BORDERS OF CHILDHOOD
The Role of Western Childhood in International Migration Policy

A THESIS

Presented to

The Faculty of the Departments of Classics, History, Politics

In Partial Fulfillment of the Requirements for the Degree

Bachelor of Arts

By

Madison Cahill-Sanidas

May 2017

Acknowledgements

First, I would like to thank the faculty of the Classics, History and Politics major for fostering an intellectual environment which allows me to grow as a student and individual. Thank you to the History department, Political Science department and Dean's Office for funding my thesis research. I would also like to thank Young Lives Research Institution at Oxford University for widening my perspective on *childhood* and its relationship to migration. I am especially thankful for UNICEF Child Protection Section and particularly Karin Heissler, who first introduced the subject area and inspired this thesis. I would also like to thank Carol Neel for her guidance, attention and support during the process. Thank you Sanjaya Thakur for providing me direction throughout my college experience. I would also like to thank Katherine Carlstrom for her help in my development as a writer (and editor!). Thanks also to Colorado College Women's Tennis team and the ladies of 218 Uintah for the support, on and off the court. Finally, I am endlessly grateful for the love of my parents and brothers—thank you for the adventures and cheers to many more!

Honor Code Upheld

Madison Cahill-Sanidas

Table of Contents:

BORDERS OF CHILDHOOD

During the Summer of 2015, I began interning for the Planning and Evidence Building Team of UNICEF Child Protection. At the time, I was a junior at Colorado College and knew I enjoyed international studies but was unsure of a career path. My first project was compiling a repository of hundreds of documents and UNICEF's response to all out contemporary international dilemmas. I immersed myself in the literature while having weekly meetings with my supervisor, discussing the topics and any lingering questions. While working at the New York Headquarters, I was surrounded by people from around the world, each addressing geopolitical dilemmas with a unique reference point. I was excited and curious, taking every chance to dive deeper into developing an understanding of the world through a different framework. I returned to UNICEF the next summer, where I was able to call upon my undergraduate skills and analyze international discourse, particularly in migration studies. During the summer, I refined my thesis concentration. I was also able to develop my primary research question: *What are the international standardizations of childhood and migration, and do they correlate to the Western conception of childhood?*

Last fall, I completed a short-term residency at the University of Oxford. I worked with Young Lives, a multi-dimensional study on the effects of poverty on children. I immersed myself in seminars from the Refugee Studies Centre and the Oxford Department of International Development. I spoke to professors and attended lectures, taking full advantage resources in the subject area. I valued having tools to not just consider migration not just in itself, but as a multi-dimensional subject area. My interdisciplinary major combined with UNICEF training enabled me to participate in conversations to which I could only listen to. With this experience, I was able

to develop my secondary question: *How does the Western conception of childhood affect international migration policy?*

My thesis research and time at Oxford led me to understand that there is not one international idea of *childhood; childhood* is an evolving term influenced by both culture and history. Societies throughout time have valued the safety and success of children, although the understanding of the grounding of those has varied greatly. We say we all want to save a child or women and children, yet we might also fear the perceived danger of a migrant, even a child migrant. What factors go into the discourse of fear or of protection of children and international security? Where is the role of the child-migrant in this examination; does he or she not have the agency in determining their own fate? While the idea of *childhood* is developed culturally and used rhetorically by policymakers, the actions taken by child migrants in seeking out educational opportunities, escaping life threatening circumstances, or working to provide for their families are meaningful for those children. Can the individual actions of child migrants drive decision-makers to reassess the cultural categories of *childhood*, or are these concepts not lived experience-based?

As I have attempted to understand migration and refugee studies as it relates to children, I became increasingly interested in how *unaccompanied minors* are defined as *migrants* or *refugees*— especially, unaccompanied minors travelling in Latin America. Analyzing aspirations for movement in conjunction with public policy surrounding migration has helped me consider the underlying tension between international and national definitions and the availability of protections for child migrants. This focus has led me to my final research question, that being: *How do international definitions affect children in contemporary global conflicts?*

I will begin by identifying the role of the child as Phillipe Ariès discusses it in *Centuries of Childhood* in classical antiquity, the Middle Ages, the Renaissance, the Enlightenment and the

modern era. Within each historical time period. I will also explore criticism of Ariès's conclusions. In this investigation, I will seek the point at which the role of the western child changed to emphasize familial affect rather than economic potential. Migration and the act of movement is an individual action, yet may be considered differently based on the assumptions surrounding *childhood*. Access to agency as it relates to economic prosperity affects the ability of a child to be considered its own agent. Chapter Two explores the relationship between Western *childhood* and its effects on international migration policy. Using the historical framework provided in Chapter One and contemporary international conception evaluated in Chapter Two, I consider two situations of unaccompanied minors in Syria and Latin America to evaluate the effects of international and national definitions of child migrants.

Chapter One: The History of Childhood

Theoretical Framework: Philippe Ariès

Philippe Ariès'*Centuries of Childhood,* published in 1960, offers a chronologic overview of *childhood* from Antiquity to the Modern Era. He considers Antiquity, the Middle Ages, the Renaissance, the Enlightenment and the Modern Era separately, each offering different contributions to the contemporary understanding of *childhood*. As a French medievalist living in the twentieth century, Ariès offers a situational critique, analyzing the past with a western perspective. *Centuries of Childhood* was the first history of its kind, serving as the fundamental backbone to *childhood* studies. Ariès continues to be a force in multidisciplinary academia as it is used in many social science courses.

Ariès' intent in *Centuries of Childhood* is to give a detailed analysis of the beginnings of the family and the child, two themes that are inextricably linked. In his history, he investigates how *childhood* and a child were seen throughout history. Within his discussion, he analyzes the child and their historical relationship, the influence of privacy and the role of education as it relates to family strategy and and *childhood* as a stage of adolescence. As a premise to his research, Ariès states that:

> the ideas entertained about these relations may be dissimilar at moments separated by lengthy periods of time. It is the history of the idea of the family which concerns us here, not the descriptions of the manners or the nature of the law.[1]

With this thematic framework, Ariès considers antiquity and the role of economic incentives relative to the influence of civil participation. Moving on to the Middle Ages, his most controversial area of analysis, he argues there was a disjointed understanding of *childhood*.

---

[1] Ariès, Phillipe, *Centuries of Childhood* (New York: Vintage Books, 1962), 10.

Because of a lack of organization surrounding the child and the necessities of organization, the Middle Ages lacked a cohesive and systematic definition of *childhood*. Ariès moves on to consider the Renaissance as a period of human rationality, different from the Middle Ages and pointed toward contemporary *childhood* definitions. Ariès comments on the Enlightenment and humanism and its contribution building on the rationality of man to modern *childhood*. Finally, Ariès comments on the modern era, analyzing the thematic underpinning of previously analyzed time periods and influence on the contemporary definition of *childhood*. I use Ariès' framework and thematic concentrations to organize this section of the paper, drawing and commenting on Ariès' analysis while supplementing its notions with authors of the time period.

Antiquity: Greece

Ariès' commentary on antiquity is mostly comprised of distinctions between children in Antiquity and the Middle Ages. Nonetheless, his few examples of Hellenistic art and thematic underpinnings gives way to an essential starting point of what and how a child was considered in antiquity. Ariès comments on two distinct features of *childhood* in antiquity: the importance of the Hellenistic representation of Eros to Greek understandings of the child, and the relationship between the child and economic need in Ancient Roman culture. I use Shelton's *As the Romans Did:* Hesiod's *Theogony* and Aristotle's *On Economics* and *Nicomachean Ethics* to offer further context as it relates to Ariès' commentary.

Ariès considers the the iconographic representation of Eros during the Hellenistic period. He focuses most of his attention on the relationship between the representations of Eros as a child in antiquity and its reemergence in the Romantic period. Ariès notes that "little Eroses [sic] proliferated in the Hellenistic period, but *childhood* disappeared from iconography all together with other Hellenistic themes, and Romanesque art returned to that refection of the special features

of *childhood* which already characterized the periods of antiquity before Hellenism."[2] Eros was a symbol of the child: The god was represented in sculpture and literature as a child, implying the Greeks' understanding of *childhood* as a stage of growth. Hesiod also acknowledges *childhood* and supports its representation in Ancient Greek literature with his work, *Theogony*. He writes Eros to be the son of Aphrodite, who is "the fairest among the deathless gods, who unnerves the limbs and overcomes the mind and wise counsels of all gods and all men within them."[3] Not only does Hesiod identify Eros as a child but also contextualizes him as "fair" and "overcom[ing]"[4] of the adult men. Hesiod's commentary suggests an ethereal attribution to Eros the god, yet more broadly to *childhood* as a whole. As Ariès' analysis suggests, the iconography of Eros during the Hellenistic period indicates both an acknowledgement and playful and special thematic depiction of the child.

Figure One[5]

[2] Ibid, 34.

[3] Hesiod, *Theogony,* lines 116-138.

[4] Ibid.

[5] Fig. 121, The Sculpture and Sculptors of the Greeks, 3rd ed. (New Haven: Yale University Press, 1950) 390.

Ancient Greek sculpture enabled many to acknowledge and understand *childhood* to be a developmental stage, a time of learning and growth. Ariès considers antiquity to be positive in its understanding of *childhood*. He argues that ancients' understanding of social order and civic duty is progressive, a mode of organization that he postulates was not represented during the Middle Ages. Aristotle's *On Economics* describes further representations of *childhood* and outlines their civic duties and community responsibilities. According to Aristotle, *childhood* is period of growth that necessitates guidance. This guidance is described in terms of "goodness,"[6] as relating to qualities that manifest themselves in later life that lead to success. The understanding of what is good creates a baseline for maturation into a responsible and beneficial citizen. He states children "are not old enough to be capable of noble acts; when children are spoken of as happy, it is in compliment to their promise for the future."[7] In Aristotelian thought, *childhood* is a necessary state that enables the capacity to achieve in the community. Through education on 'goodness,' Aristotle argues a child can gain the skills to be a successful adult. Both authors contribute to the supposition that *childhood* during the Hellenistic period was represented in literature and also was symbolic as a stage to adulthood, described as learning period to enable future successes.

Ancient Rome:

Roman culture placed importance on the national identity of a Roman citizen. The period placed a heavy emphasis on citizenship and the rights associated with this stature. Based on socioeconomic status, opportunities and expectations varied. For example, a Roman family and a Roman citizen "retained a notion of how a Roman was expected to act, and this undoubtedly influenced their general outlook."[8] Citizenship meant strict parameters of behavior and character.

---

[6] Aristotle, *Nicomachean Ethics,* trans. Rackham, H. (Cambridge: Harvard University Press, 1926, 1100a3

[7] Ibid.

[8]*As the Romans did*, 2nd ed. (Oxford: Oxford University Press, 1997), 7.

Seneca comments, "it is of the utmost importance that children be raised in the correct manner even if this means harsh discipline...to cope with the harsh realities of life."[9] These realities seem to be associated with what is deemed correct in Roman society. Thus, the correct manner to understand *childhood* and its intent would be to subscribe to the Roman ideals of "dilige[nce] and self sufficien[cy]."[10] The Roman ideals of strong and fervent civic loyalty thus created a strict avenue for *childhood* and its characterization. While adhering to the constraints of Roman public identity, children were seen as having "stages of development"[11] based on their ages. These stages of maturity were specific to girls and boys. Boys were usually married around age sixteen, whereas girls were seen as "growing up very quickly"[12] and "even before marriage they were expected to act like little adults rather than children,"[13] usually married around age twelve. Although within the Roman tradition children were seen as changing throughout stages of growth, especially girls, the child were seen as "little adult[s]"[14] rather than a child. Ariès, Aristotle and Shelton articulate the capacity of the people in Ancient Greece and Rome to understand the child. In both historical time there was a relationship between the child and economics of the adult world. Although this was not necessarily surprising, as Ariès points out, that there is a distinction between child and adult.

---

[9] Ibid, 32.

[10] Ibid, 4, 31.

[11] Ibid, 106.

[12] Ibid.

[13] Ibid.

[14] Ibid.

The Middle Ages

Through both Roman and Greek influences, *childhood* as a developmental stage gained importance and created a starting point for future scholars to assess *childhood* economically. Ariès' work attempted to explain *childhood* and its manifestations throughout history. For Ariès, the Middle Ages lacked a conception of child as a distinct growth-related stage. Ariès argues during the Middle Ages, there lacked a representation of *childhood* as a separate from adulthood. The Middle Ages, he argues, neglected to categorize the child based on formal education. Without ever developmentally distinguishing the child and education, the child and the essence of *childhood* was lost. Ariès argues that rather than perceiving *childhood* to be a process of transition that supported the growth of the young person into a productive adult, during the Middle Ages there was no point of transition to adulthood. Without a formal distinction between the child and his or her parents from an economic standpoint, there was no structure to systematically regulate *childhood*. Ariès argues the "particular nature which distinguishes the child from the adult…was lacking [in medieval society]."[15] In contrast to antiquity, Ariès considers the Middle Ages as taking a step back in terms of ideas of *childhood*. He notes that "children were mixed with adults as soon as they were considered capable of doing without their mothers or nannies, not long after a tardy weaning…. They immediately went straight into the great community of men."[16] Ariès puts forth strong views on the relationship between children and adults in the Middle Ages. Many scholars take issue with this broad stroke representation of the time period. Scholars such as Boswell, Neel and Herlihy offer arguments questioning Ariès' commentary in regard to family strategy and parent-adult relations.

---

[15] Ariès, Phillipe, *Centuries of Childhood* (New York: Vintage Books, 1962), 129.

[16] Ibid, 411.

John Boswell and David Herlihy's articles collected in *Medieval Families: Perspectives on Marriage, Household and Children* offer a cogent analysis of Ariès and the gaps in his argument on the Middle Ages. As Herlihy notes, "the emotional world of the medieval household is an elusive subject, but one of surpassing importance."[17] Ariès's commentary has nevertheless maintained a substantial following in many disciplines. Although Ariès defines key points in the discussion on the development of *childhood* his analysis is suspect. Carol Neel notes:

> The combination of Ariès' pride of place as the inaugural historian of *childhood* with moderns' ineradicable progressivism— their assumption that they have fashioned a better world than the people of the past can have imagined— has enshrined his perspective in other disciplines' views about *childhood* and the family, rendering it friendly ever to those interest in other aspects of the medieval past.[18]

Therefore, a close analysis of sources is needed to develop a better idea of children in the Middle Ages. Children, more than adults, lack the necessary resources to record and relate their individual experiences. As Boswell notes using a paleontological analogy,

> The peculiar vantage of the historian enables him to view beings as integral, not only physically but temporally.... To learn such fundamental aspects about the ancient animal as skin color or the metamorphoses necessary to achieve adult form…he must devote the same intellectual effort to recovering information about the many forms the creature may have assumed during his life.[19]

Because there is a lack of solidified evidence to support Ariès' understandings of *childhood* in the Middle Ages, recent scholars dispute his findings. While understanding that there are serious flaws in Ariès' findings on *childhood* in the Middle Ages, there is importance in understanding the discrepancy in theoretical conceptions of Medieval *childhood*. Regardless of verity in each

---

[17] David Herlihy, "The Making of the Medieval Family: Symmetry, Structure, and Sentiment," in *Medieval Families: Perspectives on Marriage, Household, and Children* ed. Carol Neel (Canada: University of Toronto Press, 2004), 207.

[18] Carol Neel, introduction to "Medieval Families: Perspectives on Marriage, Household and Children" (Canada: University of Toronto Press, 2004), 16.

[19] John Eastburn Boswell, "Exposito and Oblatio: The Abadonment of Children and the Ancient Medieval Family" in *Medieval Families: Perspectives on Marriage, Household, and Children* ed. Carol Neel (Canada: University of Toronto Press, 2004), 235.

understanding, there is importance in noting that both ideologies support the western *childhood* paradigm. As Boswell notes, a historian's job "enables him to view things as integral,"[20] rather than "temporally."[21] If we are to consider *childhood* as a paradigm in history, regardless of whether or not a child was considered an adult or separate from the economic prosperity of the family, there is evidence to suggest that economic stability was still a key theme that is "integral"[22] in developing what we consider to be a child today. That is to say, although there is discrepancy in the analysis of Medieval *childhood*, whether a child was considered an economic agent or deemed a separate category, both postulations support economic agency and capacity for wealth as fundamental identifiers of western *childhood*. Further investigation into the later, more economically prosperous time periods of western history will offer further clarity on the influence of economic agency as it relates to the western conception of *childhood*.

Renaissance

The Renaissance presented new frameworks that reframed *childhood* as a demonstration of human rationality. Ariès pointed toward humanism, a fundamental strand of Renaissance thinking as influential with respect to *childhood*. He understood humanism as a point at which the role of the child changed from Medieval notions of *childhood* to a framework of goodness and empathy. He argues that humanism served as a "revival"[23] to promote and support the child as a state needing "special treatment."[24] Within this treatment *childhood* thus to include "new feelings, a new emotional attitude…The modern concept of the family. Parents were no longer content with

---

[20] Ibid.

[21] Ibid.

[22] Ibid.

[23] Ariès, Phillipe, *Centuries of Childhood* (New York: Vintage Books, 1962), 410.

[24] Ibid.

supporting a few of their children with and neglecting others."[25] Ariès argues that humanism served as a reversion to Aristotelian thought, stressing the underlying goodness of individuals and their capacity for growth. Ariès points that "the modern family satisfied a desire for a privacy and also a craving for identity: the members of the family were united by feeling, habit and their way of life."[26] Humanism pervaded Renaissance culture because of the new availability of resources stemming from wealth in Florence, new ideas and innovative frameworks encompassed city-states. city-states offered opportunities, relative to resources in the Middle Ages, for transitions in education and economic opportunities.

New resources implemented different methods of childrearing, first and foremost with regard to formal education. Rather than a child equipping himself/herself for 'apprenticeship,' as noted in literature during the Middle Ages, children during the Renaissance period experienced a "substitution of school for apprenticeship,"[27] which in turn "reflect[ed] rapprochement between parents and children, between the concept of the family and the concept of *childhood*, which had hitherto been distinct."[28] According to Ariès, renewed attention to schooling enabled a different perspective on *childhood*. Ariès uses the Middle Ages to develop the ideology that there was no cohesive education structure within this time period. Through this conception, Ariès considers the Renaissance to be in direct contradiction to the Middle Ages, where ideologies surrounding children were protective and the ability to access these definitions required economic resources.

Ariès investigates the developments of humanism relative to children and their economic purpose. Both Hugh Cunningham and Valentia K. Tikoff analyze *childhood* during the

---

[25] Ibid, 413.

[26] Ibid.

[27] Ibid, 369.

[28] Ibid.

Renaissance. Both authors' works show formal education provided by the state as important to the understanding of *childhood*. Cunningham notes that intellectuals considered children as having a "'special and exalted place.'"[29] In this regard, children were treated as individuals who needed direction. He further suggests children:

> Were thought to hold the key to the future of the state, and their proper upbringing was crucial to the future. But more than this, the family was itself a prototype of the state, and the properly-ordered and harmonious relationships within it would themselves be manifested in similar virtues of the state.[30]

States considered children promoters of future achievement for the state. Like thinkers of the classical period such as Aristotle, a child was seen as 'good' while attempting civic responsibility. Tikoff echoes the importance of formal education, noting that "renaissance humanists famously promoted the image of the learned, engaged citizen and provided guidance for those who wished to showcase their erudition."[31] Not only did education become a state-sponsored phenomenon, but also supported competition to advance in society. Through humanist thought, formal education gained prevalence in multiple socioeconomic classes. Because of formal education, *childhood* began to be considered as distinct in its own right and as a necessity to enable a positive emotional and intellectual future.

The prevalence of formal education related to accessibility became apparent during the Renaissance. As economic prosperity increased for many in different socioeconomic classes, the ability to consider a child not as a supporter of the household but as an individual who needed guidance for development pervaded family strategy. While Ariès notes the importance of the

---

[29] Cunningham, Hugh, *Children and Childhood in Western Society Since 1500* (England: Pearson Longman, 2005), 43

[30] Ibid, 42

[31] Valentia K. Tikoff, "Education" in *A Cultural History of Childhood and Family in the Age of Enlightenment*, ed. Elizabeth Foyster and James Marten, (Oxford, UK: Berg Publishers, 2012), 105.

difference in conceptions of children as it relates the the Middle Ages, the essential takeaway as it relates to the cumulative historical timeline of *childhood* is as follows: regardless of whether or not the Middle Ages regarded children as adults or as needing formal education, the relationship between economic stability and wealth is definitely seen with Renaissance theorists and paradigm shifts as it relates to economic agency. With the influx of new ideas stemming from the Scientific Revolution and cultural innovations, wealth and agency became more apparent and pervaded multiple socioeconomic classes. With the influx of prosperity, theorists considered children as youth who needed guidance to develop. Both the Middle Ages and Renaissance display the key relationship between economic agency and access to western *childhood* standardizations.

Ariès, Tikoff and Cunningham offer analysis of the fundamental contributions of humanist philosophies to the western definition of *childhood*. Key factors that enabled a distinct transition from child to adult viewed economically to emotionally was the reintroduction of formal education sponsored by the state. Through formal education, a child became a definite category that was not integrated into the workforce. Because formal education was seen as essential to the success of the state, *childhood* became an entity that separated children from adults. Childhood conceived in the humanist perspective lay the groundwork for Enlightenment figures to build on and in turn, to furthermore distinguish *childhood* from a separate category of adolescence.

The Enlightenment

Eighteenth century thinkers built upon the humanist Renaissance thought considering the child and the distinction of children from adults. Rousseau supports humanist thought and the importance of education within his understanding of children as defenseless individuals, needing protection from pain to truly have a *childhood*. John Locke uses aspects of Rousseau's categorization of children as vulnerable people to frame the necessity of compulsory public

education. Although the authors consider the aspects of education that should be emphasized for children differently, all ideologies within their distinction are based on the essential distinction between adults and children. Ariès considers a child during the Enlightenment to be an "indispensable element of everyday life, and his parents worried about this education, his career, his future."[32] The child thus was now seen as emotional value rather than an asset to the household finances.

Likewise, Jean-Jacques Rousseau considers the concept of vulnerability as relative to youthfulness. Rousseau's commentary displays a distinction between child and adult, and outlines the necessary means to educate the child so as to achieve what can now be considered '*childhood*'. He states "a 'natural' *childhood* is surrounded by the evidence of parental care, fenced off from certain kinds of painful experience, in an area of innocence and therefore of happiness."[33] The "care"[34] associated with the child Rousseau comments on thus supports the creation of *childhood* as isolated, a category that needs support and guidance. Furthermore, Rousseau suggests a *childhood* should be considered as "well-regulated liberty,"[35] again emphasizing the form of guidance needed to attain a true *childhood*. Rather than defining what a child is, Rousseau indicates what *childhood* requires. Rousseau argues for an understanding of *childhood* as both a necessary component of a child's life as well as the necessity for guidance to enable a child to achieve happiness. Without a defining what a child is, Rousseau indicates what requisites are important to achieve throughout a *childhood*. Within this understanding, Rousseau influences the accessibility of a *childhood* as is considered in western *childhood*.

---

[32] Ariès, Phillipe, *Centuries of Childhood* (New York: Vintage Books, 1962), 403

[33] Cleverly, John, Phillips, D.C. *Visions of Childhood* (New York: Teachers College Press, 1804), 35.

[34] Ibid.

[35] Ibid.

Rousseau adds to the discussion of standard *childhood* indications with his commentary on the responsibility of the child to develop into an adult. Using humanist thought, Rousseau notes the necessary aspects of *childhood* that facilitate happiness in adulthood. His commentary on the ways in to attain "happiness,"[36] though, differ from other Enlightenment theorists. As Rousseau claims:

> For '*childhood* has its own ways of seeing, thinking and feeling'; *childhood* 'is the sleep of reason … allow a child to discover the secret of true happiness which is to achieve an equilibrium between the power and the will[37].

As in his previous discussion of child vulnerability, he awards similar importance to the expressions and individualism of each child while also establishing limits on *childhood*. In this case, Rousseau argues parental guidance is the necessary foundation of *childhood* while also stressing the individuality of each child. Furthermore, he claims that a child should be brought up by "the ways of nature… a child should learn from things rather than from people; he should learn by experience."[38] Therefore, a "natural"[39] *childhood* as defined by Rousseau is guided, yet open to life.

Rousseau's characterization of *childhood* and its associated freedoms outlined the parameters for what he considered to be true happiness in adulthood. John Locke supports Rousseau's distinction of *childhood* from adulthood. Yet, Locke's understanding of ways to guide the child so as to enable a *childhood* differ from that of Rousseau. John Locke's categorization of *childhood* argues for the integrity and fundamentalism of compulsory formal education. Unlike Rousseau, Locke does not attempt to define a child. Rather, he considers indications that would

---

[36] Ibid.

[37] Ibid, 66.

[38] Ibid.

[39] Ibid.

make *childhood* legitimate. In discussions of Locke's contributions, Ariès notes the "familiar notion" of compulsory education of contemporary society "assum[ed] its final form"[40] within the Enlightenment. Through education, specifically public schooling, a child can access so-called *childhood*. Again, through education, a child could learn what is socially acceptable as right and wrong and furthermore gain essential skills to participate in society.

Locke calls for a system of education in which children could learn essential life skills that would enable them to succeed in society. As Cunningham notes, Locke defines a *childhood* as "a tabula rasa or blank slate with respect to ideas only, not to abilities or temperament…"[41] Locke's statement of it carried authority unmatched by his predecessors. The implications for child-rearing were enormous, bestowing colossal power and responsibility on the educator, who must write on the paper or mould the wax."[42] Locke indicates a belief that formal education could serve as an equalizer for the state. Through a formal education system, a baseline for *childhood* could be quantified. As Locke states, "I think I may say that of all the men we meet with, nine parts out of ten are what they are, good or evil, useful or not, but their education. 'Tis that which makes the great difference in mankind."[43] Locke views *childhood* as a category that can be labelled as such based on the prerequisite schooling institutionalized by the state. Therefore, Locke argues that education is a definitive attribute of what the state, and therefore society, considers to be *childhood*.

While different, both Enlightenment thinkers support a notion of *childhood*, unique from adulthood, that acts as a developmental stage, contributing to the happiness and success of later life. Using both the analysis from both theorists, there is an indication to support the paradigm of

---

[40] Ariès, Phillipe, *Centuries of Childhood* (New York: Vintage Books, 1962), 177

[41] Hugh Cunningham, *Children and Childhood in Western Society Since 1500* (England: Pearson Longman, 2005)

[42] Ibid.

[43] Ibid, 18.

childhood as a separate sect from adulthood, where children are developed into adults. Within this stage, both theorists consider *childhood* to be a protective state, in need of guidance and support from parents.

The Age of Enlightenment offered a revitalized perspective on *childhood*. Philosophers and scientists promoted new ideas, new conceptions of individuals and enticing ways to understand human beings. The rationality of man and Scientific Revolution stood at the centre of the innovative movement, promoting a reversion from romantic and idealistic frameworks to ideologies reminiscent of Antiquity. Humanism, beginning its re-emergence in the Renaissance and continuing its development throughout the nineteenth century drew on the works of ancient Greek and Roman theorists. While integrating historical references, Enlightened humanism stressed the importance of rationality, emphasizing scientific solutions rather than divine promise. Humanism and its resurgence in during the early Renaissance and Enlightenment came to be essential in the development of western *childhood*.

With the use of humanism, Rousseau enabled society to consider the child in individualistic terms. As well as Rousseau, Locke argued for *childhood* as a separate facet of youth, yet also considered formal education to be a defining and momentous attribute of *childhood*. Through education, Locke argued, a child could be guided towards achievement within society. In both regards, the child became an individual that needed guidance and regulations that stemmed from adult decisions. The prevalence of new conceptions of *childhood* that involved protection, vulnerability and formal education created emotional and societal incentives for individuals with available resources to have children. With the availability of privacy, more families had the capacity to raise children in this manner and impact public policy relative to *childhood*.

Modern Era

The growth of the rationality and scientific analysis made way for philosophers such as Rousseau and Locke to establish ways in which a contemporary child is viewed and perceived. Enlightened theorists brought forth the Industrial Revolution starting in the late eighteenth century, where machine industry took off and with it, the emergence of a middle class. The middle class used the established definition of *childhood* and additionally created further requisites for its attainment. That is to say, a *childhood* was considered a defining part of youth and was further equated to thematic underpinnings of protection and vulnerability. The influx of wealth in conjunction with the importance of education and protection made the middle class and its conception essential to contemporary understandings of *childhood*. The Enlightened ideology on children combined with the emergence of a middle class supported further classifications and standardizations of *childhood*. As Ariès notes, "starting in the eighteenth century [the concept of family] spread to all classes and imposed itself tyrannically on people's consciousness."[44] Regardless of class and socioeconomic status, the concept of the nuclear family permeated society. While understanding children to be a separate category of youth, Ariès notes that "family and school together removed the child from adult society."[45] As Enlightened thinkers conceptualized and idealized *childhood*, the Modern Era used its capacity of resources to put this rhetoric to reality. Due to the urbanization and enabled privacy within the Modern Era, the child and *childhood* became increasingly isolated based on the availability of privacy. The values placed on education and protection are seen in the policy surrounding *childhood* during this time. This period fundamentally instilled the importance of *childhood* in both policies and communities. The works of Cunningham in *Childhood since 1500* and Zelitzer in *Pricing the Priceless Child,* and Jo

---

[44] Ariès, Phillipe, *Centuries of Childhood* (New York: Vintage Books, 1962), 406.
[45] Ibid, 413.

Boyden in *Childhood and the Policy Makers: a Comparative Perspective on the Globalization of Childhood,* and Karin Heissler investigate the role of *childhood* as it relates to economic status, and the relationship between the theoretical *childhood* and its socioeconomic accessibility.

While *childhood* as a definition became apparent in the Modern Era, its representation and accessibility became less available. Due to discrepancies in wealth and opportunity, resources available that were needed to access the so called 'western *childhood*' were unattainable to many. As Cunningham comments, "the middle class was able to create a distinction in understandings of what was deemed a "natural" and "unnatural"[46] *childhood*. The gap Cunningham describes affected formal education standards and availability. As Cunningham argues,

> The assertion of rights of *childhood* became imbued with an emotional quality…reason precedence to feelings, and those feelings were brought to bear on children in the factories and mines and up the chimneys… the issue became not children versus parents, but children versus 'the factory system, a new and unnatural mode of production.[47]

The interplay between socioeconomic classes became more distinct as formal education erupted as an essential aspect of what "*childhood*" had to include. This is specifically seen in the Industrial Revolution and policies concerning child work in factories. During the Industrial Revolution some thought "it was natural to look to children as a key component of the workforce"[48] because it was a essential in that economic landscape. The income children brought in was deemed a "necessity"[49] in some family circumstances. Cunningham notes that for a specific sect of society, meaning a socioeconomic grouping of families in which privacy was not an affordable commodity, children were principally economic assets. Cunningham states that "for those touched by Romanticism a

---

[46] Hugh Cunningham, *Children and Childhood in Western Society Since 1500* (England: Pearson Longman, 2005), 144.

[47] Ibid, 145.

[48] Ibid, 88.

[49] Ibid.

childhood in which children did any work at all was beginning to be seen as unnatural. The romantic view of *childhood* was widely disseminated and elaborated upon, and became embedded in the rhetoric."[50] While attempting to include all children and their *childhood* as one definition, this 'rhetoric' only was accessible to the upper classes of society. Through these separations, the idea of *childhood* that seemed ubiquitous to one level of society.

Like Cunningham, Zelitzer understands the middle class to have constructed "the economically worthless child" and furthermore "shifted" the focus of *childhood* to "children's education as the determinant of future marketplace worth."[51] Zelitzer investigates this phenomenon during the Progressive Era. Within the communities where privacy and economic resources were available, a common notion was prevalent as Zelitzer states that "if children were useful and produced money, they were not being properly loved."[52] As Cunningham notes during the Industrial Revolution, it seems as though the concept of *childhood* was a privilege that parents with economic resources were able to acknowledge. The child could now be deemed "priceless," and furthermore be "judged by new criteria: its physical appeal and personality replaced earlier economic yardsticks."[53] As is noted by both Cunningham and Zelitzer in, as the middle class gained agency and access to policy, the notion of *childhood* relative to economic availability engulfed policy, creating a discrepancy in what *childhood* could be defined as and by whom.

The differences in wealth linked with the defining characteristics of legitimate *childhood* created disjointed understandings of *childhood*. The beginning of the Industrial Revolution brought opportunity, specifically for children's work and an avenue to contribute to the economic

---

[50] Ibid, 144.

[51] Viviana A. Zeliter *Pricing the Priceless Child* (Princeton, New Jersey: Princeton University Press, 1985), 5.

[52] Ibid, 72.

[53] Ibid, 193.

wellbeing of the family. While economic status was different among socioeconomic classes, the ability to achieve a legitimate *childhood* also varied. The change in wealth between socioeconomic classes was reflected in the choices a family made in relation to *childhood*. While investigating the Middle Ages in comparison to the Renaissance, a similar disjointedness in the understanding of *childhood* pervaded. Regardless of whether or not the child in question supported the economic well-being of the family, a child's opportunity and the accessibility of western *childhood* derived from economic resources. During the Industrial Revolution, as wealth increased for some, the definitions of *childhood* changed because of the resources available. The underlying tension between a child who supported the familial wellbeing and a child who attending formal education was seen in two instances during this investigation on historical *childhood*. In both circumstances, resources made available from economic opportunity affect the capacity for a child to have the '*childhood*' as is understood in the western tradition.

On response to Zelitzer and Cunningham's commentary on agency, privacy and notions of *childhood*, Jo Boyden in *Childhood and the Policy Makers: A Comparative Perspective on the Globalization of Childhood* investigates *childhood* as an idea and its context in global rhetoric. Boyden's arguments contextualizing modern *childhood* as separate from adulthood. She considers the influences of the Modern Era and its consideration in the contemporary definition of *childhood*:

> Child life has been characterized by a range of appropriate contexts, experiences, relationships and behaviours: 'properly loved children, regardless of social class, belonged in a domesticated, non-productive world of lessons, games and token money.[54]

---

[54] Ibid.

As noted in Zelitzer's works, there was a fundamental shift in the definition of *childhood* a child meant to the family strategy. Boyden argues this "sentimental"[55] approach to child rearing was both "nurturing and constraining."[56] She argues that within contemporary society, the normative definition of *childhood* makes child productivity "worthless,"[57] removing social capital from the child. In doing such, a child in this modern, normative ideology is dependent, acting in conjunction with another, one who has the capacity to make decisions, so an adult, who can make decisions for them. This is not to say that a child has the capacity to be autonomous. On the contrary, Boyden argues that the mere assumption that every child has the capacity to have enough privacy stemming from economic resources to enable themselves to have a *childhood*. Without equivalent assumptions that can relate to every child, Boyden claims the "unequal distribution of resources and the overwhelming impact of poverty, unemployment and ill health in many communities makes it impossible for children and families to meet the goals of social planning."[58] Therefore, as Boyden argues, *childhood* in the western tradition cannot attempt to serve as an equalizer. The economic resources assumed as available to all embody the western definition of *childhood*. While assessing the definition, Boyden argues that this definition cannot assume all children, since many lack the necessary requisites to have the assumed '*childhood*'.

Boyden's analysis on assumptions concerning is crucial to considering policies surrounding *childhood*. Karin Heissler uses theoretical and historical perspectives of modern

---

[55] Jo Boyden, "Childhood and the Policy Makers: A Comparative Perspective on the Globalization of Childhood" in *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood* ed. Allison James and Alan Prout (London: RoutledgeFalmer 1990), 45.

[56] Ibid.

[57] Ibid.

[58] Ibid, 59.

childhood to consider their effects in policy. She argues that policies in place cater to families with

an economic surplus, causing discrepancy in one singular definition of *childhood*. She writes that:

> The 'sentimentalisation' and 'sacralisation' of children further distances them from adults and contributes to the perception of children who are vulnerable, lack agency and who require protection that can only be provided by adults and the state. As children in western societies have been gradually withdrawn from the workforce, the view of children as economic actors has also been removed from our conceptualisation of '*childhood*.'[59]

The distance Heissler discusses builds on Boyden's commentary on the distinctions of children

and adults. Through separation, a child in the modern context becomes more isolated from adults.

Both Boyden and Heissler investigate a clear disparity in *childhood* rhetoric.

The Modern Era served as a culminating point at which Enlightened ideas on *childhood*

were reflected socioeconomically and in public policy. The works of Cunningham and Zelitzer

iterate the importance of economic resources in relation to the accessibility of western *childhood*.

Cunningham articulates the discrepancies during the Industrial Revolution concerning the

prevalent notions of *childhood* and their distinct applications relative to economic status. Similarly,

Zelitzer defines the point at which the child became priceless and this manifestation during the

Progressive Era. Jo Boyden and Karin Heissler build on economic agency as a requisite of

childhood, where both authors point out necessary tensions regarding the representation of

children, their separation from adults its impact on symbolism in public policy. Within the

arguments of authors in the Modern Era, these scholars cumulatively understand the child to have

a distinct meaning that is not fully representative of *childhood* for most children. Understanding

the western historical influences on *childhood* helps to analyze the contemporary representations

and how they gained traction in contemporary society. Within this investigation, a distinct ideology

---

[59] Heissler, Karin. "Children's Migration for Work in Bangladesh: The Extra- and Intra-Household Factors that Shape 'Choice' and 'Decision-Making'." DPhil, `University of Oxford, 2008.

surrounding '*childhood*' in historical representations is evident. The combined contributions from the Antiquity culminating in the seventeenth and eighteenth century display correlating issues of privacy, protection and compulsory formal education. These themes serve as key indicators of what was deemed socially acceptable for '*childhood*'.

   While understanding that there is evidence to support an evolution of the term '*childhood*,' an equally important exercise with this information is understanding its impact on international policies. The western historical perspective on *childhood* displayed key gaps in the availability of *childhood* to all children. For example, based on economic resources, a child was able or not able to attain idealized *childhood*. With the support of economic opportunity, children would be able to attain *childhood* and furthermore, the standardizations of the developmental stage. With guidance from parental units and support from formal education, a child could attain *childhood* and begin their trajectory for adult happiness. While this definition is valuable and applicable to some children, there are serious gaps in the accessibility of this definition to all western children, and further, the global child. If already there are gaps in accessibility with this definition of *childhood*, what are the effects of western *childhood* on international policy surrounding *childhood*? Understanding the influence western definitions have on the international *childhood* are especially important in understanding impacts on children who are marginalized and therefore cannot meet the above *childhood* expectations.

Bibliography

United Nations General Assembly. *Convention on the Rights of the Child*. 44/25. 61 sess.(20 November, 1989): .

Aries, Phillippe. *Centuries of Childhood: A Social History of Family Life*. Translated by Baldick, Robert. New York: Vintage Books, 1962.

Aristotle. "Economics." In [Oeconomica Magna Moralia]. Translated by Armstrong, Cyril G. and Hugh Tedennick. Vol. 18. Cambridge, Massachusetts: Harvard University Press, 1935.

Boyden, Jo. "Childhood and the Policy Makers: A Comparative Perspective on the Globalization of Childhood." In *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*, edited by James, Allison and Alan Prout, 190. London: RoutledgeFalmer, 1997.

Cleverley, John and D. C. Phillips. *Visions of Childhood: Influential Models from Locke to Spock*. New York: Teachers College Press, 1986.

Cunningham, Hugh. *Children and Childhood in Western Society since 1500*. 2nd ed. Harlow, England: Pearson Longman, 2005.

Heissler, Karin. "Children's Migration for Work in Bangladesh: The Extra- and Intra-Household Factors that Shape 'Choice' and 'Decision-Making'." DPhil, `University of Oxford, 2008.

Hesiod. *Theogony*. Translated by Evenlyn-White, Hugh 1914.

Hurlihy, David. "The Making of the Medieval Family: Symmetry, Structure, and Sentiment." In *Medieval Families: Perspectives on Marriage, Household and Children*, edited by Neel, Carol, 192. Canada: University of Toronto Press, 2004.

Neel, Carol, ed. *Medieval Families: Perspectives on Marriage, Household and Children*, 2004.

Perruchoud, Richard and Jillyanne Redpath-Cross, eds. *Glossary on Migration*. 2nd ed. Geneva, Switzerland: International Organization for Migration, 2011.

Richter, Gisela M. A. 1950. The Sculpture and Sculptors of the Greeks, 3rd edn. pp. 68, 390, fig. 121, (New Haven: Yale University Press, 1950) 390.

Tikoff, Valentia. "Education." In *A Cultural History of Childhood and Family in the Age of Enlightenment*, edited by Foyster, Elizabeth and James Marten. 1st ed. Oxford, United Kingdom: Berg Publishers, 2012.

Zelitzer, Viviana A. *Pricing the Priceless Child: The Changing Social Value of Children*. Princeton, New Jersey: Princeton University Press, 1985

Chapter 2: International Migration Policy

In the previous chapter, I investigated historical representations of *childhood* and their development throughout Antiquity, the Renaissance, the Enlightenment and the Modern Era. While each period developed its own assumptions having to do with children, there were common themes present. The availability of economic resources affected the definition of *childhood* throughout the western tradition. As economic prosperity increased, the standardizations of *childhood* and the accessibility of this definition became smaller. Among the themes of contemporary western *childhood* deriving from this ability of economic resources are protection and formal education. Economic prosperity affects a child's agency. If, within international policy, a child is considered to be in need of protection or guardianship, the child is incapable of making his or her own decision. Migration is individual action, yet may be considered differently because of the assumptions surrounding *childhood*. This section explores the relationship between conceptions of western *childhood* and their effects on international migration policy surrounding children.

Definitions of International childhood

In 2011 the International Organization on Migration published the "Glossary on Migration," a comprehensive index on discourse in the migration discipline[60],. The text on migration includes definitions used by the United Nations, United Nations International Children's Emergency Fund (UNICEF), the United Nations High Commission on Refugees (UNHCR), and other international organizations and their accepted definitions. I use the glossary to understand

---

[60] "Glossary on Migration," *International Organization for Migration,* ed. Perruchoud, Richard; Redpath-Cross, Jillyanne (Geneva, 2011).

how a child is defined in international contexts. My study examines the various terms related to

childhood and *migration* and evaluate their relationship to the western conception of *childhood*.

Evaluating Child, Minor and Dependent

      The Glossary on Migration draws on the United Nations Convention on the Rights of the

Child for its definition of a *child*. The CRC's definition of *childhood* was created to apply to global

children. In evaluating it, I consider the relationship to Western historical definitions of *child* and

the CRC's definition of global *childhood*. The accepted international definition for *child* in Article

I is "an individual being below the age of eighteen years unless, under the law applicable to the

child, majority is attained earlier".[61] That age is a defining factor of *childhood* here signals the

influence of Western conception of *childhood*, as his analysis confirms. The UN's assignment of

a specific age links the glossary definition to a Western conception of *childhood*.

      While the assignment of a specific age limit establishes the glossary's definition as Western

influence, the exception of "majority…attained earlier" [62] solidifies this connection. Who decides

if "majority" is attained earlier? "Majority,"[63] against which so much is measured in terms of rights

and agency applicable to children, remains unstable. The CRC is an international regulatory

declaration. If within the primary definition of *child*, there is already ambiguity in how to define

"majority" and no clarification as to who gets to define a child as having reached it, how can there

be an official international consensus in the designation of a child, let alone clarity in discussions

of the international *child,* let alone migrating children?

---

[61] UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: http://www.refworld.org/docid/3ae6b38f0.html [accessed 30 December 2016]
[62] Ibid.
[63] Ibid.

The CRC also references age as a defining factor in Article 12 . It states that "state parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."[64] According to this article, the 'right' to make a legitimate claim is based on 'age,' creating a distinction between youth and adults. As in Aries' discussion on children in the Middle Ages, a child was deemed as lacking a *childhood* if there was no boundary between adulthood and *childhood*.

The glossary provided by the International Organization for Migration includes further terms referring to the *child,* including *minor*. A *minor* is labeled as "a person who, according to the law of the relevant country, is under the age of majority, i.e. is not yet entitled to exercise certain civil and political rights."[65] While the CRC's terminology cannot stand as the sole definition of *child* and *minor,* an international protocol that does not define *child* or *minor* in stable, consistent terms makes it impossible to create international standards that could apply to global children. Detaching majority from age specificity but assigning it no universal meaning to replace it makes the term meaningless. The definitions of *child* and *minor* in the CRC leave fundamental decisions as to what a child is and what their rights are to state law, rather than to international agreement. Meant to provide an International foundation for discourse relating to the lives of children, the definitions themselves lack applicability to the global child. Because these terms can differ from state to state, international protocols cannot apply.

---

[64] UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: http://www.refworld.org/docid/3ae6b38f0.html [accessed 30 December 2016] ((12),

[65] "Glossary on Migration," *International Organization for Migration,* ed. Perruchoud, Richard; Redpath-Cross, Jillyanne (Geneva, 2011).

A term associated with *child* and *minor* in the IOM glossary is *dependent*. A dependent "relies on another for support. In the migration context, a spouse and minor children are generally considered [dependents]."[66] This definition considers not only guidance; it encompasses the need for food and shelter as well. Yet what is problematic is the rights of who is guiding the child— does a child have a say in decision making? A child must be dependent on a parent or guardian. Clearly, a child needs guidance; but that need for guidance should not foreclose the right to decision-making for global children. If a child lacks a parent or guardian, the definition reverts to state-facilitated guidance. But if decisions are left up to the state, children lose access to decision making. There is not one definition of *childhood*, *dependent* leaves more discretion up to the state according to respective state definitions of *childhood* and rights of children. A child's protections can vary widely. If international movement of children necessitates international recognition of children, but states effectively decide and control who gets access to that international oversight, then children have no guaranteed international protection.

With states deciding the majority of rights for children, children themselves lose the capacity for individual development. While practical guidance and ideal principles might standardize response to *childhood*, guidance can be subjective without sufficient regulation. Treating *guidance* as a flexible term is problematic in the context of an effort to standardize *childhood* and their individual rights. Lack of clarity concerning the flexibility of *guidance* with the context of the ambiguity in *childhood* leaves the child him or herself with few options: Without clear, enumerated terms and standardized guiding principles, the child loses much of his or her capacity for agency. Without widespread agency in the eyes of the state, the child is constructed as vulnerable: Because so many choices concerning the child are made by another, the child loses

---

[66] Ibid.

individuality and autonomy. Being characterized as a vulnerable child makes it difficult to access international rights and furthermore make decisions for one's self. Together, the terms of *child, minor* and *dependent* ground international conceptions of *childhood* in vulnerability and the need of protection. Without a unifying definition of *childhood*, international protocol leaves the fate of children and their access to rights up to the state.

Exploration of the CRC's definitions of *child* and *minor* and *dependent* thus reveals a functional gap in deploying an international definition of *childhood*. While the CRC aspires to be an International standardization, definitions presented in the work are subject to state decisions. Discussing a *child* and *minor* as global definitions then requires further clarity. The lack of universally applicable definitions of international *childhood* impedes the development and implementation of policy and rights regarding children around the world.

Understanding the International Rights of the Child

The CRC's definition of *childhood* leaves much discretion to the state. Because this discrepancy is unaddressed, the CRC articles over-represent Western *childhood*. International standards, then, remain centered in historical Western assumptions despite the overwhelming need for accessible policies and protection to marginalized, largely non-Western, children. When *childhood* is defined essentially by the state, how can a child, without government intervention, access international standards for *childhood*? What *childhood* is the CRC defining if there is not one, unifying definition of the *child?* The next section of this thesis considers the CRC's articles on requisites to *childhood* and evaluates their correlation to Western conceptions of *childhood*.

The CRC addresses rights associated with international *childhood* in Article 31. It states a child's right to "rest and leisure, to engage in play and recreational activities appropriate to the age

of the child."[67] Rousseau identifies leisure as an essential need for children, and in this view it remains a cornerstone of Western understanding of *childhood*. In the modern West, economic prosperity ensured that with greater economic grounding, the middle class could envision a *childhood* that included "rest and leisure," [68] rather than working to support a family. This particular affirmation in quality of life, for children associated with Enlightenment thinking, then directly links international standards on *childhood* to Western standards.

Building on Article 31 and a *child's* access to enjoyment and rest–crucially, the implied right to freedom from labor— Article 26 references education and a child's rights associated with schooling. This article calls for "primary education [to be] compulsory and available free to all."[69] Both Aristotle and John Locke considered education to be integral to *childhood*. Aristotle considers formal education necessary for children to learn and become adults, again distinguishing *childhood* from adulthood. Locke supports and adds to this argument with an emphasis on the benefits to society as a whole, where education necessary institution that could be governed by the state. Cumulatively, these primary Western theorists of *childhood* support compulsory education in the Western tradition of *childhood* rather than defining a child based on truly international conditions experiences and practices. Here again the CRC largely uses Western-inflected ideals to form what purport to be international standards for *childhood*. Analyzing the CRC confirms that there is a similar value placed on compulsory education for global *childhood*.

As the language of the CRC makes clear, constructs of Western *childhood* permeate official international discourse. Categories to standardize *childhood* such as age requirements,

---

[67] Ibid.

[68] ibid.

[69] Ibid, 8.

activity regulation and outlines for formal education historically underpin European and North American notions of *childhood* through the Modern Era. International representations of *childhood* are meant to apply to global socioeconomic strata. Rights associated with International *childhood* throughout the world however disrupt these notions to varying degrees from these notions, in terms of lived experience, cultural norms and state laws. Protecting global children through the development and implementation of international rights is undercut by alternative realities. Because there is not one, internationally recognized definition of *child* or *minor,* state laws trump these definitions. Many children whose states define a child and their rights are effectively excluded from definitions crafted for different circumstances. Furthermore, the rights associated with *global childhood* represent western-influenced ideals, supporting western *childhood* as a ubiquitous global *childhood* definition.

While terms as foundational to international discourse on children and *childhood* as *child,* *dependent* and *minor* cannot speak to global children, other language associated with the international movement of those children adds to the problem. The lack of international definitions of *child* and *minor* taken together with the enumerated children's rights displays how connected international *childhood* is to western-influenced ideals already marginalizes children who live beyond these borders from *childhood* itself. *Migration* and its associated definitions is as related, equally vexed problem in terminology. Below, I evaluate the discrepancies resulting from the overrepresentation of western *childhood* and how these affect children in marginalized contexts, specifically children on the move.

Evaluating Migration and Refuge Discourse

International standards concerning migrant children are, in the problems they present, problematic to Western *childhood*. How can a migrant, potentially unaccompanied and coming

from a country where cultural and societal norms put emphasis on different attributes regarding *childhood*, access his or her rights as a child? Using the definitions from the International Migration Organization and the UNHCR, I here analyze the representation of *childhood* in international migration policy and discourse.

According to the IMO glossary, a migrant officially has "at the international level, no universally accepted definition."[70] A migrant, then, is defined as undefined. Without a common, internationally standardized conception of a migrant, who decides what is legitimate migration? The question of difference between *migrant* and *refugee* is serious. Not only is it problematic that migration itself lacks cohesion, but migration is problematic when taken together with international standards concerning *childhood*. *Migration* and *childhood* do not have stable, international standardizations. How then can any governing body represent legitimate, clear, protocols that can support global children in movement? The international agencies associated with representing children and migration leave too much discretion for states to define children in movement. The absence of clear defining principles undercuts capacity to create meaningful international protections recede from access by global children.

A migrant is generally considered by UNESCO as an individual whose "decision to migrate was taken freely, by the individual concerned for reasons of 'personal convenience' and without intervention of an external compelling factor."[71] In this definition, an individual moving to change status based his or her own, individual decision would be considered a migrant. But UNESCO's is not the only definition of migrant. What is alarming about migration and its many definitions is

---

[70] "Glossary on Migration," *International Organization for Migration*, ed. Perruchoud, Richard; Redpath-Cross, Jillyanne (Geneva, 2011).

[71] UNESCO. "Unesco Definitions on International Migration." http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/.

the lack of consistency in defining who is a migrant, what his or her intentions are and how he or

she is understood by the international community.Yet the term *migrant* is also defined by another

governing body, the International Organization for Migration (IOM) defines a *migrant* as:

> As any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. IOM concerns itself with migrants and migration-related issues and, in agreement with relevant States, with migrants who are in need of international migration services."[72]

The IOM thus defines a migrant as moving from one place to another. Rather that considering a

migrant only to be moving out of "personal convenience,"[73] a *migrant* as determined by the IOM

can be in movement that is either "voluntary or involuntary."[74] How can two, internationally

regarded and legitimate, international organizations, fundamentally disagree on what constitutes a

migrant? These important definitions put forth to consider and evaluate a *migrant* and his or her

status contradict each other. Without sufficient and cohesive definitions concerning migration,

there lacks the capacity to fully comprehend who is a legitimate *migrant*.

While both UNESCO and IOM differently address the term *migrant, economic migration*

and the different international standardizations that relate to moving for economic reasons

represent a further gray area. The term *economic migrant* should be a beneficial definition that can

foster clarity when defining different types of migration. Yet without a clear definition of

migration itself, the term *economic migration* only adds to the confusion, since accepted

---

[72] Richard Perruchoud and Jillyanne Redpath-Cross, eds., "Glossary on Migration," *Glossary on Migration* (Geneva: International Organization for Migration, 2004), http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf.

[73] "Definition of Migrant/Migration," *United Nations Educational, Scientific, and Cultural Organization* (UNESCO), accessed March 7, 2017, http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant/.

[74] Perruchoud and Redpath-Cross, "Glossary on Migration."

definitions overlap with definitions of *migration* itself. For example, the IOM glossary considers an economic migrant to be:

> A person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term may be used to distinguish from refugees fleeing persecution, and is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside their country of origin for the duration of an agricultural season, appropriately called seasonal workers.[75]

This definition of *economic migrants,* taken by itself, purports comprehensive definition of an individual moving based on monetary benefit, it does not sufficiently how an *economic migrant* is different from a migrant. In UNESCO's definition of *migrant*, both an *economic migrant* and *migrant* are moving for personal convenience. The IOM definition however, separates economic from other movement. Regardless of whether or not one definition provides clarity while the other does not, this picking and choosing what international standardization to follow is alarming. The representation of *migration* by the international community leaves too much to undercutting meaningful international discourse.

A key difficulty with the various definitions of migration is that intent and circumstances are downplayed. That *migrant* can cover all possible circumstances of migration is problematic because one definition can't account for call reasons for movement. Moving for economic advantage is different from fleeing violence. Yet both are officially *migration*. One definition for involuntary and voluntary movement lessens the ability for international organizations to recognize people in desperate need. Because *migrant* is problematic in the international context, I here evaluate the term *refugee* as well, in order to consider how the terms are used in relationship to children. *Migrant* relative to the child has considerable overlap with official or operative

---

[75] Ibid.

definitions of *refugee*. In some cases, both terms are essentially interchangeable. An investigation into what separates a child *refugee* from a child *migrant* therefore will aid in further understanding as to the tensions between the two definitions and their relationship to defining *childhood*.

The United Nations High Commission on Refugees (UNHCR) defines a refugee as someone who is "forced to flee the country because of persecution, war, or violence" and "has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular group" that makes it impossible to return home[76]. The UNHCR considers a *refugee* an individual involuntarily moving from their place of residence. Overlap with the definitions of migrant is immediately evident. Depending on what definition an international organization uses to define migration, a refugee can be conceptualized as a specific type of *migrant* rather than *refugee*. While *migrant* and *refugee* might seem to be separate groups of people, in international standards, definitions of the two terms yield starkly different protections for individuals seeking international protections by different definitions adopted by respective states. For example, the UNHCR declares a *migrant* a person who has moved from their home country 'irrespective of the causes.'[77] If definitions of both *migrant* and *refugee* characterize different groups of individuals and intents for moving, why then, can a *migrant* also be defined as a *refugee*?

Heaving aside and aspiration for movement by *migrants* or *refugees*, these two terms are meant to distinguish between different types of people. The overlap in international definitions clearly undercuts the international protections administered to individuals escaping violence, accounting to a fundamental discrepancy in official international legislation. How can international

---

[76] Ibid.

[77] "Report of the United Nations High Commissioner for Refugees, Questions Relating to Refugees, Returnees and Displaced Persons and Humanitarian Questions," Pub. L. No. A/52/273 (1997), http://www.un.org/documents/ga/docs/52/plenary/a52-273.htm.

organizations lack of coherence in considering two different types of people and how furthermore, can they arbitrarily offer international protections to one definition over the other? Without unifying definitions, international protections are inaccessible and disproportionately awarded is disregard of the reasons for individuals' dislocation. Based on an individual's movement, an international organization is expected to give a designation in the form of a definition. Terms such as *migrant, refugee* are meant to distinguish between forms of movement. Incorrectly designating muddles access to different international protections. Without proper designations, unequal distribution of international protections damages individuals in movement.

The problem of definitions extends still further. Another term used in identifying is *Internally Displaced Person (IDP)*. Within policy standards *refugees, migrants* and *internally displaced persons* are considered differently and therefore accorded rights. According to the UNHCR, an IDP is an individual forced to flee his or her home involuntarily due to violence, but who has not crossed the border and therefore is "not protected by international law."[78] Capacity to move from a home country to another, foreign country, then determines the different international definitions and therefore, international protections awarded to a dislocated person. Distinction based on location effectively, international protections enhances for individuals who have the capacity to move from one country to another. If an *IDP* is fleeing the same violence as a *refugee,* how can international protections available to each group of individuals be starkly different? The distinction between refugee and IDP is weak considering an IDP in many cases would be fleeing similar, even identical violence to that which creates a refugee. An *IDP* is "not protected by international law"[79] while a *refugee* is. Taken together, both situations are where individuals are

---

[78] "IDP Definition" (United Nations High Commission on Refugees), accessed March 7, 2017, https://emergency.unhcr.org/entry/75652/idp-definition.
[79] Ibid.

fleeing life-threatening violence. Why, then, can a *refugee* access international protections that an

IDP cannot? The terms *IDP* and *refugee* are also helpfully considered together with *asylum seeker*.

In official international contexts, an *asylum seeker* is distinct from a *migrant* and *refugee* or *IDP*.

The UNCHR considers them to be

> Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border.

> This, however, is a descriptive definition, which does not confer a special legal status because IDPs, being inside their country, remain entitled to all the rights and guarantees as citizens and other habitual residents of their country. As such, national authorities have the primary responsibility to prevent forced displacement and to protect IDPs.[80]

This UNHCR definition of *IDP* but here distinguish the rights of an *IDP* from those of a *refugee*.

Both groups of people are fleeing violence and are forcibly displaced. Although the respective

definitions express similar intentions, a *refugee* is given "special legal status"[81] while an *IDP* is

not. If the only difference between an *IDP* and *refugee* is if the individual crosses a border, how,

then, can there be such difference in international protections? Lack of clarity in definitions

suggests that the same individual might appropriately be identified as *refugee, IDP* and *migrant,*

even though these terms are meant to apply to different situations. Within these definitions and the

attempt to separate intentions for movement, what is the difference between a refugee, IDP and

asylum seeker if the overall intention for movement is the inability to live in their country of

origin?

---

[80] "Asylum- Seekers," *UNHCR*, accessed March 7, 2017, http://www.unhcr-centraleurope.org/en/who-we-help/asylum-seekers.html.
[81] "IDP Definition."

A *refugee*, *IDP* and *asylum seeker* are all characterized as leaving their home because of life threatening violence. Why, then, can a *refugee* access international protection while an *IDP* cannot? If a *IDP* is so designated based on where he or she is despite conditions identical to the refugee, what are the implications for the purpose of humanitarian agencies? Defining individuals based on their location rather than intent leads to dangerous pathways for individuals to gain international protections. How do these various designations impact such an individual? How can their widespread applicability— despite the narrowness and specificity of their definitions— meaningfully assist such individuals? How can effective policies surrounding migration ensure if the definitions in the discourse are overlapping and mischaracterizing movements? Lack of consistency and clarity means that no legitimate different often separates a *migrant* and *refugee*. In many instances, individuals are defined differently by the international community but their motive and situations are very similar. The interchangeability of the terms in yield a discourse of contradictions. These contradictions create life-threatening obstacles to assistance that international protection organizations are there to provide.

Migration and Childhood

The exploration above displays how the international definitions of individuals in movement do not account for the similar incentives for migration and identify individuals moving for similar purposes differently, with potentially grave consequences. These definitions provide different international protections based on how an individual is identified. Regardless of unsafe or precarious circumstances compelling the uprooting of individuals from their homes and effectively flee a country of origin an individual can access only certain protections. In the case of child migration, misrepresentation and unequal access to international protections creates still more confusion than for adults. Because a child can be defined differently from state to state, no

consistency protects him/her. With no unifying definition of *childhood* and rights of children reflecting specifically Western rather than international conceptions of *childhood*, international protections are effectively limited to a small subset of children. These protocols are meant to provide protection for children globally, yet are accessible only to few. Especially poor definitions associated with migration, children lack access and opportunity to essential international protections surrounding migration.

Deployment of this suite of definitions in current international protocol on children and migration clarifies displaced children's plight. The 1951 UNHCR Convention on Refugees is the current policy in place affecting child migrants. This document and associated show how international definitions are implemented and to trace their affects on the global child. The 1951 UNCHR Convention on Refugees further uses the term *unaccompanied minor* to refer to children in the migration context. In this declaration, an unaccompanied minor is defined as:

> Used both by the United Nations Children's Fund (UNICEF) and by UNHCR to refer to persons who are under 18 years of age or under a country's legal age of majority, are separated from both parents, and are not with and being cared for by a guardian or other adult who by law or custom is responsible for them. This includes minors who are without any adult care, minors who are entirely on their own, minors who are with minor siblings but who, as a group, are unsupported by any adult responsible for them, and minors who are with informal foster families[82].

In this understanding, an *unaccompanied minor* is an individual is in transit and separated from a parent or guardian. The UNHCR designates an age that defines an *unaccompanied minor* but also says that this designation is also up to the "law or custom of the state."[83] This UNHCR document, is recognized by another international organization, UNICEF, who recognizes the protocol it describes. While considering *unaccompanied minors* as its own group of children, the UNHCR

---

[82] "Convention and Protocol Relating to the Status of Refugees," Pub. L. No. 2198 (1951), http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf.
[83] Ibid.

makes reference to *minors* and the "age of majority"[84] that determines their access to civil and political rights. Apparent correspondence between international organizations nevertheless leaves unresolved between international organizations fundamental discrepancy in how a child is defined in the migration context. The term *minors* begs the question who has the power to define the majority age, and how is this legislated upon and more so, regulated? In the context of the term *unaccompanied minor*, although a child is alone, who is deciding whether or not a child is being "cared for"[85] and if they are "unsupported"?[86] There is no question that children are in need of support to facilitate growth. Yet who is standardizing this support, and how can international organizations standardize policy? How can these organizations continually represent children as vulnerable and in need of support, if the definition of who constitutes a *child, unaccompanied minor, refugee, dependent* and *minor* is left to the state? Without any contextual reference on socioeconomic status or availability of resources, the child is inherently at risk.

The UNHCR uses *unaccompanied minor* as a term that encompasses children on the move. While the 1951 Protocol enumerates rights for children, without further clarity in what group of children are considered a *refugee,* or *migrant,* international definitions carry no meaning and more so, negatively affect children by mischaracterizing their movement. Unaccompanied minors seeking refugee status must be equipped with necessary care and protection as protocol states, yet the access to the necessary care is not sufficiently articulated so as to make the definition available.

---

[84] Convention and Protocol Relating to the Status of Refugees.

[85] Ibid.

[86] Ibid.

Bibliography

"Asylum- Seekers." *UNHCR*. Accessed March 7, 2017. http://www.unhcr-
        centraleurope.org/en/who-we-help/asylum-seekers.html.
Convention and Protocol Relating to the Status of Refugees, Pub. L. No. 2198 (1951).
        http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf.
"Definition of Migrant/Migration." *United Nations Educational, Scientific, and Cultural
        Organization*. UNESCO. Accessed March 7, 2017. http://www.unesco.org/new/en/social-
        and-human-sciences/themes/international-migration/glossary/migrant/.
"IDP Definition." United Nations High Commission on Refugees. Accessed March 7, 2017.
        https://emergency.unhcr.org/entry/75652/idp-definition.
Perruchoud, Richard, and Jillyanne Redpath-Cross, eds. "Glossary on Migration." *Glossary on
        Migration*. Geneva: International Organization for Migration, 2004.
        http://www.iomvienna.at/sites/default/files/IML_1_EN.pdf.
Report of the United Nations High Commissioner for Refugees, Questions Relating to Refugees,
        Returnees and Displaced Persons and Humanitarian Questions, Pub. L. No. A/52/273
        (1997). http://www.un.org/documents/ga/docs/52/plenary/a52-273.htm.
United Nations Treaty Series. Convention on the Rights of the Child, Pub. L. No. 44/25, 1577
        (1990). http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf.

Chapter 3: Child Migration Today

Migration is at the center of today's geopolitical situation. In 2015, 65.3 million people were forcibly displaced worldwide.[87] That is more than the entire population of the United Kingdom, making forcibly displaced persons the 21st largest country in the world.[88] Of this population, 21.3 million are refugees and over half of refugees are under 18 years of age.[89] Fifty-four percent of the world's refugees come from three countries: Syria, Afghanistan and Somalia[90].

Syrian Arab Republic

In the past 20 years, the number of forcibly displaced persons has increased steadily, from 37.7 million in 1996 to 65.3 million in 2015[91]. This rapid increase has come from political unrest and the violence accompanying. It stems largely from the Arab Spring as well as the Syrian conflict. Syria's six-year civil war has affected large numbers and people who have no other choice but to migrate. With ongoing civil war as well as continual violence in countries such as Burundi, Iraq, Libya, Niger, and Nigeria,[92] along with older unresolved conflicts in neighboring countries and the added, growing problem of climate change, the world has seen increases in migration flows that makes this the largest refugee crisis since World War II.[93] While many conflicts in the Middle East and North Africa have contributed to the increase in migration flows, the conflict in

---

[87] United Nations High Commission on Refugees, "Figures at a Glance" (UNHCR, 2015), http://www.unhcr.org/en-us/figures-at-a-glance.html.

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] Ibid

[92] Ibid.

[93] Jane Woodruff, William Brangham, and Grandi Filippo, *UN Issues Unprecedented Declaration on Refugee Crisis*, PBS Newshour, accessed March 5, 2017, http://www.pbs.org/newshour/bb/un-issues-unprecedented-declaration-refugee-crisis/.

Syria particularly makes evident the plight of child migrants and their journeys to escape violence. This civil war in Syria has left an estimated 470,000 dead and driven 11.3 million Syrians from their homes.[94] Among the millions displaced 8.4 million children, 80% of Syria's child population have been affected by the violence[95]. The United Nations describes the conflict as "unparalleled suffering, destruction and disregard for human life."[96] The use of chemical weapons and violence have left children no other choice but to leave their homes, using dangerous pathways to escape conflict.

In 2015, 870,000 refugees and migrants traveled by boat to seek asylum in Europe.[97] The UNHCR notes that "children are among the most at risk of refugees and migrants," and "are at risk of being exposed to sickness, injury, violence, exploitation and trafficking- violations of their rights and threats to their lives and wellbeing."[98] Unaccompanied minors made up one quarter of all asylum applicants that year, meaning over 160,000 children were seeking asylum.[99] These children need clarity and universality in protections available to them. In the following analysis, I consider European Union-sponsored policy on unaccompanied minors in correlation to international definitions on children and migration. I evaluate the correlation between the two definitions and the capability of unaccompanied minors travelling to the European Union to benefit from international protocols based on definitions of child migrants by the European Union.

---

[94] Dan Nolan, "Children of Syria By the Numbers," April 19, 2016, http://www.pbs.org/wgbh/frontline/article/children-of-syria-by-the-numbers/.

[95] Ibid.

[96] "About the Crisis" (United Nations International Children's Emergency Fund, 2014), http://www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis.

[97] "IOM and UNICEF Data Brief: Migration of Children to Europe" (United Nations International Children's Emergency Fund, November 30, 2015), http://www.iom.int/sites/default/files/press_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf.

[98] Ibid.

[99] Ibid.

Within this research I consider two key contemporary emergency situations, of children on the move. The first is the unaccompanied minors from Syria, represented as refugees and given status as such. The second is unaccompanied minors travelling from Central America to the United States border, considered child migrants. I compare these two groups and the intentions for moving, the outcomes of the movement and the international standards placed upon them. While both sets of unaccompanied minors are moving based on fear and violence in their home country, each set are considered differently by the international community. Based on their international categorization, unaccompanied minors in both circumstances are given different opportunities. The two groups of unaccompanied minors represent the lack of cohesion in definitions of *migrants* and *refugees* and the one-dimensional representation of *childhood* in the coinciding policy, children who are in movement and are attempting to change their status to achieve *childhood* are not supported by the international community but furthermore disadvantaged.

International organizations like UNICEF and the UNHCR have made available reference documents that enable researchers and the public to further understand the issues at hand. The UNICEF reference "Child Alert,"[100] was published in June 2016. It contains summaries of the current issues as well as outlines of best practices moving forward.[101] The introduction of the handout describes the situation in Syria for children today. UNICEF states that children on the move are "risking it all,"[102] and the current situation for children in Syria as dangerous and unavoidable. Children are fleeing violence in their home countries are left with no other option but to leave. Thus begins a cycle of which children are forcibly displaced without any options. Marie-

---

[100] "Reference Document on Unaccompanied Children" (European Commission), accessed March 5, 2017, http://www.connectproject.eu/index.html.
[101] "UNICEF Child Alert" (United Nations International Children's Emergency Fund, August 2016), https://www.unicef.pt/docs/pdf_publicacoes/Child_Alert_America_Central.pdf.
[102] Ibid.

Pierre Poirier, UNICEF Special Coordinator for Refugee and Migrant Crisis in Europe states, "we should never forget what is driving so many families to risk so much in the hope of gaining sanctuary in Europe."[103]   The forced displacement is a call to action to support international organizations. The UNHCR calls this the "time to act" and "the world must act to save a generation of traumatized, isolated and suffering Syrian children from catastrophe."[104] Clearly, international organizations consider this situation to be in dire need of assistance. Not only has the civil war displaced millions of people, but children have born the brunt of this conflict.

International Protocol

The conflict in Syria has impacted the lives of millions of children, with international organizations imploring nations globally to fund an otherwise and and support children and their livelihood. After the description of the contemporary issues affecting the lives of children and their forced displacement, the UNICEF reference document outlines a seven-point action plan to support the protection of children. The points are as follows:

1. Children must be protected against trafficking and exploitation.
2. Under no circumstances should children be locked up just because they are refugees or migrants.
3. Children must not be sent back to their home countries if they face harm or death.
4. Children must be given access to services such as health and education.
5. Unaccompanied or separated children must be kept safe. Family reunification is often the best way to do this.
6. The best interests of the child should be a primary consideration in any decision concerning that child.
7. Safe and sustainable legal global pathways for migration must be established.[105]

---

[103] Ibid.

[104] "The Future of Syria," *United Nations High Comission on Refugees*, November 2013, http://unhcr.org/FutureOfSyria/executive-summary.html.

[105] Ibid, 5.

These UNICEF protocols for child protection show the gravity of the Syrian crisis today. Clearly there is violence and children are left with few options for safety. The forced displacement of millions of children begs access to international protections for the marginalized children on the move. UNICEF offers protections for children if they are considered in this situation to be a *migrant* or *refugee*. These protections, however, are not appropriately defined in practice. In order to understand if these protections are available to children on the move, I analyze European Union policies on children and their associated definitions.

European Union Protocol

CONNECT, a project funded by the European Commission, aims to "identify[] good practices in, and improving, the connections between actors involved in reception, protection and integration of unaccompanied children in Europe."[106] With this goal in mind, the CONNECT project has produced a comprehensive reference document for all definitions and policy implementations with respect to unaccompanied minors. I use this document to begin to understand how the European Union defines children in movement.

The European Union deploys definitions set by international bodies in their state policies. These international definitions demonstrate the agency of terminology as applied to people in crisis, testing the effectiveness of international policies as they are being utilized and realized. The reference document defines terms associated with child migrants. According to the European Union "a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."[107] I reference this statement in previous

---

[106] "A Compilation of Relevant EU Policies."
[107] Ibid.

analysis.[108] This definition shows the impact of age restrictions on *childhood* and furthermore, the lack of specificity in the definition of *childhood* itself. While the international definition is meant to refer to children globally, this definition is meant to refer to children in the European Union. Like official International definitions, the European Union does not make clear how a *child* is itself defined.

Like the international and the European Union definitions of *child, unaccompanied children* as well as *separated children* share similarities with the Convention on the Rights of the Child, the official international standardizations on children. The EU uses the following definition for *unaccompanied children:*

> Children, as defined in Article 1 of the Convention, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so[109].

The European Union definition for *unaccompanied children* correlates to the definition used in the Convention on the Rights of the Child, and as identical to the EU-provided definition of *separated children*:

> Children, as defined in Article 1 of the Convention, who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members.[110]

The terms *unaccompanied child* and *separated child* as defined by the European Union are the same in official international standardizations. These are important definitions to consider while characterizing children on the move. The EU-defined term *minor* is also important to this discussion. A *minor* is defined in EU documents as "a third country national or stateless person

---

[108] Ibid, 2.

[109] Ibid, 9.

[110] Ibid.

below the age of 18 years old.[111] A minor in this context is defined as a child who is seeking

asylum and has left his or her native country, while under the age of 18. In this context, notably a

minor does not necessarily mean unaccompanied. *Unaccompanied minor* is also used in this

discussion:

> A minor who arrives on the territory of the Member States unaccompanied by an adult
> responsible for him or her whether by law or by the practice of the Member State
> concerned, and for as long as he or she is not effectively taken into the care of such a
> person; it includes a minor who is left unaccompanied after he or she has entered the
> territory of the Member States.[112]

The definition of *unaccompanied minor* characterized children who do not have an adult with them

during movement. Like the definitions of *unaccompanied child*, *separated child*, and *minor*, the

definition correlates with international standardizations on children. Correlations between national

and international definitions of children is helpful, yet not unproblematic. While it makes

comparison of EU definitions and official national defines easier, the same problems found in

international definitions plague EU-defined terminology.

Without a concrete definition of the child, there is no single method for understanding who

gets international protections and why. Using international definitions as the framework for

European Union definitions of *childhood* allows this body to provide stable protections to children,

regardless of variations of circumstance. Yet, as in international protocol, no clear, definition the

child him or herself grounds this discussion. Rather, defining the child is left up to "law of by the

practice of the Member State concerned"[113]. Without the protocol that applies to all European

Union Member States, there cannot be a systematic way to define *childhood*. This leaves too much

---

[111] Ibid.
[112] Ibid.
[113] Ibid.

discretion to the state and furthermore enables inconsistency in the international protections available to children.

Current EU Policy on Unaccompanied Minors

While important correlations link the definitions international organizations use to define children children and the relationship of these definitions to the conceptions of *childhood* provided by the European Union, the relationship between the two governing bodies shows the impact of international definitions on state definitions. I evaluate how European Union definitions of *childhood* impact policy surrounding children on the move. In this analysis, I consider how these policies impact the availability of protections to child migrants.

European Union policies concerning *unaccompanied minors* brave procedural requirements for processing and identifying children appropriately. When arriving at the border, each unaccompanied minor is fingerprinted.[114] This administrative details established in the Eurodac Regulation, which also states the rights of unaccompanied minors to access representation in their language as well as legal assistance in preparation for the interviews that determine their status as *refugees*.[115] These interviews follow initial assessments in the process for the EU member state to decide whether or not the unaccompanied minor qualifies for international protection.[116] Further rules that also impact the assessment of unaccompanied minors and their access to international protections. First, whatever member state an unaccompanied minor first comes to is responsible for "examining whether the applicant qualifies as a refugee, and if not, whether he/she

---

[114] "OJ L 180, 29.6.2013," Pub. L. No. 603/2013, 23.01.05.00 (2013), http://data.europa.eu/eli/reg/2013/603/oj.
[115] Ibid.
[116] Ibid.

qualifies for subsidiary protection."[117] These authorities evaluate unaccompanied minors on their refugee status based on the protocols outlined in the 1951 UNHCR Convention and Protocol Relating to the Status of Refugees. Thus, according to the European Union, for an *unaccompanied minor* to be granted refugee status:

- The minor must face a well-founded fear of prosecution.
- The grounds for prosecution must be related to the minor's race, religion, nationality or membership in a particular social group.
- A casual link must exist between the well-founded fear of persecution on the grounds of one's race, nationality, political opinion, or membership in a particular social groups and the acts of persecution,
- The acts of persecution may take a variety of forms, such as physical or mental violence, including sexual violence, and in the case of a minor may also include acts of a gender-specific of child-specific nature.[118]

Use of the framework of the 1951 UNHCR Refugee Protocol as the backbone of European Union policy on unaccompanied minors gives legitimacy to international regulation and standardization. Yet as analysis of European Union definitions surrounding children and migration makes clear, international standardizations have negative effects as the framework for national regulations in Chapter 2 above. I concluded that while the protections made available to children are satisfactory, the defining characteristics of a child left to the state parties, sometimes undercuts their availability. Leaving fundamental definitions of what a child is up to the state allows too much flexibility for the state in characterizing a child. Without universal definitions, international

---

[117] Theresa Papademetriou, "European Union: Status of Unaccompanied Children Arriving at the EU Borders" (The Law Library of Congress, Global Legal Research Center, September 2014), https://www.loc.gov/law/help/unaccompanied-children/status-of-unaccompanied-children-arriving-at-the-eu-borders.pdf.

[118] "Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted," OJ L 337, 20.12.2011, p. 9–26 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV) Special edition in Croatian: Chapter 19 Volume 013 P. 248 - 265 § (2011), http://data.europa.eu/eli/dir/2011/95/oj.

protections are vitiated, and without further specificity on the state level, the assessment of unaccompanied minors and their refugee status cannot be standardized. Without making each member state fully capable of assessing each unaccompanied minor case in the same way, refugee status is inconsistently established. Without further explanations, international protocols as state governing regulation is thus difficult and protocols misrepresent child migrants.

Despite these discrepancies, there are many available protections for an unaccompanied minor, many of which are accessible without *refugee* designation. Regardless of status as a *refugee*, the European Union makes it possible to access protections. One of these accessible principles is *non-refoulement*.

> The principle of non-refoulement is the cornerstone of asylum and of international refugee law. Following from the right to seek and to enjoy in other countries asylum from persecution, as set forth in Article 14 of the Universal Declaration of Human Rights, this principle reflects the commitment of the international community to ensure to all persons the enjoyment of human rights, including the rights to life, to freedom from torture or cruel, inhuman or degrading treatment or punishment, and to liberty and security of person. These and other rights are threatened when a refugee is returned to persecution or danger.[119]

Here *non-refoulement* principle in its simplest form is the act of letting individuals who have been forcibly displaced stay within another country and seek asylum. The *non-refoulement* principle, however, has exceptions in the context of EU Member States. If the Member State has "reasonable grounds for considering him or her as a danger to the security"[120] of the state, this "constitutes a danger"[121] to the community. The unaccompanied minor can be *refouled* if he/she is perceived dangerous. The *non-refoulement* principle is meant to facilitate support to individuals in movement that are the most vulnerable. While the exception to this clause is theoretically reasonable, few

---

[119] "Minimum Guarantees for Asylum Procedures," Pub. L. No. OJ C 274, 23.01.05.02 (2005), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31996Y0919(05).
[120] Ibid.
[121] Ibid.

lack systematic regulations that support implementation in contemporary situations. Leaving too much gray area that cannot regulate equally or effectively. For example, what specific actions make a child a threat? Specificity regarding who is allowed and protected undercuts beneficial implementation and equality in protections.

Another important addition to the unaccompanied minor protocol is the use of "Subsidiary Protection Status,"[122] a designation is applied if an unaccompanied minor has not been given refugee status. Subsidiary Protection is given if "serious harm" has occurred. This term includes torture, execution, or threat to life by reasons of violence or internal armed conflict.[123] The subsidiary protections enumerated by the EU form a buffer to establish some type of protection for all affected unaccompanied minors.   With international protection, the EU permits unaccompanied minors ,whether defined as *refugee* or acquiring subsidiary protection, access to residence as well as guardianship, education, social welfare, and education.[124]

The Convention on the Rights of the Child and associated International terminology bear similarity to the definitions of children and migration used by the European Union. Though this displays coherence on both national and international fronts, there lies similar problems with application, a paradigm considered in Chapter 2. While the available international protections are important, exacerbates no, fundamental definition of the *child* represents all children, globally. Creating protections based the term *child* obviates standardizations that would make sure all children in need of protection are characterized in a rational, uniform fashion and thus given the needed international protections. Below, I discuss the impact of international definitions on

---

[122] Ibid.

[123] Ibid.

[124]Ibid.

national protocol by the inconsistencies pointed out in international protections in Chapter 2. The many flaws in international protections are here seem to be worsened in state application. As in international standards, no singular definition of the child left to the jurisdiction of the respecting states makes it impossible to establish regulations that could account for all children. The European Union implements many, subsidiary protections for unaccompanied minors that enable children to access international protections if they are not defined as *refugees*. These protections make it possible for marginalized children to access international protections, regardless of international status. This policy implementation to an effect remediates the difficulties of differing and defective definitions.

Impact

3.2 million people seek asylum world today.[125] The UNHCR states that 50% of those asylum seekers are children under 18.[126] Of the 51% of children under 18, 98,400 are unaccompanied or separated children, the highest number on record of unaccompanied children in the UNHCR has ever collected[127]. In Syria, the UNHCR considers 6,753,569 people to be "people of concern"[128]. With over 6.5 million people in distress, the UNHCR allocated $176,231,367 USD. These numbers reflect the intensity of displacement in the Middle Easy and North Africa. While the numbers themselves show the gravity of the refugee crisis in Syria, the associated UNHCR funding also shows and reflects the importance of the current problem. This provides international protections to the most vulnerable, these identified as being in situations of

---

[125] "Global Trends: Forced Displacement in 2015" (United Nations High Commission on Refugees, 2015), http://www.unhcr.org/576408cd7.pdf.
[126] Ibid.
[127] Ibid.
[128] Ibid.

marginality, and thus defined as refugees—or seeking asylum in the EU have accessed Subsidiary Protection. Media representations, financial expenditure and international response have effectively made possible a multi-dimensional response to the Syrian Refugee crisis. While UNHCR is one United Nations Organization, it is briefly responsible for refugee and displaced persons. Therefore, this data can serve as a legitimate gauge of the response to the crisis. The European Union makes international protections legitimates child refugees or migrants, irrespective of loose definitions, by incorporating them into the European Union National Protocol.

Incorporating International protocols into national policy makes international protections legitimate. Unaccompanied minors travelling alone, or separated, or with a family member all have access to asylum—whether entering the EU legally or illegally. Multiple avenues are made available for the most vulnerable. Where organizations like the UNHCR now have the ability to intervene for individuals with legitimate access to international organizations. Access to the situation makes it possible to measure, evaluate and implement international policies to support protection. People have the necessary support to stay safe even if they cannot fix the geopolitical problem. People are moving to save their lives and the international community has the chance to response. Thus, protections are made available, data can be collected, multi-dimensional assessments of the situation can be conducted and works to accelerate circumstances and exposure of the issue. International regulations are represented in the EU policies effects international responses to the migration situation, enabling data collections and aid that national governments do not have the capacity to provide. At least there is response, not ideal or by any means perfect, for an unaccompanied child moving, who is one of the most vulnerable and marginalized children globally.

Latin America

The migrant and refugee situation in Syria and surrounding states is supported by international organizations. Because the EU has incorporated international protocol into its national policy, international definitions are legitimate and therefore allow organizations to support individuals forcibly displaced. Migration patterns in the United States and Latin America have been changing throughout history. One major reason to escape is violence. According to the United Nations Office on Drugs and Crime, the Latin American subregion includes three of the five highest national homicide rates in the world, mainly because of the proliferation of gangs and organized crime.[129] As of late, Latin American counties such as El Salvador, Honduras and Guatemala have been experiencing massive situations of gang violence and crime. Violence has plagued societies, scaring and displacing citizens.

One specific group of people disproportionately affected by violence are children. With the influx of gang violence, children are in many circumstances the most vulnerable to attacks and recruitment, giving rise to geometric increases in the amount of "unaccompanied and separated children"[130] from El Salvador, Guatemala and Honduras taking dangerous journeys to the United States. Because of unavoidable destruction and violence, children are moving often unaccompanied, to the United States attempting to seek asylum. This great movement from Latin America has been referenced by International Organizations as "the surge."[131] The movement was evaluated by United States officials in Fiscal Years, where the total number of apprehended

---

[129]"The Quiet Crisis of Central America's Unaccompanied Migrant Children," August 24, 2016, https://www.unicef.org/infobycountry/honduras_86561.html.

[130] "Children on the Run," 2012, http://www.unhcr.org/56fc26d27.html.

[131] Ibid.

unaccompanied children increased from 4,059 in FY2011[132] to 36,174 in FY2013[133] and ultimately, to 59,692 in FY2016.[134] In the 2066 Fiscal Year, the United States Border Control experienced a 49% change in the influx of children crossing the border since the previous Fiscal Year.[135]

With this huge increase in children on the move, the United Nations High Commission on Refugees gathered statistics and noted that there was a 1,185% increase in the number of asylum seekers coming from citizens of these countries.[136] Within this increase is an alarming number of unaccompanied children, referred to by the UNHCR as "children on the run"[137] and "Unaccompanied and Separated Children."[138] The UNHCR notes that "The number of children making the treacherous journey alone and unaccompanied from these countries has doubled each year since 2011, and the U.S. government estimated—and is on track to reach—60,000 children arriving to U.S. soil seeking safe haven in this fiscal year."[139] Using official international documents from UNICEF and UNHCR, I evaluate how an unaccompanied minor can access their rights while in movement and considering the problem framed in my eelier chapters with reference briefly to Europe and the Middle East.

International Protocol

---

[132] Ibid.

[133] Ibid.

[134] "United States Border Patrol Southwest Border Sectors" (United States Border Patrol, January 2017), https://www.cbp.gov/sites/default/files/assets/documents/2017-Jan/BP%20Southwest%20Border%20Family%20Units%20and%20UAC%20Apps%20-%20Jan%2017.pdf.

[135] Ibid.

[136] "Children on the Run" *United Nations High Commission on Refugees,* http://www.unhcr.org/56fc26d27.html

[137] Ibid.

[138] "Children on the Run."

[139] Ibid.

One of such international policies implemented into the national policies of the European Union is the Convention on the Rights of the Child. This has made applying standardizations between national and international standards easy, as seen in the number of children applying for asylum and refugee status. This is not the case for the United States, which is one of three countries to defer ratification. The other two countries that have not ratified this are Somalia and South Sudan. The beginning of the UNHCR report "Children on the Run," evaluates the crisis in Latin America through data analysis and assessment of United States policies on Latin American unaccompanied minors. The report considers what an unaccompanied minor is and how they are acknowledged by the UNHCR. The UNHCR, evident in its name, is supposed to aid in refugee situations. Yet in this circumstance, the UNHCR also notes that this definition can apply to a broader range of individuals. The UNHCR states:

> Central to providing unaccompanied and separated children appropriate identification, screening and protection is the recognition that 'States are primarily responsible for the protection of all children and should promote the establishment and implementation of child protection systems, in accordance with their international obligations, ensuring access to all children under their jurisdiction.'[140]

In this understanding, not only refugees but also other groups, who are variously defined and could be considered a special circumstance protected under their international protocols. Yet ultimately, the UNHCR, like other international organizations, leaves the definition of *childhood* up to the states, as is problematic in other agencies' texts. The UNHCR uses the Convention on the Rights of the child to further outline what an unaccompanied minor is, noting:

> In addition, the Convention on the Rights of the Child, the fundamental international framework for the rights and protection of children, gives particular attention to the special protection needs of children deprived of their family environment and of children who are refugees or are seeking asylum, and it states that all the provisions of the Convention apply without discrimination to all children under the jurisdiction of a State.[141]

---

[140] Ibid,1.

[141] "Children on the Run."

Here, any child who is considered a refugee or seeking asylum should apparently have access to the international protections of the UNHCR. In the previous statement, however, the UNHCR considers a state to "promote the establishment and implementation of child protection systems, in accordance with their international obligations, ensuring access to all children under their jurisdiction."[142] UNHCR statements thus expose a difference between *promoting* a characterization of a child rather than *defining* a child. This is a fundamental distinction. Without a cohesive definition of a child, the international protocols set by the UNHCR intended to protected children on the move undercut by state-specific variation. Given this inadequacy a child, without representation by an international governing body becomes ever more vulnerable and unprotected when in the context of migration.

The difference in protocol surrounding child migrants is evident in the United States produced definitions and actions towards Latin American unaccompanied children. The rhetoric of the United States Customs and Border Agency combined with the multimedia campaign against movement to the United States frames children on the move differently than international organizations, seen in the analysis of UNHCR's *Child Alert* reference page. While definitions reveal multiple understandings of a child and associated protections for unaccompanied minors, the report *Children on the Move* shows how important international protections are. In its results, the UNHCR finds that:

> UNHCR found that the majority of children interviewed from all four of these countries provided information that clearly indicates they may well be in need of international protection. … Significantly, protection-related reasons were very prominent, and this report focuses on those reasons. Our data reveals that no less than 58% of the 404 children interviewed were forcibly displaced because they suffered or faced harms that indicated a potential or actual need for international protection.[143]

---

[142] Ibid.

[143] Ibid.

These results suggested the depth of the need for unaccompanied minors to access international protections. The data collected by the UNHCR are a clear measure of the types of violence these children face in their native lands. Out of the 404 children interviewed, that 58% have been forcibly displaced without sufficient protections is inexcusable. Yet this data collection still is vitiated by the lack of defining *unaccompanied minors* as a group escaping violence. Rather, these children are still considered unaccompanied *minors*, changing the available international protections.

When defined as an *unaccompanied minor* in conjunction with no associated *refugee* status, how can a child access the necessary international standardizations? How can the UNHCR, the premier international standardization for refugees, promote access to international protocols for unaccompanied children when it is not possible for them to even access rights of a refugee? The intent of policy and the realistic outcomes of policy us measured by tension. Without better and more instructive definitions of an unaccompanied minor and its relation to children on the move, no substantial solution can support unaccompanied minors fleeing their native lands.

Although associated definitions of children in migration are problematic, the UNHCR report offers satisfactory conclusions that serve as a call to action to the situation. The study concludes that:

> Given the high rate of children who expressed actual or potential needs for protection, all unaccompanied and separated children from these four countries must be screened for international protection needs. … Forty-eight percent of the displaced children interviewed for this study shared experiences of how they had been personally affected by the augmented violence in the region by organized armed criminal actors, including drug cartels and gangs or by State actors. [144]

With access to first-hand interviews, UNHCR officials could legitimately consider the contemporary problem in the Northern Triangle of Latin America. These conclusions show the

---

[144]"Children on the Run," 9.

importance of international protections and children's access to them. While supporting a call to action, this document also highlights the discrepancies in international protections. For example, having the study call for "screening for international protection needs"[145] makes it clear that there must be more clarification in the rights associated with children not considered refugees beg specification. A move toward implementation of further guidelines considering children in movement could foster a better understanding of children's aspirations and necessity for international protections. A closer look into the need for international protections is elaborated in the conclusion of the report. The UNHCR defines international protections as:

> The responsibility of States to protect their citizens. When Governments are unwilling or unable to protect their citizens, individuals may suffer such serious violations of their rights that they are forced to leave their homes and often even their families to seek safety in another country. Since, by definition, the Governments of their home countries no longer protect the basic rights of these individuals, the international community must step in to ensure that those basic rights, as articulated in numerous international and regional instruments, are respected.[146]

Here the UNHCR states that unaccompanied minors are left without access state-sponsored protections and must have access to international protections. Yet who has the jurisdiction to "step in," or provide support to these unaccompanied minors? Because there is much gray area around the power of an international organization to intervene, how can the UNHCR, or other international organizations, promote change and support these children? Further, since the definition of a child and unaccompanied minor are left majorly to the jurisdiction of the state, who decides when an international organization can intervene? If the United States, for example, considers unaccompanied minors not to be refugees, how can the UNHCR implement policy?

---

[145] Ibid.

[146] Ibid, 10.

Also problematic in this call to action is the discussion of basic rights associated with unaccompanied minors. The discussion states that "basic rights" are "articulated in numerous international and regional instruments," but whom these rights protect and to what extent they are available to certain groups of people remains under review. This is furthermore discussed in this excerpt considering international protections:

> The principal means for providing international protection to individuals unable to receive protection in their countries of origin is the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. To receive protection under these instruments, an individual must satisfy the definition of "refugee," and there must not be any reason, as articulated in the 1951 Convention, to exclude an individual from such protection.[147]

If a group of individuals is not considered to be refugees by a given state, the UNHCR cannot provide them with international protections. So, regardless of the UNHCR results and acknowledgement of the underlying issue in Latin America, the UNHCR has no legitimacy in intervening without acknowledgement by the United States saying that unaccompanied minors are in fact refugees.

United States Protocol

UNHCR's *Child Alert* reference page clearly articulates there is a situation in the Northern Triangle of Central America that needs due attention. While the United States acknowledges that there is an issue, there is a tension between how the United States frames the problem of child migrants against how international organizations understand the situation to be. The website of the United States Customs and Borders Protection takes an official stance on the situation in Latin America.[148] In an official article titled *CBP Addresses Humanitarian Challenges of*

---

[147] Ibid, 10.

[148] "CBP Addresses Humanitarian Challenges of Unaccompanied Child Migrants," *U.S. Customs and Border Protection*, November 3, 2016, https://www.cbp.gov/border-security/humanitarian-challenges.

Unaccompanied Child Migrants, the agency presents how child migrants are conceptualized in the United States and our national perspective on the situation. The article refers to the situation as as a "multifaceted humanitarian and security issue [] as tens of thousands of unaccompanied migrant children have been arriving at the Southwest U.S. border." In the first paragraph of the official website. Even written in the few sentences of this article, there are different terms are used to represent the movement of Latin American child migrants. Using the *humanitarian* to describe the needs of this situation is accurate. Yet, taken together with *security,* the message implies that child migrants impose a threat in which their movement is punishable.

R. Gil Kerlikowske, the CPR Commissioner, continues in the CBP article with an explanation of the measures taken surrounding the crisis. He states, "our agency and the Department of Homeland Security have mobilized to address this situation in a way consistent with our laws and our American values,"[149] and continues to describe how the governments of Guatemala, El Salvador, Honduras and Mexico are "hop[ing] to address the conditions in Central America that are spurring the migration and ways that we can assure faster, secure repatriation of these children and families." [150] While also clearly stating that this path is dangerous and illegal, the US Customs and Border Patrol has also launched a Danger Awareness Campaign, where posters and other media outlets promote the following message:

> CBP has developed a multimedia public awareness campaign to communicate the dangers to the children and their families who are considering the journey. The Dangers Awareness Campaign materials include print, radio and TV ads with the universal message:

---

[149] Ibid.

[150] Ibid.

> The journey is too dangerous;
> Children will not get legal papers if they make it.
> They are the future—let's protect them.[151]
>
> you cannot earn a path to citizenship;
> you are not eligible for the Deferred Action for Childhood Arrivals, or DACA;
> you will not get papers that allow you to stay; and
> you are putting yourself, or your child, in danger.[152]

The United States Customs and Border Protection agency offers strict guidance on how to define migrant children and their rights. The official website outlines the rights associated with children travelling across the border. The United States have made it clear that travelling unaccompanied into the United States will not result in a path towards citizenship. The UNHCR meanwhile in contrast to US statements calls for the following principles to foster support to children moving to the United States:

> Persons fleeing armed conflict, serious internal disorder, massive human rights violations, generalized violence or other forms of serious harm with no link to a refugee protection ground as contained in the international refugee definition. Such individuals should be given access to a process to review their eligibility for a formal, legal – complementary or subsidiary – status, with defined rights and obligations, for the period of time necessary to safeguard their safety and security.[153]

---

[151] Ibid.

[152] Ibid.

[153] "Children on the Run."

Here UNHCR calls for unaccompanied minors lacking access to international refugee protections to have the opportunity to receive international protections, since their situation is in "critical need for enhanced mechanisms." [154] The UNHCR asks for protection supported by eligibility to access international organizations. Persons fleeing Latin America are escaping violence and are being forcibly displaced from their homes in their native countries, so accord with international definitions of *refugee* status, yet, the United States does not use this criterion to describe child migrants. While the United States has ratified the 1967 Protocols on the Convention on the Status of Refugees, requiring the international definition of refugee protections to be applied nationally, the definition of what constitutes a child and their access to protections is still left to the jurisdiction of each country.

The Convention on the Rights of the Child has been ratified by 194 countries. In many national states, this document has served as an important backbone to further state protocols. Although there are inconsistencies within the CRC document itself, without it there would be no comprehensible or correlating themes for children globally. Unlike the Member States of the European Union, where all Member States have ratified this declaration, the United States has its own ideologies when considering children and their defining characteristics. The following discussion explores the definitions used by the United States to consider child migrants from Latin America.

The United States characterizes the situation in Latin America differently from International Standardizations, creating inconsistencies in how international organizations such as the UNHCR consider and attempt to foster protection for children and how the United States defines these children. Because different terms are used to describe the same situation, child

---

[154] Ibid.

migrants from Latin America are protections available to these children undercut. Here I evaluate

the official United States definition of terms associated with migration while also analyzing official

media statements that position the situation.

The jurisdiction of who defines a child moving begins with the Department of Homeland

Security (DHS). Once DHS has "apprehended"[155] a *Unaccompanied Alien Children (UAC)*, the

jurisdiction transfers from DHS to the Office of Refugee Resettlement (ORR). Not only is there a

different bureau in charge of these children, but how they are defined also changes. Rather than

UAC, the ORR defines a child migrants as *unaccompanied minors*. This label is officially defined

as the "term ORR uses to refer to a child that meets the definition in the Homeland Security Act

of 2002 as *UAC*.[156]" Since both terms use the same definition, the excerpt below is the official

definition for *Unaccompanied Alien Children (UAC)*. The term is defined as:

> UAC is the term used and defined in the Homeland Security Act of 2002, which created
> the Unaccompanied Children's program at ORR. A UAC is a child who has no lawful
> immigration status in the United States; has not attained 18 years of age; and with respect
> to whom: 1) there is no parent or legal guardian in the United States; or 2) no parent or
> legal guardian in the United States available to provide care and physical custody. ORR
> uses the term unaccompanied child instead of the term UAC.[157]

On this definition, a child is only an *unaccompanied alien child* when he/she has no

parental guardianship in the United States. *UAC* also characterizes a child if he or she does not

have legitimate immigration status as decided by the United States. Taken by itself, this definition

does not seem problematic. Yet, the implication of defining a movement child with terms such as

lawful and *alien* evoke negativity and criminality, as though their movement is punishable rather

---

[155] "Children Entering the United States Unaccompanied: Guide to Terms," *Office of Refugee Resettlement*, May
21, 2016, https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms.
[156] Ibid.
[157] Ibid.

than forced displacement. The terms *unaccompanied minor* and *UAC* are the two terms in place meant to characterize all child migrants crossing the U.S. border. This means all children, regardless of intent of movement, are designated as the same term. Whether a child is eight years old and travelling to the U.S. because he or she was forcibly displaced from her/his home country, or 17 years old looking for work, the term *UAC* defines his/her. One term as characterizing a range of children when some are fleeing for their lives and others moving for economic agency makes it impossible to create meaningful policy that could facilitate the beneficial implementation. Without different definitions accounting for the many intents for movement, children who need access to international protections as refugees, or asylum seekers, have no capacity to do so. Children are grouped as one unit, all moving for the same purpose. In this characterization, the United States alone imputes uniform intent to child migrants from Latin America, suggesting no room for agency from the individual for his or herself to access his or her fundamental international protections. Without clearer definitions from international protocols that adhere to countries globally, misrepresentations of child migrants prevail in state public policy, in turn detrimentally affecting the lives of millions of children. The term *UAC* here brought into relation with *unaccompanied minor* is an alternative and term for child migrant. Difference in terminology created by change in custodial adds to the confusion in definition of child migrant. Meanwhile the United States uses and defines the term *unaccompanied minor* differently than international organizations.

Impact

Definitions of the child migrant affect the lives of millions of children. To consider the tension between U.S. sanctioned definitions and international definitions, I refer back to the UNHCR international definition of a n unaccompanied minor and evaluate their similarities and

differences. While the two definitions share similarities such as age, separation from parents and the individual child's being entirely on their own, important differences distinguishes the international definition of *unaccompanied minor* states that the minor "are not with and being cared for by a guardian or other adult who, by law or custom is responsible for them."[158] Meanwhile the United States definition of *unaccompanied minor*, states that "there is no parent or legal guardian in the United States; or no parent or legal guardian in the United States available to provide care and physical custody."[159] Given the contrast, is it justifiable for the United States to regulate whether or not the legal guardian of a minor is in the United States? Comparing the international definition alongside the United States definition exposes parallels in both understandings of the term *unaccompanied minor* yet leaves questions as to the legitimacy or regulations and standardizations of guardianship. The definitions the United States uses to conceptualize child migrants shows a mischaracterization of children's aspirations and intents for movement. By putting all children in one, strict definition of *unaccompanied minor*, the U.S. represents child migrants in one, unilateral way, shaping how the situation in Latin America is positioned by high level officials of the U.S. Customs and Borders Protection agency. Here I explain how this posture affects unaccompanied minors travelling to the United States.

There is discrepancy in intent of migrant and access to international protections on the bases of national definitions. Because the United States blocks child migrants from available international protections, international agencies do not have access to the issues and thus cannot give aid and protection. The problem remains invisible. The UNHCR reflects this paradigm in

---

[158] "Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum" (Office of the United Nations High Commissioner for Refugees Geneva, February 1997), http://www.unhcr.org/3d4f91cf4.pdf.
[159] "Children Entering the United States Unaccompanied: Guide to Terms."

UNHCR funding for Latin America. In 2017, 116.6 Million USD was the intended budget, yet 2.5 Million USD was funded for the entire region of Latin America. There was a fund deficit of 114.1 Million USD, meaning the UNHCR had no capacity to enhance its programs in Latin America to foster progress.[160] International Organizations cannot make the United States adhere to international standards because there are no specific international regulations that are being broken. Because of differing definitions some of the most marginalized children in the world are left helpless, homeless and unsafe.

---

[160] "Latin America: 2017 Funding Update as of 14 February 2017," February 14, 2017,
http://reporting.unhcr.org/sites/default/files/Latin%20America%20Funding%20Update%2014FEB17.pdf.

Bibliography:

"25th Anniversary of the Convention on the Rights of the Child." *Human Rights Watch*, November 17, 2014. https://www.hrw.org/news/2014/11/17/25th-anniversary-convention-rights-child.

"About the Crisis." United Nations International Children's Emergency Fund, 2014. http://www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis.

Boyden, Jo. "Childhood and the Policy Makers: A Comparative Perspective on the Globalization of Childhood." In *Constructing and Reconstructing Childhood: Contemporary Issues in the Sociological Study of Childhood*. London: RoutledgeFalmer, 1997.

Burman, Erica. "Innocents Abroad: Western Fantasies of Childhood and the Iconography of Emergencies." *September 1994* 18, no. 3 (September 1994): 238–53.

"CBP Addresses Humanitarian Challenges of Unaccompanied Child Migrants." *U.S. Customs and Border Protection*, November 3, 2016. https://www.cbp.gov/border-security/humanitarian-challenges.

"Children Entering the United States Unaccompanied: Guide to Terms." *Office of Refugee Resettlement*, May 21, 2016. https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms.

"Children on the Run," 2012. http://www.unhcr.org/56fc26d27.html.

Crivello, Gina. "'Becoming Somebody': Youth Transitions through Education and Migration – Evidence from Young Lives, Peru." Young Lives, February 2009. http://www.younglives.org.uk/sites/www.younglives.org.uk/files/YL-WP43-Crivello-BecomingSomebody.pdf.

Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, 20.12.2011, p. 9–26 (BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV) Special edition in Croatian: Chapter 19 Volume 013 P. 248 - 265 § (2011). http://data.europa.eu/eli/dir/2011/95/oj.

Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, Pub. L. No. OJ L 180, 23.01.05.02 (2015). http://data.europa.eu/eli/dir/2013/32/oj.

"Financials." *Global Focus: UNHCR Operations Worldwide*, 2017. http://reporting.unhcr.org/financial#tabs-financial-budget.

"Global Trends: Forced Displacement in 2015." United Nations High Commission on Refugees, 2015. http://www.unhcr.org/576408cd7.pdf.

"Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum." Office of the United Nations High Commissioner for Refugees Geneva, February 1997. http://www.unhcr.org/3d4f91cf4.pdf.

"IOM and UNICEF Data Brief: Migration of Children to Europe." United Nations International Children's Emergency Fund, November 30, 2015. http://www.iom.int/sites/default/files/press_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf.

"Latin America: 2017 Funding Update as of 14 February 2017," February 14, 2017. http://reporting.unhcr.org/sites/default/files/Latin%20America%20Funding%20Update%

2014FEB17.pdf.

Minimum guarantees for asylum procedures, Pub. L. No. OJ C 274, 23.01.05.02 (2005).
        http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31996Y0919(05).

Montgomery, Heather. "Introduction." In *Childhood Studies*, Vol. 1. London: Routledge, 2016.

Nolan, Dan. "Children of Syria By the Numbers," April 19, 2016.
        http://www.pbs.org/wgbh/frontline/article/children-of-syria-by-the-numbers/.

OJ L 180, 29.6.2013, Pub. L. No. 603/2013, 23.01.05.00 (2013).
        http://data.europa.eu/eli/reg/2013/603/oj.

Papademetriou, Theresa. "European Union: Status of Unaccompanied Children Arriving at the
        EU Borders." The Law Library of Congress, Global Legal Research Center, September
        2014. https://www.loc.gov/law/help/unaccompanied-children/status-of-unaccompanied-
        children-arriving-at-the-eu-borders.pdf.

"Reference Document on Unaccompanied Chidlren." European Commission. Accessed March 5,
        2017. http://www.connectproject.eu/index.html.

"SYRIAN ARAB REPUBLIC." *Global Focus: UNHCR Operations Worldwide*, 2015.
        http://reporting.unhcr.org/node/2530?y=2015#year.

"The Future of Syria." *United Nations High Commission on Refugees*, November 2013.
        http://unhcr.org/FutureOfSyria/executive-summary.html.

"The Quiet Crisis of Central America's Unaccompanied Migrant Children," August 24, 2016.
        https://www.unicef.org/infobycountry/honduras_86561.html.

"UNICEF Child Alert." United Nations International Children's Emergency Fund, August 2016.
        https://www.unicef.pt/docs/pdf_publicacoes/Child_Alert_America_Central.pdf.

United Nations High Commission on Refugees. "Figures at a Glance." UNHCR, 2015.
        http://www.unhcr.org/en-us/figures-at-a-glance.html.

"United States Border Patrol Southwest Border Sectors." United States Border Patrol, January
        2017. https://www.cbp.gov/sites/default/files/assets/documents/2017-
        Jan/BP%20Southwest%20Border%20Family%20Units%20and%20UAC%20Apps%20-
        %20Jan%2017.pdf.

Watts, Jonathan. "One Murder Every Hour: How El Salvador Became the Homicide Capital of
        the World." *The Guardian*, August 22, 2015.
        https://www.theguardian.com/world/2015/aug/22/el-salvador-worlds-most-homicidal-
        place.

Woodruff, Jane, William Brangham, and Grandi Filippo. *UN Issues Unprecedented Declaration
        on Refugee Crisis*. PBS Newshour. Accessed March 5, 2017.
        http://www.pbs.org/newshour/bb/un-issues-unprecedented-declaration-refugee-crisis/.

Conclusion

The sequela of migration pervade contemporary society. Children as vulnerable entities with no control of the future are at the forefront of this issue. Different country-specific definitions grounded in theory of *childhood* yield differential access to protections for real children. For example, El Salvador has a murder rate that equals one murder an hour, however, the UNHCR identifies the country to have 48 refugees and one asylum seeker in total.[161] The language of *childhood* in conjunction with definitions restricts support. Because migration is a political issue and given meaning in various historical frameworks, I have here explained foundational conceptions of *childhood* while analyzing international child migration. Exploring the background of contemporary language for Western influence made clear that not all children were represented equally. Politically charged state policies are explained in diachronic context.

This observation, while disturbing, of migration offers no tangible solutions to the urgent issue of displacement. If the current national policies are in the interest of the respective states, it is unrealistic to think that the given state would reconsider policies to adhere to international protocol, especially when technically, the state's policy is in line with its own protocol. Therefore, sustainable solutions to forced displacement must take priority in already established resources. Western ideals of *childhood* are important, and not without considerable merit, in some ways do support a notion of *childhood* that would enable global children to succeed. This *childhood* is not a viable option for every child globally. Education, for example, is a fundamental human rights are enumerated in the Convention on the Rights of the Child. Strengthening access to education for all children would enable individuals to gain agency and the necessary tools to represent

---

[161]"Global Trends: Forced Displacement in 2015," 57.

themselves. Increased access to education levels the playing field for marginalized children, who do not meet any available definitions of *childhood*, could be categorized and thus be able to access international protections.

Childhood, as a notion and as a reality, is a moving, and constantly changing phenomenon. While the lived experience of *childhood* is unpredictable, international and national protocols on child migration remain constant. Strengthening equal access to education can mitigate children's lack of access to necessary protections. With increased support, marginalized children, moving with no other option, can gain tools to develop as individuals who can sustain themselves. While not a short-term solution or perfect long-term solution, education for children worldwide can offer tangible goals and attainable progress.

Bibliography:

"Global Trends: Forced Displacement in 2015." United Nations High Commission on Refugees, 2015. http://www.unhcr.org/576408cd7.pdf.