Living with Uncertainty:

An Ethnographic Study on the Agency and Belonging of

Undocumented Youth in Canada

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ABSTRACT

Little is known about the lives of undocumented immigrants in Canada, and even less about the experiences of undocumented youth. Drawing on ethnographic fieldwork, this thesis examines the complex interplay between immigration policies and the lives of undocumented youth (14-20 years old) from Latin-American and Caribbean countries living in Montreal. There are two main objectives of this thesis. Firstly, through an examination of Canadian laws and court decisions in recent decades, it aims to investigate how immigration policies define undocumented minors as both threatening Others and vulnerable beings, rendering them voiceless. These policies of social exclusion dramatically shape these young people's lives, by frustrating their everyday interactions and limiting their access to services. Secondly, drawing on ethnographic fieldwork conducted with undocumented youth, this thesis aims to explore how these subjects, in turn, actively reinterpret their subjugated social positions and assert their agency. It demonstrates how the multiplicity of strategies developed by undocumented youth to cope with the uncertainty and liminality engendered by their migratory status, is rooted within complex relationships of interdependence and an ambivalent sense of belonging. As this thesis reveals, youths' lives and understandings of who they are cannot be understood through narratives of victimhood or resistance. Rather, youth have diverse, complex and sometimes paradoxical ways of regaining their voices and situating themselves in ambivalent and ambiguous ways of being "here". It is only through an examination of this ambiguity of youths' agency and ways of belonging, as well as through empirical research, that we can improve our ability to address this population's needs and the impact of immigration policies on their lives.

ABRÉGÉ

On connait peu de choses sur la vie des immigrants sans papiers au Canada, et encore moins lorsqu'il s'agit des jeunes. À partir d'un terrain ethnographique, cette thèse examine les interactions complexes entre les politiques d'immigration et les vies de jeunes migrants (14-20 ans) sans papiers, issus de pays latino-américains ou caribéens et vivant à Montréal. Cette thèse a deux objectifs principaux. Premièrement, à partir de l'étude des lois et décisions juridiques de la dernière décennie au Canada, cette thèse vise à explorer comment les politiques d'immigration construisent des jeunes migrants simultanément comme des Autres menaçants et comme des êtres vulnérables, leur enlevant ainsi leur voix. Ces politiques d'exclusions sociales transforment dramatiquement la vie de ces jeunes en limitant les possibilités de leurs interactions quotidiennes et en restreignant leur accès à des services sociaux. Deuxièmement, à partir d'un terrain ethnographique réalisé auprès de jeunes migrants sans papiers, cette thèse a comme objectif de comprendre comment ces sujets réinterprètent activement leur position sociale subordonnée et affirment leur pouvoir d'agir. La thèse postule que la multiplicité des stratégies développées par les jeunes migrants pour faire face aux incertitudes et à la liminalité découlant de leur statut migratoire est ancré dans de complexes relations d'interdépendance et dans des sentiments ambivalents d'appartenance. Comme cette étude le montre, la vie de ces jeunes et les façons dont ils conçoivent leur existence ne devraient pas être interprétées comme des récits de victimisation ou de résistance. Les jeunes ont plutôt des façons multiples, complexes et parfois paradoxales de (re)prendre parole, en se situant de façon ambivalente et ambigüe comme étant "présents". Ce n'est qu'à travers l'examen du pouvoir d'agir et des appartenances ambivalentes des jeunes ainsi qu'à travers des recherches empiriques que nous pourrons améliorer notre capacité à répondre aux besoins des jeunes migrants sans papiers et comprendre l'impact des politiques migratoires sur leurs vies.

TABLE OF CONTENTS

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Introduction

> "I find it so nasty! I don't think it's fair that they send back people to their country. I am really sad that I have to leave. It's sad that I have to leave my girlfriend, especially because it's been two years now that we're together. It's sad and it's too bad that I'm leaving. But I will try hard to come back. I will put all my efforts forth. I am going to come back but I think that I'm going to come back to Canada" (Interview with a young undocumented boy)

Roberto,[1] an undocumented young boy that I met in Montreal, is 15 years old. At the time of writing, he has already been deported to his home country of Mexico, along with his family. For him, being undocumented means that immigration authorities have the power to send him back to his country and separate him from his girlfriend. His lack of legal status dramatically limits his

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[1] The names and certain identifying details of the person have been changed, in order to protect the privacy of the individuals involved.

life, his rights, and his choices. It means that he has to live with (and despite) a constant and daily uncertainty, where his being "here" may be revoked at any moment. Yet, he is determined to come back to Canada. He asserts that immigration policies are "nasty" and "not right" because they rupture and destabilize his sense of belonging to the extensive community he has established in his four years in Montreal - a community that includes his girlfriend, friends and schoolmates.

The contentious relations, frictions and tensions between immigration policies and young subjects are at the core of this thesis. In particular, I am interested in the tensions that exist between the ways in which the restrictions of immigration policies frame the everyday worlds of youth, and how these subjects reinvent and respond to these constraints. On the one hand, I have examined how immigration policies define undocumented minors as threatening Others or vulnerable beings, rendering them voiceless. These policies of social exclusion dramatically shape and frustrate youths' lives, by entering their experiences, dreams and bodies. On the other hand, drawing on ethnographic fieldwork conducted with undocumented youth from Latin American and

Caribbean countries in Montreal,[2] I have explored how the subjects, in turn, actively reinterpret their subjugated social positions and assert their agency.

In addressing these questions I have chosen a particular viewpoint or lens, which has allowed me to uncover and magnify these tensions: the question of age. The ways in which immigration policies define youth, and the ways that youth establish their social belonging are very much complexified as a result of their age. For instance, unlike his parents, Roberto went to school like his Quebecois peers and established significant relationships with persons from cultural backgrounds different from his own. Yet, he is dependent on his parents' choices: their choice to migrate; and their choice to return to Mexico following a deportation order, rather than simply moving underground. Indeed, undocumented youths' experiences are extremely different from those of their parents or of adults who have migrated alone. They demonstrate the two-sided nature of membership and citizenship — that persons can be removed from spaces, and denied privileges and rights, but at the same time experience belonging.

In the four articles that compose this thesis, the two notions of agency and belonging are knotted together. I engage with these two concepts, referring to a critical and anthropological understanding of subjectivity as complexly

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[2] The majority of the youth I encountered were from Latin-American countries.

produced, not only by the power relationships that subjects are entangled in, but also by the ability for subjects to transcend these through their everyday lives and by symbolic and practical means (Butler 1997; Crapanzano 2011; Das 2006). I am particularly interested in forms of life as they are defined (or fail to be defined) by policies. As argued by Agamben (1998), these lives are "bare", naked, and spoiled of social and political rights. They are lives that can be killed with impunity because they have been excluded from the community of citizens. But I am also interested in the new forms of social life and belonging that emerge in these ruptures, in these grey zones where the subjects are defined as bare life, or where they fail to be defined altogether - as though they did not exist.

The Social and Political Context: Pathways to Uncertainty

How are youth defined, or how do they fail to be defined, by immigration policies? In order to address this question, we first have to understand the ways in which immigration policies construct undocumented immigration as a political phenomenon and ultimately, a social problem. I refer here to to the critical study of illegality as a socio-historical construction, developed in recent decades across different disciplines such as sociology, anthropology, and history (De Genova 2002; Ngai 2004; Sassen 1999; Fassin, Morice and Quiminal 1997). More specifically, scholars have critically examined the multiple ways that policies

"irregularize" immigrants (Calavita 1998), thereby relegating them to the margins of society.

In contrast to other countries such as the US where most undocumented immigrants illegally cross the national border, in Canada the majority are individuals who enter the territory legally with a temporary precarious status (e.g., working visa, refugee claimants) and after losing it and becoming unable to obtain permanent residence, enter onto a pathway of illegality (Pashang 2011; Villegas 2010; Bernhard et al. 2007; Goldring, Berinstein and Bernhard 2009). The construction of undocumented immigration in Canada must therefore be understood in connection with the increasingly precarious forms of legal and non-legal statuses, which are accompanied by a limited access to services (Crépeau and Nakache 2006; Ruiz-Casares et al. 2010; Pratt 2005). Goldring (2009) claims that in recent decades, immigration precariousness[3] has become

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[3] Goldring (2009) also advocates the use of "precarious status" to represent multiple and potentially variable forms of non-citizen and non-resident statuses in Canada. Throughout the different articles of this thesis, I have used the terms "precarious status" and "undocumented", and I will here provide the rationale for my choices. In the first article of this thesis, I use the term "precarious status" in order to define different kinds of illegal and legal statuses which make immigrants illegal and non-entitled to social and political rights. The use of this term is helpful in order to take into account and complexify the variable forms of legal and non-legal statuses, referring to the specific Canadian context of precariousness. In some of the court decisions that I examined, children hold a kind of legal status, but they are precarious because of their parents' status, or because of their status as children. In the other articles, however, I primarily use the term "undocumented". I chose this term for three reasons. First, the youth I encountered during my fieldwork often define themselves as "undocumented" or "illegal". Second, in most cases, children or youth having difficulty accessing school or social services are either in Canada without legal immigration status for themselves, or their parents or families. The lack of legal documents,

institutionalized, at the social, administrative, legal and political level.[4] On the

one side, new policies have multiplied the forms of temporary and precarious

migratory statuses (e.g., temporary working permit, student visas), which do not

create pathways to permanent residence or citizenship and entail limited rights

and limited access to services. On the other side, further policies have made it

increasingly difficult to obtain permanent residence and citizenship (Khandor et

al. 2004).

Along with the precarisation of migratory statuses, another important

factor that has increased the numbers of undocumented migrants is the fact that

in the last decade, the asylum process has also become more difficult and

restricted. As a result, the number of individuals accepted on the basis of refugee

claims and family reunification applications has drastically decreased (CCR 2005).

In recent years, multiple policies have closed the door on refugee claimants, such

as the Safe Third Country Agreement, which was implemented in 2004 by

Canada and the US to prohibit refugees from seeking asylum in Canada if they

first arrive in the US. In 2005, a year after the agreement came into effect, the

number of foreigners applying for refugee status in Canada declined 41 per cent,

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rather than their precarious status, is often the main challenge they face in accessing services. Thirdly, the journals I submitted these articles to (and the existing literature on undocumented youth) are mainly based in North America, where the term "undocumented" is widely adopted. Thus, in order to dialogue with this literature, it was practical to use this term.

according to Citizenship and Immigration Canada (CIC 2005). The number of accepted refugees has also drastically decreased, falling from 40 per cent in 2004 to 28 per cent in 2012, with merely 2,449 of the 8,646 claims being accepted (IRB 2011).

At target are also specific countries, of which Mexico offers a controversial example. Between 2005 and 2008, refugee claimants from Mexico, who did not require visas to travel to Canada at the time, nearly tripled and in 2008 represented 25 per cent of all claims received (CIC 2009). However, in 2009, a visa requirement was instated for Mexican nationals and a 2013 immigration reform designated several countries, including Mexico, as "safe countries of origin". Refugee claimants from these "safe" countries now have strict timelines to claim asylum, and have lost both the right to appeal a negative decision and the right to health care during the time they are awaiting a decision. At the same time, the Canadian Council for Refugees has voiced concerns over the need for refugee protection, and of the risks of repatriation, for refugee claimants from dangerous countries such as Mexico (CCR 2010). As was the case with several Mexican families that I met during my fieldwork, individuals who have suffered persecution and extreme violence in their home countries are often refused asylum[5] and face the impossibility of obtaining a

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[5] Mexican refugee claimants have an 82.9 per cent rejection rate overall (IRB, 2012)

permanent migratory status, which would entitle them to social and political rights. In cases where they decide to remain in Canada without legal status, once their refugee claims are refused, they become illegal and invisible. Their lives become pervaded by the constant fear of their "deportability" (De Genova 2002), the frightening possibility of being deported, and their access to services such as health care and education become drastically restrained (Ruiz-Casares et al. 2010).

Framing Youth, Agency and Belonging

While the phenomenon of undocumented immigration has gained attention in the last several decades in public debate in Canada, along with the restrictions related to new immigration policies, little is known about the experiences of undocumented immigrants (Magalhaes, Carrasco and Gastaldo 2010), and even less about the experiences of undocumented youth (Bernhard et al. 2007; Young 2005). In my thesis, I have tried to provide a "thick description" (Marcus 1998) of what being a young undocumented person actually means, based on an investigation of youths' lives and understandings.

By examining youths' lives, this thesis will also complexify the experience of being undocumented in relation to the particular dimension of age. How do

the ways that immigration policies and laws construct childhood mingle together with the lack of migratory status for these youth? And how does the dimension of age influence youths' lives and their sense of belonging? In order to address these questions, I will critically analyse how undocumented youth are defined by immigration policies and court decisions not only as *undocumented*, but also as *minors*. When we talk about undocumented minors, the socio-cultural construction of *children* as vulnerable and dependent beings in need of protection is further complicated by the socio-cultural construction of them as *illegal*, threatening Others to be rejected. The ambivalence of such definitions becomes particularly evident in the way these children are regarded by immigration policies as a "window on the complex relationship between humanitarianism and security" (Uehling 2008: 847). Undocumented minors stand between two contradictory, yet converging policy agendas which Fassin (2005) defines as policies of "compassion and repression". On the one hand, immigration policies are committed to protecting irregular children, in line with children's international conventions and national regulations; on the other hand, the policies tend to reject these children, in keeping with their commitment to controlling irregular immigration. What then is the common thread that links these two attitudes?

I suggest that the common thread connecting these two positions is an adult-centred approach, which characterizes children as both vulnerable and voiceless. Whether they are recognized as threats or as vulnerable subjects in need of protection, these children and youth are assumed to lack agency and political voice. As a result, even when they hold legal status, they are recognized as non-citizens, as subjects without social and political rights (Breen 2006). As such, they fall into a grey zone, or a zone of exception, where their voices are muted and their rights are not acknowledged, except if on the basis of compassion.

Thus, undocumented youth are placed in a grey area, where their rights are revoked not only because they do not hold legal status, but also because they are minors, and therefore seen as lacking political voice. They are *infans,* which in Latin, means "someone who cannot speak". In my work, I have tried to collect the narratives and voices of undocumented youth who find themselves in this limbo, and closely examine what they told me, what deeply mattered to them, and how they saw the world surrounding them.

My perspective falls in line with novel theoretical perspectives on children and youth that have been developed in the emerging field of childhood studies (see: Christensen and James 2000; Morrow and Richards 1996; Holloway and Valentine 2005). These perspectives have been developed in disciplines such

as sociology, anthropology and geography, as a means to critique traditional assumptions of children as vulnerable and passive beings, and to propose a new conceptualisation of children as agents, that is, as subjects who have their own distinctive way of conceiving of themselves, their needs and their worlds (Aitken, Lund and Kjørholt 2007; Bluebond Langner and Korbin 2007).

Much has been written on the agency of children and youth (Bordonaro 2012; Utas 2005; Seymour 2012), and recent studies have been published with respect to undocumented youth in the US. Literature in this area of scrutiny has mainly focused on two approaches. Some, including scholars such as Suarez-Orozco and Abrego, focus on the challenges and limitations posed by minors' irregular statuses (Abrego 2011; Suárez-Orozco et al. 2011; Chang 2005; Piatt 1988). Undocumented children and youth are "betwixt and between" (Suárez-Orozco et al. 2011: 444), in that their ambiguous belongings and liminality acts to "thwart individual autonomy and agency, the very foundation of democratic society" (Suárez-Orozco et al. 2011: 450). According to this perspective, irregular immigrants' lives are permeated by an endless "liminality" in that they no longer belong to the group they are leaving and yet do not fully belong to their host society (Menjívar 2002). This literature holds that irregular immigrant youth will not be assimilated or "incorporated" into the host society, but will remain liminal and socially excluded.

Others, such as the scholars Gonzales and Chavez, have pointed to youths' resistance to immigration policies (Gonzales and Chavez 2012; Chavez 1990; Seif 2004; Morrissey 2013), particularly following the political demonstration of the DREAMers in the US.[6] In this case, youths' agency is conceived of in terms of "resistance". Scholars have examined how youth "resist" the restrictions that arise from immigration policies, and thereby act as agents expressing their desire for social existence. For instance, Gonzales and Chavez (2012) argue that the migratory status of youths not only a source of anxiety in their lives, but also a condition that opens up the possibility for agency and resistance.

My research seeks to dialogue with this literature, adding further nuances to the examination of how subjects express their agency and form their belonging in contexts of social exclusion and daily uncertainty. These two approaches seem to lead us into a blind alley: either the subjects are defined as passive beings, shaped and frustrated by immigration policies, or they are depicted, sometimes enthusiastically or ideologically, as political subjects resisting the structural constraints we expect them to resist. Two kinds of risks arise from these perspectives. Firstly, in depicting subjects as mere victims,

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[6] The DREAMers are mostly Mexican and US-born youth who named themselves DREAMers after the DREAM Act (Development, Relief, and Education for Alien Minors Act) proposals in Congress in 2001 which sought to grant them legal status and a path to becoming fully contributing members of American society.

passively shaped by different forms of power (such as immigration policies, immigration officers, documents, deportations, and administrative regulations), we fail to consider the ways that subjects reinterpret these constraints, as well as the individual, collective, and cultural factors that may ease the burden of this power. Secondly, if we fuse together agency and resistance, we lose the complex subjective responses expressed beyond the structural forces we expect undocumented youth to resist, and beyond the social patterns we expect them to assimilate and conform to. As Crapanzano points out, the relationships of subjects to wider social constraints (such as immigration policies) are always "ill-fitting - never so complete as to preclude conflict and struggle", opening a space for both the illusion and the reality of agency (Crapanzano 2011: 6).

The young persons that I encountered during my ethnographic fieldwork defy both of these definitions. Following other authors (Sigona 2012; Vacchiano and Jiménez 2012), my research points to the nuances and ambivalences that exist in the formation of subjects, thereby refuting a conceptualization of subjects as merely passive, or of agency as stemming solely from resistance. Rather, it aims to examine youths' "ambiguous agency" (Seymour 2012) by taking into account the complex subjective ways in which youth understand their everyday experiences, themselves, and the world in multiple, contradictory and even paradoxical forms, beyond moments of resistance. I follow here the

invitation of Vena Das to avoid the theoretical impulse to "think of agency in terms of escaping the ordinary rather than as a descent to it" (Das 2007: 7). I have endeavored, therefore, to focus on ordinary, even silly and unexciting moments in which subjects express themselves, rather than in the grandeur of expressions of resistance. The ethnographic task here is to describe how subjects become embedded within uncertain daily lives and yet still establish a sense of belonging to a wide community[7] which, even if revocable, guarantees them a sense of self and security, even when the state fails to recognize them.

As Povinelli (2002) suggests, multicultural domination inspires minority subjects to identify with an impossible authentic self-identity which fractures their sense of self. Here, I am concerned with what happens when minority subjects such as undocumented youth are not even provided with an impossible authentic self-identity by the state. There are no standards, no criteria to fit into or to elude. There is only an uncertainty of identity and belonging, and a sense of disrupture and ambivalence. In my fieldwork, I observed that youth reinvent complex forms of self and belonging, which lay both within and beyond the community of origin they left behind, and the new society that rejects them. But by not fully belonging, youth do not simply fall into an empty space of despair.

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[7] I refer here to the term "community" not as defined by the nation state, but in a wider social and political sense, as something "constituted through agreements" that "hence can also be torn apart by the refusal to acknowledge some part of the community (e.g., women or minorities) as an integral part of it (Das, 2007: 9).

They also protect themselves from being wounded by the constant possibility of deportation, and with it, the possibility of being removed from the social world they have built in Canada and being separated from the persons they care for. They distance themselves, to some extent, from the ways others (immigration policies; teachers; school administration; peers) define them as excluded, or partially excluded, from the social and political community.

Fieldwork and Relationships

In this social and political context, whereby youth are not recognized and become socially invisible, it is extremely important to consider how I came into contact with them - how I recognized them, and how they recognized me. Indeed, this thesis is not only the study of the multiple relationships between subjects and wider socio-political structures, but it is also the very product of the relationships between myself and the subjects. As Strathern (1995) points out, relationships are not only the object of anthropological fieldwork, but also the very means through which to understand the intricacies of the worlds of informants. In this sense, my work is the result of difficult, and sometimes impossible, ethnographic fieldwork in which I was entangled in an intricacy of relationships. It is the product of all of my understandings and misunderstandings, of the moments of dialogue and of the relationships I

established with undocumented youths and families, community workers and other researchers.

I began conducting my fieldwork in June 2010 in a multi-cultural neighborhood in Montreal, where many undocumented families live. It should be noted that my doctoral research has been part of a wider mixed-methods research project, entitled "The Migratory Status of the Child and Limited Access to Health Care: Equity and ethical challenges."[8] This project was prompted by the worries and needs of clinicians and other subjects, in the context of increasing restrictions on access to health care for uninsured and illegal migrant children and pregnant women in Montreal and Toronto. The aim of this project was to document the health status of this marginalized population, and to analyze the ethical, social and medical dilemmas surrounding their access to health care. This research also had a very practical and political goal: it aimed, ultimately, to elaborate collaborative guidelines for clinicians, institutions, and decision makers. Beginning in October 2010, I acted as project coordinator of this assignment, which helped me to gain a better sense of some of the different pieces of this puzzle: the perceptions of clinicians and health care staff, the challenges of community organizers, and the experiences of undocumented

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[8] Project "The migratory status of the child and limited access to health care: Equity and ethical challenges", financed by the Canadian Institutes of Health Research (CIHR). Research grant number 201355.

youth. Even if these different perspectives are not always included in this thesis, still they helped to problematize and contextualize some of the issues and challenges of my research, and allowed me to gain a more complex sense of what was happening on the ground.

Moreover, having the chance to work with other researchers, community organizations, and social workers who participated (and believed) in this extensive research greatly helped me to critically discuss the challenges of my fieldwork, and to establish primary contact with people who were in contact with undocumented families. Unsurprisingly, documenting the experiences of undocumented youth in Montreal was challenging, and sometimes almost impossible, fieldwork to conduct. Specifically, finding undocumented individuals was incredibly difficult given their extreme fear of exposing their migratory status to a stranger. When I began communicating with community-organizers, asking if they had come across undocumented youth in the context of their work, many told me that they had completely lost contact with undocumented families. Others informed me that although they probably had undocumented youth among their clients, they simply had not asked about their status, as it was not in their mandate to do so. Others still simply denied that undocumented youth existed, while another group would lower their voices in response to my question, and defiantly inform me that research was not their priority.

These methodological challenges, which are common in studying an extremely marginalized and hard-to-reach population, are also closely tied to ethical issues. In moments of frustration, anxiety and despair, when the fieldwork seemed impossible and my role ethically problematic, I contemplated many questions. How should I approach invisible subjects? How could I gain their trust? More essentially, should I even approach them at all? I broke free from this vicious solipsistic circle, and the potential of paralysis resulting from concerns about the harms of my study, by reflecting on the purpose of my research and my ethical responsibility towards this marginalized population. What was at stake here was what I felt obligated to repay. As a social worker engaged with undocumented families once asked me, "What are you going to give back to these people?"

The fieldwork slowly started to feel more possible when a woman from the Latin-American community, who was also the leader of a community-organization, became engaged in this research because she thought it was relevant for many of the undocumented women she had befriended. She presented the research to them as "something where you can explain what you have been through, and what it has meant to you to live without documents, in order to make some change, to make your voice heard". Following this, I started volunteering with this organization, along with another colleague and team

member, and in this way was able to make contact with many undocumented families. I took part in different activities with them, including cooking and eating lunch together, and spending time with them and their babies. In this context, we also carried out interviews with some of the women who were willing to share their experiences accessing healthcare during their pregnancies. Unexpectedly, while carrying out interviews, another important and unforeseen concern emerged: the barrier to accessing education for their children. For some of these women, it was not access to health care that was their main worry. Rather, the primary challenge that came along with not having legal status was not being able to send their children to school. To address this issue, the research team became involved with establishing and coordinating a working group comprised of community organizations, institutional stakeholders and researchers, with the aim of developing policies to address the exclusion of undocumented children from the education system.

My colleagues' and my engagement in this working group partially shifted the research priorities of the entire research team beyond the study of access to health care. In order to address and document the issue of access to education, my role became further complicated. I was not only a researcher (if I were ever only such), but also someone engaged in a working group on access to education for undocumented youth. As a community organizer once suggested, I became

someone who could benefit the community of undocumented immigrants. As has happened to other researchers who have used participatory approaches (McIntyre 2000; van der Meulen 2011), the entire research process was reversed. The objectives of our larger study, and my own, become defined by our informants, and the recruitment process was also inverted. When I began my fieldwork, I obstinately looked for ways to get in contact with undocumented youth, without any concrete results, which led to extreme frustration. However, when I started to gain contact with undocumented women and embarked on something unexpected and beyond "mere research", I became recognized as someone who could be helpful and friendly, and as a result, community groups and undocumented youth began to request interviews with me or to ask for help in the area of access to education. At this point, I started to establish different kinds of relationships with undocumented youth, which I will explain in more detail in the second chapter. I met them at their homes, alone or with their families. I spent time with them in the park, at the cinema, in community centers, in public demonstrations, at family parties, and at dinners. When some of these youth asked for my help in different situations (e.g., legal support, access to education), I referred them to key persons or different services, with the help of the working group on access to education, and contacts from community organizations and primary care centers.

The organization of the thesis

The four articles which are presented in this thesis are an interrelated part of the same story, even if they can also stand alone and be read separately. They all represent an attempt to critically reflect on the relationships between undocumented youths' lives and wider socio-political structures. They examine the multiple forms of "institutional invisibility" (Puggioni 2005), that is, juridical norms and practices (e.g., surveillance, immigration documents, medical insurance, restricted entitlement to services) that exclude youth from the imagined community and limit their access to services, thus increasing their vulnerability. Finally, they take into account the contradictory ways that undocumented youth are not only defined and muted by policies, but also define themselves and navigate through social exclusion. Each of the four articles made use of in this thesis scrutinize different aspects of these contradictory relationships.

The first article analyzes the ways in which undocumented youth have been defined by immigration policies and court decisions in recent decades, as vulnerable beings in need of protection, and as threatening Others to be rejected from the national territory. These two apparently contrasting discourses are two sides of the same coin. Both are rooted in socio-cultural constructions about childhood which conceive of minors as non-agentive and non-speaking beings

who are not entitled to political rights. The second article turns to the ethical challenges I encountered during my fieldwork, and which are generally unearthed when we start to conceive of youth as agentive beings who can speak. Critically avoiding any individualistic notions of voice and agency, I explain how youth put into question my ways of listening to them and, in particular, listening to them as individual and different voices. Instead of understanding youth as individual and unique subjects, I propose a critical anthropological understanding of ethical issues in research with children and youth. Specifically, this understanding conceives of youth as embedded within wider relationships of interdependence with their families, peers, teachers, and the social world surrounding them.

The third article examines the narratives of some of the undocumented youth I encountered during my fieldwork, exploring the complex and sometimes contradictory ways youths' everyday lives are shaped by immigration policies and how they, in turn, reinvent their sense of self and belonging. Drawing on ethnographic fieldwork and on four stories, I point to the multiple factors (e.g., family dynamics, age, migratory trajectory, religious affiliation, language) which may shape youths' lives and understandings. My aim is to analyze, as also suggested in the third chapter, youths' stories as embedded within a web of social relationships. In particular, I examine their establishment of complex and often contradictory forms of social belonging to a reinvented community that lay

within and *beyond* three social spaces: the state that denies political membership; their family networks, entangled with transnational ties; and the network of peers with whom they establish friendships and affective relationships.

The fourth article comes back to the contradictions and to the black holes created by the policies which I examine in the first article, by describing the experience of the university-community partnership for access to education. In particular, this article highlights the ways that the process of the working group was able to make visible the invisible. A reality, such as the access to education for undocumented children, was not known by many institutional stakeholders and therefore treated as if it did not exist at all. Slowly and not without difficulty, the process of the working group and the establishment of a collaborative environment between all of the subjects, created a common and shared understanding of the problem and moved institutions involved towards action. Subsequent to a letter addressed to the Ministry of Education in July 2013 by this working group, among others, the Ministry of Education published new policy and administrative guidelines to address some of the questions raised around access to education for undocumented youth. The problem is far from solved, and the different issues regarding implementation and recognition still need to be jointly addressed. Yet, this is an important achievement, a small yet

significant step, which can teach us something about possible ways of seeing invisible things when we look at them through different eyes. It can teach us about how we can move our reflections beyond research, when needed, and when our informants (and our sense of ethical responsibility) ask us to do so.

I hope to have rendered justice, even if only partially and incompletely, to the ways that undocumented youth construct new forms of social life which ask to be recognized. Undocumented youth have defied my ways of understanding in multiple ways. They defied and complexified my understanding of what being undocumented means. They defied my notion that being undocumented is inevitably a hurdle in one's life. They defied my (and the whole research team's) research priority, leading us to a university-community partnership that we did not set out to initiate. The ways undocumented youth reinvent their sense of self and belonging – and see themselves as *alive* - defy immigration policies and nationalistic discourses that confine undocumented immigrants to depictions of threatening subjects who do not deserve to be members of the imagined community. Youths' ways of understanding their place go beyond the boundaries of national membership. These boundaries oppose *jus soli*, according to which every child born in a national territory is a citizen, and *jus sanguinis*, according to which a child is entitled to citizenship not by place of birth but by having a parent who is citizen. In contrast, youths' stories seem to tell us that, in order to be an

entitled member of a community, it does not matter where you are born or who your parents are. Instead, what matters deeply is how you establish your affective ties and how you decide to belong, or partially belong, somewhere and to someone.

Contributions of authors

For the co-authored manuscripts, Francesca Meloni conducted the research and wrote the first draft of the papers. The co-authors gave comments and feedback, and edited the first version.

Article 1

Children of Exception: Redefining Categories of Illegality and Citizenship in Canada

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Abstract

This article examines legal discourses on precarious status children in Canada over the last decade. Drawing on different theoretical frameworks and taking into account laws and court decisions, the paper will examine the way in which precarious status children are regarded as powerless subjects in need of protection and as threatening others. The article argues that these two apparently contrasting discourses are embedded within specific socio-historical constructions of childhood and children's citizenship which deny and limit their agency and conceive of their claim to membership as illegitimate. In the case of precarious status children, illegality and citizenship need to be redefined in a developmental perspective, questioning the potential risks associated with prevalent moral and social assumptions on childhood.

He is here, and he is not here. It is within this condition of existence that they

exist.

Nadine Gordimer, *The Pickup*

Introduction

Among the 7 million immigrants who live in Canada (UNDESA 2009), it is estimated that a small but significant number –from approximately 200,000 (Jiminez 2006) to 500,000 (SSG 2006) are undocumented. Children who don't have legal status, or whose parents are illegal, are a particularly vulnerable group. In fact, even when they hold citizenship and legal status, children may be subjected to deportation along with their parents and they often have limited or no access to health and other services (Ruiz-Casares et al. 2010; Montgomery 2002). Their social and political status is acknowledged in an ambiguous way in legal discourse: they exist "here" and "not here," in an indefinite zone between legality and illegality, citizenship and non-citizenship.

This paper explores the treatment of non-status children in laws and court decisions over the last decade, a period which corresponds to an increased "securitization" of immigration policies and the weakening of immigrants' rights and freedoms in Canada (Crépeau and Nakache 2006). As we will argue,

children's limited entitlement to rights needs to be understood not only within the context of recent restrictive immigration policies, but also in light of socio-historical assumptions about children as "semi-citizens," dependent on their parents. This analysis aims to understand the complexity and ambiguity of laws regarding precarious status children, by demonstrating how the categories of illegality and citizenship are re-defined and complexified in relation to minors.

The paper is divided into three sections which examine respectively theoretical perspectives dealing with the categories of illegality, citizenship, and childhood; legal discourse on children's rights in Canada; and, thirdly, the complexity underlying the application of the law.

Illegality, citizenship and childhood: Towards a theoretical framework

Prior to reviewing Canadian laws and court decisions on precarious status children, it is crucial to contextualize the categories of illegality, citizenship, and childhood. We will refer here to four theoretical frameworks: the first and second will be useful in order to unpack the definitions of illegality and citizenship, while the third and the fourth will help to examine the category of childhood. These four ways of seeing and approaching undocumented children propose a critical approach to citizenship, childhood, and illegality and provide a sound starting point for understanding the complexity of children's immigration status, as well as for understanding the contradictory legal attitudes towards

migrant minors, which will be played out in legal hearings and appeals

Unpacking illegality

To grasp non-status children's limited rights and access to services, and their uncertain existence as being "here" and "not here", it is useful to refer to the literature on undocumented immigration, in particular to the critical study of illegality as a socio-historical construction (Goldring, Berinstein and Bernhard 2009; Ngai 2004). These studies go beyond the binary opposition between legality and illegality, taking into account the construction and institutionalization of multiple forms of "legal illegality".

By highlighting the ambiguous relations between legality and illegality (Heyman 1999), this literature has conceived of irregular migration as a dynamic socio-historical process, rather than a static concept. Calavita (1998), for instance, analyzes how Spanish exclusionary policies relentlessly "irregularize" Third World immigrants, consigning them to the margins of the economy. With respect to the Canadian context, Goldring (2009) advocates the use of "precarious status" to describe variable forms of irregular status and illegality, interrogating the social, administrative, legal and political institutionalization of multiple forms of precariousness, which is accompanied by limited access to public services. In this article we will adopt the term "precarious status" in order

to define different forms of children's legal and non-legal status which restrict their entitlement to rights in the Canadian context.

Unpacking children's citizenship

Precarious status and the claim to national membership are also complexified in relation to the specific dimension of age. To examine the complexity of children's citizenship, as defined in the Canadian legislation, two subfields within this literature are particularly relevant. The first perspective draws on the extensive feminist critique on the exclusion of women from citizenship (Canning and Rose 2001). As occurred in the past for women, children are barred from full citizenship due to their alleged dependence and incapacity to make rational and informed decisions (Breen 2006). Cohen (2005), among others, has examined the way in which the construction of children's "semi-citizenship" has been grounded within a paternalistic discourse, relegating them to a mere status as minors. From this point of view, childhood is conceived to be a mere preparatory stage to adulthood. During this period, children's interests and agency are rarely acknowledged.

The second perspective has analyzed the creation of stateless (Boyden and Hart 2007) and "alien citizens" (Bosniak 2008), persons who are citizens by virtue of their birth but who are presumed to be foreign by the mainstream culture and by the state. Bhabha (2009) insightfully explores the alien citizenship of children

of undocumented parents, studying the ambiguities surrounding birthright citizenship, and pointing out that the children's status has been seen as deriving from their parents. This particular category of children is described by Bhabha as "Arendt's children," drawing on Arendt's analysis of the emergence of statelessness after the Second World War. The definition includes a wide array of minors who share three characteristics: they are under eighteen years of age; they are, or they might be, separated from their parents or legal guardians; and they are not members of any country because of their status or their parents' status. Montgomery (2002), referring to the case of unaccompanied minors in Quebec, suggests that their double status as refugee claimants and as minors makes them outsiders in the "imagined community" which, in turn, limits their access to services and increases their vulnerability.

Unpacking childhood

Children's semi-citizenship and statelessness also have to be understood within the framework of socio-cultural assumptions about childhood which underlie the historical dimension of international and Canadian laws regarding children. Aries (1962) was one of the first to draw attention to the social and historical specificity of modern childhood. According to Aries, the category of children gradually grew into existence in the upper classes in the XVI and XVII centuries with the emergence of the bourgeois notions of family, home and individualism.

In the XX century, he argues, the notion of childhood was widely accepted by upper and lower classes as a specific developmental stage in which the particular needs of children should be satisfied by a nurturing family. Building on Aries' insights, other scholars have contributed to framing the emergence of children as a distinctive group in the history of law and civil rights (Qvortrup 1991). After the Second World War, child protection rights movements were developed, bringing the delivery of specific services, especially with regards to child abuse and neglect and the universalization of children's rights (Scheper-Hughes and Sargent 1998). Children were thus recognized as a specific vulnerable group which the family and the State should protect and be responsible for.

Unpacking immigrant children

In policy discourses, the portrait of children as vulnerable is challenged when talking about youth from minority groups. To understand the social representations of immigrant youth, we will refer here to the literature addressing policies and cultural views that depict immigrant children as risks and threats to national security, as well as to the literature analysing the role that race and racialization play in the production of social exclusion (Hopkins, Dwyer and Bressey 2008; Peake and Kobayashi 2002). Otherness, conceived of as a socially constructed process, adds another dimension to the cultural view of immigrant children and their entitlement to membership. As minors, these youth

are perceived as being in need of protection. A paradox arises, however, when these same youth are also considered to be potentially threatening Others. These two types of representations – as both vulnerable and as potentially dangerous – may in fact reflect two opposing yet convergent ways of denying children's agency. On the one hand, as already discussed, they are considered vulnerable, in need of being protected by adults who speak on their behalf. On the other hand, they are considered to be threatening Others who should assume the consequences of decisions which they often have not made. In both cases they are not heard in terms of who they are: young individuals who have personal and collective voices to represent their experience and decisions.

A number of examples illustrate this ambivalence towards migrant youth whose childhood is partially negated. With regard to undocumented children, Uehling has examined how the Division of Unaccompanied Children Services in the United States has constructed non-status minors as "a window on the complex relationship between humanitarianism and security" (Uehling 2008: 837). In fact, while protecting them as vulnerable subjects, the state exercises its power through measures of detention and deportation. With respect to US born children with non-status parents, Chavez (2008) has examined the construction of the narrative of "anchor babies," a metaphor meant to capture the strategy among undocumented immigrants of having a child in the United States in order

to obtain US citizenship. Popular representations of babies as anchors may thus point to their danger to the nation and their illegitimate claims to membership.

These different perspectives on childhood help to make sense of the complex representations of immigrant minors which underlie policies and political discourses. A close examination of laws and court decisions in Canada provides an excellent illustration of the disparities and contradictions inherent both in citizenship and childhood, particularly of the tensions between two contradictory, yet converging discourses on children as both vulnerable subjects and threats to the nation.

Legal discourses in Canada

Regarding children's rights, Canadian law considers the state to be responsible for children's protection and welfare, at least in theory if not always in practice. Since World War II, the best interest principle, stating that the parent or the legal guardian has the primary responsibility for protecting a minor's rights and determining her or his best interest, has become the cornerstone in children's legislation. Nevertheless, when a child is suspected to be at risk of abuse or neglect by his or her parents, the state is considered to act as the arbiter of best interest.

The best interest is also the paramount consideration of the Convention on the Rights of the Child, signed by the Canadian government in 1990 and ratified in 1991. By ratifying the Convention, Canada signed a formal engagement to comply with the articles of the Convention and to implement children's rights. Of particular relevance to precarious status children are the following articles: not separating children from their parents; ensuring family reunification ; and assuring the right to be heard .

Regarding the application of rights of precarious status minors, the issue of protection becomes more complicated. A crucial problem, highlighted by many reports, is the discrimination of specific groups of children based on their status categories. The UN Committee on the Rights of the Child (2003), for instance, has voiced concern about the detention of undocumented minors, the exclusion of non-status children from the school system, the absence of a national policy on unaccompanied asylum-seeking children, and the delays and barriers to family reunification.

Further problems are created in relation to the application of the best interest principle in the immigration processes. In 2002, the *Immigration and Refugee Protection Act* introduced for the first time the obligation for decision-makers to consider children's best interest. The Canadian Council for Refugees (2004) applauds the introduction of the best interest principle as a welcome step, but notes at the same time that it is not sufficient in itself to protect

children's rights. While the Act takes into account the best interest principle in very specific cases, such as applications on humanitarian and compassionate grounds, it is not applied to all decisions concerning children, as stated by the Convention on the Rights of the Child.

With respect to the right to citizenship, Canadian law is based on *jus soli*, according to which every child born in Canada is entitled to citizenship. Nevertheless, a new law amending the *Citizenship Act* came into effect in 2009, limiting birthright citizenship in two ways. First, Canadian-born children can only be entitled to citizenship if at least one of their parents is a permanent resident or citizen of Canada. Second, Canadian parents cannot transmit their citizenship to generations born overseas after one generation. This means that children born overseas in countries based on *jus sanguinis,* that is to say countries where citizenship is determined not by place of birth but by having a parent who is a citizen of the nation, may become stateless. Such restrictions on citizenship have raised many concerns regarding the potential statelessness of children born overseas, the creation of a second class of citizens, and the negative impact on individual choices of working or studying outside Canada (Galloway 2009).

The application of the law

Canadian courts have wrestled with the tension between children's best interest and issues relating to national security. This tension is particularly evident in

cases concerning the deportation of precarious status children and their parents. A key court decision involving the best interest is Baker *v. Canada*, which sets out the case of an undocumented Jamaican woman who was ordered to be deported with her four Canadian children in 1992. Ms. Baker applied for an exemption on the basis of compassionate and humanitarian considerations, arguing that she was the sole caregiver for two of her Canadian-born children and that her two other children depended on her for emotional support. Her application was refused. Subsequently, Ms. Baker applied to the Supreme Court for a review of the case, with the objective of determining whether federal immigration authorities must treat the best interest of the Canadian child as a primary consideration in assessing an applicant under the Immigration Act. The Supreme Court agreed that the Federal Court's decision was unreasonable and that, although the best interest was not of primary consideration, immigration authorities should "give substantial weight, and be alert, alive and sensitive to the rights of children, to their best interests, and to the hardship that may be caused to them by a negative decision" (SCR 1999: 75), following an approach that respects humanitarian and compassionate values.

Interestingly, the court decision did not determine that best interest must always outweigh other considerations, stating instead that they should be carefully considered in a manner consistent with Canada's humanitarian and compassionate tradition. Thus, the best interest of the child is here mentioned as

a reflection of humanitarian values and of Canadian tradition, rather than as a fundamental right or a duty of the host society.

A more detailed examination of specific cases concerning precarious status children will enable a more complex understanding of the legal ambiguities in cases dealing with children's illegality and citizenship and also highlight the relative absence of their voices. In the following examination of three different legal cases, we will look specifically and more closely at the fractures between children's rights as enshrined in international conventions and national legislation, and children's perceptions of their status as non-agents and citizens of exception.

She is Canadian, her mother may be deported

In the first case to be considered (*Hawthorne v. Canada*), the child was eight years old when her mother left Jamaica and moved to Canada, in 1992, to join the child's father. Her mother never gained legal status and, after a short time, left the child's father due to physical and emotional abuse. In 1999, the father sponsored the child's admission as a permanent resident but, since her arrival in Canada, the child lived with her mother who supported her financially. When a removal order was issued to the mother, the woman made an application on humanitarian and compassionate grounds (H & C application), stating that her

removal would cause the child irreparable harm.   The child was then 15 and a grade 10 student. She declared that she enjoyed "school a great deal" and that she was doing very well. She did not wish to live with her father, since she understood that he had been charged with sexually abusing a step-daughter. Moreover, she stated that she felt very close to her mother who was very supportive of her. As she states: "If my mother is deported to Jamaica, I do not know what I will do. I cannot live with my father, but I cannot live alone in Toronto since I am only fifteen years old. I would miss my mother desperately" (Canada 2001: 5). Further, she did not wish to return to Jamaica, because she considered "Canada to be my home now" and felt safe there. As well, she said that she wouldn't have the opportunity to pursue her studies in Jamaica, since her mother would not be able to financially support her school education:

When I lived in Jamaica, before coming to Canada, my mother sent me money to support myself, money that she earned at her job in Canada. She would not be able to support me if we were deported to Jamaica and I do not know what would happen to me. Also, there is a great deal of crime in Jamaica and I am scared to return there for that reason. I feel safe in Canada. (Canada 2001: 5)

In spite of the youth's plea, the immigration officer found that there were insufficient grounds to waive the removal order and argued that the deportation would not cause any hardship. The Federal Court noted that, since the child had lived separated from her mother until she was eight years old, their relationship could not have been so close and that their separation would not be a major hardship for either of them (FCT 2001) thus giving more weight to the judge's opinion than to the child's subjective experience. Further, the judge stated that if her daughter lived in Jamaica before, he did not see the hardship of living there again (Canada 2001: 3). There was no mention that the child was a Canadian resident and that she considered Canada to be her home, since she had established social relations and attachment there.

The Federal Court decision is an example of insensitivity to child's interests and voice, as well as this child's political and social rights as a permanent resident. Although the child clearly stated that she did not want to live with her father or to return to Jamaica, her voice was not heard in the judgment. Fortunately, the appeal court contested the court's decision, pointing out that "hardship is not a term of art … Children will rarely, if ever, be deserving of any hardship" (FCA 2002: 9).

They are Canadian, deported with their parents

In a second case (*Pillai v. Canada*), a Canadian four-year-old boy and his three-year-old sister faced removal from Canada, after their Tamil parents had been refused refugee status and permanent residence based on humanitarian and compassionate grounds. When the negative H&C response was given in December 2007, there was an increasing state of alert about the risk, for Tamils, of arbitrary detention and torture by the Sri Lankan authorities. Their parents, of Christian Tamil faith, claimed to have been arrested, sexually abused and tortured in Sri Lanka by the Tamil Tigers and the Sri Lankan police. Although the father had been diagnosed with Post Traumatic Stress Disorder, their story was considered to lack credibility.

The grounds advanced by the applicants to justify their application for permanent residence were the risk of detention and torture should they return to Sri Lanka, and the best interest of their children. The H&C officer remarked that the risk of arbitrary detention could effectively exist for the Tamil family, but that it should not have "severe consequences" (FC 2008: 6). Further, the officer stated that because the children were young, and "the family remains the centre of their social development", he was "satisfied they will be able to transition successfully into Sri Lankan society" (FC 2008: 27). As a result, he found that re-integration would not cause the children unusual and undeserved or disproportionate hardship.

43

In this decision, there is no specific examination of the children's best interest. The children were not heard, and there was no consideration of their opinion regarding their deportation and re-integration in Sri Lanka. They are considered, due to their young age, simply as dependent on their parents, and consequently tied to their parents' migratory status. There is no mention that these children are also Canadian citizens, and that they are in their formative years of development. The Court of Appeal briefly concludes that the best interest "must be examined with care and weighed with other factors such as public interest factors". It would thus appear that reasons, such as public interest factors, outweighed the humanitarian grounds and the citizenship rights of these two Canadian children.

She is a refugee, she is deported

In the third case (*A.M.R.I. and K.E.R.*), a 12 year-old girl arrived in Canada from Mexico in 2008. Her refugee claim was accepted in 2010, based on the claim that she was abused by her mother who had the legal custody of the child. Shortly thereafter, the father, with whom she lived, was denied refugee status in Canada and moved to Norway. The girl lived in Toronto with her aunt, who had commenced a custody application. At this time, the mother invoked the Hague Convention on International Child Abduction in an appeal ordering the girl's return to Mexico. The aunt asked to be added as a party to the appeal

application and appointed counsel for her niece, but their motion was denied. The hearing eventually proceeded on an uncontested basis, without the participation of the father, the aunt or the girl. A few months later, the application judge granted an order for her immediate return to Mexico. The girl was removed from her school in Toronto under police escort, and flown to Mexico despite her protests and without notice to her father or her aunt.

The judges at the appeal court remarked that the application judge made several errors with regard to the case, including the fact that the girl was not present or represented at the hearing, that her refugee status was never seriously considered, and that she was taken by police from school and sent back to Mexico without even a chance to speak to the aunt with whom she had been living for nearly 2 years.

According to the Court of Appeal's decision, this case raises significant international, human rights and family law issues in relation to the return of a refugee child to her country of origin. Normally, a child who is a refugee must be accorded procedural protections under the Canadian Charter of Rights and Freedoms in proceedings to return the child to her country of origin pursuant to the Hague Convention. In this context, the Charter requires that the application judge conduct an assessment of the risks associated with returning the child, and that the child has the right to representation, to notice of the application, and to respond and to state her views. The case of this child was considered as an

exception from this procedural protection: even if entitled to refugee status and international protection, the Hague Convention's reasons and the legal custody of her mother prevailed on the Refugee Convention, the Canadian Charter and the child's rights.

Discussion

The cases presented include a wide array of minors with diverse migratory statuses rather than focusing only on undocumented children and minors whose parents are non-status. Referring to the definition of "Arendt's children" (Bhabha 2009), we argue that the rigid categories of illegality and citizenship fail to capture the zone of exception where immigrant children's rights are located. The cases illustrate how, in court decisions relating to undocumented minors, Canadian minors, and refugee minors, children's rights are often considered as revocable, rather than absolute.

Examining the Canadian legal discourse on children's best interest and rights and their application, it is evident that there is a gap between the human rights enshrined in international conventions as "abstract principles" and "social ideals" (Ignatieff and Gutmann 2001), on the one side, and their implementation in institutional procedure, on the other side (Ruiz-Casares et al. 2010). As highlighted in the examination of these court decisions, legal discourse is

grounded in the idea that children's protection as citizens is dependent on their parents' nationality, a notion contrary to the non-discriminatory provision of national and international law regarding children's rights and family unity. Further, the best interest principle, the cornerstone of Canadian and international legislation, is problematically applied to precarious status children, since it is often only one among many factors examined by immigration officers and courts.

In the court decisions reviewed, two relevant and complementary assumptions about children and citizenship can be singled out. First, minors are conceived of as vulnerable subjects in need of protection. Second, migrant children are also portrayed as threatening Others which, like their parents, are not entitled to be members of the community. These two images do not contradict one another, as it might seem, but rather mutually sustain each other. The common thread that links the two together is the adult-centred approach, which characterizes children as being both vulnerable and voiceless. Whether they are acknowledged as threats, or as vulnerable subjects in need of protection, these children are assumed to lack moral agency and, consequently, to have fewer social and political rights (Breen 2006). They fall into a grey zone, where their voices are essentially muted and their political rights are not acknowledged.

The role played by adult-centred perspectives is evident in the three court decisions examined. Strikingly, in all these cases, the children's voices are not listened to. In the first court case, even though the girl had clearly stated that she did not want to return to Jamaica or to leave her mother, the immigration officer did not take her opinion into account. In the third case, the girl was not represented at the hearing and, at the moment of her deportation, the police did not pay attention to her when she tried to explain that she had refugee status. These court decisions are permeated by the notion of children as *infans*, "someone who cannot speak", which has characterized children's "politics of mutism" (O'Neill 1994: 6), the absence of children's voices as autonomous subjects.

Moreover, in both the second and third court cases, a Canadian citizen and a refugee are deported due to their parent's removal despite the fact that the children themselves are entitled to citizenship rights or refugee status. In these cases, minors are once again understood as dependent subjects. The public interest factors are clearly the most important dimensions weighed in these two decisions, and the best interest principle is considered as only one among many other relevant issues. However, the predominance of the security dimension is also sustained by the notion that children are powerless subjects, dependent on their parents, and should thus be deported in the case of their parent's removal.

Finally, it is interesting to observe that, in the case of Canadian-born children, their citizenship rights are rarely acknowledged. They are conceived of as non-citizens, or as second class citizens, in a zone of exception where their rights can be revoked. Their diminished entitlement to rights has been worsened further by the increasing restriction of immigration policies that has occurred over recent decades. In the first and second court cases, the citizenship rights of Canadian children with non-status parents are never mentioned as an important factor that could call into question their deportation or their parents' removal. In the best case scenario, the family is allowed to stay in Canada on humanitarian and compassionate grounds, by reason of the children's vulnerability, but not by virtue of the children's rights as citizens.

As we have attempted to demonstrate by drawing on different theoretical frameworks which critically reflect on the categories of illegality, citizenship and childhood, both the compassion-based agenda which conceives of children as powerless subjects, and the security dimension, which portrays minors as threats, limit children's agency. Both are embedded within specific socio-historical constructions of childhood and children's citizenship. Fassin (2005), among others, has also highlighted the tension between the practices of "compassion and repression" in immigration policies, pointing out how these two are intimately linked together as part of a moral economy which bars immigrants from social and political life. Ticktin (2005), with respect to

immigration policies in France, suggests that policing and humanitarianism are two sides of the same coin – a regime based on sovereign exceptions, which creates non-rights-bearing, apolitical and non-agentive victims. Following from Ticktin, we argue that precarious status children can be considered as "children of exception," meaning that their rights are acknowledged based on the exceptionality of each individual case, rather than within a systematic form of justice. Interestingly, several of the cases discussed above were overturned on appeal, meaning that children's deportation is waived not on the grounds of their political rights, but on the grounds of benevolence, that is to say, on an exceptional basis.

Considered as non-citizens, these minors live in an uncertain zone between legality and illegality, and they often have limited access to services such health and education. Their life is considered by the law as "bare life", as mere bodies excluded from political rights – bodies that can killed, and exposed to an anonymous death (Agamben 1998). The polity remains indifferent to bare life (and so it remains indifferent to its death), because this life has been excluded from the political community. Deprived of citizenship rights and limited in their access to public services, these children are left with only abstract human rights; that is to say, their future in Canada is dependent on compassionate grounds. Agamben, in relation to refugees, observes that "it is necessary resolutely to separate the concept of the refugee from that of the Rights of man, and to cease

50

considering the right of asylum (which in any case is being drastically restricted in the legislation of the European states) as the conceptual category in which the phenomenon should be impressed" (Agamben 1995: 116). In the case of children, there is a need to consider the limits of the abstract rights of justice and equality, to protect precarious status children, and to rethink the best interest as a notion which should take into account not only children's agency but also the social networks which define their belonging to a community. Shachar (2009), for instance, proposes to adopt, as an alternative to *jus soli* or *jus sanguinis*, the model of *jus nexi*, which defines children's citizenship as based on factual membership and social attachment rather than birthright entitlement. In summary, we should question our moral and social assumptions concerning the rights of precarious status children, along with our definitions of citizenship and membership. Only in this way will it be possible to avoid the perpetuation of exclusionary practices through policies of compassion and repression.

Bridge

As we have seen in the first article, the moral assumptions associated with adult-centred perspectives on children and youth ultimately characterize minors as being both vulnerable and voiceless. However, when we challenge these assumptions, when we cease to conceive of youth as merely vulnerable beings and start to listen to their voices, new ethical ground breaks. Suddenly, our fieldwork becomes extremely intricate. How, for instance, should we contend with power imbalances and relationships between ourselves, as researchers, and the children we are working with as well as those adults surrounding them? Whose agenda should we serve when we write about children and youth? How should we account for both their voices and silences?

The following article will address some of these questions, drawing on the challenges of my ethnographic fieldwork with undocumented youth, and arguing for a critical anthropological understanding of the particular ethical issues that arise when working with young informants. This understanding will help to conceive of adult-child relationships, and childhood itself, as situated within a wider context of interdependences.

Article 2

Ethics, interdependence and agency: Rethinking ethical issues in anthropological research with marginalized children and youth

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Abstract

While anthropologists have reflected on a large array of ethical questions since the late 1960s, especially with respect to potentially asymmetric power relationships with their research subjects, the specific dilemmas arising from conducting research with children and youth have scarcely been addressed. Nevertheless, critical anthropology's reflections on power relations can contribute valuably to the interdisciplinary debate on conducting research with children by complexifying categories of power, dependency and agency in adult-child relationships. Drawing on ethnographic fieldwork with undocumented youth in Montreal, this article argues for the importance of a critical anthropological understanding of the particular ethical issues that arise when working with young informants. This understanding more specifically involves situating adult-child relationships and childhood within a wider context of interdependence.

Introduction

Myra Bluebond-Langner (2000) argues that childhood studies are expected to have a similar impact on scholarly work in the 21st century as women's studies did in the 20th century. Unquestionably in the last decades, new theoretical perspectives on children and youth have been developed in many disciplines such as sociology, psychology and geography, questioning traditional assumptions on children as passive and dependent beings (see: Christensen and James 2000; Morrow and Richards 1996). Acknowledging that minors, as a social group, have been historically marginalised in adult society, these approaches have put forward a novel conceptualisation of children as autonomous subjects, capable of assuming moral responsibility for their actions.

Once we reconceive of children as autonomous actors, or even as research co-participants (Thomas and O'Kane 2006), new ethical grounds open. The ways we listen to children and the ways we enter in contact with them during fieldwork, suddenly become extremely important and more complicated (see: MERG 2012). How, for instance, should we contend with power imbalances and relationships between ourselves, as researchers, the children we are working with, and the adults surrounding them? Whose agenda should we serve when we write about children and youth?

In order to address these questions, many scholars have emphasized, sometimes enthusiastically, the ethical importance of recognizing children's individual agency (Barker and Weller 2003) and of "listen[ing] authentically to youthful voices" (Carnevale 2004). In so doing, they point to the power imbalances in adult-child relationships. From this perspective, adults are often seen as gatekeepers, that is to say, as the door of entry to access children's worlds, or even as dominant subjects who may impose their perspectives in research with children. Waksler, for instance, suggests that "adults routinely set themselves up as understanders, interpreters and translators of children's behaviour" (Waksler 1991: 62). Scholars have also proposed different strategies in order to overcome questions of power differentials in relationships between children and researchers. Mandell (1988), for example, proposes that, in order to be accepted by children, researchers should adopt the "least adult role," by employing different methods which include changing their speech patterns and dress.

While we agree that it is important to recognize the particular stakes of young research participants, as well as power imbalances in adult-child relationships, we follow other authors in highlighting the need for a critical and reflexive analysis of children's agency and voices. Agency, as Bordonaro (2012) warns, has become a kind of mantra in childhood studies, and we should question

the blind spots which are often obscured by agency-centered perspectives. Komulainen (2007) critiques the individualizing tendencies of such perspectives, as they attribute autonomy and intention to the speaking child while simultaneously dissociating the making of voices from their interactional context. In this article, drawing on ethnographic fieldwork with undocumented youth in Montreal, we highlight the complexity of adult-child relationships. We do so by bringing to light the multifaceted nature of dependency and agency, two dimensions that are often taken for granted in ethical conversations. In so doing, we also emphasize the particular contribution of anthropology to this discussion. Interestingly, in comparison to other disciplines, the anthropological literature on research ethics with children and youth is relatively scarce. While many scholars have examined how we should question universal assumptions on childhood and children's rights (Scheper-Hughes and Sargent 1998; Rosen 2007; Girard 2009), there has been much less sustained debate on the ethical dilemmas that arise when conducting research with them. Nevertheless, anthropology's considerations on power imbalances between researchers and research participants, which have quite a long history running through feminist theory, post-Marxist accounts in critical medical anthropology, and post-colonial studies, can significantly contribute to the interdisciplinary discussion of research ethics in relation to age.

In this article, we conceptualize ethics not only as a principle of conduct in relation to the assessment of the potential harm and benefit of research for its subjects. By leading us into a blind alley - the unilateral assessment of the subjects' supposed lack of power or, on the contrary, their relative individual agency, such a narrow definition of ethics may end up assuming and enacting the very harm it attempts to avoid. Our objective here is to go beyond this blind alley, by considering ethics as an intersubjective and reflexive practice: a dialogue between different moralities, a "process of formulation and self-questioning that continually rearticulates boundaries, norms, selves, and others" (Garber, Hanssen and Walkowitz 2000: viii). As Foucault pointed out, the "freedom of the subject and its relationship to others" is "the very stuff of ethics" (Foucault 1997: 300). Our point is thus to highlight different forms of ethical relationships – related not only to the space of freedom of subjects, but also to the ways these partially free subjects are constructed in relation to others, within webs of interdependence.

Our argument draws more specifically on the ethical dilemmas that the first author experienced while conducting fieldwork in Montreal, a large Canadian city, with undocumented youth from Latin-American and Caribbean countries, whose

58

ages ranged from 12 to 20 years old.[9] While the dilemmas are presented in her first voice, the reflections these dilemmas provoked are described as the collective product of an encounter between the first author's challenges and the second and third authors' experiences of navigating similar dilemmas while conducting research (Rousseau and Kirmayer 2010; Vanthuyne 2008). But before delving into the first author's fieldwork, let us discuss briefly the history of anthropological research with children and youth in North America, as well as what may explain the anthropological dearth of ethical reflections in this domain.

Who's afraid of ethics?

In anthropology, as Benthall remarks, "there are enough studies of children to form a tradition" (Benthall 1992: 1). Margaret Mead was one of the first to write ethnographic accounts on children, exploring processes of socialisation and cultural transmission. Since then, anthropologists have taken different pathways in studying childhood, focusing more specifically on child development and rearing (see: LeVine

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[9] The ethical issues we deal in this article are related to adolescents and young adults, ranging in age from 12 to 20 years old. Although some of our considerations might also be valid for other age groups, we will not take into account specific ethical issues in respect to very young and dependent children.

2007; Montgomery 2009). However, it is only since the 1980s that children's own

perspectives have become the focus of North American anthropologists as they

slowly shifted from a conception of children as passive objects of parental actions to

subjects capable of meaning-making (Scheper-Hughes and Sargent 1998; Bluebond-

Langner 1978).

Yet, while ethical concerns regarding power imbalances between researchers

and research participants and (mis)representations of the latter have been

extensively debated since the 1960s (Fluehr-Lobban 2003), the specific ethical

questions related to conducting anthropological research with children and youth

have rarely been taken into account. Compared to other social sciences, a relatively

scarce number of publications can be found on the subject. A search on the

International Bibliography of the Social Sciences Database (IBSS) linking the terms

"ethics" and "children" to the subject discipline "anthropology" yields only 100 peer-

reviewed journal articles. The same combination with "sociology" generates 468

results, while the identical search with the first two key words provides 9735 journal

articles on the Medline database.[10] Obviously, we do not mean that anthropologists

have never reflected on these issues. We argue that there has been, in comparison

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[10] The search on the International Bibliography of the Social Sciences Database (IBSS) was done on January 29th, 2013.

to other disciplines (such as sociology and geography), relatively little substantial debate on the topic. Let's consider, for instance, Hinton's work (2000; 2008), who uses participatory research methods with Bhutanese refugee children. She stresses the importance of understanding children's resilience, criticizing Western assumptions of children as reducing them to individual and vulnerable beings. Yet, she does not consider her stand - letting children speak for themselves to challenge these assumptions - as raising novel ethical questions. She rather views her perspective as a methodological and theoretical issue, more closely linked to the intricacies of truly grasping the "Other's subjective experience, than to the specific consideration of young voices and the ethical dilemmas that may ensue.

Why this dearth of ethical reflections? We believe that three main factors may explain this. Firstly, studies of childhood are relatively scarce compared to other anthropological subfields, as pointed out by many scholars (Hirschfeld 2002; Hardman 2001). The anthropology of childhood, as Lancy (2008) has suggested, is sparse and "balkanized", as anthropological research on children often lacks a comprehensive review of the work of colleagues on similar topics. As a result, there has not been enough ground to date to sustain an ethical debate in this domain.

Secondly, the anthropology of childhood has generally continued to embrace, following the work of Margaret Mead and Ruth Benedict, cultural relativistic approaches. With the goal of challenging Western perspectives on childhood, such studies have tended to focus on the extent to which "being a child" could both be culturally defined and enacted in contrasting ways by different people in the world. For example, two recent anthropological works, one on child care (LeVine and Norman 2001), the other on maternal instinct (Hrdy 2000), question Western mother-child attachment theories by analyzing different cultural and social contexts of child rearing. This focus on relativistic conceptualisations of childhood may have discouraged anthropologists to engage in ethical discussions that are considered to be anchored in universal definitions of childhood and children's rights. As a matter of fact, following the adoption in Western countries of research regulations grounded on a conception of children as "vulnerable", other disciplines such as psychology, nursing and sociology have been prompted to take into account new ethical issues (Medical Research Council 1998; President's Commission 1981). Many anthropologists, however, have challenged and rejected this perspective of children as a Western ethnocentric assumption.

Thirdly, ethnographic studies have often conceived of children and youth as recipients of the culture of the adults surrounding them (Hardman 2001). Indeed,

while notions of children as autonomous subjects have been developed in other disciplines, giving birth to new types of ethical considerations under the agenda of "Childhood Studies" and "Anthropology of Childhood" (Boyden and De Berry 2004; Panter-Brick 2002), anthropology has only recently developed new perspectives on children as social agents. As a result, the ethical reflections which have been developed in other disciplines, driven by the new perspectives on children as subjects, have come relatively late in anthropology.

Although anthropologists have comparatively shied away from reflecting on how to take the young age of some of their informants into consideration when defining ethical guidelines of research conduct, they have nonetheless indirectly provided many important insights which could contribute valuably to the interdisciplinary conversation on this topic. Of particular relevance, for instance, are anthropological reflections on the intricacy of power relationships and agency, especially in contexts of poverty and political violence. With respect to power relationships, anthropologists have observed, for example, how relations of dependence and care may be reversed in communities where children are the caretakers of adults and the main income earners in the household. Power relationships may then flow from the child to the adult rather than from the adult to the child (Boyden and De Berry 2004). Recently, anthropologists have also unmasked

the concept of agency, which often tends to be "ethnocentric, classist and hegemonic, representing the dominance of contemporary bourgeoisie child-rearing" (Lancy 2012: 1). To give a concrete example, Bordonaro (2012), in his research in Cape Verde, points to the complex ways social workers may challenge universal discourses on children's agency. They do so by treating the street children they are working with as "ambiguous agents," that is to say, as somewhere between reflexive, independent and active agents, and passive victims.

If such significant understandings of children's autonomy and agency as being fundamentally complex, context-dependent and multifaceted have never-the-less failed to spark a comprehensive and sustained ethical debate within the anthropology of childhood, we still believe that anthropology's perspectives and methodologies can bestow relevant insights to the broader interdisciplinary conversation on this topic. We demonstrate this in what follows.

Ethics in the field

Conducted in a multi-ethnic neighbourhood[11] in Montreal beginning in June 2010, the first author's research was embedded within a larger mixed-methods study that

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[11] The neighbourhood will not be named in order to protect the confidentiality and privacy of the informants.

the second and third authors were also involved in. This larger study aimed to document the experiences of undocumented pregnant women and children in accessing healthcare services in Montreal, while also looking at the perceptions of health workers towards this issue.[12] The first author was involved in this larger project as a fieldworker and as research coordinator, while also conducting her own PhD research on undocumented youth and their multiple social belongings. Moreover, she initially conducted part of her fieldwork with another researcher and team member, who focused her own Ph.D. research on the experiences of undocumented women.

Unsurprisingly, it took a long time before entering the world of undocumented youth and establishing trust-relationship with their communities. Documenting the undocumented seemed not only to be an oxymoron, but also a risky ethical and methodological challenge, as other researchers have suggested (Bilger 2009). As we will explain in our case, it became even more complicated because of the young age of our research participants. Indeed, the ethical dilemmas that the first author encountered during her fieldwork and discussed with the

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second and third authors as her project unfolded emerged not only from the subject-researcher interactions, but also from the complex relationships of interdependence between youth and the community of adults that surrounded them (their families, and the community organizations they frequented). Questions of power differentials and the associated ethical responsibilities of the researcher were also at stake.

The next section, which will unfold issues of power and dependency in adult-youth relationships, is narrated in the first author's voice. If ethics is a an intersubjective dialogue, (a conversation with ourselves and our research participants), and a continually self-reflective enterprise (Faubion 2011), we believe that we can better illustrate our ethical challenges through the back and forth movement between the singular voice of the researcher in the field and the collective voice of the research team. In doing so, we hope to show the ways in which the first author's perceptions and understanding of youths' experiences questioned the whole research team in its practices and its responsibility in relation to the youth and their various communities of belonging.

Negotiating access: how to make research relevant to marginalised youth?

Sitting down in a café in Montreal and discussing my research with an anthropologist colleague (one of those moments when we pause, reflect, and take a breath), I was puzzled with the questions she asked me: "Do you think it is ethical to document the undocumented? People who hide and try to protect themselves, do they really want to be documented?" I have wondered about these issues for quite a long time during my fieldwork – how to approach invisible subjects, and if we should approach them at all. While the potential of paralysis stemming from the doubts about the harm that our study could cause undocumented youth could have had the effect of keeping the latter voiceless by excluding them from the "right to be properly researched" (Beazley et al. 2009), I also felt that the questions of access and of ethical responsibilities that ensued needed to be carefully taken into account in research with young and marginalised subjects.

In retrospect, I could say that getting access to undocumented youth was hard at best, impossible at times. During this fieldwork, I felt like a detective in search of hidden tracks, of footprints that others were trying to carefully hide. At first, in the hope that they would help me to get access to undocumented youth, I identified key informants among community organization representatives who were

working with youth and immigrants in a multicultural neighbourhood in Montreal. However, I soon discovered that establishing trust relationships was an extremely difficult task. In fact, the few organizations or community groups in contact with youth without legal status tended to protect them, saying that "research was not the priority of their clients." The leaders of these organizations or groups argued that the young age of the participants, as well as their illegal status, seemed to be good enough reasons to keep them away from research.

I remember, for instance, when I contacted a youth center's representative. Jeff,[13] the person who was in charge of the center's activities, was from Guadeloupe. When I told him that I was a Ph.D. student from McGill University, he asked me with suspicion: "Did you know that Mr. McGill had many slaves? He was a colonialist!" What he was probably telling me, by looking at me defiantly and by pointing out that James McGill had a colonialist British legacy, was that I was white and a stranger, entangled in a colonial history. When I replied that I did not sympathize with Mr. McGill either, and that my research was looking at wider power disparities in terms of access to healthcare (and when, ultimately, he found out that we lived in the same low-income neighborhood), he finally agreed that I participate in the center's

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[13] The names and certain details related to the identity of the subjects have been modified in order to protect their privacy.

activities. However, when I started to hang out at the center, I felt I had no place and no role, and that I was looking for a needle in a haystack. I wrote in my fieldnotes:

Here comes frustration. I feel I cannot find a place. The fieldwork is long and exhausting. Among all the youth at the youth center, it's hard to find out which ones are undocumented. It's like looking for a needle in a haystack. The activities are not planned, it's all so disorganized. Youth simply hang around, they play videogames, they play basketball, they come and go… I feel that this is not the right place, it is hard to be there. They don't need me here. It's hard to find a role to fit in, and a need for them to have me here.

I was trying to find a way of "being there", so I could eventually produce a "thick description" of what being undocumented, as a youth, actually means (Marcus 1998). Ethnographic fieldwork is indeed not about mere data-gathering. It involves integrating oneself in the communities one is researching, and as such, it is an "ethical experience and quest" (Rabinow 2007: xv), where discomforts, anxieties and suspicions are inevitably experienced, negotiated, and not always resolved. In the context of vulnerable populations such as undocumented youth, these discomforts

and anxieties were more particularly acute, so that adults protected youth from the great risk of being found and, eventually, deported.

The youth were embedded within a series of social relationships – peers they hung out with, adults they trusted – and these very relationships protected them. The peers and adults they related to did not ask them about their migratory status and, even if they knew about it, they would not let me know it, in order to protect their friends or clients. But what was indeed the potential harm of our study for this vulnerable population? What was the balance between the potential risks and benefits of our research? Could the youth trust me and get involved in the project for their own advantage? If so, how? And what were in the end my ethical responsibilities towards socially excluded youth?

Slowly, things started to change as I broadened my research focus and took a stand towards a more engaged role. Probably the turning point happened when a woman from the Latin-American community, who was also the leader of a community organization, introduced me to many undocumented women she was working with. Following this, I started to volunteer at this organization and made contacts with many undocumented families.[i] I took part in daily activities with undocumented women: I cooked and ate lunch with them, spent time with them

and with their babies. Unexpectedly, while carrying out interviews with some of these women with respect to their experiences of accessing healthcare during their pregnancy with another researcher and team member of the larger study, another important concern emerged: the barrier of accessing education for their children. To address this issue, the research team and I got involved in establishing and coordinating a working group with community organizations, institutional stakeholders and researchers with the aim of developing policies to include undocumented children in the education system.

Like other researchers who have employed a participatory approach (McIntyre 2000; van der Meulen 2011), the research process was then completely subverted. Not only did the objectives of our larger study and my own became defined by our subjects, but the process of recruiting participants was also reversed. In fact, community groups and undocumented youth started from then on to request an interview with me, recognizing that the study was not only "mere research", but a venture that they could significantly benefit from. In contrast to their initial reaction when I first approached them about helping me with my research, some community group representatives offered to assist me to reach out to youth without legal immigration status.

Interestingly, when I came back to the youth center where I had met Jeff, I realized that the way I was now perceived had also changed. Julian, a community organizer from Trinidad and Tobago, welcomed me at the door and smiled. As soon as we sat down in his small office, he took a notebook and a pen, and he started to ask me questions concerning our working group and access to education for undocumented youth. When I left his office, after thanking me, I was taken by surprise when he hugged me warmly. I wrote in my fieldnotes:

It's such a strange feeling. I remember when I went to the youth center for the first time. I remember how Jeff was suspicious about my research. And now, Julian is asking me questions, and he is listening to me. He is even taking notes! It's like if our roles had been reversed: he is now the one who has the notebook and he is writing down what I am telling him. And he is interested in what I am telling him because he thinks I could be helpful to him and the youth at the center. I could be helpful to him, as he could be helpful to me. He tells me: "you know, it's pretty cool what you're doing."

My involvement in a working group on access to education for undocumented children thus allowed me to have a meaningful role within the community, and as a result to be recognized as a potential ally by undocumented families, community organizations and youth. And all of this would not have been possible without the trust relationships I first established with undocumented women. Indeed, in order to be recognized by the youth I was focusing on in my PhD research, I had first to be recognized by the adults that surrounded them, and to identify the concerns of these adults (in this case, their concerns about difficulties accessing education that their children were experiencing). So, if we stick to our metaphor, I would say that finding the needle in the haystack was only possible because I acknowledged that the needle was part of the haystack. That is to say, I was only able to get access to undocumented youth once the adults they were affiliated with, as gatekeepers, gave me access to the youths' worlds. Access to these informants was therefore only possible because I actually identified adults and youth as part of a wider community –family and community organizations network that my research subjects trusted. As a social worker from Latin-America told me, "it was a pleasure to help [you] for the benefit of the precarious status community". Indeed, it was the fact that adults (and representatives of the community of undocumented youth that the youth belonged

to) recognized that our research could have a potential benefit for the "precarious status community" that it became possible for me to enter their worlds.

Who are you? Deconstructing adult-youth relationships

While many scholars have largely discussed the power imbalances between adult researchers and youth in the field (Mayall 2002; Punch 2002), the social and cultural category of "adult" has often been taken for granted. When we talk about power differentials between adults and youth, what do we exactly mean by that? What kinds of adults and youth do we have in mind? And, most importantly, how do youth perceive us? As Christensen (2002) arguably observes, children and youth often address researchers, who enter their lives as strangers, with the question "Who are you?". This very question is crucial to understanding ethics as a dialogical encounter, rather than an opposition between two alterities.

At stake here is who we are to each other, and how we come to recognize one another. In this section, I briefly explain how, during the meetings and conversations I had with youth, we mutually defined, assessed and reassessed multiple roles, as the contexts in which I met my research participants were multiple, as were the relationships I established with them and the adults they

trusted. As was the case with adults, the fact that I was engaged in a working group on access to education often allowed me to be recognized by youth as a potential ally. I remember, for instance, when I introduced myself to a young boy. After I told him that I was working on access to education for undocumented children, he greeted me: "That's pretty cool what you're doing! I bet many people would be interested in telling you about their experience." I also remember how much I was taken by surprise, given the difficulty I first experienced in accessing undocumented youth, when I received an email from a girl who wrote me that she was "happy to know that there were people interested in studying what was happening to youth living without legal status, as well as wanting to do something for them with regards to barriers of access to education". Moreover, she added that "if possible, she would like to bring her point of view on these issues".

Further, youth also recognized me because I had become close to their parents and to the community organizers that they trusted. However, this could also, at times, become a source of misunderstanding, as I was encapsulated in pre-determined roles. I remember, for instance, meeting Pablo, a young boy from Colombia, through a social worker. I met him and his family at his home, and the role he assigned me was very much related to the fact that I knew his social worker. While sitting down on his living room couch and eating chocolate cookies, he first

75

asked me if I was a psychologist. "You know, Rebecca once told me that I needed a shrink because I had troubles at school. So I thought she sent you here". When I told him that I was not a psychologist, he breathed a sigh of relief, sinking into the sofa.

Moreover, I believe that other factors, such as my age and my cultural identity, significantly influenced the ways youth perceived me. I was a young adult and, sometimes, my age was relatively not so distant from theirs. While age is a critical category which is socially and culturally constructed, how age and aging are perceived is also related to questions of social status and power (Grenier 2012; Cohen 1994). To many youth, I was a kind of different adult who was, in my dress and my ways of communicating, not so strange or intimidating to them (or, perhaps, less strange and intimidating than other adults). For instance, while sitting on the stairs of a youth center and conversing with a young boy, he pointed out to me: "Hey, your shoes are cool!" To my surprise, I realized that my shoes were very similar to his – a pair of All Stars sneakers. This is not to say that wearing a pair of All Stars sneakers may help researchers to build relationships of trust with young informants– not at all. However, I suspect that being seen as a different type of adult, someone who could wear the same kind of shoes youth would wear, may have helped me to establish relationships, or at least a first contact, with them.

An additional element, my cultural background and identity as a non-Canadian, often triggered the curiosity of many youth. "Oh, you are the first Italian I've ever met! It's so cool!" exclaimed Paula, a young girl, when I met her at her home with a community organizer. She then started to ask me details about Torino, the city I had grown up in, and the gondolas in Venice she had heard about. I was a curious subject, perhaps even exotic, who drew my young informants' attention. Their assumptions and imaginaries about my cultural identity sometimes helped me to establish a first contact or to gain their trust. A Mexican boy, for example, immediately sympathized with me because he had many Italian friends and, according to him, "Italians are always nice." Of course, my non-belonging to the Canadian society was not, by any means, similar to the non-entitlement of many undocumented youth. I enjoyed many privileges that they could not benefit from. I was a foreign student with a study permit, while the youth I was meeting had uncertain migratory status and limited access to education. As a young girl who could not go to school because she did not have legal status pointed out to me, "international students have *always* a lot of money, so it is not a problem for them to pay tuition fees."

I may have felt that I was the exception of this "always" because, as an international student, I did not consider that I had "a lot of money". However, from

her point of view, I may have seemed more secure, hence the contrast between our positions. My fieldwork (like all fieldwork) was the setting for shifting roles, understandings and misunderstandings, mutual expectations and imaginaries– with all of their productive potentials and possible pitfalls. As I will explain in what follows, these complex roles were even more difficult to navigate when my encounters with youth took place in the presence of other family members.

Listening for silence in adult-youth relationships

One evening, Maria called me and told me that after hearing about my research from a community organizer she was interested in meeting with me. We agreed to organize an appointment at her house, after school hours. When I arrived at her apartment, in a residential suburb of Montreal, her mother welcomed me at the door. While her mother prepared a cup of coffee for Maria and me, her mother invited me to sit on the sofa in the living room. She came back with two cups of hot coffee, and sat on the sofa beside me while her daughter sat down on an armchair. As the mother sat, she immediately asked me pointed questions about myself. "You're not Quebecoise" she guessed. "No, I am Italian", I confirmed. "Ah, we understand a little bit of Italian". She paused, and then continued: "You look young

to me." "Yes, I am… you look young too", I laughed. We finally found out that we were about the same age, except that I did not have any children. "That's why you look younger than I do, you don't have children!" she cheerfully laughed.

After these series of questions, and once my identity was assessed, I finally began to talk to Maria. I offered her some coconut cookies which she eagerly ate, and asked her some questions about herself and her school. Maria was 14 years old, and she had brown, bright and talkative eyes. She had arrived from Colombia three years ago, along with her mother, as a refugee claimant. When their refugee status claim was refused, her single mother decided to stay in Canada illegally, planning to marry a Canadian citizen to obtain residency.

Although Maria's eyes were bright and communicative, words strived to come out. She remained very shy and she often kept silent. Moreover, her mother was present all through our conversation, commenting and replying to questions on behalf of her daughter. During the course of our meeting, her mother twice asserted firmly: "my child has adapted really well to Canada, she really did. It is only this uncertainty… *(long silence)*". When she uttered these words, it seemed as if she wanted to convince herself that the adaptation process hadn't been so hard for herself and her daughter. But the tears in her eyes when she pronounced the word

"uncertainty" revealed the adversities and sacrifices that had probably been involved. From the way she kept silent and moved uncomfortably in her armchair, Maria seemed to hold different perceptions about her experience of migration. Yet, when I asked her if it had sometimes been difficult for her to adapt to living in Canada, she laughed softly and coughed. Then she murmured: "I'm going to drink some water". She thus left the room to take a glass of water in the kitchen. Avoiding this particular question may have been a way for her to show her discomfort and uneasiness about both our conversation and her situation. Since she probably felt that she could not betray her mother by contradicting her in front of a stranger, she chose not to say that it had been difficult for her to adapt in Canada, and decided to avoid the question altogether by leaving the room, instead of lying by affirming the opposite

The words that she did not utter, given the fact that her mother was present throughout our encounter, point to how Maria's life was inevitably and closely dependent on adults' decisions. The choice to migrate, and the resolution to stay illegally in Canada once her mother's and her refugee claims were denied, were not hers but her mother's. As a child, she could hardly have escaped such decisions made on her behalf. So entwined was her life with her mother's choices that it was not possible for me to conduct a conversation with Maria without her mother.

By explicitly asking how she had adapted to life in Canada, I wanted Maria to clearly express herself or, to put it in another way, to enact her agency and make her voice heard (a *different* and *individual* voice). Reflecting on what had happened during our conversation, I later realized that this was simply not possible. Her voice existed in these not-uttered-words, within her family context and her relationship of dependence with her mother. Once I recognized the frailty (and sometimes non-existence) of individual voices, I came to understand the need to consider novel ways to interact with youth and represent them. The painful migration experiences they may have gone through, the structural and family constraints they may have lived with or are still living with, place researchers in a delicate position. It urges us to think about which questions should and should not be asked. While we should take into account the risk of provoking what has been defined as "secondary traumatisation", a distress which occurs in recounting painful experiences (Boyden and De Berry 2004), we ought also to acknowledge our younger informants lives as embedded within the family dynamics they are entangled with. This allows us to understand why youth may avoid a particular question or choose not to participate in our research. And silences, as withdrawals, need not to be treated as non-data. On the contrary, we should be "listening for hesitation – listening for that which persistently disrupts the security of what is known for sure" (Stevenson 2009: 56). As

we and others have outlined elsewhere (Vanthuyne 2008; Yong 2006), one may learn much more from interpreting these silences and hesitations than from analysing what more willing, or more vocal, research participants may have to say about a topic.

Conclusion

Cohen (1994) has aptly argued, with respect to anthropologists working with elderly people, that age is a new kind of "hearth of darkness" in anthropology and social sciences, where we encounter the natives in a classic anthropological fashion, and we exchange meaning. And we so desperately lack meaning, that, to paraphrase Cohen with respect to research with youth, we search among our informants for what it really means to be a child or a youth. "Then we extract this meaning like Indian cotton to Manchester mills and refashion it, for both them and, ultimately, us". (143)

Sometimes, the shift of perspective from children as objects to children as subjects has nevertheless not impeded this desperate search for meaning, and the extraction of Indian cotton – that is, individual children's stories and agency - from their inter-relational context. Instead, what we have proposed in this article is to try

to imagine these stories and ourselves within complex webs of social relationships and interdependence. In the context of our fieldwork, it was possible to get access to, and to make research relevant to marginalized youth because we recognized them as part of a wider community of adults. We could not have entered their worlds without also recognizing the concerns of their families and their ties of interdependence with their community. We could not have fully understood their lives within a model that assumes a universal opposition between childhood and adulthood, or a straightforward progression from dependency to autonomy. Youths' agency – their choices, dreams, and interpretations – must be considered as intimately intertwined and conditioned by the very social worlds in which they live, a task for which ethnography is crucially important (Bluebond Langner and Korbin 2007).

The fact that anthropologists, since the 1970s, have reflected long and hard on their fieldwork (perhaps, even too much at times) contributes valuably to the interdisciplinary debate on ethical issues in research with children and youth. These reflections can help to complexify categories of power, agency, and dependency in adult-youth relationships. Power should not be fixed in the rigid categories of "adults" and "children", but rather in the mutual representations of the subjects, in the intricacies of the research process, and in the negotiation of roles and identities

(James 2007). As Carnevale (2004) has pointed out, the ethnographic practice, in which issues of misunderstanding, expectations, and power thrusts are inevitable components of the research process, may help to create dialogical and trust relations as well as to negotiate power roles. Moreover, due to the long-term and extensive nature of ethnographic fieldwork, anthropologists may have the time to really get a sense of the potential harms of their study, and of the power dynamics at play between the researcher and the researched if they pay particular attention to these issues. From this perspective, ethnographers may choose not to say certain things if the subjects feel threatened, but also may choose to say certain things if the researched want their stories to be understood in a certain way and not in another, according to the agenda that will most benefit them.

Anthropological reflections could also help us think through questions of ethics as a process of reflexivity. In the context of our fieldwork, ethical concerns emerged as reflexive collaborations and negotiations within a resonance network: the reflections between the members of our research team; the stakes and needs of the youth; the multiple voices and concerns of youth and their network of adults. This very space of collaboration within this resonance network was helpful to establish trust-relationships with our informants, as it led us to co-construct meanings and research objectives with them. In the context of our fieldwork, the

defensiveness of the youth, their families and the community organisations working with them drastically diminished after the research team partially changed the objectives of the larger study to address the issue of access to education, a concern voiced by the youths' mothers.

If we cease to understand ethics within traditional models of intactness, as a mere issue of power differentials between two alterities, fieldwork may become an "ethnography of collaboration" (Marcus 2007). A dialogue between researchers and youth, between youth and adult networks, now epistemic partners and meaning-makers, which together co-construct a third space - that is the very space of a mutual ethical encounter. Such a dialogue allows us to experience and to trust one another, recognizing that "there is no innocence, only the navigation of ambivalence" (Butler 2000: 26).

Bridge

As I have pointed out in the second article, the agency and lives of youth should be understood and imagined within broad contexts of interdependent relationships. In the following article, I explore how youths' narratives are entangled within an array of relationships and ways of social belonging. In particular, I examine how social and political constraints shape undocumented youths' lives and how these subjects, in turn, respond to these constraints and demonstrate complex forms of belonging. I suggest that undocumented youth reinterpret their social and political positions in complex and contradictory ways, by finding ways of belonging to a recomposed community that is established both *within* and *beyond* three social spaces: the state that denies political membership; family networks, based on transnational ties; and a network of peers from school, through which affective relationships are established.

Article 3

The ambivalence of belonging: Immigration status and agency of undocumented youth in Canada

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Abstract

This article explores how social and political constraints shape undocumented youths' subjugated positions and how these subjects, in turn, reinterpret their positions and elaborate complex forms of belonging. Drawing on ethnographic fieldwork conducted in Montreal and on four case studies, I suggest that undocumented youth may reinterpret, resignify and transcend their social and political positions of minors and undocumented subjects in multiple, and sometimes, contradictory ways. This resignification occurs through their belonging to a recomposed community which is established both *within* and *beyond* three social spaces: the state that denies political membership, and therefore access to its services and territory to undocumented individuals; their family networks which are based on transnational ties; and the network of peers met at school, with whom they establish affective relationships.

Introduction

Every night, Elizabeth[14] has a recurring nightmare. During one of the many conversations I had with her, she recounted to me that in her dreams, she was "naked, cold and vulnerable", running on the streets. "In my dreams, I always run, run, run from immigration," Elizabeth recalled. Immigration authorities would follow her with guns and shoot her in her back. They would follow her with dogs, like she experienced when she was at the US-Mexican border. In her dreams, she would try to hide herself in the bushes and in the woods but, night after night, the police would come and arrest her.

Elizabeth has spent the last 10 years of her life continuously on the run, escaping from a violent family in Colombia when she was nine, and then living without legal status in the US and Canada. All those "dark sides of being illegal", as she defined them, come to haunt her every night. All those dark sides are also revealed and reinterpreted in her artwork, her black and white pictures. In some of them, she portrays a naked man crouching, his arms on his head to protect himself, in rundown urban places – a railway station, an abandoned building, a broken window. In others, the same naked man is standing up, opening his arms to open

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[14] The names and certain identifying details related to their stories have been changed, in order to protect the privacy of the individuals involved.

natural spaces – a sea, a grain field. In these pictures, Elizabeth portrays a friend of

hers who had been refused refugee status in Canada and who then fled to South

America, where he eventually kept living illegally.

 Like many other undocumented youth that I encountered during the course

of my fieldwork which I have conducted since June 2010 in Montreal,[15] Elizabeth has

been excluded from the imagined community of citizens to which political and social

rights are attached. The constant fear and the many hardships that her condition of

"deportability" (De Genova 2002) , which is to say the possibility of deportation, has

entailed are vividly represented in her nightmares, where she is naked, cold, and

vulnerable. Yet, the suffering of her subjugation to power is reoccupied, resignified,

and reinterpreted in ambiguous, paradoxical and even contradictory ways in her

artwork. Here, her being naked, cold and vulnerable is transferred to the body of a

significant other, which is a close friend of hers, also without legal status. And this

friend is not only portrayed in a subjugated position: naked, crouching, his arms on

his head, as if he is protecting himself or retreating to himself. In other pictures, the

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[15] I conducted in-depth ethnographic interviews with 8 persons, ranging in age from 12 to 22 years, and I came across 6 other children and youth through a working group on access to education. The majority of the youth were from Latin-American countries, a minority from Caribbean countries.

same young man is shown standing up, steadily walking in rundown urban spaces, or opening his chest and his arms to a natural space - a grain field, the sea.

In this article I aim to explore how social and political constraints shape undocumented youths' subjugated positions and lives. I would like to point to the multiple ways youth, in turn, actively reinterpret these subjugated positions and negotiate diverse forms of belongings. How can undocumented youth be both bodies dominated by power (naked, cold, vulnerable) and subjects *transcending* such subjugation (opening their arms to the sea)? How can they exist, if not politically, then socially or symbolically, when their social existence is destabilized by their condition of deportability? How can they live both *within* and *beyond* social and political spaces that negate their existence? And how, in this context, can they establish a sense of self and multiple belonging?

In order to address these questions, I will draw on four undocumented youths' subjectivities or, should I say, their narratives as they recounted them to me. The argument I intend to make in this article builds on an understanding of subjectivities as complexly produced by both the power relationships subjects are embedded in, and one's capacity to transcend them through symbolic, if not practical means. On the one hand, I refer to the social and political construction of

political subjects, through policies and programs that aim to govern them (Foucault 2003). I argue that two discourses are at play with regards to the government of undocumented youth in Canada. As I have discussed in the first article, their exclusion from the political community of citizens in that country has to be understood in relation to their social position both as minors - vulnerable and non-autonomous beings in need of protection (James and James 2004), and as undocumented migrants, threatening others to reject (Uehling 2008). These two apparently contrasting discourses are embedded within specific socio-historical constructions of childhood and children's citizenship, and they deny children's membership to the political community. I use here the term "community" in a social and political sense, as something "constituted through agreements" that "hence can also be torn apart by the refusal to acknowledge some part of the community (e.g., women or minorities) as an integral part of it. (Das 2007: 9). In this article, I would like to ethnographically describe what it means, for an undocumented youth, to be socially and politically constructed as excluded from this community, both as a minor *and* as an undocumented migrant. More specifically, I will illustrate how these two representations of their being subjects mingle together in their everyday lives and immigration pathways.

On the other hand, I will also suggest that undocumented youth may reinterpret, resignify and transcend their social and political positions of minors and illegal subjects in multiple and even contradictory ways. While the state fails to recognize undocumented youth as entitled members of the bounded legal spaces which are constitutive for political community, the subjects redefine and challenge these very spaces, by being embedded in a web of social relationships which make them, in their everyday lives, part of a socio-affective community. The resignification of their social position of exclusion happens through their belonging to a recomposed social community which lies both *within* and *beyond* three spaces: the state that denies their membership, and therefore access to its services and territory; their family networks based on transnational ties and solidarity; and their network of peers met at school, with whom they establish relationships of friendship. In this article, I thus conceive of social and political recognition as a three-fold and intersubjective process– related to legal boundaries (rights and laws), affective relationships (love and friendship), and communities of values (solidarity) – which are the conditions for being recognized as human subjects (Honneth 1996).

Framing power and agency

Reflections on the tensions between, on the one hand, wider social and political constraints and, on the other, specific individual and collective ways to challenge these forces have been the focus of much anthropological literature in the last decades. Ethnographic studies have shown how medico-scientific formations, regimes of rights and institutional policies are mediated and reinterpreted by the body and the subject. To give an example, Vena Das has aptly explored how women in India not only are made victims of violence following the Partition of India in 1947, but also how they may reoccupy their victimization through the work of domestication, ritualization and re-narration (Das 2000).

     With regards to undocumented youth, Gonzales and Chavez (2012) have interrogated how regimes of immigration policies and practices (surveillance, immigration documents, medical insurance, random detentions, and deportations) penetrate, limit and frustrate undocumented youths' lives in the US. Nonetheless, the authors argue that the subjective dimensions of this politically and socially abject status are both a source of life stress and a condition that allows a possibility for change, opening a space for agency and resistance.

Subjectivity and agency thus emerge from a paradox: power, in its various forms, is *forming* the subject but it is also challenged by the subject's agency or, shall we say, the subject's capacity to resist that power (Butler 1997; Foucault 1990 (1976)). In this sense, while immigration policies may undermine undocumented youths' social recognition, undocumented youth may also manifest their desire for social existence by resisting these policies.

My reflection would like to enter into this debate, as well as to dialogue with the literature on immigrant children's and youths' experiences which has flourished in the last decades (see: Chávez and Menjívar 2010; Salehi 2010). While authors such as Gonzales and Chavez (2012) conceive of agency as stemming from resistance, my aim is to point to the nuances and ambivalences that exist in the formation of subjects. Merging together agency and resistance may blind us to the complex subjective responses which in fact are expressed beyond the structural forces undocumented youth are expected to resist and beyond the social patterns they are expected to assimilate and conform to.

In this respect, Crapanzano's reflections may be useful to highlight the complex dynamics of agency, power and subjectivity. With regards to Harkis children in France, Crapanzano pertinently examines their subjectivities through the lens of a

"transcending reality". He argues that their memories of the Algerian war and incarceration in France are rooted not only in empirical and historical contexts, which are often the focus in social sciences, but also in another form of reality that is more rarely acknowledged. This transcending reality evokes the historical experience and context but also bypasses that very expression. It "lends itself to story, drama, and invention, to their possibility, affording us not so much a vantage point as an ever-changing, subtly insistent temporal perspective" (Crapanzano 2011: 5).

The point here is to take into account the complex subjective ways of understanding experiences, ourselves, and the world in multiple, contradictory and paradoxical forms. It means that, as Crapanzano points out, subjectification to power is always "ill-fitting - never so complete as to preclude conflict and struggle", instantiating both the illusion and the reality of agency (Crapanzano 2011: 6). But prior to entering into youth's narratives and "ambiguous agencies" (Seymour 2012), I will first briefly illustrate the context of immigration policies which fail to recognize undocumented youth and families as part of the political and social community.

Pathways to uncertainty

How immigration policies construct youth as undocumented has to be understood

within an increasing precarisation and illegalisation of migratory status (Magalhaes,

Carrasco and Gastaldo 2010). In Canada, rather than unauthorized land entry, other

pathways to illegality and precarious immigration status are much more common. [16]

In this respect, Goldring and her colleagues (2009) claim that, in the last decades,

Canadian policies have institutionalized - at the social, administrative, legal and

political levels - immigration precariousness, making immigrants illegal in multiple

ways.[17] These new policies have basically made it more difficult to enter Canada as a

permanent resident, while other temporary resident categories explicitly do not lead

to pathways to permanent residence or citizenship. To give an example of such

restrictive policies, the number of people accepted for refugee claims and family

reunification status has been severely restrained, compromising also the right to

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[16] Estimations of the number of undocumented immigrants living in Canada may vary from 200,000 (Jiminez 2006) to 500,000 (SSG 2006). The difficulty to provide reliable figures is due to the fact that many families which fall out of status often tend to live "underground", because they fear that immigration authorities may track them down and deport them.

[17] However, measures of "secutitization" do not represent an entirely new phenomenon in Canada, as well as in other Western countries. They have to be understood more broadly as part of political rationalities which, in the twentieth and twenty-first century, deal with immigration issues, by creating categories of desirable and undesirable immigrants. Since the 1970's, undocumented immigration has been considered a "problem" in policy debates, and the pressure for border control and deportation practices has been crucial in immigration policies (Pratt 2005; Sassen 1999).

more inclusive political and social rights to which family reunification and asylum are attached (CCR 2005; Ruiz-Casares et al. 2010). Moreover, in 2013, a new immigration reform designated countries such as Mexico as "safe countries of origin". Refugee claimants from "safe countries of origin" now have a streamlined process to prove they have a genuine need for asylum, they have no opportunity to appeal a negative decision, and they are not eligible for emergency health care. This means that, more and more often, many individuals who have been denied refugee status (as is the case of many Mexican claimants), face the impossibility of obtaining a regular and permanent migratory status which would entitle them to social and political rights. Indeed, if they decide to remain in Canada without legal status, they enter into a pathway of illegality, precariousness, and invisibility.

These restrictive immigration policies dramatically shape and limit undocumented youths' and families' lives, restraining their access to public services. Undocumented children do not have access to free education in the province of Quebec[18] and, like their parents, they do not have access to health care (Ruiz-Casares et al. 2010). Moreover, their lives become constantly permeated by the fear of being deported (De Genova 2002). In order to disappear from the eyes of

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[18] Access to education is subject to provincial legislation in Canada.

institutional authorities, undocumented families may change their residence and workplace, or remove their children from school. As Tatiana, a Mexican woman I met during my fieldwork in Montreal, told me: "I don't know what to do with my children, if I have to remove them from school. I am scared that they are searching for us. I am just too scared".

Approaching uncertainty

In this context of daily uncertainty and invisibility - where people fail to be recognized as part of a community of citizens - how I entered in contact with them (how I recognized them, and how they recognized me) matters profoundly to how they recounted their narratives, and to how I understood their subjectivities. Let me briefly explain here how these encounters took place.[19]

I started to conduct ethnographic fieldwork in June 2010 in several sites of a multicultural neighbourhood[20] in Montreal. Based on what many social workers and community-organizers who had participated in a previous exploratory phase of a

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[19] I have expanded on the ethical intricacies and the difficulties in getting access to my fieldwork in the second article of this thesis.

[20] The neighbourhood will not be named in order to protect the confidentiality and privacy of the informants.

wider research project on access to health care [21] had told me about that neighbourhood, I knew that many undocumented families from Caribbean and Latin-American countries lived there. Yet, to find them was extremely difficult.

At first, I started to communicate with community-organizers, teachers and social workers, asking if they had come across undocumented youth in the context of their work. Their responses were quite different, but they all left me frustrated and with the impression that I was conducting an almost impossible fieldwork. For instance, some community organizers told me that when undocumented families were denied refugee status they simply lost track of them: "They just disappear. They change telephone, they change address. They don't come to see us anymore. They live underground". Other people told me that they probably met undocumented youth among their clients but that they did not ask about their status. Others simply denied that undocumented youth existed. I recall the surprise of a teacher who stated that it was not possible that undocumented children attended her school, because "undocumented children cannot go to school". When I asked her if she knew some children with an uncertain or fuzzy migratory status, she then replied: "Oh, yes, then I know some". Others lowered their voices when talking

about undocumented persons they had befriended. I remember that, when I spoke to a pastor of a church that many Latin-American undocumented children attended, his voice suddenly became a whisper: "yes, I see what you are saying, we know these situations".

This whispering, this knowing and yet not knowing, relates to a series of wider and intricate social relationships that people "living underground" establish with people with legal status. These relationships entail a sense of extreme uncertainty: firstly, because these relationships could be revoked at any moment, when undocumented families are deported or when they feel that they are in danger of being deported; and secondly, because their lack of status is not always known by the persons they are in contact with. This uncertainty also provides some protection from immigration authorities: people do not know about undocumented migrants' status or, even if they did know it, they would not let me know about it, in order to protect their friends or their clients.

Interestingly, the position of my interlocutors started to shift when a woman from the Latin-American community, who was also the leader of a community-organization, introduced me to many undocumented women. She presented my research as "something where you can explain what you have been through, and

what it has meant to you to live without documents, in order to make some change, to make your voice heard". Following this, I started to volunteer in this organization and to make contacts with many undocumented families. By establishing trust-relationships with them, and by working with other community-organizations around the issue of access to education, I started to enter this underground world – making my fieldwork more possible. Slowly, I got in contact with many youth through a series of relationships in which I was involved - their families, community-organizers and the teachers that they trusted. I visited their families, attended parties, ate with them, and met them at their homes and in community settings. I attended public demonstrations where some undocumented immigrants participated, and I also got involved in community and institutional events. I recognized undocumented youth I met as part of these relationships, and they recognized me as close to their community, as someone they could trust.

Living with uncertainty

In this section, I will explore what it can mean to be an undocumented minor, in youths' daily lives. How are undocumented youths' lives shaped by national discourses which define them as threatening others, and as not entitled to political

membership? And how do youth respond to these discourses and (re)define their social existence?

In order to understand the complexities of these manifold dimensions, I will draw on the narratives of undocumented youth, examining how their understandings of being undocumented and of being a minor are nuanced and vary tremendously. To do so, I have singled out four life stories, that is to say, different stories and different ways to exemplify subjectivies. In anthropology, life stories have been used, following a subjectivist approach, as an expression of the subject's psychological dynamics (Hertz-Lazarowitz and Shapira 2005; Mohia 2000). In this respect, the story is a window on the complexity of the self. It reveals the fragile uniqueness of each personal account and "narratable self" (Cavarero 2000). That is to say, each story discloses a unique being whose identity is rooted in a specific narrative, and in the way this narrative is presented to the other. In this article, I will use different life stories to illustrate how subjectivity is always complex and ill-fitting, never complete but always uncertain. It is the product of complex intersubjective dynamics which are both internal and external, stemming from the social and political construction of subjects, but also from the ways subjects understand themselves and construct their worlds.

'You have to live with it, you have to survive'

Elizabeth has lived without legal status for ten years. At nine, she escaped from her violent father who had attempted to kill her. She left her home country, Colombia, and started a long journey alone. She crossed Central America, and then Mexico, before she arrived in the US. She lived there for a few years, working illegally in a factory. Then she came to Canada, where she worked illegally as well. As she explained: "I was there illegally. I worked there under the table because I was a minor. I was a kid and I did not have money and the only way I could survive was by working. There was no way for me to become legal, so for me it was difficult to live like anybody else living there".

Elizabeth's experience - her migration journey and her illegal work life - resonates with the same experiences that many undocumented adults go through (Gomberg-Muñoz 2011). Yet, unlike adults, she was particularly vulnerable: it was, as she put it, "difficult to live like anybody else living there". The impossibility of returning to her home country, the trauma and violence she has lived as a child, the lack of family support and of legal status, exposed her to a life of daily uncertainties and emotional pain. At that time, she suffered from panic attacks. She remembered:

"I was feeling crazy. I was crying. I was scared they were going to send me back. I was always laughing inside and crying".

Her vulnerability was strongly connected to her "deportability", the possibility of deportation. The fear of being arrested permeated her everyday life. There were no places which were safe, there was nowhere to stay, but only sites to run from. Running, the subject of Elizabeth's dreams which I began this article with, represents the embodiment of her deportability and the constant fear this condition provoked in her. As she explained:

I never felt safe. Every time I ran, every time I hid, I was afraid of either dying of hunger because I had to run in the desert in Texas or of being killed by the Mexican police [officers] or being killed by many policemen in the United States or being killed by Immigration or being killed by anybody because of being illegal in these countries. By being illegal, you are a target so you are easily hurt. Anything can happen to you when you are not allowed to live in one country and you do not have an ID. And you do not have the same rights as everybody else so you live a life where you do not feel like you are in charge of your life. So you feel obliged to hide or to run because that is the way it is. You feel alone, naked, confused.

The feeling of always hiding and running - of daily departures from relatively safe spaces - is described in the accounts of many undocumented immigrants (Willen 2007). But running as a child is a different matter. You feel "alone, naked, confused", and you "do not have the same rights as everybody else so you live a life where you do not feel like you are in charge of your life". The fact of "not being in charge of your life" here refers not only to the general condition of being undocumented, but also to the social status of children as dependent, vulnerable and not autonomous subjects (Scheper-Hughes and Sargent 1998). Yet, this social status of childhood vulnerability was negated by her migratory status. She was not treated much differently than adults: like adults, she was merely considered as a threat to national security.

Since she was illegal, nobody related to her story *as a child*. This is well exemplified by Elizabeth's recounting of her arrest in the US, where she was detained for one year in Houston, Texas in a youth detention center. While she was detained, Elizabeth decided to ask for refugee status but it was difficult for her to assemble her story in a coherent way, in order to be heard and be granted refugee status. As she told me, "I was confused and, at the same time, it was very hard for

me to talk about the trauma I have lived". The immigration officer who was in charge of her case not only did not believe her story, but also considered her as a threat to national security, urging her to leave the country: "You must leave and I will make sure that you will leave. This is not only you. Any other kid has to leave because there is a law that the government does not want anybody to be in this country". The judge considered her story to lack credibility, because, as Elizabeth told me, "it was not believable that at ten years old I could have done what I did":

The judge was very hard on me and did not understand me and she did not allow me to explain. She did not understand my situation and did not understand all the stories that I faced. She did not understand the violence that I lived. She judged me by how many visas it took me to cross many countries. She did not believe my entire story. It was not believable that at ten years old I could have done what I did.

In the case of Elizabeth, her social status as a child leads the judge to disbelieve her story. She was not recognized as *who* she said she was: an undocumented *child*. She was merely judged on the basis of "how many visas it took her to cross many countries", and on the basis of the fact that, as a child, she could

not have passed through so many borders. Here at play are two very different constructions of her being a subject: a discourse on her illegality which renders her a threatening other- someone to reject and to deport, and a discourse on her status as an "unaccompanied child" - someone who could not have made it alone, and who could not be considered as an autonomous subject.

Despite the entire trauma that she had to bear, she found her own way to survive: "You don't forget. But you have to live with it, you have to survive", she told me. This ability to survive her past traumatic experiences was made possible by the support of her family with whom she had kept contact with, "the community" she grew up in during all those years, and also by her "seeing herself in different people in need". And also, Elizabeth told me, she chose life:

What kept me alive was my family, my brothers, my sisters, my aunts; but also I chose life. I saw myself in different people. When I saw people on the street or people with no rights, people living illegally, I saw myself in those people. So I got the strength, I got the inspiration to live, to be a good person but to also find ways to help people like that. I grew up a community in so many ways. I participated in a theatre workshop, I started to dance. And I built a community, by engaging myself in

an organization to help people and cases like mine, so that they can have some

justice.

The fact of "growing up a community", through the different activities and social justice engagement that she took part in, was a source of strength for Elizabeth, her inspiration and motivation to live on despite adversity. But also, to build a community was an essential way to make herself socially and politically recognized as an entitled member of the polis.[22] Interestingly, when her refugee claim was also refused in Canada and she was arrested, her friends and her "community" of peers organized a series of public demonstrations, asking the government if she could be granted refugee status on humanitarian and compassionate grounds. Finally, following three months of detention and several public demonstrations, Elizabeth received refugee status in Canada.

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[22] I follow here Arendt's definition of *polis* not only as a physical place secured by walls and guaranteed by laws, but also as the very social space where the people organized themselves by acting and speaking together (Arendt 1958)

'The only thing I don't want is to come back'

While Elizabeth has migrated alone, Roberto's migration has been closely tied to his parents' decisions. Roberto could not choose not to leave Mexico, as his parents had decided to migrate to Canada; and now he cannot refuse to go back to Mexico, as he and his parents have received their deportation order.

Roberto came to Montreal four years ago, when he was 11 years old. His family migrated from Mexico City and made a refugee claim. However, Roberto recently received the news that his family had been refused refugee status and that they would be deported in two months. Yet, Roberto conceived of himself as belonging to Canada, and he was deeply sad to leave Montreal, as he made it clear:

We came back here and it was too hard for me. It was a new phase of my life and I was sad I was leaving my country, Mexico. But now, I am happy to be here in Canada and the only thing I don't want is to come back to my country because I'm used to here, with my friends and my girlfriend and I don't really want to leave. I want to stay here.[23]

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[23] I have translated the quotes from the interview with Roberto from French to English. The interview with Julia has also been conducted in French, and translated in English.

Differently from his parents, Roberto did not keep many contacts with his family in Mexico, and he did not know what was happening there. He said: "I never watch the TV news because I don't want to know any news. It's my parents who listen to the news. I don't really know the situation there, it's been four years. I have never talked to my uncles or my family there. It's just 'hi' or 'bye', that's all". In those years, Roberto established his social network outside of his family and the Mexican community. As he explained, when he came to Montreal, at first he did not understand French, the main language spoken there, and spent a lot of time with his Mexicans peers. He also used to go with his parents to a church, where many Latin-American undocumented immigrants went to. Later, he met people from Canada and other countries, and he learned French.

I said to myself: why should I have Mexican friends since I am here in Canada? I would like to meet people from other countries and to learn French. Then I decided to try a little bit, and now I don't have any Mexican friends anymore. I speak only with

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Québécois[24] and people from other countries. And all Mexicans are gone anyways

and I am alone now.

- They came back to their country.

- Yes.

Roberto was caught between two worlds. On the one hand, there were his Mexican

peers and the church where his family and many Mexican immigrants would go to.

This world is a world of departure and uncertainty, where loss - and loneliness- is an

everyday issue. Roberto explained: "All the Mexicans are gone anyways and I am

alone now". He was left "alone", since all the Mexican immigrants, to whom his

family is attached, have been deported. On the other hand, he developed

relationships with other persons who did not belong to the Mexican community. He

started to play on a soccer team three times per week; he started to go out with a

Quebecoise girl. His social networks were established in his neighborhood: he played

soccer, he went to a park to play with his friends, and his girlfriend lived only 10

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[24] Quebecois refers to French-speaking natives of the province of Quebec. The definition entails a strong national identity which is constructed on the basis of belonging to the national territory of Quebec, and based on the French language which is permeated with symbolic value.

minutes walking distance from his apartment. He felt like he belonged here, and yet he felt that his belonging was so fragile due to his deportability.

His lack of legal status was a constant source of stress and fear. He felt he could not openly disclose his migratory status and his family situation to his school peers, since he was afraid they would make fun of him. He explained to me:

When I feel sad I don't speak of this with my friends. I take my time. I don't have to talk of this because I am afraid.

- What are you afraid of?

- That they would say that I have to leave and that they would say that it's good that I leave. Things like that. It's that I'm afraid that they are going to laugh at me. That they're not going to understand my situation.

His presence and belonging in Canada were thus complicated by a "double absence" (Sayad 2004), that is to say, a double estrangement: on the one side, with respect to his parents and his society of origin and, on the other side, with respect to the host society in which he has crafted social ties which were always conditional and

revocable. This double absence is also a double, always incomplete, belonging. His existence "here" was always undermined by both his deportability and his fear of telling others *who* he really was. As he explained, he would not let others know about his migratory status and his situation because he was afraid they would laugh at him. He was scared they would not understand, that they would say it was good that he was leaving. He was worried that they would not recognize him as fully entitled to belong to their community.

Yet, Roberto insistently told me he conceived of himself as belonging to "here". "My life is here now", he recounted to me. As soon as he received the news that he was going to be deported with his family, Roberto started to have difficulty at school. He started to "kid around" with his classmates and his professors. As he explained: "I started to kid around because I have to leave. I said to myself: I am going to leave, then I am going to kid around. It was like: I leave, so I am going to kid around". This maybe constituted a way for him to contest his exclusion from the host society, through the government's decision to deport his family (and his family's decision to leave Canada). "Kidding around", which indicated both that he was physically there, and that he no longer respected state authorities (his school's teachers), could indeed be read as a way of articulating his claim of belonging in Canadian society.

Roberto was sure: he did not want to return to Mexico and he envisioned his future as being in Canada. He would like to move here to study and to have a family, when he will be 18 years old. The government was the only negative aspect about Canada, he said, because "it was too much": deporting many Mexicans who come to Canada to have a better life, to work hard and to have a future. Roberto found that this was "very nasty" and "not fair". He asserted: "It's so sad and it's too bad that I'm leaving. But I will try hard to come back. I will put all my efforts forth. I am going to come back".

'There are many things we forgot'

Similarly to Roberto, Ellen's and Ryan's choices and migration paths were also closely entangled with adults' decisions. Ellen and Ryan are from Kingston, Jamaica, and left their country six years ago, when they were 11 and 14 years old. When they came to Canada, their mother had already been living here for two years without legal status. After four years of living illegally, all the family was finally granted refugee status.

Like Elizabeth and Roberto, Ellen and Ryan's experiences were also significantly influenced by the fact of being children. When they arrived here their mother helped them adapt to the new social environment by enrolling them in a

private English-speaking school, since undocumented children could not have access to free education in Quebec. As they stated, "our mom was already here, she was here before so you know, she was here and she prepared everything, so we relied on our mom".

The fact that their mother was already here in Canada and "prepared everything" - the fact, thus, that they were dependent children - eased the burden of being undocumented and the difficulties of adaptation to Canada. Ellen made clear that having "someone to stick to" made things easier in the migration process:

It's best to have someone that's here, you know, someone to stick to. My mom was already here, she was here about one year before we came so you know. She was here and she prepared everything, so we relied on our mom, so… that's who we had here. So it's easier for us because she did everything, everything we needed, she provided, you know… so we don't know, for school, to get into school we don't really know. We know it's hard but we don't know how hard it is, she can tell you, you know, how hard it was to get us into a school...

As an example, the barrier in accessing education was an issue for their mother, but the children did not really feel it was a problem for them. As they stated, "to get into school we don't really know. We know it's hard but we don't know how hard it is, she can tell you, you know, how hard it was to get us into a school" Their mother provided everything they needed, and she enrolled them in a private school.

Yet, their safe spaces were very limited. Their social life revolved around their private school and a church, where many undocumented persons from the Caribbean community went to. As Ellen explained, the school was like a prison: "I felt that school was a prison. You know, whatever you do, everything is blocked off. You can't walk to certain places and, you know, even at lunch breaks you have to stay in the compound, you can't leave. They also have more security staff and so on". The fact of being obliged not to leave the school compound, as well as the feeling that school is "like a prison", may be quite common to many teenagers. However, for Ellen and Ryan, the feeling of having physical limits and only a few safe places was also influenced by their illegality: their migratory status did not allow them to get access to sport activities or to any other social activity outside their school or the church.

In the years that they were without legal status, they recounted that their social life was closely tied to the Caribbean community, and to their church, where many other undocumented children participated in social activities. Ryan remembered: "At church, you see all the kids your age, you have your own, like, your class age, and you will get to know everybody in the church because it's like… one thing, it's like your family". The church was thus their community, where they belonged: "one thing, like family". It was also the only place where they could participate in social activities and, as Ellen noted, "have fun".

However, more than the lack of legal status, language was often brought up as another important hurdle that they had to face. For instance, when I asked Ryan: "So, you were saying that you couldn't participate in the activities because you did not have documents", Ryan immediately added that it was not only his migratory status, but also the language barrier and the fact that they lived in a French-speaking neighborhood, that complicated things further:

I could not participate in the activities also because I didn't speak French, because the majority of people they speak French, and the majority of kids speak French because they grow up there, and then… If we lived, say, in some English-speaking

Caribbean neighborhood it would have been a little bit easier with the English, and especially they speak our same kind of English. But we live in a French-speaking neighborhood. So even if we'd had documents, it would still have been hard because of the French.

- So that was one of the difficulties, where you live.

- Yes, that makes a difference. And also the French.

The fact that Ellen and Ryan lived in a French-speaking neighborhood and not in an English-speaking neighborhood where many Caribbean immigrants live, made them doubly excluded: from the French-speaking community, and from their own Caribbean community. In this sense, Ryan noted that "even if we'd had documents, it would have been still hard because of the French". Now that they have regularized their status and that they are leaving their childhoods behind, their belonging to a community becomes more complicated. Their social and political entitlement has been undermined by the fact that they do not speak French. As Ryan and Ellen noted, it is harder for them to enter into the job market. They complained that the French they learnt at school was not enough for them to be able to fluently speak it. Ryan, who is now 20 years old, was afraid that he would not be able to find a job.

Moreover, the church did not constitute part of their social world and family, as it was the case when they were younger. As Ellen explained: "The more you grow older, and you see things and you get more experienced and stuff … then you become more interested in certain other stuff, you want to do other things, that's how it is. Church becomes like boring".

The stories and experiences of Ellen and Ryan are also embedded within the process of reappropriation and resignification of the past. When I asked them to recall their experiences of being undocumented, they marked the temporal distance from that time with adverbs such as "before" and "after". For instance, Ryan stated: "There are many things that we forgot. The most that I remember is after". Their stories and perspectives should thus be understood as involving fractures of memory - processes of renarration of the past and the present, in which presence, absence, and anteriority are lumped together (Ricoeur 2004) . The past exists as absence which, though no longer being there, is held as having been and is signified in the present. Indeed, Ryan and Ellen spoke about the language barrier also because this was an issue for them *now*. The past experiences of *before*, belonging to the time when they were undocumented, were thus resignified in relation to their present concerns.

The hurdles of being undocumented were partially forgotten, and new difficulties and anxieties occupied their minds. For them, the images of the past and all the fractures - the after, the before, the now- were constructed, reconstructed and forgotten (Foxen 2000). More importantly, Ellen and Ryan also decided to recount to me what mattered to them, in order to make their present worries recognized. They defied, in a certain sense, my assumption that to be an undocumented child was a difficult experience. On the contrary, they pointed out that, when they did not have legal status and they were younger, they felt like they belonged to a community, since their mother had relieved them from the burden of being undocumented. However, now that they had become Canadian citizens and they were leaving childhood, their social belongings were significantly challenged.

'It's different when you're 17

Similarly to Ellen's and Ryan's experiences, Julia's story is also related to the complex dynamics related to the transition to adulthood. When Julia arrived in Canada from El Salvador she was 17 years old, a very peculiar life stage: not a child anymore but yet not an adult (Gonzales 2011). When she contacted me through a community organization, Julia stated that she was glad that someone was working on

undocumented youth, and that she wanted to give her own perspective on the issue. However, when I met her, I discovered, to my great surprise, that she has always had a kind of legal status. When she migrated with her family - her mother and her younger sister - she was a refugee claimant and, after six years, all of her family received their status. So why did she see herself as undocumented?

Julia explained to me that one of the reasons was that, because she was 17 years old, she could not have free access to education and she had to work to pay for her studies.[25] The social status and role of her other family members was more clear-cut: her mother, since she was the sole caregiver, found a job, and her sister, who was seven years old, went to primary school. Julia was caught in uncertainty: even if she wanted to pursue her studies, she did not have the money to pay for her fees. Moreover, her mother expected her to contribute financially to the household:

For the parents it's difficult, it's sad because you lose your social status, you have to work in a factory, you have to learn a new language and you have to start from

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[25] In Quebec, primary and secondary education is free for Quebec residents and refugee claimants, while post-secondary education is not. Refugee claimants (and other categories of non-Quebec residents) must pay tuition fees as international students, if they want to have access to post-secondary education.

scratch. But when you're a child it's different. My sister said that nothing has changed much for her, since we got our documents. It changes a lot if you're a child when you arrive; you're not going to feel many things but the stress of your parents. You're going to start school and to be integrated in activities. You're going to feel it less, until you're going to post-secondary education. Then, you'll start to be stressed out. I came here when I was 17 years old and it's more difficult when you're an adolescent than when you're a child. Also, I think that as you get older, your parents tell you that they can't support you, and that you should work. They can't do more than this, because they came here for their children.

According to Julia, if you're a child "you're not going to feel many things but the stress of your parents" and you're going to be "integrated" in daily activities, such as education. This holds true for the story of Ellen and Ryan, as we saw in the above section. However, as a child enters into adulthood, she/he is no long considered as a child, not only by local policies (since she could no longer benefit from free public education) but also by her family. Julia told me that her mother could not financially support her studies, since parents "can't do more than this because they came here for their children". Julia thus understood that her mother was herself going through

123

a difficult process of migration and had made many efforts for her children; but she also understood that her mother could not provide for her the future she desired.

Julia remembered being very depressed and sad when she first arrived in Canada and found out that she had limited access to education. Then, she decided to start to work in order to pay for her studies. She recounted to me that she had always been a good and ambitious student in El Salvador, and she decided that she "did not want to be depressed all her life". At first, she found an illegal job in a factory where she had to bend and assemble metal parts. She considered it a "dangerous job" and, after a few months, she quit because she "was not capable anymore". Then, she started to work illegally as a bar waitress, which better accommodated her school schedule. However, the workload was exhausting: she would work 30 hours per week, while she was studying full-time. Interestingly, the fact that she had to work in order to pay for her studies put her in a situation of illegality: she worked illegally in a factory, where many other undocumented immigrants worked, and then in a bar. For the first years, her aunt helped her to pay for part of her tuition fees but, at the end of her last semester, her aunt could not support her anymore. At that time, Julia remembered having a "burn-out" but, she added, "she did not have any choice but to keep working".

Thus, the fact that she conceived of herself as undocumented was closely tied to the barriers in access to education that she experienced, and to her particular life stage of transition to adulthood. There were also specific moments where Julia felt "undocumented", in the sense that she did not have any documents with her, any identity card, unlike her peers. She explained:

You are undocumented meaning that you have to pay so high tuition fees to go to university, like a Quebec non-resident. And you're undocumented in the sense that you can't get out from the country. Undocumented in the sense that I did not have any ID with me. When I was 18 years old, for instance, if you go to a bar or to a disco[26]*... I did not have any documents to be let in, unlike my friends, because when you're a refugee claimant they take your passport. Also, I did not have a driving license, I did not have my... I did not have any ID of my... of my country, I did not have any ID here. I did not have any document with me, but my brown paper of refugee claimant. Yes. But that paper... if you're going to show it to someone, it's badly seen. You can't do anything with it.*

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[26] In the province of Quebec, the legal age is 18. This means that you need to be 18 years old or older to enter in bars and pubs.

Julia pointed to the fact that she did not have any documents but her refugee status which was "badly seen" and did not allow her to enter a bar or a disco, or to access education as a Quebec resident. This lack of documents was double: she did not have any ID of her country of origin, Mexico, and she did not have any ID of her country of arrival, Canada. The way Julia referred to "having an ID" was not merely related to her legal status, but also to her identity as a member of a community. Her belonging to an imagined community was thus doubly negated from both the Mexican and the Canadian society.

This exclusion was evident not only when Julia went out with her friends, but also when she had to deal with the school bureaucracy. She asserted that the school administration did not know how to deal with her case: "they did not know what a refugee claimant is", she said. As an example, she told me that they charged her for her health insurance, while that was supposed to be covered by the provincial government. This feeling of exclusion was made clear not only by the fact that the administration did not know "what was a refugee claimant", but also by the fact that she would make herself invisible, by not telling anyone *who* she was. She emphasized: "the Profs did not know, many of my friends did not know. Nobody,

except for a few persons of my close circle, did know. It is not something that you're going to tell". Some of her friends knew that she had to pay more fees than them, but "they did not know really why".

Moreover, even if Julia seemed to feel like an "exception" from her classmates, when she talked to me, she would often refer to a general "you" or "they" or "youth", as if she was referring to others in the same situation. For instance, she would say: "I know a lot of undocumented people who are not motivated enough to study and they just drop out of school. And then there are other people, they're going to be deported back to their country, and they're going to start from scratch to study". To a certain extent, she spoke on behalf of the people she knew: undocumented people who had the motivation to study and were deported, and people who were not "motivated enough" to pay their school fees. Interestingly, when I asked to Julia if she felt "here" to be her home, she replied:

I am not in an environment where there are many immigrants because almost all my friends are Quebecois. So I get used to here. But I see the side of my mother: her social environment is made by only immigrants. Sometimes she is depressed because she cannot get used to here. She always meets people whose migratory status is

fuzzy and uncertain. So she does not get out of this kind of social group. She does not

get out of exclusion because she is always with people who are excluded.

Her answer pointed out to the fact that to belong "here" is always a complicated matter of inter-dependence and in-between belongings. Even if she got used to "here", unlike her mother, and even if her social circle was composed of Quebecois, she could not consider herself as completely apart from her family. Neither could she consider herself as entirely belonging to her Quebecois peers' environment. In this sense, by representing herself as undocumented, Julia pointed out to her double ill-fitting belonging (and exclusion) which make her (and others) bear and suffer an injustice. She spoke on behalf of an imagined community of undocumented and excluded, to which she belonged and did not belong. By depicting herself as undocumented, Julia also legitimized her claims and determined her desire for social existence: she made her voice heard, she conveyed to me her concerns and she reminded me that being undocumented, as well as belonging to a community, was an extremely complex and blurry notion.

Conclusion

The four stories I discuss above illustrate the uniqueness and nuance in undocumented youths' lives, in which a broader framework of restrictive policies, family dynamics, relationships, and psychological states intimately permeate and transform everyday lives and subjectivities.

Indeed, how illegality and age have shaped their lives vary tremendously. Elizabeth's story was somehow similar to the immigration pathways of many undocumented adults. She migrated alone, and she worked illegally to survive. Her status as a child, a vulnerable being to protect, was negated by her illegal status. She was considered as a threatening and dangerous other. The judge did not believe her story because as a child "she could not have done what she did", thus making agency and childhood incompatible. Differently, Roberto's status as a child made it impossible for him to separate his migration path from his parents' choices and deportability. He did not exist as a subject and his child position contributed to this inexistence. The same holds true for Ellen and Ryan. However Ellen's and Ryan's experiences as undocumented were relieved by their mother, and by their belonging to the church which was like "family" to them. In short, the fact that they were

children, dependent on their mother, as well as their belonging to a community, buffered their experiences as undocumented as not so traumatic, because of their "protected" status. Contrastingly, when they regularized their status and they left their childhoods behind, they considered the language barrier as a hurdle more significant than the fact of not having legal status. Finally Julia, who experienced many difficulties related to her transition into adulthood, chose to represent herself as "undocumented". Even if she held legal status, she claimed to be undocumented and she spoke on behalf of an imagined community of excluded, to which she belonged and did not belong.

Although distinct, all these stories have in common an intimate connection to complex forms of belonging and relationships of inter-dependence. Scholars have often examined undocumented children as living "betwixt and between" (Suárez-Orozco et al. 2011: 444), in an interminable liminality, since they no longer belong to the group they are leaving and yet do not fully belong to their new social sphere. The experience of my fieldwork adds further nuances to these claims.

In my research, I observed that youths' belongings are situated in a complex and double ambivalence. On the one hand, undocumented youth are certainly "betwixt and between" different social worlds to which they do not fully belong. For

instance, many of the youth recounted that they could not disclose their migratory status to anybody: not at school, not to their peers. They often told me that they were scared that other people would not understand their situation. "It is something you don't tell to people. You don't tell anybody", a youth told me. In this sense, even if sometimes they felt they belonged to the social community they were gradually building in Canada and in Quebec, their belongings were not only undermined by their deportability, but also by the fact that others did not recognize them as entitled members of the community. If others fail to recognize us, how can we fully belong to them? We are part of a human community if we are recognized by others as such. This means that youths' social and political lives reside in others - in how others decide to define them. This connection between their lives and their recognition may turn to be unlivable, if others fail to recognize them, or if their mode of address makes their life impossible (Butler 2007).

On the other hand, especially when these ways of address become unlivable, youth reinvent complex forms of selves and belongings which lay both *within* and *beyond* the community of origin they left behind, and the new society that rejects them. When I asked Julia if she felt "here" to be her home, she defied my notion of "belonging here". She replied: "I am not in an environment where there are many immigrants because almost all my friends are Quebecois. So I get used to here. But I

see the side of my mother: her social environment is made by only immigrants". To the question of belonging, there is thus not a straightforward answer. Youth belong and they do not belong, vacillating in this double absence and double attachment. It is within these multiple and ambivalent spaces that youth reconstruct their experiences, protecting themselves from loss, disillusion and absence. They protect themselves from being hurt by their deportability, and by the ways others (immigration policies; school administration; teachers; their peers) construct them as excluded, or partially excluded, from the social and political community.

In this sense, undocumented youth defy our ways of understanding, since their selves cannot be understood through the lens of "incorporation", that is to say, through discerning whether or not they assimilate or remain liminal to the host society. Their complex forms of belongings also defy immigration policies and nationalistic discourses which confine undocumented immigrants as threatening subjects. They go beyond the simple boundaries of belonging proposed by national policies: the alternative of *jus soli*, according to which every child born in a national territory is entitled to citizenship, or *jus sanguinis*, that is to say countries where citizenship is determined not by place of birth but by having a parent who is citizen of the nation.

In problematizing these different ways of being members of a community, it is also critical to point out the different spaces for their recognition. Cavarero describes this very space as the recognition of the narratability of the other "without making the error of defining it" (Cavarero 2000: 3). We should recognize this complexity and uncertainty of undocumented youths' and children's lives, as well as their specific stakes and needs. The ambiguity and ambivalence of belongings, the particular experiences and hurdles of being a child, are often neglected by institutional policies which merge undocumented adults and undocumented children together as a whole. Furthermore, their narratives point to particular individual and intersubjective dynamics, which do not fit into ideological logics of migrants as resistant to power and politicized, nor do they fit into discourses of migrants as merely subjected to immigration policies. The stories which I recounted in this article are constructed within local worlds and wider structures of power, within shifting landscapes of uncertainty and loss - all the spaces in between and within - which, ultimately and urgently, ask to be heard and recognized.

Bridge

The following and final article turns to the formulation and "black holes" of the law, which were discussed in the first article. While the first article examined how laws and court decisions have made undocumented children "invisible", the fourth article points to the ways in which these "invisible" youth can be made visible. In particular, this article discusses an unintended outcome of my fieldwork: an on-going community-university partnership among research, institutional and community stakeholders, for access to education for undocumented children in Quebec. Moving research beyond the academic realm, this collaborative partnership not only helped to document and unveil an unknown situation, but also mobilized diverse stakeholders toward collective action, in order to bring about policy change.

Article 4

Making visible the invisible: University-community partnerships for access to education for undocumented children in Quebec, Canada

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Abstract

Undocumented children constitute an invisible population in Canada, and have limited access to social services. This article will discuss an on-going collaborative partnership among researchers, institutional and community stakeholders that addresses a specific situation of social invisibility: the limited access to education for undocumented children in Montreal, Canada. Critically examining how this process of institutional invisibility was maintained, this project originated from undocumented parents' demand for school access and helped make visible the invisible. With the participation of researchers, community organizations, community health centres, school boards, youth protection, children's advocates, and the ministry of education, the process uncovered the conflicting mandates of the education milieu and highlighted the differing interpretations of the public education law. It also addressed the need, for researchers, to build collaborative endeavours and to mobilize diverse stakeholders toward action.

The invisibility occurs because of a peculiar disposition of the eyes of those with

whom I come in contact.

Ralph Ellison, *Invisible Man*

Introduction

In Canada, it is estimated that a small but considerable number of people - from approximately 200,000 (Jiminez 2006) to 500,000 (SSG 2006) - live without legal immigration status. Undocumented immigrant children are a particularly invisible and vulnerable population, often having limited access to social services and a vulnerable social position due not only to their migratory status, but also to their young age and dependence on their parents (Ruiz-Casares et al. 2010). Their lives are shaped by an "institutional invisibility" (Puggioni 2005), juridical norms and practices excluding them as outsiders to the imagined community which, in turn, limits their access to services and increases their vulnerability.

This article deals with a specific situation of institutional invisibility: the limited access to education for undocumented children in Montreal, Canada. Access to public education for all children and youth under 18 in Quebec is both a right and,

for those under 16, a requirement under provincial law (Charter of Human Rights and Freedoms, article 40; Quebec Education Act, art. 1) regardless of immigration status. However, *free* education is provided only to legal residents of Québec (Quebec Education Act, art.3). Specific categories are classified as resident: Canadian citizens, permanent residents, asylum seekers and temporary residents (for instance, foreign workers or students). Undocumented children are thus not included within these policy categories so, although they have the right to school, their access to it is not free.

This article will describe an on-going collaborative partnership among research, institutional and community stakeholders that was established in order to recognize and make visible practices and norms of institutional invisibility with regard to access to education. This project was unanticipated, but rather emerged from the unexpected findings of a study on access to health care for undocumented migrant women and children.[27] It was the voices of the women interviewed in the health study that prompted us to broaden the initial study's objective and to

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[27] Research Project "The Migratory Status of the Child and Limited Access to Health Care: Equity an Ethical Challenges", funded by CIHR (Canadian Institute of Health Research), grant number 201355. The project received ethical approval from the CER CSSS de la Montagne and The Research Institute of the McGill University Health Centre Research Ethics Board.

conduct a project in order to shatter institutional invisibility and to begin to transform it into political visibility.

This article thus addresses key questions concerning the role of research to support the understanding of social issues and bring about policy changes, in this case through a deepening of collaborative relationships among diverse stakeholders (Greenwood 2007). By highlighting the ways different social actors' mandates and visions may converge toward a common recognition of the problem, we document how research can be actively engaged in reframing issues of access to social services, and in moving towards action.

Framing questions of access and entitlement

The questions of access to social services - education, as well as health care - have generated considerable attention in scholarship, policy, and public debates in North America and in Europe in the last decades (Ortega et al. 2007; Willen 2011; Ruiz-Casares et al. 2010; Arnold 1979; Drachman 2006). Much of this scholarship is policy-oriented and has adopted two overlapping and complementary perspectives: access and entitlement (Watters 2011). The research on access revolves around the question "how do immigrants access social services". Following this approach,

scholars usually illustrate the experiences of individuals who face barriers in getting access (Magalhaes, Carrasco and Gastaldo 2010; Ortega et al. 2007; Sigona and Hughes 2012). Research on entitlement grapples with questions regarding "who should have access to health care", describing, or challenging, the way that policies and public discourse assess immigrants' deservingness and entitlement (Gollust, Lantz and Ubel 2009; Willen 2011; Viladrich 2011). In the United States, for instance, interest in undocumented youth's entitlement to education has blossomed when the DREAM Act, a bill to provide a pathway to legalization for undocumented youth, was approved, sparking youth protests that challenged boundaries of citizenship and notions of entitlement (Seif 2004; Rincon 2008).

Not surprisingly, much of the scholarship focusing on these issues of access and entitlement is prescriptive and directed at policy-makers. Researchers often address the question of access either as a "problem" which requires a solution, or they analyse the efficacy or the consequences of policies and practices. Portes (1978) pointed out more than 30 years ago that "the reasons for this emphasis are not difficult to determine. Illegal immigration is one of those issues in which the interests of scholars and government agencies converge. Hence, much of the recent literature aims at an audience composed of decision-makers" (Portes 1978: 469).

In a more recent article, Willen and her colleagues (2011) argued that researchers interested in the question of access to social services should "take a stand", translating their work beyond the academic realm. To do so, they propose disseminating research results "in venues more accessible to broader audiences. These include interdisciplinary research initiatives as well as op-eds, community organization newsletters, policy white papers, community meetings, performances, social networking sites, YouTube videos, and blogs" (Willen, Mulligan and Castañeda 2011: 335). Here, again, the research is policy-oriented but it targets a wider audience of both policy-makers and citizens.

This literature and these advocacy initiatives make significant contributions to policy debates and help to rekindle or spark interest in particular social issues. The present article builds on these perspectives, proposing to enrich them through two complementary approaches. First, we suggest combining the analysis of access and entitlement, through the examination of invisibility. We explore the condition of social and institutional invisibility, that is to say practices and norms which render "the other" non-existent in a very social sense and in our everyday lives, limiting access and entitlement to services (Lee 2006; Puggioni 2005; Honneth 2005). This focus on invisibility will allow us to explore two complementary dimensions: the perspectives of immigrants who live "underground", usually scrutinized by scholars

focusing on access and; the legal aspects and the standpoints of institutional subjects, usually examined by researchers focusing on entitlement.

Second, we suggest that researchers need to extend their academic work beyond the academic realm, building active partnerships with community and institutional subjects. Confronting multiple perspectives and voices, researchers can reframe the issue of access in its complexity, allowing the identification of complex solutions. Too often, policy-oriented research is conducted from the standpoint of the state (De Genova 2002). Scholars tend to conduct their research with the aim of orienting policies, encouraging dialogue between political and social realms, but they rarely taking an active role in these arenas (Willen, Mulligan and Castañeda 2011; Gilbert 1997).

Alternatively, collaborative partnerships allow the engagement of multiple social actors - with their heterogeneous, conflicting, and sometimes contradictory, stakes and visions. The collaboration with community and institutional actors during the entire research process may help us to see the complexities of access and entitlement, highlight blind spots of social exclusions and invisibility, and foresee policy and practical guidelines (Bejan and Sidhu 2010; Bradbury-Huang 2010; Hall, Taplin and Goldstein 2010).

In the following section, we will describe in detail how our university-community partnership involved people who deal with the complexity of the problem at different levels – at the level of laws, policies, and practices.

Towards university-community partnerships

As mentioned above, unexpected results from a Montreal research project on access to health care for precarious status women and children migrants led to a working group on access to education for undocumented children in September 2010. With the involvement of researchers, community organizations, community health centres, school boards, the Department of Youth Protection and the Ministry of Education, the working group aimed to: (1) to document barriers in access to education for undocumented children; (2) to create collaborative partnership between researchers, community health centres and community organizations, in order to facilitate access to education on a case by case basis; (3) to engage different stakeholders, in order to develop policies and guidelines, as well as to monitor school practices.

As Metha put it, "policy research is not only about evidence and outcomes but also about the process through which these are constructed" (Mehta 2008: 242).

In our experience, the process has been essential to both evidence and outcomes. The project can be divided into three phases, as shown in Figure 1. In the first phase, the problem of limited access to education emerged as an unexpected but central finding of a study focused on access to healthcare for undocumented women and children. This prompted us to widen the research design to include access to education and establish a steering committee with community organizations, a legal clinic, and children's advocates. During the second phase, the steering committee helped to document the access to education problem and developed horizontal partnerships with community health centres and community organizations to resolve individual situations of undocumented children being denied access to school. Finally, during the third phase we mobilized institutional stakeholders to sensitize them and join forces in a working group in order to develop policies. The second and third phases overlapped.

It is important to say that the research team's role, through this entire process, was to coordinate the steering committee and working group, organize the meetings and manage the communication among different members. The core researchers on the project were affiliated to both a university and a community health centre or a community organization, a double role that probably contributed to the sense of urgency that stirred the team and initiated the shift in research

focus. It allowed us to consider the problem of access to education not only from the perspective of researchers, but also that of clinicians and community organizers who had a better sense of what was happening on the ground. Furthermore, these double affiliations beyond the university made it possible to establish collaborations with social workers, lawyers and community advocates willing to take action and directly help undocumented children and their parents.

Phase 1

**Discovering the
problem**

Phase 2

**Community-oriented
steering committee**

Phase 3

**Policy-oriented working
group**

Discovering women's
concerns about access
to education for their
undocumented
children

Documenting the situation
through qualitative research
and consultation with
community service providers

Mobilization of institutional
stakeholders to facilitate
access to schools, discuss
the law and bring about
policy change

Casework action

Identifying community
and institutional
partners concerned by
the issue

Horizontal mobilization and
partnership between primary
care centres, researchers,
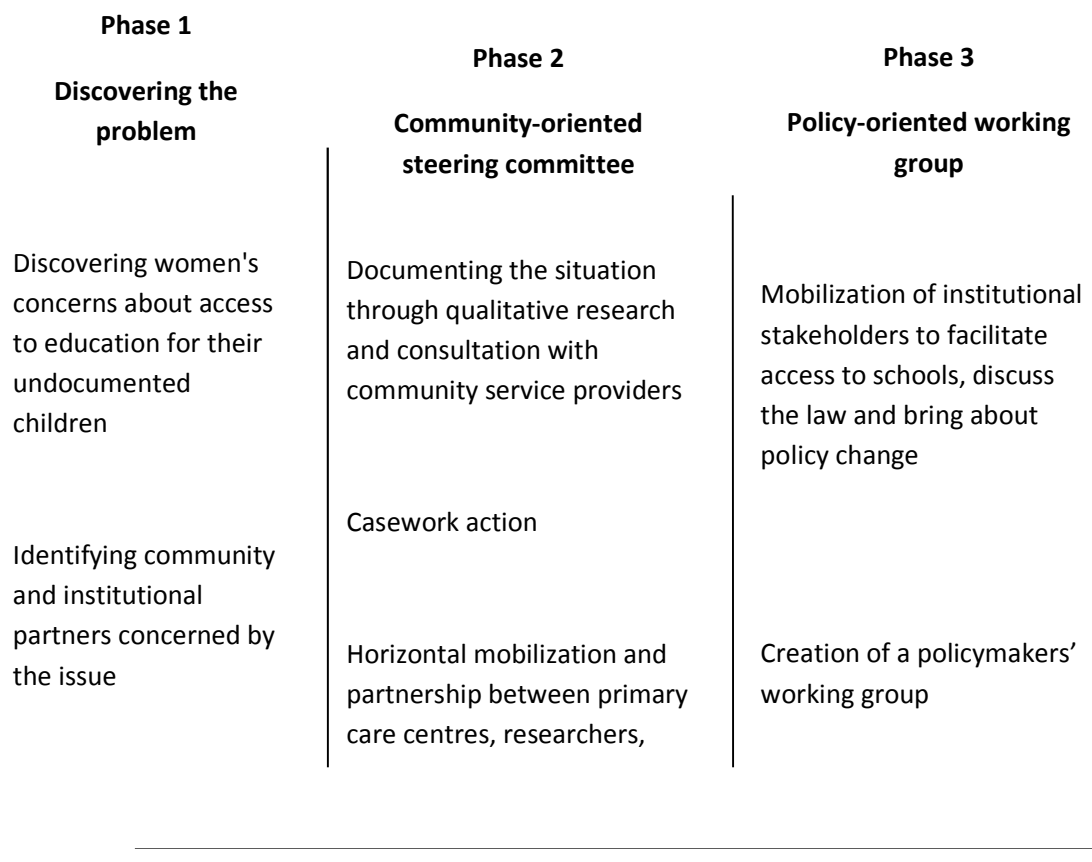
Creation of a policymakers'
working group

Figure 1: Map of the research process

Phase 1: Identifying the problem and establishing a participatory realm

Listening to the voices of undocumented women

Within our study on access to health care services for uninsured pregnant women and children in Montreal, sixteen women who were undocumented at the time of the birth of their child were interviewed. Unexpectedly, some of them shared a key concern and an important challenge they were facing at the time of the interview: enrolling their children in school.

The barriers in access to education were multiple, and at different levels. Some of women complained that the school administration refused to enrol their children if they did not hold valid immigration documents. Others were accepted into the school but were asked to pay high tuition fees, since they were considered non-residents. Moreover, both the school administration and the families were unclear about what documents were really needed, and about the proper procedures and the policies. One woman, who received permanent residency after having lived undocumented for many years, aptly explains this lack of information and clear policies:

When I finally got my status and I went to immigration, they asked me why

my 9-year-old child didn't go to school for 2 years, when we did not have papers.

They told me that my child doesn't need a study permit to go to school. But I didn't

know that. Because that's the thing, you need to be informed and know stuff. Yet,

when I went to the school, they told me that they didn't want to take him. So they

need to inform the school about that stuff, too! Because at the school, they asked me

for a study permit although he didn't need it. And if you don't have papers, then you

have to pay fees. And they charge like crazy!

Other problems concerning the registration of students at schools were raised by the women interviewed. For instance, even when schools turned a blind eye and allowed undocumented children to attend school without paying fees, this sometimes meant that they were not officially registered with the Ministry of Education. Such students face the possibility of being denied their final diploma if their education has been "unofficial". Undocumented children and youth were situated in a space of non-existence, being completely outside the system. Non-status women clearly used the research interview space to make their voices heard and their concerns visible. By transmitting their worries and their children's suffering related to school – even when we were asking them about healthcare – they were

moving us toward action. Listening to the voices of these women was the first step towards their social and political recognition.

In search of partners: Discovering the concerns of community organizations

Women's voices and concerns were echoed by similar cases and situations reported by community organizers, service providers and health staff of community health centres on the research project's advisory board. Interestingly, several migrant rights organizations on the advisory board had already held meetings in 2009 and 2010 to discuss barriers to education and possible solutions. In order to set up a participatory realm, we organized a first meeting in November 2010 with different community organizations that were interested and affected by the issue: two community organizations that were members of the advisory board of the project on access to health care; a legal clinic serving precarious status migrants; a support centre for newcomer families; and an organization for children's advocacy. The aim of this meeting was to create a steering committee of persons concerned, documenting and detailing the different situations that precarious status immigrants may face, outlining the problem and looking for possible solutions. Once this group was brought together, the process moved to the second stage, a steering committee

focused on documenting the issue of barriers to school and short-term solutions to individual cases of undocumented children being excluded from school.

Phase 2: A community action-oriented steering committee

The first issue that emerged from this steering committee was the complexity and heterogeneity of the cases. Many community organizers reported that not only non-status children experience problems in access to public school, but also Canadian-born children who are citizens but whose parents were undocumented. Barriers in access to education thus existed at multiple levels and for different migratory statuses. Community workers, whose clients face such situations, were put in a difficult position because they often lacked clear information about what to do. Not only undocumented families and local schools, but even school boards and community organizations lacked accurate information about procedures in regard with the application of the law and policies on access to education, mostly in regard to administrative procedures and about what documents were needed and what categories of immigrant were entitled to free education. There were grey and contradictory areas of practices: undocumented children could be accepted to some

schools and refused by others, being asked for different documents and to pay different fees.

Despite this complexity, the working group was able to provide a number of examples of how they had resolved certain cases in the past. For example, the community legal clinic had been successful in the case of an undocumented child who did not go to school for a year because his parents could not afford to pay the fees. Subsequent to mediation with one of the Montreal school boards, the child was finally accepted and his fees were waived. Nevertheless, the decision remained discretionary, being based on the exceptionality and individuality of the case, rather than on a normative system.

Given the limits of case-by-case decisions, the group decided that it was necessary to involve institutional stakeholders in the working group, to clarify the existing juridical norms, to understand different practices within school boards and particular schools, and to formulate clear provincial policies that would respect the values of Quebec society that insist all children should have the right to an education. Complementary to the involvement of institutional stakeholders, it was also necessary to create a collaborative support network among the members of the working group, establishing partnerships with community health centres and

community organizations, as well as linking community organizations' clients and community health centres' social workers, in order to help families in situations of denied access.

Establishing a collaborative informal support network

Policy change is a long term process, and often stems from or is supported by innovative micro practices (Bradbury-Huang 2010). The research group thus decided to work simultaneously at both levels. We created a horizontal mobilization and practical alliances with community health centres and community organizations in order to help children who had problems related to access to school. The research team had a broker role, linking community organizations' clients and community health centres' social workers when necessary, as well as serving as intermediaries when the skills of the members of the working group could be useful. Our twofold role of researchers who are affiliated to a community health centre or to a community organization was essential in this process.

The strategies of action were different, according to the specific cases. Here, we provide some examples of actions that were undertaken within the working group. In some cases, barriers to access were related to families' lack of information, language barriers and fears of being deported. Fear of disclosing the immigration

status, which would render them 'visible' and more at risk, prevented some families from asking for full information about the registration of their child and seeking advice. Several community organizations contacted us because undocumented families were afraid to enrol their children at school, even when they should have had the right, for instance in the case of a Canadian born child. In this case, our role was to put the organization or the family in contact with the working group's community legal clinic in order to reassure them about their rights or support them with their immigration situation, if needed.

In other cases, barriers to access were due to restrictive school or school board policies. When a school refused to enrol the child or the family could not afford to pay the registration fees, we put the family or the organization in contact with a social worker of the community health centre where the family lived. The social worker met the family for a social assessment. They then contacted the school's director or the school board, providing a professional opinion that the denial of education would cause the child irreparable damage for her/his psychological development and well-being. In this case, social workers or community advocates strove to negotiate with school boards, trying to waive registration fees or delay the payment.

It is important to say that these actions and horizontal mobilization were extremely precarious, like the population they were supporting, since they were on a case-by-case basis and did not guarantee that the child could successfully be enrolled at school. The decisions of the schools, or the school boards, were informed and shaped by contradictory normative attitudes. School principals have to comply with budgetary frames and obligations, policies, laws and rules in regard to access to education for 'non-resident' children while also respecting children' rights and ensuring access to school . As a result, decisions remained discretionary, and a similar case of denied access could lead to divergent decisions taken by different school directors or institutions. Thus, school principals ended up having the burden of taking decisions regarding access to education which would have a detrimental impact on the child and the family.

Despite these limitations, the horizontal network served to build capacity among the organizations, to implement emergency intervention for specific cases and to be a support network for community workers and families. In order to create justice based on a normative system, rather than on the individuality of the cases, however, complementary long-term action process was necessary.

Phase 3: A policy-oriented working group

Identifying policy actors

Another important step in the process was to involve key actors and stakeholders concerned directly or indirectly with issues of access to school. It was easily determined that a joint meeting between school boards, community organizations and the Ministry of Education would be useful in order to map the scale of the problem and document the diverse practices, to clarify the content of the law about access to education, as well as the rules and procedures for its application, and to envision policy changes necessary to eliminate enrolment barriers. In organizing the first meeting in March 2011, it was a challenge to identify and mobilize the most appropriate people within institutions to work towards effective policy. We thought it was necessary to involve subjects who could deal with the complexity of the problem at different levels: at the level of law, at the level of its application, and at the level of the protection of children rights.

At the level of the law, we contacted a representative from the Ministry of Education, Recreation and Sports. The Ministry has the power to determine broad guidelines for the education system, to allocate resources to the school boards, to set the standard curriculum, and to guarantee the validity of the diplomas it issues.

At the level of policies and law application, we involved different school boards in the region of Montreal. The school boards are responsible for the registration of children in school and they hold jurisdiction over planning, supervision, evaluation and support to their schools.

In terms of children's rights protection, we involved an organization for child advocacy and Youth Protection agencies responsible for the security and development of a child when she/he is considered to be in danger – regardless of the child's immigration status.. Youth protection services are provided in the child's own family, in foster homes or adoptive homes, or in residential treatment programs. All services are mandated by the Québec Youth Protection Act, the Canadian Youth Criminal Justice Act and other applicable legislation. Notably, the security or development of a child may be considered to be in danger if a child is of school age and does not attend school, or is frequently absent without reason. We thus hoped that the youth protection institutions could be mobilized to advocate for greater access to education for undocumented children.

The power to discover the law

As Calavita has argued with respect to immigration law in Spain, "there may be no smoking gun, but there is nonetheless a lot of smoke in the air" (Calavita 1998: 557). Not surprisingly, we found that there was little discussion about undocumented immigrants and access to education in either immigration or education policies. The bulk of the action took place off the record, within the grey areas of practice.

Consequently, the meetings with institutional stakeholders aimed to uncover and connect the discourses and interests of different subjects, in the hope of determining a common strategy of action. The first step we took in this direction was to discover the grey areas within the law, and its different interpretations. By discovering the law, we mean that the process helped to uncover law and power as comprising "more than legal codes, government policies, and bureaucratic apparatuses" (Coutin 1993 88). The law was thus revealed as a myriad of multiple practices and interpretations which evokes opacity, rather than transparency, making invisible the underground practices of the different subjects, as well as situations of social exclusions (Giordano 2008).

As we explained earlier in the text, there was a "legal black hole" (Wilde 2005) regarding these children, meaning that there was no mention of this specific

category and their rights. The issue of access for undocumented children thus rests less with the law and lawmakers than with institutional practices. Interestingly, this legal vacuum created the impression, in certain subjects, that the issue did not exist at all - as if it was invisible. In one of the first meetings, one of the policymakers was fairly surprised that undocumented children had limited access to school, stating that "we have never perceived the situation as real".

While at the level of policymakers the issue was not perceived as real, it was real enough at the level of its application. For school boards, the issue of undocumented children existed, and created a financial burden as well as a burden to their system capacity. Different school boards stated that they were left with a huge responsibility, that of deciding who has access to school. There was a feeling of being isolated, without a network between schools or school boards, and without any practical guidelines from the Ministry of Education on how to deal with undocumented children. Indeed, the meetings of the working group became important in order to establish a space of discussion where the issue was recognized and the heterogeneity of unofficial practices became visible.

Two main problems concerning access to education were raised by the school boards. First, there were different enrolment procedures. Different school

boards requested different documents in order to enrol a child at school. For instance, a few schools demanded only a birth certificate as a proof of identity, as required by the provincial regulation, while most also required a valid immigration document. Concerning children who became undocumented when their refugee claim was refused but who were awaiting a decision on humanitarian and compassionate grounds, some schools enrolled the child without asking for any registration fees, while other schools refused access.

Second, there were barriers in terms of bureaucracy and administration procedures once the child managed to enrol in school. Normally, a child receives a lifetime permanent code from the Ministry of Education, which allows the student's credits to be recognized provincially and to issue the diploma. So if a child was registered in school before becoming undocumented, he or she retains their permanent code, thereby avoiding many complications. But in the case of children registering for the first time without any legal residency, it can be very difficult to obtain a permanent code without paying very high tuition; as one school board representative stated, "If you do not have a permanent code, you do not exist".

Establishing an action plan

The collaborative environment that was created over the months helped to clarify or unveil some grey areas in the application of the law and the messiness of the practice, in order to outline the potential solutions and to establish an action plan. It was the very creation of a concerted space, where different stakeholders could articulate their positions and stakes, discerning together the difficulties of the situation that made it possible to foresee action. This collaborative realm was essential to shifting the judgement of certain actors and moving them towards a collective goal. Increasing the visibility of the problem through engagement in discussion with the working group, certain subjects also shifted the institutional perceptions of their role. While institutional representatives became more aware of the institutional constraints and of the multiple ways in which some institutions were trying to accommodate the children, community actors shifted the perceptions that they had about the institutions. This process facilitated reaching a common understanding of the issue and mobilized institutions into action, engaging them in the discussion within the working group.

The working group decided that collective action should be taken at multiple levels. A letter and a background document were sent to the Ministry of Education, outlining the main problems with access to education for undocumented children

and possible solutions. At the level of access to school, the Ministry of Education was asked to develop clear policies and guidelines that would make undocumented children living in Quebec one of the immigration categories that have free access to education. The premise of the working group is that education should be free for all children *residing* in Quebec. Then, we recommended that the legal definition of "resident" should thus be modified, defining children's entitlement to free education as based on factual residency rather than legal immigration status. At the level of administrative barriers, it was requested that a permanent code be issued for these children.

Moreover, a document on the social costs of the exclusion of undocumented children from education was drafted by one of the researchers in order to support the adoption of new policies with a discourse on the long-term negative social and financial impacts of excluding children from school. Regular meetings were organized in order to discuss and finalize the documents, with the participation of many members of the working group. The draft of the document was thus a gradual, slow and participatory process. Researchers and community organizations prepared a preliminary draft; then, school boards and the representative of the Ministry of Education gave their feedback and added a layer of complexity to the explanations of different situations of denied access and practices.

Concluding remarks

Although the advocacy letter to the Ministry is a first step – one that shows remarkable unity among education actors in Montreal – the process is still on-going and is far from over. A new development that has raised the profile of this issue – and perhaps pressure on the Ministry – is a series of demonstrations and media interventions by a migrant rights activist organization targeting a specific school board, demanding immediate measures to give easy access to undocumented children. In March 2013, subsequent to the advocacy letter and to the demonstrations, the Ministry of Education started to work on policy recommendations for the year 2013-2014.

Other challenges and issues will emerge in the next months. First, the implementation of policies will be a difficult process of dialogue and negotiation between different parties, which will require the knowledge and intensive collaboration of the members of the working group and the Ministry of Education. Second, the monitoring of the practices will be another relevant issue to consider. If necessary, more direct actions may be developed, in order to ensure that the right to free education for every child in schools is respected. At the level of the school boards, for instance, specific policies may be promoted, and training to front line

administrative staff may be provided. Moreover, at the level of the community, it will be necessary to conduct extensive outreach to migrant families on their right to access public education.

Although this project is not completed, and has not yet been translated into policies, its process rather than its final result is already valuable in highlighting key questions concerning how collaborative partnerships can be used in contexts of social exclusion, contributing to understanding social issues and promoting policy changes. First, the whole process was triggered by those who have the most at stake in the issue of access to education: the mothers of undocumented children themselves. To learn from them was the first step to make visible their suffering, and move towards their social and political recognition.

Second, time is an additional dimension. The close contact with field reality and the families' distress experienced by some of the members of the working group triggered, for them, a feeling of urgency to act that was not perceived in the same way by all participants. While community organizations, for instance, felt the pressure to take action in order to resolve their clients' situations, institutional subjects took more time to become aware of the reality and of the dimension of the issue. Moreover, the process was slow and undue pressure on institutional partners

– given that they shared our commitment that all children have the right to education and that the public system is the best vehicle for such access – could have jeopardized the group alliance. These different rhythms and their relation to the pace of action is another challenge of policy-oriented research-action which, to be successful, needs to pay equal attention to these different time frames in order to preserve the fragile alliance among the different stakeholders.[28]

Third, the process reveals that understanding issues of access and entitlement, as well as moving towards inclusive policies, can be eased by the creation of a participatory sphere with different institutional and non-governmental stakeholders. This is not to minimize the parallel processes that were ongoing throughout this process – case advocacy by community organizations, examination by the Human Rights Commission, direct action by activist groups – but the working group allowed the question of access to education to be discussed in its complexity and through the lens of multiple perspectives. Different knowledge and practices around access to education were examined by different members of the group, in a

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[28] In terms of time, it is also worth noting that, as is common in action research projects, the timeline we had initially envisioned for the policy advocacy was thrown off by events beyond our control. In the winter of 2012, Quebec universities and college students began a highly controversial yet massive strike to protest increasing tuition fees. The student movement has had a huge impact on Quebec politics and led to talk of an early election and a change of education ministers. The new Minister of Education, understandably, has turned her attention to post-secondary education and this has delayed our own plans of moving forward on the issue of access for undocumented children.

common space. The aim of the group was thus to discuss and *recognize* a common problem, produce collective knowledge and understanding, and move toward possible solutions. This very recognition and discussion of the problem helped also to make visible what was not seen before and was not perceived as real by different institutional subjects of the group, namely the Ministry of Education.

It is to be noted that the diversity of interests and perspectives did not constitute a barrier. On the contrary, it was essential to unveil the complexity of the situation, by seeing the problem with "different eyes" and highlighting the diverse blind spots of access and entitlement. It is interesting to observe that the establishment of a collaborative space not only helped to foresee possible solutions but, most important, to make the problem real, to make it visible and to create a common truth. The issue of access to education for undocumented children did not exist at all for some policymakers. Instead, it was a burden to system capacity and budgets for school boards, and an everyday struggle for community workers.

The emergence and recognition of these diverse interests, which were related to informal and heterogeneous practices and strategies, led the group to develop a relevant power: the power to highlight grey areas within the law, and the power, ultimately, to question how social invisibility and the illegalization of children

and their families has been legally and socially constructed. Many scholars have argued that illegality should be considered not as an epistemological subject taken for granted, but rather as an historical, political and social construction (De Genova 2002; Willen 2007). Our collaborative partnership helped to question this social construction and to conceive illegality as a social product of the law - meaning that immigration law constructs, differentiates, and ranks various categories of "aliens" and non-entitled persons. In a more profound sense, the complexity of different practices that reformulate and reinterpret the absence of the law for undocumented children has entailed an active process of exclusion through making some children growing up in Quebec both illegal and invisible.

The dialogical aspect of this research-action process helped to make a particular group of human beings more socially and juridically visible, understanding that the invisibility is produced by a variety of different factors where laws - and their absence - are intertwined. The power to discover the law uncovers its material force, its instrumentality, its historicity, its production. Making visible the invisible thus becomes a gradual process which gradually leads to perception with different eyes, and recognition of what was not seen before.

Conclusion

Many of the undocumented youth I met during my fieldwork have since been deported to their home countries. Some have obtained permanent residence, while others are still struggling with the uncertainty of their legal statuses. In fact, most are enduring uncertainty in some way. While I have lost track of many of them, I remain in contact with some. One of the latter group is Jennifer, a girl who has now been deported, but recently sent me a photo. In it, she is surrounded by her family (her grandparents and cousins she has been reunited with), and she is smiling. I am not sure what there is exactly behind her smile - what difficulties the process of readapting to her home country has entailed. Yet, she seems to be happy again, being back with her cousins and her grandparents. Elizabeth, the girl who dreamt of running from the immigration authorities, is now struggling to find a job, since having obtained her permanent residence. "Ups and downs", she described her life to me as now. Yet, she always finds an incredible strength to move forward. She enjoys a good dinner with her flatmates, she continues to take photographs and she

sometimes escapes to the forest or the countryside, "where it is nice to get some fresh breathing of air", she explained to me in an e-mail.

Perhaps, as I have suggested in the third chapter, at the core of the strength of many of the youth I met, and of their capacity to survive uncertainty, lays the possibility or hope of creating new opportunities in life, through affect and belonging. Gilles Deleuze holds that affects are based on a representation: "there is the idea of the loved thing, to be sure, there is an idea of something hoped for" (Deleuze 1978: n.p.). However, in order to express this desire and this hope, it is "necessary to have an idea, however confused or indeterminate it may be, of what is willed" (Deleuze 1978: n.p.). It is thus essential to have a desire - something, even if unclear, to long and to exist for. As Povinelli points out, an affect is not nothing. But it is not also something definite, meaning that it is not a realized thing or the accomplishment of something. It is rather a force of existing, "a space of potentiality where new forms of life can emerge" (Povinelli 2011: 9).

In this sense, this affect or the establishment of a desire for social (and political) existence is a way to express agency – both the nothing and the something. It is both the illusion and the potentiality of agency or, to be more precise, the possibility to open new spaces for something that could be, or could simply not be. It is important to ask ourselves questions about these new possibilities of life. How will

we listen to them? How will we recognize them? Will they become something? Will they remain anything? To be sure, these are not only abstract questions. The needs of youths and of their families are urgent and pressing. Their ways of establishing affective relationships and their longing to belong are entangled with their everyday lives and interactions with different social spheres (primarily their families, schools, peers and neighbourhoods), which sometimes may overlap with ours. Questions of access to health care, or of access to school, are becoming increasingly relevant at the public and political levels since these individuals, who are mostly invisible and whose existence we often forget, now come to disturb us. They ask for help, they demand access to services, assistance in delivering their babies, and for access to education. But they also say that, whether we want it or not, they already exist in some forgotten spaces within our societies, in these in-between spaces. As such, they already interact with us, even if we don't recognize them.

Between the narratives of the youth, and the ones of community organizers or social workers, a paradox often arises. Community workers sometimes told me that they did not know the status of their clients. Some social workers I met did not even think that they may have come across undocumented children and youth at school, because these people were simply not entitled to education. Youth struggled in their everyday lives with this non-existence. They were forced to hide their

migratory status and were unable to speak with anyone about their situation. Roberto, a young undocumented boy, told me that he was constantly afraid of telling anyone about his status because he was scared that people would laugh at him, and that they would not understand his situation. Arendt reminds us that "the primordial and specifically human act must at the same time contain the answer to the question asked of every newcomer: 'Who are you?'" (Arendt 1958 179). If youth cannot fully answer this question, and they cannot disclose who they really are, this has inevitable consequences on their lives, consigning them as marginal subjects.

Of course, not all undocumented individuals passively accept their marginal position and agree not to disclose who they are. In the US, for instance, the movement of DREAMers, whose slogan is "coming out of the shadows," brings together young people who have decided to speak out publicly about their illegal status and to request citizenship. In Canada, different movements comprised of undocumented individuals and community organizations have also come out of the shadows, demanding social and political rights.[29] Elizabeth, for instance, has made

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[29] In Canada, the majority of the movements that ask for a regularization of undocumented immigrants are organized under the name of "No One Is Illegal", and are present in the largest Canadian cities, including Montreal, Toronto and Vancouver. These movements emerged in Canada as a response to the increased border securitization that followed the attacks of September 11, 2001 (Basok 2009). In 2002, for instance, undocumented Algerians organized the Action Committee for non-status Algerians and demonstrated in order to fight deportations in their community.

her case public. After being detained for not having legal status, her friends organised a public and political campaign around her case and, ultimately, succeeded in having her granted refugee status on humanitarian and compassionate grounds. However, for Elizabeth, this was far from a panacea for her suffering. She recounted to me that when she went public, "it was horrible, everyone knew about my story, and I went through depression after that." It was the fact that people were made aware of the details of her suffering, and turned them into a story to enable her to gain refugee status that she struggled with.

Throughout this thesis, I have argued that youths' lives and understandings of who they are should not be understood through narratives of victimhood or resistance. Youth are not mere victims of immigration policies, but sometimes have a surprising capacity to endure and cope with adversity. However, their recognition does not have to go through mythical stories of redemption. From mere victims, they are sometimes transformed, by more radical and militant movements, into political subjects - subjects who resist the structural forces and the mainstream society we expect them to resist. Too often, these ideological stories leave behind the messiness and ambivalence of subjective and collective responses. The youth that I encountered in my fieldwork had often different, complex and sometimes paradoxical ways of regaining their voices. Sometimes youth represented

themselves within, rather than in opposition to, the mainstream society (Quebecoise or Canadian society) to which they so desperately longed to belong. Less frequently, they portrayed themselves as marginalized. For instance, as was the case with Julia, she represented herself as undocumented and spoke on behalf of a marginalized community, even while she held legal status. However, most of the time, youths' understandings and belongings were situated in a double ambivalence. They vacillated between the possibility and desire to belong, and the impossibility of fully belonging simply because they were unsure whether the new forms of life they hoped for (i.e., the possibility of being recognized as entitled members of a community) would ever be realized. Perhaps, they would just come to nothing.

The aim of this thesis has thus been to uncover part of the complexity and ambivalence of youths' voices, conceiving of these as embedded within a community and a series of complex relationships. The ways undocumented youth are sometimes represented by immigration policies as individuals spoiled of political and social rights may resonate with the bare life described by Agamben. This bare life has been excluded by the community of citizens, and is relegated in "uncertain and nameless terrains" (Agamben 1998: 187), between life and death. As Stevenson suggests, forms of bare life can best be understood as a "failure of community" or

more precisely, as "the failure to recognize an Other as being embedded in a series of relationships" (Stevenson 2012: 35).

In understanding this failure of our societies, it is crucial to reflect on questions of recognition. In particular, I am concerned with alternative ways of recognizing the other, and of granting social and political recognition (Ricoeur 2005). Over the last few decades, the issue of recognition has been one of the key concepts employed, especially in North-America, to conceptualize contemporary struggles over cultural identity and difference (Zurn 2003; Fraser and Honneth 2003; Taylor 1994). Charles Taylor claims that because individual sense of self is grounded in membership to a culturally defined group, the failure of the state to recognize this cultural identity causes a "grievous wound" to individuals (Taylor 1994: 26). Many authors have criticized this framework on the politics of recognition, which fails to address the complexity of subjective responses and subjectivities (Povinelli 2002; Taylor 2008). For instance, Povinelli reminds us that "recognition is simply one mode of apprehending the other in late liberalism" (Povinelli 2011: 79): a mode to govern cultural differences in response to diverse legitimacy crises (i.e., postcolonial movements, feminism). In the case of undocumented youth, the politics of recognition are further complicated by the fact that these subjects cannot be not easily defined by rigid cultural categories, nor considered independent and

individual subjects. Their identity and belonging are situated between different social spaces and membership groups. They lay within intricate and shifting webs of interdependence made up of family, peers, and transnational ties. Youth both affirm to be and not to be "here" (Abu El-Haj 2007) for two reasons. Firstly, because they are not fully recognized by others as entitled members of a community and secondly, because they protect themselves from experiencing a "grievous wound" and from the possibility that their being here may all of a sudden cease.

However, we should not forget that youths' social and affective attachments, and the new forms of life that are produced, are also *political* forms of life. They demonstrate new ways of constructing and making communities which allow undocumented youth to act as political agents. By political agent, I mean the construction and recognition of a subject (or what Arendt calls a *who*), transmitted through action and speech within a plurality (Honneth 2004). If, following Arendt, we understand action as corresponding to "the human condition of plurality, to the fact that men live on the earth and inhabit the world" and that this plurality is "not only the *conditio sine qua non*, but the *conditio per quam*—of all political life" (Arendt 1958 7), then these new forms of pluralities and belonging must also be considered as new ways of being politically and of being citizens.

To be sure, there are multiple ways to see and to examine youths' lives and belonging. I have taken into account here only a small part of the complexity of their lives and struggles. As conclusion of this thesis, I will single out the three main limits of my research, which I believe could be explored in further research on undocumented youth. To begin with, the age group that I have examined is composed of adolescents and young adults and thus, I have not taken into account younger children who migrated with their parents, or young children who were born in Canada. As Alderson suggests, "a distinction between adults and very young dependent children is obviously needed" (Alderson 1995: 69). An examination of young children's needs, ways of understanding, and relationships of inter-dependence could further complexify issues of belonging through different stages of childhood.

Secondly, I have mainly focused on the political and social aspects of what being an undocumented youth means. Due to the cultural heterogeneity of the youth that I met, I have not focused on a specific cultural group, nor on particular cultural aspects of identity and membership. Certainly, a more detailed and in-depth analysis of cultural dimensions, as well as an exploration of how these aspects are constructed and reinvented through complex transnational networks, may be relevant for further research.

Thirdly, I have focused my study, as many anthropologists have done, on "the margins", that is to say a marginalised population confined to hidden areas in our societies. However, as many scholars have pointed out, it is important to complement a study of the margins with a perspective gained from "studying up" (Priyadharshini 2003; Nader 1972; Gusterson 1997). For instance, the construction of undocumented youth, as proposed by immigration policies, is further problematized and put into practice by institutional subjects (e.g., teachers, social workers, clinicians, administrative staff). As such, their challenges and perceptions need to be taken into account in future research, since they play an essential role in the recognition of youth.

Indeed, to unveil the interplay of different and conflicting voices and stakes is the first step for their recognition, and for the recognition of the pain of the Other. Feldman has argued that in late capitalist modernity, we are victims of a "cultural anesthesia": an increasing "social capacity to inflict pain upon the Other" and "to render the Other's pain inadmissible to public discourse and culture" (Feldman 1994: 406). This anesthesia, Feldman continues, results in "the banishment of disconcerting, discordant, and anarchic sensory presences and agents that undermine the normalizing and often silent premises of everyday life" (Feldman 1994: 405). In this thesis I have rendered some of these discordant sensory

176

presences and agents. The question now is how these alterities, such as undocumented youth, can be recognized as social and political subjects, and in doing so, how they will undermine the normality of our everyday life.

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