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Abstract

This article analyses 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 article 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.

Keywords: unaccompanied minors, deportation, family norms, postcolonial feminism, intersectionality.

Introduction

The forced deportation of illegalized migrant children[1] 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".[2] 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 nation-wide 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 the 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, alleging 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 article builds on such conceptualizations of deportation but centers 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 article empirically 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 article 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 2006) 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 article 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 article 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 a group 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 demarcated "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).

A generation of 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 behavior" 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 2012; 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 current attention to deportation and racialization (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 article'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 article centers on deportation procedures for unaccompanied minors in two European countries: 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 European 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 article 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 decision (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 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"[3], 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 decision 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" (Return Handbook C/2017/6505, 54). 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 effectuating removal, but most often substantiates and legitimates the effectuation of exclusion. While such assessments are thus a requirement for governments seeking to deport unaccompanied minors, they are solely recommended in "voluntary return" procedures (Return Handbook C/2017/6505, 56). 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 centers 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 without the possibility of reunifying with family members (see Aliens Act 1980 61.17-61.19). 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.[4] 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 centers 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 case workers from the Repatriation and Departure Service (DT&V) start mandatory "return interviews" to assess whether adequate reception and care is available upon removal.[5] The Netherlands is the only country in Europe that explicates in their law what adequate reception entails and sets out the necessary quality requirements (Aliens Act Implementation Guidelines B8/6.1 ad. 5). 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 plans and post-arrival assistance. The Netherlands has a specific reintegration budget in place for unaccompanied minors: a maximum of €2800 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 (Aliens Act Implementation Guidelines B8/6.2 and 6.3). 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 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 article 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.

< Table 1 about here >

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.

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 centering 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 that 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, centering on their unaccompanied-ness and their age. 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" (TK 2019-2020, 19637 no. 2529; see also TK 2016-2017, 19637 no. 2237). A Dutch immigration officer, for example, described their experiences escorting unaccompanied minors back to countries where the Dutch government financed reception centers that provide adequate care and reception. These centers are used when minors' families cannot be traced or if they do not tell officials about their family's whereabouts (Aliens Act Implementation Guidelines B8/6.1 ad 5c. d. and e). 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?" (Interview with Dutch immigration official, 30-04-2021, also interview with Dutch immigration official, 23-02-2021).

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, 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 (TK 2000-2001, 27062 no. 16).

In this statement, Kalsbeek primarily puts the blame for any 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) (see for example CRIV 51 COM 881, 08-03-2006). 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 arrange for guided travel. Policy officials understand arranging for travel to Europe as a costly endeavor, 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[6], 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 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 (TK 1999-2000, 27062 no. 12).

Yet, over the course of time, the social positioning of minors themselves has also been increasingly discredited, 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 2020). 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" (interview with Dutch policy advisor 19-06-2020, also in interview with Belgian policy advisor, 10-06-2020; see Cleton 2021 for a more elaborate discussion). 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 color, 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 are responsible for these assessments soon clarified that these assessments are far from straightforward. They described the need to strike a fair balance between guaranteeing "family unity"[7] 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?" (interview with Belgian immigration official, 30-10-2020, emphasis added).

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 (interview with Belgian immigration official, 28-10-2020). 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 2012). 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 (interview with Belgian immigration official, 30-10-2020; interview with Dutch immigration official, 30-04-2021).[8]

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 degree, other family members, or even adult non-family members and public or private organizations

(Aliens Act Implementation Guidelines B8/6.1 ad 5, ad a). 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" (TK 1999-2000, 27062 no. 12). 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" (TK 2000-2001, 27062 no. 14). 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 parenting 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, neighbors, 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 (emphasis in original) (TK 1999-2000, 27062 no. 12).

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 do 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 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 (interview Belgian immigration official, 28-10-2020).

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".[9] 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".[10] 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".[11] Previous work highlighted how such responzibilization 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 and infantilized 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[12], family mediation should provide insight into family 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 (interview with Belgian immigration official, 30-10-2020).[13]

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 2015). This later situation thus might lead to a decision in favor 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 compares 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" (interview with Belgian immigration official, 29-10-

2020) – this factor is taken into account. Reflecting on their own children's behavior, 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 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" (interview with Dutch immigration official, 30-04-2021).

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" (interview with Dutch immigration official, 23-02-2021), 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" (interview with Belgian AVR counselor, 01-04-2020a). Reintegration budgets for unaccompanied minors are higher than those for adults – due to the minors' "inherent vulnerability" (interview with Belgian AVR policy advisor, 11-05-2020) – 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" (interview with Belgian AVR counselor, 01-04-2020b). Such material and financial incentives are also increasingly available in deportation procedures, handled under the European Return and Reintegration Network (ERRIN)[14] – 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 coloring books to paying school fees for an extended period or doing construction work on houses or family businesses (interview with Dutch immigration official, 30-04-2021; interview with Belgian government policy advisor, 10-06-2020).

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" (TK 2000-2001, 27062 no. 14 on China), 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 (2020) 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 child-friendliness of such centers 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" (interview with Dutch legal guardian, 02-11-2020). 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 centers 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".[15] *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 (C/2017/6505, 56; interview with Belgian policy advisor, 10-06-2020), are an integral and normal part of such societies (TK 2000-2001, 27062 no. 16), and often turn out to be unnecessary due to the "waiting family" noted by the Dutch immigration official in the previous section (see also TK 2004-2005, 27062 no. 41; Lemberg-Pedersen 2020). 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 labor 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 (interview with Dutch policy advisor, 18-05-2020).

Discussion and conclusion

This article centered 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 2012; 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 article therefore empirically investigated how family norms operate in efforts to deport unaccompanied minors in two liberal European states: Belgium and 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 such 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 article 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 article 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-Northener 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 favor 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 child rearing 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.

Notes

[1] I use the term "illegalized" to highlight the institutional and political processes that render certain migrants "illegal".

[2] 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

[3] 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.

[4] For a full overview of budget allocations (in Dutch), see Fedasil's 'Terugkeer- en re-integratieprogramma (2015) at https://www.agii.be/sites/default/files/bestanden/documenten/terugkeer-_en_reintegratieprogramma_tabel_2015_fedasil.pdf

[5] 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.*

[6] 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.

[7] 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.

[8] 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.

[9] 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.

[10] Nidos (2012). “Een duurzaam (terugkeer) perspectief voor ama’s. Commitment van het kind en commitment van de familie. De dubbel C benadering” p.21.

[11] 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.

[12] While female genital mutilation can also be a ground for international protection, officers mentioned 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.

[13] See also TK 2019-2020, 34541 no. 13 for a similar debate in the Netherlands.

[14] See https://returnnetwork.eu/

[15] Nidos (2012). “Een duurzaam (terugkeer) perspectief voor ama’s. Commitment van het kind en commitment van de familie. De dubbel C benadering” p.15.

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