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## **Unaccompanied minors: agency and rights**

### **Małoletni bez opieki: nadzór i prawa**

#### **Streszczenie**

W niniejszym artykule przeanalizowano przyczyny migracji małoletnich, skupiono się na temacie sprawczości małoletnich bez opieki i podkreśleniu jej znaczenia. Celem artykułu jest ukazanie związku między poczuciem sprawstwa dzieci a ich prawami. W artykule przedstawiono definicję osób małoletnich bez opieki, przeanalizowano przyczyny migracji, zaprezentowano badania dotyczące migracji dzieci, zostały przedstawione sposoby wyrażania sprawczości oraz ich związek z prawami. Autorka artykułu odnosi się do analizy literatury oraz danych empirycznych w dziedzinie uchodźców, w szczególności dzieci bez opieki.

**Słowa kluczowe:** agencja, małoletni bez opieki, prawa, dzieci

#### **Abstract**

This paper attempts to examine the causes of minors' migration, focusing on the agency of those individuals and highlighting its importance. In order to do so, a link between the children's agency and their rights will be presented. Trying to achieve this aim, the aforementioned topic will be analyzed into separate units. All data has been based both on relevant literature and empirical data that have emerged after many years of work in the refugee field, specifically with unaccompanied and separated children.

**Keywords:** agency, unaccompanied minors, rights, children

### **Introduction**

In recent years, academics and policy makers have devoted much attention to the issue of unaccompanied and separated minors. Numerous studies have explored various aspects of this field, and one particularly intriguing subject is the agency of these minors. This topic encompasses a multitude of facets, shedding light on aspects of these children that are often overlooked<sup>1</sup>. Unaccompanied minors are

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<sup>1</sup> A. James, *Agency* [in:] *The Palgrave Handbook of Childhood Studies*, eds. J. Qvortrup, W. Corsaro, M. Honig, New York and United Kingdom: Palgrave Macmillan, 2009; E. Chase, *Agency and Silence: Young People Seeking Asylum Alone in the UK*, "British Journal of Social Work" 2010, 40, pp. 2050–2068.

frequently portrayed as innocent victims, viewed primarily as recipients of protection rather than individuals with their own capacity for action and decision-making. This narrow perspective can lead to the neglect of other crucial factors, such as cultural background, and may even result in the violation of their rights as children and human beings. Therefore, it is imperative to delve deeper into this topic.

This paper aims to investigate the underlying causes of minors' migration, emphasizing the importance of these individuals' agency and establishing a link between their agency and their rights. This exploration will be conducted by separating the topic into distinct units, drawing upon both relevant literature and empirical data acquired through years of dedicated work in the field of refugees, particularly with unaccompanied and separated children.

### **The definition of unaccompanied minors**

Typically, unaccompanied minors are individuals "younger than 18 years old who have been separated from both parents" and from any other adult "who, by law or custom, has a responsibility" for their upbringing<sup>2</sup>. On another occasion, the definition provided for unaccompanied minors is "minors migrating to another country without their parents"<sup>3</sup>. In addition, these children are often called separated children or/and unaccompanied minors. This has been an issue of debate and argument because some scholars claim that the term "separated" disregards children's agency and the fact that some children (a minority) take the decision to migrate on their own<sup>4</sup>.

### **Causes of migration**

Migration is a complex phenomenon and many theories have been developed about it. Among these are the neo-classical theories (which are linked to population density and economic opportunities), the biographical perspective<sup>5</sup>, the historical-structural approach to migration (based on the idea of economic inequalities and asymmetry of economic power between developed and developing countries), and more. However, this article focuses only on some of these theories that seem more relevant to child migration and more useful for the aim of this paper.

<sup>2</sup> P.E. Hopkins, M. Hill, *Pre-flight experiences and migration stories: the accounts of unaccompanied asylum-seeking children*, "Children's Geographies" 2008, 6(3), p. 258.

<sup>3</sup> M. Vervliet, B. Vanobbergen, E. Broekaert & I. Derluyn, *The aspirations of Afghan unaccompanied refugee minors before departure and on arrival in the host country*, "Childhood" 2015, 22(3), p. 330.

<sup>4</sup> P.E. Hopkins and M. Hill, *Pre-flight experiences and migration stories: the accounts of unaccompanied asylum-seeking children...*, pp. 257–268.

<sup>5</sup> G. Crivello, *'There's no future here': The time and place of children's migration aspirations in Peru*, "Geoforum" 2015, 62, pp. 38–46.

A category of migration theories is the push/pull theories, which suggest that migration results from push and/or pull factors<sup>6</sup>. Push factors are circumstances that compel individuals to leave their home countries<sup>7</sup>. On the other hand, pull factors, which may encompass aspirations for economic opportunities or other prospects for family members, often lack awareness of the circumstances of forced migration. Furthermore, within this theory, individuals often seem to migrate believing that “it raises the human capital and brings potential future gains in earnings”<sup>8</sup>.

When it comes to child migration, Castells<sup>9</sup> includes the concept of the “fourth world” or developing world, along with poverty. Castells suggests that specific supply and demand factors are associated with these children. He posits that the collapse of family structures and the prevalence of poverty have contributed to the supply of children. As a result, children try to survive either by earning money (working, living in streets etc.) in these countries, or by being pushed to leave and seek a better future abroad. Demand is instigated by the processes of globalization, the networking of businesses, the criminalization of certain economic sectors, and advancements in communication technologies. While this perspective aligns closely with reality, it faces criticism for depicting children solely as victims and not as actors with their own agency<sup>10</sup> and capacity for independent action. Conversely, Eyber and Ager advocate for a viewpoint where children can be very active actors and they are recognized as proactive agents<sup>11</sup>.

The concept of aspiration warrants further examination. Aspirations for the future are intricately connected to power relations, values, and actions of the past and present<sup>12</sup>. Mische<sup>13</sup> suggests that there is a link between aspirations and experiences which are involved in the forces of migration. Expanding on this idea, Frye<sup>14</sup> tried to explain the seemingly irrational educational and professional ambitions of schoolgirls from poor families in Malawi. Her findings revealed that these ambitions, which may appear unreasonable, often serve to shape one’s present self-image. Therefore, aspirations are not merely a reflection of future expectations; they are also formed by relationships and facts of the past, the present and the future<sup>15</sup>.

<sup>6</sup> C. Watters, *Refugee Children: Towards the next horizon* (Original work published 1956), London: Routledge, 2008; E. Webb et al., *The needs of children newly arrived from abroad*, “Current Paediatrics” 2005,15, pp. 339–346.

<sup>7</sup> C. Watters, *Refugee Children...*; E. Webb et al., *The needs of...*, pp. 339–346.

<sup>8</sup> Castles & Miller (2003), cited in C. Watters, *Refugee Children...*

<sup>9</sup> Ibidem.

<sup>10</sup> C. Watters, *Refugee Children...*; E. Webb et al., *The needs of...*, pp. 339–346.

<sup>11</sup> Eyber and Ager (2004), cited in C. Watters, *Refugee Children...*

<sup>12</sup> G. Crivello, ‘*There’s no future here*’: *The time and place of children’s migration aspirations in Peru...*, pp. 38–46.

<sup>13</sup> Cited in G. Crivello, ‘*There’s no future here*’: *The time and place of children’s migration aspirations in Peru...*, pp. 38–46.

<sup>14</sup> Ibidem.

<sup>15</sup> Ibidem.

Expanding on the significance of studying unaccompanied minors, it is essential to recognize that the experiences of children can profoundly shape their adult lives. This underscores the importance of adopting a child-centric perspective. Plummer<sup>16</sup> contends that early childhood experiences exert the most profound influence on an individual's future. Yet, others argue that this approach tends to depict children as passive beings and that it unfairly prioritizes early experiences over later ones. They assert that individuals can overcome "challenging early experiences" and grow into content, fulfilled adults.

### Themes in the study of child migrants

Numerous researchers have devoted their efforts to examining issues regarding unaccompanied minors, and several key themes have emerged in this field. Education stands out as a critical element in the lives of unaccompanied minors. Aspiring to become educated individuals is not only a driving force before their journey, but also a pivotal step towards their social inclusion<sup>17</sup>. Lorraine van Blerko and Nicola Ansell<sup>18</sup> point out that formal education isn't just an aspiration, but it also affects their migration experiences in complex ways. Empirical findings from their study depict education as a catalyst capable of fostering positive migration experiences. Furthermore, the legal status of refugee children is vital for their present and future prospects<sup>19</sup>. In addition, unaccompanied minors face unique challenges that stem from differences in culture and language<sup>20</sup>. These challenges encompass difficulties in understanding their rights, protecting themselves, discussing sensitive topics such as possible sexual abuse, attending school without the support of family or social networks, and gaining acceptance within the host society.

Other studies in the field underline the significance of religious<sup>21</sup> and social networks<sup>22</sup> for unaccompanied minors. The sense of losing their culture and the disconnection from anything familiar can exacerbate anxiety among these children.

<sup>16</sup> Cited in C. Watters, *Refugee Children...*

<sup>17</sup> M. Vervliet, B. Vanobbergen, E. Broekaert & I. Derluyn, *The aspirations of Afghan...*, pp. 330–345; J. Wade, *Preparation and transition planning for unaccompanied asylum-seeking and refugee young people: A review of evidence in England*, "Children and Youth Services Review" 2011, 33, pp. 2424–2430.

<sup>18</sup> L. Blerkô and N. Ansell, *Children's experiences of migration: moving in the wake of AIDS in southern Africa*, "Society and Space" 2006, 24, pp. 449–471.

<sup>19</sup> J. Wade, *Preparation and transition planning for unaccompanied...*, pp. 2424–2430.

<sup>20</sup> L. Nandy, *The Impact of Government Policy on Asylum-seeking and Refugee Children*, "Children and Society" 2005, 19, pp. 410–413.

<sup>21</sup> M. Eastmond, *Nationalist Discourses and the Construction of Difference: Bosnian Muslim Refugees in Sweden*, "Journal of Refugee Studies" 1998, 11(2).

<sup>22</sup> K. Wells, *The strength of weak ties: the social networks of young separated asylum seekers and refugees in London*, "Children's Geographies" 2011, 9(3–4), pp. 319–329.

In such circumstances, religious and social networks play a crucial role in providing support. Furthermore, social networks are instrumental in facilitating the process of migration<sup>23</sup>. Lamentably, these networks can have both positive and negative aspects as there is a clear link between social networks responsible for facilitating migration and the trafficking of children who migrate<sup>24</sup>.

Setting aside theoretical perspectives, there are other characteristics of unaccompanied minors' migration that demand our attention. A highly significant issue is that of trauma. According to the U.S. National Institute of Mental Health, childhood trauma is defined as "the experience of an event by a child that is emotionally painful or distressful, which often results in lasting mental and physical effects"<sup>25</sup>. Trauma stands out as a defining feature of this social group. Unaccompanied minors often experience traumatic events, necessitating the protection of their mental health. The separation from parents, with whom they have lost attachment, can potentially lead to psychological disorders or even radical behaviors<sup>26</sup>. It is crucial to acknowledge that this separation is a traumatic experience for any child<sup>27</sup>. Moreover, research suggests that both family separation and reunification have consequences for parent-child relationships, the adjustment of youth, and the mental health of young individuals<sup>28</sup>. However, it is important to recognize cultural diversity worldwide. Although the separation from parents is an important issue, it is not the only cause of harm for these children. Research has shown that the majority of unaccompanied minors are not informed about what exactly has happened, why, when, and how they will migrate<sup>29</sup>. This lack of knowledge could cause more harm to their mental health<sup>30</sup>. Furthermore, this group of children has already been exposed to other traumatic experiences such as war, leading to mental or even physical symptoms, depression, and higher levels of mental health problems compared to children of similar ages<sup>31</sup>.

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<sup>23</sup> Ibidem.

<sup>24</sup> Zhang (2008), cited in ibidem.

<sup>25</sup> I. Thompson, *Dart Style Guide for Trauma-Informed Journalism*, "Draft Centre for Journalism and Trauma" 2021, URL, <https://dartcenter.org/resources/dart-center-style-guide>.

<sup>26</sup> G. Crivello, *There's no future here': The time and place of children's migration aspirations in Peru...*, pp. 38–46; M. Hernández, *Migrating Alone or Rejoining the Family? Implications of Migration Strategies and Family Separations for Latino Adolescents*, "Research in Human Development" 2013, 10(4), pp. 332–352.

<sup>27</sup> C. Watters, *Refugee Children...*

<sup>28</sup> M. Hernández, *Migrating Alone or Rejoining the Family? Implications of Migration Strategies and Family Separations for Latino Adolescents...*, pp. 332–352.

<sup>29</sup> P.E. Hopkins and M. Hill, *Pre-flight experiences...*, pp. 257–268; M. Vervliet, B. Vanobbergen, E. Broekaert, I. Derluyn, *The aspirations of Afghan...*, pp. 330–345; E. Chase, *Agency and Silence: Young People Seeking Asylum Alone in the UK*, "British Journal of Social Work" 2010, 40, pp. 2050–2068.

<sup>30</sup> C. Watters, *Refugee Children...*

<sup>31</sup> B. Oppedal and T. Idsoe, *The role of social support in the acculturation and mental health of unaccompanied minor asylum seekers*, "Scandinavian Journal of Psychology" 2015, 56, pp. 203–211.

Thinking that many of those who migrate are minors<sup>32</sup> and the risk of migration itself, it is imperative to consider all the aforementioned aspects related to children's protection, trauma, children's rights, and the specific needs of this vulnerable group. It is crucial to have a deeper understanding of these children, their rights and needs, because in this way it would be more possible to achieve the best fulfillment of their needs and ultimately, the protection and respect for them and their rights.

Apart from the above mentioned, there are also other issues related with unaccompanied minors, such as the limitation of some children's rights that only these children experience<sup>33</sup>, and cultural and language barriers, which are mainly covered by the existing literature.

### **Agency of unaccompanied minors**

In the field of unaccompanied minors, many scholars argue that children possess their own agency<sup>34</sup>. This assertion finds support in the fact that some children actively participate in the decision-making process of their migration, with instances where they leave without seeking permission. Furthermore, Dobson<sup>35</sup> contends that even if children do not directly engage in the decision-making process, they should still be recognized as agents. They hold a significant role, not only in the context of their own migration, but also within the broader spectrum of global migration processes<sup>36</sup>. The concept of unaccompanied minors' agency raises several intriguing points of interest, including children's understanding of their agency, the definition of agency itself, and the relationship between young people's agency and their vulnerability and rights.

It would be a mistake to limit the understanding of agency solely to choice; instead, it is a more complex and multifaceted concept. James and Prout<sup>37</sup> have attempted to clarify this concept by describing children as active social beings. According to this perspective, children are central actors in their lives, the lives of those around them, and the society they live in. However, this definition may confuse the reader regarding the distinction between being an actor and being agentic. To

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<sup>32</sup> UNHCR, Refugee Data Finder, URL, <https://www.unhcr.org/refugee-statistics/download/?url=btJ7aO> (access on 9.12.2023).

<sup>33</sup> L. Nandy, *The Impact of Government Policy on Asylum-seeking and Refugee Children*, "Children and Society" 2005, 19, p. 411.

<sup>34</sup> E. Chase, *Agency and Silence*..., pp. 2050–2068; A. James, *Agency*...

<sup>35</sup> M. Dobson, *Unpacking children in migration research*, "Children's Geographies" 2009, 7(3), pp. 355–360.

<sup>36</sup> C. Laoire et al., *Children and young people on the move: geographies of child and youth migration*, "Geography" 2012, 97, pp. 129–134.

<sup>37</sup> James and Prout (1990), cited in E.M. Tisdall, S. Punch & M. Kay, *Not so 'new'? Looking critically at childhood studies*, "Children's Geographies" 2012, 10(3), pp. 249–264.

resolve this, Mayall<sup>38</sup> suggests that an actor engages in actions and is active, while an agentic individual both acts and negotiates. In summary, an agentic person is a social actor who takes action in everyday life and engages in negotiation with others within a social context.

Some scholars emphasize the importance of children's agency, suggesting that this topic is often overlooked or misunderstood<sup>39</sup>. Others attempt to position children between vulnerability and agency. Within this framework, some researchers assert that children's agency is interconnected with their vulnerability and their understanding of it<sup>40</sup>. A compelling example of this relationship is evident in the case of refugee (and unaccompanied) children. Contemporary literature reveals that only a minority of unaccompanied minors make the decision to migrate independently. However, most of them do so in an attempt to save their lives, fully aware of their vulnerability and the dangers they face. They must make choices amid a limited range of unfavorable options<sup>41</sup>. What is equally significant is that this group of children tries to assert control over their lives and express their agency through their migration decisions, their communication, or even their silence<sup>42</sup>.

Another crucial aspect linked to agency is the issue of "being" and "becoming" an individual. Frequently, there is a division between "being" and "becoming" individuals. Childhood is sometimes perceived as a stage of life in which children are in the process of becoming adults<sup>43</sup>. In this view, children are regarded as incomplete, inadequate individuals who are dependent on adults and their society. In contrast, adults are typically seen as "beings". From this perspective, children's agency tends to be unrecognized, and minors are not acknowledged as human beings who are active agents, capable of interacting with and contributing to their society<sup>44</sup>. However, this perspective does not align with reality. Children are agentic beings and active participants who both affect and are affected by the society in which they live<sup>45</sup>. Many scholars argue that childhood is often incorrectly perceived as a stage where children are seen as "becoming" individuals rather than as "being" individuals<sup>46</sup>. As a result, adults are those who define the child and its childhood, and they often face children only as people in need of protection, disregarding

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<sup>38</sup> Mayall (2002), cited in *ibidem*.

<sup>39</sup> E. Chase, *Agency and Silence...*, pp. 2050–2068; A. James, *Agency...*

<sup>40</sup> P. Mizen & Y. Ofofu-Kussi, *Agency as vulnerability: accounting for children's movement to the streets of Accra*, "The Sociological Review" 2013, 61, pp. 363–382.

<sup>41</sup> *Ibidem*

<sup>42</sup> *Ibidem*; E. Chase, *Agency and Silence...*, pp. 2050–2068.

<sup>43</sup> B. Mayall, *Towards a Sociology for Childhood: Thinking from Children's Lives*, United Kingdom and United States: Open University Press, 2002.

<sup>44</sup> A. James, *Agency...*

<sup>45</sup> *Ibidem*.

<sup>46</sup> B. Mayall, *Towards a Sociology for Childhood...*; J. Qvortrup, W. Corsaro, M. Honig, *The Palgrave Handbook of Childhood Studies*, New York and United Kingdom: Palgrave Macmillan, 2009.

that they also have their own agency<sup>47</sup>. In this light, emphasis is placed on the importance of children for the future, often forgetting their present. It is essential to recognize that separated (and unaccompanied) children come from diverse cultural backgrounds, and childhood can be defined differently<sup>48</sup>. Childhood finishes earlier or has shorter duration in some contexts. For example, some minors take the responsibility of younger siblings or start working very early in life. Moreover, people themselves may have a different understanding of their age and childhood. This was also evident in the words of a 17-year-old participant in my postgraduate research, who claimed that “A 17-year-old person is not like a child. I could work, I would like to work”<sup>49</sup>. While the needs of these children are undoubtedly important, their experiences also contribute significantly to understanding those needs<sup>50</sup>. This impacts how children’s agency is understood, how their perspectives are presented, and to what extent their voices are heard.

The majority of unaccompanied minors migrate seeking safety from terrorism and war, with a desire for a better life and educational aspirations<sup>51</sup>. For many of them, Greece serves as a temporary stopover on their journey to their final destination. In most cases, the decision for these minors to migrate is made by their families, or jointly with their families and themselves. However, there are instances where children make this decision alone, sometimes against their family’s will<sup>52</sup>. Moreover, not all unaccompanied children start their migration journey separated from their family; many begin the journey with family members and become separated later during the migration process<sup>53</sup>. Children’s involvement in the decision-making process for both their individual migration and their family’s migration is important. In many respects, there is a link between the decision-making process, children’s involvement in this decision and children’s agency. Ignoring the fact that some children make the decision to migrate independently or regardless of their parents’ will risks overlooking their agency. Even for the minors who did not initiate the migration decision themselves, recognizing their agency is important<sup>54</sup>. Their aspirations and decisions, before, during, and after their migration could be seen as some parameters of expression of their agency.

In summary, acknowledging children’s agency is vital. The definitions of “forced” or “separated” migration may present challenges regarding children’s

<sup>47</sup> Ibidem.

<sup>48</sup> H. Crawley, *When is a child not a child? Asylum, age disputes and the process of age assessment*, London: Immigration Law Practitioners’ Association 2007.

<sup>49</sup> O.E. Zachariadou, *The Experiences of Unaccompanied Minors before and during their migration to Greece*, M.A. Thesis, Institute of Education, University College London 2016.

<sup>50</sup> M. Dobson, *Unpacking children...*, pp. 355–360.

<sup>51</sup> See 49.

<sup>52</sup> O.E. Zachariadou, *The Experiences of Unaccompanied Minors...*; C. Laoire et al., *Children and young people on the move...*, pp. 129–134.

<sup>53</sup> See 49.

<sup>54</sup> M. Dobson, *Unpacking children...*, pp. 355–360.



agency but can also be beneficial for them. The fact that children can form judgments about the systems mentioned highlights their ability to shape and express opinions, aligning with the perspective that children should be studied as social actors with agency<sup>55</sup>.

### **The expression of agency and its link with rights**

The expression of agency is not limited to the ability to make choices<sup>56</sup>. There are several points that are related with minors' agency and its expression. In the case of unaccompanied minors, these expressions of agency can be observed through their decisions to migrate to Europe, their aspirations, their will, and even their actions, such as deciding to leave a shelter, choosing to participate in education, or pursuing employment opportunities<sup>57</sup>. The motives that drive their migration decisions, such as the desire to study, work to support their families, or seek opportunities in other European countries, are also part of their expression of agency. Arriving in Greece, some of them want to study, others try to work and earn money mainly for their families<sup>58</sup>, and others keep moving to other European Countries (legally or illegally)<sup>59</sup>.

Furthermore, these expressions of agency are linked to human (and children's) rights. Several rights relevant to the agency of unaccompanied minors include:

1. The right to participate in any decision affecting them (Article 12, Convention on the Rights of the Child, 1989).
2. The right to freely express their views and opinions (Article 12 and 13, Convention on the Rights of the Child, 1989; Article 18 and 19, Universal Declaration of Human Rights, 1948).
3. The right to education (Article 28, Convention on the Rights of the Child, 1989; Article 23, Universal Declaration of Human Rights, 1948).
4. The right to work (if above the legal working age), the right "to free choice of employment, to just and favorable conditions of work" (Article 26, Universal Declaration of Human Rights, 1948).
5. The right to "freedom of movement and residence within the borders of each State" and the right "to leave any country, including their own, and to return to

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<sup>55</sup> A. James, *Agency...*

<sup>56</sup> P. Mizen & Y. Ofosu-Kussi, *Agency as vulnerability...*, pp. 363–382; E. Chase, *Agency and Silence...*, pp. 2050–2068.

<sup>57</sup> M. Vervliet, B. Vanobbergen, E. Broekaert & I. Derluyn, *The aspirations of Afghan...*, pp. 330–345.

<sup>58</sup> See 57.

<sup>59</sup> UNHCR, The UN Refugee Agency, *The sea routine to Europe: The Mediterranean passage in the age of refugees*. Retrieved from: [http://www.unhcr.org/5592bd059.html#\\_ga=1.56135019.1921723804.1436135725](http://www.unhcr.org/5592bd059.html#_ga=1.56135019.1921723804.1436135725) (accessed: 30.12.2015).

their country” (Article 13, Universal Declaration of Human Rights, 1948), in accordance also with the laws of each country<sup>60</sup>.

These rights play a crucial role in safeguarding the agency and well-being of unaccompanied minors, ensuring their active participation, expression of views, access to education, and protection of their rights during the migration process. Recognizing and upholding rights is essential in supporting the agency of unaccompanied minors and promoting their overall welfare. The right of unaccompanied minors to participate in decisions that affect them and to freely express their views and opinions is of paramount importance and is closely linked to their agency<sup>61</sup>. Unaccompanied minors often make significant decisions, starting with the choice to migrate, deciding on their final destination, and making various other life-altering choices while being in the host country, for example where they are going to live, and whether they will work or not. These decisions can significantly impact their lives.

However, the ability of unaccompanied minors to exercise these rights may be limited, particularly in situations where their accommodation and living arrangements are concerned. For instance, while unaccompanied minors live in shelters, they may not have the freedom to choose their shelter or location directly. When the referral of accommodation is sent by protection staff (NGOs, other organizations etc.), the minors’ will is usually mentioned, but it is not guaranteed that the relevant department will take it into account. There are several reasons why these preferences may not be accommodated, which can be broadly categorized into three main areas:

1. Legal limitations: For instance, children who have broken the law may face limitations regarding the city where they could live.
2. Inability: There may be no available positions in shelters in a specific region at a given time.
3. Assessment of the Best Interest of the Minor: In some cases, child protection workers may have their own assessment of what is in the best interest of the minor, which may not always align with the minor’s preferences.

While minors may not be legally compelled to follow the decisions made by child protection staff, they sometimes choose alternative paths, such as refusing accommodation or leaving a shelter without notice. It is important to recognize that the right to express their views and opinions is a fundamental aspect of their agency and should be respected to the greatest extent possible within the legal and practical constraints that apply to their situation. It is essential to find a balance between their agency, their safety and well-being, while ensuring that their best interests are taken into consideration.

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<sup>60</sup> United Nations, Universal Declaration of Human Rights, 1948.

<sup>61</sup> IMPACT, *Training of Trainers UAC, Training manual for staff who work with or have the ambition of working with UAC*, Working with unaccompanied children: Improving resilience and agency, 2022.

The right to education and the right to work are fundamental human rights that are closely tied to the agency and aspirations of unaccompanied minors. These rights play a significant role in shaping their decisions and experiences, as unaccompanied minors often migrate with the aim of either economically assisting their families or continuing their studies<sup>62</sup>.

1. **Economic Assistance:** Many unaccompanied minors migrate to support their families financially. This might be due to economic hardship in their home countries or the need to contribute to the well-being of their family members. This can sometimes lead to them dropping out of school and leaving shelters to work. However, the ability to work may be constrained by factors such as the legislation of the host country regarding the employment of minors and the employment of immigrants and refugees. Culture and religion have an additional impact on this<sup>63</sup>. Some of these minors have never attended school before for reasons related to culture, gender<sup>64</sup>, and with the situation at the country of origin (an ongoing war, for instance). Examples of such differences include that some girls have never gone to school, some children have attended only religious schools, and others have spent most of their school years working in order to support their families.
2. **Continuing Education:** On the other hand, some unaccompanied minors migrate with the aspiration to continue their education. In some cases, cultural norms or gender-based barriers may have prevented them from attending school in their home countries. Even in their arrival countries, there are various obstacles to education for unaccompanied minors. These obstacles include the lack of reception classes at schools or/and other systemic barriers. Language barriers and a lack of prior formal education can also pose challenges when accessing the educational system in the host country.

Regarding their rights to “freedom of movement and residence within the borders of each State” and the right “to leave any country, including his own, and to return to his country”, these rights are often subject to legal limitations, especially in the case of unaccompanied minors who may be seeking to move between countries or within the host country.

1. **Freedom of Movement between Countries:** Various national and European laws and policies place restrictions on the movement of unaccompanied minors between countries. These policies aim to control migration flows. As many NGOs and Amnesty International<sup>65</sup> have highlighted, there is a lack of a secure

<sup>62</sup> Ibidem.

<sup>63</sup> See 62.

<sup>64</sup> L. Camfield & Y. Tafere, *Community understandings of childhood transitions in Ethiopia: different for girls?*, “Children’s Geographies” 2011, 9(2), pp. 247–262.

<sup>65</sup> Amnesty International, *Greece: Catastrophic Pylos shipwreck highlights desperate need for safe and legal routes to Europe*, URL: <https://www.amnesty.eu/news/greece-catastrophic-pylos-shipwreck-highlights-desperate-need-for-safe-and-legal-routes-to-europe/>, 2023.

- pathway to Europe which costs the lives of many women, men, and children every year.
2. **Freedom of Movement within the Host Country:** Unaccompanied minors' movements within the host country are also subject to legal limitations, especially when it comes to closed centers or areas close to the borders (several islands and an area close to northern borders). Legal registration, medical exams, and approvals are often required for transfers between shelters. Even in order to move to another minors' shelter, a written request and approval from the department managing requests for accommodation at the Ministry of Migration is needed. This indeed constitutes a highly perplexing process as legal registration and medical exams for undocumented people, especially in smaller provinces, take plenty of time. Also, when it comes to illnesses, not all treatments are available in all provinces of Greece. Even the transportation between shelters takes time to be scheduled and to be carried out by the relevant NGOs. In other words, the process can be time-consuming and complex, making it challenging for minors to move. However, it is worth mentioning that right now, in Greece, referrals from police, NGOs and from asylum services for those without shelter are accepted as soon as possible (even the same day) and the essential waiting period has been reduced since 2021.
  3. **Alternative Paths:** When requests for movement between shelters of minors are not approved, unaccompanied minors sometimes resort to alternative paths, including homelessness or attempting to apply again from different locations. There are several cases where unaccompanied minors leave the shelter where they live in order to become homeless and try to choose the shelter where they want to be moved to, initiating the process from ground zero. They may even move cities for that specific purpose. Moreover, children can refuse their placement to a shelter. In these cases, the children either stay where they currently reside (usually at the emergency shelters) or homeless. This demonstrates their determination to exercise their agency and make choices regarding their living arrangements.

## Conclusion

Summarizing, this paper provided a quite meticulous approach to the phenomenon of minors' migration and its causes and attempted to highlight that (unaccompanied) children have clear agency. This notion is not always taken into consideration and is often overlooked. The paper argued that it is crucial for the children's agency to be recognized and expressed. The agency of these children could be expressed via their voices, their silence, and their migration<sup>66</sup>, and it is interconnected with some of their rights.

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<sup>66</sup> P. Mizen, Y. Ofosu-Kussi, *Agency as vulnerability...*, pp. 363–382; E. Chase, *Agency and Silence...*, pp. 2050–2068.

This paper also attempted to link the agency of unaccompanied minors with their right to freely express themselves, to be educated, to work and to migrate. All the above relied on both relevant literature and empirical experiences. The right to education, work, and freedom of movement are closely tied to unaccompanied minors' agency and aspirations. However, these rights are often subject to legal, logistical, and systemic limitations, which can create complex challenges for unaccompanied minors as they navigate these rights in their host countries. Understanding these rights in the context of minors' agency and aspirations is crucial for providing appropriate support and protection to this vulnerable group.

Concluding, it is crucial for society, policymakers, and practitioners to understand the agency of unaccompanied minors and ensure that their rights are upheld and protected. Further research in this field is necessary to gain a deeper understanding of the experiences and needs of unaccompanied minors, and to ultimately contribute to a more comprehensive and rights-based approach to their support and well-being. Recognizing and respecting the agency of unaccompanied minors is not only a matter of human rights, but also a step towards ensuring their future success and integration to the host country. More research in this field could contribute to a deeper comprehension of the issue and to a better fulfillment of the agenda, needs and rights of these children.

## Bibliography

- Blerkô L. and Ansell N., *Children's experiences of migration: moving in the wake of AIDS in southern Africa*, "Society and Space" 2006, 24, pp. 449–471.
- Blerkô L. and Ansell N., *Participatory Feedback and Dissemination with and for Children: Reflections from Research with Young Migrants in Southern Africa*, "Children's Geographies" 2007, 5(3), pp. 313–32.
- Bushin N., *Quantitative datasets and Children's Geographies: examples and reflections from migration research*, "Children's Geographies" 2008, 6(4), pp. 451–457.
- Bushin N., *Researching Family Migration Decision-Making: A Children-in-Families Approach*, "Space and Place" 2009, 15, pp. 429–443.
- Camfield L. and Tafere Y., *Community understandings of childhood transitions in Ethiopia: different for girls?*, "Children's Geographies" 2011, 9(2), pp. 247–262.
- Chase E., *Agency and Silence: Young People Seeking Asylum Alone in the UK*, "British Journal of Social Work" 2010, 40, pp. 2050–2068.
- Committee on the Rights of the Children, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1). United Nations Convention on the Rights of the Child, 2013.
- Crawley H., *When is a child not a child? Asylum, age disputes and the process of age assessment*. London: Immigration Law Practitioners' Association, 2007.
- Crivello G., 'There's no future here': *The time and place of children's migration aspirations in Peru*, "Geoforum" 2015, 62, pp. 38–46.

- Dobson M., *Unpacking children in migration research*, "Children's Geographies" 2009, 7(3), 355–360.
- Eastmond M., *Nationalist Discourses and the Construction of Difference: Bosnian Muslim Refugees in Sweden*, "Journal of Refugee Studies" 1998, 11(2).
- Hernández M., *Migrating Alone or Rejoining the Family? Implications of Migration Strategies and Family Separations for Latino Adolescents*, "Research in Human Development" 2013, 10(4), pp. 332–352.
- Hopkins P.E. and Hill M., *Pre-flight experiences and migration stories: the accounts of unaccompanied asylum-seeking children*, "Children's Geographies" 2008, 6(3), pp. 257–268.
- IMPACT, Training of Trainers UAC, Training manual for staff who work with or have the ambition of working with UAC, Working with unaccompanied children: Improving resilience and agency, 2022.
- James A., *Agency* [in:] *The Palgrave Handbook of Childhood Studies*, eds. J. Qvortrup, W. Corsaro and M. Honig, New York and United Kingdom: Palgrave Macmillan, 2009.
- Kay E.M. Tisdall & Punch S., *Not so 'new'? Looking critically at childhood studies*, "Children's Geographies" 2012, 10(3), pp. 249–264.
- Laire C. et al., *Children and young people on the move: geographies of child and youth migration*, "Geography" 2012, 97, pp. 129–134.
- Mayall B., *Towards a Sociology for Childhood, thinking from children's lives*, United Kingdom and United States: Open University Press, 2002.
- Mizen P. and Ofofu-Kussi Y., *Asking, giving, receiving: Friendship as survival strategy among Accra's street children*, "Childhood" 2010, 17(4), pp. 441–454.
- Mizen P. and Ofofu-Kussi Y., *Agency as vulnerability: accounting for children's movement to the streets of Accra*, "The Sociological Review" 2013, 61, pp. 363–382.
- Nandy L., *The Impact of Government Policy on Asylum-seeking and Refugee Children*, "Children and Society" 2005, 19, pp. 410–413.
- Oppedal B. and Idsoe T., *The role of social support in the acculturation and mental health of unaccompanied minor asylum seekers*, "Scandinavian Journal of Psychology" 2015, 56, pp. 203–211.
- Qvortrup J., Corsaro W. and Honig M., *The Palgrave Handbook of Childhood Studies*, New York and United Kingdom: Palgrave Macmillan, 2009.
- United Nations, *Universal Declaration of Human Rights*, 1948.
- United Nations, *United Nations Convention on the Rights of the Child*, Geneva: United Nations, 1989.
- United Nations High Commissioner for Refugees, *Convention and Protocol Relating to the Status of Refugees*, Geneva: United Nations High Commissioner for Refugees, 2010.
- Vervliet M., Vanobbergen B., Broekaert E. and Derluyn I., *The aspirations of Afghan unaccompanied refugee minors before departure and on arrival in the host country*, "Childhood" 2015, 22(3), pp. 330–345.
- Wade J., *Preparation and transition planning for unaccompanied asylum-seeking and refugee young people: A review of evidence in England*, "Children and Youth Services Review" 2011, 33, pp. 2424–2430.
- Watters C., *Refugee Children: Towards the next horizon*, London: Routledge, 1956/2008.
- Webb E. et al., *The needs of children newly arrived from abroad*, "Current Paediatrics" 2005, 15, pp. 339–346.
- Wells K., *The strength of weak ties: the social networks of young separated asylum seekers and refugees in London*, "Children's Geographies" 2011, 9(3–4), pp. 319–329.
- Zachariadou O.E., *The Experiences of Unaccompanied Minors before and during their migration to Greece*, M.A. Thesis, Institute of Education, University College London, 2016.

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### Electronic resources

- Amnesty International*, <https://www.amnesty.eu/news/greece-catastrophic-pylos-shipwreck-highlights-desperate-need-for-safe-and-legal-routes-to-europe/>, 2023.
- Thompson I., *Dart Style Guide for Trauma-Informed Journalism, Draft Centre for journalism and Trauma*, <https://dartcenter.org/resources/dart-center-style-guide>, 2021.
- UNHCR, *Refugee Data finder*, <https://www.unhcr.org/refugee-statistics/download/?url=btJ7aO> (accessed: 9.12.2023).
- UNHCR, *The UN Refugee Agency, The sea routine to Europe: The Mediterranean passage in the age of refugees*, [http://www.unhcr.org/5592bd059.html#\\_ga=1.56135019.1921723804.1436135725](http://www.unhcr.org/5592bd059.html#_ga=1.56135019.1921723804.1436135725) (accessed: 30.12.2015).