

Introduction

Every year, tens of thousands of children cross borders alone. Some travel to join families that have already migrated. Others leave home to flee war, civil unrest, natural disaster, or persecution. Some migrate in search of work, education, opportunity, adventure. Others travel separated from their families but not actually alone, in the company of traffickers or smugglers, risking exploitation and abuse. The majority, perhaps, travel for a combination of reasons, part of the growing trend toward mixed migration. And yet, the complexity of child migration is a largely untold and unanalyzed story. This book is an effort to correct that omission.

Child migration is part of a contemporary phenomenon that changes and shapes the world we live in. Migration affects not just the 3 percent¹ of the global population who are migrants, but the vast majority who are not. As villages become depleted of young adults and the population in metropolitan centers changes beyond recognition within the space of a couple of decades, as schools, hospitals, workplaces, and shops cater to an increasingly diverse clientèle, so the cumulative impact of contemporary migration irrevocably seeps into the fabric of everyday life. Many stories have been told about this process, ranging from alarmist xenophobic accounts of invasion and cultural pollution to cautious academic analyses of the impact of migration flows on population stocks and domestic economic prospects. They are interspersed with a range of literary and cinematic depictions of the imaginative correlates of migration. Very few of these stories center on the experiences of child migrants, the push and pull factors affecting their movements, and the social and legal environments they populate. This deficit is nontrivial. It affects the perception of migration as a whole and the social investment it attracts. Migration is increasingly considered a voluntary adult phenomenon requiring management and control. The

2 • Introduction

claim to protective intervention or fiscally backed social engagement is ever-diminishing now that concerns about the Holocaust and the brutalities of the Cold War have given way to apprehensions about terrorists and welfare scroungers. Children do not feature in this large-scale picture, except as occasional appendages to adults. But they should. The failure to attend to child migration coincides with the diffusion of confused, unsatisfactory, and frequently oppressive policies that should not stand up to careful public scrutiny.

Migration to developed states has more than doubled in the last thirty-five years. A significant proportion of that migration, recently estimated at 11 percent,² consists of children and young people under twenty. There is every reason to expect this trend to continue, given global inequalities and shrinking geographies. But until the late 1990s, policy makers and advocates failed to ask themselves, let alone the children and adolescents in question, what the reasons for their migrations were, or who made (or should make) key decisions concerning their journeys, their well-being, their rights, and their future. With very few exceptions, no agency, department, or expert body considered itself primarily responsible for this group or competent to address the increasingly complex dilemmas that it presented. Though children outside family care have generally lacked the attention and support required to flourish—“the rhetoric of respect is contradicted by the reality of marginalization, rejection, abuse and neglect”³—there has at least been long-established and dedicated institutional provision for citizen children. Not so, until recently, for child migrants. Child welfare specialists have been absorbed by their domestic preoccupations with issues such as abuse and neglect, the relative role of foster care and adoption (including, increasingly, intercountry adoption),⁴ the scope of parental autonomy versus state responsibility, and the relationship between nurturing and punitive interventions for abandoned and troubled children. Immigration considerations did not feature as complicating, let alone central, issues for children in need of state protection. In many cases migrant children who did not have families to care for them became the responsibility of diasporic community organizations from their countries of origin—Ethiopia, Iran, Vietnam, Somalia, Sri Lanka, El Salvador, or Guatemala. Formal legal decisions were not taken on their behalf, and state entities did not take responsibility for their well-being.

Similarly, immigration advocates have been increasingly engaged in defending humanitarian immigration access—refugee protection—in the face

of a changing refugee demographic (what David Martin usefully referred to as the “new asylum-seekers”⁵) and in challenging a growing state propensity to detain, exclude, and criminalize immigrant populations. As subsequent chapters in this book will show, children did not feature in this equation as individual subjects of immigration concern. Rather (as women before them) they were considered appendages and possessions of others—parents, families, lone mothers. Immigration specialists lacked child-specific competence, both substantively in terms of child welfare law and policy, and procedurally in terms of child-friendly operational guidelines. Where they were not entirely overlooked, decisions about migrant children’s immigration status and rights were generally linked to and driven by adult entitlements and concerns. This state of affairs began to change in the late 1990s. Two factors were key to the transformation. One was population driven. It concerned the growing presence of unaccompanied child migrants manifestly requiring some form of state attention in developed destination states. There were two aspects to this newly pressing issue. On the one hand child migrants appeared to require *protective attention* because they had or were at risk of having no adults caring for them. On the other hand, child migrants seemed to some key policy makers to need *punitive attention* because their presence as suspected gang members or otherwise threatening outsiders was disruptive and posed challenges to existing state structures.

The other factor central to the changing approach to child migrants at the end of the 1990s was law driven: the increasing importance given to children in international law, thanks to the growing influence of the widely and rapidly ratified 1989 Convention on the Rights of the Child, and the foundational impact of the 1996 Graça Machel report on children and armed conflict. The public law acknowledgment that children featured as rights bearers and as subjects of concern in international law, and that noncitizen children deserved attention and state protection as much as domestic children, provided ammunition to child migrant advocates. As a result of these two developments, conceptions of migrant children began to change, to assume more importance and definition and to have a greater impact on child welfare and immigration decisions. By the beginning of the twenty-first century, the chasm between child welfare and immigration experts was starting to close, with a small group of immigration advocates, juvenile justice experts, child welfare specialists, and humanitarian activists directing attention to issues specific to different groups of child migrants.

4 • Introduction

Clear evidence of this gradual transformation in the conception of migrant children and the legitimacy of their claims to attention is the evolution of terminology dealing with child migrants, an evolution that reflects a growing sophistication in categorization and understanding. As already noted, until the 1990s⁶ the vast majority of child migrants were subsumed within family immigration where they were simply “dependents.” This was true both of national immigration statistics regarding family reunification claims, and of international demographic data regarding refugee processing. Insofar as any attention was paid to other child migrants, it was simply because they arrived alone. They were at first referred to as “unaccompanied children,” and were generally assumed to be asylum seekers. The February 1997 Office of the United Nations High Commissioner for Refugees (UNHCR) *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*⁷ was among the first of official documents to address this population.⁸ The *Guidelines* targeted children under eighteen who were “separated from both parents and [were] not being cared for by an adult who by law or custom had responsibility to do so.”⁹ Within four months, the European Union followed suit. It passed a “Resolution on Unaccompanied Minors who are nationals of Third Countries,”¹⁰ its only one to date focused on this issue. The assumption here too was that all these children needed to be dealt with within the asylum-determination framework. National guidelines eventually followed in the United States and the United Kingdom¹¹ targeting unaccompanied child asylum seekers as the only category of concern.

The inadequacy of this terminology gradually became apparent. As the UNHCR definition itself noted, children requiring attention were not just those who were unaccompanied by parents but those not cared for by a responsible adult. In other words, lack of care rather than unaccompanied status was the factor precipitating the need for public attention. The terminology changed to reflect this new conception—“unaccompanied and separated child asylum-seekers” were the new target, so that children separated from their customary caregivers but in others’ company were also included. Indeed it became apparent that accompanied migrant children might be highly vulnerable, if for example they were with traffickers, military recruiters, or other exploitative individuals. What unaccompanied and separated children had in common was a protection deficit, one that the state in its role as *parens patriae* was obliged to address.

Toward the middle of the new century's first decade, around 2005 to 2006, a third development regarding child migrants appeared that coincided with the growing constriction of access to asylum after the mushrooming of applications following the Balkan War, and the expansion of independent child migration from North Africa, West Africa, and Latin America. It became apparent that many unaccompanied or separated children were not asylum seekers at all, but young migrants driven to cross borders because of a complex, mixed set of factors unrelated to fear of persecution. Fitting all these diversely driven young migrants into the asylum-determination process and the refugee definition for the purposes of securing a legal immigration status became increasingly unworkable. Most undocumented migrant children living in irregular situations who are not asylum seekers continue to fall outside domestic legislation and institutional protection in the destination states where they reside.¹²

Gradually, however, in specialist circles at least, some acknowledgment of the complexity of child migration developed, reflected in a more differentiated categorical lexicon and more thoughtful policy articulation. In France, where large numbers of North African and East European adolescents arrived during the first decade of the new century, the terminology of “unaccompanied” or “separated” was replaced by the notion of *jeunes errants*, a term that means “young wanderers” but became translated into the less pejorative “children on the move.” This terminological shift reflected a new conception: child and adolescent migrants were moving in search of various key elements of a rights-respecting life absent in the home countries—safety, nurture, educational opportunity, economic prospects, and perhaps family life. The dichotomy between forced and economic migration was giving way to an acknowledgment, for children too, of the reality of mixed migration. Migration was prompted not just by persecution or by family migration but by the spread of a global social imaginary, the fall of the Berlin Wall, the dramatic curtailment of legal status for Latino populations in the United States (rendered “impossible subjects” in Mae Ngai’s evocative terminology¹³), the growth of immigrant diasporas, and the proliferation of social networking through omnipresent portable and affordable personal technology. Border crossing, therefore, was no longer simply an adult or family life strategy, but one adopted by children and adolescents—-independent child migrants making choices (whether experts considered them in their best interests or not) that expressed their views about their future preferences.

6 • Introduction

Greater attention to child migration is gradually bringing more sophistication to the related policy and decision-making process. As acknowledgment of the variety of the migration projects undertaken by young people has expanded, so has a more differentiated conception of the category “child.” In international law, the term spans a huge capability range, from zero to eighteen.¹⁴ It covers infants entirely dependent on adult provision, who should have a positive right to protection,¹⁵ as well as late teens considered independent family members back home, whose capacity to make best-interest judgments for themselves should be respected. In the migration context this more nuanced understanding of the evolving capacities of the child complicates decision making about the meaning of “the best interests of the child” as applied to the child’s future plans. Protective policies rub up against autonomous desires and plans that reflect an increasing capability for self-reflection and decision making. There is a growing recognition that unaccompanied child migrants are, in most cases, teenagers with complex life stories and agendas that challenge previous orthodoxies. Some advocates now insist that family unity traditionally conceived is not synonymous with the best interests of the child, and that other human rights—to education, to a reasonable standard of living, to freedom from exploitation—should complicate a simple-minded “return home” policy.

Consider the differences between the following common child-migrant situations explored in subsequent chapters. Some children who are unaccompanied or separated or in situations of “errance” are trapped by traffickers or exploitative employers unbeknown to their families, or held by smugglers refusing to hand them over to parents waiting to reunify their family: these children need positive protection by the state, including legal support, social and emotional care as a prelude to family reunification. Other children who have left home exercising their own initiative, leaving behind situations of abuse or exploitation, need to be protected from families and spared rather than forced into family unity. Policies that return these children “home” without scrutinizing the homes to which return is being effected may contribute to retrafficking or forced conscription. Even migrant children joining or living with loving families may nonetheless risk human rights violations requiring state intervention. Paradoxically, some accompanied children may face greater risks than their unaccompanied or separated counterparts. Whereas many unaccompanied children within state custody get access to education, necessary medical attention, and

sometimes even regularization of their immigration status, accompanied children living in families with an irregular immigration status rarely do. As chapter 2 discusses, children living with parents frightened of being arrested and deported, as millions of US resident children are, risk being kept away from necessary medical services and other public situations to avoid potentially devastating encounters with law enforcement and immigration agents. And, as chapter 7 points out, children living with stateless parents or parents in irregular settlements, including European Roma children, are regularly denied access to necessary state services for similar reasons. Unprotected rather than unaccompanied child migrants are a new and urgent focus of concern.

Finally some advocates have adopted the terminology of “lone” or “independent” child migrants, which suggests a more recent set of issues: that child migrant advocates need to take on board the autonomy and adolescent aspirations of many child migrants who are not looking to be “rescued” into state-run facilities where their opportunities to earn are blocked, or inducted into migration itineraries where their aspirations for agency and empowerment are erased. The large-scale absconding from state shelters by children “rescued” from traffickers (discussed in chapter 4) or from a life on the streets is evidence of this dynamic. This population of child migrants requires nonpaternalistic support and advice to enable them to realize the rights guaranteed to them by international law, including the rights to freedom from inhumane or degrading treatment; to basic education; to adequate health care, welfare support, and shelter. Above all, young migrants need to be listened to, and given a voice with which to articulate their concerns and hopes. Legal protections related to migration status need to be coupled with child welfare investments related to social and economic rights. Work with these independent migrant adolescents is in its infancy in Europe, and hardly in evidence at all in the United States. These terminological journeys illustrate the complex ecology of interrelated rights and needs that child migrants present and the unfinished business of legal implementation and policy refinement that lies ahead.

At the same time as conceptions of child migrants evolved, indeed in dialogue with and response to them, domestic proceedings linked to international law began to change. The first two chapters record the process by which child migrants appeared as plaintiffs or co-plaintiffs in challenges to family deportations citing the right to respect for their family life. Chapter 6

describes how asylum applications by children started to be presented expanding the boundaries of the 1951 UN Convention's definition of a refugee to include child abuse or child trafficking as a basis for international protection. Several chapters document the evolution of child-friendly procedures in a range of immigration proceedings to facilitate children's access to some form of justice, a reflection of the increasing connection between the immigration and child welfare worlds.

The growing influence of the Convention on the Rights of the Child (CRC), with its foundational concept of "the best interests of the child" and stimulation of greater attention to the agency, views, and participation of children themselves, and with its clear articulation of the rights of refugee and asylum-seeking children,¹⁶ has had some impact on domestic law and practice affecting child migrants. Even the US government, as chapter 6 points out, despite nonratification of the Convention, has referenced its principles, both in its child asylum guidelines, and in the regular trainings given to asylum officers adjudicating children's cases. In addition to the general force of key articles in the Convention, the work of the UN Committee on the Rights of the Child in the development of a General Comment dealing with migrant children¹⁷ is an important contribution to an evolving rights-based adjudication framework. The General Comment provides guidance on general principles such as nondiscrimination and right to life as they impinge on states parties' treatment of migrant children, as well as on survival and development principles. It also sets out considered responses to more specific protection needs and challenges, including age determination procedures and the appointment of guardians and legal advisers.

A few of these international law principles have now found their way into state practice affecting migrant children, reassuring evidence that the time-consuming and politically costly process of norm setting can, with sufficient civil society mobilization and political will, translate into rights enforcement on the ground. By piecing together the diverse strands of policy development, law enactment, and finally institutional implementation, the book attempts to illustrate through the lens of child migration how human rights principles can move from theory to practice. Many examples of this complex and erratic process are covered in subsequent pages. Among them is the radical reform of protection and reception provisions for unaccompanied migrant children approved by the Belgian government in the wake of the European Court of Human Rights condemnation of state practice in the notorious

Tabitha case¹⁸ discussed in chapter 7. The book also discusses the holistic age determination procedures adopted (at least in principle) by the UK immigration authorities referenced in chapter 6 in response to an assiduous and well-organized advocacy campaign against the Home Office's continuing use of discredited, one-dimensional medical measures of age. The growing international acknowledgment that detention of migrant children (including in family detention contexts) must be a last resort, used as sparingly as possible is referenced in several contexts. The move away from detention is hugely significant as a human rights principle, though, one could argue, it is a modest achievement given the manifest unsuitability of detention for nearly all children, but particularly those not charged with any criminal wrongdoing. Finally, there is reference to the increasing investment in collecting and disseminating disaggregated migration statistics detailing age, gender, and status of migrant children, a precondition for the monitoring of progress and the evaluation of the impact of reforms on child migrants' rights.

These and other related changes manifest themselves across a broad spectrum of child migration situations. For ease of analysis, rather than to suggest that each migration category is hermetically sealed from the others, the book organizes the discussion of child migration into three nonmutually exclusive groups: family-related migration (comprising family reunion, family-related deportation, and intercountry adoption); exploitation-related migration (including child trafficking and recruitment related to armed conflict); and survival-related migration (covering refugee- and asylum-driven migration, and economic migration). Each of these three migration groups presents dilemmas for child migrants, their families, and their advocates, as well as for policy and decision makers. To preview the discussion in the following chapters, I will briefly comment on each.

The first section deals with child migration for family reunion, the most familiar and well-understood aspect of child migration, and the one that has been the focus of law and policy the longest. It covers a range of different migrations, including challenges confronting children who follow to join parents who have migrated first, the dilemmas confronting citizen children whose parents are refused permission to reside in the children's home country and who thus face "constructive deportation" from their own country, and intercountry adoption, a practice that affects approximately thirty thousand children moved from the "majority" to the "developed" world each year to become part of a new family.

The second section of the book examines child migration situations primarily driven by the intention to exploit moving children. This section consists of two chapters, one on the flourishing industry in transnational child trafficking leading to different forms of exploitative child labor in peacetime, the other on the transport and exploitation of child labor in situations of armed conflict.

The third and final section of *Child Migration and Human Rights in a Global Age* covers yet another significant aspect of child migration, that primarily driven by the search for survival, opportunity, and a viable life. Like adults, large numbers of children and adolescents cross borders each year in search of a future. Some refugees and asylum-seekers travel to escape armed conflict, ethnic strife, religious discrimination, or more individualized forms of personal abuse. Others flee from destitution, unemployment, or societal disintegration. In either case, the young migrants aspire to a future that is more secure and rights respecting than the past they left behind.

A central claim of *Child Migration and Human Rights in a Global Age* is that child migrants need to be viewed as agents whose aspirations are relevant to institutional decision making. Legitimate concerns about encouraging child labor, curtailing educational opportunity, or acquiescing in forms of child exploitation are not a justification for treating migrant adolescents as elementary school children. The delicate balance between familial protection and youthful autonomy, between educational and employment opportunity must be established in partnership with the young migrants themselves. The alternatives, as I show in the book's final chapters, are incarceration or absconding and return to risky street environments.

These dilemmas associated with children's border crossing are challenging to resolve, particularly in a political climate dominated by security concerns and nativist protectionism over employment opportunities. But the instruments increasingly available through international law create opportunities for advocacy and public education that advocates have a responsibility to exploit to the full as they move on to the next set of terminological transformations in our thinking about child migrants.

What are the key dilemmas that confront child migrants and their advocates over this broad spectrum of migration situations today? Among the plethora that exist, a few are particularly critical. Most central is the continuing inefficacy of international, regional, and domestic law as an instrument to protect the human rights of migrant children. What alternatives

to law making, litigation, and advocacy exist, then? How can unprotected child and adolescent migrants—the majority of whom have no access to guardianship, to legal representation, to competent advocacy—translate the principles of international law into meaningful human rights protections? For years, the preferred answer to this dilemma has been to suggest that the rights deficits are a product of the child migrants' invisibility—their in-between status, the omissions that have resulted from the gap between child welfare and immigration experts that I mentioned earlier. The implication, of course, is that visibility will correct the rights deficit. In my view this answer has been effectively discredited. For the past half-decade at least, attention has been paid to the interests and rights violations affecting child migrants—invisibility is no longer an acceptable explanation for lack of protection. I suggest in what follows that an unresolved ambivalence about the legitimacy of according protection to migrant children without a legal status provides a more convincing explanation of the policy failures that persist. As a society, we are stymied by a fundamental contradiction in our approach. We view the state as having a protective obligation toward vulnerable children in its role as *parens patriae*, parent of the nation; but we also expect the state to protect us from threatening, unruly, and uncontrolled outsiders, even if they are children. It is not that we have forgotten or missed the problems of migrant children. Rather they are a moving target, compelling but shifting, and we are deeply ambivalent about our responses. Our neglect of child migrants' rights is therefore a strategic compromise that represents our unresolved ambivalence. It has enabled us to avoid the conceptual and political dilemmas raised by child migration and to sidestep the policy challenges it presents.

At first glance, ambivalence may seem an inadequate explanatory tool. The global demand for cheap child labor is, one might argue, a product of transnational economic forces, a reflection of deeper market-driven imperatives. And the growing demand for mobility of persons to match the mobility of goods, services, and capital inevitably brings with it exploitative and irregular forms of border crossing such as trafficking. In the face of these broad and complex economic factors, why invoke the concept of ambivalence? Because, *Child Migration and Human Rights in a Global Age* will demonstrate, it provides a richer and deeper analytic framework than purely economic arguments and a more accurate explanation of current realities than the invisibility theory. Much of the theoretical work on the

tension between equality and difference relies on the concept of ambivalence. Hannah Arendt for example examines the ethical dilemmas involved in dealing with groups other than ourselves in these terms: “I am not only for others but for myself, and in this latter case, I am clearly not one. A *difference is inserted into my oneness*.”¹⁹ Her idea is that the tension between one’s identification with others (e.g., the sentiments that motivate human rights principles) and one’s self-interest (the sentiments that drive nativism and xenophobia) is not a contradiction that is resolved or overcome, but a deeper ambivalence that endures—the *difference inserted into oneness*. The concept of ambivalence has also been used in the political sphere for analyzing the tension between freedom and tyranny. Writing about Nazism, Theodor Adorno emphasizes the internalization of barbaric and tyrannical traits within democracy itself, pointing out that the existence of National Socialism *within* democracy is potentially more threatening than the continued existence of fascist tendencies *against* democracy. The same idea is taken up by Giorgio Agamben in his discussion of the role that the concept of the refugee plays within our contemporary political systems as an inherent part of the political framework rather than an outside challenge to it: “The refugee should be considered for what it is, namely *nothing less than a limit-concept* that, at once, brings a radical crisis to the principles of the nation-state and clears the way for a renewal of categories that can no longer be delayed.”²⁰ Both writers stress the importance of understanding that the tension between contrasting principles is enduring *within* our own society, not external, transient, or ultimately resolvable.

The concept of ambivalence is inherent in these profound insights. But it is not only philosophers and political scientists who rely on ambivalence. Scholars working on questions of citizenship and migration in contemporary society—material close to the subject matter of *Child Migration and Human Rights in a Global Age*—also consider ambivalence an essential explanatory tool. Linda Bosniak, for example, has a similar approach to mine. Her book, *The Citizen and the Alien: Dilemmas of Contemporary Membership*, explicitly invokes the concept in its concluding chapter: “Aliens are liminal characters, subjects of contrasting and sometimes competing citizenship worlds. The worlds are *ultimately inseverable* at the point of alienage because it is alienage’s very condition to be at their interface. Alienage, we might say, pits citizenship against itself. . . . Our condition . . . is one of *ambivalence* and ethical conflict.” Homi Bhabha’s recent work on global citizenship

adopts a similar approach: “Tolerance, as a universalist principle of integration, must . . . endure the unsettling contingency of unresolved contradictions. . . . The *ambivalence* that marks the practice of tolerance . . . allows it to be effective.”²¹

Let me attempt to translate these rather abstract concepts into a framework for understanding my material. I suggest that the approach to “otherness” in our societies is ambivalent—caught between an identification of the other as “human like me” and a hostility or indifference toward the other as separate or dispensable or threatening. This is particularly so for migrant children, where perceptions of vulnerability (“poor and innocent children”) and otherness (“not *really* like *our* children”) coalesce. So, economic and self-interested demands for the cheap labor of migrant children are in tension with uncontroversial rights that all children, including these children, now have as a matter of both law and popular belief. That is why the exploitation of migrant children in factories, farms, and sweatshops in industrialized countries continues, as does the vulnerability of the relevant industries to rights-driven lawsuits and human rights campaigns. It is an uneasy but continuing balance, reflecting society’s ambivalence.

The concept of ambivalence is also useful for understanding the approach to trafficked child sex workers, child gang members, and former child soldiers. Migrant children drift into these abusive contexts as a consequence of the protection lacunae they face (albeit in very different ways). Alternative mentoring situations (boyfriend-pimps, gang leaders, military commanders) fill the gap left by ineffective or nonexistent families and state structures. The mentoring is abusive but it provides the child with a survival structure, even the possibility of some autonomy and income. Meanwhile state interventions are punitive and infantilizing. This explains why trafficked children so often escape from state institutions where they are placed after “rescue” and return to their traffickers, why girl child soldiers are hard to incorporate into the DDR (demobilization, disarmament, and reintegration) process and drift back to their bush “husbands,” why orphaned or “left-behind” children of migrants repeatedly get involved in gangs. Official responses are ambivalent, mired between the pressure to protect rights and the obligation to punish juvenile offending. Should we prosecute or protect former child soldiers guilty of war crimes, should we award asylum to former gang children or deport them (regardless of whether they fear persecution from gang members if returned), should we grant permanent

residence to migrant children inducted into sex-trafficking rings or cleanse our societies of this scourge and send them “home”—we are ambivalent.

Understanding the ambivalence that underlies public policy in this field is key to developing a more effective approach to enforcement of rights. We legislate migrant children’s right to public education and health care irrespective of their legal status, but we erect practical obstacles to their access to these services; we accept an obligation to protect them from persecution, trafficking, and destitution, but we blame them for the risks they pose to our social fabric by finding ways to detain them or remove them from our territories. We are torn, obligated to protect migrant “children,” but frightened and resentful of alien “juveniles.”

The concept of ambivalence clarifies why simple “exposé” is not sufficient. Because invisibility is not the fundamental problem, these injustices are not self-correcting once they come to light. In child rights terms, we have to carefully calibrate the ongoing tension between the child’s need for protection (the best interest principle enunciated in Article 3 of the Convention on the Rights of the Child) and the child’s evolving ability to be autonomous (the right to voice and agency, expressed in Article 12 of the same Convention). We have to acknowledge, for example, that the problem of trafficking cannot be addressed simply as one of adult criminality. Many children choose to be smuggled or trafficked as their best exit option, as their most promising survival strategy.

This situation presents us with a different and more complex (and common) challenge than children who have simply been kidnapped by evil exploiters. Children in the former situation are both vulnerable and culpable, in need of protection but law breakers. A rights-respecting approach places the child’s best interests at the forefront of the policy response. But it leaves open what that best interest is and how it should be determined. Most child migrants are teenagers between the ages of fourteen and seventeen. Their best interests must involve opportunities for both protection and exploration, dependence and independence. At a minimum these include a legal status, access to fundamental economic and social rights (education, health care, etc.), and a supportive social environment.

To translate the abstract principles of human rights law into effective policies that protect the best interests and the agency of child and adolescent migrants requires a categorical shift. The answer must lie in more creative stimulation of political will through productive, cross-cutting

allegiances—allegiances between those who acknowledge the importance of adolescent agency, of opportunity for the next generation, of the right to aspire, to hope, to seek empowerment and those who acknowledge the need for trained and motivated young workers to build and sustain the societies of the future. Giving an account of the complexity and scope of child migration today is one step in this direction. As chapter 7 suggests, the thrilling but traumatic events of the Arab Spring provide some indication of the sorts of new allegiances that can be formed: an acknowledgment of the importance of young, skilled labor, of migration as an opportunity and a potential benefit for host societies as much as for young migrants themselves.

This final chapter suggests that current child-centered policies in the migration field end up targeting children for infantilizing, harsh, and punitive measures that reduce their autonomy and their scope for self-development and self-sufficiency. Drawing on the preceding discussion, this chapter shows how, by denying children the family reunion rights that their adult relatives have, by restricting the access to self-sufficiency and autonomy for children escaping situations of gross exploitation, and by misconstruing the alternatives available to autonomous child migrants moving for survival, our current interventions are at best ineffective, often counterproductive. Child migration needs to be understood in a broad context of economic and social inequality as a potentially redistributive tool that can contribute valuable resources for aging societies. Inclusive policies that foster access to opportunity and reward are more likely to yield social benefits than the current ambivalent strategies of short-term protection followed by rejection, exclusion, and punishment.

To insist on the human rights of migrating children, then, is not to beg for the exercise of state discretion in favor of neglected or hidden foreign victims whose plight moves us, but to assert the imperative of building just foundations for an inclusive, diverse, and globally mobile future society. To tell the story of contemporary child migration is to document the extraordinary obstacles that large numbers of very young people face and overcome in the process of securing a foothold for a productive and rewarding life, a process we all have a stake in, whether we realize it or not.