9 with stakeholder participants including front-line workers and advocates, and 4 with youth participants who had arrived in Canada as unaccompanied or separated minors. This chapter briefly describes the research sample, design including research questions and rationale, and analysis. Additionally, the challenges and limitations of the study are discussed.

## The Research Process

*Choosing a Subject*

The subject of the impact of securitization and racialization, culminated in the concept of “risk identity”, on unaccompanied and separated children was chosen for a variety of reasons. Having worked with refugees and unaccompanied minors in the context of a short term residency for refugee women in Montreal, I had had some direct contact with this population. Additionally, I had the opportunity to work on a research project exploring the resettlement and integration of unaccompanied and separated children in Canada. Headed by Dr. Myriam Denov, McGill School of Social Work faculty member, this project was funded by McGill University and the International

Development Research Centre. My work on the research project, which began in October 2007, consisted of compiling lists of stakeholders, contacting resources, locating participants, creating interview guides for youth and stakeholder participants, interviewing participants and transcribing. Through the project I was able to access both stakeholders working with this population of youth and the youth themselves. My interest in the theoretical and analytical component of this piece stems largely from academic curiosity regarding the inconsistencies and subjectivities inherent to mainstream constructions of youth and migrants, specifically refugees who are simultaneously recognized as requiring protection and perceived as threatening.

### *Sample*

#### *Stakeholder Participants*

The sample consisted of nine institutional stakeholders and four youth. Of the stakeholders, two were male and seven were female. Although imbalanced, based on my observations of and involvement in refugee-based services in Montreal, this approximately reflects the disproportionate number women working with refugees in both community organizations and advocacy groups. Of the nine stakeholders, six worked in agencies that provided services to unaccompanied and separated children. Although these six participants fulfilled a number of roles, they will, for this study, be referred to as front-line workers. Several of the front-line workers worked in more than one capacity with unaccompanied and separated youth, as such the positions described here exceed the number of actual front-line participants. The job roles of the front-line stakeholder participants included an executive director of a short term residence for

refugee women, program coordinator of a short-term residence for me, three refugee protection workers, a psychologist working with victims of organized violence, a coordinator of a program intended to address the health needs of refugee women and a former detention social worker.

The three remaining stakeholders are referred to as advocates. Working at the macro-level, these stakeholders included a researcher whose work looks primarily at the experiences of unaccompanied and separated children in Tanzania, the director of a national child's rights non-governmental organization and the director of a national institute for war-affected youth. All stakeholders, with the exception of the researcher-advocate, worked within the Canadian context. All of the front-line workers worked within the refugee protection system in Montreal, Quebec. Of the stakeholders, four were francophone and five were Anglophone. Francophone participants were given the option to participate entirely in French (with both researcher and participant speaking in French) or to answer in French (where the participant had good English comprehension). That said, at the suggestion of the Francophone participants, all but one of the interviews were conducted in English.

### *Youth Participants*

The youth sample was made up of three males and one female, all of whom arrived in Canada over the last five years. Two of the three males, having been granted asylum prior to their departure, arrived in Canada as status refugees. These two young people, both displaced by the war in Sudan, have been separated from parents and family for an extended period of time, 13 and 17 years. The decision to leave Sudan, the country of origin, was not planned in advance and both young men were accompanied by a large

group of children, known as “Lost Boys of Sudan”, who, having been displaced, walked without adult supervision or support from Sudan to Ethiopia, back to Sudan and then to Kenya. Both youth were 15 years old at the time of arrival in Canada but, in order to be granted asylum, told officials that they were 18 years old. Both youth have recently completed high school and both now are Canadian citizens.

The third male youth arrived in Canada after spending two years in Holland. This youth left his country of origin, Ethiopia, at the age of 15, spent two years in Holland and arrived in Canada at the age of 17. Travel arrangements were made by his parents, with whom he has regular contact. This youth traveled with a smuggler to Kenya and then made his own way to Holland with false documents. Arrangements to come to Canada were made by the youth with assistance from three siblings currently residing in the United States. The youth arrived in Canada without documents, he was detained and then released to a group home. His refugee determination process yielded a negative result, and he is currently attending university while awaiting the results of his appeal on humanitarian grounds. While all three male youth spoke a number of languages, each was proficient in English. As such, all three interviews were conducted in English.

The interview with the female youth was conducted in French. Furthermore, unlike the interviews with the male youth, her interview was conducted by Dr. Denov. Like the male participants, the female participant spoke a number of languages. In contrast to the male participants, the female participant had not, at the time of arrival in Canada, experienced a prolonged separation from her parents or family. Born in Congo, she arrived in Canada at the age of 17, accompanied by her elder brother, their flight motivated by the onset of conflict in the area where they lived. Travel was arranged

spontaneously and there seems to have been some involvement of a third party, possibly a smuggler. This youth traveled with her brother as well as his three children. Using false documents, she identified herself as his wife. Detected upon their arrival in Montreal, her brother was detained with his children and she was sent to a short term shelter for refugee women. She has since been accepted as a permanent Canadian resident. Unfortunately, the lack of female youth participants in this study limited the possibility of a more thorough analysis of gender differences.

*Table 1.1*

<b>Participants (N=13)</b>	<b>Female</b>	<b>Male</b>	<b>Total</b>	
<b>Stakeholders</b>	<b>7</b>	<b>2</b>		<b>N=9</b>
<i>Front-line Workers</i>	4	2	6	
<i>Advocates</i>	3	0	3	
<b>Youth</b>	<b>1</b>	<b>3</b>		<b>N=4</b>
<i>Claim Accepted</i>	1	2	3	
<i>Claim Denied</i>	0	1	1	

### *Research Design and Rational*

This study employed a qualitative design, involving in-depth interviews. A qualitative design is particularly conducive given the subjectivity inherent to experiences related to discrimination, closure and the classification of risk. It was not the intention of this study to elicit particular conclusions related to these issues but rather to explore if and how the categorization of “risk identity” impacts on unaccompanied and separated child asylum-seekers. This was achieved through a recounting, in the case of the youth, of particular interactions with Canadian officials, Canadian citizens and Canadian systems. Added to this biographical retelling was reflective examination, whereby the youth was encouraged to contextualize his or her experiences and ascribe meaning to

them. In other words, rather than solely providing data to be filtered through a lens of the author's design, the youth participants were asked to deconstruct and analyze their experiences, situating them, where possible, within a broader socio-political context. In this sense, the youth were actively engaged in the analytical component of this study and as such, the study, more than an exploration of specific experiences, was an exploration of how the youth themselves understood those experiences. Regarding stakeholder participants, a qualitative method enabled a more detailed and analytical sharing of knowledge and experience. Front-line workers and advocates were asked to describe their work with unaccompanied and separated children, comment on existing policy, and reflect on effectiveness and limitations of current practice. Additionally, stakeholders were encouraged to comment on the impact of gender on the experiences of unaccompanied and separated children in Canada. This was especially important given the limited number of female youth participants in the study.

### *Recruitment*

Purposive sampling was undertaken in order to locate and recruit particular participants, namely stakeholders and individuals who, having reached the age of majority since their arrival, sought asylum in Canada as unaccompanied or separated minors. The decision to interview 9 stakeholders and 4 youth was based on the availability of participants. Preliminary fieldwork began early January 2008. At which point I began compiling a list of agencies located in Montreal, Quebec, which offered services to refugees, youth and refugee claimants. Of the 26 agencies identified and contacted, six worked directly with unaccompanied refugee minors and separated children. From the six agencies, the six front-line stakeholders were identified and



contacted. In addition, advocate stakeholders were identified through Dr. Denov's connections outside of the McGill School of Social Work and colleagues within the school. It was initially hoped that contact with youth participants would be made through stakeholders. For two of the youth, this was the case. However, stakeholders expressed considerable reluctance in contacting former youth clients on behalf of the larger project and as a result a number of different recruitment strategies were employed. These included contacting various cultural and student groups in Montreal, and posting a facebook advertisement about the research. While these methods yielded no results, two additional youth were eventually recruited. One youth, already known to the research team, was able to provide the name of a third youth who was contacted and who agreed to participate.

### *Data Collection*

Data was collected using in-depth qualitative interviews. Interview length ranged from one hour to two hours, and each participant was interviewed once. Given my involvement with Dr. Denov's project, the development of the interview guide occurred in collaboration with the research team. Of particular importance was the presence of a youth researcher who, having arrived in Canada as a unaccompanied refugee minor from Sudan, was able to offer valuable feedback. The first group of interviews took place during March and April 2008. These interviews were primarily with front line workers. The second set of interviews took place between May and July 2008. This group was comprised of advocates and researchers. Youth interviews tended to be slightly longer

than stakeholder interviews, averaging about an hour and a half in length. These interviews were conducted between May and July 2008.

### *Youth Interviews*

Data concerning the issue of securitization and “risk identity” was addressed as a theme within the larger interview. Here youth were asked to recount any negative experiences they may have had with Canadian officials or more generally, with Canadian-born-Canadians. The youth were asked to share their feelings about the Canadians they have had contact with and specifically to recount on positive and one negative experience. Youth were also asked to reflect on the experience of sharing their stories of flight and resettlement; did they feel believed and supported, what would prompt them to share their stories, what would make them hesitate from doing so. Issues of detention were also discussed. Of the three youth participants, one had been detained upon arrival in Holland and in Canada. The issue of detention was also discussed with stakeholders. More generally, youth were asked to consider whether or not they felt experiences of discrimination were common and what Canadian citizenship or “being Canadian” meant to them.

### *Stakeholder Interviews*

Stakeholders, given their experience with numerous youth, were asked to discuss similarities between youth, as well as those youth whose experiences were unique or exceptional. Regarding securitization and “risk identity”, stakeholder participants were asked to recount perceptions of Canada prior to arrival shared with them by unaccompanied and separated minors, as well as the extent to which Canadian-born-Canadians are receptive or welcoming to the youth. Issues of trust, identity and

discrimination were also discussed. Additionally, stakeholders were asked to reflect on the impact of gender on prejudicial attitudes towards unaccompanied and separated minors.

### *Informed Consent*

To assure informed consent, all participants received letters detailing the purpose of the letter. Prior to the interview both groups of participants were asked to review and sign consent forms. Where the participant was unable to read the consent form, it was read out loud by the researcher. While the majority of the interviews were conducted in person, several were done by phone as the participants lived outside of Montreal. Phone interviews, like in-person interviews, were conducted at the participants' convenience, with the cost of long-distance calling incurred by the researcher. Where interviews were conducted by phone, consent forms were e-mailed to the participant 2 days in advance and consent was provided orally. Where participants did not have Internet access as a means of receiving the information and consent letter, the researcher explained the research and read the letter. In all instances interviews were recorded with the permission of the participants. Once the interviews were completed, all data was transcribed by the researcher. In the case of the English interviews, transcription was verbatim. In the case of the one French interview, the researcher simultaneously translated and transcribed into English.

## Ethical Considerations

*Vulnerability and the Ability to Consent*

As mentioned, research for this study took place under the auspices of a larger project conducted by Dr. Myriam Denov at the McGill School of Social Work. Ethics approval for Dr. Denov's work encompassed ethics approval for this study and as such, independent approval was not required. That said, given the particular vulnerability of unaccompanied and separated children, as both refugees and as youth, several pertinent ethical considerations should be mentioned. As refugees, participants are considered to be a particularly vulnerable population. While three of the youth participants had been granted refugee status, one had not. His claim denied, this youth continues to reside in Canada with little status while he awaits news of his appeal. While it is important to recognize the potential impact of his precarious status, it is equally important to note that the youth did not view himself as vulnerable. Issues of consent and vulnerability related to interviewing minors were particularly significant within the context of this study. Here without legal guardians, unaccompanied and separated asylum-seeking youth occupy a precarious space, in which they are neither wards of the state nor emancipated minors. Assigned, as discussed in the first chapter, a designative representative, youth under the age of 18 are unable to consent on their own behalf. Added to this, unaccompanied and separated youth still in the process of making their claim for asylum, were doubly affected, the vulnerability related to their age compounded by the uncertainty of their legal status. These issues were somewhat resolved by the recruitment of youth over the age of 18 who had arrived in Canada were minors. Having said that, it would be incorrect to assume that by virtue of being 18, these youth are no longer vulnerable. Still youth but

no longer minors, these young adults receive little formal support and are generally left to fend for themselves. While no remuneration was offered, youth were encouraged to contact the researcher with any concerns or questions they may have regarding the research or their participation.

### *Trust and Confidentiality*

Issues of trust and re-traumatization were also of particular saliency. The ability of refugees to trust is significantly altered by trauma related to flight and resettlement (Daniel & Chr. Knudsen, 1995). This is compounded by experiences of resettlement marked by discrimination and suspicion. For many unaccompanied and refugee children this is then exacerbated, at times, by instructions from parents or smugglers (Kholi, 2006). Burdened by the story he or she has been instructed to tell, the youth may be silent as a means of self-preservation. Added to this, silence may be used as a method of protecting oneself from the trauma associated with conflict, flight and separation from family (Ibid). To foster trust and encourage disclosure, the researcher attempted to establish, albeit briefly, a rapport with each of the youth participants. This included discussion of current activities and other potentially less difficult subjects. It should be noted that of the three youth, two were quite accustomed to sharing their experiences, one having been invited to a number of national conferences on refugee youth and war-affected youth.

Youth participants were informed prior to beginning that they could refuse to answer question or if they needed to, stop the interview at any time. While a number of the questions were based on the youth's personal experience, other questions, which were more analytical in nature, were also asked. These enabled the youth to share his or her

ideas without necessarily relating them to his or her own experience. For example, following a question concerning experiences of discrimination, the youth was asked to reflect on the prevalence of discrimination; did he or she think discrimination was common, why or why not, had any of his peers experienced discrimination?

Issues of trust were important aspects of the stakeholder interviews as well. The majority of the stakeholders, working within the small network of services for asylum-seekers in Montreal, were all, on a professional level, known to one another. Furthermore, during the course of the interviews, information was elicited concerning the system that employed them. Typically their comments reflected dissatisfaction with service provision and resource availability. In order to minimize any negative effects participating might pose, supportive services were offered to both youth and stakeholder participants. Given the sensitive material shared by all participants, all interview content remained confidential, with names of participants and organizations omitted in all transcripts and in the transmission of findings. Audio recordings will be held for a period of five years in a secure location, after which time they will be destroyed.

### Experience in the Field

My experience in the field was facilitated by my familiarity with a number of community organizations that provide services to refugees and claimants in Montreal. That said, one of the most significant challenges I faced was recruitment of both groups of participants. Regarding stakeholder participants, a number refused my invitation. Most significantly, I was unable to interview anyone from PRAIDA (Programme régional d'accueil et d'intégration des demandeurs d'asile), the agency responsible for

coordinating refugee claimant services in the Montreal area who unfortunately did not respond to several requests to learn about and involve them in the study. As mentioned, youth participants were also difficult to recruit.

The experience of interviewing was generally positive. Participants appeared to share openly and were able to offer considerable insights in the process and experience of being an unaccompanied or separated refugee child. My social location as a well-educated, Canadian woman of European descent is an important consideration, particularly as it relates to the youth participants, all of whom had arrived from Africa. Prior to conducting the interviews, I felt some apprehension. This was due largely to the personal nature of the information elicited but also to the centrality of issues related to ethnicity, culture and religion. How would the youth react to questions about racial discrimination? Would they be comfortable talking about racism with a white woman? Would they feel comfortable disclosing their true feelings about the experience of resettlement, their opinions about Canada and their concerns about Canadian values? Would they see me as part of the problem? Attempting to alleviate some of these potential concerns, the subject of racial prejudice was addressed approximately 45 minutes into the interview. This allowed some time to pass during which a semblance of trust could be established. Additionally, I framed questions concerning discrimination with a brief comment concerning racism. By stating that racism is an inexcusable reality face by many in Canada, I was able to simultaneously empathize with the youth, while normalizing the experience. These strategies appeared to be effective and the youth shared their experiences with Canadians, both negative and positive, readily. That said, it may be that some of the effects of cultural and ethnic difference were mitigated by the

fact that all three youth interviews were conducted over the phone. While this added to the artificial nature of the interview process, it also enabled both the researcher and the participants to be free of assumptions based on appearance.

### Analysis of Data

Following the completion of the fieldwork, data was transcribed and coded. Analysis employed an inductive approach, drawing on common themes in order to generate an understanding of the experience of unaccompanied and separated children in relation to mobility, risk and closure. The “risk identity” classification as it is applied to and as it impacts on unaccompanied and separated asylum-seeking children was explored through a poststructuralist lens, whereby the structures that shape the experience of seeking asylum and more broadly migration, are not seen as objective or implicit (Flick, 2006). Rather they are recognized as variable and contradictory, dependant on context and social location. Such an approach is particularly salient within the current context of globalization, which as discussed in the previous chapter, is experienced in multiple and at times, conflictual, ways.. In the case of the three youth interviews, coding identified experiences of discrimination, negative experiences with Canadian officials, experiences of detainment and issues related to citizenship. Regarding stakeholder interviews, coding identified a number of themes. These included issues of racism, discrimination on the basis of age, the impact of gender on these experiences. There was considerable overlap between youth and stakeholder data, specifically in relation to the construction of refugees and youth as risky or untrustworthy.



### Limitations of Study

Perhaps the most obvious limitation of this study is the small number of youth participants. Added to this is the inadequate number of female youth participants and the lack front-line PRAIDA workers. Other limitations include the limited time in the field. Each participant was interviewed once and while the researcher attempted to draw out detailed information, a follow-up interview would have been beneficial. This would have been particularly useful with the youth participants, given that the timeframe restricted the researcher's ability to establish rapport. Given the small number of participants and the limited time in the field, the information generated by this study is not generalizable. Having said that, it is not the intention of this research to generate conclusive or definitive results but rather to explore the experiences of unaccompanied and separated children and those who work with them in relation to the "risk identity" classification. The following chapter outlines the study's findings and analysis.

## CHAPTER FOUR UNACCOMPANIED AND SEPARATED CHILDREN AND “RISK IDENTITY”

### Findings and Analysis

Drawing on the theories of mobility and risk discussed in the second chapter and some of the literature reviewed in the first, this chapter provides a description of the data collected in this study. Furthermore, this chapter offers an analysis of the experiences of unaccompanied refugee minor and separated children in relation to the ambiguity that characterizes present-day processes of globalization, whereby mobility is posited as both an asset and a liability, and suspicion of individuals who move illicitly across borders is pervasive. Identified by stakeholder participants as central to the construction of unaccompanied and separated children as risk, the first section of this chapter explores the impact of gender on “risk identity”. Here, male gender, as defined by gender ideology, is regarded as far more threatening relative to female gender.

Contextualized by normative understanding of gender, the second section of this chapter looks specifically at the experiences of unaccompanied and separated children in relation to the construction of “risk identity”. Here the classification of risk is contextualized within four interconnected discourses. These are 1) anti-refugee discourse, 2) anti-youth discourse as it is manifested in juvenile justice discourse, 3) xenophobic reactions to difference, and 4) securitization. Securitization, constructed as a social necessity, legitimizes the other three categories. This section concludes with a discussion of the interface of security and protection, highlighting the experiential elements of the child welfare/immigration control binary. The experience of the binary and the security bias contained within it, is most clearly manifested in the practice of detaining unaccompanied and separated children. This practice illustrates that while

unaccompanied and separated children are able to successfully evade some systems of closure through their illicit movement across borders, they continue to be susceptible to other forms of closure upon their arrival in host countries. This chapter concludes with a discussion of the impact of “risk identity” on unaccompanied and separated children.

## Unaccompanied and Separated Children and the Construction of “Risk Identity”

### *Gender and “Risk Identity”*

The significance of gender as a marker of risk was discussed by many of the stakeholder participants. Reflecting the prevalence and impact of gender ideology, differences between girls and boys illustrated that while boys are likely to be conceived of in terms of the risk they represent, girls are more often considered to be “at risk”. Within this framework, girls, viewed as more vulnerable, are less likely to be detained and more likely to be placed in foster families. Boys, on the other hand, are more difficult to place with foster families, are seen as more likely to be involved in gang activity and are more generally considered threatening. As such, gender, particularly male gender, is central to the construction and categorization of “risk identity”. As summarized by one advocate stakeholder participant,

My hunch is that girls are understood at far greater risk of exploitation and getting themselves in difficult situations, which are not their “fault” [and] that boys are understood as being risky to Canadian society as much as “at risk”. Whereas I don’t think that girls are understood as being risky to Canadian society, they’re more “at risk”. I don’t think that it’s globally a phenomenon but I [do] think that it’s highly problematic because black [male] youth who speak different languages and are tall and strong and have confidence and walk through Canadian cities are not looked at with appreciation and understanding, [rather] they’re looked at as threats and I don’t think it’s totally the same for young women in similar circumstances (female advocate stakeholder).

This discrepancy was largely understood by stakeholders to be the joint result of gender socialization in the country of origin and Canadian gender ideology, which positions girls as in need of more protection relative to their male counterparts. Regarding the former, one front-line stakeholder commented,

When I think of the ones I've had. The two girls were, good girls. Do you know what I mean? So they're not, they weren't acting out and they had strong family values and the identity crises is there but it's not in manifested in acting out behaviour. Whereas the 2 boys did act out. They were quite angry (female frontline stakeholder).

Similarly, another frontline stakeholder observed of the female unaccompanied and separated children she had worked with,

I think that they're very, you know in many, many cultures, including in Canada, girls are not raised to be assertive and they're not raised to ask questions and to know what's going on, they just follow and do what they're told. I think that this is the biggest thing...if I ask them "why am I doing all of this?" and if they can't answer me, I say "if you can't answer me, ask me why, so that you can understand". I try to have a dialog with them but it's in the culture, they don't ask questions, they just *tais-toi* (keep quiet), like we say in French, so I think that that's the biggest challenge regarding gender (female frontline stakeholder).

Once the girl is in Canada, her gender socialization is reinforced by a system that is, in the words of an advocate stakeholder, inclined to do everything for them. She comments,

Yes, there is a difference, in that a girl much seen as a victim, she's either here for prostitution or we feel she's unable to fend for herself or she's not able to make decisions for herself. That might be a negative perception. I found, and this is just perception, I don't have the statistics, that girls were more easily freed from detention or put into a refuge or taken care of. In terms of boys, especially elderly boys, boys who are 15, 16 that are maybe taller than I am, are rarely perceived as children, are in some cases handcuffed, I've seen cases where handcuffs were put on children, boys not girls (female advocate stakeholder)

The tendency to handcuff boys and not girls, speaks to the perception of female unaccompanied and separated children as inherently less dangerous than males. This

perception is also reflected in the relative ease with which female children are placed in foster family arrangements. One of the frontline stakeholders who works exclusively with male refugees commented,

It's particular for boys, for girls it's different because PRAIDA has a less difficult time finding foster families for girls of 16, 17 compared to for boys, It's that reason that they're referred here while the wait for a, possibly, permanent family but that's even more difficult for kids of 16, 17, because everybody has concerns about rebellious youth (male frontline stakeholder).

The notion of the "rebellious youth" speaks to categorization of unaccompanied and separated children as risk. The construction of unaccompanied and separated child asylum-seekers, particularly males, as "risky" occurs in spite of their well documented and acknowledged vulnerability. That said, as many stakeholder participants observed, Canadians often sympathize with these youth. Quoting one front-line stakeholder:

I would say that [for] minors, if I just talk to people [I know], most of them feel a lot of pity, I mean that, I guess, in a nice way. Just like 'oh my god, poor them, how come they're so alone, why don't they get their papers?'. People tend to get upset almost (female front-line stakeholder).

This response can be contextualized within a system that, through a variety of mechanisms, expresses and demonstrates concern for the well-being of children. However, many of the mechanisms necessary for the well-being of these children, for example the involvement of child welfare services when required and in some cases, appropriate schooling, are not readily available. Added to inconsistent service delivery, a lack of policy and nonexistent follow-up, the current system is very much at odds with the statement made by the stakeholder participant. This can be attributed to a number of issues. As one stakeholder participant said, given the limited numbers of unaccompanied and separated children in Canada, the need to establish policy and create suitable services

has not been considered a priority. Influenced by the continued proliferation of anti-refugee and anti-youth discourse and the increased preoccupation with security, four interconnected and pervasive categories of risk emerge.

### *Categories of Risk*

Anti-refugee discourse and anti-youth discourse form the socio-cultural climate, which defines the experiences of many unaccompanied and separated child asylum-seekers. Highly racialized and imbued with gender stereotypes, unaccompanied and separated minors do not enter a system that, in spite of child protection rhetoric, guarantees them protection on the basis of their status as minors. Rather they enter a context where citizen is prioritized and migrant, conceptually linked to an existing category, is understood as deviating from the normative category of Canadian (Sharma, 2002). Moreover, youth, particularly migrant youth, are constructed as inherently delinquent (Schissel, 1997). Both frameworks, situated within a political environment increasingly concerned with security, serve to heighten public anxiety regarding the arrival of unaccompanied and separated minors. Here, unaccompanied and separated minors, by virtue of their statelessness, their lack of familial ties and their ethnicity are unable to conform to Canadian conceptions of citizen or child. Added to this is a system of refugee protection, which, given its narrow application of the Geneva Convention, is unable to conceive of these youth as refugees, augmenting their vulnerability within a national context already ill-prepared to receive them. This section will highlight four categories of risk associated with unaccompanied and separated children, as described by both stakeholder and youth participants. These, anti-refugee discourse, anti-youth

discourse as expressed by current juvenile justice discourse, xenophobic reaction to cultural and ethnic difference, and preoccupation with security, are analyzed in relation to the classification of “risk identity”. Additionally, the impact of gender on the classification of risk will be considered.

*Anti-refugee Discourse and the Classification of Risk*

The often ambiguous and at times conflicting response to unaccompanied and separated asylum-seeking children is motivated by several misconceptions regarding refugees. These include concerns about the circumvention of legal methods of immigration and “economic” refugees or individuals claiming persecution to obtain a better standard of life, as well as concerns about identity and trustworthiness. Regarding the perception of refugees in Canada, one front-line stakeholder commented,

I think that ‘refugee’ is just a bad word in their country, unfortunately. There’s a societal image of the refugee who’s just a cheater, who’s just trying to jump the queue, [who is] just trying to take advantage of this wonderful country (female front-line stakeholder).

While unaccompanied and separated children may be afforded some leniency and sympathy relative to their adult counterparts, they are not invulnerable to anti-refugee discourse. Within this framework, it is the youth’s status as a refugee or asylum-seeker that is prioritized as opposed to his or her status as a minor. Added to this is the youth’s connection to migrant generating, “risk” producing territories coupled with public and political anxiety concerning “anchor” or, as articulated by one stakeholder, “bullet” children. He noted:

There are lots of young Indians who arrive unaccompanied and often their situations have to do with family difficulties. The family is persecuted and, this [is] never said but it’s my impression that these families send, it’s what we call a “bullet child”, [they are sent] abroad in the hopes that eventually the whole family will be able to go. Unfortunately, the law

prohibits this but initially, I would imagine, the family doesn't know this so the child arrives here (male front-line stakeholder)

While this is not the case for every minor who arrives in Canada without his or her family, many stakeholders asserted that immigration authorities often assume that the majority of these youth are in fact "anchor children". In other words, these children enter a system, which automatically presupposes a hidden agenda, labels them untrustworthy and delegitimizes their claims for asylum.

Added to this is the issue of consent. Here, the child's trustworthiness is further compromised if he or she is seen as having consented to flight. Seen as complicit, unaccompanied and separated children who are unable to demonstrate a complete lack of awareness concerning the plan to come Canada are turned away. As one advocate stakeholder commented:

There have been some cases where that parents were actually involved in the process and that therefore, the child needed protection for their parents so, in some cases, they do receive status. In some cases they don't because they (Canadian Immigration officials) feel that the child is able to consent to being smuggled and so therefore, the child is not need protection from Canada. They are not automatically accepted because they are a child (female advocate stakeholder).

This is problematic for a number of reasons related to both culture and young age. As one frontline worker commented:

I have the tendency to think that it's the family that decided to send the youth because in some cultures, like African culture, children don't make many decisions (male frontline stakeholder).

Focusing more on the issue of age, another frontline worker stated:

They're children, yes they're teenagers but they're still children. At 16, if you're mother says 'go over there', you're going to go over there (female frontline stakeholder).



The youth described by the stakeholders knew, for the most part, of the plan for them to come to Canada. Whether this demonstrates an ability to consent is, as illustrated by the stakeholder comments, not clear. Confusing this issue further, is, as discussed by Bhabha (2001) is the construction of youth as untrustworthy by virtue of their youth and subsequent inability to provide accurate information. As one advocate stakeholder stated,

Children, as far as I'm concerned, cannot consent. It's the same thing for child trafficking victims [in] Canadian law. There is the notion of coercion or consent, and under international law, a child cannot consent. No one can consent to exploitation but the fact [is for children], you don't need to prove the element of consent...If they're not able to ask for citizenship by themselves, they're not able to make decisions by themselves, they're not able to represent themselves in front of the IRM, why would they suddenly be able to consent to leaving their country of origin and coming here (female advocate stakeholder).

Based on her observations of the Canadian system, these youth are regarded as inherently untrustworthy, constructed as rational agents able to consent and as children unable to confirm the validity of their claims.

The perception that unaccompanied and separated children are rational agents, capable of consent, serves to distinguish them from Canadian children and aligns them with irregular adult migrants. Here unaccompanied and separated children, like their adult counterparts, are viewed as deciding to leave as opposed to being forced to leave. By ignoring the context of flight, including the child's status in relation to his or her family, the Canadian system is able to negate the claims of unaccompanied and separated children. The system successfully constructs them as untrustworthy, having arrived with the objective to bring over family and as undeserving of protection, given their ability to consent to their parents plan. Drawing upon anti-refugee discourse, unaccompanied and separated children tend to be regarded as "anchor" or "bullet children", their families as

“economic refugees” who wish to elude legal means of immigration. When asked if Canadian officials normally believe the claims of unaccompanied and separated minors, the same stakeholder responded,

No. Generally maybe a little more but I think it’s about half because there is probably this mentality that they are what I referred to earlier as “bullet children” or what we call “economic refugees”, that the child is being sent to [be] educated abroad and that eventually [the family] will be [brought] over (male frontline stakeholder).

Calling into question their authenticity as refugees in need of protection, the correlation between “anchor children” and “economic refugees” also displaces generalized anxiety concerning unregulated migration onto unaccompanied and separated children. Unaccompanied and separated children become the means by which individuals residing in “risky” global spaces become mobile and seek citizenship in privileged global spaces. Underscoring this construction is the current mobility regime, which informed by the paradigm of suspicion, seeks to immobilize individuals residing in hyper-ghettos. That said, it is important to recall that Canadian immigration law only allows for family reunification with children under the age of 18 and spouses. In other words, unaccompanied and separated children are not able to sponsor parents or other family members. Here, discriminatory policy concerning family reunification represents the preemptive deterrence of unwanted migrants, serving as an ideological border, which limits movement and restricts resettlement.

Regardless of plausibility or legality, “risk identity” is conferred to the youth on the basis of their association with marginalized global populations and the potential influx of other refugees they represent. Like other individuals who may become mobile, unaccompanied and separated children, within the context of Canadian immigration

policy, are by virtue of their potential constructed as “risky”. No longer considered children, unaccompanied and separated children are only perceived as non-citizens and irregular migrants, their connection with suspect countries and suspect, potentially mobile populations, prioritized over their need for protection. Within this paradigm, marked by suspicion and a desire to refortify national boundaries, anti-refugee discourse typically targeting adult refugees, concerning financial prosperity, security and the maintenance of cultural norms, is effectively transferred to unaccompanied and separated children. That said, the child’s status as a minor is not entirely discounted. Rather, it is recontextualized within juvenile justice discourse, which associates youth crime with migrant youth. Subsequently, unaccompanied and separated children, informed by anti-refugee discourse are additionally burdened by ever-present public and political anxiety concerning youth crime.

#### *Fear of Youth Crime and the Classification of Risk*

Fear of youth crime, particularly violence and gang activity, was discussed by a number of stakeholder participants and by one youth participant. Similar to the classification of refugees as “risky” and potentially dangerous, the classification of youth as risky occurs within a socio-political context, which increasingly has come to conflate young age with crime and delinquency (Schissel, 1997; Reid, 2005). Like refugees, youth who are identified as risk do not need to transgress the law to be excluded. Rather, they are socially constructed as risky by virtue of their status as minors and potential dangerousity they represent. While all youth are vulnerable to the classification of “risk identity”, some youth are particularly vulnerable, specifically immigrant and within the Canadian context, black and aboriginal youth (Chartrand, 2005). In spite of the tendency

to label particular groups of youth as inherently dangerous, the collective understanding of youth crime tends to ignore contextual factors such as social location, family background and economic situation (Campbell, 2005). Additionally, in spite of decreasing juvenile crime rates, youth crime is portrayed as pervasive and endemic (Reid, 2005). In conjunction with anti-refugee discourse, these aspects of youth crime rhetoric inform the ideological milieu into which unaccompanied and separated refugees arrive. Neither neutral nor sympathetic, this context presupposes culpability, effectively categorizing unaccompanied and separated children as risky. As one advocate stakeholder observed,

And there have been a few instances in the city where refugee kids have done something and they deport them, they're out of here. Or they just say that the refugees are causing problems in the city. There was a shooting a while ago, oh it's a refugee kid, oh they shouldn't be in our country – and that's how people respond, it's easy to blame. So it's not just a student, it's a refugee student or its an aboriginal student, people class it and then society responds by saying "oh all these people are bad, look at all the aboriginal gangs, look at all the African gangs" (female advocate stakeholder).

Similar sentiments were expressed by a youth participant who, concerning his experience in Canada, stated,

There's some bad things happen and all the bad things that happen are caused by immigrant kids. So some people, if they see you as an immigrant, they think maybe you are one of those people. After you introduce yourself or something, they're like "oh, you don't belong with those people", they know who you are now. Some people they judge you by the way you look, even though they don't know you or they don't know your background. They just go by the way you look or they the things that they know from other people, what these people do, like immigrant people do this, or other things, all this stuff. So when it gets into their minds and they look at you, they've just got you (male youth participant).

Illustrating the pervasiveness of the connection between immigration and crime, this youth links “immigrant kids” with “all the bad things that happen”. This is not to say, that in his experience all immigrant kids are in conflict with the law, rather that the message he had received from multiple systems including school, social services, immigration and law enforcement, was that immigrant youth were perceived as the cause of most crime.

Regarding the police, he added,

The moment the police see you, if you look young, they’re like maybe you’re a drug dealer or you’re a bad person. That’s what they do here. That’s why [it] is not good [here], the police make it bad. You know, “all the young people they are bad” but they don’t know who’s bad, they don’t know who’s good and they’re supposed to know (male youth participant).

The conjecture that all immigrant youth are potentially criminal is also fostered by media coverage of youth crime (Reid, 2005). By disproportionately covering the crimes of ethnically and socio-economically marginalized youth (Schissel, 1997), the media effectively establishes the archetypal youth criminal, thereby provoking and justifying cynical and fearful reactions to refugee youth. The response of the police, as described by the youth participant, therefore, corresponds the level of public anxiety concerning these youth and represents the experiential reality of “risk identity”. Having been classified as risky, the youth are targeted by virtue of their membership to a specific group, identifiable by socio-economic and ethnic status (Engen, Steen & Bridges, 2002). While not explicitly linked to the uncertainty generated by current processes of globalization, the strategy of risk classification as means of crime control, speaks to growing ideological trends concerning uncertainty, risk and the need for an identifiable, knowable “other” who can be identified and subsequently avoided (Currie, 1998). This speaks to the issue of over-contextualization and decontextualization and has ramifications for

unaccompanied and separated children as they attempt to integrate into their new communities. Regarding interactions with mainstream peers, the same youth recounts his experience of sharing his story of flight and resettlement with classmates, stating:

After I shared my life story with my teacher and then with my other classmates, that's when they start to know me. They came to me after [and said], 'oh, we thought that you were a bad person'. They felt that maybe I was going to rob them, like I'm going to do something bad to them (male youth participant).

While age and ethnicity contribute to the classification of migrant youth as criminal, characteristics unique to unaccompanied and separated children, namely their association with conflict and trauma, serve to augment their susceptibility. Their experiences of armed conflict and trauma result in the conceptualization of unaccompanied and separated children as damaged and potentially dangerous. Added to this is the extent to which those experiences, within the Canadian context, fail to correspond to normative conceptualizations of childhood. Speaking about the Tanzanian context, one advocate stakeholder commented,

And I think this is the whole problem, when you're trying to make a life for yourself in a new place, where you may have legal status or you may not, and it's not the place where you want to be and you're not being treated in away that you understand you should be treated because you always believed that as soon as you step outside of your borders, people wouldn't blame you for the conflict you left [behind], they would see you were somebody who had been victimized by it, that you were not the perpetrator. In Tanzania a lot of Congolese young people are considered by Tanzanians, young and old, to be murders and killers, "don't bring your war here", and people are, in fact, fleeing the war and are themselves victims of that war so they don't appreciate that stigma (female advocate stakeholder).

Although this comment reflects the experience of Congolese unaccompanied and separated minors residing in Tanzania, it speaks to the unambiguous construction of a knowable other who is regarded as capable of violence and as such, classified as risky.

While within the Canadian context, the expressed response may be different, the outcome, stigmatization and marginalization are quite the same.

Taken together these two facets, the lack of parental or familiar involvement and the experience of armed conflict, of the unaccompanied or separated child's identity, place them in opposition to other Canadian youth, their experiences and circumstances incompatible with local idealized understandings of childhood. Added to this, is the implicit link between these two characteristics and dichotomous youth crime discourse, which posits youth crime as both premeditated and spontaneous (Schissel, 1997). Here unaccompanied and separated minors, particularly boys, are constructed as both methodically criminal, based on their status as adult-like rational agents, and arbitrarily criminal, on the basis of their status as traumatized youth. While divergent, both constructs successfully label the youth as "risky" by virtue of his potential criminality and where unaccompanied and separated minors are in conflict with the law, decontextualize the youth's behaviour while paradoxically, focusing on innate aspects of his (or her) person. Working within the public education system, one advocate commented extensively on the lack of resources available to unaccompanied and separated children who, having been granted asylum, are required to fend for themselves with minimal support. Gangs, she argued, become the means by which some unaccompanied and separated refugee youth protect themselves and provide for themselves. Commenting on why some of his peers joined gangs, one youth commented,

What makes these guys do it, I think, is the situation. They see other kids, they are dressing good, they live with their parents and their parents support them and they don't have any problems so they're like "oh, why shouldn't I want to be like that kid?". Then these bad people come to them and tell them "you should do this and then you're going to be like that kid", and they're just like "ok". They are greedy and they do it. After they

do it, they realize that what they were doing is bad but there's no way to go back (male youth participant).

The pervasive fear of organized youth criminal activity in Canada, specifically in large city centres, results in the decontextualization and exaggeration of youth crime. Subsequently, constructed as inherently criminal, all unaccompanied and separated children, particularly males who look "tough" are susceptible to the "risk identity" classification. As one frontline stakeholder commented,

2 guys I know, the immigration officers were a bit afraid that they were from street gangs in Africa so with their identity that was [the] reason [they were detained]. But that was just based on kind of, their behaviour but they were very nice and quiet but you know, they were tough so they [the immigration officers] thought "mmhmm, maybe" (female frontline stakeholder).

In this instance, concerns about previous gang activity, based solely on appearance, coupled with a lack of identity documents, justified detention. The detainment of unaccompanied and separated children reinforces the assumed connection between these youth and crime. Added to this is the tendency to house unaccompanied and separated minors, again most often boys, with youth who may have been in conflict with the law. These two practices coupled with preexisting assumptions regarding the archetypal ethnically and socio-economically marginalized youth criminal (Schissel, 1997), serve to conflate fears of youth crime with anti-refugee rhetoric. Unaccompanied and separated children at the intersection of these two suppositions, are, as such, constructed as fundamentally risky.

*Unaccompanied and Separated Children, Difference and the Classification of Risk*

Very much connected to anti-refugee discourse and the perception of refugee youth as inherently delinquent, is the positioning of unaccompanied and separated



children in opposition to normative Canadian citizenry. Here, generalized anxiety concerning the dilution of cultural and linguistic homogeneity, as well as the adult-centred authority, inform the categorization of unaccompanied and separated refugee children as risky. This speaks largely to the concept of plausible discrimination, where, as discussed in the second chapter, racist attitudes are rationalized and legitimized because targeted individuals are seen as violating mainstream values and normative behaviour (Liu & Mills, . In a sense, it is this aspect of the “risk identity” classification that permits the proliferation of both anti-refugee and anti-youth discourse. Analysis of both stakeholder and youth participant interviews, illustrated that cultural, ethnic and linguistic difference between the youth and mainstream host populations contributed to the categorization of the youth as “other” and subsequently, as risk.

While difference was the prevalent theme in many of the discussions, a second, somewhat divergent, theme emerged. Somewhat paradoxically, participants observed that while differences between unaccompanied and separated children and mainstream host populations are often highlighted, they are also discounted. This was particularly expressed by the youth participants, who felt significant pressure to “fit in”. Equally problematic, the negation of difference decontextualizes the youth’s experience, both in the country of origin and resettlement, effectively denying the trauma connected with the former and denying the existence of social inequalities in the latter. Here, the child’s youth, immaturity and status within his or her family of origin, as well as the trauma related to flight, separation and resettlement, are ignored and the unaccompanied or separated child’s difference is pathologized.

*Emphasizing difference and risk as inherent.* Both anti-refugee and anti-youth discourse seeks to prioritize a particular aspect of the unaccompanied or separated child's identity. Focusing on the youth's status as a refugee, anti-refugee discourse, typically ignores his or her status as a youth. In the context of juvenile justice, anti-youth discourse tends to understate the child's refugee status, while stressing his or her youth. That said, while the child's status and experience as a refugee may be ignored, his or her ethnicity or cultural background is not. Rather the child's youth and ethnic or cultural identity are conflated in the social construction of the quintessential youth criminal. In both frameworks, the unaccompanied or separated child's difference is emphasized and vilified, positioning him or her in opposition to mainstream social norms. Speaking from the perspective of the unaccompanied and separated children she had met, one advocate stakeholder stated,

Here I am in a new place and yet again, I'm being considered someone who's risky, someone who is challenging the social norms of the new place I'm coming to. When can I ever feel at home? When can I just trust [and] be the person I want to be? How can I establish relationships with people when they already have a pre-judgment about the kind of person that I am?...I've come to see myself in opposition to others instead of in partnership with others (female advocate stakeholder).

This comment underscores two recurring themes that emerged during the interviews with both stakeholder and youth participants. Very much connected, these are, assimilation and the downplaying of difference, and the essential need of unaccompanied and refugee children to establish coherent identities relevant to their experiences, and cultures of origin. According to both stakeholders and youth participants, the message unaccompanied and separated children often receive is that conformity to mainstream standards in terms of language and appearance facilitates integration and diminishes the

threat they may otherwise been seen as representing. Regarding his appearance at his refugee determination hearing, one youth participant recounted,

I had a judge, my hair is in dreadlocks...and he literally commented on that. And a lot of people even before I appear[ed] in court commented, "you know what, you have to cut your hair because when you appear in court, people see appearance", things like that...[but] he (the judge) was laughing at me, actually. He thought I was disrespectful (male youth participant).

The youth's understanding of his decision to keep his hair in dreadlocks differed considerably from that of the judge. Whereas the judge felt the youth was disrespectful, the youth saw his hair as a part of who he was and an expression of his cultural identity. When he conveyed this to the judge, however, it was disregarded. During the course of the interview, this youth spoke of the impact flight and resettlement had on his self-esteem. Having grown up confident, this young person experienced, as a result of various negative interactions with members of the host population, the degradation of his sense of self-worth. Not cutting his hair, not conforming to normative standards of appearance, became one of the means by which he regained and reasserted his sense of who he was.

In keeping his hair long, the aforementioned youth, particularly in the context of his hearing, was taking a considerable risk. Described as "existential survival" by one advocate stakeholder, his act of defiance distinguished him from normative society, preserving who he was as an individual but also as a member of a particular cultural group. Regarding her work in Tanzania with refugee youth, one advocate stakeholder commented on young Congolese women,

There's all sorts of markers for being different and they don't want to look different yet at the same time they don't want to be like the host population so many times they appear to do risky things, like wear[ing] their sarong in a very particular way that's associated with being Congolese as opposed to Tanzanian. You only have to look at the way that

young women is wearing her sarong to know that she's Congolese and one asks oneself "why would she do that?". Everybody knows that shows she's not from here. Yet it's a kind of silent rebellion on her part, "I'm not like you, I'm not from this place, I do not want to be from this place" and so there's always these contradictions (female advocate stakeholder).

Although the context is very different, the reaction, the preservation of self in spite of risk, is much the same. As one youth participant very aptly stated in regards to her own integration process within Quebec, "there are people who say that I am too African. I don't know why they say that. How can I be too African? This is who I am, I cannot be someone else". Additionally, this girl's comment speaks to those fundamental characteristics that cannot be altered and dependent upon context, will always serve as a marker of difference.

For unaccompanied and separated children, markers of difference typically include age, ethnicity and language. While refugee status plays an important role in terms of accessing services and one's interaction with various systems, particularly upon arrival, it does not represent a static or visible marker of difference. This is because, as discussed by a number of stakeholder participants, refugee status is often deliberately concealed by the youth who have an acute, intuitive sense of anti-refugee discourse.

Regarding disclosure of status, one front-line worker commented,

With the Rwandese (a female separated child) it's that the experience is so horrible that people will be not be able to take [it], [that] their words will hurt the other person, so there is a reluctance there. Or never in a million years could you understand what they went through so it's not worth talking about. But mainly I think that it's to get a way, it's that adolescents is a time when you're trying to determine who you are and what you want in life and kids want to fit in, they want to feel like they have a sense of belonging somewhere and in order to do that they don't want to feel like they're different or you know, tainted or branded as "refugee" written across here (motions to forehead), pull up scars and the idea is if you've gone through such terrible things then there must be something wrong with you (female frontline stakeholder).

Motivated by the fear of being branded “refugee”, refugee youth may only reluctantly share the details of their flight and resettlement with people. However, the ability to conceal refugee status does not mean that unaccompanied and separated children are invulnerable to discrimination. Here, the increased racial diversity of the Canadian population has not eliminated discrimination. Rather, reflecting the racialized ideologies of the host society, “risk identity” is conferred upon the unaccompanied or separated child by virtue of his or her racial, cultural or linguistic difference in relation to the mainstream population. As articulated by one youth participant,

Most [people] are product[s] of Hollywood, product of the UN, a product of media [and] this is how they perceive us. I am here but they perceive me through T.V., they perceive me through my passport and they perceive me through my accent (male youth participant).

Discussed in terms of discrimination by both youth and stakeholder participants, the impact of ethnic or cultural difference on the experience of being an unaccompanied or separated child is profound, occurring in multiple locations and with various people. One youth participant recounted an altercation she had with a worker at a short term residence for girls,

There were these things that were on my body. I asked what they were and she said “you brought that from your country”. I didn’t come with them, the clothes were given to me here [in Canada]...She said “you people are always like that, with fleas” (female youth participant).

Within the context of school, unaccompanied and separated children face diverse challenges. In many respects a microcosm of larger Canadian society, the public school system positions unaccompanied and separated children, as well as other newly arrived youth, as simultaneously the same as, and inherently different from the mainstream population of students. This, as discussed by one of the advocate stakeholder participants,

is reflected in school policy, which segregates students who have recently migrated to Canada, while pushing them through their last few years of high school regardless of level of ability. This same stakeholder described peer interactions between refugee youth and Canadian youth as strained and minimal:

So when you think of a school as being multicultural it means that they co-exist. So for example, there aren't a lot of Sudanese kids going and hanging out with a bunch white kids... They hang out Sudanese with Sudanese, Ethiopian with Ethiopian, Somalian with Somalian – and they may all be in one school, but there's clear divisive lines in a classroom (female advocate stakeholder).

The tendency amongst the youth to congregate with other students from similar ethnic and cultural backgrounds coupled with school practice, which limits intercultural exchange, results in the perpetuation of stereotypes concerning refugee youth. This is demonstrated by an earlier quote from one of the youth participants. Having shared his story of flight and resettlement with his peers, this youth was surprised to hear that they had previously labeled him a “bad person”. His peers, having believed him to be a “bad person”, were equally surprised to learn that he did not correspond to their preconceived notions of young African refugees. Another youth recounts the following concerning his relationships with university professors and peers,

I have extraordinary relationships with my professors... I enjoy talking to them and I always end up having a different relationship than just prof and student, especially with literature profs and math. They are very positive, especially when they get to know me. But there are others who keep me in a stereotype. One white guy greets another white guys “hey! How are you, how are you doing”, he turned to me “Hey, what's up?” (laughing). I get that a lot, people think I smoke weed and I would say 85% of people my age do smoke [marijuana] but I don't. It's not being holy or something, it's just not me but they automatically - it's not “do you smoke”, it's “when are we going to smoke?” (male youth participant).

Added to the assumed correlation between criminal or deviant behaviour and unaccompanied and separated children, is the notion that refugee youth are somehow less intelligent than Canadian youth. One youth participant commented,

When you have an accent, people associate that with your intellect because you talk differently, they think you're not good in math... That I get a lot. When they get to know you, not a lot of people are negative (male youth participant).

Although anecdotal, the experiences of the youth participants in this study speak to the prevalence of stereotyping. Situated in anti-refugee and anti-youth discourse, the social construction of unaccompanied and separated children, as illustrated here, positions them as inherently unable to meet Canadian standards of hygiene, morality and intellect.

Paralleling the intersection of anti-refugee discourse and juvenile justice discourse, which conflates ethnicity and age in the construction of the common youth criminal, unaccompanied and separated children's young age serves to distinguish them from adult populations. Less insidious than the fear of youth crime, the young age of the unaccompanied and separated child positions them as irresponsible and unreliable. This dynamic plays out in terms of housing and employment. As one stakeholder commented,

Looking for an apartment is also a challenge [for] a young minor even if we say he's emancipated. There are landlords who don't want to have anything to do with it... Because they have the idea of a minor in an adolescent crises who will listen to music loud when it's not the case (male frontline stakeholder).

The challenge of finding an apartment was expressed by all four of the youth participants and was discussed by most of the stakeholder participants. Unable to find housing, one youth was invited to stay with a social worker he had contact with while in detention. He remained with her for a month prior to finding his own accommodations. An other youth described his experience of residing with three other refugee minors in a small, two

bedroom apartment. Finding and keeping employment also represents a challenge. While two of the male youth participants had found work, the female participant had, after over a year of applying, had been unable to,

I can't find work, it's been a year, they never call me. I leave applications everywhere but the never call me to work. I don't know (female youth participant).

Another youth, after working as a dishwasher for several months was fired with minimal explanation. Regarding this experience, he stated,

But anyways, after 2 months – this guy always has attitude, the way he treats me, the way [he] talks but I had to [work]...One day, I went there and when I get there, I find somebody else working in my place...I never got a notice. I had worked the day before and now somebody is working in my place (male youth participant).

Fully aware of how Canadian society perceives them, unaccompanied and separated children are deeply affected by experiences of discrimination. According to one frontline stakeholder,

Often when people arrive, and this is minors and adults, they experience racism and discrimination for the first time of their life. So at first, they don't know what's happening but they understand quite rapidly that it's discrimination based on the colour of their skin or whatever. I had a good discussion with a young minor who had come to realize that he was the victim of racism, he had heard comments made in the street about him and this experience profoundly hurt him (male frontline stakeholder).

Prejudicial attitudes and discriminatory practices serve to isolate the youth by limiting their access to resources. In doing so, the supposed need for such beliefs and actions is reinforced as unaccompanied and separated children begin behaving in seemingly predictable ways consistent with harmful stereotypes in order to survive. Reflecting on the growing tension between aboriginal youth and Sudanese youth in her community, one advocate stakeholder commented, “and really what you're seeing is 2 marginalized



groups competing for resources who are not having their needs met by society". On the proclivity towards conforming to stereotypes, a youth participant commented,

I started to be myself, 100% and my guilt started to fade out. I used to feel guilt[ly] night and day but after that I realized the deep reason of [the] problem, I started not blaming myself. I really felt "okay, this is me". Everything I did, socially, especially alcohol, everything to please others...it was killing me (male youth participant).

Unable to conform to normative standards of appearance, language and culture, unaccompanied and separated children may resort to behaviours, which coincide with the host population's preconceived notions concerning refugee youth. Notwithstanding increased ethnic and cultural diversity within Canada and the tendency to negate difference in favour of an ostensibly universalized view of individuals, these notions persist. Functioning in tandem, the negation and reinforcement of difference contribute to the classification of unaccompanied and separated children as risky. Here, conforming to socially and politically correct norms concerning ethnic and cultural tolerance, the emphasis on difference is superceded by the denial of difference.

*Negating difference and risk as inherent.* The negation of difference occurs in myriad ways from the time of arrival and during the resettlement and integration process. Within this framework, the characteristics that make unaccompanied and separated children unique, their flight and separation from family, are overlooked by the various systems they interact with, notably the system of refugee determination and the education system. By overlooking fundamental aspects of the child's identity, the system regards unaccompanied and separated children as no different than the general adult refugee population or as no different than mainstream youth. Related to issues of consent and agency, the perception of refugee children as no different than adult refugees serves to

construct unaccompanied and separated children as adult-like in their decision making abilities. Here, age and inexperience and status are ignored. Also disregarded, are the varied social and cultural construction of childhood, which may influence the unaccompanied or separated child's status within his or her family and community. As expressed by one advocate stakeholder,

I think that no where in the world, including here, is childhood really understood as a chronological thing. I think that for legal reasons, 18 has been established in Canada and the Convention of the Rights of the Child and in various other places as the marker between childhood and adulthood. But everybody knows from their own experience and from working with people from other places that it's a very fluid line. And I think that the age at which adulthood is established varies from place to place and that one moves between categories of childhood, youth and adulthood in a very fluid way in most places and that movement from one status to the other does not mean that that movement is irreversible (female advocate stakeholder).

Dependent more upon experiential benchmarks, than the chronological procession of years, childhood continues until specific culturally determined markers, such as marriage and completion of education, are met. For some youth, circumstances such as armed conflict or persecution, interrupting or limiting the ability to meet particular indicators of adulthood may be present. As such, the precursors of flight may lengthen the normative period of time an individual is considered a child within the context of his or her society and family. Here, youth, even older youth, may continue to experience a relative lack of decision making authority within the contexts of their families for an extended period of time. The Canadian system, which often sees the unaccompanied or separated youth as "collaborators", disregards these dynamics, favouring a view of unaccompanied and separated children as possessing an authority equal to that of their parents.

Seen as colluding in the decision to leave their country of origin, unaccompanied and separated children are constructed within the Canadian refugee determination system as rational and adult-like in their decision making. In addition to negating the child's youth, inexperience, and status within his or her family, the system, by positioning unaccompanied and separated children as rational agents presupposes the presence of an authentic choice between staying and leaving. Seen as an option rather than a necessity, leaving one's country of origin is recontextualized, conceptually aligned with normative liberal Western ideology concerning agency, free choice and the availability of alternatives of equal worth. Furthermore, it serves to belie the disparities that exist between industrialized western countries and developing nations, from which the majority of the world's migrants originate (Stasiulis & Bakan, 2005). Described as a matter of life or death, one youth participant said of his flight,

I'm going to tell you the exact reasons and it's probably not the reason that you expect. The reason why I left was insecurity of everything. When you live in a third world country, you have no control over your life, you are totally, totally someone's property...you [have] no right [to live up] to your potential [and] everybody feels that – even if they've never been to school, they feel bad, they don't know [why] but they feel bad. That's [why] everybody wants to leave their countries especially [to come] to the first world, developed countries, that's everyone's dream (male youth participant).

While this youth's flight was not motivated by the rational contained within the Geneva Convention's definition of a refugee, his comment speaks to the inequality that exists between third world nations and those of the industrialized west. His ability to live up to his potential, as he understood it, was intrinsically connected to his ability to move out of one global territory and into another. His movement, not motivated by greed or a desire to do harm, was motivated by the prospect of citizenship rights, currently unattainable in

his country of origin. Here, flight is a necessary response to the outcome, a lack of opportunity, freedom and security, of global inequality.

The inability of the Canadian system to recognize the requirement of flight negates the magnitude of global inequality between the third world and western industrial nations as well as Canada's role, implicit and explicit, in maintaining them. As the aforementioned youth stated in regards to the paradoxical relationship between Canada and Africa,

God never made certain people to help other people. We have all been created equal, we can enjoy in our exchange intellectually, resources, anything...at school people feel good to go to Africa to build schools – literally! African people have nothing to do why don't they build their own schools?...We go there and we build their schools. Or we keep them fighting, and selling them weapons, taking all their resources and putting them into debt and again, helping them and feeling good about it...If they really want to help people, what they can do is accept those people, just like [they accept] themselves...And instead of giving me money and food, let me be free, give me equal opportunity and I will show what I can do (male youth participant).

Stakeholder participants also expressed similar sentiments. As one advocate stakeholder commented,

We don't necessarily need to help, we just need to get the hell out of their way and stop putting barriers up... You just have to get people on their feet and not keep punching them down (female advocate stakeholder).

Likewise, a frontline stakeholder argued,

We live in a world and we benefit from other people's voice, we take away other people's resources and we bleed other people's brains and we have no problems with that. We take advantage of this world and we don't want to pay for it (female frontline stakeholder).

The systematic tendency to deny this imbalanced and exploitative relationship coupled with xenophobic reactions to migration lends itself to increasingly restrictive immigration and refugee protection policies. Contained within this paradigm is an explicit disavowal

of the stark reality faced by individuals residing in global territories designated as risky, as well as a negation of global hierarchy, whereby the most economically advanced nations wield remarkable control, economically and politically, over the least developed (Wood, 1999; Klein, 2000; Noumoff, 2001). Within the context of current globalization, these dynamics are replicated within nation states between individuals. Just as globalization and the inequalities contained within it are obscured by xenophobic anti-migration and protectionist discourse, the experiences of unaccompanied and separated children are framed as neutral, unrelated to global systems of inequality.

Subsequent to the decontextualization of the circumstances leading to flight, unaccompanied and separated children are repositioned as experientially indistinguishable from mainstream Canadian youth. As one youth participant observed of the Canadians he had encountered since his arrival,

Canadians who were born here and who grew up here and never go anywhere - on the TV they see some bad stuff out there [but] they still don't know what's out there [still], when they see you, they just know you [but] they don't [really know] what experiences you have been through, what kind of things you have seen (male youth participant).

Unable to understand the context from which the unaccompanied or separated child is arriving, the tendency is to misinterpret certain behaviours and to label the child as psychology troubled. Added to this, is the reluctance to acknowledge social inequality within the country of resettlement. Here, unaccompanied and separated children are not seen as any more disadvantaged than mainstream Canadian-born-Canadian youth and are as such, treated accordingly. In other words, unaccompanied and separated children enter a context of resettlement, which disavows the circumstances leading to their flight and

repudiates their current experiences of discrimination. Speaking from her vantage point within the public education system, one advocate stakeholder stated,

One of the (school) principals said it's not until a year and a half that these kids start hitting the wall and going crazy with aggression and all other things. We have to be able to recognize those things and not just say "oh my god, they have psychological problems, we'll assess them and then we'll put them in a special class for people who have psychological problems" – that's ridiculous. You have to be able to respond in an ethical manner, which means we know maybe they've gone through some experience, we have to make sure that they're safe here and that they can deal with those issues, not just teach them English or math (female advocate stakeholder).

The labeling of unaccompanied and separated children who, as identified by stakeholder participants, "act out", are aggressive or fall into the "bad crowd", becomes incredibly problematic in relation to the classification of risk. Here, these behaviours are understood not as a reaction to the trauma of flight and separation from family but as an inherent character deficiency. This is exacerbated by the assumed correlation between refugee youth and youth delinquency. Here again, the youth is taken out of his or her context and criminal behaviour is regarded as an inherent aberration as opposed to the culmination of experience and the consequence of social exclusion.

Difference, be it emphasized or negated, is central to the construction of unaccompanied and separated children as risk. As one stakeholder advocate states concerning the former,

Research has shown us that the more different you look, the harder it is for you to assimilate – or to fit in – I hate that word "assimilate" but immigration theory uses it... The more diverse look, the more discrimination you face – so if you're a Muslim girl and you wear hijab, you're going to be discriminated against more – if you're black and you're 6 feet tall, like many of the people from African countries are, look out, you're an easy target (female advocate stakeholder).

A significant marker of difference resulting in inequitable treatment, visible or audible differences represent an important facet of the risk identity classification. Markers such as ethnicity, accent or language abilities and dress, interact with the host society's preconceptions, influencing how a given individual is received and treated. As illustrated by the stakeholder's quote, the emphasis on difference works in tandem with the negation of the difference. Connected to the plausible deniability of racism, the latter renders the former unidentifiable, while at the same time establishes a seemingly credible rational for distrust: the unaccompanied or separated child's propensity towards delinquency and deviance. This coupled with anti-refugee discourse and concerns regarding unregulated migration and the dilution of existing cultural norms has, in recent years, been compounded by an increased preoccupation with national security.

The focus on security, as discussed in the second chapter, has occurred within a global context marked by suspicion, where exceptional measures of defense have become permanent fixtures in our attempt to gauge and limit the potential dangerousity of particular types of people (Ericson & Haggerty, 1997; Hallway & Jefferson, 1998; Ericson, 2007). This final category of risk, security, serves to reinforce and justify the three other categories. The next section explores security concerns as a category risk, highlighting its relation to anti-refugee discourse, anti-youth discourse and xenophobic reaction to difference. Central to this discussion is the experience of the child welfare/immigration control binary, whereby security concerns outweigh those of child welfare. The detention of children dramatically reveals this disparity and imbalance. As such, this section concludes with a discussion and analysis of the Canadian practice of detaining unaccompanied and separated children.

*Securitization and the Classification of Risk*

Anti-refugee, anti-youth and perhaps, what could be labeled, anti-minority or anti-migrant, discourse functions within a particular context. Increasingly informed by globalization, anxiety concerning unregulated migration and pervasive uncertainty concerning terrorism, job market saturation, social service and health care collapse, and cultural fragmentation, this context, the paradigm of suspicion, informs the experiences of unaccompanied and separated children seeking asylum in Canada. Although the system has become increasingly preoccupied with security, it would be erroneous to claim that security concerns are a recent phenomenon or that the events of September 11<sup>th</sup>, 2001 in New York represented a paradigmatic shift away from openness towards complete closure. As one advocate stakeholder commented,

I do think that it would be a pretty tough to come anywhere in the Industrialized world as a young Muslim man and I think that certainly September 11<sup>th</sup> and all the events that rolled out of that have a role to play in that difficulty. But it wasn't like we were super welcoming and understanding before and I sometimes think that we resort back to that big event in New York in 2001 as being some kind of watershed because it allows us to think of ourselves as a pre- and post-. I don't think that the understanding of how we were pre- is really all that honest. And I think Canadian society is happy for the most part if you want to be like "us", you drop the hijab and you learn English or French and you integrate and you make friends with everyone and you come to PTA meetings and you don't bring some kind of weird dish to the potluck at the school. They're very, very happy if that's the kind of model of integration people follow (female advocate stakeholder).

That said, efforts to protect the western industrialized world from the flow of irregular migrants seeking citizen rights have, no doubt, intensified since "9/11". These efforts have had considerable ramifications, most notably for migrants of colour and for individuals residing in global areas designated as risky. On a macro level, the implications of "9/11" have been a generalized return to the "state of exception" as



characterized by Agamben (2005). Here, the crisis of “9/11” has resulted in the dislocation of juridical norms and the imposition of a permanent state of emergency, which undeservedly constructs unwanted migrants as inherently suspicious. Within the Canadian context this has meant a suspension of human rights in the employment of profiling techniques intended to restrict entry into Canada. Racialized and discriminatory, these practices target mobile individuals who are considered risky. The corner stone of the paradigm of suspicion, the pretext of national security allows for the risk classification to be easily justified and applied to individuals who, for a variety of reasons unrelated to security, are seen as undesirable. This has micro level affects for the individuals including unaccompanied and separated children, who, unable to remain in their countries of origin, are forced to seek citizenship elsewhere.

Situated at the intersection of two suspect populations, unaccompanied and separated children, as both refugees and youth, are subject to the “risk identity” classification. This occurs in myriad settings, prior to arrival, upon arrival and during resettlement. While security concerns inform anti-refugee and anti-youth public sentiment, the enforcement of national security mandates occurs during the early stages of the youth’s determination process, specifically at the border. One of the youth participants, having been granted refugee status from his country of origin, had initially been denied entry on the basis of his age. Later, upon reapplication, the youth indicated on his application that he was 18 years old when, in fact, he was only 15. Knowing of the tendency to deny the refugee claims of minors, one of the other youth participants, similarly lied on his application, declaring age of majority when, in truth, he was still a minor. Here, with no parents to care for them, unaccompanied and separated minors are

constructed as a potential drain on the system and are consequently, denied access. While these two cases are unique, refugee status having been granted prior to arrival, unaccompanied and separated children are often faced with considerable security measures upon their arrival at a port of entry. Regarding the treatment of unaccompanied and separated children at borders, one advocate stakeholder commented,

Since 2003 at the Canadian Boarder Agency, I think there's been a shift. I think there was a shift even before 9/11, we were of the mentality that protection issues [were] separated from boarder services (immigration) [but] now their main mandate is the enforcement of security issues. So I think there was a shift or a slide as far as rights being protection – when you [speak] to them, their main concern in Canada's security and I think that that's what they're told to do, that's why they were employed so they're just doing their job to some extent but to me, I see red lights everywhere and that's a danger (female advocate stakeholder).

Being able to access Canada's territory is a crucial component of seeking asylum.

Functioning as gatekeepers, border agents and immigration officers use their discretion to facilitate or bar entrance to Canada.

It is the system's subjectivity coupled with its preoccupation with security that makes entry into Canada difficult. The application of securitization policy is filtered through political and public discourse that positions a racialized other as a risk to security, and the individual agent's own appropriation of that message. While two of the youth interviewed were immediately resettled upon arrival, their applications for asylum granted overseas, this was not the case for all four youth. The other two youth, one male and the female, made their requests at Canadian airports. The male, arriving alone and with no papers, was immediately detained. The girl, arriving with her brother, his three children and false documents, was not. Rather she was brought to a short term residence

for women, while her brother and his children were detained. Describing his experience at the airport, one male unaccompanied minor stated,

That was another shocking moment. I could say I expected, to be around be around police, I didn't expect any [kindness] in custody. I knew that when I came here, I was going to pass through this type of process. I knew that I was not legal... They arrested me and chained me, took me to detention and they kept me there for 40 days, until I proved my ID, that I was really a juvenile (male youth participant).

Constructed as risky, the male unaccompanied minor and the female's brother were detained. Here unknown identity and male gender are conflated and a potential threat to security is constructed. As one frontline worker stated,

If you don't have the proper identification, you are always detained until there is proof or there is another means of getting you out. It is one of the most terrifying experiences being a minor, having to go through those wide doors to get to Canada, where you thought you'd be safe and then [where] you're detained... Some years back, there was somebody, they took him from the airport handcuffed and then detained [him]. He was 17, almost 18 from Nigeria and that was a nightmare for him. That sort of treatment, the adults don't like that experience and it's even worse with minors. So that's sort of the treatment. Ever since the 9/11 issue, if there's a lack of proper identification, you always risks being detained (male frontline stakeholder).

Later in the interview, he added,

You know, it is very hard to put handcuffs, it's one of the most severe punishment. In many cultures, to have handcuffs on your hands, means you've done something criminal.. Many, most of them, might not have experienced anything of the sort in their own countries, where maybe there was a dictatorship or whatever, but once they get here because of a lack of IDs, it's the first time they find themselves in handcuffs. It's very devastating (male frontline stakeholder).

A tangible and dramatic symbol of securitization, the use of handcuffs, particularly with minors represents a breach of human rights discourse and the prioritization of security related concerns, whereby protection of sovereignty supercedes the right to seek asylum.

Here, guilt is assumed and punishment is enacted on the basis of fixed characteristics,

ethnicity and gender, and the individual's movement out of a hyper-ghetto and into the industrialized west. In other words, it is mobility, the attempt to transgress global hierarchy in the search for freedoms, civil rights and opportunity that is criminal. Taken together, anti-refugee discourse, fear concerning youth crime, xenophobic reactions to difference and securitization establish the context, which allows for the correlation between mobility and criminality. Closure as prejudicial attitudes and discriminatory practices, is subsequently justified, rationalized by the inherent criminality of the globally marginalized migrant. For children this construct is particularly problematic. That said, within the Canadian context, the classification of unaccompanied and separated children as risk is mitigated, to a degree, by child welfare services and child rights discourse. However, while child welfare concerns may mollify the "risk identity" classification, they do not, as discussed in the previous section, exonerate unaccompanied and separated children completely.

*Experiencing the Child Welfare/Immigration Control Binary*

Unaccompanied and separated children, as children are entitled to myriad protections under a variety of mandates, both national and international. Their position as children with no, or unreliable, adult supervision, heightens their vulnerability and as such, regardless of citizenship status, entitles them, within the Canadian context, to additional services, taking the form of supplementary financial assistance and the appointment of a designated representative. At the same time, as irregular migrants they are regarded suspiciously, considered opportunistic and manipulative, and constructed as inherently "risky". As demonstrated by this study, unaccompanied and separated children in a number of ways and in various settings experience this binary. These include

institutional settings and more informal ones. While both inform the treatment of unaccompanied and separated children, the practical application of the binary is unbalanced, with children experiencing one side or the other at different times throughout the refugee claimant process. Here, gender stereotypes coupled with the type of persecution experienced informs the construction of the youth within the system, as well as how he or she is perceived by the host country population. Female unaccompanied and separated children, for example, who are fleeing gender-based persecution may be regarded more sympathetically than males, whose persecution is more generalized, related to conflict or to poverty. However, it may be possible to argue that given western hostility towards Islam, the sympathetic reception of female minors fleeing from gender based persecutions, which have increasingly come to symbolize the “irresolvable difference” between the western and Arab worlds, represents an entrenchment of immigration control rather than its dissipation. Put differently, by accepting particular women and girls, those seen as the victims of Islam, racist discourse seeking to limit the mobility of particular groups of people, namely Muslim men, is politically legitimized and publicly accepted. Consequently, in spite of the provision of some protection, manifested in this dynamic is the prioritization of immigration control discourse. This implicit, yet powerful, consequence reflects the prevalence of security considerations and is experienced, as demonstrated by this study, by unaccompanied and separated children in a number of ways and in various setting, of which the most notable is detention. The following section argues that detention, when experienced by unaccompanied and separated children, reflects the dialectic inherent in the child welfare/immigration control binary as well as the primacy of immigration control contained within it. In essence,

detention both conceptually, as it conflates criminality with these youth, and practically, as it aims to protect them through the administration of punitive measures, becomes the site of these competing normative discourses.

*Detention and the child welfare/immigration control binary.* Perhaps the most explicit expressions of the child welfare/immigration control binary is the detention of unaccompanied and separated children. In a sense, it is the detention of these youth that allows us most clearly to see the conceptual and practical ramifications of the child welfare/immigration control binary. This is evident in both the circumstances leading up to detention as well as the experience of being detained, and was highlighted by a number of stakeholder participants. Of the youth participants, one had been detained, due to inadequate identity documents. This youth remained in detention for two months. Understanding why unaccompanied and separated children are detained is directly linked to the child welfare/immigration control binary. As one advocate stakeholder participant articulated,

There [are] four reasons why a person, regardless of whether they're a child or not, would be detained. Because 1) their identity has not be satisfied, 2) they're a flight risk, which is in most cases, where children will be detained, 3) in some very rare cases, but it does happen, [they're] a security risk, if a child has committed some offence – for example, being a member of a gang or if they arrive at the border at an odd hour when the front-end security check can't be completed...or 4) if the immigration officer at the border feels[s] that the child or person is being trafficked, then that person is put into detention for, we presume, their protection (female advocate stakeholder).

Detention, then, becomes the means by which two disparate concerns, security and protection, are redressed. It becomes the space in which the binary is first realized and, for those youth detained for the purpose of protection, experienced. It is onto these youth, those suspected to have been trafficked, that the youth protection/immigration control

binary is most overtly displaced, their detainment constructing them as the site of the binary and the embodiment of the tension contained within it. This is due largely to systemic inadequacies, notably a lack of safe housing.

I just thought of one case in Montreal that was actually not too long ago when two minor girls were detained. There is no real system for victims of trafficking in Montreal. Immigration suspected trafficking in the cases of these two girls so they detained them to protect them but they were still being treated as prisoners. I remember that we talked a lot about the issues but in another way they couldn't go anywhere else because they are not part of the mandate of shelters for women victims of violence, they couldn't come here (short term residence for women) [because] we're too easy to find so where do you put these 2 girls? (female frontline stakeholder)

Once detained other systemic limitations become obvious, for example, according to one front-line worker, children who have been trafficked are frequently detained in the same facility as their traffickers. This is of considerable concern given the high levels of dependency and loyalty smuggled children often feel towards their smugglers. One front-line worker stated "the power they have over those girls, they could do anything they wanted". Regarding male children she said "especially with young males, the male smuggler could sexually abuse one little boy a day but we keep them because, we want them to be safe – so it doesn't make sense". According to this worker, the threat of sexual abuse within the detention centre has resulted in the segregation of the male children from the adult male population. Here again, illustrating the pervasiveness of the child welfare/immigration control binary, protection is experienced as punishment. Added to this, is that fact that female children are part of the general female adult population, with the intention that the adult women will take charge of the younger female detainees. This arrangement, deliberate yet not formalized, perpetuates a number of stereotypes, which further disadvantage unaccompanied and separated child asylum-seekers as well as their

adult counter-parts. By assuming women will not engage in abusive behaviour with children, it limits the systems ability to recognize exploitive relationships when children and women arrive at the border together. Furthermore, by assuming that women will, on some level, become responsible for female unaccompanied and separated children who are detained, the system effectively off-loads its responsibility to provide adequate care onto adult female detainees.

The lack of available age appropriate services for children including schooling and the inability of detention staff to work effectively with children, add to the punitive-nature of detention. One front-line worker comments “a few times security had call[ed] me [to] say ‘he (a detained unaccompanied minor) needs help, he’s been crying all day long’”. She continued by highlighting the incompatibility between detention staff, essentially prison guards and children, specifically adolescents, “security [would] yell at [them] because, whatever, his music was too loud, a stupid thing. I’m thinking this is a young person, almost like a baby”. The lack of services and adequate employee training stems, according to one advocate stakeholder, to the small numbers of unaccompanied and separated children who are actually detained. That said, in spite of the small numbers of detained children, the system has, based on anecdotal evidence provided by one of the front-line workers, limited success in the prevention of abduction and re-exploitation follow-detainment. Regarding a group of young Chinese girls who had been brought to Canada for prostitution and factory work, she stated,

They [didn’t] have a lot of follow-up so the young Chinese girls, sometimes, they were released and there was this big black limousine coming to pick them up. That was ridiculous. I remember two or three times I was there with the immigration officer and we were like “oh my god”. But the paper work said that they were [to be] released...all those months [in detention] for nothing (female frontline stakeholder).



The use of detention as a protective measure speaks to the systemic proclivity towards security and immigration control. Furthermore, it exemplifies the discrepancy between political rhetoric concerning children's rights and practice, and the disjunction between the treatment of refugee youth and that of Canadian youth. The ethic and cultural differences between these two groups, coupled with the construction of unaccompanied and separated youth as adult-like and inherently risky, rationalize an innately problematic system. It is the generalized perception of unaccompanied and separated children as irregular migrants, as potential juvenile delinquents, and as intrinsically risky, that justifies their detention be it for protection or otherwise. That Canadian youth are not detained for similar reasons, for example, for protection, is not seen as problematic given the essential differences between the two groups. Racialized and infused with cultural assumptions concerning childhood, who is authentically a child and who is not, and citizenship, who is worthy of rights and who is not, the detention of unaccompanied and separated children goes unchallenged.

Like other migrants, unaccompanied and separated children seek resettlement in ideologically charged contexts (Sharma, 2001). Within Canada, discourse concerning refugees, juvenile delinquency, and ethnic and cultural difference merge with anxiety related to globalization and national security. Migration, particularly irregular migration, is viewed with suspicion and uncertainty. The social construction of individuals seeking asylum, influenced by this suspicion and uncertainty, is conferred indiscriminately upon all asylum seekers. In other words, they arrive in a system, which has preemptively classified them as risk. This categorization, acutely palpable for those who have left global spaces designated as risk in search of citizenship in the industrialized west,

legitimizes and enables discriminatory practices. Moreover, the “risk identity” classification nullifies the need to examine those practices, as they are deemed necessary in the maintenance of security.

While security and risk are generally understood in relation to state sovereignty and the preservation of physical safety, this study has demonstrated that even individuals who pose no, or minimal, threat to Canada’s national security are vulnerable to “risk identity”. Added to this, analysis of the interview data illustrates that while stakeholders were generally inclined to say the adult refugees are more likely to be construed as risky, unaccompanied and separated children are, in fact, extremely susceptible to the classification. This, as discussed, holds particularly true for male unaccompanied and separated children, and is due to the intersection of multiple anxieties held by the host society. As identified by both stakeholder and youth participants, these anxieties included fear of unrestricted flows of asylum seekers facilitated by the arrival of “bullet” children, concern related to difference, manifested in negative stereotypes regarding hygiene, intellect and morality, and increased preoccupation with national security and sovereignty. Added to these, unaccompanied and separated children are burdened by anti-youth discourse, the persistent fear of youth crime, and the association between delinquency and refugee youth. Paradoxically, “risk identity” is assigned to youth in spite of the prevalence, within the Canadian context, of children’s rights discourse and youth protection services. This paradox is indicative of the child welfare/immigration control binary and is reflected in the treatment of unaccompanied and separated children. It is made specifically evident through the detention of unaccompanied and separated children, which heightens the association between the population and “risk identity”.

The “risk identity” categorization serves as mechanism by which prejudicial attitudes and discriminatory practices are legitimized, and the means by which unaccompanied and separated children are excluded from their communities of resettlement. As demonstrated through the observations of stakeholder participants and the lived experiences of youth participants, the ramifications of this exclusion are profound. Commenting from within the context of Tanzania, one advocate stakeholder observed of the youth she had worked with,

They often describe those kinds of [discriminatory] experiences as a betrayal of the deepest, most hurtful kind because they had certain expectations about what it would mean to step outside of their border and enter a new place. They didn’t necessarily expect hospitality but they didn’t expect the antithesis of hospitality either and they expected a basic understanding of what war is, what it means to be a refugee and some level of sympathy on the part of a host population (female frontline stakeholder).

While the context is different, the emotional response, for unaccompanied and separated children who have arrived in Canada, is not doubt the similar. While not as explicit in his expression of betrayal, one youth participant repeatedly expressed his confusion with a system that had invited him to Canada, only to abandon him upon arrival.

The government knows the number of people coming to Canada but they don’t know how they are living. Nobody follows up on their lives. They just put them in [a] place, clean them, send them to any province. Then after 2 weeks, you have to find your own apartment. How do you expect somebody like that, for example, if I take you to Sudan now and say “okay, this is your apartment, here is a shopping mall, here you go pay your bills and here is the bank” and then I go, I leave you. [Even if you] have a million dollars, if you don’t know how use them, you won’t survive – no, you will have a lot of hard times. I spent maybe \$1000 in less than a week. You can’t [just] give somebody \$500, you have to pay your rent maybe it’s \$300 and then you have to buy a bus pass, \$50 or \$70, then you have \$130 to buy food, clothes, shoes, all these things, how do you expect somebody to survive with that (male youth participant).

This sense of abandonment, described by each one of the youth participants, is compounded by the classification of these youth as risk. Here the youth, intensely aware of how they are treated and how they are viewed, become isolated, untrusting and may resort to behaviours, which, in fact, reinforce the “risk identity” they have been assigned. Conversely, some youth, as demonstrated by two of the youth participants in this study, may be very likely to rise above this classification. That said, overcoming the trauma of flight and resettlement, as indicated by both youth, requires both internal strength and external supports. Unfortunately, such supports, within the current Canadian system, are not always readily available. This represents a significant challenge for not only the unaccompanied and separated children seeking asylum within Canada but also for those who work with them. The concluding section of this text explores the theoretical and practical implications of this study, as well as the “risk identity” construct, on policy development, social work practice and future research.

## CONCLUSION

The experience of forced migration is by its very nature, a traumatic one. The need to leave one's home in order to seek protection elsewhere represents in a very fundamental way the limitations of the modern nation state. Here, the state, an active participant in persecution or a passive observer, unwilling or unable to provide protection, negates its responsibility to its citizenry. This responsibility is, albeit it inconsistently, displaced onto other nation states. However, that one state is unwilling or unable to protect its citizens does not, within the current global order, necessitate that protection be extended elsewhere. Rather, receiving states exercise discretion in admitting asylum-seekers. This represents a considerable challenge for asylum seekers who, having been denied protection from their own state, must rely on the subjective benevolence of others. Within the context of contemporary globalization, marked by paradox, uncertainty and growing preoccupation with territorial security and cultural homogeneity, this benevolence has narrowed. This is demonstrated by the proliferation of technologies intended to curb the in-ward flow of refugees as well as by the implementation of domestic policies intended to exclude asylum seekers once they have arrived in the host country. No less affected by this reality than their adult counterparts, unaccompanied and separated children experience various barriers prior to and upon their arrival in refugee receiving countries. Having fled their countries of origin, many, in fact most, unaccompanied and separated children find themselves living in incredibly precarious circumstances in countries bordering their own. Those children who are able to cross the territorial and ideological boundaries of the industrialized west, transcend the

schema of the current mobility regime, which effectively restricts movement out of hyperghettos or global space designated as risk.

Exceptions to the rule of global (im)mobility, unaccompanied and separated children who arrive in western countries are positioned in opposition to the normative category of citizen. This thesis has argued that “risk”, as a socially constructed category, is a central facet of this dualism. Here, unaccompanied and separated children are labeled risky, not because their actions warrant such a classification but because of their association with groups considered “threatening” by the mainstream host population. Data collected from 13 qualitative interviews, illustrated four categories of risk, which make unaccompanied and separated children susceptible to the “risk identity” construct. As discussed in the previous chapter, these are anti-refugee discourse, which conflates unaccompanied and separated children with larger, potentially mobile, risk populations; anti-youth discourse, which in the context of popular juvenile justice discourse conflates youth criminality with migrant youth; xenophobic reactions to difference, which simultaneously emphasizes and negates the youth’s cultural, ethnic and experiential difference in order to construct unaccompanied and separated children as inherently troubled; and heightened preoccupation with securitization coupled with the need to easily identify and exclude those considered dangerous. The fourth category, securitization, serves to validate the first three.

Taken as necessity, securitization discourse, legitimizes the classification of unaccompanied and separated children as risk, thereby sanctioning their exclusion and mistreatment. Here, the barriers confronting unaccompanied and separated children within the host country are seen as reasonable precautions against the threat they are seen

as posing. The perceived need to control or restrict threatening or risky children speaks largely to the child welfare/immigration control binary. Discussed throughout this text, the binary simultaneously positions unaccompanied and separated children as deserving of protection by virtue of their status as children and as warranting suspicion by virtue of their status as stateless, irregular migrants. Far from balanced, this binary, in light of the current preoccupation with security, concedes to the latter, absolving the state of its responsibility to provide adequate protection and resources to unaccompanied and separated children residing within its borders. This study argues that the disparity within the binary is most clearly demonstrated and experienced through the detention of unaccompanied and separated children. In this sense, detention, particularly for those youth who are detained for their protection, becomes the site of the binary, whereby security dominates and nullifies child welfare concerns. For unaccompanied and separated children who are perceived as security risks, due to reasons of previous gang activity or invalid identity documentation, the Canadian practice of detainment illustrates the extent to which the youth's status as a child is ignored. This happens in spite of the application of the best interest of the child principle in Canadian domestic law and Canada's ratification of various international conventions, which prohibit the detention of minors in adult facilities. The detention of minors also serves to reinforce the public's perception of unaccompanied and separated children as inherently criminal and, given their detainment in adult facilities, as adult-like in their experiences and decision making capacities. In spite of this, childhood remains a central facet of the experiences and identities of unaccompanied and separated children, one which, when recognized, has

extraordinary potential to destabilize the socially and culturally constructed citizen/migrant binary.

The citizen/migrant binary is expressed and experienced as a hierarchy. Reflecting global inequalities that exist between nations and territories, the citizen/migrant binary establishes who, within a global space, is entitled to rights and protection and who is not. Occurring within a global context, which has become increasingly fragmented and divisive, the delineation between citizen and migrant demonstrates that present-day globalization has not abrogated the position of the nation state. Rather, it reveals that state sovereignty, in the face of globalization, has been refortified. As discussed in the second chapter, the refortification of the nation state is manifested and experienced in a number of ways, dependent upon a given individual's status within the global order. Here citizenship, class, ethnicity, age and gender contribute to the capacity of individuals to licitly bypass the various mechanisms in place to limit or restrict entrance to privileged global spaces, located largely in the industrialized west. Given their status as both children and irregular migrants, unaccompanied and separated children trouble current expressions of globalization, the continued dominance of state centred interests and the perpetuation of hierarchical intra-state interactions. It is the latter, revealed in gross inequality between states, which, in many instances, motivates cross border movement. As stated by one of the study's youth participants, the decision to flee ones country of origin, is provoked not merely by an ability to be mobile but by a necessity to become mobile. This contrast, succinctly articulated by the same youth participant who said "it's like animals, if there is no food somewhere, they travel" (male youth participant), highlights the arbitrary nature of man-made borders in the face of



human suffering. For this young person, his ability to move, facilitated by his parent's relative affluence, was only acted upon when the situation demanded it, just, as he said, like animals who, unable to sustain themselves in one area, move to another.

As children, unaccompanied and separated children's entitlement to protection, as encompassed within a number of international conventions including the Convention on the Rights of the Child, is inherent, transcending borders by its very nature.

Unaccompanied and separated children, as result, represent a mobile population, which given their entitlement to state protection, can never be truly stateless. Rather they occupy a unique position, which obliges the state, regardless of their citizenship status, to ensure their well-being. The classification of unaccompanied and separated children as risk, rationalizes the decision of host countries to ignore this obligation. To do so, not only harms unaccompanied and separated children, it serves to limit the inherent rights of all children. Here, childhood is simultaneously denied, through the recasting of children as rational decision makers, and denigrated, through the construction of youth as inherently troubled and volatile. As the youth and stakeholder participants of this study illustrated, unaccompanied and separated children are many things at once, they are the same as Canadian youth and yet, they are very different. Informed by the resolve of all children to be loved and to be safe, unaccompanied and separated children become mobile, often traveling for extended periods of time and at great risk. Within the Canadian context consistent, national policy and practice reflecting this have not developed. Rather, unaccompanied and separated children continue to be constructed as inherently problematic migrants who undeservedly aim to secure the rights and privileges reserved for citizens. Manifested in securitization and the reassertion of aggressive state

sovereignty, the tension contained within this dynamic, the undeserving migrant in opposition to the deserving citizen, fuels the risk identity classification, justifies anti-refugee and anti-youth discourses and rationalizes xenophobia. Perhaps this reality persists because of the intrinsic ability of unaccompanied and separated children to destabilize the current conception of the nation state as inherent, as impermeable and as viable.

### Implications for Policy, Research and Practice

Far from a neutral process, the categorization of unaccompanied and separated children, reflects western biases pertaining to ethnicity, culture, gender and age. In essence, “risk identity” becomes the culmination of normative anxieties and fears concerning those who do not or cannot conform to existing cultural standards. Recognizing the prejudice contained within this construct is the first step in undermining it. By highlighting the theoretical and experiential elements of “risk identity”, this study has attempted to unearth this prejudice, making it visible and calling into question its legitimacy. Central to this task has been the identification of a number of socially constructed binaries, which reinforced by public policy, serve to immobilize unaccompanied and separated children as they attempt to integrate into Canadian society. Here, unaccompanied and separated children are simultaneously regarded as calculating and as volatile, as rational and as untrustworthy, as deserving of protection and as warranting suspicion. As the level of perceived uncertainty and risk within the industrialized west has grown, these dualities have become increasingly entrenched.

Neither neutral nor inherently without prejudice, policy makers, immigration officials and social workers must cultivate more reflexive and less reactive approaches to

unaccompanied and separated children. In doing so, they must willingly deconstruct previously held notions, not simply of unaccompanied and separated children as an individual group, but of the markers and risk categories that facilitate the classification of unaccompanied and separated children as risk. In other words, of refugees, of youth and of those who are ethnically and culturally different than the mainstream Canadian norm. Additionally, they must reconsider their acceptance of normative gender ideology. Here, a balance must be achieved between regarding male unaccompanied and separated children as innately self-reliant and female unaccompanied and separated children as innately dependent. Equally problematic, these reductionist classifications serve to limit the system's capacity to recognize the complexity of each youth, his or her unique circumstances, needs and abilities. Consistent policy must be developed and implemented, which, while recognizing the impact of these categories, age, ethnicity, gender and culture, on experience, does not assign derogatory meanings to them. Here, a youth's gender must be seen as a facet of identity but not the sole facet, ethnicity seen as informing experience but not representing the youth as a whole, and biological age, while a significant marker of development in specific localities, not seen as a static marker of maturity, experience or ability.

The issue of biological age is, of course, central to the experience of unaccompanied and separated children. That said, inconsistent policy recognizing the centrality of the youth has not been adequately implemented. Rather, current guidelines are applied at the discretion of immigration officials. The subjective nature of the age-centred guidelines coupled with the tendency to label unaccompanied and separated children as risk, has meant that unaccompanied and separated children are frequently

regarded as “more mature” and “adult-like” in their decision-making capacities. This occurs in spite of allusions to the inherent worth of children and political rhetoric concerning their protection. It is this falsehood, the clash between security discourse and protection discourse, which makes the classification of risk so detrimental to the well-being of individual children. Unaccompanied and separated children enter a context, where they believe they will be accepted and protection, when in fact, they may not be. They enter a context where children are said to be valued but where, in fact, they are categorized as threatening. According to each of the stakeholders, this discrepancy, more than anything, limited the youth’s ability to trust, to feel at home and to let their guard down and consequently, resulted in “risky” behaviour, effectively affirming the label of “risk identity” already assigned. Highlighting this discrepancy and its consequences, this study calls into question the capacity of the current system to adequately attend to the needs of unaccompanied and separated children once “risk” as been assigned.

Like those who work within the system, the system itself must become more reflexive and more malleable. Here, for example, reflected in policy must be an acknowledgment the child’s biological age as well as the social and cultural elements of child- and adulthood. In this sense, merely knowing the child’s age insufficient, his or her unique experiences in the country of origin and during flight must also be examined and weighed. In other words, the unaccompanied or separated child must be contextualized, understood in terms of his or her own distinct experiences regardless of his or her biological age, which may or may not correspond to maturity level, emotional development or experiential benchmarks. While such an individualized approach is not

without challenges, it is crucial if the unaccompanied and separated children who seek refuge within Canada are to be successful.

Given their profession's concern with social location and social inequality, social work practitioners are in a unique position to encourage such an individualized approach. Furthermore, given their frontline work with unaccompanied and separated children, social workers represent one of the means by which these youth can succeed in spite "risk identity". Here, social work's focus on empowerment, strength building and psychosocial support has the potential to alleviate the burden of the "risk identity" classification. Added to this, the social work's commitment to advocacy and social justice can serve to enhance public awareness, limiting the reactive tendency to assign "risk identity" to migrant youth, to refugees and to those who are different. That said, social workers must become increasingly implicated in the lives of unaccompanied and separated children if they are to provide the support needed to assist in this capacity. This may be particularly true for male unaccompanied and separated children who are especially vulnerable to the "risk identity" construct and who, by virtue of the ideology contained within the construct, may be more likely regarded as able to fend for themselves.

As illustrated by the experiences of all three male youth participants, there was minimal formal involvement of social service workers during the process of resettlement. Rather, informal arrangements were made between the youth, in cases where there were a number of youth living together, and between the youth and supportive adults. These adults, many of them social workers and teachers, assumed responsibility for the youth, which extended beyond their professional mandates, once access to more formal systems of support had been denied. Not having access to supportive adults may, for many

unaccompanied and separated children, be the difference between merely being assigned the “risk identity” label and integrating it. The development and implementation of policy intended to guide practice must take this into consideration. Added to this, policy must recognize the ramifications of working beyond one’s professional mandate: the lack of accountability and consistency inherent within such an informal system, and the consequences of burn-out and professional fatigue.

Regarding future research, this study has highlighted a number of important gaps within the existing body of knowledge. Within the Canadian research context, few studies concerning unaccompanied and separated children, relative to the United States, Europe and Australia, have been conducted. The research that has been done has tended, as discussed in the first chapter, to review policy as opposed to focusing on the experiences of unaccompanied and separated children themselves. As such, additional Canadian research, both qualitative and quantitative in nature, would greatly benefit our shared understanding of this population and their experiences. Given the current increase in unaccompanied and separated children arriving in Canada, of particular urgency would be explorations of psychosocial outcomes in relation to flight, resettlement and separation of family, as well as of the experience of integration. Unaccompanied and separated children, as expressed by both groups of participants in this study, should have as much input into these processes as possible. Related more directly to the subject of this thesis, additional research must be conducted concerning the intersection of securitization and unaccompanied and separated children. Very relevant to such an examination would be an analysis of refugee claims made by unaccompanied and separated children, focusing on those who gain entry to Canada and are given citizenship rights, compared to those who are

rejected. Ideally such a project would be able to identify commonalities between children whose claims for asylum in Canada have been denied, further demonstrating the experienced consequences of “risk identity”.

The “risk identity” construct, the indiscriminant culpabilization of entire populations in order to calm collectively experienced anxiety, is, of course, not a new phenomenon. That said, the willingness to classify specific populations as risk, particularly within public discourse, has since “9/11” been greatly renewed. Given this and the public and political willingness to assign “risk identity” to unaccompanied and separated children, further investigation into the implications, emotional, conceptual and practical, of “risk identity” on these children is warranted. More generally, the “risk identity” construct as conceptualized in this study has far reaching implications for social research, as it provides a lens through which to analyze and deconstruct the categorization of specific populations as risk. Understanding “risk” as it is applied to populations is, in a sense, to move backwards. It is to recognize the unjust classification of an individual, to understand the social, cultural and political motivations behind it and to then challenge it, intending to not merely absolve that one individual but to demonstrate the falsehood of the classification itself. This task is of particular saliency within a global context increasingly marked by inequality, hierarchy and uncertainty (Noumoff, 2001), and it is one, which must be undertaken by social workers, policy makers and researchers alike, regardless of pressures and incentives to maintain the status-quo. As observed by one youth participant, “True change is [to] restart” (male youth participant), a daunting prospect for those who dominate, through power or privilege, the global hierarchy. That said, if we are to ever authentically respond to the

needs of unaccompanied and separated children we, as a refugee receiving western nation, must reexamine our own values and actions in relation to systems, which expands beyond our borders, beyond our ideology and beyond our ambitions.



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