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**Unaccompanied migrant, asylum seeker and
refugee minors
Towards a securitisation process in the European
Union**

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List of Acronyms

AMIF	Asylum, Migration and Integration Fund
CRC	United Nations Convention on the Rights of the Child
CRS	Compagnies Républicaines de Sécurité
EC	European Community
ERIC	Ethical Research Involving Children
EU	European Union
EURODAC	European Conference on Design Automation
EUROSTAT	Statistical Office of the European Communities
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Border and Coast Guard Agency
HRW	Human Rights Watch
IOM	International Organisation for Migration
NGO	Non-Governmental Organisation
RCK	Refugee Community Kitchen
RYS	Refugee Youth Service
SEA	Single European Act
UAM	Unaccompanied children
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
WWII	World War II

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Abstract

The 'refugee crisis' poses a big challenge for the European Union, especially since its peak in 2015. During the last years, migrant, asylum seekers and refugees are increasingly considered a threat to the countries inside the Schengen area, a matter of national security, seen as potential terrorist threats to the society, which view is created in the political arena. This qualitative study focuses explicitly on unaccompanied migrant, asylum seeker and refugee minors in the European Union and tries to determine which processes around this security discourse are of influence to their situations.

An overview of the relevant EU policies is given, together with the techniques that are used to apply them. A theoretical framework is constructed from the concepts of securitisation, governmentality and bare-life, used as a lens for analysis. Empirical data during a case study is gathered from a field visit to the illegal settlements in Nord-Pas-de-Calais in France to better understand the experience and influence of policies on unaccompanied minors, through observation, semi-structured interviews and an ethnographic. The observations were analysed with the help of the theoretical framework, leading to three main topics of discussion, on the social dynamics in the camp, the activities of humanitarian aid organisations and the role of the French government. A key finding is that the French government does not differentiate the treatment towards minors, because they hinder humanitarian organisations in helping all refugees, including those in the most vulnerable position. It leads to numerous violations of human rights, like that of access to sanitation and shelter, being explicitly visible in the emergence of trench foot disease, which has not been observed since World War II.

Relevance to Development Studies

The contribution of this research to development studies lies in the addition of perspectives on the process of security issues regarding unaccompanied migrants, asylum seekers and refugee minors in the European Union. Furthermore, it adds a critical framework on security perspectives and dynamics of migration in strategising and theorising development. Lastly, the study seeks to shed a light on how state and non-state actors seek to manage and control unaccompanied migrant, asylum seekers and refugee children in a contemporary situation of biopolitical securitization and development.

Keywords

Immigration, asylum, refugee, European Union, France, securitisation, bare-life, governmentality, unaccompanied children

Chapter 1

Introduction: What is the problem?

1.0 Introduction

Jef Huysmans once explained in his book *Politics of Insecurity* (2006) what was an uneasy feeling that brought him to write about migrants and asylum seekers as they are gazed upon through the lenses of security. I felt the same uneasy feeling as Jef Huysmans, but for me it was more than that. ‘How can we as a species, analyse children and teenager migrants, asylum seekers and refugees through these same lenses, while there is no obvious threat to security coming from them?’, I questioned myself. While the threat from migrating sympathisers of terrorist groups is perhaps understandable, all over the world children are seen as vulnerable in areas of conflict and in need of care, to prevent further damages that they would carry the rest of their lives. They are seen as the solution for the future, building up better societies. If that is so, why is there a difference made between children coming from different nations, ethnicities, religions or legal statuses? Children and teenagers are migrating, often alone, exposed to many risks. However, upon arriving in Europe, instead of finding a safe haven, they are treated as a threat to the security of nations. Why are these children exposed to the atrocities in unorganised refugee camps, such as in Calais? This brought me that uneasy feeling.

I decided to write this thesis aiming to understand what the reasons behind the current approach towards this vulnerable group. The path leads through an analysis of the international legal instruments, such as human rights, and raise questions on why this kind of treatment is still happening, despite the clear agreements between the nations of the world as United Nations Convention on the Rights of the Child (1989), Article 24 of the Charter of Fundamental Rights of the European Union (2000), the 1951 Refugee Convention among others. What is the rationality behind treating children and teenager migrants, asylum seekers and refugees as a threat to security? The securitisation process happens when a political issue is taken from this ‘sphere’ and it is transferred to a security problem, to a threat to the State. It is acknowledged that migration and flow of people is an old practice that has concerned State leaders, the academic field and the development sector for many years and that perspectives have changed throughout the years. Together with theories of securitisation from Jef Huysmans and Didier Bigo, the theory of governmentality created by Michel Foucault will also be used in this research thesis. It refers to how States, by means of governing, enforces its power of control over its population (1991) specially now with the “refugee crisis” in Europe. It is reviewed what the techniques of the State became more apparent to deal with the migration and asylum issues. As well, bare-

life by Agamben, which he explains are lives deprived of any kind of rights and the camp is used to demonstrate these phenomena of migration and asylum, which for him is applied when the State of exception becomes the rule (1998; 2005).

1.1 Nature of the problem

This research is concerned with the situation faced by unaccompanied migrants, refugees and asylum seekers minors in Europe. Most migrants, refugees and asylum seekers minors - whether unaccompanied or accompanied - come from countries in conflict situations and/or facing extreme poverty conditions (United Nations High Commissioner for Refugees 2014: 6; EUROCHILD 2016: 2). They leave the country in search of better living condition. While on the move, the minors especially are subjected to the most vulnerable situations, being targets of smugglers and traffickers and open to sexual exploitation, abuses and forced labour (Thematic Report on migrant and refugee children 2017: 1). They pay substantial fees for the travel and crossing, as well to be able to stay inside camps. They are alone and vulnerable. When no legal form is available the possible choice is to take more dangerous routes. There are many reasons why minors take the risk, taking into consideration, nationality, legal status, religion and ethnical background. The chance exists that their parents have died. In some cases their parent have died, in others, they want to join their family that did the journey before them. Family breakdowns might have happened. Sometimes even it is a simple reason like that the migrant is younger than the other members of the family and believed that the chances to be accepted in Europe is higher (UNICEF Report 2017: 14). The overall purposes involve the initiative to escape armed conflicts, violence, poverty, inequalities, and conscription in the case of boys (UNICEF Report 2017: 6). As one among thousands of cases, demonstrated by The New Yorker,

“Wasil had left his mother and younger siblings in Kunduz, Afghanistan, ten months earlier, in December, 2015. His father, an interpreter for nato forces, had fled the country after receiving death threats from the Taliban. Later, Wasil, as the eldest son, became the Taliban’s surrogate target. Wasil was close to his mother, but she decided to send him away as the situation became increasingly dangerous. Her brother lived in England, and she hoped that Wasil could join him there. To get to Calais, Wasil had travelled almost four thousand miles, across much of Asia and Europe, by himself. Along the way, he had survived for ten days in a forest with only two bottles of water, two biscuits, and a packet of dates to sustain him. Before leaving home, he hadn’t even known how to prepare a meal.” (Collins 2017)

Sometimes, some of these minors have been on the move for years and passing through different countries until they can get into Europe (EUROCHILD 2016: 2). When they reach Europe, the vulnerabilities do not change, and sometimes it could get worse. Usually, the children found in this situation have no documentation to prove their age and when in Europe, they go into several procedures which can be invasive and be degrading (Collins 2017). The risks at this point involve being put in detention centres with adults as well as the reality of facing violence and abuse from local police, detention officers and border guards, as reported by The Guardian “The failure to prepare adequately means some child refugees have been forced to stay at a “pre-departure” immigration detention unit called Cedars, near Gatwick airport. Cedars was shut by the government in July following criticism over the policy of imprisoning children and family awaiting removal from the country” (Townsend 2016; Collins 2017). The ones who are allowed to go to refugee camps, meet high chances of falling into the hands of smugglers and traffickers (UNICEF Report 2017). In the camps, they find a lack of security, food, medical services, shelter and the possibility of sexual exploitation and forced labour, according with experts interviewed in the EUROCHILD Report (2016). The experts worked with child in some of the European countries that were most influenced with the “refugee crisis”.

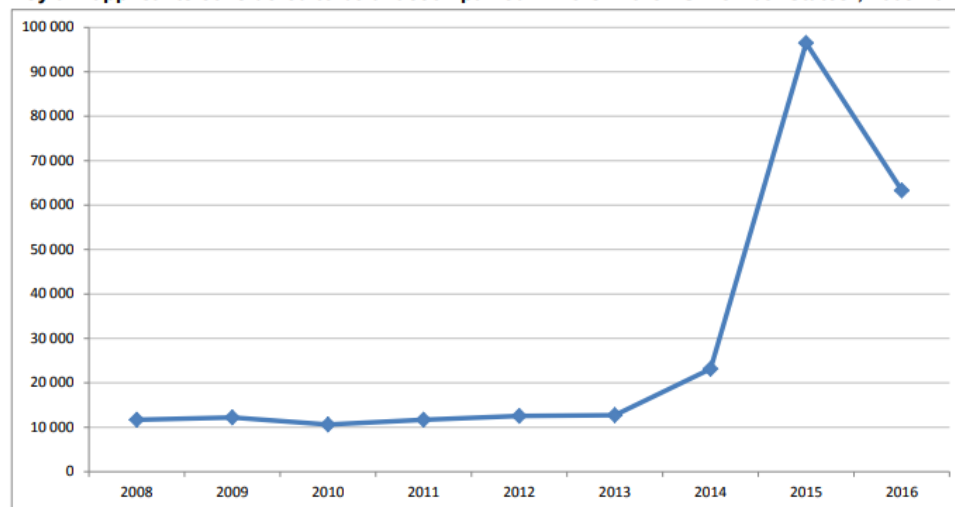
Presently, children refugees are treated as adults and set into detention centres to facilitate deportation with other adults (FRA 2017; EUROCHILD 2016: 3). By the UN Convention on the Rights of the Child (1989) to be put in camps without any legal supervision from the States can only be used as a “last resort”. The EU States, seem not to be following the international laws in looking out for the best interest of children when looking to these information demonstrated above. They appear to be failing on preparing adequate processes for children and providing support, information and safe accommodation (EUROCHILD 2016: 7). Currently, children and UAMs are not considered as exceptions, even though they are more vulnerable and at significant risk. An important question to be asked in this thesis is how children are considered a threat to the sovereign State. How this process took place? The possibility of children facing insecurity may exist without the means of securitization, but the intention here is to show if the securitisation process in the EU plays an essential role in influencing the present situation of UAM migrants, refugees and asylum seeker.

A consideration of the numbers will increase the understanding of the problem. The highest point was 2015, where the number of UAM reached 94,465, which is almost one-quarter of the total children looking for asylum in Europe. From the 40,780 children (aged 0-17) who filed applications for asylum, 24,515 were under the age of 14. In September 2016, 2% of all applicants claimed to be unaccompanied children when filling a request. 27% of all unaccompanied children

applicants were Afghan citizens, Syrian and Iraq as reported by the European Asylum Support Office.

According to a thematic report on migrant and refugee children published by the Special Representative of the Secretary-General on migration and refugees (2017: 2), in 2015 and 2016, minors looking for asylum in Europe accounted for 30% of the total asylum seekers (1,315 per day). Eurostat, the statistical office of the European Union, published a News Release (2017) showing the unaccompanied minors (UAM) asylum applicants registered in the EU in 2016 were 63,300. Approximately, 68% (43,300 people) were between the age of 16 to 17 and 21% were between the age of 14 to 15 (13,500 people) in 2016. The people registered with the age under 14 were 10% (close to 6,300 people). Almost half of the unaccompanied applicants were Afghans and Syrians according with EUROSTAT (2017: 1). In the table below we can see the applications of unaccompanied minors in the EU from 2008 until 2016. The number of applicants reached the highest point in 2015, is possible to see that already in 2016 the numbers started to decrease.

Asylum applicants considered to be unaccompanied minors in the EU Member States*, 2008-2016



* excluding Croatia for the period 2008-2011

Figure 1 Number of asylum applicants that are UAMs in the EU (EUROSTAT 2017)

The exposure of migrants, refugees and asylum seeker children to traumas and violence is present from the starting point of the migration and continues at their place of destination. As mentioned before, my thesis will express its concern on the issue of UAMs migrant, refugee and asylum seekers.

Taking into consideration the numbers demonstrated above, as geo-political information there are five main essential locations in Europe on the routes of migration that are more under pressure than others. Due to their position in the migration route, which are places like Italy, Greece, Macedonia, Turkey and

France (Thematic Report on migrant and refugee children 2017). In France, specifically in Nord-Pas-de-Calais the pressure is bigger. France will be demonstrated further as the location of the field research for this project.

1.3 Definitions

The definition that will be used for unaccompanied children and minors in the thesis is the one determined by the United Nations special agencies, the United Nations Children's Fund and the United Nations High Commissioner for Refugees, as follows: "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" (United Nations General Assembly 1997).

For a clarification matter, I will demonstrate the definitions of immigrant, asylum seeker and refugee, which will be the ones guiding this thesis when mentioning them. Immigrations is "the international movement of people into a destination country of which they are not natives or where they do not possess citizenship in order to settle or reside there or to take-up employment as a migrant worker or temporarily as a foreign worker" (Refugee Council 2016; Merriam-Webster 2014).

The definition that will be considered of asylum seekers is the one by UNHCR, "an asylum-seeker is someone whose request for sanctuary has yet to be processed." The person that applies for asylum can be recognised as refugee and given the status if the circumstances applies for the definition of refugee according with the 1951 Refugee Convention (1951). A refugee is defined as,

"A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (1951 Refugee Convention and 1967 Protocol)

The UNHCR pointed out that a migrant term does not exist in the international lever. That exists a confusion between migrants and refugees used by policymakers, media and international organisation (UNHCR website). The process that

took place for grounding this “confusion” on the different term will be further explained in this thesis.

1.4 Contextual & Historical background

This section aims to understand what are the relevant contextual and historical characteristics around immigration, asylum, and refugee of adults and minors? After World War II, Western European countries became in favour of the adoption of better universal policies for the protection of refugees. The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol were ratified with the intention to have a humanitarian and rights-based approach (Hattrell 2010: 6). The document established the international principles and standards of refugees, such as the definition of the term refugee, non-refoulement, obligations of the host countries and refugees hosted. This guided the internal asylum policies of western European countries. During the 50’s and 60’s, because economic growth in the European countries in the west, the demand for immigrant labour was motivated. Due to the need of a more flexible workforce, in which in this case at the time the legal status of workers was not the main thing (Huysmans 2006: 65).

With the oil crisis in the 70’s, a turning point came regarding the views towards immigration, as unemployment started to grow and people started to rely more on welfare systems, resulting in new legislation to stop this flow. A significant event leading to this turning point on policies for asylum in Europe was the end of the Cold War (Lippert 1999: 10). Afraid of the influence that immigration flows could have in Europe, more protectionist policies were created, changing the direction of it to a more exclusionary and restrictive one. Immigrants coming from communist countries were no longer seen as victims, but more as economic migrants. A link in politics to migrant workers was reflected as destabilisation of the public order. Until there, the asylum was not part of the political discourse, since most of the movement of people across Western Europe was from eastern European countries.

Furthermore, a substantial resolution was made in 80’s period with the aim to differentiate the “rights of free movement of European nationals from third countries nationals” (Huysmans 2006: 81). It made clear that free movement in the international market was only possible for citizens of Western European member States. This was accorded to make new legislation for foreigners. In the 80’s, immigration became highly politicised regarding asylum requests. Questions in the European community on the motivations of asylum started to be raised. An approach to policies towards an Europeanisation of the migration flow. Immigration became institutionalised as co-operations began among several organisational bodies of the States in Western Europe, as for example

among polices (Bigo 2009: 3). This played an essential role in putting migration and asylum policies on the basis of the structures of security in the European Union.

Taking into account those observations on the change of approach towards immigrants, they started to be seen as a threat to the economy of Europe, the EU started facing it as a security issue. At this stage, a confusing distinction between asylum seekers and economic migrants became reality and a security paradigm was created. A more integrated cooperation on this matter happened with the Single European Act (SEA) creation in 1992, on which in Chapter 3 is elaborated more closely. For this reason, the exceptional changes and measures were justified, such as on the closing of the borders of the European countries to foreigners to a security process resulting in an exclusion of asylum seekers (Hattrell 2010: 11-12). At this time, connections between immigration and asylum to terrorism and border control were already suggested. (Huysmans 2006: 12)

After 2001, in which the “War on terror” was declared by the United States of America, a security issue surrounding refugees and asylum seekers emerged. They were seen as a threat initially coming from Afghanistan and then from countries in which the majority of the population was Muslims. The policies for refugees and asylum seekers started to change for those countries because they were considered shells for terrorist training and attacks. It targeted a wave of asylum denials based on the nationality, ethnicity, and religion of the asylum seeker, with the counter-terrorism policies as justification (Levy 2005: 2). Refugees are a security issue in the State of emergency declared by the European countries. It is here that the securitisation process among European external borders and the insertion of internal security measures becomes clearer, “the fight against terrorism is a compelling instance in the evolution of securitization practices. (...) the European Union’s counter-terrorism transforms the schemes of information exchange into securitizing tools” (Balzacq 2008: 75-83).

Also, policies on anti-terrorism already entered the domain from an old agenda on insecurity in the European Union. New technologies were introduced aiming to control the external borders from the outside threats (Guild 2003: 14). Even though, specific techniques were already in existence, the new ones were put in practice at an accelerated rate towards containing migration, asylum, and refugees. Although it did not completely change the methods in the already existing approach to migrants, asylum seekers and refugees and the procedure was not entirely new, 9/11 brought further assumptions related to asylum as a mechanism for terrorism to enter European countries. Now the asylum problem, which before was not the central theme in policies became a great suggestive theme in the political agenda and on its initiatives (Levy 2005: 10). Techniques

such as:

“visa regulations, readmission agreements, expulsion and repatriation policies (...) emphasizes the need to improve the management of external borders. Under this heading the creation of a European police force, the construction of networks of immigration liaison officers, the development of a common risk analysis model, the question of burden sharing (...) links immigration policy to the European Union’s external relations (...) a need to develop a common policy on asylum and immigration (...)” (Huysmans 2006: 82).

The connection between internal security and asylum and immigration was clearly made following the developments after 9/11. The difference made between EU citizens and foreigners at this stage was on the change of policies towards who was not “welcome” to enter the EU. As explained by Didier Bigo, “The policies after September 11 remain along the exact same lines of the previous twenty years of active anti-immigrant rhetoric and its connection with terrorism and crime. The politicians and the professionals of security have used these events and the emotive impact of sympathy for the victims to overcome the resistance to such policies concerning rights of foreigners and to try to create a “State of exception” (2005: 19). Policies are an instrument to react to problems, “in this case security problems triggers security policy” (Huysmans 2006: 69). The next Chapter aligns the relevant policies that have been introduced in the European during these periods.

Summarising, historically it is seen, that when numbers on immigration and asylum increases, it is posed as social, economic and political challenges in a country and has its reflections in policies. The challenges that the issue brings to multiculturalism, the identity of a political society and the welfare State are central to political debates and discourses towards internal security. The European integration process towards the security threats of immigration and asylum is embedded in the changes of policies since the 80’s. The economic reconstruction after the Cold War was the basis of these integration changes on policies, which has a direct influence on the political community structures. However, what exactly can be found in such policies in the EU. This is approached in several parts.

The objective of the thesis as mentioned before, is to answer the central question: *‘What processes related to security are influencing the situation of unaccompanied migrants, refugee and asylum seekers minors in the European Union?’* With the aim to search the gaps in the security and policies discourses of the European Union, I have developed the following secondary questions in order to structure this research:

- 1- What are the current views and trends towards UAM from the EU perspective?

- 2- What the current debates in the academic field relating to current trends in the perspectives towards migrants, asylum seekers and refugees?
- 3- What are the main factors influencing the camp life in Calais and how can they be related to the academic debates?
- 4- What conclusions can be drawn on the situation UAMs in the EU??

To explore the representations of the problem of UAMs migrants, asylum seekers and refugees in the European Union, and since it is a social reality the study asks for a critical conceptualization of important aspects. I applied qualitative data collection methodology to increase the reliability of my data. The methods for collecting data used were analysing texts, secondary data and a field research.

1.5 Data collection and analysis

I employ in the text analysis data from EU and international law main legal documents as, 1951 Convention Relating to the Status of Refugees, United Nations Convention on the Rights of the Child (1989), Inter-Agency Guiding Principles on Unaccompanied and Separated Children (European Commission 2010), Official Statements from EU related to the subject of research, Dublin II Regulation (1990), Common European Asylum System (1999). This was done aiming to understand the attitude of the EU towards UAMs and to ensure that my main research question could be answered. The ideal was to understand what the legal approaches towards migrants, asylum seekers and refugees are, followed by the approach to UAMs from the EU institutions. To then be able to access how this approaches are being applied in more empirical form in the field, which will be further discussed in chapter 5.

In order to collect secondary data, I draw from a diversity published reports, publications, including articles and numbers in the main important international organizations, by UNHCR, UNICEF, and European Union Agency for Fundamental Rights, Refugee Rights Data Project, and The Guardian among others. Generally, this helped me to get into the causes and scope of the problem, as well to address its consequences. I tried to collect this by diversifying sources and different platforms so I could check for consistency in the collection of information and data. The texts in this research mostly address the particular issue of UAMs in the EU, it was not generally about the entire problem of migrants, asylum seekers, and refugees in the EU.

The case study data was collected in light with concepts of experiences, rights and vulnerability. This part of the study was specially driven towards the experiences of UAMs in Nord-Pas-de-Calais, France. The methods used to collect data

in the field observation, semi-structured interviews and ethnographic-based. These methods helped me to get a perception and first-hand information on the experiences of UAMs and to be able to understand the structures, relations and social life in the camp among the actors present in that environment (O'Leary 2014).

The first challenge I encountered was my positionality. Before going to the field while consulting people to help me structure the entire process I was asked to not go alone, that it could be a very problematic and dangerous place. Specially, because I am a woman and mostly the people living in the illegal settlement are men. In order to this, a pre-work contacting humanitarian aid organisations working there to make possible to be on the camp was made. My project design was sent to the organisations to explain what the objective of the work there was. After some weeks, an informal permission was received from the legal head of one of the organisations. I considered that this might have produced a potential bias of my part.

The field research was conducted together with two leading humanitarian organisations working in the field. Help Refugees UK, of which the goal is to distribute non-food humanitarian aid, the Refugee Youth Service with the intent to provide legal advice, information to the minors and to organise playful and unwind activities with them. This enabled me to be on the ground and to construct a rapport with people. It allowed me to be working closely with the research object, UAMs. I could be on the ground for three weeks doing exploration and interactions. Since the first contact with the community, it was clear that it was going to be hard to do interviews in the environment, also because the UAMs are very suspicious and stressed. As part of my methodology, I could build a relationship of mutual trust because the migrants, asylum seekers and refugee knew I was working together with the humanitarian organisations. To have the UAMs own words helped me to have in-depth n idea and information for this research. This had a significant impact on the way the research was conducted.

The semi-structured interviews were approached and followed a selection of UAMs based on relying in information gave from the organisations and informal conversations with people around the camp. The UAMs were between the age of 13 and 17 years. To be able to organise the critical analysis of literature it is useful to categorise the main themes relevant to the research questions and sub questions.

1.6 Ethical considerations

Since the beginning of the idea of the field research my aim was to be able to demonstrate the conditions of the UAMs lives. My first concern was to ensure that I would not impose my views and opinion while conducting the field research with UAMs. To let them be free to share and trust their experiences with me. In this matter I decided to not use direct interviews. I adopted the approach while in the field on the Ethical Research Involving Children (ERIC) and its principles that are based on CRC, “acknowledges that ethical principles and issues cannot be disconnected from researchers’ attitudes, values, beliefs and assumptions about children and childhood, since these invariably shape our decision-making and underpin important matters of power and representation” (Graham, 2013).

My position in this thesis may sound naïve, but it is what made me be encouraged to do the process of writing it. It is related to the suffering that unaccompanied children that are migrants, refugees and asylum seekers are experiencing in Europe and around the world. If one follows the news, it is only fractionally possible to have an idea of what is happening. I believe I am biased in this case where in my opinion, nothing justifies children not being seen as human beings and be left to the hands of abusers and traffickers, which take advantage of their vulnerability. I am against any measure that condemns children by their nationality, ethnicity, religion and any other process of ‘othering’. My wish is to contribute to a better understanding of this reality together with an academic proof to reach policymakers, governments, scholars, and the public sphere to help change the condition in which UAM refugee and asylum seekers are found.

My limitation on the present research is to show the full picture of migrant, asylum seeker, and refugee minors and the influence that the process of securitisation has in their life in the EU. I would have to systematically follow all of them in other European countries. However, since I was not able to do this, due to lack of time and means.

1.7 Research outline

This research paper is organised as follows: In chapter 1 I demonstrate the historical background of the problem in the EU and I aim to explain my methodological approach, which will be used to answer my questions and sub-questions, as well the risks and ethical considerations. In chapter 2 I use the literature review to situate the EU policies and its techniques it exposes the sequence of policies that influence decision making on migration-related issues and explain how this influences the UAMs. Chapter 3 presents a diversity of theoretical approaches that structure the analysis of the main problem. It tries to find the status quo in

the academic literature on the topics of securitisation, governmentality, and bare-life. Chapter 4 presents an overview of the findings in the field research in an illegal settlement in France. Chapter 5 I present an empirical discussion and analysis of the relevant results against the light of the related theories to answer my research questions. Lastly, in chapter 6 I present the final conclusions and contributions of this research.

Chapter 2 - Literature Review

2.0 Introduction

The objective of this chapter is to expose the meaning of some of the key concepts, and give a general overview of the most important literature used for this thesis through a critical review of relevant studies. They are discussed in order to explain why they are essential (or not) to the analysis involved in this study. I also ask: What techniques of governance result from such studies? What are the policy implications? How do such studies, and such concepts, influence how the situation of UAMs is understood and acted on by different institutions and actors?

2.1 EU policies and techniques

Throughout the years there have been created numerous treaties, acts, councils, regulations, directives and institutions that all influence decision making on immigration and asylum. The vast amount of available documents, however, is so extensive that one might quickly lose track of the narrative throughout this maze of policy. The European policies that are relevant in this perspective are Single European Act (1986), the development of the Schengen area (1985 and 1990), the Maastricht Treaty (1992), the Amsterdam Treaty (1997 and 1999) and the Tampere European Council (1999), which instigated the Common European Asylum System and led to several directives and regulations, such as the Dublin Regulation (1990).

Didier Bigo, defines a border and a frontier as synonyms, describing it as something 'to connect space and population' and 'the limit of a territory' or 'an institution' (2005: 47), meaning it defines the lines that one belongs to or not. It was the Single European Act (SEA) in 1986 that had the objective of creating the single market, which was established in the EU on 1992. The treaty abolished internal border controls among Western European countries for goods, labour, people, services and capital (SEA, ART. 13) The agreement also brought the concern among States and their external borders outside of the European Community (EC). The EC saw the need to ensure its external borders, controlling who and what could be allowed to enter the "space of free movement" (Huysmans 1997: 84). Immigration and asylum were already being connected to illegal international crimes, trafficking, and terrorism (Huysmans 1997: 70-71). The technique aiming to put the policy in practice, specifically on the external borders, was a better system for visas to ensure smoother controls with respect to immigration and asylum processes. This increase on managing border controls became an internal security project inside the internal market. However, the SEA

does not specify how to deal with UAMs.

The Dublin Regulation (1990), was created by European member States to deal specifically with asylum seekers and does mention unaccompanied minors. It determines which country inside the EU is “responsible” for examining the asylum process on the provision of the first country of entry. It gives power to a member State to transfer the asylum seeker back to the first country of entrance or application (Sanyal 2017: 15). The technique installed to enforce this regulation is based on a fingerprint system and database (The European Conference on Design Automation - EURODAC), which is connected to all the members to recognize the person even without documents. It also implements regulation into the area of freedom, security, and justice. It aims to regulate and secure the area of freedom (Geddes 2008).¹

The SEA, the development of the Schengen area (1985 and 1990) is embodied of 26 countries. It eradicated passport (common visa policy) and systematic internal border controls among those countries, and the EU Treaty (Maastricht Treaty 1992) together brought immigration and asylum into an institutionalised process while straightening border controls with the countries considered non-Schengen. These treaties and agreements were reinforced by many other like the Amsterdam Treaty (1997 and 1999). In the Maastricht Treaty, the Justice and Home Affairs Council were created, responsible for migration, border management and policy cooperation, which in turn installed FRONTEX in 2005, also known as the European Border and Coast Guard Agency. It is an agency which was created to enforce EU immigration policies and is a clear example of a technique of the EU. It was instigated as a legal body with at its core activities the monitoring of borders, making risk analyses, intervention activities and repatriation of immigrants and asylum seekers, able to work with and in countries outside of the EU.

The Tampere European Council (1999) moved immigration and asylum into the top of the political agenda. The issues of immigration and asylum in these policies were approached as instabilities threatening the internal market, bringing concerns of insecurity, because to a lack of cultural identification with asylum seekers and their inclusion in society. The Tampere European Council created the Common European Asylum System as a means for a more harmonised approach in the union towards asylum. A set of directives were set up, that urges member States to work on a set of outcomes, namely Reception Conditions Directive, Asylum Procedures Directive, Qualification Directive, and Temporary

¹ An overview of the policies towards unaccompanied minors that this regulation influenced is given later in this chapter.

Protection Directive.

These directives, together with the Dublin Regulation, the AMIF Regulation, and the Return Directive, have led to the following set of guidelines to member States for the handling of unaccompanied children (European Commission 2010).

I will mention parts of the directives measures that reinforce a further analysis on how these aspects are taken into the “paper” and speeches, to further see how this is applied on the ground. For asylum related to UAM, the guidelines are to guarantee legal representation, ensure shelter and accommodation, make efforts to trace families and accomplish family reunification, to have trainings to all the people working together with UAMs, lastly, ensure the welfare, social developments and safety of UAMs, taking into account the best interest of the minor (EC 2010).²

In relation to migration,³ the main guidelines are take into consideration that before being a migrant they are children, to give all assistance necessary while the decision on the return is taking place. After the decision of the return is done, make sure that UAM have a guardian in the country of return and the last point is “Unaccompanied minors shall only be detained as a measure of last resort and for as short a period of time as possible in institutions that take into account the needs of persons of their age” (EC 2010).⁴

² See further details at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam_infographic_a4_en.pdf.

³ See further details at https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/uam/uam_infographic_a4_en.pdf.

⁴ A directive is a legal act of the European Union, which requires member States to achieve a particular result without dictating the means of making that result. It means that the techniques for coming to those results are not specified, and there is a possibility that these are not carried out according to the set directives. In the next section attempt to show and analyse how some of these directives are taking place on the ground. (European Commission 2010)

2.2 Implications of EU policies and techniques for unaccompanied minors

So what can now be said about the policies and the techniques that should enforce them? The concept of ‘safe third countries’ is that member States may send applicants to countries outside of the EU with which the applicant has a connection, such that it would be reasonable for him/her to go there, and in which the possibility exists to request refugee status and if he/she is found to be a refugee, it must be possible for him/her to receive protection in accordance with the 1951 Refugee Convention (Kjaergaard 1994) and the EU policies mentioned before. Safe third countries is, therefore, also one of the techniques of the EU government. It was introduced in asylum and immigration policies aiming to not allow the entrance of applicants into the EU territory, but at the same time not denying their right to protection in what EU countries considers safe third countries.

However, repatriation of immigrant does not correspond with the Charter of Fundamental Rights of the EU and is only given as a last resort in the case of UAMs in the above directions (Human Rights Watch 2011). The reason why repatriation is not correspondent to follow the charter is that there are certain significant rights that needs to be taken into consideration before applying the repatriation, as “the right to life and protection: situations “at risk” and situations ‘not at risk’, the right to family unity, the contradiction between the right to family unity and economic and social rights among others”, when having the “best interest of the child” approach (Rozzi 2002: 1). FRONTEX, as explained before, is a legal body instigated with the core activity of repatriation and is, therefore, legitimised to go against that charter and the directives. Several cases of refugees, among which minors, being returned to safe third countries of passage before analysing the cases were reported, preventing them from claiming asylum in the EU (HRW 2011). It shows that the technique that is instigated to enforce the policies actually does not execute it correctly in the case of UAMs.

The process of changing policies and techniques towards a security framework on immigration and asylum have a direct impact on UAMs. The intention to avoid the entrance of people from outside of the EU puts their lives at risk (Zannettino 2012: 1103). Reports have shown, that when barriers to entering the EU legally are found, people look for illegal ways and paths to enter the Schengen area (Unicef 2017). Children and teenagers are desperate to reach their final objective, pay smugglers and traffickers to help them cross the borders. This brings many risks to UAMs, like exploitation and abuse. In a series of reports on the “Refugee crisis in Europe” done by The Guardian, Der Spiegel, Le Monde and El Pais, it was shown how human traffickers are using the crisis to

force people, and especially children and teenagers, into modern slavery practices (Rankin 2016). This is happening in countries of passage in the migration and asylum routes, outside EU, like Libya, as well inside the EU, because it does not sufficiently track the entrance of UAMs through illegal paths, despite it is on directives.

It seems that there is a serious gap between what the policies and directives say that the EU should do and what the EU is actually doing with its techniques. On the one hand they are obliged to protect the UAMs, but on the other hand, they are being treated as a threat to the States when relating the minors with terrorism and/or economic fundamentals for example. The States put minors in the same “spot” as adults. The UAMs are thrown back into a situation of uncertainty and risk, forcing them on illegal paths. According to the 1951 Refugee Convention, the 1967 Protocol and the 1988 United Nations Convention on the Rights of the Child (1989), UAMs are not allowed to be put in detention centres. However it appears that this is happening nonetheless (FRA 2017). In Greece, for example, “Out of 63,920 children, an estimated 21,000 children were in temporary accommodation sites, urban areas and reception and identification centres” (UNHCR, UNICEF and IOM Fact Sheet 2017).

Deportation of minors put their lives at risk as well, since this process lack transparency on the conditions in which refugees are deported and how they are received in the countries to which they were deported. States in the EU also lack proper reception facilities and shelter services for minors entering the EU space that are inadequate to protect them from the risks of abuses.

The restrictive measures from the EU member States are legitimised by the politicized debates related to migrants and asylum seekers. Inside the political community of the EU countries, the discussions are around cultural integration, fear of crimes, competition for work and welfare systems which was created initially by policies and discourses of security (UNICEF Report 2017).

All the observations mentioned above demonstrate the influence of techniques of government put in practice on a day-by-day practice experienced by minor migrants and asylum seekers. The reinforcement of security policies towards immigration and asylum reflects in a search for illegal paths to enter the EU which brings forward the “work” done by illegal smugglers and traffickers. However, it became a vicious circle, first the relation between immigration and asylum with illegal activities to legitimise security policies which are put in practice reinforcing the search for illegal paths again.

2.3 Conclusion

Concluding, there is a significant set of directives and regulations that consider the situation of unaccompanied migrating minors to the EU. They are focused on protecting the minors and providing a safe refuge for them. However, generally speaking, asylum seekers are often defined as a threat. They breach the law in search of asylum, using the gaps in the law in their favour. It makes asylum seekers appear high on the agenda in policies and regarded as a security issue because from the perspective of the State they are a threat to sovereignty. As by definition, national territory and to protect its citizens are responsibilities of the sovereign States. This said States consider themselves allowed to use techniques to control this, sometimes resulting in extreme measures, such a repatriation of refugees. Tellingly, the SEA opened up internal EU borders but transformed the external borders of the EU into a “military zone”, which is applied to restrain any type of attempt of an entrance from what is considered a threat to security. The result is that the techniques used by the EU for enforcing the policies that focus on security, appear to be failing to distinguish the UAMs from this classification of threats. It leads to UAMs getting into uncontrollable and risky situations, where they can be exploited and abused in the limbo of law.

Chapter 3. Theoretical framework

3.0 Introduction

This chapter presents the different theoretical theories that can be used to analyse the problem described in the previous chapters. It answers the sub-question *“What the current debates in the academic field relating to current trends in the perspectives towards migrants, asylum seekers and refugees?”* First the acknowledgement of the entire population needs to be done to then insert a focus on UAMs. The concepts of ‘securitisation’, ‘governmentality’ and ‘bare-life’ are each introduced and discussed for their applicability. At the end of the chapter, the theories are combined to create a specific framework for analysing the case of the situation in Calais, France. The intention is to analyse the nexus of four aspects (security, governance, migration and human rights) with the current debates, which I will elaborate in this section. The reason why I am going to use this framework is to cover new grounds relating these theories to the issue UAM migrants, refugees, and asylum seekers since this has not been well approached in the theories yet.

3.1 Securitisation Theory

Securitisation is a growing field in security studies, in which the current debate is diverse and incorporates different perspectives. I will present the prominent scholars in this area together with the main lines of arguments, assumptions and theoretical frameworks on this specific nexus. Securitisation theory developed in the Copenhagen School in which its leading authors are Barry Buzan and Ole Waever (1998). They created an agenda within the security studies, ‘possibly the most thorough and continuous exploration of the significance and implications of a widening security agenda for security studies’ (Huysmans 1997: 11). It takes the form of a social constructivist theory where it understands security as a “speech act” to its practices (Buzan and Waever 1995: 55).

In this theory, the application of security is about realizing what and who are the securitized and how it has been secured through the examination of the speech acts that represent the threats as a security problem. ‘What then is security? With the help of language theory, we can regard “security” as a speech act.’ (Buzan and Waever 1998: 34) In this usage, security does not refer to something tangible, but rather the intangible mentioning itself is the act. By saying it, something is done (as in betting, giving a promise, naming a ship). By uttering security, ‘a State representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it.’ (Waever 1993: 55).

As demonstrated by Lene Hansen (2012: 525), the central question regarding security studies is whether it might be that States find themselves facing internal rather than external threats. In other words, it may be that even domestically States State institutions and actors may not feel safe from certain groups living within their national borders? In her view, securitisation literature in the academic field should ask whether an individual societal approaches a problem by proposing special security measures, or not. She provides three main visions of securitisation. One is from liberals who tend to claim that democracy keeps societies relatively safe from (external) securitisation measures, by improving inter-State relations between democracies. Second, realists see threats as something impossible to avoid in international relations. Third, and last, constructivists consider that ‘the logic of security’ shifts according to political priorities and even ‘fashion’ over time. For Hansen, the main reason for these divergences of thought is “that security approaches make different assumptions about the identity of the State and its capacity to change its views of other actors” (Hansen 2012: 526). For some, like the realists, insecurity is a permanent State of affairs.

The chapter on EU policies and techniques towards the UAMs, demonstrated the relevance of the theory of securitisation and its impact. As the problem State-ment observed, UAMs arriving in Europe have been facing several challenges and bad humanitarian conditions. It is apparent that migrant, refugee, and asylum-seeking UAMs are in a position where they can be securitised when they are treat as a threat. They can also be treated as referent objects for certain specific purposes either at the same time or in different cases e.g. children trafficked may become referent objects in relation to smugglers and traffickers who are declared the root cause of the children’s existential insecurity. Understanding how the process of securitisation developed in Europe concerning migrants, refugee and asylum seekers, several authors have meaningful contributions.

One author who has shown the connection between the theory of securitisation and the EU asylum policies is Jef Huysmans (2006), whose work links current trends with the longer-term historical background. Because of a history of security narratives in the political environment, Huysmans suggests, today the idea of a migration security threat is legitimized by the sovereign States of the EU and used to justify extraordinary measures that claim to deal with exceptional threats posed by unregulated migration. Huysmans also explains securitisation in the case of immigration and asylum as

‘the construction of political and administrative domains in which freedom is rendered in relation to and by means of question of security’ (Huysmans 2006: 103).

Didier Bigo, talks about what influences moved the policymakers of the EU and technological developments to evolve into measures for the external and internal

security (2005: 17). He argues that the agencies responsible for security measures gave speeches wherein they related asylum to criminality, illegality and irregular migration. He also argues that the security framework that was established in the name of freedom actually led to violations of human rights at security controls. Security policy changes on immigration and asylum were not part of a response to an uneasy feeling or discussion on the public sphere in its structures. Instead, they were part of development on technical knowledge of experts in the security field claiming this changes. Professionals and experts from different fields of security studies took part on this development, among which military and academics. After the Cold War, they developed different concepts and points of insecurity and threat bringing it to the political agenda with 'personal and institutional interests'. Presenting immigration and asylum into the scope of security by changing the language is what made possible for the EU to legitimise its policies changes and discourses. 'The use of security language can actively shape a phenomenon into a security question thereby changing the political understanding of the nature of the policy problem and its evaluation of adequate methods of dealing with it' (Huysmans 2006: 38).

The EU approach to counter terrorism that developed a securitised policy environment explained by Thierry Balzacq's (2008) is what made the security perspective override the priority to protect human rights. Furthermore, the work by Guy S. Goodwin Gill (2008) criticizes the EU's in respect of the fundamental human rights to the protection to refugees and how they are failing on doing so through the use of a supranational asylum regime. Before that, Goodwin Gill and Jane McAdam (2007), already talked about the contradictions in the EU's asylum regime. The alternative solution in 'The Ethics and Politics of Asylum' written by Matthew Gibney's (2004) is about the 'ethical force' and 'practical relevance' in the refugee issue. The entire world in his opinion has the responsibility to the problem, not only the countries in which the borders the refugees found themselves. While this makes sense when we view ourselves as a global civil society, the practicality of this, ironically, might be doubted.

All the debates demonstrated here are important to this research, therefore, I found the approach of Jef Huysmans (2006) in his book 'Politics of insecurity' the main relevant, it relates the securitisation of immigration, asylum and refugee from several different approaches as national security, the construction of security knowledge, the process of creation of policies in the EU, national security among others. I believe that this will give more foreground to the analysis of the empirical part of this research.

3.2 Governmentality: discourses and techniques

Another theory relevant to the objective of this thesis is Michel Foucault's work on governmentality (1991). Foucault was a philosophical historian that took a critical stance against the institutions of today, trying to find proof in the history of better practices. Governmentality becomes relevant in the light of the techniques applied by the EU for handling the migration streams. In a comprehensive sense, governmentality can be explained as the 'art of government', which is not limited by State politics, but covers various techniques of control. The definition of governmentality can be separated into three parts. First, governmentality is a government with specific objectives, resources towards these objectives and a set of operations leading those objectives. Secondly, the consolidation of governments throughout the years have replaced the traditional forms of government with a set of complex governmental apparatuses, which relates to increased bureaucracy. Third, it relates how government transformed into an administrative State that has a set of tactics to maintain a content and stable society (1991).

From Foucault's perspective, the relationship between government, economy, and family means that there is no private life anymore without the State or 'the population's will appears above all as the final end of government'. The State is itself a technique of government (Huysmans 2006: 42). Also, "the line of force" of government, which is a power through which the sovereignty and discipline are reinforced by the production of knowledge. The power of the institutions, policies, and procedures are directed to the population, where government sees the political economy as its instrument of applying security (Foucault 1991).

Rationality is explained by Randy Lippert (1999: 296), while analysing governmentality studies towards refugees, as on how to think about the action of government of making that activity thinkable and practicable. Rationality is seen as a necessary, but not sufficient characteristic of administrative practices. To serve specific rationalities, different techniques and technologies exist so it can articulate together. The rationality of governing is to define an object of government by using techniques and methods to articulate the "governing power" (Foucault 1991). The process of opening the borders among member States brought the perception of insecurity towards what and who was outside, related to the degree of freedom of citizens. This produced a number of techniques for governments to apply the policies created from the security threat perspective. While bringing freedom to one, the other must be securitised in order not to pose a threat to the EU. Jef Huysmans (2006: 86) explains that there is an assumption of security and freedom being competitive elements in the European society resulting in policies, discourses, and techniques of governments, which relates securitisation to governmentality. Techniques of governments are a form of differentiating

legal from illegal, wanted from not wanted, legitimate from illegitimate, meaning criminal. This is what gives governments the basis to legitimise its actions and policies towards immigration and asylum. 'They exist as specific routines, technological devices and knowledge that shape a European space of free movement by externalizing and stratifying dangerous, excessive use of freedom' (Huysmans 2006: 97; Bigo and Guild 2003, 2005).

Through a security lens Foucault (1991) seeks to connect the discourses with technologies from the European governments to understand how they are governing free movement. Freedom, in this case, is not about a principle. It is actually a technique of governing. 'Freedom is a method of social practices that structures or governs social relations' (Huysmans 2006: 93). However, techniques are usually described in much more concrete approaches. Techniques as fingerprints, electronic walls, passports, visas, work permits as instruments of controlling movement are put in every-day practice for classifying and excluding people at the border. Techniques, such as surveillance systems, are used to this end, namely the action of profiling people as dangerous for the stability of freedom in the European Union.

Concerning the stability of freedom, a liberal rationality on governmentality studies has been found (Lippert 1999: 296), which assumes a competitive factor between public and private areas. Peter Miller and Nikolas Rose, show that in the following quote: 'the notion of government draws attention to the diversity of forces and groups that have, in heterogeneous ways, sought to regulate the lives of individuals and the conditions within particular national territories in pursuit of various goals' (1990: 3). In biopolitical theory, closely linked to governmentality, Foucault (2004a; 2004b) demonstrates in-depth how governing people through databases and surveillance systems go beyond the territorial techniques like border controls. In other words, people are actually objects of the European government. By drawing what is legal and legitimate and by 'separating internal and external' the EU attempts to keep out what is considered to be risky to the internal citizens to legitimise who is allowed to enter or not in the Schengen area (Huysmans 2006). Objectifying people is a form of politicising. Techniques, such as surveillance systems, are used to this end, namely the action of profiling people as dangerous for the stability of freedom in the European Union. As we have seen, using techniques, from a security threat perspective, has led to UAMs getting into risky and uncontrollable situations, where no law applies (Foucault 2004b).

3.3 *Homo sacer*: the theorising of 'bare-life'

Lastly, Giorgio Agamben's concept of 'bare-life' confronts the universal rights

perspective of State sovereignty in the presence of refugees in camps (1998: 8-9) (2005). The State of exception is another, related concept, which is explained by Agamben as imposed by governments in times of crisis, where government exercises its authority over and above constitutional rights, and for an indefinite period. Specific kinds of knowledge are recognized and privileged during 'crisis' periods, or the State of exception. Without being contested specialist views are taken as true and valued, which indirectly this makes that other views are not taking into consideration. The citizen is completely distanced from the *homo sacer* by law inside the State of exception. *Homo sacer* the reduction to bare-life, the subject is placed outside the law and his life is decided by the sovereign State that becomes the judicial power in a realized State of exception. Meaning, the States decides on the life or death of individuals. The individuals conditioned to this suffer a loss of humanity, without agency on their own lives. *Homo sacer* is "the life that cannot be sacrificed and yet may be killed" (1998: 47).

In the most vulnerable situation, the asylum seekers and refugees lack laws and institutions to protect them, where at this point they are considered stateless and to have no citizenship, they are not seen as human beings. They have no "right to have rights", no legal or civil rights apply for the asylum seekers and refugee as they are not part of any political community. For Agamben (1998: 55), the State decides who should be able to enjoy the human rights or not, in an exclusionary form that it takes the human rights are not ensured of protection. The camps and detention centres are the "zone of exception" where the sovereignty State exercise its power. The camp is the space found when the State of Exception becomes the rule. As said by Agamben,

"(...) the sovereign is 'at the same time outside and inside the juridical order' (...) the sovereign, having the legal power to suspend the validity of the law, legally places himself outside the law. This means that the paradox can also be formulated this way: 'the law is outside itself, or: 'I, the sovereign, who am outside the law, declare that there is nothing outside the law (...)' (1998: 15).

Bare-life' is when human beings are stripped of all rights, and become the subjects of political control. Other authors explain it as "human waste" (Zygmunt 2004: 5), "undesirables" (Agier 2010), or the "living dead" (Mbembe 2008). Bare-life was selected aiming to explain that what Agamben calls *Homo sacer* and the bare-life can be found in the refugees settlements in Europe. It aims in this thesis to explain the paradox between the principles of the universal human rights and the State sovereignty. In chapter 5, the analysis of the field work will attempt to demonstrate how the Sovereignty State creates bare-life inside camps where there is no representation of institutions and laws to enforce rights.

3.4 Conclusion

In this chapter, I reviewed the current academic debates of the theories of securitisation, governmentality and bare-life. I am suggesting that for central research question to be answered, the theoretical framework should take into consideration each approach. The three together bring the possibility to see the main problem of unaccompanied migrants, asylum seekers and refugees minors through the lenses of the securitisation on the “act of speech”, policies from the EU governments as the techniques of governing and governance and the camp life situation of the UAMs.

First the theory of securitisation, which is the construction of political and administrative domains in which freedom is rendered in relation to and by means of question of security. It was shown that the security discourse was first created in the political arena before it reached the political community, making it a political act. Second the concept of governmentality, which brings together three main parts of the society to show the rationality behind the actions and systems that are used to govern this society. The discourses of (in)security are linked with the technologies behind the act of governing people. Freedom was brought as a connection between these discourses and techniques that rule the social practices on governing social relations. The third theory is that of bare-life, which examines how these practices of governing reflect on the life of individuals that are now considered outsiders or put outside of the political community. They have no access to activities of governance and or enforcement of rights. The exclusion of migrants, asylum seekers, and refugees as object of security could only take place if the ‘state of exception’ is put in order by the sovereign power. Technically, laws can be subsumed, but life cannot. The three theories together form the analytical framework with which the empirical data is analysed.

There is a convergence between the biopolitics and security of minors, which both creates the bare-life as a target while being out of the political community and speechless. The security approach that sees the object of this research as threat to society, brings the notion of the “other”, from the perspective of the political community. It creates a “body to be managed” by humanitarian agencies (to be saved), police (contained, moved, encamped), and politics (keep out) (Sanyal 2017: 5). This intersection of the three theories and the actors involved in managing the UAMs will be further demonstrated in the analysis of chapter 4 and 5.

Chapter 4. Life for unaccompanied minors in the ‘Jungle’

4.0 Introduction

The situation of migrant and asylum seeker minors in the Calais is analysed through the lens of the theories, leading to a set of observations. First, the context of the camps in Calais is described. Second, the results and observations are given bringing together the three main actors and structures inserted in the context of the camp to answer the sub-question “*What are the main factors influencing the camp life in Calais and how can they be related to the academic debates?*”

4.1 Context of illegal settlement in Nord-Pas-de-Calais, France

This research was conducted by observing and interacting with minors among migrants and asylum seekers from Ethiopia, Eritrea, and Afghanistan, in one of the central illegal settlements in Nord-Pas-de-Calais, France. Ethiopia, Eritrea and Afghanistan are countries facing protracted conflict and/or extreme poverty. Calais has been one of the leading focus points for European news and discussions related to migrants over the past 20 years and recently to the European refugee crisis. The case study was selected taking in consideration that it is one of the key areas in the EU migration scenario, because a significant amount of UAMs is located there in the hope of crossing the border to the United Kingdom and facing one of the worst humanitarian conditions in Europe. Vickie Hawkins from Médecins Sans Frontières/Doctors Without Borders, expressed ‘the worst I have seen in twenty years of humanitarian work’ on the camps situation in France (MSF online 2016).

The UK is chosen as their main destination since it is one of the strongest economies in Europe. It is believed by the migrants, asylum seekers and refugees that the UK offers good work and live conditions. As well, the language is one of the main reasons, as the ones trying to cross the border believes that English is easier to speak and to learn (Fieldnotes, 17.07.17, Nord-Pas-de-Calais). Calais has a long history on immigration and asylum cases, it began with the reception facility named Sangatte in 1999, which was administered by the French Red Cross. Since its creation it has been providing shelter to thousands of people trying to cross the borders by risking their lives illegally getting onto lorries, trains, cars, ferries or in the Eurotunnel. Among them UAMs. The Sangatte was shut down in 2002 and gave place to a new illegal settlement called “The Jungle”. The name started as a joke from the migrants themselves to demonstrate the conditions inside this place. It reflects the daily reality inside the camp. Before its destruction, “The

Jungle” provided shelter for 10,000 people, among them 1,290 UAMs, equivalent to 12.9%.

The present dynamics of the migrants and asylum seekers is that now people are divided among different parts of the city, by ethnical backgrounds and in smaller groups. The illegal settlement in which this research took place is located in the industrial area of Calais in its port complex and its one of the biggest at the moment in numbers. The entire population of migrants and asylum seekers now at Calais is around 750 people. In this specific camp the community is about 150 to 200 of which the majority are men, minors account for approximately one third of that. Precise numbers are a challenge to establish, since people come and go all the time (Fieldnotes, 10.07.2017, Nord-Pas-de-Calais).

The case of the Calais migration situation is a controversial one, when compared with other European concentration areas for migrants, as in Greece and Croatia for example. The difference is that those in Calais mostly do not have the intention of applying for asylum in France. The report “Six Month On” shows that the biggest reason why people do not want to apply for asylum in France, is the feeling of a “lack of safety in France”. A total of 33% gave this option when they were asked the reasons (2017: p.11). The focus has been and is to cross the border to UK. When taking into consideration the basic principles, directives, and rights of UAMs, it is complicated since they do not intend to apply for asylum in France. The UAMs find themselves in the meshes of the law, because without formally applying, France does not have to help them. In the same study that was done in Calais and the surrounding areas, 11.7% of the people interviewed reported that they ‘have no access to information about their rights’. Only 11.8% answered that they have access to information on European immigration laws (2017: p.11).

Effectively, things started to change when the destruction of “The Jungle” took place. In October 2016 the French Minister of the Interior, Bernard Cazeneuve, called for the removal of “The Jungle” settlement, saying it was in meant to protect the inhabitants of “The Jungle” and their dignity. An aggressive action by the police followed, with tear gas and water guns fired at the inhabitants of the illegal settlement. Afterwards, the little organisation that there was in the camp fell away completely. The humanitarian organisations could not help the people anymore throughout the day, but were now confined to short timeframes during the day where distribution of food was allowed. Every sign of the formation of a new camp is diminished, because the policy takes away tents and sleeping bags. The minister called the eviction a ‘humanitarian duty’, while in reality it was part of a border security practice which sees the illegal migrants as a threat to the State (Sanyal 2017: 2).

"The provision and destruction of shelter for migrants in Calais has been consistently justified by officials using the language of humanitarianism, citing the poor conditions in which the inhabitants lived. Yet the State's 'humanitarian response' to the conditions in the Jungle in 2016 was to violently evict several thousand people (half of whom saw their homes bulldozed twice), temporarily re-house a minority in shipping containers that did not conform to international humanitarian standards, and ultimately relocate people to asylum accommodation that many chose to leave, preferring to sleep on the streets" (BOYLE 2017: 1).

'The Jungle' had an entire scheme of surveillance with cameras that ran all the way until the ferry terminal, as well as a twenty-nine kilometre wall with fences and barbed wire. Around the Eurotunnel, a ground floor was waterlogged aiming to constrain access. (Sanyal 2017: 2) After "The Jungle" destruction, the UK paid 2.7 million to construct a wall, which they call "anti-intrusive" protection to enable trucks to travel safely into the Eurotunnel. This kind of action is only possible since France and the UK signed Le Touquet Treaty (2003), aiming to create a juxtaposed border between two countries, moving their checkpoint to the partner sovereignty space. In this international space for politics, the migrant, refugee and asylum seeker became an object of nations to create policies and alliances. As mentioned by Michael Dillon, "Governmentality and sovereignty are in this case complementary forms of power "(inter)national" politics" (1995: 323-368). The approach towards refugees became a form of dissuasion discourse between nations enabling geo-political interests as corresponding fields. In relation to the dissuasion between nations, Randy Lippert (1999: 297) explains that the international refugee regime are historical in orientation and that,

"These efforts have approached refugee policies and refugees as weapons used by nations or alliances of nations, here conceived as rational actors in an international field of politics, to embarrass, destabilize, or otherwise weaken enemy nations or alliances" (Lippert 1999: 297).

In North of France at the shore, the weather is severe. It can rain a lot and wind speeds can reach high numbers. Due to this, items like rain coats, socks, and shoes are precious. These items are generally provided by humanitarian organisations. People sleep in an open bare woodland space, and they are always on the move (Fieldnotes, 18.07.2017, Nord-Pas-de-Calais). A problem brought to the attention in an article by The Independent UK (Bulman 2017), shows how migrants are suffering from trench foot disease, something not seen since the Second World War. It was a typical problem in the war, where the feet of soldiers were exposed to water for a long time. Trench foot disease can get very complicated, cases of gangrene and amputations are the worst ones reported in the

article. Migrants and asylum seekers at the camps in Calais, and among them UAMs, currently face this threat as well, when not treated properly. It shows that the current conditions in the camps, after closure of 'The Jungle', have certainly not 'protected people's dignity'. Dignity for Agamben (1999: 66) is a historical figure, in which people in the camp has lost and it is part of becoming bare-life, part of becoming "inhuman". Agamben explains that when referring to Auschwitz:

"This is why Auschwitz marks the end and the ruin of every ethics of dignity and conformity to a norm. The bare life to which human beings were reduced neither demands nor conforms to anything. It itself is the only norm; it is absolutely immanent. And 'the ultimate sentiment of belonging to the species' cannot in any sense be a kind of dignity." (Agamben 1999: 69)

4.2 Results and observations

Three main topics of observation were found from the field research, which could answer my research question. Each of those topics is represented in a separate section. The first one is a reflection on the camp life and what the social relations inside are. Second, what is the role of the humanitarian aid organisations and what is their position in relation to the UAMs in the Calais settlement. Lastly, regarding how France is dealing with the UAMs on the ground compared how it should be applied if the French State was following the EU policies. This will be analysed from the perspective of the three main theories chosen for this research.

4.2.1 Social dynamics of the camp

"Relocated to a nearby segment of sandy grassland that was once both a waste disposal site and a local shooting range" (BOYLE 2017: 1)

At the camp level, what could be observed at the first moment was an environment of tension. The tension exists for many reasons and in different degrees. It exists between the diverse ethnic backgrounds in the community, among the same ethnic groups, between the camp populations and the humanitarian agencies doing the distributions and with the police. The migrants and asylum seekers stay most of their time around the camp or near the highways and gas stations where the trucks are. In the camp, there is not much to do, leading to boredom. From the psycho social perspective, the traumas carried by the illegal migrants and asylum seekers due to past experiences help the environment to be a tense

one, as well the present unhealthy situation to be in the camp and face the constant violence makes this worse. A high percentage of people living in the camp had health issues and among them 45.7% attributed this to the unhealthy environment they are inserted to (Stanton, 2017; pp.16). It was not possible to find a social capital network in the camp, the dynamics of this specific camp for now enable this to happen. At least, the idea of social networks among the ethnicities is something that brings to them some sort of civil recognition. Cultural backgrounds can be part of this construction as well.

While conducting the research, it was hard to identify among the migrants and asylum seekers who exactly were smugglers and traffickers. At the same time, it was easy to see who had a certain stewardship inside the camp and who was wearing more fancy clothes, since it normally would not be such items that are distributed by the humanitarian agencies. Also, some individuals could be noticed who had more access to buying outside items, for example, beers (Fieldnotes, 21.07.2017, Nord-Pas-de-Calais).

The time spent in the camp is stressful while they are waiting for a new opportunity to get in a lorry to cross the border. There is no spatial division between minors and adults. Among different ethnicities, they fight for power and space inside the camp. It was very common to arrive in the camp on distribution time and see some of them hurt from fights that happened in the night before or during the day. There were many reasons for the fights, but one that is important for this research was UAMs complaining to us that adults took their belongings (cell phones or jackets, for example), because adults have more power over them (Fieldnotes, 25.07.2017, Nord-Pas-de-Calais). The minors have no one to appeal to. There are no rules or laws, the most powerful is the leader and decides, making them more vulnerable. The reproduction of existing age hierarchies is brought from cultural backgrounds. Even though the UAMs travelled on the search for a better condition of life, their lives are not ahistorical. Old beliefs and attitudes are taken along. This reflects a more vulnerable situation for them. Among this, the high risks of been exposed to sexual violence, exploitation and trafficking (Six Month On report 2017: p.4). These risks are hard to be addressed after the authorities shut down “The Jungle” camp. The distance between humanitarian agencies and the UAMs became bigger. The camp was closed with the argument of the humanitarian security of the camp population, but now without the protection of a communal camp these problems are harder to be addressed and the risks higher as well. There is no legal responsible agency inside the camp most of the time, which doesn’t make these risks to be followed in a proper legal manner (Lucas 2017: 35).

It was very common that, while working in the camp, fights would start. These fights bring the French Riot Police – The Compagnies Republicaines de Securite (CRS) to the camp, who are always around in vans and on alert. The CRS are “the general reserve of the French National Police. They are primarily involved in general security missions but the task for which they are best known is crowd and riot control” (Ministerial Order 2016). The CRS will then use violence and spray to separate the people, trying to stop the conflict. The CRS do not ask questions or try to go in debate with the people, they only act and react. The report conducted by Refugee Rights data project (2017) gives results that 91.8% of the UAMs have been asked by the police to move while they were sleeping and the majority described the acts as a violent one (76.62%). The interpretation of those conflicts and violence between the illegal migrants, humanitarian workers and the law enforcement agencies, reinforces the processes of securitisation, which see the illegal migrants as a threat. This kind of situation (fights), open the possibility of this people to be looked down upon by the society. They are already stereotyped as dangerous, uncivilized and as irrationals, and this is reinforced by some of the political speech and media in Europe.

According to Agamben, the camp produces what he calls the “bare-life” (1995), which together with the securitisation process end in the legitimisation of treating these lives as an outside of the political community, they have no rights to have rights, so they can be treated with lawless measures. This observation could sometimes appear very relevant during fieldwork and observation. One time, as observed during fieldwork, at a gas station full of trucks that is close to the main roads and to the port in direction of the UK, a group of minors tried to enter a lorry, the lorry driver saw it and called the police. On the run, one of the boys was caught. It was not clear if he fell while running or if he was beaten up by the CRS, but when I arrived, they were putting him in an ambulance off to the hospital with his neck braced up, as if there was possible spine injury. A group of armed CRS surrounded the ambulance and did not allow us to get closer or ask questions (Fieldnotes, 27.8.2017, Nord-Pas-de-Calais).

The camp is a biopolitical paradigm, which as Agambem argues camps are not from the past, camps are the paradigm on our modern society:

"The birth of the camp in our time appears as an event that decisively signals the political space of modernity itself. It is produced at the point at which the political system of the modern nation-State . . . enters into a lasting crisis, and the State decides to assume directly the care of the nation's biological life as one of its proper tasks." (Agamben 1998: 175)

4.2.2 Humanitarian aid

The work done by the humanitarian organisations on the ground in Calais is an important factor too. Different from the State, which look at the migrants and

asylum seekers as a threat and the “other”, the humanitarian workers approach them as victims that need to be “saved”, which still undermines the equality of these people. Historically, the humanitarian approach to refugees is not aimed to be public funded but private, making the work was philanthropic financed (Lippert 1999). The same continues to happen in Calais. Work and coordination is done by humanitarian agencies to provide basic life structure of relief to the people in the camps to be able to survive. The organisation which I encountered during my field work are – L’Auberge des Migrants, Refugee Community Kitchen, Help Refugees UK, RYS and Utopia 56. The workforce consists of volunteers from all over the world, and they range from ages 18 to 40. From food to medical help, the organisations are there trying to replace what should be the State role. The impression is that the French government does not do much to help afraid that the inhabitants of the camp would stay and/or more people would feel encouraged to come. The RCK provides the only two meals a day that the people have.

Furthermore, the organisation are prevented from protecting better the minors in their work by the CRS, which are enforcing small timeframes of distribution and contact moments. The dynamics of the work provided by the humanitarian organisations changed a lot since the destruction of the Jungle. Before, there was a specific area inside the camp where they could work with UAMs on classes, arts, and other several activities. This helped the work done by Refugee Youth Service, which could have more control on new minor’s arrivals or disappearance. The work from the RYS used to be a more precise manner and approach towards legal rights helping UAMs less vulnerable to the traffickers and smugglers. Since after the destruction of the Jungle the work gets limited and constraint, allowing the organisations only limited timeframes to distribute aid. Now in distributions hours they have to improvise a “special” place inside the illegal settlement only for the minors. This happens in order to try to have more control who are they, new arrivals and to create a safe environment for them. The work constrains from the government and the CRS causes an enormous stress among the humanitarian workers and the people in the camp, while the organisations are trying to attend as many people possible. It is, however, not enough to sufficiently help them. Refugees (minors and adults) need to stay in line for hours to get essential items, often hungry and while it is raining (Fieldnotes, 15.07.2017, Nord-Pas-de-Calais).

There are also many structural problems in the humanitarian agencies. They lack structure and qualified staff to tackle problems. Most of the staff are volunteers that are not prepared to deal with stressful and risky situations and could have been considered ‘unprofessional’ were it not for the fact that they give their time freely. In this case, exists a lack of personnel coordination and more specialized staff to address the volunteers work.

“Volunteer humanitarianism was not supervised or funded by international aid agencies or governments, but based entirely on the work of volunteers and financed by donations from the public. Volunteers were not trained before going to the camp and generally had no previous experience of working with refugees or in a humanitarian emergency. Because of this lack of expertise, improvisation played a central part in volunteer humanitarianism as volunteers learnt new skills and assumed different roles depending on what was needed” (Sandri 2017: 2)

4.2.3 French Government and its policies

"The British and French governments were pouring more money into border control, building new fences and deploying more border officers and the CRS (Compagnie Républicaines de Sécurité, the special branch of the French National Police usually in charge of riot control). As a result, it became extremely dangerous to attempt the illegal crossing to the U.K. According to unofficial estimates, in 2015 alone, 22 people lost their lives while trying to cross the Channel, reaching a total of one hundred deaths in 15 years" (Sandri 2017: 5)

The UAMs face every day excessive violence from the police while living in the camps. Many reports address the use of pepper spray and tear gas from the French Riot Police (CRS) on minors and asylum seekers during the early mornings while they at sleep and during the day when they are not a threat. Which is a violation of the Human Rights Declaration. The report “Six Month On” (Stanton 2017: 9), brings the information that 89.2% of the camp population interviewed on their research have faced some type of police violence. Among those, the violence faced was 84.04% on tear gas, 52.66% physical abuse and 27.66% faced verbal violence from the police. When the same questions were made among the UAMs the percentage is even higher, in which 96.5% reported that they have faced violence from the police, the numbers for the types of violence are similar for the UAMs as for the entire population.

The report brings the numbers on what is the frequency the UAMs face violence with tear gas coming from the police. The options were, many times a week, every day, once in a week, rarely and only once, the number follows respectively, 41%, 20%, 20%, 19% and 0%. To be able to show how the securitisation process takes form on an everyday practice and how it is very powerful, the data collected in the report (Stanton 2017: 26) mentioned above, shows the issue on the matter of health and safety among the UAMs.

HOW WOULD YOU DESCRIBE THE HEALTH ISSUE?
MINORS ONLY

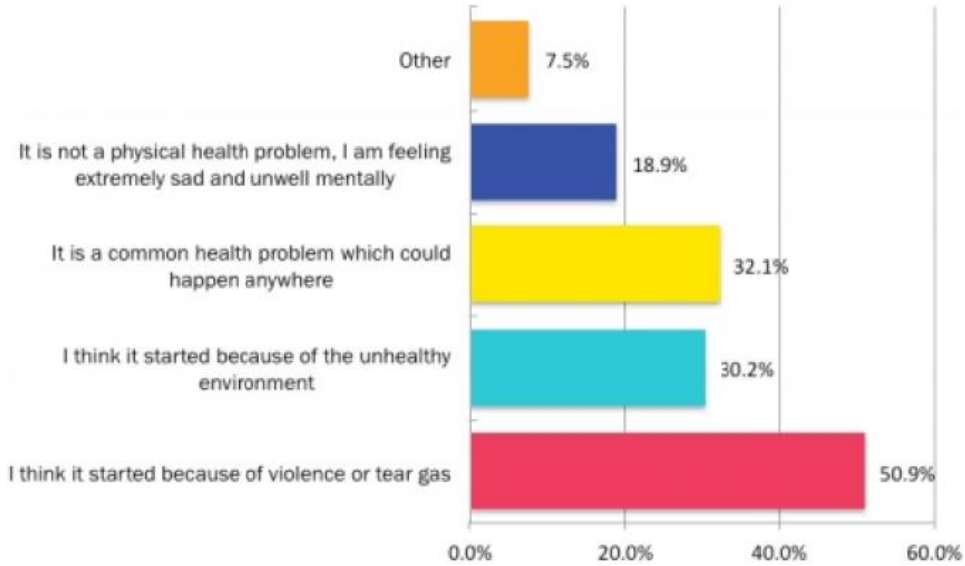


Figure 2 Reasons for health problems (Six Month On report 2017)

The table above shows the answers of UAMs on “how would they describe the health issue in the camp?” The report provides the following numbers, 63.1% of them had health problems in France and 52.8% could have access to medical assistance, which is very low comparing the numbers the ones that had health problems. The answers on what they believe it comes from were, 50.9% believe that their health problems started after facing violence from the police and tear gas, 30.2% believes that the health problems started as a result of the problematic environment they are living in, 32.1% believes that their health problems are common and could happen in any place, so it has nothing to do with the camp, 18.9% believe it is not physical, but instead is mentally unhealthy problem, since they feel sad and not well mentally, lastly, 7.5% answered they believe that exists “other” reasons for their health problems (Stanton 2017: 31). The Guardian (Taylor 2016) reported one case of a children in the camp suffering post-traumatic stress disorder,

"While social workers have assessed him to be suffering from suicidal ideation and depression, and an independent psychiatrist assessed him to be suffering from post-traumatic stress disorder and to be a “traumatised and vulnerable boy” who needs treatment, a Home Office social worker who assessed him said there was no evidence that he had any particular emotional or psychological needs." (Taylor, 2016)

4.3 Conclusion

The Context of the illegal settlement in Calais demonstrated how, after the destruction of “The Jungle” camp, the enforcement of the surveillance systems confined and restricted the inhabitants of the camp (ghettoization). It was used as a method of “securitarian governmentality” which had the purpose to displace and disincentive the migrants, asylum seekers, and refugees. Since “The Jungle” had, and still has, attention and criticism from the media, international organisations, and politicians, to deport the people would be too extreme and an even further violation of human rights, especially in the case of children (Sanyal 2017: 2).

The observation in this research of how the social camp dynamics are creating the bare-life for UAMs and how this is influenced by the process of policing and deterrence by the French government. The UAMs do not have any institutional organ to address the vulnerable situation faced inside the camp. They lack the protection of the State. Humanitarian aid organisations are driven by compassion, instead of laws and equality principles, which can be defined as humanitarian governmentality. Furthermore, the techniques of governing are demonstrated that make the work of humanitarian organisations impracticable, which has a direct impact on the lives of UAMs. On the ground it was observed that the French Government applies all the extraordinary measures and policies created from a security lens, towards an extreme form of violence.

Based on the findings during this field research, it can be concluded that UAMs do not intend to apply for asylum in a France. In theory, when a UAM is reported to the state, the UAM should be granted with safe accommodation, access to legal representation, a translator to help in the case. Each case should be individually taken into consideration by the State, education and health services should be provided, and the UAMs best interest should be a primary consideration. However, since they now fall within the meshes of the law, France is legitimised to not act in the best interest of UAMs

Chapter 5: Theorising the Camp: bare-life?

5.0 Introduction

This chapter intent to present the main theories of securitisation, governmentality and bare-life through the lens of concrete finds in the field research. Here, I apply more an analysis of the findings. First, an approach on the meaning of “The Jungle” camp and how the securitisation and governmentality process creates what can be called as bare-life. Second, through the lens of security and techniques of government creates a securitisation of humanitarian agencies on the field.

5.1 “The Jungle”, the Camp

The name “The Jungle” provides an overview of a dehumanizing condition in this illegal settlement. Who would be considered to live in jungles? Animals. Irrational and not civilised creatures. Newspapers, government speeches, academic articles reproduce this name without realising what it means. The language normalises and constructs shadows on what the population of this illegal settlement are, human beings. On October 2016, “The Jungle” camp was closed, and people were sent to shelters in different parts of France without any information where to. Most of them came back, and new arrivals continued to happen. Volunteers from humanitarian organisations working in “The Jungle” at the time informally reported to me that people were put on buses by force, without options, and the buses had the seats covered by plastic and the police officers were wearing special safety protection clothes for sanity and epidemics (scrubs and gloves).



Figure 3 Police taking away tents from illegal settlements (Philippe Lopez/AFP)

Since then, the policies to deal with migrants and asylum seekers have changed in France. The situation is both inhumane and degrading. The intention is to create a not welcoming environment for those who live in the camps and the surround areas, as well to undermine any attempt of application for asylum in France. It is in this way that illegal detention and deportation of foreigners, violation of the rights of asylum seekers, use of surveillance and eavesdropping, etc., are seen as security measures necessary to protect internal society (Aas 2007: 283-303). UAMs should be treated differently by the States, since they are alone and more vulnerable than adults. It could be observed that there is no differentiation of this treatment between adults and minors. They are all subject of the securitisation process. The French State leaves them at risk.

The migrants and asylum seekers are stateless. With no rights to a political community, they are no seen as humans to the State and not even among themselves. They are there in the camp with no future, no plans, no hopes, and no rights. They are only surviving. With no access to the city and any form of inclusion, the exclusion is what they know and face every day. An example of this is the information released in the report (Stanton 2017: 9) used as a source for secondary data in this research, there shows that 58.7% of the total population in their study have faced some kind of violence coming from the French citizens, among them verbal and physical violence.

The inhabitants of refugee camps, analogous to those residing in prisons and asylums, were not assumed to be liberal citizens capable of exercising choice (Lippert 1999: 309).

It is a life that does not matter for the State, especially in the case of children. They do not matter even for the human rights laws. Is a life that cannot be killed but yet, is a life left to be killed due to the abandon of the protection of the law. The conditions are based on the place of birth and not as human beings. The informal camp has no fundamental requirements for survival and to make them be recognized as humans, “the camp has been used to consolidate the limits of citizenship and nationalisation” (Zennettino 2012: 1096). They encounter a loss of humanity, no dignity and self-respect. It is a useless life. As for the authors John Lechte and Saul Newman, “civil death is death as such” (2012: 525). Mutilation of fingers became a common practice among the illegal migrants and asylum seekers. The finger mutilation is an attempt to become invisible to the State. It is the result of a biopolitical foundation of the sovereign power. This practice shows the desperation and loss of civic identity. Due to the Dublin regulation, that determine that when claiming asylum in the first EU country of arrival and been fingerprinted that country is responsible for that person and they have to return (Sanyal 2017: 15) and the UAMs normally do not want to return. In the modern State when belonging to a political community is to be recognized on

your most fundamental rights, the human rights. This can be further explained by Lechte and Newman,

“(...) rather than emancipating us or protecting us from sovereign power, rights have the effect of further inscribing us—on the basis of our ‘bare life’—within the mechanisms of the biopolitical State, a State whose *raison d’être* in modernity is the government and regulation of the biological life of the population. (...) human rights (as currently invoked) as leaving us just as defenceless (...). Yet, they do so in a different way: rather than simply being the mark of exclusion from a political community, human rights define a field of subjectivity which, in a more intricate sense, is included (within the sovereign State order) in the form of its exclusion. Human rights, because they define the subject in terms of his or her ‘bare life’, situate him or her within a politico-legal field characterised by the ever-present possibility of the sovereign State of exception—the suspension of the normal constitutional order and the withdrawal of legal protections. Here, the subject is neither included nor excluded but, rather, held (...) a ‘zone of indistinction’ between the two orders, and is thus entirely at the mercy of sovereign power.” (2012: 523)

The freedom of people come to serve the realm of politics which imposes their will contradicting the rights of the principle of civil society. Among this State apparatus towards refugees, the camp is inserted as a reality of contention and discipline which can be compared to what Foucault explained when representing the modern prison institution as a failure. Foucault explains, “So successful has the prison been that, after a century and a half of ‘failures,’ the prison still exists, producing the same results and there is the greatest reluctance to dispense with it” (Foucault 2004a). The true idea of camp to refugees came first in an efficient manner to distribute aid. The reality is diverging from this one, and the camp became to the State an instrument of excuse for protection. In the name of protecting its citizen from the uncivilized and illiberal (Foucault 2004a) foreigners, the camp space has a substantial importance on the relations between asylum seekers and refugees, the State and the humanitarian agencies. This comes to a significant point found in the field research, the camp life and the present State of exception. The humanity comes to serve the operations of control.

Based on the findings of this research, even though UAMs are not applicants for asylum, they are in a French area. In theory, when a UAM is reported to the State, the UAM should be granted with safe accommodation, access to legal representation, a translator to help in the case. Each case should be individually take in consideration by the State, education and health services should be provided and the UAMs best interest should be a primary consideration.

5.2 Theorising camp life

Since the clearance of the camp in October 2016, work done by the humanitarian organisations has started to be restricted. By law, NGOs were assigned a specific time to make distributions within the UAM locations, a time from 17.30 until 20.00, which is strictly monitored. Several times around 20.00, as distribution would continue, the CRS would come and spread themselves around the vans that were distributing food and other items, and open up with pepper spray cans to intimidate the volunteers and humanitarian workers, as well as the camp population (Fieldnotes, 27.07.2017, Nord-Pas-de-Calais).

There were inside reports done by the humanitarian agencies that I worked with while this research was conducted (unfortunately I could not have access), of the CRS spraying pepper spray at the volunteers at late night distributions. Many observations were done of confiscations of tents, sleeping bags, blankets and clothes during several times of week by the CRS (Fieldnotes, several days, Nord-Pas-de-Calais). By law, it is prohibited to have sanitary and shower facilities. This measure violates cultural norms in which to be clean for some cultures is a cultural norm. Many times I faced requests from the asylum seekers that the only thing they would want was to take a shower. There as several cases of skin problems and infections. The camp is located in open areas, with no place for cover or security and this helped to create dirty environment which is dangerous for the dissemination of diseases.



Figure 4 CRS intimidating inhabitants of illegal settlements in France (Philippe Lopez/AFP)

The CRS has also an essential role in making the work of the humanitarian agencies harder and stressful. The CRS has the track on the cars and vans of humanitarian workers and became a common practice to stop them when in the way to make distributions for any random reason to check documents or to try to find any problem with the vehicles, which can limit the time of work on distributions points. The securitisation of the humanitarian agencies mentioned above turns into a form of fortifying the process of securitisation of the illegal migrants and asylum seekers. This happens by the intervention on the work done by the humanitarian agencies and the exercise of power attributed to the law enforcement agencies legitimizing this as protection. A possible result of this, is the humanitarian workers seen as bad for the society, since they are seem to be helping the “enemy” or providing the means necessary for the dissemination of insecurity related to migrants, refugees and asylum seekers in Europe. In my opinion, it is a clear demonstration on the instrument of the State to exercise its power, and part of the governmentality and securitisation process. It is possible to reflect on that by relating the enforcement of power with the State of exception, which Agamben explains,

“During times of crisis or emergency, the state of exception invests governments and individuals with the kind of power and authority over others that extends well beyond the threshold of where the law has previously existed – ‘In every case, the state of exception marks a threshold at which logic and praxis blur with each other and a pure violence without logos claims to realize an enunciation without any real reference’ (2005: 40)

That is one more fact that brings the instrument of securitisation from State using it for making these lives an uncomfortable one. In one of the informal talks with one of the minors from Eritrea at the camp, he confided that not a long time ago him and his friends were walking close to the highway and were approached by the CRS. The CRS took them inside their van and drove for around two to three hours without telling them where they were going. The CRS left them in a highway in an isolated place, they came back to Calais walking (Fieldnotes, 28.07.2017, Nord-Pas-de-Calais). As a form of intimidation, this have direct impact and negative effects on the applications for legal process for asylum in France, since it creates an insecurity feeling for the minors. In which I believe is the intention, by creating an atmosphere of excessive control over the UAMs, as well horror and tension. It has a direct negative impact on the intentions of asylum from the minors in France. Since as mentioned before the State has much more sophisticated surveillance methods to deal with the migrants and asylum seekers than tear gas.

The representation of fear was observed since the migrants and asylum seekers frequently lie about their names and age. In the attempt to understand this, I started to ask what their age and names was, informally, their real ones. With

time I would get the actual names of those that I could get closer (Fieldnotes, 11.07.2017, Nord-Pas-de-Calais). There is a rationality behind these instruments and techniques used by the State, to how the nature of government is working on what and who should be governed. This instruments and techniques come to serve, in this case, the rationality of the control towards the migrants.

“These include techniques of notation, computation and calculation; procedures of examination and assessment. The invention of devices such as surveys and presentational forms such as tables; the standardisation of systems for training and the inculcation of habits; the inauguration of professional specialisms and vocabularies; building, designs and architectural forms.” (Lippert 1999: 296).

The asylum seeker as the object of security in which in the name of a humanitarian governmentality, they don't have the rights to justice and equality. These make those lives relying mainly on humanitarian protection. The securitisation of asylum seekers and migrants lead to a violation of human rights.

5.3 Conclusions

Concluding, the dehumanizing conditions demonstrated by the name that was given to the illegal settlement in France (“The Jungle”), consolidates the idea of UAMs as a threat and treated as such, making them have no “meaning” and useless for the State. The State of exception reveals itself, by the confining of people, particularly children and the crossing of the border in Calais. Humans banned from human rights results in bare-life. It symbolizes life as disposable, with no juridical and political value, with no choice. They exist only for the sovereign State to be killed. Killed in this case by hunger, violence, diseases or by attempts to get inside a lorry or train. Not directly, but indirectly killed from the circumstances in which the UAM find themselves, as observed. Secondly, during a time of crisis there is a focus from the state of exception on power and authority, where the executive power of States goes above the law. In my observation, this results in the humanitarian agencies being securitised as well. The humanitarian agencies are not allowed to help the inhabitants of the settlements, or UAMs, while at the same time there is a lack of governance.

Chapter 6. Concluding Thoughts

So, what processes related to security are influencing the situation of unaccompanied migrants, refugee and asylum seekers minors in the European Union? The historical background shows how the view towards migrants, asylum seekers and refugees changed in the EU. Through an act of speech and policy, they were increasingly seen as a security threat to society. The relevant EU policies and directives were demonstrated in order to show that the security language became the rule when dealing with external borders, asylum requests, and national security and UAMs issues. The current state of the academic field of three relevant theoretical frameworks was introduced, namely securitisation, governmentality and *Homo sacer*: bare-life. The case study with field research in the illegal settlements of Calais in France generated the empirical data. Three main topics are raised for discussion.

First, in the social dynamics of the illegal settlement it was observed that there exists a deprivation of (human) rights. The individuals that this thesis researched had lost any form of citizenship, as well as the agency and voice of their own life, which is contrary to what they expected coming to Europe. Second, a reflection on the humanitarian aid that agencies provide is given. The humanitarian agencies lack structure and professional staff to deal with the complicated problems in the settlements. Additionally, the process of providing food, medical services, shelter, clothing and access to other basic needs are constraint by the government. This creates epidemic problems for the people, and UAMs, living in the illegal camp, among which the trench foot disease, not seen since WWII. This last observation also relates to the third topic, being the French government and its policies and techniques. The humanitarian organisations have their work constrained by the French government, enforced by the CRS as a technique. The French government, while obliged to follow UN treaties on human rights, is not executing such actions, because UAMs do not intend to apply for asylum there, making them fall in the meshes of the law.

All three points are eventually connected. The CRS, as a government technique from a security perspective, treats the inhabitants of the settlement as a threat, preventing them from receiving proper aid and meeting them with extreme measures to maintain order. The fear from the people living in the camp brings a lack of trust from them to authorities. This feeling makes that less and less asylum seekers try to apply in France. The rational thought behind this practices, could be argued, that it is meant to show that they are not welcome in the French territory.

The most important reflection is that there is no difference between the approach from the French State towards minors or adults. The unaccompanied minors are securitised in the same way, being part of a process that lack governance, which is argued from a security perspective. In the State of exception, the government takes the right to execute extreme measures from a security perspective. But are minors really a threat to security, or do they become a threat when you treat them that way?

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