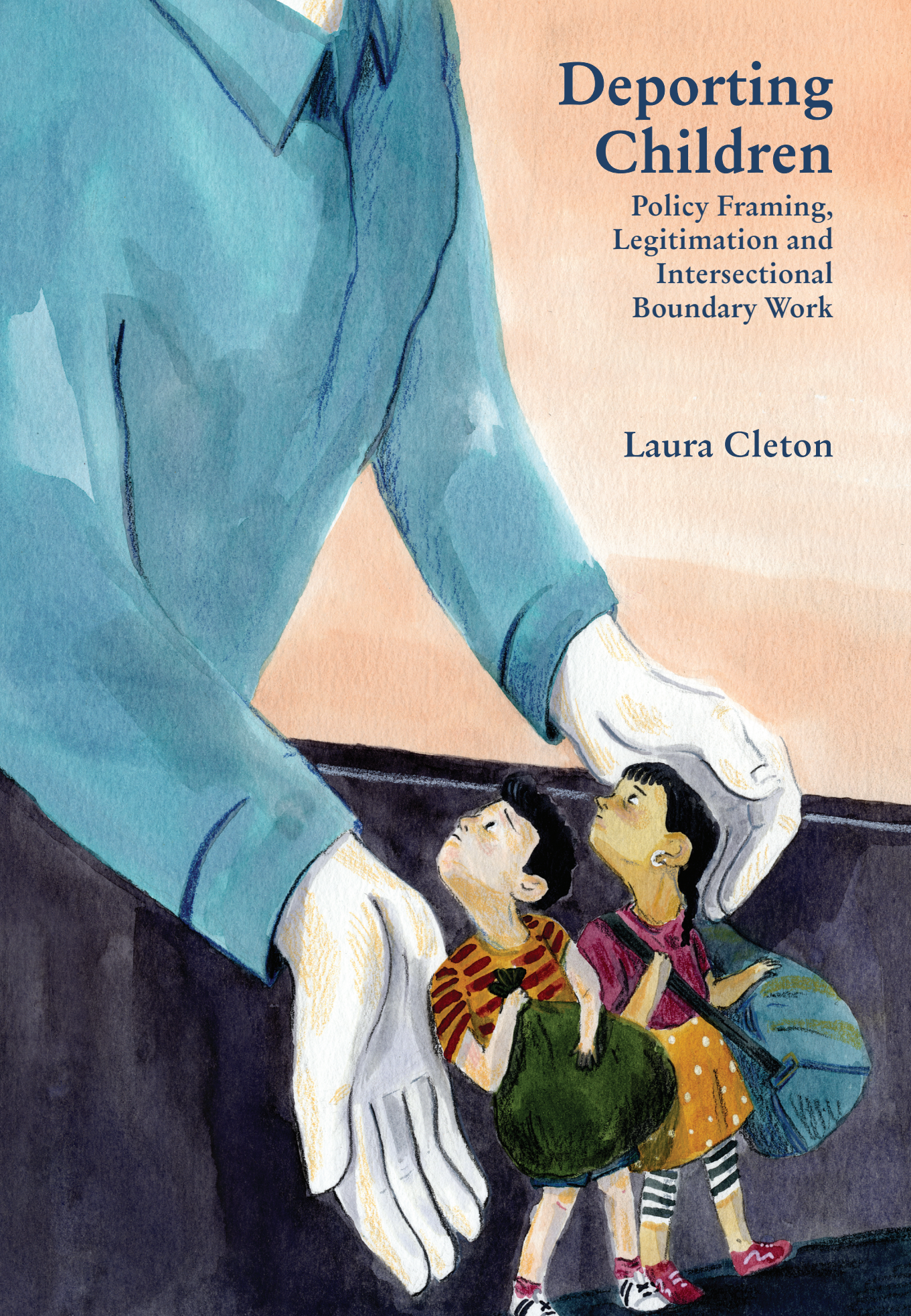# Deporting Children

Policy Framing, Legitimation and Intersectional Boundary Work

Laura Cleton

Deporting Children
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Contact: laura.cleton@maastrichtuniversity.nl

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Policy Framing, Legitimation and Intersectional Boundary
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Members of the doctoral committee

Prof. dr. Antje Ellermann (The University of British Columbia)
Prof. dr. Florian Trauner (Vrije Universiteit Brussel)
Prof. dr. Gert Verschraegen (Universiteit Antwerpen)

Members of the doctoral jury

Prof. dr. Bridget Anderson (University of Bristol)
Prof. dr. Jorg Kustermans (Universiteit Antwerpen)

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Abbreviations and acronyms

AMA	*Alleenstaande Minderjarige Asielzoeker*
AMV	*Alleenstaande Minderjarige Vreemdeling*
AVR	Assisted Voluntary Return
CFA	Critical Frame Analysis
CIRÉ	*Coordination et Initiatives pour Réfugiés et Étrangers*
COA	*Centraal orgaan Opvang Asielzoekers*
COVID-19	Coronavirus
CRC	Convention of the Rights of the Child
DJI	*Dienst Justitiële Inrichtingen*
DMB	*Directie Migratiebeleid*
DT&V	*Dienst Terugkeer en Vertrek*
DVZ	*Dienst Vreemdelingenzaken*
ERRIN	European Return and Reintegration Network
EU	European Union
FRONTEX	*Frontières extérieures*
IND	*Immigratie en Naturalisatie Dienst*
INGO	International Non-Governmental Organization
IO	Federal Immigration Office
IOM	International Organization for Migration
JRS	Jesuit Refugee Service
MP	Member of Parliament
NBMV	*Niet-Begeleide Minderjarige Vreemdeling*
NGO	Non-Governmental Organization
SEFOR	*Sensibilisering, Follow-up en Return*
TK	*Tweede Kamer*
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
WPR	'What's the Problem Represented to be'

List of figures and tables

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's-Hertogenbosch, May 2022

Introduction: Legitimizing the deportation of illegalized children

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Setting the stage: unequal mobility, membership and deportation

It is often assumed that mobility is one of the distinguishing characters of our modern, globalized world, demonstrated by the dramatically increased speed of movement of capital, information and people across the globe (but see Sharma 2020). Despite the proliferation of travel, international mobility remains an unequal and scarce resource that is not at everyone's disposal (Bauman 2002). Indeed, borders are rarely completely open or closed but function as 'filters' that selectively control mobility (Balibar 2002). A recent inventory by De Haas and colleagues (2016) empirically confirmed this selectivity: while policies that regulate international mobility have overall become less restrictive since World War II, mobility opportunities have been reduced for particular persons (categorized as 'irregular' or 'family migrants') and some policies have become stricter depending on the field (border and exit policies). Even more fundamentally, mobility as a resource is readily available to citizens of wealthy, democratic states in the Global North (Mau 2010), whereas people from the Global South face a form of coerced 'emplacement' (Malkki 1995) that immobilizes them. The transnational inequalities and the global social hierarchy that this 'global mobility regime' (Shamir 2005) produces are rarely seen as problematic. That is, immigration controls today are deemed crucial for nation states to exercise power over their territory and determine who belongs to the nation and who does not. Migration control measures indeed 'sustain the image of the world divided into national populations and territories, domiciled in terms of state membership' (Walters 2002, 282). They are, in other words, 'world-configuring' (Balibar 2002, 79): they regulate population movements and sort out who belongs where.

This dissertation investigates this ongoing management of the world's population into territories by focusing on deportation policies. Deportation, or the compulsory return of non-citizens to their country of nationality[1], is crucial in this process, as the act of relocation re-affirms the 'proper place' that individuals allegedly belong to (Anderson et al. 2011). At the same time, the very act of deportation has the potential to reveal the fragility of state membership (in the form of citizenship) as a marker of identification that 'advises state and non-state agencies of the particular state to which an individual belongs' (Hindess 2000, 1487). In this dissertation, I suggest that this becomes especially clear in the case of illegalized[2] children and their families, who often far from view live, work and dream alongside European citizens. It is only when the state seeks to effectuate its exclusionary sovereign power, by issuing a deportation order and

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1   This includes, without further specification, so-called 'voluntary returns'. While the way in which return decisions are enforced might differ – based on a combination of carrot-and-stick measures, by resorting to brute force, or something in between – they all have in common that there is no legal alternative for migrants to stay, and hence no way to make a genuine voluntary decision (Erdal and Oeppen 2022).

2   Throughout the dissertation, I use the term 'illegalized' to highlight the institutional and political processes that render certain immigrants as 'illegal'. When appropriate, especially to make distinctions that have important legal consequences, I will refer to this group by using legal categories that stem from the EU Return Directive, such as 'unaccompanied minors', 'minors' and 'families'.

preparing for their removal, that the wider public may become aware of the far-reaching implications of 'migrant illegality'. Indeed, the state-induced 'deportability' (De Genova 2002) of illegalized children and their families has occasionally sparked controversy and public outcry in Belgium and the Netherlands, the two countries under study in this dissertation, resulting in severe conflict and contestation on its cruelty and harshness. In Belgium, Eugène Djangmah (18) was arrested by the police late 2017 after a fight erupted at a boy scout party he attended. While Eugène was not involved in the actual fight, the police nevertheless asked for his ID-card and subsequently took him to a nearby detention centre in Edegem when he could not show one. Eugène had only recently turned 18 and had lived in the city of Antwerp for ten years, after his family left Ghana and unsuccessfully applied for international protection. Upon his release from the Edegem detention centre three days later, the *Dienst Vreemdelingenzaken* (Foreigners Office) gave Eugène thirty days to file for legal residency on his own behalf, based on his 'integration' in Belgium rather than his father's dossier. During this period, Eugène's soccer and scouts' friends organized a large solidarity action in Antwerp's city centre: videos of hundreds of protesters, loudly singing the well-known soccer anthem 'You'll Never Walk Alone' went viral and sparked a wider campaign opposing Eugène's possible removal. His friends also collected money to pay for the costs of a lawyer by starting a crowdfunding action and selling pancakes, initiated a petition calling for Eugène to be allowed to stay, and spoke to Flemish media outlets about Eugène's voluntary work at the local soccer club, his steady academic performance at school, his wide social network and his innocence with regard to the situation that he ended up in. In early 2018, the Belgian government accepted Eugène's application for legal residency, and one-and-a-half years later, his sister and mother also received their temporary residence permits.[3]

Around the same period, a nationwide debate in the Netherlands had erupted on the pending deportation of Lili (12) and Howick (13): two Armenian minors who had lived in the Netherlands since 2008. They would eventually come to embody the government's strict handling of the existing *Kinderpardon* (Child pardon): a set of regulations that could grant a residence permit to long-term resident illegalized children which, however, in practice was rarely awarded. The children were born in Russia and although they and their mother were officially Armenian citizens, they had never been to Armenia, nor did they speak the language. After a procedure that lasted nine years in total and included requests for international protection and legal stay based on the *Kinderpardon*, the Dutch government finally sought to remove the family in 2017. That summer, Lili and Howick's classmates, friends, church members and other acquaintances made a last-minute attempt to prevent their deportation by seeking publicity, organizing protests and helping the children to go into hiding.[4] On the morning of their planned transfer

3   Het Laatste Nieuws (2017). '400 mensen betuigen steun aan Eugène Djangmah (18)', 13 November 2017; Taelman, J. (2019). 'Ook verblijfsvergunning voor mama en zusje Eugène; Goed nieuws voor vluchtelingenfamilie uit Ghana'. *Gazet van Antwerpen*, 21 October 2019.
4   Van der Boom, I. (2017). 'Stad in de bres tegen uitzetting Lili en Howick'. *BN De Stem,* 14 August 2017.

to Zeist detention centre, to await their forced removal from there, the mother refused to disclose her children's location. Consequently, on August 14, she was deported to Armenia while the children remained in the Netherlands as so-called 'unaccompanied minors'. Lili and Howick were sent to live with Dutch foster parents whom they affectionately called their grandparents. A coalition of NGOs simultaneously started a nationwide campaign addressing the situation of illegalized migrant children in the country, arguing that 'They are already at home' (*Ze zijn al thuis*). After weeks of intense contestation over the planned deportation to Armenia, during which the children appeared on national television, they went underground for a second time to prevent their scheduled deportation. That Saturday, September 8, the police asked the public for help to look for the two via social media – a request widely met with anger and astonishment. That afternoon, the State Secretary of Justice and Security decided to grant Lili and Howick discretionary legal stay, based on concerns for their security. This case initiated two years of further public debate on the strict conditions of the *Kinderpardon*, including a critical documentary by popular filmmaker Tim Hofman, a nationwide petition signed over 250,000 times and deep political disagreement among the four governing parties. Eventually, the *Kinderpardon's* strict conditions were temporarily relaxed, but the arrangement as well as the State Secretary's discretionary power would entirely disappear in the long term.[5]

These are just two of the cases that have recently appeared in the Belgian and Dutch media detailing the dire situation of illegalized migrant children. While Eugène, Lili and Howick eventually acquired residence permits and continue to live in Europe with their families today, many other children are deported annually – regardless of whether they speak the language or have ever visited their 'country of origin'.[6] These cases highlight the opposition there can be to deportation, especially if it targets children who are seen as belonging to their state of residence (Anderson 2013). Ellermann (2006) argues that such contestation most often takes place at the level of policy implementation: when the public is confronted with the human face of deportation, attitudes towards removal become more sensitive to the claims of those the state seeks to expel. Seeing the implications of these policies can be unsettling, especially in political cultures where values of physical integrity, proportionality and individual liberty are well-respected. Building on Ellermann's work, this dissertation conceptualizes the contestation that Eugène, Lili and Howick brought about as stemming from deportation policy's lingering 'legitimacy deficit'. Such a deficit, in short, may arise when the state's authority over 'the

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5   Lievisse Adriaanse, M. and B. Rijlaarsdam (2019). 'Coalitie akkoord over kinderpardon'. *NRC,* 30 January 2019.
6   While providing numbers on return and removal is a contentious exercise, relevant government bodies provided the following information on the amount of 'voluntary' and enforced returns involving minors (unaccompanied and accompanied) upon request by the author. In Belgium, Fedasil and DVZ 'assisted' a total of 1144 minors between 2019-2021 with 'voluntary return'. In the same period, DVZ forcefully removed 5 accompanied minors. In the Netherlands, DT&V 'assisted' 1710 minors between 2019-2021 and forcefully removed another 220 minors. Dutch numbers are rounded to tenths. For further information on these numbers, please contact the author.

legitimate means of movement' (Torpey 1998) is called into question: when its audience no longer believes that the decisions made, and rules enacted by the state are in some way 'right' or 'proper' and ought to be followed (Bottoms and Tankebe 2012). Since having legitimacy is of crucial importance for power-holders, especially when they need to resort to coercion to effectuate their policies, this dissertation aims to disentangle how states cultivate the authority to exercise power over others. It empirically investigates how states that seek to deport illegalized children 'justify to themselves or others the actions they are taking and identities they are expressing or claiming' (Barker 2003, also in Rojo and van Dijk 1997). In doing so, this dissertation addresses the following research question:

How do states legitimize the need for deporting illegalized migrant children?

The dissertation provides an answer to this question in four empirical chapters, which each look at techniques and narratives of 'legitimation' at the frontstage or backstage (Goffman 1959) of politics, directed at different audiences. Chapters Two and Five consider the state's 'justificatory talk' (Rojo and van Dijk 1997) at the frontstage of politics, when it is directly confronted with societal protest, civil society organizations, researchers, journalists and others who inquire about the workings of the deportation apparatus. These chapters ask what narratives and techniques actors involved in deportation policy formulation and implementation put forward to publicly assert their authority to exercise forced removal. Chapters Three and Four shift our empirical gaze from the frontstage to the backstage of politics and look more closely at the 'internal life' of policy making and implementation. By questioning how deportation actors discursively position illegalized migrant children as 'suitable for expulsion' (De Genova 2020), these chapters consider the narratives power-holders tell themselves in their day-to-day work. Chapter Six, finally, includes a methodological contribution to the study of migration policy following my efforts to analyze deportation policy by relying on intersectionality, which I will introduce below.

In the remainder of this introduction, I will first provide background to the state's authority over the 'legitimate means of movement' (Torpey 1998) and the use of coercion that underpins such regulation. Then, I will conceptualize deportation policy's lingering legitimacy deficit and outline how immigrants, readmitting states, the wider citizenry and power-holders themselves respond to it. I will show that, although studies in recent years have made progress in understanding how power-holders justify the need to deport non-citizens, the former have done so without differentiating *within* the group of illegalized immigrants. This is problematic, as we know that 'different immigrant populations are subject to the logic of deportation through an increasingly sophisticated, expansive and complex suite of programmes that [...] target groups in very specific ways' (Newstead and Frisso 2013, 378). I will show that we have at least three reasons to expect that the situation of children particularly reveals the (moral) difficulties that accompany deportation: the demands of human rights law, and children's

rights in particular, children's claims to belonging and membership, and as a result of the imaginary of children in the Global North. It is for these reasons that children pose a particular 'critical test' for governments who seek legitimacy for their exclusionary policies. As we to date have surprisingly little empirical evidence of the ways in which they do so, this dissertation sets out to fill that gap. I will then introduce the conceptual framework that has helped me to disentangle the role of children's social identity and behaviour in efforts to justify deportation, which I especially explore in Chapters Three and Four: intersectional boundary work. While this approach is more common in the study of immigration policy making and implementation (e.g. in Bonjour and Duyvendak 2018, Elrick and Winter 2018, Korteweg 2017), it is seldom applied to policies that attempt to regulate exit (but see Rezzonico 2020). Afterwards, I will elaborate on my case selection, research methods, data and analysis. I will end by providing an outline of the dissertation.

Deportation policy's lingering legitimacy deficit

The liberal state's monopoly on the legitimate means of movement

Deportations are conceived of as a necessary feature of the right of sovereign states to control the entry and stay of individuals on their territory. The 1648 Peace of Westphalia is often cited as the moment when the modern state system – with national territory and sovereignty closely knit together – came into being (e.g. in Mau 2010). Instead, de Carvalho and colleagues (2011) convincingly show that the Peace of Westphalia in fact constituted a step *back* from an already established idea of state sovereignty. The modern state system gradually came into being from the 16th century onwards as a result of several economic, religious and military developments that undermined the feudal, Christian order and replaced it with a new way of organizing European politics.[7] This modern state system features a strict division between domestic and international space, with great capacity for states to secure control of resources and people on their territory. State control over the 'legitimate means of movement' (Torpey 1998) – the ability to control who enters, resides and leaves the territory – thus arose gradually and did so in parallel to the state's monopolization of the legitimate means of violence (Weber 1978). Human mobility had been regulated for centuries in the ages before, albeit by particular social groups and private entities that were until then constituted as authoritative (Torpey 1998). The particular way in which mobility was controlled, and for what purposes, has changed over the last centuries. Under empire, imperial states went to great lengths to prevent people exiting imperial territory, while they at the same time forcefully moved colonized peoples for labour or fight purposes (Sharma 2020). This focus on preventing exit was gradually replaced by a focus on preventing the entry of non-nationals, most

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7   I am indebted to Jorg Kustermans for pointing me to the historiographical discussion on the Peace of Westphalia.

clearly from the early 20th century onwards and accelerated during decolonization. This was made possible by the creation of elaborate bureaucracies and systems of registration using passports and identity cards (Torpey 1998). As modern nation states also claim a right to determine for themselves who their citizens are, individuals can hardly escape the linkages made between 'identity' (qua citizenship status) and the regulation of international movement via identification documents. As Sharma (2020, 92) aptly describes, this shift has had enduring consequences for international mobility today: 'by requiring that "aliens" possess identification papers marking themselves as such, these documents solidified the idea that states were distinct, enclosed "societies" which "must be defended" from Migrants (Foucault 2003)'.

Modern-day nation states and the international state system have grown increasingly reliant upon making strict demarcations between mutually distinct bodies of citizens, which becomes immediately acute when states wish to regulate movement across external borders. One of their crucial tools for doing so, deportation, is widely propagated today as a mere 'administrative practice' (De Genova and Peutz 2010) that returns people to the society where they allegedly belong. While the control and confinement of movement through deportation might thus be consistent with the territorial nature of sovereign nation states, it is underpinned and kept in place by the threat of coercion that originates in the state's monopoly on legitimate violence (Weber 1978). Yet, in liberal states such as Belgium and the Netherlands, sovereign coercive power is 'self-limited' as a result of their 'liberalness' (Joppke 1998). Liberal states, according to Mau (2010, 341), are best understood 'as states organized around liberal principles such as freedom of choice for individuals and collectives, individual liberties, a distinction between public and private, the rule of law and individual rights, and a market economy'. Their very nature ensures that states cannot simply impose exclusive and rigorous border controls. It implies, inter alia, that liberal states need to attempt to minimize the use of outright coercion as a strategy of first choice (Gibney 2013a). In the context of deportation, liberal values such as human dignity, individual freedom and proportionality may indeed clash with the exercise of coercive sovereign power (Ellermann 2009, Paoletti 2010). Such self-limitation is particularly apparent in states deciding to sign international human rights declarations, and in the development and application of these by (domestic) courts. Deportation is at the same time also resource intensive, targets clearly identifiable individuals and, as we have seen, risks unleashing societal opposition and resistance (Gibney and Hansen 2003, Rosenberger and Winkler 2014). Taking this into account, liberal states will in principle first seek voluntary compliance with deportation orders.

Despite the intrinsic limits that liberalism poses, political scientists have at the same time documented the rise of 'the deportation state' and argued that deportation becomes an increasingly normalized tool for states in their efforts to curb and control migration (Gibney 2008). While at the beginning of the twentieth century, the deportation of unlawfully residing residents and their families was commonly considered unacceptable, it had become 'utterly banal' at the end of the same century (De Genova and Peutz 2010). This shows all the more how globalization is also a process of 'closure, entrapment

and containment' (Shamir 2005, 199) that is equally concerned with the prevention of movement and blocking of access. Shamir (2005) argues that the regulation of movement in times of globalization is predicated on a paradigm of suspicion that constructs individuals and groups as having suspect identities related to risks of immigration, terrorism and crime. Deportation, then, was increasingly positioned as a legitimate response to protect the nation from such threats and ensured the integrity of the asylum system for bona fide travellers (Gibney 2013a). To nevertheless avoid the constraints that liberal procedural norms pose, policy officials innovate in the policy realm to counter the opposition from the aforementioned anti-deportation campaigns and convince states which are reluctant to accept their nationals to cooperate (Gibney 2008, Ellermann 2009). One well-documented way in which states do this is by relying on so-called 'assisted voluntary return' (AVR) schemes that offer illegalized immigrants pre-departure counselling, shelter, financial and in-kind incentives and post-arrival assistance conditional on their return (Lietaert et al. 2017, Cleton and Schweitzer 2021). On the one hand, these schemes are intended to incentivize illegalized migrants to return, and, on the other, also function as a way to instil a sense of control and choice on return in deportable immigrants, supposedly empowering them to decide whether to leave or stay. This process of obtaining normative compliance conceals the contradictions that deportation presents to the logic of the liberal state, as return is allegedly 'freely chosen' (Cleton and Chauvin 2020). Such normative compliance, various political scientists argue, is of crucial importance for power-holders to gain legitimacy for their authority, as it contributes to the stability of political regimes (Beetham 1991, Barker 2001).

Legitimating state authority: audience legitimacy

Max Weber (1978) famously theorized the state as a ruling political institution that, within a given territory, successfully upholds the claim to a monopoly over legitimate use of violence while enforcing its order. As we have seen, Torpey (1998, 256) added that in order to fully make sense of the modern state, it is equally important to point to its expropriation of the 'legitimate means of movement': its ability to regulate population movements and sort out who belongs where. The state's authority to enforce this order, whether by using violence or not (see Adamson 2016), is characterized as legitimate when the people subject to it 'believe that the decisions made and rules enacted by that authority or institution are in some way "right" or "proper" and ought to be followed' (Bottoms and Tankebe 2012, 124). Weber conceived of legitimacy primarily from the perspective of those that authority is exercised against, which Bottoms and Tankebe (2012) call *audience legitimacy*. This audience is not uniform, but rather comprises multiple audiences that might have significantly different priorities, which power-holders need to accommodate. Weber maintains that in modern states, compliance with acts of domination is mostly based on legal-rational grounds: the belief that rules and rule enforcement are formally correct and drafted in a legally right manner (Gerth and Mills 1948, 294). Yet, disputes on the rightness of power are not just about whether power-holders are legally entitled to exercise it but also involve disagreements about

whether the law itself is justifiable in a given time and place. In his famous critique of Weber, Beetham (1991, 11, emphasis in original) argues that 'a given power relationship is not legitimate because people believe in its legitimacy, but because it can be *justified in terms of* their beliefs'. While this seems like a fine distinction, it is a crucial one, as only the latter captures the idea that legitimacy from the perspective of citizens is 'an assessment of the degree of congruence, or lack of it, between a given system of power and the beliefs, values, and expectations that provide its justification' (ibid.). It follows from Beetham's conceptualization that in situations where the appropriate normative beliefs and expectations that should sustain a claim to legitimate authority lack social anchoring, or are not realized in practice, we speak of a 'legitimacy deficit'. In such situations, severe challenges to the normative foundation of the state's authority to rule exist, which are anchored in judgements about what is deemed 'right' or 'wrong' (Rojo and van Dijk 1997, Ellermann 2006, Vega 2018).

In the literature on deportation, audience legitimacy is studied from the perspective of three main audiences: illegalized immigrants subject to detention and deportation (Ryo 2013, Bosworth 2014, Hasselberg 2015, Van Houte et al. 2021), readmitting states which are asked to cooperate on deportation (Ellermann 2008, Leerkes and Kox 2017) and the wider citizenry (Ellermann 2006, Ruedin et al. 2018). The first set of studies generally find that illegalized immigrants, especially while confined in detention, question the legitimacy of migration enforcement and its outcomes. It is well documented that detainees experience detention as painful and believe that it is a disproportionate punishment for a minor violation of administrative migration law, and a double punishment if followed from a previous conviction for violating criminal law (Gibney 2013b). Experiencing detention causes immigrants to reject the legitimacy of migration control, which in many cases results in resistance to comply with migration control regulations (Leerkes and Kox 2017). Outside of the detention context, Ryo (2013) shows based on survey data that Mexican nationals who critically assess the US government's right to control their mobility are more likely to cross the border without government consent. Interview-based studies in the UK and the Netherlands (Bosworth 2014, Hasselberg 2015, van Houte et al. 2021) found that migrants especially voiced disagreement with the final verdicts in immigration procedures: they contest the dominant ways of deciding who is eligible for legal residence, and the authority of states to decide on this in the first place. Van Houte and colleagues (2021) show that the narratives on which immigrants base these claims can broadly be divided into two categories: grounded in denationalized claims of citizenship and belonging to the Netherlands, or cosmopolitan grounds for inclusion. Van Meeteren and Sur (2020) find that illegalized African and Asian immigrants in Belgium assess their presence as legitimate, due to the colonial legacies of their countries of citizenship with Belgium in particular, or Europe in general. The repertoires used by illegalized immigrants thus seem to be tied to their individual situations, including length of stay (Van Houte et al. 2021) and whether or not they have a criminal record (Hasselberg 2015).

A second audience that challenges the state's desire to deport non-citizens are so-

called 'readmitting states', which need to agree on the return of their nationals. Research has documented for more than two decades now that the refusal of governments to cooperate in the control efforts of deporting states is a crucial factor in the deadlocking of deportation procedures. At the root of this is a fundamental conflict of interest between deporting and readmitting states, which includes the possible tensions that can arise between the latter and their diaspora (Adam et al. 2020), a loss of remittances and difficulties with reintegrating citizens who have been abroad for extended periods of time (Ellermann 2008). Resistance towards cooperation will especially be high, according to Ellermann (ibid.), when migration control policies are formulated unilaterally and do not recognize the costs that deportation would place on readmitting states. Trying to compensate for these with financial incentives has proven to be insufficient, in contrast to the prospect of visa liberalization or admission to EU membership (Wolff 2014, Kruse and Trauner 2008). El Qadim (2014) instead emphasizes that the EU's dependency on these states, such as Morocco, has provided them with a bargaining chip and translated to their empowerment (Cassarino 2010) on the international stage. While these studies thus predominantly point to the socio-economic conditions that might impact readmitting states' willingness to cooperate, little evidence has been collected so far on normative reasons for (non-)cooperation. Leerkes and Kox (2017) hypothesize that just as for illegalized immigrants themselves, states may critically assess the fairness of migration control policies, which in turn could be among their reasons for non-cooperation. Cham and Adam (2021) found evidence in this direction in their study on the politicization of deportation in the Gambia: Gambians challenged the pressure to cooperate on deportations through a 'postcolonial resistance frame', denouncing Africa's continued racial subjugation to Europe in world politics.

Third, the wider public and citizenry is a relevant audience for states to dialogue with. To be sure, this is a largely heterogeneous group that consists of individuals and groups that are involved in anti-deportation protests and solidarity actions for illegalized migrants, those holding anti-immigration values and everything in between. Public opinion research reveals that anti-immigration sentiment has increased across Europe over the last three decades (Rea et al. 2019, see also Gilligan 2015 for a discussion). For the issue of deportation in particular, however, we can expect this to be different for two reasons. First, attitudes towards immigration are often measured by referring to 'immigration' in general, that is, without specifying 'who' we are exactly taking about (Blinder 2015) and by referring to immigrants as a group rather than individuals (Haynes et al. 2016, 12). We at the same time know that citizens tend to be more supportive of individual immigrants than of immigrants as a group (Van der Burg et al. 2015). Since deportation at its point of application is a 'radically atomizing and individualizing event' (De Genova and Peutz 2010, 23) – it intrinsically directs attention to individuals as collective expulsions are forbidden under international law – it automatically reveals the hardship that individuals face. Attention given to individual immigrants who are facing deportation thus gives the harsh consequences of strict migration control a 'humane face' (Rosenberger and Winkler 2014). Second, attitudes towards immigration shift along the policy cycle.

Ellermann (2006, 296-297) convincingly shows that once the implementation of stringent migration control policies gets underway, 'the public is confronted with the predicament of these immigrants, such as families with small children who are socially integrated and contribute to community life, deportation begins to offend their sense of justice'. Thus, when the wider public learns about an individual who is about to be deported, public support for the unconditional implementation of strict immigration and asylum policies is likely to be eroded. While many illegalized immigrants suffer far from the public eye, the feelings of unease and moral outrage spurred by high-profile cases such as those described at the start of this introduction, can lead to successful mobilization and result in broader public attention (Statham and Geddes 2006, Ellermann 2009, Freedman 2011, Ruedin et al. 2018). The power of such opposition is thus primarily moral in nature, as it denounces deportation as an unjustifiably harsh state intervention (Ellermann 2006) that does not fit with citizens' core beliefs and values. In this way, the latter may directly challenge the legitimacy of state authority.

Legitimating state authority: power-holder legitimacy

While audience legitimacy is thus fundamental for states to gain recognition of their authority and right to rule, Bottoms and Tankebe (2012) argue that it is equally important to study legitimacy from the perspective of power-holders themselves. Bottoms and Tankebe (2012, 128) understand power-holders in a somewhat narrow manner, as 'those in a position to issue commands'. While I acknowledge that power exceeds the governmental arena and is held by non-governing actors (see e.g. Foucault 1977; 1978), in this dissertation I adopt the term to denote actors operating within and in cooperation with government on deportation. Empirical studies on such *power-holder legitimacy* are generally scarce, but nevertheless important for two reasons. First, power-holders do not simply expect that others will obey them, which makes them 'attempt to establish and to cultivate the belief in its legitimacy' (Weber 1978, 231). Bottoms and Tankebe (2012; 2013) therefore propose that we should conceptualize the legitimacy of power-holders' authority as meriting an ongoing dialogue. Cultivating legitimacy, which I from now on will refer to as 'legitimation', is an 'observable human activity in which rulers engage' (Barker 2001, 23), that begins with power-holders making a claim on their right to rule. As that claim is responded to by one or more audiences, power-holders may in turn adjust their claim in the light of the response, and so on. This is especially important in previously mentioned situations of legitimacy deficits: it is a significant test for power-holders when it becomes clear that a relevant audience has rejected one or more aspects of their initial claim to legitimacy. Rojo and van Dijk (1997) and Boltanski and Thévenot (2006) likewise call attention to such 'crisis moments' or 'tests' that spur the necessity for power-holders to put forward revised legitimacy claims. These are designed to restore the normative foundation of their work and may require adjustments in their own understanding of their right to rule (Bottoms and Tankebe 2012). Investigating how power-holders respond to these 'tests' is thus important if we seek to understand the way they legitimate their authority to deport illegalized migrant children. In this

dissertation, I primarily do this in Chapters Two and Five, in response to societal protest and researchers' requests to inquire about the day-to-day practices of the deportation apparatus.

Secondly, before being able to make claims to others about their legitimate right to rule, power-holders also need to justify their authority to themselves (Barker 2001, Smith 2009). Weber already pointed to the importance of power-holders' 'self-legitimation' when arguing that people with power and privilege not only seek to legitimate their status to those lacking it but must also persuade themselves that their authority is deserved and rightful (Gerth and Mills 1948). We can thus conceptualize power-holders' self-legitimation as a necessary precondition for legitimacy dialogues, and correspondingly to successfully acquire audience legitimacy. Beetham (1991, 35) argues that power-holders will maintain their authority by 'respecting the intrinsic limits set to their power by the rules and the underlying principles on which they are grounded': legitimate power, is limited power (see again Joppke 1998). Bottoms and Tankebe (2012), in contrast, follow Weber by pointing to the necessity of 'ideological work' to cultivate legitimacy. As with audience legitimacy described above, they argue that a belief in legality alone is not enough: power-holders must also cultivate their self-legitimacy with reference to the beliefs shared by them and their audience. Such a belief is made manifest in the actions that power-holders take, including their speech, writing, ritual and display (Barker 2001). Several others similarly point to the importance of centring narratives, stories and discourse when empirically examining power-holders 'justificatory talk' (Rojo and van Dijk 1997; also in van Leeuwen 2007, Ugelvik 2016, Ochoa et al. 2021). Van Leeuwen (2007) has done this most extensively by proposing a fourfold structure of discursive legitimation strategies in which power-holders engage: by referring to tradition, custom and law (authorization), value systems (moral evaluation), the goals and uses of institutionalized social action (rationalization) and telling stories about what good or bad may happen when one does or does not do what is expected (mythopoesis). I consider the narratives that actors involved in the deportation of illegalized migrant children tell themselves in Chapters Three and Four, where I question how they help to discursively position the latter as 'suitable for expulsion' (De Genova 2020).

Previous studies that investigate power-holder legitimacy have done so from the perspective of what Bottoms and Tankebe (2012) call 'elites', such as ministers, members of parliament (MPs) and policy officials, but predominantly examine 'junior power-holders' such as street-level bureaucrats and border guards. In both cases, when faced with a legitimacy deficit, powerful actors will seek normative approval of their policies and actions by showing that the latter are consistent with society's moral order (Rojo and van Dijk 1997). The contours of this moral order were severely debated in Germany and the UK in the 1970s and 1980s, when parliamentarians questioned whether deporting Commonwealth citizens, guest workers, and HIV-positive immigrants could be ethically justified (Koch 2014). From the 1990s onwards, these concerns would increasingly be replaced by a focus on overcoming practical obstacles and countering instances of public and judicial opposition. While Koch (2014) thus illustrates how elite power-

holders navigate the moral difficulty of deportation, the literature pays most attention to junior power-holders as they fulfil a key role in overcoming deportation's legitimacy deficit. This is the case because political regimes cannot survive a collapse of legitimacy among their own personnel: 'when subjects lose faith in rules, government becomes difficult. When rulers lose confidence in themselves, it becomes impossible' (Barker 2001, 68). Street-level bureaucrats who implement migration control policies are often faced with polarized political debates, complex laws and regulations, and the hardships that deportation causes for the immigrants involved (Ellermann 2006, Gibney 2013b, Lindberg and Borrelli 2019). As a result of this, they have to respond to the critiques they face, despite their work being legally and procedurally sanctioned (Ugelvik 2016).

Studies highlight how junior power-holders legitimate their work alongside a duality of 'compassion and repression' (Fassin 2005). In her study on US border guards, Vega (2018) for example details that they feel a disjuncture in their day-to-day work, as they need to balance the prevailing securitization of migration in political rhetoric with the demographic reality of asylum seekers and families whom they are tasked to intercept. The securitization of migration implies that security has become the central trope referred to when justifying strict migration control policies, as it 'delegitimate[s] the presence of immigrants, asylum-seekers and refugees' (Huysmans 2000, 753, also Bigo 2002, Shamir 2005). This discrepancy spurs the need for officers to put forward justificatory scripts that re-establish their moral authority and the legitimacy of their organization. Vega finds that border guards' narratives are based on a dual strategy that disputes immigrants' morality by criminalizing them and at the same time affirms their own morality as compassionate workers. The criminalization of migration can be seen as part of a broader securitization logic (Aliverti 2013), to denote the increasing perception of immigrants as threats to the security and welfare of hosting societies. This partially results from the close alignment between criminal law and migration law, which symbolically marks illegalized migrants as threatening and dangerous: potential criminals, cheats and abusers that citizens should be protected against (Bosworth 2008, Bosworth and Guild 2008, Barker 2013, Ugelvik 2016). Other studies found that junior power-holders display indifference towards illegalized immigrants (Bosworth 2019), dehumanize them (Antony 2019) and emphasize their noncompliance with migration law, placing the full responsibility for such behaviour on them and curtailing coercive state violence that spurred such noncompliance in the first place (Ugelvik 2016). Noncompliance, according to Borrelli (2021) justifies the strict enforcement of deportation policies, exemplified by practices of 'unannounced deportations'. These images of threatening and criminal individuals are known to be severely racialized and gendered (Gray and Franck 2019, Rezzonico 2020, but see Antony 2019) and provide the basis for harsh treatment.

The criminalization of illegalized migrants is reinforced by a logic of exceptionalism, which allows certain illegalized immigrants less coercive treatment based on perceptions of deservingness. Borrelli (2020b) for example details how migration officers in Latvia, Lithuania, Sweden and Switzerland rely on ideas of 'suspicion' to facilitate their day-to-day work, and by doing so demarcate undeserving, trickster 'economic migrants' from

deserving and docile migrants. She concludes that these discourses of deservingness stress exceptional attributes that might make a subgroup of illegalized immigrants meriting relief or better treatment, but that they at the same time reinforce 'the rules of the game' and stigmatize illegalized immigrants who cannot live up to these ideals (see Nicholls et al. 2016 for undocumented youth, Chauvin and Garcés-Mascareñas 2014 for theoretical elaboration). Others like Vega (2018) emphasize how the criminalization of migration goes hand in hand with a narrative that portrays caseworkers as compassionate and empathetic, trying to do their job in the most humane and engaged way possible. In Fassin's (2005) original work, compassion for illegalized immigrants was mainly displayed by actors from whom we might expect it, such as social workers, civil society actors and doctors. Yet, critical migration and border scholars have increasingly critiqued compassion as displayed by immigration officers, border guards, and detention staff. They argue that the actions of these workers aim at controlling and limiting mobility intertwine with a humanitarian 'politics of compassion' (Fassin 2012) that directs our attention to the suffering of others, spurring compassion and assistance on the part of the spectator. Such humanitarian border control occurs when humanitarian scripts fuse with security interventions at the border, framing immigrants both as *at* risk and *a* risk in need of both care and control (Aradau 2004, Pallister-Wilkins 2015). This humanitarian discourse, in turn, justifies a variety of migration control efforts and makes it seem that migrants' safety and well-being and state sovereign exclusion are mutually attainable goals. For deportation specifically, authors have sporadically identified 'moral work' that includes displays of compassion (Lindberg and Borrelli 2019) and humanization (Kalir 2019b) towards migrants. They argue that such moral work functions as a way for caseworkers to foster their self-image as humane and sensitive civil servants (Kalir 2019b), thereby restoring the normative foundation of their work (Vega 2018). The aforementioned assisted voluntary return programmes are particularly well known for their intertwinement of care and control (Vandevoordt 2018, Bendixsen 2020, Crane and Lawson 2020, Fine and Walters 2021, Robinson 2022).

Altogether, this literature review shows that in contemporary liberal states, the state's authority to deport non-citizens is prone to criticism and while legally permitted, in need of continuous legitimation. Following Weber (1946), this does not come as a surprise: active legitimation work is always present when a relationship of domination and subordination exists (see also Rojo and van Dijk 1997). The literature surveyed above investigated legitimation most extensively from the perspective of various audiences – illegalized immigrants, readmitting states and the wider citizenry – but also from the perspective of power-holders themselves, and showed that the deficit is felt by all of them. I summarize the literature review so far in Figure 1.1 below.
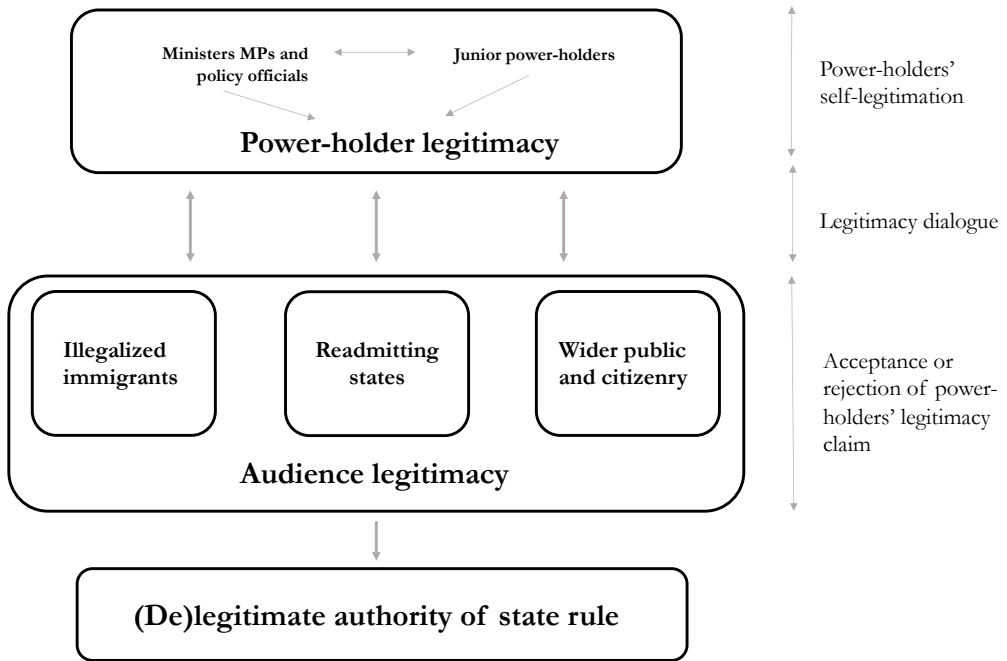
Figure 1.1: Schematic overview of the acquisition of legitimacy for deportation policy

Based on my inventory of the literature, and following Bottoms and Tankebe's (2013) argument for criminology, I argue that it is necessary for migration scholars to study legitimacy more rigorously from the perspective of power-holders, both elite and junior. While it is true that within a democracy, power-holders' self-belief in their legitimacy cannot be the ultimate test of whether they truly act legitimately (Beetham and Lord 1998), I have shown in the paragraphs above that it is a necessary precondition for audience legitimacy and part of wider legitimacy dialogues, hence an important subject of study in its own right. The literature review on power-holder legitimacy furthermore shows that, with a few notable exceptions (e.g. Antony 2019), legitimation has been studied with reference to immigrants prone to deportation as if it concerns a relatively undifferentiated population at the bottom of the social hierarchy (Leerkes et al. 2012). In this dissertation, I suggest that it is crucial to differentiate among and within them (see also Newstead and Frisso 2013) if we are ought to fully comprehend the ways in which states cultivate their legitimacy in the face of contestation and politicization. The importance of doing so is not least exemplified by the stark difference in the targets of anti-deportation campaigns. Where mobilization exists for various groups of illegalized migrants, this mobilization is subject to 'categorical division' that distinguishes between the most deserving and the less deserving (Swerts and Nicholls 2021). In the past two decades, undocumented children and youth have been framed as the quintessential, deserving subjects of such campaigns (Freedman 2011, Nicholls 2013, Rosenberger and

Winkler 2014, Patler 2018). This starkly contrasts with the reluctance of Hasselberg's (2015) research participants, 'foreign-national offenders', to protest their case, which reflects the belief that criminal offenders are less deserving of relief due to society's expectations of 'proper normative behaviour' (Anderson et al. 2011, Gibney 2013b). In the paragraphs below, I will further describe the specific position of children within migration management. I will propose that we need to study the importance of children's social identity in state attempts to restore the legitimacy of their authority to deport, and provide a framework for doing so.

Illegalized children in migration management

Children occupy 'difficult territory' in migration management, especially when they do not have legal permission to stay in their country of residence. They embody two social and legal categories that spur different reactions by states: as children, the state considers them deserving of protection, while as immigrants, the state seeks to exclude them (Sigona and Hughes 2012, Anderson 2013, Galli 2018). I will show below that when states seek to deport illegalized migrant children, there are at least three reasons why such deportations pose difficulties for liberal states: because of the need to take children's rights into account, because of their claims to societal membership and belonging, and as a result of our discursive imaginary of children.

The liberal state's sovereign power to exclude is bound by the international human rights and children's rights regime. As Sigona and Hughes (2012, 1) aptly describe for the UK, 'the unresolved tension between commitments to protect child rights and more broadly human rights, on the one hand, and curbing unauthorized immigration and securing borders, on the other hand, is the main factor that determines the relationship of irregular migrant children with public authorities […]'. By signing up to the European Convention on Human Rights, Belgium and the Netherlands have committed themselves to prohibiting the return of individuals who would face torture or inhumane treatment. Soysal (1994, 164) has argued that in the face of globalization, 'the logic of personhood supersedes the logic of national citizenship', meaning that state legitimacy has undergone a shift from an exclusive emphasis on the sovereign right of people to self-determination to the rights of individuals in general (see also Sassen 1996, Fraser 2008). Children's rights became an important part of this general human rights regime in the 1990s, and especially since the adoption of the United Nations Convention of the Rights of the Child (CRC). The CRC extensively promotes and allocates specific and special rights to children, acknowledging that they are not just recipients of rights and protection but should themselves be regarded as rights-holders. These rights are universal and are underpinned by principles of non-discrimination and the 'best interest of the child'. The CRC identifies the nation state as the primary guarantor of these rights (Pupavac 2001), which posits a tension between the state's obligation to uphold these universal rights and non-discrimination, and its sovereign right to rule over a distinctive

territory and people (Bhabha 2019). States may therefore find it politically opportune to recognize the rights of the child internationally, but inconvenient to recognize those of non-citizen children situated on their own territory (Anderson 2012). While the CRC and the EU Charter of Fundamental Rights are designed to guarantee that children's views are heard, their socio-economic rights fulfilled (including the right to education), and detention or imprisonment as much as possible prevented, these rights may be eroded under a stringent migration control regime (see UNICEF 2015). Pre-removal detention of children, for example, is commonplace across Europe, despite being permitted by international law as a measure of 'last resort' only (Fekete 2007). This led Bhabha (2009) to famously call illegalized migrant children 'Arendt's Children', showing that even though their rights might be guaranteed on paper, translating these to practice has lagged behind. Indeed, previous research has documented how states conveniently rely on child protection norms to serve their own interests (Engebrigtsen 2003, Kronick and Rousseau 2015, Allsopp and Chase 2019).

A second reason why the state's deportation efforts targeting children are especially susceptible to criticism and contestation, is the intrinsic link between deportation and membership. This ties back to our understanding of the modern international state system, referenced in the very first paragraphs of this introduction. This imagery assumes that 'the state, nation and society trinity is the natural, social and political form of our modern world' (Wimmer and Glick Schiller 2002, 301). Such commonsensical linkage of people to place and nation to territory has far-reaching consequences for people on the move: by losing a bodily connection to their national homelands, migrants and refugees become 'uprooted' and are no longer seen as trustworthy, 'honest citizens' (Malkki 1992, 32). Deportation then not only functions as a mechanism to reallocate 'uprooted' individuals to their proper homelands (Walters 2002), but it also expresses and shapes common identity within a particular political community. Anderson and colleagues (2011, 548) argue that while deportation indeed legally allocates individuals to their proper sovereigns, it 'simultaneously rids the state of an unwanted individual and affirms the political community's idealized view of what membership should (or should not) mean'. In a particularly powerful and resonant way, deportation affirms that the individual is not 'fit' for citizenship or further residence in the society in question. In the UK, Anderson and colleagues (ibid.) argue, there is an emphasis on removing 'foreign national offenders' and traffickers because of the harm they allegedly caused, as well as rejected asylum seekers who 'undermined the integrity of the asylum system' and do not live up to the rules of the immigration system (also in Gibney 2013a).

Yet, it is precisely because of disagreement on who belongs to this community of members, and based on what criteria, that deportation has the potential to generate conflict and challenge the state's legitimate authority. In an extensive review of normative theoretical accounts of 'non-deportability', Birnie (2020) shows that criteria for exemption from deportation are almost exclusively grounded in the link between the individual and the society they live in. He distinguishes between accounts based on societal membership (rootedness, based on interpersonal ties and duration of stay),

societal contributions and societal compatibility (integration). Patler (2018) has identified similar 'citizenship frames' that youth appeal to when fighting their deportation in the US. She shows that young people and protesters emphasize both acculturation (societal compatibility) and civic engagement (societal contributions) – various ways in which youth practice citizenship on a day-to-day basis – as well as humanitarian concerns. Other studies identify similar citizenship frames: very often, protest highlights children's acculturation and societal integration by referring to the strong interpersonal ties they have developed as a result of their long time of residence and participation in education (Gibney and Hansen 2003, Rosenberger and Winkler 2014, Josefsson 2017, Bader and Probst 2018, van Meeteren and Sur 2020). Deporting them to their countries of nationality, then, would not restore the dominant liberal world order (Gibney 2013a), but rather breach it. Anti-deportation protests also focus on children and families' societal contributions: not necessarily to the economy or welfare system (Birnie 2020), but through their (voluntary) involvement in the community, participation in associations and steady results in school – portraying children as *future* contributors to the nation (see also Nicholls et al. 2016). Most prevalent, however, are references to children's innocence and well-being, that morally grants them exemption from deportation to their country of nationality (Freedman 2011, Patler and Gonzales 2015, Josefsson 2017). Yet, as many have also pointed out, these arguments at the same time reinforce a 'politics of deservingness' in which exceptional attributes such as membership, contributions and compatibility make particular subgroups deserving of exemptions to overall restrictive rules – without questioning the latter as such (Anderson et al. 2011, Anderson 2013, Nicholls et al. 2016, Hadj Abdou and Rosenberger 2019).

Finally, and tied to the aforementioned 'humanitarian' citizenship frame, the deporting state needs to grapple with the difficulties raised by the figure of 'the child' in narrating the legitimacy of deportation. As Gibney (2013a) noted, the legitimacy of the societal ends that deportation serves often hinges on the necessity to protect the citizenry from crime and terrorism, or to ensure the integrity of the asylum system. These narratives sit uneasily with the contemporary understanding of children in the Global North, one that is strongly coupled with innocence and a lack of responsibility. This innocence is rooted in Judeo-Christian traditions in which childhood is understood as a 'mythical state' free from knowledge, wrong and guilt (Ticktin 2017). Ensor (2010) details how such white, middle-class Western notions of childhood were exported to the rest of the world in the 19th century through missionary activities, migration and colonialism. These ideas are known as the 'global model of childhood' which defines children by their limitations and sees them as weaker, incomplete and dependent on adult guidance. While this model by no means reflects the experiences of young people across the globe (see e.g. Heidbrink 2014, Belloni 2020), its view of childhood became encapsulated in important children's rights regulations like the aforementioned Convention of the Rights of the Child. Pupavac (2001) argues that while the CRC treats children as independent right-holders, it at the same time paradoxically does not regard them as moral agents capable of determining those rights themselves. Inherent to the children's rights regime

is the need for advocacy on their behalf by outsiders, often professionals or the state (Heidbrink 2014). This view of 'children-as-victims' (Galli 2018) can be called upon to sustain claims of belonging to the nation, for example by arguing that children cannot be held responsible for their parents' decision to migrate, file for (new) procedures and the inevitable societal integration that follows (Van Osch 2022). Yet, research has also started to document how governments deliberately decouple immigrant children from this figure of innocence in their migration control efforts, especially when assessing the asylum claims of unaccompanied minors. Galli (2018) characterizes this way of approaching minors as a 'children-as-juvenile' frame, which constructs a risk identity for children (Bryan and Denov 2011) that emphasizes their agency in 'choosing' to migrate irregularly alone (Rigby et al. 2021). Such depictions of agency and strength disqualify them as children and position them instead as adult-others, often by labelling them as 'youth' or 'adolescents' (Heidbrink 2014, Pruitt et al. 2018).

From the literature reviewed so far, we learn two important things. First, that even though the state's deportation power may be limited by liberal norms and procedural constraints, it has nevertheless become the state's 'standardized instrument of statecraft' (De Genova and Peutz 2010, 3). Deportation should demarcate the exceptional from the 'normal' treatment of immigrants, by allegedly being a measure of 'last resort' only. What does it tell us then, when we see that deportation is deemed an appropriate response to criminal offenders (Coutin 2015, see also Hasselberg 2015), long-term permanent residents and dual residents losing their citizenship (Gibney 2013b), or children and their families? The fundamental importance of studying deportation thus lies in closely scrutinizing the assumptions, ideologies and economies that underpin the normalization of the use of coercive and violent state power. As Coutin (2015) has argued, examining the boundaries between the exceptional and the normal, the ways they shift and the assumptions about borders, territory and citizenship that these are based on, sheds light on the limits of coercive state power.

Second, although the very structure of today's global mobility regime is highly unequal and stratified between people who can cross international borders with ease and those who cannot (Bauman 2002, Shamir 2005, Mau 2010), it remains important to look 'inside' this regime and investigate the techniques that facilitate and uphold such transnational inequality. While some, such as Mau (2010), have done so by looking at formal mobility rights as codified in visa policies, for example, I suggest that it is also necessary to look at the technologies and imaginaries that sustain (the effectuation of) this mobility regime in daily practice. As Shamir (2005, 210) argues, today's mobility regime relies not only on fences and borders, but also on 'fine-tuned screening mechanisms' that distinguish those who are able to move from those who stay immobilized, and thereby facilitate the selectivity of border crossing. He understands such screening mechanisms as the range of practices that objectify people into 'suspect categories' based on their physical and social identity. Such 'screening mechanisms' thus help to facilitate migration control policies and practices, as we similarly saw in the literature review above. There, I outlined that power-holders attempt to justify their exclusionary efforts by (re)producing moral

distinctions along a duality of 'compassion and repression'. I hypothesized that such justification is especially necessary when state officials are confronted with illegalized migrant children, due to the difficulties that the latter pose based on their claims to societal membership and belonging, our discursive imaginary of children and the need to take children's rights into account. Surprisingly though, children have to date not been closely scrutinized in the literature on power-holders' legitimation strategies. This dissertation fills this gap, and similarly to Shamir (2005), pays specific attention in Chapters Three and Four to the impact of imageries of their 'physical and social identity'. In the paragraphs below, I propose that we can conceptually do so by mobilizing the concept of 'intersectional boundary work'.

Conceptual framework: intersectional boundary work

As mentioned before, the development of migration control policies – and the central role of deportation within these – is closely related to the rise of the modern liberal world order. These policies continuously reaffirm the idea of our world as being divided into national political communities, whose members allegedly belong together by virtue of their common citizenship bound to shared territory. States deliberately portray these national political communities as 'communities of value' (Anderson 2013) that are bound together by common values, ideals and patterns of behaviour. This community of value, populated by so-called 'Good Citizens', is defined from the outside by the non-citizens and 'Failed Citizens' who are incapable of living up to the former's liberal ideals and values. Anderson (2013, 5) argues that the borders of this community of value are permeable: it is easy for the non-citizen 'to be imagined as the 'illegal' and thereby associated with the Criminal', but they can also become included in this community of value, regardless of their formal legal status (cf. Gibney 2013b on the exclusion of citizens from the community of value). This is of course exactly what the anti-deportation campaigners described at the beginning of this introduction attempted to do: by describing Eugène, Lili and Howick as 'assimilated' individuals who are firmly rooted in their local communities, they discursively positioned them within the community of value.

Looking at the other side of the same coin, this dissertation seeks to explain how states respond to challenges to their authority to deport these children and their families. To do so, I will adopt a conceptual approach that I entitle 'intersectional boundary work'. It builds on decades of feminist scholarship that analyses migration policies and its enforcement as instances of 'the politics of belonging' (Yuval-Davis 2006a). This 'dirty work of boundary maintenance' (Favell 1999) attempts to make the population on the state's territory match with the imagined community they are deemed to represent (Wimmer 2008). Through coercive migration control policies, states symbolically classify people as belonging to 'us' or 'them', by (re)producing representations of who we are in relation to the 'Other' (Anderson 2013, Wimmer 2013). Existing literature that adopts this approach, primarily when scrutinizing immigration and integration policies,

argues that it involves appeals both to economic and material rationales and to identity formation, membership and culture (Bonjour and Chauvin 2018, Bonjour and Duyvendak 2018, Elrick and Winter 2018). Building on this work, I argue that we need to pay close attention to the 'boundary work' that deporting states perform through their legitimacy narratives. Similar to contexts of immigration, the lines between who belongs and does not belong to the community of value are drawn sharply in contexts of detention and deportation (Anderson 2013, Rezzonico 2020). Indeed, as I will empirically confirm in Chapter Two, deportation's legitimacy deficit is first and foremost a moral conflict rooted in disagreement as to the rightness of targeting children by their virtue of *being children*. For states to restore the legitimacy of their right to control mobility, it is thus not enough to restore legal-rational legitimacy alone (Beetham 1991): they also need to show that their actions have been implemented within the boundaries of the moral order. Here, the difficulty that children's identity poses for migration management comes in. In Chapters Three and Four, I will therefore look more closely at the ways deportation policy actors legitimate their efforts to remove illegalized children, by discursively engaging, evaluating and contesting their physical and social identity. Conceptually, I argue that we can do so by examining the intertwinement of bordering and boundary drawing, taking an intersectional perspective.

While the social scientific literature has handled the concepts of bordering and boundary drawing relatively separately, I follow a recent turn in the literature that treats them as necessarily intertwined and interdependent (Yuval-Davis et al. 2019, Fassin 2019, Amelina and Horvath 2020, Fischer et al. 2020). Bordering refers to the political technologies that regulate entry, settlement and citizenship rights. Borders fix and regulate mobility in their attempts to construct and reproduce places (and as we have seen, people) in space. While bordering certainly has a spatial-territorial dimension – as exemplified by the predominance of research in border zones and (air)ports as part of this body of research – scholars who research bordering mainly direct focus to the infrastructure, regulations and practices that sustain the existence and performativity of the geographical border (Van Houtum and Naerssen 2002) and by extension, the nation state. These studies thus also span processes of internal, 'everyday' and externalized bordering (Balibar 2002; 2004, Yuval-Davis et al. 2019). Most of these scholars acknowledge that bordering encompasses a dual project of both governance and belonging (Yuval-Davis et al. 2019). It creates differences by means of categorization and classification: 'borders are intimately bound up with the identity-making activities of the nation state and other forms of political community' (Parker and Vaughan-Williams 2012, 729). Such identity-making activities, according to sociologists, can be captured by the term 'boundary drawing'. Building on the work of amongst others Barth (1969) and Bourdieu (1979), Lamont and Molnár (2002) understand boundary drawing as the creation, maintenance and contestation of institutionalized social differences. Boundaries separate people into groups and foster feelings of similarity, membership and belonging, by differentiating and categorizing people, practices, time and space. Such boundaries are not merely binary constructions of 'us' versus 'them', as is commonly assumed in the literature (Yurdakul and Korteweg 2021, e.g. in Bonjour and De Hart 2013,

Anderson 2013, Horsti and Pellander 2015), as manifold boundaries arise within political contexts with complex governance and decision-making mechanisms (Amelina 2016). There is wide agreement that boundaries establish symbolic difference and thereby draw on gender, race, ethnicity, class, religion, and so on (Fischer et al. 2020). Formal markers of belonging, like nationality, relate closely to these symbolic markers of classification – not least exemplified by the historically close connection between nationality and race (De Noronha 2020).

Borders and boundaries are thus linked yet analytically different. In this dissertation, I understand their relationship as a mutually reinforcing one. Boundaries produce similarities and differences, these affect the enforcement, performance and naturalization of borders, while the latter in turn reify boundaries (Fischer et al. 2020, Amelina and Horvath 2020). Following Fassin (2019, 3, emphasis added), I hold that 'borders cannot be thought of without the boundaries they establish and reinforce, and boundaries have to be analyzed in relation to the *justifications* they provide for the control or even the shifting of borders'. And indeed, the wider literature on migration policies and enforcement convincingly showed that boundaries are pivotal for providing the logics of contemporary bordering processes (e.g. Bonjour and de Hart 2013 on marriage migration, Braedley et al. 2021 on immigration quotas).

This dissertation explicitly considers the intersectional dimensions of 'boundary work' exercised by the state, more than most studies described above. Intersectionality scholars argue that inequalities are generated by the interplay of various types of oppression based on gender, race, class, sexuality and age. These cannot be understood in isolation from one another: they intersect and coproduce to result in unequal material realities (Hill Collins 2015). These dimensions of social difference are mutually constituted, rather than separate systems of inequality, that altogether determine our position in the 'matrix of domination' (Hill Collins 1990). This matrix reveals the overall organization of hierarchical power relations in a given society, which are reflected in structural policies and practices, disciplinary processes that rely on bureaucratic hierarchies and surveillance, hegemonic ideologies and discriminatory practices in everyday life (Misra et al. 2020). As mentioned before, categories of difference are fundamental to define boundaries and determine who belongs to or deserves to be included in the community of value. As people are differently situated in their societies and wider social hierarchies, bordering processes affect different people in different ways (Yuval-Davis et al. 2019, Anthias 2020, Fischer et al. 2020). In the context of deportation, De Noronha (2020) illustrates this brilliantly by not only showing how legal status comes to matter through racism and racial policing, but that this simultaneously works through gender, sexuality and class. He for example writes how the deportation of one of his main interlocutors 'resulted from the devaluing of [his] social reproductive labour, the aggressive criminalization of black men who are associated with "the gang", and the imperative to deport any and all migrants associated with criminality' (De Noronha 2020, 134).

Adopting an intersectional perspective thus crucially enables us to investigate how the interplay of different categories of social difference affects the articulation and

consequences of borders and boundaries. Rather than looking at different markers of social difference separately (Fassin 2019), it is often precisely their intertwinement at unique points of intersection that assigns particular forms of 'acceptable behaviour' and social identities core to constructing the community of value. Intersectionality forces us to direct attention to the ways power clusters around categorization based on these markers, the values attached to them, and the way these are mobilized to constitute, govern and counter difference (Crenshaw 1994). A particularly important critique for studying deportation from an intersectional perspective is the danger of whitening intersectionality by omitting race as an analytical category (Bilge 2013). Race and colonialism have been strikingly absent from migration studies (Anthias 2020, Mayblin and Turner 2020), despite the intrinsic intertwinement of race and nationality, and thereby the foundations of the current liberal world order and management of mobility therein (Sharma 2020). Those that explicitly link deportation to processes of racialization argue that deportation effectively excludes migrants based on a fusion of racial difference, socio-economic status and 'foreignness' (Fekete 2005, see also Barker 2013, De Genova 2016, De Noronha 2020). Following these authors, I suggest that it is of paramount importance to study deportation in relation to processes of racialization. I thereby acknowledge that race, gender, sexuality and class have always been bound together and should be studied in tandem (Lugones 2008). In order to do so, however, it is necessary to analytically separate them, as otherwise we cannot understand how they become bound together (see Yuval-Davis 2006b). Several authors who study migration in the present (Scheibelhofer 2017, Gray and Franck 2019, Yurdakul and Korteweg 2021) for example argue that colonial narratives about 'dangerous, black and brown men' created a register about gendered and sexualized masculinities that is invoked in the regulation of refugees in Europe today. De Hart (2017) explores how such age-old, stereotypical and racist imagery was omnipresent in the Dutch media reporting on the 2017 New Year's Eve Events in Cologne, and shows that these images encouraged policy changes with respect to the deportation of rejected asylum seekers (see also Yurdakul and Korteweg 2021 for Germany). For me, these studies show the necessity of studying the interplay of boundary work and bordering in an intersectional manner, paying attention to the impacts of gendering, racializing, classing and sexualizing discourses for the regulation of migrant deportation.

Methodology: the 'inside life' of deportation policy

This dissertation is situated in the fields of interpretative policy studies (Stone 1988, Bacchi 1999, Fischer 2003, Yanow 2014) and critical feminist research (Ackerly and True 2020). As methodological justifications cannot be made in void of ontological and epistemological considerations, I will briefly reflect on mine here. My study is grounded in the constructivist-interpretivist tradition that followed 'the interpretative turn' across the social sciences in the 1970s (Geertz 1973). It prioritizes situated knowledge and is based on a belief in the existence of multiple, intersubjectively constructed truths about

social, political and cultural events. These truths can only be accessed through interaction between the researcher and researched, as they interpret their social reality and make these interpretations legible to each other (Schwartz-Shea and Yanow 2013). It diverges from the realist-objectivist tradition which has long dominated the social sciences and presumes the existence of an objective, social reality external to the researcher; the possibility to research this social reality by 'stepping outside' of it, and the belief that knowledge gathered in turn also mirrors that particular social world. Interpretivists instead argue that there are multiple perceived and experienced social realities which are crucially impacted by the researcher's and research participants' positionality. The dissertation's methods also derive from the interpretivist research tradition and include thematic analysis and frame analysis (Yanow and Schwarz-Shea 2006). Finally, interpretivist researchers share with feminist researchers a concern with reflexivity and positionality. Core to feminist research is a thorough reflection on the ethics that guide research decisions, the power dynamics that mediate the research process and knowledge production, and the crucial importance of context (Ackerly and True 2020). In the paragraphs below, I will first outline my overall research approach. Against this background, I describe the two country cases and institutions within them that are core to this dissertation. Then, I discuss the data and methods used to analyze these. Finally, I will reflect on my positionality and the impact that it had on my knowledge production – topics that I take up in more depth in Chapter Five.

Research approach: sense-making through interpretative policy studies

Researching the way in which states legitimize the need to exclude illegalized children requires a research methodology that allows me to map and examine how the values that enclose the national community of members materialize in policy on paper and in practice. To do so, my approach draws inspiration from interpretative policy studies (Yanow 2000, Verloo 2005, Bacchi 2009a). Interpretative policy analysts stress the importance of studying the role that meaning – values, beliefs and feelings – plays in the drafting and implementation of policies. It questions the idea that instrumental rationality is the sole *raison d'être* of policies, and instead acknowledges that policies and the policy process are vehicles for expressing identity and values (Stone 1988, Yanow 2014). Policy, in the words of Wright and Shore (1995, 28), is 'always informed by ideological considerations and often codifies morality'. Approaching deportation policy in this way thus paves the way for understanding deportation not merely as a means to an end (that is, the more-or-less effective removal of non-citizens) but as expressive of particular values and an identity cultivated by the Dutch and Belgian governments in their interaction with non-citizens. Barker (2001, 35) has already pointed to the intrinsic intertwinement of self-legitimation and identity: 'when rulers legitimate themselves, they give an account of who they are, in writing, in more or less ceremonial actions and practices. The action both creates and expresses the identity'. These expressive dimensions of policy are seldom explicitly articulated, however, and need to be disentangled by the interpretive policy analyst. Interpretative policy analysts understand all human action as symbolic, in

the sense that it conveys often tacitly known values, norms, feelings and beliefs that end up in policy formulation and implementation (Yanow 2000).

Furthermore, interpretative policy analysis holds that relevant actors make sense of policy in a myriad of ways: there is no one 'correct' interpretation of the policy problem at hand, but rather a multiplicity of possible interpretations and demarcations. This points to the importance of framing and frame theory (Goffman 1974, Schön and Rein 1994, Bacchi 2009b) within interpretative policy studies: the (un)consciously used conceptual schema on which human action is built. There is a great deal of disagreement within interpretative policy studies as to the degree of human control over this process of framing and meaning-making: whether humans can actively marshal discourse for political ends, or if their understandings are always constituted by discourse. In this dissertation, I follow a third way, a 'dual-focus agenda' (Bacchi 2009b) that involves both attending to discourse as meaning-making systems in which we all operate, while at the same time focusing on deliberate deployments of categories and concepts to advance specific policy goals. In my dissertation, this is reflected in close attention to the way policy actors intentionally frame the issue at stake in particular ways to support their actions, while at the same time identifying deep-seated presuppositions that enable or restrict the possible courses of action in the first place. I do this most prominently in Chapters Three and Four, where I investigate how policy actors use, or reference, the social identity and behaviour of illegalized migrant children and their families to sustain their deportation efforts. Yet, as these chapters will also make clear, such framing is limited by the way individuals in the Global North conceptualize childhood and parenthood, and the acceptable behaviour that accompany these.

Case selection and research design

The study's two country cases are Belgium and the Netherlands. There are three main reasons for studying the legitimacy deficit of deportation policy in these two countries. First, as shown at the beginning of this introduction, there has recently been considerable political and societal discussion on the enforced exclusion of illegalized children. This makes these two countries salient 'instrumental case studies': examples of particular social problems that have emerged, and that therefore need to be studied in their own right (Stewart 2012). Second, while there is a certain level of policy convergence between these two countries, the institutional structure that informs government responses vis-à-vis illegalized migration differs. Both countries are signatories of the EU Return Directive and must adhere to its procedural safeguards concerning removal. The Return Directive has specific provisions in place for illegalized migrant children that take their 'vulnerability' (article 3.9) into account: article 10 on the return of 'unaccompanied minors', article 14 on the access to education for all minors, and article 17 on the detention of minors and families. Despite this overarching policy framework, there is considerable variation in the way these provisions are implemented and in how Belgium and the Netherlands deal with issues of (non-)deportability more broadly. Leerkes and van Houte's (2020) typology of post-arrival migration regimes shows that Belgium

and the Netherlands crucially differ in 'enforcement capacity'. While there is a strong desire to enforce deportation in both countries, there is a weaker capacity to do so in Belgium: a smaller budget, a decentralized and sometimes ineffective bureaucracy and various other factors that lessen the impact of social exclusion policies (e.g. the informal economy, private housing) together lead to relatively high numbers of illegalized residents. This, according to the authors, results both in an acceptance of informal incorporation of illegalized migrants and in the issuing of (temporary) humanitarian visas. These differences are important when we aim to understand the legitimacy narratives of deportation: the actions (not) taken, and their justification for doing so, follow (at least partially) from such institutional factors. Third, and finally, my position as a Dutch citizen who is employed in Flanders and has a short working history within the Ministry of Justice and Security in the Netherlands also informed my country choice. While such seemingly 'personal' choices are seldom made explicit, I argue that they are of crucial importance: situatedness is intimately bound with knowledge production and impacts the course of research (Ackerly and True 2020). While I further reflect on my positionality below, I argue here that matters of positionality are especially important when 'studying up' (Nader 1972). Since studying those in power is notoriously difficult and often prevented due to various political interests at stake, a prior network that can be contacted is a key factor to consider. I will explore my access negotiations in the Netherlands in more detail in Chapter Five of this dissertation. Next to matters of access, my everyday immersion in Belgium and the Netherlands has left me with a great deal of knowledge on their wider societal contexts, political debates and government functioning. For the type of 'introspective reflection' (Bacchi 2009b) that interpretative policy analysis requires, a thorough understanding of context is necessary. Of course, the degree to which one is able to disentangle deep-seated presuppositions is also always bound by individual positionality: as a white, middle-class, and highly educated woman, I read the world from a particular vantage point. In Chapter Six, I will elaborate on strategies on how to navigate these limitations.

The dissertation investigates legitimacy narratives in Belgium and the Netherlands in a 'multiple case study design' (Greene and David 1984) that aims to identify 'explanatory patterns' that characterize the subject of study in the two countries more generally. Multiple case studies are better able than a single case study to address problems of generalizability (Stewart 2012). While this dissertation does not claim to generalize beyond the two cases at hand, it does aim to identify common dynamics in legitimation narratives across the two countries, thus enhancing the explanatory power of the study (see Chauvin and Garcés-Mascareñas 2012 and Eule et al. 2019 for similar strategies). At the same time, multiple case studies also benefit from case studies' strengths: their ability to generate a 'holistic understanding of a problem, issue, or phenomenon within its social context. […] [B]ecause the case is investigated from many angles and pays attention to many different dimensions of the issue, case study is typically able to avoid essentialist and context-free analyses […] [and] allows for a highly complex and nuanced understanding of the subject of inquiry' (Hesse-Biber 2016, 209). More precisely, this

study has followed an exploratory, multiple case study design that aims to identify the technologies and ideologies that give shape to our objects of study (Stewart 2012), and which can later be tested with other, similar cases (Hesse-Biber 2016). To do so, I not only focus on two country cases but also operationalize deportation policy by looking at both policy formation and implementation, and include actors beyond the state alone.

I follow Yanow (2000) in understanding policy analysts as concerned with the actions taken by authority to achieve executive goals. If we understand policy, as I do, as fundamentally being 'about classification and differentiation, about how we do and should categorize in a world where categories are not given' (Stone 1988, 382), it is necessary to study classification and differentiation both at various stages in the policy-making cycle and from the perspective of various actors involved. Yanow (2000) identifies at least three groups of actors that are always involved in policy processes: policymakers, implementing agency personnel and affected citizens or clients. My choice to focus on the first two is, as previously mentioned, primarily theoretical: while there now exists an extensive body of work describing how illegalized immigrants interpret and experience deportation policy (Campos-Delegado and Côte-Boucher 2022; e.g. Dreby 2012, Griffiths 2015, Hasselberg 2015, Khosravi 2018, Van Houte et al. 2021, Van Osch 2022), we know relatively little about what is going on 'inside the deportation regime' (but see Eule 2016, Eule et al. 2019, Kalir 2019b). Approaching the interpretative study of deportation policy from a regime perspective emphasizes the absence of a single, central logic or rationality informing it. Rather, policy making is polycentric, ad-hoc and contested, not least due to the variety of actors ('interpretative communities') involved in the process of governing (Hortvath et al. 2017, Eule et al. 2019). Following interpretivist research practice, I explicitly 'mapped for exposure' (Schwarz-Shea and Yanow 2006). In doing so, I sought to include a maximum variety of institutions and actors which are all expected to engage with and give meaning to policy in different ways. For the policy formulation stage, I included policy advisors responsible for drafting new legislation, ministers and members of parliament who debate these proposals in plenary debates or specialized committees, as well as NGOs and advocacy organizations who call for attention to the effects of these proposals in wider societal debate. For the policy implementation stage, I included state officials who implement deportation policy in their day-to-day work, NGO workers who assist children and families with returning 'voluntarily', legal attorneys and guardians of 'unaccompanied minors'.

Research data: policy documents and online interviews

Interpretative policy analysts study the 'struggle over ideas' (Stone 1998, 13), that is the variety of meanings that these actors give to policy through language. They do so primarily by privileging spoken and written words, but increasingly also by understanding acts and material objects as 'texts' that can be read for their meaning (Yanow 1993; 2014). The three main ways in which analysts reach the core of these values are through conversing with relevant actors, reading documentary records and observing actors in everyday practice. This dissertation combines the first two: collecting and reading documents and

conducting interviews. Reading, analyzing and comparing documents is the cornerstone of this dissertation. Altogether, I draw on a set of about 350 documents, including policy proposals, policy guidelines, reports, minutes of meetings, press statements, information on websites, handbooks, administrative forms, pictures, videos and journalistic reports on deportation bureaucracy (see Annex 1). Following my interest in the 'justificatory talk' (Rojo and van Dijk 1997) that power-holders mobilize, I selected documents that could tell me something about the practices, opposition and negotiation of children's deportation. Most of these documents were openly accessible via the websites of various organizations involved – e.g. the Dutch Ministry of Justice and Security, Belgium's Federal Foreigners Office and the International Organization for Migration (IOM) – but a few others were acquired directly via research participants or freedom of information requests.

Interpretative policy analysts, however, know that these 'authored texts' only reveal one particular set of meanings and interpretations of the policy (problem) at hand. Others involved, whose understandings of the policy are central to its enactment, are also of analytical concern. Therefore, I supplemented my documentary analysis with 61 formal interviews with actors described above, to shed light on their interpretation of and subsequent action within the deportation procedures they are involved in (see Annex 2). I conducted these interviews between December 2019 – April 2021, all but six via telecommunication services (often Webex, Microsoft Teams or Skype) as a result of the COVID-19 pandemic. I conducted two interviews in Brussels pre-pandemic, two via telephone due to an unstable internet connection, and two in-person while respecting the social distancing measures in place. I often spoke informally with interviewees about their work before and after these formal interviews, sometimes including follow-up questions via email or telephone. All of these conversations aimed to identify 'how actors act and how they give meaning to their actions' (Côté-Boucher et al. 2014, 197). I identified relevant actors through my existing network in the Netherlands and further snowball sampled from there. In 2015-2016, I gained a significant network within the Dutch deportation regime as a result of a research internship I conducted at the Ministry of Justice and Security, four-months of fieldwork researching the 'voluntary return' of illegalized immigrants (see Cleton and Chauvin 2020, Cleton and Schweitzer 2021) and a one-year voluntary position as a return counsellor in Amsterdam.[8] I approached these contacts in the Netherlands again in early 2020, specifying my particular interest in the deportation of children, and asked if they could point me to relevant colleagues. For Belgium, I first relied on desk research to identify the most important actors and organizations involved in deportation. I then asked colleagues at Flemish universities and my research participants in the Netherlands for contacts whom I could directly approach. After contacting one interviewee, I used further snowball sampling, as I

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8   While this voluntary position has been of crucial importance to better understand the practice of return counselling, the functioning of the Dutch deportation apparatus and the motivations for illegalized immigrants to participate in voluntary return programmes, I never directly quoted from my conversations there nor used internal working documents from the organizations for research purposes.

continuously asked about their contacts with other organizations to expand my pool of potential interviewees. As the number of actors involved in deportation procedures for illegalized children is not that large – it requires different skills and knowledge from the 'regular' deportation of adults – this happened relatively quickly. As I further describe and problematize in Chapter Five, I consciously adopted a position 'between collaboration with and disengagement from' (Gray 2016) when approaching these actors. I presented myself as a partial 'insider', who was familiar with the debates on deportation and interested in learning my interviewee's perspective on the matter. When first approaching potential interviewees in Belgium, however, I was a bit more cautious: as the context and actors were new to me, I sometimes foregrounded my lack of knowledge and eagerness to learn about the Belgian system and actors' perspectives on the matter.

The interviews were semi-structured and had elements of ethnographic interviews. I approached these interviews as a collective meaning-making endeavour: a conversation based on a partnership between the researcher and the interviewee, and countering the 'subject-object split' that puts the researcher on a higher plane than the research participants (Hesse-Biber 2016). As a result of the relatively heterogeneous group of actors involved in deportation policy and procedures, the interview guide had to find a balance between pre-determined questions, context-specific elements and allowing space for participants to talk about what was of interest and importance to them. I therefore decided to design an interview guide with a standard list of topics and questions that I put to most interviewees (see Annex 3). Before every individual interview, I extended and adapted the questions to the interviewee, their organization and the national context. Still then, I always kept as much room as possible for research participants to introduce new topics or elaborate extensively on a topic of their choice. Throughout the interview, I added 'ethnographic questions' (Spradley 1979) that prompted interviewees to extensively describe and reflect on particular 'real life situations' that they would encounter on a typical working day. I adopted this approach as a 'second best' to directly observing deportation actors in their day-to-day work, which under the ongoing COVID-19 pandemic was impossible on all but two occasions. I will reflect on the limits that this placed on my dissertation in the conclusion, but I wish to emphasize here that these ethnographic questions nevertheless, to a limited extent, provided insight into the way deportation actors negotiate their everyday interaction with illegalized families. I sometimes directly compared these to fieldwork insights from back in 2016 – when I could directly observe deportation actors' everyday work – which often generated discussion and further specification of my interviewee's actions. The interviews lasted between 60 minutes and two and a half hours, excluding informal conversations prior to and/or after the actual interview. When making an appointment, I sent my interviewees an informed consent form (Annex 4) including information on the conditions for participation, confidentiality and the way data would be processed. At the start of each interview, I would ask my interviewees for verbal consent for recording the interview. If given, which happened on all but one occasion, I would afterwards transcribe the interviews, write a brief summary and share this file with the interviewee. To further guarantee anonymity, I

removed all names and details that could reveal personal identities, and do not use them in publications. Throughout the study, I do not quote from information that interviewees wanted to share as 'background knowledge' only.

Following interpretivists' emphasis on multiple ways of interpreting and sense-making of policy, I did not collect these different types of data to look for 'convergence' across multiple points of evidence, which positivists believe will reveal what is 'true' (triangulation, see Hammersley and Atkinson 2007). This does not mean, however, that my analysis did not look for commonalities. While having mapped for exposure during data collection, my analysis paid particular attention to 'cross-referencing' across data, such as similar language use, common phrases and reliance on other texts. Intertextual readings of this sort look for both ambiguity and contradiction across the broad range of meaning-making texts, and consensus and agreement, without presuming or privileging one or the other (Schwarz-Shea and Yanow 2012, 86). My general approach to interpreting and analyzing the data is grounded in abduction. Studies that follow abductive reasoning often start from a puzzle or tension and then seek to further explain it by identifying conditions that make it seem less puzzling; a more 'commonsensical' event (Schwarz-Shea and Yanow 2012). The analyst keeps looking for additional settings that are relevant to the policy being tracked and which might shed light on the initial 'surprise', showing further and unanticipated dimensions of the subject of study. I laid out the tension from which I started this research project at the beginning of the introduction: the desire of liberal states to deport illegalized children in the face of a lingering legitimacy deficit, and the practical and moral difficulties this poses. Abductive studies do not start from either theory or data but combine both so that 'the researcher is simultaneously puzzling over empirical materials and theoretical literatures' (Schwarz-Shea and Yanow 2012, 27). This entails a continuous back-and-forth, iterative reasoning between data and theory during the analysis, so that the latter neither set in stone, nor completely open. The conceptual lens of 'intersectional boundary work' introduced earlier should indeed not be seen as a 'template' that I applied to the data collected. It emerged along the unfolding of the research process and further collection of data. Interpretative studies in general, but those that follow abductive reasoning in particular, involve a process of continuous learning throughout the research (Yanow 2014). This places a limit on what can be learned and stipulated prior to doing the actual research as such. This is true as much for the empirical chapters, as for this introduction: while guided by a previously composed research plan, the actual text has only been composed after finalizing the empirical chapters and reflecting back on them.

Data analysis and positionality

For the actual data analysis, I relied on a combination of thematic analysis and critical frame analysis. Whereas thematic analysis helped me to better understand the actual substance of legitimacy narratives, frame analysis provided crucial insight into the norms, values and schemes that render the content of these narratives legible. Boyatzis (1998, 4-5) characterizes thematic analysis not necessarily as a research method alone: it is at the same time a way of seeing, a way to make sense of seemingly unrelated materials, a

means to analyze qualitative information or systematically observe a situation, as well as a way to convert qualitative information to quantitative data. Here, I understand thematic analysis as a research method that helps to encode qualitative information and to look for themes: 'a pattern found in the information that at minimum describes and organizes the possible observations and at maximum interprets aspects of the phenomenon' (Boyatzis 1998, 4). This is done through coding: reviewing text and giving labels to parts that seem to be of theoretical significance or appear to be salient within the social lifeworld of those studied (Bryman 2012). I started this process of coding as soon as I had collected the first bits of the documentary and interview material. Following Charmaz (2006), I first applied initial coding, a process in which detailed labels are assigned to the text, while trying to be open-minded and generate as many new ideas as possible. After this first step, I reflected back on the concepts that seemed to emerge and my theoretical and conceptual frame for interpreting them. After another round of more focused coding, in which I started to make connections between the codes by paying particular attention to context, common language use and meaning-making, I was alerted by the emerging significance of children's identity in my data. I decided to return to my theory and conceptual framework again and refined the 'intersectional boundary work' approach. In the last round of focused coding, it would more prominently inform coding and analysis, crucially helping me to understand the role of children's identity in legitimation work.

Critical frame analysis (CFA; Verloo 2005) informed my project from beginning to end and has especially been important to analyze the multiple ways of meaning-making involved in deportation policy making and implementation. Following Goffman (1974), I understand a frame as an interpretation scheme that structures reality. CFA then starts from the assumption of multiple interpretations in policy and seeks to address such implicit or explicit interpretations by focusing on different representations that actors offer about the policy problem and the solutions at hand (Verloo and Lombardo 2007, Lombardo et al. 2009). It seeks to expose the frames that inform actors' understanding of the policy problem and the consequent actions that are deemed appropriate to tackle the problem. CFA as developed by feminist policy scholars (Verloo 2005) puts particular emphasis on voice, roles and context as crucial for shaping problem representations. It is informed by post-structuralist policy analysis (Bacchi 1999; 2009) that similarly focuses on the way policies *produce* problems as particular kinds of problems. Bacchi's 'what's the problem represented to be' approach (WPR) pioneered studying the way problems are represented and constituted in policies, directing attention to political rationalities and techniques of government. This focus on multiple interpretations and problematization of policy is in line with my broader methodological approach, and also fits well with my aim of disentangling legitimacy narratives and 'justificatory talk' of deportation policy actors. CFA takes an interest in disentangling the normative dimensions of policies, the 'deep-seated presuppositions' (Bacchi 1999, 48) and 'conceptual prejudices' (Verloo and Lombardo 2007, 37) that structure them, and thinks about the dimensions left unproblematic or unaddressed. Following the 'third way agenda' (Bacchi 2009b) outlined earlier in this section, I pay attention to both the explicit and declared

intentions in narratives concerning the deportation of children and the implicit and tacit understandings that render these statements intelligible. Throughout the coding process, I paid particular attention to the frames that seemed to inform policy responses to the 'problem' of children's pending deportation. In line with the abductive process described above, my focus in understanding these framings also became increasingly informed by intersectionality in the course of the analysis. Luckily, CFA has made a way of integrating intersectionality into their analyses, primarily as a way to deconstruct norms embedded in policy discourse (Lombardo et al. 2009). Throughout the course of the data analysis, however, I became increasingly frustrated with the limited explanation of and methodological guidance on how to apply intersectionality in analyzing policy beyond 'gender equality policies' – the quintessential object of most feminist policy analyses. As this did not translate neatly into my interest in studying migration control policy, I decided to dedicate a full chapter to the issue. Chapter Six should thus *not* be seen as the methodological approach that informed this dissertation's data analysis a priori, but rather as the result of my 'muddling through', sense-making and evolving understanding of intersectionality and its usefulness for doing policy analysis.

One final caveat on data analysis should be made concerning Chapter Two. This is a co-authored chapter in which the first author, Dr. Nathan Wittock, was primarily responsible for data analysis that was informed only by thematic analysis. Even though Nathan took the initiative on the data analysis, the entire research team discussed his coding scheme in detail and helped to identify the eventual 'legitimacy strategies' that are discussed in the chapter. The chapter itself includes a detailed description of data analysis and procedures on p. 60-61.

Before finally introducing the dissertation's individual chapters, I wish to briefly reflect on ethics and positionality. The increasing popularity of feminist standpoint theory (Harding 1992) has resulted in such reflection being more commonplace across the social sciences, regardless of whether the research and/or researchers label themselves as feminist (Ackerly and True 2020). Following Hoijtink (2020, 143), I underscore that 'it matters for the research process and research outcomes whether the researcher is male or female, black, white, or brown, middle-class or working class, and so on'. In Chapter Five, I reflect extensively on the impact of my positioning on the research process, with regard to access negotiations in particular. Here, I briefly wish to point attention to the importance of positionality in knowledge production. Following Haraway's (1988) pioneering writings, I am convinced that we can only come to a better understanding of our social world if researchers explicitly adopt a 'situated gaze'. This entails acknowledging that knowledge production benefits from the accumulation of different perspectives produced by individuals with different standpoints and experiences. Following this, researchers should always account for (the limits of) what they are able to see and know. Being a white, Dutch passport holder who has directly experienced transnational migration within her family, albeit without facing the hardships that many whom I am writing about in this dissertation face, leaves me with little direct experience of migration control regimes and discrimination. On the contrary: based on my educational trajectory

in Dutch higher education, topical knowledge of and working experience within the wider Dutch migration control regime, I could easily have been a policy official similar to those I study in this dissertation. This close proximity to my study participants impacted both my data collection – by being able to position myself as a 'partial insider', see Chapter Five – and data analysis. Indeed, while continuously trying to adopt a position 'between collaboration with and disengagement from' (Gray 2016) with my research participants, it was not always easy to marry the social bonds that emerged throughout the research process with a desire to confront power and challenge it. I started from an interest in understanding deportation actors' sense-making, their practices, and the moral difficulties they encounter when navigating such a complex process as the deportation of illegalized children. Throughout the research, however, it became increasingly difficult to write and report about their experiences without implicitly confirming existing power relations and hegemony. As a researcher abiding by feminist research ethics, I study the powerful, their institutions, policies and practices to identify the conceptual practices of power, how they shape social relations and thereby hope to contribute to envisioning alternative worldviews (Harding and Norberg 2005). My ethical responsibility thus primarily lies with 'distant others' (Wall 2011, quoted in Hoijtink 2020) rather than my direct research participants. This means that I had to overcome the reluctance to possibly do my direct research participants 'wrong', for example by not being as nuanced as they would have liked me to be (again, see Chapter Five). Indeed, I had to find a way to navigate the various political issues at stake, deal with power imbalances between myself and my gatekeepers, foster good research practice and at the same time align my writings with my ethical responsibilities. By being transparent about the reluctance I felt and difficulties I encountered, I hope to spur further debate within the migration scholars' community on the importance of our own role in studying and confronting power.

Dissertation outline

In this thesis, I examine power-holders' 'legitimation narratives' that attempt to (re-)establish their authority to deport illegalized migrant children and families. I seek to answer my research question '*How do states legitimize the need for deporting illegalized migrant children?*' in four empirical chapters (Two, Three, Four and Five). Chapter Six contains a methodological contribution to the study of migration policy more broadly and provides tools for adopting intersectionality when scrutinizing these. I present a visual overview of how the chapters are situated in the overarching model of legitimation processes in figure 1.2. Note that each chapter is simultaneously a standalone research article, which means that each has its own introduction, literature review, methodology and conclusions.

Chapter Two is entitled '*Legitimizing detention and deportation of illegalized migrant families: reconstructing public controversies in Belgium and the Netherlands'.* This chapter sets the scene for the remainder of the dissertation, as it investigates how Belgian and Dutch government officials respond to societal protests organized against detention and

deportation of migrant families. Considering two major controversies in the past two decades – the 'cascade system' regulating detention of children in Belgium, and the Dutch State Secretary's discretionary power and determination of the so-called *Kinderpardon* (Child pardon) – it investigates how at the 'frontstage of politics' (Goffman 1959) government officials legitimize the need to resort to such coercive violence towards the citizenry. It is based on a thematic analysis of newspaper articles, NGO and government reports and parliamentary documents. The chapter shows that in both countries, policy officials try to foster legitimacy by transforming what is essentially a moral-political debate on the acceptability of coercive violence exercised against children into a discussion on the procedural conditions under which states can detain and deport them. It argues that this strategy conceals, rather than solves, the contradictions between deporting states' desire to deport non-citizens and their devotion to the values of liberalism. Indeed, the tension continues to exist but is strategically *invisibilized* by the government. The chapter concludes that these attempts to depoliticize the issue of coercive exclusion, and the legitimation work involved in it, are solely provisional and remain open to contestation.

Chapters Three and Four build on these insights by shifting the analytical gaze in two important ways: by adding a focus on the backstage of politics to the consideration of its frontstage (Goffman 1959) and by focusing on 'self-legitimation narratives' within the deportation apparatus itself. **Chapter Three** is entitled *'The time politics of migrant deportability: an intersectional analysis of deportation policy for non-citizen children in Belgium and the Netherlands'*. It investigates the 'economy of migrant deportability' (De Genova 2020) – the political rationalities and techniques of government that distribute the state's 'deportation power' over non-citizens' lives and liberties – by analytically considering time. It thereby follows a recent turn in migration studies by arguing that the temporal facets of migration control are of fundamental importance when seeking to understand how governments limit mobility. The chapter reveals that deportation policy for illegalized migrant children and their families follows a dual-temporal logic, calling both for urgency to 'efficiently and effectively' organize their removal, while simultaneously insisting on caution and meticulousness. By relying on intersectionality, the chapter shows that actors involved in deportation procedures selectively rely on normative constructions of gender, race, class and age to justify the need for acceleration or deceleration of deportation, postponement of departure and opportunities for continued residence. The pace of deportation procedures is thus fundamentally premised on boundary work that in a contradictory way portrays children as vulnerable or agentic, victims or perpetuators, integrated or a threat to Europe's moral order. **Chapter Four** further investigates this economy of migrant deportability by zooming in on 'best interest assessments' for unaccompanied minors. As its title, *'Assessing adequate homes and proper parenthood: How gendered and racialized family norms legitimize the deportation of unaccompanied minors in Belgium and the Netherlands'* reveals, states justify the need to exclude unaccompanied minors by appealing to gendered and racialized representations of the family, child rearing and childhood. In the chapter, I argue that this type of boundary work is readapted from colonial rule to contemporary

bordering processes today and amplifies colonial divisions between the Global North as a sanctuary for children's rights and the necessity of scrutiny of the situation in the Global South. Yet, as we have similarly seen in Chapter Three, such boundary work seldom results in absolute exclusion: it may also paradoxically include unaccompanied minors in the nation through a paternalistic attitude and the moral obligation for adults to protect children.

Chapter Five is a reflexive chapter, in which I put myself on the same critical plane as my research participants. It is entitled *'"We have nothing to hide": legitimacy narratives, researcher positionality and the ethics of accessing the Dutch deportation apparatus'* and focuses on my access negotiations with the Dutch deportation apparatus. It discusses the inevitable ethical conundrums and practical difficulties researchers encounter in their efforts to 'study up' from a feminist research ethics perspective. Based on a reflexive account of my experiences for my master's thesis and dissertation research, I complicate the often-voiced concern of research being 'co-opted' by powerful actors. I argue instead that the granting of access *as such* has an important function for the deportation apparatus. Indeed, a seemingly paradoxical move, namely facilitating access to hidden spaces like detention facilities and offices to researchers, journalists and others, serves to naturalize and legitimize the state violence enacted in them. Drawing attention again to the legitimacy dialogue between power-holders and the wider citizenry, I argue that those in the deportation apparatus aim to show that 'they have nothing to hide', sustaining their transparency and accountability, based on a belief that the apparatus operates in a diligent and compassionate manner. In this way, researchers unwillingly become caught up in the continuous process of legitimation described in this introduction.

Chapter Six is a methodological contribution to the study of migration policy and is the result of my engagement with and evolving thinking about intersectionality throughout this dissertation research. Analyzing policy documents is core to my study of legitimacy narratives, as policies convey meaning and value. The chapter first presents a rigorous reflection on the way intersectionality is currently applied in migration policy scholarship. While migration scholars increasingly point to the gendered, racialized, classed and heteronormative dimensions of migration and integration policies, they spend little time reflecting on and operationalizing how intersectionality informs their methodological choices and what consequences these have for their analyses. The chapter, entitled *'Intersectional analyses of migration and integration policy: lessons from feminist policy studies?'*, presents an analytical tool that builds on feminist policy studies. This tool exposes the way policies frame policy subjects by highlighting the way power clusters around intersecting categories of social difference that serve to sustain inclusionary or exclusionary policy measures.

In **Chapter Seven**, finally, I will bring the findings of the different chapters together and formulate an answer to my research question. I will highlight the empirical and theoretical contributions of the dissertation and reflect on its limitations. Finally, I will make some suggestions for future research.
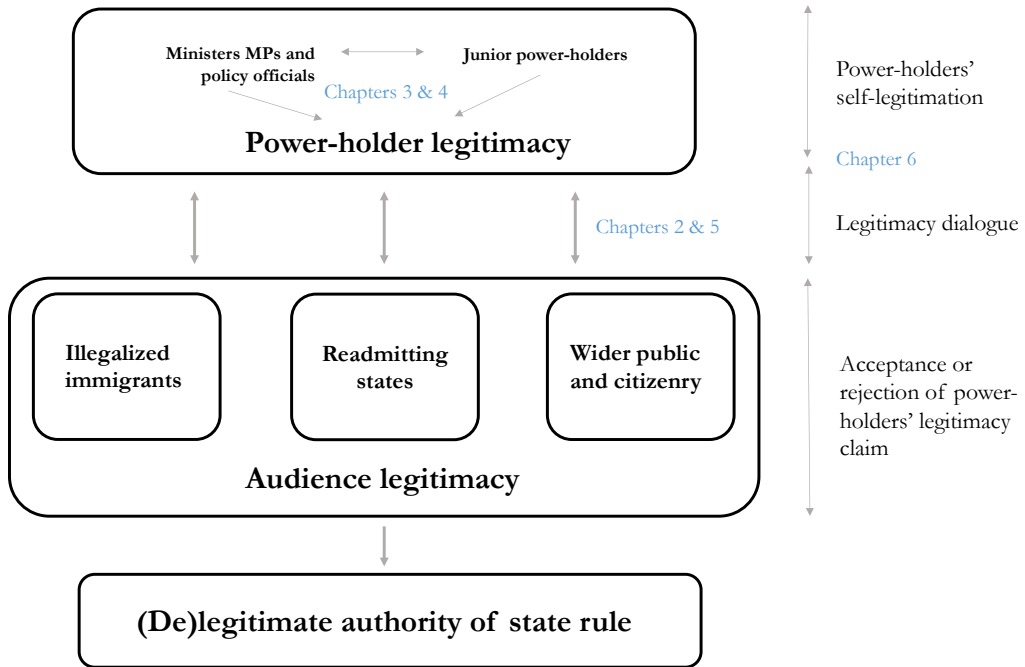
Figure 1.2: Schematic overview of chapters

Legitimizing detention and deportation of illegalized migrant families: reconstructing public controversies in Belgium and the Netherlands

2

Abstract

In Belgium and the Netherlands, the detention and deportation of illegalized migrant families with underage children has recently caused public controversy, resulting in the eruption of anti-deportation protests. This controversy is rooted in the unresolved tension for liberal states to protect children's rights on the one hand, while limiting 'unwanted migration' on the other. Previous literature documents protest reactions to efforts to deport families with underage children, as well as general state tactics to legitimize such coercion. This chapter instead centres the state's legitimation work in response to societal protest and draws on publicly available material on two recent controversies: the Belgian debate on family detention and the determination of the Child pardon in the Netherlands. For Belgium we highlight that the government frames detention as the 'ultimate measure', used only when less restrictive measures 'failed'. For the Netherlands we show how the government reallocates political responsibility from elected officials to bureaucrats. Both strategies transform what is essentially a moral-political debate into a web of administrative procedures and discussions on legal conditions. The Belgian and Dutch governments thus invisibilize moral conflict by drawing it outside the realm of democratic politics, to the backstage of bureaucratic administration.

Introduction

Over the last decades, the practice of deportation has emerged as a definite and increasingly pervasive technique of population management (De Genova and Peutz 2010). Liberal states, including Belgium and the Netherlands, are willing and able to treat non-citizens in illiberal and cruel ways, despite their proclaimed commitment to human rights (Gibney 2008). Meanwhile, the forced deportation of unauthorized migrants, and their administrative detention prior to it, have been subject to intense contestation. Capturing the public imagination, such practices have grown into one of the more controversial and politicized topics in public debate (Anderson et al. 2011, Rosenberger et al. 2018).

The public controversy surrounding migrant detention and deportation becomes especially heated when it concerns families with underage children (Freedman 2011, Rosenberger and Winkler 2014). This observation is not exclusive to the European context: former US president Trump's 'zero-tolerance policy' at the US-Mexico border, for example, recently spurred public outcry as it involved separating children from their adult caregivers for the sake of detaining and deporting the latter. Children occupy 'difficult territory' in liberal states' migration management policies, as the situation reflects the 'tension between commitments to protect children's rights on the one hand and to limit "unwanted migration" and secure borders on the other' (Sigona and Hughes 2012, 1). For proponents of migrant law enforcement, e.g. right-wing, nationalist politicians and their followers, families with underage children should be treated in the same way as other 'illegal migrants' who should be monitored, detained and removed from the nation state's territory. Discursively, illegalized migrant children are represented as 'threats' to Europe's moral social order because of their extraterritoriality. The presumed place for children is a domesticated, stable household and being away from that as a result of their migration journey renders illegalized migrant children adult-others (Crawley 2011). For protest movements, parliamentary opposition members and legal advocates alike, children are impacted disproportionately by the deportation regime and should not be detained, as internationally enshrined in the Convention on the Rights of the Child (UN General Assembly 1989). They particularly emphasize children's deservingness of legal residency due to their innocence, vulnerability and lack of choice in 'becoming undocumented' (Eastmond and Ascher 2011, Freedman 2009, Nicholls et al. 2016).

These competing perspectives on the detention and deportation of migrant families force policymakers to explicitly legitimize their usage. While previous research documented how illegalized immigrant families and protest movements react to the threat of deportation of (e.g. in Rosenberger et al. 2018, Freedman 2011, Patler 2018), less is known about how states and policymakers faced with such protests legitimize their efforts to exclude illegalized migrant families. Specifically, we focus on two recent cases: the development of family units for the detention of families in Belgium and the determination of the Child pardon – a collective regularization for illegalized children and their families – in the Netherlands. We have purposively sampled Belgium and the

Netherlands (Gobo 2004) as their detention and deportation policies towards illegalized migrants are increasingly presented as acceptable in migration management, whilst differing in enforcement efforts and budgetary possibilities (Leerkes and Van Houte 2020). We draw on newspaper articles, materials published by NGOs and government agencies, as well as parliamentary documents that centre on these two controversies.

Our contribution is dual. First, we detail how states and policymakers respond to societal protest against detention and deportation of migrant families with underage children. We argue that the Belgian and Dutch governments transform a moral-political conflict about detention and deportation into a web of administrative procedures, norms and arguments, so that they appear to be genuinely procedural problems which can be argued and decided on via legal instruments. Doing so, the Belgian and Dutch governments seek to 'invisibilize' this moral conflict by drawing it to the backstage of bureaucratic administration and, according to them, outside the realm of democratic politics. In line with Wood and Flinders (2014, 152), we describe this move as 'governmental depoliticization': a distinct form of depoliticization which involves the attempt 'to deflect blame and accountability from governments'. Second, these cases are explicit examples of states balancing the protection of children's rights and dignity with the enforcement of deportation policies that dehumanize and criminalize non-citizens (Grace and Roth 2021). We therefore empirically investigate how policymakers navigate the tension between migration management and their normative imagery of liberal, human rights-respecting states. The Belgian and Dutch governments do so by portraying detention and deportation as part of a rationalized process wherein the rule of law allegedly trumps the rule of emotions, sentiments and individual judgments by politicians. These strategies, however, do not solve the underlying ethical problem but solely temporarily deflect it. The debate can therefore always be reopened as long as the underlying moral and ethical conflict is not resolved, and new poignant cases inevitably emerge.

In what follows, we first survey the literature on anti-deportation protests and different politicization strategies that NGO's and protesters deploy. We then detail our understanding of legitimacy and legitimation work and outline the ways in which states generally account for their detention and deportation efforts. Second, we clarify our choice to study Belgium and the Netherlands, our data collection strategy and methods of analysis. In the results section, third, we discuss two legitimization strategies used by Belgian and Dutch policy actors. Based on our analysis of the Belgian government's development of family detention units, and how this affected their proposals to use less restrictive alternatives, we discuss a legitimization strategy that we will refer to as the 'ultimate measure' strategy. Following our discussion of the Dutch Child pardon and the abolition of the State Secretary's discretionary power, we show how Dutch policymakers have allotted political responsibility for deportation of children from elected officials to specific bureaucratic agencies and committees. We term the latter a 'reallocation' strategy.

Deportation controversies: legitimacy and politicization

Anti-deportation protest and the politicization of deportation

At first sight, anti-deportation protests by protest movements and NGOs mainly challenge the state's legitimacy to deport specific individuals or families. Previous research has demonstrated how anti-deportation protests often focus on individuals who exhibit high levels of societal integration (Bader and Probst 2018, Rosenberger and Winkler 2014). In these instances, societal integration refers to their involvement in the community or participation in associations, good language skills, steady employment, engagement in school or at work (Nicholls et al. 2016, Rosenberger and Winkler 2014). Protesters argue that these individuals have a legitimate claim to be exempted from the threat of deportation because of the intricate link between themselves and the society they live in, irrespective of formal membership status (Bosniak 2007). When children are involved, such links will inevitably form through their access to the education system and kindergartens (Rosenberger and Winkler 2014). Examples of protests that challenge the legitimacy of deportation as such seem to be much rarer. These include campaigns for the collective regularization of undocumented migrants (Chimienti 2011, Chimienti and Solomos 2013) and coordinated efforts to disrupt attempted deportations (Hinger et al. 2018). A recent example of the latter includes a protest in Glasgow that prevented the deportation of two individuals, yet centred on solidarity with refugees and asylum seekers in general.[9] In the cases we study, the state's deportation efforts are met with intense contestation by a heterogeneous coalition of protest movements and NGOs. While migration policy is sometimes regarded 'an elite-led highly institutionalized field with a relatively weak level of civil society engagement' previous research has shown that it is in fact durably influenced by NGOs through discursive action, alliance building and agenda-setting power (Statham and Geddes 2006, 248). NGOs actively voice concerns with states' policy that are (latently) present among members of the citizenry (ibid., 248). Doing so they engage in 'information politics' (Thrall et al. 2014, 137) to add alternative frames to the discursive opportunity structure that would otherwise be dominated by migration management principles. A common strategy is to provide outlets for migrants' testimony about their experiences to show that they are 'ordinary people with dependents who often experience isolation, discrimination, and the vulnerabilities associated with uncertain legal status' (Cullen 2009, 105–106). Alongside such communicative action strategies, NGOs also take action as 'policy and norm entrepreneurs' (Piper and Rother 2012, 1740) by building and maintaining alliances with each other and public officials to perform parliamentary lobbying. By challenging deporting states' legitimate use of coercive policies, protest mobilized by NGOs thus has a political agenda-setting effect that pressures politicians to respond (Lipsky 1968) and perform 'legitimation work' (Abrams 1988).

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9   Brooks, L. (2021). 'Glasgow Protesters Rejoice as Men Freed After Immigration Van Standoff'. *The Guardian*, 13 May 2021.

Legitimacy and legitimation work at the backstage and frontstage

According to classic accounts by Weber (1978), the modern state can claim and maintain the monopoly of legitimate violence and coercion to enforce rules within a given territory as long as it is recognized as the legitimate holder of said monopoly by the citizenry. In liberal democratic states, he argued, rulers predominantly aim to establish and cultivate such recognition in the form of 'legal authority': 'a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue commands' (ibid., 215). What is important in Weber's approach to legitimacy is not so much that the state's commands are just or not (legitimacy is no synonym for justice) but rather that, even its most contentious commands, are obeyed by most people, most of the time, because there exists 'a belief in legitimacy (…) which every [political] system attempts to establish and to cultivate' (ibid., 213). This implies that when the state's exercise of coercive control becomes highly challenged, for instance when it tries to detain and deport families with children, it is forced to engage in 'legitimation work' to defend its claims in front of the broader public (Borrelli and Lindberg 2019, Ellermann 2009). In our case studies, this takes the form of legitimizing deportation and detention practices by emphasizing their procedural, administrative and legal fairness. While scholars have questioned whether detention and deportation can be considered legitimate at all from a theoretical point of view (see e.g. Bosworth 2013, Lenard 2015), our chapter empirically investigates the tactics and techniques states deploy to gain and maintain such legitimacy. A useful distinction that helps us to do so, is to differentiate between legitimation work taking place on the backstage or frontstage of politics (Goffman 1959). On the backstage, where policies are 'done' and implemented (Wodak 2014), studies show that migration bureaucracies look nothing like the Weberian ideal of a rationalized, impersonal and hierarchical bureaucracy (Borrelli and Lindberg 2019, Fassin 2013, Kalir 2019b, Ugelvik 2016). While policymakers may strive to render the tension between migration management and human rights frameworks workable for frontline caseworkers, the latter see that tension personalized in their day-to-day work with migrants and experience the 'legitimacy deficit' that goes with that tension (Ugelvik 2016). These backstage actors continuously need to balance ethical conundrums and navigate unclear and contradictory policies (Eule et al. 2019). On the frontstage, where government presents itself to the broader public, legitimation work involves interventions into how a policy is framed and how information is selectively presented to the citizenry (Wodak 2014). Through these interventions governments try to shape different audiences' conception of the problem that is to be addressed and the available solutions to address it (Hajer and Uitermark 2008). When the conceptions of the majority of the audience overlap with that of the government, frontstage legitimacy is highest. Frontstage legitimation of coercive state power in detention and deportation occurs when, for example, politicians present migration as putting a strain on scarce resources (e.g. jobs, housing, social welfare) which is to be avoided through strict immigration controls. Detention and deportation are then portrayed as the consequences of people not respecting the necessary rules and restrictions to control entry.

From previous research on the ways liberal governments deal with the complications following their deportation efforts, we can distil three strategies used to legitimize detention and deportation. First, European countries frame deportation in a way that emphasizes the continued protection of deportees. So-called 'safe countries of origin lists', for example, identify countries where no widespread conflict or human rights abuses are known, suggesting that migrants deported to these countries face low risks of encountering violence or persecution. While using these arguments, states often downplay more specific instances of persecution that may still occur, such as violence tied to gender or sexuality (Freedman 2015).

Second, states have invested heavily in setting up so-called 'assisted voluntary return' (AVR) programs to legitimize their deportation efforts in case of 'non-compliance'. Such programs often offer shelter, financial incentives and re-integration counselling before migrants allegedly make the decision to return 'voluntarily'. AVR fulfils an important role in resolving the tension between the sovereign power to determine who has access to the national territory and the liberal rule of law that constitutes their legitimacy. 'Staging' what is effectively expulsion as voluntary, AVR programs make it possible to conceal contradictions to the logic of the liberal state of law, as return is allegedly 'freely chosen' (Cleton and Chauvin 2020).

Third, states rely on criminalizing illegalized migrants to legitimize coercive measures initiated against them. Criminologists suggest that migration has become an arena 'governed through crime' (Bosworth and Guild 2008), as migrants are often assumed to constitute a source of potential risk, making their movement an intelligible object of policing and legitimate confinement. Research has documented how this logic disproportionally targets racialized individuals (De Noronha 2020, Kalir 2019a) and extends to families detained at the US-Mexican border (Antony 2019). Similarly, policymakers in Belgium and France have framed debates on so-called 'transit migrants' as a matter of public safety rather than the protection of their rights (Vandevoordt 2021). This logic renders illegalized immigrants themselves responsible for their fate, as their own actions of breaking the law implies that they should also bear the consequences.

Migration control policies in Belgium and the Netherlands

The institutional and legal organization of deportation in Belgium and the Netherlands is informed by European Union Directive 2008/115/EC, the EU Return Directive. It stipulates a set of common rules, applicable to all 'third-country nationals' who do not, or no longer, fulfil the conditions for entry, stay or residence on EU territory. As such, there is a certain level of policy convergence in the form of an increased attention to deportation as a tool for migration control (Gibney 2008). At the same time, there are notable differences between Belgium and the Netherlands.

Belgium can be considered a 'hampered deportation regime' (Leerkes and Van Houte 2020) because it combines a pronounced interest in detaining and removing illegalized

migrants with limited capacities and resources to do so. Even though Belgium has diplomatic relations in place to negotiate readmission agreements, a federal police force that carries out checks on home addresses, and a dedicated government branch following up on orders issued to leave the territory, it has relatively few capacities and resources and mostly relies on 'softer' forms of territorial exclusion, such as 'assisted voluntary return' policies (ibid.).

The Netherlands is considered a 'thick enforcement regime' (Leerkes and Van Houte 2020), as its attempts to remove as many illegalized migrants as possible is combined with a strong infrastructure and budget to do so. The Dutch government combines more direct 'territorial exclusion policies' with indirect 'social exclusion policies' that constrain livelihood chances. The former includes signing international and bilateral agreements with countries of origin, an extensive and repressive 'assisted voluntary return' infrastructure, detention facilities throughout the country, a dedicated Aliens Police focused on detecting illegalized migrants (especially those with criminal records), and a formal procedure to carry out forced removal. These 'social exclusion policies' were brought together in the 1998 Linking Act that made accessing healthcare, education and other social services dependent on legal resident status (Van der Leun and Kloosterman 2006).

Data and methods

Our data comprises documentary sources that we gathered through desk research in the spring of 2020. We specifically searched for publicly accessible documents on detention and/or deportation of migrant families with children for the Netherlands and Belgium since 2008. Focusing on Belgium and the Netherlands allows us to take into account variations described in the previous section within the broader normalization of detention and deportation in the face of persistent societal protest. We focus on the period since 2008, starting with the EU Return Directive that provided a more elaborate framework for EU Member States to organize 'soft' and 'hard' forms of deportation, including the so-called 'assisted voluntary return' programs and forced expulsion (Baldaccini 2009). Since then, return has become a more explicit point of attention in Belgian and Dutch migration policies. Drawing on an exploratory analysis of these documents, we decided to focus on the two most salient controversies that emerged in these two countries since then: the family units for the detention of families in Belgium and the Child pardon in the Netherlands.

Having selected these two controversies, we identified the most important NGOs and coalitions they formed in Belgium (e.g. Children's rights coalition, the platform Children on the Run, Amnesty International and Myria) and the Netherlands (e.g. Coalition No Child in Prison, Amnesty International and Defence for Children). We marked NGOs as 'important' when they were often mentioned or quoted in documents related to the ongoing conflict on family units in Belgium or the Child pardon in the Netherlands. We

then further sampled documents discussing the detention and deportation of families from their websites. Next, we also sampled publicly available documents by the Belgian and Dutch governments (e.g. Ministry/State Secretary press releases, proposed law, policy frameworks and reports on parliamentary debates). We sampled a total of 45 documents for Belgium and 33 for the Netherlands. Most documents selected are press releases (29), reports (20), governmental documents (9), and news articles and opinion pieces that were mentioned in NGO or government sources (11). The documents we selected discuss policy measures in either Belgium or the Netherlands and voice concerns (i.e. most NGO documents or governmental/parliamentary documents from members of the opposition) or defend detention and deportation policy (i.e. parliamentary documents or news articles interviewing members of the government). Table 2.1 provides an overview of the selected documents (with source, type, and reference code used in the footnotes).

We used NVivo12 to perform systematic stepwise coding (Bryman 2012) in three rounds, conducted by the first author. First, the first author conducted open-coding staying very close to the language used in the documents (e.g. alternatives to detention, arguments against deportation, references to migration policies becoming 'stricter' etc.). Second, he grouped the open codes in two main clusters (and a 'remaining group' category) used for Belgian and Dutch sources: 'return policy', and 'dealing with controversy'. In the third round, he grouped some of the codes into specific 'legitimation strategies' and presented these to the author-team: (1) ultimate measure, (2) reallocating political responsibility to specialist agencies, (3) smart budgeting strategies, (4) referencing human rights abidance, (5) blaming individual migrants, (6) depersonalization, and (7) referencing past or future elections to claim democratic legitimacy of pro-detention and deportation decisions. The team met in June 2020 to discuss these strategies and the codes linked to them for purposes of inter-coder reliability (ibid.).

While we found examples of the use of all these strategies in both countries, the first two strategies, i.e. ultimate measure and reallocating political responsibility, were most salient and particularly adequate to describe the overall legitimation strategies used in, respectively, Belgium and the Netherlands. Moreover, in Belgium, policymakers more explicitly used the third, fourth and fifth strategies (smart budgeting, referring to human rights and blaming individual migrants), and in the Netherlands, policymakers more explicitly used the fifth and sixth strategies (blaming individual migrants and depersonalization). The final listed strategy (e.g. politicians suggesting that the large number of votes they received in past elections mandate their strict migration control) was only used on rare occasions and is hence discarded from the empirical section.

Author/organization	Source code
Belgium	
Agency for Integration and Naturalization (1)	BE-AGII_PR_09-2018
Amnesty International (9)	BE-AI_O_04-2011; BE-AI_PR_06-2019; BE-AI_PR_10-2012; BE-AI_PR_08-2018; BE-AI_PR_02-2019; BE-AI_PR_04-2019(1); BE-AI_PR_04-2019(2); BE-AI_PR_05-2019; BE-AI_R_xx-2009
Belgian government (5)	BE-G_PL-07-2011; BE-G_PL-04-2018; BE-G_PL-02-2019; BE-G_R-09-2018; BE-G_RD_08-2018
Federal Ombudsman (1)	BE-FOm_PR_09-2018
Human rights league (2)	BE-HRL_PR_08-2018(1); BE-HRL_PR_08-2018(2)
Jesuit Refugee Service Belgium, VZW (6)	BE-JRS_IoWP_06-2019; BE-JRS_IoWP_xx-xxxx; BE-JRS_PR_06-2016; BE-JRS_PR_11-2017; BE-JRS_PR_04-2019; BE-JRS_Rec_09-2018
Kinderrechtencoalitie (5)	BE-KRC_PP_xx-2014; BE-KRC_PP_01-2017; BE-KRC_PP_10-2018; BE-KRC_PP_12-2018; BE-KRC_R_01-2017
Myria (3)	BE-Myria_PR_08-2018; BE-Myria_R_11-2017; BE-Myria_R_12-2018
NANSEN (1)	BE-NANSEN_PR_04-2019
De Standaard (1)	BE-DS_NA_08-2018
Platform Children on the Run (9)	BE-PCotR_IoWP_xx-xxx(1); BE-PCotR_IoWP_xx-xxx(2); BE-PCotR_IoWP_xx-xxx(3); BE-PCotR_PR_03_2012; BE-PCotR_PR_06-2017; BE-PCotR_PR_09-2017; BE-PCotR_R_10-2012; BE-PCotR_R_12-2015; BE-PCotR_R_05-2018
Van Damme Simon (Children's rights coalition Flanders) (1)	BE-VDSimon_O_02-2019
Vluchtelingenwerk Vlaanderen (1)	BE-VlWVl_R_12-2016
The Netherlands	
Amnesty International (7)	NL-AI_EM_xx-2015; NL-AI_R_10-2011; NL-AI_R_04-2016 NL-AI_R_07-2017; NL-AI_R_02-2018(1); NL-AI_R_02-2018(2); NL-AI_Rec_06-2018
Coalitie Geen kind in de cel (3)	NL_CGKidC_LtP_06-2019 NL-CGKidC_LtP_12-2019; NL-CGKidC_R_01-2014
Defence for Children (7)	NL-DfC_PR_10-2017; NL-DfC_PR_11-2018; NL-DfC_PR_12-2018; NL-DfC_PR_01-2019; NL-DfC_PR_02-2019; NL-DfC_PR_09-2019; NL-DfC_R_xx-2017
De Goede Zaak (1)	NL-DGZ_CP_12-2017
De Volkskrant (1)	NL-DeVk_O_11-2018
Dutch Government (2)	NL-G_PC_09-2014; NL-G_RPD_01-2019
Dutch Ombudsman (1)	NL-Dom_R_02-2020
Kerk in Actie (2)	NL-KiA_ONA_10-2018; NL-KiA_ONA_03-2019
Nederlands Dagblad (1)	NL-NDb_NA_09-2018
NOS Nieuws (2)	NL-NOS_ONA_11-2018; NL-NOS-ONA_02-2019
Trouw (2)	NL-Trouw-ONA_04-2018; NL-Trouw-ONA_11-2019
Unicef (1)	NL-unicef_R_11-2019
Vreemdelingenvisie (2)	NL-VV_PR_07-2019(1); NL-VV_PR_07-2019(2)
Werkgroep Kind in AZC (1)	NL-WKiAZC_R_06-2018

Source codes: [country]-[author or organization]_[document type]_[Date: MM-YYYY].

Document type codes: Call to sign Petition (CP), Educational Material (EM), Information on Webpage (IoWP), Letter to Parliament (LtP), Newspaper Article (NA), Online Newspaper Article (ONA), Opinion Piece (OP), Parliamentary Correspondence (PC), Press Release (PR), Proposed Law (PL), Recommendation (Rec), Report (R), Report Plenary Debate (RPD), Royal Decree (RD).

Table 2.1: Data sources

Depoliticizing the controversy of deporting migrant families

The Belgian and Dutch governments generally portray administrative detention and forced return as necessary elements for successful migration management policies. These allow them, so their argument goes, to differentiate between citizens and non-citizens and to limit the risk of rejected asylum applicants absconding from state control.[10] NGOs, in contrast, challenge the routine use of such practices for being disproportionate responses to the administrative violation of unauthorized residence,[11] and for being a violation of the respect for children's 'best interests' (Art. 5 of the EU Return Directive[12]) and the right to family life (European Convention of Human Rights[13]). Furthermore, NGOs often argue that child detention always violates Article 2 §2 of the International Convention of the Rights of the Child,[14] since children are punished for the acts of their parents.[15] As these pro- and anti-detention and deportation positions clash in the public sphere, our analysis suggests that policymakers turn to various depoliticization strategies. While the generalized concept of 'depoliticization' denotes the denial of political choice in social situations, we identify and interrogate how political elites try to shift the political nature of decisions. As such, we predominantly focus here on what Wood and Flinders (2014) distinguish as 'governmental depoliticization' (for more information on different types of governmental depoliticization see Flinders and Buller 2006). In what follows we present two case studies wherein we detail how the Belgian and Dutch governments have done so in the context of the development of family units for the detention of families in Belgium and the determination of the Child pardon in the Netherlands.

Case 1. The Belgian cascade system of coercive measures

In Belgium, detention of families with children in closed centres was gradually made possible from the late 1990s onwards. In 1998, Belgium's first closed detention centres for illegalized migrants were established.[16] In the early days of these centres, officers would detain only the head of the family (one of the parents, usually the father) whenever possible and upon agreement with the entire family. The remaining family members were required to report to the authorities frequently. With this construction, authorities sought to pressure entire families to depart upon the detained family member's scheduled deportation date. In practice, however, non-detained family members stopped reporting to authorities when this date came closer. This led to the separation of families, as the detained family member was often still deported.[17] Since the strategy was both ineffective, as detention of one family member did not lead to effective deportation of the other

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10   BE-PCotR_R_12-2015; BE-AI_PR_04-2019(1); NL-AI_R_10-2011; NL-Dom_R_02-2020.
11   NL-CGKidC_R_01-2014.
12   BE-PCotR_R_12-2015; BE-AI_PR_04-2019(1); NL-AI_R_10-2011; NL-Dom_R_02-2020.
13   BE-PCotR_R_12-2015.
14   BE-PCotR_R_12-2015.
15   BE-HRL_PR_08-2018(1).
16   BE-G_PL-02-2019.
17   BE-G_PL-02-2019.

members, and resulted in their enduring separation, the state started detaining entire families in the closed centres 127bis Steenokkerzeel and Merksplas from 2008 onwards.[18] In 2009, then-State Secretary Melchior Wathelet (Walloon Christian-democrats) initiated plans to develop four closed family units in a new closed detention centre beside centre 127bis.[19] In 2010, however, the European Court of Human Rights convicted the Belgian state, in *Muskhadzhiyeva v. Belgium*, of human rights violations because families with children were not detained separately from other detainees.

With a legal change to the law of 15 December 1980 resulting in the addition of Article 74/9 in 2011,[20] policymakers introduced the legal norm to 'in principle' not detain families with underage children. Doing so, they claimed compliance with Article 15 of the EU Return Directive, which states that 'prior to the consideration of detention, less restrictive measures have to be considered'.[21] Simultaneously, Belgian policymakers specified in Art. 74/9 §2 that, 'in preparation of [migrant families'] removal from the territory', they can be detained, 'for a period as brief as possible in a specific location, near the border, that has been adjusted to meet the family's needs.'[22] This specification of the circumstances under which detention in closed centres was now allowed engendered the development of family units in a new closed detention centre neighbouring centre 127bis.[23] These would eventually be opened on 11 August 2018.[24]

This set of actions constitutes what we describe as an 'ultimate measure' strategy, which seeks to legitimize detention in two ways. First, it allows policymakers to formally and principally favour less restrictive alternatives to detention, while devoting insufficient time, money and energy to the development of these alternatives in practice. Second, because detention in closed centres is still allowed if strict conditions are adhered to, policymakers can avoid a debate on the fundamental legitimacy of detention if they can show that the centres fulfil the formally established requirements.

Principles vs. practice
Following the government's reasoning in Art. 74/9 §1, detention is 'in principle' not used. This means that the authorities formally favour the use of less restrictive alternatives. In Belgium, policymakers pay lip service to the policy of allowing families to be coached by government officials towards a 'voluntary return decision' in their own homes or in so-called open return homes.[25] These constitute the first steps in a cascade system of increasingly restrictive measures to press for families' departure.

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18   Detention of families with children in Merksplas was especially problematic given that the Center for Illegals Merksplas is the oldest, worst equipped detention centre in Belgium; 'the buildings date back to 1875 and its original purpose was to imprison tramps' (BEVlWVl_R_12-2016).
19   BE-G_PL-02-2019.
20   BE-Myria_PR_08-2018.
21   NL-AI_R_02-2018(1).
22   BE-G_PL-07-2011.
23   BE-G_PL-02-2019.
24   BE-AGII_PR_09-2018.
25   BE-Myria_R_12-2018.

The law of 16 November 2011 anchored the legal principle in the Alien Act of 15 December 1980 prohibiting child detention. Those who proposed the law foresaw a cascade system wherein the family is first coached at home. If this fails, the family would be taken to an open centre. Only when the family then refuses to leave the territory they can be detained in a closed centre, and this for a period as brief as possible.[26]

While this cascade ostensibly favours the use of less restrictive measures, policymakers have used it to legitimize the eventual detention of migrant families. NGOs have highlighted that policymakers make use of what we call a smart budgeting scheme: overtly committing to develop alternatives to detention, but allocating too little time, effort and financial means to realize the full potential of these alternatives.[27] This in turn allows them to argue that these underdeveloped alternatives are inefficient. For example, the Jesuit Refugee Service[28] argued that the open return homes had intentionally been underfinanced by the government in favour of developing the family units (i.e. the final step in the cascade).

[The return homes alternative] never received the adequate funding needed to meet the specific needs of children. […] In contrast, the family units that were opened in August 2018 on the terrain of the closed centre 127bis in Steenokkerzeel had a high-quality infrastructure, a specialist support staff for children and offered a diverse array of leisure activities. It's paradoxical that the administration's efforts to adjust the reception of families with children are located at 'the end of the chain'.[29]

Voicing similar concerns, the Platform Children on the Run[30] suggested a paradox in the cascade system, since the less restrictive alternatives of coaching the families in their own home and residence in open return homes were 'not or barely financed' while the closed family units, 'which implies the imprisonment of families with children,' did receive adequate financing. Echoing these arguments, members of the parliamentary opposition, such as Vanessa Matz (Walloon Christian-democrats), challenged how, 'some policy measures do not receive the necessary means to succeed, and are hence accused of being ineffective.' However, she argued, since insufficient funding had been allocated to development of these alternatives, 'nobody can say for certain that these alternatives do not work.'[31]

'Principally' favouring supposedly less-coercive alternatives like coaching, yet

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26   Catherine Fonck (cdH) in BE-G_PL-02-2019.
27   BE-JRS_Rec_09-2018.
28   BE-JRS_Rec_09-2018.
29   BE-JRS_Rec_09-2018.
30   Baudouin Van Overstraeten of the Platform Children on the Run in BE-G_PL-02-2019, p.16.
31   Vanessa Matz (cdH) in BE-G_PL-02-2019; p.31.

'practically' devoting most time, energy and resources to the development of the most restrictive step in the cascade has a very important implication: it turns the entire system, and not only the 'ultimate measure' of closed detention, into an overtly coercive policy tool. Wherever illegalized migrants may be in the cascade, it is specifically developed to constrain individuals toward the final and most coercive element of forced incarceration. As suggested by the Platform Children on the Run,[32] the cascade system renders the notion 'voluntary' in voluntary return void of meaning. When individuals or families indicate unwillingness to return, or act in any way counter to their departure, they are automatically moved to a more stringent and controlled area, to tire them out and prevent any efforts to fight for residency rights. Should they find themselves in closed detention centres or apprehended while living under the radar in 'the worst possible condition' of 'illegality', politicians like Sarah Smeyers (Flemish nationalist party)[33] are quick to blame illegalized migrant children's parents for having made 'wrong decisions'. We found similar arguments in the Dutch context, which we will touch upon later in this section.

Conditions over fundamentals

The second way that the 'ultimate measure' strategy seeks to legitimize the use of detention and deportation consists of steering clear of a fundamental debate on the legitimacy of detention by focusing on the circumstances under which migrant families with children are detained.

In June 2017, NGOs such as the Platform Children on the Run,[34] cooperating with Vluchtelingenwerk Vlaanderen, CIRÉ, Caritas International and JRS-Belgium, organized the campaign 'You don't lock up a child. Period.' They sought to challenge the legitimacy of detaining families with children fundamentally, regardless of the circumstances under which it occurs. However, when the family units opened on 11 August 2018,[35] the debate deteriorated into a petty discussion over the conditions of detention, instead of addressing the legitimacy of detention per se. Policy actors actively fended off fundamental criticism of the units by arguing that they met European requirements. As Nahima Lanjri (Flemish Christian-democrats) highlighted, for example, families were 'separate[d] from other adults, there is room for leisure, playtime and recreation, the necessary staff and facilities for children are present and everything is in the child's best interests.'[36] Activities and games were organized during the day, families could receive visitors and there was a playground for the children. Teachers and nurses were present and a doctor checked on the family on a regular basis. Even NGOs like Amnesty International,[37] although they remained critical, recognized that the family units were indeed designed to be suited to some form of confined family life. Amnesty describes

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32   BE-PCotR_R_12-2015.
33   Sarah Smeyers in BE-G_R-09-2019.
34   BE-PCotR_PR_06-2017.
35   BE-AGII_PR_09-2018.
36   Nahima Lanjri of the Flemish Christian Democratic party in BE-G_R-09-2018.
37   BE-AI_PR_08-2018.

that families were able to cook meals if they wanted to, choosing groceries from a list, which were then brought to the house. 'But beware, they cannot order too many potato chips or soda. That's unhealthy and so it is not in the child's best interest. As opposed to detention, of course.'[38]

Policymakers' use of this strategy, however, proved unsuccessful because of one specific circumstantial factor: the family units were located (too) close to the runway of Belgium's biggest airport, Zaventem.[39] Then State Secretary Theo Francken (Flemish nationalist party) defended the location and claimed that the state abided by maximum noise hindrance requirements and had even performed additional efforts by distributing earplugs.[40] They, in other words, claimed to follow the rules and regulations regarding the conditions in which families were detained. Nonetheless, the State Council suspended the Royal Decree of 22 July 2018 in April 2019,[41] because the proximity to Zaventem airport violated the 'adapted to the families' needs' precondition. While it could be argued that the proximity to Zaventem airport also constitutes a form of symbolic violence in the sense that families are continuously confronted with their impending deportation, the State Council focused on the noise intensity, which could have a frightening effect on the children (in French, *un effet anxiogène*; §45). NGOs[42] celebrated the suspension and argued that the decision 'makes it plain and simple: no matter how desperate the attempts to adjust any location – it is not possible to combine detention with the child's best interests.'[43]

At the time of writing (autumn 2020 – summer 2021), the Royal Decree is still suspended, prohibiting the Belgian government to detain families with minor children. In the new Belgian Federal Government Coalition Agreement of the 'De Croo I government', however, the government has vowed to invest more time and efforts in the development of alternatives to migrant detention, and clearly states that, 'minors cannot be detained in closed detention centres' (Belgian Federal Government 2020, 95). It is still unclear if and how this promise will be put into practice, but this agreement exemplifies the ongoing politicization of the issue.

Case 2. Dutch discretionary power and the Child pardon

Our second case describes a highly politicized societal debate in the Netherlands, regarding the deportation of 'rooted children' (i.e. children who have been living in and going to school in the Netherlands for quite some time) and their families. In 2019, the Dutch government introduced a set of policy measures in an attempt to depoliticize the issue. First, the discretionary decision-making power of the State Secretary – who could decide to overthrow a return order issued by the Immigration and Naturalization Service

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38   BE-AI_PR_08-2018.
39   BE-G_R-09-2018; p.2–3.
40   BE-G_R-09-2018.
41   BE-AI_PR_04-2019(1); BE-AI_PR_05-2019.
42   BE-JRS_PR_04-2019.
43   BE-NANSEN_PR_04-2019.

(IND) and confirmed by domestic courts – was reallocated to the head of the IND. Second, alongside this reallocation, an objective poignancy assay ('*De Schrijnenheidstoets*') replaced the State Secretary's assessment of individual dossiers. While the latter was deemed too subjective, the objective poignancy assay comprises an evaluation of 'exceptional individual circumstances' that is performed by the head of IND at the beginning of a first application for a residence permit. 'Exceptional circumstances' might include, but are not limited to: severe medical issues (of one of the family members), the death of a family member in the Netherlands, gender-related vulnerabilities (e.g. honour killings and domestic violence) and traumatizing experiences that took place in the Netherlands. The IND is instructed to grant a residence permit only if such exceptional circumstances have taken place while the applicant resided in the Netherlands. Finally, the state terminated the policy device of the Child pardon ('*Kinderpardon*') which had allowed Dutch officials to award a residence permit to 'rooted children'.

Child pardon: politicizing through personalization
The Dutch state's policy measures from 2019 aimed to depoliticize the personalized debate regarding so-called Child pardon cases. Interestingly, the Child pardon had been introduced in February 2013 as a way to appease challengers of rooted children's deportation. The Child pardon provided the possibility to award a residence permit to illegalized children under specific conditions: parents and their children had to have applied for asylum, resided in the Netherlands for at least five years, cannot have absconded from government control for more than three months, have no criminal convictions or been convicted of war crimes.[44] This notion of a 'pardon' implies that children should be excused for the 'wrong choices' their parents made, especially continuing illegalized residence in the Netherlands. Malik Azmani (Dutch liberal party)[45] for example suggested that illegalized migrant children's parents 'are responsible for the fact that they have had the chance to become rooted in our society. I believe it is too easy to hold the government responsible. The parents are.' This strengthens the idea, firstly, that children have 'no voice' in the legal applications and migration trajectories that affect their lives (cf. Belloni 2020). Secondly, such arguments conveniently ignore that most parents who are condemned for being 'bad parents' in fact seek a safer, more promising environment to raise their children. It is the state that creates the condition of illegality for these families, and they therefore bear responsibility for the hardship that this condition entails.

While the Child pardon was meant to eliminate discussions on the detention and deportation of (families with) children playing out in the media and parliament, specific cases started to attract public attention again and politicized the debate more generally in late 2018.[46] Probably the best-known example of this politicization is the case of

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44   NL-AI_EM_xx-2015.
45   Malik Azmani (Dutch liberal party) in NL-G_RPD_01-2019.
46   NL-NDb_NA_09-2018.

Armenian siblings Lili and Howick,[47] who arrived in the Netherlands with their mother in 2008. When the family's asylum application was rejected, their mother filed for a residence permit on the basis of the Child pardon in 2013. The organization Church in Action called for a fair Child pardon and drew attention to the case of Lili and Howick to exemplify the necessity for such a move.[48] When Lili and Howick's Child pardon request was denied, the mother filed a new asylum application for her children in May 2017. When this application was again denied, the Dutch authorities sought to arrest the family for a forced return in August 2017. However, the children were not present, and the mother refused to disclose their location, leading to the deportation of the mother on 14 August 2017 without her children.[49] On 25 August 2017, the children were found and placed under the care of a foster family within their social network. The case took an interesting turn in the summer of 2018, when the Utrecht Court ruled in favour of a residence permit for Lili and Howick, because the government had insufficiently taken into account the conditions upon the children's return to Armenia. The State Secretary of Justice and Security, however, brought the case to the Council of State that in turn overruled the Utrecht Court's decision. As a result, the government was able to proceed with the children's deportation. When the children went underground for a second time to prevent their scheduled deportation, which attracted widespread attention in the national news, the State Secretary decided to use his discretionary power and awarded the children a residence permit.[50]

Cases like these exemplify the tension between formal removal policies and how these play out in the everyday lives of families and children. The policy may sound efficient and well structured, yet these cases make clear to the Dutch public that in reality it leads to messy and damaging experiences. As such, elected officials become vulnerable to criticism of policy mechanisms that are otherwise largely unseen by the public. As the Dutch politician Maarten Groothuizen (social-liberal party) argued:

> Year after year we witness sad cases of children who are going to school here, who have made friends here and who have been taken up in their local communities. Despite their being rooted they cannot stay in the Netherlands. [...] They have to go back to a country they do not know, have never been to or have been to a very long time ago, without having a recollection of it. These poignant cases give the abstract policy a face, bring it closer.[51]

The government quickly criticized this personalization of harsh policies. As Malik

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47   For a detailed description see NL-unicef_R_11-2019; p.50–52.
48   NL-KiA_ONA_10-2018.
49   It is important to note that from this moment on, Lili and Howick were treated as 'unaccompanied minors', for whom the transferal of legal guardianship and adequate care and reception upon their arrival back in Armenia has to be guaranteed prior to deportation. See Return Directive 2008/115/EC Art.10.'
50   NL-NDb_NA_09-2018; NL-unicef_R_11-2019; p. 50–52.
51   Maarten Groothuizen (D66) in NL-G_RPD_01-2019.

Amani[52] (liberal party) argued in parliament in 2019, 'these debates about individual cases are often highly politicized as they all appear in the media.' In fact, it had 'annoyed' him, 'how these individual cases are dealt with […]. In this House [of Representatives] today as well we have once again named individual, specific cases. […] We should depoliticize these cases and limit their airtime in the media.'[53] One way to do so, according to him, was to abolish the Child pardon.

Abolishing the Child pardon: towards a depersonalized procedure
In 2019, Dutch policymakers moved to abolish the Child pardon and reallocate the State Secretary's discretionary power to grant rooted children a residency permit to the head of the IND. As an elected official, policymakers argued that the State Secretary would be under too much political influence to make such decisions.[54] The head of the IND, a non-elected public servant, would perform an allegedly objective poignancy assay ('*De Schrijnenheidstoets*') during every first asylum application. NGOs such as Defence for Children[55] quickly voiced their discontent, as they considered the State Secretary's discretionary decision-making power to be a necessary 'check' on the asylum system. The State Secretary, in the words of Bram Van Ojik (Green Party)[56] could always 'find it in his heart' to revoke a negative decision on an asylum application in case of extreme hardship. The Dutch government nevertheless pressed to abolish the discretionary power, arguing that '[i]t is important to bring this part of the procedure in standard practices instead of upholding the possibility for a politicized debate.'[57]

The reallocation of this power from the State Secretary to the head of the IND – much like the abolition of the Child pardon – clearly sought to limit the politicization of individual dossiers. In tandem, the government's decision to perform the poignancy assay in the context of a first asylum application was said to serve two goals. First, it would limit the instances of 'stacking' of asylum applications. This argument refers to the idea that events happening after the initial asylum application, while the applicant is residing in the Netherlands without official authorization, should not provide the basis for a new application. This seems to pre-empt a politicization of individual cases based on their 'societal integration'. Second, rendering this assay objectified and standardized would, in the words of Madeleine Van Toorenburg (Christian-democrats), allow for, 'a depoliticized assay, with extra attention to the needs and circumstances of children, about which the judge will have a say.'[58] Performing the new objective poignancy assay in the first asylum application procedure, would also, in the words of Maarten Groothuizen (social-liberal party), 'take the issue out of the political sphere.'[59]

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52   NL-G_RPD_01-2019.
53   Azmani in NL-G_RPD_01-2019.
54   NL-NOS_ONA_11-2018.
55   NL-NOS_ONA_11-2018.
56   Van Ojik (GroenLinks) in NL-G_RPD_01-2019.
57   Mark Harbers in NL-G_RPD_01-2019.
58   Madeleine Van Toorenburg (CDA) in NL-G_RPD_01-2019.
59   Maarten Groothuizen (D66) in NL-G_RPD_01-2019.

These changes were not applied without criticism. Some members of the opposition argued that, by definition, the notion of poignancy is a subjective indicator.[60] Others mentioned that the transfer, both of the discretionary power and of the task of performing the poignancy assay, to civil servants would damage the potential for democratic checks and balances. As Bram Van Ojik[61] (Green Party) argued, 'You cannot place decision-making power over matters that are crucial to the life of an asylum seeker into the hands of a civil servant. […]. You have to legitimate decisions in front of this house.' Jasper Van Dijk[62] (social-democratic party) argued that the move would turn the IND into a 'butcher assessing the quality of its own meat'. Furthermore, there was some doubt as to whether the State Secretary – who is legally the head of the IND – really transferred decision-making power, or whether it was in fact merely a mechanism intended to hide the State Secretary's responsibility for the IND.[63]

Discussion and conclusion

The public controversy over the detention and deportation of families with underage children can be described as a tug of war between actors who defend deporting states' right to exclude non-citizens and actors who delegitimize these efforts. The Belgian and Dutch governments go great lengths to legitimize their use of 'coercive social regulation' (Ellermann 2009). In this chapter, we have discussed specific legitimation strategies that they thereby pursue. As could be expected, these strategies are based on rational-legal authority that derives its legitimacy from a belief in the legality of enacted rules (Weber 1978). They establish this legitimacy by transforming what is essentially a moral-political debate on the acceptability of damaging experiences played out in the lives of illegalized migrant families and their children into a discussion on the procedural conditions under which states can detain and deport specific non-citizens. Specifically, we discussed how the Belgian government has emphasized that child detention is the 'ultimate measure' used only when less restrictive measures have 'failed', and how the Dutch government has emphasized the 'objective, due process' followed in deciding to deport children.

The ultimate measure strategy allows policymakers to legitimize detention and deportation in two specific ways. First, policymakers 'in principle' favour alternatives to detention whilst 'practically' devoting most time and energy to the development of the most restrictive step in the cascade. Following their reasoning, they would not have had to recourse to these measures if illegalized migrants had 'cooperated' with their 'voluntary' return earlier in the chain of events. This reasoning blames illegalized migrants if and when they move from a less to a more restrictive measure. The ultimate measure strategy also drives the debate away from a focus on the fundamental legitimacy

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60 Attje Kuiken (PvdA) in NL-G_RPD_01-2019.
61 Bram van Ojik (GroenLinks) in NL-G_RPD_01-2019.
62 NL-G_RPD_01-2019.
63 Jasper van Dijk in NL-G_RPD_01-2019.

of detention and deportation toward a discussion of the conditions under which families with children can be detained. These are simultaneously specific and vague enough for policymakers and opponents of detention to engage in debates on the specificities of detention, including what 'meeting the families' needs' is supposed to entail.

Our discussion of the Dutch case exemplifies how officials reallocate the political responsibility for decisions to detain and deport specific individuals. Running through our discussion of the 2019 package deal of new measures responding to the increased public attention to Child pardon cases, we can see a clear strategy to depoliticize individual cases and keep supposedly emotional and impressionable elected officials downwind from societal critique. The modus operandi for accomplishing these goals was to transfer decision-making power from the frontstage of elected politicians to the backstage bureaucratic apparatus, with professionals following pre-set procedures, using 'objective' rules and yardsticks to validate and legitimize their decisions. Reallocating power to nonelected officials diverts responsibility and democratic control.

The second aim of this chapter was to show empirically how policymakers navigate the tension between migration management and the normative imagery of liberal states respecting human rights. We contend that both strategies conceal the contradictions between deporting states' detention and deportation of illegalized migrant families and their devotion to the logic of the liberal state of law. The tension, in turn, continues to exist but is strategically invisibilized by the government. Starting with the first strategy, and as research on AVR programs has similarly highlighted (Cleton and Chauvin 2020), detention of illegalized migrant families is portrayed as part of a process in which these families have a certain level of choice and control. Families allegedly freely choose how to be involved in an openly accessible, human rights respecting opportunity structure embodied by the cascade system. Within this system, families themselves bear the responsibility: if they choose not to cooperate with their return in less freedom-restrictive steps of the cascade system, they need to bear the consequences of ending up in administrative detention prior to their forced removal. This conceals how the only choice available to these families seems to be between paths of more or less resistance, all of which will inevitably head toward removal. In the Netherlands, the supposedly subjective poignancy assessment as part of what we termed 'the reallocation strategy' is replaced by an objective assessment, taking the 'political decision' to exercise discretionary power out of the hands of the State Secretary. In this way, deportation decisions are placed within a framework where the rule of law allegedly trumps the rule of emotions, sentiments and individual judgments by the State Secretary. The head of the IND, a bureaucratic actor will now take a 'professional decision', unbothered by societal discontent and the need or desire to acquire democratic legitimacy for his decisions.

From the discussion of our cases, it is clear that attempts at depoliticization – while they can be successful – are often provisional. While the family units according to some were perhaps somewhat more suited to families' needs compared to earlier closed detention facilities, their proximity to the airport and the noise hindrance this brought proved grounds for a (re)politicized debate. And while the Child pardon was itself

initially devised to move the debate on the deportation of illegalized migrant families with children to the backstage, public attention to these cases incited further attempts at depoliticization and, eventually, the abolishment of the Child pardon. Unsurprisingly, new poignant cases involving illegalized children dominated the Dutch news in the spring of 2021 (e.g. Amsterdam-based Moroccan sisters Sofia and Najoua Sabbar or Syrian mother Tina and her son Jacob who are based in Nijmegen[64]), sparking the debate again on finding 'durable solutions' for them. This shows that the governmental attempts to legitimize their coercive detention and deportation policies have only partially managed to close down the heated political debate, as the underlying tension between migration management and the normative imagery of liberal, human rights-respecting states has not been entirely resolved. This debate will likely be reopened when new poignant cases emerge that challenge government's legitimacy to deport and detain families and children.

64   Van den Beek, H. (2021). Uitzetting dreigt voor 'modelburgers' Sofia en Najoua: zijn ze wel Nederlands genoeg? *Algemeen Dagblad,* 3 April 2021. Van den Bosch, K. (2021). Tina en Jacob moeten weg! De humaniteit verdwijnt uit het vluchtelingenbeleid. *De Groene Amsterdammer,* 31 March 2021.

The time politics of migrant deportability:
an intersectional analysis of deportation policy
for non-citizen children in Belgium and the
Netherlands

3

Abstract

This chapter examines the use of time as a technology of migration control for the deportation of non-citizen children in Belgium and the Netherlands. The scarce literature on the 'time politics' of migration enforcement shows that states are under increasing pressure to speed up deportations, especially for non-citizens convicted of criminal offences. However, as immigration is increasingly linked to social, political and economic categories of personhood – making different immigrant groups subject to the logic of deportation in very specific ways – it is important to inquire separately how the positioning of children affects the policy measures taken towards them. This chapter is based on an intersectional analysis of parliamentary inquiries, policy guidelines and 25 interviews with immigration officers. It shows that the pace of children's deportation procedures is highly asymmetrical and that it is premised on the intersectional markers of difference that are invoked in these policies, debates and implementation efforts. References to childhood and parenthood, imbued with intersecting gender norms, racialization, class and age, impact the sense of urgency or meticulousness devoted to individual cases and in turn justify the concrete measures taken to effectuate deportation.

Keywords
Time, deportability, intersectionality, unaccompanied minors, undocumented families

Introduction

Since the turn of the century, deportation has become the primary instrument used by liberal states to deal with illegalized non-citizens[65] on their territories, turning what were once exceptional measures into a normalized technique of state power (Gibney 2008). This means that a large population residing in Europe without official authorization is living in uncertainty and hardship, at risk of being apprehended and deported. Since the beginning of the deportation turn (ibid.), an increasingly complicated web of laws, policies and practices have created and upheld this legal condition of 'migrant deportability' (De Genova 2002, Menjívar and Kanstroom 2014), fuelled by post-9/11 anxiety, criminalization and institutional racism (De Genova 2007). At the same time, deportation is never reified for all illegalized migrants, due to the desire for cheap labour, political priorities, budgetary constraints and the conflicting moral challenges that deportation poses, amongst others (Leerkes et al. 2012, Triandafyllidou and Bartolini 2020, Menjívar and Kanstroom 2014, Chauvin and Garcés-Mascareñas 2014). This chapter contributes to the literature on the legal production of migrant deportability. It is in line with recent work by De Genova (2020, 157), who holds that

> 'even if all non-citizens are potentially subject to deportation, not everyone is deported, and not everyone is subject to deportation to the same degree; there is an unequal distribution of the various forms of this particular power over non-citizens' lives and liberties, as well as the rationalities and techniques or technologies deployed in the administration or government of migrants' lives through recourse to the means to deport them, or to serve deportation orders (without actually deporting them), or otherwise to refrain from deporting them [...]'.

I seek to understand these rationalities and techniques that structure the 'economy of migrant deportability' (ibid.) by looking more closely at the 'time politics' of deportation (Cwerner 2004). Together with a growing number of migration scholars, I hold that not just the actual measures taken to control migration, but also the *pace* at which these actions are ought to be taken is of significant importance in understanding exclusionary migration governance (Griffiths 2017). The temporal facets of migration control are a fundamental angle from which we can grasp the ways in which authorities seek to limit mobility. This chapter scrutinizes how time permeates deportation policy and its implementation through an analysis of parliamentary debates, policy documents and expert interviews with immigration officers in two European member states: Belgium and the Netherlands.

Literature on the 'times of migration' (Cwerner 2001) especially emphasizes how

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65   I use the term 'illegalized non-citizens' to highlight the institutional and political processes that render certain migrants 'illegal'.

non-citizens deal with uncertainty resulting from temporary legal status and with waiting for governments to take decisions on their applications. Only a few studies explore how time is explicitly used as a technology of migration control and how immigration officers mobilize and experience time in their work (Eule et al. 2019). Those that do tend to highlight the 'politics of speed' (Cwerner 2004) embedded in deportation trajectories, especially for non-citizens convicted of criminal offences (Griffiths 2014; 2017, Hasselberg 2016). This chapter seeks to contribute to these studies by focusing on another, highly politicized case, namely the deportation of non-citizen children, which I argue requires separate inquiry. As immigration in general is increasingly linked to social, political and economic categories of personhood (Bryan and Denov 2011), it is important to examine how the social positioning of children – including the tensions between limiting 'irregular migration' and protecting children's rights (Freedman 2011) – impacts the policy measures that are taken towards them. To do so, I rely on intersectionality and centre how multiple axes of difference are invoked in the way policy subjects – in this instance, non-citizen children – are understood in policy processes and in turn form the basis for government action (Yurdakul and Korteweg 2020). The chapter shows that deportation policy follows a dual-temporal logic, calling both for urgency to 'efficiently and effectively' remove minors, while simultaneously calling for meticulousness while doing so. The intersectional analysis reveals that the differential tempos through which non-citizen children become vulnerable to expulsion derive from the evaluation of their multiple, intersecting social identity markers. This complicates the often-discussed 'vulnerability' of children as a marker of 'lesser illegality' (Chauvin and Garcés-Mascareñas 2014, see also McLaughlin 2018) and instead shows that actors involved rely on norms and values tied to childhood and parenthood – imbued with notions of gender, race, class and age – to justify the need for acceleration or deceleration of deportation, postponement of departure and opportunities for continued residence. The chapter underscores that intersectionality is an important analytical framework to better understand the way in which multiple markers of difference impact the unequal material realities faced by illegalized migrants.

Time politics and the governance of illegalized migration

The governance of international migration works through time as much as through spatial control, even though migration scholars have primarily been occupied with the latter (Cwerner 2001). Time plays a crucial role in the way governments facilitate and limit opportunities for mobility, as it is written into the administrative categories, legislation and bureaucratic decision-making of immigration procedures. Border regimes, for example, use technologies of temporal management to speed up border-crossing procedures selectively by using biometrics, but block the passage of 'unwanted others' through detention and interception (Mezzadra and Neilson 2013). Immigration authorities manage migration by establishing time periods for lodging asylum claims,

waiting times before securing permanent residency and reporting requirements for illegalized migrants (Griffiths 2017). Time can on the one hand benefit migrants, through acquisition of temporary legal residence, but can also be used and experienced as a punishment: enduring uncertainty because of lengthy procedures, return bans for deported non-citizens and periods of forced incarceration (ibid.). There is an established literature on migrants' experiences with and the socio-political consequences of 'waiting before the law' (van Houtum 2010, quoted in Eule et al. 2019, see also Cwerner 2001, Hage 2009, Andersson 2014, Griffiths 2014, Khosravi 2014). Fewer studies explore the use of time as a technology of migration control and the way policy actors experience its importance while conducting their work (Eule et al. 2019, Jacobsen and Karlsen 2021).

Migration control policies and politics bring about suspended time, protracted waiting and social immobility. Non-citizens with precarious legal status live in an immanent temporal limbo in which time is suspended and their life projects are put 'on hold' (De Genova 2020), forced to wait for their 'real lives' to begin (Griffiths 2014). Hage (2009) characterises this as 'stuckedness' – the feeling that one is no longer 'going somewhere'. Griffiths (2014) for example describes how the indefinite length of detention in the UK fundamentally shapes this experience as protracted waiting. This is only one side of the 'dual temporal uncertainty' (ibid.) that detainees face, as they fear both that their incarceration will endure forever and that they will be suddenly deported. Making people wait for decisions to be taken without destroying their hopes for a positive outcome, is a form of domination and a common experience for marginalized groups in society (Khosravi 2014). Waiting, at the same time, is also an active act of defiance vis-à-vis the government to improve one's situation (ibid.). Forms of resistance include strategies of 'waiting out the state' (Eule et al. 2019), in which migrants deliberately slow down bureaucratic procedures. They do so through withholding information regarding their nationality, going into hiding after a negative decision, or using voluntary return procedures to postpone deportation. Resistance is also exemplified through the accumulation of 'good time' (Andersson 2014) while residing without formal authorisation: a lengthy stay may contribute to societal integration in that country, which in turn can function as a protection against deportation (Birnie 2020). While such tactics potentially enable migrants to reclaim political, social and legal presence and rights – thereby 'becoming less illegal' (Chauvin and Garcés-Mascareñas 2014) – recent developments show that governments restrict such possibilities. In the UK, the government reframes tactics of 'waiting out the state' as 'theft of British time-space' and counters these by proposing stricter requirements for regularisation (Griffiths 2017).

Literature that examines the use of time as a deliberate technique of migration control often emphasizes its inherent acceleration. Following the deportation turn in European migration policies (Gibney 2008), state agencies are under increasing pressure to speed up deportations: following (inter)national jurisprudence that sets time-limits for detention (Griffiths 2014), but also since speed is equated with political success (Cwerner 2004). FRONTEX, the European border agency, for example deploys 'rapid border intervention teams' to quickly respond to illegalized non-citizens entering European territory

(McNevin and Missbach 2018). Policies of detention and removal are also based on a logic of speed, suddenness and surprise (Gill 2009, Griffiths 2014, Eule et al. 2019), as is exemplified by 'fast track' decisions to detain certain categories of rejected asylum seekers (Griffiths 2014). While in detention, deportees are often informed of their upcoming deportation flights only a few days in advance. Such short notification periods, according to Gill's (2009) research in the UK, aim at preventing individuals and their support groups from disputing the planned deportation. At the same time, it is increasingly difficult to challenge deportation orders due to shortened appeal times (Griffiths 2017). This means that deportees experience deportation in an accelerated pace, as they try to contact attorneys, friends and family in a panicked rush (Hasselberg 2016). To date, there has been less attention to logics of deceleration in migration control policies (Jacobsen and Karlsen 2021). Migration policies can prevent and postpone migrants from reaching their desired destinations (Mezzadra and Neilson 2013), from achieving status determinacy (McNevin and Missbach 2018) or from establishing social ties through forced secluded waiting (Birnie 2020). At Europe's external borders, Andersson (2014) shows how Spain uses the early interception of illegalized migrants as a means to slow down and channel migratory movements to Europe, making them more 'controllable'. Similarly, enforcement agents use deceleration as a way to make time for 'reasonable law enforcement'. Eule et al. (2019) document how migration officials slow down deportation processes to make up for what they perceive as unreasonable implications of migration law, by granting individuals additional time to prepare for removal, or by 'shutting their eyes' while policing the streets (see also Leerkes et al. 2012).

Following from this literature, one would expect deportation procedures in the Netherlands and Belgium to be based on a logic of acceleration and fast tracking. Yet, the aforementioned studies either focus on 'deportation policy' in its entirety or study the case of criminally convicted non-citizens who are often deemed 'especially undeserving of relief' (Gibney 2013a, Hasselberg 2016). However, following Newstead and Frisso (2013, 378), I hold that 'different immigrant populations are subjected to the logic of deportation through an increasingly sophisticated, expansive and complex suite of programs, legislative changes and swollen institutional frameworks that […] target particular groups in very specific ways'. The pace at which illegalized children become subject to deportation hence cannot be directly equated with the situation of convicted non-citizens, or adults in general, and requires separate inquiry. Moreover, as immigration is increasingly linked to social, political and economic categories of personhood and citizenship (Bryan and Denov 2011), it is important to examine how the social positioning of children impacts the policy measures that are taken towards them. This chapter therefore uses intersectional analysis to investigate how multiple markers of difference impact the pace at which children become vulnerable to the state's efforts to deport. Before outlining how these processes take place, the next section briefly elaborates on the usefulness of intersectionality for doing so and the data on which the analysis is based. Afterwards, I will sketch the institutional set-up and policies regarding the deportation of children and families in the Netherlands and Belgium.

Intersectional analysis of immigration law and its enforcement

Intersectionality researchers consider how socially constructed dimensions of difference linked to macro axes of power, such as race, gender, class, sexuality, nationality and age, cannot be understood in isolation from one another: they intersect and coproduce to result in unequal material realities (Misra et al. 2020). They identify dimensions of difference as mutually constituted, rather than separate systems of inequality, that altogether determine our position in the 'matrix of domination' (Hill Collins 1990). This matrix reveals the overall organization of hierarchical power relations in a given society, which are reflected in structural policies and practices, disciplinary processes that rely on bureaucratic hierarchies and surveillance, hegemonic ideologies and discriminatory practices in everyday life (Misra et al. 2020). Furthermore, intersectionality scholars are keen to show how different contexts shape the (re)production of inequality. This largely determines which socially constructed dimensions of difference are understood as most salient, how they intersect with each other and what meanings can be attached to their consequences (ibid.).

There is a growing literature focussing on these structural institutions that reflect socially constructed dimensions of difference. Following Yuval-Davis (2006b, 198), it points out that 'social divisions have organizational, intersubjective, experiential and representational forms […] [that] are expressed in specific institutions and organizations, such as state laws and state agencies, trade unions, voluntary organizations and the family'. Through a critical analysis of policy texts, media, parliamentary debates and interviews, such scholars apply intersectional analysis to show how social divisions are invoked in the way policy subjects are portrayed and understood in texts and policy narratives (Korteweg and Triadafilopoulos 2013, Roggeband and van der Haar 2017, Yurdakul and Korteweg 2020, Braedley et al. 2021). They argue that these portrayals inform policy-making practices and result in unequal life opportunities and different levels of inclusion. In a similar way, this chapter looks at policies that seek to deport non-citizen minors and investigates how their temporal facets are dependent on the way deportable children are discursively positioned, focussing on the intersections of gender, race, class and age in debating childhood and parenthood.

The data for this research consists of three types of material collected between January and November 2020 – during the global COVID-19 pandemic. First, I use a selection of parliamentary inquiries for the period 2000 – 2020 that discuss policy approaches towards the removal of children and migrant families. Second are policy guidelines and reports collected from governments and NGOs responsible for implementing deportation and 'assisted voluntary return' (AVR). Third, I held 25 online expert interviews with policy advisors and immigration officers, which are transcribed and received approval for usage. In both countries, interviewees were purposefully selected based on their previous or present experience in working with unaccompanied children or migrant families, either in effecting their deportation or AVR or in managerial and advisory functions. I relied on contacts previously established through work experience,

which helped to give me an insider perspective on processes and contestations that are usually hidden from public view. The interviews were conducted in Dutch or English via video telecommunication services and lasted between one and 2.5 hours. We discussed officers' approach to executing the enforced return of minors, as well as the moral, ethical and practical difficulties this entailed. Without intentionally referencing time, its importance was mentioned regularly. While the chapter does not include first person accounts of deportable non-citizen children and their families, officers' narratives partially reveal migrants' counterstrategies and how they use time to delay deportation or find opportunities for inclusion.

Enforced returns in the Netherlands and Belgium

This chapter focuses on the enforced returns[66] of non-citizen children and migrant families from two European member states: the Netherlands and Belgium. The chapter is not comparative in intent, despite collecting data in two different countries that both adhere to a common European policy framework, but have considerable differences in their national approaches. Instead, the chapter highlights the common horizon that these two countries seem to signal when it comes to the way time can be manipulated for the purpose of removing non-citizen children, rather than showing where, how and why they may differ (see for a similar strategy Eule et al. 2019). This section will briefly outline the European and national policy frameworks, as well as the most important actors involved.

The EU Return Directive (2008/115/EC) forms the basis of the national policy frameworks in place, as it sets common rules for the removal of unauthorized migrants who do not fulfil the conditions for entry, stay or residence on EU territory. Several articles specifically address the situation of unaccompanied minors and migrant families: assessing 'the best interests of the child' (article 10); the need to respect family life and unity during return procedures (articles 5 and 14); arranging for adequate reception and care before unaccompanied minors' removal (article 10); guaranteeing access to education for minors (article 14) and setting rules for detention (article 17). Despite this common framework, there are noticeable differences between the two countries at the heart of this chapter. Both have an extensive infrastructure in place to enforce return decisions, but the implementation of the aforementioned articles and involved institutional actors differ.

In the Netherlands, the Ministry for Justice and Security is responsible for immigration policy. A small unit called the Directorate for Migration Policy (DMB) advises the State Secretary on a daily basis on issues related to all facets of migration, including

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66   Under this term, I include all institutional efforts to return illegalized migrants to their countries of origin, either via AVR or deportation efforts. When appropriate, I make distinctions between the two in the remainder of the chapter.

forced removal, AVR, detention and cooperation with third countries. A dedicated state organization embedded within this ministry, the Repatriation and Departure Service (DT&V), is in charge of implementing removal policies. Approximately 500 employees work at DT&V, of which a substantial part are so-called caseworkers, who interview illegalized migrants – including families and unaccompanied minors – on a day-to-day basis. They have a dual role, as their official aim is to work towards obtaining a 'voluntary return' decision, but they are simultaneously in charge of initiating forced removal proceedings, which include evaluating whether 'adequate reception facilities' are available for unaccompanied minors, as well as commencing detention orders executed by the Custodial Institutions Agency (DJI).[67] DT&V relies on the assistance of the International Organization for Migration (IOM) and several subcontracted NGOs to arrange for AVR. Families with minor children follow the same procedure as other adults: if they are subject to a return order, they can be placed in a specialized family detention centre and deported from there. During the last decade, there has been severe political and societal debate on the situation of deportable migrant families; this resulted in a special humanitarian policy for long-term staying families in 2013 – the so-called Child pardon – which was shut down again early 2019. Unaccompanied minors whose claims for legal residency are rejected are likewise subject to deportation efforts before they turn 18, but this is seldom effectuated due to the need to arrange for adequate reception. Until they reach the age of 18, unaccompanied minors can attend school and are eligible to apply for a humanitarian *no-fault* procedure, which, subjected to strict requirements, can result in a residence permit for those unable to return to their country of nationality.

In Belgium, the Federal Immigration Office (IO) is responsible for managing the removal of migrant families and unaccompanied minors. Once they receive a negative decision on their application, this office issues a return order to migrant families. Contrary to their Dutch colleagues, the Belgian government does not issue return orders to unaccompanied minors, but command their legal guardians' to ensure their wards' 'voluntarily return' to their country of nationality. If migrant families do not sign up for the government's AVR programme, *SEFOR* – a dedicated branch of the IO – may call the Federal Police to issue an order for their arrest and placement in 'family units'. They direct those who declare their intention to cooperate to *Fedasil*, the government agency operating the AVR programme. Thus, whereas the DT&V in the Netherlands is responsible for enforcing 'voluntary return' and removal at the same time, two different state institutions exist in Belgium, which barely cooperate and hold different ideological positions towards removal (Vandevoordt 2017). Fedasil has long-term contracts with IOM Belgium and Caritas International, who together ensure pre-departure counselling and post-arrival assistance for migrant families and unaccompanied minors who seek to return voluntarily. Until they turn 18, the latter can apply for a humanitarian procedure entitled 'durable solutions'. This is a unique procedure in Europe and seeks to find out whether it is in the child's 'best interest' to return to their country of nationality, a

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67   See Aliens Act 2000 Art. 59.

third country, or to stay in Belgium. While the investigation is ongoing, unaccompanied minors are allocated a temporary residence permit until they turn 18.

Time politics of child migrants' deportation procedures

Temporalities in (inter)national removal proceedings

Before outlining how time permeates the deportation trajectories of non-citizen children and their families, it is important to discuss its embeddedness in international negotiations for removal and national policy frameworks. International cooperation and diplomatic relations between the Benelux and migration-sending countries on return and readmission determine whether it is at all possible to deport illegalized migrants.[68] In case migration-sending countries are reluctant to issue a *laissez-passer* to Benelux immigration officers, the latter try to enhance cooperation to acquire travel documents via other means. While formal negotiations following a quid-pro-quo logic often take a long time, ministerial representatives try to accelerate proceedings through informal cooperation with officials and diplomats, including bypassing non-cooperative embassies to acquire travel documents via ministries directly.[69] This shows that strategies pursued as part of 'migration diplomacy' (Adamson and Tsourapas 2019) may influence the speed of removal.

National governments take these diplomatic relations into account when shaping deportation policy and the strategies followed when implementing it. The State Secretary for Justice and Security in the Netherlands, for example, recently announced her intention to 'intensify the cooperation between the DT&V, COA and IND in cases where it is very likely that return will succeed. When there is a readmission agreement in place, or when a *laissez-passer* or other travel document is available, the case should receive utmost priority from everyone to realise return as soon as possible'. [70] In implementing deportation policy, immigration officers also mention that diplomatic cooperation and the availability of travel documents determine their strategy towards individual cases. In the words of one such official, who reflected upon her handling of a recent case:

> In this instance, a single adult man from Nigeria, a country which we know issues laissez-passers quite easily, and is willing to cooperate on forced removal, the pressure from the organization to return him is pretty huge. This is the reason why I do not have extensive time to work towards a voluntary return, as it is relatively easy to remove someone from Nigeria.[71]

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68   Next to EU-wide readmission agreements being concluded, Belgium, the Netherlands and Luxembourg cooperate on national return and readmission negotiations and agreements with third countries.
69   Interview policy advisor (NL), 19-06-2020; Interview policy advisor (BE), 14-05-2020.
70   Kamerstukken II 2019-2020, 19637 nr. 2540.
71   Interview immigration officer (NL), 09-09-2020a.

Her account exemplifies that diplomatic relations impact the time officials take to either convince immigrants to opt for AVR, or to initiate deportation proceedings against them soon after having presented 'voluntary return' as an option. In response to the increase in asylum applications in 2015, the Dutch government introduced the so-called 'track system' for all asylum applications, classifying asylum applications based on inter alia the applicants' nationality and the asylum status. The system's first and second track prescribe accelerated asylum procedures for people who fall under the Dublin system (track one), hold the nationality of a 'safe country of origin' or have legal status elsewhere in Europe (track two).[72] Return officers, in turn, extrapolate the diplomatic relations and prioritizations from this system to infer assumptions about migrants' behaviour during the removal procedure. An officer who works with rejected asylum-seekers from 'safe countries' like Albania and Morocco, for example, holds that: 'people from these countries never cooperate, are indifferent, do not want to listen to what I have to say and make their own plans'. That is why, she explains, 'I seldom let them reside at the centre for 12 weeks, but start preparing for detention after we had our first two conversations'[73]. One of her colleagues, however, warns against thinking in this way:

> If I see on my daily schedule that I will have a return interview with, let's say, someone from Albania, I know that the conversation will probably go in a certain direction... but thinking like this is also a trap. In case I find out that this Albanian is ill due to for example a drug addiction, I need to adjust my strategy. [...] Everyone gets a fair chance, but the track they are in is important.[74]

These two accounts illustrate that international cooperation and perceptions about migrants' behaviour deriving from these inform immigration officers' handling of individual cases. The case of Morocco is particularly telling: as the Netherlands has been trying to negotiate a formal readmission agreement with Morocco for years, their nationals are thought of as being similarly 'uncooperative' and 'difficult'.[75] However, the quotes also show that diplomatic relations are not the only factor taken into account in determining the pace of handling removal procedures. While the first officer implies that returning someone to Nigeria who is not an adult or single would have been different, the final explicitly mentions the necessity to take health into account. The next two sections therefore further specify the situation of illegalized minors and describe how multiple axes of difference, expressed in state laws and by immigration officers, influence the pace of deportation proceedings.

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72 Kamerstukken II 2015-2016, 19637 nr. 2086.
73 Interview immigration officer (NL), 01-09-2020.
74 Interview immigration officer (NL), 09-09-2020b.
75 Kamerstukken II 2015-2016, 19637 nr. 2168.

Accelerating the deportation of minors: vulnerability and agency

As mentioned before, the deportation turn in European migration policies generated general pressure on member states to accelerate deportation policies (Griffiths 2014). This pressure is also clearly visible in the Dutch and Belgian governments' efforts to prioritize the deportation of convicted non-citizens, as they are portrayed as 'unwanted' and undeserving of any kind of sympathy.[76] The deportation of children is discussed as a very different matter, as their situation brings about a 'moral shock' and concerns over their rights, vulnerability and innocence (Freedman 2011). Despite this, politicians and policy advisors in both countries emphasize that removing minors as soon as possible is a policy priority for them.[77] They thereby legitimize the need for speed through two, seemingly opposing, discursive tropes: children's vulnerability and concerns for their development on the one hand and their agency and maturity on the other.

First, understandings of minors as vulnerable, in need of a stable environment in their home country and within their (nuclear) family, informs appeals to fast deportation procedures. The former Dutch Minister for Immigration, for example, explained to parliament that 'a priority of ours is to remove families with children, not because I think that they are difficult, but because children need to get clarity on their future as soon as possible'.[78] A lack of clarity, officials reason, causes 'concern for children's developmental prospects'.[79] This coupling of return with development reveals that mobility is understood as inherently disruptive for children, as it makes them miss out on opportunities to grow up in 'the place where they naturally belong', as a Belgian AVR policy advisor told me.[80] The presumed 'normal environment' of a child is stability, located within a family that bears responsibility for their upbringing and socialization towards adulthood (Heidbrink and Statz 2017). This need for stability is invigorated by emphasizing the prospect of residing in Europe without authorization. Politicians argue that it is not 'in the best interest' of children to reside without legal status and that it is therefore necessary to 'look for residency in the country of origin or another country that the minor reasonably can go to'.[81] There seems to be a broad consensus that immigration officers, parents and support groups need to do everything they can to prevent children growing up 'in illegality', as they will continuously be 'on the run', live in poverty, be dependent on others and prone to exploitation in labour- and housing arrangements.[82] Thus, the desire to speed up minors' deportation is based on an alleged concern for their wellbeing.

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76 Kamerstukken II 2010-2011, 19637 nr. 1474 and 1207; Wet tot wijziging van de wet van 15 december 1980 (24-02-2017). Interview policy advisor (NL), 18-05-2020; interview policy advisor (BE), 28-05-2020. For the legal framework in place in the Netherlands, see Aliens Degree 2000 Art. 3.86.
77 Kamerstukken II 2005-2006, 29344 nr. 48; 'Wetsvoorstel tot wijziging van de wet van 15 december 1980 (06-09-2011); interview policy advisor (NL), 18-05-2020; interview policy (BE), 28-05-2020.
78 Kamerstukken II 2010-2011, 19637 nr. 1474.
79 Kamerstukken II 1999-2000, 27062 nr. 2; Interview legal guardian (NL), 02-11-2020.
80 Interview policy advisor (BE), 11-05-2020.
81 Kamerstukken II 2011-2012, 27062 nr. 75.
82 Interview AVR counsellor (BE), 25-05-2020; Interview immigration officer (BE), 10-06-2020, Interview AVR counsellor (NL), 20-05-2020. See also the report 'Jong en Illegaal in Nederland' (2010).

Yet, appealing to children's vulnerability to justify deportation gets complicated if we centre the intersections of their age with race, class and length of residence in Europe. While appeals to protecting minors from 'illegality' are based on an understanding of their inherent exploitability, passivity and victimhood, legal guardians paint a more nuanced picture. When unaccompanied minors reach the age of 18 and face a heightened risk of being deported, they discuss the options their wards have left: onwards migration, AVR or illegalized residence. During our interviews, they mention that all these options are discussed equally, but that certain young people have 'inherent qualities' – or an 'x-factor' – that help them navigate life without formal residence status more easily. These derive from their cultural capital, including the ability to ask for help without 'bothering others', having a certain 'charm' and being able to perform services in return, as well as their social capital, pointing to a support network consisting of co-nationals, EU nationals, former legal guardians, foster parents and lawyers.[83] If this is the case, legal guardians note that they feel less pressured to talk about return and less heavy-hearted about together deciding on unauthorized residence.

Beyond justifying the acceleration of minors' deportation procedures due to a concern for their wellbeing, this is also a way to avoid their protracted residence and inevitable 'societal integration' in Europe.[84] The former Dutch Minister for Immigration endorsed this practice by pointing to IOM's special AVR program for families with underage children, that needs to 'sensitize families who have not yet left the Netherlands to now go', since 'children adapt to their circumstances very well, especially in their younger years'.[85] Others complicate this claim, by pointing to the inherent variability in age and the 'formative years' for children's development, which often centre on teenage years. A legal guardian, for example, explained that she guides several male, Afghan teenagers, who arrived in Belgium in 2015-2016 and only received a final decision on their applications after two years of residence. She argues that this considerable time spent in Belgium led them to 'westernize', pointing to their Western dress, tattoos and changed opinions about gender relations, which would make it difficult for them to readapt to Afghan society.[86] Minors' 'cultural values' and racial assimilability are part of an overall appeal to their promising 'socio-economic prospects', including their academic performance and individual skills, which determine who will or will not pose a potential threat to Europe's moral order. A Belgian policy advisor exemplifies how age, race and class intersect in determining whose deportations get prioritized or suspended:

> Especially if we talk about children who have resided in Belgium for more than four years until their 18th birthday, you can be assured that we will never remove them [...] If they arrived at a young age and always played by the rules, went to school, have good results, made friends, integrated well,

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83   Interview legal guardian (BE), 28-08-2020; interview legal guardian (NL), 02-11-2020.
84   Kamerstukken II 2011-2012, 27062 nr. 75; interview policy advisor (NL), 19-05-2020.
85   Kamerstukken II 2010-2011, 19637 nr. 1474.
86   Interview legal guardian (BE), 28-08-2020.

live in foster care without causing any difficulties, well… then, we cannot politically sell the need to take action.[87]

Second, and in contrast, an often-voiced justification to speed up the deportation of minors is based on their alleged 'maturity'. Their independence and ability to survive on their own would make it safe for them to return and unnecessary to take precautionary measures, like arranging for adequate reception. However, not all children can be portrayed as agentic or mature, as this is linked to gender norms and racialized stereotypes on parenthood. Dutch immigration policy used to make it possible until 2010 to accelerate the deportation of 'mature' minors by bypassing the investigation of 'adequate reception facilities'. This practice was based on culturally relativistic 'knowledge' about the meaning of adulthood in third countries: in case children were considered independent adults by the 'cultural codes' of their country of nationality, they could be deported.[88] Paradoxically, these age-limits still partially derived from Western ideas of independence and maturity: according to the former Minister for Migration, whereas Chinese minors aged 16 or above are able to take care of themselves, a 13-year-old married Somali girl cannot, although he acknowledges that marriage often marks the formal transition from childhood to adulthood.[89] Arguably, his reason not to remove these girls derives from an Orientalist representation of Muslim girls as oppressed victims of their 'Islamic culture', in need of protection from Western, liberal governments (Roggeband and Verloo 2007). In Belgium, where deporting 'mature minors' is still formally possible today, maturity is derived from the ability to travel independently and take care of oneself.[90] A Belgian policy advisor explains:

> You can assume that a 16 or 17-year-old who left his country of origin a few years ago is mature, because he undertook a long journey independently. In one way or the other, he managed to get here in good health, probably had several jobs on the way and spoke up for himself. In that case, you can argue that he is mature. But this is very subjective, which is why we seldom use it.[91]

A Dutch policy advisor similarly touches upon the maturity that unaccompanied minors display, by pointing to the risky journeys children undertake across the Sahara, Libya and the Mediterranean while being accompanied by 'dangerous smugglers'.[92] 'A return home', in the face of this, is therefore according to him 'the safest thing children will do until that moment'. Such imageries of agency, strength and independence ascribed to these minors

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87 Interview policy advisor (BE), 10-06-2020.
88 Kamerstukken II 1999-2000, 27062 nr. 2.
89 Kamerstukken II 1999-2000, 27062 nr. 12.
90 Article 118 Koninklijk Besluit bij de Vreemdelingenwet.
91 Interview policy advisor (BE), 10-06-2020.
92 Interview policy advisor (NL), 19-06-2020.

en route rely on a set of racialized and masculinized tropes, that renders them adult-others (McLaughlin 2018) and less easily includes them in gendered understandings of vulnerability and deservingness that define childhood (De Graeve and Bex 2016).

Who counts as mature further intersects with racialized stereotypes of parenthood and parents' part in their children's mobility in the first place. During the interviews with Belgian immigration officers and legal guardians, two cases that were often described and contrasted were Albania and Afghanistan. On multiple occasions, Albanian parents – especially fathers – are described as abusive and addicted to alcohol and drugs, therefore creating a bad environment for children to grow up. Afghan parents, in contrast, are regarded as desperate and poor, willingly taking advantage of their children for economic upward mobility for the entire family.[93] In the first instance, Albanian children are viewed as 'miniature adults' who deliberately seek opportunities elsewhere (Bryan and Denov 2011), while in the latter, children are seen as their parents' tool to gain economic prosperity.[94] In both cases, children's claims are officially deemed illegitimate for protection needs, making them prone to deportation efforts.

Decelerating deportation procedures: return preparedness and family norms

The deportation of minors also follows a logic of deceleration, which contrasts the literature surveyed earlier in this chapter. This derives partially from the legal and policy framework, but it also builds on family norms and the objective of preparing children and their families 'as well as possible' for deportation. Firstly, children below the age of 18 have a right to reception and education in both the Netherlands and Belgium. This, according to a Dutch policy advisor, 'makes it difficult for us to enforce return policy, as they do not transit to the mental state of realising that they are not eligible to stay in Europe. Why would they cooperate on return?'[95] For unaccompanied minors specifically, adequate reception and care also need to be arranged before governments can deport them. In Belgium, dedicated immigration officers can resort to interviews with minors and extensive family assessments in a minor's country of nationality to inquire whether adequate reception is available. In the Netherlands, a specialised team of DT&V officers inquire whether adequate reception is available for unaccompanied minors who have received a return order, by relying on country reports by the Ministry of Foreign Affairs and partner organizations.[96] Legal guardians and attorneys however argue that the DT&V does not thoroughly investigate on an individual basis whether adequate reception facilities are available upon return, and in practice puts the burden of proof mostly upon minors themselves, pushing them to contact their parents and

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93   Interview legal guardian (BE), 29-09-2020; Interviews immigration officers (BE), 28-10-2020 and 30-10-2020.
94   Interview policy advisor (NL), 19-06-2020.
95   Interview policy advisor (NL), 18-05-2020.
96   This practice was recently condemned by the Court of Justice of the European Union in Case *C-441/19 TQ v Staatssecretaris van Justitie en Veiligheid.* The Dutch government is currently deliberating how to implement long-term solutions in their policy.

talk with IOM about returning 'voluntarily'.[97] Minors are obviously reluctant to provide information necessary for their own deportation. Even though the DT&V continues return interviews with minors, return procedures in practice suspend and accelerate only when minors reach adulthood, as at that time the aforementioned necessity to arrange for adequate care and reception no longer applies.[98]

However, there is also a certain sense of meticulousness in dealing with child deportation cases. This is based on two logics: first, making room for 'reasonable law enforcement' (Eule et al. 2019) by preparing families and children for their removal 'as well as possible', and second, adherence to family norms and unity. First, Dutch immigration policy prescribes that 'the government needs to make its best effort to prepare and motivate unaccompanied minors as much as possible to return to their country of origin at the age of 18 or earlier'.[99] Similarly, a Dutch immigration officer specialized in family cases describes how she values the decelerated pace of their return procedures, as it gives her the opportunity to talk with families about their wishes, hopes and desires for the future so as to better prepare them for their return:

> I of course do not have the time until their youngest turns 18, but try to use the endless time they have at the reception facility to make them contemplate their own future prospects. Sometimes, the realisation that there is no future for them in the Netherlands has to sink in; a few weeks or months will make a huge difference.[100]

During this 'endless time', she tries to convince families that opting for AVR is the best thing they can do and explains that some families eventually do choose this, especially once the prospect of forced detention and removal comes closer. Of course, in the context of the increasing attention to and societal protest concerning the situation of unauthorized migrant families, AVR is also the 'best option' for governments: families allegedly have themselves made the choice to return, which should make AVR a less politicized tool and an 'emblem of better government' (Cleton and Chauvin 2020, 310). To help press for AVR-decision making, national governments set up a range of special programmes that offer families dedicated assistance in their country of nationality. As well as arranging for income generating activities, money, housing and access to healthcare, child-centred assistance is provided that includes effective access to education, buying school textbooks, offering preparatory language courses and temporarily postponing return, so that children can finish a school year in the EU.[101] Dutch immigration officers acknowledge that convincing does not always have an immediate effect, especially if they

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97   Interview legal guardian (NL), 02-11-2020; interview attorney (NL), 01-05-2020, interview attorney (NL), 05-05-2020.
98   See also Kamerstukken II 2004-2005, 27062 nr. 44.
99   Kamerstukken II 2006-2007, 27062 nr. 57.
100   Interview immigration officer (NL), 24-08-2020.
101   Interview policy advisor (NL), 25-06-2020; interview policy advisor (BE), 11-05-2020.

cannot resort to enforced deportations. At that moment, their efforts can be understood as part of a 'politics of exhaustion' (Ansems de Vries and Guild 2019) that happens at a slower pace: officers believe that migrant families will eventually 'break' because of the constant threat of deportation and restrictions that illegalization has for their envisioned futures, and that this will lead them to 'accept AVR when the time is right'.[102]

While specialized caseworkers for unaccompanied minors in both countries likewise make time for reasonable law enforcement by working towards a proper 'return decision', their procedures seem to be based on an understanding of children as dependent on adult guidance. While under the Return Directive, only governments seeking to deport unaccompanied minors are legally obliged to arrange for adequate care and reception[103], AVR organizations in both countries go to great lengths to arrange for suitable facilities upon return. These include acquiring the formal, written approval of parents, extensive evaluations of the situation minors will find themselves in upon return, and drafting post-arrival reintegration plans that arrange access to education or employment, daytime activities, medical services and housing down to the last detail. While these administrative safeguards are important, according to AVR officers, they also take a while depending on the availability of tracing organizations, partners and logistics. Their attempts to assist unaccompanied minors therefore reflects the alleged inability of children to make return decisions and arrange for return themselves. A Belgian AVR counsellor describes that

> We always inventory about minors' motivations during counselling, because minors need to understand that they possibly give up a lot when they return, like investments their parents made to get them here, which is not something they always realize. They might not be aware that a [return] decision is difficult and a permanent one. If they would want to come back after return, they need to provide new grounds for asylum.[104]

The resulting lengthy procedures due to these counselling sessions and administrative arrangements can become unbearable for children who actually wish to return, and make them doubt their initial decision to depart.[105] Several legal guardians and AVR officials mentioned difficulties in assessing whether unaccompanied minors *really* want to return to their countries of origin, or whether there is something else going on, like a difficult situation at school, a breakup with a boy- or girlfriend or trouble with social workers, that makes them claim that they wish to leave.[106] This reflects an understanding of minors as, at the worst, irrational and incapable of individual decision-making (see Crawley 2011), and at best hesitant to disclose the necessary information to prepare for return. They attribute this reluctance to shame or guilt towards their parents, who allegedly

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102   Interview immigration officer (NL), 28-08-2020.
103   See COM(2017) 1600 (annex).
104   Interview AVR counsellor (BE), 01-04-2020a.
105   Interview AVR counsellor (BE), 01-04-2020b.
106   Interview AVR counsellors (BE), 10-07-2020 and 01-04-2020b.

'send them away' to Europe with the expectation that they will provide for them, by remitting money or initiating family reunification.[107] When minors find out that this is not possible, they are often unwilling to talk about this with their parents.

Finally, norms tied to the 'family' and the 'proper place' of children within family units impact the pace of children's deportation procedures. In assessing whether adequate reception is available for unaccompanied minors, residence within their (nuclear) family, particularly in close contact to their mother, has the first preference. Some reference to mothers as the 'natural protectors' of children and mention that they always bear responsibility for them, separated or not.[108] Such depictions of children belonging with their parents also reflect in referring to the deportation of unaccompanied minors as 'family reunification', reflecting the assumption that it is generally in the best interest of unaccompanied children to be with their families (Allsopp and Chase 2019).[109] Since assessing whether parents are willing to provide for reception is a lengthy and difficult process, and sometimes fails, governments can also resort to collective, institutional care and reception facilities in the country to which the minor will be deported, administered by governments or NGOs. The Dutch government even funded the construction of such facilities in Congo, Angola and Sierra Leone, so that it could deport minors before they reach adulthood.[110] AVR organizations and legal guardians unequivocally agree that these returns are 'never in the best interest of a child', as 'even the best orphanage is worse than the worst family',[111] and therefore do not give their permission for the return of their wards under such circumstances. While it is determined by law that minors can be deported to such facilities from the Netherlands, policy advisors mention that resorting to them to accelerate deportations is often difficult. This is due to Western, middle-class norms (Crawley 2011) tied to childhood:

> Our efforts to build a reception facility in Afghanistan failed because there was such a difference in mentality there. Child labour from young ages is deemed perfectly normal, what do you mean education for your children? We just did not succeed in building a good reception facility there.[112]

Family unity also plays a key role in using migrant detention for purposes of removal. In the Netherlands, it is possible to detain solely the head of the family, if the family consists of at least two adults. In this way, minor children will not be detained and the entire family will be forced to depart upon the scheduled departure date of the detained parent.[113] In practice, according to a Dutch policy advisor, this can lead to

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107   Interview immigration officers (BE), 29-10-2020 and 30-10-2020.
108   Interview immigration officers (BE), 29-10-2020 and 30-10-2020; interview policy advisor (BE), 11-05-2020.
109   See also Kamerstukken II 2010-2011 27062 nr. 70.
110   Ron Meerhof 'Ongebruikt opvanghuis in Angola kost Nederland een miljoen', *Volkskrant* 26-03-2012.
111   Interview legal guardian (NL), 02-11-2020.
112   Interview policy advisor (NL), 18-05-2020.
113   Aliens Act Implementation Guidelines 2000 A3/6.2.

dramatic situations if the head of the household gets deported without the other family members, resulting in effective separations of families.[114] The DT&V needs to assess on an individual basis whether the family can be separated, for example when one of the family members opposes unified departure.[115] As part of their efforts to remove families, the Dutch government built a special detention facility for families and children in 2014, which allegedly ensures a 'child-friendly environment' that would respect family unity and family life.[116] A Dutch policy advisor explains however that such special institutions and procedures cannot prevent that immigration officials sometimes need to effectuate the same deportation orders several times:

> We respect family unity and feel bound by international law in this respect, but people may also take advantage of this. A quite notorious case, that was played out in the public eye was an Armenian family, who intentionally had their children spend the night at friends or family members. And they do so, because they know that we only detain families when they are together. Do I need to change my policy for that?

Immigration officers implementing return orders, however, explain that separating families would not help them to remove illegalized migrant families more efficiently. Instead, they argue that they strategically use the responsibility parents feel for their children to point to the limits of caring and fulfilling their dreams for their children's future when living in the Netherlands without papers. This, they argue, is a far more effective way to convince the entire family to return 'voluntarily'.[117]

Conclusion

This chapter focused on the 'time politics' of migration (Cwerner 2004) and examined how time as a rationale for migration governance works in the realm of children's deportation. Expanding the scholarship on the 'times of migration' (Cwerner 2001), the chapter explored how time is used as a technology for migration control and how policy actors experience the importance of time in carrying out their work. The chapter shows that the Dutch and Belgian authorities enact deportation policy targeting minors through asymmetrical time rhythms. While both governments prioritize the fast removal of children, they at the same time emphasize the need to do this in a meticulous manner,

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114   Interview policy advisor (NL), 18-05-2020; Kamerstukken II 2013-2014, 19637 nr. 1827; Aanhangsel van de Handelingen II 2015-2016, nr. 2284.
115   See the Inspectorate of Justice and Security Report 'Het vertrekproces van de Armeense kinderen', p. 28; See for a critique Kinderombudsman letter no. 2018.19577 to the head of DT&V concerning 'Investigation on decision-making on separate removals'. More information here: https://www.dekinderombudsman.nl/nieuws/belang-van-het-kind-moet-duidelijker-in-asielprocedure.
116   Kamerstukken II 2013-2014, 19637 nr. 1896.
117   Interview immigration officers (NL), 24-08-2020 and 28-08-2020.

balancing the need for a speedy removal with the caution that is necessary when dealing with children. This chapter thus shows that next to acceleration, deceleration can likewise become productive in asserting children's deportability, thereby equally managing the mobility of unwanted non-citizens in Europe.

Moreover, the chapter shows the need to perform an intersectional analysis of the way in which multiple axes of difference are invoked in policies and practices that govern the removal of deportable children, as these impact how time operates in the 'economy of migrant deportability' (De Genova 2020). While the chapter is based on data collected in two countries, it does not intend to show where, how and why time politics might differ. Instead, the chapter reveals a common horizon in which these time politics play out, accentuated by prevailing discourses and norms linked to 'childhood' and 'parenthood' across both countries. The intersectional analysis proved useful to unravel these, as it shows how norms related to gender, race, class and age structure deportation policy's logic on whose deportation should be accelerated or decelerated and what actions should be taken to achieve this. It shows that the resulting pace is to a large extent determined by contradictory portrayals of children as vulnerable or agentic, victims or perpetuators integrated or a threat to Europe's moral order. These consist of hegemonic understandings of age and development, gendered and racialized depictions of 'proper parenthood', social class and the 'appropriate place' of children within the family and broader society. Therefore, intersecting markers of difference influence the pace by which children become vulnerable to government efforts to deport. This qualifies accounts that hold that children's vulnerability or assimilability makes them 'less illegal' (Chauvin and Garcés-Mascareñas 2014, Freedman 2011) and emphasizes that childhood is subject to contested social and cultural meanings and political agendas (Bryan and Denov 2011, McLaughlin 2018). The chapter therefore concludes that a focus on intersectionally constructed norms and discourses is necessary to gain a better understanding of the production of migrant deportability, also beyond its temporal facets. Extending this kind of analysis to other categories of personhood will shed more light on the make-up of the economy of migrant deportability in Europe.

Assessing adequate homes and proper parenthood: how gendered and racialized family norms legitimize the deportation of unaccompanied minors in Belgium and the Netherlands

4

Abstract

This chapter analyzes the ways in which the Belgian and Dutch governments legitimize the deportation of unaccompanied minors, by focusing on the interplay of intersectional boundary work and bordering practices. Building on the work of postcolonial feminists and scholars studying the role of identity and cultural values in migration policy, the chapter highlights that deportation relies on and reifies gendered, racialized, and classed representations of the family, child rearing practices and the roles attributed to children. Yet, a paternalistic attitude that spurs the moral necessity to protect children mediates the exclusionary potential of such boundaries for deporting states.

4

Introduction

The forced deportation of illegalized migrant children[118] has been subject to intense contestation in several European liberal states over the past two decades (Rosenberger 2018), at a time when deportation has simultaneously become a normalized technique of state power. This has been the case in the Netherlands and Belgium, and has been highlighted by various societal protests organized over the past two decades to challenge the detention and deportation of migrant children (Wittock et al. 2021). One of these recent protests in the Netherlands aimed to prevent the prospective removal of siblings Lili and Howick. In the summer of 2017, their classmates, friends, church members and other acquaintances made a last-minute attempt to prevent the deportation of the siblings and their mothers to Armenia, by seeking publicity, organizing protests and helping the children to go into hiding. In an attempt to prevent their removal, the mother refused to disclose her children's location. A day later, consequently, she was deported to Armenia while the children remained in the Netherlands as so-called 'unaccompanied minors'.[119] Lili and Howick were sent to live with Dutch foster parents whom they affectionately called their grandparents. Soon afterwards, a coalition of NGOs started a nationwide campaign addressing the situation of illegalized migrant children, arguing that 'They are already at home' (*Ze zijn al thuis*). After weeks of intense contestation over their planned deportation to Armenia, during which the children appeared on national television and went underground for a second time, the State Secretary of Justice and Security granted Lili and Howick discretionary legal stay in September 2018. This episode exemplifies how children occupy 'difficult territory' in the management of migration: not just as a result of tensions with liberal states' self-images as protectors of children's rights and human rights more broadly (Bhabha 2000), but also since children sometimes successfully challenge their deportation based on appeals to 'cultural citizenship' and their belonging to the nation (Nichols et al. 2016, Schinkel and van Houdt 2010). Indeed, the central slogan of this particular anti-deportation campaign is that these children are *already at home* in the Netherlands, signalling their dis-belonging elsewhere. The campaign thus makes it clear that deportation has the power to affirm citizenship's normative qualities: its effectuation powerfully marks those who are deemed unworthy of inclusion in the normative community of members (Anderson et al. 2011).

This chapter builds on such conceptualizations of deportation but centres on the ways in which deporting states justify the expulsion of unaccompanied minors, focusing on the intertwinement of formal deportation policy with 'boundary work' (Lamont and Molnár 2002). Boundary work concerns the construction of identity in relation to others and the (re)production of hierarchies and assertion of difference therein. The chapter empirically

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118   I use the term 'illegalized' to highlight the institutional and political processes that render certain migrants 'illegal'.
119   According to the Inspectorate of Justice and Security and the Kinderombudsman, this separation of mother and children is unconventional, yet not prohibited by law: see Aliens Act Implementation Guidelines A3, art. 6.2.

investigates how governments resort to such boundary work in their efforts to assert that unaccompanied minors (dis)belong to the nation and are suitable for expulsion. It pays specific attention to so-called 'best interest assessments': inventories made by deporting states and NGOs involved in 'assisted voluntary return' (AVR) programs to determine whether 'adequate care and reception' for unaccompanied minors is available upon their AVR or deportation. The chapter builds upon a wide array of data that together paint a comprehensive picture of deportation policy and programs targeting unaccompanied minors: 92 documents, including policy proposals and guidelines, parliamentary debates, NGO reports, and 25 interviews with policy advisors, caseworkers, legal guardians and NGO officials.

Building on the work of postcolonial feminist scholars of nation and empire (Lugones 2008, Stoler 2001, Yuval-Davis 2006a) and scholars researching the role of identity and cultural values in migration policy (Adamson et al. 2011, Bonjour and De Hart 2013, Roggeband and van der Haar 2018, Schinkel and Van Houdt 2010), the chapter shows that normative appeals to the family play a crucial role in asserting unaccompanied minors' deportability. It argues that deportation relies on and reifies gendered, racialized, and classed representations of the family, child rearing practices and childhood that are readapted and repurposed from colonial rule to contemporary bordering processes. Representations of family practices in the Global South are evoked to justify the exclusion of minors, but may at the same time paradoxically also serve to include them in Belgium or the Netherlands. While deportation policy actors appeal to 'traditional' family practices to justify the expulsion of minors, family practices that are evaluated as too illiberal or severely transgressing the 'global model of childhood' (Ensor 2010) may provide the basis for including minors in the nation. The exclusionary potential of gendered and racialized boundaries, in this particular case, is mediated by 'colonial paternalism' (Pupavac 2001) and the moral obligation spurred in adults to protect children (Ticktin 2017). Altogether, the analysis demonstrates that deportation policy is a key site where the politics of family are exercised, as cultural values and identity formations intertwine with formal immigration regulations. Through contemporary bordering practices, the family as a site of struggle remains a means to evaluate and control communities of the Global South and shows us the necessity of imaginative and ideological work for repressive migration policy to retain its legitimacy.

Bordering the nation through the colonial durability of family norms

This chapter builds upon Anderson et al.'s (2011) understanding of deportation as a normative identifier for the state: deportation *legally* allocates individuals to their proper sovereigns, but 'simultaneously rids the state of an unwanted individual and affirms the political community's idealized view of what membership should (or should not) mean' (Anderson et al. 2011, 548). Deportation affirms that an individual is not fit

for citizenship or further residence in the society in question and thereby sustains the political community's idealized view of the qualities their members need to live up to. As deportation is such a definitive and symbolically resonant way of dividing citizens from strangers, Anderson et al. (ibid.) argue that it is liable to generate conflict amongst citizens, and between citizens and the state, over the question of who is part of this normative community of members. While the consensus over who belongs is complex and changes over time, research documents how challenges to the detention and deportation of children – especially if they were either born in or have resided for a long time in the state in question – often draw on conceptions of 'good citizenship' (Nicholls et al. 2016). A particular form of good citizenship is 'cultural citizenship', indicating that 'common culture' – norms, moralities, language, worldviews and dispositions – has become an increasingly important basis for assessing whether someone deserves entry into and solidarity from the national community (ibid.). Research has extensively documented how formal migration policy is shaped by ideas of shared culture and identity (Adamson et al. 2011, Schinkel and van Houdt 2010) and how these in turn justify the inclusion of some at the expense of 'Others'.

Feminist scholars of nation and empire have shown that family norms play a crucial role in such processes of nation-building, as they draw cultural, racialized and gendered boundaries that distinguish those who 'do family properly' from others with supposedly uncivilized, deviant practices. Building on the work of postcolonial feminists (e.g. Chatterjee 1993, Lugones 2008, Stoler 2001), they show that from colonial times to the present day, 'intimate domains – sex, sentiment, domestic arrangement, and child rearing' (Stoler 2001, 829) play a crucial role in maintaining the legitimacy of the nation. Indeed, gender, sexuality, and family relations were core to the colonial violence enacted through the category of race. Stoler (2001), for example, describes how in the Dutch East Indies, intimate matters figured prominently in the exclusion of colonial subjects based on social credentials, sensibility, and cultural knowledge. Her archival work reveals how child rearing practices among European, 'mixed-parenthood', and Javanese children clearly regulated racial membership and served to demarcate 'the colonizer' from 'the colonized'. At the same time, Lugones (2008) argues that European colonizers also directly drew on the intimacies, kinship structures, and social relations of colonized peoples to position them as deviant, abnormal, and inferior. Such a fixation on gender and sexuality produced and reified racialized ideas of 'the colonial difference': the hierarchization of people as human, not quite human, or non-human (Chatterjee 1993).

Feminist scholars of migration and border policies today emphasize the durability of such family norms, from the making of empire to current border practices (Turner 2020). Focusing predominantly on family migration policies, they show that the state shapes norms on 'proper family' by (de)legitimizing certain kinship ties, and by determining what roles and performances fit into 'proper family behaviour' along gendered and racialized lines (for an overview see Bonjour and Cleton 2021). These appeals to intimacy and family powerfully place those who are represented as deviating from the 'European way' of doing family outside the imagined national community (Block 2016, Bonjour

and De Hart 2013). The perceived failure of immigrants to 'integrate' into European societies, for example, is often attributed to their practices of family relations and the cultural and religious principles underpinning them (Roggeband and van der Haar 2018). 'Western families' are imagined as modern, emancipated, and egalitarian, whereas 'migrant family' practices are presented as breaking these norms, due to their association with tradition, patriarchy, and oppression (Bonjour and De Hart 2013). They thereby embody a set of 'unhomely family forms' that 'are alien to a European sense of home, and therefore pose a potential threat to the kind of social order that the traditional, nuclear family underpins' (Gedalof 2007, 88). While these crucial insights have informed studies of family migration policies for over two decades, the role of family is rarely examined in adjacent domains of migration and citizenship policy (but see Welfens and Bonjour 2021). The politics of family in the organization of detention and deportation regimes has not yet been subject to scrutiny (Turner 2020). This is surprising given the intricate connection between deportation and racialization (e.g. Dreby 2012, De Genova 2016, De Noronha 2020) and the well-documented impact of deportation on family relations (Griffiths 2021). Taking the deportation of unaccompanied minors as its object of analysis, this chapter's empirical sections show how deportation relies on and reifies gendered, racialized, and classed representations of family and child rearing that are readapted and repurposed from colonial rule to contemporary migration control.

Case selection: Belgium and the Netherlands

This chapter centres on deportation procedures for unaccompanied minors in two EU Member States: Belgium and the Netherlands. These cases were selected based on the recent attention to and controversy around the exclusion of illegalized migrant children (see Wittock et al. 2021), making them salient to investigate how such moments of conflict and contestation are negotiated by policy actors. Both countries are signatories of the EU Return Directive but apply its procedural safeguards differently in their national policy frameworks. While I will describe these differences in detail in the paragraphs below, I wish to highlight here that the chapter does not aim to compare the two countries under study. Rather, it follows the logic of a multiple case study (Greene and David 1984) that aims to identify 'explanatory patterns' characterizing deportation policy targeting unaccompanied minors more generally.

The Return Directive sets a common framework for the removal of third-country nationals and includes several articles that pertain to unaccompanied minors specifically: article 14 on detention, article 17 on access to education, and articles 5 and 10 on the best interests of the child. The latter two stipulate that while implementing provisions of the Return Directive, the best interests of the child need to be taken into account (article 5); explicitly before issuing a return order (article 10.1). This concept of the 'best interests of the child' has emerged over the last three decades as part of a broader recognition of the rights of the child, and was legally enshrined in the International Convention of the

Rights of the Child (CRC) in 1989 and the EU Charter of Fundamental Rights. In practice, there is no binding definition of 'best interests'[120], leading to much ambiguity as to its usefulness in immigration trajectories, especially when unaccompanied minors come of age (Allsopp and Chase 2019). Before issuing a return order and subsequently deporting an unaccompanied minor, EU member states are obliged to arrange for adequate care and reception upon arrival in the state of return (article 10.2). While the Directive does not clarify what 'adequate care and reception' exactly entails, the Commission's Return Handbook further specifies that 'an assessment should be carried out on an individual basis taking into consideration the best interests of the child and his or her particular needs, the current situation in the family and the situation and reception conditions in the country of return'.[121] These so-called best interest assessments often draw on a combination of Official Country Reports written by the Ministry of Foreign Affairs to judge general access to education, health and leisure, information provided by partner organizations or governments in third countries, and interviews conducted with family members and acquaintances. The outcome of these assessments is pivotal in decisions to effectuate forced removal, as it can prevent deporting states from executing return orders, but most often substantiates and legitimates its implementation. While such assessments are thus a requirement for governments seeking to deport unaccompanied minors, they are solely recommended in 'voluntary return' procedures.[122] As the empirical sections will show, in practice these assessments are also conducted by (I)NGOs when minors denounce a wish to return 'voluntarily'.

If unaccompanied minors arrive in Belgium, they are allocated a legal guardian contracted by the *Dienst Voogdij* (Custodial Services): a federal government organization within the Department of Justice. This can be a professional guardian, who is employed by the Red Cross or Caritas International and devotes his or her entire working week to assisting unaccompanied minors, or a voluntary guardian, who receives similar training but often supervises fewer minors. Unaccompanied minors reside in a variety of reception facilities during their immigration procedures, ranging from foster parents to private initiatives and reception centres organized by *Fedasil* – the government agency responsible for reception and the AVR program. Unaccompanied minors generally make applications under two procedures: international protection based on the 1951 Refugee Convention, and the 'durable solutions' procedure. This procedure sets out to examine whether it is in the minor's best interests to return to their country of nationality, to move to a third country, or to stay in Belgium. As long as the investigation for durable solutions is ongoing, minors receive temporary permits that need to be renewed every six months by the *Dienst Vreemdelingenzaken* (Federal Immigration Office). If they qualify for this permit, minors will receive a status similar to that of recognized refugees, but

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120   See 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). See Pupavac (2001) for a critique of this concept: children in the CRC are considered as rights-holders, yet not moral agents who determine those rights themselves.
121   Return Handbook C/2017/6505, p. 54.
122   Return Handbook C/2017/6505, p. 56.

without the possibility of reunifying with family members.[123] If their claims under either of these procedures are rejected, they will not be deported until the age of eighteen. Their legal guardians instead receive an 'order to bring the minor back' to their country of nationality (*bevel tot terugbrenging*), which has a different legal value from a return order and cannot be enforced forcibly. While they are underage, minors can voluntarily sign up for the government's special AVR program, which is managed by Fedasil and run by Caritas or IOM Belgium. It involves extensive preparatory meetings, pre-departure and post-arrival assistance, monitoring and reintegration budgets. The budget's amount differs according to minors' nationality, immigration history and additional, individual elements that point to 'vulnerability' or exceptional circumstances.[124] When unaccompanied minors reach the age of eighteen before acquiring legal residency, they receive a return order and their temporary residence permit is terminated, making them subject to the state's deportation efforts directed at adults.

The Netherlands has an extensive policy infrastructure in place specifically tailored to unaccompanied minors, which was first formulated in the early 2000s. Mirroring the Belgian situation, unaccompanied minors are allocated a legal guardian from *Nidos*: a state-sponsored foundation that dedicates itself to protecting unaccompanied minors. The guardian's job is to assist unaccompanied minors in their day-to-day activities, including arranging for school, housing, finding a lawyer, and preparing for immigration hearings. During their immigration procedures, unaccompanied minors aged fourteen or under reside with foster parents, while those aged between fifteen and eighteen stay in reception centres managed by the Central Agency for Reception of Asylum Seekers (COA). The Immigration and Naturalization Service (IND) is responsible for deciding on residence permits and needs to consider the best interests of the child in all their procedures involving unaccompanied minors. If the IND rejects their claim for legal residence, minors receive a return order and either continue to reside with their foster families or are relocated to a collective reception facility. From this moment on, specialized caseworkers from the Repatriation and Departure Service (DT&V) start mandatory 'return interviews' to assess whether adequate reception and care is available upon removal.[125] The Netherlands is the only country in Europe that explicates in their law what adequate reception entails and sets out the necessary quality requirements.[126] A specialized unit within the DT&V called 'Special Departure' (*Bijzonder Vertrek*) assesses on a day-to-day basis whether such adequate reception is available by conducting assessments. In cases where minors declare their willingness to return voluntarily, DT&V seeks the help of specialized, state-subcontracted NGOs to see to reintegration

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123   Aliens Act 1980 61.17-61.19.
124   For a full overview of budget allocations (in Dutch), see Fedasil's 'Terugkeer- en re-integratieprogram-ma (2015) at https://www.agii.be/sites/default/files/bestanden/documenten/terugkeer-_en_reintegratiepro-gramma_tabel_2015_fedasil.pdf.
125   The practice of assessing whether adequate care and reception is available only after issuing a return order was recently condemned by the Court of Justice of the European Union in Case *C-441/19 TQ v Staatssecretaris van Justitie en Veiligheid*.
126   Aliens Act Implementation Guidelines B8/6.1 ad. 5.

plans and post-arrival assistance. The Netherlands has a specific reintegration budget in place for unaccompanied minors: a maximum of €800 can be used for income generating activities, education and/or accommodation. If minors do not return voluntarily, they are not granted a temporary residence permit. Minors who were aged fourteen or below at the time of their first application can apply for a so-called 'no-fault permit' (*buitenschuldvergunning*) if they can prove that they are not able to return to their country of nationality because of circumstances unrelated to any fault of their own.[127] A similar permit exists for minors aged fifteen or above and for adults, but with far more restrictive requirements. Upon reaching the age of majority, the Dutch government no longer needs to guarantee adequate reception and care, and unaccompanied minors can no longer file for the special no-fault permit for minors. Similarly to the situation in Belgium, unaccompanied minors now become prone to deportation efforts normally geared to adults.

Data and analysis

Table 4.1 provides an overview of the data used for analysis. I relied on a combination of parliamentary debates, policy documents and interviews with policy advisors and implementing actors. By simultaneously analyzing data on policy formation and implementation, the chapter covers the full breadth of Dutch and Belgian deportation policy aimed at unaccompanied minors. To grasp the ways in which various actors involved negotiate and justify proposed policy measures, I gathered policy proposals and accompanying letters to parliament, records of parliamentary debates, NGO reports and interviews with policy advisors at the responsible ministries. To scrutinize policies, I considered plenary parliamentary debates, policy guidelines and evaluation reports by governments and NGOs, and conducted interviews with officials involved in implementing deportation policy, especially the aforementioned best interest assessments.

Most of the documents (eighty-six) are publicly available and were collected online through archives and websites. The remaining six policy guidelines were collected directly from interviewees or via Freedom of Information requests. The twenty-five expert interviews were held online between March 2020 and April 2021, lasted between one and 2.5 hours and received formal approval for usage. In both countries, I purposefully selected interviewees based on their present or past occupation, making use of my existing network and further snowball sampled when necessary. The interviews were conducted in Dutch or English, depending on the language skills of both the author and interviewee, through video telecommunication services due to the COVID-19 pandemic. During these interviews, we discussed the rationale for certain policy proposals and decisions, the implementation of best interest assessments, other steps taken to effectuate AVR or removal and the role of minors' networks and other actors in return.

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127   Aliens Act Implementation Guidelines B8/6.2 and 6.3.

Type of data	Belgium	The Netherlands
Documents (92)		
Parliamentary debates	Chamber of Representatives and its Committee for Internal Affairs (19)	House of Representatives (Tweede Kamer) dossiers no. 27062, no. 19637 and no. 34541 (8)
Policy proposals and letters to parliament	Chamber of Representatives and its Committee for Internal Affairs (6)	House of Representatives (Tweede Kamer) dossiers no. 27062, no. 19637 and no. 34541 (23)
Policy guidelines	Government (4) NGOs (2)	Government (15) NGOs (3)
Policy reports and evaluations	Government (6) NGOs (1)	Government (2) NGOs (3)
Interviews (25)		
	Policy advisors: government (3) and NGO (2) Implementing actors: government (4) and NGO (3) Legal guardians (2) Lawyers (0)	Policy advisors: government (2) and NGO (0) Implementing actors: government (5) and NGO (2) Legal guardians (1) Lawyers (1)

Table 4.1: Data on Belgian and Dutch deportation policy

The initial data analysis stage applied an inductive, thematic analysis, informed by an interpretative approach to the study of policy that seeks to examine the often latent ideological, complex nature of discourse (Wodak 2008). After a first round of inductive coding, the evaluation of family relations, child rearing practices and role of minors in migration were recurring themes that shed important light on the research question. From that moment, the analysis shifted towards a more focused inductive and deductive approach informed by an 'intersectional regime perspective' (Amelina and Horvath 2020). This approach aims to theorize the intersectional dynamics of current border and migration politics explicitly, by centring on the interplay of 'bordering' and 'boundary work'. Borders are the political technologies that regulate entry, settlement, and different forms of membership, while boundaries are discursive formations that generate divisions by creating notions of 'us' versus 'them' (Lamont and Molnár 2002). Migration scholars have empirically showed that such social classifications are pivotal for providing the logics of contemporary bordering processes (see a.o. Braedley et al. 2021, Yurdakul and Korteweg 2021). Following Amelina and Horvath (2020) and Anthias (2020), I pay particular attention to the intersectional dynamics of these classifications as they engender borders. Intersectionality scholars argue that inequalities are generated by an interplay of various types of oppression, such as gender, race, class, sexuality and age. These cannot be understood in isolation from one another: they intersect and coproduce to result in unequal material realities (Hill Collins 2015). As Anthias (2020) argues, to understand bordering better, we should pay attention to their location within broader structures of dominance: boundary-forming phenomena related to race, gender, and class. The remainder of the analysis thus sets out to show how boundary work related to the family – itself composed of gendered, racialized and classed hierarchies and inequalities – informs deportation policy formulation and procedures carried out by

actors on the ground. Responding to Lamont and Molnár's (2002, 187) call to explore the properties of such boundaries, including 'the conditions under which boundaries generate differentiation', I will show that such intersectional boundary work is necessary for repressive migration law to retain its legitimacy, yet can paradoxically also provide the basis for inclusion of minors in the nation.

The racialized and gendered politics of deporting unaccompanied minors

The following two empirical sections show that in the process of determining whether and how unaccompanied minors can be deported to their countries of nationality, deportation policy relies on and reifies racialized, gendered, and classed representations of the family and child rearing practices. This can be seen, I argue, in processes that first contest and reject minors' applications for immigration and travel to Europe, and second, that determine under what conditions their family and home are considered 'adequate enough' to be removed to.

Disqualifying unaccompanied minors and their parents

The social positioning of unaccompanied minors in Belgium and the Netherlands is evaluated before and during their deportation procedure, centring on their unaccompanied-ness and their child-ness. Their unaccompanied-ness, firstly, is questioned by rendering their parents responsible for their migration. In such depictions, children are seen as part of a wider family network in which they function as 'anchors' (see also Engebrigtsen 2003) who 'were sent on ahead to Europe to eventually let their parents come, or to ensure a better life economically for parents in the country of origin'.[128] A Dutch immigration officer, for example, described their experiences escorting unaccompanied minors back to countries where the Dutch government financed reception centres that provide adequate care and reception. These centres are used when minors' families cannot be traced or if they do not tell officials about their family's whereabouts.[129] Such statements, according to the official, 'are almost always fraudulent, as upon arrival family and parents are often awaiting the minor to take them home. In such situations, can we really speak of unaccompanied minors, left without guidance, as there clearly has been contact between the minor and parents all this time?'[130]

The view of unaccompanied minors as 'anchors' reflects an understanding of minors in line with what Ensor (2010) calls 'the global model of childhood', which sees children as weak, incomplete and biologically and psychologically dependent on adults for decision-making. In this predominantly Western conceptualization of childhood,

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128   TK 2019-2020, 19637 no. 2529; see also TK 2016-2017, 19637 no. 2237.
129   Aliens Act Implementation Guidelines B8/6.1 ad 5c. d. and e.
130   Interview Dutch immigration official, 30-04-2021, also interview Dutch immigration official, 23-02-2021.

minors' age is intrinsically linked to their agency, to the extent that 'children cannot be read as the autonomous actors of their actions in the same manner as an adult political subject' (Beier 2015, 6). In an early parliamentary debate on the no-fault procedure, the then Minister for Migration Kalsbeek (Social Democrats), for example, answered a question related to the wording *jokkende minderjarigen* (fibbing minors) instead of *liegende minderjarigen* (lying minors) in the prospective policy:

> We intentionally chose the term 'fibbing minors', as the majority of minors not telling the truth will not do so intentionally. Their parents have paid a lot of money to human smugglers who bring them to the West, and those in their surroundings instruct them not to tell who they are. This however does not mean that fibbing or remaining silent for three years will be rewarded with a residency permit. When we determine that there is lying involved, we will look at pressure, trauma and age, and decide on an appropriate response.[131]

In this statement, Kalsbeek primarily puts the blame for misinformation that minors might provide to the Dutch authorities on their parents or other adults, conceiving of minors as innocent and inherently dependent on adults for instructing them how they should behave in immigration procedures. Such an understanding, firstly, feminizes minors, perceives them as physically and emotionally dependent, naïve and incapable of independent decision-making by virtue of their immaturity (Crawley 2011). Importantly, it also reveals a racialized and masculine portrayal of minors' parents, who do not passively wait for help but take matters into their own hands by trying to arrange legal residency via their children (see also Hyndman and Giles 2010). Parents are cast as 'child abusers' (Pupavac 2001, 102) because their children's experience violates the image of childhood that is held in the Global North (see also Engebrigtsen 2003). Indeed, policy actors in both countries severely condemn parents for separating themselves from their children, since 'there is a prevailing consensus that the family is the "natural" and optimal environment for children to grow up in' (Bhabha 2000, 271).[132] Intentional separation is seen as abusive and exploitative (Ensor 2010) and parents who nevertheless choose to separate from their children are described as either brutal or affluent enough to do so. Policy officials understand arranging for travel to Europe as a costly endeavour, which only the wealthiest parents in the Global South can afford. Similarly to racialized and classed discourses on the smartphone possession of Syrian refugees in 2015[133], the seeming financial well-being of these families raises doubts about minors' motives and qualifies them as 'economic migrants'. If such resources are not available, parents are judged for not taking care of their children 'properly' by knowingly putting them at risk

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131   TK 2000-2001, 27062 no. 16.
132   See for example CRIV 51 COM 881, 08-03-2006.
133   See for example O'Malley, J. (2015). Surprised that Syrian refugees have smartphones? Sorry to break this to you, but you're an idiot. *The Independent*, 07-09-2015.

in the hands of dangerous smugglers. Former Dutch parliamentarian Kamp (Conservative Liberals) exemplifies both stances:

> We see that it is especially young people whose families, or those feeling responsible for them, are affluent that come here, as they have a certain amount of money that they use to put their children in the care of family or acquaintances in the Netherlands. In this way, they can reach the Netherlands in the first place. Families that do not have that money will let their children fall prey to so-called 'snakeheads'. These people make a lot of money on children, especially in Eastern Europe, until they reach their desired destination. Both cases are clearly situations that our policy for unaccompanied minors is not designed to cover.[134]

Yet, over the course of time, the social positioning of minors themselves has also been increasingly discredited, by questioning their 'child-ness'. Previous research documented that in asylum determination procedures, age assessments reflect culturally-specific perceptions of what children 'look like' (McLaughlin 2018) and how they 'should behave' (Sørsveen and Ursin 2021). The migration of minors as such is understood to transgress the aforementioned global model of childhood, which implies stability, immobility and lack of political engagement. Minors who have the capacity to reach Europe and file for legal residency, following these depictions, are rendered masculine, adult-others and seen as potential threats to the security and welfare of the receiving state (Bryan and Denov 2011, McLaughlin 2018). A Dutch policy advisor similarly touches upon the maturity that certain unaccompanied minors display, by pointing to 'the dangerous journeys children undertake alone, across the Sahara, Libya and the Mediterranean with assistance from dangerous smugglers'. A return home, in the face if this, is according to them 'the safest thing children will do until that moment' (see Cleton 2021 for a more elaborate discussion).[135] Race and age intersect in differentiating between such 'mature minors' who are potentially excludable and vulnerable youngsters who are in need of protection. While some children, by virtue of their skin colour, will never be allowed to enjoy a period of untroubled and ignorant childhood (hooks 1997), unaccompanied adolescents are always more prone to suspicion as to their age, travel motives, affiliations and antecedents, compared to young children who more easily tend to benefit from child welfare measures (Bhabha 2000).

Searching for adequate care and reception

As mentioned before, best interest assessments, which determine whether adequate care and reception are available for minors upon their deportation, are ill-defined in European and national legislation and official policy documents. Belgian officials who

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134   TK 1999-2000, 27062 no. 12.
135   Interview Dutch policy advisor 19-06-2020, also in interview Belgian policy advisor, 10-06-2020.

are responsible for these assessments indeed noted that these assessments are far from straightforward. They described the need to strike a fair balance between guaranteeing 'family unity'[136] and determining in which environment minors would 'flourish' most. One such official presented the following hypothetical conundrum to me:

> Imagine being faced with a child from Congo, who can go to school in Belgium, has a good life in socio-economic terms, but lives in a collective reception facility or with a family member who he barely knows, so he is not surrounded with *real family*. But if he returns, he will go to his mother, who perhaps does not have a lot of money, has six or seven more children to support and might ask the child to work in the fields to sustain the household income. Will you send him back to a situation which, through our Western gaze, is far from ideal, but is the situation that the child has always known, surrounded by his siblings and mother who loves him and will take care of him in the best way possible?[137]

This example raises the premise that reunification with one's family is generally understood as being in the best interests of the child (Allsopp and Chase 2019; Engebrigtsen 2003): only 'very poignant' situations would justify separating a child from her parents.[138] This view is legally enshrined in the Convention on the Rights of the Child, which follows the premise that the 'natural' place of a child is within their family context (Bhabha 2000; Ensor 2010). This premise is based on an assumed 'affectionate relationship' between the child and their 'real family', especially their parents: 'Western' cultural norms position the nuclear family as the main locus of affection and care (Block 2016). Such ideas speak to a pervasive association of family relations - and kinship more broadly - with solidarity, trust, and care (Andrikopoulos and Duyvendak 2020). This is potentially problematic, as it places practices of exploitation, abuse, and distrust outside familial boundaries. Feminist scholars have indeed long argued that family and home are by no means necessarily caring environments (Young 2005). Immigration officials are aware of this and therefore emphasize the importance of extensive and in-depth assessments of the relationship between minors and their parents, yet assume this bond of trust and care until proved otherwise.[139]

Possible new legal caregivers for unaccompanied minors after removal are not limited to parents alone, but can be any available family member up until the fourth

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136   Article 9 CRC states that children should not be separated from their parents against their will, except when this is deemed to be in their best interests.
137   Interview Belgian immigration official, 30-10-2020, emphasis added.
138   Interview Belgian immigration official, 28-10-2020.
139   Interview Belgian immigration official, 30-10-2020; interview Dutch immigration official, 30-04-2021. See also judgement no. 208.029, in which the Council for Alien Law Litigation – the organization handling appeals against judgements handed down by the immigration service – condemned the Federal Immigration Office for deciding that return was in the best interests of a Congolese minor, assuming that his uncle and aunt were willing and able to take care for him, as they had done in the past.

degree, other family members, or even adult non-family members and public or private organizations.[140] Early parliamentary debates on the policy for unaccompanied minors in the Netherlands justified this range of possible caregivers by looking at children's wider social connections in relation to the 'cultural context' of their country of nationality. Former parliamentarian Kamp (Conservative Liberals), for example, argued that 'Guinea has a system that is incompatible with the Dutch one, it has a totally different family, household and village life. There is always care available for a child there, and if we know that this is the case, we should send the child back'.[141] Similar statements were made about China, where according to the then Minister for Migration Kalsbeek (Social Democrats) 'in practice, there is almost always a family member or acquaintance who can provide for reception and care. […] In villages and countryside areas in China, it is common for the local community to take on the care of a minor'.[142] Such racialized appeals to wide kinship networks in 'countries of origin' set other family practices apart from 'ours' (Bonjour and De Hart 2013) and reflect an ubiquitous belief in the relevance of kinship beyond the nuclear family in 'traditional societies' and their societal insignificance in 'modern' ones (Andrikopoulos and Duyvendak 2020). Former parliamentarian Albayrak (Social Democrats) directly appeals to differences in child rearing practices to question the then low removal rates of unaccompanied minors:

> The UNHCR uses a broad definition of "reception", which is based on the social connections surrounding a child. These are not just their father, mother, brothers and sisters, but also other villagers, neighbours, clan members, charity organizations, private organizations, etc. When reception is defined so broadly, I find it hard to understand why in all these years, we did not manage to send *one* individual back.[143]

In cases where best interest assessments show that minors' parents would be able to take care of them again, but refuse to do so, immigration officers express a lack of understanding of parents not shouldering their parental responsibility. As a Belgian immigration officer explained:

> I find it difficult when I know that a child is unhappy in Belgium, so when it is very clear that the proper place of the child is to be with their parents, but when this is made impossible. I have a case at the moment involving a Ghanaian boy, who by now has been in Belgium for almost two years, but misses his mother tremendously. But we cannot continue our procedure, because his uncle in Belgium does not provide any information to us. And every time I talk to the boy, I just feel that he wants to return. He

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140   Aliens Act Implementation Guidelines B8/6.1 ad 5, ad a.
141   TK 1999-2000, 27062 no. 12.
142   TK 2000-2001, 27062 no. 14.
143   TK 1999-2000, 27062 no. 12, emphasis in original.

tells me that he had a good life back in Ghana, that he regularly watched television, had a bunch of friends and that he misses his mother and father. But even though our investigation is not really progressing, I have a hard time allocating a residence permit to him as I know that he belongs with his parents.[144]

This account shows that before his migration to Belgium, this Ghanaian boy had a 'good life': he loved his parents and had the opportunity to play and watch television. As his family members in Belgium refuse to provide the details necessary to facilitate return, the official is faced with a difficult situation. When leads to family members are available, government officials and NGO organizations often resort to 'familial and cultural mediation': a multiple-day visit by partners in the country of nationality, in order to 'win the trust of the family and guarantee a durable return for the minor'.[145] According to *Nidos*, these are delicate procedures as 'unaccompanied minors who return are vulnerable: they have gone through a lot and it is unsure whether they are welcome upon their return. After all, it is often the family who made migration to Europe possible in the first place, and now that the child returns, they might be disappointed, which can result in neglect or rejection'.[146] Yet, as a *Caritas* brochure explains, they do believe that 'an unaccompanied minor who does not feel good in Belgium, who no longer has prospects for the future in Belgium and wishes to return to his country of origin, should be able to count on his parents' and families' support. […] Our local Caritas partners therefore bear responsibility to confront the parents with their parental responsibilities and to discuss possibilities together'.[147] Previous work highlighted how such responsibilization reflects a broader neoliberal governmentality that relies on the adherence to government rule through individual self-governance (Cleton and Chauvin 2020). Yet, in this specific situation, it also reveals a particular 'colonial paternalism' that expresses an eagerness on the part of Global North states to come to the aid of morally incapable people from the Global South (Pupavac 2001). Such 'rescue fantasies' are based on unequal racial power relations: the hopeless victim incapable of attending her true needs is 'assisted' by the benevolent, white subject who bears the burden of intervening in the Global South (Kempadoo 2015). Responsibilization thus features as an 'updated version of the white man's burden' (ibid.) and becomes especially poignant in matters concerning gender and sexuality. A Belgian interviewee, for example, explains that in cases of possible female genital mutilation upon return[148], family mediation should provide insight into family

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144   Interview Belgian immigration official, 28-10-2020.
145   Caritas International. n.d. 'Vrijwillige terugkeer en re-integratie van NBMV's: uitdagingen en perspectieven. Uitwisselingsrapport over de re-integratie van NBMV's in Guinee, Kameroen, Marokko en Senegal' p.34.
146   Nidos (2012). 'Een duurzaam (terugkeer) perspectief voor ama's. Commitment van het kind en commitment van de familie. De dubbel C benadering' p.21.
147   Caritas International. n.d. 'Vrijwillige terugkeer en re-integratie van NBMV's: uitdagingen en perspectieven. Uitwisselingsrapport over de re-integratie van NBMV's in Guinee, Kameroen, Marokko en Senegal', p.26.
148   While female genital mutilation can also be a ground for international protection, officers mentioned

relations and past instances of female circumcision. She explains that

> if the father mentions that he wants his daughter to be circumcised but the mother disagrees, we assume that the mother will bear her responsibility, as she's there to protect her child. But if she cannot stand a chance against her husband, the risk is too high, and we will likely give the child the benefit of the doubt.[149]

This quote speaks of a dual attribution of responsibility: on the one hand, the mother is positioned as the 'natural protector' for her child, who should protect her against 'patriarchal oppression' in the form of female genital mutilation. On the other hand, if such practices are widespread, and mothers therefore cannot intervene, the Belgian immigration official – and the Belgian nation with her – takes up *her* moral responsibility to protect this child against the gendered and sexual 'otherness' of non-western, illiberal societies (see also Fassin 2017). This later situation thus might lead to a decision in favour of legal residency rather than removal.

Next to being deported to an affectionate and loving environment, families should ideally enable children to enjoy unsullied childhoods (Tickin 2017): they should be able to play, be free of economic and political obligations, go to school, and slowly develop towards adulthood. Such activities fit well within the 'global childhood model' (Ensor 2010): its underlying norms and values of a safe, happy, protected, and carefree childhood are culturally and historically bound to the social and economic development of capitalist countries (Crawley 2011; Engebrigtsen 2003). Such understandings and expectations of childhood, of course, do not necessarily correspond to the ways in which it is experienced in many parts of the world, yet provide the basis for similar responsibilization to that described in the previous paragraph. In both Belgium and the Netherlands, immigration officers mention that their assessments always involve inquiries as to access to schooling and healthcare, as well as children's possibilities for leisure and play. A Belgian immigration official explained that they usually compare the general access for minors to education to the statements family members make during the assessment. When it is generally known that all children can access education, but the assessment shows that parents do not want their children to go to school – for example 'due to a father's wish to keep his daughters at home or the need for children to contribute to the household income'[150] – this factor is taken into account. Reflecting on their own children's behaviour, a Special Departure caseworker in the Netherlands argued that 'if the family situation is stable and parents have the means to send their children to school, they should do so and we do address

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that during the durable solutions procedure in Belgium, the burden of proof bears on the government to show that the child might be subject to genital mutilation upon return. In asylum procedures, this burden bears the applicant.

149   Interview Belgian immigration official, 30-10-2020. See also TK 2019-2020, 34541 no. 13 for a similar debate in the Netherlands.

150   Interview Belgian immigration official, 29-10-2020.

this to them'. But, as the caseworker continued, 'it is the parents' job to educate their children about the importance of school, and if a child tells me he does not want to go, we will not stop our return efforts'.[151]

Immigration officers also mention the importance of leisure, sports and play with peers, both in Europe and after removal, as this is a way for minors 'to take their mind off heavy things like immigration procedures'[152], again appealing to the lack of responsibility minors should be able to enjoy (Crawley 2011). European states provide extensive financial and in-kind 'support' to enable such unsullied childhoods in third countries. A Belgian AVR counsellor explained, 'in many of the dossiers we had, initial reluctance on the part of the family to accept the return could be solved by offering a higher financial reintegration budget. They often want to take their child back, but feel that they lack the resources to sustain them'.[153] Reintegration budgets for unaccompanied minors are higher than those for adults – due to the minors' 'inherent vulnerability'[154] – and should always directly benefit them. Often the assistance is used to make a minor's family's business more profitable, as this 'guarantees the development and future of the minor, since it provides budget for school costs, lets the minor play rather than work in the business'.[155] Such material and financial incentives are also increasingly available in deportation procedures, handled under the European Return and Reintegration Network (ERRIN)[156] – particularly to enhance the cooperation of third countries. During deportation procedures, reintegration budgets are more discretionarily defined and range from a few hundred to thousands of euros. They can cover anything from buying bikes, school equipment, and colouring books to paying school fees for an extended period or doing construction work on houses or family businesses.[157]

Finally, there are also situations where immigration officials cannot get in touch with parents or other family members to conduct best interest assessments and transfer legal guardianship. In such situations, states sometimes deport minors under regular procedures when they turn eighteen (Allsopp and Chase 2019, Cleton 2021), but in the meantime continue return interviews to look for alternatives, including collective, public or private care infrastructures. These can be existing children's homes or orphanages that provide adequate care according to 'local standards'[158], but the Netherlands has also been a frontrunner in building such reception facilities in Angola, Congo and Sierra Leone, for the sole purpose of deportation. Lemberg-Pedersen's (2021) analysis of such facilities shows that humanitarian discourses – ranging from close cooperation with humanitarian NGOs to 'reunification' with a 'waiting family' – serve to underscore the

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151   Interview Dutch immigration official, 30-04-2021.
152   Interview Dutch immigration official, 23-02-2021.
153   Interview Belgian AVR counsellor, 01-04-2020a.
154   Interview Belgian AVR counsellor, 01-04-2020a.
155   Interview Belgian AVR counsellor, 01-04-2020b.
156   See https://returnnetwork.eu/.
157   Interview Dutch immigration official, 30-04-2021; interview Belgian government policy advisor, 10-06-2020.
158   TK 2000-2001, 27062 no. 14 on China.

child-friendliness of such centres and justify the deportation of minors. *Nidos* questions the use of such facilities by arguing that 'even the best orphanage is worse than the worst family'.[159] The *Nidos* guidelines state that children 'face severe problems, cognitively, socially and emotionally [in these facilities]. We know that the development of adopted children from Romanian reception centres stagnated on all aspects. A common feature of the institutional care for children is the lack of stable, long-lasting relationships with fixed caregivers, as children who grow up in such institutions often face quick changes of staff who take care of them'.[160] *Nidos* thus relies on a discourse of love and care similar to that used by immigration officials to justify deportation when family *is* available, to disqualify the use of such facilities when families cannot be found. Dutch and Belgian governments counter such allegations by mentioning that these facilities are not meant to be a durable, long-term solution[161], are an integral and normal part of such societies[162], and often turn out to be unnecessary due to the 'waiting family' noted by the Dutch immigration official in the previous section[163] (see also Lemberg-Pedersen 2021). Yet, policy advisors mention that the construction of such facilities could contradict other aspects assumed by the aforementioned global model of childhood. A Dutch policy advisor described how the weight given to access to school for all children, rather than work to sustain the household income, prevented them from building a facility in Afghanistan:

> Our efforts to build a reception facility in Afghanistan failed because there was such a difference in mentality there. Child labour from young ages is deemed perfectly normal, what do you mean education for your children? We just did not succeed in building a good reception facility there.[164]

Discussion and conclusion

This chapter centred on the intertwinement of norms and cultural values with formal deportation policies that seek the removal of illegalized unaccompanied minors. While previous research has empirically showed that gendered and racialized constructions of family practices play a crucial role in governing family migration in Europe (Block 2016; Bonjour and De Hart 2013; Gedalof 2007), the politics of family in the organization of detention and deportation regimes has not yet been subject to such scrutiny (Turner 2020). This chapter therefore empirically investigated how family norms operate in efforts to deport unaccompanied minors in two liberal European states: Belgium and

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159   Interview Dutch legal guardian, 02-11-2020.
160   Nidos (2012). "Een duurzaam (terugkeer) perspectief voor ama's. Commitment van het kind en commitment van de familie. De dubbel C benadering" p.15.
161   C/2017/6505, 56; interview with Belgian policy advisor, 10-06-2020
162   TK 2000-2001, 27062 no. 16.
163   TK 2004-2005, 27062 no. 41.
164   Interview Dutch policy advisor, 18-05-2020.

the Netherlands. Following the work of postcolonial feminists, and analytically focusing on the interplay of intersectional boundary work and formal bordering procedures, the empirics show that deportation policy relies on and reifies gendered, classed, and racialized representations of the family, child rearing practices and childhood that have been deployed since colonial times to demarcate 'Others' from 'ourselves'. Scholars studying current bordering practices in the domain of family migration policy highlight that appeals to those represented as deviating from the 'European way' of doing family exclude them from entry and belonging to the nation (Bonjour and De Hart 2013, Turner 2020). Yet, for the deportation of unaccompanied minors, boundary work functions in more ambiguous ways: gendered, racialized, and classed representations of family and child rearing practices in the Global South are evoked to justify the exclusion of minors, but may also serve to include them. The analysis described how in procedures leading up to deportation, the migration of unaccompanied minors and role of their parents within this process are negotiated and disqualified in gendered and racialized ways, which discursively assert minors' deportability. Yet, when it comes to actually evaluating whether, upon deportation, adequate care and reception is in place for these minors, such demarcations serve less straightforward purposes. While 'traditional' family practices, such as the existence of 'wide kinship networks' and care infrastructures, are used as an argument to legitimate the exclusion of minors, family practices that are evaluated as illiberal (particularly related to gender and sexuality) or severely transgressing the 'global model of childhood' (Ensor 2010) may provide the basis for including minors in the nation. The chapter showed that when the latter situation arises, deporting states first seek to responsibilize parents, fulfil the premises for such childhoods through their own funding, or even look at alternatives such as collective reception facilities, before making decisions on alternative 'durable solutions' for minors.

Theoretically, this chapter showed that we should pay careful attention to the properties of boundaries, including the conditions under which they assume certain characteristics (Lamont and Molnár 2002). While in the field of family migration, gendered and racialized boundaries function to set the cultural practices of 'Others' apart from 'ourselves' (Bonjour and De Hart 2013), their exclusionary potential for the deportation of unaccompanied minors is complicated by dominant conceptualizations of childhood and the international legal framework of children's rights. If children are understood as innocent victims of their parents and in need of assistance, then adults have a moral responsibility to protect them (Ticktin 2017). Discrediting parents for separating themselves from their children and denying the latter a carefree childhood spurs Western governments and NGOs to assess the conditions in the family before removal. This 'colonial paternalism', where 'the adult-Northerner offers help and knowledge to the infantilized-South' (Burman 1994, 241 quoted in Pupavac 2001), together with the moral necessity to protect children, may thus result in gendered and racialized family practices working in favour of inclusion in the nation. Whether or not such appeals to family norms justify the inclusion or exclusion of unaccompanied minors, these best interest assessments ultimately function as a device that draws sharp lines between 'civilized',

Western parenting practices and, on the other hand, 'uncivilized forms' that take place elsewhere in the Global South. Such assessments thus amplify colonial divisions between 'the West' as a sanctuary for unsullied childhoods where children's rights are guaranteed, and 'the Rest', where this is not necessarily the case and which should therefore be subject to scrutiny.

4

'We have nothing to hide': legitimacy narratives, researcher positionality and the ethics of accessing the Dutch deportation apparatus

5

Abstract

This chapter presents a reflection on the contentious access negotiations involved in researching the Dutch deportation apparatus. Previous studies described how hostility towards researchers and the opacity within migration control regimes more generally leads to difficulties for conducting academic research. This chapter instead relies on a self-reflexive account of two successful access negotiations to question what acquiring access tells us about the workings of migration control, and what consequences entering into a relationship with powerful actors has for academic knowledge production. The chapter argues that granting access as such serves an important function for the deportation apparatus, as it helps to naturalize and legitimize coercive state power. Focusing on street-level bureaucrats' legitimacy narratives of compassion and diligence, I argue that the deportation apparatus attempts to affirm its accountability and transparency through its selective facilitation of access and enabling of scrutiny by researchers, journalists and the wider public.

5

Introduction

Policies that securitize borders, deter people on the move, detain and deport them are at the heart of political debate in Europe. The far-reaching effects of 'voluntary return' policies and deportation, causing possible irreversible harm to the people affected by them (e.g. Khosravi 2018), makes it of utmost importance for researchers to scrutinize their day-to-day workings. Yet, before being able to generate knowledge about the everyday functioning of migration control regimes, researchers have to find a way to access state bureaucracies and gain proximity to policymakers and caseworkers. While such questions of access are of importance to everyone who conducts empirical qualitative research (Hammersley and Atkinson 2007), it is known to be particularly challenging for researchers who attempt to 'study up' (Nader 1972): studying those who have and exercise power and who set the conditions for the acquisition of wealth and status.

Previous research across Europe and the US documented the difficulties that researchers experience while negotiating access to migration control settings, as a result of the closed nature of these organizations (Lindberg and Borrelli 2019), the time- and resource constraints that government personnel need to navigate (Hoag and Hull 2017), their task as 'truth finders' (Borrelli 2020a) and the fact that bureaucrats hold confidential information concerning case files (Bosworth and Kellezi 2016). Rather than providing 'best practices' to nevertheless negotiate access within migration control regimes (e.g. Hammersley and Atkinson 2007, Maillet et al. 2017), this chapter takes the issue of access itself as an object of study. It responds to Kalir et al.'s (2019, 6) call for 'reflections on experiences of getting access (or not), which can tell us something important about the institutions we aim to study […]'. Indeed, both the successes and failures of attempts to access politically sensitive environments and study populations provide important insights into the kinds of data we are able to acquire and the kinds of academic knowledge we produce from them. This chapter is informed by a feminist commitment 'to inquire about how we inquire' (Ackerly and True 2008, 695), that involves a rigorous and transparent examination of the researcher's role in knowledge production (Harding 1987).

The chapter draws from my experiences with accessing the Dutch deportation apparatus, in particular from research conducted at the so-called Repatriation and Departure Service (*Dienst Terugkeer en Vertrek,* hereafter DT&V): the organization in charge of implementing return policy. The access negotiations took place as part of two separate research projects on the implementation of so-called 'assisted voluntary return' policies (Cleton and Chauvin 2020, Cleton and Schweitzer 2021) and policy actors' justificatory narratives while deporting illegalized migrant children and families (Cleton 2021; 2022). Scholars who study similar securitized spaces of migration control across Europe and the US highlight the difficulties and hostilities they encountered both during access negotiations and the research itself (e.g. Belcher and Martin 2013, Bosworth and Kellezi 2016, Malliet et al. 2017, Vrăbiescu 2019, Rosset and Achermann 2019, Lindberg and Borrelli 2019). While I thus also anticipated difficulties, I was

granted access surprisingly easy on both occasions without being faced with rejection, resistance or intrusive interrogation of my aims. In this chapter, I will therefore reflect on what successfully acquiring access can tell us about the workings of migration control in the Netherlands. To do so, the chapter proceeds in three sections. First, I will reflect on my access strategy and how I positioned myself vis-à-vis my research participants and gatekeepers. I will elaborate on the implications of taking a position between collaboration with and disengagement from the organization (Gray 2016) for my knowledge production, thereby putting myself 'on the same critical plane as the subject matter' (Harding 1987, 8). An often voiced concern with studying up is that the course of research might be co-opted by gatekeepers and study participants, leading researchers to tacitly accept organizational language and worldviews, change priorities and research foci along the organizations' interests (Gray 2016), not being allowed to publish certain findings (Souleles 2021) or being faced with withheld information and participants presenting their work in an overtly favourable light (Maillet et al. 2017, Vrăbiescu 2019). My research highlights yet another important consequence of cooperation with powerful organizations. In the second section, I argue that being provided access *as such* in fact plays an important role in naturalizing and legitimizing the unequal and coercive management of mobility. The Dutch deportation apparatus indeed provides certain researchers with access to sites that usually remain hidden from public view, such as detention centres, frontline offices and reception centres, and does the same for journalists and the broader public by having their work featured in documentaries, interviews, television shows and story booklets. By facilitating such selective access and providing researchers, journalists and others with the possibility to scrutinize and critique their work, I hold that the organization attempts to show that 'they have nothing to hide', emphasizing their transparency and accountability. They do so, I argue, based on their belief in operating in a diligent and compassionate manner. Reflecting this image in public materials and through their engagement with researchers in turn serves as a mechanism to legitimate the deportation apparatus. I provide examples of these legitimacy narratives from my interview excerpts and publicly available material. In the third and concluding section, I reflect on the implications of these legitimacy narratives and describe a possible way forward in case mere engagement with the deportation apparatus helps to justify its workings.

Access negotiations: politics and positionality

The hard work involved in gaining access, developing fieldwork strategies, navigating secrecy and adapting research designs in the light of negotiations with gatekeepers often remain implicit in academic research. I hold that we should explicitly address the political nature of such actions as objects of study in their own right (Ackerly and True 2008, Kalir et al. 2019). Acquiring access is riddled with extensive negotiation, 'backstage drama' and deception, which is likely to influence the research process from beginning to

end (Cunliffe and Alcadipani 2016). Bureaucratic requirements, suspicion and political ploy can prevent or limit research access (Cunliffe and Alcadipani 2016, Souleles 2021), especially to securitized organizations such as those involved in controlling migration. Previous research suggests that state bureaucracies may have an interest in retaining a certain level of opacity, as it protects them from criticism (Lindberg and Borrelli 2019, Ellermann 2006, Kalir et al. 2019) or enables them to preserve their 'cognitive authority': the capacity to produce and impose legitimate narratives about their work (Rosset and Achermann 2019). Several researchers have pointed out that the state is not a monolithic actor, however; they rely on its inherent 'messiness' (Kalir et al. 2019) to open doors to interviewees who initially seemed unreachable. Both Vrăbiescu (2019) and Kalir (2019b) relied on a combination of formal requests for permission and informal access negotiations with a few lower-ranking officials, until meeting 'the right person' who provided the opportunity to conduct research (see also Hammersley and Atkinson 2007). Still, there are many factors in negotiating access that one simply cannot control, such as on whose desk your request will land, which official is available to talk to you (Belcher and Martin, 2019) and the impact of your positionality. Sharing a similar 'vocabulary', be it based on nationality (Rozakou 2019), gender, ethnicity, occupational seniority (Kalir 2019b) or 'inside knowledge' (Cunliffe and Alcadipani 2016) can impact access negotiations in unpredictable ways. For Rosset and Achermann (2019), it was unclear whether Rosset's previous experience of working in the unit they sought to access facilitated or diminished his chances. While Rozakou (2019) holds that as a Greek citizen, her ability to share a language and background with Moria's refugee camp personnel facilitated access in key moments, for Kalir (2019b) it was precisely his foreignness that, according to him, increased his chances of acquiring access to the Spanish migration bureaucracy. Alcadipani, more strategically, resorted to 'impression management' by wearing a suit, getting the 'right' haircut and speaking the 'correct language' to eventually foster trust and ensure continued access (Cunliffe and Alcadipani 2016).

In most of the research discussed above, the politicized and securitized nature of migration control agencies led to hostility, opacity and denial or only partial granting of access. While being aware of such difficulties before starting my own research projects, I consciously decided to focus on deportation policy and bureaucracy rather than on illegalized immigrants themselves. By constituting the latter as a destined, epistemological object of study, social scientists become implicated in the everyday production of their 'illegality' (De Genova 2002). Both projects instead took a more critical approach, by investigating the ways in which state bureaucracy produces 'migrant illegality' in its efforts to draft and enforce so-called return policies. In seeking access for the first time in 2016, as part of research for my master's thesis, I chose to opt for a strategy that Gray (2016) describes as being positioned 'between collaboration with and disengagement from' the organization. Like her, I sought official permission to conduct interviews with frontline caseworkers, emphasizing my interest in learning about the designing and implementation of deportation policies, yet tried to maintain a critical and distant stance. Seeking access through official, top-down channels was the result of previously

established contacts within the same Ministry of Justice and Security. After a research internship in 2015, which focused on providing the European Commission with input for their EU-wide immigration policies, I contacted one of DT&V's strategic advisors who was in the best position to negotiate primary access. I followed the same strategy in 2019, seeking access in order to conduct research for my doctoral dissertation. Because of a further institutionalization of the department's handling of research requests, I was now faced with a more formalized procedure that included presentations, appointments on general data protection regulations and 'factual checks' of my academic output. After acquiring permission, DT&V frontline caseworkers self-selected for participation in my research by responding to their managers' requests. In total, I spoke to over 50 caseworkers whose work is to convince migrants to return 'voluntarily' at various stages of the return procedure, or otherwise initiate forced removal procedures against them. This self-selection undoubtedly led to a particular form of bias: previous research describes how those who experience public degradation because of their job construct an esteem-enhancing social identity and often propagate this image widely (Ugelvik 2016, Vega 2018). Indeed, the caseworkers I spoke to always seemed happy and elated that someone was interested in their perspective, and were eager to give a 'nuanced account of the joys and difficulties'[165] of their job. While accompanying caseworkers on a regular working day in 2017, they explained internal working procedures to me, let me accompany them to return interviews, meetings and lunches and encouraged me to read case files and talk over strategy with them. When the COVID-19 pandemic made similar in-person data gathering impossible in 2020, it did not seem to reduce openness and trust during the online interviews. DT&V caseworkers mentioned that they were happy to talk to me, never refused to answer a question and were willing to facilitate further secondary access to their colleagues. Since caseworkers knew that I was given official permission to conduct research, they did not voice any suspicion towards me or the project.

Having been a research intern at the Ministry of Justice and Security for five months always felt like a necessary precondition to acquire access for both projects. In 2016, the rapport built between the strategic advisor and myself over the course of this internship directly facilitated access. As they requested permission from the DT&V's vice directors, they emphasized not only that the research was short-term and required for a master's thesis, but that I was a former colleague with a sound understanding of Dutch immigration policy, with whom they had pleasantly collaborated. My research, in short, seemed to be perceived as relatively harmless, due to me being a student and a 'trusted insider'. In 2019, this was different, as I was now negotiating with DT&V strategic advisors with whom I had not built previous rapport. This made me navigate and confront the inevitable power-imbalances between researchers and research participants while 'studying up' in a more conscious manner (see also Souleles 2021). As I was dependent on their approval of my research plans, I consciously tried to balance my critical position with a sense of engagement with the organization and its personnel. I was invited to multiple

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165   Interview caseworker, 28-08-2020.

meetings with DT&V strategic advisors and their managers to describe the project's aims, talk about necessary investments on their part and confidentiality issues. During these meetings, I took my time to explain my research aims, emphasized my interest in obtaining caseworkers' 'point of view' and ensured that research participants at all times could at all times obtain informed consent and withdraw from the project. Like others, I noticed how I unconsciously tended to resort to 'impression management' (Kalir 2019b, Cunliffe and Alcadipani 2016) by showing my in-depth knowledge of the immigration system, using 'bureaucratic language' I had learned during the internship and referencing our shared network within the Ministry of Justice and Security. I, in short, positioned myself as a partial insider, without downplaying my intentions of writing a critical account that would be unlikely to directly benefit the organization.

While perhaps beneficial for acquiring access, my position as a former insider and direct engagement with street-level bureaucrats because of it, impacted my knowledge production in direct and indirect ways. I follow feminist scholars in arguing that there is no such thing as 'innocent knowledge', as all knowledge is situated and implicated by social, political and interpersonal relationships (Haraway, 1988). For them, proximity to research participants is thus not an *a priori* problem that should be overcome, but it requires analytically reflexive attention (Holvikivi 2019). The relationships I had developed during the research internship, seeing and experiencing migration bureaucracy from a non-academic point of view and becoming familiar with the workers' discussions and ongoing struggles, indeed impacted the type of critiques I eventually wanted to make. While staying true to my aim of critiquing the operation of power in the production of 'migrant illegality', I tried to give a nuanced account of the practices and roles of individual caseworkers within it. It is of course true that the deportation apparatus is inherently premised on exclusion and that caseworkers directly reproduce and uphold this system (Arendt 1963, Kalir 2019a). Yet, instead of portraying caseworkers as merely 'violent', annihilating any discussion and limiting the possibility to generate further knowledge in productive ways, I wanted to do justice to the manifold complexities between care and control, inclusion and exclusion, and freedom and coercion operating in the organization and wider policy field. Following feminist reflections, I believe that it is necessary to engage in 'difficult, non-polemic conversations with those whose actions we may not agree with' (Baker et al. 2018, quoted in Gray 2016, 6). We should embrace them and try to engage in a dialogue that deepens our understanding of the issue at stake, while also subjecting them to critique. Such 'collective give-and-take of critical discussion', according to Longino (1990, 79), lies at the very heart of the scientific project and is a necessary prerequisite for the production of robust knowledge. In other words, Longino advocates a collective engagement of the scientist with their ever more inclusive community of inquiry, to open up their analysis to criticism from those who operate from different values, paradigms or points of view. However, as I will explain below, there may be good reasons for limiting the actual transformative potential of such critical discussion on our academic outputs when studying up.

Indeed, over the course of my engagement with the organization, I noticed that

my research gatekeepers also interfered more directly with my knowledge production. During both research projects, the organization required me to submit any public outputs based on research conducted at the organization to anonymity checks as well as checks for 'factual inconsistencies'. While the former was necessary to fulfil national general data protection regulation requirements, the organization requested the latter checks in order to ensure, according to them, a 'correct description of procedures and policies'. How critically I would then interpret these procedures, working practices and policies was 'up to me', as my gatekeeper back in 2016 assured me.[166] While this 'factual check' did not lead to any requested changes from the organization at the time, it spurred a more intense procedure of back-and-forth emailing and discussing my research output in 2020. Feminist research has long advocated the need to minimize power imbalances throughout the research process, especially in the relationship between the researcher and the researched and their assigned roles in the production of knowledge (Ackerly and True 2008). Yet, when researchers do not feel powerful, but rather dependent relative to their study participants and gatekeepers, these ethical guidelines merit reconsideration. Reflecting on his experiences researching financial markets, Souleles (2021) for example argues that researchers who 'study up' do not have any ethical obligations towards their participants to share in interpretative authority. Following Stuart Hall in arguing that representation is about power, Souleles holds that there is a risk that interference in academic knowledge production by the powerful can result in attempts to control the narrative and picture painted of them (see also Rosset and Achermann 2019). I too had to navigate such power imbalances during these factual checks, consciously trying to decide which suggestions to push back on and which ones to adopt. Contrary to Souleles' (2021) experiences, the strategic advisors thus never prohibited me from publishing certain findings nor asked me to exclude observations or interview narratives. Instead, they often requested me to further elaborate, nuance and clarify the organizational processes and practices I described in my writings. Typical requests would be to not only mention the national legal basis for decisions, but also to refer to European and international legislation, or to further elaborate on the different procedural steps that lead caseworkers to take certain actions.

While these requested amendments are arguably of a different status from outright censorship or declining the possibility to conduct research in the first place, I argue that they nevertheless fulfil a specific function in a broader process of public 'legitimation work' (Abrams 1988). That is, granting researchers access can be understood as part of an effort to assert that the deportation apparatus 'has nothing to hide', as one of my informants blatantly put it.[167] This signals their commitment to values of transparency and accountability that are at the heart of the bureaucratic ethos (Eckert 2020). While granting certain researchers and journalists the possibility to scrutinize deportation procedures first-hand, and 'opening up' to the wider public via publicly available material

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166   Email exchange strategic advisor, 20-09-2018.
167   Interview caseworker, 17-03-2017. All interview accounts are anonymized throughout this manuscript.

such as documentaries and story bundles, the organization's strategic advisors and caseworkers at the same time foreground a very particular image of their work as 'diligent' and 'compassionate'. In the next section, I will look more closely at this legitimation work and describe its implications for academic engagement and knowledge production.

'Soft on people, hard on the message': narrating legitimacy

While the exercise of coercion within deportation bureaucracies is legislatively and legally sanctioned, these bureaucracies always remain susceptible to backlash and opposition, especially in open, human rights-respecting liberal democracies (Ellermann 2009, Borrelli 2021). This means that states must actively put legitimacy claims forward to reaffirm their authority (Ugelvik 2016, Vega 2018, Wittock et al. 2021). Ellermann (2006) proposes three different strategies that bureaucrats can resort to in response to public outcry over strict migration control enforcement: pre-empt, contain or resolve political conflict. While pre-empting means to render implementation invisible and hide its adverse effects from public view, conflict resolution should lower the costs associated with migration control. I argue that selectively facilitating access to researchers, journalists and the wider public can be understood as part of a conflict resolution strategy: it seeks to lower the costs associated with deportation enforcement by presenting their working procedures as diligent and compassionate. This implicitly signals that working towards forced removal is eventually a justified measure to take, as the procedures leading up to it are compassionate, safeguarded and provide ample room for illegalized immigrants to 'cooperate' on less coercive measures. The mechanism chosen to resolve conflict is storytelling.

Stories, as van Hulst and Yanow (2016, 100, emphasis in original) explain, 'frame their subjects as they narrate them, explicitly naming their features, selecting and perhaps categorizing them as well, explain to an audience what *has been* going on, what *is* going on, and, often, what needs to be done – past, present, and future corresponding to the plot line of a policy story'. Stories always inhabit a certain perspective and are therefore not neutral: they evaluate events and work towards a certain plot, whereby the tellers often voice judgement about the unfolding of events (Schön 1979). Stories can thus also be used in more instrumental ways: to get something done, express one's perspective and to persuade or even mislead. I argue that stories are important vehicles for the deportation apparatus to legitimate their workings to a wide audience. This becomes clear in an interview with the Swiss filmmaker Fernand Melgar, who was the first to gain permission to film for three consecutive months in the Swiss detention centre *Frambois* in 2011. His documentary '*Special Flight*' portrays the day-to-day life of illegalized immigrants as they await deportation to their countries of nationality, paying special attention to their interactions with detention staff and the centre's director.[168] When a

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168   HUMAN documentary *Het uiterste middel* (The final resort) (2015) was inspired by Special Flight.

reporter asked Melgar about the process of getting permission to film in the centre, he explained that

> the director loved the idea of the film because he says, this jail exists because we are a democratic country and the Swiss people vote to put this illegal immigrant in jail. But nobody knows exactly what the consequences are. And the director told me, "I have to do the dirty job, to put these guys in jail and they haven't committed any crime." And I think it's interesting for Swiss people to see what really happens when we have to apply this law. [169]

Melgar explains that the centre's director thus had an interest in facilitating access: through the documentary, the director could show the Swiss public the consequences of a choice they made at the last elections, thereby sustaining the legitimacy of its democratic mandate. The director hopes to achieve this by being transparent and accountable towards the Swiss public, foregrounding what 'really happens' inside the centre.

The Dutch deportation apparatus similarly provides access to its working practices and procedures by letting certain researchers scrutinize their work first-hand, but also by distributing a large amount of multi-media material to the wider public. Indeed, the organization contributes to and independently publishes an impressive amount of 'frontline stories' in, amongst others, two nationally broadcast documentaries, a book, several story booklets, critical interviews in national newspapers, television shows and radio programmes, and finally in several YouTube videos that explain its working practices. Considering these, I would argue that perhaps not all immigration agencies are best understood as 'intentional, conspiratorial agencies bent on obscurity and secrecy' (Belcher and Martin 2013, 403). I argue instead that the DT&V seeks to carry out general bureaucratic values of transparency and accountability (Eckert 2020) but that while doing so, it produces a particular kind of knowledge about organizational working practices. This does not mean, however, that caseworkers and policy staff provide an incomplete picture that hides 'practices that even the state thinks are no good' (Vrăbiescu 2019, 44). Both my data collection and these publicly available materials indeed include numerous situations where state coercion is operated to its fullest. The organization instead seems to rely on its engagement with a particular set of researchers and journalists, as well as its in-house directed material, to issue to the public an, according to itself, *truthful description* of the legal and procedural guidelines that inform its work. I hold that this might explain why its strategic advisors in both research projects focused on ensuring that my outputs presented a comprehensive overview of the organization's working procedures, rather than censoring bits of material that might make the DT&V 'not look good'. The organization seems to rely upon these narratives to show that caseworkers

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Similarly to Switzerland, it was the first to film inside the Dutch detention estate. More information (in Dutch) here: https://www.2doc.nl/documentaires/series/2doc/2015/november/het-uiterste-middel-vreemdelingen-in-bewaring.html.
169   Full interview here: http://archive.pov.org/specialflight/interview/.

carry out their work diligently, regardless of whether the work *as such* is deemed desirable or not. Like my gatekeeper in 2016 mentioned, the critical *interpretation* of working procedures was up to me, as long as their description was truthful. Providing access thus seems to serve two functions: it reaffirms the organization's bureaucratic ethos of transparency and accountability, while at the same time it ensures the dissemination of knowledge about the organization's working procedures and legal embeddedness. A senior caseworker whom I met in 2017 and who is one of the protagonists of the documentary *Het is uw land* (It is your country)[170], elaborates on this wish to inform the broader public about DT&V's work in an interview with the broadcaster HUMAN:

> The DT&V tries to be more open over the past few years on the working procedures of the organization. During our open days, everyone can visit us and take a look, for example. We believe that it is important that people know how we do our jobs, so that they get a more realistic picture of it.[171]

The caseworker signals that the DT&V wishes to be transparent and open to scrutiny as this might ensure a more realistic understanding of their working procedures, goals and aims. Indeed, throughout my engagement with both strategic advisors and frontline caseworkers over the years, I noted that many of them felt misunderstood by the general public. On more than one occasion, my research participants told me that their involvement with me felt like an opportunity to put across 'their side of the story'. A caseworker whom I met in spring 2017 at a family location seemed to share this sentiment. Having worked at the DT&V from its start in 2007, we came to discuss the public opposition to the organization, which has grown in the past decade. The caseworker mentioned that although they take pride in their work and happily answers all questions I have, they do not want to be associated with the organization beyond their small circle of friends and family. Criticism on the organization was at a height just before my data collection started, partly due to actions by the activist collective 'Stop the deportation machine'.[172] The caseworker reflected on how this slogan in their eyes does not represent DT&V's work:

> It is simply untrue to portray the DT&V as a deportation machine, since this is really not the way we work. We only resort to forced removal if nothing else is possible and we always try to ensure voluntary departure

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170   *Het is uw land* is a 60-minute documentary directed by HUMAN and Selfmade Movies, focusing on the day-to-day work of three DT&V caseworkers, to 'show the dilemmas with which they are confronted on a daily basis'. More information (in Dutch) here: https://www.human.nl/2doc/kijk/afleveringen/2018/het-is-uw-land.html.
171   Santoro, R. (2018). 'Hoe gaat het nu met Leny en Gerr uit "Het is uw land"?'. *HUMAN*, 13 October 2018. Access here: https://www.human.nl/2doc/hoe-gaat-het-nu-met/het-is-uw-land.html.
172   Schram, B. (2016). 'Asielactivisten bekladden juist topvrouw Justitie'. *Elsevier Weekblad*, 26 August 2016. Access here: https://www.ewmagazine.nl/nederland/achtergrond/2016/08/antideportatiegroep-bekladt-woning-justitie-topvrouw-348000/.

first. This slogan makes it seem like we are a heartless organization that happily sends away as many individuals as possible by force, but that is not at all the case. I am the first to congratulate my clients if I have good news for them or when I heard that they acquired a residence permit.[173]

This reflection brings together the central narratives that I encountered throughout my research at DT&V, as well as in the public material described in the previous section: that of DT&V caseworkers operating deportation procedures with diligence, in which a compassionate attitude towards illegalized immigrants is a necessary feature. It draws a sharp line between deportation and 'voluntary departure', arguing that caseworkers do everything they can to avoid the former and accomplish the latter (see also Cleton and Chauvin 2020). Other caseworkers voiced similar feelings of having been misunderstood in public debates on the planned deportation of illegalized immigrant families (for more elaboration, see Wittock et al. 2021). One of the caseworkers whom I met online in 2020, for example told me that they became frustrated by the, according to them, incorrect and incomplete depiction of such cases in the media. The DT&V and the responsible State Secretary never comment on individual cases due to privacy and safety concerns and hence cannot contradict such descriptions, something that seemed to frustrate this caseworker. They pondered that

> people trust what they read in the newspaper blindly. Someone who knows that I work at DT&V once asked me privately, 'how is it possible that this family needs to return while they have lived in the Netherlands for so long, they are integrated so well, do not cause any nuisance…'. But this not nuanced enough, this idea that people are simply taken from their beds one day and put on a plane home. On such occasions, I try to explain that this simply doesn't happen, but that these people get a lot of opportunities and information to make their own choices before we take action. So there is often a lot of explaining to do about our work.[174]

By explaining how measures taken at DT&V and within the wider migration control system work, whether face-to-face with acquaintances, during interviews with researchers, in public story bundles, or by participating in explanatory YouTube videos[175] or the annual *Open AZC Dag* (Open Reception Centres Day)[176], caseworkers attempt to show how things 'actually' work at DT&V. This entails explaining both the ins and outs of working procedures and guidelines, as well as the particular role of individual caseworkers operating them. The in-house story bundle *Dan zet je ze toch gewoon uit?*

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173   Interview caseworker, 16-03-2017.
174   Interview caseworker, 28-08-2020.
175   See for example (in Dutch) https://www.vreemdelingenvisie.nl/vreemdelingenvisie/2016/07/werken-in-gedwongen-kader.
176   See for more information (in Dutch): https://www.coa.nl/nl/azc-in-beeld.

(Why don't you just repatriate them then?)[177] pays significant attention to the former, as it seeks to describe the DT&V's working procedures and the different steps that lead up to deportation. The bundle's title serves to signal that there is no such thing as 'simply deporting' someone, as its stories foreground the lengthy and complicated procedures that precede removal, including the opportunities given to illegalized immigrants to opt for 'voluntary return' first (see Cleton and Chauvin, 2020). During my interviews, caseworkers moreover tried to reassure me that they 'approach [their] work in the most humane way possible, always motivated to think along with individual situations'.[178] I witnessed what this looks like first hand back in 2017, when accompanying caseworkers to the return interviews they hold with illegalized immigrants. Their humane way of working fitted well with what Crane and Lawson (2020) call 'minor acts of care': practices that they considered to be meaningful for illegalized immigrants' situation in the short term, but which never went as far as disrupting the overall restrictive policy framework. Their actions were all aimed at ultimately achieving return, forced or 'voluntary' (see also Cleton and Schweitzer, 2021). Typical examples included inquiring about their children's progress at school, arranging for an additional reintegration budget, extending their stay in the Netherlands so that children could finish their school year, or helping to plan possible legal re-migration to the Netherlands after their return. Similar 'minor acts of care' are described in the book *De Weg Terug* (The road home)[179]. Produced on the occasion of the organization's 10-year anniversary in 2017, most stories in it display DT&V caseworkers' as enthusiastic, creative and empathic employees who are 'soft on people'[180]: who *care* about their clients and are prepared to move mountains to secure a future plan for them. Stories include efforts to arrange a significant additional reintegration budget (p. 22-25), to provide snacks during a guided return ride and presents for family back 'at home' (p. 70-74) and to trace lost luggage in Amsterdam city centre after work hours (p. 91-95). This self-portrayal of the organization contrasts starkly with Antony's (2019) findings on how state operation of US family detention relies on moral *dis*engagement strategies such as dehumanization, attributing blame and minimization of injury. Moral engagement by caseworkers is instead put forward as their primary working mode, which I argue in turns helps to legitimate the workings of the deportation apparatus.

Indeed, as these stories narrate the diligence and compassion of procedures leading up to deportation, their implicit message is that forced deportation is eventually a realistic and justified measure to take (see Wittock et al. 2021 for a similar dynamic in Belgium). This includes the idea that it is necessary, according to the organization, to be 'hard on the message in case clients do not cooperate or a possibility for deportation arises'.[181] This

narrative was, unsurprisingly, strongest for illegalized immigrants with a criminal record, who were often portrayed as unwelcome and a potential danger to Dutch society, making it necessary for caseworkers to try their best to enforce deportation.[182] But it was similarly apparent in cases of individuals typically deemed vulnerable, such as elderly people and children. In the documentary *Het is uw land,* we for example see how a Nigerian woman and her two children are being awoken from their beds at a family location in the early morning and told by a DT&V caseworker and a police officer that they will be returned to Nigeria that day. When she strongly refuses, telling the two that her daughter will be killed upon return, the caseworker reminds her of all the appointments they made and reassures her that an organization will take care of her upon arrival in Lagos. All of this is intended to give the viewer the impression that the forced removal of the woman and her children is justified, as a procedure with well-arranged precautions preceded it. Another caseworker likewise emphasized their diligent way of working when we discussed their handling of an elderly Armenian woman's return, featured in *Het is uw land*. The caseworker explained that this woman wished to obtain a medical treatment in the Netherlands before returning to Armenia and mentioned that he postponed her return in order to facilitate the operation. At a certain moment, however, they felt that her repeated requests for medical checks became a strategy to 'stall' the return procedure: 'then, it was necessary to draw the line, especially as everything was arranged for her to continue treatment back in Armenia and she got the surgery she initially wanted'.[183]

Ultimately, I argue that stories told by DT&V caseworkers during interviews with researchers or in story bundles, books and documentaries, function as framing devices to cause their audience to 'share in the work that the DT&V does', as the former DT&V director explains in the preface of *De Weg Terug*.[184] Van Hulst and Yanow (2016) indeed argue that stories are perfect vehicles to express one's views and make others share in them, since disproving is more difficult after we know each other's stories. By foregrounding the diligence of procedures and caseworkers' compassionate way of working, the DT&V thus legitimizes the existence and potential operation of enforced deportation.

Discussion and conclusion

This chapter has focused on the politics involved in attempting to acquire access to migration control institutions in the Netherlands, including the implications that successfully doing so has for knowledge production. It followed a recent call by Kalir et al. (2019) to examine access negotiations as objects of study in their own right and question what they might uncover about the workings of state bureaucracies. Previous research clearly highlighted that migration control organizations often obscure, prevent and limit

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182   E.g. in *De Weg Terug* p. 84-90, 141-144.
183   Interview caseworker, 11-04-2017.
184   Preface of *De Weg Terug*, p.10.

the degree of access for researchers (Rosset and Achermann, 2019, Lindberg and Borrelli 2019, Kalir et al. 2019). This chapter tried to explain what, conversely, the granting of access without intrusive interrogation and rejection might tell us about the Dutch deportation apparatus. I first described my access strategy of moving in a space between collaboration with and disengagement from the organization (Gray 2016), showing my interest in further understanding their work while never hiding my research aims and maintaining a critical distance. The power imbalances intrinsically intertwined with studying up meant that I entered into a relationship with DT&V strategic advisors that would eventually impact my knowledge production in several ways. Access negotiations with them enabled me to do the research and never prevented me from writing critical accounts, but they nevertheless serve an elusive function in a broader process of public 'legitimation work' that operates throughout the Dutch deportation apparatus. Focusing on the stories told during my interviews with caseworkers and in publicly available multi-media, I argued that the DT&V cultivates an image of the organization as operating deportation procedures in a diligent and compassionate fashion. Such stories on the one hand function as a destigmatization technique (Vega 2018) that potentially give only a partial picture (Vrăbiescu 2019). Yet, they at the same time convey that the organization wishes to be transparent and held accountable for its work. The DT&V indeed seems to rely on its involvement with researchers such as myself, journalists and the wider public to disseminate knowledge about the organization's working procedures and its legal embeddedness, rather than trying to debate whether its work *as such* is deemed desirable or not. Emphasizing the diligent and humane nature of its work, the organization in the end aims to cultivate a sense of legitimacy for its operation of sovereign power: not solely as conforming to the established rules set in the wider legal framework, but especially because the implementation of these rules is conducted in what is conceived as – at least by the organization – a morally acceptable manner (Beetham 1991).

This chapter thus warns against incautiously reproducing the stories and practices revealed to researchers after being granted access. It dilutes the renewed enthusiasm for and prioritization of (participant) observation to dissect contemporary migration and border governance in sociology and international relations alike (e.g. Côté-Boucher et al. 2014). My research experiences show that caution is necessary, both because of the dangers of taking actors' actions and the meaning they give to these at face value, and because of the potential consequences of sharing in interpretative authority with research gatekeepers. If simply giving a 'full account' of working practices and procedures contributes to the legitimation work of the deportation apparatus, merely performing fieldwork and reporting on one's findings might be problematic. What then, could be the way forward? One possibility would be disengagement with these organizations, conducting research and writing critiques from the sideline without entering into a relationship with them. I hold that there are significant drawbacks to this approach. Theoretically, I agree with Gray (2016) that one cannot approach and understand what 'the deportation apparatus' (or in her case, 'the military') is without listening to what people within the institution say and do. Failing to pay attention to the complexities of

people's experiences and views diminishes the critical power and scholarly potential of our research (see also Feldman 2013). Speaking with Longino (1990) again, science is a social practice that needs criticism from multiple points of view in order to reach a sense of 'objectivity' (see also Creswell and Miller 2000 on 'member checking'). Politically, I hold that taking an overly polemical approach or producing a mere critical analysis detached from the organization will be unlikely to engender any form of change for those affected by deportation policies. By studying up, researchers can identify 'the conceptual practices of power and how these shape daily social relations' (Harding and Norberg 2005, 2011), which is crucial for designing projects of social transformation. We should thus try to engage in a critical dialogue in order to deepen our understanding of the workings of the deportation apparatus, actively subjecting it to critique and seeking to intervene in its processes to engender positive change.

Intersectional analyses of migration and integration policy: lessons from feminist policy studies?

6

Abstract

This chapter aims to present a rigorous reflection and initiate debate on the ways intersectionality is currently applied in migration and integration policy scholarship. While scholars increasingly point to the gendered, racialized, classed and heteronormative dimensions of migration and integration policies, they spend little time reflecting on and operationalizing how intersectionality informs their methodological choices and what consequences these have for their empirical analyses. This chapter therefore starts from an overview of what intersectional approaches to migration policy currently look like and what assumptions underpin them, to eventually propose an analytical tool that builds on feminist policy studies. This tool exposes the way policies frame policy subjects by highlighting how power clusters around intersecting categories of social difference that sustain inclusionary or exclusionary policy measures. This tool also requires reflexivity on how researchers' positionality impacts their analyses and possibilities for transformative change, as underlined by feminist scholars.

Keywords
Intersectionality, migration and integration policy, policy frame analysis, feminist policy studies, reflexivity, transformative change

Introduction

This contribution reflects on the use of intersectionality as an analytical tool to expose processes of in/exclusion and the (re)production of hierarchies in migration and integration policies. Feminist scholarship on intersectionality argues that categories of social difference in a given society at a given time, such as race, gender, class, sexuality, dis/ability, and age, cannot be understood in isolation from one another. Instead, they work together and interact to produce unequal material realities and distinct social experiences, and should therefore be studied in relation to each other (Crenshaw 1989). Hill Collins (1990) describes their societal organization and operation as a 'matrix of domination', which is reflected in structural practices and policies, disciplinary processes that rely on bureaucratic hierarchies and surveillance, hegemonic ideologies and interpersonal, everyday lived experiences. As an analytical tool, intersectionality makes it possible to denaturalize deep-seated presuppositions related to these categories of social difference and to expose the power relations that (re)produce them (Dhamoon 2011).

Within the social sciences, scholars increasingly resort to intersectionality (see Hancock 2007 for political science, Choo and Ferree 2010 for sociology and Bürkner 2012 for migration studies). Within the subfield of migration and integration policy studies, scholars mobilize intersectionality to investigate the constructions of gender, sexuality, race and class in migration and integration policy making and implementation (Luibhéid 2002, Bonjour and De Hart 2013, Korteweg and Triadafilopoulos 2013, Horsti and Pellander 2015, Elrick and Winter 2018, Bonjour and Duyvendak 2018, Cleton 2021). This leads Bonjour and Chauvin (2018, 6) to conclude that 'intersectional approaches to the analysis of immigration policy are on the rise'. Yet, our reading of this literature suggests that there is little to no elaboration and reflection to date on the methodological assumptions and empirical implications of using intersectionality for the analysis of migration and integration policies. While we hold that intersectionality is the best analytical approach to identify hierarchies constructed in social and institutional practices and to reveal the role that state policy norms, discourses and practices play in perpetuating or counteracting inequalities (Lombardo and Kantola 2021), we believe that its potential can only be fulfilled if researchers explain what understanding of intersectionality makes sense to them and why. Following Choo and Ferree's (2009, 146) argument for sociology, we contend that migration and integration policy studies too would become 'more methodologically appropriate and theoretically productive if the specific assumptions that the researcher makes about intersectionality were made more explicit'.

In this chapter, we therefore aim to present a rigorous reflection – and initiate debate – on the ways intersectionality is applied in migration and integration policy studies. Starting from an overview of what intersectional approaches to migration policy currently look like, we eventually propose an analytical tool for migration and integration policy scholars that builds on feminist policy studies. This tool exposes the way policies (re)produce subjectivities and social difference through (amongst others) gendering,

racializing, classing and sexualizing discourses and aims to unravel the power relations that sustain them. The framework should push scholars to explicate their understandings and empirical usage of intersectionality. We thereby acknowledge that intersectionality has always been proposed as a gathering place for open-ended investigations into the overlapping dynamics of race, gender, class and other inequalities. This led feminists to adopt different understandings of the term and rely on a wide range of empirical and normative tools in their analysis. We take this open-endedness as an invitation to further reflect, clarify and inquire as to the usages of intersectionality (Dhamoon 2011). Consequently, rather than prescribing this tool as a robust analytical framework, we offer it to migration policy scholars as an instrument that can spur more cohesive methodological clarity on how to approach intersectionality and more structurally investigate the interactions of diverse positions of privilege and disadvantage within policy analysis. As intersectionality is born out of a project that aims for transformative social justice, this tool calls for more explicit efforts on the part of migration and integration policy analysts to challenge and disrupt power that clusters around categories of social difference and to engage in self-reflexive critique about their possibility to do so.

This contribution contains three sections. First, we will highlight the empirical and normative assumptions that inform current intersectional approaches to migration and integration policy, by surveying this literature along four prominent debates within feminist theory on intersectionality (Hancock 2007, Dhamoon 2011, Smooth 2013): the categories to include in the analysis, the relationship between these categories, the focus on privilege or subordination, and the level of analysis. Based on this inventory, we conclude that migration policy analyses often refer to intersectionality as a tool to deconstruct policy subjects, yet rarely explain the methodological underpinnings of the exact way in which intersectionality helps them to do so. Therefore, in the second section, we turn to the field of feminist policy studies where intersectionality as a tool for policy analysis has been institutionalized. We will survey the work of feminist policy scholars who study gender equality policies, focusing on the attribution of meanings to this concept in policy discourse (Lombardo and Kantola 2021). Feminist policy studies too rely on intersectionality to deconstruct norms embedded in policy (discourse) (Lombardo et al. 2009) with the aim of opposing patriarchal social structures and achieving more gender-equal societies (Lombardo and Kantola 2021). We propose that analyses of migration and integration policy can benefit from the structured analysis of problem representations embedded in this field, as it reaches the core of discursive contestation in policy. Yet, we also further develop these instruments by suggesting to add a focus on 'the political process through which texts were created, interpreted and used as resources for mobilization' (Ferree 2009, 90). In our views, this merits a shift from a sole focus on policy categories and the way in which policy actors use them, to scrutinizing the power structures that enable the particular production and understanding of these categories in the first place. In the third section, we synthesize these insights in a broader, multi-level

analytical tool for migration and integration policy studies that calls for reflexivity and enacting social change.

Migration policy analysis, from 'state science' to critical scrutiny

The broader field of migration studies can historically be characterized as a 'state science' that grew around the demands of states and the international community to track and account for the movement of people globally, in particular the movements of people from the Global South to the Global North during decolonization (Carmel et al. 2021). This historical close alignment between migration studies and governments' political interests in regulating mobility still shapes the field today and contains dangers for scholarship, including the reproduction of forms of methodological nationalism and the use of state concepts as categories of analysis (Favell 2014, Schinkel 2018). Feminist migration and integration scholars have been at the forefront of questioning such research practices and redirecting attention to the politics of migration (Bonjour and Cleton 2021, Cleton and Bonjour 2022). Together with other critical migration scholars, they conceptualize these politics as practices of power/authority that reveal the relationship between global structural conditions, specific policy making processes and the everyday decision-making of actors involved (Carmel et al. 2021). By focusing on this dialectic of power/authority, feminists who study migration and integration policies have directed attention to the crucial role of discourse, norms and identity into understanding the dynamics of policy making (Bonjour and De Hart 2013). Bonjour's (2011) intervention in the long-standing 'control gap debate' (Cornelius et al. 1994) is an important example. She argues that scholars who seek to explain why 'liberal states accept unwanted migration' (Joppke 1998) focus too one-sidedly on economic considerations, often in combination with foreign policy and security constraints, an approach which 'fails to reveal the crucial role that moral norms and immaterial values related to fair distribution and membership may play in policy making processes' (Bonjour 2011, 110). In recent years, feminists have extended this argument by showing the limits of explaining migration policy making using either economic and material rationales *or* identity formation, membership and culture (Bonjour and Chauvin 2018). They destabilize the dichotomy between economic utility and identity maintenance as distinct logics that drive policy processes and show that race and gender always operate through class and vice versa (e.g. in Elrick and Winter 2018, Bonjour and Duyvendak 2018, Braedley et al. 2021).

Feminist scholars argue that we should interrogate these norms, values and discourses intersectionally if we want to account for the ways they foster inclusion or perpetuate exclusion (e.g. in Fischer et al. 2020, Amelina and Horvath 2020). In the domain of integration policy, intersectional approaches have been particularly productive in exposing policymakers' concern with identity maintenance at the intersection of gender, ethnicity and religion. Studies found that intersecting notions of gender, ethnicity and religion

allow integration policymakers to problematize (Muslim) migrants as 'unassimilable' and a threat to Western, liberal society and the welfare state, and in turn to propose more stringent integration measures (e.g. in Yuval-Davis et al. 2005, Korteweg and Yurdakul 2009, Korteweg and Triadafilopoulos 2013, Kofman et al. 2015, Roggeband and van der Haar 2018). These analyses build on work that conceptualizes migration and integration policies as instances of the 'politics of belonging' (Yuval-Davis 2006a): policing the boundaries of the political community that separates populations into 'us' and 'them'. Beyond the attention to the way in which policies exclude migrants at the intersection of gender, religion and ethnicity, feminist researchers also investigate how class (Staver 2015), age (Horsti and Pellander 2015, Braedley et al. 2021, Cleton 2021) and sexuality (De Hart 2017, Yurdakul and Korteweg 2021) operate in a variety of migration control policies – including policies on labour and family migration, asylum and return.

This brief overview shows that feminist migration and integration policy scholars pay particular attention to the ways states mobilize gendered, classed, racialized and heteronormative categories of difference to marginalize, exclude or include migrants. In order to get more grip on the status of intersectionality in this field of research, in particular the ways in which it is understood and operationalized as a tool for empirical research, the following paragraphs will look at the literature through four prominent debates within feminist theory: the categories to include in the analysis, the relationship between categories, the focus on privilege or subordination, and the level of analysis.

The first debate centres the question which categories of social difference to include in one's analysis. Several scholars are critical of expanding intersectionality beyond race, gender and class, as it would 'undermine the central project of intersectionality – that is, the political project undertaken by women of colour in general and black women in particular to address the political plight of nonwhite woman' (Alexander-Floyd 2012, 9). Others argue that a narrow focus on the race-gender-class trinity risks missing variation that arises from different contexts and contributes to a competition on who is marginalized most, rather than targeting the overall system of stratification (Hancock 2007, Anthias 2013). Intersectionality informed research, according to the latter, does not simply describe and explain power dynamics in a given context, but 'critiques or deconstructs and therefore disrupts the forces of power so as to offer alternative worldviews' (Dhamoon 2011, 240). This implies that the choice of interactions derives from the particular scope and target of critique in particular situations, for example because of government framing or stigmatization. There is overall little elaboration on this question in the migration and integration policy literature. Most studies pay attention to the intersection of gender and race/ethnicity (e.g. in Bonjour and De Hart 2013, Korteweg and Triadafilopoulos 2013, Korteweg 2017). Korteweg (2017, 433) explains, 'the intersectional construction of immigrants' subjectivity can activate differences of gender, race, ethnicity, religion and class, amongst others, to inform the framing of integration as a particular social problem […]', but the remainder of her article solely emphasizes the intersection of the first two. While also directing the focus to the intersection of gender and ethnicity, Bonjour and De Hart (2013) explain that this is the result of the Dutch government's emphasis on

these two categories in debates on marriage migration. Their aim is thus to critique the way these categories of social difference are addressed as a problem, and to describe its implications for the couples subject to these policies. Roggeband and van der Haar (2018) and Bonjour and Duyvendak (2018) do the same for respectively 'Moroccan youngsters' and 'migrants with poor prospects' and thereby shift the focus to a broader range of categories (race, gender, class, age and religion). Others seem to be primarily driven by a scholarly under-theorization of the intersections of certain categories prevalent in migration and citizenship policies, such as gender, race and religion with age (Horsti and Pellander 2015).

A second debate concerns the relationship between the categories under scrutiny. Most feminist intersectionality scholars share the logic that multiple marginalizations of race, gender, class and other categories of social difference create social and political stratification. These multiple marginalizations are more than the sum of mutually exclusive parts: they create interlocking forms of oppression (Hancock 2007). Hancock's (ibid.) threefold typology of the relations between such multiple marginalizations has become prototypical in the field. She differentiates between a unitary approach to the relations between multiple inequalities (one category is given analytical primacy), a multiple approach (several categories matter equally, are treated as stable, and added to each other) and an intersectional approach (several categories matter equally, but are fluid, and the relations between them are mutually constitutive). Walby et al. (2012) argue that the popularity of Hancock's work has enabled this idea of 'mutual constitutive inequalities' to become the privileged position in intersectional analysis, but that inequalities can affect each other in ways beyond this typology. To do justice to them, they propose a six-fold typology that also includes 'single' and 'asymmetrical' ways of understanding the relationship between multiple inequalities. In these, one inequality is conceptualized as dominant but the others are not completely ignored. Within migration and integration policy studies, we see the full breadth of thinking about the relations between categories of inequality. Some research primarily addresses the gender-blindness of policy responses (e.g. Anthias and Pajnik 2014, Kofman et al. 2015, Freedman 2019) and thereby analytically privileges gender while staying attentive to its intersection with other categories of difference. Others, such as Roggeband and van der Haar (2018) seem to follow an 'additive' or 'multiple' understanding of intersectionality: explicit notions of nationality and age, *together* with implicit notions of gender, religion and class construct the image of Moroccan youngsters' 'failed integration' in the Netherlands. Korteweg's (2017) application of 'gendered racialization' in integration debates signals an understanding of these two categories as mutually constituted and acquiring meaning through their co-constitutive character.

Third, feminists debate whether intersectionality should be invested in analyzing the positions of marginalized individuals only or also positions of privilege. Scholars of intersectionality have always acknowledged that oppression and domination are co-dependent and often co-exist (Levine-Rasky 2011). Hill Collins' (1990, 621) famous 'matrix of domination' indeed highlights that 'there are few pure victims or oppressors'

and that it is thus possible to experience oppression along one axis and privilege along another simultaneously. The overwhelming majority of intersectional scholarship to date has focused on the position of multiply marginalized subjects, which according to Dhamoon (2011, 233) is linked to their investment in 'recovering' marginalized subjects' voice and experiences. Others stress that it is necessary to engage with the 'other side of power relations', such as whiteness, masculinity and middle-classness, if we seek to further theorize the workings of power (Levine-Rasky 2011, 239). Yuval-Davis et al. (2019, 27) for example argue that we need to take into account the situated gazes of bordering actors, such as immigration officers and port personnel, as doing so enables us to see how 'people involved construct and reconstruct the border, as well as their own identities and claims of belonging, through the creation of sociocultural, political and geographical distinctions'. Some migration and integration policy scholars focus primarily on 'marginalized subjects' and their interactions with policymakers, parliamentarians and state bureaucrats (e.g. Altay et al. 2021, De Noronha 2020), while others focus on the work of 'powerful actors' through studying policy discourse (e.g. Bonjour and Duyvendak 2018, Yurdakul and Korteweg 2021). Cleton (2021) followed the latter approach in her work on deportation policy targeting children. She focuses on both privilege and subordination and shows that differentiated constructions of children's subjectivities at the intersection of gender, race, class and age, led to opportunities for continued residence for some but accelerated the deportation of others.

A final consideration for the methodology of intersectionality concerns the focus of the analysis. Dhamoon (2011) explains that there are four aspects of political life that are studied under the header of intersectionality: the identities of individuals and groups, categories of difference, processes of differentiation, and systems of domination. An exclusive focus on identities and/or categories, however, risks reproducing existing hegemonies. According to her, we should instead draw attention away from 'different' identities and bodies and focus on the production of these subjectivities through institutionalized discursive processes (see also Smooth 2013, Anthias 2013). A significant amount of research in migration and integration studies focuses on the subjectivities of individuals in migration control regimes. Freedman (2019) and Gómez Cervantes et al. (2017) for example examine the ways in which violence in migration control is obscured by relying on the 'vulnerability' of women and children. These studies primarily engage with identities without challenging the norms and discourses that produce them as subordinate vis-à-vis others. Closer analyses of migration and integration policy primarily focus on policy categories, and sometimes link these to processes of differentiation. Scuzzarello (2008) for example highlights how narratives of differentiation that are reproduced in integration policies affect migrant women in Sweden. By considering categories of gender, race and nation, she finds that the integration projects under study rely on essentialist understandings of culture and diversity that exclude migrant women from the Swedish cultural and social collective. Highlighting categories of race, class and religion in Dutch integration debates, Bonjour and Duyvendak (2018) show that the racialization of 'non-Western' migrants positions them as unassimilable in terms of

socio-economic skills and cultural compatibility. While some of these studies make brief reference to systems of domination such as (settler) colonialism (Hosti and Pellander 2015, Yurdakul and Korteweg 2021), only few explicitly link intersectional analysis of immigration policies to broader systems of inequality like colonialism and empire (Bassel 2021).

Based on this overview, we can conclude that there is a wide variety in the categories of social difference included in analyses and the ways in which relationships between them are conceptualized. There is more consensus on the object and focus of analysis: intersectionality is often used to deconstruct policy actors' understandings of policy subjects (e.g. 'migrants with poor prospects' in Bonjour and Duyvendak 2018, 'Moroccan youngsters' in Roggeband and van der Haar 2018, and 'Muslim masculinities' in Yurdakul and Korteweg 2021), or the requirements they need to fulfil for inclusion in the nation ('skill' in Boucher 2016, 'love' in Eggebø 2013 or 'admissibility' in Elrick and Winter 2018). Studies examine the references to categories of social difference in policy (race, gender, class) and sometimes implicitly link these to processes of differentiation (racialization, gendering, classing) that enable the production of these categories. Yet, when we look at the methodological tools that these scholars use to study these processes intersectionally, we find little explanation. McCall (2005) attributes such methodological ambiguity to the complexity that arises when the subject of analysis includes multiple dimensions of social life and levels of analysis. Most articles indeed do not elaborate on the ways in which they approached intersectionality in their empirical analyses and whether and how they examine these different dimensions. Some mention that they pay 'particular attention to the intersecting roles of age, gender, ethnicity, race and religion' (Horsti and Pellander 2015, 755, also in Roggeband and Van der Haar 2018) in the 'characteristics ascribed to the persons targeted by civic integration policies' (Bonjour and Duyvendak 2018, 885). Korteweg and Triadafilopoulos (2013, 116) provide most empirical clarity of all research surveyed in this chapter. They combine intersectionality with theories of boundary formation to analyze 'the articulation of immigrant subjectivity and the institutional translation of that subjectivity in policy making'. Their analysis is guided by a four-step procedure that identifies how integration policy making 1) constitutes the subjects of integration policy, 2) defines the problem to be addressed in these policies, 3) mobilizes their own group membership and power to make claims, and 4) creates membership boundaries. These guidelines reveal that intersectionality is mainly used to unravel how categories of social difference make up immigrant subjectivities, and what 'work' they consequently do within specific policy domains. Yet, all guidelines presented here pay little attention to the *production* of these differences and to the way power operates to enable such category making in the first place. Indeed, these should be taken into account and scrutinized intersectionally if we want to understand the inclusionary or exclusionary effects of policies (see also Anthias 2013). In the next section, we therefore turn to an adjacent field of policy analysis where intersectionality as a tool for analysis has been institutionalized, to see whether and how it can help migration and integration policy scholars to further explicate the methodological underpinnings of intersectionality.

Gender equality policies and the analysis of intersectionality

Over time an impressive field of feminist policy studies has emerged, part of which focuses on the study of gender equality policies in the EU and its member states (Lombardo and Meier 2022). These scholars start from the assumption that gender equality is an essentially disputed concept, riddled with paradoxes and contestation (Kantola and Verloo 2018, Lombardo et al. 2009). This implies that it can be filled with a variety of different meanings that arise from specific political histories, contexts, struggles and debates. Within the field of feminist policy studies, Kantola and Verloo (2018) distinguish four ways for scholars to deal with this complex and political nature of gender equality: escaping, fixing or deconstructing gender equality, or delegating it to political theory. The third, deconstructive approach to gender equality is invested in uncovering its different denotations by focusing on 'the intentional or unintentional engaging of policy actors in conceptual disputes that result in meanings attributed to the terms and concepts employed in specific contexts' (Lombardo et al. 2009, 7). Deconstruction means disrupting hierarchies, norms and binaries, calling into question the normalized usage of terms and opening them up to new usages (Kantola and Lombardo 2021). Methodologically, these scholars deconstruct gender equality policies through a focus on policy frames and framing, often by using critical frame analysis (CFA) (Verloo and Lombardo 2007). Following a Goffmanian understanding of frames, they hold that frames draw connections, identify relationships and create perceptions of social order out of a myriad of possible representations of reality. Starting from the assumption of multiple interpretations in policy making, they explore the different ways in which a policy problem can be represented by interrogating 'what is at stake in policy, what is represented as the problem, and by whom, and the different assumptions that underpin these representations' (Roggeband and Verloo 2007, 273).

While intersectionality plays various roles within the wider feminist policy literature (see Verloo 2013, Kantola and Lombardo 2017 for overviews), analytically it is used by deconstructivist scholars to expose the ways in which particular discourses on gender equality intersect with other categories of social difference to result in stigmatization and exclusion (Verloo and Roggeband 2007, Yurdakul and Korteweg 2013, Verloo and van der Haar 2013, Montoya and Rolandsen Agustín 2013). These scholars stress that intersectionality makes it possible to grasp relations of power that policies and policy making perpetuate or counteract, and how they in turn privilege certain social groups and silence or stigmatize others (Rolandsen Agustín 2013). Similar to the migration and integration policy scholars described in the previous section, feminist policy scholars predominantly focus on the representation of marginalized individuals in policy and study what consequences the articulation of intersecting categories of social difference in actions to combat inequality has for people's opportunities. They thereby often put gender – and by extension, the interests of women – centre stage and only consequently include other inequalities in their analyses in a more inductive manner (Lombardo and Meier 2022). When scrutinizing the dimensions of *diagnosis*, *prognosis* and *voice* in policy

texts, they pay attention to the extent to which gender and intersectionality categories are related to the policy problem, solution and the actors held responsible for or in charge of solving them. Lombardo and Verloo (2009) for example found that within their sample of 448 texts on gender equality, policy diagnoses were more often articulated in intersectional ways than proposed solutions. This, according to them, results in a risk of stigmatization, as it might derive from an understanding of certain social categories as 'being' problematic. They give the example of Roma women being addressed as causing problems for native Italians, which stigmatizes them and offers no solution to their problems (e.g. being rejected by Italians) that takes into account the intersection of gender and race in the dynamics of conflict between the two communities. Others have examined how gender equality is considered irreconcilable with ethnic and religious diversity (Siim 2014, Rolandsen Agustín 2013). Montoya and Rolandsen Agustín (2013) refer to such reliance on intersecting inequalities by policy actors who aim to create divisions between 'us' and 'them' as 'exclusionary intersectionality'. A common form of such exclusionary intersectionality is culturalization: articulating 'culture' of certain ethnic groups as the sole explanation for violence against women (ibid.). Such a simplified focus on culture (and thereby on race, see Anthias 2020) not only stigmatizes ethnic minorities but also obscures gender-based violence as rooted in structural gender inequality. Focusing on Dutch gender equality and minority policies, Roggeband and Verloo (2007) found that unequal gender relations increasingly became a focus in minority policies, while gender equality policies at the same time increasingly ethnicized, thus focusing on the emancipation of ethnic minority women. Dominant frames in both policies – those of modernization and individual responsibility – reinforced a distinction between the Dutch citizenry and ethnic minorities. Such stigmatization does not contribute to helping Muslim women, which should be the aim of these policies.

Van der Haar and Verloo (2013) note that investigations of such processes of reification, stereotyping and stigmatization cannot be based solely on a critical analysis of categories and identities in policy text only. Instead, the categorizations apparent in policies themselves should be investigated for their resonance with existing stigmas and inequalities, and with the intentions of actors exploiting or counteracting their significance. Indeed, we cannot analyze ideas stemming from policy documents as detached from the institutional context (discourses, structures, power, resources) in which they are produced, including the actors who were influenced by them in the course of the policy-making process (Rolandsen Agustín 2013). Ferree (2009, 90) therefore suggests that CFA would 'become more dynamic when it is complemented by studies of the political process through which texts were created, interpreted and used as resources for mobilization'. Van der Haar and Verloo (2013, 431) propose that a 'more in-depth analysis of policy texts combined with an analysis of the positions taken by strong oppositional and advocacy actors should reveal their implications of the highlighting or "silencing" (Yanow 2003, 15) of particular identities in particular policy fields […]'. Concretely, for Rolandsen Agustín (2013) this results in a dual strategy of CFA and interviewing: the identification of frames is done through an analysis of policy

documents and these frames are subsequently contextualized through the interviews in order to uncover strategies, conflicts, and silences.

Integrating feminist policy studies' insights into migration and integration policy analysis

What can migration and integration policy analysts learn from the use of intersectionality in feminist policy studies? First, we hold that migration and integration policy scholars could adopt the structured analysis of problem representations and policy frames core to feminist policy studies. While some (e.g. Korteweg and Triandafilopoulos 2013, Horsti and Pellander 2015, Bonjour and Duyvendak 2018) make brief references to feminist research methodologies such as CFA (Verloo and Lombardo 2007) or Bacchi's (2009a) 'What's the Problem Represented to Be' approach (WPR), we argue that these tools should be applied more systematically and extensively. They have the potential to reach the core of discursive contestation in policy and to disentangle 'socio-cultural biases' that inform policy problems in particular ways. Both methods are indeed based on the assumption that a political proposal for a solution to a problem always contains a particular representation of the problem that it seeks to solve, and try to identify, reconstruct and interrogate such 'problem representations'. The biggest difference between the two is their understanding of the way frames relate to discourse. Both understand discourse as a broader meaning-making system within which we operate. The goal for policy analysts is then to identify the 'institutionally supported and culturally influenced interpretative and conceptual meanings (discourses) that produce particular understandings of issues and events' (Bacchi 2009b, 22). CFA pays attention to the way policy actors' strategically and intentionally use and manipulate discourse – in the form of frames – for strategic purposes, while WPR emphasizes their unconscious reproduction of deep-seated conceptual premises originating in discourse. We should not overstate the difference between the two (see ibid. for a 'dual focus agenda'): what matters is that frames have concrete and material consequences, as they set conditions for future actions and realities (Verloo and Lombardo 2007). CFA is better positioned to analyze competing ideas, shifts over time, and clashes between different frames, and is of particular interest to us for its emphasis on voice, which calls for explicit attention to the meaning of categories used to describe actors – authors of (policy) texts and those referenced therein – and their varying positions in the policy diagnosis, prognosis, and the call for action (Van der Haar and Verloo 2016). Scrutinizing the norms, values, behaviours and characteristics attached to the categories of social difference that are implicitly or explicitly referred to in policy text is according to us the first step in a multi-level, deconstructivist analysis of discursive mechanisms that influence policy and can explain inclusionary or exclusionary treatment. To eventually move from a solely deconstructivist towards a more transformative project that is core to feminist scholarship, we argue that choosing what categories of social difference to focus on in

one's analysis should be coupled with analysts' broader target of critique (Dhamoon 2011). Given the intrinsic intertwinement of the colonial project and racial subjugation with the modern system of nation states and citizenship (see De Noronha 2020), we nonetheless call for explicit attention to the category of race (or ethnos, see Anthias 2020), since it often remains inarticulate in policy discussions in Europe.

Second, we concur with feminist policy scholars who note that we should then, as a second step in our multi-level analysis, investigate the meanings attached to these social categories for their resonance with existing stigmas and inequalities, and, by extension, with the intentions of political decision-makers in exploiting their significance for varying purposes. We follow Rolandsen Agustín (2013) in arguing that migration and integration policy scholars can further contextualize their analyses with interviews with policy actors to uncover strategies, conflicts, and silences. However, we caution against an exclusive focus on identity and policy categories only, as doing so risks the same naturalization, reification and stereotyping that policies can bring about. Following Dhamoon (2011) and Anthias (2013), we therefore suggest that as a next step, scholars should interrogate the process of difference-making: that is, the ways in which differences alluded to in policy are rendered legible and possible in the first place, and thus focus our analytical gaze on power and structural inequalities. Bacchi (2017, 22) advocates a similar move away from categories (*gender*) to verbs (*gendering)*, as the latter 'are better able to draw attention to practices of subordination than fixed categories'. WPR might be of help here: identifying 'deep conceptual premises operating within problem representations' (Bacchi 2009a, xix) directs us to the level of discourse and draws attention to the assumptions and presuppositions that make it possible to include and (re)produce categories of social difference in policies.

How do these considerations translate to a methodological tool for migration and integration policy scholars? In our view, they should consider at least three, interrelated and non-successive steps. This tool is explicitly multi-levelled in nature: it investigates categories at the level of policy text and the workings of power that constitute these at the discursive level simultaneously. First, we should disentangle policy frames on the issue at stake. Then, we should pay particular attention to the representation of policy subjects within these frames. Finally, we should explicate the underlying assumptions that underpin problem representations, proposed solutions and the roles that varying actions have within these. This latter step is the most interpretative one and requires methods which differ from textual analysis of policy documents. It is arguably also the most important one, as pointing out the contingency of policy frames and the problematization of policy subjects in migration policies opens up possibilities for transformative change. Indeed, in this latter step, feminist scholars of migration and integration policy should make efforts to move beyond critiquing the operations of power and its effects and should explicitly reflect on the possibilities for transformation (Dhamoon 2011). While these steps often happen simultaneously, we follow Winker and Degele (2011) who argue that the starting point for analysis should be social practices that are accessible through empirical research (cf. Bacchi 2009b, Schwenken 2018). Throughout the entire process,

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authors need to pay particular attention to the spatial and temporal context in which a certain policy debate takes place, since we cannot analyze policy documents as detached from their institutional context (discourse, structures, and resources) and the actors that produce and oppose them in the policy process. For the first two steps, migration and integration scholars can follow CFA and emphasize the following dimensions and questions in their analyses (in slightly adapted form):

- *Diagnosis*: what is represented as the problem? Why is it seen as problematic? What is seen as the cause of what? What is not deemed problematic?
- *Voice/roles in diagnosis*: who is speaking/being spoken about in the policy text? Who has caused the problem? Who/what is seen as responsible for the problem? Whose problem is addressed? What is the norm group? What active/passive roles are attributed to problem holders and the norm group?
- *Prognosis*: what should be done? What are the priorities? How to achieve the proposed solutions? How are (non)actions legitimated?
- *Voice/roles in diagnosis*: who has (no) voice in proposing the solution? Why are these actors (not) able to propose solutions? Who should do what?

Starting from general policy frames, we are able to reconstruct policy subjects' identities that are constructed in these frames. In this process of subjectification (Bacchi 2017), we should question which social identifiers, identity aspects and behaviours are implicitly or explicitly highlighted and silenced. What meanings are attached to these? Are they rendered problematic, and why is this (not) the case? Which norms and principles underlie them? Adding interview material to the textual analysis of frames in these two steps sheds further light on the strategic dimension of framing: whether policy actors are eager to highlight or silence particular identities and the potential conflicts and silences that this caused in the policy process.

To scrutinize how such underlying assumptions, norms and discourses structure and enable particular problem representations, we need to move towards unravelling discursive 'forms of knowledge' (Bacchi 2009a, 5). Doing this requires an in-depth knowledge of the spatial and temporal context in which the policy operates, which cannot be achieved by sticking to textual analysis only. One way of getting a better grip on these is to think about policy problematizations, and the subject(s) that feature(s) in them cross-culturally. Cleton (2021), for instance, has relied on geographers who work on childhood from a historical and global perspective to better understand the ways in which street-level bureaucrats describe certain behaviour of unaccompanied migrant youth in Europe as problematic. Reading widely in the literature and thinking of policy subjects cross-culturally makes us realize that certain ways of thinking about 'problems' reflect specific institutional and cultural contexts, and thus that problem representations are contingent. Bacchi (2009a) further proposes to pay particular attention to binaries

and key concepts in policy text. Both reveal the operation of conceptual logics that may enable or limit our understanding of an issue: e.g. situate policy problematizations in the realm of the private *or* public, as being civilized *or* uncivilized, and the social, cultural and historical understandings of what it means to 'participate' in and 'adapt' to a given society – key concepts deployed in integration policies. Linking these tools to intersectionality, a helpful analytical device to further understand assumptions and norms, is 'gender knowledge' (Andresen and Dölling 2005, in Schwenken 2018). Gender knowledge pays particular attention to 'the social construction of meaning and to explicit and implicit negotiations about the meaning of gender relations in society' and thereby discloses the gendered fabrics of society. If we are to understand the gendering, racializing and classing outcomes of policy, we need to ground them in broader societal knowledge concerning gender, race, class and their intersections. Here again, thinking cross-culturally and historically might be a useful tool.

While using this scheme, migration and integration policy scholars should adopt a 'feminist objectivity' (Haraway 1988) and make an explicit effort to link the results of their analyses to pathways to enact social justice and transformative change. As much as we have advocated for intersectionality as a research paradigm and methodological tool in this chapter, we acknowledge that it is very much rooted in efforts to change the conditions that create and maintain oppression and power hierarchies (Smooth 2013). In the current migration and integration policy scholarship, this transformative project is often left inarticulate or not engaged with. This contrasts with the feminist policy scholarship surveyed before, which explicitly advocates the development of more inclusive gender equality policies (Kantola and Lombardo 2017). We acknowledge that the extent to which scholars of migration and integration policy can do this depends amongst others on their specific standpoints, institutional position and the resources available. Yet, we hold that they are in a unique position to spur transformative social justice, as 'studying the powerful, their institutions, policies and practices, instead of focusing on those whom the powerful govern, […] can identify the conceptual practices of power and how they shape daily social relations' (Harding and Norberg 2005, 2011). This means that researchers should cautiously design research in ways that generate knowledge that groups affected by migration policies might benefit from, while at the same time maximizing the possibility of using their own powers to transform social relations. In their deconstructivist analyses, researchers should not just describe and critique the workings and effects of power, but also explicitly disrupt them, point to their contingency, reject any view of social groupings as 'natural' and offer alternative worldviews. Such disruption merits a self-reflexive critique of the analyst on their position in the matrix of domination and the ways in which it influences their knowledge production. Following Haraway (1988), we hold that a better understanding of the social world is only possible when researchers explicitly adopt a situated – and thus partial – gaze and acknowledge that knowledge production benefits from the accumulation of different perspectives produced by individuals with different standpoints and experiences. This implies that researchers should account for (the limits of) what they

are able to see and know. Within migration studies, researchers are generally highly educated members of the middle-class, with little direct experience of migration control regimes and discrimination (Khazaei 2020), and this positioning has implications for their interpretation of empirics and possibility to envision alternative worldviews. Therefore, policy researchers could engage more in a dialogue with those affected directly by and fighting against the policies they are studying: document their pushbacks against the way they are represented in policy and together envision a different course of action (see also Dahinden, Fischer and Menet 2021).

Conclusion

Our aim was to present a rigorous reflection and initiate debate on the ways intersectionality is applied in migration and integration policy research. We start from the observation that scholars are increasingly adopting intersectionality to point to the gendered, racialized, classed and heteronormative dimensions of migration and integration policies. Yet, they reflect relatively little on and seldom operationalize how intersectionality informs their methodological choices and what consequences it has for their empirical analyses. Therefore, we began with an overview of what intersectional approaches of migration policy look like and proposed an analytical tool for migration and integration policy scholars, derived from feminist policy studies. We investigated what the latter's methodologies and the role of intersectionality within them could offer migration policy analysis. We argued that migration policy scholars should more explicitly follow the structured unravelling of problem representations, especially the roles attributed to varying actors within these, as do feminist policy scholars. Intersectionality helps to shed light on the deep-seated presuppositions, assumptions and values attached to categories of social difference that are attributed to actors in policy text. The existence of these categories per se is not necessarily problematic (Dahinden, Fischer and Menet 2021), but the 'particular values attached to them, and the way those values foster and create social hierarchies' (Crenshaw 1994, 22) might be. We should thus focus on how power clusters around these categories: the way identities are represented and how these are used to constitute, govern and counter difference and hierarchy. Such an analysis extends beyond the methods traditionally employed in feminist policy scholarship and merits a more discursive approach that points to the implicit 'forms of knowledge' that enable such categories to acquire their particular meaning. In our view, it is necessary to take this last step, as it shows how political institutions give meaning to social categories and how these subsequently organize access to or exclusion from rights and entitlements. An intersectional analysis helps to move away from an exclusive focus on the conditions for access, participation and belonging that 'migrant-others' should adhere to, and the way intersecting discourses of differentiation substantiate this. It moves our focus away from the immigrant-subject and exposes how the policy process naturalizes hidden power differentials that make such integration requirements intelligible in the first place.

We thus conclude that it remains of utmost importance for migration and integration policy analysts to take up an intersectional analysis in their work. We have called for more explicit and systematic elaboration of the methodological underpinnings and empirical implications of using intersectionality in analyses of migration policy. Additionally, we have underlined that intersectionality calls for not merely identifying, describing and explaining complex dynamics of power assembled in policy categories, but also for an explicit critique and deconstruction of these as to provide pathways to alternative worldviews. This implies that migration and integration policy scholars need to take researcher positionality seriously and explicitly reflect on the possibilities and limits that their situated gaze brings both for their empirical analyses and possibilities to change problem representations. We are convinced that our analytical tool can help migration and integration policy scholars to further their critique on the way power marginalizes immigrants, and eventually envision a more just migration policy process.

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Discussion and conclusion

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Introduction

The starting point for this dissertation was the question of how the Belgian and Dutch governments, in the face of challenges to their legitimate right to exclude non-citizens, justify the need to enforce and abide by their exclusionary migration policies. I introduced the research by referencing the cases of Eugène Djangmah and Lili and Howick: minors who had left their country of nationality many years ago and grew up in Europe, but by virtue of their citizenship status were on the verge of being deported to unfamiliar places. For them, anti-deportation protests across Belgium and the Netherlands erupted, invoking their moral right to stay and denouncing the unfairness of the EU's border and citizenship regime. These protests directly called into question the state's authority to exercise its 'legitimate means of movement' (Torpey 1998) through deportation. Such 'crisis moments' (Rojo and van Dijk 1997) in long-standing political controversies provide a great entry point to study how power-holders contest these claims, justify their actions and produce legitimacy (Boltanski and Thévenot 2006, Ochoa et al. 2021) vis-à-vis themselves and external audiences. Following Weber's early writings on state power (Gerth and Mills 1948, Weber 1978), I argued for an understanding of legitimacy as fragile and politicized, albeit necessary for states to retain their authority of rule. Its inherent fragility, especially in contexts of severe power-imbalances between ruler and ruled (Weber 1978), spurs the need for governing actors to continuously reaffirm legitimacy through what Bottoms and Tankebe (2012) call 'legitimacy dialogues'. Shifting attention to storytelling, practices and strategies, such dialogues start with power-holders making a claim to authority, which is responded to by one or several audiences, and in the light of this response readapted or solidified by power-holders. The dissertation set out to empirically study parts of this process of legitimation and advocates the usefulness of doing so from the perspective of power-holders.

In the case of the deportation of illegalized children, the effectuation of state violence potentially violates critical social norms and beliefs that deem deportation a necessary action. As Gibney (2013a) argues, the legitimacy of the societal ends that deportation serves often hinges on the necessity to protect the citizenry from crime and terrorism, to ensure the integrity of the asylum system, or to relocate non-citizens to the territories where they allegedly 'belong'. I posed in the introduction that the situation of illegalized children complicates these ends that deportation serves, as a result of their claims to belong in Europe, our sacred imaginary of children as innocent and lacking responsibility, and the broader children's right regime that spurs the need to protect them. This tension led me to empirically study the claims to authority made by power-holders: both to themselves (Chapters Three and Four) and to the wider citizenry (Chapters Two and Five). In the paragraphs below, I will first synthesize the findings of these separate chapters and argue that together, they show that deportation actors consciously draw away from this underlying moral-political conflict and instead (re)frame deportation as a legitimate measure, as it results from diligent and compassionate procedures, and tackles the potential danger children and their families pose to the community of value. I

will then discuss how my findings, together with Chapter Six, contribute to the current empirical and theoretical state of the art. My dissertation highlights a more precise understanding of the rationales and techniques that inform deportation governance. It shows the crucial analytical value of intersectionality and reflexivity in this process. The dissertation moreover exemplifies the usefulness of taking an interpretative policy analysis-approach to migration management more widely, as it reveals the multiplicity of migration control measures and the crucial role of discourse in it. Finally, I will discuss my dissertation's most important limitations and point to pathways for future research.

Findings: (re)framing deportation

Altogether, this dissertation finds that power-holders attempt to acquire legitimacy for the deportation of illegalized migrant children by deliberately drawing attention away from the underlying moral-political conflict and the hardships deportation poses for children. Instead, I showed in Chapters Two and Five that deportation policy actors emphasize the diligence of procedures and their compassionate way of working: deportation is positioned as an ultimate measure resulting from due process. As the procedures leading up to an eventual deportation are diligently and compassionately enforced, positing caseworkers' work in a humanitarian light, deportation is framed as eventually a legitimate measure to take. At the same time, Chapters Three and Four showed that these actors emphasize the potential danger children and their families pose for the community of value, sustaining the necessity to remove them. Crucially, these latter narratives are largely dependent on intersectional boundary drawing efforts. They draw on the interplay of social categories of difference to emphasize the forms of social behaviour and social positions that delineate illegalized children and their families from the citizenry. These particularly pertain to the behaviour assigned to children and parents, including the ways childhood should play out and how parents should 'properly' parent their children. While these securitizing narratives should serve to sustain the decision to deport, my dissertation finds that their exclusionary potential is mediated by the humanitarian, morally felt need to protect children from potential harm. Overall, while my dissertation confirms earlier studies that identify how the securitization of deportable immigrants fuses with a humane portrayal of power-holders and their procedures (e.g. Ugelvik 2016, Vega 2018, Antony 2019, Rezzonico 2020), it at the same time reveals a humanitarian engagement with children that can result in pathways for their possible inclusion. Below, I will detail these findings in more depth.

In Chapters Two and Five, the dissertation highlights what I call 'procedural legitimacy narratives': stories deportation actors tell about their actions as tied to the administrative and juridical aspects of forced removal and exclusion. Chapter Two showed that in response to direct opposition to their legitimate right to detain and deport children and their families, government actors – especially ministers and members of parliament – try to reframe the problem from a moral-political to an administrative-procedural issue.

Instead of engaging with what is essentially an ethical debate on the acceptability of violence and damaging experiences playing out in children's lives, deportation actors conceal moral conflict and posit the problem as a primarily procedural one. The chapter shows that in their engagement with the wider public, deportation actors attempt to justify the way detention and deportation are procedurally arranged by referring to detention as an *ultimate measure* only (Belgium) and deportation decisions as resulting from an *objective, due process* (the Netherlands). I encountered these narratives again in Chapters Three and Four. State personnel in both countries negotiated their efforts to possibly deport unaccompanied minors to collective reception facilities as justified only when all other options do not work out and the necessary safeguards are in place. Their emphasis on the temporary nature of the measure allegedly overrides any moral obligations that these centres pose, such as impediments for children's development and the absence of care and affection. The due process, or diligence, of bureaucratic procedures was referenced again in Chapter Five: a narrative that I argue might help us to understand why the Dutch deportation apparatus seems to be relatively open towards researchers, journalists and other interested individuals (cf. Kalir et al. 2019). In that chapter, I argue that the DT&V engages with these audiences in order to project an image of themselves as diligent and compassionate, so as to legitimize their work. The organization and its caseworkers believe that their procedures are diligently operated, well-considered and meet the situation of the individuals involved. By positioning themselves as transparent, accountable and open to scrutiny, they open their doors to researchers, journalists and the wider public while at the same time putting this particular image of themselves forward. They thereby do not shy away from publicly displaying situations where state violence is enacted to the fullest, such as when a mother and her children were put into a van to await their deportation from detention centre Zeist, showed in the documentary *Het is uw land.* These stories should eventually serve to legitimize deportation in a similar way to that described in Chapter Two: as the procedures leading up to eventual expulsion are compassionate, constrained by procedural safeguards, and provide ample room for migrants to 'cooperate' with less coercive measures, forced removal is eventually a justifiable measure.

While these legitimacy narratives thus highlight the diligence and compassion of deportation *procedures and personnel* instead of the ethical and moral conflict deportation brings about, Chapters Three and Four focus on the portrayal of the *targets* of deportation policy. In doing so, deportation actors take part in the continuous demarcation of the 'community of value', which helps states to claim legitimacy for the exclusion of those who do not belong (Anderson 2013). In Chapters Three and Four, I empirically show how power-holders do this in intersectional ways, by discursively associating illegalized children and their families with security in gendered and racialized ways, for the purpose of aligning their deportation with society's moral order. Huysmans' (2000) classic work on the securitization of migration identifies three re-occurring meanings of security: public security, social security and cultural security. My dissertation finds legitimacy narratives referencing all three types of security and shows that these primarily targeted

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children's parents, regardless of whether they were physically accompanying them in Europe or separated from them. Public security refers to the framing of immigrants as threats to the citizenry through the challenges the former pose to the rule of law, predominantly through alleged engagement in criminal and terrorist activities. De Genova (2007, see also De Genova and Peutz 2010) and Gibney (2013a) argue that countering public security threats is a prevalent societal end that deportation purportedly serves. Children's parents were often posited as threats to the rule of law and especially condemned for breaching immigration rules, thereby willingly exposing their children to a life in 'illegality' or pernicious measures like detention. On occasion, deportation actors referred to illegalized children themselves as 'potential troublemakers' who needed disciplining and controlling in order to prevent breaches of the societal order. I identified these latter narratives in Chapter Three, when discussing the acceleration of deportation as a means to prevent children's 'societal integration'. Children's parents were also portrayed as social security threats: competitors for social welfare and other scarce resources. Especially in the gendered and racialized 'anchor narrative' described in Chapter Four, we saw that unaccompanied minors' migration to Europe is disqualified as it allegedly serves the economic interests of their parents. Deportation actors sustain this image throughout the return process, by highlighting that parents want to reunite with their children only if enough financial support can be guaranteed upon return. Cultural security, thirdly, was extensively referenced when discussing the need to deport children. In this racialized discourse, cultural and religious differences allegedly pose a threat to the 'cultural homogeneity' (Huysmans 2000, 753) of the European nation. Both in Chapters Three and Four, we saw that deportation actors construct a 'risk identity' (Bryan and Denov 2011) at the intersection of gender, race and age for children. Especially when unaccompanied and adolescent, children are positioned as 'unchildlike children' (Aitken 2001, McLaughlin 2018), adult-others who by virtue of their independence, resilience and maturity do not merit the cautionary measures in place for children's deportation procedures. When speaking about younger children, deportation actors often feminized them by highlighting their passivity, youth and innocence. They juxtaposed the 'innocence' of these children with the alleged inability of parents to take care of their children in a 'proper way', thereby emphasizing cultural differences in parenting practices in a racialized manner. Parents were cast as irresponsible and brutal for separating themselves from their children, using the latter for their own benefit only.

On all occasions, this boundary work serves to discursively demarcate illegalized immigrant children from 'our children' who are in need of protection and care, and their parents from 'proper parents' who ensure that their children can enjoy unsullied childhoods. Discursively associating children, but especially their parents, with security threats is a vital strategy for states in their attempts to reframe illegalized children as rightful targets of deportation policy (see also Ingram and Schneider 2015). By virtue of the intrinsic connection between children and their parents, propagated by the 'global model of childhood' (Ensor 2010), children are framed as 'guilty by association'. This discursive association draws attention away from prevalent imaginaries of children as

innocent and instead justifies their exclusion as a result of the lawlessness and threat that their parents allegedly pose to the community of value. Doing so is especially pertinent, I argue, as the deportation procedures of illegalized children are at the same time mediated by a pervasive humanitarian discourse that poses children as in need of saving and aiding. Together with the above-described securitization, I argue that these paradoxically might result in possible opportunities for inclusion, rather than exclusion.

In Chapters Three and Four, I showed that the alleged necessity to deport children was crucially impacted by appeals to humanitarian reason as well as the children's rights regime. While some primarily understand humanitarian governance and human rights as contrasting (Ticktin 2011; 2017), I follow Perkowski (2018, 471) and argue that both are 'discourses of protection that use biopolitical and disciplinary techniques of government, create unequal power relationships between protector, protected and/or enemy, and render their subjects vulnerable in particular ways'. Children were often framed as the quintessential object of humanitarian intervention, in need of assistance and protection. They are thereby always at the mercy of those intervening, while the latter consciously navigate how far their responsibility reaches and whose lives should be cared for (Ticktin 2017). In Chapter Three, we saw that the posited necessity to protect children justified the need to both accelerate and decelerate deportation proceedings. Children's deportation should be sped up because officials 'worry' for stagnation in their development and well-being if they were to live in 'illegality' for too long. At the same time, they emphasized the need to be meticulous and careful as deporting children is a delicate matter that needs to be secured and well-prepared. In Chapter Four, we similarly saw that deportation actors interpret their efforts to secure 'adequate care and reception' for unaccompanied minors as a means to protect and take care of them. These took shape in narratives on 'reuniting' children with their family (see also Allsopp and Chase 2019, Lemberg-Pedersen 2021) and providing them with reintegration budgets to help them to attend school and make the most out of their childhood. These chapters also show the limits of this responsibility, inter alia by deporting children to collective reception facilities if parents or family members could not be traced.

Yet, humanitarian engagement with children as objects of care and intervention does not always work to sustain exclusionary policy efforts. This is due to the inherent paternalistic nature of humanitarian government, which prescribes the continuous involvement of the deporting state in the lives of children and their families, allegedly for 'the welfare, good, happiness, needs, interest or values of the people being coerced' (Dworkin 1972, quoted in Barnett 2012). Such a paternalistic attitude undermines the moral authority of both children and their caregivers to determine what 'care' for them should look like, and does so in gendered and racialized ways. Children are either cast as ignorant or irresponsible, both dependent on adult-intervention for decision-making on their behalf (cf. Heidbrink 2014, Belloni 2020). These adults, however, cannot be their parents, as gendered, racialized and classed discourses on bad and irresponsible parenthood prevail across the two countries (see also Van Osch 2022 for Belgium), spurring the need for an external advocate on behalf of the child. This external advocate

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is often the deporting state, in collaboration with assisting non-governmental personnel, legal guardians and attorneys (Engebrigtsen 2003). I find that it is exactly this racially unequal 'morality of conviction to act as moral agents on behalf of children in the non-Western world' (Pupavac 2001, 103) that may complicate deportation states' efforts to deport children, possibly opening pathways to their inclusion in the nation state. The boundary work directed at parents, care structures and 'cultural practices' in the Global South might indeed spur the need to delay, adjourn or suspend the deportation procedures of children. In Chapter Three, we saw the Dutch Minister being unwilling to deport married, underage Somali girls to Somalia for reasons of 'maturity', even though he acknowledged marriage as the formal transition of childhood to adulthood. Similarly, a Dutch policy advisor referenced the crucial role of liberal family norms, such as family unity, for decisions to detain solely entire families. And in Chapter Four, we saw that immigration officers emphasized the need to protect children who cannot attend school, as a result of prevailing gender norms or the normalcy of child labour. Indeed, when white Global Northerners attempt to save brown children from brown parents (free after Spivak 1988) by evaluating their family practices as too illiberal or transgressing the global model of childhood (Ensor 2010), boundary work may not sustain exclusionary bordering practices but instead weaken them.

Altogether, I find that legitimacy narratives focusing on the procedural aspects of deportation, as well as those demarcating illegalized children and their parents from the community of value, fuse together strategies of conflict pre-emption and conflict resolution (Ellermann 2006). In Chapter Two, we saw that actors try to draw attention away from the ethical and moral difficulties that deportation poses and instead redirect debate to its procedures and their effectuation. As we concluded in Chapter Two, attempts to depoliticize the debate in this way are often merely provisional, as the underlying tension between migration management objectives and the need to protect children and respect their rights remains unresolved. In Chapter Five, we saw that this strategy fused with conflict resolution: while directing attention to deportation's procedural aspects, deportation actors attempt to lower the associated costs by emphasizing their diligent and compassionate way of working. As this means that the procedures leading up to an eventual deportation were secured, well-prepared with attention to the individual situation of those affected and with ample room for alternative, 'less coercive' trajectories, they need to give the impression that an eventual deportation will not impose much hardship on immigrants. Chapters Three and Four further sustain a conflict resolution strategy. Power-holders justify the deportation of minors by referring both to the security implications that not doing so has for the community of value, while at the same time emphasizing illegalized immigrants' supposed interests in returning. I argue that reduction of costs associated with deportation does not necessarily need to involve comprehensive policy reform (cf. Ellermann 2006): as policy actors attempt to reframe the definition of the situation, from costs borne by the deportee to costs borne by the citizenry, they attempt to bring their efforts in line with already existing policy solutions.

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Empirical and theoretical contributions

My dissertation feeds into the steadily growing field of deportation studies (Coutin 2015) and its bigger cousin migration studies, in particular those literatures that critically assess migration and border governance across Europe. Generally speaking, my dissertation makes five contributions to these fields. First, my dissertation contributes to deportation studies by showing the need to differentiate among illegalized immigrants in seeking to fully understand the rationales and techniques that states deploy to justify their deportability. I argue that the current dominant frameworks hold only limited explanatory value for children: instead of securitization and criminalization of migration, the deportation of children primarily operates through humanitarian governance. Second, the dissertation shows that intersectionality is a useful analytical tool for deportation studies, as it allows us to disentangle stratification within the unauthorized population and investigate its consequences for deportation governance. Third, my dissertation contributes to critical migration and border studies a deeper understanding of the diversity and plurality of humanitarian discourse and action in Europe (El Qadim et al. 2021). The specific case of children shows that deportation actors cannot merely instrumentalize a caring discourse in order to make the former subject to mobility control, but that the morally felt need to assist and care for them might also oppose their exclusionary goals. Humanitarian reason is a 'slippery slope' for deportation personnel seeking to effectuate removal, as a result of its inherent racialized, paternalistic undertone and the resulting moral obligation to protect children. Fourth, the dissertation contributes to the literature on the nature and limits of migration control in Europe. It is among the first to study deportation policy from the viewpoint of interpretative policy studies (see for an exception Münch 2021) as opposed to more commonplace realist or critical approaches. Doing so allows me to show that the deportation regime comes into being through continuous, active 'repair work' (Sciortino 2004) that does not operate along a single rationality, yet actively aligns society's moral order with deportation policy's aims. This provides crucial insights into the everyday maintenance of the global mobility regime and disentangles the social technologies that facilitate it. Finally, my dissertation points to the need for scholars of deportation to more explicitly grapple with the impacts of their positionality and engagement with powerful actors for knowledge production. In the paragraphs below, I will elaborate on these contributions.

First, the dissertation's findings suggest that deportation studies should move away from treating the target of deportation policy as if it were an undifferentiated, homogenous population. I show that in order to understand the assumptions, ideologies and techniques that facilitate deportation governance and its normalization – whether for children or adults – it is necessary to differentiate within the population that is the object of its exclusionary power. Research on immigrant policing has already made the case for this by showing that illegalized immigrants run different risks of being apprehended by the police and, as a consequence, becoming vulnerable to enforcement of their return orders (Leerkes et al. 2012, Cebulko 2018, De Noronha 2020). Extending this

argument, my dissertation's distinct focus on the deportation proceedings for children has uncovered the limited explanatory value of some current dominant frameworks of analysis. These include understanding deportation as a measure to exclude the 'socially undesirable' (Walters 2002), using it at as a market-regulating mechanism that attracts cheap, exploitable labour or disposes of it during an economic recession (De Genova 2002; Calavita 2005), as a response to the generalized fear after 9/11 (De Genova 2007) or as the product of the intertwinement of criminal justice and migration control (Bosworth 2008). By purposefully differentiating and focusing on an until now surprisingly under-researched group in Europe, my dissertation identifies another rationale that justifies and facilitates deportation and contributes to its increasing normalization. As detailed in the previous section, this pertains to the intertwinement of humanitarian reason directed at children with the securitization of their parents.

Secondly, the dissertation highlights the crucial importance of 'intersectional boundary work' to understand these justificatory narratives, referencing the analytical value of intersectionality for deportation studies in general. I make an original contribution to deportation studies by being among the first to adopt intersectionality as its conceptual lens (for detention, see Griffiths 2015, Gómez Cervantes et al. 2017, Esposito et al. 2020, Silverman and Kaytaz 2022). In doing so, I highlight intersectionality's potential for revealing how migration governance always relies on and reifies hierarchies of inequality related to gender, race, class, age and culture. Adopting an intersectional approach allowed me to reject the idea that children are deemed vulnerable *per se* and instead redirect attention to the crucial importance of context and power. In this instance, it helped me to understand how the intersection of class ideology, racist discourse, gender norms and age together construct certain illegalized migrant children as a risk or at risk (see also Bryan and Denov 2011). By deploying this intersectional lens, my dissertation responded to Amelina and Horvath's (2020, 489) call to 'move from implicitly assuming to explicitly theorizing and researching the intersectional dynamics of current border and migration politics' and showed how securitization and humanitarian reason are tied close together with racializing, gendering, classing and aging discourses. While I am not the first to note the gendered and racialized dynamics of securitization (see for an overview Cleton and Bonjour 2022), my dissertation shows how their intersection with age limits the potential for states to associate children's migration with security threats. While Chapters Three and Four thus show the usefulness of intersectionality for studying deportation policy and politics specifically, Chapter Six broadens this argument and advocates its use in other domains of migration and integration policy analysis. I argue there that intersectionality is the best analytical approach to identify hierarchies and stratifications constructed in social and institutional practices and the role that state policy norms, discourses and practices play therein. Yet, migration policy studies would become more methodologically appropriate and theoretically productive if its scholars would make their specific assumptions about intersectionality more explicit. The chapter proposes an analytical tool that helps scholars to do so. It focuses not only on identifying the intersecting categories of difference apparent in policy text and the

way states (mis)use them, but examines these together with power structures that enable the intelligibility of these policy categories in the first place. This allows us to expose the ways policies (re)produce subjectivities and social difference through gendering, racializing, classing and sexualizing discourses and to highlight the power relations that sustain them. Analytically identifying and interrogating these power structures, rather than categories of difference in policy text alone, is crucial for a feminist transformative project aimed at change.

Third, my dissertation's findings have implications for the rapidly growing literature within critical migration and border studies on humanitarian government (Fassin 2012) and the specific position of children within it. Deportation has to date not been at the core of this literature (but see Lemberg-Pedersen 2021, for AVR see Bendixsen 2020, Fine and Walters 2021, Robinson 2022), whereas the figure of the child has long been theorized as reaching the very heart of what shared humanity is all about (Malkki 1996, Ticktin 2017, Baughan 2022). Combining these two, my dissertation sheds light on the diversity and plurality of humanitarian discourse and action in Europe (El Qadim et al. 2021). As mentioned in the introduction, this literature generally argues that migration control agencies and NGOs' efforts to care for migrants on the move in fact 'captures' them; protecting immigrants at the same time renders them governable and works to protect territorial sovereignty (Pallister-Wilkins 2015; 2017). My dissertation identifies a similar tendency within deportation governance: actors involved position their efforts to care for and assist children as generally compatible with exclusionary migration control efforts. At the same time, however, the dissertation shows that a discourse of care and assistance can also complicate the protection of territorial sovereignty. As detailed most extensively in Chapter Four, the gendered and racialized boundary work directed at children's families, parents and care infrastructures in their countries of nationality can result in the morally felt need to postpone or halt deportation procedures, as a result of illiberal gender norms, the immorality of separating children from their parents or the prevalence of child labour. While the dissertation identified ambivalences as to whether and when such acts of care indeed actually result in inclusion, it at least shows that within the domain of migration governance, humanitarian reason operates fundamentally differently for children compared to adults. On top of this, regardless of whether inclusion or exclusion is the eventual result, my findings implicitly reaffirm the imaginary of the child as the humanitarian subject par excellence, always in need of intervention and assistance. Indeed, even in the most exclusionary corners of migration governance, children are still understood as genuine subjects meriting humanitarian intervention.[185]

Fourth, the dissertation contributes to the literature on the nature and limits of migration control in Europe. By following an interpretative policy studies' framework (Yanow 2000), I do so in two ways. First, I subscribe to the need for deportation scholars to pay closer attention to the internal life of policy making and to acknowledge and

theorize the consequences of the multiplicity of meaning-making operating within this policy field. While the deportation turn (Gibney 2008) spurred increasing engagement from scholars with the issue of forced exclusion, most work on its policies and practices to date has done so either from a realist or critical perspective. The former points to the 'policy innovations' aimed at enhancing the effectiveness of deportation (e.g. Kruse and Trauner 2008, Ellermann 2009, Lietaert et al. 2017), while the latter highlights the adverse purposes that state-induced deportability fulfils (e.g. Calavita 2005, De Genova and Peutz 2010). Very seldom, however, do these perspectives pay attention to the 'struggles over the definition and conceptual framing of problems, the public understandings of the issues, the shared meanings that motivate policy responses, and the criteria for evaluation' (Fischer and Gottweis 2012, 7) at the micro level. Indeed, especially the latter are keen to describe and explain deportation policy formation and implementation as stemming from comprehensive and pervasive influences of securitization (De Genova 2007) and white supremacy (Kalir 2022). Without downplaying the role of either, interpretative policy analysis allowed me to instead pay attention to the context-dependencies, complexities and contradictions that unfold within one and the same policy field. By explicitly 'mapping for exposure' (Yanow 2014), researching a variety of state and non-state actors and sitting at the juncture of 'top-down' political intentions and 'bottom-up' implementation practices, my dissertation revealed the absence of a single, encompassing rationale that structures deportation governance. I instead point to the continuous 'repair work' (Sciortino 2004) through which the deportation regime comes into being. As we have seen, the continuous but sometimes contradictory efforts of government actors to present an image of their procedures as diligent and compassionate and children and their families as in need of care and security, attempted to align deportation with society's moral and social order. These narratives were often contradictory, structured along markers of gender, race, class and age, and challenged by other essential actors involved, such as attorneys and legal guardians. The absence of a cohesive rationale, however, does not mean a lack of regulation. Throughout the dissertation, we saw that these rationales of securitization and humanitarianism indeed very much regulate deportation, albeit not always in straightforward manners and not always resulting in the desired outcome for the deporting state.

Adopting an interpretative policy studies framework has moreover allowed me to explore the limits of deportation as an exclusionary policy instrument aimed at maintaining global mobility control. Through their focus on meaning-making, interpretative policy scholars teach deportation and migration scholars that meaning, communicated in discourse, is always 'somehow constitutive of political actions, governing institutions and public policies' (Wagenaar 2011, 4). Indeed, most mainstream migration policy scholars who study the 'effectiveness' of state interventions fail to analyze the performativity of discursive knowledge (Butler 1993); they discount the normative orders entailed in policies and misrecognize their function of sorting individuals into various categories (Paul 2015, Amelina 2021). This dissertation instead revealed that the particular ways deportation policy actors understand, construct and position illegalized children and

their families, and how these relate to normative understandings of childhood and parenthood, are essential for the way they regulate mobility. For example, as we saw in Chapter Three, various actors involved in return procedures negotiate the 'vulnerability' of children differently, which in turn has consequences for the handling of their procedures. While government actors strategically highlight children's vulnerability with a view to press for their quick return, legal guardians sometimes instead emphasize their resilience and argue that this informs their choice to not extensively talk about 'voluntary return'. And in Chapter Four, we similarly saw how deportation actors need to negotiate the ability of unaccompanied minors' parents to take care of them upon removal, and that this assessment might spur the need to include minors in the nation, rather than excluding them. These findings do not merely show that concepts like 'childhood' and 'parenthood' are 'essentially contested' (Bacchi 2009b, 29), and create leeway for policy actors to deploy them to achieve particular goals. They above all point to the importance of performative narratives in the day-to-day regulation of our unequal, global mobility regime. Shamir (2005) himself already emphasized that this global mobility regime comes into being through 'technologies of social intervention', such as 'screenings' that sort individuals and groups into suspect categories based on their nationality, class, race, gender, religion, consumerist and economic behaviour. In a similar way, this dissertation showed that deportation actors' 'intersectional boundary work' interacts with their institutional, regulatory routines that in the end channel the unequal distribution of opportunities among (im)mobile individuals (see also Amelina 2021). The dissertation thus, in short, points to how transnational inequality is maintained and reinforced through the global mobility regime by emphasizing the role of discursive knowledge in policy making and its everyday implementation.

Fifth and finally, I believe that this dissertation shows the need for deportation scholars who study state policies and practices to more explicitly reflect on their positionality and engagement with powerful institutions and actors. There is an overall lack of reflexive accounts in deportation studies, which is surprising given that deportation studies appear to be, as Hasselberg (2018, 16) calls it, an 'ethical and methodological minefield'. This starkly contrasts with the wealth of studies that have been written about the ethical dilemmas, risks and sensitivities involved in researching 'irregular migration' from the purview of illegalized immigrants themselves (e.g. Düvell et al. 2010, van Liempt and Bilger 2012, Lewis 2016). While some studies that examine deportation policies, practices and law do include a brief paragraph or a few sentences on ethics and positionality (e.g. in Eule et al. 2019, Cleton and Schweitzer 2021), these often say very little about its consequences for our academic knowledge production. Chapters Five and Six nonetheless show that it is important to reflect on these issues for at least two reasons. First, because it is necessary to catch ourselves 'in the act of seeing in particular ways' (Davies 1994, quoted in Bacchi 2009b, 29), which is impacted amongst other things by our gender, race, class, sexuality, previous occupational status and our political orientation. In reflecting on her own experiences in Cabo Verde, Hasselberg (2018) for example suspects that the positionality of most 'post-deportation scholars' – as educated, middle-class, white

women – invites particular answers and might not make them address deportation from all relevant perspectives. Those within critical migration and border studies who position themselves primarily as 'activist researchers' have managed to produce particular insights that mainstream migration scholars never could (Stierl 2020). And likewise, my closer positioning towards the policy actors I study – both sought intentionally but also by virtue of my previous professional experiences, class and race – inevitably impacted the types of data that I was able to collect and the types of knowledge that I was (not) able to generate. The multiplicity of such perspectives is necessary (see also Haraway 1988) yet at the same time implies that deportation scholars should reflect on the interpretative and conceptual schema operating within the ways they investigate, frame and interpret their data, and the consequences of working within these (Bacchi 2009b). In Chapter Six, I outlined strategies that migration policy researchers can resort to when trying to identify these conceptual schemata in their analyses.

My dissertation furthermore explicated the potential consequences of researchers' engagement with the deportation apparatus for academic knowledge production. The types of arrangements we make with gatekeepers and informants often remain unspoken in our written accounts, even if they have the potential to seriously impact the way we collect and analyze data. As I showed in Chapter Five, arrangements with researchers present an opportunity for deportation caseworkers, managers and strategic advisors to show that they 'have nothing to hide', signalling their transparency and accountability vis-à-vis the wider public through researchers' writings. In this process of facilitating access, however, the deportation apparatus at the same time tries to lower the costs associated with deportation governance, as it presents an opportunity to put across 'their side of the story': a story that, as I explained, focuses on the diligence and compassion of procedures. The efforts of caseworkers and strategic advisors to put across this narrative, during interviews as well as 'factual checks', might present difficulties for researchers who continuously need to balance power asymmetries, navigate ethical obligations towards research participants and 'distant others', and at the same time aspire to write critical accounts. Explaining these arrangements and acknowledging the boundaries that they put on the way we produce knowledge is not only an honest endeavour, but also cautions against the adverse impact that direct engagement with the deportation apparatus can have for others alike.

Limitations and future research

Conducting research implies making choices and being constrained by factors that partially lie outside one's own reach. In this section, I outline the most important shortcomings of this dissertation and offer suggestions on how future work can fill in these blanks. In particular, I want to highlight the lack of extensive (participant) observation, the need to investigate the 'boundary work' involved in legitimating deportation not only for its exclusionary effects, the applicability of my analytical framework to other cases,

countries and research fields, and finally, the need to include the voices of illegalized children and their supporters in legitimacy dialogues.

By studying the legitimacy narratives that operate in the deportation policy cycle, I point to policy's normative foundations, meaning-making and the moral contestation that exclusion can bring about. Several authors have argued for the usefulness of studying language and discourse in the forms of narratives, dialogues, claims and stories (e.g. Rojo and van Dijk 1997, van Leeuwen 2007, Ochoa et al. 2021) when empirically studying legitimation. This dissertation thus followed these authors and approached 'justificatory talk' in one-on-one interviews and documentary material. Yet, I believe that this approach could become more robust if supplemented with direct observations of junior power-holders' day-to-day work within the deportation apparatus. Adopting a more ethnographic research design that includes long-term (participant) observation will provide more contextualized and nuanced evidence on how these actors respond to polarized political debate, deal with complex laws and regulations, negotiate the hardships that their work causes for immigrants and how their justificatory narratives translate to practice. Indeed, witnessing their practices first-hand would have allowed me 'to analyze not simply their words', but also how 'their understandings of the meaning of these discourses' translate to their day-to-day work (Côté-Boucher et al. 2014, 197, also in El Qadim et al. 2021). While this dissertation revealed the prevalence of boundary work for the purpose of legitimating deportation through the 'snapshots' that interviews were able to provide, mere snapshots of everyday practice do not provide robust evidence that show in detail under what circumstances and how exactly boundary drawing translates to bordering practices. To do so, future research should supplement interviews and documentary material with longitudinal, in-depth observations of bordering practices taking place within the deportation apparatus. A closer involvement in everyday deportation governance will moreover enable researchers to gain access to events, stories, confrontations and ethical conundrums that otherwise remain out of reach, yet tell us a great deal about the circumstances underlying policy-related decisions (Yanow 2007). Finally, direct observation allows the researcher to more effectively tap into the 'tacit knowledge', or the everyday commonsensical 'rules', that inform junior power-holders' meaning-making. This knowledge for example pertains to the 'global model of childhood' or the gendered knowledge tied to parenthood (see also Chapter Six). These types of knowledge are notoriously difficult to express in writing or conversation, as they are typically not made explicit nor discussed. This dissertation showed that they are nevertheless important for power-holders as they navigate their interactions with illegalized migrant children and respond to the contestation which their day-to-day work brings about.

Much of the work on critical migration and border governance is not informed by participant observation, which is a direct result of the gatekeeping practices of organizations involved (Côté-Boucher et al. 2014, Vega 2018). While this was not so much a concern for my dissertation – I had already negotiated field access in late 2019 in the Netherlands and had nearly completed negotiations in Belgium – the unfolding

COVID-19 pandemic at the start of my data collection was an issue. The pandemic made it impossible to conduct participant observation as planned: not simply because of the general social distancing measures in place but more so because my object of observation disappeared. Indeed, the almost immediate closure of borders worldwide brought an end to most return interviews and deportation flights, and thereby to a large extent halted the effectuation of deportation policy. In the months that followed, immigrants worldwide who wanted to return 'home' due to, amongst other things, loss of income and fear of longer border closure called on the assistance of governments and IOM to do so (Mencutek 2022). Those that stayed, however, were not actively targeted for deportation, at least for a short while.[186] For my dissertation research, it meant that I had to resort to online, formal interviewing. As described in the introduction, I tried to introduce 'ethnographic elements' to these interviews, notably asking interviewees to extensively describe and reflect on 'real life situations' that they encountered pre-pandemic. On the two occasions that I was able to meet research participants face-to-face – one lawyer practicing in my hometown and one policy officer in The Hague – I was quickly reminded again of the value of 'being there' and 'hanging out' (Hammersley and Atkinson 2007). This included the opportunity to become involved in discussions that my participants had with the few colleagues present at the office, being able to read case files and discuss these, and altogether being allowed more space and time to discuss my research and ask questions. Informed by these and my previous research experiences in 2016-2017 (see Chapter Five), I would recommend future research to supplement interviews and documentary analysis with observations as much as possible, since they are crucial to further unpack and contextualize the legitimation of deportation governance.

Second, to gain more insight into the function of boundary drawing for legitimation work, I argue that it would be fruitful to redirect our focus to instances when the deportation apparatus is confronted with the need to include, rather than exclude, illegalized non-citizens. Doing so will tell us more about the permeability of the boundaries of the community of value, and how its continuous delineation justifies exclusionary migration control measures. While this dissertation is almost exclusively focused on the latter, it at the same time came across various instances when actors needed to re-negotiate their efforts and consider providing pathways for inclusion. This should not come as a surprise, as critical scholarship teaches us that both inclusion and exclusion are always simultaneously located within migration control policies. They argue that we should analyze their dialectics and inherent tensions if we are to deepen our understanding of migration policies' rationalities (Chauvin and Garcés-Mascarenas 2020, see also Borrelli 2020b). An example explained in more detail in this dissertation

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186   In the Netherlands, the only groups that were still targeted for deportation were those categorized as posing a threat to national security or causing nuisance, those that had a previous criminal conviction or were already detained at the time the pandemic erupted. See Grimmius, H. (2022). 'Coronacrisis en de vreemdelingenketen. *Vreemdelingenvisie 2020/04,* Access (in Dutch) here: https://www.vreemdelingenvisie. nl/vreemdelingenvisie/2020/04/corona.

concerned the 'best interest assessments' for unaccompanied minors in Chapter Four, in which government officials investigated whether adequate care and reception would be available upon their return. This particular chapter focused predominantly on the role of normative ideas about childhood and parenthood in determining whether return is indeed deemed 'in their best interest'. Yet, if this turns out not to be the case, deportation actors together with legal guardians and others involved should determine whether staying in Europe is possible. Future research should systematically scrutinize such occasions in more depth, as these provide the opportunity to unravel the conditions, requirements and rationales that allow illegalized children to enter the community of value, and the importance in this of common values, ideals and patterns of behaviour. Chapter Three briefly touched upon instances when policy officials and legal guardians negotiated the importance of minors' 'cultural beliefs and values', behaviour and racial assimilability when entering the community of value. These reveal the importance of promising 'socio-economic prospects' to determine who will or will not pose a potential threat to Europe's moral order (see Baughan 2022 for a similar discussion on children as 'future citizens'). The Dutch so-called *buitenschuldvergunning* (no-fault permit) and until fairly recently, the *Kinderpardon* (Child pardon) provide opportunities for illegalized children to become exempted from deportation. While opportunities to regularize are generally scarce in the Netherlands (Engbersen and Broeders 2009), Belgium has the so-called *9bis* humanitarian regularization programme in place for families with children attending school. Scrutinizing these together with boundary-drawing efforts geared at effectuating exclusion, thus, provides us more insight into the function of symbolic classifications of insiders and outsiders, the wanted and the unwanted and the deserving and undeserving for utilizing deportation as an instrument for global mobility management.

Third, I hold that my analytical approach of 'intersectional boundary work', and its further application to policy studies in Chapter Six, has potential to be applied far beyond this thesis alone. To be precise, I argue that it can be applied to different cases, countries and research fields. First, while this dissertation has applied intersectional boundary work to the case of illegalized migrant children, either accompanied by their parents or not, it can easily be used to investigate the bordering-boundary nexus for other illegalized immigrants. Its intersectional perspective specifically makes it possible to show how the interplay of different social categories – of gender, race, class, age, sexuality, ability, and so on – affects the articulation and consequences of bordering efforts, by for example focusing on forms of social behaviour and the roles that someone is assigned or adopts (Fischer et al. 2020). While much attention has already been paid to the intersection of gender and race – notably for 'dangerous migrant masculinities' (Scheibelhofer 2017, De Hart 2017, De Noronha 2020, Yurdakul and Korteweg 2021) or 'vulnerable female migrants' (FitzGerald 2010, Gómes Cervantes et al. 2017, Esposito et al. 2020) – I hold that an exciting opportunity for further research would be its further intersection with ability. Just as my thesis has shown that illegalized immigrants' age complicates states' bordering efforts through gendered and racialized securitization and humanitarianism, future scholarship could do the same when states are faced with severely ill immigrants

susceptible to their deportation power (see e.g. Fischer 2013 for detention). Second, future research could extend this study to different country cases and thereby highlight the context dependency of 'deep-seated presuppositions' (Bacchi 1999, 48) related to social categories of difference. As discussed in more detail in Chapter Six, context and history matter for the way in which these categories are filled with meaning and for the consequences this has for migration control in the present. We can expect that in countries in Southern Europe, like Spain for example, the particular set-up of the welfare state and the country's imperial legacy will likely have a different impact on the management of migration in the present, which includes the role of gender, race and class therein. Examining such differences between countries more systematically than I did in this dissertation can shed light on how power clusters around social categorization and the way these are consequently mobilized to govern. Third, intersectional boundary drawing can shed light not only on the symbolic exclusion of non-citizens from the community of value, but can equally be applied to citizens. As Anderson (2013, 4) has explained, 'the community of value is defined from the outside by non-citizens, but also from the inside, by the "Failed Citizen"'. Accordingly, 'Failed Citizens' are seen as lacking both value and values, as their imagined behaviour and identity are bound up with liberal values of economic worth, independence, self-sufficiency and hard work. Lacking such values symbolically excludes them from the nation state. Intersectional boundary drawing can shed light on the importance of gendered, racialized, classed and aged dynamics of such processes that sustain the exclusion of 'Failed Citizens' (see e.g. Hill Collins 1990, Chapter 4), for example in the domains of welfare studies ('the welfare mother with too many children'), criminology ('the delinquent') and youth studies ('the rioter' or 'the dropout').

Finally, this dissertation has limited itself to studying solely parts of the process of legitimation conceptualized in the introduction, namely the claims power-holders make to themselves as well as to the wider citizenry. While I stand by the necessity of doing so, both resulting from a theoretical lacuna in migration studies as well as because of its importance for audience legitimation, it is of course true that within a democracy, power-holders' self-belief in their legitimacy cannot be the ultimate test of whether they truly act legitimately (Beetham and Lord 1998). An obvious direction for future studies would thus be to widen the scope of this research and, as well as power-holders' legitimacy narratives, to also examine the reaction and contestation brought about by illegalized children, their supporters and the wider citizenry. This could be done within the 'regime approach' described in the introduction: it does not solely point attention to the polycentric, ad-hoc and contested nature of policy making, but pays particular attention to the manifold actors involved that enable such 'disarray' in the first place (Horvath et al. 2017, Eule et al. 2019). While my dissertation revealed that even on the side of the deportation apparatus this led to inconsistencies and multiple rationalities that inform the governance of children's deportation, this picture will probably become even more complex if enriched with the narratives of children, families, their supporters and the wider citizenry pushing back on power-holders' justificatory talk. While the

perspective of policymakers and street-level bureaucrats within the migration control literature generally remains scarce, studies which systematically add to this with migrants' and their supporters' experiences is even more so (see Eule et al. 2019 for an exception). Most studies focus either on examining the technologies and tactics of migration control while studying up, as this dissertation did, or approach the agency and contestation brought about by illegalized migrants by considering the 'autonomy of migration' (see Scheel 2013 for a critical account). Studying these simultaneously instead would not only produce a closer and more truthful analysis of the production of internal borders, but at the same time would acknowledge the incompleteness of our understanding of migration control if we take no account of migrant agency that continuously contests the power of the state (Mainwaring 2016). Adopting this wider purview would also, finally, have the potential to more closely scrutinize the entangled relations between government officials and non-state actors who contest deportation, including the ways government tries to curtail or responds to such mobilization. Given that legitimacy is a 'dynamically constructed composite structure' (Ugelvik 2016, 229), further investigation into its ongoing maintenance by various actors remains necessary.

Concluding remarks

Most studies that centre the way governments attempt to control the mobility of illegalized individuals via elaborate systems of detention and deportation provide little cause for optimism. And indeed, this dissertation has similarly shown that in Belgium and the Netherlands, such techniques of population management are normalized instruments exercised vis-à-vis illegalized migrant children and their families. Nevertheless, my decision to 'study up', study power-holders, their institutions, policies and practices, allowed me to show that these techniques require continuous legitimation work to appear robust. My dissertation identifies the conceptual premises that underlie deportation and shows how they shape the daily management of international mobility. By approaching policy making as a constant struggle over the boundaries of political categories, criteria of classification and the ideas that guide citizens' interpretation (Fischer 2003, Stone 1988), I teased out the normative conflicts that linger behind the different interpretations of deportation policy's goals and the values that should sustain them. While my dissertation thus pointed to many instances of naked, coercive state power that most likely have devastating consequences for the individuals subject to them (see e.g. in Khosravi 2018), it at the same time revealed the *contingent character* of deportation policy making and implementation. It insists that deportation essentially comes into being through a contested process that is dependent on how the phenomenon is discursively understood, positioned and defined.

While this might be an obvious, somewhat idle conclusion to draw, I believe that it points to opportunities for resistance and challenging of deportation policy's hegemonic classification power. My dissertation showed that the actors at the heart of deportation

policy making and implementation use and rely on the discursive room for manoeuvre to reframe the deportation of illegalized children and their families as an acceptable and necessary measure to take. They, in other words, need to consistently *work* to persuade themselves and others that their social construction of the target group (Schneider and Ingram 2015) in fact corresponds to the policy solutions envisioned. This entails discursively aligning the latter's presence with lawlessness, disrespect and threats to security. But just as deportation actors are able to move within discourse and manipulate it to their own benefit, so can immigrants and their support groups. Following Schneider and Ingram (2015), I hold that activists and allies alike should try to bring about substantial change in the social construction of the target group to eventually spur change. We have recently seen that (re)framing children's subject position specifically can be an effective strategy to enable policy reform, both in the US (Deferred Action for Childhood Arrivals) and the Netherlands (*Afsluitingsregeling Kinderpardon*). Yet, such strategies in the end merely reproduce the same exclusionary order rather than challenge it. Indeed, the successful reframing of discourse more often than not merely allows some individuals to become recognized as 'deserving' members of the community of value, by virtue of assimilation, utility or innocence, rather than expanding the boundaries of this community as such (Nicholls et al. 2016, Swerts and Nicholls 2021). Instead of continuing such reinforcement, I hold that it is necessary to try to change the dominant, discursive understanding of the 'Other' by pushing back on the pervasive coupling of (unauthorized) migration with security (Huysmans 2000). One mechanism for doing so could be storytelling, as this is an effective vehicle to express one's views and make others share in them: disproving is more difficult after we know each other's stories (Van Hulst and Yanow 2016). Just as Defence for Children's 'Youth Ambassadors' campaign[187] in the Netherlands helped the wider public to learn about the hardships that illegalized children face and the dreams that they have, broad coalitions should extend this strategy that disassociates lawlessness, fear and threat from migration. A recent example in Belgium is the 'We Are Belgium Too' campaign[188], in which illegalized immigrants – men, women *and* children – write an open letter to their neighbours, telling them about their dire situation and advocating for collective regularization. While campaigning for regularization in our current repressive political climate is not an easy task, it is clear that it is necessary not just 'to know the world but to change it' (Fanon 1967, 187). By contributing to our knowledge of the deportation regime and its workings, I hope to have provided tools to eventually achieve transformative change.

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187   For more information, see: https://www.defenceforchildren.nl/over-ons/jongerenambassadeurs/.
188   For more information, see: https://www.wearebelgiumtoo.be/nl/.

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Annex 1: List of documents
Annex 2: List of interviewees
Annex 3: Topic list for interviews
Annex 4: Informed consent form

Annex 1: List of documents

Institution or author	Title	Type	Date
ACPHA	Field Handbook on Unaccompanied and Separated Children	Handbook	2016
Agentschap Integratie & Inburgering	Bevel om het grondgebied te verlaten (BGV)	Website	n.d.
Agentschap Integratie & Inburgering	Humanitaire regularisatie (9bis)	Website	n.d.
Agentschap Integratie & Inburgering	Niet-begeleide minderjarigen (NBM)	Website	n.d.
Agentschap Integratie & Inburgering	Terugkeertraject onwettig verblijvende gezinnen met kinderen	Website	n.d.
Agentschap Integratie & Inburgering	Uitvoering van het bevel om het grondgebied te verlaten	Website	n.d.
Agentschap Integratie & Inburgering	Vrijwillige terugkeer	Website	n.d.
Amnesty International	Irregular Migrants and Asylum Seekers: Alternatives to Immigration Detention	Report	2009
Amnesty International	Opsluiten of Beschermen? Kwetsbare mensen in vreemdelingendetentie	Report	04-2016
Brabantia	NBMV	Website	n.d.
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen	Legislative proposal	04-10-1999
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	14-06-2000
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen teneinde de opsluiting van bepaalde categorieën van vreemdelingen streng te beperken	Legislative proposal	11-12-2000
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de vreemdelingenwet van 15 december 1980 wat de mogelijkheid betreft om gezinnen met minderjarige kinderen op een welbepaalde plaats vast te houden	Legislative proposal	14-12-2005
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen tot instelling van een verbod op het vasthouden van minderjarigen in gesloten centra	Legislative proposal	20-04-2006
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	30-10-2007
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel in verband met de voorwaarden voor de administratieve aanhouding, de administratieve hechtenis en de verwijdering van vreemdelingen	Legislative proposal	23-08-2007
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	12-10-2010
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen met het oog op de toekenning van een tijdelijke machtiging tot verblijf aan de niet-begeleide minderjarige vreemdeling	Legislative proposal	05-10-2010

Institution or author	Title	Type	Date
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	03-10-2013
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	03-10-2014
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	07-11-2014
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, teneinde een verbod in te stellen op het vasthouden van minderjarigen in gesloten centra	Legislative proposal	20-01-2011
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, wat betreft het opsluiten van kinderen in gesloten centra	Legislative proposal	06-09-2011
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, en tot invoering van een verbod op opsluiting van al dan niet begeleide minderjarigen	Legislative proposal	18-04-2018
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	15-02-2019
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen wat betreft het verbod op het opsluiten van minderjarigen	Legislative proposal	17-12-2019
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de Programmawet (I) van 24 december 2002 met betrekking tot de voogdij over niet-begeleide minderjarige vreemdelingen	Legislative proposal	29-10-2010
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	16-09-2014
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	27-08-2019
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	09-09-2019
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot aanvulling van de vreemdelingenwet, teneinde kinderen beter te beschermen	Legislative proposal	13-12-2012
Belgische Kamer van Volksvertegenwoordigers	Wetsvoorstel tot wijziging van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen wat de betere bescherming van niet-begeleide minderjarigen betreft	Legislative proposal	07-11-2014
Belgische Kamer van Volksvertegenwoordigers	Wetsontwerp tot invoeging van een artikel 74/9 in de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen, inzake het verbod op het opsluiten van kinderen in gesloten centra	Legislative proposal	08-10-2010

Institution or author	Title	Type	Date
Belgische Kamer van Volksvertegenwoordigers	Idem	Legislative proposal	20-07-2011
Belgische Kamer van Volksvertegenwoordigers	Voorstel van Resolutie betreffende de vasthouding van kinderen en hun familie	Legislative proposal	20-01-2006
Belgische Kamer van Volksvertegenwoordigers	Voorstel van Resolutie betreffende het verbod op het opsluiten van minderjarige vreemdelingen in gesloten centra	Legislative proposal	08-02-2006
Belgische Kamer van Volksvertegenwoordigers	Voorstel van Resolutie betreffende het verbod op het opsluiten van niet-begeleide minderjarige vreemdelingen in gesloten centra	Legislative proposal	10-07-2008
Belgische Kamer van Volksvertegenwoordigers	Voorstel van Resolutie over de evaluatie en de uitbouw van alternatieven voor uitsluiting van gezinnen met minderjarige kinderen	Legislative proposal	20-12-2019
Belgische Kamer van Volksvertegenwoordigers	Integraal Verslag met vertaald beknopt verslag van de toespraken van de Commissie voor de Binnenlandse Zaken, De Algemene Zaken en het Openbaar Ambt	Parliamentary report	12-10-2002
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	13-11-2002
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	08-03-2006
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	09-05-2012
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	19-06-2012
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	10-07-2012
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	12-10-2012
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	20-11-2012
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	19-02-2013
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	26-02-2013
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	02-07-2013
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	01-10-2013
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	20-04-2016
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	18-05-2016
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	19-07-2016
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	15-02-2017
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	28-06-2017
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	04-10-2017

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Institution or author	Title	Type	Date
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	05-12-2017
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	19-09-2018
Belgische Kamer van Volksvertegenwoordigers	Idem	Parliamentary report	20-03-2019
Belgische Kamer van Volksvertegenwoordigers	Publicatie in het Staatsblad. Koninklijk besluit tot wijziging van het koninklijk besluit van 2 augustus 2002 houdende vaststelling van het regime en de werkingsmaatregelen, toepasbaar op de plaatsen gelegen op het Belgisch grondgebied, beheerd door de Dienst Vreemdelingenzaken, waar een vreemdeling wordt opgesloten, ter beschikking gesteld van de regering of vastgehouden, overeenkomstig de bepalingen vermeld in artikel 74/8, § 1, van de wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen	Bill	22-07-2018
Belgische Kamer van Volksvertegenwoordigers	Horrzitting met de Federale Ombudsman. Behoeftige minderjarigen die illegaal met hun ouders op het Belgische grondgebied verblijven	Parliamentary report	17-11-2011
Belgische staat	De Wet van 15 december 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen	Law	15-12-1980
BN De Stem/Inge van der Boom	Stad in de bres tegen uitzetting Lili en Howick	News report	14-08-2017
Caritas Belgium	Vrijwillige Teurgkeer en Re-integratie van NBMV's: Uitdagingen en Perspectieven	Report	n.d.
Caritas Belgium	Vrijwillige Terugkeer	Website	n.d.
Caritas International	Reintegration of Disadvantaged and Vulnerable persons in Mongolia, Pakistan and Iraq	Guideline	04-2014
CNCD 11.11.11	Het Migratiebeleid Doorgelicht. Terugkeer Onder de Regering-Di Rupo	Report	2014
COA	Open AZC dag	Website	n.d.
Coalitie Geen Kind in de Cel	Betreft: AO 4 juli: Vreemdelingen- en Asielbeleid; agendapunt 5: Kinderen in vreemdelingendetentie	Letter to Parliament	28-06-2019
Coalitie Geen Kind in de Cel	Betreft: AO 13 december: Vreemdelingen- en Asielbeleid; agendapunt 10: staandehouding en inbewaringstelling gezinnen met minderjarige kinderen	Letter to Parliament	10-12-2018
Coalitie Geen Kind in de Cel	"Papa, hebben we iets ergs gedaan?" Kinderen en ouders in vreemdelingendetentie	Report	01-2014
Commissie BOSSUYT	Interim-verslag van de Commissie voor de evaluatie van het beleid inzake de vrijwillige terugkeer en de gedwongen verwijdering van vreemdelingen	Report	22-02-2019
Commissie VAN ZWOL	Rapport Onderzoekscommissie Langdurig Verblijvende vreemdelingen zonder bestendig verblijfsrecht	Report	05-2019
Coordination Sans-Papiers Belgique	We Are Belgium Too: Open brief van mensen zonder papieren voor hun buren	Website	n.d.

Institution or author	Title	Type	Date
Council of Europe	Recommendation of the Committee of Ministers to member states on life projects for unaccompanied migrant minors	Communication	12-07-2007
Council of Europe	The Human Rights of Irregular Migrants in Europe	Report	17-12-2007
Council of the European Union	Non-binding common standards for Assisted Voluntary Return (and Reintegration) Programmes Implemented by Member States	Communication	11-05-2016
Council of the European Union	Council Conclusions on unaccompanied minors	Communication	17-05-2010
De Correspondent/Karel Smouter	Op pad met de Dienst Terugkeer en Vertrek. Deel 1: Wij zijn geen reisbureau	News item	16-01-2014
De Correspondent/Karel Smouter	Op pad met de Dienst Terugkeer en Vertrek. Deel 2: In deze gevangenis bepaal je zelf wanneer je vrijkomt	News item	21-01-2014
De Correspondent/Karel Smouter	Op pad met de Dienst Terugkeer en Vertrek. Deel 3: Sorry vreemdeling, uw verhaal is wel sneu maar niet schrijnend	News item	24-01-2014
De Correspondent/Karel Smouter	Op pad met de Dienst Terugkeer en Vertrek. Deel 4: Of u deze onderdaan even terug wilt nemen, alstublieft	News item	28-01-2014
De Correspondent/Karel Smouter	Op pad met de Dienst Terugkeer en Vertrek. Deel 5: In vijf stappen naar de Dienst Toekomst en Vertrouwen	News item	05-02-2014
De Federale Ombudsman	Vier onafhankelijke instellingen vragen evaluatie van uitwijzingsmaatregelen die kinderen niet opsluiten	Press release	06-09-2018
De Goede Zaak	Petitie: Ze Zijn al Thuis	Press release	12-2017
De Standaard/Bart Brinckman	Het belang van het kind	News Item	16-08-2018
De Volkskrant/Bert Wagendorp	Ik vind ook dat Nemr mag blijven, maar dat is niet het einde van het verhaal	News Item	02-11-2018
Defence for Children	Dossier: Kinderpardon	Website	n.d.
Defence for Children	Dossier: Alleenstaande minderjarige vreemdelingen	Website	n.d.
Defence for Children	Dossier: ongedocumenteerde kinderen	Website	n.d.
Defence for Children	Jongerenambassadeurs	Website	n.d.
Defence for Children	Rechter stelt grove kinderrechtenschending vast bij de detentie van alleenstaande jongen	News item on website	10-09-2019
Defence for Children	100.000 handtekeningen in 24 uur voor kinderpardon	News item on website	02-11-2018
Defence for Children	"Laat ze Blijven"	Press release	07-12-2018
Defence for Children	Kinderpardon als wisselgeld ontoelaatbaar	Press release	05-10-2017
Defence for Children	Kinderpardon nog niet in lijn met kinderrechten van alle gewortelde kinderen	Press release	11-02-2019
Defence for Children	Zet achtjarige Shushan vandaag niet uit: kom met een uitzetstop voor gewortelde kinderen	Press release	21-01-2019
Defence for Children	Zorgelijk: morgen uitzetting van kinderen naar Nigeria per overheidsvlucht	Press release	17-12-2020
Defence for Children/Martine Goeman & Carla van Os	Implementatie van de kwaliteitsstandaarden voor voogden van alleenstaande minderjarige vreemdelingen in de praktijk, beleid en wetgeving	Report	2013

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Institution or author	Title	Type	Date
Defence for Children/Martine Goeman, Martin Vegter, A. Zijlstra en G.T. Gonhage-Talsma.	"Ik wil terug naar Nederland". Monitoring van teruggekeerde gewortelde kinderen in Armenië	Report	2017
Dienst Voogdij	Vademecum voor voogden van niet-begeleide minderjarige vreemdelingen	Guideline	31-08-2007
DT&V	Kinderen en alleenstaande jongeren	Website	n.d.
DT&V	Alleenstaande minderjarigen	Website	n.d.
DT&V	Ondersteuning bij terugkeer	Website	n.d.
DT&V	Landeninformatie	Website	n.d.
DT&V	Leidraad Terugkeer en Vertrek	Guideline on website	n.d.
DT&V	Regievoerder uit de praktijk	Video on website	29-03-2022
DT&V	Regievoerder Bijzonder Vertrek	Video on website	01-02-2022
DT&V	Regievoerder bij de DT&V	Video on website	12-12-2019
DT&V	Wat doet de DT&V?	Video on website	06-02-2015
DT&V	Corporate Brochure	Information sheet	06-2020
DT&V	Werken in gedwongen kader	Information sheet	26-07-2019
DT&V	So why don't you just repatriate them then	Story booklet	12-2017
DT&V	Een uit duizenden. Elf verhalen over de mensen achter de asielaanvraag.	Story booklet	09-2015
DT&V	Wat is "werken in gedwongen kader"?	News item on website	27-09-2018
DT&V	Procesprotocol B7 Tijdelijk Niet Uitzetten	Guideline	15-02-2020
DT&V	Procesprotocol D2 Opmaak Nota Buitenschuld (incl. AMV medisch)	Guideline	27-05-2020
DT&V	Procesprotocol D7 Plaatsing in een vrijheidsbeperkende locatie (VBL/Gezinslocatie/HTL)	Guideline	02-04-2020
DT&V	Procesprotocol E1 Ambtshalve beoordeling Art. 64 Vw 2000	Guideline	07-10-2019
DT&V	Procesprotocol E2 Fit-to-fly	Guideline	19-10-2018
DT&V	Procesprotocol F1 Vertrek alleenstaande minderjarige vreemdelingen (amv's)	Guideline	19-05-2020
DT&V	Procesprotocol F3 Kinderen met een kinderbeschermingsmaatregel	Guideline	27-05-2020
DT&V	Disclosed case file read during in-person meeting with caseworker	Internal file	30-04-2021
DT&V	Idem	Internal file	30-04-2021
DT&V	Idem	Internal file	30-04-2021
DT&V	Idem	Internal file	30-04-2021
DT&V/Mariëtte Middelbeek	De Weg Terug	Story book	2017
DT&V/Florine Boeding	"Drammen met feiten heeft geen zin, het moet bij iemand gaan passen"	News item on website	08-12-2016
DT&V/Karin Lassche	"Alles wat we doen is ultiem maatwerk"	News item on website	02-07-2020

Institution or author	Title	Type	Date
DVZ	Aanvraag overeenkomstig artikel 61/19 van de wet van 15/12/1980: onderzoek naar de duurzame oplossing	Application form	n.d.
DVZ	Activiteitenrapport 2011	Report	2012
DVZ	Activiteitenrapport 2013	Report	2014
DVZ	Statistisch Jaarverslag 2016	Report	2017
DVZ	Statistisch Jaarverslag 2017	Report	2018
DVZ/Geert Verbauwhede	Alternatives to detention for families with minor children – the Belgian approach	Policy brief	25-02-2020
EASO	Practical guide on the best interests of the child in asylum procedures.	Guideline	2019
Elsevier Weekblad/Bauke Schram	Asielactivisten bekladden huis topvrouw Justitie	News item	26-08-2016
EMN Belgium	Conference Report. Return of Irregular and Vulnerable Migrants: exploring opportunities and challenges	Report	04-12-2015
EMN	Approaches to Unaccompanied Minors Following Status Determination in the EU plus Norway. Synthesis Report dor the EMN study	Report	07-2018
EMN	The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards EU 2017	Report	15-02-2018
ERRIN	Dignified Return, Future Perspectives.	Information sheet	2019
European Commission	Communication from the Commission to the Council and the European Parliament on a Common Policy on Ilegal Immigration	Communication	15-11-2001
European Commission	Green Paper on a Community Return Policy on Illegal Residents	Communication	10-04-2002
European Commission	Communication from the Commission to the Council and the European Parliament on a Common Policy on a Community Return Policy on Illegal Residents	Communication	14-10-2002
European Commission	Communication from the Commission on Policy priorities in the fight against illegal immigration of third-country nationals	Communication	19-07-2006
European Commission	Action Plan on Unaccompanied Minors (2010-2014)	Communication	06-05-2010
European Commission	Evaluation of the application of the Return Directive (2008/115/EC)	Report	22-10-2013
European Commission	Communication from the Commission to the Council and the European Parliament on EU Return Policy	Communication	28-03-2014
European Commission	Communication from the Commission to the Council and the European Parliament on EU Action Plan on return	Communication	09-09-2015
European Commission	Communication from the Commission to the Council and the European Parliament on a more effective return policy in the European Union – a renewed action plan	Communication	02-03-2017
European Commission	Recommendation on making returns more effective when implementing the Directive 2008/115/EC of the European Parliament and the Council	Communication	07-03-2017
European Commission	Return Handbook	Handbook	27-09-2017

Institution or author	Title	Type	Date
European Commission	The EU strategy on voluntary return and reintegration	Communication	27-04-2021
European Parliament	Vulnerability of unaccompanied and separated child migrants	Briefing	04-2021
Fedasil	NBMV en Vrijwillige Terugkeer	Guideline	n.d.
Fedasil	Vademecum Vrijwillige Terugkeer	Guideline	2020
Fedasil	Niet-begeleide mindejarige vreemdelingen (NMBV)	Website	n.d.
Fedasil	Terugkeer en re-integratieprogramma (2015)	Website	n.d.
FRA	Guardianship systems for children deprived of parental care in the European Union – with a particular focus on their role in responding to child trafficking	Guideline	2015
FRA	Migration overview, Thematic focus: Family tracing and family reunification	Guideline	2016
FRA	Returning unaccompanied children: fundamental rights considerations	Guideline	2019
Gazet van Antwerpen/Jarit Taelman	'Ook verblijfsvergunning voor mama en zusje Eugène; Goed nieuws voor vluchtelingenfamilie uit Ghana'.	News item	21-10-2019
Global Detention Project	Immigration Detention in Belgium: COVID-19 Puts the Brakes on an Expanding Detention System	Report	03-2020
Global Detention Project	Immigration Detention in the Netherlands: Prioritizing Returns in Europe and the Carribbean	Report	02-2020
Het Laatste Nieuws	400 mensen betuigen steun aan Eugène Djangmah (18)	News item	13-11-17
Hof van Justitie van de Europese Unie (HvJ-EU)	Arrest C-441/19 TQ vs. Staatssecretaris van Justitie en Veiligheid – belang van het kind bij terugkeer AMV'ers	Court Ruling	14-01-2021
HUMAN	2Doc: De terugkeercoach	Documentary	2012
HUMAN	2Doc: Het is uw land		2014
HUMAN	2Doc: Het uiterste middel	Documentary	2015
HUMAN/Rima Santoro	"Ons werk is vaak ook heel leuk". Hoe gaat het nu met Leny en Gerr uit "het is uw land"?	News item on website	13-10-2018
IND	Werkinstructie SUA 2018/19 Leeftijdsbepaling	Guideline	13-12-2018
IND	Werkinstructie SUA 2019/1 Het beoordelen van asielaanvragen van verwesterde vrouwen	Guideline	07-01-2019
IND	Werkinstructie SUA 2019/8 Het belang van het kind in de Dublinprocedure	Guideline	25-06-2019
IND	Werkinstructie SUA 2021/9 Bijzondere procedurele waarborgen	Guideline	25-06-2021
IND	Werkinstructie SUA 2020/16 Richtlijnen voor de toepassing van artikel 8 EVRM	Guideline	18-11-2020
IND	Werkinstructie SUA 2020/1 Handelwijze bij politieke- en/of mediagevoelige zaken	Guideline	25-02-2020
IND	Informatiebericht IB 2022/4 Verlenen uitstel van vertrek uitvaardigen terugkeerbesluit aan een alleenstaande minderjarige vreemdeling	Guideline	06-01-2022
IND	Informatiebericht IB 2018/60 Omkering bewijslast leeftijd bij gestelde AMV	Guideline	01-08-2018

Institution or author	Title	Type	Date
IND	Informatiebericht 2018/2 Screening gezinnen aan de grens	Guideline	01-02-2018
IND	Disclosed document on "best interest assessments", acquired via freedom of information request	Guideline	n.d.
IND	Idem	Guideline	n.d.
IND	Idem	Guideline	n.d.
IND	Idem	Guideline	n.d.
IND	Idem	Guideline	n.d.
IND	Idem	Guideline	n.d.
Independent/James O'Malley	Surprised that Syrian refugees have smartphones? Sorry to break this to you, but you're an idiot	News item	07-09-2015
Inspectie Justitie en Veiligheid	Toetsingskader Terugkeer en Vertrek. Versie 2.0	Guideline	01-2018
Inspectie Justitie en Veiligheid	Het vertrekproces van de Armeense Kinderen. Het handelen van de organisaties in het vertrekproces van 24 augustus tot en met 8 september 2018	Report	05-11-2019
Inspectie Justitie en Veiligheid	Periodiek beeld Terugkeer 2017	Report	05-2018
Inspectie Justitie en Veiligheid	Periodiek beeld Terugkeer 2019	Report	05-2020
IOM	A framework for assisted voluntary return and reintegration	Guideline	2018
IOM	Handbook on Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse	Handbook	2019
IOM	Protection of the Human Rights and Fundamental Freedoms of Migrants and the Specific Needs of Migrants in Vulnerable Situations	Paper	2017
IOM	Reintegration Handbook. Practical guidance on the design, implementation and monitoring of reintegration assistance	Handbook	2019
IOM/Jacqueline Bhabha & Guy Abel	World Migration Report 2020. Chapter 8: Children and Unsafe Migration	Report	06-2019
IOM the Netherlands	Stappenplan Vrijwillige Terugkeer Alleenstaande Minderjarige Vreemdelingen (AMVs)	Infographic	n.d.
IOM the Netherlands	Je wordt 18, hoe nu verder?	Infosheet	n.d.
IOM the Netherlands	Extra hulp bij terugkeer voor gezinnen in een GL of VBL. Innovative Actions (IA) project	Infosheet	n.d.
IOM the Netherlands/Jelmer Brouwer	Family Matters. A Study into the Factors Hampering Voluntary Return of Migrants Residing at Family Locations.	Study	2018
Jesuit Refugee Service	Becoming Vulnerable in Detention	Report	17-04-2013
Jesuit Refugee Service	JRS vraagt meer respect voor de rechten van gedwongen kinderen	News item on website	06-2019
Jesuit Refugee Service	Gezinswoningen naast het vliegveld moeten dicht	News item on website	04-2019
Jesuit Refugee Service	Detentie van migrantenkinderen. De Belgische regering opnieuw op de vingers getikt door de Raad van State.	News item on website	06-2016

Institution or author	Title	Type	Date
Jesuit Refugee Service	Advies betreffende het Wetsvoorstel tot wijziging van de Wet van 15 December 1980 betreffende de toegang tot het grondgebied, het verblijf, de vestiging en de verwijdering van vreemdelingen en tot invoering van een verbod op opsluiting van al dan niet begeleide minderjarigen	Report	09-2018
Jesuit Refugee Service	Gesloten gezinswoningen	Website	n.d.
Kerk in Actie	Kerk in Actie roept op tot ruimer kinderpardon	Press release	30-10-2018
Kerk in Actie	Gezins Tamrazyan mag in Nederland blijven	Press release	28-03-2019
De Kinderombudsman	Brief KOM aan DT&V inzake "Onderzoek afwegingen bij besluitvorming gescheiden uitzetting"	Letter	21-04-2020
De Kinderombudsman	Belang van het kind moet duidelijker in asielprocedure	News item on website	23-04-2020
Kinderrechtencoalitie Vlaanderen	Standpunt Kinderrechtencoalitie mbt kinderen zonder wettig verblijf en uitwijzing gewortelde kinderen	Press release	01-2017
Kinderrechtencoalitie Vlaanderen	Naar een sluitend verbod op opsluiting van begeleide minderjarige vreemdelingen met oog op repatriëring?	Press release	10-2018
Kinderrechtencoalitie Vlaanderen	Position Paper over de Positie van Begeleide Minderjarigen in Asiel- en andere verblijfsprocedures	Press release	12-2018
Kinderrechtencoalitie Vlaanderen	Standpunt Kinderrechtencoalitie vrijheidsbeperking en vrijheidsberoving van minderjarigen	Press release	2014
Kinderrechtencoalitie Vlaanderen / Van Damme Simon	Detentie van kinderen in gesloten gezinsunits	News item on website	02-2019
Kinderrechtenforum	Papieren rechten. Kinderrechten in een migratiecontext.	Report	01-2017
Kruispunt: Expertisecentrum voor Vlaanderen-Brussel	Toekomstoriëntering. Met precaire verblijvers werken aan een zinvol toekomstperspectief	Brochure	12-2014
Liga voor Mensenrechten	Geen misdaad begaan, wel opgesloten?	Press release	24-11-2017
Liga voor Mensenrechten	Een kind sluit je niet op. Punt.	Press release	22-08-2018
Liga voor Mensenrechten	Migrantenkinderen worden opnieuw opgesloten in België	Press release	15-08-2018
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Afghanistan	Report	11-2020
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Angola	Report	12-2006
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Armenië	Report	04-2016
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht China	Report	07-2020
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Congo	Report	12-2019
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Guinee	Report	06-2020
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Irak	Report	12-2019
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Nigeria	Report	06-2018
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Sierra Leone	Report	05-2011
Ministerie van Buitenlandse Zaken	Algemeen Ambtsbericht Somalië	Report	12-2021
Ministerie van Justitie en Veiligheid	Beleidsdoorlichting begrotingsartikel 37.3. De terugkeer van vreemdelingen	Report	03-2019
Myria	Terugkeer, detentie en verwijdering van vreemdelingen in Belgie. Terugkeer, tegen welke prijs?	Report	11-2017

Institution or author	Title	Type	Date
Myria	Terugkeer, detentie en verwijdering van vreemdelingen in België. Recht op gezinsleven in het gedrang.	Report	12-2018
Myria	Nakende opening van gezinsunits binnen het gesloten centrum 127bis	Press release	10-08-2018
Nansen	Geen detentie van gezinnen met kinderen aan de rand van vliegvelden meer.	Press release	05-04-2019
De Nationale Ombudsman	Grenzen aan vreemdelingenbewaring. Een onderzoek naar de uitvoering van vreemdelingenbewaring.	Report	06-02-2020
Nederlands Dagblad/Sjoerd Mouissie	Opnieuw protest tegen uitzetting Armeens gezin		09-2018
Nederlandse Orde van Advocaten	Minimumnormen aanvraag verblijfsvergunning als vreemdeling buiten zijn schuld Nederland niet kan verlaten	Guideline	09-2015
Nederlandse staat	Vreemdelingenwet 2000	Law	23-11-2000
Nederlandse staat	Vreemdelingenbesluit 2000	Law	23-11-2000
Nederlandse staat	Vreemdelingenciculaire 2000 (A)	Law	n.d.
Nederlandse staat	Vreemdelingenciculaire 2000 (B)	Law	n.d.
Nederlandse staat	Vreemdelingenciculaire 2000 (C)	Law	n.d.
Nidos	Een duurzaam (terugkeer) perspectief voor ama's. Commitment van het kind en commitment van de familie. De dubbel C benadering	Guideline	07-2012
Nidos	Stappenplan Nidos – DT&V – COA	Guideline	n.d.
NOS	VVD wil rol staatssecretaris asiel indammen, rest coalitie tegen	News item	19-11-2018
NOS	Minderjarige asielzoekers te lang in detentiecentra, erkent Harbers	News item	23-02-2019
NRC Handelsblad/Mark Lievisse Adriaanse & Barbara Rijlaarsdam	Coalitie akkoord over kinderpardon	News item	30-01-2019
Official Journal of the European Union	Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals	Directive	24-12-2008
Platform Kinderen op de Vlucht	De Belgische Terugkeerwoningen: een volwaardig, kindvriendelijk en doeltreffend alternatief voor detentie?	Report	01-2021
Platform Kinderen op de Vlucht	Detentie van gezinnen. Administratieve detentie van gezinnen met minderjarige kinderen	News item on website	n.d.
Platform Kinderen op de Vlucht	Basisideeën. Basisideeën rond detentie en alternatieven voor detentie	News item on website	n.d.
Platform Kinderen op de Vlucht	Alternatieven voor detentie. Alternatieven voor detentie van gezinnen	News item on website	n.d.
Platform Kinderen op de Vlucht	Kinderen horen niet thuis in gesloten centra! NGO's klagen de terugkeer van opsluiting van kinderen aan	Press release	21-03-2012
Platform Kinderen op de Vlucht	Persbericht: "Het Platform Kinderen op de vlucht lanceert een campagne tegen detentie van kinderen in België"	Press release	14-06-2017
Platform Kinderen op de Vlucht	Persbericht: "De bouw van het nieuwe gesloten centrum voor gezinnen met kinderen is begonnen"	Press release	12-09-2017

Institution or author	Title	Type	Date
Platform Kinderen op de Vlucht	Detentie Veroordeeld. Beknopt overzicht van de posities van internationale instellingen ten opzichte van de detentie van kinderen.	Report	14-05-2018
Platform Kinderen op de Vlucht	"Open woonunits" en "coaches" voor gezinnen met minderjarige kinderen als alternatief voor detentie. Evaluatie na vier jaar werking	Report	10-2012
Platform Kinderen op de Vlucht	Detentie van kinderen in gezinnen in België. Analyse van de theorie en de praktijk.	Report	12-2015
Point of View (POV)	Filmmaker Interview: Fernand Melgar	Interview on website	01-07-2013
Raad voor Vreemdelingenbetwistingen	Arrest nr. 137706 on "guaranteeing adequate care and reception through research"	Court ruling	02-02-2015
Raad voor Vreemdelingenbetwistingen	Arrest nr. 208029 on "concrete guarantees upon return UAM"	Court ruling	22-01-2019
Raad voor Vreemdelingenbetwistingen	Arrest nr. 232297 on "family assessments"	Court ruling	06-02-2020
Raad voor Vreemdelingenbetwistingen	Arrest nr. 235459 on "socio-economic circumstances upon return"	Court ruling	21-04-2020
Rechtbank Den Haag	Uitspraak van de enkelvoudige kamer in de zaak tussen Salemu Fofanah en de staatssecretaris van Justitie en Veiligheid	Court ruling	21-06-2019
Solid Road	Begeleiding van Armeense Kinderen bij Terugkeer. Handleiding voor professionals en vrijwilligers die betrokken zijn bij de begeleiding van Armeense gezinnen die terug willen keren naar Armenië	Guideline	2018
Stad Gent	Kinderen en Vrijwillige Terugkeer. Gids voor Ouders	Guideline	07-2016
Stad Gent	Kinderen en Vrijwillige Terugkeer. Gids voor Begeleiders.	Guideline	06-2016
Tweede Kamer der Staten Generaal	Vreemdelingenbeleid (19637). Brief van de Minister voor Immigratie en Asiel	Letter to parliament	22-02-2011
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	01-07-2011
Tweede Kamer der Staten Generaal	Vreemdelingenbeleid (19637). Brief van de Staatsseceretaris van Justitie	Letter to parliament	21-12-2012
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	20-11-2014
Tweede Kamer der Staten Generaal	Vreemdelingenbeleid (19637). Brief van de Staatsseceretaris van Veiligheid en Justitie	Letter to parliament	26-09-2014
Tweede Kamer der Staten Generaal	Vreemdelingenbeleid (19637). Brief van de Staatsseceretaris van Justitie en Veiligheid	Letter to parliament	20-03-2018
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	13-09-2019
Tweede Kamer der Staten Generaal	Vreemdelingenbeleid (19637). Verslag van een Algemeen Overleg	Parliamentary report	19-05-2004
Tweede Kamer der Staten Generaal	Idem	Parliamentary report	29-03-2013
Tweede Kamer der Staten Generaal	Idem	Parliamentary report	29-09-2016
Tweede Kamer der Staten Generaal	Idem	Parliamentary report	30-01-2019
Tweede Kamer der Staten Generaal	Idem	Parliamentary report	18-09-2019

Institution or author	Title	Type	Date
Tweede Kamer der Staten Generaal	Vreemdelingenbeleid (19637). Verslag van een Algemeen Overleg Commissie voor Immigratie en Asiel	Parliamentary report	29-11-2011
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Verslag van een Notaoverleg	Parliamentary report	31-05-2000
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Brief van de Minister van Justitie	Letter to parliament	01-05-2000
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	21-12-2007
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	26-05-2008
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	11-12-2009
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	18-06-2010
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	05-10-2010
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Verslag van een Algemeen Overleg	Parliamentary report	16-06-2001
Tweede Kamer der Staten Generaal	Idem	Parliamentary report	07-01-2003
Tweede Kamer der Staten Generaal	Idem	Parliamentary report	10-03-2005
Tweede Kamer der Staten Generaal	Idem	Parliamentary report	27-06-2011
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Brief van de Minister voor Vreemdelingenzaken en Integratie	Letter to parliament	18-02-2002
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	13-02-2003
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	04-03-2003
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	22-12-2003
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	13-12-2005
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	11-12-2006
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Nota	Policy brief	1999-2000
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Verslag van een Schriftelijk Overleg	Parliamentary report	15-09-2005
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Brief van de Minister voor Immigratie en Asiel	Letter to parliament	10-03-2011
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Brief van de Minister voor Immigratie, Integratie en Asiel	Letter to parliament	22-06-2012
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Brief van de Staatssecretaris van Veiligheid en Justitie	Letter to parliament	20-12-2012
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	17-05-2013

Institution or author	Title	Type	Date
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	19-12-2013
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	25-06-2014
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	11-01-2016
Tweede Kamer der Staten Generaal	Alleenstaande minderjarige vreemdelingen (27062). Brief van de Staatssecretaris van Justitie en Veiligheid	Letter to parliament	26-10-2020
Tweede Kamer der Staten Generaal	Stemming van moties: Aanhangsel van de Handelingen	Parliamentary report	10-10-2011
Tweede Kamer der Staten Generaal	Terugkeerbeleid (29344). Brief van de Minister van Justitie	Letter to parliament	13-10-2005
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	06-07-2006
Tweede Kamer der Staten Generaal	Terugkeerbeleid (29344). Brief van de Staatssecretartis en Minister van Justitie	Letter to parliament	29-01-2008
Tweede Kamer der Staten Generaal	Terugkeerbeleid (29344). Brief van de Minister van Immigratie, Integratie en Asiel	Letter to parliament	21-12-2011
Tweede Kamer der Staten Generaal	Terugkeerbeleid (29344). Brief van de Staatssecretaris van Veiligheid en Justitie	Letter to parliament	24-03-2017
Tweede Kamer der Staten Generaal	Idem	Letter to parliament	13-11-2019
Tweede Kamer der Staten Generaal	Terugkeerbeleid (29344). Verslag van een Algemeen Overleg	Parliamentary report	26-02-2006
Tweede Kamer der Staten Generaal	Terugkeerbeleid (29344). Verslag van een Algemeen Overleg Commissie Justitie	Parliamentary report	27-10-2006
Tweede Kamer der Staten Generaal	Voorstel van wet van de leden Voortman en Kuiken tot wijziging van de Vreemdelingenwet 2000 in verband met het verankeren van het belang van het kind (34541). Memorie van toelichting	Legislative proposal	2015-2016
Tweede Kamer der Staten Generaal	Voorstel van wet van de leden Voortman en Kuiken tot wijziging van de Vreemdelingenwet 2000 in verband met het verankeren van het belang van het kind (34541). Nota naar aanleiding van het verslag	Parliamentary report	23-12-2019
Tweede Kamer der Staten Generaal	Kamervragen: Aanhangsel van de Handelingen	Parliamentary questions	29-08-2002
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	25-10-2002
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	10-02-2006
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	02-03-2006
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	23-06-2006
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	16-01-2007
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	24-01-2007
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	27-06-2008

Institution or author	Title	Type	Date
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	13-04-2011
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	19-05-2011
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	28-10-2011
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	18-01-2012
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	13-03-2012
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	12-08-2013
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	08-10-2013
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	14-04-2016
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	01-08-2017
Tweede Kamer der Staten Generaal	Idem	Parliamentary questions	20-09-2018
Trouw/Nicole Besselink	Hoe het wetsvoorstel voor humanere detentie van asielzoekers werd vergeten	News item	07-04-2018
Trouw/Wendelmoet Boersema	Nederland sluit nog steeds kinderen op in vreemdelingendetentie, zegt Unicef	News item	06-11-2019
United Nations	General Assembly resolution 44/25: Convention of the Rights of the Child	Convention	20-11-1989
United Nations/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)	Convention	29-05-2013
UNICEF	Child-sensitive Return. Upholding the best interests of migrant and refugee children in return and reintegration decisions and processes in selected European countries (Germany, the Netherlands, Sweden, and the United Kingdom)	Report	11-2019
UNICEF	Guidance to respect children's rights in return policies and practices. Focus on the EU legal framework.	Guideline	09-2019
UNICEF Netherlands	Child-sensitive return. Upholding the best interests of refugee and migrant children in return decisions and processes in the Netherlands	Report	11-2019
UNICEF Netherlands	Children's rights in return policy and practice in Europe. A discussion paper on the return of unaccompanied and separated children to institutional reception or family.	Report	2015
UNHCR	Field Handbook on the Implementation of UNHCR BID Guidelines	Handbook	2011
UNHCR	UNHCR Guidelines on Determining the Best Interests of the Child	Guideline	05-2008
UNHCR	Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations	Guideline	02-2017

Institution or author	Title	Type	Date
UNHCR	Vulnerability Screening Tool. Identifying and Addressing vulerability: a tool for asylum and migration systems	Guideline	2016
Vluchtelingenwerk Nederland	Bewogen Terugkeer. Methodiek voor Psychosociale begeleiding van (ex)asielzoekers en ongedocumenteerden	Handbook	2011
Vluchtelingenwerk Nederland	Concept projectvoorstel Met Opgeheven Hoofd 2	Briefing	2019
Vluchtelingenwerk Vlaanderen	Als jouw kind moet vluchten, wil je ook dat iemand voor hem zorgt. Naar een betere bescherming van niet-begeleide minderjarige vreemdelingen en een betere ondersteuning van hun vrijwillige voogden	Report	2019
Vluchtelingenwerk Vlaanderen	Kwetsbaarheid en detentie binnen gesloten centra. Handvaten voor een terugkeerbeleid met respect voor fundamentele rechten	Report	10-2019
Vluchtelingenwerk Vlaanderen	Gesloten centra voor vreemdelingen in België. Een stand van zaken	Report	12-2016
Volkskrant/Ron Meerhof	Ongebruikt opvanghuis in Angola kost Nederland een miljoen	News item	26-03-2012
Vreemdelingenvisie/Florine Boeding	Drammen met feiten heeft geen zin, het moet bij iemand gaan passen	News item on website	08-12-2016
Vreemdelingenvisie/Heleen Grimmius	'De weg terug': verhalen uit de praktijk van de DT&V	News item on website	12-12-2017
Vreemdelingenvisie/Heleen Grimmius	Toets aan schrijnende situatie vervangt discretionaire bevoegdheid	News item on website	20-08-2019
Vreemdelingenvisie/Heleen Grimmius	Hoofddirecteur IND over afhandeling Kidnerpardon	News item on website	20-08-2019
Vreemdelingenvisie/Heleen Grimmius	Coronacrisis en de vreemdelingenketen	News item on website	23-04-2020
Vreemdelingenzaken	Onwettig verblijf	Website	n.d.
We Are Belgium Too	Open brief van mensen zonder papieren voor hun buren	Campaign on website	n.d.
Werkgroep Kind in AZC	Leefomstandigheden van kinderen in asielzoekerscentra en gezinslocaties	Report	06-2018
WODC/Richard Staring & José Aarts	Jong en Illegaal in Nederland	Report	2010
Zijlstra, A.E.	In the Best Interest of the Child: a study into a decision-support tool validating asylum-seeking children's rights from a behavioural scientific perspective.	Report	14-05-2012

Annex 2: List of interviewees

	Actor	Date	Place
Belgium			
DVZ	Policy advisor 1	14-05-2020	Skype
	Policy advisor 2	28-05-2020	Skype
	Policy advisor 3	10-06-2020	Skype
DVZ – Dienst Minteh	Immigration officer 1	28-10-2020	Skype
	Immigration officer 2	29-10-2020	Skype
	Immigration officer 3	30-10-2020	Skype
DVZ – Dienst Voogdij	Legal guardian	31-08-2020	Skype
	Legal guardian	15-10-2020	Skype
Fedasil	Policy advisor AVR 1	25-03-2020	Bluejeans
	Policy advisor AVR 2	11-05-2020	Bluejeans
	Policy advisor AVR 3	19-05-2020	Bluejeans
	AVR counsellor 1	01-04-2020	Bluejeans
	AVR counsellor 2	21-04-2020	Bluejeans
	AVR counsellor 3	25-05-2020	Bluejeans
Caritas	AVR counsellor 1	01-04-2020	MS Teams
	AVR counsellor 1 & 2	11-06-2020	MS Teams
Caritas/Brabantia	Social worker & AVR counsellor	25-05-2020	MS Teams
	Legal guardian	12-06-2020	Zoom
IOM Belgium	AVR counsellor 1	04-02-2020	MS Teams
	AVR counsellor 1 & 2	04-06-2020	MS Teams
	AVR counsellor 2	06-07-2020	MS Teams
	AVR counsellor 3	10-07-2020	MS Teams
	AVR counsellor 4	16-07-2020	MS Teams
	AVR counsellor 5	27-07-2020	MS Teams
	AVR counsellor 6	29-07-2020	MS Teams
Rode Kruis	Legal guardian 1	28-08-2020	MS Teams
	Legal guardian 2	29-09-2020	Telephone
Jesuit Refugee Service	Project officer 1 & 2	30-03-2020	Skype
Lawyers	Lawyer 1	30-05-2021	Zoom
The Netherlands			
DMB	Policy advisor 1	06-05-2020	Webex
	Policy advisor 2	18-05-2020	Webex
	Policy advisor 3	22-05-2020	Webex
	Policy advisor 4 & 5	27-05-2020	Webex
	Policy advisor 6	19-06-2020	Webex
	Policy advisor 7	25-06-2020	Webex
DT&V	Policy advisor 1	27-05-2020	Webex
	Immigration officer 1	31-07-2020	Webex
	Immigration officer 2	17-08-2020	Webex
	Immigration officer 3	24-08-2020	Webex
	Immigration officer 4	28-08-2020	Webex
	Immigration officer 5	01-09-2020	Webex
	Immigration officer 6	09-09-2020	Webex
	Immigration officer 7	09-09-2020	Webex
	Immigration officer 8	23-02-2021	Webex
	Immigration officer 9	30-04-2021	The Hague

CONTINUED.

	Actor	Date	Place
The Netherlands			
IOM Netherlands	Policy advisor 1	04-03-2020	Skype
	Policy advisor 2	24-04-2020	Telephone
Vluchtelingenwerk Nederland	Policy advisor 1	18-03-2020	Skype
	Policy advisor 2	17-04-2020	Skype
	AVR counsellor 1	02-04-2020	Skype
	AVR counsellor 2	08-04-2020	Skype
Nidos	Policy advisor & former legal guardian	02-11-2020	MS Teams
NGO AVR	Organisation 1: founder and AVR counsellor	28-01-2020	Skype
	Organisation 2: founder	20-05-2020	Skype
	Organisation 3: founder	23-05-2020	Skype
NGO Advocacy	Policy advisor 1 & 2	14-04-2021	Zoom
Laywers	Lawyer 1	01-05-2020	's-Hertogenbosch
	Lawyer 2	05-05-2020	Skype
European Commission			
DG Home	Policy advisor 1	16-12-2019	Brussels
	Policy advisor 2	10-03-2020	Brussels
	Policy advisor 3	06-05-2020	Zoom

Annex 3: Topic list for interviews

Introduction
- Short introduction
- Explain goals for today: questions in three parts (day-to-day work, return policy, children), answering from 'personal' and/or 'professional' position
- Confidentiality and informed consent form
- Duration of interview, ask permission for recoding
- Ask if there are any questions left and start recording

General questions on day-to-day work
- Can you tell me a bit about your background and career? How did you end up at organization X? What is your current role and your daily tasks?
- Why did you decide to work in the field of return?
- What is your/organization X's role in Belgian/Dutch return policy? What is its relationship via-à-vis 1) government, 2) implementing organizations, 3) civil society, 4) advocacy?
- Can you tell me about your/organization X's philosophy when it comes to return?
- What are the most important challenges that you face in your day-to-day work? How do you try to overcome these? Can you elaborate on one specific example?

Return policy in Belgium/the Netherlands
- What goals <u>should</u> return policy achieve, according to you?
- What, according to you, are the goals that current return policy aims to achieve? Are these goals realized?
- What are, according to you, the most significant changes in return policy over the past years? How did these affect your organization/work?
- Can you tell something about the targets of return policy in Belgium/the Netherlands, related to prioritizations and reasons for doing so? Have these prioritizations changed over the past years?
- What, according to you, are the biggest challenges that return policy in general faces? Why are these problematic?
- Do these challenges matter for all targets of return policy, or for some in particular?
- Lately, there has been society-wide discussion on return policy, centring whether or not it is humane. Can you tell me a little bit about your response towards such debate? Does it impact your work and if so, how? *Probe for children specifically.*

Children
- Can you elaborate on the position of children, either accompanied or unaccompanied, within the broader set of rules and regulations towards return?
- Are there any official organizational guidelines in place for children's return? Can you elaborate on them?
- How do you talk with children about return in your day-to-day work? Do you face any specific resistance from them, and how do you deal with that?
- What is the role of 'the best interest of the child' principle/'family unity' in your work?
- Can you elaborate on the role of children's network – parents, extended family members, friends/school/sports in Belgium or the Netherlands – in the return process?
- What are the biggest challenges return policy faces when it comes to children specifically? Can you elaborate using an example?
- *If not brought up in previous answer*: How does your organization relate to the debate on the societal integration of undocumented children in Belgium/the Netherlands?

Final remarks
- Is there anything else you want to add, or find important for me to know?
- Do you have any questions?
- In case I want to know more or have another question, do you mind if I reach out to you again?
- If applicable: ask for further contacts in organization or network.
- Repeat use of material, confidentiality, sending a summary/transcript if desired.
- Thank for time and effort, end recording.

Annex 4: Informed consent form

Universiteit Antwerpen

INFORMED CONSENT FORM

Preliminary title: Producing migrant deportability. Legitimation, social identifiers and expulsions in Belgium and the Netherlands

Only for the research participant

I, (name & family name) _____ hereby confirm that I am informed about the study by the researcher, and was presented with the opportunity to receive further details in case I wished so. I read the information in this 'Informed Consent Form' and understood it. The researcher has informed me about the conditions and duration of participating in the study, and explicated my individual contribution to it. Moreover, I was given enough time to contemplate this information and to ask questions, to which I have received satisfying answers.

- I understood that my participation in this study can be cancelled at any moment after consulting the researcher, without causing any negative consequences for myself.
- I am aware of the goal of the collection, processing, and use of information that I delivered to the researcher, which will be used for this study alone and treated confidentially.
- I agree to the collection, processing, and use of this information for the purpose of scientific research.
- I agree to participate to this study on a voluntary basis and to cooperate to possible follow-up questions, in the best of my abilities.
- I agree that Laura Cleton will process my personal data in the following manner: personal data remains confidential to the researcher. No data traceable to individual persons will be used in publicly available publications, such as names and personal work affiliations.

Date: _____

Signature participant: _____

Only for the researcher

I, Laura Cleton, hereby confirm that I have discussed the procedures concerning participating in this study with _____, as well as _____ specific contribution. I have pointed to possible risks or inconveniences tied to participating. I explicitly asked whether there were still questions concerning the research project and its purpose, and if this was so, sufficiently answered these questions. In addition, I confirm that _____ has agreed to participate in this study.

Date: _____

Signature researcher: _____

Contact details:
Laura Cleton – PhD Onderzoeker
Universiteit Antwerpen – Departement Politieke Wetenschappen
Sint-Jacobstraat 2
2000, Antwerpen (BE)

laura.cleton@uantwerpen.be
+31634101135

Author contributions
Summary (EN)
Samenvatting (NL)

Author contributions

Chapters	Contributions of authors
Chapter 2 Legitimizing detention and deportation of illegalized migrant families: reconstructing public controversies in Belgium and the Netherlands	Nathan Wittock: data analysis (primary responsible), theory development, drafting and revising the manuscript Laura Cleton: introduction, literature review, data analysis, theory development drafting and revising the manuscript Robin Vandevoordt: literature review, theory development, revising the manuscript Gert Verschraegen: introduction, theory development, revising the manuscript
Chapter 3 The time politics of migrant deportability: an intersectional analysis of deportation policy for non-citizen children in Belgium and the Netherlands	Single authored
Chapter 4 Assessing adequate homes and proper parenthood: how gendered and racialized family norms legitimize the deportation of unaccompanied minors in Belgium and the Netherlands	Single authored
Chapter 5 'We have nothing to hide': legitimacy narratives, researcher positionality and the ethics of accessing the Dutch deportation apparatus	Single authored
Chapter 6 Intersectional analyses of migration and integration policy: lessons from feminist policy studies?	Laura Cleton: literature review, theory development, drafting and revising the manuscript Petra Meier: theory development, revising the manuscript

Summary (EN)

Immigration controls today are viewed as an inseparable part of nation states' right to exercise their sovereignty, control their borders and thereby influence who can access their territory and become part of their community of members. Deportation, or the compulsory return of non-citizens to their country of nationality, is crucial in this process, as the act of relocation re-affirms the 'proper place' that individuals allegedly belong to. It is this intrinsic connection between deportation and membership that makes deportation a contentious, politicized policy measure that regularly sparks public opposition and debate. In this dissertation, I hold that such contention is especially strong when states seek to deport illegalized migrant children, since the latter occupy 'difficult territory' in migration management: as children, the state considers them deserving of protection, while as immigrants, the state seeks to exclude them. Their claims to belong in their state of residence, the overarching children's rights regime, as well as the imaginary in the Global North of children's innocence all complicate the societal ends that deportation allegedly serves. Drawing on critical migration and border studies, feminist theory and interpretative policy studies, this dissertation thus questions how states that seek to deport children in the face of such disputes, legitimize the need to do so. Even though in recent years, critical migration and border scholars have made progress in understanding how 'power-holders' – understood as state and non-state officials involved in deportation procedures – legitimate exclusionary migration policies along a duality of compassion and repression, they have done so by referencing immigrants prone to deportation as if they were a relatively undifferentiated population at the bottom of the social hierarchy. I argue that this approach misses important variety in the technologies of deportation governance, and therefore devote specific attention to the importance of imaginaries of children's 'physical and social identity' for migration control.

Drawing on about 350 documents and 61 interviews with deportation actors in Belgium and the Netherlands, the dissertation provides an answer to this question in four empirical chapters, which each look at the techniques and narratives of legitimation at the 'frontstage' or 'backstage' of politics; targeted at different audiences. Overall, it finds that power-holders attempt to acquire legitimacy for the deportation of illegalized migrant children by deliberately drawing attention away from the underlying moral-political conflict and the hardships deportation poses for children. Instead, I show in Chapters Two and Five that deportation policy actors emphasize the diligence of procedures and their compassionate way of working to the wider citizenry, positioning deportation as a measure of last resort that results from due process. As the procedures leading up to an eventual deportation are 'diligent' and 'compassionately enforced', thus putting caseworkers' work in a humanitarian light, deportation is framed as eventually a legitimate measure to take. Chapters Three and Four examine power-holders 'self-legitimation' and show that these actors at the same time emphasize the potential danger children and their families pose to the citizenry, sustaining the necessity to remove them.

Crucially, these latter narratives are largely dependent on what I call 'intersectional boundary drawing efforts', emphasizing the forms of social behaviour and identities that delineate illegalized children and their families from the wider citizenry. These particularly pertain to the behaviour assigned to children and parents, including the ways childhood should play out and how parents should 'properly' parent their children. While these securitizing narratives should serve to sustain the decision to deport, my dissertation finds that their exclusionary potential is mediated by a humanitarian, morally felt need to protect children from potential harm. A humanitarian engagement with children, spurred by the paternalistic need to assist and care for them, can thus also complicate the protection of territorial sovereignty and instead delay, adjourn or suspend deportation procedures.

Altogether, this dissertation firstly shows the need to differentiate among illegalized immigrants in seeking to fully understand the rationales and techniques that states deploy to justify their deportability. I argue that the current dominant frameworks hold only limited explanatory value for children. While my findings in part confirm studies that identify how the securitization of deportable immigrants fuses with a humane portrayal of power-holders and their procedures, it at the same time shows that deportation actors cannot merely instrumentalize a caring discourse in order to make children subject to mobility control. The morally felt need to assist and care for them may also act against their exclusionary goals. The dissertation furthermore shows the crucial analytical value of both intersectionality and interpretative policy analysis for deportation studies. The former reveals how migration governance always relies on and reifies hierarchies of inequality related to gender, race, class, age and culture and complicates our current understanding of the workings of securitization and humanitarianism. Interpretative policy analysis enables a refocus on 'the internal life' of policy-making and the multiplicity of meaning-making within it. It reveals the absence of a single, encompassing rationale structuring deportation governance and instead points to the continuous 'repair work' through which the deportation regime comes into being. In Chapter Six, I combine these two approaches and propose an analytical framework that helps migration policy researchers to expose the ways in which policies (re)produce social difference through gendering, racializing, classing and sexualizing discourses, and to critique the power relations that sustain them. Finally, my dissertation points to the need for scholars of deportation to more explicitly grapple with the impacts on knowledge production of their positionality and engagement with power-holders.

Samenvatting (NL)

Immigratiecontroles worden tegenwoordig beschouwd als onlosmakelijk verbonden met het recht van natiestaten om hun soevereiniteit uit te oefenen en grenzen te bewaken. Op die manier controleren ze wie er toegang krijgt tot hun grondgebied en deel uit mag maken van hun politieke gemeenschap. Deportatie, of de verplichte terugkeer van personen naar het land waarvan zij de nationaliteit bezitten, is van cruciaal belang in dit proces: terugkeer bestendigt als het ware de 'juiste' plek waar deze personen thuishoren. Het is deze intrinsieke band tussen deportatie en lidmaatschap van een politieke gemeenschap die deportatie een controversiële, gepolitiseerde beleidsmaatregel maakt, welke bovendien regelmatig publieke oppositie en debat teweegbrengt.

In dit proefschrift stel ik dat dergelijke controverse vooral aan de orde is wanneer de staat kinderen in onwettig verblijf probeert uit te zetten. Zij begeven zich voor staten op 'moeilijk terrein': omdat ze kinderen zijn, is de staat van mening dat ze beschermd moeten worden, maar omdat ze óók migranten zijn, probeert diezelfde staat ze ook uit te sluiten van haar politieke gemeenschap. Kinderen in het bijzonder compliceren de maatschappelijke doelen die deportatie tracht na te streven op drie manieren. Ten eerste bemoeilijkt hun aanspraak op *belonging* in Nederland of België uitzetting naar het land waarvan zij de nationaliteit bezitten: gevoelsmatig horen ze daar immers niet thuis. Ten tweede zuivert de verbeelding in het Globale Noorden over kinderen als onschuldig, passief en afhankelijk van volwassenen hen van blaam voor hun ongedocumenteerde verblijfsstatus. Ten slotte zorgt het internationale, strenge kinderrechtenregime ervoor dat er meer garanties nodig zijn voordat kinderen uitgezet kunnen worden – iets wat niet noodzakelijk wordt geacht voor volwassenen.

Op basis van kritische migratie- en grensstudies, feministische theorie en interpretatieve beleidsstudies stelt dit proefschrift zich dan ook ten doel te onderzoeken hoe staten de noodzaak om kinderen uit te zetten legitimeren. Het proefschrift draagt bij aan onderzoek in kritische migratie- en grensstudies die recent vooruitgang hebben geboekt in het begrijpen hoe 'machthebbers' – opgevat als overheids- en niet-overheidsmedewerkers die betrokken zijn bij deportatie – uitsluitende beleidsmaatregelen legitimeren. Ze hebben dat vooral gedaan door te verwijzen naar personen in onwettig verblijf alsof het een ongedifferentieerde populatie aan de onderkant van de sociale hiërarchie betreft. Ik stel dat dit ons begrip van deportatiebeleid en de manier waarop de staat deportatie probeert te bewerkstelligen sterk limiteert, omdat we zo belangrijk onderscheid en variatie binnen de groep 'ongedocumenteerden' missen. Dit is dan ook de reden dat deze dissertatie specifiek aandacht besteedt aan de invloed van de 'fysieke en sociale identiteit' van kinderen voor het opstellen en uitvoeren van deportatiebeleid.

Op basis van een analyse van ongeveer 350 documenten en 61 interviews met personen die betrokken zijn bij het deportatiebeleid in België en Nederland, geeft het proefschrift antwoord op haar onderzoeksvraag in vier empirische hoofdstukken die elk ingaan op legitimatietechnieken die machthebbers gebruiken ten opzichte van burgers, journalisten, onderzoekers en collega's op de werkvloer en de ministeries. Het proefschrift stelt dat

machthebbers legitimiteit voor de deportatie van kinderen proberen te verwerven door opzettelijk aandacht af te leiden van het onderliggende moreel-politieke conflict en de ontberingen die uitzetting voor kinderen met zich meebrengt. In hoofdstuk twee en vijf laat ik zien dat actoren die betrokken zijn bij het deportatiebeleid ten opzichte van burgers, journalisten en onderzoekers juist nadruk leggen op de nauwkeurigheid van de procedures en hun barmhartige manier van werken. Hiermee positioneren ze uitzetting als een 'ultieme maatregel' die alleen het resultaat kan zijn van een zorgvuldig proces. Aangezien de procedures die leiden tot deportatie 'zorgvuldig' en 'met mededogen' uitgevoerd zijn, wordt uitzetting uiteindelijk gepositioneerd als een legitieme maatregel.

In hoofdstuk drie en vier staat de 'zelflegitimatie' van machthebbers centraal en toon ik aan dat ze in het opstellen en uitvoeren van deportatiebeleid de nadruk leggen op het potentiële gevaar dat kinderen en hun families vormen voor België en Nederland, waarmee ze de noodzaak om hen uit te zetten verder ondersteunen. Cruciaal hierbij is dat deze discursieve positionering afhankelijk is van wat ik beschrijf als 'intersectionele pogingen om grenzen te trekken'. Deze discursieve grenzen benadrukken op een gegenderde en geracialiseerde manier bepaald sociaal gedrag en bepaalde identiteitsaspecten van kinderen in onwettig verblijf en hun families, met als doel ze af te zetten tegenover de gedragingen en identiteit van Belgische en Nederlandse burgers. Dit richt zich bijvoorbeeld op de manier waarop kinderen zich tijdens hun kindertijd zouden moeten gedragen of hoe ouders hun kinderen zouden moeten opvoeden. Hoewel het verschil dat hiermee gecreëerd wordt tussen 'wij' en 'zij' de beslissing tot uitzetten kracht bij zouden moeten zetten, blijkt uit mijn onderzoek dat hun uitsluitingspotentieel verkleind wordt door een humanitaire, moreel gevoelde noodzaak om kinderen te beschermen. Ik beargumenteer dat een dergelijke humanitaire betrokkenheid ingegeven wordt door een paternalistische en geracialiseerde noodzaak voor staten uit het Globale Noorden om voor kinderen uit het Globale Zuiden te zorgen. Deze noodzaak kan de bescherming van de territoriale soevereiniteit van staten dus ook bemoeilijken en uitzettingsprocedures vertragen, uitstellen of opschorten.

Deze dissertatie concludeert dat het noodzakelijk is om te differentiëren binnen de groep personen in onwettig verblijf voor toekomstig onderzoek naar de technieken en discoursen waarop staten voortbouwen om uitzetting te rechtvaardigheden. Ik laat zien dat de huidige theorieën slechts een beperkte verklarende waarde hebben voor kinderen. Aan de ene kant bevestigt mijn dissertatie eerder onderzoek, dat aantoont hoe het positioneren van personen in onwettig verblijf als 'gevaarlijk' samengaat met het creëren van een 'humaan' beeld van deportatieactoren en hun procedures. Mijn dissertatie laat echter ook zien dat machtshebbers zich niet louter zulk 'zorgzaam' discourse kunnen toe-eigenen om kinderen te onderwerpen aan mobiliteitscontrole. De eerdergenoemde moreel gevoelde noodzaak om kinderen te beschermen en voor ze te zorgen, kan namelijk ook ingaan tegen het eigen beleidsdoel om kinderen in onwettig verblijf uit te sluiten van het grondgebied en hun politieke gemeenschap.

De dissertatie toont verder aan dat zowel intersectionaliteit als interpretatieve beleidsanalyse cruciaal zijn voor deportatie-studies. Intersectionele theorie laat zien hoe

migratiebeleid altijd berust op hiërarchieën die samenhangen met gender, ras, klasse, leeftijd en cultuur en deze bovendien continue reproduceert. Dit stelt mij in staat om aan te tonen dat actoren betrokken bij de deportatie van kinderen niet zomaar gebruik kunnen maken van het discours rondom het 'gevaar' dat migranten vormen voor de politieke gemeenschap, omdat dit sterk samenhangt met ideeën over gender en ras, maar dus ook met leeftijd. Interpretatieve beleidsanalyse maakt het mogelijk om aandacht te schenken aan de interne werking van overheidsbeleid en de veelvuldigheid van betekenisgeving hierbinnen. Door dit kader heb ik aan kunnen tonen dat deportatiebeleid niet berust op één alomvattende logica, maar dat het continue gereproduceerd wordt door de handelingen van betrokken actoren en de betekenissen die zij aan hun handelen geven. In hoofdstuk zes van dit proefschrift combineer ik inzichten uit intersectionele theorie en interpretatieve beleidsanalyse en stel ik een nieuw analytisch kader voor onderzoekers van migratie- en integratiebeleid voor. Dit stelt hen in staat om bloot te leggen hoe migratiebeleid en de daarbij betrokken actoren sociale verschillen die hun grondslag vinden in gender, ras, klasse en seksualiteit (re)produceren en de machtsverhoudingen die deze in stand houden te bekritiseren. Ten slotte wijst mijn proefschrift op de noodzaak dat onderzoekers van deportatiebeleid explicieter de impact van hun eigen positionaliteit en betrokkenheid met machthebbers voor academische kennisproductie in ogenschouw moeten nemen.

Deporting non-citizens is widely perceived as an inseparable part of nation states' right to control their borders and to determine who can become part of their community of members. This right is complicated, however, by illegalized children's claims to belonging, the overarching children's rights regime, and the imaginary of children's innocence. The dissertation investigates how states that seek to deport children, in the face of such disputes, legitimize the need to do so to themselves and to the wider citizenry. Drawing on document analysis and interviews with deportation actors in Belgium and the Netherlands, the dissertation finds that actors in both countries deliberately draw attention away from the underlying moral-political conflict and the hardships deportation poses for children. Instead, they foreground the diligence of bureaucratic procedures and their compassionate way of working while simultaneously positioning children and their families as dangers to the citizenry in gendered, racialized and classed ways. The dissertation complicates current accounts of the workings of securitization and humanitarianism in migration control and highlights the analytical value of intersectionality and interpretivism for deportation studies.