



Child

Migration

and the Construction of Vulnerability

By Julia O'Connell Davidson and Caitlin Farrow,
School of Sociology & Social Policy, University of Nottingham



Save the Children
Sweden

Child Migration

and the Construction of Vulnerability

By Julia O'Connell Davidson and Caitlin Farrow,

School of Sociology & Social Policy,

University of Nottingham

*Save the Children fights for children's rights.
We deliver immediate and lasting
improvements to children's lives worldwide.*

*Save the Children works for a world:
– which respects and values each child
– which listens to children and learns
– where all children have hope and opportunity*

*Save the Children Sweden publishes books and reports to disseminate know-
ledge about the situation of children, to provide guidance and inspire new
thoughts and discussions. You can order our publications by contacting us
directly or by using our on-line bookshop, www.bookshop.rb.se*

© 2007 Save the Children Sweden
ISBN 978-91-7321-246-5
Code no 10045
Production management: Sofia Hildebrand
Layout: Annelie Rehnström
Printed by: Elanders Infologistics Väst AB

This publication is partly financed by Sida (Swedish International Development Cooperation Agency).
Sida has not taken part in its production and does not assume any responsibility for its content.

Table of Contents

1. INTRODUCTION AND EXECUTIVE SUMMARY	9
2. REASONS FOR LEAVING HOME:THE GLOBAL CONTEXT	13
2.1 Demography and Global Economic Restructuring and Development	13
2.2 Democracy, Political Instability and Human Security	15
2.3 Culture, Communications, Curiosity	16
2.4 Migration as Exceptional and Unequal	16
3. CONCEPTUAL, POLITICAL AND METHODOLOGICAL ISSUES	19
3.1 Methodological Problems	20
4. CHILDREN'S MOTIVES FOR MIGRATION	23
4.1 Independent Labour Migration	23
4.2 Independent Education Migration	25
4.3 Other Motives for Independent Migration	25
5. CHILDREN IN TRANSIT	27
5.1 Legal Channels of Migration for Children	27
5.2 Moving Through Irregular Channels	27
6. MIGRANT CHILDREN IN THE COUNTRY OF DESTINATION	29
6.1 Vulnerability to Labour Exploitation and Abusive Employment Practices	30
6.1.2 Vulnerability in the Informal Sector	31
6.1.3 Migration, Debt and Dependency	33
6.1.4 Child Trafficking	34
6.1.5 Education, Migration and Labour Exploitation	36
6.1.6 Vulnerability Arising from Economic Disadvantage	38
6.2 Racist, Ethnic and Xenophobic Discrimination, Harassment and Violence	39
6.3 Immigration Controls and Violations of Children's Rights	40
6.3.1 Detention	41
6.3.2 Deportation	43
6.3.3 The Consequences of Forced Return?	46
6.3.4 Child Asylum Seekers	47
6.3.5 Other Consequences of Immigration Controls for Children	49
7. CHILDREN WHO REMAIN AT HOME WHEN OTHERS MIGRATE	51
8. FUTURE RESEARCH PRIORITIES AND POLICY IMPLICATIONS	55
8.1 Policy Implications for Child Rights Agencies	56
REFERENCES	58

Foreword

This report, “Child Migration and the Construction of Vulnerability”, is the first report on migration which attempts to look beyond the current emphasis of child migration (mainly trafficking of children for sexual purposes, unaccompanied asylum seekers and refugee children), to consider the broader context including when and why migration violates the rights of the child. It looks at factors that prompt children to leave their country, problems and risks when they are in transition and their experiences in the country of destination.

The report was commissioned as a desk study in order to find out the current availability of knowledge about the issue and to what extent existing knowledge was analysed from the perspective of the migrant child. It was presented for the first time at the conference “Focus on Children in Migration” (Warsaw, Poland March 2007), when child rights agencies and academic researchers, mainly from Europe, came together to discuss recent findings on children and migration.

This study has shown that there is a need for better research on children in migration. Many reports are available on migration in general but rarely integrate the consequences of migration for children. This study also highlights that the discourse on the migrant child has to be modified and balanced recognizing that children are not always victims in their situation and that it should more often be recognized that migration can lead to positive outcomes for a child. Needless to say, international norms on the rights of the child are more demanding than some governments may have expected when they agreed to them.

We hope that this report will create further discussion and trigger curiosity and more research. The combination of Save the Children Sweden’s partnership with representatives from the civil society working directly with children and researchers/academia create a strong alliance for enhanced reality based knowledge in order to advocate for policy change.

Britta Öström

Save the Children Sweden’s Regional Representative

Europe

1. Introduction and Executive Summary

Migration and the policies introduced by national governments to manage and respond to it have profound implications for children's rights in the contemporary world. Even though the general phenomenon of migration is very much at the centre of national and international policy concern, however, policy-makers have paid very little attention to broad questions about children and migration. And while child rights (CR) agencies have started to address the issue, they have largely taken the phenomenon of "child trafficking" (especially trafficking for purposes of sexual exploitation) and the situation of "unaccompanied" asylum-seeking and refugee children as the entry point for addressing harms associated with migration.

Few CR agencies have, as yet, turned their attention to the many other child migrants – both accompanied and unaccompanied – who cannot be classified as "victims of trafficking", "asylum seekers" or "refugees", but who are nonetheless vulnerable to extensive and often serious violations of the rights set out in the Convention on the Rights of the Child (CRC). Indeed, "child trafficking" and asylum seeking by "unaccompanied" children are very often approached as if they can be isolated from migration and immigration policy more generally – as though it is possible to first deal with these phenomena, then move on to other child rights issues associated with migration. And yet as this report will endeavour to show, migration cannot be neatly boxed into separate compartments (adult or child; legal or illegal; voluntary or forced; trafficked or smuggled; and so on). Measures taken to address one feature of migration will have implications for other aspects of the phenomenon. So, for example, it has been argued that European governments' responses to trafficking and smuggling risk "not so much solving the problem of trafficking, but rather ending the right of asylum in Europe, one of the most fundamental of all human rights".¹

The Asian Migrant Centre notes:

It must be emphasised that migration is the general phenomenon, and trafficking is only a mode of migration. Over-emphasizing trafficking and taking it out of context (in relation to migration) is strategically counter-productive in the fight for human rights because: *(a) trafficking puts migration in a crime control, crime prevention context, rather than talking about migrants' human rights first and then talking about trafficking in the context of human rights; and (b) trafficking is being used by governments as a vehicle to develop more restrictive approaches to migration in general.*²

1. Morrison, 2000, p. 29

2. AMC, 2000, p. 18, original emphasis

These restrictive approaches to migration also have serious implications for children's rights as set out in the CRC. They threaten many migrant children's (including child asylum seekers and those who could be described as Victims of Trafficking) rights under several Articles in the CRC.

A review of existing evidence also reveals that states more generally play a crucial role in constructing the vulnerability of certain groups of children who migrate through the immigration regimes they set in place and the immigration controls they enact. It suggests that the rights violations that child migrants experience are not the inevitable consequence of migration. They rather reflect a lack of political will to protect the rights of those who move, and a prioritising of immigration control over the protection of migrant children's rights. And it further shows that state actors are often directly responsible for the violation of a wide array of migrant children's rights, including on occasion the right to life itself.

Given that state actors are known to sometimes indiscriminately use violence against undocumented migrants at borders; and given the general lack of protection offered by states to undocumented children, the often lengthy detention of child migrants, the widespread practice of repatriating children without reference to the specific needs and best interest of the child, the deportation of families with school-age children, it is perhaps worth asking why so many CR agencies have singled out "trafficking" as the most pressing migration-related child rights problem of our time. This question is all the more troubling given the definitional and conceptual problems associated with the term "trafficking", in particular, the extremely blurred line between disadvantaged children's labour migration as a strategy for improving difficult life conditions, and "child trafficking". When "child trafficking" is confused with independent child migration and framed as a criminal justice issue, anti-trafficking measures are often indistinguishable from measures to prevent migration per se, and so can actually make child migrants more, rather than less, vulnerable to abuse and exploitation.

This report attempts to look beyond the current policy-emphasis on "trafficking" and "unaccompanied" child asylum seekers to consider broader questions about when and why migration can be associated with the violation of children's rights. It looks at the global context in which child migration is set and the factors that prompt children to migrate; the problems and risks that they face in the transit from one country or region to another; and their experience in the destination country. Within this, particular attention is paid to the relationship between children's immigration status and their vulnerability to rights' violations in the destination country. The report then considers evidence on the experience of children who are left behind when one or both parents migrate. Finally, it identifies areas where there is a particular need for further research and analysis and considers policy implications for CR agencies. Key points to emerge are as follows.

- *There is a need for more and better research on child migration.* The existing body of research on child migration does not provide an adequate basis on which to plan interventions or develop policy. Many of the key sources of information on migration as a whole are not disaggregated by age; intense but selective advocacy activity on particular sub-groups of child migrants (refugees, trafficked chil-

dren and street children) has distorted perceptions of child migration, and made the experience of child migrants who do not fall into these categories invisible. Furthermore, many of the violations of the rights of migrant children go unobserved and unrecorded either because the children have themselves been made invisible by the immigration system of the host state, or because receiving states routinely fail to collect the kind of data that would allow us to evaluate the impact of their immigration controls on children.

- *The current policy emphasis on the vulnerability of “separated children” needs to be modified and balanced by a recognition that a) independent child migration can lead to positive as well as negative outcomes, and b) children who migrate with their families are not necessarily safe from harm.* When children accompany parents who are members of a migrant population that is unable to secure basic economic, social and cultural rights, the presence of their parents/carers in the destination country does not automatically protect them from exploitation, violence and abuse.
- *The absence of opportunities for children to migrate safely and through regular channels represents a serious problem.* It often poses a threat to survival and development since irregular migration can involve journeys that are extremely dangerous.
- *In destination countries, migrant children can be made vulnerable to a range of rights violations through the intersection of three sets of factors: the destination country’s immigration regime; the poor economic situation and labour market position of child migrants and/or their parents/carers; and racism, xenophobia and other forms of discrimination against particular groups of migrants.* Undocumented migrants are one of the groups facing the greatest risks of poverty and social exclusion, and whether they have migrated alone or are accompanied by their parents/carers, undocumented child migrants occupy an especially vulnerable position in terms of their ability to access rights and protections. Although legality is not, in itself, a guarantee of security and protection, being politically constructed as “illegal” makes it much harder to access services, justice and social protection, and exposes children to the additional harm of violence, abuse and other forms of harm from state actors charged with controlling “illegal immigration”.

It is important to remember that migration, whether undertaken independently or with parents/carers, does not necessarily have negative consequences for children’s education, health or psychosocial development. Indeed, it may lead to extremely positive outcomes for children. Furthermore, many children (or their parents/carers) choose to migrate to escape settings in which they are already subject to a variety of rights violations, and the rights violations children experience at home may be equally or more serious than those they experience at the point of destination. Also, though research has seldom paid attention to children’s views on migration, studies suggest that many children are positive about their experience of migration. The challenge for CR agencies is to develop approaches to child migration that protect migrant children from rights violations, but are respectful of children’s wishes and viewpoints, and that recognise many children’s capacity for agency within migration.

2. *Reasons for Leaving Home: The Global Context*

The per cent age of the world's population that migrates internationally has remained fairly stable and very small over the past century – around 3 per cent.³ However, because the human population has increased from approximately 1.6 billion to 6.5 billion people over the same period, there are many more migrants today than there were at the start of the twentieth century.⁴ The number of persons living outside their country of birth rose from an estimated 75 million in 1960 to almost 191 million in 2005. Around 60 per cent of recorded migrants are to be found in the world's more affluent, economically developed nations. However, migration between developing countries remains a significant phenomenon, with Asia home to some 49 million migrants, Africa to some 16 million migrants, and Latin America and the Caribbean to around 6 million migrants.⁵

There have been major changes to patterns of migration during the post-world war II period. Over the past two decades, globalisation and other social forces have accelerated such changes and led to more diverse forms of migration, affecting a larger number of countries.⁶ The reasons for cross-border and internal movements in the contemporary world are also many and varied.⁷ All of the factors discussed below are relevant to both adult and child migration.

2.1 *Demography and Global Economic Restructuring and Development*

Out of the world's 6.5 billion people, 1.8 billion are aged 0-14 and 2.9 billion 0-24.⁸ However, these young people are not evenly spread across the globe. In 2000, those aged between 0-14 made up 18.2 per cent and 19 per cent of Sweden's and the UK's populations respectively, but 30 per cent of the population in Albania and Turkey; 36.3 per cent in Uzbekistan; 39.6 in Bolivia; 41.6 per cent in Iraq; 43.5 in Afghanistan; 43.9 in Cambodia; and 50.1 per cent in Yemen.⁹ Approximately 600 million of those aged below 18 in the world today live in absolute poverty.¹⁰ Nearly half of the world's 186 million unemployed are aged between 15 and 24. These statistics perhaps help to explain why it is that migrants in general tend to be young and that migrants from developing countries are younger still.¹¹

3. IOM, 2005

4. U.S. Census Bureau, 2006

5. GCIM, 2005

6. Castles and Miller, 1998

7. GCIM, 2005

8. US Census Bureau International Data Base, 2006

9. United Nations, 2001, pp. 47-50

10. Save the Children Fund UK et al, 2001

11. World Bank Group, 2005, p. 33

In affluent, economically developed countries, birth rates are declining. With increasingly aging populations, there is growing concern about how to maintain economic productivity and to support the existing welfare and pension systems, as well as about how to provide care for the elderly and infirm. There is therefore growing demand for labour in these countries, especially for cheap and flexible labour. Thus, as well as competing for highly skilled workers, many destination countries need to recruit workers for lower skilled sectors where there are acute labour shortages. Many governments have responded by designing temporary labour migration programmes that channel migrant workers into sectors of the economy where there are labour shortages. Around 86 million of the world's estimated 191 million migrants are believed to be labour migrants:

Migration today serves as an instrument for adjusting the skills, age and sectoral composition of national and regional labour markets. It provides responses to fast-changing needs for skills and personnel due to technological advances, changes in market conditions, and industrial transformations. In countries with aging populations, migration offers a potential for replenishing a declining work force, as well as injecting younger workers, and increasing dynamism, innovation and mobility in the labour force.¹²

Governments of migrant-sending countries also have an economic interest in migration. Remittances from migrants substitute for social welfare that states are either unable or unwilling to provide. Migrant remittances to developing countries reached almost US\$80 billion in 2002, exceeding the net foreign direct investment for the first time.¹³ By 2005, at least US\$232 billion was sent back home globally by around 200 million migrants to their families, three times official development aid (US\$78.6 billion).¹

Economic restructuring imposed on developing countries by world financial institutions through structural adjustment programmes since the 1980s has generated strong migratory pressures for certain segments of the population. Mexico provides one of many examples. The effect of adjustment policies has been to drive those who live in the countryside into unemployment and poverty. The average daily wage in rural areas is less than half the minimum wage; in the communal lands of the ejidos of Mexico, less than half of the houses have running water, and only 16.5 per cent are connected to sewers; and malnutrition affects around 44 per cent of native Indian children under 5 years of age. "For the Mexican farmers and peasants poverty means forced migration – abandoning one's land and family. /.../ SEDESOL (Secretaria de Desarrollo Social) estimates that on average 600 peasants migrate from the rural sectors every day".¹⁴

Processes of globalisation are widely recognised as having led to highly uneven forms of economic development, contributing to an increasingly unequal distribution of wealth both within and between nations during the last three decades of the

12. OSCE, 2006, p. 12

13. Kapur, 2005a, p. 28

14. Quintana, 2004, pp. 257-258

twentieth century.¹⁵ The number of people living on less than US\$1 per day rose by almost 18 million between 1987 and 1998, and yet: “The incidence of poverty has increased in the past few years not because the world as a whole is getting poorer, but because the benefits of growth have been unevenly spread.”¹⁶ Not only are there massive disparities of income between rich and poor nations, but also, within countries there are often huge gaps “between regions and districts, especially between urban and rural communities”.¹⁷

So, for example, economic development in China through the 1990s has generated vast inequalities in terms of the living standards and life chances of those at the hub of economic growth, and those at its margins. Average rural incomes remain less than half of that enjoyed by urban city dwellers, and earnings from agriculture continue to stagnate.¹⁸ This has prompted perhaps the largest internal migration in the world, with more than 100 million migrant workers now living in urban areas.¹⁹

In Latin America too, economic restructuring has sharpened social inequalities and intensified the polarisation of wealth. In Brazil, the rate of child malnutrition increased from 12.7 per cent of all children in 1985 to 30.7 per cent in 1990. The UNDP’s Human Development Index (an aggregate measure of well-being based on life expectancy at birth, educational attainment and GDP per capita) decreased for many Latin American countries in the 1990s.²⁰ Such inequalities have been a trigger for migration as people seek to move to more prosperous cities or countries.

In some places, economic decline (in combination with political and social destabilisation) has taken place so rapidly that a majority of the population wish to migrate. An extremely high percentage also manages to do so. For example, out of a total population of 4.3 million, between 600,000 and one million people have left Moldova since independence in 1991.²¹

2.2 Democracy, Political Instability and Human Security

In many countries and regions, political instability, corruption, authoritarian government, and various forms of armed conflict have added to the pressure to migrate.²² Many millions have been displaced (often internally) by recent conflicts and wars in the Balkans, Rwanda, East Timor, Afghanistan, Iraq, and Sudan, to name but a few.

However, militarization, armed conflict, and corrupt and authoritarian political regimes are not the only factors threatening human security. For women and children in particular, domestic violence and/or the consequences of family breakdown (often linked to economic decline and political and social destabilisation) may rep-

15. Castells, 1998

16. UNRISD, 2000, p. 11, cited in Sklair, 2002, p. 48

17. Sklair, 2002, p. 49

18. AMC, 2000, p. 116

19. Cai et al, 2002

20. Robinson, 2004, pp. 46-47

21. UNICEF, 2001, p. 9-10

22. GCIM, 2005

resent the most significant menace to well-being, and the desire to escape domestic violence has been identified as one of the factors that can motivate migration.²³ Human security is also threatened by disease, and HIV/AIDS in particular is known to have acted as a trigger for migration, especially child migration, in some regions.²⁴

Climate change associated with rising emissions of greenhouse gases represents another key threat to human security. Around 30 per cent of the world's population (some 2 billion persons in 2000) live in drylands, where droughts and floods are now having a serious impact on survival. Processes of desertification lead people to abandon degraded land and are ultimately associated with rural to urban migration, or transnational migration.

Climate change also appears to be associated with an increasing threat of "natural" disaster. In the last 40 years, the number of "great" disasters has increased by a factor of 4. The impact of these events on the social and economic conditions of affected human populations is of special concern.ⁱⁱ

2.3 Culture, Communications, Curiosity

People choose to move around the world for positive reasons as well as (and sometimes rather than) being driven to leave their homes by the kind of factors discussed above. Improved communications and the relatively low cost of long haul travel have increased the flow of people from affluent countries about the globe (as gap year and exchange students, tourists, international businesspeople, aid workers, and retirees, for example). Some settle abroad permanently. For example, some 5 million Britons now live abroad, mostly in Spain and Australia.²⁵

Similarly, there are people who migrate from and between developing countries for purposes of family reunion, to enjoy opportunities for leisure and personal development, to satisfy their curiosity, and to further their education.ⁱⁱⁱ

2.4 Migration as Exceptional and Unequal

In view of the vast inequalities between affluent and developing nations, and given the extent of the suffering that is the lot of so much of the world's population, it is more surprising to learn that around 97 per cent of people remain in their country of origin than to discover that 3 per cent migrate internationally.

Recognising that migration is the exception, rather than the rule, draws attention to the fact that it is not simply driven by "push" factors. Instead, migration scholars argue it is the outcome of an extremely complex interplay between macro-level structures, micro-level institutions and individual agency. Broader social, economic and political structures provide the context in which individuals and groups must decide whether or not to migrate. Their decisions are, however, strongly influenced by their own personal histories, identities and resources; their connections with social net-

23. ESCAP, 2000; Skrobaneck, 1997

24. Ansell and van Blerk, 2004

25. Morris, 2004

works in a destination country; and by the extent to which out-migration from their country or region is institutionalized.²⁶

There are contexts in which people leave because their homes have been destroyed by war or natural disaster or because they face a stark choice between leaving home or certain and immediate death. Migration – especially international migration – is however not normally an automatic or unthinking response to a hopeless and desperate situation. It is instead a strategy for improving living standards and life chances and attaining goals that appears realistic on the basis of the resources and information available. Such resources and information are not evenly divided amongst or between populations. Unequal access to mobility thus mirrors more general patterns of inequality structured along lines of class, gender, age, race, ethnicity and/or caste.

Possibilities for migration are also shaped by global political and economic inequalities. There are massive asymmetries between the migration opportunities open to those from poorer countries (even those who are relatively privileged) and those from more affluent nations.²⁷

26. Boyd, 1989, Massey et al, 1993, Kofman et al, 2000

27. Neumayer, 2006

3. *Conceptual, Political and Methodological Issues*

Even from the very brief sketch of the varied factors driving migration provided above, it should be clear that human movement around the contemporary world is a diverse and enormously complex phenomenon. Indeed, it is difficult even to define the term “migration” clearly, or decide precisely which forms of human mobility should be included under its rubric. Some scholars have argued that “when a child moves from cradle to bed, leaves home for his first day at school or goes courting in the next village” it represents a form of migration, albeit of a limited kind.²⁸

Although stretching the concept in this way renders it virtually meaningless, efforts to limit it inevitably politicise the definition. How do people decide which forms of mobility to include and which to exclude except through reference to a set of cultural norms, moral values and political concerns? Thus, the child of the British expatriate in Hong Kong who is sent to boarding school in the UK is not normally described as a “child migrant”, but the child of a West African family who is sent to live with relatives in Britain where s/he will receive schooling is. And so on.

On the basis of concerns about their economies and labour markets, as well as about national sovereignty and security, and/or national/racial/ethnic purity, states draw lines between different types of movement, and assign different immigration statuses to individual migrants. In so doing, they carve what is a complex, fluid and diverse phenomenon into a series of crude and often oppositional categories – legal or illegal, voluntary or forced, permanent or temporary, labour migration or family reunion migration, smuggling or trafficking, etc. They also attach equally rudimentary labels to migrants – “asylum-seekers”, “immigration offenders”, “seasonal workers”, etc. Yet in reality, at any one time a migrant may belong to two or more of the categories used by states to describe and classify migration. Over time, s/he may move between categories. An individual can be both a smuggled person and an asylum seeker; or a labour migrant and a victim of trafficking; and so on.

While the distinction between “types” of migration (especially legal or illegal) may be of importance from the standpoint of the state, it is not necessarily significant from a human or child rights perspective. This is because a migrant’s vulnerability to rights violations is not determined in a straightforward way by immigration status. Though illegality in itself may represent a form of vulnerability, legality is no guarantee of security and protection.²⁹ Just as legal entry into a state may be followed by an experience of exploitation and abuse, illegal migration can represent a means through which an adult or child secures rights and freedoms. In other words, the legal/illegal binary does not neatly translate into unproblematic/problematic migration from the standpoint of migrants.³⁰

28. Jackson, 1969, p. 1, cited in Cohen, 1989, p. 33

29. AMC, 2000; Anderson and Rogaly, 2005; ILO, 2005

30. De Genova, 2002

A further set of conceptual problems arise from the fact that dominant perceptions of, and policy responses to, migration are intimately connected to social ideas about gender and age. Migration has typically been imagined and theorised through reference to adult men's movement, with women and children pictured as merely tagging along behind the primary male migrant.³¹ The stereotypes that present women and children as incapable of independent economic or political action and passively dependent upon adult males to support and protect them, make women and children's vulnerability to exploitation and abuse in the migratory process hyper-visible. This has led to widespread calls for the protection of women, as opposed to the protection of women's rights,³² which at policy level often translate into efforts to further restrict women's already limited opportunities for migration. For example:

*The construction of women exclusively through the lens of violence has... spawned initiatives by some states that impose minimum age limits for women workers going abroad for employment. In 1998, Bangladesh banned women from going abroad as domestic workers... In a similar vein, although not entirely prohibiting migration by women, the Nepal Foreign Employment Act 1985 prohibits issuing women with employment licenses to work overseas without the consent of the woman's husband or male guardian...*³³

Likewise, much of the growing literature on child trafficking either implicitly or explicitly reproduces a view of children as a group defined by their naivety, passivity, incompetence and dependence. This creates the impression that independent migration by children invariably entails rights violations, leading to a policy emphasis on preventing child migration and raising young people's awareness of the risks of migration, rather than on measures to make migration safer.³⁴ It also deflects attention from the rights violations that prompt many children to migrate, and from the positive aspects of many child migrants' experience.

3.1 Methodological Problems

Given the conceptual problems associated with the phenomenon, its diversity and fluidity, and the fact that many forms of migration are criminalised, it is difficult to produce reliable estimates of the number of individuals and families that have migrated and/or are affected by migration. In countries of origin, comprehensive data on those who leave the country are rarely collected. In destination countries, responsibility for gathering and evaluating migration data may be dispersed amongst a number of different government bodies and/or international organisations, such that data are not always recorded using the same categories, definitions or formats.³⁵ Many of the estimates about specific types of migration are extremely crude, and based upon a series of extrapolations and assumptions, rather than "hard" facts about

31. King, 2002

32. Miller, 2004

33. Kapur, 2005b, p. 100

34. Marshall and Thatun, 2005, p. 50

35. Whitehead and Hashim, 2005

the numbers of people involved.³⁶ Reliable data on child migrants are even harder to come by. Many of the key sources of information on migration as a whole are not disaggregated by age, and:

*sources that do pay attention to age are often unclear about the definition of age used to specify who a child is and their relation to international conventions; which generally define children as those below the age of 18... It is also not uncommon to distinguish between children up to the ages of 14, 15 and 16 from those in the older category of 16 to 18. This is particularly the case with respect to children's work. ILO guidelines give different cut-off points at which children should be allowed to engage in work, which are then reflected in country legislation.*³⁷

Intense but selective advocacy activity on particular sub-groups of child migrants (refugees, trafficked children and street children) has also distorted perceptions of child migration, and served to invisibilise child migrants who do not fall into these categories. Few estimates are available on “how many other children are moving, for what reasons and, of course, the relation between hazardous child migration and more benign forms”.³⁸ Thus, although there is a vast literature on many aspects of the experience of many different groups of migrants, and a sizeable body of research on various aspects of children's experience as migrants, it is difficult to retrieve from this literature a balanced assessment of the many different child rights issues associated with migration.

Furthermore, there is good reason to believe that many of the worst violations of the rights of migrant children go unobserved and unrecorded. They take place invisibly partly because the children have themselves been made invisible by the immigration systems of the host state. Children and families without legal immigration status risk deportation if they come to the attention of the authorities. It is therefore almost by definition impossible to accurately determine the numbers of irregular migrant children who are *not* enrolled at school; who are *not* registered with a doctor; who do *not* report crimes against them, and so on. Rights violations also take place invisibly because receiving states routinely fail to collect the kind of data that would allow us to evaluate the impact of their immigration controls on children (border deaths disaggregated by age, for example), and/or refuse to allow researchers, child rights advocates or service providers access to settings where child migrants' rights are at risk (such as immigration detention centres).

Finally, methodological problems arise from the fact that research on migration has so often been policy driven. Its definition of its subject matter, as well as “its research questions, methods and even findings are shaped by the political interests of governments and funding bodies”.³⁹ In general, this means approaching migration, including child migration, as a problem, and focusing on its negative consequences – without paying similar attention to its benefits either for individual migrants or for receiving states. Although for advocacy purposes, it is vitally impor-

36. Anderson and O'Connell Davidson, 2003

37. Whitehead and Hashim, 2005, p. 8

38. Ibid

39. Castles, 2003, p. 25

tant to gather data on the problems and social injustices faced by migrants, this selective focus encourages a tendency to imagine migrants as eternal victims rather than active (if constrained) agents. It also makes it very difficult to describe positive aspects of the migrant experience. Research becomes a self-fulfilling prophecy.

If our primary concern is with children's rights, we cannot start from the assumption that migration is, in itself, a problem. It is vital to recognise that migration, whether through legal or irregular channels, and whether with or without parents or family, may represent a child's only or best chance of accessing basic rights set out in the CRC. We therefore need to ask which children migrate and why, when and why the process of migration puts children at risk, and when and why child migrants are vulnerable to abuse, exploitation and other rights violations in the country of destination. We should also concern ourselves with questions about the consequences of remaining at home when others migrate.

Above all, we need to ask whether children who migrate are *inevitably* exposed to risks, or whether their vulnerability is politically and socially constructed. For reasons outlined above, the existing research literature does not always make it easy to address these questions. However, as the following review will show, there is evidence within it that suggests the harms that all too frequently attend on child migration are not the inevitable consequence of *migration*. Instead, they largely reflect a lack of political will to protect the rights of those who move, and the prioritising of immigration control over the protection of the human and child rights of migrants.

4. *Children's Motives for Migration*

The CRC defines “children” as persons below the age of 18. The term “child” thus spans what is a condition of complete and absolute dependence on older carers through to what may be a state of partial or complete independence from such carers, or a state in which the person has acquired responsibility towards older or younger dependants. It follows that where children are concerned, it is not necessarily the migrant her or himself who makes the rational calculation as to the potential benefits and risks of migration. Adults or sometimes older children necessarily make these decisions on behalf of babies and small children, either taking dependent young children with them when they themselves migrate, or arranging to send them abroad.

Intercountry adoption is a phenomenon that is currently estimated to involve more than 30,000 children a year moving between more than 100 countries.⁴⁰ It represents another important form of child migration in which children themselves exercise little or no agency. Even older child migrants have not necessarily initiated or agreed to the decision to migrate, and some may be forced or pressured into migrating by an adult. However, older children, especially teenagers, also have the capacity to make independent decisions about migration and can therefore be involved in “autonomous” migration.

To speak of “child migration” is thus to speak of a phenomenon that is highly differentiated in terms of who initiates it, as well as in terms of the reasons that prompt it. Since a broad overview of factors that prompt adult and family migration has been provided in Section 2, this section will only focus on evidence on children's motives for independent migration.

4.1 *Independent Labour Migration*

A central motive for children's independent migration, and one that children themselves often give as the reason for migrating, is “their need or desire for income”.⁴¹ This need or desire may arise for a number of different reasons. As noted above, subsistence and employment opportunities in many rural areas have been systematically undermined by structural adjustment measures and global economic restructuring, as well as by climate change.⁴² It follows that when rural children reach the age at which they would normally be expected to start earning independently and/or contributing to the family income, they are often unable to find paid work in their home area. Many therefore migrate to where work is available, a decision that is often viewed as positive by both the children concerned and their parents. A number of studies report that parents “actively encourage or support the migration of their chil-

40. Selman, 2002

41. Whitehead and Hashim, 2006, p. 28

42. See, for example, Save the Children, 2003

dren, seeing it as opening opportunities for a better future to them”.⁴³

When children are orphaned, or their parent(s) fall sick, they often find themselves in a situation whereby they need to earn money to support themselves, sometimes also their dependent younger siblings or ill parents. As the literature on AIDS orphans shows,⁴⁴ this can be a trigger for independent labour migration.^{iv} Similarly, when persons under the age of 18 have children of their own, they need to support them economically. If this is difficult or impossible to achieve in their home village or town, or in their home country, labour migration may appear to be the best option.

There is a good deal of research evidence to suggest that independent child labour migrants are vulnerable to exploitation and abuse at the point of destination (see Section 6 below). However, employment relations and working conditions range along a continuum, and even when we focus on the poorest and most exploitative end of the spectrum, there are still gradations in terms of just how dangerous, exploitative and poorly paid work is. If we also remember that when children migrate, they are not necessarily leaving an environment within which their rights are guaranteed, then it is easier to understand that labour migration (even into working conditions that are far from ideal) can be viewed by the children concerned as having positive, as well as negative, outcomes.

For instance, research in Tempene Natinaga, Ghana, found that children who remained in their place of birth working for their own families were often expected to undertake extensive and heavy labour without pay, and enjoyed few of the basic rights set out in the CRC. It also found that children who migrated to work were often positive about their experiences. Migrant work afforded them “the opportunity to develop important relationships or skills, and to earn an income which they had significant control over and which allowed them to buy the things necessary for their progression into adulthood”.⁴⁵ The same point emerges from interviews with child labour migrants in several African and South Asian countries.⁴⁶ These interviews show that such children are often vulnerable to a range of different forms of abuse and exploitation. They also demonstrate that many child labour migrants are actively pursuing their own goals and dreams and evaluate the experience of migration positively. This is illustrated by the following extract from an interview with a 17 year old who had migrated from Karnakata to Bangalore at the age of 13:

“The advantages of life as a migrant include good food, life in the city, increased income, business contacts and the opportunity to search for alternative options in the future. There are no disadvantages.”⁴⁷

If, instead of imagining that independent child migration is always a desperate last resort, we think about the positive value that many children, their parents and their wider community attach to opportunities to migrate, it becomes easier to explain

43. Whitehead and Hashim, 2005, p. 26; Caouette, 2001; Save the Children UK, 2006

44. Ansell and Young, 2003a and b, 2004; Evans, 2005

45. Hashim, 2003, p. 12; see also Busza, Caste and Diarra, 2004

46. Anarfi et al, 2006

47. Anarfi et al, 2006, p. 24

some otherwise inexplicable observations. It helps us to understand the fact that often those who migrate from difficult circumstances are those who are the least disadvantaged, at least in relative terms. Thus, research in Mali and Burkina Faso on children migrating to work in gold mines found that although children gave poverty as a motivation for migration, it was not children from the poorest families who migrated. Access to credit was significant in being able to arrange a child's migration.⁴⁸ Similarly, the fact that older children are more likely to migrate independently, and that teenage boys are more likely than teenage girls to attempt international migration suggests that independent migration is often the preserve of those who enjoy (relatively) greater social privilege. In the United States in 2005, for example, some 73 per cent of child migrants identified by the authorities were male, and the vast majority (74 per cent) were aged 14 or above.^{49 v}

4.2 Independent Education Migration

The links between education and migration are complex, and can vary significantly between contexts.⁵⁰ Research on independent education migration paints a mixed picture of the outcomes for children (see Section 6). It also reveals that it is difficult to sharply demarcate education migration from other forms of migration.

Only a privileged minority of the world's parents are in a position to send their children to be educated in schools in another part of their own country or abroad, and to fund every aspect of the child's life away from home. Education migration thus often overlaps with labour migration, as well as with migration to live with real or fictive kin who may expect or demand that the child carries out domestic work within the home, or earns outside the home to contribute to her or his keep.⁵¹

4.3 Other Motives for Independent Migration

In 2005 there were 1.5 million displaced children living in refugee camps in the Darfur region alone. Since the conflict there began it is estimated that some 3 million children have been displaced.⁵²

Internal displacement of children is also a problem in Latin America. Amongst its causes are threats, assassinations, the arrival of armed groups, the fear that children may be recruited to armed groups and the destruction of crops. A large number of people have fled Colombia for Ecuador and Venezuela and as many as 11,000 children are fighting in Colombia.⁵³ The U.S. sponsored remilitarization of Latin America in the name of the wars on terrorism and on drugs seems likely to ensure that the problem will persist in the region for the foreseeable future.^{vi} Natural disaster and armed conflict also serve as triggers for independent child migration, espe-

48. Delap, Onedrago and Sogba, 2004

49. Ludden, 2006

50. Whitehead and Hashim, 2005, p. 27

51. Orellana, 2001

52. UNICEF, 2005 and 2006a

53. Human rights watch, 1999

cially when children have lost parents/carers. As noted earlier, domestic violence is also a factor known to prompt migration. The desire to achieve independence from parents/carers who are neglectful and/or sexually or physically violent can trigger the decision to migrate and find work elsewhere in the country or abroad.⁵⁴ The desire to escape homophobic discrimination and violence can also be a motive for children to migrate,⁵⁵ but this remains an under-researched area.

No matter who makes the decision to migrate and for what reason, the risks and dangers are far greater for those who attempt to enter another country through irregular channels than for those who are in a position to migrate through legal channels.

54. O'Neill and Barbaret, 2000; ESCAP, 2000; Iverson, 2002; Mayorga and Velasqueth, 1999

55. Aggleton, 1999

5. *Children in Transit*

5.1 *Legal Channels of Migration for Children*

Opportunities for persons under the age of 18 to migrate both legally and independently are extremely restricted. They may be able to secure visas to enter as students or as au pairs ((from the age of 17 in EU countries). However, on the whole the legal channels of migration open to children entail dependence on an adult. Immigration law very often treats children as objects rather than actors, and implicitly reproduces a conception of children as parental property.⁵⁶ Thus, children may be entitled to enter a country as the dependants of adults, or in order to become the dependants of adult kin, foster carers or adoptive parents.

Opportunities to cross borders legally are highly unequal. In general, those who hold passports from OECD countries will find themselves subject to far fewer restrictions for travelling abroad than those who hold passports from non-OECD countries. “The passport holders from the 25 countries facing the smallest number of visa restrictions are all Western high-income OECD countries, with the exceptions of Malaysia and Singapore, which are also relatively high-income countries”.⁵⁷ Those who find it most difficult to legally enter foreign countries hold passports from countries “with a history of violent political conflict (e.g., Afghanistan, Iraq, Somalia), countries with a strictly autocratic regime (e.g., Northern Korea and Myanmar), very poor countries (e.g. Ethiopia and Haiti) or countries with some combination of these aspects”.⁵⁸ In other words, those who are most likely to have good reason to wish to migrate across borders are those who are least likely to be able to do so legally.

There is no easy correlation between the legality of the mode of entering another country, and the safety of the child at the point of destination. As will be seen in Section 6, children who enter a country legally can end up in extremely abusive and/or exploitative conditions. Very often, their vulnerability to abuse and exploitation is linked to the hyper-dependency on adults that is constructed by immigration regimes. However, the absence of opportunities for children to migrate legally does have some specific implications for children's rights. It increases the likelihood that children will be left behind when their parents or carers migrate (see Section 7). It also increases the likelihood that those who do migrate will move through irregular channels.

5.2 *Moving Through Irregular Channels*

It is widely recognised that the introduction of ever more restrictive immigration policies and tighter border controls by affluent, migrant-receiving countries has led to the emergence of a growing market for clandestine migration services. These services include smuggling across borders, faking travel documents, and arranging marriages.⁵⁹

56. Thronson, 2002

57. Neumayer, 2006

58. Ibid

59. Sanghera, 2002; Kempadoo, 2005; Kofman et al, 2000; ILO, 2002a

Very often, adults and children fleeing war and persecution to seek asylum are also dependent on such clandestine migration services in order to make their escape. However, moving through irregular channels generates two sets of risks for child as well as adult migrants. First, it can jeopardize their physical safety and expose them to dangers during the process of movement. Second, it can lock them into forms of dependency on unscrupulous third parties after they have reached the country of destination (see Section 6.1.3).

Though it would be wrong to assume that all forms of clandestine migration are physically dangerous, death during transit is nonetheless the starkest risk to many irregular migrants. The organisation UNITED for Intercultural Action has been collating known cases of deaths at the borders of the European Union since 1993, and by 2006, had documented more than 6,700 deaths of refugees and migrants. These deaths were attributable “to border militarisation, asylum laws, detention policies, deportations and carrier sanctions”.⁶⁰

UNITED’s figures are undoubtedly underestimates when triangulated with other data sources, and are not fully disaggregated by age. However, the data show that at least 166 of those who have died have been under 18. They include Todor Bogdanovic aged 8, a Roma from former Yugoslavia, who was shot dead by police when attempting to enter France; Tarik Vucitema, an 18 month old baby from Kosovo who drowned near Brindisi after a boat collision; Marun and Basil Adeba aged 2 and 4, from Iraq who froze to death in a refrigerated lorry attempting to reach Greece from Turkey; and Kalender and Zelida Kalendergil aged 16 and 10, Kurds from Turkey who suffocated in a cargo container travelling from Belgium to Ireland.⁶¹

Sea passages are particularly perilous, often involving several days spent without adequate food or water, in blazing heat, on dangerous seas in flimsy vessels. Most of the refugee and migrant deaths documented by UNITED occurred between Africa and Spain in the Strait of Gibraltar, around Malta and on the way to Italy.

In the first ten months of 2006, between 500 and 3,000 West Africans are also estimated to have drowned whilst attempting journeys from the coast of West Africa to the Canaries. Around 25,000 – including 700 children – reached the Canaries alive. Again, no reliable information on the age of those who died is available, but in November 2006, 13 children drowned when the ship they boarded from the coastal area of Boujdour in Western Sahara, sank on its voyage to the Canary Islands.⁶²

Irregular migrants, both adult and child, also face other risks during transit. In particular, women and girls are known to be vulnerable to sexual harassment and abuse. Research on migrant women travelling alone through Central America en route to Mexico found that male migrants sometimes forced female migrants to have sex with border authorities in order to guarantee safe passage for the entire group. There are also reports of security officers and fellow migrants sexually abusing sub-Saharan African women and minors in transit through Morocco to Spain.⁶³

As noted above, asylum seekers as well as other migrants are often exposed to risks and dangers. One study found that 53 per cent of refugee children in Sweden had experienced a difficult or dangerous escape.⁶⁴

60. UNITED, 2007

61. Ibid

62. Reuters, 2006

63. UNFPA, 2006

64. Angel, Hjern and Ingleby, 2001

6. *Migrant Children in the Country of Destination*

Child migrants are not a homogeneous group, and the mere fact that they are migrants does not automatically place them at risk of rights violations. Those who migrate through legal channels with relatively affluent parents are generally fully able to secure all the rights set out in the CRC, and some child migrants are far less vulnerable to exploitation and abuse than many non-migrant children in the country of destination (for instance, children of expatriate Westerners living and working in developing countries).

Other children who migrate are not so fortunate. In analysing why some child migrants are vulnerable to rights violations at the point of destination, we need to pay particular attention to three (often interrelated) sets of factors that serve to construct this vulnerability:

- The impact of the destination country's immigration regime on migrant children and/or their parents/carers;
- The economic situation and labour market position of child migrants and/or their parents/carers;
- The impact of racism, xenophobia and other forms of discrimination against some groups of migrants.

An immigration regime is "the system of laws, regulations and practices by which a state sets out who can live within its territory and under what conditions. A person's immigration status refers to how they are positioned within that system, and in particular whether they are 'regular', with a legal right to be present (though not necessarily to work) in the country; or 'undocumented', in which case their presence in the country constitutes a criminal act".⁶⁵ Politicians, journalists and lay-persons thus often think in terms of two groups – "legal" and "illegal immigrants". And yet, as those concerned to promote and protect the rights of migrants point out:

*The use of the term "illegal" can be criticized for three reasons: 1) due to its connotation with criminality, and most undocumented migrants are not criminals; 2) defining people as "illegal" can be regarded as denying them their humanity; and 3) labelling "illegal" asylum seekers who find themselves in an irregular situation may further jeopardize their asylum claims.*⁶⁶

It is estimated that there are some 5 to 8 million undocumented migrants in Europe alone.⁶⁷ Research shows that their legal entitlement to basic social services varies widely between EU member states,^{vii} and suggests that they are one of the

65. Anderson, 2000, p. 176

66. PICUM, 2007, p. 1

67. GCIM, 2005

groups facing the greatest risks of poverty and social exclusion in Europe today.⁶⁸ The same basic points hold good in relation to all other regions of the world. Although legality is not, in itself, a guarantee of security and protection, as will be seen below, being politically constructed as “illegal” makes it much harder to access health services, education, justice and social protection. It also exposes children to violence, abuse and other forms of harm from state actors charged with controlling “illegal immigration”.⁶⁹

6.1 Vulnerability to Labour Exploitation and Abusive Employment Practices

There is a large and growing research literature documenting working conditions and employment relations for migrant labourers in Europe and North America. Much of it focuses on sectors where there is a high demand for cheap and unprotected labour. It reveals that in sectors such as agriculture, construction, hospitality, and domestic work that depend on cheap, low-skilled and/or seasonal labour, migrant workers often endure low pay, extremely poor living and working conditions, and are sometimes subject to forced labour, violence and other forms of abuse.⁷⁰ Research on forced labour in a number of countries shows that undocumented migrant workers are particularly vulnerable to coercion, hyper-exploitation and physical abuse.⁷¹ Unfortunately, however, this literature rarely singles out migrants below the age of 18 for special attention. Researchers do not always even state whether or not under 18s were present amongst the groups of migrant workers they studied.

Such comments as are made on age tend to suggest that in Western Europe and North America at least, child migrants do not constitute a large presence in the sectors that depend most heavily on undocumented migrant labour. In the absence of systematic and focused research, however, it is impossible to confirm or dispute this observation.^{viii} In other regions, research indicates that larger numbers of independent child migrants are present in the labour forces that contribute to the profitability of key economic sectors. So, for example, in Honduras, there is internal migration of children to work in the melon and coffee sectors;⁷² children as well as adults migrate from Bolivia to Argentina as seasonal agricultural workers;⁷³ in Ghana, internal child migrants are present on cocoa farms;⁷⁴ and in Mali and Burkina Faso, large numbers of children migrate to work in the gold mines.⁷⁵

Though policy concern often focuses on independent child migrants' vulnerability, children who migrate with their parents/carers are by no means guaranteed

68. PICUM, 2007; Fekete, 1999

69. Bicchieri and LeVoy, 2007

70. PICUM, 2007; Calavita, 2004; Schlosser, 2003; Anderson, 2000; Parrenas, 2001; Gatti, 2006

71. Tyuryukanova, 2004; ILO, 2005; Anderson and Rogaley, 2005

72. Nizan, 2004

73. Bastia, 2005

74. Berlan, 2004

75. Delap, Onedrago and Sogba, 2004

protection from exploitation and abuse. Indeed, many are subject to intense labour exploitation. For example, the sugar cane industry, Brazil nuts industry, and the private ranch sector in Bolivia are all heavily dependent on forced labour, mostly involving internal migrants.⁷⁶ Workers are recruited from areas where large populations of poor, indigenous or “mestizo” people live, and many of those subject to forced labour are children. It is estimated that almost half of the 33,000 people who work harvesting sugar cane are women and children, and of the children, 7,000 are below the age of 14. Most of these children have migrated into such conditions with their families. There are many other examples of entire families of migrants being subject to forced labour in Latin America, Asia, and Africa.⁷⁷

In Europe too, children who have migrated with their parents often work. Research⁷⁸ has identified migrant children in Norway working for family businesses, shops and farms. In Italy, Moroccan and Chinese children were found to be working outside school hours in family businesses. Other Moroccan children were living and working with relatives in order to send money home to their parents. These were low-paid and informal jobs. The report observes that such child work need not be a problem, providing it does not negatively affect education and is not exploitative or harmful in other ways. However, it also comments on the fact that in some European countries migrant children are more likely to work than national children, and their work is more likely to be illegal. The report concludes that such child labour often reflects a failure to enforce appropriate regulations.

More generally, it can be argued that failure to enforce labour legislation and to adequately monitor workplaces, places both adult migrants and those aged below 18 at risk. Better enforcement can thus play an important role in protecting and promoting the rights of migrant workers. However, where enforcement mechanisms are tied to immigration controls, undocumented workers do not necessarily benefit from stricter enforcement and may even be harmed by it. The current emphasis on employer sanctions and labour inspection in the EU does not automatically assist in the struggle to promote and protect the fundamental rights of irregular migrants.⁷⁹ There is particular concern about the fact that “the labour inspectorate in a number of member states of the European Union is obliged to report a worker’s irregular status to the immigration authorities”. This seriously undermines the rights of undocumented workers.⁸⁰ It may also heighten pressures on undocumented migrants to seek work in the informal sector, where they may be at still greater risk of abuse and exploitation.

6.1.2 Vulnerability in the Informal Sector

There is much research to show that independent child migrants often end up working in the informal sector, a phenomenon that cuts across both the affluent and developing world. Whether in Europe, North America, Latin America, Asia or

76. Sharma, 2006

77. ILO, 2005

78. Cecchetti, 1998

79. PICUM, 2007

80. Ibid, p. 6

Africa, this very often means working in illegal and/or unregulated markets, such as prostitution or domestic work, or attempting to hustle a living on the streets through ambulant vending, begging, petty crime, garbage scavenging and so on.⁸¹

Child migrants' earning opportunities in the informal sector are highly gendered. Girls' participation both in street and indoor prostitution has received a great deal of research attention. Research suggests that those aged under 18 typically work alongside migrants aged over 18 in the sex industry, rather than working in some discrete market niche for "child prostitutes", and are recruited or migrate into the sex sector in the same way, and for the same reasons as their adult counterparts.⁸² Because of the stigma that attaches to prostitution, and because the health and other risks associated with this form of earning are well known, as is its frequent association with poor working conditions and various forms of slavery-like employment practices, it is often assumed that women and children cannot be openly recruited into prostitution, but must rather be forced into it by a third party. However, the earnings from prostitution can genuinely be very much higher than any other form of employment open to teenagers and young women,⁸³ as well as from alternative activities in the informal sector, such as begging.⁸⁴

In particular, earnings from prostitution and sometimes also working conditions can compare favourably with those from live-in domestic work, which remains the most common form of informal employment for girls in the contemporary world. Though frequently imagined as the very antithesis of prostitution, domestic workers are also known to be "especially vulnerable to forced labour because of the unprotected nature of their work and the highly personalized relationship between worker and employer".⁸⁵ Thus, for example, a study in Bengal found that though parents often believed that internal migration for employment as a live-in domestic worker would be a good opportunity for their daughters to earn money and gain experience, child domestic workers were in fact vulnerable to a range of abuses, including low pay, not enough rest, inadequate food, and physical and sexual abuse. In addition, they were often required to work too hard, or to perform tasks that they were too young to safely undertake.

Indeed, the aspects of domestic work that made it appear to parents as a safe form of employment for children (the fact it is undertaken in the supposedly protective environment of a private home) actually make child workers vulnerable, since abuse and exploitation within private households is hidden from public view.⁸⁶ There are many other reports on live-in child domestic workers that come to similar conclusions.⁸⁷ However, "the few studies that have listened to child domestic workers themselves find them much more positive about their experiences".⁸⁸

81. Scanlon, Tomkins, Lynch and Scanlon, 1998; Martin and Parry-Williams, 2005; Francavilla and Lyon, 2002; Cecchetti, 1998; Psimmenos, 2000

82. Lim, 1998; Brown, 2000; Sutton, 1994; Siden, 2002; O'Connell Davidson, 2005

83. Fiengold, 1998, 2000

84. Black, 1995

85. ILO, 2005, p. 50

86. Manabendranath, 2006

87. Blanchet, 1996; Innocenti, 1999

88. Whitehead and Hashim, 2005, p. 33

6.1.3 Migration, Debt and Dependency

Whether child migrants work in the formal or informal economy, migration-linked indebtedness is very often a factor that heightens their vulnerability to abuse and exploitation. In the absence of opportunities to move legally across borders, many would-be migrants rely on friends or relatives with experience of migration, and/or a variety of paid intermediaries to assist them both with travel, and with finding work and accommodation on arrival.

Debt can be a feature of legal labour migration,⁸⁹ but for irregular migrants, it often builds up in a number of ways. Money to cover the costs involved in preparing for the journey and securing real or fake travel documents, and/or the price of the passage by air, sea or road, may be borrowed. Some journeys involve multiple border crossings, and assistance from third parties may be required to avoid border controls at each stage of the journey, adding sequentially to the costs of movement.⁹⁰ In some cases, these costs are covered by a third party on the understanding that they will be repaid by the migrant (adult or child) from earnings once s/he is in the country of destination. In others, travel and a period of employment abroad is offered as a package by a third party, often with an agreement that payment for work will be deferred until the end of the contract, minus deductions for travel and brokerage, as well as any other expenses incurred throughout the duration of the contract.⁹¹

Debt generates dependency, and dependency opens the door for exploitation and abuse. Especially this is the case when the indebted individual is living or working illegally in a country and is therefore fearful of the authorities. High indebtedness has been found to be associated with severe labour exploitation of many different groups of migrants,⁹² and can leave migrant adults and children vulnerable to violence, confinement and other abuses. However, it is also important to remember that there are different types and degrees of indebtedness, and that even a high level of indebtedness does not necessarily lead to exploitation and abuse. Intermediaries that facilitate children's migration need not necessarily be abusive or exploitative, and may even offer the child protection from exploitation and harm.⁹³ Furthermore, it is precisely because contracts of indenture and other arrangements through which the credit necessary for migration is advanced and repaid do not inevitably lead to negative outcomes that children and adults are willing to enter into them. Indeed, children may even positively value such contracts. For example, one year contracts whereby accommodation and food are provided for child migrants but wages are withheld until the end of the year are common in various types of farming in West Africa. Interview research found that most children preferred this arrangement as it meant they were not tempted to squander their earnings: "It is my opinion that it is best that [my wage] is not in my hand because if it is I will misuse it".⁹⁴

89. Anderson, 2000

90. Andrijesavic, 2002

91. O'Connell Davidson, 2001

92. see for example ILO, 2005; Anderson and Rogaly, 2005; Sharma, 2006; Cole, 2006

93. Castle and Diarra, 2003, p. 7

94. Anarfi et al, 2006, p. 9

Though migrant women and children are often presented as naïve and ignorant of the dangers presented by indebtedness and contracts of indenture, other research suggests that such arrangements are sometimes strategically chosen. A study of the movement of women from Northern Thailand into situations of debt bonded prostitution in Japan, for example, reported that they were well aware of the risks, but calculated that the risks of attempting to move independently were even higher. If a woman were to borrow the US\$5,000 necessary to travel to Japan but get turned back by the authorities “she would return to the community with a huge debt and no way of paying this off, other than attempting to migrate again”. If she entered into an arrangement by which the employer advanced the travel costs but then failed to get into Japan, the loss would be borne by the employer.⁹⁵

6.1.4 Child Trafficking

In November 2000, the UN Convention Against Transnational Organised Crime was adopted by the UN General Assembly, and with it two new protocols – one on smuggling of migrants and one on trafficking in persons. Smuggling refers to situations in which the migrant gives full and informed consent to movement while trafficking is defined as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

So far as adults are concerned, the consent of a victim of trafficking (VoT) to the intended exploitation is deemed irrelevant where any of the means set out above have been used. So far as persons under the age of 18 are concerned, not only is consent irrelevant, but also, child trafficking “does not need to involve means of coercion, deception, or any form of illicit influence, in order to meet the conditions of criminality”.⁹⁶ If a person below the age of 18 has been moved for purposes of exploitation, s/he is a VoT.

A range of governmental and intergovernmental agencies, as well as human, women’s and child rights NGOs and academic researchers have paid much attention to “trafficking” over the past decade, and have produced a vast quantity of studies and reports on the topic. The bulk of these studies focus on trafficking of children for purposes of sexual exploitation, but reports also mention children being trafficked to the Middle East to work as camel jockeys;⁹⁷ for domestic work, work in restaurants and bars, industrial labour, agricultural labour, begging, forced marriage,

95. Marshall and Thatun, 2005

96. Sanghera, 2005, p. 19

97. ASI, 2003

also for illegal adoption, stealing, drug dealing, credit card fraud, benefit fraud, and organ trading.⁹⁸

Much of the literature on child trafficking addresses questions about where, when and why children are vulnerable to trafficking, as well as documenting the experience of trafficked children.⁹⁹ However, the factors identified in this literature as leaving children vulnerable to “trafficking” are almost identical to the factors that have more generally been identified as triggering children’s independent migration. This should alert us to the very real definitional and political problems presented by efforts to distinguish between “trafficked children” and independent child migrants. As noted above, these problems are exacerbated by the fact that children very often have to rely on intermediaries of one sort or another and/or enter into some form of indebtedness, in order to realise their migratory projects.

The UN Trafficking Protocol provides little help in this regard, for whilst it states that trafficking occurs when children are moved (by any means, and with or without their consent) for purposes of exploitation, it fails to define the term “exploitation”. Without a neutral and standard measure of “exploitation”, it is often difficult to draw the line between “child trafficking” and child labour migration per se. Just how exploitative does an employment relation have to be before we can say that a child was moved “for purposes of exploitation”? And since expectations regarding the amount of unpaid labour that children will provide within households vary cross-nationally and within nations, as do social norms regarding the powers that adults can properly exercise over children, it is also unclear how, without a definition of “exploitation”, “trafficking” is to be distinguished from the legal movement of children into households, for instance, through adoption and fostering.¹⁰⁰

Because the boundary between child “trafficking” and other forms of child migration has not been clearly drawn by any of the key actors involved in anti-trafficking work, legal and other measures designed to combat child “trafficking” very often impact on all forms of migration by children. So, for example, a study that involved interviews with 1,000 migrant children in Mali found that only four had been forcibly moved. While some were experiencing exploitation, or had been exploited by the intermediaries who arranged their travel, the majority had actively chosen to migrate, and were positive about their migration. However, anti-trafficking measures in the area were premised on the assumption that all child travellers were VoTs. In the name of protecting children from trafficking, barriers to all forms of child migration were set in place, thereby making it harder for children to access the potentially positive effects of migration.¹⁰¹

Critics also point out that the current policy emphasis on stronger anti-trafficking legislation and law enforcement, tighter border controls, awareness raising cam-

98. e.g. NHRC, UNIFEM, ISS Project, 2003; GTZ, 2004; ILO, 2002b; ENACT, 2004; Pearson, 2004

99. e.g. ILO, 2000; Pestraf, 2002; ECPAT, 2006; IOM, 2002; Oxfam, 2003; Bump and Duncan, 2003; Phinney, 2002; ESCAP, 2000; Dimenstein, 1994; Centre for the Prevention of Trafficking in Women, 2003; ILO and IPEC, 2004

100. Anderson and O’Connell Davidson, 2003

101. Busza, Caste, Diarra, 2004; see also Bastia’s, 2005, study of Bolivian teenagers migrating to work in Argentina

paigns, and measures to rescue and repatriate VoTs are counterproductive in the effort to secure human and child rights. The growing emphasis on security and law and order actually helps to fuel a clandestine system of migrant-mobility within which services such as the facilitation of illegal migration and underground travel are supplied to those who want and need to cross borders.¹⁰² In other words, stronger border controls lead to increased dependence on third parties in the migration process, and so heighten rather than reduce both adult and child migrants' vulnerability to abuse and exploitation, also to extortion by corrupt border guards.¹⁰³ Furthermore, they place migrants' lives at risk, and have led to adults and children drowning on the way from Africa to Italy and Spain, suffocating in sealed containers and starving in locked trucks as they tried to enter the EU, being blown to pieces by landmines between Turkey and Greece and so on.¹⁰⁴

Critics further argue that measures to rescue and return VoTs are unlikely to seriously impact on the problem until the conditions that prompt children to migrate are transformed. A report by International Social Service Italy based on analysis of a sample of 256 Albanian children repatriated from Italy to Albania between 1998 and 2000 found that by 2001, "only 98 of the repatriated children were still in Albania, while 155 had emigrated again." Only 6 had managed to find a job in Albania.¹⁰⁵ More generally, however, there is a lack of studies evaluating the impact of anti-trafficking measures on children, and in particular, on what happens to repatriated VoTs after their return.

In addition to the above, the dominant discourse on "child trafficking" sometimes reproduces racist stereotypes about particular groups of migrants, and thereby strengthens the stigma that attaches to them. For example, Roma communities in Europe are singled out for attention as both victims and perpetrators of "child trafficking". All too often, anecdotal information and stereotypes about Roma people stand in place of reliable research and careful analysis of the nature and causes of migrant Roma children's vulnerability to exploitation. The term "trafficking" is being used to blur all distinction between criminal activities, traditional practices and survival strategies on the part of communities that are already socially excluded.¹⁰⁶

6.1.5 Education, Migration and Labour Exploitation

As noted above, education migration cannot always be neatly separated from labour migration. In some cases, this can lead to severe exploitation. A recent report on contemporary forms of slavery in Bolivia, for example, notes that there have been cases in which children are "loaned" to the owners of private ranches in return for being educated: "The children are given to the ranch owner for a year or so, and are expected to work in the employer's house in exchange for being enrolled in school. However, the children find that their labour is not considered sufficient for the exchange

102. Kapur, 2005a, p. 28; ILO, 2002a

103. see Bastia, 2005

104. UNITED, 2007

105. Rozzi, 2002, p. 19

106. Karoly, 2006

of education, and many do not attend schools".¹⁰⁷ More generally in Andean countries, the daughters of poorer families are often sent to live with better off families where they undertake domestic labour in exchange for education, an arrangement that can be associated with exploitation and abuse.¹⁰⁸

Research in Ghana reveals three different patterns of child migration that link to education in different ways. First, relatives living in the urban cocoa-growing regions of the south foster children from rural homes in the north. This can give children access to better schools and training opportunities. However, such opportunities are not always realised due to a lack of resources to care for the foster child and the fact that foster children, especially girls, may be required to assist with household labour. Second, children migrate to do apprenticeships either through being fostered or by earning the income to do so. Children themselves tend to be more interested in vocational training than formal schooling. They are also normally guaranteed food and shelter while training. The drawback, however, is that children sometimes end up working long hours, without the useful skills training that they may have had to pay for. Third, children migrate to earn an income for their own, or another family member's education. However, they often have to work long hours or are at risk of being paid poorly or not paid at all.¹⁰⁹

Since the au pair system is constructed by states as a form of "cultural exchange", rather than a form of employment, it can also be included under the heading of education migration, where it certainly highlights the strong overlaps between labour and education migration. The system is open to persons aged 17 and above, but it is extremely difficult to obtain reliable data on either the total numbers of au pairs, or their ages. This type of migration has received little attention since it is widely perceived as a benign and safe form of movement for young women. However, interview research in the UK found evidence to suggest that au pairs, including those below the age of 18, can also be vulnerable to exploitation and abuse.¹¹⁰

Even when education migration is not linked to labour exploitation, children can be vulnerable in other senses. In the South Pacific, where it is common for families from small islands to send their daughters to be educated in schools on other islands, 18 girls died in 2000 as they struggled to escape from a fire in a school dormitory in Tuvalu into which they had been locked, supposedly to protect them from sexual advances by boys.¹¹¹ A study of Korean "parachute kids" describes children who migrate to be educated in the U.S. in the hope that they will eventually secure a much-coveted place in an American university.¹¹² The children themselves generally take the lead in the decision to migrate, and their parents support the decision as part of a long-term strategy for economic advancement.¹¹³ In the U.S., the children live with Korean families that are already established in the U.S., either relatives or

107. Sharma, 2006, p. 9

108. DNI, 2001

109. Hashim, 2006

110. Newcombe, 2004

111. Underhill-Sem, 2003

112. Orellana, Thorne, Chee and Lam, 2001

113. Whitehead and Hashim, 2005, p. 27

members of the Korean migrant community. Whether or not their parents were paying the host families became an important factor in the quality of the children's lives, and they felt guilty and indebted when their parents were unable to pay. All of the children felt under great pressure to do well at school, and many expressed anguish at the sense they did not really "fit in" or belong anywhere.¹¹⁴

6.1.6 Vulnerability Arising from Economic Disadvantage

Adult members of migrant groups that occupy an economically disadvantaged position in destination countries are often struggling to survive on low incomes, and unable to afford healthy and safe accommodation. Large numbers of migrants have lost their lives in fires in rented accommodation in unsafe and unsuitable buildings. In Paris in 2005, two fires killed more than 40 African migrants, including four children, living in dilapidated apartment blocks and hotels. Most of those who died had been placed in this housing by SAMU Social, a government funded agency that contracts low end city lodgings for 3,000 undocumented migrants in Paris, half of them children.¹¹⁵ In some settings, there are groups of migrants for whom the only option is to live in shanty towns with no access to water or electricity. For example, the Madjary Roma population in St Petersburg live in makeshift encampments on the outskirts of the city.¹¹⁶

Many migrants also work long and unsocial hours. The fact that accommodation and child care in affluent countries is extremely expensive, and that child care is inflexible, means that even when parents have managed to bring their children with them, families cannot always afford to stay together in the country of destination. Although this is an under-researched area, one study of Africans migrating to the UK to study or work revealed that 14 per cent of the 264 African families interviewed had a child living in a foster family, whom they visited on average fortnightly. Only one of these families stated that they were happy with the arrangement.¹¹⁷ Even when children stay with their parents, child care arrangements may be difficult and unsatisfactory if migrant parents do not have a strong network of support or enough money to pay for private child care, and if state provision is inadequate or unavailable to children of undocumented migrants.

In addition, migrant children can sometimes carry a particular burden of responsibility as regards caring for parents who are sick. Though the 1990s witnessed growing concern about the extent and nature of children's informal unpaid care work within the family in high income countries, less research attention has been paid to young carers in low income countries. There has also been little research specifically examining the experience of migrant child carers in either low or high income countries.¹¹⁸ However, the UK sample of Becker and Evans' on-going comparative research on children caring for family members living with HIV and AIDS is pre-

114. Orellana, 2001

115. C. Smith, 2005; Socialist Worker, 2005; see also Jiao, 2005

116. FIDH, 2004

117. Olusanya and Hodes, 2000

118. Evans, 2007

dominantly comprised of child migrants from African countries caring for parents.^{ix} It could well be that significant numbers of migrant children both in the UK and other EU countries are caring for parents and/or siblings with serious illness.

6.2 *Racist, Ethnic and Xenophobic Discrimination, Harassment and Violence*

Though not all migrant populations are exposed to racist, ethnic or xenophobic discrimination, harassment and violence, many migrant groups are. Whether children have migrated independently or with their parents, those who belong to groups that are subject to these forms of oppression are vulnerable to a wide array of rights violations, up to and including the right to life itself.

A recent report on the violation of the rights of Roma children in the Russian Federation documents brutal attacks on Roma adults and children by neo-Nazi skin-heads in St Petersburg, attacks to which the police frequently turn a blind eye. The report further shows that Roma children's access to education is impeded by fear of racist attacks and by the extreme poverty of many of the Roma families (itself related to discrimination). Those who are able to attend school are segregated and provided with poorer facilities and care than that provided for Russian children. Segregation is justified through reference to "the different levels of personal hygiene of Russian and Roma children..." which is linked with the actual segregation and discrimination against Roma in this region.¹¹⁹

To varying degrees, children from other migrant groups in other countries experience similar rights violations. Mexican migrants in the United States have died in arson attacks on their homes;¹²⁰ Albanian children living in an orphanage in a southern Italian town have been attacked by a mob of 500 locals carrying rocks and clubs and crying "Lynch the Albanians";¹²¹ and Romanian Roma children living in London report experiencing police harassment and other forms of discrimination.¹²² It is, however, extremely difficult to analytically separate the effects of violence, discrimination and harassment on grounds of race, ethnicity and nationality from those of immigration regimes that construct some migrants as "illegal" and/or otherwise deny migrants rights that citizens enjoy, or from the effects of economic disadvantage.

Rights to protection from domestic violence, for example, can be compromised by a combination of discriminatory attitudes and beliefs on the part of authorities that should provide protection, and the insecure legal status of undocumented migrants. Research suggests that in some settings, domestic violence among migrant groups is markedly higher than in the population more generally. In the United States, it is estimated that 22.1 per cent of the general population experience sexual or physical violence in the home during their lifetime, but that rates of abuse against migrant women from Latin America, South Asia and Korea range from 30 to 50 per

119. FIDH, 2007

120. Cienfuegos, 2007

121. Calavita, 2004, p. 133

122. Ureche, Manning and Franks, 2005

cent. Domestic violence data from Colombia, Nicaragua and Peru, show that migrant women are less likely to seek assistance from the police and health facilities compared to their native counterparts. Research in the United States shows migrant women tend to stay in abusive relationships longer than native-born Americans and suffer graver physical and emotional consequences as a result.¹²³ There is no reason to suppose that children fare better than their mothers in such circumstances.

Migrants' reluctance to seek assistance from the authorities often links to their experience of discrimination on grounds of race and ethnicity. For example, the report on Roma children in Russia mentioned above also details serious violations of the rights of the child in family relationships, but given that the police are amongst those who harass and assault Roma people,¹²⁴ women and child victims of domestic violence are hardly likely to turn to them for help. Moreover, "Women with children who migrate as dependents of their husbands are often unfairly forced to choose between their own personal safety and maintaining their legal status".¹²⁵

6.3 *Immigration Controls and Violations of Children's Rights*

A powerful critique of U.S. immigration law points out that it reflects and reinforces outdated and discredited approaches to children's rights, simultaneously limiting children's recognition as persons and silencing their voices.¹²⁶ In immigration law, the term "child" is used exclusively in relationship to a parent. This reflects notions of the child as property, "It accepts the idea that children are not independent beings but rather are always bound to someone. Parental possession and control... are the hallmarks of a parent-child relationship in immigration law". It follows that when children migrate in a family setting, they are "conceived as objects rather than actors, and their voices are largely ignored", but when they migrate without their families (and so lack a parent to make them a "child"), they are "subject to the same harsh laws and procedural complexities as adults".¹²⁷

The CRC obliges state parties to prevent exploitation of children and to provide assistance for those who have been exploited, including each and every aspect of "child trafficking" no matter how it is defined. Migratory situations affecting children, including exploitation, as well as policy responses to them must be assessed with reference to the CRC as a whole, taking into account the indivisibility and interrelation of rights. This means, for example, that provisions on economic and social rights are as important as possible criminal justice measures under provisions on protection from economic exploitation and harmful work, sexual exploitation, abduction, sale and traffic of children. In accordance with the guiding principle of non-discrimination (Art 2), these rights must be ensured and respected for every child,

123. UNFPA, 2006

124. FIDH, 2007

125. UNFPA, 2006

126. Thronson, 2002

127. *Ibid.*, pp. 5-6

irrespective of the child's or her or his parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or any other status. With regard to economic, social and cultural rights, states shall undertake measures of implementation to the maximum extent of their available resources and, where needed, within the framework of international cooperation.

In all decisions concerning migrating children who have experienced, or are at risk of, exploitation – e.g. repatriation and family reunification – the primary CRC principle of the Best Interest of the child must be duly considered. In deciding the Best Interest of the child, the three other guiding principles should be taken into account. In practice this means that in cases concerning children who are non-citizens the line of reasoning in deciding their best interest ought not to deviate negatively from that applied to children who are citizens.¹²⁸

There are a number of ways in which migration policies and controls currently conflict with these principles.

6.3.1 Detention

Evidence on the detention of children in immigration processing centres in Europe gives much cause for concern, for it apparently contravenes both UN and national children's rights legislation.¹²⁹ Detention centres are unsuitable for children. Inadequate resources are available to care for detained children, and detention centres have not been designed with the best interests of children in mind. In fact, there is much to suggest that the general environment inside detention centres is unhealthy for children. There have been reports of police violence against Afghan migrants in detention, including attacks against 17 children.¹³⁰ In Brussels, psychologists who visited a detention centre found 13 children who were not attending school and were enclosed in the building for 22 hours a day.¹³¹ In Malta by the end of 2004, 800 people including children were held in deportation centres run by armed guards and police.¹³² Children die in detention across Europe. Cases have been documented of children dying after lack of medical treatment, of dying in fires, and of committing suicide.¹³³

Access to detention centres in Europe is notoriously difficult, which means that service-providers are often unable to enter them to provide for children's health care, educational and other needs. It also means that it is extremely difficult to monitor the experience of children held therein. Such evidence as is available provides little reassurance that their rights are protected. Human Rights Watch (HRW) found children detained for long periods of time in the United States. They were not informed of the process they were involved in, nor of what would happen to them in the

128. see Rozzi, 2002

129. Refugee Council, 2003

130. Amnesty International, 2005

131. Feteke, 2000

132. Amnesty International, 2005

133. Vertaik, 2005; Slodnjak, Kos and Yule, 2002; IRR, 2006

future. Some child migrants were housed in juvenile detention centres and subject to punitive measures.¹³⁴ Not being kept informed about their situation by detention centre staff or immigration officials is also known to be a problem for children in detention in the UK, where some 2,000 children were estimated to be detained in 2006.¹³⁵

Cases of families being separated in UK detention centres, and of breastfeeding mothers being detained separately from their babies have also been reported.¹³⁶ In the UK in 2005, 80 per cent of detention centre inhabitants were asylum seekers at various stages of their application process.¹³⁷ One report found that there was no standardised way of dealing with children by detention staff in the UK, who in any case have very limited information on the children in their care. Detention centre staff had often received no training or inadequate training regarding the care of children or how to conduct their duties in a child-friendly way.¹³⁸ This has been found to have serious consequences on children's mental and physical health, and their education. There are also inadequate safeguards for protecting children from abuse in communal sleeping facilities.¹³⁹ In France recently 15 undocumented migrants occupied the UNICEF offices in protest at the detention and expulsion of undocumented children.

In general, it seems that detention in Europe is often used because alternative housing for migrant children has not been made available. Lone child migrants in detention are usually in the process of age disputes or asylum claims. The authorities have not therefore decided on or found appropriate housing for them. This can mean protracted stays in detention centres. In France, the ombudsmen for children expressed concern about the situation of children in airport transit zones whilst awaiting deportation.¹⁴⁰ There is also a lack of accommodation provision for migrant families who are likely to be deported or who are deemed as needing surveillance.¹⁴¹

The picture of children's experience in reception centres that are run to act as buffers to detention centres is mixed. A 2002 report on Moroccan migrant children in Spain found they were frequently abused by staff and other children in overcrowded, unsanitary residential centres.¹⁴² HRW researchers interviewed migrant children who had been denied medical care, beaten with batons and electrical cables, and held in "punishment cells" for up to a week. Detained in residential centres for sometimes more than two years, not all the children were permitted to attend school. One child described his life in the San Antonio Center, Ceuta, as follows:

People don't do anything. There's not even a chance to learn. There aren't any studies or vocational training. Breakfast is at nine, then you clean a little, then do noth-

134. Human Rights Watch, 2006

135. Morris, 2006

136. Refugee Council, 2003; Weaver, 2006

137. Refugee Council, 2005

138. Refugee Council, 2003 and 2005; Crawley, 2006

139. Crawley and Lester, 2005

140. Amnesty International, 2005; see also Amnesty International, 2001; Lewis, 2006

141. Refugee Council and British Agencies for adoption and fostering, 2001; Refugee Council and Save the Children UK, 2001; Refugee Council, 2003

142. HRW, 2002

*ing. Lunch is at one. You clean and then do nothing. The merienda is at six or six-thirty, maybe seven. We clean a little, then we do nothing. Dinner is at ten – we clean and then do nothing.*¹⁴³

In Finland, however, the picture is less bleak. A report states that reception centres carried out specific needs assessments for each family that entered. Following this assessment, families were placed in suitable accommodation, although this did not always prevent children with their parents from being taken into detention.¹⁴⁴ In almost all countries in Europe, even in places where children are not kept in detention centres, children are held in transit or reception centres on their immediate arrival. This can be for up to 20 days in countries such as France and Romania.¹⁴⁵

A study in Belgium found that lone minors intercepted while trying to make their way across the channel to Britain generally lacked “essential information about legal procedures and provisions and the reception structure for unaccompanied minors, about their current and future possibilities, about possible dangers related to their journey, about living circumstances in the UK, and so on”.¹⁴⁶ The study concludes that minors need to be provided with adequate advice by people working independently from the juridical and police context. It also stresses the need for interpreters to be available during the interception – something that is not always the case at present. The authors call for more research on what happens to those minors who are not transferred to an institution, or those who leave the institution shortly after they are placed, as well as to assess whether it is appropriate to transfer all minors to an institution after their interception, or whether the minor’s own wishes should be taken into account. Above all, they stress the need to increase the number of reception places for unaccompanied minors without legal documents, and to improve the level of care offered to children in crisis reception centers.^x

6.3.2 Deportation

Most European countries now allow “unaccompanied minors” to stay in the country until they are 18 years old, although in Germany, the cut-off point for residency rights is 16.¹⁴⁷ While this may make the immediate future for children easier, it can create stress and concern about the long term future. Children are less able, or unwilling, to integrate fully into a country when they know it is likely they will be deported when they reach their eighteenth birthday. This has adverse effects on their mental health, education and settlement.

When children attempt to stay in the country after they turn 18, they risk becoming destitute. In the UK, for example, turning 18 means losing the right to stay in the country, losing the right to social benefits and losing the right to work. Illegal work is therefore the only option for subsistence. There have been reports of chil-

143. Ibid

144. ECRE, 1996

145. Smith, 2005

146. Derluyn and Broekaert, 2005

147. ECRE, 1996

dren being evicted on their eighteenth birthdays because their landlords know they are no longer in a position to pay their rent.¹⁴⁸ It has also been pointed out that the fear of deportation at 18 undermines other systems and schemes of integration.¹⁴⁹

However, child migrants who are with their families in the country of destination receive no such special consideration as they are generally dependent upon their parents/guardians for their immigration status. Within the European Union, such dependency on adults has been intensified by the generalised shift from *ius soli* to *ius sanguinis* citizenship. That is, while formerly in the UK or Ireland for example any child born in the territory of the nation state was automatically a citizen of that state, now citizenship is determined by the citizenship of the child's parents, usually the mother. This concept of citizenship "by blood" has clear implications for the children born to both documented and undocumented non-EU citizens. While these may represent a relatively small proportion of children subject to immigration control (though there is little research and no official data on them, so we cannot be certain of this) their dependency on adults for their status typifies the condition of migrant children.¹⁵⁰

Because children are appendages to adults deportation for parents or carers almost always results in deportation for children.¹⁵¹ Indeed, some hold that in the UK, the pressure on immigration officers to meet quotas for removals has resulted in women with young children being specifically targeted as it is assumed they will be less likely to put up resistance. In a recent immigration service manual, immigration enforcement officers are advised to arrest families at the same time. If there is an adult missing they are advised to detain the others and "leave a message" on Immigration Service note paper informing the adult of the whereabouts of his or her family members.

There are also other ways in which family interdependency is used as a mechanism of control. Section 9 of the UK 2004 Immigration and Asylum Act deserves to be singled out for particular criticism in this regard.¹⁵² It allows the state to refuse all social support for children to families who have failed in their asylum claims. This thus means that their children can be taken away and put into care without consent: "The government's intention... was clear. It wanted to use the threat of separation... as a means of forcing parents to comply with removal directions".¹⁵³ The same Government justifies returning independent child migrants to their country of origin on grounds that it is in the child's best interest to be with their parents and community. This suggests an almost cynical disregard for the spirit behind the guiding principles of the CRC.¹⁵⁴

The interdependency between a caring adult and a child may also be used for purposes of deportation, and when it is, it is clearly traumatising for the child con-

148. Refugee Council, 2005; Dennis, 2002

149. Smith, 2005

150. Anderson and O'Connell Davidson, 2005

151. Thronson, 2002

152. Refugee Council and Refugee Action, 2006

153. Cunningham and Tomlinson, 2005

154. Anderson and O'Connell Davidson, 2005

cerned. A woman subject to immigration control described being taken to Heathrow with her two year old daughter (who is a British citizen):

*This officer shouted and grabbed me and pulled me up and down. They pointed to this group of men in suits and said, "if you're not going they will handle you physically and you will see who is the winner". Then they grabbed my daughter off me and held her. I said, let me hold her. She started crying. He was holding her so I had to follow them to the aeroplane.*¹⁵⁵

There is wider concern about the fact that children may witness violence perpetrated against their parents/carers, and may indeed be subject to it themselves, in the process of deportation proceedings. In the UK, deportation procedures are reported to treat children and their families inhumanely, often terrorising children. Women Against Rape report a case in which a Ugandan woman seeking asylum in the UK having been detained and raped by police for her political activities in Uganda was refused asylum. She and her five children were taken from their home in a dawn raid, held briefly in detention, then deported. During the "removal", the mother was forced onto the plane in handcuffs while her children were carried on with their hands and feet bound.¹⁵⁶

Deportation is only one of the possible consequences of such dependency. The state takes no responsibility for the consequences of leaving children in the care of adults too traumatised and stressed by immigration processes to be able to provide proper care. Children may be separated from the parents or carers for many months while the adults are in detention, or they may be subject to detention themselves. While there is an attempt to avoid detaining unaccompanied children, those who are with their families are more at risk of being detained. Children other than unaccompanied asylum seekers are almost never given separate legal representation in immigration appeals. The practise of the law has therefore done little to challenge the dependency of children on adults for their rights to stay.¹⁵⁷

Children may also be forced by immigration controls into dependency on adults who are abusive or who exploit them. A recent report into forced labour and migration in the UK found that personalised relations of dependence, where migrants were dependent on one particular person or group for access to accommodation, food and documentation, were an important factor in predicting instances of forced labour.¹⁵⁸ Other research has found that the retention by employers of passports and identity documents is a significant factor in forcing migrants to remain in abusive situations. While the conditions for exploiting children and their labour are certainly present, what is known is extremely limited.

Although in Europe children are usually only deported if they are accompanied by adults, there are nonetheless reports of children being deported on their own if they have not been recognised as refugees. In Spain, groups of North African children have been deported and abandoned at the Moroccan border.¹⁵⁹ A Human

155. Walter, 2004

156. Women Against Rape, 2006

157. Anderson and O'Connell Davidson, 2005; Thronson, 2002

158. Anderson and Rogaly, 2005

159. Feteke, 2001

Rights Watch report describes Moroccan children as young as 11 being summarily expelled from Spain to Morocco, where they were then often beaten by Moroccan police before being abandoned to the streets.¹⁶⁰

6.3.3 *The Consequences of Forced Return?*

Much research and policy attention has been devoted to the forced movement of children across borders through “trafficking”, but little attention has been paid to the forcible return of child migrants to their countries of origin by state actors. This happens to several different groups of child migrants: those who are deported with their families; those who are deported on their own; and those who have been identified as Victims of Trafficking, but who are not deemed to be at risk of further rights violations upon return to their home country.

There is a serious lack of information about all such children. At the time of writing, for example, the UK Home Office is planning the forced removal of 27 adults and more than 19 children to the Democratic Republic of Congo, where child soldier recruitment continues and where life expectancy is just 42 years.¹⁶¹ If the government succeeds in deporting these children, there are no mechanisms in place to monitor their fate. Furthermore, various studies indicate that many children who are forcibly removed do not want to return to their country of origin, but wish to continue with the migratory project on which they have embarked. So, for example, children who had been intercepted in Brussels on their way to the UK commented: “I would rather swim to England... I would rather be dead than stay in this situation” and “What would you do if you were in our situation? If there is nothing in your country? Wouldn't you escape?”¹⁶² Meanwhile, those who work with unaccompanied asylum seeking minors in Poland report that “The children in general fear deportation and some of the Romanian girls who have been returned have declared that there is no future for them in Romania and that they are determined to return to Poland”.¹⁶³

Such sentiments are often overruled by authorities who argue that it is both safe, and in the child's best interest to be returned. Even when the children concerned are deemed to have been “trafficked”, such decisions are not monitored, and data on what happens to them after they have been returned is not routinely gathered.¹⁶⁴ A number of reports suggest that many repatriated children simply make the journey abroad again – the same child is frequently intercepted and returned several times.¹⁶⁵ From a child rights perspective, this kind of information is vitally important. And yet with some notable exceptions, such as ISS Italy's evaluation,¹⁶⁶ very little is known about the subsequent experience of deported and repatriated children.

160. HRW, 2002

161. NCADC, 2007

162. Derluyn and Broekaert, 2005

163. Jahnsen, 2005, p. 16

164. ECPAT Netherlands, 2005

165. HRW, 2002; Jahnsen, 2005

166. quoted in Rozzi, 2002

6.3.4 *Child Asylum Seekers*

Asylum seekers' and refugees' rights are protected under international laws, in particular by the 1951 UN Convention relating to the Status of Refugees and its protocols. This affords everyone the right to claim asylum in states that are party to the Convention, and the right to asylum for those that fit the definition of "refugee". Beyond this, the principle of "non-refoulement" prevents states from returning people whose lives would be at risk in their country of origin.¹⁶⁷

Children are protected under these rights and in some countries, for instance the UK, Sweden and Austria, are entitled to residency rights until they reach 18 years even if their claim for asylum fails. In theory, this should mean that child asylum seekers are protected from the rights violations described above. However, in order to qualify for special rights in the destination country, child migrants must be recognised both as children and as asylum seekers. Immigration officials are not always ready to accept that migrant teenagers are actually "children", let alone that they have grounds to seek asylum. Age disputes are increasingly common in European countries. In 2004 in the UK alone there were 2,345 cases in which migrants who stated that they were under 18 were deemed by the Home Office to be adults.¹⁶⁸

The processes by which the age of a migrant is determined in European countries are often intrusive. In addition to difficult interviews, they may involve examination by paediatricians, X-rays and even, in some cases, medical inspections to determine whether or not the individual has reached puberty. These processes can therefore be extremely distressing for children, especially those who have little or no experience of routine medical inspections, and/or who have been subjected to physical or sexual abuse in the country of origin.¹⁶⁹ Nor do these procedures necessarily yield accurate information. In interviews, child migrants may be suspicious and reluctant to give personal details to a stranger, or someone in authority. It is also possible that they are not in possession of the information they are required to give, such as their date of birth.¹⁷⁰ Meanwhile, medical professionals have observed that the physiological assessment of age is not an exact science. However, in Europe, only Romania allows for any leeway in age disputes. Other countries take the age assessment as final.¹⁷¹

There is also variation regarding the age at which a child is deemed to no longer require special protection. In Germany, for example, a child who is over the age of 16 is treated as an adult under immigration law.¹⁷² Even in countries that recognise children as children for immigration purposes until they reach the age of 18, those aged over 16 are sometimes treated as if they were adults. For example, older unaccompanied child asylum seekers are often placed in hostels or private flats, rather than offered the kind of support, care and protection that is provided for younger

167. UN, 1951

168. Crawley, 2006

169. ECRE, 1996

170. Smith, 2005

171. *Ibid*

172. ECRE, 1996

children. One of the problems with existing data on unaccompanied asylum seeking children in Europe is that the various contact organisations that record information on asylum seekers frequently include information on older children along with that on adults, making it very difficult to assess their situation.¹⁷³ More generally, there is concern that the level and type of support offered to older child migrants by social and welfare agencies is determined simply by the age of the child rather than based on an assessment of their individual needs.¹⁷⁴ In some cases, this means that older children (aged 16 and 17 years) who need support are left to fend for themselves,¹⁷⁵ while in others, children who have already reached a high level of maturity and competence are refused agency and independence.¹⁷⁶

The problems associated with gaining residency rights are similar for both children and adults. These are mainly brought on by the somewhat narrow definition of “refugee” contained in the 1951 UN Convention. The Convention and its Protocols have been criticised for not representing the true nature of refugee movements in the contemporary world. As such, children will only be granted refugee status (usually the most secure form of immigration status in Europe) if they fit into the narrow conception of a political refugee.

There have been reports of children being returned at the border in Germany and Austria, with no opportunity to even claim asylum, if they do not have some form of travel document.¹⁷⁷ There is a striking discrepancy between the total number of asylum claims made by unaccompanied children arriving in Poland, and the actual number of children granted refugee status.¹⁷⁸ Of 213 applications made by children in 2002, for example, only 19 were accepted. The fact that children know their chances of being granted refugee status are slim is cited as one of the reasons why the majority of unaccompanied asylum-seeking children placed in various kinds of care units in Poland in 1999 and 2000 escaped from them. Indeed, approximately 80 per cent of children disappear from such institutions “without a trace and without anyone assessing the child’s situation or asking questions”.¹⁷⁹

A second point to note is that the rights of child asylum seekers and refugees are protected under international laws. Many governments have set in place systems that are designed to allow children to access these rights, as well as more general rights set out in the CRC. Despite this, the systems are often undermined by immigration policies that only grant children temporary or insecure immigration status, as well as by dispersal policies.¹⁸⁰

Under the Dublin II ruling, children are liable to dispersal both throughout Europe and within countries under national legislation. Save the Children has drawn attention to differences between European Union member states in terms of how they

173. Refugee Council and British Agencies for Adoption and Fostering, 2001

174. Smith, 2005; Dennis, 2002

175. Save the Children UK, 2006

176. Rutter, 2006

177. ECRE, 1996

178. Jahnsen, 2005

179. Ibid

180. Smith, 2005

apply the Dublin II ruling on children. Some states, for example Norway, treat children as exceptions to the ruling meaning that even if a child has passed through a third “safe” country, they may remain in Norway. Other states make no such exception for children. One obvious problem with the implementation of the Dublin II ruling for children is that family reunification may be ignored. If a child is separated from his or her family it may be against immigration laws to travel through another country to reach them. This effectively keeps children separate from their parents.¹⁸¹

Dispersal, especially away from big cities, also creates other problems for children. They may end up out of reach of members of their own community and feel isolated from their own culture. There may not be a suitable place of worship nearby. Racial harassment is more likely to occur outside of the bigger cities in Europe. The majority of those asylum seekers and refugees interviewed in the UK who had been racially harassed were living outside of London at the time of the incident.¹⁸² Dispersal disrupts children’s education and healthcare.¹⁸³ It can also mean being taken away from appropriate and good quality services, such as education and training.¹⁸⁴ Certainly, dispersal is not guided by the principle of the best interests of the child. In the UK, dispersal policies were introduced with accommodation, rather than education or other services, in mind.

6.3.5 Other Consequences of Immigration Controls for Children

In addition to the catalogue of rights violations listed thus far, immigration policies can negatively impact on children in other ways. Crackdowns on irregular migrants in Thailand has led to an array of vulnerable situations, “such as separation of families, with parents being deported to their home countries while children remain in the country of destination, or children being unable to access education and taking highly exploitative jobs in the shadow labour market”.¹⁸⁵ Furthermore, rather than discouraging migration, tough border controls have actually encouraged irregular migrants to remain in the country of destination. Once they have undertaken a risky and expensive border crossing, it is too dangerous or too costly to return home. This has obvious implications for migrant parents’ capacity to maintain regular contact with children who have been left at home.¹⁸⁶

Meanwhile, anti-trafficking measures on the Chinese side of the China-Vietnam border are reported to have led to the indiscriminate deportation of Vietnamese women as undocumented migrants, and in many cases, these are women who are consensually married to a local man: “As well as separation from the husband, deportation (whether from forced or consensual marriage) inevitably involves

181. Save the Children Separated Children in Europe Programme, 2006

182. Dennis, 2002

183. Arnot and Pinson, 2005

184. ECRE, 1996

185. Marshall and Thatun, 2005, p. 50

186. see also Phizacklea and Anderson, 2002

separation from the children, who are not recognized as Vietnamese citizens under Vietnamese law”.¹⁸⁷

187. Marshall and Thatun, 2005, p. 50

7. *Children who Remain at Home when Others Migrate*

Immigration law in receiving countries, as well as financial constraints, make it very difficult for many parents/carers to take children with them when they migrate. Those who are issued temporary work permits are rarely permitted to bring dependants with them. Such permits are also designed to prevent migrant workers from building up residency rights in the host country. Globally, there is a trend towards the recruitment of migrant labour via schemes that involve such temporary permits. It is therefore increasingly difficult for labour migrants to legally enter another country with their families.

Yet, as has been seen, moving through irregular channels implies expense, the risk of detention, sometimes also a risk to life, and many parents may thus be reluctant to take children with them as undocumented migrants. The cost of accommodation, child care and other living expenses may also deter poorer parents from migrating with their children. Research on migration from the Caribbean suggests that it is better off and more middle class families that tend to migrate together.¹⁸⁸ When parents/carers migrate without their children it by definition implies separation. Such separation varies both in type and length. For example:

- One parent/carer may migrate for a relatively brief period for seasonal work abroad leaving children with another parent/primary carer; or both parents/carers may migrate for a relatively brief period for seasonal work abroad leaving children with extended family;
- One or both parents/carers may migrate for a longer period of time, intending to send for their child(ren) at a later date;
- One or both parents/carers may migrate for a lengthy period or indefinitely with no intention of the child(ren) joining them at a later date.

It is extremely difficult to estimate the numbers of children who are affected by any of these forms of parental migration. In general, the impact of parental migration on children who remain at home is under-researched. However, a number of recent studies have set out to explore the disruption that migration may cause to family life, children's psycho-social development, their performance at school and more generally to the communities in which children live. For example, researchers have detailed the sense of abandonment, loss and grief experienced by children who have endured lengthy separation from their parents.¹⁸⁹

A recent study of 159 children aged between 10 and 18 in Moldova revealed that more than a quarter (27.6 per cent) had one parent living abroad, while 9.3 per cent

188. Crawford-Brown and Rattray, 2002

189. Pottinger and Williams-Brown, 2006; Pottinger, 2005; Glasgow and Ghouse-Shees, 1995; Crawford-Brown and Rattray, 2002

stated that both parents had migrated. The report observes that while those whose parent(s) had migrated enjoyed improved living conditions, at the same time, they were more vulnerable to various risks related to drug abuse, dropping out of school, “precocious” sexual relationships, and socially undesirable behaviours. Children reported experiencing difficult and unpleasant emotional states following their parents’ departure. They also stated that their relationships with remaining caregivers were not close enough to meet their emotional needs. They therefore tended to seek support from small groups of peers, as a rule those sharing the same experience of parental separation. After parents’ departure, children’s academic performance changed in both directions. In most cases, school efficiency decreased because of the lack of parental support and encouragement; but in some cases children felt a greater responsibility to succeed at school in order to reward their parents’ efforts to work and earn money abroad.¹⁹⁰

In Ecuador between one and three million Ecuadoreans (about 12 per cent of the population) have migrated to Europe or North America in search of work and to escape the economic crisis affecting the country over the past decade. Many towns and cities have been left with only small numbers of women, children and the elderly as the majority of the population in between the ages of 15 and 45 has migrated.¹⁹¹ Remittances make up the second largest form of foreign exchange to Ecuador, but it is estimated that some 250,000 children of Ecuadoreans who migrated to Spain are left behind to be cared for by older relatives or simply to become “orphans”. This situation is said to have led to many social problems, including a high rate of suicides, unwanted teenage pregnancies, non-attendance at school, and alcoholism and drugs problems fuelled by feeling of abandonment.¹⁹²

However, there is also an emerging body of research on what are termed “transnational” households or families (that is, “families whose core members are located in at least two nation-states”).¹⁹³ It paints a more complex picture and provides a more nuanced analysis of the effects of parental migration on children who are left behind.¹⁹⁴ This literature also alerts us to the normative and moral values that often underpin researchers’ and policy-makers’ concern with children who remain at home when parents migrate. Politicians and journalists in the Philippines have scapegoated migrating mothers in particular, frequently describing their children as “abandoned” even when the children in question have actually been left with relatives. Yet research with young adults who grew up in transnational households in the Philippines found that:

Contrary to the media’s dark presentation, they did not all experience their mother’s migration as abandonment. The hardships in their lives were frequently diminished when they received support from extended families and communities, when they enjoyed open communication with their migrant parents, and when they clear-

190. UNICEF, 2006b

191. Gustava, 2005

192. Autogestión, 2005

193. Parrenas, 2001, p. 80

194. Hondagneu-Sotelo, 1994; Ehrenreich and Hochschild, 2003

ly understood the limited financial options that led their parents to migrate in the first place.¹⁹⁵

Certainly, these children did not necessarily grow up to become “delinquent”, and it may be that research into the factors that promote resilience¹⁹⁶ amongst children who are left behind when parents migrate may be more useful than that which merely catalogues their potential vulnerability:

Some children in transnational families adjust to their household arrangements with greater success than other do. Those who feel that their mothers strive to nurture them as well as to be good providers are more likely to be accepting. The support of extended kin, or perhaps a sense of public accountability for their welfare, also helps children combat feelings of abandonment. Likewise, a more gender-egalitarian value system enables children to appreciate their mothers as good providers, which in turn allows them to see their mothers’ migrations as demonstrations of love.¹⁹⁷

This is particularly important given that the desire to provide for children and improve their life chances by remitting money home is often a central motivation for parental migration, a motivation that research suggests is not misplaced. There are studies that show children from remittance recipient households stay in school longer. In El Salvador, US\$100 of remittance income lowers the probability of children leaving school by 54 per cent in urban areas and in the Philippines, a 10 per cent rise in household income through remittances leads to a proportional increase in enrolment rates among children aged 17 to 21.¹⁹⁸ Similar benefits have been identified with respect to health care. Some commentators therefore argue that the international community and national governments should take steps to:

- lower the cost of sending remittances home by increasing competition among service providers, improving payment system infrastructure and removing regulatory barriers
- promote financial democracy by encouraging greater use of the banking system
- promote greater remittance flows by avoiding taxation and overregulation.¹⁹⁹

Of course, improved standards of living wrought by remittances do not necessarily counterbalance the effects of the loss of family intimacy implied by parental migration. However, it is important to remember that many of the problems experienced by children of migrating parents result directly from immigration regimes that a) prevent parents from taking children with them when they migrate and b) make it difficult, if not impossible, for migrant parents to maintain contact with children through regular return visits.^{xi}

Furthermore, given that it is largely children from low-income families that remain at home, advocacy and intervention work on this issue needs to challenge,

195. Parrenas, 2003, pp. 40-41

196. Daniel, 2003

197. Parrenas, 2003, p. 50

198. López Córdova, 2006, but see also Markova and Reilly, 2006

199. López Córdova, 2006

rather than endorse, assumptions that penalise “the childhoods of the poor and the lifestyles of minorities and justify interventions to ‘correct’ them”.²⁰⁰ One such assumption is that parental migration necessarily represents a threat to children. There is certainly evidence that some children whose parents migrate are left with insufficient adult support, and that of this group, some become involved in drug use, drop out of school, etc. But such behaviours are also exhibited by some children who are separated from parents for other reasons, such as death or family breakdown.

200. Marcus and Harper, 1995, p. 40

8. *Future Research Priorities and Policy Implications*

Given the general dearth of research on child migration, the topic itself might be described as a future research priority. However, until the conceptual and definitional problems discussed in Section 3 are addressed, and a robust theoretical and analytical framework for research is developed, studies of child migration are unlikely to yield reliable and relevant data. There is thus an urgent need for theory development, and in particular, for greater dialogue between scholars and activists who work on migration and migrants' rights, and those who work on childhood and children's rights. Beyond this, there is an especially pressing need for:

- Regional reviews of immigration apparatuses and their effects on children in terms of a) children's opportunities to migrate independently through legal channels; b) children's opportunities to legally accompany migrating parents/carers; c) the type and degree of dependence upon adults implied by different visas.
- Research examining the impact of border control enforcement on child migrants, in particular, systematic disaggregation of existing data on border deaths by age, and comparative analysis of such data, as well as in-depth, qualitative research to document the experience in transit of children who have migrated through irregular channels.
- Regional research documenting the violation of children's rights in detention and reception centres, and in deportation proceedings.
- Research investigating a) the social processes that construct some child migrants as "Victims of Trafficking" or "Child Asylum Seekers" with entitlement to various forms of assistance and protection, and others who have experienced similar levels of abuse, exploitation and rights violations as "illegal immigrants" with little or no entitlement to protection and assistance; b) the way in which decisions are made about which children are and are not vulnerable to further rights violations if returned to their country of origin; and c) what happens to repatriated children following their return. There is also a need for research on what happens to child VoTs who do qualify for temporary leave to remain in the destination country and to evaluate the outcomes of "social rehabilitation" programmes for VoTs.
- Cross-national comparative studies investigating the presence (or absence) of migrants below the age of 18 in economic sectors known to depend heavily on cheap and unprotected migrant labour, and the factors that explain this presence/absence.
- Research on the range of different ways in which migrant children earn money in the informal sector, the extent to which different informal economic activities are associated with third-party exploitation, the ways in which gender, race/ethnicity and nationality impact on the informal sector earning opportuni-

ties open to migrant children, and children's own views of the economic activities in which they are involved.

- Detailed research on the forms of social exclusion experienced by undocumented migrant children, both independent migrants and those who have accompanied their parents, focusing in particular on housing, access to health services, child care, education and training, employment, and children's role as carers in socially excluded households.
- Research to develop a resilience-based approach to children who remain at home when their parents migrate, focusing on the factors that maximise the likelihood of a better outcome for young people.

8.1 Policy Implications for Child Rights Agencies

- In recognition of the fact that migration per se is not inherently bad for children (and may indeed be very good for them), as well as of the fact that global access to legal mobility is highly unequal CR agencies need to develop policy frameworks that value people's movement across borders independently of their social and economic status.
- CR agencies should have a clear focus on the role of government in preventing, allowing or creating migratory conditions under which children are vulnerable to abuse and exploitation, while at the same time fully acknowledging children's (including disadvantaged children's) capacity for migratory agency.
- Whether for fundraising or other purposes, CR agencies should refrain from representing child migration and problems experienced by migrant children in ways that can be used to justify repressive political measures and contribute to the vulnerability of children and their relatives. Debate and campaigning materials on "child trafficking" provides a particularly clear example of the danger. Through constant emphasis on the passivity and "innocence" of children affected, and the representation of "trafficking" as a phenomenon involving thousands of young children being forcibly transported across borders by mafia thugs into a condition of sexual slavery, discourse on "child trafficking" has detached the problem from the broader context of migration in which it is set and framed it as a problem of "organised crime". This not only makes questions about children's need and desire to migrate appear irrelevant, but also allows politicians to justify the increasing militarization of borders and other measures to suppress undocumented migration, despite the immense costs such policies imply for child rights.
- Migration can involve exploitative situations in the context of origin, during movement and in the context of destination. This holds true regardless of the degree of consent and choice of migrants and of whether or not their entry into another country and their labour is legally sanctioned. CR agencies should critically identify and when necessary challenge assumptions about children's rights and cross-border mobility inherent in international criminal law, e.g. the trafficking/smuggling conceptual framework which does not accurately match the width and complexities of migration related exploitation. A child rights position

beyond this framework is to defend - without discrimination - the rights of all children who are exploited or at risk of exploitation, or negatively affected by the exploitation of their relatives, during or following a process of migration, regardless of how the migratory process is organised, by whom and for what purpose.

- CR agencies should promote the Convention on the Rights of the Child as a comprehensive agenda for rights protection both in contexts of origin and destination with particular regard to the rights – including economic, social and cultural rights - that children and adolescents try to address themselves through migratory agency.
- Government's interpretation and application of the supplementary protocols to the UN Convention on Transnational Organised Crime (2000) should be a particular concern to CR agencies with a view to the protocol's saving clauses (Art 14 & 19 respectively) which establish that nothing in them shall affect the rights, obligations and responsibilities of states and individuals under national law, including international humanitarian law, international human rights law, refugee law and the principle of non-refoulement.
- CR agencies should build capacity and expertise on migration policy making processes at regional (e.g. EU) and national level in order to pro-actively advocate the rights of the child in these processes. There is scope for further developed collaboration and networking between CR agencies and migrant's rights and minority rights groups in this respect.
- CR agencies should monitor implications for children's rights related to migration of EU development assistance to third countries.
- CR agencies should support PICUM's (2007) recommendation that undocumented migrants be included as a specific target group in the EU Social Protection and Social Inclusion Process. CR agencies should promote interventions that make migration for children and families in disadvantaged positions as safe as possible and interventions that increase their choice between staying in their country of origin and emigrating in terms of economic opportunities.
- CR agencies should promote legislative solutions that make it possible for children to join their migrating parent(s)/caretakers - including in temporary migration schemes – should this be what the family prefers.
- CR agencies should promote counselling on legal rights and – where necessary - access to alternative social services, health care and education – for undocumented migrant children.
- CR agencies should ensure that undocumented migrant children are not denied access to education and health care because of uncertainty among public service providers such as teachers and doctors as to what the law allows them to do for this group of children.
- In light of global ecological change and other migration driving side effects of economic growth in an inter-connected world, CR agencies may consider what reasonable grounds for asylum claims to advocate for in the future.

References

- Aggleton, P. (ed) (1999) *Men Who Sell Sex*. London: UCL.
- AMC (2000) *Asian Migrant Yearbook 2000: Migration Facts, Analysis and Issues in 1999*. Hong Kong: Asian Migrant Centre.
- Amnesty International (2001) *The Asylum Crisis: A human rights challenge for the EU, Brussels*: Amnesty International EU Office
- Amnesty International (2005) "Europe: Treatment of refugees and asylum seekers", Media Briefing, 20/06/05
- Anarfi, J. et al (2005) *Voices of Child Migrants*. Sussex University, Development Research Centre on Migration, Globalisation and Poverty. www.migrationdrc.org
- Anderson, B. (2000) *Doing the Dirty Work? The global politics of domestic labour*. London: Zed.
- Anderson, B. and Rogaly, B. (2005) *Free Market, Forced Labour?* London: TUC.
- Anderson, B. and O'Connell Davidson, J. (2003) Is Trafficking in Human Beings Demand Driven? A multi-country pilot study. *IOM Migration Research Series*, No. 15. Geneva: IOM.
- Anderson, B. and O'Connell Davidson, J. (2005) 'Border troubles and invisibility: child rights and migration in Europe', paper presented to Save the Children Sweden seminar on Rightless Migration.
- Andrijasevic, R. (2003) 'The difference borders make: (il)legality, migration and 'trafficking' in Italy among 'eastern' European women in prostitution', in S. Ahmed, C. Castaneda, A. Fortier and M. Sheller (eds) *Uprootings/Regroundings: Questions of Home and Migration*. Berg.
- Angel, B, Hjern, A. and Ingleby, D. (2001) "Effects of War and Organised Violence on Children: A study of Bosnian refugees in Sweden", *American Journal of Orthopsychiatry*, Vol. 71, No. 1
- Ansell, N and van Blerk, L. (2004) "HIV/AIDS and Children's Migration in Southern Africa", *Migration Policy Series*, No. 33
- Ansell, N. and Young, L. (2004) 'Enabling households to support successful migration of AIDS orphans in southern Africa', *AIDS Care* 16(1): 3-10.
- Ansell, N. and Young, L. (2003a) 'Fluid households, complex families: the impacts of children's migration as a response to HIV/AIDS in southern Africa', *The Professional Geographer* 55(4): 464-479.
- Ansell, N. and Young, L. (2003b) 'Young AIDS migrants in Southern Africa: policy implications for empowering children', *AIDS Care* 15(3): 337-345.
- Anti-Slavery International. (2003) "Trafficking of Boys from Bangladesh to the Gulf States for Use as Camel Jockeys in Relation to Article 35 of the UN Convention on the Rights of the Child", Report to the 34th Session of the United Nations Committee on the Rights of the Child, September 2003, Geneva
- Arnot, M and Pinson, H. (2005) "The Education of Refugee and Asylum-Seeker Children", GTCE, NUT, Refugee Council and the University of Cambridge

- Autogestión- Fecha (2003) <http://www.solidaridad.net/noticias.php?not=3687>
- Ayotte, W. and Williamson, L. (2001) "Separated Children in the UK: An overview of the current situation", London: Refugee Council and Save the Children UK.
- Bastia, T. (2005) 'Child trafficking or teenage migration? Bolivian migrants in Argentina', *International Migration*, 43: 4.
- BBC News (2005a) "Child Deportations Face Criticism", 22/07/05
- BBC News (2005b) "Deportation 'Terrorises Children'", 18/07/05
- BBC (2006) 'Chinese students drawn to Britain', http://news.bbc.co.uk/12/hi/uk_news/education/4219026.stm
- Berlan, A. (2004) 'Child labour, education and child rights among cocoa producers in Ghana', in C. Van den Anker (ed) *The Political Economy of New Slavery*. London: Palgrave.
- Bicocchi, L. and LeVoy, M. (2007) Brussels: PICUM
- Black, M. (1995) *In the Twilight Zone: Child workers in the hotel, tourism and catering industry*. Geneva: ILO.
- Bott, E. (2004) 'Working a working-class utopia: marking young Britons in Tenerife on the new map of European migration', *Journal of Contemporary European Studies*. Vol. 12, No., 1, pp 57-70.
- Boyd, M. (1989) 'Family and personal networks in international migration: recent developments and new agendas', *International Migration Review*, 23, pp 638-70.
- Brown, L. (2000) *Sex Slaves: the trafficking of women in Asia*. London: Virago.
- Bump, M and Duncan, M. (2003) "Conference on Identifying & Serving Child Victims of Trafficking", *International Migration Volume*, Vol. 41, No. 5
- Busza, J., Castle, S. and Diarra, A. (2004) 'Trafficking and Health', *British Medical Journal*, Vol. 328, pp1369-1371.
- Cai, F., Chewei, Z. and Yang, D. (2002) *Employment in Rural and Urban China: Issues and Options*. Beijing: Social Science Documentations Publishing House.
- Calavita, K. (2004) 'Work, immigrant marginality, and 'integration' in new countries of immigration: Déjà vu all over again?', in G. Gonzalez, R. Fernandez, V. Price, D. Smith and L. Trinh Vo (eds) *Labor Versus Empire: Race, Gender and Migration*. New York: Routledge.
- Castells, M. (1998) *End of Millennium*. Oxford: Blackwell.
- Castle, S. and Diarra, A. (2003) *The International Migration of Young Malians: Tradition, Necessity or Rite of Passage?* London: London School of Hygiene and Tropical Medicine.
- Castles, S. (2003) 'Towards a sociology of forced migration', *Sociology*, Vol. 37, No. 1, pp 13-34.
- Castles, S. and Miller, M. (1998) *The Age of Migration*, Houndmills: Macmillan.
- Caouette, T. (2002) *Small Dreams Beyond Reach: The lives of migrant children and youth along the borders of China, Myanmar and Thailand*, London: Save the Children UK.
- Cecchetti, R. (1998) 'Living on the Edges: Children who work in Europe. From exploitation to participation', Brussels: European Forum for Child Welfare
- Centre for the Prevention of Trafficking in Women (2003) "Trafficking in Children for Sexual Exploitation in the Republic of Moldova", ECPAT

- Chant, S., and McIlwaine, C. (1995) *Women of a Lesser Cost*. London: Pluto.
- Cienfuegos, E. (2007) 'Heinous hate murders of undocumented Mexican immigrants on the rise', *La Voz de Aztlan*, www.aztlan.net
- Cohen, R. (1987) *The New Helots: Migrants in the International Division of Labour*. Aldershot: Gower.
- Cole, J. (2006) 'Reducing the damage: Dilemmas of anti-trafficking efforts among Nigerian prostitutes in Palermo', *Anthropologica*, 48, pp 217-228.
- Crawford-Brown, C. and Rattray, J. (2002) 'Parent-child relationships in Caribbean families', in N. Boyd Webb and D. Lum (eds) *Culturally Diverse Parent-Child and Family Relationships*. New York: Columbia University Press.
- Crawley, H. and Lester, T. (2005) "No Place for a Child: Children in UK immigration detention: impacts alternatives and safeguards", London: Save the Children UK
- Crawley, H. (2006) "Child First, Migrant Second: Ensuring that every child matters", London: Immigration Law Practitioners' Association
- Cunningham, S. and Tomlinson, J. (2005) "'Starve them out': does every child really matter? A Commentary on Section 9 of the Asylum and Immigration (Treatment of Claimants, etc.) Act, 2004" *Critical Social Policy*, Vol 25(2):253-275).
- Daniel, B. (2003) 'The value of resilience as a concept for practice in residential settings', *Scottish Journal of Residential Child Care*, 2: 1, pp 6-16.
- De Genova, N. (2002) 'Migrant "illegality" and deportability in everyday life', *Annual Review of Anthropology*, 31, pp 419-447.
- Delap, E., Onedraggo, B., Sogoba, B. (2004) "Developing Alternatives to the Worst Forms of Child Labour in Mali and Burkino Faso", Save the Children
- Dennis, J. (2002) "A Case for Change: How refugee children in England are missing out", The Children's Society, Save the Children and Refugee Council, available at: www.refugeecouncil.org.uk
- Derluyn, I. and Broekaert, E. (2005) 'On the way to a better future: Belgium as a transit country for trafficking and smuggling of unaccompanied minors', *International Migration*, Vol. 43, 4.
- Dimenstein, G. (1994) "Little Girls of the Night", *NACLA report on the Americas*, Vol. 27, No. 6.
- DMAG (2005) *Country of Birth and Labour Market Outcomes in London*. DMAG Briefing 2005/1, January, London: Data Management and Analysis Group.
- DNI (2001) *La necesidad... nos hace complices? Tráfico de niños, niñas y adolescentes con fines de explotación laboral en Bolivia*. Cochabamba: Defensa de los Niños y las Niñas Internacional, Bolivia and Terre des Hommes Alemania.
- ECPAT International in collaboration with INCIDIN Bangladesh. (2006) *The Boys and the Bullies: A Situational Analysis Report on Prostitution of Boys in Bangladesh*. – I, II and III", available at: www.humantrafficking.org
- ECPAT Netherlands (2005) *Investigating Exploitation: Research into trafficking in children in the Netherlands*. Amsterdam: ECPAT Netherlands.
- ECRE (1996) 'Position on Refugee Children' available at: <http://www.ecre.org/files/children.pdf>
- Ehrenreich, B. and Hochschild, A., (2003) *Global Woman*. New York: Metropolitan.
- ENACT and Save the Children Italy (2004) "A Report on Child Trafficking – Bul-

- garia, Denmark, Italy, Romania, Spain and the UK”
- ESCAP (Economic and Social Commission for Asia and the Pacific) (2000) *Sexually Abused and Sexually Exploited Children and Youth in the Greater Mekong Sub-region*. New York: United Nations.
- Evans, R. (2005) ‘Social networks, migration and care in Tanzania: Caregivers’ and children’s resilience to coping with HIV/AIDS’, *Journal of Children and Poverty*, 11:2, pp 111–129.
- Evans, R. (2007) ‘Researching children caring for family members living with HIV and AIDS in Tanzania and the UK’, Unpublished Paper. School of Sociology & Social Policy, University of Nottingham.
- Fiengold, D. (1998) ‘Sex, drugs and the IMF: Some implications of ‘Structural Adjustment’ for the trade in heroin, girls and women in the Upper Mekong Region’, *Refuge*, Vol. 17, No. 5.
- Fiengold, D. (2000) ‘The hell of good intentions: Some preliminary thoughts on opium in the political ecology of the trade in girls and women’, in G. Evans, C. Hutton, K. Eng (eds) *Where China Meets Southeast Asia: Social and Cultural Change in the Border Regions*. Singapore: Institute of Southeast Asian Studies.
- Fekete, L. (1999) ‘How the Children of Undocumentados are Denied Medical Treatment’, *IRR News* 01/07/99
- Fekete, L. (2000) ‘Conditions at Detention Centres Slammed’, *IRR News* 01/03/00
- Fekete, L. (2001) ‘Spain Criticised for Child Expulsions’, *IRR News* 01/10/01
- FIDH (2004) *The Roma of Russia: the subject of multiple forms of discrimination*. Report No 407/2, November. Paris: International Federation for Human Rights.
- FIDH (2007) ‘Violation of the rights of Roma children in the Russian Federation’, Joint Report of the Memorial Saint-Petersburg and the International Federation for Human Rights, submitted to the Committee on the Rights of the Child, 40th session.
- Francavilla, F. and Lyon, S. (2002) *Children’s Work in Cote d’Ivoire: An overview*. Geneva: ILO, UNICEF and the World Bank.
- Gatti, F. (2006) ‘I was a slave in Puglia’, www.espresso.repubblica.it
- Glasgow, G. and Ghouse-Shees, J. (1995) ‘Themes of rejection and abandonment in group work with Caribbean adolescents’, *Social Work with Groups*, 17, pp 3-27.
- GCIM (Global Commission on International Migration) (2005) ‘Migration in an Interconnected World: New directions for action’, Switzerland: GCIM
- GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit) (2004) ‘Coercion in the Kidney Trade? A background study on trafficking in human organs worldwide’: <http://www.gtz.de/traffickinginwomen/download/svbf-organ-trafficking-e.pdf>
- Guardian Unlimited (2006) ‘20 migrants drown en route to Spain’, *Guardian Unlimited*, Thursday October 5.
- Gustavo, Lopez Castro, (2005) *Niños, Socializacion y Migracion a Estados Unidos en Machacan*. Centre for Migration and Development, Princeton University.
- Hashim, I. (2003) ‘Discourse(s) of Childhood’, paper presented to ‘Child Abuse and Exploitation: Social, Legal and Political Dilemmas Workshop’, International Institute for the Sociology of Law, Onati, May 29-30.

- Hashim, I. (2005) "Exploring the Linkages Between Children's Independent Migration and Education: Evidence from Ghana", Sussex Centre for Migration Research, working paper T12
- Hashim, I. (2006) "The Positives and Negatives of Children's Independent Migration: Assessing the evidence and the debates", Sussex Centre for Migration Research, working paper T16
- Home Office (2006) *Accession Monitoring Report, May 2004 – September 2006*. London: HMSO.
- Hondagneu-Sotelo, P. (1994) *Gendered Transitions: Mexican experiences of migration*. Berkeley and Los Angeles, CA: University of California Press.
- Human Rights Watch (1999) "Promises Broken: An assessment of children's rights on the 10th anniversary of the Convention on the Rights of the Child", available at: www.hrw.org
- Human Rights Watch (2002) "Nowhere to Turn: State Abuses of Unaccompanied Migrant Children by Spain and Morocco". www.hrw.org
- HRW (2003) 'You'll Learn not to Cry: Child combatants in Colombia', <http://www.hrw.org/reports/2003/colombia0903/colombia0903.pdf>
- ILO (2000) "Child Prostitution in Jamaica" Geneva: International Labour Office.
- ILO (2002a) 'Getting at the roots: Stopping exploitation of migrant workers by organized crime'. International Labour Office. Paper presented to International Symposium on the UN Convention Against Transnational Organized Crime: Requirements for Effective Implementation. Turin, 22-23 February.
- ILO (2002b) "Forced Labour, Child Labour and Human Trafficking in Europe: An ILO Perspective" Geneva: International Labour Office.
- ILO and IPEC (2004) "Rapid Assessment of Trafficking in Children for Labour and Sexual Exploitation in Albania", International Labour Office and International Programme on the Elimination of Child Labour available at: www.ilo.org
- ILO (2005) *A Global Alliance Against Forced Labour*. Geneva: International Labour Office.
- IOM (2002) "Shattered Dreams: Report on trafficking in persons in Azerbaijan", available at: http://www.old.iom.int/documents/publication/en/azerbaijan_report.pdf
- IOM (2003) "Migración Prostitución y Trata de Mujeres Dominicanas en la Argentina", B.A: International Organisation for Migration
- IOM (2005) "Data and Research on Human Trafficking: A Global Survey", International Organisation for Migration, www.iom.org
- IRR (2006) Roll call of deaths of asylum seekers and undocumented migrants. www.irr.org.uk
- Iverson, V. (2002) 'Autonomy in child labor migrants', *World Development*, 30, 5: 817-834.
- Jackson, J. (ed) (1969) *Migration*. London: Cambridge University Press.
- Jahnsen, M. (2005) *Children without Protection in Europe*. Stockholm: Save the Children Sweden.
- Jiao, X. (2005) 'Deadly Shanghai fire kills 10, injures 19', *China Daily*, 30th April.
- Kapur, R. (2005a) 'Cross-border movements and the law: renegotiating the boundaries of difference', in K. Kempadoo, J. Sanghera and B. Pattanaik (eds.) *Traf-*

- ficking and Prostitution Reconsidered*. London: Paradigm.
- Kapur, R. (2005b) *Erotic Justice: Law and the new politics of postcolonialism*, London: Glasshouse.
- Karoly, M. (2006) 'How to talk about this to the 'outside'', *Roma Rights*, European Roma Rights Centre, www.errc.org
- Kaye, M. (2006a) *Contemporary Forms of Slavery in Uruguay*. London: Anti-Slavery International.
- Kaye, M. (2006b) *Contemporary Forms of Slavery in Argentina*. London: Anti-Slavery International.
- Kempadoo, K. (ed) (2005) *Trafficking and Prostitution Reconsidered*. London: Paradigm.
- King, R. (2002) 'Towards a new map of European migration', *International Journal of Population Geography*, Vol.8, pp89-106.
- Kofman, E., Phizacklea, A., Raghuram, P., and Sales, R. (2000) *Gender and International Migration in Europe*. London: Routledge.
- Lewis, P. (2006) "500 Children Face Forcible Deportation", *The Guardian*, 18/08/06
- Lim, L. (1998) *The Sex Sector: The economic and social bases of prostitution in South-east Asia*. Geneva: International Labour Office.
- López Córdova, E., 2006: 'Sending money home: can remittances reduce poverty?' *id21 insights*, 60.
- Ludden, J. (2006) 'Child migrants alone in US get sheltered, deported', Immigrant Children's Advocacy Project, www.immigrantchildrensadvocacy.org
- Manabendranath, R. (2006) *Abuse Amongst Child Domestic Workers – A Research Study in Bengal*, London: Save the Children UK.
- Marcus, R. and Harper, C. (1995) *Small Hands: Children in the Working World*. Save the Children Working Paper No.16, London: Save the Children.
- Markova, E. and Reilly, B. (2006) "Bulgarian Migrant Remittances and Legal Status: Some micro-level evidence from Madrid", *Sussex Migration Working Paper*, No. 37
- Marshall, P. and Thatun, S. (2005) 'Miles away: the trouble with prevention in the Greater Mekong Sub-region', in K. Kempadoo, J. Sanghera and B. Pattanaik (eds.) *Trafficking and Prostitution Reconsidered*. London: Paradigm.
- Martin, F. and Parry-Williams, J. (2005) "The Right not to Lose Hope: Children in conflict with the law – a policy analysis and examples of good practice", Save the Children Alliance.
- Massey, D. (1993) 'Theories of international migration: a review and appraisal', *Population and Development Review*, 19, 3, pp 432-66.
- Mayorga, L. and Velasquez, P. (1999) 'Bleak pasts, bleak futures: Life paths of thirteen young prostitutes in Cartagena, Colombia', in K. Kempadoo (ed) *Sun, Sex and Gold: Tourism and Sex Work in the Caribbean*. New York: Rowman & Littlefield.
- Millennium Ecosystem Assessment, 2005: *Ecosystems and Human Well-Being: Multiscale Assessments. Findings of the Sub-global Assessments Working Group*, Washington, DC: Island Press. Chapter 6 "Vulnerable people and Places", Chapter 22 Dryland Systems.

- Miller, A. (2004) 'Sexuality, violence against women, and human rights: Women make demands and ladies get protection', *Health and Human Rights*, 7: 2, pp 17-46.
- Morris, N. (2006) "More than 2,000 Children of Asylum-Seekers Detained", *The Independent* 28/03/06
- Morris, S. (2004) 'Disenchanted Britons head for the exit', *The Guardian*, Friday, November 5.
- Morrison, J. (2000) 'The policy implications arising from the trafficking and smuggling of refugees into Europe'. Documentation of the European Conference "Children First and Foremost – Policies towards Separated Children in Europe". Stockholm: Save the Children Sweden.
- Naegele, J. (2001) 'Albania: Growth rates steady, but emigration on rise', www.rferl.org/nca/features/2001/10/19102001094916.asp
- NCADC (2007) 'DR Congo is not safe – stop the 'Charter Flight'', National Coalition of Anti-Deportation Campaigns, <http://www.ncadc.org.uk>
- Newcombe, E. (2004) "Temporary Migration to the UK as an 'Au Pair': Cultural exchange or reproductive labour?" Sussex Migration working paper no. 21.
- Neumayer, E. (2006) 'Unequal access to foreign spaces: How states use visa restrictions to regulate mobility in a globalized world', *British Geography*, pp 72-84.
- NHRC, UNIFEM and ISS Project (2003) "A Report on Trafficking in Women and Children in India 2002-2003".
- Nizan, R. (2004) 'Child labour in Latin America: Issues and policies in Honduras', in C. Van den Anker (ed) *The Political Economy of New Slavery*. London: Palgrave.
- O'Connell Davidson, J. (2001) *Children in the Sex Trade in China*. Stockholm: Save the Children Sweden.
- O'Connell Davidson, J. (2005) *Children in the Global Sex Trade*. Cambridge: Polity.
- Olusanya, B. and Hodes, D. (2000) "West African Children in Private Foster Care in City and Hackney", *Child: Care, Health and Development*, Vol. 26, Issue 4.
- O'Neill, M., and Barberet, R., 2000: 'Victimization and the social organisation of prostitution in England and Spain', in R. Weitzer (ed.) *Sex for Sale*. London: Routledge.
- Orellana, M., Thorne, B., Chee, A., and Lam, W. (2001) "Transnational Childhoods: The participation of children in processes of family migration", *Social Problems*, Vol. 48, No. 4.
- Orellana, M. (2001) "The Work Kids Do: Mexican and Central American immigrant children's contributions to households, schools and community in California." *Harvard Educational Review*, Vol. 7, No. 3, pp366-389.
- OSCE (2006) Handbook on Establishing Effective *Labour Migration Policies in Countries of Origin and Destination*. OSCE, IOM and ILO.
- Oxfam (2003) "International Development Committee Inquiry on Migration and Development", available at www.oxfam.org
- Parrenas, R. (2001) *Servants of Globalization: Women, migration and domestic work*. Stanford: Stanford University Press.
- Parrenas, R. (2003) 'The care crisis in the Philippines: Children and transnational families in the new global economy', in B. Ehrenreich and A. Hochschild (eds)

- Global Women. New York: Metropolitan.
- Pearson, E. (2004) "Coercion into the Kidney Trade: A background study on trafficking in human organs worldwide", Deutsche Gesellschaft für Technische Zusammenarbeit GmbH
- Pestraf (2002) "National Study on the Trafficking of Women, Children, and Adolescents for Commercial Sexual Exploitation", Brazil: Pestraf
- Phinney, A. (2002) El tráfico de mujeres y niños para la explotación sexual en las Américas. Una introducción al tráfico en las Américas, para la Comisión.
- Phizacklea, A. and Anderson, B. (2002) Impact of Legal Status and Children on Transnational Household Strategies of Migrant Domestic. *Transnational Communities Research Briefing*. Swindon: ESRC.
- PICUM (2007) 'PICUM's comments on the communication from the Commission on "Policy priorities in the fight against illegal immigration of third-country nationals"', Platform for International Cooperation on Undocumented Migrants, Brussels, February 12.
- Pottinger, A. (2005) 'Children's experience of loss by parental migration in inner city Jamaica', *American Journal of Orthopsychiatry*, 75: 4, pp 485-496.
- Pottinger, A. and Williams Brown, S. (2006) 'Understanding the impact of parental migration on children: Implications for counselling families from the Caribbean', *Vistas 2006 Online*.
- Psimmenos, I., 2000: 'The making of periphractic spaces: The case of Albanian undocumented female migrants in the sex industry of Athens', in F. Anthias and G. Lazaridis (eds.), *Gender and Migration in Southern Europe*. London: Berg.
- Punch, S. (2002) 'Youth transitions and interdependent adult-child relations in rural Bolivia', *Journal of Rural Studies*. 18:2 pp 123-33.
- Quintana, V. (2004) 'Why the Mexican rural sector can't take it anymore', in G. Gonzalez, R. Fernandez, V. Price, D. Smith, and L. Trinh Vo (eds) *Labor Versus Empire: Race, Gender and Migration*. London: Routledge.
- Refugee Council and British Agencies for Adoption and Fostering (2001) "Where are the Children? A mapping exercise on numbers of unaccompanied asylum-seeking children in the UK: September 2000 – March 2001"
- Refugee Council (2003) "Refugee Charities Tell Government to Stop Detaining Children", available at: www.refugeecouncil.org.uk
- Refugee Council (2005a) "Refugee Children: Safeguarding the future of those hardest to protect", Report of conference 20th October 2005.
- Refugee Council (2005b) "Children in Detention: A Refugee Council policy paper", available at: www.refugeecouncil.org.uk
- Refugee Council (2005c) "Daring to Dream: Raising the achievement of 14 to 16 year old asylum-seeking and refugee children and young people", available at: www.refugeecouncil.org.uk
- Refugee Council and Refugee Action (2006) " 'Inhumane and Ineffective' – Section 9 in Practice", www.refugeecouncil.org.uk
- Reuters (2006) '13 migrant children drown off Africa', *Reuters*, November 28.
- Robinson, W. (2004) 'Latin America and the empire of global capital', in G. Gonzalez, R. Fernandez, V. Price, D. Smith and L. Trinh Vo (eds) *Labor Versus Empire*:

- Race, Gender and Migration*. New York: Routledge.
- Rozzi, E. (2002) 'The evaluation of the best interests of the child in the choice between remaining in the host country and repatriation: a reflection based on the Convention on the Rights of the Child', Rome: Save the Children Italy.
- Rutter, J. (2006) *Refugee Children in the UK*, London: Open University Press.
- Sanghera, J. (2005) 'Unpacking the trafficking discourse', in K. Kempadoo, J. Sanghera and B. Pattanaik (eds.) *Trafficking and Prostitution Reconsidered*. London: Paradigm.
- Save the Children's Fund UK, Action Aid, Antislavery International, CAFOD, Christian Aid, Consortium for Street Children, Help Age International, Mother's Union, Oxfam, Tearfund, UNICEF UK, United Reform Church, WDM, World Vision (2001) *Eliminating World Poverty for Today's Children Tomorrow's Citizens*.
- Save the Children (2003) *Diagnóstico sobre la situación de niñas, niños y adolescentes en 21 países de América Latina*. Lima: Save the Children.
- Save the Children (2005) "Uncertain Futures - children seeking asylum in Wales", available at: <http://www.savethechildren.org.uk/scuk/jsp/resources/details.jsp?id=2723&group=resources§ion=news&subsection=details>
- Save the Children UK (2005) *No Place for a Child*. London: Save the Children UK
- Save the Children Separated Children in Europe Programme (2006) "The Implementation of the Dublin II Regulation and the Best Interests of Separated Children".
- Scanlon, T. and Tomkins, A. (1998) "Street Children in Latin America", *British Medical Journal*, Vol. 316.
- Schlosser, E. (2004) *Reefer Madness*. London: Penguin.
- Selman, P. (2002) 'Intercountry adoption in the new millennium; the "quiet migration" revisited', *Population Research and Policy Review*, 21: 205-225.
- Sharma, B. (2006) *Contemporary Forms of Slavery in Bolivia*. London: Anti-Slavery International.
- Siden, A. (2002) *Warte Mal! Prostitution after the Velvet Revolution*. London: Hayward Gallery.
- Sklair, L. (2002) *Globalization: Capitalism and its alternatives*. Oxford: Oxford University Press.
- Skrobanek, S., Boonpakdi, N., and Janthankeero, C. (1997) *The Traffic in Women*. London: Zed.
- Slodnjak, V., Kos, A. and Yule, W. (2002) "Depression and Parasuicide in Refugee and Slovenian Adolescents", *Crisis* Vol. 23, No. 3, pp127 – 132.
- Smith, C. (2005) 'Paris hotel fire underscores illegal immigrants plight', *The New York Times*, April 20.
- Smith, T. (2005) "Promoting Inclusion for Unaccompanied Young Asylum Seekers and Immigrants – A duty of justice and care", European Social Network
- Socialist Worker (2005) 'Paris fires expose plight of migrants', *SocialistWorkeronline*, issue 1966.
- Sutton, A. (1994) *Slavery in Brazil: A link in the chain of modernization*. London: Anti-Slavery International.
- Sy, T. (2006) 'Fishing for a better future in Senegal', *Guardian Unlimited*, Wednesday

- day, June 7.
- Thronson, D. (2002) 'Kids will be kids? Reconsidering conceptions of children's rights underlying immigration law', *Ohio State Law Journal*, 63:979.
- Tyurykanova, E., 2004: Forced Labour in the Russian Federation Today (ILO Moscow and SAP-FL, unpublished document).
- Underhill-Sem, Y. (2003) Marked bodies in marginalized places: Understanding rationalities in global discourses. *Society for International Development*, 46: 2, pp 13-17.
- UNFPA (2006) *The State of the World's Population*, 2006. <http://www.unfpa.org>
- UNICEF (2001) The situation of Children and Families in the Republic of Moldova, 2000-2001, Assessment and Analysis. Moldova: UNICEF Moldova.
- UNICEF (2005) "Child Alert: Dafur", available at: www.unicef.org
- UNICEF (2006a) "Information Sheet in Displaced Children", available at: www.unicef.org
- UNICEF (2006b) *The Situation of Children Left Behind by Migrating Parents*, Child Rights Information Center, UNICEF Moldova.
- UNIFEM, NHRC and ISS Project (2004) 'A report on trafficking in women and children in India', available at: <http://nhrc.nic.in/ReportonTrafficking.pdf>
- UNITED (2007) United for Intercultural Action: European network against nationalism, racism and fascism, and in support of migrants and refugees. www.unitedagainstracism.org
- United Nations, 2001: *World Population Prospects: The 2000 Revision Highlights*. February 2001, pp.47-50.
- Ureche, H., Manning, J. and Franks, F. (2005) *That's Who I am: Experiences of Young Romanian Roma in London*. London: The Children's Society.
- Vertaik, R. (2005) "Inquiry Urged Over Increase in Detention Centre Deaths", *The Independent*, 17/09/05
- Walter, N. (2004) 'Women and children first', *The Guardian*, August 14.
- Weaver, M. (2006) "Breastfeeding Mothers Detained away from Babies", *The Guardian*, 18/08/06
- Whitehead, A. and Hashim, I. (2005) *Children and Migration*. Background paper for DFID Migration Team. Unpublished.
- Women Against Rape (2006) *Asylum from Rape Bulletin*, October/November. London: WAR.
- World Bank Group, 2005: Youthink! Facts Sheet on Employment

- i To give an indication of the significance of remittances for national and regional economies, they are estimated to represent between 4–7 per cent of GDP in Armenia, Georgia and Tajikistan and over 20 per cent of GDP in Moldova (OSCE, 2006, p23). Sending states can also benefit significantly from the receipt of consular and passport fees. In 1992 in the Philippines, where overseas contract workers 'were required by law to remit between 30 and 70 per cent of their earnings (depending on job and location) through the state and commercial banks', the government also collected some US\$9.6 million in passport fees alone (Chant and McIlwaine, 1995, p33). The Inter-American Development Bank (IADB) estimated remittance flows to Latin American and Caribbean countries at over US\$45 billion in 2004, and that in 2005 they would reach US\$55 billion - higher than foreign direct investment and overseas development assistance to the region (López Córdova, 2006).
- ii Even before the tsunami of December 2004, Asia was disproportionately affected by these events, with more than 43 per cent of all natural disasters and 70 per cent of deaths occurring there over the last decade of the twentieth century.
- iii Fees from overseas university students make a significant contribution to the university sector in both the U.S. and Britain. A number of British universities derive between one-third and one-fifth of their total income from international student fees, and Chinese students – the largest single group of overseas students in the UK – contribute an estimated US\$1 billion to the British economy (BBC, 2006).
- iv One study in South Africa found that all the cases of child migration they came across were a direct or indirect result of the HIV pandemic (Ansell and van Blerk, 2004). Orphaned children, and those who need to support sick parents and/or orphaned siblings migrate either to find work or to live with relatives. In most cases, children go to live with their maternal grandparents, but a minority go to live in institutions or live in the streets because they have no relatives to take them in. Without adult carers, children are forced to devise their own survival strategies, yet living with relatives may not always be a preferable option since there is still a stigma attached to AIDS, so AIDS orphans are sometimes treated differently from other children when living in a relative's house. This adds to the problems of dislocation and mourning, and may be another factor that accounts for the presence of AIDS orphans living and working on the streets in other African countries (Francavilla and Lyon, 2002).
- v Most came from the Central American countries of Honduras, Guatemala and El Salvador. But they also came from Mexico, Brazil, Ecuador, China and India.
- vi The remilitarization of the region has so far involved 'the \$2 billion Plan Colombia... the sale by Washington of advanced fighter jets to Chile's military, the installation of a U.S. military base in Ecuador, the large-scale provision of arms, counterinsurgency equipment and antiterrorism training programs to Mexico, new multilateral intervention mechanisms, and a new round throughout the hemisphere of joint U.S.-Latin American military exercises and training programs (Robinson, 2004, p48).
- vii For instance, some member states provide no subsidised health care to undocumented migrants, allowing access only on a payment basis (e.g., Sweden and Aus-

tria), some run parallel health care services for undocumented migrants, which can lead to an increased risk of stigmatization (e.g., France, Belgium and the Netherlands) (PICUM, 2007).

- viii However, it is interesting to note that amongst registered accession state (A8) nationals working in the UK (a group that can enter and work legally), less than 0.5 per cent are under 18, while 18–24 year olds comprise 43 per cent of the total figure of 510,000 (Home Office, 2006).
- ix Saul Becker and Ruth Evans, School of Sociology & Social Policy, University of Nottingham, NG7 2RD, UK.
- x The authors analysed 1,093 data files of unaccompanied minors intercepted in Zeebrugge. Of the 899 unique persons found in the data files, 113 were intercepted several times. After the interception, the Aliens Office gives the majority (82.9 per cent) an identity document without a requirement to leave Belgium, while 15.3 per cent must leave Belgium immediately or within five days. In 82.9 per cent of the cases, a child protection officer is contacted to make a decision about the situation. In 67.2 per cent of these cases, no child protection measure is taken, and the minor may leave the police station; in 32 per cent of the cases, the minor is transferred to a centre, mostly crisis reception.
- xi Almost a third of the children participating in the UNICEF survey in Moldova (36 per cent) mentioned that parents visit them once every 2–3 months, 17 per cent once in six months, and 10 per cent once a year. A fourth of the children (26 per cent) see their parents less than once a year. The frequency of visits depended directly on the distance between the foreign country where parents found a job and their homeland, as well as on their legal or illegal status. As a rule parents working in Russia visited their children more frequently than those working in Western Europe. The frequency of visits from the latter depended on whether or not parents possess visas (UNICEF, 2006b).

*Save the Children fights for children's rights.
We deliver immediate and lasting improvements
to children's lives worldwide.*



SE-107 88 Stockholm, Sweden
Telephone: +46 8 698 90 00
Telefax: +46 8 698 90 10
info@rb.se
www.rb.se