"We have had enough": The Protest Agency of Independent Migrant Children

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Introduction

"We have had enough," reads a protester sign in front of the United Nations High Commissioner for Refugees (UNHCR) office in Tunis. A boy who looks to be about 16 years old holds the cardboard sign written in Arabic, chanting in a line with other single young men demanding to be resettled in Europe. He wears a t-shirt, jeans, and flip flops. Behind him are tarps flapping in the wind, made of garbage bags covering make-shift shelters held down by rope. Like the 50 other unaccompanied male minors who lost track of their families on their journeys from Somalia, Eritrea, Chad, Sudan, and Libya he joined this protest alone.[1]

The past decade has seen a growing body of literature documenting the agency of children and the agency of migrants, yet in mainstream international law and international relations literature the political agency of migrant children is still largely overlooked.[2] This is partly because international law looks to other actors, including states and sometimes intergovernmental institutions, as the primary actors in this sphere. Far from being passive subjects in the higher-level governance of migration, however, this essay argues that migrant children can confront and even alter migration governance through protest informed by their social identities. Specifically, I focus on children who migrate without their parents or have been separated from their parents, defined here and elsewhere as independent migrant children (IMCs)[3], or by migration institutions as 'unaccompanied migrants.'[4] In taking a middle ground approach between conceiving of children as completely autonomous actors and actors wholly influenced by adults,[5] this paper seeks to deepen discussion about IMCs as political actors constrained by and impacting the constraints which affect them.

The objectives of this essay are twofold in scale. Firstly, I focus on IMCs aged 15 to 17 who engage in protest to understand how the agency of migrant children is informed by their social identities. I argue that the way child migrants exercise agency is dependent not only on age, but on migration status, nationality, race and gender which inform their desires and abilities to advocate for themselves and their communities. Secondly, I outline the relationship between IMC agency and the global governance of migration. The global governance of migration refers to the conglomeration of complex international networks of governance which together comprise a meta-

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[1] See "Refugees protest for rights in Tunis", *InfoMigrants* (3 May 2022), online: <www.infomigrants.net/en/post/40251/refugees-protest-for-rights-in-tunis>.

[2] See Arita Holmberg & Aida Alvinius, "Children's protest in relation to the climate emergency: A qualitative study on a new form of resistance promoting political and social change" (2020) 27:1 *Childhood* 78 at 79.

[3] See Aida Orgocka, "Vulnerable yet agentic: Independent child migrants and opportunity structures" (2012) 2012:136 New Directions for Child & Adolescent Development 1 at 1–11.

[4] Since the former emphasizes their agency and the latter implicitly points to their lack of capacity, this essay employs IMC throughout to refer to these children, understanding of course that even this category simplifies the extreme variations within this class.

[5] See Madeleine E Dobson, "Unpacking children in migration research" (2009) 7:3 *Children's Geographies* 355 at 356.

system of rulemaking in the field of migration. By claiming that IMC protesters are actors in global governance, I defend that their participation in protests have the potential for shaping and altering institutional responses to migration in contradictory ways.

I explore these tensions through a case study of migrant protest in Tunisia. From February to June of 2022, a group of around 220 Sub-Saharan asylum seekers and refugees organized a sit-in[6] against the UNHCR in the Tunisian towns of Zarzis and Tunis after the institution's announcement of reduced direct financial assistance.[7] The group demanded immediate relocation (or "evacuation") of all group members to a third country.[8] Approximately ninety percent of the protesters were men, and about a quarter of them were under the age of 18, many of whom lost track of their families on their journeys from Somalia, Eritrea, Chad, Sudan, and Libya.[9] I witnessed this *Evacuation* protest while living in Tunis from May to August 2022 and conducted informal interviews with protest participants and NGO actors. I build this essay by relying on these interviews, as well as news sources about the protest and personal observation of two conferences about child migrants in Tunisia. The first was organized by the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR) involving governmental and international non-governmental organizational actors,[10] and the second was organized by the International Bureau for Children's Rights (IBCR) involving local civil society groups.[11]

Understanding the reasons for and reactions to IMC protest contributes to childhood studies and international governance because it challenges assumptions about passive migrant children in contradictory ways. Institutions and governments simultaneously embrace IMC agency while pushing back against it when it conflicts with the goals of major players in migration governance. In some ways, IMCs face even more challenges than accompanied child migrants in being perceived of as full political actors[12] but in other ways, their lack of parental supervision legitimizes their claims of agency and agenda-setting capacities.

IMC Agency in the *Evacuation* Protest

[6] See "Tunisie: manifestation de réfugiés contre leur 'marginalisation'", *Arab News* (14 February 2022), online: <https://www.arabnews.fr/node/205376/monde-arabe>.
[7] See "UNHCR Tunisia Operational Update" (28 February 2022), online: *Reliefweb* <reliefweb.int/report/tunisia/unhcr-tunisia-operational-update-28-february-2022>.
[8] See "African refugees in Tunisia demand evacuation to different countries", *Africanews* (19 April 2022), online: <www.africanews.com/2022/04/19/african-refugees-in-tunisia-demand-evacuation-to-different-countries>.
[9] See "Refugees protest for rights in Tunis", *supra* note 1.
[10] See Ministry of Women, Family, Children and Seniors, Child Protection Delegate, International Organization for Immigration, United Nations High Commissioner for Refugees, United States Agency for International Development, *Atelier pour renforcer la protection des enfants migrants en Tunisie* (Tunis: 17, 24, 31 May 2022) [Inter-ministerial & INGO Conference].
[11] See International Bureau for Children's Rights (IBCR) as part of the Projet de renforcement intégral des droits de l'enfant, *Atelier de formation et d'échanges sur les droits des enfants migrants* (Tunis: 19–20 May 2022) [IBCR Civil Society Conference] (with participation from Tunisian Association for the Defence of Rights of the Child, Africa Intelligence Association, African Leadership and Development Association, Tunisian Forum For Youth Empowerment, Federation of Churches, Association of African Students and Trainees in Tunisia, Diaspora Association Camerounaise, Lion Heart association for humanitarian aid, Solidarité Laïque, Association of Ivorians in Tunisia, Amal Association for the family and the child).
[12] See Theresa Catalano & Jessica Mitchell-McCollough, "Representation of unaccompanied migrant children from Central America in the United States: Media vs. migrant perspectives" (2019) in Lorella Viola & Andreas Musolff, eds, *Migration and Media: Discourses about identities in crisis*, (Amsterdam: John Benjamins Publishing Company, 2019) 239 at 249.

This section explores the agency of IMCs by focusing specifically on those participating in the *Evacuation* protest. Factors including migration status, nationality, race, and gender directly impact the social identities of IMCs, influencing how their agency manifests. Conceiving of agency on a 'continuum'[13] is useful in theorizing IMC agency as it clarifies the fluctuations in IMC manifestations of agency. After providing context into the *Evacuation* protest and hypothesizing as to the individual trajectories of IMCs, I question why IMCs are treated uniformly as 'children' despite vast differences in experience and aspirations. The conflicting institutional reactions to protesting IMCs underscores the complexities of the hybrid child/adult space in which IMCs exist.

A group of around 220 asylum seekers and refugees who were living in Zarzis, Tunisia organized a sit-in in February 2022 to contest how UNHCR's implementing partner was handling various aspects of their asylum seeker claims, including the claims themselves and the support and services offered at shelters.[14] The protest stemmed in large part from UNHCR's announcement of reduced direct financial assistance from February 2022 onwards,[15] due to UNHCR budget cuts in Tunisia.[16] After unsuccessfully protesting outside the UNHCR field office in the southeastern city of Zarzis for two months demanding resettlement to Europe,[17] the protesters found their way to Tunisia's capital in mid-April and set up camp in front of the UNHCR office in the diplomatic district of Lac Biwa.[18] The protesters demanded immediate relocation (or "evacuation") of all group members to a third country. For this reason, the protest was self-proclaimed as the *Evacuation from Tunisia* movement.[19] About a quarter of protesters were under the age of 18, thus legally defined as children under the *United Nations Convention on the Rights of the Child (CRC).*[20] The majority of them were traveling without their families, thus were categorized into UNHCR's 'Unaccompanied and Separated Children' category of vulnerability.[21]

Agency has been defined in a multitude of both individualistic and relational ways,[22] essentially boiling down to the ability "to make and enact choices that potentially affect outcomes."[23] Professor of Childhood studies Tatek Abebe's approach of conceptualizing agency as a 'continuum' is a fitting way of understanding the agency of IMCs. Abebe advances that children's agency changes depending on a myriad of factors, including one's position vis-à-vis others and their socio-legal environment, considering they 'move back and forth along a

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[13] See Tatek Abebe, "Reconceptualising Children's Agency as Continuum and Interdependence" (2019) 8:3 *Social Sciences* 1 at 1.
[14] See "Tunisie: manifestation de réfugiés contre leur 'marginalisation'", *supra* note 6.
[15] See "UNHCR Tunisia Operational Update" (28 February 2022), *supra* note 7.
[16] See "UNHCR Tunisia Operational Update" (31 March 2022), online: *Reliefweb* <reliefweb.int/report/tunisia/unhcr-tunisia-operational-update-31-march-2022>.
[17] See "UNHCR Tunisia Operational Update" (31 May 2022), online: *Reliefweb* <reliefweb.int/report/tunisia/unhcr-tunisia-operational-update-31-may-2022>.
[18] See "African refugees in Tunisia demand evacuation," *supra* note 8.
[19] See Melting Pot Europa, Press Release, "Tunisia is not a safe country for us," (21 June 2022), online: *Comunicati stampa e appelli* <www.meltingpot.org/en/2022/06/tunisia-is-not-a-safe-country-for-us>.
[20] See *Convention on the rights of the child*, 20 November 1989, 1557 UNTS 3, 28 ILM 1456, art 1 (entered into force 2 September 1990).
[21] See "Inter-agency Guiding Principles on Unaccompanied and Separated Children" (2004), online (pdf): *UNHCR* <www.unhcr.org/media/inter-agency-guiding-principles-unaccompanied-and-separated-children>.
[22] See Cath Larkins, "Excursions as corporate agents: A critical realist account of children's agency" (2019) 26:4 *Childhood* 414 at 414–427.
[23] See Megan Bradley, *The International Organization for Migration: challenges, commitments, complexities* (New York: Routledge, 2020) at 83.

continuum of diverse experiences and changing degrees of independence-dependence.'[24] In other words, IMCs should not strictly be understood as rights-bearing individuals, but as complex human beings with conflicting desires and influences, whose experiences of agency shift depending on their place in time and space.

The IMCs I spoke to were all 15 to 17 year-old boys living in temporary shelters set up in front of UNHCR headquarters in Tunis. They were all part of the *Evacuation* protest by virtue of participating in the sit-in, though their active participation varied. Our conversations as well as conversations with those working in direct contact with the protesters clarified the utility of Abebe's 'continuum' approach.[25] As a simple example, after making a joke one yelled, "Je suis un enfant! (I'm a kid!)," while another showed frustration in not being treated "…comme un homme (as a man)" when explaining his migration trajectory.[26] This is a clear indication that IMCs conceive of their maturity on a spectrum depending on their needs and desires at the time.

This brings us to a discussion of IMCs and their social identities, which influence how they articulate and understand their positions in demanding solutions to the challenges they are facing. As Karras, Ruck and Peterson (2022) state, 'how young people come to engage with society is informed by the intersection of their social identities.'[27] It is therefore relevant to theorize agency as part of wider social processes.

The identities of IMCs are not homogenous, even in a relatively small protest in downtown Tunis. Four axes of social construction impacted their identities and protest participation, including migration status, nationality, race, and gender.

'Migration status' refers to legal categories of belonging defined by states. Although the policy space is complex, one of the most obvious responses to migration has been to institutionalize categories of migration based on visa access, economic stream, and personal circumstances.[28] Increasingly since the 1990s, people have come to be defined as either 'regular' (i.e., 'legal') or 'irregular' (i.e., 'illegal') based on factors largely beyond their control, such as place of birth or degree of violence suffered when leaving or fleeing their countries.[29] All IMCs were acutely aware of their status as irregular migrants, and many if not all had applied for refugee status at UNHCR.[30] It is unlikely they would have joined this migrant protest if they had not internalized their migrant status and the 'protection limbo'[31] associated with being irregular migrants. Civil society

[24] See Abebe, *supra* note 13.
[25] *Ibid* at 1.
[26] See Informal interviews of protest participants and NGO actors (May to August 2022), taking place in Lac Biwa, Tunis.
[27] See Juliana E Karras et al, "Being and becoming: Centering the morality of social responsibility through children's right to participate in society" in Melanie Killen & Judith G Smetana, eds, *Handbook of moral development,* 3rd ed (New York: Routledge, 2022) at 118.
[28] See Sarah Marsden, "The New Precariousness: Temporary Migrants and the Law in Canada" (2012) 27:2 CJLS 209 at 214.
[29] See Catherine Dauvergne, "Security and Migration Law in the Less Brave New World" (2007) 16:4 Soc & Leg Stud 533 at 543. See also Ainhoa Ruiz Benedicto & Pere Brunet, "Building walls: Fear and securitization in the European Union" (2018) Transnational Institute. See also Idil Atak & François Crépeau, "The securitization of asylum and human rights in Canada and the European Union" in Satvinder Singh Juss & Colin Harvey, eds, *Contemporary Issues in Refugee Law* (Cheltenham: Edward Elgar Publishing, 2013).
[30] See IBCR Civil Society Conference, *supra* note 11.
[31] See Adnen El Ghali, "The protection of sub-Saharan migrants in Tunisia: community responses and institutional questioning" (2022) 10:s3 J Brit Ac 145 at 150.

participants to the IBCR conference noted that like other irregular migrants, IMCs internalized fear of authority and lack of access to government services associated with their migration status.[32]

Nationality also played a significant role in the identities and socialization of *Evacuation* IMCs. Like other protesters, the majority were coming from countries south of Libya, such as Somalia, Eritrea, Chad and Sudan.[33] Without biological parents, IMCs create peer groups influenced by nationality with important consequences on their migratory decisions,[34] considering linguistic or other ties.[35] The experiences of IMCs in the protest differed depending on their nationalities, including where they slept and which support networks they relied on. Beyond only impacting the identities of IMCs, migration and development Researcher Adnen El Ghali found that nationality played a role in the general Sub-Saharan migrant population in Tunisia, facilitating 'protection from below' strategies.[36]

Race is another important factor impacting migratory journeys in Tunisia.[37] All IMCs I spoke to were black and living in a country with systemic racism,[38] especially towards Sub-Saharan migrant populations.[39] A recent speech by the President of Tunisia suggests views against Sub-Saharans are systemic.[40] Some IMCs were particularly attuned to discrimination associated with their race, articulating claims of "racism" and not belonging in Tunisia as a reason for continuing their migratory journeys to Europe.[41] This echoed similar claims by adult protesters.[42]

Finally, gender played a role in the identities of IMCs. Researchers Iman Hashim and Dorte Thorsen's work highlights how gender plays a significant role in the experience of IMCs and how they assert their agency.[43] There were only a handful of girl IMCs who participated in the *Evacuation* protest in Tunis. The overwhelming number of adolescent boys in this protest may suggest a tendency for families to send boys to migrate on behalf of their families for reasons associated with income earning potential.[44] However, studies show there are a similar number of boy and girl IMCs in Tunisia.[45] Therefore, it is possible that boy IMCs demonstrate their agency through protests, whereas girls employ other strategies for survival. This is not to diminish the agency of girl IMCs who participated in the protest, however, as they equally supported the needs

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[32] See IBCR Civil Society Conference, *supra* note 11.
[33] See "Refugees protest for rights in Tunis," *supra* note 1.
[34] See Orgocka, *supra* note 3 at 5.
[35] See IBCR Civil Society Conference, *supra* note 11.
[36] See El Ghali, *supra* note 31 at 157.
[37] See Ahlam Chemlali, "A Mother's Choice: Undocumented motherhood, waiting and smuggling in the Tunisian–Libyan borderlands" (2023) 26:1 Trends in Organized Crime 30 at 30–47.
[38] See Sophie-Anne Bisaux et al, "Politiques Du Non-Accueil En Tunisie" (2020) Forum Tunisien pour les Droits Économiques et Sociaux & Migreurop.
[39] See Marta Scaglioni, "I Wish I Did Not Understand Arabic! Living as a Black Migrant in Contemporary Tunisia" in *Shadows of Slavery in West Africa and Beyond* (2017) 1 at 1–22.
[40] See Simon Speakman Cordall, "Tunisia's president calls for halt to sub-Saharan immigration amid crackdown on opposition", *The Guardian* (23 February 2023), online: <www.theguardian.com/global-development/2023/feb/23/tunisia-president-kais-saied-calls-for-halt-to-sub-saharan-immigration-amid-crackdown-on-opposition>.
[41] See IBCR Civil Society Conference, *supra* note 11.
[42] See Riccardo Biggi, Valentina Lomaglio & Luca Ramello, "Tunisia, living and dying in Rue du Lac: no dignity and no rights", *Melting Pot Europa* (3 June 2022), online: <www.meltingpot.org/en/2022/06/tunisia-living-and-dying-in-rue-du-lac-no-dignity-and-no-rights>.
[43] See Imam Hashim & Dorte Thorsen, *Child Migration in Africa* (Upsala: The Nordic Africa Institute, 2011).
[44] See IBCR Civil Society Conference, *supra* note 11.
[45] See Ana-Maria Murphy-Teixidor & Flannery Dyon, "Migrating and displaced children and youth in Tunisia: Profiles, Routes, Protection, and Needs" (2021) Mixed Migration Centre at 14.

of the protest albeit in different ways. For example, I never saw girls engaged in chanting twice per day, like boys. This may demonstrate the internalization of gender norms even in protest behavior.

The social identities of IMCs impact which techniques they utilize in their everyday realities. To provide a few examples, IMCs may decide to live in areas where migrants of their nationality live in order to receive protection and cultural support; girl IMCs may be more likely to engage in informal jobs associated with their gender rather than traditionally 'masculine' jobs; IMCs may avoid health centers where others have reported racism; IMCs may refuse to report their nationality when they are unsure if they will be expulsed.[46] Conversations with IMCs themselves clarified that these identities influenced participation in the protest in various ways. Some were encouraged to participate when people from their nationality joined; others mentioned living in Europe was the only way to make money for their families; others said being black in Tunisia would not open doors to a future they wanted.[47] Ultimately, the precarity of irregular migration status was the main reason for participating in the protest.[48]

In addition to highlighting the matrix of identities negotiated by IMCs, foregrounding their diverse migrant trajectories emphasizes their diverse lived experiences. Considering the geographical origin of many *Evacuation* protesters, it is statistically likely that some IMCs who engaged in the protest were first detained in Libya on their migratory routes and vulnerable to torture, confirmed by news reports about these particular protesters.[49] This journey would entail crossing a trench in the Sahara Desert between Tunisia and Libya[50] past a two-kilometer 'buffer zone'[51] on the Tunisian side where civilians are not allowed to be, but where soldiers "have a right to shoot."[52] Of those who crossed through Libya, some may have walked across this hyper-surveilled ditch–complete with thermal cameras and controls[53]–or relied on smuggling networks to facilitate their arrivals.[54] Perhaps more likely than crossing to Tunisia from Libya by land, however, is arriving to Tunisian territory after being intercepted or rescued at sea in an attempt to cross the Mediterranean. A UNHCR September 2022 update found that sea interceptions/rescues were a common way to arrive to the territory,[55] confirmed by news reports of the *Evacuation* protest.[56] Finally, it is possible that some crossed into Tunisia from Algeria, or flew to Tunis on a plane, overstayed their visas, and claimed asylum in Tunisia. These last possibilities are unlikely, however, considering the protests emanated in Zarzis, in the South of the country.

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[46] See IBCR Civil Society Conference, *supra* note 11.
[47] See informal interviews, *supra* note 26.
[48] *Ibid*.
[49] See "Refugees protest for rights in Tunis", *supra* note 1.
[50] See "Tunisia builds anti-terror barrier along Libya border", *BBC News* (7 February 2016), online: <www.bbc.com/news/world-africa-35515229>.
[51] See Hamza Meddeb "*The Volatile Tunisia-Libya Border: Between Tunisia's Security Policy and Libya's Militia Factions*" (2020) Carnegie Endowment for International Peace at 8.
[52] See Michel Cousins, "The Tunisian border barrier with Libya", *LibyaHerald* (7 February 2016), online: <libyaherald.com/2016/02/the-tunisian-border-barrier-with-libya>.
[53] *Ibid*.
[54] See Meddeb,, *supra* note 51 at 10.
[55] See "Situation Map-Refugees and Asylum Seekers" (October 2022), online (pdf): *UNHCR* <data.unhcr.org/en/documents/details/97843>.
[56] See Nissim Gasteli, "De Zarzis à Tunis, les exilé·es manifestent contre le manque de protection du HCR", *Inkyfada* (23 April 2022), online: <inkyfada.com/en/2022/04/23/demonstrations-demanding-asylum-hcr-zarzis-tunis-tunisia>.

The differences in lived experiences underscores the many difficulties associated with homogeneously theorizing IMC agency. While some IMCs had escaped wars, others decided to migrate for job opportunities with the support of their parents.[57] While some left their families intentionally, others lost their family members on route to Tunisia.[58]

Regardless of their trajectories, a significant number of IMCs who arrived in Tunis did not live easy lives. Since protesters had come from Zarzis after budget cuts in cash-based assistance,[59] many were likely reliant on this 'exceptional and temporary' measure afforded to 'only the most vulnerable refugees and asylum seekers' registered with the UNHCR, totaling approximately 0.04%.[60] Registration with UNHCR does not mean all the protesters were registered refugees, however, as only 35% of those registered in September 2022 were registered refugees and 65% were still asylum seekers awaiting confirmation or rejection of refugee status.[61] Even still, taking into account the contextual factors above, many were likely practically if not legally vulnerable, given that the UNHCR's refugee assessment procedures[62] consider age and parental accompaniment as factors of vulnerability.[63]

Although vulnerability has a place in conversations about IMCs, simplistically labeling all 15 to 17-year-old IMCs as 'vulnerable children'[64] fits uncomfortably with their lived experiences. IMCS live in a messy terrain of quasi-adult/quasi-child autonomy and decision-making. In order to make it to Tunis, many had made hundreds of decisions before joining the protest.[65] Their migratory trajectories should by no means romanticize their agency, but rather underline that chronological age is not always the best proxy for maturity, decision-making ability, or what International Affairs Professor Christina Clark-Kazak calls 'social age.'[66] On the one hand, IMCs live without their parents in foreign countries, which is behavior generally associated with 'adulthood.' On the other hand, IMCs can be accused of stealing candy bars from the convenience store to impress their peers, which is behaviour generally associated with 'childhood.'[67] Without entering the contested debate interrogating 'adulthood' and 'childhood,'[68] IMCS do not fall squarely within clean-cut categories, but rather within and between them.

Just as IMCs have complex perceptions of themselves, so too are institutional perceptions of them. Outside of this protest context, IMCs have been considered the paradigm of victimhood,

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[57] See Inter-ministerial & INGO Conference, *supra* note 10.
[58] See Informal interviews, *supra* note 26.
[59] See "UNHCR, Tunisia Operational Update" (31 May 2022), *supra* note 17.
[60] See "Frequently asked questions", online: *UNHCR Tunisia* <help.unhcr.org/tunisia/faq>.
[61] See "UNHCR, Tunisia: Registration factsheet" (26 September 2022), online (pdf): *UNHCR* <https://data.unhcr.org/en/documents/details/95809>.
[62] See "Refugee Status Determination", online: *UNHCR* <www.unhcr.org/what-we-do/protect-human-rights/protection/refugee-status-determination>.
[63] See "Unaccompanied and Separated Children (UASC)" (2021), online (pdf): *UNHCR* <www.unhcr.org/handbooks/ih/files/2021-06/PDF%20insert%20link%20for%20download%20Unaccompanied%20and%20Separated%20Children%20_.pdf>.
[64] See Julie C Garlen, "Interrogating innocence: 'Childhood' as exclusionary social practice" (2019) 26:1 *Childhood* 54 at 54–67.
[65] See Informal interviews, *supra* note 26.
[66] See Christina Rose Clark-Kazak, "Towards a Working Definition and Application of Social Age in International Development Studies" (2009) 45:8 J Dev Stud 1307 at 1307–1324.
[67] See Informal interviews, *supra* note 26.
[68] See Dina Kiwan, "Constructions of 'Youth' and 'Activism' in Lebanon" in Andrew Peterson, Garth Stahl & Hannah Soong, eds, *The Palgrave Handbook of Citizenship and Education* (Cham: Springer International Publishing, 2020) at 567.

sometimes falling into human trafficking discourses.[69] Other times they criminalized on par with full adult migrants.[70] This can vary depending on age and how agency is exercised. Stanford Taonatose Mahati of the African Centre for Migration & Society found that humanitarian aid workers have "multiple, contradictory, negotiated and contested representations of independent migrant children."[71] It is no wonder IMCs internalize their vulnerability in uneven and scattered ways.

As for the *Evacuation* IMCs in particular, I heard staff members across a dozen NGOs and local businesses referred to them as "criminals", "troublemakers," "uneducated," "disciplined," "resourceful," "survivors," and "victims."[72] These categories span the spectrum from malevolent to disciplined migrants and encompass categories from resourceful individuals to passive children influenced by adult protesters. Depending on what behaviour they witnessed, adults changed their perceptions as to the level of agency IMCs could possess. Notably, IMCs were always referred to as a group regardless of differences in protest participation.

IMC motivations to participate in the *Evacuation* protest, as well as what their participation looked like, were quite varied. As for motivations, some had the objective to continue migrating to Europe, so joining the *Evacuation* protest was conceived of as a strategic way of obtaining that objective.[73] For others, the protest was a means of being included in a social network of protection for the immediate time being.[74] Finally, others genuinely felt they had been unfairly treated by UNHCR and its partners, and the protest was conceived as one way of resolving this.[75] Participation manifested varyingly among different IMCs. Protesters lined up in rows of about 20 to 40 individuals most mornings, chanting in unison. Many of the IMCs participated in these chants, but others were less vocal. Some IMCs were actively involved in informal networks of communication, including cell phone networks, which past studies have shown are very much part of local-level organizing.[76] Others amplified the voices of their group by interacting with local NGOs and media channels. Some found cardboard to write protest signs, others confronted migration officials, and still others played and cared for younger children of other protesters.

Eventually, in June 2022, negotiations between the protesters, UNHCR, civil society organizations, and local authorities[77] resulted in the temporary relocation of the protesters to a shelter facility,[78] with the goal of 'temporarily relocating them from the streets to a safe and secure shelter facility and by addressing urgent health needs.'[79] Part of the justification for this was the specific vulnerabilities of the protest group in question. IMCs tipped this vulnerability exercise in

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[69] See Roy Huijsmans, "Child Migration and Questions of Agency" (2011) 42:5 Development and Change 1307 at 1307–1321.

[70] See Chiar Galli, "No Country for Immigrant Children: From Obama's 'Humanitarian Crisis' to Trump's Criminalization of Central American Unaccompanied Minors" (2018) California Immigration Research Initiative (CIRI).

[71] See Stanford Toantose Mahati, *The representations of childhood and vulnerability: Independent child migrants in humanitarian work* (PhD Dissertation, University of the Witwatersrand, 2015) [unpublished].

[72] See Informal interviews, *supra* note 26.

[73] See IBCR Civil Society Conference, *supra* note 11.

[74] See Informal interviews, *supra* note 26.

[75] *Ibid.*

[76] See Maurice Stierl, "A sea of struggle–activist border interventions in the Mediterranean Sea" in *The Contentious Politics of Refugee and Migrant Protest and Solidarity Movements*, 1st ed (Abingdon: Routledge, 2018) 35 at 35.

[77] See "UNHCR Tunisia Operational Update" (31 May 2022), *supra* note 17.

[78] See Emma Wallis, "Months-long sit-in outside UNHCR Tunis ends", *InfoMigrants* (21 June 2022), online: <www.infomigrants.net/en/post/41361/monthslong-sitin-outside-unhcr-tunis-ends>.

[79] See "UNHCR Tunisia Operational Update" (31 May 2022), *supra* note 17.

favor of the protest group, considering one of UNHCR's justifications for opening a shelter for these protesters–and not the 6000 other refugees living in Tunis–was due to the 'vulnerabilities' of the protest group.[80] Therefore, IMCs contributed to protest response, if only for institutional perceptions of their vulnerabilities.

This section attempted to demonstrate that the agency of IMCs is not easily theorized because homogenization of experience diminishes important individual factors in driving decision-making. Even so, IMCs can collectively articulate political positions through protest. Pushing beyond narratives of 'victim' and 'child' to constructions of IMC agency which include political factors is key to engaging with IMC agency.[81] Cognizant of the particular challenges faced by IMCs, the following section demonstrates that IMCs can alter their surroundings not only at the local scale, but have the potential to confront global mainstream migration governance.

IMC Protest as Global Governance

This section explains the global governance of migration, the Tunisian state's participation in mainstream migration policy, and reactions to these policies by migrants themselves. Since mobility is a realm of contested global politics,[82] migrants who engage in protests about mobility must be understood as players in that global realm of politics,[83] including IMCs engaged in protest. Of the studies that focus on child agency, the vast majority center on the micro-scale of family and school relations rather than discussions of global politics.[84] Similarly, while there are studies on migrant agency, these studies overwhelmingly focus on immediate survival techniques and everyday resistance of migrants more so than conceiving of migrants themselves as political actors that shape migration governance more structurally.[85] This section attempts to respond to both gaps by demonstrating that IMCs are political actors who can alter the global governance of migration through their protest agency, challenging institutional assumptions about the security threats posed by migrants. The *Evacuation* protesters did this in three ways. They challenged assumptions that migrant children are passive recipients of migration policy; demonstrated the limitations of stringent categories used to classify migrants; and advanced choice-first objectives in a system not designed to accommodate them.

Before diving into these examples, context is helpful. The global governance of migration goes beyond specific conventions to include meta-norms, principles, policies and expectations for the multitude of actors involved in cross-border movement and regulation. While the most obvious actor in international law is the state, other actors include intergovernmental organizations, civil society, and individuals, who collectively shape and alter global governance in messy ways. In short, governance can be thought of as spaces of "contestation" more so than functional

[80] See Informal interviews, *supra* note 26.
[81] See Patti Tamara Lenard, "Refugees as (Political) Agents: A Review of Three Recent Books in the Political Theory of Refugees" (2020) 26:3 Res Publica 451 at 451–459.
[82] See Ċetta Mainwaring, "Migrant agency: Negotiating borders and migration controls" (2016) 4:3 Migration Stud 289 at 289–308.
[83] See Jonathan Kent, "Looking back and moving forward: the research agenda on the global governance of mixed migration" (2021) 59:1 Intl Migr 89 at 90.
[84] See Holmberg & Alvinius, *supra* note 2.
[85] See Ilker Ataç, Kim Rygiel & Maurice Stierl, "The Contentious Politics of Refugee and Migrant Protest and Solidarity Movements: Remaking Citizenship from the Margins" (2016) 20:5 Citizenship Stud 527 at 527–544.

structures,[86] especially for migration which is entangled in a complex network of actors, motivations, and strategies, and draws from various legal regimes, regional agreements, and international organizations to piece together how to regulate it.

Migration management has increasingly seen an expansion of securitization methods. Securitization refers to state policies that securitize social phenomena, like migration, into a security agenda.[87] This results in states employing techniques used in national defense, policing, and militaristic settings to subdue migratory 'threats.'[88] The perceived magnitude of irregular migration is disproportionate, considering international migrants, including refugees, comprise only about 3.6% of all people at any given time.[89] Regardless, the threat justifies higher surveillance[90] due to a 'palatable political response'[91] of fear.[92] One contemporary policy response which builds from securitization logic is external control policies which attempt to expand borders beyond territorial boundaries.[93]

North Africa has played a significant role in extending the security reach of European policies.[94] Mediterranean space is now patrolled by EU-funded Libyan military and disciplined through Italian-funded Tunisian detention centers, with surveillance involving drones, heat-sensing underground technologies, and biometrics databases,[95] facilitated by conditionalities tied to development funding.[96] These responses are rooted in repressive migration policy based in restrictive legislation criminalizing irregular migrants, coinciding with political discourse[97] labeling migrants as threats.[98] Even though findings suggest that migrants and refugees can have

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[86] See Jean Grugel & Nicola Piper, *Critical Perspectives on Global Governance: Rights and regulation in governing regimes,* 1st ed (London: Routledge, 2007) at 19.
[87] *Ibid* at 12.
[88] See Alison Mountz, "In/visibility and the securitization of migration: Shaping Publics through Border Enforcement on Islands" (2015) 11:2 Cultural Politics 184 at 190.
[89] See Marie McAuliffe and Anna Triandafyllidou, "World Migration Report 2022" (2021) at 3, online (pdf): *International Organization for Migration* <publications.iom.int/system/files/pdf/WMR-2022-EN-CH-1_0.pdf>.
[90] See Franck Düvell & Bastian Vollmer, "European security challenges" (2011) Robert Schuman Centre for Advanced Studies at 19.
[91] See Dauvergne, *supra* note 29 at 543.
[92] See Didier Bigo & Elspeth Guild, "International Law and European Migration Policy: Where Is the Terrorism Risk?" (2019) 8:4 *Laws* 1 at 8.
[93] See Rutvica Andrijasevic, "From exception to excess: detention and deportations across the Mediterranean space" in Nicolas de Genova & Nathalie Peutz, eds, *The Deportation Regime: Sovereignty, Space, and the Freedom of Movement* (Durham: Duke University Press, 2010) at 7. See also Leiza Brumat, Andrew Geddes & Andrea Pettrachin, "Making sense of the global: A systematic Review of Globalizing and Localizing Dynamics in Refugee Governance" (2022) 35:2 J Refugee Stud 827 at 827–848.
[94] See Anastassia Tsoukala, "Looking at Migrants as Enemies" in Didier Bigo & Elspeth Guild, eds, *Controlling frontiers: Free movement into and within Europe* (Burlington: Ashgate Publishing Limited, 2005) at 161.
[95] See Raluca Csernatoni, "Constructing the EU's high-tech borders: FRONTEX and dual-use drones for border management" (2018) 27:2 European Security 175 at 175–200.
[96] Two examples include the European Neighborhood Policy (ENP) and the EU Emergency Trust Fund for Africa (EUTF).
[97] See Idil Atak & François Crépeau, *supra* note 29 at 231.
[98] See Georgios Karyotis, "European Migration Policy in the Aftermath of September 11: The security–migration nexus" (2007) 20:1 Innovation: Eur J Soc Sci Research 1 at 4.

long-term benefits for economies,[99] reduce unemployment,[100] and reduce crime,[101] today most states are building walls–physical and administrative–to keep migrants out,[102] including Tunisia.

The place of IMCs in Tunisian migration policy is interesting. Tunisia sometimes detains 16-year old Sub-Saharan migrants traveling without family or belongings,[103] yet also provides legal protection for IMCs through the collaboration of Tunisian institutions,[104] including le Ministère de la famille, de la femme de l'enfance et des personnes âgées; le Bureau du Délègue Général à la protection de l'enfance, and l'Institut national de protection de l'enfance.[105] Internationally, Tunisia has ratified a number of international conventions to protect migrants and children.[106] All the while, Tunisia ascribes to global trends in restrictive migration governance,[107] evidenced by its key role in expanding Europe's borders through deals with the EU,[108] detaining and deporting migrants,[109] restricting visa access,[110] and passing laws criminalizing irregular entry[111] and criminalizing humanitarian efforts to host and transport irregular migrants.[112] These contradictory positions, from rhetorically victimizing and providing IMCs with institutional support, to criminalizing their entry and preventing them from accessing services they legally have rights to, is emblematic of Tunisian as well as other states' responses to IMCs.

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[99] *Ibid* at 10.

[100] See Christoph Basten & Michael Siegenthaler, "Do Immigrants Take or Create Residents' Jobs? Evidence from Free Movement of Workers in Switzerland" (2019) 121:3 Scandinavian J Econ 994 at 994–1019.

[101] See Stephen H Legomsky, "Portraits of the Undocumented Immigrant: A Dialogue" (2009) 44:65 Ga L Rev 65 at 147 who states "[f]or every ethnic group without exception, incarceration rates among young men are lowest for immigrants, even those who are the least educated... especially for the Mexicans, Salvadorans, and Guatemalans who make up the bulk of the undocumented population."

[102] See Ruiz Benedicto & Brunet, *supra* note 29.

[103] See IBCR Civil Society Conference, *supra* note 11.

[104] See *Code de la Protection de l'Enfance*, adopté par la loi n.1995-92 du 9 novembre 1995, arts 1 (enfants en danger) & 4 (l'intérêt supérieur de l'enfant) ; See also *Loi Organique n.2016-61* du 3 Aout 2016 (relative à la prévention et à la lutte contre la traite des personnes).

[105] See "Note Conceptuelle," Ateliers pour renforcer la protection des enfants migrants en Tunisie (17 May 2023) IOM at 2 → Unable to retrieve this source.

[106] Tunisia is party to the *1951 Refugee Convention*, the *1967 Protocol*, the *1969 Organization of African Union (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa*, the *1989 Convention on the Rights of the Child*, and its *Optional Protocol on a Communications Procedure to the Child Rights Convention*. Tunisia's 2014 constitution states "political asylum is guaranteed in accordance with the provisions of the law" as per article 23, and "the State must protect all children without any discrimination, in accordance with their best interests" as per article 47. See *Constitution de la République tunisienne*, 2014 (Tunisia), c 23.

[107] See François Crépeau, *Report of the Special Rapporteur on the Human Rights of Migrants*, UNHRCOR, 23rd Sess, Agenda item 3, UN Doc A/HRC/23/46/Add.1 (2013).

[108] See EC, *Commission Decision 98/238/EC of 26 January 1998 on the conclusion of a Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part*, [1998] OJ, L 97/1; See Christos Trapouzanlis, Kirsten Jongberg & Camelia Oaida, "Southern Partners" (April 2023), online: *Fact Sheets on the European Union External Relations* <www.europarl.europa.eu/factsheets/en/home>; See "Plan d'Action UE-Tunisie 2013-2017" (2016), online (pdf): *Délégation de l'Union européenne en Tunisie* <www.eeas.europa.eu/delegations/tunisia/plan-daction-ue-tunisie-2013-2017_fr>.

[109] See Crepeau, *supra* note 107.

[110] See Glenda Garelli & Martina Tazzioli, *Tunisia as a Revolutionized Space of Migration* (New York: Palgrave Pivot, 2016) at 22.

[111] See *Loi N. 68-7 de 1968, relative à la condition des étrangers*, 1968 (Tunisia).

[112] See *Loi N. 2004-6 du 3 février 2004, modifiant la loi n°75-40 du 14 mai 1975, relative aux passeports et aux documents de voyage–6*, (2004) Tunisia, c. 38-5.

IMCs are not passive in this exercise, but actively confront their positions in this matrix of subject/object constructions and demonstrate their agency on an autonomous/dependent 'continuum' as shown above. Protests are one manifestation of collective agency, which carve space for broader discussions about why things are the way they are, from long-standing regulations and taken-for-granted assumptions to more concrete and recent policy shifts. Embedded in larger networks, then, protests can be thought of as nodes of micro-governance which can alter existing models of rulemaking. This is relevant for understanding global politics because local articulations of needs can reinforce or challenge structural policies at wider scales. When IMCs are involved in protest, they participate in these nodes of governance.

IMC participation in the *Evacuation* protest challenged the global governance of migration in three ways. Firstly, the protest challenged assumptions that migrant children are passive recipients of migration policy. By articulating their dissatisfaction with the way they were received in shelters, or the way their applications were being processed by UNHCR, IMCs reacted and acted, rather than passively accepted their circumstances. Through their protest, IMCs influenced NGO discussions about adequate protest response and verbalized their discontent with existing structural barriers including institutional response and racism. [113]

The protest created shockwaves in terms of political pressure and media attention, considering it was just a few streets from the IOM, the European Union, various embassies, and upper-class hotels. IMCs understood that when the protest moved from Zarzis to Tunis, it effectively shut down UNHCR building access to visitors, which had the primary impact of paralyzing UNHCR from carrying out refugee status determination interviews with asylum seekers and refugees already in Tunis.[114] With UNHCR at a stand-still and government authorities facing pressure to address the situation,[115] this led to wider policy response. Various international organizations from Save the Children and Médecins du Monde, to local NGOs like the Tunisian Scouts, the Arab Institute for Human Rights, and la Conseil Tunisien pour les Refugiés, worked on the ground with various levels of engagement. Tunisian ministries, including health and foreign affairs, as well as local municipalities, had to react. One IMC said, "at least now everyone is talking," which demonstrates an understanding that being heard by various sectors was key to having their demands addressed.[116]

Secondly, IMCs stood in defiance of assumptions that certain categories of people are more vulnerable than others, challenging taken-for-granted assumptions that people categorized as 'refugee' 'asylum seeker' or 'migrant' want/need/deserve different things, and policy should be based on migrant status. While some IMCs were escaping wars and likely fit into the 1951 Convention's definition of 'refugee,' others had left their families with the primary goal of finding a job or education elsewhere, fitting closer to legal definitions of economic migrant.[117] By protesting together, they demonstrated that IMC aspirations are not dependent on externally constructed migration statuses.

This challenged not only local level response, but higher levels of global governance which rely on these classifications for regulatory decision-making. If taken seriously by policymakers,

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[113] See IBCR Civil Society Conference, *supra* note 11.
[114] See "UNHCR Tunisia Operational Update" (30 April 2022), online: *Reliefweb* <reliefweb.int/report/tunisia/unhcr-tunisia-operational-update-30-april-2022>.
[115] See Inter-ministerial & INGO Conference, *supra* note 10.
[116] See Informal interviews, *supra* note 26.
[117] *Ibid*.

this affront to migration status, led in part by IMCs, could lead to a reconsideration of the differentiation of rights based on differentiated legal status in a territory.

Thirdly, IMCs advanced choice-first objectives, demanding their aspirations and objectives be considered in where they wound up. Even if UNHCR kept repeating to protesters that resettlement was not an option for meeting group demands,[118] protesters refused statistics and vulnerability categories, demanding to know why they needed to be accepted by sovereign states in order to cross borders. "Why can't we choose where we go?" was an excellent question posed by IMCs,[119] demonstrating that IMCs are not passive in the deployment of migration management strategies, but that they actively question them.

Even after individual vulnerability assessments, some of the IMCs repeated their objectives to NGOs.[120] While many NGOs are aimed at helping IMCs with integration in Tunisia, NGO representatives made clear that some IMCs have no interest in staying in Tunisia but want to continue migrating to Europe. This means that even if intricate programs are created to teach IMCs Tunisian Arabic, provide them with food, and support them financially, some IMCs are likely to continue migrating to Europe anyway, perhaps by paying smugglers on dangerous trips across the Mediterranean.[121] Recognizing the agency of IMCs means recognizing that current integration policies are not sufficient in providing for their safety.

Challenging securitization responses to global governance comes at a cost. Being overly celebrative of IMC agency obscures that these children were spending hours at a time in 40-degree Tunisian heat protesting an agency with a narrow mandate. There were slim chances they would be successful in their evacuation, considering states ultimately decide whether to resettle particularly vulnerable refugees and not the UNHCR.[122] Therefore, there are dangers in romanticizing IMC agency, 'considering the contradictory aspects and effects of agency in their lives.'[123] Conference participants noted IMCs experience social exclusion due to language barriers in school settings, irregular work with unsteady pay, and abuse at the hands of traffickers.[124] When coupled with separation from family and scattered support, IMC protest should in no way reduce these serious impingements on their human rights. Rather, recalling the above, the protest paints a picture of IMC agency combining difficult realities and vulnerabilities alongside strategic decision-making capacities.

Still, the demands of IMCS in the *Evacuation* protest highlights how diverse trajectories can complement one another in refusing to engage in constraints set by government and international actors. Protesting against the UNHCR was a manifestation of IMC agency in demanding alternatives to governance. By protesting, IMCs pressured, reacted to, and ultimately altered their local political realities,[125] dismantling global assumptions about passive subjects and offering insight into altering the current geopolitical and legal landscape moving forward to better address their needs.

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[118] See UN High Commissioner for Refugees, "Refugee Resettlement. An International Handbook to Guide Reception and Integration" (September 2002) at 3, online (pdf): *UNHCR* <https://www.refworld.org/docid/405189284.html>.
[119] See Informal interviews, *supra* note 26.
[120] See IBCR Conference, *supra* note 11.
[121] *Ibid.*
[122] See Meltem Ineli-Ciger, "Is Resettlement Still a Durable Solution? An Analysis in Light of the Proposal for a Regulation Establishing a Union Resettlement Framework" (2022) 24:1 Eur J Migr & L 27 at 27–55.
[123] See Abebe, *supra* note 13 at 8.
[124] See Inter-ministerial & INGO Conference, *supra* note 10.
[125] See Ataç, Rygiel & Stierl, *supra* note 85.

Conclusion

IMCs are conceived of on a spectrum from 'innocent children' to 'problematic migrants' depending on their claims and behaviours, which results in contradictory self perceptions and institutional response, especially when expanded to national and global migration policy. IMCs will continue to cross borders regardless of the barriers erected to prevent them from migrating. When their voices are not heard through protest, they may continue their migratory journeys in precarious ways regardless of which actors pay attention.

In addition to protesting for different reasons linked to their social identities, IMCs who participated in the *Evacuation* protest engaged in behaviours which UN International Consultant Aida Orgocka considers an "expression of agency as a process of self-identity formation and articulation."[126] In other words, by virtue of their participation in the protest, IMCs were empowered, hopeful, frustrated, or excluded, and most faced a mix of these and other emotions. By articulating claims of (not) belonging in Tunisia, their sentiments grew and changed, and their identities developed and were articulated publicly. Although IMCs are considered as falling within the category of 'children' and within the category of 'migrants,' their belonging in other socially constructed categories impacts how their agency manifests, including nationality, gender, and race. Addressing the problems IMCs face requires considering the unique challenges when these categories overlap, and recognizing the individual trajectories of IMCs cannot be addressed homogeneously.

Despite the massive challenges associated with curtailing models of migration governance based on securitization of migratory 'threats,' IMCs in Tunis influenced local protest response and contributed to their community of protesters by appealing to institutional actors in contradictory ways. If local protest can be considered a node of micro-governance in the larger discussion of migration governance, especially when objectives are articulated in ways which contest the way migration governance is done, then IMCs must be understood as actors actively questioning and contesting structural barriers to their movement. Migrant children are not passive subjects in migration management, but defy assumptions associated with migrant categories used in global governance and demand their objectives be considered when conceiving of solutions to their vulnerabilities.

Taking a step back from this particular protest makes clear that both migrants and children engage in protest, demanding to be included in governance. Studies have shown that migrants can influence municipal bylaws,[127] and children can foster climate change concern among parents,[128] which suggests the agency of migrants and children can influence their surroundings. When migrant and children categories overlap, so too do questions about how to incorporate their insight into global policy. While studies have long focused on local-level changes, far fewer have focused on the role of IMCs in influencing wider global governance regimes. By using protest agency to articulate demands collectively, IMCs in Tunis demanded to be included in structural levels of policymaking.

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[126] See Orgocka, *supra* note 3 at 4.
[127] Ataç, Rygiel & Stierl, *supra* note 85.
[128] Danielle F Lawson et al, "Children can foster climate change concern among their parents" (2019) 9:6 Nature Climate Change 458 at 458–462.

Ultimately, it is not the responsibility of IMCs to challenge global governance, but of governments and institutions. In order to foster healthy realities for IMCs, it is necessary to legitimize their protests even as they challenge global migration controls.

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Informal interviews I conducted from May to August 2022, Lac Biwa, Tunis.