

Spring 2024

"Nous Sommes Enfants Avant Migrants" | "We Are Children Before Immigrants" The Making and Unmaking of the Child Migrant Through Age Assessments in France

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Recommended Citation

Wynters-Wright, Hannah, "'Nous Sommes Enfants Avant Migrants' | 'We Are Children Before Immigrants' The Making and Unmaking of the Child Migrant Through Age Assessments in France" (2024). *Senior Projects Spring 2024*. 325.

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“Nous Sommes Enfants Avant Migrants” | “We Are Children Before Immigrants”

The Making and Unmaking of the Child Migrant Through Age Assessments in France

Senior Project Submitted to

The Division of Social Studies & The Division of Languages and Literature

of Bard College

by

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Annandale-on-Hudson, New York

May 2024

Abstract

Amidst an increasingly restrictive immigration landscape, this research is focused on the practice of age assessments conducted on unaccompanied migrant minors in France. Despite the rise in international legislation safeguarding the rights of children, irrespective of citizenship status, France lacks a unified strategy for their protection. Instead, dozens of local government offices (called *départements*) carry out highly subjective age assessments to determine whether an unaccompanied migrant minor qualifies for protection. These offices enact a conflicting mandate in which the duty to protect all children is entangled with immigration enforcement practices. Against this backdrop, this research seeks to explore how the category of childhood is established, through following the threads of translation and biopolitical forces present in the age assessment procedure. It argues that the age assessment primarily operates in support of a moral economy where certain immigrant groups are deemed the state's ethical responsibility while others are disregarded. By highlighting the subjective nature and various levels of translation inherent in the assessment process, this project demonstrates that the evaluation of age is part of a broader biopolitical scheme to regulate and control translation contingencies, ultimately serving the objective of population management.

Dedication

For Kendi, Mana, Mohammed, Sabawoon, and Seydou.

This project is dedicated to the resilience of all young immigrants in France who have endured a double exile. Estranged from both their homeland and their childhood, this research serves as a tribute to the unaccompanied migrant minors in France often understood as neither children nor adults and thus forced into a space of non-existence.

Acknowledgments

Many thanks are owed for the creation of this project.

Thank you to my advisor and first politics professor, Simon Gilhooley, whose understated wisdom profoundly guided my writing. I am honored to have completed my first piece of research under your supervision.

Thank you to the Political Studies and French Studies departments at Bard College for nurturing my curiosity of language, political theory, translation, and migration, and the intricate encounters of these fields throughout the past four years.

Special thanks to professors Éric Trudel, Lucas Guimaraes Pinheiro, Marina van Zuylen, Mie Inoye, Odile Chilton, and Yarran Hominh. I have learned so much from each of you.

Thank you to the Human Rights department and the Consortium on Forced Migration, Displacement, and Education for the generous funding that made this research possible.

Thank you to all those who generously shared their insights and experiences in interviews for this project. Thank you for granting me the privilege of listening and the privilege of translating your stories.

Thank you to the strong-willed team that I had the honor of working with during my time interning for Utopia 56, both in Paris and in Calais. It was within your community that the seeds of this project were sown.

Thank you to my friends. To Claire and Jayla in particular, for friendship that has been integral to many facets of my life, and for ongoing conversation that has deeply informed my thought processes.

Lastly, thank you to my mother. Thank you for raising me to care and for raising me to act.

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Glossary

AEM = Support for the Assessment of Minority (The national biometric file created for UMs undergoing the age assessment)

ASE = Aide Sociale À l'Enfance (Assistance for Child Welfare or Child Protective Services in English)

CEAS = Common European Asylum System

DEMIE = Assessment Unit for Unaccompanied Foreign Minors in Paris

FTDA = France Terre D'Asile

MIE = Mineur Isolé Étranger (Unaccompanied Foreign Minor)

MNA = Mineur Non Accompagné (Unaccompanied Minor)

MMNA = Mission for Unaccompanied Minors

MSF = Médecins Sans Frontières (Doctors Without Borders)

PEMIE = Assessment Center for Unaccompanied Foreign Minors in Seine-Saint-Denis

PEOMIE = Assessment and Orientation Center for Unaccompanied Foreign Minors in Créteil

UNHCR = United Nations High Commissioner for Refugees

UM = Unaccompanied Minor

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Part I: Stories in Transit: Shaping Narratives Through Translation

Introduction

Child Migrants in Paris, June 2023

On June 20th, 2023, 450 unaccompanied child immigrants, primarily teenagers from West Africa and Afghanistan, peacefully set up tents in the heart of Paris. Gathered together on World Refugee Day, these children, referred to by the state as ‘mineurs isolés étrangers’ meaning ‘unaccompanied migrant minors’, held signs, centered on pressing needs, including access to education, secure housing, and the crucial principle of the presumption of minority. “We are children before immigrants”, “Dear President Macron: I want to go to school”, “In France, even dogs don’t sleep outside, so what are we doing here?”¹ read several of their posters.

The vast majority of these children risked their lives at sea, coming alone to France to seek refuge and protection. All had presented themselves to child protective services upon arriving in France and were decided to be adults or ‘illegitimate minors’ by age evaluators.² In Paris, every day, around a dozen young people are thrown into the street by public authorities on the pretext that they are not minors. This decision is currently left to dozens of local government offices (called *départements*) to carry out highly subjective age evaluations to determine whether an unaccompanied migrant minor qualifies for protection. These offices enact a conflicting mandate in which the duty to protect all children is entangled with immigration enforcement practices.

Situated across from the Conseil d’État, the highest administrative court in France and the protector of rights and liberty, these young people, with the support of several local NGOs,

¹ “[En cours] – Plus de 450 adolescents en détresse occupent pacifiquement la place du Palais Royal à Paris pour rompre le silence de l’État et demander une mise à l’abri immédiate.” Utopia 56 . 20 Juin 2023. accessed 20 March 2024.

<https://utopia56.org/en-cours-plus-de-450-adolescents-en-detresse-occupent-pacifiquement-la-place-du-palais-royal-a-paris-pour-rompre-le-silence-de-letat-et-demander-une-mise-a-labri-immEDIATE/>

² Throughout this project I use the term ‘age evaluator’ and ‘age assessor’ interchangeably.

vowed to stay camped out until they were promised a viable resolution. “They will all remain in front of this “guarantor of rights and freedoms”, to call on the government to open dialogue, respect international law, and offer accommodation and support adapted to their situation and vulnerability”,³ explained the refugee-aid association Utopia 56 in a press statement.

The 77 days prior to June 20th, were marked by a growing yet hidden presence of unaccompanied migrant minors in Paris. On April 4th, 2023, with the help of several local NGOs, 150 refused minors⁴ decided to occupy an abandoned elementary school in the 16th arrondissement of Paris, a metro stop away from the Champs-Élysées. Over the following 2 months, the number of inhabitants grew to more than 700 adolescents. All had launched appeal processes to the decision concerning their age but had nowhere to stay in the months leading up to their court hearing, a process that can take from 3 to 12 months.

Less than 12 hours after the tents were set up across from the Conseil d’État, law enforcement forcefully evacuated the young immigrants, destroying their shelters, using excessive tear gas, and executing over 30 arrests. With no alternative, the children dispersed across the city, most finding refuge on park benches and under bridges outside the city, returning to a state of invisibility. “France has abandoned us. We have no choice but to protest, to show what we’re going through” remarks Mohammed, one of the minors present at the demonstration.⁵

The past 3 decades in France have been marked by a cycle of simultaneous abandonment and control of this youth population by the state. Often understood to be in a “legal limbo,” the unrecognized minors are classified as neither children nor adults, thus they do not have access to any of the support structures designed for either of these groups, rendering them invisible by the government. “Before, we helped them search for shelter, now we help them search for hiding places”⁶ remarks Alice, a volunteer from Utopia 56, clarifying the shadowed spaces they are forced to occupy.

³ Ibid

⁴ Throughout this project I use several interchangeable terms to refer to the unaccompanied migrant minor population. These include but are not limited to ‘refused minors’, ‘young migrants’, ‘children refused their right of minority’, ‘unaccompanied migrant minors’, ‘unrecognized minors’, and ‘unaccompanied foreign minors’.

⁵ “Les migrants installés place du Palais Royale à Paris évacués. *Le Figaro avec AFP*. 20 June 2023, <https://www.lefigaro.fr/flash-actu/des-migrants-occupent-la-place-du-palais-royal-a-paris-20230620>

⁶ Boittiaux, Charlotte. ““Avant nous cherchions des abris, maintenant nous cherchons des cachettes” : à Paris, les mineurs à la rue, toujours plus invisibles”, *Info Migrants*, 31 Mars 2023, <https://www.infomigrants.net/fr/post/47906/avant-nous-cherchions-des-abris-maintenant-nous-cherchons-des-cachettes--a-paris-les-mineurs-a-la-rue-toujours-plus-invisibles>

The Figure of The Child Migrant in France

Because migration has been strongly regarded as an adult male phenomenon, the understanding of youth migration has not received the same level of scholarly and governmental attention. In France, the first documentation of unaccompanied migrant minors was recorded in the late 1990s. These populations were mostly documented in the South of France, in the port city of Marseille. Though composed of a multitude of nationalities, these were primarily youth from Bosnia, Algeria, Palestine, and Kurdistan. Foreign children who were not explicitly understood to be immigrants, but rather “wanderers.” “What to do with these children who cannot be deported nor regularized?”⁷ asks Dominique Lodwick in her 2016 article “Young Wanderers: The History of an Association.”

In 1993, the first association aimed specifically at aiding this transient youth population was created. This association was called “Jeunes Errants” translating to “Young Wanderers.” The term itself, *young wanderer*, conjures an image of existing in the liminal space, wandering between different systems and places. Lodwick distinguishes the figure of the young wanderer from the nomad, writing “Nomads know how to preserve themselves, carrying their culture and identity with them... Young wanderers carry their identity and family problems with them, rather than their culture. Because they have been the victims of double insecurity in their families, in orphanages, in detention in their towns of origin and then in transit, they are among the unaccompanied minors least able to cope with a particularly demanding migratory experience.”⁸

The goal of the association was not to legally integrate these immigrants into French society but rather to provide youth without a home a place to go. Because unaccompanied migrant minors are understood to be neither adults nor children this has resulted in a blurred interpretation of their experiences, placing them in a transitory space in French law and politics. Although the formal term ‘mineur isolé étranger’ was not defined in immigration law until 2016, the terms used to UM populations in the public sphere have evolved and been varied.⁹ In her 2010 work *Conférence*, French sociologist Angelina Étiemble writes about the vast range of expressions used to describe the unaccompanied migrant minor population in France. Some translations include “irregular minors,” “illegal minors,” “contested minors,” “referred minors,”

⁷ Lodwick, Dominique, « « Jeunes errants », retour sur l’histoire d’une association », *VST - Vie sociale et traitements*, 2016/2 (N° 130), p. 70-77.

<https://www.cairn.info/revue-vie-sociale-et-traitements-2016-2-page-70.htm>

⁸ Ibid

⁹ Throughout this project I use the acronym UM to refer to the unaccompanied migrant minor population.

“false minors,” “homeless minors,” and “undocumented minors.” Étiemble argues that these expressions accentuate the illegitimate nature of their presence in France, as “the terms “children” or “adolescents” are not often used in relation to them which allows them to be perceived above all as foreigners.”¹⁰ Furthermore, this lack of precision highlights the challenges associated with categorizing, in a broader context, a population that falls outside the conventional classifications of children, as well as those related to immigration or asylum.

Although the presence of unaccompanied migrant minors in France has been documented since the 1990s, the official tracking of UM populations did not start until 2013, with the creation of the MMNA (Mission for Unaccompanied Minors). In 2013, the French government documented the entry of 4000 unaccompanied minors from foreign countries.¹¹ By 2017, this figure had surged by 275%, reaching nearly 15,000 registered unaccompanied foreign minors arriving in French territory.¹² While nearly 15,000 individuals were registered as UMs in 2017, the number of applicants that claimed their minority was approximately 54,000,¹³ highlighting the significant percentage of young people who were denied minor status through the age assessment procedure. This initial influx of unaccompanied migrant children in the 2010s is what prompted French authorities to introduce regulated age assessment protocols to discern genuine minors from those potentially seeking additional state protections by falsely claiming minor status.

The Age Assessment Procedure

Before the legal notice of May 31st, 2013, age assessments for unaccompanied young foreigners in France lacked national regulation. The process was often arbitrary, with admission to the Assistance for Child Welfare (ASE) left to the discretion of individuals within the ASE, resulting in subjective judgments on whether a person was a minor or an adult. Acting through a sorting box framework, when a young person entered, it was up to the person working at the desk to judge them based on their physical appearance if they were under 18 or not. “Admission to the ASE was completely discretionary, there was the person in charge of the “unaccompanied

¹⁰ Étiemble, Angéline, *Mineurs isolés étrangers à la rue. Comment les protéger ?* Éditions Rue d'Ulm, « La Rue ? Parlons-en ! », 2010, <https://www.cairn.info/mineurs-isoles-etrangeurs-a-la-rue--9782728804450.htm>.

¹¹ Mission for Unaccompanied Minors. 2013 Annual Report. accessed 27 March 2024, <https://www.justice.gouv.fr/documentation/ressources/rapports-dactivite-mission-nationale-mineurs-n-on-accompagnes>

¹² Ibid

¹³ Mission for Unaccompanied Minors. 2017 Annual Report. accessed 27 March 2024, <https://www.justice.gouv.fr/documentation/ressources/rapports-dactivite-mission-nationale-mineurs-n-on-accompagnes>

minors” section, who received the person and said either you are a minor or you are an adult. There was no method for this, it was really up to the person working that day.” explained the former head of France Terre D’Asile (referred to as FTDA from now on), the association responsible for carrying out age assessments across several regions in France.¹⁴ If the person working had significant doubt about the age of the individual who entered, medical tests, notably bone age examinations, were the primary means of determining age and settling said doubt.

In 2010, a study by the French Office for the Protection of Refugees and Stateless Persons highlighted that only Sweden and Great Britain had developed alternative social methods for assessing age outside of medical expertise. During this year, FTDA proposed a similar social age evaluation model for France, which was eventually integrated through the legal notice of 2013. The legal notice aimed to standardize the social age evaluation process nationwide, acknowledging that assessments could not determine a precise age but focused on whether the claimed age of the young person was plausible. The official notice states that “the evaluation cannot conclude on a precise age, but on the fact that the young person may or may not be the age he or she alleged.”¹⁵ The evaluation procedure was to be carried out by either the direct governmental branch of the child services department in a given region (which is the case in 66% of départements), a publicly funded governmental association, such as FTDA (which is the case in 14% of départements), or a privately funded local association (which is the case in 4% of départements).¹⁶

The legal framework for minority assessments asserts that there must be an approach “imbued with neutrality and benevolence”¹⁷, during which the evaluators analyze the coherence of the elements collected during one or more interviews, asking, if necessary, for professionals from other specialties (psychologists, etc.). Article 3 of the law states that the assessment interview must be conducted in a language understood by the young person or, where appropriate, with the use of an interpreter. Article 4 states that professionals must take into account the interests of the child; they must have training or experience in knowledge of migratory pathways, geopolitics of countries of origin; child psychology; and minors' rights. Article 6 states that the interview must cover at least six themes: civil status, family composition,

¹⁴ Noémie Paté, *Minorité en errance. L'épreuve de l'évaluation des mineurs non accompagnés*, Rennes, Presses universitaires de Rennes, coll. « Le sens social », 2023, P. 75

¹⁵ Circular of May 31, 2013 relating to the arrangements for caring for unaccompanied young foreigners. accessed 27 March 2024, <https://www.legifrance.gouv.fr/circulaire/id/37174>

¹⁶ There are 96 départements in France, plus 5 overseas départements. The practices used in the overseas départements for determining age are not included in this project.

¹⁷ Ibid

the presentation of living conditions in the country of origin, the presentation of the reasons for leaving the country of origin, the presentation of the migratory journey until arrival in France, living conditions since arrival in France, and finally the person's project.¹⁸

On January 30, 2015, the French council halted the implementation of the 2013 legal notice, denouncing its irregularities. To strengthen the regularization of the age assessment procedure, the law of March 4th, 2016 was introduced, centered on child welfare, which led to a national program for the “protection, evaluation, and orientation of unaccompanied minors.”¹⁹ The aim of this law was to harmonize practices among départements, ensuring the rights of young people and their even distribution across the country. Additionally, a biometric procedure was implemented. This furthered the gap between French UMs and foreign UMs as it led to the creation of the national biometric file, in line with the Dublin law, which forms a key part of the Common European Asylum System (CEAS), and asserts that asylum seekers must claim asylum in the first country that they reached in the EU. Furthermore, the biometric file that was created ensured that all people irregularly entering Europe’s fingerprints were collected. The increasing standardization of the assessment reflects the idea of French philosopher Étienne Tassin, who defined the two main objectives of contemporary migration politics as “identification and assignment.”²⁰

The Value of the Child

The plethora of legislation in place that distinguishes the rights of children from adults raises the question of why we believe that children deserve more care than non-children. The prevailing notion of children deserving protection stems from the evolution of the concept of childhood, a relatively modern construction, largely shaped by societal changes. In the 2012 book *Human Development Across the Life Span*, authors Carol K. Siegelman and Elizabeth A. Rider posit that it was during the 1600s in Western Europe that children began to be viewed differently from adults. This period laid the foundation for our current understanding of childhood, emphasizing the autonomy and unique aims of children, but more importantly their dependency and need as developing beings. This idea was further developed during the Enlightenment and Romantic periods, with influential philosophers and political thinkers like Jean-Jacques Rousseau and John Locke contributing to the idea of a child through their works,

¹⁸ Ibid

¹⁹ LOI n° 2016-297 du 14 mars 2016 relative à la protection de l'enfant. accessed 28 March 2024. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000032205234>

²⁰ Ibid P. 93

Emile and *An Essay Concerning Human Understanding* which understand the figure of the child as a sovereign being.

The rising popularity of notions of childhood is also closely linked to the rise of identity papers and the state's evolving techniques to identify and control its citizens, which can be traced back to the early stages of the Third Republic in France during the 1880s. In “Civil Status and Identification in Nineteenth-Century France: A Matter of State Control?” author Paul André Rosental writes how identification in France, particularly for policing purposes, is closely linked to 'population movements,' most notably, mass immigration. This connection dates back to 1849 with the establishment of the *Casier judiciaire*, “a police record making it possible to track the movements of individuals, and notably recidivists – by the need to respond to ‘cosmopolitanism’ and the increased mobility of populations linked to the development of the railways.”²¹ Intrinsically linked to a state attempt to achieve control and order, the creation of social stratifications based on age was created to regulate what has otherwise been understood as an “institution without walls that governs our lives.”²²

In 1962, French medievalist Phillipe Ariès published his seminal work *Centuries of Childhood*, which contends that childhood is a historical concept and not an essential condition. Ariès argued that childhood should not be viewed as an inherent and unchanging condition throughout time. Instead, he highlighted that the concept of childhood undergoes transformations. Even if childhood itself remains constant due to biologically and psychologically determined developmental phases, the perception and experience of it vary across different periods and different places for both adults and children.²³

The current Western understanding of childhood has been best articulated by American philosopher Tamar Schapiro, who notes that “Our basic concept of a child is that of a person who in some fundamental way is not yet developed, but who is in the process of developing. It is in virtue of children’s undeveloped condition that we feel we have special obligations to them.” notes Schapiro.²⁴ When we ask the question “What is a child?” Schapiro asserts that the real question is “What, exactly, are we attributing to a person when we accord her the status of a “child”? To call someone a “citizen,” for example, is to make a normative claim, a claim that the person in some sense “belongs to” or “is a member of” a certain polity. This notion of “belonging” helps to guide us in deciding which facts to count as qualifications for citizenship (e.g., birthplace, ownership of property, etc.). Similarly, it may be possible to shed light on the

²¹ Ibid P. 139

²² Peatrik, Anne Marie. L'océan des âges. *L'Homme*, 167-168, 7-23. 2003
<https://doi.org/10.4000/lhomme.21476>

²³ Ariès, Philippe. *Centuries of Childhood; a Social History of Family Life*. New York :Knopf, 1962

²⁴ Schapiro, Tamar. “What Is a Child?” *Ethics* 109, no. 4 (1999): 716. <https://doi.org/10.1086/233943>.

meaning of “adult” and “child” as status concepts by clarifying the guiding notions of “developed” and “undeveloped” agency.²⁵ In France, the acknowledgment of an individual as a child can be seen as a quasi-recognition of their status as a citizen that needs and deserves to be taken care of due to their docile nature, or “undeveloped” agency.

These legal and cultural formations of childhood give us a foundation for what constitutes a child, but they beg the question of how someone with no documentation or experience of a Western notion of childhood is sorted into this category. In his 1845 autobiography, Frederick Douglass states “I have no accurate knowledge of my age, never having seen any authentic record containing it. I do not remember to have ever met a slave who could tell of his birth-day,”²⁶ emphasizing the idea of age as an identification connected to accessibility and the state's quest to regulate not only physical bodies but also the subjectivity and identity of people, making one's identity completely dependent on the gaze of the state. Recent research from UNICEF reveals that the experience of childhood as well as the documentation of civil status is a “hotbed of inequality around the world.”²⁷ In 2022, it was estimated that 164 million children under the age of 5 are without documentation, Africa being home to half of them.²⁸ Beyond the physical proof, the reality of children as individuals who attend school, refrain from working, and are well nurtured is not accurate to the reality of life for millions of children around the world. UNICEF's 2023 data on child labor indicates that 26% of children in West Africa and 26% of children in North Africa aged 5-17 are engaged in child labor.²⁹ Furthermore, in 2021 40% of West African children stopped attending school after primary school, either to work or help around the house.³⁰

²⁵ Ibid

²⁶ Douglas, Frederick. Autobiography. 1845:

<https://courses.lumenlearning.com/atd-herkimer-americanhistory1/chapter/primary-source-reading-frederick-douglass/>

²⁷ Musso, Sandrine. "The Truth of the Body as Controversial Evidence." In *Waiting and the Temporalities of Irregular Immigration*, edited by Jacobson, Christine, Karlsen, Marry-Anne, and Khosravi, Shahram. (P. 153). Routledge, 2021.

²⁸“More than half of the world's unregistered children under 5 are in Africa”, *UNICEF*, 24 October, 2022. accessed 26 November 2023,

<https://www.unicef.org/wca/press-releases/more-half-worlds-unregistered-children-under-5-africa-unic>

²⁹ Child Labour Database, *UNICEF* 1 June 2023. accessed 26 November 2023,

<https://data.unicef.org/topic/child-protection/child-labour/>

³⁰ White, Tamara “ Figure of the Week: Education participation rates in Africa increase, with some caveats”. *Brookings*, 27 October 2021. accessed 26 November 2024,

<https://www.brookings.edu/articles/figure-of-the-week-education-participation-rates-in-africa-increase-with-some-caveats/>

Legal Dimensions of Age in Immigration

In France, and throughout the Western world, a significant classification that influences the procedures for migrant populations is the age of the individual when irregularly entering the country. This is clearly expressed through The Geneva Convention relating to the Status of Refugees, which states that the only way to legally enter the country as a non-citizen is by gaining either status as an asylum seeker, or status as a child.³¹ The privilege of the child in immigration law is not exclusive to France. For example, in the U.S., the DACA policy (Deferred Action for Childhood Arrivals) allows certain undocumented individuals who entered the United States as children to request a deferral from deportation and to obtain temporary work permits. Throughout the world child migrants are afforded rights to education, shelter, and family reunification, that adult migrants are not.

The International Convention on the Rights of the Child, initially ratified in 1989, stands as the most widely embraced legal instrument which safeguards the rights of children. 196 countries are signatories to this convention, with Somalia and the United States being the 2 exceptions. The convention stipulates that all minors (people under 18) must be sheltered, educated, and given access to health care, “irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”³² Furthermore, the convention states that “a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State,”³³ specifically emphasizing the state’s obligation to protect all unaccompanied children irrespective of their citizenship status.

³¹ The Convention of Geneva, Article 31: Refugees Unlawfully in the Country of Refugee. accessed 27 March 2024.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>

³² *The International Convention on the Rights of the Child*, Article 2.1. accessed 27 March 2024,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

³³ *Ibid.* Article 20

Project Aims

Amidst this backdrop, this project aims to bridge the gap between the theories surrounding ideas of childhood, belonging, and identification and the practice of how these categories become established and implemented into legal frameworks. Focused on age assessments conducted on unaccompanied migrant minors in France, the project seeks to explore how these categories are established and executed. Two key questions guide this research: *How is childhood determined amid the increasing trend of youth immigration?* and *What are the objectives of the age assessment framework in France?* Essentially asking, how one translates an immigrant story into a framework of childhood. This project seeks to explore how the category of childhood is established through following the threads of translation and biopolitical forces present in the age assessment procedure which are used as tools to create different narratives of youth immigration.

The first chapter will lay out an approach to understanding the public cognition of child immigrants as an act of translation. This will be done by exploring the shifts in language used to describe UM populations, the role of auto-translation, and the inherent paradoxes within assessing childhood through the age evaluation framework. The focus of the chapter is on analyzing the transition from terms like "young wanderer" to "unaccompanied foreign minor" and its correlation with the emergence of the 'uncredible' and 'undesirable' immigrant in the public discourse, particularly influenced by the escalating rates of asylum rejections in the European Union. In this chapter, I will argue that the restrictive laws put into place in the E.U can be viewed as a reduction of acceptable categories for immigrants to be a part of, highlighting the role of language and translation in creating classification systems.

The second part of my project will look at the age assessment procedure as a site of translation. In this section, I will present my research through interviews that I conducted in January, 2024, with young immigrants who had been denied 'minor' status, as well as age assessors and juvenile court judges involved in these determinations. Alongside the interviews I will offer an analysis of 50 official refusal letters, issued across 7 *départements*, that detail the evaluator's assessment criteria and reason for denial. Chapter 2 will explain the analysis with an exploration of the different translations present in the evaluation process. This includes the role of spoken-word interpretation, the different typologies employed, and the various motivations guiding age evaluators in their process. The objective of this section is to understand how age evaluators translate ideas of age and childhood onto their assessment criteria and assess

whether their criteria genuinely align with what is being evaluated. In this chapter I will argue that the age assessment primarily operates in support of a moral economy where certain immigrant groups are deemed the state's ethical responsibility while others are disregarded.

Chapter 3 will share the findings from my own analysis in tandem with the findings from a 2019 report from Médecins Sans Frontières (MSF) titled “Unaccompanied Minors: The Symbol of an Abusive Policy.” The objective of this chapter is to analyze the letter of refusal as a translation of the assessment into the physical form, and examine the primary reasons employed to reject the minority status of a young person. In this chapter I will argue that through the narrative story becoming distilled into paper the child’s disconnection from their autonomy is exacerbated, ultimately rendering them as a further controllable subject of the state.

The third part of this project will be structured around the framework of Michel Foucault’s theory of biopolitics. In chapter 4 I will examine the state’s continued attempts to control and render the stories of child immigrants objective, through using the body as a form of evidence. In this chapter, I will discuss the use of the biometric procedure and medical assessments to determine age to examine the fundamental cyclical issues with the age assessment procedure, as the initial social assessment was implemented to escape the inaccurate and unethical bone tests, but reintroduced back into law in 2016 with the rise of anti-immigrant legislation in the wake of the mass wave of refugees arriving in Europe during this time. This chapter aims to conclude my research by understanding how the French state uses medical evaluations as part of a mass biopolitical plan to regularize and control the contingency of translation, ultimately serving the objective of population control.

My inquiry into the French child protection system for unaccompanied migrant minors is primarily a tool to understand the mechanisms and ideologies of childhood and migration present in this specific system, however, its broader aim is to contribute to a more comprehensive understanding of the role of biopolitics and the intricate relationship between autonomy and power in the context of immigration policies. By examining the translation of concepts like childhood, belonging, and identification through diverse frameworks, my research ultimately seeks to illuminate how state mechanisms attempt to control and govern the lives of vulnerable populations through the state’s attempt to render an untranslatable story objective.

Chapter I

Migration in Translation: Creating Legal Narratives

The word translation in English originates from the Latin word *translatio*, a combination of “trans,” meaning “across,” and “ferre,” the past participle of “latio”, meaning “to carry” or “to bring.” In essence translation meaning “a carrying across” or “a bringing across.” Though most commonly associated with the transfer of language, translation is also a tool to understand human movement and migration. Migration, often marked by exile, aspiration, need, and exploitation is also intrinsically linked to translation – the bringing across of a story that will be retold and reformed in a distant environment, far from where it originated.

The field of translation studies is growing in parallel with the rise in globalization, mass migrations, and transnationalism. French Marxist philosopher Etienne Balibar posits that “the language of Europe is not any of the existing national languages, but translation itself. Thus translation is being proposed as a base for a new European identity founded on cosmopolitan and migrant constituencies”.³⁴ Because translation has become inseparable from the human experience, the cultural and legal codings of migration that translation produces can often go unnoticed. The sites of translation that permit the creation of different narratives are varied – immigration courts, detention centers, and hospitals. Places where peoples' stories are recrafted, repaired, and strung together, in an attempt to create a story that fits nicely within a classification system. Most commonly these translations are produced through conversation, social assessment, and interviews, but they can also be produced through the physical body, a sort of extraction of the narrative that has been rendered as objective evidence by the state (this will be explored at length in chapter 4).

As a culture, we accredit migrants both as agents and products of translation. Through adaptation, transformation, and the negotiation of different cultural, social, or personal elements, immigrants are understood to be agents, actively involved in this translation process, and, at the same time, as the results and manifestations of this translation. In “Translation and Migration” Loredana Polezzi writes that, “Translation takes place not just when words move on their own, but also, and mostly when people move into new social and linguistic settings...

³⁴ Steyerl, Hito. “Beyond Culture: The Politics of Translation”, Accessed 27 March 2024, <https://translate.eipcp.net/concept/steyerl-concept-en.html>

people have a tendency to keep moving, to occupy multiple places and spaces at once, to be part of different yet connected communities,”³⁵ illustrating the non-linear nature of this translation process.

The translation process, spanning literal, cultural, and institutional dimensions, is pivotal in shaping how personal migration stories are represented and understood in a legal context. The established legal narrative becomes a tool, often for those advocating restrictions on irregular migration, that allows for the categorization of diverse migrant narratives using a sorting-box framework. This categorization is what gives rise to terms such as 'asylum-seeker,' 'refugee,' 'illegal immigrant,' 'undocumented migrant,' or 'alien'; each term carrying a distinct connotation and implication. Through these translations, we can understand how some immigrant populations are sorted into the 'honest and deserving refugee' category, while others are deemed as 'uncredible and dangerous.'

Polezzi points to the grave implications of these translations and mistranslations writing how “If we take into account people rather than, or at least as well as, texts, then the implications of “translating” them necessarily foreground ethical questions: there is, after all, a crucial difference between “manipulating”, “domesticating” or even “betraying” a literary work and doing the same with a human being.”³⁶

Translation of the Migrant into a Child

The root of the French word for childhood, “enfance”, comes from the Latin *infantia* meaning “unable to speak”, illustrating the underdeveloped agency that is linked to the figure of the child. Although the past several decades have been marked by an increasingly liberal understanding of child development, and the need to treat children as unique autonomous beings, ultimately the speech and actions of children are considered as less meaningful than those of adults. One demonstration of this differentiation is evidenced through the criminal justice system. In the United States, since the inception of the juvenile court in Cook County, Illinois, in 1899, states have acknowledged that children who engage in criminal activities differ from adults. As a group, they bear less blame as they possess less cognitive awareness and greater potential for transformation.³⁷ Tamar Schapiro demonstrates a similar understanding, writing how “the consent or dissent of a child does not have the same authority and moral

³⁵ Polezzi, Loredana, “Translation and Migration” In *Translation Studies*, 345-356, 14 August 2012.

³⁶ Ibid

³⁷ “Youth in the Justice System: An Overview”. *Juvenile Law Center*. accessed 27 March 2024. <https://jlc.org/youth-justice-system-overview#:~:text=Since%20the%20establishment%20of%20the,a%20greater%20capacity%20for%20change>.

significance as the consent or dissent of an adult.”³⁸, placing a child's speech and decision-making process in a blurry category.

In her 2017 book *Tell me How it Ends*, Valeria Luiselli, a former translator in the U.S. Children Immigration Court, writes about the process of translating the stories of immigrant children from Spanish into English. She explains how “The problem with trying to tell their story is that it has no beginning, no middle, and no end... The children’s stories are always shuffled, stuttered, always shattered beyond the repair of a narrative order.”³⁹ In the case of Luiselli, she is not explicitly trying to prove that these are children, rather she is trying to prove that they are children who require asylum. She explains how a child must respond to the questions in a manner that strengthens their case, to get any chance of securing legal representation. An answer is considered ‘correct’ if it reinforces the child's case and opens up a potential path for relief, such as providing detailed information about experiences like "sexual abuse by a family member" or "being subjected to violence by a gang"⁴⁰. “When children don’t have enough battle wounds to show, they may not have any way to successfully defend their cases and will most likely be removed back to their home country, often without a trial.”⁴¹ explains Luiselli. In this example, the translation process becomes a means through which a narrative is constructed. This narrative ultimately shapes whether the child is perceived as deserving of staying in the U.S. and creating a life there, or is deemed not vulnerable enough and therefore must be deported.

Although the age assessment procedure in France is distinctly different in that it operates under domestic law, not international law, and is therefore not directly related to the sphere of asylum, it relies on similar expressions of vulnerability from the applicant to prove their identity as a child. In her 2023 work *Minorité en Errance*, French sociologist Noémie Paté concludes that the ‘ideal’ unaccompanied minor, the applicant most likely to be accepted as a ‘legitimate’ child by the ASE, is someone who actively seeks and clearly requires protection in both behavior and physical well-being, is willingly engaged, but does not demand excessively.⁴² Furthermore, this ideal child is honest, non-threatening, and underdeveloped. Paté’s conclusion that the ideal applicant is someone with enough autonomy to actively seek protection already challenges the core epistemologies of childhood.

Due to their autonomy, the figure of the unaccompanied foreign minor, defined in the French context as anyone under the age of 18 who does not have French nationality and is in

³⁸ Ibid

³⁹ Luiselli, Valeria. *Tell Me How It Ends : An Essay in Forty Questions*. Coffee House Press, 2017. P. 2

⁴⁰ Ibid P. 61

⁴¹ Ibid

⁴² Ibid P. 249

France, separated from their legal representatives,⁴³ is one that inherently challenges the presumptions that we make when we ascribe the label ‘child’ to someone – a person without full autonomy, a person managed by a parent or guardian, manifestations of immaturity/inability, etc.

If the child is understood as a figure that is unable to speak, someone has to speak for them. Normally the person who speaks for them is their parent or legal guardian but in the case of UMs, this becomes the role of the government. However, to earn access to legal representation, the unaccompanied migrant child is first forced to speak (often not in their native language) to then prove their inability to speak. These premises allow for the age assessment procedure, which relies on the child to produce an auto-narrative or self-translation, to be understood as inherently stripping the child from their state of childhood. The larger system of child welfare, where the very process meant to protect and represent a child, inadvertently subjects them to procedures that challenge their fundamental status as a minor.

The paradox of translating the figure of the child migrant emerges again within the standards of the assessment procedure. The previously referenced 2013 law relating to the arrangements for caring for unaccompanied young foreigners clearly states that none of the information collected during the interview enables a thorough evaluation of the alignment between the age asserted by the young individual and their true age. “The evaluator will have to assess whether all the elements provided form a coherent whole. These elements will constitute a set of clues that will allow the evaluator to assess whether the young person may or may not be the age he claims to be” and as previously stated “The evaluation cannot conclude on a precise age, but on the fact that the young person may or may not be the age he or she alleged”.⁴⁴

Given that the standards of the assessment admit to its inability to directly translate age, we can understand how the inherent subjectivities of an evaluation that is meant to be objective lends itself to justifications of childhood or justifications of adulthood based on various factors not directly linked to the concept of ‘minority’ or ‘adolescence’. “If it’s a supposed objective evaluation why is any of the lived experience and emotion a part of it – obviously it’s not because the whole system of asylum rests upon subjectivity and emotion – there is an obvious merit to the “justification based on need,”⁴⁵ remarks one age evaluator in Paris, affirming the variable nature of the procedure.

⁴³ Mineurs Isolés Étrangers. France Terre D’Asile. 2013. Accessed 27 March 2024. <https://www.france-terre-asile.org/demarche-migrants/mineurs-isoles-etrangers-col-280>

⁴⁴ Ibid

⁴⁵ Ibid P. 233

Another paradox rests upon our societal ideas of ‘rites of passage’. In his 1909 work *Rites of Passage* French ethnographer Arnold Van Gennep notes that all rites of passage at their core are characterized by “three distinct phases: separation (leaving the familiar), transition (a time of testing, learning and growth), and return (incorporation and reintegration).”⁴⁶ The child migrant having to prove their state of ‘immaturity’ can be understood as a reverse rite of passage, as after separating and transitioning worlds, a journey that is characterized by autonomy, they have to assert an identity marked by vulnerability and victimization. In the words of Sandrine Musso, they are forced to “erase any form of agency.” to gain recognition.⁴⁷ A social worker at FTDA affirms this attitude remarking how “once they are accepted as minors there’s a tendency to infantilize them and not realize their capacities. It’s either criminalization or infantilization.”⁴⁸

Producing the Self and Auto Translation

As discussed in the introduction, the evaluation of age relies heavily on the child as an involved agent, capable of producing his own story or auto-narrative. This narrative is expected to be not only convincing and credible but also in line with Western/commonly accepted notions of childhood, even if the individual’s actual childhood may not confirm these ideas (this will be explored at length in chapter 2). In her work, Paté explains how many young people evaluated do not know their own age. “Contemporary Western societies value age as an indicator of social positions, a way to individualize and insist on the personal and singular identity of individuals... this idea is much less present in holistic societies,”⁴⁹ writes Paté, explaining how the “age class” is a more common way of understanding age in West African societies, which does not directly correlate to singular ages. “The notions of age and majority are therefore relative”⁵⁰ she continues. Because the evaluation forces the child to express their age in a manner that will be deemed acceptable by French age evaluators, there is a large gap missing between what it means to be a child in France and what it means to be a child elsewhere.

Starting in October of 2013 Paté spent 10 months as an age evaluator for FTDA in Créteil, a suburb of Paris. In her work she shares several anecdotes where this gap in understanding is clearly expressed. “Do you know why you’re here?” asks Paté to one person she

⁴⁶Van Gennep, Arnold. *The rites of passage*. Chicago: University of Chicago Press. (1960). (Original work published 1909).

⁴⁷ Ibid

⁴⁸ Ibid

⁴⁹ Ibid P. 252

⁵⁰ Ibid

is evaluating. “To be a minor.” responds the individual. “And why do you want to be a minor?” she probes. “To have a good job and a better life.” he responds. In another evaluation the young person tells her how he doesn’t “understand the difference between a minor and an adult. What do I have to say to be a minor?” he asks.⁵¹

In my own interviews, the responses I received similarly indicated the vast disparities in UM’s relationship with their childhood. “It’s normal that I wouldn’t be viewed as a child here, it’s two different worlds” says Mana, originally from Cameroon who arrived in France at the age of 16, and was told that his “behavior was not believable to that of a genuine minor.” “We didn’t grow up like that” he says referencing the absence of parents and education in his early life, concepts that are closely linked to the Western understanding of childhood. Furthermore, he explains how before coming to France, his conception of age in relation to time was completely different. “I never knew my actual birthday,” he says, explaining how in Douala, the city he grew up in, birthdays are not celebrated or remembered.⁵²

Kendi, originally from the Democratic Republic of the Congo (DRC), arrived in France at the age of 15. During our interview he expressed how it didn’t matter how he presented himself or his story to the age evaluators because “the decision had already been made as soon as I walked in the room.” He describes the evaluation procedure as being one of many procedures in France that is “full of racial discrimination.” “In France, the childhood of the black man doesn’t exist” he recounts, expressing that as a black person in France, there was no way that his expressions of vulnerability or adolescence would be translated into the figure of the child.

These interactions show us how many instances of self-translation deviate from the conventional binary model, where a pre-existing source text seamlessly traverses linguistic or cultural boundaries in a linear manner. Because there is no standard of what any of these ideas

⁵¹ Ibid. P. 242

⁵² In recent years, studies have been done surrounding the phenomena of the large number of African immigrants with the birthday of January 1st. This is partially due to the fact that many African cultures don’t keep track of birthdays or use the same calendar, and partially because many migrants never had access to identity documents, or left them behind when fleeing their country. The 2009 article “Many refugees celebrate assigned birthdays on Jan. 1” from *The Seattle Times* explains how the Jan. 1 birth date is a common birth date assigned to immigrants by the U.S Citizenship and Immigration Services who don’t know their actual birthday. Another reason for choosing the January 1st birthday may be due to the fact that other cultures do not easily disclose their date of birth. For example in the Malian Soninke language one would commonly say something that could be translated as ‘born around,’ rather than the exact date of birth.

of childhood, minority, or age mean, we are left with stories that are untranslatable through the framework that is currently trying to render them objective.

In her 2017 work “Under evaluation unaccompanied migrant children’s drawings: an iconic escape on suspicious land,” Paté collected 57 drawings that UMs undergoing the age evaluation procedure made, as a way to deliberately refrain from categorizing children solely as non-adults or measuring their proximity to an “ideal” child. Instead, the objective was to depart from the conventional adult perspective and, in fact, to start understanding the child from the child’s own vantage point.⁵³ Of the 57 drawings collected from applicants aged 7-17, 35 were of classically child-like images, including trees, houses, and animals. The other 22 were of images directly related to immigration, including boats, planes, the sea, soldiers, borders, and interracial meetings. “During this other moment of transit that is the time of evaluation, these young migrants have to present elements to “prove” their minority and their isolation, which is translated by an institutional order to be visible, transparent. In this context, these drawings – new resources for the child as for the researcher –, are talking to us about childhood and about the effects of migration on the social world of the child”⁵⁴ writes Paté, emphasizing the importance of less conventional tools of translation to accurately configure the child migrant and their narrative.

An Evolution of the Public Understanding of Unaccompanied Minor Populations

The evolution of terminology and ideology used to address UM populations can be understood as a process of translation in itself that reflects changes in care models, legal systems, public perception, and political agendas. As mentioned in the introduction, the influx of child immigrants that France experienced during the 1990s was commonly referred to as ‘young wanderers’, a term that fails to fully define or ‘translate’ a population. In the 2004 article “J’Habite Pas, Je Suis de Partout: Les jeunes errants à Marseille, une question politique,” French author Marine Vassort writes on the paradoxical translation that the term “young wanderer” produces. “It combines opposites: the duty to protect and the impossibility of integration; increasing urban visibility and invisibility linked to the absence of evaluation; the obligation to take charge and the failure to leave the system, as well as insufficient educational resources,”⁵⁵

⁵³ Paté, Noémie. “Dessins de mineurs migrants isolés en situation d’évaluation : une échappée iconique en terre soupçonneuse”. 22 March 2020.

⁵⁴ Ibid

⁵⁵ Vassort, Marine, « « J’habite pas, je suis de partout ». Les jeunes errants à Marseille, une question politique », *Espaces et sociétés*, 2004/1-2 (n° 116-117), p. 79-92. <https://doi.org/10.3917/esp.116.0079>

Ever since the genesis of the figure of the young wanderer in the French psyche, there has been discussion and confusion around the terms used to describe this population that occupies a seemingly liminal space. In her work, Vassort uses a quote from a manager of a rehabilitation center for youth in Marseille “At first, we spoke of 'young wanderers'. Then we all got lost in that, so we talked about 'isolated youngsters', and now in the latest articles we're talking about 'street kids'! So we change without ever specifying. Do "young strays", "unaccompanied minors" and "street children" mean the same thing? I don't think they do. But when we talk around the tables, we're always talking about the same young people, but giving them different names” he says.⁵⁶ As Vassort elucidates we see how the translation that the term ‘young wanderer’ produced places these children in a blurry category, rendering them as vulnerable, because they are young, but unprotectable, because they are nomadic non-citizens.

In 2001, the surge in child immigration throughout France overwhelmed the present associations/NGOs that were providing care for this youth population. Vassort posits that the shift from the term “wandering young person” to that of “unaccompanied foreign minor” corresponds to the “transition from associative care to “public” care provided by the Child Welfare Services.”⁵⁷ The term “unaccompanied foreign minor” “raises the question of the articulation between institutions: between the judicial and the educational, between the general council and the State.”⁵⁸ Essentially, this quasi-legal term breaks allows for the use of several different legal systems to become involved depending on the situation. It also allows for a more accurate quantification of the population, as the identity of the “young wanderer” is characterized by transitory behavior that inhibits regulation.

The shift from “young wanderer” to “unaccompanied foreign minor” also coincides with how the figure of the ‘uncredible’ and ‘undesirable’ immigrant emerged within the public sphere, through the increase in asylum rejection rates throughout the EU during the 2000s. This shift is marked by a departure from the portrayal of refugees as victims to the characterization of asylum seekers as "lying." The implementation of increasingly restrictive laws within the EU can be interpreted as a deliberate narrowing of acceptable categories for immigrants. In this context, unaccompanied migrant minors are compelled to navigate a complex web of stringent regulations, reinforcing a perception that challenges their credibility and legitimacy within the immigration process.

Although the term “unaccompanied foreign minor” has been used in the public sphere since the early 2000s, it wasn’t until 2016 that the Ministry of Justice chaired a meeting of the

⁵⁶ Ibid

⁵⁷ Ibid

⁵⁸ Ibid

monitoring committee for the national protection, evaluation, and orientation system in which an official decision was made to use the terms 'mineurs non-accompagnés,' and 'mineurs isolés étrangers' translating to "unaccompanied foreign minors" to refer to this population. The decision to regulate the terminology coincided with the peak of the 2016 'refugee crisis,' during which Europe experienced a significant influx of refugees. Marked by heightened public attention and political scrutiny, the state's decision to officially label this population is one example of how translation was used to impose further control.

A current reflection of translation being used as a tool to mirror an increase in suspicion and restriction is the immigration law that the French Parliament adopted on December 19, 2023, which further distances the figure of the French UM from the foreign UM. Article 11ter of this law creates a national file, storing the fingerprints and photographs of "delinquent" or "supposed-delinquent" foreign UMs, an explicitly discriminatory provision as it only impacts immigrant UMs. Far-right leader Marine Le Pen has described the adoption of this law as an "ideological victory" for the country. The Human Rights League alongside 50 other NGO groups issued a statement after the passing of this law calling it "the most regressive bill of the past 40 years for the rights and living conditions of foreigners, including those who have long been in France."⁵⁹

⁵⁹ This law negatively impacts UM populations in various ways. Several articles of the law that explicitly target child and young-adult immigrants are explained as follows: Article 7ter limits the rights of young adults who were initially recognized as UMs to obtain a residence permit making their likelihood for deportation after turning 18 more likely. The provision limits the criteria for obtaining a "private/family life" residence permit which is the fully legal residence permit given to UM's before they turn 16 to live in a familial setting. With this law, the young person must now, upon reaching the age of majority, prove that they are not in contact with their family in their country of origin. This is contrary to the International Convention on the Rights of the Child, which guarantees all children the right to a family life and contact with their family. Article 1er and Article 19 bis B remove state medical aid, which most UMs and young immigrant adults use as their primary health services. These articles also state that no medical aid will be given to someone who has received an ordinance to leave French territory. Article 1er introduces the need to demonstrate a sufficient level of language to access regularization. This is discriminatory because UMs often face obstacles in accessing education. On average UMs lose between 6 months and 3 years of schooling, due to administrative or legal procedures, as well as the oversaturation of French language learning programs.

Conclusion

This chapter has aimed to understand the role of translation in creating narratives of immigration, narratives of childhood, and ultimately narratives of child immigration. The evolution of terminologies that have been used during the past 3 decades in an attempt to categorize this youth population, within the increasingly stringent legal immigrant framework in France, can be understood as a “bio-politic” of language, an idea that Polezzi explores in her previously mentioned work. Because translation is a form of proliferation, a means of accessing the "outsideness", which is inherently unfixed, translation is therefore always evading attempts of control. Translation being used as a tool to render a story objective is inherently paradoxical given the unfixed nature of it. The evolution of terminology and ideology over the years is presented as a process of translation in itself, reflecting societal shifts, mass movement of people, and changing political ideologies.

As the exploration of translation unfolds, it becomes evident that the nuances and complexities of immigrant narratives, especially those of child immigrants, defy easy categorization and translation. Moreover, it shows that defying easy categorization and translation requires time and an ethic of care that the enterprise of asylum and the structure of the age assessment don't allow for. The chapter concludes by setting the stage for a deeper exploration of the tangible representations of these translations. In the following chapter this will be addressed through an exploration of the site of translation, the age assessment interview.

Part II: The Site of Translation: The Age Assessment

Moving into the second phase of this project, the focus shifts to unraveling the constructions of different narratives that occur at the physical site of translation, the age assessment interview. This section will include 2 chapters. This first chapter (ch.2) aims to explore what factors and internal processes go into play during the evaluation procedure. This includes the role of spoken word translation, the use of typologies, and the various motivations guiding age evaluators in their process. The objective of this chapter is to understand how age evaluators define age and childhood through their assessment criteria and assess whether their criteria genuinely aligns with what is being evaluated. Shifting from the more general translations of ideologies and terminologies discussed in Part 1 this chapter will narrow in on the translations of the individual narrative that is constructed through the evaluation. Continuing with the work of Noémie Paté, in supplement with my own interviews that I conducted in France, I aim to uncover how the evaluation of age is often conducted in a manner that better reflects an evaluation of morality, an idea developed by French anthropologist Carolina Kobelinsky, whose research focuses on asylum policies and the anthropology of the law and state.⁶⁰

The second chapter (ch. 3) will look at the tangible translation of the assessment, the letter of refusal. The letter of refusal can be understood as the product of the assessment and a translation of the social evaluation into the physical form. The letter holds particular importance because to appeal the negative decision made on the status of minority (something around 50% of refused UMs do), the young person must first present the letter of refusal to the juvenile court to launch the process. In this chapter, I will explore how through the extraction of the narrative into a piece of paper (often written in a language that the young person does not understand), that primarily functions for the state, the child gets further alienated from their autonomy, becoming defined through the gaze of the state.

⁶⁰ Kobelinsky, Carolina, “ Les situations de retour. Restituer sa recherche à ses enquêtés », dans : Alban Bensa éd., *Les politiques de l'enquête*. Paris, La Découverte, Recherches », 2008, p. 185-204, <https://www.cairn.info/politiques-de-l-enquete--9782707156563-page-185.htm>

This chapter will be structured around an analysis of 50 rejection letters delivered to UMs across France who were decided to not be ‘genuine minors’ based on age evaluations. The 50 letters I will base my analysis on are dated from November 2021 to March 2023 and originate from 7 different evaluation centers in France located in Paris, Bobigny, Tours, Créteil, Evry, Blois, and Lille. The letters from Paris, Bobigny, and Créteil were collected from my time as an intern and volunteer for Utopia 56, the previously mentioned refugee aid organization. I acquired the letters from Tours, Evry, Blois, and Lille through fellow volunteers who had engaged with Utopia 56 in different regions of France. To protect the confidentiality of the individuals mentioned, any identifying information such as names, exact dates, and countries has been either anonymized, changed, or omitted from these letters.

Chapter II

As previously discussed in Part 1 the age evaluation must cover six themes. Civil status, family composition, the presentation of living conditions in the country of origin, the presentation of the reasons for leaving the country of origin, the presentation of the migratory journey until arrival in France, living conditions since arrival in France, and the person's project/goals in France. As evaluations typically last around 30 minutes, coupled with constraints on the young person's capacity to articulate all facets of their life clearly, and the inherent challenge in definitively proving if someone is above 18 or not evaluators resort to various justifications to accept or reject an applicant. In her research, Paté defines five main underlying features of the evaluation process. Those can be defined as follows:

- Firstly, the significance placed on "objectivable" data, including critical scrutiny of civil status documents and quantitative assessments.
- Second, evaluators lean on typologies rooted in stereotypes based on the individual's nationality, physical attributes, and conduct.
- Third, the notion of merit, particularly in terms of presumed integration capacity, holds weight in the evaluation process, subtly moralizing the assessment.
- Fourth, suffering and vulnerability emerge as justifications for protection, favoring certain profiles over others, creating a link between the evaluator's commitment and the evaluated migrant's background.
- Fifth, the concept of "narrative legitimacy" surfaces, wherein the evaluator assesses the authenticity, credibility, and coherence of the migrant's life story.⁶¹

To understand how these features come into play I have broken this chapter into four sections. Mirroring the focus of the introduction and ch.1, I will explore the role of translation, as a critical aspect of how the objective narrative becomes established, looking specifically at the translations done 'on the site' of the assessment. In this section, I will show how a story of migration becomes interpreted either into a legal narrative of 'vulnerable' childhood or one of 'suspicious' or 'lying' adulthood. Next, I will examine the role of typologies. This section will focus on the inherent vagueness present in the letters (which will be explored more in ch. 3) and its correlation with typologies, exploring how ambiguous content interacts with categorization

⁶¹ Ibid P. 214-249

systems and the challenges of fitting such content into predefined typologies. Subsequently, I will explore how the role of doubt and suspicion enter the process and are perceived as the only 'certainty' in the evaluation. In the fourth section, I will argue how these three steps of the assessment lead to an evaluation procedure characterized by moralization and the expression of a personal conviction towards the young person being evaluated, rendering the assessment subjective.

Step 1: Spoken Word Translation

As previously discussed, the retelling of a story in an unfamiliar framework, far removed from its original context, relies heavily on translation and interpretation. Translation is at the heart of the transmutation of a convoluted migratory story into an institutional framework that seeks to find the truth and make a classification. Beyond the language barriers and psychological barriers that may be present, there are also cultural and linguistic differences in how people discuss ideas of childhood and age. Anthropologist Sandrine Musso explores this concept, coining civil age as an "untranslatable idea between cultures." Musso points to the example of civil officials working in Aubervilliers, a suburb of Paris, who did not understand "why so many of the migrants originally from Mali were born on December 31st or on the 1st of January." Philologist Barbra Cassin explains this through the fact that "Maliens do not easily disclose their date of birth. In the Soninke language, one would commonly say something that could be translated as 'born around,' rather than the exact date of birth." Further on, she explains that for some Malians, disclosing their exact date of birth is equivalent to giving information seen as an intrinsic part of who they are, and thus, a power that can be held over them.⁶² In contrast with other situations where a translator is used only to gather objective information, within the framework of the age evaluation not only are the words spoken of great importance, but so is the manner in which they are delivered. The way that the story is translated is particularly important to the creation of narrative legitimacy. Within the justification of a refusal based on precision and coherency (which appears in 84% of cases), lies the potential problem of translation.

As discussed, the systems in place that manage asylum claims and immigration rely on the subject to produce an oral testimony. They make the assumption that a 6-year-old from Honduras can tell you why she came to the U.S, if anyone hurt her or threatened her along the route, the exact date she crossed the border, and the immigration status of any of her family

⁶² Ibid

members in the U.S.⁶³ They make the assumption that a 15-year-old from Rwanda who has spent his life in exile and flees his country after being tortured by the police for wearing a T-Shirt of an opposing political party could remember what month he stopped attending school.⁶⁴

In both cases the framework operates with the burden of evidence lying on the child. The child must engage not only in auto-storytelling but in auto-translation to prove their story to the institution. Instead of the age evaluator or the lawyer proving that the child's claims are valid, the child is expected to provide substantial, numerical, detailed evidence to support themselves. To put it in other words the child must act like an adult.

In an interview that Paté conducts with a translator who works at the assessment center in Créteil, the translator details the two primary roles that one can choose to take on in the job. [You can either] “stick to the role of public writer, staying as close as possible to the narrative spontaneously produced by the asylum seeker, or assume the role of “interpreter”, reshaping the discourse of asylum seekers by proposing reformulations of the story that fit in with legal and social imperatives.” he explains.⁶⁵

In the previously mentioned work *Tell Me How It Ends: An Essay in 40 Questions* Valeria Luiselli recounts an experience of going through the asylum questionnaire with 2 young girls who were not giving her answers that pointed in the direction of building a successful defense for an asylum claim. “The girls were so young and even if they had a story that secured legal intervention in their favor, they didn’t know the words necessary to tell it,”⁶⁶ explains Luiselli, evoking the same assumption that the age evaluation in France relies on. The idea that the subject is capable of speaking and telling their story.

Step 2: The Typology

Although spoken word translation is the most tangible form of translation used during the assessment, typologies are another form of translation that emerge before the actual interview begins. When a young person arrives at an evaluation center and initially meets with the social workers, they undergo a categorization based on typologies, triggering immediate stereotypical assumptions and subsequent anticipations. Evaluators utilize specific frameworks

⁶³ These are examples of questions included in the questionnaire used in U.S Citizenship and Immigration Services, referenced in Valeria Luiselli’s cited work *Tell Me How It Ends: An Essay in 40 Questions*.

⁶⁴ Étiemble, Angéline, Les mineurs étrangers en France. Évaluation quantitative de la population accueillie à l’Aide sociale à l’enfance. Les termes de l’accueil et de la prise en charge, Rennes : Quest’us ; Paris : Direction de la population et des migrations, octobre 2002, 272 p 61

⁶⁵ Ibid P. 84

⁶⁶ Ibid P. 66

that systematically structure their line of questioning, constructed from preconceived notions surrounding nationalities, physical appearances, and behaviors exhibited by the individuals being assessed. Once the nationality of the individual is established, a set of questions is produced that will guide the evaluator in their process, with questions that pertain specifically to the cultural and political events / climate in the home country of the young person being evaluated. But with the set of generated questions, there is also a set of generated stereotypes and assumptions.

Barack, a former social worker at FTDA that I interviewed, shared how he had to step down from the role because it became too emotionally difficult. At FTDA Barack was the first contact the young person would have. He would ask the biographical questions that would create a general profile of the person which would subsequently produce a typology of questions. He would also ask them questions that would be discussed during the interview. Subsequently the file would be transferred to the evaluator who would use their answers as a reference during the interview. "It's to see if the young person will change his responses" says Barack, evoking the same importance of 'narrative credibility' and truth-telling.

"For me, when I started the job I didn't think that I was directly involved in the evaluation, in making a decision. But when I start to analyze it a little I understand that I was creating a guide for the evaluator" he remarks. "You know it's not easy to see age with Africans.. I always have difficulties with telling someone's exact age" he continues, partially explaining why he left the job. Reflecting on his own background in sociology, in which he understands conceptions of age to be greatly varied Barack tells me that "Because I'm a sociologist I can't say that I ever know their age" "You can evaluate their situation but not their age." he remarks

Despite the various national laws and international treaties that France is a part of which emphasize the equal rights of all children regardless of nationality, in this context of significant uncertainty, evaluators rely on essentialized representations to dispel doubts. Throughout the investigation, reactions and treatments based on nationality have emerged, leading to the association with stigmatizing collective portrayals of different groups of people. Paté notes how Malians are characterized as "resourceful" and "well-connected minors" who are all "mandates" sent to France and often carry false documentation. Guineans are seen as prone to "saying anything," complicating efforts to advocate for them. Congolese minors are perceived as manipulative, aiming to elicit sympathy with "stereotypical stories." Egyptians are described as managing chaos and exhibiting "insolence", forming close-knit groups upon arrival. Algerians, Moroccans, and Tunisians, despite being seen as "small" and genuine minors, are deemed

"impossible to handle" due to a lack of demand for their services and being frequently under the influence of drugs.⁶⁷

Paté reveals a pattern where certain nationalities encounter a higher rate of rejection or acceptance. For instance, the data from her study highlights that Malians, the most prevalent nationality, face the highest rejection rate, suggesting a possible link between typical nationalities and assessment severity. She notes that while Malians have a lower acceptance rate (44%) compared to the general rate (56%), Egyptians, a minority in the study (accounting for 27 out of 729 evaluations), exhibit a significantly higher acceptance rate (99%)⁶⁸ when compared to the general acceptance rate. This discrepancy demonstrates how discriminatory structures within evaluations result in unequal treatment based on racial preferences, impacting the allocation of child protection services. To add to Paté's analysis, I would argue that there is also a correlation between individuals from countries with higher literacy rates, and increased acceptance rates in the age evaluation process. For example, according to the World Bank, the literacy rate in Egypt in 2021 was 73.09%⁶⁹, while the literacy rate in Mali in 2020 was 30.76%.⁷⁰

This also brings forth an aspect of racism/colorism and the discourse of development that could potentially be present within these statistics. As Paté shows, those coming from countries in the Middle East and Northern Africa (often from countries with higher literacy rates that have 'whiter' populations) are more likely to be accepted than those coming from countries in West Africa, with lower literacy rates and a more racialized population. During the summer of 2022, various refugee aid NGOs in France critiqued the French government and particularly FTDA's preferential treatment towards Ukrainian refugees over non-European refugees who had escaped similar conditions, such as refugees from Afghanistan. Within this correlation lies the idea of 'merit', and the concept that the young people who are better educated and more accustomed to European 'traditions' will be easier to integrate into French society. This also reveals that those who have experienced something closer to a 'French' or 'Western' childhood are more likely to be accepted as genuine minors. Through this we can gather a connection between the type of person accepted as a 'genuine minor' and their ability to navigate the bureaucracy and engage with the state.

⁶⁷ Ibid P. 220

⁶⁸ Ibid

⁶⁹ "Egypt Literacy Rates 1976-2024". *Macrotrends*. accessed 3 December 2023. <https://www.macrotrends.net/countries/EGY/egypt/literacy-rate>>Egypt Literacy Rate 1976-2023 www.macrotrends.net.

⁷⁰ "Mali Literacy Rates 1976-2024". *Macrotrends*. accessed 3 December 2023. [href='https://www.macrotrends.net/countries/MLI/mali/literacy-rate'](https://www.macrotrends.net/countries/MLI/mali/literacy-rate)>Mali Literacy Rate 1976-2023. www.macrotrends.net. 3.

To show how this typology becomes established and the different levels of weight that different evaluators place on the role of the typology, I will use the example of a fictitious case of Amadou, a young Malian who claims to be 16 that Paté presents to a group of evaluators. His biography is as follows:

Amadou is originally from Bamako, the capital of Mali. He speaks Soninké, Bambara, and a little French. After the death of his father, his mother married his uncle. His uncle has no children, and he claims to have no brothers or sisters. Amadou began school at the age of 6 and stopped 3 years later at the age of 9 when his mother married his father's brother, his uncle. His uncle helps his mom out but Amadou and his uncle don't get along so he spends a lot of his childhood in the streets with his friends. With the help of his mom, who sells food in the streets, he organizes his departure to Europe. Amadou passes through Mauritania, goes up to Melill and eventually arrives in Greater Spain. He arrived in the Paris region a week ago by bus and had been staying at a residence shared by other Malians (a *foyer Malien*) until today. After a week, someone else living there directed him to go to the evaluation center for minors so he could get properly taken care of. When Amadou arrived at the evaluation center he presented an identity card that was issued a few days before his initial departure.⁷¹

After presenting the initial story, evaluator F immediately responds. "Well he's already Malian. Personally, I almost no longer plead for Malians, with some exceptions. Frankly, they're not young, they're big guys."⁷² states the evaluator. Through this, we can understand the heavy role that the typology plays for this evaluator F.

Among the other evaluators, their first reflex is to "reduce the field of uncertainty" and bring out "numerical elements which can be linked to determine the age." Typically these numerical elements are related to schooling and family, but given that Amadou only attended school for 3 years and has no siblings this will be hard to do. For Evaluator L, Amadou's remarks about his family composition raise doubts: "Given Mali's birth rate, I would tell him that it's weird. I would try to ask about cousins. It's not possible that the young person is an only child where there is an average of 6 to 7 children per woman"⁷³ explains the evaluator.

⁷¹ Ibid P. 208

⁷² Ibid

⁷³ Ibid P. 209

Step 3: The Blade of Doubt

It is in this stage of the age assessment that doubt and suspicion arrive. Paté defines doubt as not only a critical instrument but a weapon with a structural function. When doubt emerges, it is used as a justification to cover all grounds of certainty. Doubt is overvalued by evaluators because it is the only point of certainty that serves as a selection system.⁷⁴ At this stage, evaluator L makes a decision based on the presented elements, deciding not to plead for Amadou's minority status. "If you have nothing else, you don't plead."⁷⁵ she remarks. A third evaluator, Evaluator M, explains how if she doesn't have numerical elements that support the individual's age, she will sometimes find other reasons to plead, often related to behavior. "If you have nothing but you see that the guy can't really speak, I have to manage to make him talk... if he tells you an anecdote and it really seems like the way a child speaks.. Then I plead"⁷⁶ [in favor of his minority] she says. The fourth evaluator, Evaluator E, illuminates another reason for pleading despite strong numerical evidence in favor of the individual's minority, that relating to perceived vulnerability. "I admit, if the young person seems particularly lost or if he has experienced difficult things on the route. I will have a tendency to try to plead despite everything."⁷⁷

To use the words of French anthropologist Didier Fassin, arbitrariness (or doubt) is an "irregularity of power."⁷⁸ It is neither objective nor subjective. It is all encompassing yet often not tangible. "Of course, the hearing can allow equivocal facts to be clarified and new evidence to be presented, to support an account. But something else is at play here; it is the sincerity of the applicant. It will support the veracity of an account or can even entirely substitute for it when there is a lack of evidence"⁷⁹ writes Fassin and Kobelinsky in their 2012 work *How Asylum Claims Are Adjudicated: The Institution as a Moral Agent*, which explores the institutionalization and differentiation that the process of asylum has undergone in contemporary times. In other words, the presence of doubt can change the 'real' victim or the 'legitimate deserving refugee' into the 'fake victim' or the 'lying unbelievable migrant.'

Paté references several of the reports that she came across as an age evaluator. The reports include the details of the story that the denial letters do not. One report states "we

⁷⁴ Ibid

⁷⁵ Ibid P. 210

⁷⁶ Ibid

⁷⁷ Ibid

⁷⁸ Ibid P. 152

⁷⁹ Fassin, D. & Kobelinsky, C. (2012). Comment on juge l'asile: L'institution comme agent moral. *Revue française de sociologie*, 53, 657-688. <https://doi.org/10.3917/rfs.534.0657>

believe that Banthieni is trying to conceal part of his life story, in order to dramatize his narrative by inserting elements of poverty and abuse.”⁸⁰ Another report states “Prencia seems like a young person in good health, the social workers don’t find him to be particularly vulnerable. Yet, at the beginning of the interview, he starts to violently shake and is obviously trying to provoke pity in his evaluator. This behavior seems insincere to us and illustrates manipulation on his part.”⁸¹ These examples show us how once doubt is introduced the evaluator’s tone completely shifts, even when the behaviors that they are speaking of are ones often associated with childhood and adolescence. The moment that doubt enters, the young person loses their narrative legitimacy, a central component of the perceived authenticity of their story.

The Result: An Evaluation of Morality

After doubt is established, personal conviction takes the stage which inherently moralizes the assessment. Because the social evaluation of age is defined by its lack of objective elements, the prioritizing of certain elements over others is bound to happen. “Even within the same département no one does it the same”⁸² says a judge in the juvenile court of Evry. Another judge in Créteil states how “the conclusion of this story is a question that makes us more than uncomfortable and we are very unhappy about that. I speak for myself but I have the impression that there must be a 60% margin of error.”⁸³ highlighting the subjectivity of the decisions made during the age assessment.

For some evaluators, like evaluator F, the personal conviction enters as soon as he learns the nationality of the young person. His moral assessment of Malians as a group is enough for him to not trust the young person. For others, the personal conviction comes in as a sort of saving grace for the young person, when they can’t find any objective way to plead in favor of the young person’s minority.

Paté points to the example of a young person named Babiry that she met in 2014 during her time with FTDA. She defines the situation of Babiry as one of several of the cases that caused disputes between the evaluators at the assessment center. Upon arriving at the center, Babiry admits to the social workers that his documents are fake and that he bought them for 30 euros in Créteil. In terms of physical composure, Paté describes Babiry as a “big young man” with

⁸⁰ Ibid P. 236

⁸¹ Ibid

⁸² Ibid P. 138

⁸³ Ibid P. 139

“angular features,” a “chiseled body,” and “tired eyes.” Her colleague describes him as “a grandpa.”⁸⁴ However, despite these glaring factors that point in the direction of his adulthood, Babiry’s interview with the age evaluator ends with the decision to recognize him as a minor. His acceptance is based on two primary factors. Firstly that his story is chronological and corresponds to the age he declares, and second that he seems to be a sincere person, meaning that he holds narrative legitimacy. Paté notes another factor that was written in the notes of his report but not included in the final write-up. “Babiry is nice”. “I don’t know if he’s a minor, but at least, he doesn’t cause any fuss” says the evaluator.⁸⁵

In this case, the personal conviction of the age evaluator is obvious. The evaluator enjoyed speaking with Babiry, found him to be kind and sincere, and couldn’t find any inconsistencies in his story to plead against him. Within the personal conviction also lies the factor of what is at stake. Despite the guidance that evaluators receive to not conduct their evaluations with the broader migratory and legal circumstances in mind, the evaluator knows that if they choose to reject someone, that essentially means that they are leaving them on the street, with a complicated and long legal journey ahead.

Beyond the judgment of age, is the moral judgment of whether the young person, despite their exact age, is able to undergo the conditions of what it means to be an undocumented adult immigrant in France. Paté estimates that at least 73% of young people that have been refused, have undergone a period of homelessness or “great precarity” after the evaluation is over.⁸⁶ Yacine, an evaluator that Paté interviews, defines the main problem with the structure of the age evaluation by the fact that “there’s no alternative”. “We give them addresses to go to, knowing very well that they won’t be helped there. Young people, minors or adults, need to be oriented towards structures that are adapted to their needs. But there’s nothing, so it’s very hard.” he explains.⁸⁷ This quote highlights one of the fundamental problems in professionalizing an activity that is meant to be humanitarian. The evaluator is not able to conclude that someone is 18 or 19 years old, but that they’re still vulnerable and in need of protection. Through the procedure, the status of minor becomes synonymous with an individual deserving of protection, and adult becomes synonymous with someone undeserving of said protection.

In their previously mentioned work, Didier Fassin and Caroline Kobelinsky explain how “the refugee selection process has rendered asylum a scarce good”⁸⁸; it is the scarcity of the institution that brings forth contradictory and arbitrary practices. The phenomenon of scarcity

⁸⁴ Ibid P. 113

⁸⁵ Ibid

⁸⁶ Ibid P. 117

⁸⁷ Ibid P. 193

⁸⁸ Ibid

in institutions of ‘care’ was reiterated in my interview with Scarlet, a social worker who works with child refugees in Calais. Scarlet explains how in Calais “there’s not a real care system for unaccompanied migrant minors because of the situation here”. In Calais, Scarlet explains, “there’s the question of room”. “Because there is less space than in other départements the evaluations are more strict”. Paté shares that during her time as an age assessor she was given monthly quotas of how many people she had to deny, because the département was “accepting too many minors”, and “there wasn’t enough space”. These examples show us how the structure of the institution forces the magistrates and evaluators to input personal conviction and morally judge the applicants, only choosing the ones who are vulnerable and sincere enough to be accepted by the system. “Social worker is the sale of a dramatic story in exchange for aid. The meaning of our work is what? It’s the hunt for drama”⁸⁹ remarks one social worker that Paté interviewed.

The role of personal conviction can also be used to explain why some letters of refusal do not mention the presence nor the absence of one of the common justifications that I will analyze in chapter 3. For example, 8% (4/50) of the refusal letters I will examine made no mention of the presence or absence of an identity document. Through this we can understand that for some evaluators, photo identification plays no role in their ultimate decision. This is probably the case for Mana, the previously mentioned Cameroonian UM I interviewed who was never asked to present an identity document, despite having one. This may have been because the age assessor was aware of the unequal access to identity documents around the world, or alternatively it may have been because the evaluator believed that all presented identity documents could be forged and are therefore automatically rendered as unreliable pieces of evidence. It is simply up to the evaluator's personal conviction.

Conclusion

This chapter has aimed to further explore the initially presented dichotomy of an age assessment that is highly generalized from the perspective of the young person, and highly individualized from the perspective of the age evaluator. In this chapter I have shown how the evaluation process address’s information gaps and untranslatable ideas by inputting personal convictions. Through outlining how literal translation, typologies, doubt, and personal convictions significantly shape the outcome of the social assessments I have illustrated how the

⁸⁹ Ibid P. 135

assessment operates within a moral economy that is inherently subjective, full of ambivalences and paradoxes which dwell within it. Transitioning into the third chapter, I will delve into how these concepts are subsequently transcribed into a tangible format, aiming for certainty but consequently diminishing the narrative of the young person even further.

Ch. III

The Narratives that the Letters Disregard

Every letter of refusal starts with a disclaimer of sorts. “In accordance with the regulatory texts, this assessment of minority and isolation was carried out as part of an interview that took place on *enter date* in French, a language that you acknowledge that you understand and speak”. This statement can be understood as a tool used to negate the mistranslations and neglect that is consistently reported to occur during the assessment, specifically in respect to the access of interpreters and in turn to the access of understanding.

During my 3 month internship with Utopia 56, between October 2022 and January 2023, I spent over 200 hours outside of the evaluation center run by FTDA in Paris, often being the first face the young person came in contact with after receiving their letter/decision of refusal. In a given 4 hour shift, I would speak with anywhere from 5 to 30 young people who had been refused that day. As many of them did not know how to read, spoke poor French, or came from non-Francophone countries, I was often the one to call an interpreter and break down the contents of the letter with the young person in an attempt to better explain to them why their application was rejected. In explaining the reasons I was often met with a response similar to: ‘they never asked me that’, ‘that’s not what I said’, or ‘they misunderstood me.’ Seikou, a 15 year old Ivorian I met outside of the evaluation center in late November 2022 told me how he wanted to answer the questions in Dioula, his native language, but the evaluator couldn’t find an interpreter. “I wanted to answer the questions in Dioula, but they said no. They said because I can speak a little French we can do the assessment in French, but I couldn’t.” Seikou had learned French for several years in school, but stopped receiving an education at the age of 10 and spoke Dioula at home, leaving his understanding and capacity to communicate in the language limited. Another young person I spoke with, Mana, had grown up speaking Bamoun, and had only learned elementary French along his journey. Despite his request and his legal right to a translator in his native language he was reassured that it was unnecessary. “I speak Bamoun. I asked for a translator, and she told me it’ll be okay, that it’s fine, that I don’t need a translator.” he recounts.

This is the case for many of the young people coming from Francophone countries in West Africa who never received a formal education. Although the previously discussed 2013 law

details that age assessments “must allow the person in question to communicate in a language that they are fluent in (so that interpreters may need to be involved),”⁹⁰ according to many young people who have gone through these evaluations this is often not the case. Sometimes the translation is done by phone call and the interpreter may not speak the same dialect as the individual. For example, the young person may be from Morocco and speak Moroccan-Arabic, while the interpreter may be from Jordan and speak Levantine Arabic. Other times, youth from Francophone countries who know elementary French will either choose or be forced to do their evaluations in French even if they are not completely fluent in the language.

These discrepancies paired with the short length of these assessments (averaging 30-45 minutes), leads to gaps in stories and a general lack of understanding and communication between the young person, the interpreter, and the evaluator. In their 2019 report “Unaccompanied Minors: The Symbol Of An Abusive Police” Médecins Sans Frontières explains that these assessments are “often conducted hastily” noting that for 40% of the young people they came in contact with, the interview lasted less than 30 minutes, and occasionally without the presence of an interpreter.⁹¹ Furthermore they note how the evaluation center’s interpreters told them “of several cases of unaccompanied minors who had to respond to an assessment interview in French or English, even though their level of understanding and expression in these languages did not allow them to understand the questions asked, nor to answer them *correctly*,”⁹² affirming the declarations made by many UMs that went through the evaluation process.

Several hours into my first shift with Utopia 56 I became cognizant of the vague nature of the rejection letters. When multiple people exited the gates at the same time holding letters with almost identical content it quickly became apparent to me that these letters were not tailored to the individual interview but rather to a typology of person that had been created before the evaluation, affirming the role of the typology that I explored in chapter 2. Noémie Paté’s interview with an age evaluator in Paris confirms that intuition: “I have a template in Paris that I use when I have older looking people, because I know that it’s appreciated, Because in Paris we’re told to sort through the process quickly. So I have my sentences already written with last name and first name to fill in. On the papers the sentences are already constructed.”⁹³ she

⁹⁰ Ibid. Article 3

⁹¹ “Les Mineurs Non Accompagnés, Symbole D’une Politique Maltraitante”. Médecin Sans Frontières, 2019 rapport, P. 39

⁹² Ibid P. 36

⁹³ Ibid P. 84

explains. Because the Paris and Seine-Saint-Denis⁹⁴ départements face an overwhelming concentration of UMs that account for more than two-thirds of the UMs in French territory,⁹⁵ the burden falls on the evaluators to move through the interviews as fast as possible, employing a sorting box framework.

Before beginning my analysis of the letters there are two other important factors to mention that are rendered invisible by the physical translation of the letter. Firstly there is the significant number of minors who claim to have been the subject of a counter refusal, which means that they were not entitled to an assessment from the département in which they sought protection. Generally this happens when the agents working at the reception of these assessment centers believe that the young person claiming to be a minor is “obviously not” a minor. This is extremely subjective as it's not based on any interview, analysis of documents, or medical tests. Consequently, without the right to an evaluation they are not able to ‘get refused’ and with no letter of refusal it is impossible to launch an appeal process.

According to the previously referenced MSF report, more than 10% of young people who live at MSF's shelter for UM's in Pantin, a suburb of Paris, claim to have been the subject of a counter refusal.⁹⁶ In Paté's study she notes how of the 726 young people who arrived at the evaluation center in Créteil (referred to as the PEOMIE) in a 9 month period, only 527 of them were evaluated, meaning that 28% of young people were subject to a counter refusal.⁹⁷ Through this we can understand that an individual has to pass an initial ‘test’ to earn the right to be properly evaluated and the right to the potential consideration of gaining minor status.

Secondly, the framework of the age evaluation involves a critical assumption. The assumption that the young person being interviewed is a communicable subject (or a *sujet parlant* in French), someone capable of an intimate and personal expression of identity.⁹⁸ The assessment assumes that the young person is able to navigate an interview and successfully lead the evaluator through a comprehensive story of their life, with specific detail to their family, their living conditions in the country of origin, why they left their home country, the details of their migratory journey and life until arrival in France, their living conditions since arrival in France, and their project and goals in France.⁹⁹ Returning to the previous discussion on the figure of the child being characterized as someone who is unable to speak for themselves, we

⁹⁴ Seine Saint Denis is a département of France located just outside of Paris. It is known for being a hub of migrant populations, notably those coming from West and North Africa.

⁹⁵ Ibid P. 67

⁹⁶ Ibid P. 37

⁹⁷ Ibid P. 180

⁹⁸ Ibid P. 80

⁹⁹ Ibid. Article 6

clearly see how the age assessment requires a level of maturity and cognisance that is antithetical to the state of childhood. Furthermore the evaluation relies on the idea that if a young person is unable to undergo the evaluation process in a 'successful way', that is indicative of them being dishonest about their age.

The assumptions that the evaluation framework makes has been critiqued by judges, lawyers, and the age evaluators themselves alike. In a collective interview that Paté conducts with 2 judges in the juvenile court of Créteil one judge explains how the questions asked during the evaluation do not align with or adequately address the real-life experiences of these individuals. "It's terrible because they find themselves faced with an evaluator who asks them questions that are light years away from their life experiences... When they are asked the question of their age or school, they don't even know how to count! It absolutely does not correspond to what they have experienced, in my opinion it leads to evaluations that are very clear-cut."¹⁰⁰

The evaluation framework thus raises the question of what the real goal of the assessment is. Is the evaluation for "ensuring minority, proving minority, pleading in favor of minority, demonstrating minority?"¹⁰¹ What is being evaluated: Age? Minority status? Neither? In sharing the findings from my analysis the assumptions surrounding the capability of the evaluated individual will be used as a focal point in my review. This is particularly relevant because of the large quantity of letters that cite the lack of precision or coherency as a main justification for believing that an individual is not a minor.

¹⁰⁰ Ibid P. 160

¹⁰¹ Ibid P. 83

The Letter of Refusal

Sample Letter: The following image is a sample refusal letter from Paris taken from MSF's 2019 report. This is included to aid the reader's understanding of what a general refusal letter looks like.

<p>DÉPARTEMENT DE PARIS Direction de l'Action sociale, de l'Enfance et de la Santé Sous-Direction des Actions Familiales et Éducatives</p> <p>Prénom NOM : [REDACTED] Date et lieu de naissance déclarés : [REDACTED]</p> <p>A remettre en main propre contre récépissé à l'en tête du Département Paris</p> <p>Paris, [REDACTED] 2018</p> <p>Monsieur,</p> <p>Vous vous êtes présenté le 02/01/2018 auprès du dispositif d'évaluation des mineurs isolés étrangers (DEMIÉ) pour bénéficier d'un entretien d'évaluation de votre minorité et de votre isolement. Cette évaluation permet au Département de Paris de déterminer si vous relevez d'une prise en charge au titre de la protection de l'enfance ou d'autres dispositifs d'accompagnement.</p> <p>Conformément aux textes réglementaires¹, cet entretien d'évaluation de la minorité et de l'isolement a porté sur votre état civil, la composition de votre famille, vos conditions de vie dans votre pays d'origine, les motifs de votre départ et la présentation de votre parcours migratoire, vos conditions de vie depuis votre arrivée en France et votre projet.</p> <p>Cet entretien a permis de dégager les points suivants :</p> <ul style="list-style-type: none"> - Vous avez fait preuve d'un degré d'autonomie et de maturité élevé en décidant seul de quitter votre pays, et en vous déplaçant à plusieurs reprises seul au cours de votre voyage. - Le récit de votre parcours migratoire est très imprécis. Vous n'êtes pas en mesure d'indiquer ni la date de votre départ du Mali, ni celle de votre arrivée à Paris. Vous ne donnez aucun repère temporel. - Votre posture et votre comportement lors de l'entretien sont teintés de maturité, et ne correspondent pas à ceux d'un adolescent. <p>J'ai le regret de vous faire savoir que la conjonction de ces incohérences et imprécisions dans vos déclarations ne permet pas de conclure à votre minorité.</p> <p>C'est pourquoi, au regard des dispositions légales et réglementaires² il apparaît que vous ne pouvez pas être admis au bénéfice de l'aide sociale à l'enfance. En revanche, je vous invite à vous tourner vers les dispositifs d'accompagnement pour adultes dont les coordonnées vous seront remises par le DEMIÉ.</p> <p>Je vous informe qu'il vous est possible de contester la présente décision dans un délai de deux mois par écrit à compter de la date de remise en main propre de ce document qui vaut notification. Vous pouvez exercer un recours gracieux par écrit auprès du chef de bureau de l'aide sociale à l'enfance de Paris, sis au 4 bis boulevard Diderot 75012 Paris.</p> <p>Vous avez également la possibilité de saisir le Juge des enfants sur le fondement de l'article 375 et suivants du code civil.</p> <p>DASES : 94/96, Quai de la Rapée 75012 PARIS Tél. 01 43 47 74 74 Fax 01 43 47 71 85</p> <p>TOUTE L'INFO 3975 et sur PARIS.FR <small>1 Tous les renseignements sont en français 2 Les lois 1044 précises à votre destination</small></p>	<p>DEPARTMENT OF PARIS Directorate of Social Action, Children and Health Sub-Directorate of Family and Educational Actions</p> <p>Firstname name: [REDACTED] Date and place of birth declared: [REDACTED]</p> <p>To be delivered by hand against receipt to the head of the Paris Department</p> <p>Paris, [REDACTED] 2018</p> <p>Sir,</p> <p>You presented yourself on 01/02/2018 to the assessment system for unaccompanied foreign minors (DEMIÉ) to benefit from an interview to assess your minority and your isolation. This assessment allows the Department of Paris to determine whether you are covered by child protection or other support systems.</p> <p>In accordance with regulatory texts, this minority and isolation assessment interview focused on your marital status, the composition of your family, your living conditions in your country of origin, the reasons for your departure and the presentation of your migratory journey, your living conditions since your arrival in France and your project.</p> <p>This interview revealed the following points:</p> <ul style="list-style-type: none"> - You have demonstrated a high degree of autonomy and maturity by deciding alone to leave your country, and by traveling alone several times during your trip. - The story of your migratory journey is very imprecise. You are unable to indicate either the date of your departure from Mali or that of your arrival in Paris. You don't give any time reference. - Your posture and behavior during the interview are tinged with maturity, and do not correspond to those of a teenager. <p>I regret to let you know that the combination of these inconsistencies and imprecisions in your statements does not allow us to conclude that you are in the minority.</p> <p>This is why, with regard to legal and regulatory provisions, it appears that you cannot be eligible for child welfare. On the other hand, I invite you to turn to support systems for adults whose contact details will be given to you by DEMIÉ.</p> <p>I inform you that you can contest this decision within a period of two months in writing from the date of hand delivery of this document which constitutes notification. You can make a free appeal in writing to the head of Paris child welfare office, located at 4 bis boulevard Diderot 75012 Paris.</p> <p>You also have the possibility of seizing the Children's Judge on the basis of article 375 et seq. of the civil code.</p> <p>DASES: 94/96, Quai de la Rapée 75012 PARIS 975 et Such. 01 43 47 74 74 Fax 01 43 47 71 85 on PARIS.FR</p> <p>TOUTE L'INFO 3975 et sur PARIS.FR <small>1 Tous les renseignements sont en français 2 Les lois 1044 précises à votre destination</small></p>
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Key Findings

I have broken down what I deem to be the most important aspects of the decision making process into 4 categories. They are broken down in order based on their prevalence in the letters analyzed. The categories are as follows :

- 1) The presentation of civic identification
- 2) A precise and coherent narrative
- 3) Perceived autonomy from past actions (*often work related*)
- 4) Perceived autonomy from physical attributes or behavior

¹⁰² Ibid P. 39

1) *Proof in the Paper: Civic Identification*

All age assessments start with an analysis of the civil status documents presented. Beyond simply presenting a document it is important that this document seems legitimate. This analysis is based on several factors including the physical appearance of the document, when the document was produced, and where it was produced. 92% (46/50) of the letters analyzed mention identity documents. Among these, 66% (33/50) cited the lack of an identification document as a justification for a refusal. 26% (13/50) of the letters indicate that the young person presented an identification document without a photo and was rejected on the grounds that the identity document cannot be linked to said young person. Sometimes this justification seems to have minimal impact on the decision, as there are other reasons cited that indicate someone's state of maturity, while in other cases the absence of an identity document is cited with just one other rationale for denying a young person minor status. A letter of refusal from the assessment center in Evry cites just 2 justifications:

- 1) "Your speech contains contradictions regarding your background and your current situation. You provide few details about your situation"
- 2) "You do not have a document that proves your minority"¹⁰³

This data mirrors the findings of the MSF report which states that the absence of an identity document or the questioning of these documents justifies refusals in 73% of cases. More than a quarter (26%) of those included in their study present documents, but they do not have identity photos and are therefore rejected on the grounds that they cannot be linked to the young person.¹⁰⁴ In a refusal letter from Créteil, the young person presented a photo identification document, but was told that it was not enough – "You present documents that do not alone prove your identity."¹⁰⁵

Mana, remarking on the evaluation process, recounts how his evaluator never asked for documents or papers. "She judged me physically and that was that" he says. Despite Mana having an official birth certificate from Cameroon, a tangible proof of his age, he was never asked to present it, and thus, this crucial piece of evidence was not considered in the decision-making process. Although Article 47 of the civil code establishes the basis for identity

¹⁰³ Letter of Refusal Evry. 22 November 2022. Self Translated

¹⁰⁴ Ibid P. 39

¹⁰⁵ Letter of Refusal Créteil. 23 February 2023. Self Translated

documents being believed to be real unless there's serious doubt, this is often disregarded. Furthermore, the law states that the person conducting the interview is obligated to turn over any suspicious documents to the BFD (office of fraudulent documents). However, in practice, age evaluators often rely on their own discretion, and the mere presence or absence of an identity document is not typically the decisive factor in determining the acceptance of a young person to the ASE.

One of the public prosecutors that Paté interviews explains how it becomes challenging to trust the efficiency of bureaucratic procedures in politically complex nations when it comes to obtaining birth certificates. Generally age evaluators and those implicated in the legal process understand that there may be instances of either genuinely corrupt authorities issuing them or the creation of forgeries using authentic papers that adhere to the country's regulations and guidelines. "Mali and The Congo are still not the most politically stable countries, it's not like if you were from England, and you asked for a birth certificate in France, you would receive it within a week... So, it still leads us to doubt when they show us their documents"¹⁰⁶ explains the prosecutor.

As the previously referenced 2022 statistic reported by UNICEF in partnership with The UN Economic Commission for Africa (UNECA) states, of the total 164 million children under the age of 5 without documentation worldwide, Africa is home to more than half, accounting for around 91 million of these unregistered children.¹⁰⁷ Given that 66% of the minors assessed by the child welfare system in France come from 1 of 3 countries in West-Africa: Guinea (30.71%), Mali (20.14%), and The Ivory Coast (16.25%),¹⁰⁸ where rates of citizens not having civic identification are high, it is probable that a large portion of these young people would have never had access to civil status documents that prove their age and identity.

Furthermore, because the age evaluation procedure requires the identity document to include a photo, and because many countries' birth certificates or identity cards don't include a photo, young people are inadvertently encouraged to procure fake documents with a photo in hopes to be accepted as a minor.

¹⁰⁶ Ibid P. 215

¹⁰⁷ Ibid

¹⁰⁸ Ibid P. 13

#2) Proof in Precision: The Importance of a Convincing Narrative

In 84% (42/50) of the analyzed letters the doubt of the young person's minority and isolation is expressed by the justification that their story is not precise or coherent enough to allow the evaluator to corroborate the age of the young person. The following citations appeared in the letters I reviewed.

“Your explanation of your migratory journey lacks precision. You do not seem inclined to describe your living conditions during the journey.”¹⁰⁹

“Your comments regarding your family in your country of origin are insufficiently coherent to allow them to be linked to the age you declare.”¹¹⁰

“Your comments regarding your daily life in your country of origin are insufficiently precise to allow them to be linked to the age you declare.”¹¹¹

The majority of these justifications make the claim that the comments made by the young person regarding either their daily life in their country of origin or their experiences on the migratory route lack the necessary level of detail to establish a clear connection to the age they claim to be. The letters often cite the lack of spatio-temporal markers as an indicator of dishonesty. “The migratory route lacks spatio-temporal markers: it ignores the names of the towns crossed in Morocco and Algeria as well as the length of stay in these countries. Furthermore, the individual does not know the total duration of the trip.”¹¹² states one letter.

Through the prioritizing of a coherent precise story over other factors, we return back to the underlying assumption, that the young person in question is capable of translating the experience of their migration into a digestible, logical story that fits into the framework of a French bureaucratic institution. The expectation of these young people who have often just experienced a migratory trauma to then recount that trauma in a coherent, quantitative way is unrealistic, and again fundamentally challenges the typical conception of the condition of childhood. French journalist, Marie Daniès, explores this concept, using the term “self-exile” (or *l'exil de soi* in French), to describe the psychological events that many exiled people undergo

¹⁰⁹ Letter of Refusal. Paris. 4 December 2022. Self Translated

¹¹⁰ Letter of Refusal Paris 8 December 2022 Self Translated

¹¹¹ Letter of Refusal. Paris. 7 December 2022. Self Translated

¹¹² Letter of Refusal. Bobigny. 9 February 2023. Self Translated

that cause them to detach from themselves. Daniès explains how “The exiled [person] is lost because what defined him, his relationship with himself and with others has disappeared. The meaning of his life escapes him. Uprooted, banished from his home, he ends up coming from “nowhere”, this place without inscription, blurred by the journey of exile.”¹¹³ Paté’s interviews with various young people demonstrate this concept. “After some days on the street, I am empty, I believed that I was about to die. Frankly, I remember nothing that followed. I was absent,”¹¹⁴ says one of the minors who arrives at the PEOMIE during her time as an evaluator.

Mana reflects on a similar idea, emphasizing that during the interview although he maintained a natural and honest approach, it was very difficult to recall every detail. He pointed out the challenge faced by young immigrants who, at such a formative age, embarked on journeys spanning years, “We aren’t able to recount our story detail by detail.” he says. Mana explains that in order to tell someone everything that happens during this traumatic journey you have to detach yourself from what you’re saying. Shedding light on his ongoing struggle with his own memory, Mana shared the continuous nature of his memories from ‘the route,’ explaining “New things... everyday, there are new things that come to mind.”

Oftentimes these young immigrants spend long days in the trunk of a car or riding in a crowded bus, and are not told where they are. This is the story of Gaoussou, an UM that Paté interviews, who was handed over to his smuggler from Mali until Libya, and then after crossing the sea from Libya until Spain. When Paté asks the young person if he can be more precise in describing the route he took to get to France he responds “I don’t know. It’s the first time that I left my country. Even more so, the Arab man put me in a lot of trouble. We took the car, he put me in the trunk, and next we were in Spain.”¹¹⁵ Evidently, this mode of transportation significantly disrupts one’s ability to maintain spatio-temporal references.

The actual potential loss of spatio-temporal awareness is heightened by the fact that many of these young migrants do not eat or drink water for several days or are physically and sexually abused on the route. MSF found that in 2018, 87% of young people they came in contact with experienced violence, torture, or abuse during their journeys. This included “war, death of someone close to them, abuse subjected to them by the smuggler, a police officer, or another force, and traumatic sea crossings”¹¹⁶

To better understand what ‘coherency’ and ‘precision’ imply in the context of age evaluations I turned to Paté’s interviews. Lucie, an age evaluator in Créteil, defines coherency as

¹¹³ Daniès, Marie. “L’exil de soi” In *Mémoires*, vol. 72, no. 1, 2018, pp. 4-5.

¹¹⁴ Ibid P. 122

¹¹⁵ Ibid P. 49

¹¹⁶ Ibid

the “objective elements.”¹¹⁷ This includes what age someone started school, how old they were when a given political or cultural event happened in their country, and the ages of their siblings. “We want dates!”¹¹⁸ exclaims Lucie. In this context, 'objective elements' represent the sole basis of truth. In their absence, the evaluator is left in a position where personal convictions come into play (as explored in ch. 2). After the presentation of the objective elements, or the lack thereof, the evaluator then faces a choice: to reject the young person due to inconsistencies/lack of precision in the information provided, or to advocate on their behalf considering external factors like perceived vulnerability or sincerity.

Ironically, the remaining 16% (8/50) letters cite a justification of refusal based on *too many* precisions, an excess of objective elements, or an ‘unnatural tone’. The following citations appeared in the letters I reviewed.

“The story of the migratory journey, seems stereotypical: the existence of an accompanying adult during the (border) crossing is an element very often mentioned by young people who go to PEMIE (the evaluation center in Bobigny) in order to mask their autonomy and serve the status of minority.”¹¹⁹

“Your words about your family are not delivered spontaneously. Your statements concerning your educational background are not spontaneous.”¹²⁰

“In addition, you provide time markers in a less than spontaneous way.”¹²¹

Reflecting on his evaluation, Mana recounts “When I explained my story to her she [the age evaluator] told me she didn’t believe me because I told it too easily. She told me my behavior was not believable to that of a genuine minor.” Kendi, another UM I interviewed, explains “Because I spoke French, they told me that I must have already been in France for a year since I was fluent. They failed to remember that lots of Africa is French. That I was educated in a French school system so I spoke like a French person”. Both of these anecdotes reveal the power

¹¹⁷ Ibid P. 215

¹¹⁸ Ibid P. 216

¹¹⁹ Letter of Refusal. Bobigny. 9 May 2023. Self Translated

¹²⁰ Letter of Refusal. Paris. 20 October 2022. Self Translated

¹²¹ Letter of Refusal Creteil. 17 November 2022. Self Translated

of doubt, specifically when a story diverges from the preconceived narrative, or the expected translation.

The fundamental assumption behind labeling someone as a ‘rehearsed’ and ‘unspontaneous’ storyteller is the suspicion that they might be under the influence of networks that encourage providing false information about their identity, age, and motives for being in France. As a result, these individuals seem to be perceived as both ‘victims’ and ‘delinquents.’ However, this suspicion of manipulation and dishonesty often leads to the belief that protective measures should not be applied to the same extent or may not be implemented at all.

Beyond the potential external pressures of manipulation, there is an internal pressure that exists within the evaluation center. During the waiting period of the assessments children are placed in the uncertain position of what their future will look like, often not knowing the consequences of the evaluation procedure. Sociologists and psychologists have determined that the fear of the unknown, and the possibility of being abandoned/receiving minimal help induces pathology and misremembering, especially within children.

#3) Migrant Children: Automatically Autonomous Actors

In 54% (27/50) of the letters I analyzed, the refusal is justified by the fact that the young person in question made the decision to immigrate independently, or worked during their migratory journey. The following citations appeared in the letters I reviewed.

“You have carried out several paid activities in your country of origin as a waste collector or by doing work in the fields, which denotes a high degree of autonomy incompatible with the age you declare.”¹²²

“The high degree of autonomy and maturity that you demonstrated by making the independent decision to leave your country of origin, by working in Ceuta as a painter for several months and by continuing your migratory journey alone from Spain to Paris, is not compatible with the age you declare.”¹²³

¹²²Letter of Refusal Paris 7 December 2022. Self Translated

¹²³Letter of Refusal Paris 8 December 2022. Self Translated

“His migratory journey reveals a certain autonomy and maturity: despite having been separated from his companion who would have organized and financed the trip, the young person continues his migration journey towards France by himself.”¹²⁴

Justifications such as these lead me to believe that the format of the age assessment makes it difficult to conceptualize the figure of the child migrant as often the fact that these young people immigrated by themselves can in itself be seen as a sign of maturity or adulthood. The MSF report states that in almost two thirds (61%) of the refusal letters included in their study, “having made the decision to migrate independently or having worked during the migratory journey is considered proof of majority.”¹²⁵ Paté’s research can be used to explain the decision process behind this justification, highlighting that an UM perceived as ‘exploited’ and someone with minimal autonomy is considered more *desirable* from the perspective of an age evaluator than a voluntary migrant who is seen as less vulnerable and consequently less in need of state protection.¹²⁶ Returning back to the discussion in ch.1 concerning ‘rites of passages’, we see how the unaccompanied minor figure often engages in a reverse rite of passage, as after navigating the process of separation and transitioning between ‘worlds’, a journey characterized by autonomy, they are forced to assert an identity marked by vulnerability and victimization during the age assessment. This experience marked by independence and autonomy is clearly antithetical to Western notions of childhood, and therefore is often misunderstood or disregarded by the institutions who work to classify these populations. This justification of refusal highlights the current classification system’s inability to reckon with this population being characterized by autonomy in some ways and vulnerability/the need for protection in other ways.

We can also use Paté’s work to challenge the claim that having worked on the migration route serves as evidence to someone’s physical age, as she details the prevalence of child migrants working along the route to finance their journey or to pay their stay for housing in group homes. Through speaking with NGO who are present on borders, Paté defines Mauritania, Algeria, Libya, and the port cities of Ceuta and Melilla in Spain, as the most common regions for young people to stay a while (spanning several months to several years) to make money to continue their immigration to Europe/France. Paté describes 3 main jobs that young people

¹²⁴ Letter of Refusal Bobigny 9 February 2023. Self Translated

¹²⁵ Ibid

¹²⁶ Jardin, Léa, Noémie Paté, “Minorité En Errance. L’épreuve de l’évaluation des Mineurs Non Accompagnés.” *Sociétés et Jeunesses en Difficulté* 29 (Septembre). 2018.
<https://search.ebscohost.com/login.aspx?direct=true&db=edsdoj&AN=edsdoj.2defae7219c047158c00f1dc60563788&site=eds-live&scope=site>.

reported to be working. Firstly, in a port city it is common to “become the little hands who assist the fishermen in the ports.”¹²⁷ It’s also common to be a servant. Mohamed, a young person that Paté evaluates in Créteil, reports to have been employed by an “old white Moorish woman” in Mauritania for 3 months, doing all her domestic tasks.¹²⁸ Thirdly, lots of young people work “little commerce jobs” on the street reselling products such as water bottles, shoes, and bags.¹²⁹ Sometimes these jobs are voluntary but mostly they are forced. This is especially common for young migrants who find themselves on the borders without having planned to be there. Mana, who left Cameroon on a whim, recounts how in an Algerian prison, he was sold to a Libyan man. Because Mana did not leave his home with the intention of coming to Europe he didn’t have any funds to pay a smuggler to help him traverse the sea, a service with a hefty cost ranging from \$2500 to \$4500 USD.¹³⁰ Mana explains that it was his slave-owner who arranged for him to be smuggled to Italy. He would cover the costs once he felt that Mana had worked enough, which ended up being several months.

These jobs, or states of involuntary servitude correspond to what many UMs describe during their evaluation process yet despite the research that supports their lived experience, paid labor is still associated with adulthood. Under this framework, not only is work indicative of adulthood, but so is the very action of independent migration. The validity of this argument falls apart when we look at the child migration crisis that have occurred along various borders with children ranging from 4-17 years of age – young people who were unequivocally children. For example, in December 2020, thousands of UMs arrived at the US-Mexico border, the majority of them being 11 or 12 years old.¹³¹ Valeria Luiselli defines child migration not just as a result of political exile and dangerous living conditions, but an expected symptom of it. “Children run and flee. They have an instinct for survival, perhaps, that allows them to endure almost anything just to make it to the other side of horror, whatever may be waiting there for them.”¹³²

¹²⁷ Ibid P. 52

¹²⁸ Ibid

¹²⁹ Ibid

¹³⁰ Elsobky, Mahmoud. “Syrian ‘Cham Wings’ and Haftar’s Libyan army are complicit in smuggling of Europe-bound migrants”. *The New Arab*. 29 September 2023, Accessed 27 March 2024, <https://www.newarab.com/investigations/syrian-airline-haftars-army-profit-human-smuggling#:~:text=Profitable%20secret%20immigration%20trade,from%204%2C000%20to%204%2C500%20USD>.

¹³¹ Jervis, Rick. “Thousands of unaccompanied minors arrive at US-Mexico border as Border Patrol grapples with COVID-19 deaths” *USA Today*, 8 December 2020, Accessed 27 March 2024, <https://www.usatoday.com/story/news/nation/2020/12/08/unaccompanied-immigrant-minors-border-mexico-coronavirus/3825974001/>

¹³² Ibid P. 4

#4) *Proof in the Physical: Appearance and Behavior*

In 24% (12/50) of the letters I analyzed, a justification surrounding the behavior, physical characteristics, and perceived autonomy of an individual is cited as a reason for refusal. The following citations were found in the reviewed letters.

“Seydou’s physical appearance, his behavior and his way of expressing himself are incompatible with the age that he declares.”¹³³

“Furthermore, we detect neither in your words nor in your behavior any clues specific to adolescence.”¹³⁴

“Your posture and your maturity do not correspond to that of a child.”¹³⁵

This number, while still significant, is much lower than MSF’s findings, where in 75% of cases, the behavior or posture of the young person is enough to prove, according to the evaluators, the fact that the individual cannot be a minor. This may be because the MSF study includes the 10% of UMs that experienced a counter refusal based on their appearance and were not entitled to the assessment. Kendi recounts how when he entered the evaluation center he was immediately told “You are a big guy, you’re really tall. You can’t be 15.”, explaining how it took a while before the evaluators even agreed to give him an interview.

The reasons put forward surrounding this justification are varied and often not very convincing because they are based on questionable stereotypes: a young person is shy, expresses poorly, etc. On the contrary, an assertive attitude, good expression and reasoning skills are also elements used against young people, supposed to contradict the fact that they are minors.¹³⁶ Sandrine Musso’s work highlights her experiences talking to lawyers and social workers who mention examples of refusals based on behavior towards the opposite gender and ways of dressing. In one report, a minor’s “flirtatious behavior towards female staff is mentioned as a sign of maturity.”¹³⁷ In 2014, the Defender of Rights confirmed that “Many evaluation sheets contain stereotypes and assertions related to value judgment,”¹³⁸ citing the example of a justification on a refusal letter that states how “Traces of makeup and freshly varnished nails”

¹³³ Letter of Refusal Bobigny 23 February 2023. Self Translated

¹³⁴ Letter of Refusal Créteil 28 March 2023. Self Translated

¹³⁵ Letter of Refusal Paris 2022. Self Translated

¹³⁶ Ibid

¹³⁷ Ibid

¹³⁸ Décision du Défenseur des droits no MDE-2014-127, Paris, le 29 août 2014.

question the status of “isolation”, alluding to the idea that the UM was engaging in sex-work, which suggests that the exact legal definition of the term “isolation” is not respected by the evaluators.¹³⁹ These justifications raise questions about subjectivity, ethnocentrism, and what it means to ‘act like a child’ or conversely to ‘act like any adult’.

Mana, who was initially refused, but 6 months later appealed the decision and became officially recognized as an UM explains how even though he is the same biological age as his classmates in school, his behaviors and knowledge of the world are completely different because of his experience of displacement and migrating independently at such a young age. “There’s a big difference between our comprehension and theirs. It’s what we call the school of life,” he explained. “At school, there are things that we learn... and there are things that we teach.” “If I had to leave France tomorrow, I would know how,” he continues. “But for them... what they know is family, to know your mom and your dad... We didn’t grow up like that.”

He also highlights the disparities in the responsibilities that children hold in Cameroon versus in France, which shapes people developing different behaviors at different ages. “In Cameroon you are an adult at 12 years old.” “Socially, yes, but you are treated like an adult by the police too. If you are 12 years old without a family, in Cameroon, you are treated as a French person who is 18 years old or maybe even 50 years old” he remarks, highlighting the incongruence between biological age and behavior that UMs in France often experience.

Conclusion

An analysis of the refusal letter highlights the way that translation produces an interplay between documentation, narrative expectations, societal perceptions, and individual experience. Returning to the idea of the age assessment as a site of translation, the letter serves as the product of this translation. However, the letter as a subject of investigation only allows us to see the final result of the process. Furthermore, because the letter only includes the reasons why the young person is not believed to be a child, the story is reduced even further into a document of doubt.

Moving into the third part of this project, which will investigate the biometric procedure and the bone examination, we will see how the flaws of the age assessment procedure are not confined to the evaluators but are entrenched in the greater systems that govern UM populations. For instance, FTDA (which literally translates to “*France Land Of Asylum*”), an organization founded upon the principle of providing asylum, is meant to operate as a moral

¹³⁹ Ibid P. 173

entity embodying sentiments and principles. However, they are largely financed by the Ministry of the Interior and actively participate in the implementation of restrictive immigration policies, highlighting the discongruence of the actors that engage in the moral political sphere, a sphere that has resulted from the intermingling of politics and humanitarianism. In “Compassion and Repression: The Moral Economy of Immigration Policies in France” French political philosopher Dider Fassin explains how refugees and immigrant populations “occupy a crucial space in the biopolitics of Europe today”, particularly because “their collective treatment does not rest on the ‘humanitarian’ from the ‘political’ , but on the increasing confusion between the two.”¹⁴⁰

¹⁴⁰ Fassin, Didier. “Compassion and Repression: The Moral Economy of Immigration Policies in France.” *Cultural Anthropology* 20, no. 3 (2005): 362–87. <http://www.jstor.org/stable/3651596>.

Part III: Extracting the Narrative: A Return to the Body as Evidence

Chapter IV

Chapter Aims

In the preceding chapters I have traced the thread of translation, scrutinizing the way that the state attempts to control a story through translation, continuously grasping for certainty that does not exist. In the past 3 chapters I have examined what I will term as soft manifestations of biopower. These encompass the structures and mechanisms of control employed to manage the unaccompanied migrant minor population in France, which are not explicitly outlined in legal frameworks. This approach can be tied to Michel Foucault's idea of governmentality which embeds the law within the framework of what actions individuals or groups can undertake with the resources at their disposal. This can be represented through the age evaluator's decisions being influenced by government incentives to maintain a reasonable rate of rejections and meet the quotas the départements have given them, even though not explicitly outlined in law.

In the first part of this project I explored how different types of translation act as a tool of control to create different narratives of UMs. In the second part I examined the various techniques employed during the age evaluation interview, ending with an analysis of the physical product of the assessment, the letter of refusal. In the third part, I will diverge from tactical measures and explore what I will categorize as a more rigid form of biopower: the deployment of the biometric procedure, medical expertise, and radiological exams in the evaluation process. In other words, the use of the body as evidential grounds for assessment. The return to the use of the body as evidence exemplifies how all of the subjectiveness of the narrator's story is worn down to its most fundamental element: the bones, revealing how objectivity is forced through corporeal means – the disciplining of the body.

This chapter will start by surveying a brief history of the manifestations of biopower in France through the framework of Paul André Rosental's previously referenced work "Civil Status and Identification in Nineteenth-Century France: A Matter of State Control?" With this

foundation I will examine the contemporary manifestations of biopower through the biometric procedure and bone tests, analyzing how the state forces the body to provide evidence against its inhabitant through these procedures. Next I will provide an overview of the contemporary biometric procedure and the reintegration of bone tests into the age evaluation, both of which date back to 2016. Using Paté and Musso's previously referenced research I will detail the logistics of the medical assessment as well as different age evaluators and lawyers implicated in the process's opinions about the merit and ethics of the bone tests.

The last part of this chapter will focus on the age assessment, and the general contemporary landscape of the lives of unaccompanied migrant minors in France as a part of a larger goal of population management. Here I will argue that the assessment is, ultimately not about age, rather it is about a mass biopolitical project. In this section of the chapter I will introduce Achille Mbembe's theory of necropolitics in tandem with Foucault's theory of biopolitics. This combined framework aims to understand not only the French government's effort to sustain and regulate life, but also its role in the production of death, and in the creation of citizens whom it does not consider obligated to protect. This diagnosis will act as the setup for the project's final conclusion.

A History of Biopower in France

The use of biopower by the French state has been documented since the post-Revolutionary era. Before delving into the historical power-control struggles in France, it is imperative to elucidate the concept of biopower, a term first coined by Michel Foucault. In his 1975 lecture series "Society must be Defended" at the Collège de France, Foucault introduced the notion of biopolitics,¹⁴¹ defining it as the mechanisms of governance employed to regulate and control populations. Foucault writes how these mechanisms grant the state "the function of administering life," but also the power to "disallow it to the point of death."¹⁴² The deployment of biopower arises from the imperative question of organizing life, "to ensure, sustain, and multiply life, to put this life in order."¹⁴³

In the post-Revolutionary period in France, two pivotal developments played a central role in constituting biopower: the emergence of identity papers and the evolving techniques

¹⁴¹ The term biopower is used in a broader sense to encompass all methods and technologies employed to regulate lives, while the term biopolitics is centered more specifically around explicitly political mechanisms.

¹⁴² Foucault, Michel. *The History of Sexuality*. New York :Pantheon Books, 1978. 2021. 1926-1984 P. 138

¹⁴³ Ibid

employed by the state to identify citizens, and arguably more importantly, non-citizens. Rosental details how this historical trajectory traces back to the early stages of the Third Republic in France during the 1880s. Republican lawmakers of that time considered identification documents crucial for building a national identity within civil society. Identity papers were viewed as instrumental in nationalizing civil society, especially in domains like immigration policy. The implementation of ID cards followed a two-stage process, commencing with its imposition on foreigners in 1917. Subsequently, under the Vichy government, attempts were made to make it compulsory. In 1955, a decree extended the use of identity papers to the entire French population, solidifying a facet of biopower in the state's governance strategies.¹⁴⁴

Through this we can understand how identification in France ultimately relies on civil status registration, notably the birth certificate, which is given to all living persons born in the country (ironically as shown in ch. 2 and ch.3 the birth certificate is often not taken into account or understood as an ultimate proof of identity during the age assessment). Unlike some European neighbors such as Germany, France lacks population books, making it challenging for social historians to track individuals throughout their lives due to the absence of registers listing households. The first traces of tracking movement were noted in the 1870s, with the *Registres Matricules* which was introduced to track men aged 20–45 who were eligible for universal conscription, a response to the national disaster of defeat in the Franco-Prussian war.¹⁴⁵

The focus on civil status, rather than identity papers, became the foundation for all aspects of identification. Albert Lenoël's 1879 proposal to designate individuals not only by name but also by place and date of birth gained traction during the Second World War and is thought to serve as the universal identifier for residents in France today. This history of identity in France reflects a persistent desire for control, accompanied by ever-more substantial administrative techniques to monitor individuals closely.¹⁴⁶ “When the state saw that it was really in its interest, it spent the money necessary to track individuals, adopting a repressive system without hesitation. As the aim was to ensure complete, rapid military mobilization, the sanctions against men who omitted to inform the gendarmerie of their change of address involved harsh fines and indeed prison sentences.” explains Rosental.¹⁴⁷

As Rosental posits identity and identification is a tool “to bind individuals to the state at a fundamental level.”¹⁴⁸ Historically, this is validated by past events. However, it has only become increasingly true in an age where modern government security depends heavily on

¹⁴⁴ Ibid

¹⁴⁵ Ibid P. 143

¹⁴⁶ Ibid P. 147

¹⁴⁷ Ibid P. 148

¹⁴⁸ Ibid P. 138

advanced methods for collecting evidence and generating knowledge on citizens, and non-citizens. The clearest example of the contemporary manifestation of this is in France is the biometric procedure which significantly influences the age assessment procedure.

The Contemporary Biometric Procedure

In November, 2013, former Minister of the Economy, Finance and Employment, Jean Arthius, proclaimed that the majority of unaccompanied migrant minors in the child protection system “are in fact adults or have family in French territory.”¹⁴⁹ The solution he proposed for this, was the creation of a national biometric procedure which would ensure that all UMs would be finger-printed and DNA tested upon arriving in France.¹⁵⁰ Though not specifically created for UMs, Arthius’s proposal was actualized 3 years later, on September 27, 2016, when the French Data Protection Authority (CNIL) declared the approval of two new resolutions which attempted to establish and standardize a national biometric procedure. This system would collect the name, date and place of birth, gender, eye color, height, address, photograph, fingerprints, e-mail address, nationalities, dates and places of birth of parents, of *all* people who irregularly entered French territory.

On January 30, 2019 a law relating to the biometric procedure was passed that particularly targeted UM populations. The change in law obliged UMs to visit the préfecture (the headquarters of the département) before undergoing an age assessment by a social worker. This shift is a result of the January decree, stemming from the "asylum and immigration" law enacted in September 2018, leading authorities to increasingly employ a biometric system known as the AEM (Support for the Evaluation of Minority). The AEM captures fingerprints and photographs of young individuals, validating their identity documents. Subsequently, this biometric information is cross-referenced with two other foreign databases. If the comparison indicates that the young person has attained majority age, the préfecture has the authority to issue a deportation order and detain the migrant.

As explained in the 2021 article “Fears over biometric system in France for unaccompanied foreign minors” this change in law made it so that the destiny of a minor was no longer determined solely by the local ASE’s decision but by the préfecture, and consequently, the

¹⁴⁹ Ibid P. 100

¹⁵⁰ Ibid

national government.¹⁵¹ Initially the use of biometrics was to remain optional for départements, but a June 2020 decree introduced fines for départements not using AEM, something certain départements are branding “financial blackmail.”¹⁵²

In the same year that the biometric procedure was introduced, the use of bone tests to determine age was formally reintroduced in the age assessment through the law of March 14, 2016, just 3 years after the legal notice of 2013 which attempted to depart from the use of the body as a form of evidence. Article 43 of the 2016 law states that “Bone radiological examinations for the purposes of determining age, in the absence of valid identity documents and when the alleged age is not probable, can only be carried out by decision of the judicial authority and after collection with the consent of the interested party,” meaning that the young person has to give consent for the test. Furthermore, the article states that “If there is doubt about the minority of the person concerned, an assessment of their age cannot be made based on an examination of the pubertal development of primary and secondary sexual characteristics,” indicating that if doubt is established, the x-ray serves as the only sort of objective physical evaluation to settle said doubt.¹⁵³

On September 19th 2016, article 232 was added to the civil procedure code which explicitly permits the use of radiological medical examinations in the case of doubt concerning the minority of the young person.¹⁵⁴ The law also states that bone tests can be used to distinguish older minors (16-17) from younger minors (<16) to determine if the young person must be in compulsory school, as in France all children are legally obligated to attend school until the age of 16. The introduction of bone tests into the civil code further implicated this procedure into the structures of French law.

As expected, many associations and social actors involved in the field of immigration and specifically youth immigration protest these decisions, often raising questions of ethics, consent, and the physical harm of radiation that young people are specifically vulnerable to. But beyond the national actors present, the use of bone tests and the biometric procedure gained international attention. On September 20, 2017 a press release related to age assessment

¹⁵¹ Courtois, Maïa. “Fears over biometric system in France for unaccompanied foreign minors”. *Info Migrants*. 26 June 2021. accessed 27 March 2024, <https://www.infomigrants.net/en/post/33126/fears-over-biometric-system-in-france-for-unaccompanied-foreign-minors>

¹⁵² Hersey, Frank. “French biometric system leading to detention of unaccompanied minors – report. *Biometric Update*. 24 June 2021. accessed 27 March 2024 <https://www.biometricupdate.com/202106/french-biometric-system-leading-to-detention-of-unaccompanied-minors-report>

¹⁵³ LOI n° 2016-297 du 14 mars 2016 relative à la protection de l'enfant, Article 43

¹⁵⁴ Code de Procédure Civile. Article 232. accessed 27 March 2024. https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006410362

practices was published by the Counsel of Europe. The release included 37 countries who stressed the safeguarding of the “best interests of the child,” enshrined as a cardinal principle of children’s rights, and a selection of the ‘least invasive methods’ when carrying out age assessments of young migrants, criticizing France for the use of explicitly invasive methods.¹⁵⁵ Neighboring countries such as England and Germany have outlawed bone tests and urged France to do the same.

In June of 2018, the court case *European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France* was brought before the European Committee of Social Rights. EUROCEF accused France of breaching the European Social Charter through its treatment of unaccompanied children. The complaint focused on five specific allegations, “that France had made defective arrangements for the reception of unaccompanied children; had detained unaccompanied children in waiting areas; had used abusive age assessment measures; and had failed to provide access to education, health and social protection.”¹⁵⁶ The Committee concluded that the use of bone assessment to determine the age of unaccompanied migrant children lacked reliability, using the testimonies provided by institutions such as the Defender of Rights, National Medical Academy, National Public Health Board, and National Consultative Commission for Human Rights, which all pointed out the unreliability of bone testing for determining the age of children, especially those between the ages of 16 and 18. Additionally, evidence showed that medical age assessment tests were being prioritized over civil status documents. Although the Committee did find France to be at fault for the violation of children's rights, no legal changes were made.

Bone Tests as Biopower

In the 2018 book *Bodies as Evidence*, the contributors posit that “contemporary security relies on sophisticated scientific evidence-gathering and knowledge-making focused on the human body.”¹⁵⁷ Reflecting the principles of Foucauldian biopolitics, we observe a pervasive attempt to regulate, discipline, and interpret the body as a means of social control. As French sociologist Éric Fassin posits, the migrant is viewed as an object who is “forced to expose the

¹⁵⁵ “Age Assessment For Children in Migration: a human rights based approach”, *The Counsel of Europe*. 30 September 2017. accessed 27 March 2024, <https://rm.coe.int/ageassessmentchildrenmigration/168099529f>

¹⁵⁶ European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France. 15 June 2018. accessed 24 March 2024. <https://archive.crin.org/en/library/legal-database/eurocef-v-france.html>

¹⁵⁷ Maguire, Mark and Rao, Ursula Rao and Zurawski, Nils, *Bodies as Evidence*, Duke University Press, 2018.

matter of his existence,” reducing him to his corporal matter.¹⁵⁸ In his 1975 book *Discipline and Punish*, Foucault posits the idea of the “docile body,” the body that is receptive to control. The docile body is “something that can be made; out of formless clay, an inapt body [from which] the machine required can be constructed”¹⁵⁹ writes Foucault. We can perceive the child migrant as in some ways embodying the ideal of the “docile body” due to their inherent lack of full formation, development, and citizenship. It is their “docile body” that distinguishes children as more vulnerable and in more need of protection than adults. If we return back to the figure of the child being defined by their inability to speak, we enter muddy waters concerning the role of consent in the assessment. How does a child, who is docile and malleable by nature, unable to speak for themselves and therefore unable to give consent, consent to a procedure that is supposed to prove (or disprove) their state of adolescence?

To grasp the practical implications of this medical expertise we can turn to Sandrine Musso’s anthropological account of the bone assessment.¹⁶⁰ In July 2019 Musso visited one of the hospitals in Marseille that carries out bone tests to determine age. During her visit the doctor explained the process. The following explanation was given to Musso by the doctor:

“So, we scan the collarbones, take an X-ray of the left wrist and a panoramic dental X-ray, and then they come to us for the clinical examination knowing that it is quite limited, in the sense that since 2016 we are no longer allowed to look at their genitals, well, their sexual organs... Well obviously you have to have their agreement to examine them, and also for the Tanner stages but, well, anyway the issue is when they are around 18 years old it’s quite... they all have a Tanner stage greater than 5, roughly up to 15 years old.”¹⁶¹

The doctor guided Musso through the literature they rely on, which correlates physical traits with age. Notably, one publication focusing on wrist development was based on a cohort of 1,000 affluent Americans from Cleveland, Ohio, who underwent X-ray examinations between 1931 and 1942. Musso explains how “their aim was not to determine age but to study growth and weight delays.”¹⁶² These studies, based on white, middle-class Americans with varied diets, were

¹⁵⁸ Ibid P. 21

¹⁵⁹ Foucault, Michel, 1926-1984. *Discipline and Punish : the Birth of the Prison*. New York :Pantheon Books, 1977 P. 135

¹⁶⁰ Although this chapter is primarily focused on the X-ray component of the medical expertise there are other parts of the physical evaluation which consists of a sexual maturity assessment, an assessment of height, body shape, BMI, and where fat on the body is distributed, and a dental examination.

¹⁶¹ Ibid P. 157

¹⁶² Ibid

also oriented towards disease diagnosis; age was a pre-established factor, offering general insights into disease manifestations in those under or over 18, illustrating the ineffective nature of the tests for what they are being used for in the age assessment procedure.

In addition to their low scientific reliability, the conditions in which these assessments are carried out raise ethical concerns for many age evaluators and judges who cite haste, absence of an interpreter, violence in the place of testing, and also the physical dangers of radiation. As previously mentioned even with consent from the young person, the validity of this consent is questionable. In her interviews with age evaluators, Paté inquired about their personal convictions regarding the use of the medical expertise in the age evaluation. Most of the evaluators expressed concern. “It’s for ethical reasons, but also personal,” says one evaluator, explaining why she chooses to not include the medical expertise in her evaluations. “I did a bone test on one of my children, and it told him that he was 4 years older than he actually was. So, from then on, I had the example before me, knowing that my son was 15 years old, but with the supposed bones of a 19 year old. From there on, I knew it was nonsense” she says.¹⁶³ Other evaluators called them “unadaptable and imprecise”¹⁶⁴ as they don’t allow for the determination of exact age. One evaluator explains how “Radiological criteria is pseudo-scientific, especially for determining between 15 and 18 years old.”¹⁶⁵

Because the president of each département can dictate how the assessments are carried out in their respective evaluation center, the use of bone tests is not used in all départements. However the départements that use the test are seen as more legitimate organizations by the state, who are doing “real investigative work” during the age assessments, while a département who doesn’t use the medical assessment is understood to be not as credible. Fanny, an age evaluator in Créteil that Paté interviewed, explains how the Créteil department uses bone examinations as part of their age assessment procedure because they want to “keep the margin of discretion” in making a decision...” “It’s for guarding the control of the situation” she explains.¹⁶⁶

Nevertheless, in départements where the prevailing culture discourages the use of medical assessments, medical expertise continues to hold paramount importance for the prosecutor's office, while social evaluations diminish in significance. Paté explains how there is no real communication between the evaluation department and the judge, noting how the judge doesn’t read the evaluations or listen to anything except the medical expertise.¹⁶⁷ Because the evaluators

¹⁶³ Ibid P. 76

¹⁶⁴ Ibid P. 75

¹⁶⁵ Ibid P. 76

¹⁶⁶ Ibid P. 77

¹⁶⁷ Ibid P. 196

have an incentive to maintain amicable relations with the juvenile judges, a personal conviction to not use the medical expertise will often be overshadowed by the incentives from the state and the département to keep their job, illustrating the power of the institutional structures that are in place to maintain control over the individual evaluators.

The Age Assessment as a Biopolitical Project

In *Discipline and Punish* Michel Foucault articulates the modern state's relationship with the individual as one aimed to "discipline the body, optimize its capabilities, extort its forces, increase its usefulness and docility", and "integrate it into systems of efficient and economic controls."¹⁶⁸ A clear example of this relationship at play is found within the U.S prison system, where the phenomena of mass incarceration of over 5 million citizens in the prison arises not merely as a response to increased crime rates but rather as a political-economic tactic resulting in prisons existing to manage 'surplus populations' (meaning poor and black populations), extract labor, and maintain biopolitical social control. As Angela Davis explains in her 2003 work *Are Prisons Obsolete?* "black bodies are considered dispensable within the 'free world' but as a major source of profit in the prison world."¹⁶⁹

Many tactics are used to justify the mass imprisonment of populations that have at large committed non-violent offenses, notably tactics of racism and dehumanization. The use of age assignment is another tool used within the penal system, where thousands of court cases, primarily involving black and latino teenagers and children, are funneled into adult courts, resulting in the incarceration of children in adult prisons. In these circumstances the state's aim for more control and to further capital is achieved by placing more children in adult courts, and consequently adult prisons, lowering their access to education and increasing their likelihood to stay in confinement and contribute to the labor force through prison labor. The Child Crime Prevention & Safety Center currently estimates that in the U.S "10,000 minors under the age of 18 are housed in jails and prisons intended for adult offenders and juveniles."¹⁷⁰ To add to this finding, the 2016 article from WNYC "Kids in Prison: Getting Tried as An Adult Depends on Skin Color" points to an illuminating statistic that in the past 5 years, prosecutors in New Jersey

¹⁶⁸ Ibid P. 139

¹⁶⁹ Davis, Angela. *Are Prisons Obsolete?* New York, NY: Seven Stories Press. 2003. P. 95

¹⁷⁰ Kraut, Michael. "Minors in Prison" . Child Crime Prevention & Safety Center. accessed 1 April 2024. <https://childsafety.losangelescriminallawyer.pro/minors-in-prison.html>

asked to try 1,251 minors as adults; 87.6% of this children were Black or Hispanic, highlighting the racialized elements encompassed in capitalism systems of governance and punishment.¹⁷¹

Although a negative decision in the age assessment in France does not equal a physical prison sentence, it does open up the possibility for deportation, something that those recognized as minors will not face. More broadly, the negative decision puts the individual into the category of the lying and uncredible migrant who is therefore excluded from entering the French nation as a citizen. On the contrary, the young person who is accepted into the child protective system, often because of their docile and meritable qualities is included in the French nation, but must assimilate to the confines of the system. As previously discussed with the notion of biopower, the bone tests and biometric procedure raise questions about the disposable ‘other.’ Biopower has the ability to give life, but equally the ability to take it, raising the question of what groups of people we are okay with controlling and assessing in a way that extracts the humanity of the subject. The age assessment procedure's heavily racialized nature, coupled with the overall racialization of immigration politics in France, demands a contemporary perspective on biopolitics.

While Foucault's notion of biopower mentions death, as he writes about the state's “power to expose a whole population to death”¹⁷² he ultimately focuses on the regulation and sustenance of life. In 2003, Achilles Mbembe, a Cameroonian historian and political theorist, leading a new wave of Francophone critical theory first explored the term necropolitics in an article. In 2019 he published a book with the same title. Necropolitics can be understood as a contemporary extension of biopower which revolves around the politics of death, wielding power to decide who lives and who dies, frequently through violence or neglect. In other words, necropolitical violence gains legitimacy through the creation of a narrative that portrays racialized groups as subhuman. It is what allows for the state's creation of bodies that do not matter, which consequently leads to state-sponsored death. “When politics is considered a form of war, the question needs to be asked about the place that is given to life, death, and the human body (in particular when it is wounded or slain)” writes Mbembe.¹⁷³

Although Mbembe has written primarily about necropolitics in the context of explicitly violent relationships within the post colonial world, such as the French-Algerian War and current occupations such as the Israeli occupation of Palestine, necropolitics can also be used to analyze the current landscape of youth migrant populations in France. Returning back to the

¹⁷¹ Gonzalez, Sarah. “Kids in Prison: Getting Tried as An Adult Depends on Skin Color. WNYC News. 10 October 2016. accessed 2 April 2024

<https://www.wnyc.org/story/black-kids-more-likely-be-tried-adults-cant-be-explained/>

¹⁷² Ibid P. 137

¹⁷³ Mbembe, Achille. 2019. *Necropolitics*. Theory in Forms. Durham, NC: Duke University Press. P. 66

introduction of this project where I discussed the state’s treatment of the 450 UMs who set up tents in front of the Conseil D’État in June, 2023, and were violently forced to leave, leaving their tents in ruins without offering any alternative solutions, we see the necropolitical forces at play, deciding whose lives matter and whose don’t.

Population Management

I write this chapter 3 months away from the start of the 2024 Olympic games which will be held in Paris. Starting in November 2023, the city of Paris’s government has launched what local NGOs have deemed as a “social cleansing” of the city, including forced evictions of unaccompanied minor populations in informal and precarious housing situations, and the removal of UMs from the streets or in ‘undesirable’ public spaces including near the metro or under bridges.¹⁷⁴ In a press statement from Utopia 56, the contributors note that the association has observed a noticeable rise in the number of expulsions from camps where displaced individuals seek refuge, resulting in systematic displacement in the regions without a sustainable long-term accommodation solution for some of them.¹⁷⁵

Another press statement titled “New Illegal Eviction, and Without Solution,” details a police operation that occurred on March 20, 2024, where 150 young migrants who had been installed inside of a tunnel for around 5 months, peacefully waiting for their court hearing to appeal the decision made on their minority were forcefully evacuated by the national police. When the minors asked where they should go, the police responded that it “was not their problem,” offering a stark choice: “either stay and we’ll use force, or leave for the east of Paris.” Here we see how the aim of these operations is to clear public spaces of their ‘undesirable’ inhabitants, however we also see that in the background, these expulsions simultaneously meet the objectives of French and European migration policies: to impose such violence and wandering as to dissuade others from seeking refuge in France.¹⁷⁶

One approach to analyzing these instances of state structured violence and population management is through the necropolitical lens of citizenship. In the introduction of his work, in a chapter titled “The Ordeal of the World,” Mbembe delves into the notions of pure citizenship versus borrowed citizenship. He explains how the principles of equality are undone, nullified, and essentially become inapplicable for those who hold borrowed citizenship, such as

¹⁷⁴ “2024 Olympics: “Paris will be magnificent” but to whose detriment?” *Utopia 56*. 23 February 2024. accessed 27 March 2024 <https://utopia56.org/jo-2024-paris-sera-magnifique-mais-au-detriment-de-qui/>

¹⁷⁵ *Ibid*

¹⁷⁶ “New Illegal Eviction, and Without Solution” *Utopia 56*. 20 March 2024. accessed 27 March 2024, <https://www.instagram.com/p/C4vQaMqtOMX/?igsh=aTdobjF5aDQ1Y2Q4>

immigrants and prisoners. “Today we see the principle of equality being undone by the laws of autochthony and common origin, as well as by divisions within citizenship, which is to say the latter’s declension into “pure” citizenship (that of the native born) and borrowed citizenship (one that, less secure from the start, is now not safe from forfeiture.)”notes Mbembe.¹⁷⁷ In *Compassion and Repression: The Moral Economy of Immigration Police in France*, Didier Fassin explores a similar idea, relating the politics of citizenship directly to the contemporary immigration landscape in France, writing how “The refugees thus occupy a central place in our moral economy because they reveal the persistence of bare life in contemporary societies: deprived from their human rights by lack of citizenship.”¹⁷⁸

The chronic space of waiting that ‘refused’ unaccompanied migrant minors are forced into can be understood as a more covert form of necropolitical violence. In his work Mbembe writes on how governments construct spaces that straddle the line between life and death, leaving marginalized groups, particularly those without “pure citizenship” teetering on the precipice of death, their lives deemed inconsequential or invisible. This idea is contemporarily illustrated through the thousands of migrant youth particularly in the Paris region who will wait up to a year for their court date. As previously discussed, during this time they are legally invisible, not recognized as children, but equally unable to access the adult asylum system or structures in place such as the emergency shelter system, therefore placed into a ‘zone of death.’ Another example of necropolitical forces at play is illustrated by a recent viral video depicting French police setting fire to a tent following a raid on an Afghan refugee camp in the 19th arrondissement of Paris. In this video we clearly see how the state uses the necropolitical tool of controlling space and inturn controlling the population, by physically disposing, in arguably the most violent way, the only shelter or ‘property’ that a person has.

Conclusion

This chapter has aimed to unravel how the French state leverages medical evaluations to standardize and regulate the fluidity of translation, creating ‘objective’ evidence through the physical body. Apart from the medical assessments I have explored the conditions which permit the living young migrant to be reduced to their body, notably through a necropolitical analysis of citizenship, and the ways that borrowed citizenship allow for the dehumanizing and the making of the disposable migrant. Here, we also see how the treatment of the child migrant does not

¹⁷⁷ Ibid P. 3

¹⁷⁸ Fassin, Didier. “Compassion and Repression: The Moral Economy of Immigration Policies in France.” *Cultural Anthropology* 20, no. 3 (2005): 362–87. <http://www.jstor.org/stable/3651596>.

necessarily differ from that of the adult migrant because they have been labeled as having the same sort of 'borrowed' citizenship by the state. Furthermore I have explored how the child's 'docile' body and inherent vulnerability allows them to be more regulated by the state, notably through the imposition of the medical age assessment.

Closing Remarks

Across the previous 4 chapters I have explored the age assessment as the vehicle of translation that transforms an immigrant's journey into a framework of childhood. Returning back to my original research questions, *How is childhood determined amid the increasing trend of youth immigration? and What are the objectives of the age evaluation framework in France?* – I discovered that the age evaluation is not, and has never been about determining a particular age. As previously highlighted the legal framework itself elucidates how the assessment cannot definitively determine the exact age and can only decide if the age that young person alleges is plausible.¹⁷⁹

Instead, I've showcased how the process of age evaluation predominantly operates within the confines of a moral economy. Here, specific immigrant demographics are deemed the ethical responsibility of the state, while others are marginalized. As discussed in part 2 of the project these decisions hinge on five primary factors; "objectivable" data, typologies rooted in stereotypes, the notion of merit particularly regarding presumed integration capacity, considerations of suffering and vulnerability which frequently arise as grounds for protection, leading to the favoring of certain migrant profiles over others, and the concept of "narrative legitimacy" which comes into play, when the evaluator evaluates the authenticity, credibility, and coherence of the migrant's life story to determine their eligibility. Through my analysis I have demonstrated that these 5 factors are inherently subjective and are corroborated differently depending on the evaluator's motives.

To respond to my second question: *What are the objectives of the age evaluation framework in France?* – by shedding light on the subjective nature and intricate layers of interpretation inherent in the evaluation procedure, I have shown that the age assessment serves as a crucial component of a broader biopolitical agenda aimed at regulating and controlling a population. Through an exploration of Foucault's theory of biopolitics, we can understand that the French child protection system is one actor in the intricate web of policies and practices aimed at shaping and controlling the demographic landscape of society.

¹⁷⁹ Ibid

My conclusion that the age assessment is not just about age, but rather about a mass biopolitical project thus begs the question: why does the evaluation even exist? As explored in part 1 there is some inherent value that we find in the vulnerable, docile nature of the child. However, despite the rise in international legislation safeguarding the rights of children irrespective of citizenship status, France's decision to maintain a disunited, fragmented, and subjective age evaluation procedure can be interpreted as a deliberate choice to exert control. As shown, even the "most objective" data, the bone assessment, was proven to be subjective, yielding results with a significant margin of error—sometimes spanning several years—which allows magistrates to continue to inject their personal convictions into this so-called objective process.

To end this project I would like to return to the narrative perspective and share the story of a young Malian named Soulemani who arrived at the evaluation center in Créteil in 2013 when Noémie Paté was an age assessor. Paté describes Soulemani as a "smiling, cordial, cheerful young man"¹⁸⁰ who quickly familiarized himself with the center upon arrival, finding a board game to play, and striking up conversation with the social workers. Soulemani was assigned to Paté, who assessed him as an unmistakable minor during the evaluation. Immediately after the interview, Soulemani was temporarily placed in the Paris region, and then quickly transferred to a permanent foster family in the Northern region of France. A month after being placed there, Soulemani came back to Paris to see Paté, explaining to her how he had run away from the family.

"They placed me with a family that lives where there is nothing. There's no school, no highschool. It's in the middle of nowhere, amidst the cows, and they don't allow me to leave the house. For several weeks I had been feeling sick, my stomach hurt and I wasn't sure why. One day at the dinner table I asked what we were eating and the wife responded while laughing, "It's pork, and since you've been here you've eaten it several times, so you can continue." I'm Muslim, I can't eat pork, so I didn't dare eat any more... And then they stopped allowing me to leave the house, and I couldn't talk with the other children that were placed with this family... one day they forced me to come to church with them. I didn't want to enter, so they told me I could wait outside. I waited under the rain for 2 hours" remarks Soulemani.

¹⁸⁰ Roméo, Claude., Paté, Noémie., Roger, Jean-François. *Je voulais une chance de vivre*. Paris. 22 October 2020. P. 79

With this information Paté decided to request a transfer of placement so that Soulemani would be placed with a different family in a different region. Soulemani's assigned social worker in the North, in collaboration with his host father, denied this request telling Paté that Soulemani is lying and that anyway, his host father found identity documents in his room that say he is 23 years old. Paté interrogates Soulemani on the subject of the documents, and he explains that he procured false documents while in Italy to make himself appear older to be able to work during his journey. Soulemani is taken in for another round of questioning and it is confirmed by the border police that the documents that the host father found were false documents. Despite this, he is placed in temporary housing and his minority status is retracted from him. With the help of Paté he writes a letter to the juvenile judge explaining how he is in the possession of an official Malian passport sent from his mother, a birth certificate, and a national identity card that proves he is 16. "I am not a bad kid, I am not dangerous, I want to fit in here and I want to integrate myself" he says.¹⁸¹

The judge orders that Soulemani be assigned a new educational assistant, but nothing changes, so with the help of Paté, Soulemani writes a second letter to the judge, which produces no response. Soulemani shows up to the juvenile court every day for several months pleading to talk to anyone who will help him. Despite his many attempts to appeal to the judge no progress is made. After giving up on the appeal process Soulemani stops responding to Paté's calls and they lose contact. Several months later the two of them find themselves in the same car on the Paris metro. In a final exchange, Paté describes Soulemani as unrecognizable. He smokes a lot, is emaciated, has drawn features, nervous tics around his eyes, and expresses his desire to leave France to her. "If France is this, if it's so difficult, I'm going to get back on the road. I'm going to look for another situation, another elsewhere" he tells her as he slips through the train doors.¹⁸²

Soulemani's story is one of thousands that exemplify the state's power and attempts to control not only the current population, but also prospective generations of immigrants. Through both written and unwritten law the French state has demonstrated that France is not a sanctuary for those seeking refuge. Rather it is a place where even the most vulnerable populations will be pushed into a zone of death, forced back into a state of displacement and wandering, that they came to France to escape. Given that the age evaluation exists within a political landscape that is marked by identification and surveillance of non-citizens, the unaccompanied migrant minor population is perceived outside of the framework of the native child. Thus their treatment is not determined solely by the morals ascribed to children, but rather the blurring of the "laws" of humanitarianism with those of the political. In other words

¹⁸¹ Ibid P. 81

¹⁸² Ibid P. 84

the mixing of prioritizing child welfare with managing illegal immigration. Even when Soulemani is recognized as a minor his status as an immigrant still takes precedence over his status of minority; as his status as a 'non-citizen' is what enables the state to revoke his status as a child and reconstruct him as an adult despite evidence of his youth.

Moreover, Soulemani's journey demonstrates another core function of the age assessment coming into effect: assimilation. In the second part of this project I explored how young immigrants who demonstrate a willingness to embrace French culture, possess language skills, and actively seek integration into society are more likely to be accepted into the ASE than those who don't. In the case of Soulemani part of the reason why his status of minority is taken away from him is attributed to his refusal to assimilate to the standards that his foster family has, evidenced by his refusal to eat pork or go to church. Essentially his resistance to compromise himself and his beliefs. In Foucauldian terms the indocility of his body is what allows his minority status to be revoked.

Kendi, the previously mentioned Congolese UM that I interviewed, was recognized as a minor 6 months after starting the appeal process. Currently Kendi is at the top of his class finishing the last year of his baccalaureate in Créteil, preparing for a bachelors in corporate law. But after he receives his diploma and his papers he doesn't want to stay in France. "I don't want to stay in France, I want to go home. I never liked it here" says Kendi, reflecting on how he was treated by the French child protection system, and his experience during the age assessment. Despite the fact that Kendi had successfully assimilated into French society, and is excelling within the confines of that integration he expresses a feeling of self alienation that the process of assimilation produced.

The narratives of both Kendi and Soulemani illustrate the intrinsic ambiguity that persists despite the state's efforts to regulate the population. Even within the assimilation process, personal subjectivity abounds; even when all logistical aspects are in order, it remains insufficient, leaving room for individuals to assert themselves, to make, to unmake, and to reconstruct their positions in the existing landscape. Highlighting the state's incapacity to grasp control or fully manage the resilience of immigrants and those on the move, we see the limits of the age assessment procedure.

Call to Action

As evidenced by recent immigration statistics, despite the state's efforts to control the population through increasingly stringent immigration laws and escalating violence in border areas, migrant populations of all ages persist in arriving in France. In 2023, foreign-born individuals comprised nearly 7 million people accounting for 10.3% of France's population.¹⁸³

I would like to end this project with a call to action. Although these child migrants have been compelled to develop greater autonomy than most non-migrant children, their autonomy does not diminish their vulnerability or their need for protection. Therefore, this demographic demands comprehensive policies and practices that allow for a holistic understanding of their experiences. To start, there must be a complete prohibition on bone tests, which have been proven to be inaccurate, invasive, and unethical. Secondly, in accordance with the International Convention on the Rights of the Child, the presumption of minority rights must be honored, meaning age assessments should only occur when significant doubts arise. Moreover, all individuals presenting themselves to the ASE should have the right to undergo evaluation if they choose, eliminating the substantial proportion of children who claim to be subjected to counter refusal. Thirdly, age assessment criteria should primarily be developed by child rights advocates and experts in child psychology, rather than by individuals motivated by the management of illegal immigration. Lastly and most importantly there must be alternatives for protection that do not hinge on subjective age determinations. Housing and educational structures must be put in place to uphold the dignity of all migrants, regardless of their assessed age. This necessitates a shift in governmental approaches away from controlling immigrants' lives through attempted reduction and deterrence, to actively supporting the well-being of both current and future immigrant communities in France.

¹⁸³ “One in 10 people in France an immigrant, says national statistics agency”. *Le Monde* with *AFP*. 30 March 2023. Accessed 19 April 2024.
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Appendix A: Profile of Mana

I encountered Mana in Paris in December, 2022. He was one of the hundreds of unaccompanied minors who had arrived in France earlier that year who was initially misjudged as an adult and later successfully appealed for state recognized minor status. A year later, in January 2024, we met in a Parisian café, where he shared more about his journey.

Introducing himself, Mana began, “If I have to speak of myself, I have to speak of where I came from,” recounting his upbringing in Douala, the largest city and economic capital of Cameroon. Born into a world marked by neglect and hardship, Mana's upbringing unfolded in the shadows of a challenging environment. “Like everyone else, I grew up in a ghetto without parents. I never knew my mother, but it was my father who didn’t want to know me,” he recounted, shedding light on the void left by both parents. Reflecting on his childhood he explains that most of it was spent on the streets, “I hung around so much because my father was never there.” Like any child Mana longed to know his mother, longed for a semblance of family. He shares this sentiment with me while opening his wallet which contains a picture of her. The only physical piece of her that he’s ever known. He explains the dysfunctionality of his relationship with his father, remarking how whenever his father would come back home Mana would ask him questions about his mother, but it was those questions that would enrage his father and make him leave again.

Mana described the conditions that led him to leave Cameroon, attributing it partially to his father's absence but predominantly to the political climate. “At first, I didn’t want to come to France. I didn’t know I would be here one day. It’s because of the war at home that I’m here. One day, the rebels attacked the village. I received 1,2,3,4 bullets” he recounts, referencing one of the Anglophone Separatist attacks that have become increasingly common in Douala throughout the past 5 years.¹⁸⁴ “My house wasn’t there anymore. That’s how my journey started.” Describing himself as a passive participant at the beginning of his migration, Mana explained how that night he let himself “be carried away by the violence and the heat of the neighborhood.”

¹⁸⁴ “Cameroon: Rampant atrocities amid Anglophone regions must be stopped and investigated”. *Amnesty International*, 4 July 2023. accessed 26 April 2024. <https://www.amnesty.org/en/latest/news/2023/07/cameroon-rampant-atrocities-amid-anglophone-regions-must-be-stopped/#:~:text=According%20to%20testimonies%20of%20displaced,village%20and%20started%20committing%20atrocities.>

At this time, Mana was 14 years old. Starting in Cameroon, he traversed Nigeria and Niger, enduring several months of walking through the expansive Sahara Desert alongside fellow young immigrants from various parts of Sub-Saharan and Western Africa. After Niger, Mana reached Algeria, where he “fell into the wrong hands,” and he recounts being “manipulated” and “sold,” an unimaginable reality that many African immigrants face along the route, notably in Libyan and Algerien detention centers.¹⁸⁵ “So that’s when I thought about fleeing to Europe” he tells me. In the Algerien prison, Mana was sold to a Libyan man “I didn’t arrive in Libya like all the other migrants, I arrived in Libya because I had been sold to someone there as a slave” he recounts. Because Mana did not leave his home with the intention of coming to Europe he didn’t have any funds to pay a smuggler to help him traverse the sea, a service with a hefty cost ranging from \$2500 to \$4500 USD.¹⁸⁶ Mana explains that it was his slave-owner who arranged for him to be smuggled to Italy. He would cover the costs once he felt that Mana had worked enough, which ended up being several months.

From Algeria to Tunisia to Libya, Mana eventually made it to Europe, reaching Italy by raft. In Tripoli, Mana found himself in a large refugee camp situated near the coast. While living in the camp, he overheard discussions about fleeing to France, how “life was better there,” especially for West Africans who were familiar with the French language. Despite Cameroon’s colonial history involving both French and English forces, Mana had grown up speaking Bamoun and Arabic, picking up minimal French along the route.

In a spontaneous decision made overnight with a friend, Mana set out for France using Google Maps as his guide. Over the course of a week, he and his friend navigated through Ventamillian, Menton, and Nice, finally arriving in Paris after discreetly boarding a Flix Bus and hiding in the bathroom to evade controllers. It was at the train station that Mana met other young immigrants. After spending some nights sleeping at the Bercy train station in Southern Paris, they encountered police officers. When asked about their age, Mana, newly 16 and his friend, 15 years old, were directed to the Red Cross, the organization managing the arrival of unaccompanied migrant minors at the time.

When Mana arrived at the evaluation center he was assigned a social worker who would later serve as his age evaluator, the person who would interview him. Mana immediately observed a demeanor that left a lasting negative impression, telling me that from the moment he arrived at the center he knew he would not be judged favorably. “Before the interview, I saw the

¹⁸⁵ Baker, Aryn. “Inside the Modern Slave Trade Trapping African Migrants” *TIME*. 14 March 2019. accessed 28 April 2024. <https://time.com/longform/african-slave-trade/>

¹⁸⁶ Ibid

way she was talking to us. It's not the way you talk to humans. I already didn't have a good image of her in my head."

During the days leading up to the interview, Mana noticed that he was having a harder time being heard than some of the other minors at the center. "You see.. us... we have black skin. Every time that we try to do something here it's more difficult for us. When there's someone with lighter skin, the evaluation passes by fast. But for us, no, you understand the system? We have to defend ourselves." He continues, "my problem is not with those people, it's with the system. I understand they are just doing their job. It doesn't come from them [the evaluators], it comes from those that make the rules."

After 3 days spent at the center, Mana was scheduled for his evaluation. When asked to describe what happened during the interview, he shared a disheartening account, emphasizing the preconceived notions that seemed to overshadow the entire process. "She had already judged me before my evaluation," he recounted. To use the previously mentioned words of Éric Fassin, like many tests and procedures that immigrant populations must go through, Mana was forced to "expose the matter of his existence." Forced to recount every detail of his childhood, his education, his family, his journey to France. "When I explained my story to her she told me she didn't believe me because I told it too easily. She told me my behavior was not believable to that of a genuine minor," remarks Mana. The formal refusal letter he received that same day echoes this, reading "*Your posture and your maturity do not correspond to that of a child.*"

Mana emphasized that during the interview he maintained a natural and honest approach, though he acknowledged the difficulty of recalling every detail. He pointed out the challenge faced by young immigrants who, at such a formative age, embarked on journeys spanning years, "We aren't able to recount our story detail by detail." Mana explains that in order to tell someone everything that happens during this traumatic journey you have to detach yourself from what you're saying. Shedding light on his ongoing struggle with his own memory, Mana shared the continuous nature of his memories from 'the route,' explaining "New things... everyday, there are new things that come to mind."

Mana reflected on the harsh yet brief nature of the evaluation process, highlighting a crucial omission in the assessment. He remarked, "She didn't ask for documents, for papers. She judged me physically and that was that... voila!" Despite Mana having an official birth certificate from Cameroon, a tangible proof of his age, he was never asked to present it, and thus, this crucial piece of evidence was not considered in the decision-making process.

Even though Mana had been learning elementary French along his journey, he faced another challenge during the evaluation – the absence of an interpreter. Despite his request and

his legal right to a translator in his native language Bamoun, he was reassured that it was unnecessary. "I speak Bamoun. I asked for a translator, and she told me it'll be okay, that it's fine, I don't need a translator."

When I asked Mana to recount his initial feelings after receiving the letter of refusal he expressed a feeling of disillusionment, "It's normal that I wouldn't be viewed as a child here, it's two different worlds" he shrugs. "Even here, you cannot take a child from the *banlieu* (the lower income outskirts of Paris), and a child from the 16th arrondissement (the richest area in Paris) and put them together. Already their behavior and mannerisms will not be the same," he continues .

Mana's perspective on childhood is shaped by the harsh realities he and his friends faced both in Cameroon and along the route. When asked about what childhood meant to him, he responded with a poignant reflection. "We never knew childhood," he shared, drawing parallels between his life in Cameroon and the experiences of the friends he encountered in Paris. The only semblance of a conventional Western childhood that Mana notes was the period he spent at school. A Quranic School in Douala for two years, part of a punitive Islamic school system. He recounts one day that he missed classes, and the next day being brutally hit for his absence. Apart from attending school Mana explains how "in Cameroon you are an adult at 12 years old." "Socially, yes, but you are treated like an adult by the police too. If you are 12 years old without a family, in Cameroon, you are treated as a French person who is 18 years old or maybe even 50 years old" he remarks.

After receiving the letter of refusal, Mana was ordered to leave the center, as he could no longer stay there after receiving a negative ruling on his minority status. Put out on the street with just the letter, Mana was alone. It was around the center that he met a volunteer from Utopia 56. "We knew nothing, nothing about associations," he remarks, explaining how when he was given his refusal letter, he was given no direction on where to go, apart from the address of the court where he could launch the appeal process, scribbled at the bottom of the paper.

After being refused, a volunteer escorted him and the other minors that day who had been refused to Bastille, the center of Paris, that was at the time being occupied by a makeshift camp of young immigrants in tents who had nowhere else to sleep. Mana spent about 2 months at the camp, while he launched the appeal process to the decision concerning his minority. After 2 months, Mana broke his knee and he was able to move into a house run by MSF in the suburbs of Paris.

After 2 months spent in their house, after his leg was healed, Mana was put out on the street again. A total of 6 months after the day he was initially refused, Mana appeared at court

with a lawyer, and was recognized as a minor by the children's judge. "It was only during the appeal that I showed them my birth certificate," he tells me. In recounting this story he tells me how even after being recognized as a minor it was the local associations and NGOs in the area that fought for him, not the legal system that was meant to support him. "Volunteers are more important than the president. I don't really have the words to explain it. It's thanks to the associations here that I do anything. They helped give me work, they helped give me school" he remarks.

As of January 2024, Mana is in school studying for a mechanical baccalaureate degree. When asked about his experiences in an environment where peers may be the same age but have vastly different life experiences, Mana illuminated the stark contrast. "There's a big difference between our comprehension and theirs. It's what we call the school of life," he explained. In this dynamic, Mana acknowledged the wealth of knowledge he and others like him bring to the table, shaped by the challenges and lessons learned through displacement and migration. He captured the essence of this exchange remarking, "At school, there are things that we learn... and there are things that we teach."

"If I had to leave France tomorrow, I would know how," he continues. "But for them... what they know is family, to know your mom and your dad... We didn't grow up like that." Through his words Mana evokes a larger truth about what it means to be someone who has been exiled and forced to move and flee, that despite this new life he has created and adjusted to, he is still always ready for that to be over. For the day when he has to leave again.

The day that I interviewed Mana, was just 8 days after his 18th birthday. I asked him if this meant anything to him. "I didn't even know the day of my birthday. It's just another day" he responds, telling me how he spent the day working a 12 hour shift.

Aside from his studies, Mana is employed part-time at a local Carrefour City grocery store. He also channels his creativity into making music with friends. His journey with music began as a means to teach himself how to write in French and express himself when he first arrived in Paris. "With music, I do it first to feel good. But I also want to send messages, to tell the sad reality experienced by unaccompanied minors, but not only that," he shared. Mana expressed his aspirations beyond schooling, envisioning a future where he could travel and observe different ways of life, "When I finish my schooling and have papers, I would like to travel and see how people live in other countries. I would like to bring something back to society." When asked about his future, Mana revealed a simple longing. "What I want... What I want is to become a normal person like everyone else. In a few years, I want to have a family. A

wife, a child, a house. Take my son to school, play with the kids. It's what I never had, you know."

Appendix B: Profile of Kendi

I met Kendi the day he received his refusal letter. Kendi had been evaluated in Créteil and upon being refused was given the number of Utopia 56 by the social workers at the evaluation center who told him he would be helped in Paris. The ‘help’ he was assured that he would receive was minimal. A tent and a sleeping bag that I gave to him before accompanying him to a nearby park to sleep for the night. Kendi, unlike many unaccompanied minors who migrate to France, grew up with a fair amount of stability and access. The day he was refused was the first night he had slept on the street.

Kendi was born on January 1st, 2007, in Lubumbashi, the second-largest city in the Democratic Republic of the Congo (DRC). At the age of 5 he began attending a Francophone Belgian school which he stayed enrolled in until his departure to France.¹⁸⁷ Growing up, Kendi spoke fluent French, Lingala, and Swahili. His father, a doctor, and mother, who worked in a diamond manufacturing factory, provided him a relatively comfortable upbringing; he mentions how as a kid he traveled to several countries for vacation with his father. However when Kendi turned 14, his father suddenly disappeared without telling anybody. Soon after his father's disappearance his mother left to search for him, leaving Kendi alone with his 2 younger siblings.

After several months of living alone a friend of Kendi's mom came to the house, telling him he would help Kendi reunite with his parents who were rumored to be in France. “I never decided to leave my village. After my mom and dad both left I couldn't stay by myself” Kendi recounts. Having lost all contact with his parents, Kendi was desperate to reunite with them, and decided to take his mom's friend up on his offer. He had found \$2500 under his father's bed to finance the trip. “I was young. I didn't know how much it was, but I knew it was a lot” he recounts. With that money, his mother's friend bought a plane ticket for him, and they traveled to France together.

However, upon arriving in Paris at the Charles De Gaulle airport his mom's friend abandoned Kendi, taking his passport with him. After several days spent wandering Kendi was directed to the Red Cross, the association managing the evaluation of minorities in Créteil at the time. Kendi describes the evaluation procedure as being one of many procedures in France that

¹⁸⁷ The Belgian school system in the Congo is a lasting result of Belgian colonization. It serves primarily Belgian Francophone students living in the Congo, however some higher class Congolese also attend these schools.

is “full of racial discrimination”, recounting how he was told that because of his height there was no way he was 16. “The evaluator tried to force me to change my age... The decision was already made before the evaluation” he explains. Because Kendi spoke fluent French the evaluators told him that he must have already been in France for at least a year. “Because I spoke French, they told me that I must have already been in France for a year because I was fluent. They failed to remember that lots of Africa is French. That i was educated in a French school system so I spoke like a French person” he recounts.

When I ask Kendi about what childhood means to him, he explains how his life in the Congo was far more childlike than his life in France. “*En France, l'enfance de l'homme noir n'existe pas*” (“In France, the childhood of the black man doesn't exist”) he says. “It doesn't matter if you're an immigrant or if you're French, if you're black you aren't a child” he tells me. Since receiving the letter of refusal in January, 2023, Kendi has appealed the decision and was recognized as a minor in July, 2023, Currently, Kendi is in the last year of his baccalaureate in Créteil. After getting his diploma he hopes to continue his studies and earn a bachelors in corporate law. However, after getting his legal papers he wants to leave France “I don't want to stay in France, I want to go home. I never liked it here”.

