Child [Un]Friendly Border Control: A Criminological Analysis of Young Asylum Seeker's Migration and Immigration Detention Experiences

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Thesis submitted to the Faculty of Graduate and Postdoctoral Studies in partial fulfillment of the requirements for the degree of Masters of Arts in Criminology

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ABSTRACT

Globalization has expanded the travelling privileges of certain populations (namely for those in the West) while it has simultaneously resulted in restrictions on the movement of the more racialized and impoverished populations. The economically disadvantaged groups are subjected to strict border control policies such as stringent visa requirements (to stop them before they migrate), border infrastructure (to curb their mobility while they are travelling across international borders), and detention policies (after they arrive in the host country). The corresponding challenges are particularly taxing and traumatic for vulnerable populations, especially minors. Using qualitative methodology, this research explores the interview-based accounts of nine asylum-seeking children and young adults regarding their migration experiences with border control policies (during their migration) and administrative detention procedures in Canada. Drawing on Criminology of Mobility as a conceptual framework, the findings of this study demonstrate that border infrastructure endangers young asylum seekers' lives as it compels them to pursue more precarious means, such as using the services of human smugglers or crossing international borders from isolated and dangerous crossing points. The findings of this research also suggest that juvenile asylum seekers may be experiencing border control policies and immigration detention more negatively because of their age-related vulnerabilities.

ACKNOWLEDGEMENTS

First and foremost, I thank all the participants who trusted me with their deeply personal stories and experiences. Their courage and perseverance inspired me every day to complete this thesis. Without them, this thesis would not have been possible.

I am grateful to my supervisor, Dr. Christine Gervais who believed in me and my project. Her dedication to my study was unbelievable. I cannot thank her enough for her guidance and thoughtful feedback throughout the completion of this thesis. It was such an honour to work with you Dr. Gervais. I would also like to thank my examiners, Dr. Baljit Nagra and Dr. David Moffette, for providing me with very constructive and insightful feedback based on their expertise and unique perspectives.

I also thank my parents and my best friend, Ahsan Mian, for their unwavering support and listening to me think out loud day in and day out since the first day I started this project. Thank you very much for all your encouragement.

Finally, to all my colleagues, we are done! Cheers!

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"I needed my mommy. It was very lonely. I was very scared."

– Robert (five years old)

CHAPTER 1: INTRODUCTION

In the age of globalization and increasing political insecurities in certain parts of the globe, the mass movement of people has become an inevitable contemporary reality. It is also becoming more evident that not everyone has equal access to international borders (Dauvergne, 2013). Travelling and crossing borders are contingent on a variety of factors that include, but are not limited to race, citizenship, and class. Some critics describe borders as a "legal manifestation of white hegemony" where certain social groups are 'othered' and marginalized (Said, 1985 as cited in Nagra & Maurutto, 2016 pp, 166). In essence, a system of global apartheid is now in place whereby borders have disappeared for the economically advantaged, but walls have been erected for the impoverished and racialized populations (Bowling, 2013).

Against this backdrop of globalization and an apartheid system on a world scale, refugees and asylum seekers are perhaps one of the most, if not the most, disadvantaged groups. The office of the United Nations High Commissioner for Refugees (UNHCR) identifies refugees and asylum seekers as two categories of people who are of concern because by definition, they are fleeing persecution or real fear of persecution (UNHCR, 2016). In other words, while they require protection (Mountz, 2011), their access to safety and security is minimized by the border infrastructure and discriminatory policies (Jones, 2016). These border control policies that generally target adult asylum seekers may prove even more dangerous for children and young people, whose age-related vulnerabilities limit their capability to maneuver their ways across international borders (Petkova, 2016). On a human level, this is very concerning because as the number of people being displaced annually continues to increase (UNHCR, 2016), more and more young people are going to be subjected to these harsh border control policies.

According to the UNHCR annual publications, the number of asylum seekers and

refugees have been steadily increasing. For instance, throughout the 1990s and the 2000s, the average number of asylum applications filed were around 800,000 annually; however, in 2013, 1,164,449 applications were filed and another 1,180,258 in 2014. The number of asylum applications is estimated to have been over 3.2 million in 2015 and 2016. As it currently stands, the number of displaced individuals across the globe is around 65.3 million, more than half of whom are minors (UNHCR, 2016).

Countries that are signatories to the Geneva Convention agree to offer protection and resettle both refugees (whose immigration cases are processed outside of the host country) and asylum seekers (who land on a signatory nation-state and seek asylum) (Mountz, 2011). Asylum seekers have emerged as the epitome of danger because they defy calculations of risk as they often arrive in the host country unannounced with insufficient documentation to prove their claims or their identity. Their 'unknown' attributes and backgrounds make them a 'risk' or 'liability' to the state that needs to be secured (Malloch & Stanley, 2005). States have continuously been trying to control the mobility of asylum seekers by employing punitive methods of border control (Pickering & Weber, 2006). The two major ways in which Western countries have been restricting the movement of asylum seekers consist of excessive investments in border infrastructure (i.e. walls, militarizing border authorities, and etc.) and border control policies, some of which are punitive in nature, such as the detention of asylum seekers (Weber, 2000).

To achieve this end, Western countries including Canada are increasingly using criminal justice procedures to manage the arrival of asylum seekers and enforce immigration laws (Stumpf, 2013). This convergence of criminal law/criminal justice agencies and immigration law is best captured by the term crimmigration that encompasses some of these procedures including

handcuffing, strip search, fingerprinting, interrogations and detention. The Canadian government detains asylum seekers for four reasons:

> (a) if a CBSA officer has reasonable grounds to believe that the person in question is unlikely to appear at their immigration proceeding;

> (b) if the person is believed to be a danger to the public;

> (c) if the CBSA officer is not satisfied with the person's identity;

> (d) if the asylum seekers are part of a group of irregular arrivals as prescribed by the Ministry of Public Safety (that is, the CBSA can detain any groups consisting of 2 or more asylum seekers, including children) (CBSA, 2016).

In Canada, asylum seekers including children are detained in either provincial jails or immigration detention centers. The former Conservative Immigration Minister Jason Kenney once said that immigration centers were like "2-star hotels that are family friendly' (Cleveland, 2013). Cleveland (2013) however, contends that immigration detention centers are prisons and should be considered as such because these centers are sites of total deprivation of liberty and freedom given that they are managed by Correctional Services Canada and they utilize various forms of punishment including solitary confinement. Furthermore, the daily routines in immigration detention centers highly resemble the daily routines in a typical prison. Detainees are under constant surveillance by guards and by cameras behind locked doors, and the detention facility perimeters are surrounded by fences topped with razor wires. Moreover, similar to prisoners, detainees cannot move around from one area of the facility to another, and they are handcuffed and shackled when they are transported in public spaces (Cleveland, 2013; Nakache, 2011). According to different research and reports, anywhere between 82% to 94% of asylum seekers who are detained in Canada are held for reasons other than criminality or national

security (Nakache, 2011; CCR, 2015); yet, they are subjected to the same harsh treatment normally only reserved for people who contravene criminal law.

The detention of asylum seekers, as part of the refugee determination process, is a clear indication of the changing nature of state power and its use of the criminal justice system to address traditionally non-criminal issues.

1.1 – RATIONALE AND FOCUS OF THE STUDY

Criminology has addressed the expansion of penal power and its justification (Aas, 2011; Brotherton & Barrios, 2011; Larsen & Piché, 2009; Leerkes & Broeders, 2010; Pratt, 2005), state power, sovereignty (Crepeau & Nakache, 2013), state crimes, criminalization of immigrants, and border control (Malloch & Stanley, 2005; Young, 2003). However, it has not examined extensively the impacts of the expansion of penal powers on those targeted by such policies such as asylum seekers. Children's age-related vulnerabilities have also not been studied comprehensively in relation to border control policies. It is thus important and timely to expand criminological knowledge on the impacts of tight border control policies on racialized and marginalized populations, namely asylum-seeking minors and young adults.

To this end, this research explored qualitatively how Canadian border control policies and practices were manifested in the lives of children and young asylum seekers. In so doing, it answered the main research question: How do asylum seeking minors and young adults experience migration to Canada and detention in Canada?

1.2 - OVERVIEW OF CHAPTERS

The next chapter consists of a review of the literature on immigration and immigration detention. To provide background context on the topic of border control, I outline international

legal principles pertaining to asylum seekers and it illustrates the West's response to the so-called 'refugee crisis' and the consequences of immigration detention on asylum-seeking children and young adults.

In the third chapter, I present the conceptual framework as well as the salient concepts (such as: crimmigration, immcarceration, punishment, and racialized migration) that guided the interpretation of data in this research.

In chapter four, I outline the methodological processes undertaken within this study. It begins with a brief discussion of ethical considerations related to data collection. I then describe the in-depth, semi-structured interviews with nine participants who migrated to Canada as children or young adults and who were detained in Canada as part of the refugee determination process.

In chapter five, I present the findings and the analysis of the migration experiences. This chapter presents the consequences of crimmigration policies on the participants as they continued their journey from the Middle East, to Europe, and finally to Canada across militarized and violence-prone international borders that contravened Western countries' obligations to protect refugees and asylum seekers. In chapter six, I focus on the participants' crimmigration experiences in Canada. Finally, in the conclusion, I discuss the limitations of this study and highlight potential directions for future research.

CHAPTER 2: LITERATURE REVIEW

In this chapter, I provide the background context to the trend of border control policies and practices of immigration detention by examining the contemporary policies and available scholarly research as well as reports by human rights overseers. In the first section, I outline international legal principles pertaining to the mobility of refugees followed by a brief discussion of the current refugee crisis and the securitization of immigration as a policy response by the Western countries.[1] In the next section, I move beyond contextual information to discuss the mental health impacts of migration and detention on asylum seekers followed by an analysis of the available literature on the personal migration and detention narratives of asylum seekers. Finally, I end the chapter by situating my research within the literature by identifying the gaps that this research fills.

2.1 - INTERNATIONAL LEGAL PRINCIPLES PERTAINING TO ASYLUM SEEKERS

It is beyond the scope of this thesis to discuss all the relevant international conventions in detail. Yet in order to contextualize this research, this section briefly outlines the main principles that ought to guide states' interactions with asylum seeking adults and children.

International treaties acknowledge every state's right to regulate migration; however, their regulation policies and protocols must adhere to the standards set by international conventions to which they have each ascribed (Acer & Goodman, 2010). Many scholars have noted that the gap between human rights laws and immigration regulation policies have widened and continue to do so (Acer & Goodman, 2010). This point will be discussed in greater detail in

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[1] For the purpose of this research, I use the economic definition of 'west'. 'Western countries' is used interchangeably with economically-developed countries that includes European Union, Canada, America, Australia and New Zealand.

subsequent sections.

The three primary binding international treaties relevant to asylum seekers are: (a) the International Covenant on Civil and Political Rights [ICCPR]; (b) the 1951 Convention Relating to the Status of Refugees; (c) the United Nations Convention on the Rights of the Child [UNCRC], among others.

Article 9(1) of the International Covenant on Civil and Political Rights (1976) states:

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

It is important to note that according to ICCPR (1976) and the Geneva Convention Relating to the Status of Refugees (1951), asylum seekers are not afforded full impunity from detention; rather, they put limitations on the grounds that would allow states to lawfully and legally detain asylum seekers, as evident in Article 31(2) of the 1951 Geneva Convention Relating to the Status of Refugees:

The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

The 1951 Geneva Convention Relating to the Status of Refugees allows for a restriction on the movement of asylum seekers if it is deemed necessary; however, it does not contain any criteria of *necessity* (Hailbronner, 2007). To clarify what is meant by *necessary*, the Executive Committee of the UNHCR identified four grounds that asylum seekers can be detained under: (a)

to verify identity, (b) to verify asylum claims, (c) in cases where the asylum seekers have destroyed their travel and/or identity documents, or have used fraudulent documents in order to mislead the authorities of the host states; and (d) to protect national security (United Nations High Commissioner for Refugees [UNHCR], 2012).

To regulate the detention of asylum seekers, international legal principles require that the detention not be arbitrary. The arbitrariness of detention is determined by four factors (UNHCR, 2012). Firstly, the detention has to be in accordance with national laws. This 'reflects the principle of legal certainty, by which individuals should be able to foresee the consequences of the law as it applies to their situation' (Nakache, 2011, p. 22). The second requirement is that the detention must be appropriate, reasonable, and predictable. Thirdly, asylum seekers must have the means to challenge their detention. Fourthly, there must be a defined review process.

UNHCR has recommended that the detention of migrants, including asylum seekers, be used as a measure of last resort and states must always consider less invasive means of achieving the same ends (Acer & Goodman, 2010). The UNHCR has stressed that current international immigration detention practices are contrary to the norms and principles of international treaties because they do not make immigration detention a measure of last resort (Acer & Goodman, 2010).

The violation of human rights is even more concerning for migrant minors, even though there are clear international legal principles to guide states in their interaction with migrant children. For instance, the United Nations Convention on the Rights of the Child (UNCRC) draws more attention to children's right to protection as outlined in the Article 3 of UNCRC (1990), which requires the detention of children to be 'in the best interest of the child' as well as be 'a measure of last resort for the shortest appropriate time' (UNCRC, 1990: Article 37).

Additionally, children also have rights to healthcare, family, and education (Bhabha, 2009).

Despite the safeguards set by international treaties, scholars such as Bhabha (2009) have noted that these laws exist in theory, but are not enforced in the context of mobile minors with precarious legal status. In essence, "unalienable rights have become unenforceable" (Bhabha, 2009) and this actuality is best captured by the immigration detention practices and policies in the western countries, especially as more states are placing immigration control above the needs and the best interest of minors (Fekete, 2007). The UNCRC committee has also criticized Western countries, including Canada, many times for their failure to consider the best interest of children in immigration detention practices and policies (Australian Human Rights Commission [AHRC], 2014; Crawley & Lester, 2005; Gros & Song, 2016; Human Rights and Equal Opportunity Commission [HREOC], 2004).

2.2 - REFUGEE CRISIS AND THE SECURITIZATION OF IMMIGRATION

This section of the literature review contextualizes the tightening of border control policies in the west as a manifestation of the trend of securitization of immigration and as a response to the so-called refugee crisis with very little regard as to how these policies affect asylum seeking children and young adults.

The number of refugees and asylum seekers has been steadily rising because of global political insecurities and increasing terrorist activities in the Middle East and in parts of Africa that have displaced millions of people in the last 20 years (United Nations, 2016). As of the end of 2015, the latest complete statistics produced by the United Nations High Commissioner for Refugees [UNHCR] shows that the number of displaced persons worldwide has reached a staggering 65.3 million people of whom 3.2 people million were asylum seekers (Edwards, 2016). Further, in 2015 the total number of refugees worldwide hit a 20-year record high of 21.3

million people (Global Trends Report, 2015).

Although it is beyond the scope of this literature review to provide a detailed critique of the factors that force people to migrate out of their countries, it is important to note that the mass movement of people from colonized and impoverished countries is the result of the macro level 'asymmetrical relations of global power' (Walia, 2013, p. 5). In the Cold-War era, America and the West were spreading capitalism while the Soviet Union was actively advancing communism (Mirza, 2010). As these two rivals competed for dominance and superiority around the globe, they started interfering in the domestic politics of the impoverished and developing countries to either advance their own agenda through proxy or challenge the influence of their rival. This interference has led to the destabilization and wide-spread political insecurity of many countries resulting in mass migration of refugees and asylum seekers.[2]

Ironically, despite being a major contributing factor towards the current refugee crisis, western nations practice very tight border control policies to deter the asylum seekers and refugees from crossing into their borders (Walia, 2013), even though they receive a small fraction of the displaced people. According to the UNHCR (Global Trends, 2015), 86% of the world's refugees were hosted by non-western developing nations. In 2015, Turkey was the highest refugee-hosting country with 2.5 million people within its border, followed by Pakistan with 1.6 million people, and Lebanon with 1.1 million displaced individuals (Global Trends Report, 2015). Despite receiving a fraction of displaced individuals, western countries have shown a trend of increased nervousness about having large numbers of people cross into their borders (Pickering & Weber, 2006).

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[2] For specific examples of how asymmetrical relations of global powers have destabilized certain countries (i.e. Afghanistan, Syria & Iraq) refer to Mirza (2010) and Hinensbusch & Fawn (2007).

In essence, policies pertaining to asylum seekers and refugees in Western countries are now structured around the reception of 'desirable' migrants and the rejection of 'undesirable' migrants (Nakache, 2013). *Refugees* are more 'desirable' than asylum seekers because the former allows for control of people crossing the border whereas the latter is always spontaneous and unannounced that catch officials off-guard (Mountz, 2011). Upon receiving asylum seekers, international conventions dictate that states are compelled to assess them, provide accommodations, and start processing the asylum claims (Asutosh & Mountz, 2012). As a response to the unexpected arrival of asylum seekers western countries have adopted stringent border control policies that have resulted in an *'us vs them'* dichotomy (Newman, 2013), whereby the 'us' is presented as a homogenous group and 'them' as the problematic strange mass whose norms are incompatible with the norms and values of the host country (Nakache, 2013). This mentality has resulted in viewing asylum seekers with skepticism and fear which have led to treating them with hostility (Jupp, 2003), rather than viewing them as people in need of protection. In order to address their citizenry's concerns, western countries have and continue to periodically review their commitments to the United Nations to resettle displaced persons while simultaneously finding creative ways to update laws and policies to deter the mass movement of asylum seekers crossing into their borders (Edwards, 2013). To address the so-called 'refugee crisis', Western nations have responded by making their borders less accessible.

To provide justification for closing off their borders, immigration has been predominantly discussed in relation to national security, which has allowed for a discourse that problematizes migrants as a perceived source of threat and/or danger that must be subdued (Nagra, 2011). This trend is best captured by the term securitization of immigration which is defined as "a process in which an existential threat is clearly associated with an issue…. and this is done in order to

legitimize, or with the effect of legitimizing, exceptional measures to deal with the issue"
(Moffette, 2010; pp, 197). The securitization of immigration has taken the form of border
control that is manifested in (a) more stringent policies (such as visa requirements and
detention); and (b) physical barriers to curb the arrival of migrants (such as militarization of
border guards, walls, fences).[3]

Whereas policies such as the militarization of borders (i.e. increased border patrol, walls
and fences along the border, and armed border security) are intended to prevent asylum seekers
from crossing the borders, in reality these policies merely divert the flow of migration. These
riskier avenues to remote cross points are often much more dangerous (Jones, 2016) especially
for asylum seeking children who are exceptionally vulnerable because border infrastructure (that
predominantly target adults) do not differentiate between adult asylum seekers and minor asylum
seekers.

To implement border control policies, some Western countries have been using the
coercive arm of the state including coercion and violence to pushback asylum seekers.
Meanwhile, asylum seekers are using the services of human smugglers to avoid interaction with
the authorities. The combination of border control policies has made migration a violent
experience for asylum seekers.

2.2.1 - Border control in transit

Jones (2016) argues that by eliminating safe channels for migration and adopting tighter
border control policies, western countries have produced violent borders (direct violence and

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[3] As previously discussed on page 10, the foreign policies by the West have had a direct impact on the magnitude of
the current 'refugee crisis' (Cowburn, 2016); it is ironic that these countries in turn have refused to take
responsibility by closing down their borders.

structural violence). Direct violence refers to the use of force (or threat of force) by various actors (i.e. border guards and human smugglers) that result in physical harm to migrants (Jones, 2016). For the purpose of this research, the term violence is broadened to include psychological harm.

Petkova (2016) reports that asylum seekers experience direct violence the instant they try to cross borders into Europe. According to Petkova (2016) many human rights organizations have documented many occasions of violent pushback resulting in injury and the deaths of asylum seekers, including children at the European Union's southeastern borders (borders of Turkey, Bulgaria, Greece, and Hungary). In 2015, the Belgrade Centre for Human Rights published a report which claimed that every asylum seeker who came into contact with the Bulgarian guards experienced some form of violence ranging from being threatened by guard dogs to being shot at (Petkova, 2016). Similarly, extensive forms of violence have been documented at the Hungarian border as Hungarian authorities have been reported on for having used violent tactics to discourage asylum seekers from crossing their borders; tactics that included tear gas, batons, sprays, and water cannons. On some occasions, asylum seekers have been injured and have sought medical help. The children who are caught in the crosshairs endure a much worse experience because their age-related vulnerabilities make them more prone to experiencing harm (Petkova, 2016).

Beyond the direct violence, asylum seekers also experience many forms of structural violence which refers to the 'violence built into the structure and shows up as unequal power and consequently unequal life chances' (Gilman, 1984 in Jones, 2016). In other words, structural violence consists of the structures of inequalities that are ever so embedded in the infrastructure of border, whether that is the border walls/fences or the dangerous routes that migrants are

forced to undertake in the absence of safe migration channels. The alternative travel routes harm or have the potential to physically harm migrants. One example of harm consists of electrified border fences. Many people have lost their lives trying to jump over electrical border fences and others have been electrocuted. Many others have died of dehydration and starvation in hostile and barren lands (i.e. deserts or desert-like conditions) (Bowling, 2013).

To mitigate the risks associated with crossing international borders while undocumented, asylum seekers including minors seek the services of human smugglers, obtain false travel documents, and try to find the *best* crossing points. Jones (2016) asserts that those asylum seekers who do receive guidance from human smugglers face a myriad of dangers. Human smugglers are in the business of making money and they tend to take good care of their human cargo only until they receive their full payment after which the journey becomes life threateningly dangerous for asylum seekers. Human smugglers often break any promises of a safe voyage after they get their money. For example, asylum seekers who cross the Mediterranean Sea are forced into boats that are often low quality with no navigational devices and in many cases, one of the migrant passengers is forced to captain the boat (Jones, 2016).

The Mediterranean voyage has become the epitome of danger for those asylum seekers who have sought this path. Between 2015 and 2016, 3,567 migrants were reported to have lost their lives while crossing the Mediterranean Sea (Missing Migrants Project [MMP], 2016). Attention to the dangers associated with the Mediterranean Sea was heightened only and particularly after the highly mediatized images of Alan Kurdi's lifeless body that had washed ashore were spread worldwide (Gatehouse, 2015). But Alan Kurdi was not the only child who lost his life in the Mediterranean Sea that year. According to one report, 137 children were confirmed dead in the Sea in 2015 (House of Lords, 2016).

Asylum seeking children are not only more vulnerable to death by drowning, they are also likely to experience other forms of abuse during their migration. According to House of Lords Report (2016), Doctors with Save the Children's Italy program reported that half of the children who arrived unaccompanied in the European Union had Sexually Transmitted Infections because they were sexually exploited in transit.[4] Further, Europol[5] estimates that an additional 10,000 children are currently unaccounted for in the European Union. Concerns have been raised about these missing children as their lives may be in danger and they may be at risk of sexual exploitation or other criminal activity (House of Lords, 2016).

Against this backdrop of borders as sites of violence, deprivation, domination, and more importantly, as the spaces where states exercise the full extent of their power, children emerge as the most vulnerable and even 'rightless' bodies (Bhabha, 2009). Apart from the vulnerabilities associated with their young age, children are uniquely and triply disadvantaged (Bhabha, 2009). Firstly, children already make up a disproportionate number of the world's poorest and most vulnerable populations. Secondly, children can and do become separated from their families. Often, that decision is made for them while other times, that is the only option. So those children who continue their migration journey unaccompanied face exceptionally high possibilities of abuse, exploitation, neglect, or worse. And thirdly, being 'functionally stateless' brings in countless problems relating to their psychological well-being, economic security, social position, education, healthcare, and physical health, among others (Bhabha, 2009).

In light of the existing reports and research, it is apparent that one of the consequences of

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[4] It is not clear whether the children were sexually exploited by the human smugglers or by their co-travelers.
[5] "Europol is the European Union's law enforcement agency, similar to the functions of Interpol. Europol assists its 28 EU Member States in handling criminal intelligence work, and fighting serious international crime and terrorism. Obtained from: https://www.europol.europa.eu/about-europol"

border control policies is that they make travelling life threateningly dangerous for asylum seekers, especially children. The sources of danger include but are not limited to: the travel route (i.e. Mediterranean Sea), the travel method (inflatable boats), and the border guards and human smugglers. These harms do not necessarily end when they arrive in their destination; they just take different forms. Upon arrival in a host country, asylum seekers, including children, may be subjected to administrative detention for the duration of their case process and/or until they prove their identity to the authorities.

2.2.2 - Border control and the trend of detention in the country of asylum

As an extension of border control, administrative detention is also widely used by Western nations to govern the arrival of asylum seekers (Edwards, 2013; Gros & Song, 2016). In the United Kingdom, asylum seekers can be lawfully detained: (a) for the purpose of initial identity and/or security verification; (b) if the immigration officer has grounds to believe the individual will not cooperate with authorities; and (c) for the purpose of fast-tracking their application (British Refugee Council, 2015). In the USA, any individual who arrives without proper documentation and expresses credible fear of being returned to his/her home country is subjected to mandatory detention for as long as his/her asylum case is pending (Wassam, 2005). Detaining asylum seekers has become the prevailing trend in Western countries like Canada and this practice is concerning because it is also applied to minors including very young children.

Although international treaties exist to guide a state's interactions with asylum seeking minors, (i.e. UNCRC), these conventions do not necessarily provide children in Europe with much protection from detention, especially when their ages are disputed. According to Smith & Brownlees (2011) and UNICEF (2016), half of the children under the age of five in the economically developing world do not have their births registered; therefore, they have no birth

certificates and/or do not know their age. Upon arrival in Europe, they provide the authorities

their age, which is after all an estimation. Due to the absence of a birth certificate, these claims

are often disputed. In some cases, the hosting state has subjected these asylum applicants to

invasive age assessment procedures, such as nipple measurements for girls and genitalia

appraisal for boys (Feltz, 2015). Although age assessments are highly inaccurate (Feltz, 2015),

the results are used to determine how the applicant is processed through the system. These

assessments have also been used as a determining factor in whether the applicant is detained or

not and the location of detention (detained in prison with other adults vs. immigration holding

centres).

Canada does not use age assessment procedures to dispute applicants' ages; however,

children seeking asylum are just as likely to be detained as part of the refugee determination

process. Canada detains asylum seekers, including minors, for four reasons:

(a) when the individual poses a danger to the public;

(b) is unlikely to appear for an examination, an admissibility hearing, a removal from

Canada order, or attendance at a proceeding that could lead to the making of a

removal order by the Minister's Delegate;

(c) if they cannot prove their identity to the satisfaction of the officer; or

(d) if they are part of an irregular arrival as designated by the Minister of Public Safety

and Emergency Preparedness (Canada Border Services Agency, 2016).

Children under the age of 16 are not officially detained; it is up to the discretion of their

parents to decide whether they want their children to accompany them to the detention facilities.

As it currently stands, detention of children is still a common practice (Kronick, 2014). The last

mass detention of children in Canada occurred in 2012 when 49 minors who arrived in Canada

aboard MV Sun Sea were detained alongside their parents in medium security detention centres (Kronick, 2014).

Asylum seekers are detained in Immigration Holding Centers [IHC] located in: Toronto, Ontario; Laval, Quebec; and Vancouver, British Columbia (Nakache, 2011). In the provinces other than the three mentioned above, asylum seekers are detained in provincial jails (Nakache, 2011).

Asylum seekers detained in provincial jails are subjected to the same treatment as other inmates. Similarly, asylum seekers detained in IHCs are subjected to prison-like conditions in at least three ways: the characteristic of the facility, the oversight, and the routines. The IHCs resemble medium security prisons as they are surrounded with barbed-wired fences, surveillance cameras, a central control room, and locked doors (Cleveland, Dione-Boibin & Rousseau, 2013). Further, there are uniformed guards for the purpose of oversight. The IHC procedures and routines are also similar to that of prisons. For instance, detainees are handcuffed and body searched every time they leave or enter the building (Cleveland et al., 2013). They also have to follow a strict schedule such as designated meal time, yard time and sleep time (Gros & Song, 2016).

The exact number of asylum seekers detained annually is not clear due to incomplete statistics (Nakache, 2011). The best indication of the number of asylum seekers detained in 2015 was obtained by the Canadian Council for Refugees [CCR] (2016b). The CCR report indicates that according to the Immigration Refugee Board [IRB], there were 4,258 detainees who were either released or deported in 2015, suggesting that at least 4,258 asylum seekers were detained during that year. It is not clear how many of those were failed refugee claimants and how many were legitimate refugees.

The number of detainees might be even greater because the reported statistics only comprised of those who had a detention hearing with the IRB and excludes those who did not have a hearing or remained detained at the end of 2015 (Canadian Council for Refugees, 2016b). Other indicators of the number of migrants detained annually involve the statistics provided by the Canada Border Services Agency (CBSA) on their website. During the fiscal year 2015-2016, the CBSA detained 6,596 foreign nationals (Canada Border Services Agency, 2016). Due to the absence of reliable and complete statistics, it is difficult to accurately present the number of asylum seekers detained annually. However, one can conclude from the available statistics that at least 4,258 adults and 82 minors (under the age of 18) were detained in 2015.

As discussed, administrative detention, as an extension of border control (and securitization of immigration more broadly) has become a popular approach in the governance of asylum seekers. Scholars argue that the direction border infrastructure and immigration detention are being pursued is a clear indication that the national security paradigm of immigration has superseded the human rights paradigm (Barker, 2013). There is overwhelming evidence that tighter border control policies endanger the wellbeing of asylum seekers and that immigration detention is psychologically harmful to children; yet, Western countries continue to favour more restrictive border control policies over a human rights approach.

2.3 - MIGRATION AND DETENTION - MENTAL HEALTH ISSUES

Whereas the above sections of the literature review contextualized the practice of immigration detention and border control as part of the broader trend of securitization of immigration, this section hones in on the mental impacts of these policies, not only just on the general asylum-seeking population, but particularly on children and young adults.

Migration for asylum seekers is marked by rapid changing realities that are an extremely stressful experience for all asylum seekers, particularly children. Their experiences and stresses in their home country, along with the challenges they face in transit, result in a serious deterioration of their mental and physical health which is inevitably exacerbated by the detention experience in the host country.

A comprehensive body of clinical research has documented elevated rates of mental illnesses, particularly Post-Traumatic Stress Disorder [PTSD] and major depression amongst refugees (Steel, Frommer, & Silove, 2004). For instance, Somasundaram & Sivayokan (1994) conducted quantitative research on the experiences of the victims of the Sri-Lankan conflict and who filed for refugee status in Australia. They found that over 40% of the respondents reported exposure to unnatural death or murder of others in their home country, over 70% of the respondents reported forced separation from their family members, 26% reported having experienced torture, and a total of 40% of respondents reported anticipating death or experiencing situations close to death. Another study conducted by Silove et al. (2002) found that Tamil asylum seekers experienced trauma stemming from at least five sources: torture (primarily), but also persecution, rape, suffocation or the loss of consciousness, and the violent death of a loved one. The culmination of traumatic experiences was found to accentuate post-traumatic symptoms in Tamil asylum seekers even after they arrived in a host country (Silove et al., 2002).

Similarly, according to the results of a meta-analysis, Porter & Haslam (2005) found a pattern amongst displaced persons around the world, including asylum seekers, having serious psychopathological disorders compared to a control group of non-displaced individuals. These results were affirmed by another meta-analysis of 161 articles with a sample size of 81,866

respondents which found 23.6% of respondents were diagnosed with PTSD and 21% were

diagnosed with depression; both diagnoses arising from personal experiences of torture in the

source country (Steel et al., 2009).

Similar to the decline in their mental health during their migration, scientific and clinical

research also uncovered the detrimental impacts of detention on the mental health conditions of

asylum seekers after they arrived in the host country (Cleveland, Rousseau & Kronick, 2012;

Keller et al., 2003; Robjant, Hassan & Katona, 2009; Steel et al., 2004; Steel, Silove, Brooks,

Momartin & Susljik, 2006).

A systematic study of 49 articles on the impact of detention on asylum seeking children,

adolescents, and adults showed that detention in the host country markedly exacerbated

psychiatric disorders (Robjant et al., 2009). A US-based longitudinal study on the detention of

asylum seekers showed that 86% of those who were detained for a median of five months had

clinical levels of depression, 77% had clinical levels of anxiety, and 50% had clinical levels of

PTSD (Keller etal., 2003). The study also concluded that the degree of distress and mental health

deterioration were proportional to the duration of the detention. That is, the longer the detention

period, the worst the deterioration in their mental health. These findings were further supported

by a medical report issued by Physicians for Human Rights which confirmed that detention

exacerbated anxiety, depression, and PTSD in traumatized populations such as asylum seekers

(Keller et al., 2003). In another United Kingdom-based study, 76% of asylum seekers who were

detained for an average of 30 days were found to be clinically depressed, compared to 26% of

those who were not detained (Robjant et al., 2009). Furthermore, a study of asylum seeking

adults detained in Canadian Immigration Holding Centers [IHCs] found that after an average of

31 days in detention, over 70% of the participants were clinically depressed and clinically

anxious, while over 30% had clinical levels of PTSD. The levels of psychiatric symptoms were significantly higher in detained asylum seekers than non-detained asylum seekers who had equivalent pre-migration trauma (Cleveland et al., 2012). In summary, while the mental health of asylum seekers is certainly affected by their pre-migration traumatic events, such as the death of loved ones, torture, and oppression, their post-arrival detention experiences has been documented to play a serious factor in accelerating the deterioration of asylum seekers' previous mental health, especially children.

There is a consensus amongst activists and researchers that immigration detention is rarely ever the last resort or in the best interest of children as it ought to be under international conventions (CCR, 2009; Cleveland et al., 2012; Elliott & Gunasekera, 2015; Gros & Song, 2016; Lorek et at., 2009; Mares et al., 2012; Robjant et al., 2009; Steel et al., 2004). With respect to the United Kingdom, a study on the impacts of detention on 32 children showed that children in detention suffered from deteriorating mental health and exhibited signs of depression, negative changes in behaviour, and confusion (Crawley & Lester, 2005). In another study with 24 child participants, eleven were diagnosed with clinical depression and anxiety, further confirming the adverse impacts of detention on children (Lorek et al, 2009). Another study concluded that after 43 days in detention, children not only showed symptoms of depression, but also suicidal thoughts, PTSD, and other behavioral difficulties (Chaudry et al., 2010). In light of these findings and the results of similar research, the United Kingdom promised to end their detention policy of asylum seeking minors in 2010 (Dugan, 2014).

Similarly, Australia's Human Rights and Equal Opportunity Commission [HREOC] (2004) concluded that detention, particularly lengthy detention, puts children at a very high risk of serious mental harm. Children were found to be suffering from anxiety, distress, and self-

destructive behavior during their detention stay. In another study, conducted by Steel et al. (2004) on 20 children in an Australian detention center, it found that all were diagnosed with at least one psychiatric disorder and 16 children were diagnosed with multiple disorders. This inquiry also concluded that psychiatric symptoms amongst children are shown to have markedly increased as a result of their detention. A second national inquiry yet again reiterated similar adverse effects of detention on children (Australian Human Rights Commission [AHRC], 2014). The findings of this inquiry were affirmed by Elliott & Gunasekera (2015) which confirmed that 34% of detained children had moderately severe to very severe mental health problems compared to 2% of children in the general population and many children had symptoms of PTSD and other symptoms (such as refusal to eat and social withdrawal) consistent with Pervasive Refusal Syndrome.

In the Canadian context, the negative impacts of detention on children were apparent even in short-term detention (Cleveland et al., 2012). The authors concluded that detention itself was a very stressful experience for children and their experience was worsened by the condition of parents who became too depressed or anxious to provide sufficient care to their children. The typical health problems associated with detained children in this study were developmental delays, bedwetting, nightmares, separation, anxiety, depression, and suicidal behaviours. In a second study conducted on the MV SUN SEA Tamil migrants that arrived at the Vancouver shores in 2010, children exhibited symptoms of anxiety, aggressivity, oppositionality, sleep difficulties, and decreased appetite (Kronick et al., 2015).

In sum, the literature on the impacts of forced migration and detention indicate that the asylum-seeking population, which includes children, face mental health challenges at the outset of their journey; these conditions are worsened during their migration and are exacerbated by

their experiences in immigration detention. Existing research is in fact conclusive in that immigration detention hinders the healthy psychological development of children (AHRC, 2014; Cleveland et al., 2012; Elliott & Gunasekera, 2015; Kronick et al., 2015). Whereas this knowledge is absolutely indispensable in understanding the extent and depth of the impacts of border control and immigration detention, it is important to note that these studies have been conducted through a view from 'above' without engaging the voices of the participants. In order to understand border control and immigration detention more accurately, it is important to understand how asylum seekers make sense of their own experiences in relation to migration and immigration detention (Bosworth, 2013).

2.4 – MIGRATION AND DETENTION - FIRST HAND ACCOUNTS

This section moves beyond the positivist and quantitative research on impacts of detention and migration in order to focus on personal narratives of asylum seekers. The research on the subjective experiences of asylum seekers either focuses on pre-migration experiences (Eastmond, 2007; Newman, 2013; Schrijvers, 1999; Stewart, 2011) or post-migration experiences (Cleveland & Rousseau, 2013; Eastmond, 2007; Silove, Steel, McGorry, & Mohan, 1998; Silove, Steel, McGorry, Miles & Drobny, 2002; Steel, Frommer & Silove, 2004).

Asylum seekers' stories are heavily loaded as each step of their migration introduces new challenges. Starting with their escape, asylum seekers decide to leave their country because of fear, torture, oppression, and/or trauma (Newman, 2013), reflecting the concept of forced migration and highlighting the element of coercion. The result of forced migration is described in terms of separation from loved ones, grief, and various kinds of tragedies including the death of loved one(s). The most common migration experience amongst refugees is the sense of displacement and not belonging. For instance, many refugees first get displaced from their

homes and move to other parts of the country (also referred to as internally displaced peoples [IDPs]) before they are forced to flee the country altogether. The culmination of their vulnerable situation as displaced people brings about rapid changing realities (Schrijvers, 1999) and causes serious disruption in the daily lives of refugees (Griffiths, 2014). The displacement not only poses serious survival challenges, but this also forces them to readjust consistently and negotiate their sense of self in relation to the new emerging contexts (Eastmond, 2007).

Post-migration studies revolve around narratives of pain, suffering, and reliving traumatizing events throughout the refugee determination process, as well as the experience of going through bureaucratic administrative procedures. The dominant themes that emerge from the literature on subjective narratives of asylum seekers include a sense of injustice, confusion, hardship adjusting to administrative procedures, loss and/or affirmation of agency, temporal uncertainty, dead time, and slowness.

2.4.1 - Sense of humiliation and injustice

Asylum seekers, especially those who are detained as part of the refugee determination process, generally find their treatment by the host countries to be humiliating and unjust (Amaral, 2010; Griffiths, 2014; Kronick, Cleveland & Rousseau, 2013; Mares, Newman, Dudley & Gale, 2012). Asylum seekers' sense of humiliation is due to at least two factors: the interview process for filing asylum and the detention experience.

When asylum seekers flee their homeland, they often do not take their personal documentation with them because: (1) they may not remember to, (2) it may be unsafe to retrieve personal documentations, (3) they may not have the time due to the immediacy of their departure, or (4) they might even lose it along the way, among countless other reasons.

Consequently, when filing for asylum in a host country, they sometimes rely solely on their stories of suffering to make their cases believable (Ghorashi, 2007).

On arrival, asylum seekers are interviewed multiple times and in each instance, they are required to narrate their stories of suffering and persecution. Any variations in the story line or in dates is taken as evidence of untruthfulness and used to undermine the asylum seeker's credibility (Ghorashi, 2007). In every instance, the stories are judged by the listener (sometimes a judge or immigration adjudicator) in terms of 'common sense' beliefs rather than the facts. That is to say, quite often the listener is oblivious to or unmindful of the facts of the asylum seeker's story and react in frustration over the case or with general mistrust of the asylum seeker (Steel et al., 2004a). For instance, Steel et al. (2004a) presents a case study of an asylum seeker who was raped and had three members of her family tortured and murdered in front of her. In the appeal process, while being cross-examined, she remained calm and told her story for the fifth time. The judge dismissed her asylum case on the grounds of a common-sense belief that if someone experiences such traumatic events, they would not be so calm; rather, they would show signs of hysteria and trauma. Asylum seekers find it shocking and humiliating that their experiences of suffering and loss are dismissed as unreliable or untruthful (Steel et al., 2004a).

The second source of humiliation is the detention experience. For as long as the identities of asylum seekers are not verified, they are detained. This detention could last anywhere between a few weeks to a few months (Gros & Song, 2016). Asylum seekers' experiences of injustice, humiliation, shock, and alienation are nowhere more pronounced than during their detention. Although they are told they are not 'criminals,' their treatment is very similar to how criminalized individuals are treated. Detention is a serious stressor for asylum seekers as they experience disempowerment, loss of agency, and they feel humiliated by being treated like

offenders (Cleveland & Rousseau, 2013). For instance, on arrival at the detention center, personal belongings are confiscated; the persons are searched before they are put in a holding cell, and handcuffed every time they are transported, reflecting typical administrative procedures within prisons (Cleveland et al., 2013). Anna Pratt (2005) reported that using body restraints such as handcuffs, leg irons, or shackles was a common practice when transporting asylum seekers. She states that asylum seekers were often confused as to why they were being treated like 'criminals.' Asylum seekers' daily lives within immigration holding centers are very structured to include the time when meals are served or when they wake up or sleep, further resembling institutional controls for criminalized persons (AHRC, 2014; HREOC, 2004; Kronick et al., 2015).

In a study by Cleveland et al., (2013), all asylum seekers felt that they were treated like criminals from the moment they were handcuffed and transported in prisoner vans, which some referred to as a 'cage' or 'truck for animals.' Some asylum seekers reported being handcuffed when transported to the hospital and during medical procedures such as dental surgery and giving birth. Others reported refusing to go to the hospital to avoid public humiliation. Asylum seekers reported that the abovementioned procedures made them feel as if they were in prison and treated unjustly, as they felt they had not committed any crime (Amaral, 2010; Griffiths, 2014). Similarly, DeBono (2013) reported that asylum seekers (in Malta) found detention to be a dehumanizing experience, with one respondent going so far as to say detention was like "reduc(ing) a human to the state of an 'animal'" (pg. 71).

2.4.2 - Confusion and lack of information

Asylum seekers also reported not receiving enough information about the grounds for their detention, their case, or the duration of their stay (Amaral, 2010; HREOC, 2004; Griffiths,

2014; Nakache 2011). Amaral (2010) conducted a study on 685 detained asylum seekers in the European Union and found that approximately 33% of the female asylum seekers did not know the reason behind their detention. Further, 40% of those detained for more than three months reported knowing very little about the reason for their detention and 40% of the asylum seekers in the same group were not adequately informed about the asylum-seeking process. In the Canadian context, Nakache (2011) concluded that although Canada Border Services officers read out the reasons for the detention before arresting asylum seekers, it was not clear whether the asylum seekers actually understood or whether they were informed in their native languages. In another Canadian study, mothers reported their children feeling frightened by the lack of information they received about their detention and the duration of the detention (Kronick et al., 2015). Confusion and fear are common detention experiences for both adult and child asylum seekers.

2.4.3 - Dead time, slowness, and boredom

Asylum seekers frequently complain about the slowness at the different stages of their migrations. Detention experiences are often described in terms of 'time slowing down' or 'endless waiting' (Griffiths, 2014). Detainees expressed frustration over having nothing to do but wait: wait to have their identity verified, wait to get their identification cards, and wait to have the asylum case processed (Cleveland et al., 2013). This waiting time constitutes 'dead time' (Griffiths, 2014) and results in profound boredom (Cleveland et al., 2013).

In the European Union, researchers have found that prolonged inactivity and boredom in detention was a contributing factor towards asylum seekers' psychological stress (Amaral, 2010). In Australia, profound boredom in immigration detention contributed towards the deterioration in the mental health of detained children (HREOC, 2004). Children and their parents described

their boredom arising from the lack of educational and recreational activities. They reported

spending most of their days watching television in a common area. The lack of sufficient age-

appropriate activities reinforced feelings of hopelessness and frustration over 'endless waiting'

(HREOC, 2004). In the Canadian context, boredom is pervasive in Immigration Holding Centers

[IHCs]. The minimal toys and a lack of activities were cause for concern for parents because

their children would not have much interaction with other people for long periods of time, and

such deprivations would sometimes lead to behavioral problems (Cleveland et al., 2012). In

cases where no other child was detained, the single detained child would be idle, mostly lying on

the couch for many hours in the day (Kronick et al., 2015).

2.4.4- Agency and identity

Much of the tension caused by the detention experience and uncertainty is related to

detainees' lack of control over their own time (Griffiths, 2014). By virtue of being in a detention

center, asylum seekers are deprived of their liberty and agency, and that loss is intensified by the

lack of control over minute details of their lives such as nap time, lunch time, wake-up/sleep

times, and even visitation periods (Cleveland, 2013).

Pozniak (2009) interviewed asylum seekers in the US and found that the theme of

identity was paramount. The interviewees often spoke about negotiating their identity in

different contexts: be it during the conflict in their homeland, the migration itself, or their post-

migration situation. The disruption in their daily lives required them to readjust constantly and

negotiate their sense of self in relation to the new emerging contexts (Eastmond, 2007). While

not thoroughly explored in the literature, the concept of agency has only been discussed in

terms of refugees losing agency, not in terms of affirming agency. For instance, Schrijvers

(1999) found that Sri Lankan refugee women lived "multi-dimensional life-worlds" where

they were simultaneously victims, survivors, fighters, breadwinners, and providers. Despite coming from a patriarchal culture, these refugee women acted as liberated and independent women as they took on many roles to ensure the safety of their families. Similarly, Leuder, Hayes, Nekvapil & Baker (2008) found that when given the opportunity, refugees portrayed themselves as resourceful people who were denied opportunities and described their life events as bringing about significant negative changes, yet maintained continuous personal qualities that remained unchanged throughout the migration experience. In essence, as Maegusuki-Hewett, Dunkerley, Scourfield & Smalley (2007) point out, not all change and experience are defined as problematic, loss, or unwelcomed by refugees. It is important to engage with the concept of agency to challenge the prominent discourse of refugees as helpless victims and explore the narratives of refugees as people with agency and voice (Maegusuki-Hewett et al., 2007).

Related to the topic of agency, the literature tends to view identity as static rather than as a dynamic process. Conceptualizing identity as static does not adequately capture the experiences and narratives of asylum seekers. Ghorashi (2007) argues that by treating identity as a process, the life story of asylum seekers can better grasp the "process like character… identity is not a complete whole, but is in fact unsettled, ambiguous, mostly elusive and subject to change in new contexts" (pg. 119). Ghorashi (2007) further asserts that even though identity shifts and adapts to new realities, there is still a degree of continuity to it.

In relation to immigration detention, asylum seekers report a sense of confusion regarding their identity. For instance, Cleveland et al. (2013) found that asylum seekers were confused as to why they were being treated like criminals when they had in fact not broken any laws. Immigration detention imposes a 'criminal-like' identity on asylum seekers, but it is not

clear how children experience and make sense of their immigration detention in relation to their identity. In fact, the research discussed in this section ignores the voices and experiences of children; thus, there is very little known about children and how they interpreted their detention in the context of border control and immigration detention.

2.5 - GAPS IN THE LITERATURE

Immigration and border control have garnered a lot of scholarly attention in the last decade. This scholarship can be divided into three broad categories: legal research, clinical research and qualitative research on the lived experiences. The legal research has documented the trends in the laws and polices while raising concerns about the violation of human rights and the retraction of protection for migrants and asylum seekers (Acer & Goodman, 2010). The clinical research has tended to document the physical and mental health impacts of forced migration and border control policies on children and adults (Cleveland, Rousseau & Kronick, 2012; Keller et al., 2003; Robjant, Hassan & Katona, 2009; Steel et al., 2004; Steel, Silove, Brooks, Momartin & Susljik, 2006). Finally, the qualitative research on the lived experiences of migrants with border control have focused primarily on pre-migration or post-migration policies such as detention and the refugee determination process (Cleveland & Rousseau, 2013; Eastmond, 2007; Newman, 2013; Schrijvers, 1999; Stewart, 2011; Silove, Steel, McGorry, & Mohan, 1998; Silove, Steel, McGorry, Miles & Drobny, 2002; Steel, Frommer & Silove, 2004).

By primarily focusing on either pre-migration or post-migration experiences, the literature has not paid adequate attention to the migration journey itself. As such, the knowledge on the lived experiences of asylum seekers while in transit is in its infancy. Further, academia is also less familiar with the lived experiences of children during the migration journey as well as the post-migration phase in the Canadian context.

Children's experiences have generally been subsumed within the research on adult migration (Dona, 2014) or altogether omitted. The limited knowledge produced on the experiences of children tend to conceptualize children as a 'separate, and most exceptional phenomenon' (Dona, 2014); thus, treating minors as inherently different from adults. However, the assumptions about children's development, normality, and resilience are culturally embedded (Stuart et al., 2004), and with that, it is important to distinguish that the Western conceptualization of childhood cannot be generalized across cultures. Brofenbrenner (1979) asserts that the development of individuals is highly associated with the person's interaction with his/her environment. More specifically, individual developments are influenced by cultural beliefs, community factors, family factors, and individual factors. These factors also play a role in the individual's overall well-being in the face of adversity. Thus, the understanding of maturity, development, and resilience of children in the West cannot be generalized to the children in other parts of the world with different social realities. Further, studying refugee minors using Western conceptualization of development and childhood risks undermining the asylum seekers' resilience, coping mechanisms, and strengths (Stuart et al., 2004). In order to better understand asylum seekers' experiences, it is important not to dichotomize minors and adults, especially young adults, but to look at age more broadly and situate it within the individual's social contexts. By taking this approach, the literature on border control and immigration can include the missing voices of children and young adults in more comprehensive and appropriate ways.

By dichotomizing minors and adults, one would make an assumption that all minors experience detention similarly and their experiences are different than young adults. In reality, that is not the case. Although minors classify as anyone under the age of 18, the experience of

detention is highly influenced by their age and mental capacity, their awareness of detention, and their understanding of the reasons for their detention (Amaral, 2010). That is to say, detention experiences of toddlers are very different than experiences of teenagers even though they are both categorized as minors. By contrast, despite the legal definitions and distinctions pertaining to ages, particularly regarding the legal implications of the age of 18, as Amaral (2010) found, the experiences of teenagers closely resemble the experiences of young adults (18-24 years old) as compared to the experiences of toddlers, preschoolers, or even primary school children. Personal factors or the individual's sense of agency and other sets of determinants that an individual carry personally are strong indicators of how well the individual copes with the adversities of detention. As per the findings by Amaral (2010), personal characteristics and the individual's sense of agency amongst 18-24 years old asylum seekers were very similar to those of teenagers. As such, reporting of detention stressors, such as inactivity, boredom, and mental and physical health impacts are comparable between teenagers and those who are 18-24 years old. Similarly, coping strategies for young adults and teenagers are also comparable. Keeping in mind that age is a social construction (as are age categories such as adults, teenagers, and minors), it may be beneficial for academic research to abstain from using Western conceptualizations of childhood/adulthood to study groups who are socially different.

The gaps in the literature that my research attempts to address consist of the experiences of children and young people with border control policies so that the field can try to uncover and understand how they make sense of their interaction with human smugglers, border guards, immigration officers, and how they experience border infrastructure and immigration detention as a whole. This research seeks to understand children's and young adults' migration experiences in relation to border control policies both while in transit and in Canada.

2.6 - CHAPTER SUMMARY

In this chapter, I situated immigration detention as an extension of border control policies under the broader umbrella of securitization of migration. In the wake of the refugee crisis, Western countries have closed down safe migration routes and have adopted stringent border control policies and practices (contravening international legal principles) in order to deter asylum seekers from crossing their borders. These policies not only make it extremely difficult for asylum seekers to cross international borders, but also place them in harm's way that has led to injury and death. Further, as part of immigration control policies, the detention of asylum seekers has become a popular practice, especially amongst Western nations. In this chapter, I also discussed the mental health impacts of forced migration and immigration detention on asylum seeking children and the larger refugee population (Dudley, Steel, Mares & Newman, 2012).

To situate this research in the literature, I identified the lack of criminological engagement with border studies and the missing voices of children and young adults as the key gaps that need to be addressed. Thus far, the research on border studies, migration, and immigration detention has been mostly produced from other disciplines. It is therefore timely to extend criminology's critical gaze at borders by engaging with criminological theories and concepts to produce criminological knowledge on the lived experiences of young asylum seekers with border control policies.

CHAPTER 3: CRIMINOLOGY OF MOBILITY AS A CONCEPTUAL FRAMEWORK

In order to guide the analysis of the research data, I engaged various concepts derived from the criminology of mobility literature[6] (Parahoo, 2006). In this chapter I provide a brief overview of the field of criminology of mobility followed by a discussion of the concepts and constructs that are relevant to my study. I also outline the limitations of the criminology of mobility approach and the gaps that this research has sought to fill.

3.1 - DEVELOPMENT OF CRIMINOLOGY OF MOBILITY

One of the characteristics of late modern societies is the obsession with the notion of risk and the attempts to regulate the future by bringing the source of risk under total domination (Giddens, 1999). Since risk is conceptualized as dynamic and ever changing, regulating risk is highly associated with uncertainty and cannot be accurately calculated (Giddens,1999). Understanding the limitations of calculating risk and realizing that future risks can never be truly subdued, Western nations have started giving more importance to the principle of precaution that allows for the securitization of various aspects of the social life such as securitization of immigration as discussed by Moffette (2010). In this late modern context, the phenomenon of mass migration has become a contentious topic especially in the wake of 9/11 which led to a strict response by Western countries to control irregular movements across their borders.

Criminology has been slow to engage with border studies, but scholars such as Bowling (2013) argue that issues surrounding border control are well within the domain of criminology to investigate, even though border crossing has traditionally not been considered a criminal offence. As Bowling (2013) emphasizes, social interactionism theorists assert that no conduct is

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[6] I have engaged in a selective conceptual analysis rather than drawing upon a particular theoretical framework.

inherently criminal; rather, a crime "is an act against which a rule is enforced" (Becker, 1963; in

Bowling, 2013, pp. 293). Conceptualizing crime as such has allowed criminologists to use

labeling theory to document and understand the criminalization of many marginalized groups,

such as homosexuals and addicts, and now it extends its critical gaze at borders as sites of social

control (Bosworth & Aas, 2014).

Traditionally, administrative laws were used to address migration related issues;

however, scholars have noted that in recent years, the use of criminal law and criminal justice

agencies have become the predominant tool to control the flow of migration (Pickering,

Bosworth & Aas, 2014). Scholars assert that criminologists' understanding of society has to

change to reflect the evolving social realities in the Western world. Some of these emerging

social realities include mass mobility, tighter and more stringent border control practices,

criminalization of migrants, and the use of criminal justice agencies to control mobility and

migration (Pickering, Bosworth & Aas, 2014). In the wake of these developments, a new

subfield of criminology known as the criminology of mobility was established by scholars who

are interested in issues of mobility intersecting with race, gender, ethnicity, punishment, and

border control (Aas & Bosworth, 2013).

Criminology of mobility is an interdisciplinary form of criminological inquiry that is

rooted in pre-existing criminological debates such as identity, space, exclusion, social control,

and social justice. This new subfield focuses on both migration (large scale movement of people

across international borders) and mobility (small scale and dynamic movement of people)

intersecting with a state's power and prerogative to include and exclude categories of people

(Dona, 2014). Criminology of mobility promotes conducting empirical research by engaging in

dialogue with those affected by state policies and border control activities to inform theories. The

interdisciplinary nature of criminology of mobility draws on numerous areas of inquiry such as gender, history, human rights, postcolonial theory, sociology of punishment, and criminology (Pickering, Bosworth & Aas, 2014). To this end, criminology of mobility includes the study of migration and mobility and its intersections with security, surveillance, policing, detention, deportation, and criminal law (Bosworth, 2012).

Criminology of mobility asserts that a discipline that investigates crime and punishment can also help to understand the impact of policies that resemble criminal justice policies on mobile people (Bowling, 2013). By questioning the state's narrative that associates immigration with national security, criminology of mobility challenges the legitimacy of the state to attach punishment to the activities that are not innately criminal (such as crossing borders), the gravity of such punishments, and the various forms such punishments may take (Bowling, 2013). As a counter narrative, criminology of mobility also raises ethical concerns in using the coercive force of the state to control migration flows (Pickering, Bosworth & Aas, 2014). In doing so, criminology of mobility sheds light on the consequences of coercive migration controls on the lives of those subjected to these policies.

3.2 - SALIENT CONCEPTS IN CRIMINOLOGY OF MOBILITY

Against the backdrop of heightened societal anxiety and fear, migrants have emerged as the epitome of risks to national security in both political and media discourse (Bhui, 2013). New policies have been adopted to appease the insecurities of the host countries by using precautionary measures to normalize the perceived threats posed by the "other": by the migrants and the asylum seekers (Reiner, 2012). Some of these precautionary measures take the form of longer, taller, and stronger walls and fences, while also employing mandatory detention policies, identification tools, deportation, militarized borders, and other approaches that result in the

securitization of borders. Every effort employed fundamentally marginalizes and criminalizes

racialized minorities (Bowling, 2013). Both mobile minorities as well as those already residing

in Western countries are subjected to policies and laws that non-minorities are not.[7]

To analyze migration and detention experiences of asylum seeking children and young

adults, I relied on concepts and constructs such as: crimmigration, legal status, immcarceration,

punishment, social control and racialized migration (discussed below).

3.2.1 - Crimmigration and legal status

Sovereignty allows states to have the prerogative to regulate their borders, as well as

control the movement into and within their territory. Sovereign states have the power to

determine who can become a member of their country and under which conditions. The manner

in which sovereignty is practiced can prove problematic when those (i.e. asylum seekers) without

citizenship cross borders without first obtaining permission (i.e. visas). While Western countries

have lenient border-crossing rules and regulations for their culturally, racially and economically

alike nations, they tend to have much more stringent rules and regulations towards poorer and

racialized populations. These policies leave poor, racialized, and mobile populations in

precarious situations including being subjected to state coercion.

By adopting stringent rules and regulations, nation states maintain categories of

'deserving' and 'undeserving' populations to determine who can cross their borders, who

becomes a resident (member), and who remains an 'alien.' These legal categories are not only

used to separate citizens from 'aliens,' but also create a legal hierarchy of rights and protections.

States feel more responsibility towards those they accept as a member as opposed to uninvited

guests or 'aliens' (Barker, 2013). As such, there is often a wide gap in the protection of rights

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[7] The differential treatment of minorities will be discussed in detail in Section 3.2.3.

and the treatment of citizens and noncitizens. The differential treatment of migrants is best captured in the concept of *crimmigration*.

Crimmigration is defined as the convergence of criminal law and immigration law and using the tools and agencies of the criminal justice system to control migration (Stumpf, 2013). Criminology of mobility has unveiled many parallels between immigration control and domestic crime control agendas. For instance, both domestic crime control agendas and immigration control agendas use technologies of control and terminology of security and order to address and subdue real or perceived risks (Pickering & Weber, 2006). Amongst other shared technologies of control, the most worrisome is the use of detention centers to 'warehouse' migrants (Silverman, 2014). The securitization of borders has resulted in the human rights paradigm of immigration being overshadowed by the more rigorous immigration control paradigm. Scholars and activists have successfully shown how Western countries are using tools such as classification and segregation to identify and separate the 'deserving' from the 'undeserving' and the 'legitimate' from the 'illegitimate'. This classification system has produced a concerning trend where the rights of racialized populations from the economically underprivileged and politically unstable sectors are increasingly being retracted in the global stage. Economically impoverished ethnic minorities are being subjected to indeterminate administrative detention, forced expulsion from their new country of residence for minor criminal convictions (Barker, 2013), and criminally charged for border infractions that were traditionally not considered a criminal offence (Aiken, Lyon & Thorbun, 2015). The expansion of the coercive arm of the state (criminal law and criminal justice agencies) into immigration matters is becoming more apparent and more deeply entrenched in the system.

Stumpf (2013) asserts that crimmigration has resulted in severe outcomes for migrants.

For instance, procedural protections (in cases of detention) are limited and segregation of non-citizens is often encouraged and enforced. The phenomenon of 'crimmigration' has attracted a lot of scholarly attention predominantly because many immigration offences carry with them similar penalties as criminal offences but fail to satisfy the basic principles of criminal law (Zedner, 2013). Bowling (2013) states that crimmigration or the convergence of criminal law and immigration law have three features:

(1) In many countries, infractions related to immigration that used to fall under administrative law are now under criminal offences.[8]

(2) Grounds for deportation have expanded to include relatively minor criminal offences (such as shoplifting).

(3) New legislation and laws are created to criminalize those who facilitate the movement of migrants or help them once they cross borders into the host country (i.e. Concealing migrants, harboring migrants, aiding migrants, or even employing migrants who do not have work permits).

Whereas traditional criminal offences target conduct, migration offences have an immigration-status element (of *non-citizen*) to target individuals (Stumpf, 2013). In other words, it is not the conduct that is targeted but rather the person's citizenship status, or the lack thereof, that defines the violation of the criminal law.

The concepts of legal status and crimmigration will direct the analysis of research data and shed light on the interaction between asylum seeking children and young adults with criminal justice agents (and agencies) as a result of their immigration status.

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[8] Border crossing infractions that are not criminal offences are: unlawful entry, overstaying visa duration, entering or attempting to enter with fake documents, unlawful employment and etcetera (Bowling, 2013).

3.2.2- Immcarceration and punishment

The most disturbing consequence of the convergence of criminal and immigration laws is the detention and/or incarceration of migrants, also termed as "immcarceration" (Kalhan, 2010). One of the main features of immcarceration is what Bosworth & Kaufman (2013: 298) refer to as 'secure-estates' that warehouses people who can be categorized as criminal-migrant. These 'secure-estates' are detention centers and holding cells that house people who commit crimes while crossing borders, those who entered illegally, or overstayed, where identities cannot be verified, foreign nationals convicted of crimes, and non-returnables or the 'stateless people' (Bowling, 2013).

Scholars in the field have not only been raising concerns about these developments, but have also posed serious questions as to whether the lack of due process and the breakdown of protection that stems from *crimmigration* laws serve as punishment (Bhui, 2013). Punishment is defined as a "harm or pain inflicted by the state, on an offender, for a crime" (Zedner, 2013). One of the harms/pains that is inflicted upon migrants is the extension of detention periods for non-compliance in the re-documentation process (Bhui, 2013). While this is definitely a form of harm that stems from the migration control policy, there is no consensus in the literature as to whether these harms amount to punishment (Zedner, 2013). Another form of harm/pain that is inflicted on migrants is deportation. Whereas some scholars have called these consequences 'unpleasant side effects' or 'collateral damage' of migration control, others have labeled them as forms of punishment. This debate in the literature is important because immigration penalties and the immigration administrative process do not trigger due process protections. If these consequences are considered punishments, then scholars can rightly argue that due process protections should be extended to migration fractions. Currently, the way that asylum claims and

files are processed closely reflect criminal justice procedures (interrogation, detention, court decisions); however, the due process rights that are normally guaranteed to citizens to protect them from the power of the state is not extended to those subjected to immigration laws (Zedner, 2013).

3.2.3 - Social control and racialized migration

Criminology of mobility has been drawing particular attention to how borders are used as a mechanism of social control and serve as physical sites where the state constantly makes decisions as to who deserves to be included and those who ought to be excluded (Pickering, Bosworth & Aas, 2014). To separate the 'deserving' from the 'undeserving,' and the 'legal' from the 'illegal,' Western countries have used and are continuing to use the powers of criminal law along with criminal justice agencies such as police, courts, and detention to control and deter racialized minorities from crossing their borders (Pickering, Bosworth & Aas, 2014).

Various research inquiries have suggested that the existing inequalities such as gender, race, and class play a crucial role in the current global restrictions on mobility (Pickering, Bosworth & Aas, 2014). The current global mobility system is such that the mobility of the elite, predominantly white and Western populations has been expanded, while the mobility of others has been simultaneously restricted (Pickering, Bosworth, Aas, 2014). While globalization has made it easier for the Western or the Global North populations to move across borders, it has also exploited technologies of control and punishment to deter movements of racialized groups. Bowling (2013: 291) argues that these policies and practices equate to global racial segregation where countries "pass laws, [build] stronger and longer walls and fences, [collect] databases of suspected and unwanted persons, and [build] prisons filled with 'foreign nationals' who have transgressed criminal or immigration laws" (In Pickering, Bosworth & Aas, 2014).

The current immigration control structure unveils the relationship between race and state power (Kaufman, 2013). In fact, it has been argued that the current global practices of immigration control are remarkably similar to those of the apartheid system (Richmond, 1994 in Bowling, 2013). For instance, similar to South Africa during the apartheid era, Western nations are controlling the movement of people within and outside their borders. Globalization has encouraged Western and other developed nations to open their borders for their culturally and economically-alike populations, while closing their borders to racialized and poor populations. The current global system discriminates against impoverished populations and places 'black' and 'brown' people in subordinate position to 'whites' by putting in practice policies and restrictions on their movement (Richmond, 1994 in Bowling, 2013). The visa requirement captures this concept well. Western countries do not generally place visa requirements on visitors who are citizens of other Western countries that are culturally and economically alike[9]; however, people from Africa, Middle East, or East European (all economically developing or under-developed countries) are required to obtain permission in the form of a visa before entering Western countries. It is important to note that visa requirements are reciprocal; so, if members of an economically developing country need to obtain a visa before entering a Western country, then the members of the Western country also need to acquire a visa before entering the economically developing country. In theory, this process may seem fair; however, in practice, people in the West can easily acquire a visa to enter economically developing countries, while the visa application for the poor and racialized populations to enter Western countries are very likely to be rejected because the eligibility provisions are such that impoverished and racialized minorities cannot satisfy them (Dauvergne, 2013). In essence, visa requirements have racialized outcomes

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[9] There is currently no visa requirement for the Japanese citizens to travel to Europe or North America.

because, in the absence of a valid visa, racialized groups are more likely to be at risk of arrest and detention upon crossing borders (Bowling, 2013).

The race of migrants is strongly linked to their objectification (Bhui, 2013). Media and political discourse around migrants often frame them as terrorists, criminals, bogus refugees, socially unworthy, and those who will become burdens on social services if allowed to enter (Bhui, 2013). For instance, in the United States, there is a consensus post-9/11 that immigration carries an inherent risk (Olsen, 2012), suggesting that migrants are a source of risk to the security of the country. Similarly, in the United Kingdom, popular media and politicians tend to depict migrants, especially asylum seekers, as either a source of harm and danger to the British people or as economic migrants (Malloch & Stanley, 2005). This depiction of asylum seekers not only objectifies them, but also labels them as liars and undeserving of protection which is then used as a justification for employing radical and disproportionate response to control their mobility across borders. The Western countries' racist portrayals and understandings of migrants and asylum seekers make them vulnerable to experiencing the coercive force of the state as they are often subjected to finger-printing, entry into data-base, investigations, and detention.

Further, European states have been using the language and hardware of warfare to address mass migration, drawing migration control very close to the "notion of war: a war on non-white migrants (people) rather than the act of illegal entry" (Bhui, 2013). For instance, countries engage in sharing and gathering intelligence from their allied and neighbouring countries to identify and verify migrants' identities and stories, similar to intelligence gathering practices that are employed during wars. In this era of deep-seated social anxieties about safety and security, migrants – especially asylum seekers – have emerged as the embodiment of threat (Bhui, 2013). It is the negative labels which associate migrants with social and security threats

that ultimately allows Western nations to exercise harsh border control strategies or justify it as the only way to preserve Western culture, Western national interest, and national security (Bowling, 2013).

Understanding that race plays a significant role in how migrants are treated at international borders constitutes an important analytical emphasis within this research. In order to contextualize the treatment of asylum seeking children and young adults at international borders and their subjective interpretations of it, it is important to analyze those experiences in relation to race.

3.3 - Limitations of criminology of mobility

As discussed above, thus far, the criminology of mobility has drawn attention to various concerning developments in the area of border and mobility on the global stage. Scholars have established a strong framework within which these developments have been documented. They have discussed these developments in terms of state power, sovereignty, citizenship (Bosworth, 2012) and membership (Barker, 2013), as well as complex sets of precariousness that migrants are exposed to during their journey, upon arrival, and even after obtaining legal status in the hosting country (Pickering, Bosworth & Aas, 2014). Further, the scholarship in this sub-field has also used concepts such as 'crimmigration' and 'immcarceration' to emphasize the intersection of criminal law and immigration law in the Western world (Bosworth, 2012). However, much of the scholarship has tended to be more theoretical than empirical. In the absence of empirical data, a theoretical approach may lead to a flawed understanding. In order to generate a more comprehensive picture, scholars, such as Bosworth (2012), insist that inquiries must include human experiences (as expressed in their own words) and connect directly with the realities of migrants.

Bosworth (2012) states that little information is available regarding the effects of such strict border controls on those who are targeted. The scholarship produced in other disciplines such as anthropology, geography, and law discuss the impacts of these developments through a view from 'above.' This is partly because the scholars in Western countries have produced most of the knowledge in the field which primarily pertains to Western empirical realities (Pickering, Bosworth & Aas, 2014). There is thus insufficient research on the impacts of tight border control policies and the lived experiences of those targeted (Bosworth, 2012). In the absence of the voices of migrants targeted by tight border control policies and the prevalence of studying the impacts through a view from 'above,' there is a danger that the literature may maintain a dominant narrative of 'migrant as victim.' Thus far, criminology of mobility has introduced and discussed many important concepts relating to crimmigration and has also engaged in the evidence of objectification and systematic disempowerment of migrants and detainees. But as Bhui (2013) argues, a parallel process of objectification may be occurring in the literature. It is thus important to engage with evidence of agency and resilience amongst migrants subjected to strict border control policies (Bhui, 2013). By including the voices of migrants targeted by tight border control practices, researchers can present a more balanced picture (Bhui, 2013). Using criminology of mobility as a conceptual framework, researchers can address the inequalities of academic knowledge production by utilizing methodologies that transfer the power to the participants, allow them to share their narratives, and how they understand and interpret their experiences.

Given that the empirical knowledge regarding immigration control and detention experiences has been produced primarily within other disciplines with minimal contribution from the discipline of criminology, this research draws upon criminology of mobility as a conceptual

framework to analyze the migration and detention experiences of asylum seeking children and young adults. More precisely, this research uses the abovementioned concepts as analytical guides to hone in on the aspects of migration and detention to best capture the lived experiences of participants affected by tight border control policies. In return, the research data will not only give voice to former asylum-seeking children and young adults to share their migration narratives and detention experiences, but also bring empirical evidence associated with these concepts. Using these concepts as guides to analyze research data will shed additional light on the criminalization and punitive dimensions of migration experiences.

3.4 - CHAPTER SUMMARY

Criminology of mobility is a growing sub-field of criminology that is concerned with the intersection of immigration policies and the criminal justice system and criminal justice agencies. Criminology of mobility has coined important concepts such as crimmigration and immcarceration to uncover parallels between immigration control agendas and crime control agenda. For instance, the use of the coercive arm of the state (criminal justice system, prisons, and detention centers) to manage populations perceived as sources of risk or threats to the general population or national security. This research uses crimmigration & legal status, social control & racialized migration, and immcarceration & punishment as key concepts to guide the analysis of the research data, which will be discussed in more detail in the following chapter.

CHAPTER 4: METHODOLOGY

In this chapter, I outline the methods utilized to gather and analyze data. In the first section, I discuss the ethical considerations followed by a summary of the challenges associated with the intended research and how it affected the direction of the research. In the third section, I summarize the data collection and data analysis of the actual research along with the strengths and limitations of the methodology used.

4.1 - INTENDED RESEARCH

Since criminological knowledge on children's experiences of migration is scarce and is in its infancy (Bosworth, 2011), and since it has been subsumed within adult-focused research (Dona, 2014), this research was designed as a qualitative exploratory study to allow for a detailed analysis of migration and detention experiences amongst asylum seeking minors and young adults. The exploratory nature of the study allowed me to pay close attention to unique variations, subjective meanings, and the role of socio-political contexts in making sense of one's experiences (Yardley, 2000). Qualitative research maximized the discovery of experiences that led to a rich description and understanding of migration and detention experiences amongst children and young adults (Stebbins, 2001).

4.1.1 - Sample, recruitment and problems

The initial research focused on the experiences of asylum seeking minors (under the age of 18 at the time of arrival in Canada). The eligibility criteria were set as: (a) arrived in Canada as an asylum seeker; (b) was a minor at the time of arrival; (c) was detained as a child as part of the refugee determination process; (d) is an adult now; (e) is a permanent resident OR Canadian citizen; and (f) can speak adequate English.

I intended to recruit participants using posters and snowball sampling. Once the Research

Ethics Board at the University of Ottawa granted this project ethics approval (Appendix G), I displayed posters in public libraries, local community organizations that provided services to newcomers and migrants, and in the offices of a few lawyers. Using this recruitment strategy soon proved to be inefficient for a few reasons.

Firstly, the participant eligibility criteria were too restrictive. Obtaining permanent residency or Canadian citizenship is a lengthy process in Canada and can take anywhere between two to five years. Recent legislative changes restrict Designated Foreign Nationals from applying for permanent residency for five years after obtaining Protected Person status from the Immigration Refugee Board ("Applying for permanent residence", 2016). This new information introduced complications in the recruitment efforts because those who have been in Canada for over two to three years were unlikely to be using community services that target newcomers. The community organization staff informed me that they only worked with new migrants; therefore, my recruitment efforts with my participation criteria would not have been successful.

I modified the recruitment strategy to allow for sharing the recruitment poster on social media (i.e. Facebook). However, this soon proved to be unsuccessful as well. Asylum seekers often feel marginalized and uncomfortable sharing their stories. Many community organization staff and settlement workers informed me that asylum seekers were unlikely to respond to the posters. At this point, the most viable remaining strategy involved building rapport and gaining the trust of migrant communities (Bryman, 2001) and engaging in snowball sampling.

I volunteered in community organizations and attended Afghani and Iranian events across Toronto. In these events, I shared information about my research and handed out recruitment letters to everyone with whom I spoke. I asked everyone who took the recruitment letter to share them with their families, community members, or any refugee/asylum seeker they might have

known.

The volunteering period allowed me to build a relationship of trust with the Afghan/Iranian community organizations, which in turn gave me some useful insight into the community members' realities (Mander, 2010). For instance, listening to the shared narratives of Afghans, I was informed that many Afghans truly do not know their real age because birth registration is neither mandatory nor a cultural norm. Since for many Afghans there are no records of their birthdate, some lose track of the date and may even lose track of their real age over time.

This new information raised two issues for me as a researcher. The first issue was recruitment-related. In the Western world including Canada, birth certificates are mandatory for the purpose of processing asylum applications. Since many Afghans do not know their date of birth, sometimes they make one up or they are given one. The Afghan migrants (refugees) with whom I spoke in these events assumed this constituted lying for the purpose of an asylum case and believed that if the government discovered they lied about any facts during the process of their case, their permanent residency and/or citizenship status could be revoked. As such, I was informed that asylum seekers were generally hesitant to participate in research about immigration for fear of deportation or revocation of their immigration status. Deportation and revocation of citizenship was viewed as an unintended consequence of research (Pittaway, Bartolomei & Hugman, 2010), and was a real fear amongst the asylum seekers I was seeking to recruit.

The second issue was related to my assumptions when designing the research. Age is socially constructed (Stuart et al., 2003) and the intended research was developed in accordance with the social realities of the Western countries where there is a clear distinction between adults

and minors, and where age is rarely disputed. The communities that I was trying to reach out to had different social realities. For instance, a few potential participants who approached me in the social events were curious as to how stringent the age criterion was. Some of them were officially under the age of 18 at the time of arrival (as far as the Canadian documents were concerned); however, they believed they could have been anywhere between 17 and 19 years of age. Similarly, some people wanted to share their stories, but were over the age of 18 (both on the documents and in reality) at the time of arrival.

4.1.2 - How these developments affected the initial research?

Upon becoming sensitized to these refugee realities, I realized that I should be more flexible with the age criteria. I referred back to the literature to determine whether there were significant differences between teenagers and young adults (adults under the age of 25). As included in the literature review section, experiences of young adults resemble the experiences of teenagers in many ways; therefore, it was suitable to include young adults in the sample. Further, since some of my participants did not even know their exact age, it made little to no sense to dichotomize minors and young adults. Thus, despite my initial intention to focus on children's experiences, instead of dichotomizing and excluding young adults, I judged it appropriate to use age as a range and included young adults.

4.2 - ACTUAL RESEARCH AND ETHICAL CONSIDERATIONS

4.2.1 - Target population:

To address the abovementioned unexpected problems, the eligibility criteria was re-set as: (a) arrived in Canada as an asylum seeker; (b) was under the age of 25 at the time of arrival; (c) was detained as part of the refugee determination process; (d) must be 18 years of age at the time of the interview; (e) a permanent resident OR Canadian citizen; and (f) can speak adequate

English.

Sampling, Recruitment and Briefing Sessions:

Given the sensitive nature of the study, I used snowball sampling to recruit nine participants. Snowball sampling allowed me to use the knowledge of insiders to locate those who qualified for the study and also recruit through those who participated in the study (Biernacki & Waldorf, 1981). While the number of participants may appear low, it is sufficient given that information elicited from as few as six respondents can produce over-arching themes, and anywhere between 7 to 12 respondents is sufficient to reach theoretical saturation (Guest, Bunce, & Johnson, 2006). Research also indicates that the point of theoretical saturation is highly dependent on the homogeneity of the participants. Although the age variation amongst participants was large (youngest detained at five years of age and oldest 24 years of age), most of the participants were between the ages of 17 and 24; making the sample rather homogenous. Further, the variation in age in fact made the data more inclusive and reflective of the asylum seekers' social realities. Two of the participants (one male and one female) were children under the age of six, four male participants were teenagers (17 years old) and three other male participants were between the ages of 18 and 24.[10]

Asylum seekers are a stigmatized and marginalized population who do not usually feel comfortable sharing their stories with strangers due to confidentiality concerns and the fear of losing their immigration status. The fear of unintended consequences of participating in research (Pittaway, Bartolomei & Hugman, 2010) required me to build rapport with community members and gain their trust (Mander, 2010). One way to build rapport was to meet the potential

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[10] The participants reported not knowing their exact age; they only provided me with their approximate age; thus, they are grouped in one age category for the purpose of this thesis.

participants a few times before they agreed to participate in the study. On a few occasions, some individuals requested to meet for a second or third time before agreeing to participate in the study.[11] The briefing sessions were pivotal to the recruitment efforts for it provided a certain degree of comfort for the participants and gave me the opportunity to answer their questions regarding anonymity and confidentiality. Anonymity and confidentiality are ever so important in refugee research because inappropriate disclosure of identities or personal information could cause unintended harm to the participants (Pittaway, Bartolomei & Hugman, 2010).

The ethical considerations that I took into account were: informed consent, anonymity and confidentiality, minimizing harm, and informed expectation of the impact of the research findings. I acquired informed consent from each participant. During the briefing session, I provided the participants with a copy of the interview guide as well as a consent form. In these briefing sessions, I explained the purpose of the study, the benefits of the study, the potential risks, and the steps I was taking to ensure anonymity and confidentiality. I also gave a copy of the consent form alongside the interview guide to the participants for their own records. I informed each participant that verbal or written consent was required prior to proceeding with the formal interview.

As a researcher and an interviewer, I was aware that my every interaction before the interview and my comments and interaction during the interview could potentially condition responses (Hobstein & Gubrum, 2011). During the briefing sessions, apart from introducing the study, I also introduced myself and revealed my past as a refugee and asylum seeker in Pakistan. My refugee identity addressed the issues of privacy and lack of trust that asylum seekers generally have towards researchers and made them feel comfortable sharing intimate details

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[11] Two of those individuals called and inquired about the research but declined to participate for unknown reasons.

(Song & Parker, 1995) or details that they perceived as socially undesirable (Dooday & Noonan, 2013). However, at the same time, revealing my refugee identity also introduced the possibility that the participants would reveal stories that matched mine. Keeping that in mind, I only shared the chain of events and facts pertaining to my migration rather than my interpretation of those events. When I was asked to elaborate on my experiences, I shared the unfolding of events that led to my family fleeing Afghanistan but I refrained from sharing my feelings/emotions, my reflections as an adult now, or my understanding of my past as part of the larger socio-political forces. At the end of the briefing session and at the beginning of the interview session, I emphasized to the participants that I was seeking any information or story that the participants felt was necessary for me to know in order to understand the experiences of asylum seekers more in depth. I reminded them that my interview questions consisted of only some of the areas that I thought would be relevant to document and that if they had any experiences or information that were not covered in my interview guide, they were still welcome to share them. This strategy shifted the power to the participant and they were reminded that they were the experts of their experiences and they had the power to make me understand their refugee experience (Mander, 2010).

4.2.2 - Interviews and interview sessions:

To answer my research question, I conducted in-depth, semi-structured interviews with nine asylum seekers who were detained as part of the refugee determination process (Polkingshorne, 2005). Qualitative interviews were the best methodological option for this research because they allowed for the maximum discovery of the participants' experiences. My role as a researcher was to help the participants access their "narrative resources" on their migration experiences by asking relevant questions (Hobstein & Gubrium, 2011). Semi-

structured interviews allowed for spontaneous and unexpected themes to arise, while allowing

the flexibility to explore the same general areas of interest (Turner III, 2010).

On the day of the interview, I reviewed the consent form again and informed the

participants that they could refuse to answer any question(s) or withdraw from the study

altogether at any point without any consequences. I also requested their consent to audio-record

their interview. Five out of nine participants agreed to have their interview audio-recorded.

To ensure anonymity, I followed several measures. Firstly, I asked each participant to

choose a pseudonym that I would use to refer to him or her in the thesis. Secondly, I did not use

any other identifying information revealed to me during the interview. For instance, if

participants mentioned their family members' names or other identifying information, those were

not included in the transcripts. Instead, their names were replaced with non-identifying

information with terms like 'brother' or 'sister'. Similarly, since there is a possibility that

participants could be identified by the location of detention, I did not include the name of the

detention centers in my findings. I only included the type of detention center and the city. For the

type of detention center, I only mentioned whether it was a provincial jail or an Immigration

Holding Center [IHC]. To ensure confidentiality, I kept the paper copy of the transcript and the

audio recording in a locked drawer separate from the consent forms, which was also locked in a

different location. The transcripts were also saved as password-protected PDF files on my

password-protected laptop. Each participant was informed that their transcripts and audio

recordings would be safely conserved for five years after the completion of the study.

I then provided the participants with the number to the local distress center in their

respective cities to reach out to if they felt distressed during and/or after the interview. Finally, I

acquired their consent and proceeded with the interview. The interviews lasted between one hour

to two-and-a-half hours. I audio-recorded the interviews of the participants who consented to have their interviews recorded. For the participants who did not want to have their interview audio-recorded, I took detailed hand-written notes.

I started each interview by asking very general questions about their age at the time of arrival and whether they travelled alone or with family members. I then asked more serious questions beginning with their first interaction with Canadian authorities, their detention, and their release. Since I encouraged them to share any information they deemed necessary, they all thought it was important to contextualize their detention experience by describing it as part of their broader migration experience. I had a list of pre-established questions; however, the flow of the interview and follow-up questions depended on the responses elicited from the interviewees. So, while the order of some questions was changed depending on the flow of the conversation, ultimately all the participants were asked all the questions on the interview guide.[12]

I viewed the participants as narrators who possessed insight and a "stock of knowledge" (Hobstein & Gubrium, 2011) on immigration and detention. In this context, I viewed myself as an active interviewer with my primary role being the person who helped responders access their 'narrative resources' (Hobstein & Gubrium, 2011) by asking relevant questions. In other words, my role was to 'activate [participant's] narrative production' (Hobstein & Gubrium, 2011). Considering the fact that this research was retrospective in nature, I sometimes had to suggest narrative positions. For instance, I emphasized the phrase 'from a child's perspective' to gain access to participants' experiences and emotions as a child, not as an adult. Other times, I asked them to reflect on the same event as an adult looking back at the situation.

The level of flexibility in the in-depth interviews allowed me to achieve both the breadth

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[12] In some instances, some participants did not answer some questions.

and the depth of the detention experiences (Polkingshorne, 2005). Achieving this level of depth would not have been possible using surveys or structured interviews because it would not allow for the capturing of spontaneous insights that help understand the participant's unique realities and reflections.

Given the sensitive nature of this study, I took many measures to minimize harm. For instance, to minimize psychological harm, I provided participants with the interview guide during the briefing session prior to the interview and asked them to review and cross out any questions they did not feel comfortable answering. When participants shared intimate information, or seemed emotional during the interview, I asked them if they would like to take a break or stop the interview; however, no one chose to do so. At the end of the interview, each participant was thanked for their participation and then reminded to contact the local Distress Center if they felt the need to seek support afterwards (the contact information was provided to them before the interview began). At the end of the interview, each participant was also given a copy of the consent form that included my contact information, as well as that of my supervisor and the University of Ottawa's Research Ethics Board (REB). Participants were informed that they could contact me, my supervisor or the REB for further inquiries or if they had concerns regarding the study's ethical matters.

The research participants were informed of the benefits of this research and advised that the findings of the research would be beneficial to the broader society as they would help to sensitize the general public as well as professionals involved in dealing with migrants about the impacts of border control and immigration detention. Further, as a person entrusted with their deeply personal stories, I ensured them that I will share the research findings in platform other than my thesis. I also informed the participants that this research is unlikely to have any impact

on detention policies to ensure that the participants had informed expectations to minimize

emotionally harming the participants (Pittaway, Bartolomei & Hugman, 2010).

The audio-recorded interviews were transcribed verbatim in a Microsoft Word document

and saved under the pseudonym that the participant selected prior to the interview. For the other

two interviews, I took hand-written notes and typed them in a Microsoft Word document. I then

provided the participants with a copy of their transcript and requested their approval; I also

offered them the opportunity to add or remove any information that did not reflect their

experiences correctly or that could be identifying. I undertook changes accordingly and asked

them to review the final transcript again for accuracy. Some participants whose interview was

audio-recorded also shared additional information in the form of facts, insights, and/or

reflections after the completion of the interview (once the audio-recording was stopped). In such

instances, I took detailed hand-written notes and followed the same procedure as the interviews

that were not audio-recorded. Once the notes were approved, I began to analyze the data.

4.2.3 - Limitations of interviews

While interviews were the most appropriate form of data collection for this research,

there were still many shortcomings. For instance, it was not possible to gain access to

participants' migration and detention experiences in their entirety because this research was

retrospective in nature and the participants were asked to describe their experiences of the past.

For instance, siblings Robert and Samsung, who were very young when they started their

migration journey, had difficulty recalling specific instances or providing concrete examples

when asked for clarifications. Robert and Samsung recalled events that stood out emotionally for

them, and at times, they provided contradicting information about certain instances, even though

they were both there at the same time. One such example occurred when I asked them whether

their teenage sister (who travelled with them) was handcuffed when they were caught at the US-Canada border. Samsung recalled handcuffs on her sister and Robert believed she was not handcuffed.

One can only access versions of an experience through narratives and shared stories (Weiss, 2004). These narratives *as told* are not transparent reflections of reality, but rather interpreted versions of it (Eastmond, 2007). Whereas life as *lived* is the chain of events that a person goes through, life as *experienced* is how the person interprets the events by drawing on previous experiences. Life as *experienced* and *lived* can only be accessed through the sharing of stories in the forms of interviews or narratives. As such, the experience as *told* captures how the person frames and articulates the experience at the time of narration. The narrative may be influenced by a variety of external factors such as memory, power dynamics and wording of the interview question, etc. Finally, life as *presented* by the researcher is an additional constructed version of the experience whereby the research tries to relate the experience to the larger socio-political realities that shaped or continue shaping the lives of asylum seekers. At each step (life as *lived*, life as *experienced*, life as *told, and life as presented*), the experience is filtered and "presented as a creative construction or interpretation of the past, generated in the specific contexts of the present" (Eastmond, 2007, p. 250).

Another interview drawback is the role that gender plays in interviews. Both the gender of the interviewer and interviewee can determine both the kind and extent of answers elicited during an interview (Williams & Heikes, 1993). The role of gender may have been significant in this study because of the sensitive nature of the study and the vulnerability associated with migration and detention. In the presence of a female interviewer, some of the male participants may not have felt comfortable sharing their vulnerabilities or may have even elaborated more on

stories that portrayed them as liberated, less vulnerable, and more in control of their lives[13] (Echavez et al., 2016). By contrast, gender may have also had the opposite effect insofar as the male participants may have felt more comfortable sharing information about their vulnerability with a female interviewer. In this light, my gender may have played a role in capturing certain details about detention and migration to both a greater or lesser extent.

Furthermore, since I was a novice researcher, I referred to the literature to learn about challenges that novice researchers face in interviewing. Of all the potential challenges identified (Roulson, deMarrais & Lewis, 2003), I thought I would have difficulty phrasing and rephrasing certain questions. To mitigate this potential challenge, my questions were designed to be simple and easy to understand. I also held mock interview sessions with three colleagues whereby I practiced my interview questions and asked them what they thought I meant by certain questions. Where the questions were deemed ambiguous, I included a rephrased version of the question on the interview guide in order to be prepared if I was asked for clarification. Despite my best efforts, I still experienced difficulty rephrasing some probe questions that arose in the interview. Even though they all spoke adequate English, some probe questions proved too complex for them. In such instances, the participants sometimes responded to the rephrased question and other times they avoided the question.

4.2.4 - Data analysis:

I conducted qualitative content analysis to uncover the latent content of the interview transcripts (Graneheim & Lundman, 2003) and to focus on the underlying meanings and the

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[13] In Afghan culture, an 'ideal' man is one who is physically and mentally strong. Men's masculinity is questioned if they show vulnerability, especially in front of a woman. This cultural understanding of an 'ideal' man may have shaped how they answered questions around helplessness and vulnerability.

participants' interpretation of their experiences. Qualitative content analysis allowed me to systematically read the communication text (interview transcripts) to understand the social realities of participants by identifying consistencies and meanings (Zhang & Wildermuth, 2009). Since subjective interpretation of social realities is not obvious at a manifest level, I focused on the latent content of the transcripts. This research focused on both types of latent content: patterns in the content itself, as well as my interpretation of the meaning of the content (Potter & Donnerstein, 1999). When analyzing the transcripts to understand the migration and detention experiences of children and youth, I was more concerned about the rich details of their individual experiences rather than making generalizations about the broader population or drawing causal inferences (Damschroder & Forman, 2008).

Content analysis was the most appropriate choice for this research because it allowed for flexibility and reflexivity (Elo & Kyngas, 2007). Since there was limited data available on migration and the detention experiences of children and youth, I employed an inductive approach and open coding system to uncover new insights (Kondracki & Wellman, 2002). At the same time, there were some guiding concepts in the criminology of mobility literature (such as: crimmigration, status, citizenship, immcarceration) that were relevant to examine in this research. As such, I also conducted a deductive coding approach (Berg, 2009). In other words, content analysis allowed me to approach the analysis of the transcripts both inductively and deductively (Zhang & Wildemuth, 2009). By being reflexive, I was able to revisit my codes after an initial analysis and interpretation to seek deeper meanings and connections that I missed the first time.

Transcription, Coding and Interpretation

After each interview, I produced preliminary findings for the respective interview by

coding the transcript, and producing a list of descriptive experiences, and of the participant's interpretation of their experiences. The preliminary findings from each transcript were used to identify elements of the experience that were shared spontaneously or not captured by the interview questions. To ensure consistency, these elements were explored in the other interviews as well.

The audio-recorded interviews were transcribed by including all the literal statements and noting all the significant non-verbal and para-linguistic communications (Smith, 2004). Data analysis was completed in three stages as suggested by Damschroder & Forman (2008): data immersion, data reduction, and data interpretation.

During the immersion stage, each transcript was read and re-read while listening to the audio-recording at the same time to get a sense of the *whole* interview before proceeding to coding (Damschroder & Forman, 2008). At this stage, I listened to the para-linguistic levels of communication and made notes of the emphases on certain words, pauses, and other cues. This was a necessary step to ensure that I obtained a complete sense of interview transcripts. As previously stated, I then used a deductive approach followed by an inductive approach to analyze the interview transcript content (Damschroder & Forman, 2008).

For the deduction phase, I first used deductive codes (Damschroder & Forman, 2008) to label meaning units (Thyme, Wiberg, Lundman & Graneheim, 2013), followed by developing inductive codes emerging from the data. During the interpretation stage, I re-assembled the data to develop a coherent understanding of the migration and detention experiences. This step was achieved primarily by grouping the codes that shared commonalities in order to create categories (Elo & Kyngas, 2007). This process allowed me as the researcher to identify patterns and place them within an analytic framework (Damschroder & Forman, 2008). For each case, the

researcher wrote a case summary that included the descriptive and interpretative summaries along with direct quotations. Once all the interviews were completed, a cross-case comparison was conducted to draw conclusions. The conclusions were verified by going back to the data to find evidence that supported or refuted a particular conclusion (Damschroder & Forman, 2008).

4.2.5 - Overcoming the limitations of content analysis

Understanding the latent content of transcripts required me to use my subjective interpretation and knowledge to code the transcripts. Potter & Levine-Donnerstein (1999) affirm that bringing in subjective interpretations into data analysis introduces researcher bias and calls into question the credibility of the findings and conclusions, but Lincoln and Guba (1985) suggest seven techniques to overcome this limitation and establish credibility. I used two techniques: prolonged engagement and negative case analysis.

The concept of prolonged engagement asserts that the researcher must spend sufficient time in the field or with the participants to better understand the phenomenon in question: in this case, immigration and detention experiences (Lincoln & Guba, 1985). In the context of this research, my involvement in the Afghan organizations, attending social events, and holding multiple briefing sessions allowed me to engage with participants and community members on many occasions. In some instances, I met the participants after the interview to review the hand-written notes. During this process, I gained insight on the experiences of migrants in general, which I then used to analyze each participant's interview transcript.

I also conducted negative case analysis[14] to identify and discuss anomalies that contradicted the patterns and themes (Lincoln & Guba, 1985). In most instances, the anomaly

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[14] Negative Case analysis: cases that contradict the pattern of explanation and require the researcher to refine the explanation to account for the majority of cases (Creswell, 1998).

cases were resolved and accounted for by broadening themes or concepts. In other instances, it required me to re-read each transcript to look for similar anomalies in other transcripts.

My personal experience as a refugee child had the potential to introduce researcher bias in the data analysis. Thus, to mitigate the influence of my personal biases, I wrote down a list of my biases, and answered each of the interview questions that were relevant to my experiences before I engaged in data collection and data analysis. During the data collection and data analysis, I put my personal biases aside (as much as was possible) and immersed myself in the data to uncover the participants' interpretations. Once I had obtained my preliminary findings, I compared them to the analysis of my personal experiences that I had previously written. Whereas some interpretations were similar, there were many participants' reflections and analysis that were significantly different than mine which reassured me that I was not interpreting the data based on my own personal experiences.

Finally, to address intra-coder reliability issues, I took two steps. The first step was to code the transcript once and put it aside. After a few weeks, I printed the transcript and recoded it to compare the codes, identify new codes, and reconsider existing codes. Then, I submitted each coded transcript to my supervisor who provided comments on the transcripts before reading my codes to determine if there were [in]consistencies in coding. Any new code or inconsistency in coding were corrected and applied to other transcripts.

4.3 - CHAPTER SUMMARY

In this chapter, I summarized the ethical considerations and safeguards that were followed in order to protect the research participants. I first discussed how the research sampling and recruitment efforts evolved as I overcame the challenges that I encountered during the initial recruitment phase. I then provided a step-by-step description of the data collection and analytical

approach used in this research while I also outlined the advantages and limitations associated

with them. Finally, I explained how I overcame some of the limitations associated with content

analysis. The following chapter will present findings and analysis of interview data pertaining to

participants' migration experiences to Canada.

CHAPTER 5: BORDER CONTROL AND MIGRATION EXPERIENCES

In this chapter, I present the findings and analysis of the participants' migration experiences. I start the first section by outlining the background contexts of asylum seekers including their short personal biography and the countries through which they travelled and transited in. In the second section, I illustrate how border control policies and practices made migration a dangerous and violent journey for the young asylum seekers. Finally, in the third section, I analyze the participants' stories to flag the violations of children's rights that stemmed from tight border control policies.

5.1 - BACKGROUND CONTEXT

5.1.1 - Participant profiles

Robert and Samsung

Samsung and Robert are originally from Afghanistan. They come from a long line of political activists. In the 1980s, under the Communist Regime in Afghanistan, their grandfather was detained without charge and he never returned home, leading the family to believe that he was killed. The government at the time was still actively searching for other family members, forcing the entire family and extended family members to migrate to neighboring countries. Starting in the early 1990s, their family members started migrating to Western countries including Canada. Samsung and Robert's family were the last to migrate in the early 2000s. The family was internally displaced for many years before migrating to Pakistan. At every step of the journey, a few family members were unable to continue due to financial constraints. The entire family could not leave for Canada as the fake documents belonged to a family of four (husband, wife, son, and daughter). They matched the available travel documents so that the eldest brother and eldest sister were going to be the 'father' and 'mother,' and two young siblings – Robert and

Samsung – were going to be the 'son' and 'daughter.' Their brother, acting as their father, was caught in Europe and he was barred from boarding the plane. The remaining siblings arrived in the United States and were assigned to a foster family for over a year. Their uncle finally found their location and tried to help them cross the border into Canada. At the border, the entire family was caught and detained. The uncle was charged and convicted of human smuggling. Robert, Samsung and their older sister were detained for three weeks because they did not have the proper identification or travel documents. After staying in detention for three weeks, they were matched with a foster family for over a year and were reunited with their biological grandmother a year after that. Robert and Samsung were separated from their parents at the age of four and five respectively; they reunited with their mother after 10 years and with their father after 14 years.

Amir

Amir was born to a Hazara Shia family (an ethnic and religious minority) in one of the villages in Afghanistan.[15] Under the Taliban regime, Hazaras were heavily persecuted[16], forcing Amir's family to flee to Pakistan. Under financial pressures and in the absence of meaningful job opportunities, Amir was sent to Kuwait at the age of 11 for work to financially support his family. From Kuwait, he managed to obtain a visitor's visa to England. He wanted to apply for asylum in England, but he was informed that his case was going to be rejected because Kuwait was considered a safe country. Additionally, since Amir had permanent residency in Kuwait, he would be deported. Amir fled England at the age of 14 and went to Norway as an asylum seeker.

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[15] Hazaras as a persecuted minority group in Afghanistan: http://minorityrights.org/minorities/hazaras/
[16] Massacre of Hazaras in Afghanistan under the Taliban regime:
https://www.hrw.org/legacy/reports98/afghan/Afrepor0.html

The following year, he applied unsuccessfully for asylum in Norway. He then decided to make another journey to Canada in 2012, but was apprehended on route in Denmark for possessing fake documents. He was charged and sentenced to a month of prison for forging documents. After he completed his sentence, he was deported back to Norway. He eventually came to Canada with another set of fake documents. He lived in Norway for a total of six years; for five of those years, he was on the deportation list.

Changiz

Changiz was born to a Hazara family in Afghanistan. During the Taliban regime, his family was internally displaced for many years before finally migrating to Pakistan. They lived in Pakistan until the fall of the Taliban regime, then returned back to Afghanistan. The continuous political instability and the threat of terrorism compelled Changiz and his family to lose hope in having a safe and stable future in Afghanistan. At the age of 16, Changiz left his family in hopes of making a future in the West. He went to a few countries including Indonesia, before coming to Canada. When he arrived in Canada, he did not have any personal documentation or identification cards on him. He was detained until he presented his documents. This process took a total of two months.

Ariu

Ariu was forced to leave Iran at the age of 18 and start his asylum journey. He migrated through Turkey, Greece, Italy, and Spain before he applied for asylum in France. After living in France for three years, his asylum case was rejected. He was forced to either go back to Iran and face persecution or attempt another journey to North America. He arrived in Canada at the age of 24. He did not have any personal identification or documents on him. He was detained for three weeks until he was able to provide his identity.

Kaveh

Kaveh is from Iran and he left there at the age of 18 and made his way to Turkey. He went to Turkey and France before applying for asylum in England. England rejected his asylum case and he was placed on the deportation list. Instead of going back to Iran, he made his way to Canada. He arrived at Montreal's Pierre Elliott Trudeau International Airport at the age of 23. He was detained for 11 days because he did not have any travel documents or personal identification cards on him.

Tam and Hassan

Hassan and Tam are two cousins from Afghanistan. Due to the prolonged war and the persecution of the Hazara minorities, their families fled to Pakistan and Iran. After the fall of the Taliban regime, both families returned to Afghanistan, only to find the same dangers they left behind the first time. Hassan made multiple unsuccessful attempts to leave Afghanistan, but he could not make it. In 2012, at the age of 18-19, Hassan, along with his 15-16-year-old cousin Tam, were successful in leaving Afghanistan. They went from Afghanistan to Iran to Turkey to Greece in hope to finally settle in Germany. But they were caught at the Hungarian border by the authorities. They did not apply for refugee status in Hungary because they wanted to unite with the rest of their relatives in Germany. They were imprisoned for approximately one year for illegally crossing a border and for using fake documents. Once they finished their prison sentence, they both travelled to Germany to apply for asylum but their asylum cases were rejected. They made their journey to Canada in 2014 when Hassan was 20-21 years old and Tam was approximately seventeen. Both Tam and Hassan were detained for seven days because neither of them had travel documents or personal identification to prove their identities.

Borhan

Borhan is also a Hazara from Afghanistan. Inspired by the West and Western lifestyle and ideologies, Borhan was vocal about the importance of looking up to the West to improve social life in Afghanistan. His ideologies were in direct conflict with the conservative ideologies in Afghanistan. He received multiple death threats and he did not get any protection from the authorities. His family did not have the funds to smuggle out Borhan but while his safety was worsening, he received a bursary to visit the USA. When he arrived in the USA, he decided to cross the border into Canada and apply for refugee status. Once he entered Canada, he was arrested and detained for over a week.

5.1.2 - Socio-political background context

While it is beyond the scope of this research to explore all the collateral damages of forced migration, particularly on children, it is important to acknowledge that the impacts of migration can be long lasting even after the migration journey itself has come to an end. In many instances, migration disrupted participants' familial ties, damaged the quality of the relationships they shared with their family members, and placed the burden on the participants to financially support the family members left behind for many years. While it is important to systematically study the impacts of forced migration on child migrants' social ties, this chapter only focuses on migrants' experiences with border control policies.

The asylum-seeking children and young adults interviewed for this thesis described their journey as a lengthy process that started when they first fled their country and ended when they obtained their residency status in Canada. They considered the asylum-seeking process as part of the migration journey partly because the hopelessness, anxiety and uncertainty they experienced while in transit were also present during the refugee determination process. The travelling part of

the journey lasted between two to five years and the refugee determination process in Canada took an additional one to two years; thus, making migration last anywhere between four to seven years for the participants.

Consistent with the literature on refugees and migration that sheds light on the contexts of insecurity, danger and coercion as the main factors contributing to their departure (Newman, 2013), the participants also described their decision to leave their country as a forced decision. They reported prolonged political instability, lack of personal safety, and poverty as the most common reasons behind their escape. On the other hand, contrary to the literature which assumes the reason for leaving one's country is the same as the reason they seek asylum in another country, the participants in this study reported hopelessness in the future of their country as the main reason for seeking asylum elsewhere.

For instance, Amir's family was initially internally displaced within Afghanistan and then fled to Pakistan during the civil war in the mid-1990s. After each displacement, they returned back to their home multiple times when the political instability eased in hopes of re-establishing their lives in Afghanistan. They were forced to leave Afghanistan yet again when the Taliban – the Afghan branch of Al Qaeda – formed the government and started persecuting Hazara Afghans, an ethnic minority. Even though the immediate reason for Amir's departure from Afghanistan was persecution by the Taliban, his decision to establish his life in a Western country was also due to the sense of hopelessness he felt towards the future of Afghanistan, as is summed up in his statement:

[Afghanistan] is a place that has been in war for years…like my dad grew up in war; I was born in war and the war still continues… I do not remember much about Afghanistan. I have very little memory. Life was hard. There was war. When I was born,

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Afghanistan was in the middle of a war and it was not very safe. That is all I remember.

Life in Afghanistan was hard. –Amir

As Amir indicates, the prolonged war has affected at least two generations of Afghans and is still ongoing. The unforeseeable end to the war and the sense of complete hopelessness in establishing a life in their home country were common sentiments amongst all of the participants. As Amir stated: "*we just want to live in a country where it is possible to live rather than being alive.*"

Based on the interviews conducted, it was apparent that the decision to migrate and find refuge in another country was not necessarily due to one specific incident of persecution or fear of persecution but rather a combination of events happening over an extended period of time that ultimately forced the participants to flee their home country and seek asylum elsewhere.

Further, as previously discussed in chapter two, birth certificates are not very common in Afghanistan and against this social reality, another collateral facet of being internally displaced multiple times was that all the participants lost track of their respective ages. Although the participants could not confidently report their correct age, they were certain about the age category at the early stages of their journey. Seven out of nine participants were minors at the outset of their journey of whom five started the journey as unaccompanied minors. The other two minors, Robert and Samsung, started their journey with their adult brother and teen sister; however, once the brother was arrested, they had to continue the journey unaccompanied. In essence, all seven minors travelled unaccompanied across international borders for at least some part of their journey. The importance of the age dimension of the participants will be discussed in more detail in the latter parts of this chapter.

5.2 - VIOLENCE AT INTERNATIONAL BORDERS

Scholars have argued that tight border control policies and practices disproportionality target people from certain nationalities/racial backgrounds. They have also pointed out that the intersection of race/nationality and legal status (or lack thereof) against the backdrop of tight border control policies have made international borders inherently more violent for asylum seekers (Aas, 2013; Jones, 2016; Eschbach, Hagan, Rodriguez et al., 2005; Petkova, 2016, Vigneswaran, 2013; Weber, 2000). These policies have consequently placed various forms of structural barriers that put asylum seekers in harm's way and result in unequal life chances for them (Jones, 2016).

Consistent with the academic observation, the research participants experienced many forms of violence that stemmed from border control policies. The border infrastructure limited their access to a safe voyage and forced them to cross international borders undetected (and use dangerous crossing points) all the while living in the shadows of the laws.

For the participants who travelled by land and sea, one of the most dangerous experiences was crossing the Mediterranean Sea because of the atrocious quality of the boats and the massive number of passengers aboard. Five of the participants, except Amir, Robert Samsung, and Borhan crossed the Mediterranean Sea to arrive in Europe. The boats were often small inflatable crafts that teetered on the verge of capsizing. Ariu described his journey across the Mediterranean as:

> [T]he most dangerous part of the journey... Thousands of people drown while trying to cross the Mediterranean Sea. The little boats are always packed and one wrong move, everyone will die –Ariu

Ariu's experiences sheds light on the consequences of closing off safe migration channels to asylum seekers which pushed them to continue their journey by using isolated and hazardous crossing points. Border infrastructure puts many asylum seekers in harm's way but children are particularly vulnerable because of their age and mental capacity (Bhabha, 2009). While adults have their advanced mental capacity and physical capability to find their way around trouble and minimize dangers, children naturally fall short and experience the simplest of hardships and harm. For instance, Robert, Samsung and their sister had to endure a cold winter night after they got lost in a forested crossing point between Canada and America because as young children, they could not follow the direction that was verbally given to them by their uncle.

Beyond the dangers resulting from border infrastructure, the direct violence perpetrated by different agents against the participants was even more alarming. Some participants reported being victimized by authorities and others shared stories of abuse in the hands of human smugglers. Ariu discussed the nature of migration for the general asylum-seeking population in the following quotation:

> *I have heard many stories and know people who were shot by the [Greek] authorities. No one has heard these stories yet and [the] media has never reported on these common practices. I promise that sometime soon in the future, in the next five to six years, stories will start coming out and the world will know how badly Greece treats refugees. I think they are getting away with all these crimes because refugees are invisible. Refugees are not citizen[s] and the government does not even know they are on their land so when they go missing, no one knows they are missing except their families. But the families cannot do much. If they are not shot, they can sometimes be taken to prisons, detention centers and etcetera. In there, refugees are beaten up and kept in really bad conditions. -Ariu*

Ariu's comment reflects the common argument amongst scholars that borders are inherently violent for asylum seekers (Jones, 2016) because the infrastructure and policies are directed at discouraging asylum seekers from having easy access (Bosworth, 2013). For instance, in order to enforce the structural border arrangements, southeastern European authorities are known to use violent tactics to push back migrants crossing into their borders. In some instances, the violent pushbacks have resulted in injuries and hospitalization (Petkova, 2016; House of Lords, 2016).

The most serious form of violence was experienced by two of the participants when they had to dodge live ammunition fired at them by border guards. Tam and Hassan were told that they had to be ready at all times when they were crossing the border between Iran and Turkey. Once the border guards took a break, the group of asylum seekers was asked to quietly run towards the Turkish border. At one point, a toddler in the group started crying, which caught the attention of Turkish border guards. Both Hassan and Tam recalled many shots being fired by the border guards and seeing a few people drop after getting hit by the bullets. Even though only two of the participants experienced such incomprehensible form of violence, their stories draw attention to what scholars had only theorized thus far: that tight border control policies may -and in this case certainly- endanger(ed) the lives of all the co-travelling asylum seekers, and particularly these children's lives.

There are two important dimensions to consider in the above mentioned first-hand accounts of migrating as a young asylum seeker. Firstly, Ariu, Tam, and Hassan's stories confirm that in the case of asylum seekers, the human rights paradigm of immigration has been superseded by an immigration control paradigm (Barker, 2013). The participants' right to safety and security (which are inalienable rights) were diminished in favour of border control. This is

illustrative of the trend of hierarchy of rights that criminology of mobility scholars have expressed concerns about (Barker, 2013).[17]

Secondly, border authorities did not discriminate (against children and minors) in applying their violent tactics to push back asylum seekers. In Tam and Hassan's stories, there were at least two minors being shot at: Tam and the toddler (whose crying caught the guards' attention). Tam's experience as a minor crossing international borders sheds light on the particular vulnerabilities of children experiencing violence to which scholars such as Bhabha (2009) have been raising attention. The vast majority of children at almost any age by and large have a particular inability to protect themselves physically and mentally due to their fragility. Thus, to put it in perspective, that toddler (that Tam and Hassan described) would have faced certain peril or death if his parents/guardians had been injured or killed compared to adults in the same situation. This unique age-related vulnerability of children makes crossing international borders particularly dangerous for them.

Other participants were subjected to crimmigration-based forms of violence such as being arrested, criminally charged and/or detained for illegally crossing international borders, all of which illustrate how the force of criminal law is used to regulate immigration (Zedner, 2013). Since the participants did not have permission (in the form of a visa) to enter transit countries legally, their entry constituted an 'illegal entry' and a supposed violation of the host country's immigration laws. All of the participants except Changiz, Robert and Samsung were either detained or imprisoned in a European country for illegal entry. Ariu states that:

When the Greek authorities catch asylum seekers, they keep them in really bad conditions

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[17] This hierarchy of rights will be discussed in further detail in section 5.4.

in prisons and detention centers. At that point, asylum seekers can be punished for

illegally crossing borders unless they apply for asylum. -Ariu

When Hassan and Tam first entered Hungary, they were caught by Hungarian border guards. They were both arrested for illegal entry. They could have avoided detention if they filed for asylum as per the first-safe-country principle[18]; however, that would have prevented them from continuing their journey to Germany (where they wanted to join their extended family members). Tam and Hassan were instructed that if they were detected by the authorities in a transit country, they should refrain from revealing their identity; otherwise, they would jeopardize their case, because they would have their information entered into a database which would be shared with other European nations. They both believed that by revealing their identities, German authorities would have found out they were in Hungary and their claim would be rejected under the first-safe-country principle and they would be deported back to Hungary. So, with that in mind and with mounting family pressure, both Tam and Hassan chose to live with the consequences of illegal entry – one-year imprisonment – rather than applying for asylum.

Similarly, as a rejected asylum seeking minor, Amir could not obtain documents to travel to Canada so he paid human smugglers to prepare him fake travel documents. He was caught with the documents at one of Denmark's airports. As a result, Amir was charged and convicted of forging documents and sentenced to almost 70 days in prison.

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[18] First safe country principle: asylum seekers should file for asylum when they enter the first safe country where their safety is not jeopardized. Continuing the journey past the first safe country is assumed to be taken for migration versus safety reasons. In the instance when an asylum seeker does not apply for refugee status upon getting caught, they are charged and they may face a period of detention/imprisonment for illegal entry. For more information, refer to: http://www.unhcr.org/excom/scip/3ae68ccec/background-note-safe-country-concept-refugee-status.html

The abovementioned accounts exemplify asylum seekers' experiences with the complexities of crimmigration processes. In pursuit of safety and security, and with the odds against them, these young asylum seekers were put in positions whereby they had to selectively and resourcefully navigate the border control procedures and in this process, they were criminally charged, convicted and punished. In other words, the contemporary border control policies are such that breaking the border-related laws often become the wiser option (if not the only option) for these people even if it results in some form of punishment. These first-hand accounts of crimmigration experiences are illustrative of the argument that no activity is inherently a crime; rather through a complex process, certain populations and/or activities are problematized and punished (Dow, 2007; Moffette, 2010; pp, 197; Nagra, 2011). In the current political climate, asylum seekers have become the scapegoats whose seemingly mundane activities are problematized, controlled and punished with the enormous powers of the state.

Further, these stories also indicate that (at least for these participants) the existing international conventions were not sufficient to protect them from the coercive force of the state. For example, the United Nations recognizes asylum seekers' reliance on forged documents and offers them special protection from prosecution (United Nations, 1951), but this protection had been essentially ineffective particularly within the scope of these participants' stories. For example, as a rejected asylum claimant in Norway, Amir was facing the possibility of being deported. That would have meant that he would be sent right back to Afghanistan, where he and his family was being persecuted due to their ethnicity. As such, he attempted yet again to travel to Canada with forged documents, and as stated, he faced imprisonment. Amir's fear of being deported back to where his life would have been certainly jeopardized was not enough to grant him immunity from the consequences of criminalization for using forged documents.

Moreover, other than state authorities, some participants also shared stories of intimidation at the hands of human smugglers. For example, Ariu used the services of human smugglers to cross international borders. He was aware of the large numbers of asylum seekers drowning in the Mediterranean Sea, which is why he wanted to pay the premium to board a safer boat. While he was shopping around for human smugglers, one of them promised Ariu a safe voyage in a safe wooden ship in exchange for an extra $1000 USD. On the day of the departure however, he was transferred to the port area along with many other asylum seekers. They were coerced into boarding an inflatable boat that almost capsized. Ariu sought an explanation and protested his promise for a voyage in a safe wooden ship arguing that he had paid the premium for it; however, the human smuggler pulled out a gun and ordered him to board or be killed. Hassan, Tam, and Changiz shared similar stories of coercion and intimidation by the human smugglers. It is even more concerning that these participants did not have viable access to justice as none of them reported their victimization. I argue that reporting abuse or maltreatment was not in their interest because reporting their victimization would require them to come out of the shadows and reveal their own identity to the authorities. This reporting would expose them in a country that was not the destination of their choice. Further, asylum seekers' heavy reliance on human smugglers as the 'expert' might have also discouraged them from pursuing legal recourse because if the human smuggler is caught, the asylum seeker may jeopardize his/her journey to the final destination.

Finally, another source of direct violence that at least two children experienced was at the hands of their family member. Robert and Samsung both reported being physically disciplined by their uncle. Robert and Samsung travelled by road with their uncle from California to the Canadian border and that drive lasted many hours. At one of the pit stops, they left the car for a

washroom break and to stretch. As young children understandably do, they became distracted and started playing around the pit stop parking lot and washroom area. Their uncle physically punished them for not returning to the car as soon as they finished using the washroom. They both reported fearing their uncle and avoiding any behavior that would make him punish them again.[19]

The experiences of young participants shed light on the magnified vulnerabilities of children as asylum seekers. While other children their age grow up in healthy and positive environments, these young people were forced to separate from their families, travel across dangerous borders in the presence of human smugglers, and live four to seven years of their childhood in the shadows of the law. During this time, they experienced dangers and violent situations perpetrated by the state and non-state actors (i.e. state officials and human smugglers) against them and others. Tam's experience of being shot at as a child and Ariu's experience of having a gun pulled out on him occurred because tight border control policies eliminated safe channels of migration for them and their access to seek justice as victims of crime was made impractical.

Overall, the participants' firsthand account of migrating as asylum seekers brings empirical evidence to the argument that immigration control policies (i.e. visa requirements, border infrastructure, crimmigration policies) make borders inherently violent for asylum seekers. The participants' stories also demonstrate that their migration experiences were shaped (at least in part) by the absence of legal status and in such absence, the participants had to cross international borders as 'illegal' migrants. This very label made them susceptible to experiencing

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[19] Neither Robert nor Samsung were critical of their uncle physically punishing them. Instead, they were both consistently reminding me of how thankful they were to their uncle for saving their lives and bringing them to Canada.

hostility and danger not only in the hands of human smugglers but also state agents.

5.3 - AGENCY, (DIS)EMPOWERMENT AND OVERCOMING TIGHT BORDER CONTROL POLICIES

As the criminology of mobility scholars argue, the technologies of control such as border infrastructure and the resources available to the state make them omnipresent and all-powerful when compared to the resources available to an asylum seeker. Western countries have advanced their intelligence gathering and intelligence sharing initiatives to assess asylum seekers' stories and confirm their identities (Lee, 2013; Bowling, 2013). These policies along with detention and arrest all act as forces that disempower asylum seekers (Aas, 2013; Bhui, 2013).

Whereas the literature on refugees has predominantly focused on the macro-level sources of disempowerment, the findings of this research suggest that as young people, the participants were further disempowered by their family members. As previously discussed, for some participants the decision to migrate was not their own and neither was the final destination. For instance, Tam wanted to apply for asylum in Hungary in order to avoid imprisonment but his family did not allow him to do so. Similarly, after his case was rejected in Germany, he was ready to be deported, but his family forced him to make another journey to Canada. Tam was disempowered because his family revoked his right to make important life decisions in the face of adversity and challenges that were both psychologically daunting and dangerous. Whether it was the border control policies or border infrastructure or even family pressure, the fact that the participants could not make decisions about their lives was a form of disempowerment and a manifestation of losing agency.

Although documenting such instances of disempowerment among child migrants is essential, Bosworth (2013) argues, unless scholars give voice to asylum seekers, the dominant

discourse in the literature may maintain an understanding of asylum seekers only as victimized and disempowered agents, all the while negating their potential and resourcefulness. While scholars in the discipline of criminology have mostly documented the forms of disempowerment, when given the opportunity, participants were quick to share instances when they were empowered by the migration experiences in spite of the dangers and difficulties they faced. For example, looking at their experiences retrospectively, participants discussed the depth of knowledge and insight they gained at every stage of their migration and how they used that knowledge and insight to overcome tight border control policies in their subsequent interactions with authorities in other countries. Many of the individuals interviewed reported that they made sure to familiarize themselves with what they would encounter, such as the policies of the hosting country, before migrating.

Participants such as Changiz, Ariu, and Kaveh tapped into the resources available to them such as human smugglers, their friends and family members who migrated before them, and the internet to gather information on different countries to better prepare themselves for their journey. In some ways, asylum seekers gathered information on the 'best practices' and what works before migrating. For instance, Changiz recalls his family's guidance in gathering and preparing all the pertinent information for the process of filing for asylum and other things to expect.

As the participants' testimonies made evident, borders are indeed sites of social control (Pickering & Bosworth, 2014), but they were also sites where participants used their limited resources to make strategic decisions to continue their journey to their preferred destination. While Western countries advance their technologies to make asylum seekers more *visible* and *knowable,* asylum seekers were employing tactics to become more *invisible* and *mysterious*, all

the while challenging the state and forcing the state to hear them and believe their stories. Ariu states:

> *People like me just tell the authorities the person who gave us the documents told us to destroy everything and we did without asking questions. We say this because it makes it easier. In reality, most of us know why we destroy our documents.* -Ariu

By destroying their documents and hiding their travel itinerary, participants maximized their chances of having a successful refugee claim. They hid their travel routes so that authorities did not find out whether they filed for refugee status in another country. Failing to do so would have complicated their case in Canada as the details of their story might have been compared with the details of the story they provided in the previous country. Ariu also states:

> *Throughout my journey and before arriving in Canada, I learned to stay unknown because then the authorities have to believe you. If Canadian authorities find out that your refugee claim was rejected once, they are more likely to reject you, so asylum seekers hide the fact that they were in Europe. That is why when I arrived at the airport, I waited three hours before approaching the authorities. I wanted to make sure that the authorities do not find out my travel route.* - Ariu

When questioned about his travel route and flight number, he reported not remembering anything. It is not clear whether the Canadian authorities invested time or funds to track each asylum seekers' arrival to know which flight they arrived on; however, the testimonies of the participants indicate that at least their arrivals were not thoroughly investigated and their arrival was not traced.

Another way that participants overcame tight border control policies was by answering

the authorities' questions in ways that they (the authorities) would best understand. This approach is best captured by Ariu's statement,

> *During these two to three, the asylum seekers learn a lot and by the time they arrive in Canada, they know what mistakes to avoid. In Europe, I talked to a lot of people, and I knew so many asylum seekers. All those years that I was going from one country to another, I learned that there is a story that you have and then another story that authorities want to hear. You have to tell your story the way that the authorities want to hear… The Western world has a very narrow idea of refugees and if you do not match that description, they will not believe anything you say. They think refugees are uneducated, traumatized and know very little about the world. If you seem resourceful and you show that you know everything, they will look at you suspiciously. I think the key to all of this is to play politics and give them what they want to hear and show them what they want to see. You have to present yourself as a typical refugee that the authorities are familiar with so they believe you.* - Ariu*

As Ariu is suggesting, asylum seekers, including young ones, learn from their mistakes, learn from other people, and gather information from others to avoid making mistakes when they arrive in their final destination; all to maximize their chances of having a successful refugee case. For participants whose refugee claims were rejected, they learned to better articulate their stories and frame their narratives in ways that Western authorities would sympathize with and understand.

Another policy that prevents asylum seekers to reach their destination of choice is the 'first safe country' policy adopted by the European Union whereby asylum seekers ought to file for asylum in the first safe country they arrive in (Jones, 2016; Lambert, 2012). Once they file

for asylum, they are fingerprinted, and their information is shared with other European countries. Consequently, they can no longer apply for asylum in another European Union country should they attempt to continue their journey (Lambert, 2012). For most of the participants in this study, the first safe country was Greece, but participants were keenly aware of the economic situation in Greece and knew that the job opportunities were scarce and their preferred destination was Western Europe where the employment opportunities were better and the participants had family members living there. To circumvent the 'first safe country policy, some participants, namely Tam and Hassan, made the strategic decision (with persuasion from their family members) to choose one year of imprisonment over filing for asylum. In sum, even though participants faced many obstacles that were arguably disempowering in nature (i.e. visa restrictions, arrest, detention, and abuse), their interpretation of these events revealed they did not consider themselves disempowered individuals which is in contrast to the literature's portrayal of asylum seekers (Aas, 2013; Bhui, 2013; Cleveland & Rousseau, 2013). Rather, they presented themselves as resourceful individuals who made strategic decisions, persevered, learned, and experienced personal growth as a result of these migration experiences.

5.3.1 - Reflections on border control

Criminology of mobility scholars have pointed that border control policies have been justified as a form of deterrence and as an attempt to control the flow of migration (Edwards, 2013). The findings of this research suggest that border control policies failed to deter participants from making the journey; rather, it merely pushed them to use more isolated and more dangerous crossing points with the help human smugglers.

As previously discussed, participants reported running away from war, lack of personal safety, and poverty. Amir captured their experience succinctly when he shared his desire to "*live*

rather than being alive." In at least a few cases, the participants' families were fleeing ethnic persecution under the Taliban regime in Afghanistan. These families had more to lose had they remained in Afghanistan. For many participants, the possibility of returning to Afghanistan was slim to none; therefore, they had to seek asylum elsewhere.

But as was also discussed in the earlier sections of this chapter, for many of the participants, the decision to migrate to the West was not their own. It was a familial decision imposed on them. Due to lack of funds, the families could sometimes only send one family member to find refuge and then support their respective families left behind as summed up by Kaveh: "*Money is always the worry. I had family and they need to live and I needed to support them.*"

The pressure on these young adults and children to make it to the West and shoulder the financial responsibilities for their families made them adults in purpose but they remained children in capability and knowledge. All of the participants were aware that they were the ray of hope for their families and they had to make it to the West regardless of the dangers. Ariu's comment best illustrates this point:

> *Those who are determined to come, will come. You can make the conditions harsh, they will still come. The government can put land mines in their way and the refugees will jump over them. People who are running away from death cannot be turned away with anything less than death. Even death won't deter them. Look at the Mediterranean Sea. Everyone who tries to cross the Mediterranean Sea knows the risk. Thousands of people have died crossing and people know but they still come. When you are determined, you will go through anything. –Ariu*

Ariu makes quite a significant point here. Those who are running away from death will

gravitate to any means of safety (although they prefer using methods that have lower chances of death). Crossing the Mediterranean Sea was one of the most dangerous parts of the participants' journey for those who crossed it because the possibility of losing their lives was tantamount to certain death, yet that journey is often made. Hassan who was fleeing ethnic persecution in Afghanistan said staying in Afghanistan meant 100% certainty of death whereas crossing the Mediterranean Sea gave him a 50% chance at life. In comparison to 100% certainty of death, he found that the Mediterranean Sea still represented a better chance of survival than staying behind.

In sum, the research participants were well positioned to reflect on the effectiveness of border control policies as a form of deterrence. Their reflections and experiences prove that their social realities were such that the harsh border control policies were the better option when compared to staying in their respective countries. They made it clear that border control policies and border infrastructure were ineffective in deterring them to make the journey across international borders.

5.4 – VIOLATIONS OF RIGHTS STEMMING FROM BORDER CONTROL POLICIES

States that are signatories to international conventions such as the United Nations Convention on the Rights of the Child [UNCRC] and the United Nations High Commissioner for Refugees [UNHCR] have a legal obligation to ensure the safety and security of all human beings (Podgul & Kysel, 2015), suggesting that no person can be outside the protection of the law. Yet, the discriminatory immigration policies create circumstances that force asylum seekers to live in the shadows of the law and not appreciate the protection of the laws. Many authors have noted that the current trend in immigration policies in the West favour immigration control over the protection of human rights (Acer & Goodman, 2010). This section argues that tight border

control policies also constitute violations of human rights, and in particular, the rights of children by presenting four instances of violations.

Firstly, one of the most important human rights violations that stems from tight border control policies was participants' right to safety and security (UDHR, 1948: Article 3). By closing off safe channels for migration, participants were forced to use dangerous routes such as the Mediterranean Sea to arrive in their destination. By placing such barriers in the way of asylum seekers, states may be criticized for actively endangering people's lives. Children were forced to use dangerous routes to continue their journey. Another instance where the safety and well-being of, in this case, a child was superseded by other factors was when as Robert explained his cast was removed prematurely because they had a small window of opportunity to move:

> *I had a cast on my leg. The cast had to be removed early so my foot did not heal fully to its full potential. So I had to, they had to remove the cast early.* - Robert

Some critics may argue that asylum seekers knowingly travel through risky and dangerous routes, but as previously discussed, they describe their migration as a forced migration suggesting a lack of alternatives to safety and security. Under international legal principles, states are obligated to protect the rights of all bodies to safety and security, regardless of their status (Podgul & Kysel, 2015). By putting barriers in the ways of asylum seekers and making it riskier to cross their borders, and by propelling this trend, Western states are perceived as contravening their obligations under international treaties.

Similarly, by categorizing people as 'legal' versus 'illegal,' Western policies push the so-called 'illegal' populations to live in the shadows of the laws rather than under the protection of the laws of their transit countries (Barker, 2013). As discussed by Jones (2016) contemporary border control force asylum seekers to travel across borders without getting detected. These

policies open asylum seekers to marginalization and discrimination by both the authorities and human smugglers (Lambert, 2012). Reporting their victimization may jeopardize their migration to their final destination, consequently leaving them with very little legal recourse.

Secondly, Article 7 of the United Nation's Convention on the Rights of the Child [UNCRC] requires member states to ensure the survival and healthy development of all young peoples. The current trend in border control policies create the conditions under which this right was violated for all of the minor participants. If borders were more accessible, young people like Tam and Hassan would not have had to experience dodging live ammunition and seeing their co-travelers getting shot. Even though Tam was not asked about the impacts of this incident on his development, one could imagine the trauma that may have resulted from this life-threatening incident. Furthermore, imprisonment is never an ideal or acceptable situation for the healthy development of children (AHRC, 2014). Yet Tam and Hassan's year-long imprisonment for illegal entry draws attention to Hungary's refusal or negligence in safeguarding children's rights.

A third violation was that of children's right to education, a right proclaimed in Article 28 of the United Nations Convention on the Rights of the Child (UNCRC, 1989). The fact that participants' journeys were so lengthy and that they had to ensure they were not detected in transit countries eliminated their chances of seeking any formal education. Amir's education was the most disrupted. He was enrolled in school for a short period of time but his education was discontinued (for undisclosed reasons). He did not seek formal education in England because he was there on a visitor's visa so he did not have access to the public education system. When Amir filed for asylum in Norway, he was enrolled in school for as long as his case was being processed; so when it was rejected one year later, he was no longer allowed to go to school. In Amir's case in Norway, his legal status, or the lack thereof, was the primary reason for

discontinuing his education, which constitutes a violation of his right as a child. Similarly, Changiz left his family when he was 15 years of age and arrived in Canada when he was 17 years old. During the migration journey in Pakistan and Indonesia, Changiz did not attend school. In Hassan's and Tam's situation, they did not have access to education when they were imprisoned in Hungary.

Finally, Article 12 of the UNCRC (1989) encourages adults to respect the views of the child when making a decision that affects the child's life by including the child in the decision-making process. As previously discussed, many migration decisions were imposed on the children. While acknowledging that his rights were violated, it is important to view the situation as a whole rather than jumping to conclusions. Specifically, one should not to be too judgmental of parents or adults who make decisions on their children's behalf. Article 3 of the UNCRC (1989) states that adults ought to think about the best interests of children and young people when making choices that affect them. While ideally this means that adults would include children in the decision-making process, in reality those decisions may be unpopular or even risky. As Ariu suggested, sometimes staying in a war-torn country means death and in that instance, migration becomes a hope despite the dangers associated with it. So, when the elders in the families imposed the migration decision on the young participants, they were indeed looking out for the children's best interest.

Criminology of mobility scholars have long argued that there exists a hierarchy of rights and protections and these rights and protections are not always extended to asylum seekers (Barker, 2013; Zedner, 2013). The findings of this research provide additional empirical evidence to the argument that border control policies result in the waiving of unalienable rights for asylum seekers. Amongst many other rights, their right to safety and security was jeopardized

time and again throughout their migration journey.

5.5 - CHAPTER SUMMARY

In this chapter, I argued that that the absence of legal status made participants' migration a dangerous and violent journey by specifically looking at the travel routes, border infrastructure, and their interaction with human smugglers and state actors. I also argued that there is evidence in the testimonies of the children and young people that their adverse experience migrating as asylum seekers may have also been due to their age related, physical and mental vulnerabilities. Moreover, the elimination of safe channels for migration led to dangerous situations for the young asylum seekers who had very little choice but to continue their journey to Europe and eventually to Canada. In the following chapter, I will trace participants' journeys from Europe to Canada with special emphasis on their crimmigration experiences in Canada.

CHAPTER 6: CRIMMIGRATION EXPERIENCES IN CANADA

In this chapter, I discuss the participants' experiences with crimmigration policies and practices in Canada. In the first section, I briefly describe the background context of the participants' detention followed by the participants' reflections on their detention. Finally, I discuss some of the protection and violation of children's rights that stemmed from their detention.

6.1 - BACKGROUND CONTEXT:

The detention experiences of participants were not exclusive to Canada as at least five of them (Amir, Kaveh, Ariu, Tam, and Hassan) were detained in at least one European country. Although the participants' detention experiences in other countries may have shaped how they experienced their detention in Canada, this was not explored thoroughly in this study.

Upon arrival, all of the participants were informed by the Canada Border Services Agency (CBSA) officers that they were being detained for failing to prove their identity. Six of the participants were detained in IHCs [Immigration Holding Centers] and three were detained in provincial prisons alongside other individuals held on remand and convicted offenders sentenced to less than two years. Amir, Robert, and Samsung were all detained in provincial prisons and housed alongside convicted criminals or those on remand awaiting trial. Robert and Samsung, who were five and six at the time, were detained in the same holding cell as other adults during the day, but they were provided a separate room to sleep at night.

The IHCs that the other participants were detained in resembled medium-security prisons. The perimeters of the facility were fenced and participants were not allowed to leave their designated wing. They had one hour of yard time and the rest of the day had to be spent indoors within their wings. Their personal belongings were confiscated and stored in lockers only

accessible by the guards. They did not have an option to choose their daily meals. All of them were forced to share rooms with strangers, except Borhan who shared the room with the friend with whom he crossed the border. They had limited access to the Internet, landline phone, and the very little reading material that they had, they could not read.

6.2 – Crimmigration experiences in Canada

Before I present the participants' crimmigration experiences in Canada, I first discuss the contentious nature of the terms 'criminal' and 'offender.' As discussed in the conceptual framework chapter, no conduct is inherently criminal; rather, a crime "is an act against which a rule is enforced' (Becker, 1963; in Bowling, 2013, pp. 293). It is through the structures of power in society that certain conducts are problematized and to address the so-called 'problematic' behaviour and/or population, sanctions such as imprisonment are put in place. It is this definition of crime that allows scholars to shed light on the marginalization of certain groups in society as well as to problematize the use of prisons as spaces of unnecessary stigma, isolation and dehumanization, (Dow, 2007). When I argue in the next part of this chapter that the arrival of the research participants was governed in ways that was traditionally set aside for criminals, I am not suggesting that such (mis)treatment should only be limited to offenders or that such management of offenders is even acceptable. Rather, my intention is to problematize the extension of the use of the criminal (in)justice system to marginalize even more people than it has traditionally targeted. My objective in this chapter is to present the consequences of extensions of criminal law and the criminal justice system on an already marginalized population - the young asylum seekers.

6.2.1 - Hostile welcome

As part of the crimmigration trend, the securitization of borders has enabled governments

to use criminal justice agencies and procedures to control the flow of immigration (Barker, 2013). The lines between the management of offenders and the management of asylum seekers is rapidly blurring as asylum seekers are increasingly being subjected to criminal-like procedures but without the protections that are traditionally afforded to offenders and suspects (Zedner, 2013).

Consistent with the literature on the immigration detention of adults, the interaction of the young asylum seekers interviewed for this research were also highly reflective of the crimmigration policies. They were subjected to procedures that were traditionally established for offenders. Some of these procedures were: being placed in handcuffs, fingerprinted, interrogated multiple times, and detained in prisons or prison-like Immigration Holding Centers [IHCs]. Consistent with the literature, participants found the crimmigration experience confusing and humiliating (Cleveland, Dionne-Boibin & Rousseau, 2013; Dow, 2007; Cleveland, Dionne-Boibin, & Rousseau, 2013). For instance, Kaveh described his experience being handcuffed while being transported as follows:

> *It was not a good feeling. Like imagine you are handcuffed. There are no windows. The doors are closed. It is suffocating. It is not a good experience at all. You know because no one would see us, it was not too bad. We were in the truck so no one would see the handcuffs. It was only me, guards and the court people. Public did not see me in handcuffs. Overall, I can tell you it was not a good experience* – Kaveh

Even though being handcuffed seemed to have been a humiliating experience for him, Kaveh acknowledges that it was the guard's duty to handcuff him. As he recounts here, he thinks the guards treated him humanely by apologizing for having to handcuff him:

When they were transferring me from the airport to the detention center, they put

handcuffs on me. The handcuffs were on me every time I was taken from one place to

another. But you know they had to do that. Every time they put handcuffs on me, they

apologized so much. Like every time, they would say 'I am really sorry for putting

handcuffs on you. I have to do it.' It was part of their job. Every time, I was in the car or

being taken to some place, they put handcuffs on me. - Kaveh

As Amir describes, his experience of being handcuffed appeared to be the most negative one among all the participants:

Even though I put my jacket on my handcuffs to hide it, I felt like everyone could still see.

You know, I was in handcuffs and there were two men walking with me, I felt like I had

committed a big serious crime especially, when we were exiting the plane. When the plane

landed in Ontario, they told everyone on the plane not to move and that there were two

officers in the back who will take someone out first. Everyone was sitting and I was taken

out in handcuffs in front of them. The distance was long too. I never ever thought that one

day I would be identified as a criminal by a society or by people. At that time, I felt like

everyone in the plane… like the passengers… and the distance from the back to the front

was long, it was a big plane. I felt like the passengers all looked at me as a criminal. It was

a painful experience and a humiliating one. It was on my mind for a long time. I still think

about it sometimes. – Amir

The manner in which Amir's arrival (as an asylum seeker) was managed by the Canadian authorities strongly resembles the typical management of offenders. It is thus not surprising that Amir thought the 'criminal' label was imposed on him even though he understood that he had

not violated any laws. Amir was unfortunately well-positioned to see the blurred lines between the management of offenders and the management of asylum seekers as has been documented in the literature on crimmigration (Zedner 2013, Bosworth 2012; Aas & Bosworth, 2013). Amir interacted with the criminal justice system as both an offender (when he was sentenced to 70 days in prison for forging documents in Denmark) and as an asylum seeker (in Canada). In both of these situations, his right to liberty was suspended. For Amir, his imprisonment experience as an offender in Europe did not differ much from his detention experience as an asylum seeker in Canada, further highlighting the blurring lines between the management of offenders and asylum seekers.

Another form of crimmigration that the participants experienced was the multiple interviews upon their arrival in Canada. The participants were interviewed at least three times: once at the port of arrival by the CBSA officers, then twice at the IHCs by Immigration Refugee Board case workers. The interviews were meant to confirm their identity, start their asylum case, and then to cross-examine each participant to ensure uniformity in their stories. All of the participants noted that the interviews were more like interrogations where the interviewers were often intimidating and trying to discredit the asylum seekers by pointing out discrepancies in dates or events.

For instance, officers in a local police division first interviewed Borhan after he was arrested within a few hundred meters from the American-Canadian border. In this interview, the local police officers asked him and his friend (who was also arrested with him) whether they used the services of smugglers to cross the border. They were told that they would be taken to the CBSA officers to initiate their refugee case if they reveal the name of the smuggler(s). Borhan informed the officers that he did not use the services of human smugglers to cross the

border and he had in fact used Google Maps and a screenshot of the way for the entire trip. Once

he was transferred to the CBSA office, two CBSA officers interviewed him. He thought that the

interviewers were trying to intimidate him by using similar tactics as in criminal investigations.

For instance, he was interviewed in a separate room from his friend with whom he crossed the

border. The interviewers were asking Borhan whether he planned the entire trip with his friend

from Afghanistan. When he replied no, he was told that his friend in the other room said

something different and he should start telling the truth.

Similarly, Kaveh also felt intimidated by the CBSA officers:

The ones in the airport wanted to scare me. They wanted to intimidate. They would say

things like 'we found out that you are this or that' or like 'we looked at the cameras and

found out where you came from.' The airport guards gave me stress. I told them I did not

have my passport. They went inside the airplane and found my passport. They came back

and said "you are lying to us. See we found out who you are. We will find out everything

else about you." These comments were scary. I was new and I did not know much so I was

afraid and scared. I was afraid that they were going to deport me or something. – Kaveh

The participants' stories reflect the intimidation tactics that are traditionally employed in

criminal cases to elicit confessions from suspects were used on these two participants to gather

more information about their travel routes and their identities. Kaveh's and Borhan's experiences

with the Canadian authorities provide additional empirical support to the argument that the

governance of asylum seekers is moving further away from being a system of compassion

guided by principles of human rights towards a system that is marked by intimidation and fear

(Acer & Goodman, 2010; Barker, 2009).

Further, the participants described their experience with multiple interviews as a form of

interrogation meant to discredit them and placing upon them the onus to prove their identity and the credibility of their stories.[20] All of the participants said they were asked the same questions over and over again. In regards to multiple interviews, Amir said:

> *The first interview considered everything like my story, my route and everything else. When I got to [the detention center], the questions were more like they doubted me. They thought I was lying. For example, they would ask me where I was from over and over again and which documents I used or how many different names I have used in my life. They were all questions to damage my credibility. Basically, they did not believe me. –* Amir

Moreover, throughout the refugee determination process, the standard of proof used to confirm participants' stories and identities did not match the social realities of the asylum seekers. They were expected to prove their stories and identities according to Western standards and anything that fell short of that was deemed a lie. For example, Amir's birth was not registered with the Afghan government; as such, he did not have an Afghan birth certificate or passport when he arrived in Canada. Both of these documents were necessary and at least one of them was required to prove his Afghan citizenship which was the basis for his asylum claim. The interviews primarily focused on his identity which he found frustrating because there was very little he could do or say to satisfy the authorities of his identity. He was told he would be detained for as long as his identity was not confirmed. He states:

> *The questions that were related to my identity like they wanted me to prove I am who I*

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[20] Even though the participants found the interrogation process to resemble criminal interrogation and humiliating; they acknowledged that the interrogation is justifiable from the perspective on the state.

say I am. These questions were very hard for me to answer. If I answered I was in

trouble and if I did not answer I was in trouble. So, they asked me: "who are you?" I

told them my name and who I was but then they said "How are we supposed to know you

are who you say you are?" I was like "what do you mean?" They were like "how are we

supposed to know you are telling the truth?" So, I told them, the Afghanistan embassy

confirmed that I was Afghan. And [they] said "this is a document you got from Canada. I

want to see identity documents from Afghanistan to confirm your story. Where is the

passport you received in Afghanistan?" They were basically telling me the embassy

document was not good enough. I mean after going through this many time[s], I started

thinking I was at the wrong. - Amir

He understood the questions over his identity as a catch 22, whereby if he refused to answer the questions relating to his identity and age, his case was not going to be processed, and if he answered the questions truthfully, he was not believed. Either way, the complexity in proving his identity put him in a vulnerable situation as he was detained until his identity was proven to the satisfaction of the immigration officer in charge of his case. Another issue that Amir experienced was being interviewed multiple times about his age:

One question that always bothers me and gives me trouble [in every country] is when they

ask me about my date of birth. I say I think (emphasis on the word 'think') I was born on

this date. When I answer this question, I know that they are judging me and they think I am

lying to them. I find this very troubling. It bothers me. My answer is never satisfactory

because in these countries where everything is documented and I come here and I say I do

not know my exact date of birth. They find it strange and unbelievable. For as long as they

are not satisfied, they keep on asking you more questions. Like they would always say:

"you tell me you do not know your date of birth. How is that possible?' When they find one thing to grill you on, they keep on asking you the same question in different ways. Like they would ask me "which day of the week were you born in? How old are you now? How old were you when you did this or that?" and when I answered them, they would ask me "how do you know you were that old when you don't even know your date of birth?" They keep on asking you but they are all basically the same question. I think they always think I am lying. But I know my age in a different way you know. Like at home, I know how much older or younger I am from my siblings, and I know an estimate. But if you ask me about the exact date, I do not have that answer. But you see this is not acceptable to them. –
Amir

Amir's story is not an isolated case where the claimant is not aware of his or her date of birth. In Afghanistan and in many other parts of the world, documenting events such as a date of birth or marriage, or even a last name, is neither necessary nor significant. There is little or no emphasis on such items. As such, there are many people who are not registered with the government and do not have birth certificates. In fact, according to a report by United Nations Children's Fund (UNICEF Canada, 2016), only half of the children under the age of five have their birth registered in economically developing countries (Smith & Brownlees, 2011).

Amir's story suggests that the Canadian authorities may not be sensitized to the social realities of asylum seekers, such as the pervasive birth certificate problem in economically developing countries, as discussed by Smith & Brownlees (2011). Amir's story as a young person also sheds light on the injustice embedded in the crimmigration policies and practices whereby a relatively young person can be detained indeterminately for minor administrative immigration issues and with very little legal protections in place to help them avoid or reduce the

detention duration.[21]

Finally, strip searches were other occurrences that, while they were not exercised on all participants, they exemplified the crimmigration treatment that asylum seekers may receive at the hands of the criminal justice system. Amir was strip-searched on multiple occasions in a provincial jail where the policy requires that inmates are strip searched every time they are transferred in and out of the facility. Though this is an extreme case, it does nonetheless draw attention to the sorts of offender management procedures to which asylum seekers can be, and are, subjected to:

> *During the time I was there, they came three or four times… They made us go naked and search us for drugs. They searched the inmates and the room. They were looking for drugs or other things. In that situation, I felt really humiliated. It was… uh… it was… um it was just very bad. For me this was worse than anything else that happened or could have happened. When they did this to me, they were more rude than usual. It is not like they were beating me, but with their words and forcing me to go naked and then making me stand outside. (long pause). It was a place that… after staying a week or two, it made me forget that I am an ordinary person, that I am a citizen… a law-abiding citizen. I was treated within the framework of a criminal and I looked at myself as a criminal. The day I left that place, I did not feel like an ordinary person. I did not think this was Canada. I totally forgot who I was. This is how badly it affects you.* – Amir

When the premise of institutions - prisons and detention centers - is stigmatization and humiliation, mistreatment becomes the inevitable result of placing people in these spaces,

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[21] This point will be discussed in further detail section 5.2.2.

regardless of whether the detention is an administrative procedure or a punishment. Amir's experience is illustrative of the fact that regardless of the reason for being in detention, it does not make the experience of detention any less dehumanizing. The expansion of the criminal justice system in the realm of migration is a concerning extension of social control and injustice to which scholars such as Piché (2009) have been raising awareness. This expansion of social control is particularly concerning in the case of children and young people. The findings in this research suggest that the children experienced crimmigration procedures more negatively than the young adult participants. Whereas both adults and children described their interaction with the criminal justice system and the refugee determination process as confusing and humiliating, children also reported fearing for their personal safety. For instance, Robert and Samsung feared the detention center guards because they believed the authorities could have hurt them:

> *I needed my mommy. It was very lonely. I was very scared. I felt like these guys had*
>
> *authority over me. I thought if I did not listen, these guys would hurt me* - Robert

Kaveh reported fearing the airport guards when they were intimidating him. Amir feared for his personal safety when he was in the detention center because he felt intimidated by other detainees:

> *When [I]realize[d] that these people [were] dangerous…being aware of all these things*
>
> *evoke a lot of fear, anxiety and stress. I did not sleep at all. If I slept for two hours in the*
>
> *24 hours, that was a lot. I was in a bad situation. I cannot explain it* - Amir

Amir's fear, anxiety, sleeplessness and stress are common symptoms that have been previously identified as common psychological health problems among young asylum seekers (AHRC, 2014; Cleveland et al., 2012; Crawley & Lester, 2005; Kronick et al., 2015; Lorek et al.,

2009). These studies have taken it for granted that being detained in a closed space is the contributing factor in the deterioration of asylum seekers' mental health. While this assertion may be accurate, the testimonies of these young participants suggest that these stresses may also be due to young people's fear for their personal safety. The heightened fear for their safety and security is understandable considering their age and limited understanding of the rights and protections to which they were entitled.

In sum, the participants' arrival in Canada, their management upon claiming asylum, and the way their cases were processed is illustrative of the crimmigration and immcarceration trends that scholars have alluded to in previous research, such as Bosworth (2012) and Nakache (2011). The participants' stories showed that the power of criminal justice system is indeed being expanded and applied to more groups than it has traditionally targeted. The popularity of crimmigration policies in Canada is in itself a concerning development, but the fact that they are being applied to children and minors is an even greater concern as it reveals what scholars have long feared: that the governance of immigration has fully fallen within the national security nexus and has been removed from the human rights paradigm of immigration (Acer & Goodman, 2010).

6.2.2 – (Lack of) Legal protections

Consistent with other research findings within the criminology of mobility literature, participants were not afforded the same protections that are traditionally garnered for suspects and offenders (Zedner, 2013). For instance, offenders and suspects are traditionally read out their rights before they are arrested and they are informed that they have the right to counsel. The participants interviewed for this research did not recall having their rights read out and none of

them had a lawyer present during their interviews.[22]

The importance of the presence (or absence) of legal counsel had negative consequences for some of the participants who shared some information during their initial interviews that was then used to damage their credibility during their hearing (and led to the initial rejection of some of their cases). The absence of legal counsel prolonged the detention duration of at least one asylum seeker.

The information that asylum seekers shared during the interviews formed the basis of their asylum case; thus, making the interviews an integral part of the process with serious consequences. Amir's first interview was with the CBSA officers in Iqaluit. He reported not having slept for many days prior to his departure from Norway and feeling very sleepy when he finally arrived in Canada. During the questioning, his answers were not very coherent and he also told the authorities about his travel route and that he was a rejected asylum claimant in Europe. Following the first interview, the other interrogations pressed Amir to answer questions regarding his age and his motives for 'cherry-picking' Canada out of all the other countries he could have settled in. This information was used to prove him as an economic migrant rather than a refugee at the hearing stage and his asylum case was initially rejected.

Having a legal counsel present during interviews may persuade the interviewer to stick to questions relevant to the case rather than fishing for any information they can elicit from the asylum seeker to taint their credibility. Asylum seekers such as Amir who have limited knowledge of the process could have benefitted from having a legal counsel present to guide him or her through the process, inform them of their rights, and help them frame their case. For

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[22] All of the participants eventually had access to legal counsel after they were released from detention and during the hearing.

instance, if Amir had a legal counsel present, chances are he could have deferred that first interview until he was better prepared to answer the questions.

Another benefit of having a lawyer present or assigned can be reflected in Amir's situation where a lawyer proved to be indispensable for his case in his release from detention. Amir was told he would be detained until he was able to prove his identity, but for as long as he was in detention, he could not independently gather documents to prove his identity. For over two weeks Amir asked the authorities to take him to the Afghanistan embassy to apply for Afghan identity cards, but the authorities disregarded his plea. The lawyer who finally took on Amir's case made it possible for Amir to be taken to the Afghanistan embassy:

> *I even told [immigration officers] that if they try to confirm my identity all on their own, it would take a very long time and to speed it up, they could take me to the Afghanistan embassy or at least give me a chance to call them. [The immigration officer] gave me the number to the Afghanistan embassy, when I called using the phone in the detention facility, the call would not go through. There was some sort of problem but I do not know what. You know I called 10 to 20 times a day. I used to sit by the phone and I never succeeded. There was also a list of lawyers in the detention center so I kept on calling lawyers and giving them my name. I kept on asking for a lawyer to come and take my case and help me. I called so many of them on the list and finally one of them agreed to take on my case. When the lawyer took my case, everything started going a little faster. Like when I did not have a lawyer, I kept on calling the officer but nothing ever moved forward. But the same week that the lawyer took my case, he told the officer to arrange an appointment with the Afghanistan embassy and so finally we went. – Amir*

In the absence of a lawyer, Amir's detention could have been much longer because

immigration detention is, after all, indeterminate.

Similar to Amir, Borhan and his travel companions also shared information that was used against them at their hearing. Borhan left Afghanistan because he did not feel safe in the country, citing the prevalence of explosions, bombs, and hostage taking, as well as the large presence of Al-Qaeda in Afghanistan. Although he was not a direct target, the lack of security in Afghanistan persuaded him to leave Afghanistan at the first chance he got. During his immigration interview, he told the immigration officers he left Afghanistan due to a lack of personal safety and then he was asked 'what else?' He responded by sharing information about the lack of opportunities in Afghanistan and he had not been able to get a job. This statement was used to paint him as an economic migrant, not a legitimate refugee.

When I asked Borhan to reflect on his immigration interview experiences retrospectively, he said as a young asylum seeker, he needed more guidance to frame his story in a way that he only shared information that was necessary, without sharing incriminating information that jeopardized his case.

The experiences of the participants provide additional empirical support to the argument that crimmigration policies have resulted in the revocation of basic rights (Bosworth, 2011, Zedner, 2013). The basic rights afforded to offenders are not extended to asylum seekers (Zedner, 2013). Due process protections such as the right to counsel safeguard a person from the vast powers of the state; however, the testimonies of the participants reveal that they were not afforded these protections; even though, the state exerted as much power and domination over their lives as it often does over the lives of those suspected of crime. Beyond waiving their due-process protection and temporarily suspending their right to liberty, the state's powers can have potentially life-changing ramifications as was a possibility for Borhan and Amir who were both

initially rejected asylum because of the kinds of information they shared with the authorities in the absence of legal counsel. Due to sampling limitations and ethical considerations, this research could only ascertain interviews from permanent residents. It did not capture the stories of failed asylum claimants. It is possible that the retraction of basic rights such as the right to counsel has resulted in the deportation of many would-be asylum claimants to countries where their lives may be put back in danger.

6.2.3 – Children's rights

The detention of children ought to be 'the last resort' and 'in the best interest' of the child (Fekete, 2007; United Nations, 1990). From the narratives of the participants who were minors at the time of their detention, it seems that their detention was neither the last resort nor in their best interest. Changiz and Tam were detained even though they both had family and/or relatives in Canada; who could have supervised them in the community. It is not clear whether the authorities made any attempt to find alternatives to detention. It is hard for the state to make a case that detention is ever the last resort or in the best interest of children given the extensive research on the adverse impacts of detention on the physical and mental health wellbeing of child detainees (CCR, 2009; Cleveland et al., 2012; Elliott & Gunasekera, 2015; Gros & Song, 2016; Lorek et at., 2009; Mares et al., 2012; Robjant et al., 2009; Steel et al., 2004a)

In the case of Changiz, who was 17 at the time of detention, he was allowed to attend classes while in detention at an Immigration Holding Centre [IHC] and he had more access to a gym, books, and the Internet. For Robert and Samsung, the interplay of the protection and retraction of rights was more complex. Under Article 37(b) of the United Nations Convention on Rights of the Child (United Nations, 1990), their mere detention was a violation of their right, as they were very young children at the time (five and six, respectively). However, it was also

evident that the authorities were trying to protect these children's rights in alternative ways. For instance, during the day the siblings were detained in a provincial prison alongside other inmates, but, during the nighttime, authorities tried to find other safer spaces for the children. For the first two weeks of their detention, Robert and Samsung, alongside their teenage sister, were transferred to and locked in an 'office' type of location during the night in order to keep them separate from the adult inmate population. After two weeks, the authorities found the trio a foster family with whom they spent the nights with. However, until the paperwork could be completed for them to be accepted in a foster care program, they were still held in the detention center during the day. The foster family eventually obtained full custody of the children.

Amir's case introduced a unique challenge in protecting the rights of children because it drew attention to asylum seekers who did not know their age or whether they were a minor or an adult. Amir did not know his age; he provided the authorities with an estimated age of 18 or 19 so he was detained in a provincial prison for adults. Given his disputed age and possibly verging on youthhood and adulthood, if Amir was a minor at the time of his detention, then Amir's situation could be viewed as one where the authorities violated his rights as a child; however, there is nothing to suggest that authorities did so knowingly. It is thus not necessarily a critique against the Canadian authorities' handling of Amir's case because they may not have known whether Amir was a minor or an adult. Nevertheless, one cannot overlook the unforeseeable challenges and violations that the detention of young people generates and sometimes exacerbates.

The experiences of young people with the refugee determination process proved that there were very few protections and procedures in place to minimize the participants' interaction with the criminal justice system. For example, Amir's detention period could have been

shortened had the authorities acted sooner with his pleas and taken him to the Afghan embassy.

These first-hand accounts of experiencing crimmigration make a compelling case for abolishing the use of criminal justice procedures and agencies to address immigration-related issues. The governance of asylum seekers should be guided by principles of human rights as indicated by international conventions so that in cases of young people, the human rights paradigm of immigration always supersedes the immigration control paradigm.

6.3 – REFLECTIONS ON DETENTION

Whether it was in an IHC or a provincial prison, the participants' right to liberty was temporarily suspended under Article 3 of the Universal Declaration of Human Rights [UDHR] (The United Nations, 1948) and under Article 37 of the United Nations Conventions on the Rights of the Child [UNCRC] (United Nation, 1989) when they were held against their will. Despite going through similar procedures and being housed in prisons or prison-like IHCs, not all of the participants perceived their detention as imprisonment or as unjustified.

6.3.1 - Detention as a negative experience

To varying degrees, all of the participants experienced detention negatively (except Changiz). Some participants experienced detention as imprisonment and others thought it was just a matter of procedural formality. Amir, Tam, Hassan, Robert, and Samsung did not have as much information about Canadian policies and did not expect to be detained. They all viewed detention as imprisonment. On the contrary, Changiz, Kaveh, and Ariu knew that Canada had a detention policy for everyone who arrived without personal documentation; they perceived detention as a formality that they had to go through before they could be released to start their new lives. This is not to say that those who experienced detention as a procedural formality did not also have similar negative experiences as with those who experienced detention as

imprisonment. For them, detention was, at the very least, an impediment in the way of filing for asylum and at the most, it was still imprisonment.

Whether the participants perceived their detention as a procedural formality or as imprisonment, they all reported profound boredom, stress, anxiety, nervousness, and fear. Detention also added to the pre-existing stress associated with filing for asylum. For instance, Amir found immigration detention as an onerous impediment to prove his identity. Amir also experienced the full force of the criminal justice system, as he was detained in a facility that also housed suspected and convicted criminals. He was in fact placed in solitary confinement for the first three days in Iqaluit and then placed in a provincial prison in Ontario. He explained his experience in solitary confinement as challenging in many regards:

> *It was very unpleasant. It was a very small room… like the walls were just too close to each other. Uh, the toilet was in the room and there was a camera watching me 24 hours a day. The lighting in the room was very bright white. The light was very bright and it was on 24 hours a day. The light really bothered me. In the two or three days that I was there, the light put a lot of pressure on me… like psychologically. The camera was inside the room. In those three days, I did not leave the room at all. There was a small, very small window and they would give me food from that window and they would take back my food when I was done. I did not see the outside and I did not go outside. – Amir*

Beyond his three days of solitary confinement, Amir's experience bore the most similarities to the experiences of convicted offenders or those on remand in that he lived in the same place and was forced to follow the same procedures as them. As such, it is understandable why he associated his immigration detention as imprisonment. Similar to Amir, Hassan and Tam also viewed detention as imprisonment despite being in an IHC. Hassan reported feeling as if he

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was in Guantanamo Bay because he was locked in a room 23-hours a day and he was only allowed one hour of yard time. He shared a room with one other person but they could not communicate with each other due to language barriers. He felt like he was in prison and there was no one to care about him or hear him out.

Similarly, Tam who was a minor at the time of the detention recalls crying himself to sleep because he felt hopeless and he did not know what to expect. Due to a lack of activities, Tam experienced profound boredom and loneliness and he started comparing the mobility privileges he had before he was detained to the restrictions on his mobility while he was in the detention center. He reported feeling suffocated and thinking to himself that he was going to have to stay in the detention center for the rest of his life. As an asylum seeking minor and detained for the second time, Tam started prioritizing mobility over personal security as he was contemplating asking the authorities to deport him. At that time, he entertained the thought of being deported to Afghanistan and escaping once again to a neighboring country. To put it into perspective, Tam's biggest dream while in the detention center was to take a long walk out in an open space and not stop walking. For Tam, he felt his situation was so unfortunate that he deliberated doing anything to escape from detention over any long-term benefits that he would achieve by staying in Canada.

Further, Robert and Samsung, who were four and five years old, reported feeling confused about the environment they were housed in as they were too young to know they were being held in a detention center. Samsung recalls the detention center as:

There was a lot of other people so for myself, I had no clue. I thought it was just a big old house or room that all of us had to stay until my uncle comes back. But my uncle was detained as well because he was with us. I didn't put anything together as a child, again.

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Um, but the one thing was, very worried. I was like very worried. Where's like my uncle, why are we separated from him. It was like a very scary place to be. And in an environment where you don't know what's going on, what they're saying, what they're gonna do. It was scary. - Samsung

Samsung did not know she was being held in a provincial jail until a few weeks later when her foster parents informed her. She was on the road for many years and they had many stops along the way while waiting for documents and/or funds. She thought the holding cell was another one of those waiting zones. Even though as a child she did not know she was detained, she still intuitively knew something was not right. She felt worried, scared and confused in the detention center. She recalls the detention room in the following way:

It was dirty. It was really dirty. It was, uh, a small room and it had a toilet and a sink. It was like a real jail basically, but it was just a bigger room… It was just one big room. And the toilet and the sink was in a corner um… we didn't know what was going to happen to us, we didn't know where we're going to, what's the next day going to hold for us, um, none of us. So, it was pretty scary on that part. – Samsung

Unlike Samsung, Robert thought he was in prison and was being punished for some wrongdoing but he was not sure what he was being punished for. As he explained, he believed he had to stay there, follow rules, and behave well, and hope things would get better for him:

I think me and my sisters were all scared. We always tried to stick together. We wanted the worst to go over us, to pass us. I don't know what we were waiting for, but I know we were waiting for something. We were always just waiting. – Robert

Further, Robert thinks that this practice is a violation of fundamentals of justice:

> *Canada's court system is 'innocent until proven guilty" right? In my case, in asylum*
>
> *seekers' case, it is reversed. I was put in prison… So, I was imprisoned before I was*
>
> *proven guilty. So, I was guilty until proven innocent. That is how I feel. That is wrong.*
>
> *That is contradicting their own justice system.* – Robert

Looking back at his experience, Robert argued that laws were not applied equally to asylum seekers. He felt that citizens were given the benefit of the doubt and were deemed innocent until proven guilty and that the onus was on the government to justify keeping the individual in a detention center. In the case of asylum seekers, the onus was on asylum seekers to prove their stories and identities so they could be released from the detention center. They had to provide confirmation of their identities to the subjective satisfaction of the immigration officer assessing the case. Robert's argument echoes the argument that crimmigration has led to a hierarchy of rights based on individual's legal status and that there is a gap between the protection of citizen's rights and noncitizens' rights (Baker, 2013).

To contrast, Changiz felt detention was more a formality. In fact, he had a rather positive experience. Changiz who was raised in a family with a very limited source of livelihood did not view detention as harshly as the others. He was put in a wing with other minors whom he befriended. He was especially surprised that he could have dairy products every day which was something he could not afford in Afghanistan. Similarly, for the first time in his life, he had access to the Internet. He described the detention center as 'safer than my country' and his detention experience as 'time off' where he could relax and enjoy before finding a job and having to fulfill his responsibility of financially supporting his family. In fact, Changiz thinks the government took care of him well and provided him with safety, security, and meals he did not

have in Afghanistan, Pakistan, or Indonesia. For Changiz, detention was a respite from responsibilities and hard work.

The fact that the detention experience was a positive one for him speaks volumes about his living conditions before arriving in Canada. Changiz, however, did acknowledge that his detention was not long and that he had heard stories of people starting to suffer from psychological issues and health problems as a result of prolonged detentions. In fact, Changiz shared the story of his roommate who started having suicidal ideations after being detained for a few months. Among the participants in my study, Changiz's positive detention experience appeared to be an anomaly.

6.3.2 - Detention as a justified approach for the Canadian government

Even though all of the participants had their right to liberty temporarily suspended and they were forced to limit their movement within the parameters of their detention center wing, none of them were critical of Canada's decision to detain them. In fact, all of the participants said that the Canadian government had to protect Canadians and when they (the participants) entered Canada without documents, the authorities could not ascertain whether they did or did not pose a danger to the public. They believed their detention was justified from the government's perspective as best summarized by Amir:

> *If I look at it from a government's point of view, they really did not know anything about my identity or why I was here or who I was. So, from that perspective, I do not think they were wrong in making sure it was safe to let me go. If I were in charge and someone came randomly with no documents, I would probably not be very comfortable letting them loose in the community without any surveillance. But if you look at it from my perspective, I did not commit a crime you know.* – Amir

Similar to Amir, Ariu also explained why the Canadian government was justified in detaining asylum seekers to vet criminals from legitimate refugees:

> *I also think it is possible that worse criminals are using the asylum system to run away from punishments which is why I think that the Western countries should have a system to separate the 'real' refugees from the 'fake' refugees. I do not have to stretch my imagination to see the harm that could result from the refugee system. If as a young adult, I can get my hands on fake documents and fake passport, there is no reason for me to think that criminals would not abuse the system. Criminals have more money, they know more people, so of course they have easier access to borders and can move around more freely. A criminal can easily come to Canada with a new identity, and a new story. There is no justice in allowing them to enter Canada.* – Ariu

All of the other participants readily defended the Canadian government for detaining them and some even shared their gains (such as safety, jobs, and place to live) since coming to Canada. Not only were they defending the Canadian government, but they also tried to make sure that I as the researcher understood that they were very grateful. This reflection is a sharp contrast from the findings on adult asylum seekers (HREOC, 2014; Edwards, 2011; Marshall, Pillai, & Stack, 2013) who condemned the government for treating them like criminals and prisoners.

One possible explanation may be these young people's awareness about the public's negative perception of asylum seekers in the current climate. As previously discussed in the literature review section, the climate for refugees and asylum seekers is currently hostile and

unwelcoming across many Western nations[23] (Dauvergne, 2013). The participants were perhaps reluctant to criticize the Canadian government out of fear of making themselves look ungrateful or fit the stereotypical image that Westerners have of them.

6.4 – PERCEPTION OF CRIMINALIZATION AND CONFUSION OVER NON-CRIMINAL IDENTITY

"Treated like a criminal" but not a criminal

As per the United Nation's Convention Relating to the Status of Refugees (United Nations, 1951), crossing borders without proper identity documents does not constitute a criminal offence for refugees. Asylum seekers who viewed their detention as imprisonment felt like they were being treated like criminals even though they knew they had not committed any crime. A confused sense of identity was a common theme among all of the participants who viewed detention as imprisonment.

Amir and many of the participants believed that Canada treated them as if they 'committed a crime'. For instance, Borhan felt like a 'criminal' from the moment he was arrested. He informed the local police officers who stopped him a few hundred meters from the American-Canadian border that he was seeking asylum in Canada. He was then put on the ground face down and one officer handcuffed his hands in the back while the other one asked him whether he was carrying a gun or knife. When he replied no, the officer started patting him and looking for weapons. Borhan reported that he found the questioning and the arrest rather odd at the time because while he informed the authorities that he was an asylum seeker, he was

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[23] There is a perception that Canada is more welcoming, but it is important to note that while Canada has recently adopted a refugee-friendly approach, the approach towards asylum seekers remains hostile.

treated with hostility by being put on the ground, being arrested, and searched for weapons. He thought that the authorities may have confused him for a criminal, but he realized that he was not confused for a suspect of crime when he was eventually handed to the CBSA officers. Once the CBSA officers completed the preliminary interview, they then put shackles on his feet. He described his arrest and detention as a typical scene from Hollywood movies when they portray the arrest of a transnational criminal.

Amir explained how at every step, his citizen identity was stripped away and a criminal identity was imposed on him. Once Amir was taken to a provincial prison, his personal information was recorded on a file and he was strip searched before being given a prison uniform. When Amir tried to challenge the guards for treating him like a criminal to assert his non-criminal identity, he was told once in prison, he was going to be subjected to all of the detention policies and procedures regardless of why he was there:

> *This one time, guards came in and said they were going to search everyone. I asked them why. I mean I was not in [a] detention center because of a crime of anything… like I was not a drug dealer or something. I had done nothing wrong at all. I told them that even the judge told me I was not a criminal so why would they keep on strip searching me? They said it did not matter and once I entered the detention center I had to follow the rules of the facility. You know prison is one place you cannot speak and if you speak you are not heard. No one is heard. In prison, everyone is equal. So, once you are in prison, you are one of them… I mean you are one of the criminals you know? –Amir*

The participants understood and realized that prisons were meant for criminals so finding themselves in prison was definitely a confusing experience for them. There is also evidence that some participants might have even taken on the label temporarily. In the above quotation, Amir

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is implying that he thought he was a criminal in a detention center and in another instance, he said: "*I totally forgot who I was*" referring to his non-criminal identity. Taking on the criminal identity was even more obvious in Robert's testimony:

> *Growing up, prison symbolized as something bad or negative, like related to a criminal. I knew I was not a criminal, but growing up and knowing I was in prison, it made me feel like a bad person. People talk about how they have been to jail and everything. I always go like "I remember going to jail too – at a young age" they are like 'what?' So, you always want to avoid something like that. When you tell people that you have been to jail, they kind of label you as a criminal. –* Robert

It is clear in Robert's comment that he carried the negative label with him for many years after he was released from the detention center. Hassan and Tam also reported feeling like 'criminals' when they were in a detention center. In fact, Hassan cynically questioned the motive of the government for putting asylum seekers in detention centers and subjecting them to similar policies and procedures as criminals, while at the same time confirming that they have not broken any laws. At least some of the participants reported having difficulty distinguishing the Canadian government's administration of their asylum case from the ordinary management of typical criminals.

The limited research on crimmigration has documented the parallels between the governance of asylum seekers and the typical management of offenders (Aas, 2013; Bosworth, 2012; Bowling, 2013; Kaufman, 2013; Stumpf, 2013). Consistent with the crimmigration literature, a closer analysis of the participants' experiences reveals that their arrival in Canada was processed in a manner that is hard to distinguish from the typical management of offender through the criminal justice system.

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Further, other than identifying the parallels between the literature and the experiences of the participants, the findings of this research also suggest that younger children experienced detention and crimmigration more negatively than the older participants. For instance, whereas both adults and children described their experiences as humiliating and confusing, younger participants seemed to be taking on that negative criminal label and actually believing that they were indeed 'a bad person' or 'criminal' as broadly discussed by Robert:

When people would be talking about 'you don't know what it is [like] going to prison.' I would be like 'I was in prison when I was five. What are you talking about?' And they would say, 'Oh shit. What were you in for?" So yeah! In my neighborhood, when people go to prison and come back, it symbolizes strength so the person is stronger. So I kind of used that to my advantage. – Robert.

Robert's comment suggests that such negative labelling (that is integral in the process of immcarceration) has ramifications that go beyond the mere stigmatization of these children as 'symbolic' criminals. It shapes how they perceive themselves and reveals how they might develop a self-image consistent with the label imposed on them. Robert may not have developed a criminal self-image (in the sense that he committed a crime) but he definitely developed a prisoner self-image. While in this case, he drew strategically on that experience and self-image for the purpose of boasting about the strength that he gained as a result of his detention, it is nevertheless indicative of long-lasting impacts of crimmigration.

6.5 - CHAPTER SUMMARY

In this chapter, I presented the participants' crimmigration experiences in the Canadian context and flagged the ways in which crimmigration policies are variously and often

problematically experienced by children and young people. All of the participants encountered the coercive arm of the Canadian government and all of them, except for Changiz, experienced detention as humiliating, scary and stressful, albeit to varying degrees, depending on their expectations and the unique situation.

CHAPTER 7: CONCLUSION

This research explored children's and young adults' experiences with border control and crimmigration policies during their migration and upon their arrival in Canada. Based on a qualitative content analysis of interview data from nine participants, the findings of this research were indicative of the precarious nature of borders for young asylum seekers. As an exploratory endeavour, this study uncovered the unique vulnerabilities of children against the backdrop of hostile border control policies and illustrated the negative impacts of border control that were ever so magnified among children and young adults. These children were treated as adults in many cases but they were in fact children in their capabilities, knowledge, and psychological attributes.

In general, the findings of this research suggest that border infrastructure and border control policies are affecting children and young people in undeniably adverse ways. One of the main findings of this study was that the contemporary border control policies push children out of the sight of authorities, and by extension, away from the state's protection. Living in the shadows of the laws – which is also often the case for the general asylum seekers (Barker, 2013) - rendered these children even more vulnerable to abuse and violence. For instance, the young people interviewed for this study were subjected to dangers imposed by border authorities, as well as intimidation tactics and coercion carried out by human smugglers that have previously been flagged in studies focusing on adults' migration experiences (Jones, 2016).

7.1 – CONTRIBUTION TO CRIMINOLOGY

As previously discussed, the research on crimmigration has been more theoretical than empirical (Bhui, 2013; Bosworth, 2012; Pickering, Bosworth & Aas, 2014). This study brought

first-hand accounts of border control experiences to the theoretical and conceptual discussions on crimmigration and related concepts. Further, the little (but growing) knowledge that is available on crimmigration mostly focuses on post-migration experiences such as detention and refugee determination processes (Cleveland et al., 2012; Cleveland & Rousseau, 2013; DeBono, 2013; Eastmond, 2007; Kronick et al., 2015; Pratt, 2005; Silove, Steel, McGorry, & Mohan, 1998; Silove, Steel, McGorry, Miles & Drobny, 2002; Steel, Frommer & Silove, 2004). Consequently, criminology requires more knowledge on the experiences of child asylum seekers with border control during their journey (that could last over half a decade in some instances). This research addressed this gap in knowledge by focusing on the entire migration of minors (starting when they first fled their country to the time they were released from immigration detention in Canada). The findings of this research contextualized post migration as part of the larger migration process and argued that asylum seekers' detention experiences are not only dependent on the events unfolding in the host country; but are in fact, also shaped by other instances and procedures they lived through during their migration to Canada.

The two main contributions of this research are: (a) the findings of the study brought empirical evidence to the crimmigration thesis, and (b) it provides first-hand accounts of experiences of children/minors with border control policies and procedures.

7.1.1 – Bringing empirical evidence to the crimmigration thesis

Crimmigration is defined as the convergence of criminal law and immigration law and the states using the tools and agencies of the criminal justice system to control migration (Stumpf, 2013). The experiences of the participants definitely revealed a heavy reliance on the criminal justice system, its agents, and its procedures to process their arrival in the host countries; however, some evidence also indicated that the current trend in the governance of

asylum seekers cannot be fully captured by the above definition. A convergence of the two systems would suggest a full importation of the criminal justice philosophies and procedures into the immigration system (Legomsky, 2007), but the testimonies of the participants suggest that they were not extended the due process protections that are afforded to offenders.

As an extension of border control, the young participants' arrival in Canada was managed in ways that highly reflected the typical management of offenders as was previously theorized by many scholars (Aiken, Lyon & Thorbun, 2015; Bowling, 2013; Kalhan, 2010, Pickering & Weber, 2006; Zedner, 2013). Similarly, consistent with scholarly observation (Barker, 2013; Zedner, 2013), whereas offenders are afforded certain due-process rights, the participants were not always extended the same protections. In essence, administrative detention for asylum seekers might be worse because they get the worst of two worlds: they are treated like criminalized individuals but they are not afforded the same basic due process protections (Legomsky, 2007).

Firstly, the mere fact that administrative detention is indeterminate sets it apart from the typical criminal justice-based detention. In criminal cases, the offenders have a set release date or they are compensated for the time they spend in remand by reducing their sentence. In the case of some participants such as Amir, there was no set release date. In essence, this was a classic case of catch 22 because Amir could not leave until he proved his identity and he could not prove his identity until he could leave the detention facility to go to the Afghan consulate for the re-documentation process. His pleas to be taken to the Afghan consulate were largely ignored and the unnecessary procrastination in his re-documentation process prolonged his detention. The possibility that an asylum seeker may be subjected to extended deprivation of liberty with minimal checks and balances is unique to administrative detention.

Further, the retraction of rights such as the right to counsel is also unique to administrative detention. Whereas the state was able to exercise as much control and power over the participants (as is often done in criminal cases), the asylum seekers were not extended the right to have a lawyer present during their interviews. The absence of a lawyer complicated the situation for those participants who were interviewed by CBSA case officers who sought all sorts of additional information that was later used against them. In light of these differences, the crimmigration thesis fails to expose how immigration detention is sometimes worse than criminal detention. A more appropriate observation may be that there is an 'asymmetric incorporation of criminal justice norms' into the immigration system in that the immigration system has imported the enforcement aspects of the criminal justice system (i.e. detention in jails, handcuffing, strip searches) but it has largely ignored the due-process rights that ought to serve as a system of checks and balances on the governments' power in these contexts (Legomsky, 2007; pp. 469-472).

7.1.2 – Inserting the 'child' in crimmigration research

Moreover, given that criminology has not adequately explored young people's encounters with border control and crimmigration (Dona, 2014), by focusing on children's and youth's accounts, this study has shed important light on the unique experiences of a particularly vulnerable and marginalized population. More specifically, the findings of this research contribute essential knowledge on children's experiences by identifying areas of disadvantage that are magnified for children. For instance, border control infrastructure that targets adult asylum seekers pose even greater danger to children because their physical attributes hinder their capability to travel through dangerous crossing points (Jones, 2016).

Another example of children's experiences that differs slightly from those of adults

involves the loss of agency. Adults lose agency primarily because of macro-level forces such as governmental policies (Cleveland, 2013; Cleveland & Rousseau, 2013; Griffiths, 2014), whereas the loss of agency for children stems from not only macro level but also micro-level factors such as relatives' actions. As was evident in the testimonies of the participants, most of the very important and life-changing decisions were made for them by the adult members of their families with little to no consultation with them. Participants' respective families decided to migrate, where to migrate, and when to migrate. I contend that children's inability to make decisions for themselves acted as an additional layer of disempowerment that was unique to children.

Children are also inherently more vulnerable to exploitation (Bhabha, 2009; House of Lords, 2016) by virtue of their age. The findings of this research showed that this vulnerability is magnified by crimmigration policies because it forces the already vulnerable children and youth to interact with questionable adults (human smugglers) in precarious environments. Further, this research expanded knowledge on immigration detention by arguing that children experience additional stress in immigration detention. While all asylum seekers report boredom, anxiety and stress in immigration (Cleveland et al., 2012; Cleveland & Rousseau, 2013; DeBono, 2013; Kronick et al., 2015; Pratt, 2005), children reported fear for their personal safety.

In sum, the first-hand accounts of the participants reveal that violence against asylum seeking children is multifaceted and is exercised not only by human smugglers but also by border agents and their family members. At least some of the participants were treated as disposable bodies by the human smugglers and then further dehumanized by the border agents and officials. In many instances, the participants' status as minors or children were erased and they became adults in purpose but remained children in their capabilities.

The findings of this study make a compelling case for scholars to not subsume children's

experiences within research on adults. The findings of this study illustrate a need for child-specific criminological research to further the knowledge on the unique experiences of children with border control and crimmigration policies.

7.2 – RESEARCH LIMITATIONS AND FUTURE DIRECTIONS

Despite this study's contributions to criminological knowledge on young people's experiences with border control, certain research limitations must be acknowledged. Given the vulnerabilities of asylum seekers, it was very difficult to recruit participants. My heavy reliance on snowball sampling and open invitation (for potential participants to respond) may have introduced self-selection bias whereby only those who might have had very negative experiences came forward. The relatively small sample size (nine participants) recruited through a snowball sampling strategy did not allow for definitive conclusions or generalizations of research findings among a wider population of young asylum-seekers. Rather, the findings of this exploratory study best serve as an approach to shed light on children's experiences with border control and crimmigration policies that can be considered a starting point for further investigations.

To start with, future research must address the limitations in this study and include a larger sample size. To achieve this end, researchers should find ways to include more voices of this marginalized population by offering a comfortable safe space, building rapport and establishing a trusting relationship (Mander, 2010; Pittaway et al., 2010). In practice, this means future researchers investigating this topic need to engage with these communities well before they introduce their research in order to understand their social realities and gain their trust.

Moreover, I only included people who could speak adequate English in the sample and as a result, I may have excluded people who could not communicate sufficiently in one of Canada's

languages; such populations may be rendered more marginalized as the challenges they face may remain unknown, and thus, unaddressed. Future research should include these voices by having translators on site.

Beyond methodological directions, there are many gaps that require scholarly attention. Firstly, the knowledge on children's experiences with border control policies is in its infancy; there is thus an urgent need for child-specific studies to investigate and uncover violations of children's rights in order to facilitate the drafting of policies and practices that are more child-friendly. Secondly, in the absence of extensive criminological knowledge on border control and immigration detention, I relied on the knowledge produced in other disciplines to sensitize myself to the immigration trends and policies. Similar to how other disciplines offered valuable knowledge to design this study, the discipline of criminology has much to offer to border studies, especially in light of global trends and changes to immigration policies. Criminology, and particularly its critical strand, is dedicated to analyzing power, dominance, and control – amongst other topics – and the current immigration trend requires criminology's critical gaze in order to understand the impact of the state's power on those targeted and marginalized by immigration and border control policies.

In the absence of extensive research on crimmigration and border control, the list of future research directions is unlimited. Firstly, future research should explore the racialized experiences of migrant children. To this end, scholars may engage critical race theory to shed light on how race has served as a socially constructed category that erases migrants' status as children and labels/treats them as sources of threat. Placing race at the centre of the study can expose the real life impacts of racism in the daily lives of migrant children as asylum seekers and produce a much-needed counter narrative (Nagra & Maurutto, 2016).

Beyond that, there are three areas mentioned below that require immediate attention in order to propel the government to offer more protection for young refugees and asylum seekers. A thorough investigation of asylum seekers' interaction with human smugglers is warranted in order to better understand the harms committed against young migrants. For states to offer more comprehensive protection to young people entering their territory, knowledge on how they are exploited and abused is invaluable for at least two reasons: It would (a) lay the foundation required to develop and implement policies aimed at protecting future migrant children; and (b) facilitate the integration of migrant children into Canadian society.

Secondly, as a discipline known for its counter-narrative approach, critical criminology has much to study violence perpetrated by authorities against migrants. Tam and Hassan's experience of dodging live ammunition fired in their direction is very concerning and more research on such migration experiences is required to determine the scale of this problem particularly among children. Thirdly, to understand the full extent of the harms resulting from crimmigration policies, more research is needed on the retraction of due-process rights during the refugee determination process. In fact, a study looking into cases of deportees can shed light on the harms resulting from the retraction of due-process rights.

In closing, despite the positive and non-carceral shift apparent in the current Liberal government's approach to immigration and their on-going attempt to bring an end to the detention of children (Canada Border Services Agency, 2017), this research serves as a reminder of the impacts of marginalizing policies on an already vulnerable population, that is, asylum seekers and in particular children. Monitoring the impacts of these government-based changes on all asylum seekers and particularly children will be essential in order to assess the progress and set-backs over the long term. Children's vulnerabilities are inevitably magnified when they cross

international borders especially when they are forced to maneuver under the shadows of the law or away from the protections of the state. Their safety is further jeopardized if they are separated from their parents and forced to migrate unaccompanied. These children depend on us all to protect them from dangers not only posed by border infrastructure and human smugglers, but also from the vast powers of the state. The protection of human rights and children's rights in particular should not be contingent on the political agenda of the ruling party; rather, rights should remain unalienable, as they were intended.

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APPENDIX A: INVITATION TO PARTICIPATE LETTER

Dear Sir/Madam,

My name is Zohra Faize. I am a Master's student in the Criminology program at University of Ottawa. I am conducting a study on children and young adults who were formerly detained in Canada as part of the refugee determination process under the supervision of Dr. Christine Gervais, an Associate Professor in the Department of Criminology at the University of Ottawa.

I would like to speak with you about your experiences in Canadian Immigration Detention Centers or Canadian prisons. The areas that this research will focus on involve the following: the initial arrest, daily activities in the facility, rules and routines of the facility, guards and surveillance, the duration of detention, the location of the facility, educational activities in prison and the long-term impacts of these experiences on your perception of yourself, your perceptions of Canada.

You can participate in this study if: (a) you are an adult now (b) you arrived in Canada as an asylum seeker (c) you were under 25 years of age at the time or arrival in Canada; (d) you were detained as part of the refugee determination process; (e) you are a permanent resident; and (e) you can speak adequate English. Your participation is confidential and fully voluntary. You may refuse to answer certain question and withdraw from the study without any consequences.

If you are interested in participating in this study, or have further questions regarding this research project, please contact me at   or by telephone at   If you agree to participate in this study, I will contact you to arrange a short over the phone or face-to-face interview that will last between one hour to an hour and a half. The interview will be audio-recorded for data collection, transcription and analysis purposes only. However, no identifying

information will be linked to you or released.

This study is intended to shed light on the experiences of asylum-seeking children who are detained in Canada, and to thus sensitize policy makers about the consequences of their detention policies and practices on children.

To verify your eligibility to participate, please contact me at   Thank you for your considering this invitation to participate in this research study.

Zohra Faize
Graduate Student
Criminology Program
University of Ottawa

APPENDIX B: INTERVIEW SCHEDULE

1. Thank you for agreeing to participate in my study and for taking time to be interviewed. I understand that it takes courage and time and I appreciate your effort. I look forward to hearing your perspective on how asylum seekers are treated in detention during their migration to Canada. Do you have any questions before we begin?

2. Would you like to choose the pseudonym I will use to refer to you when I write my thesis? If so, what name would you like me to use to replace your name?

3. Please tell me about your life in your home country before you came to Canada?

4. How old were you when you came to Canada?

5. Did you come Canada alone or with family members?

6. Can you please tell me about your first experience when you arrived in Canada?

7. Can you please tell me about your first interaction with the Canada Border Service Agency (CBSA) officer?

8. How did you find out you were going to be taken to a detention center?

9. Were you separated from your parents when you were detained?

10. Did you expect to be detained upon your arrival before you came to Canada?

11. Where were you detained? How long did your detention last?

12. Were you interviewed before you were put in a holding unit?

13. What can you tell me about the facility you were detained in? Please describe the interior and exterior of the facility and how did that setting make you feel?

14. As a child/young adult, what did the detention center represent to you? What did it stand for? What did it symbolize?

15. What was your typical day like in the detention center?

16. How much free time did you have in a day? What did you do during this time?

17. What did you think of the structured routine?

18. Did you feel safe in the institution?

19. Please describe your interaction with the facility staff and the guards?

20. (For unaccompanied children and young adults) Did you know anyone in the facility? Who did you approach for support and/or advice?

21. (For Children) As a child, your rights were safeguarded under domestic and international laws. Which rights were you or your family aware of and do you think your rights were violated as a result of your detention?

22. (For unaccompanied children and young adults)Were you able to keep in contact with your family? Can you please explain the process or procedure you had to follow before you could contact your family?

23. During your detention stay, did you ever feel sick? If yes, please describe the process of getting help.

24. During your detention, did you ever try to rebel or challenge the guards?

25. (For children) During your detention stay, did you ever try to rebel or challenge your parents/guardians?

26. (For Children) Did you attend school/classes during your stay? If yes, please describe. If no, please explain why not?

27. Were there any headcount procedures conducted in the detention center during your stay? Please describe the procedure.

28. Were there any lockdowns in the detention center? Please describe the procedure.

29. If you feel comfortable sharing about these details, can you please tell me if you experienced any extraordinary incidents that occurred during your detention stay (riots, hunger strikes, fights, assaults, sexual assaults, strip searches)?

30. Similar to the earlier question about who you were in your home country, can you tell me how you self-identified while in detention?

31. (For unaccompanied children and young adults) Can you please describe your experience filing for asylum?

32. How did you find the asylum filing process?

33. What do you think the authorities thought of you as?

34. How did the authorities treat you?
35. Do you think Canadian authorities were justified in detaining you? Why or why not?

36. Pretend you were not given any reason for your detention, how would you complete this statement: "I was detained because…?

37. Do you think your detention was a form of punishment?

38. Do you think immigration detention policies apply to everyone equally?

39. Media and governments in developed countries have often labeled asylum seekers as: queue jumpers, economic migrants, criminals and etc. How would you respond to this? How would you challenge this?

40. What aspects of this detention experience have negatively impacted your life?

41. If it applies, what aspects of this detention experience have positively impacted your life?

42. Before your migration, what was your biggest worry and what was your biggest hope?

43. Do you think your detention experience has had any impact on how you view the Canadian government?

44. Do you feel like Canada is your home? Why or why not? Or when did you start feeling at home?

45. Who is (name of the participant) now? How do you self-identify?
46. Do you think there is a possibility that Canada will ever deport you or other asylum seekers?

47. What do you think are some of the most important things I should know about your experience of the refugee determination process?

Thank you for taking the time to complete this interview with me. Your experience is significant and your insights are informative. Thank you for sharing your story. I wish you and your family the very best.

██

You are invited to take part in a study on asylum seekers who were formerly detained in Canada as part of the refugee determination process.

██

Detention Experiences of Asylum-seeker children and young adults: An Interpretative Phenomenological Analysis

██

The purpose of this research is to better understand the impact of detention on asylum seeking children and young adults

██

A maximum of 12 participants

██

You are eligible for this study if:

1. You arrived in Canada as an asylum seeker
2. You were under 25 years of age at the time of arrival in Canada
3. You were detained as part of the refugee determination process
4. You are an adult now
5. You are a permanent resident OR Canadian citizen
6. You can speak adequate English

██

You will be asked to complete a short background questionnaire, which should take 10 minutes. You will be asked to participate in a semi-structured, face-to-face interview, OR phone interview.

You will be asked about your experiences in the Canadian Immigration Detention Centers or Canadian prisons. The areas will focus on: the initial arrest, daily activities in the facility, rules and routines of the facility, guards and surveillance, the duration of detention, the location of the facility, educational activities in prison, and the long-term impacts of these experiences on your perception of yourself, your perceptions of Canada.

██

1 hour to1.5 hour

██

Each participant will be gifted with a $10 Tim Hortons card upon arrival, which is theirs to keep whether or not they choose to participate. Cost of parking or public transit will be compensated before the start of the interview. If you wish to withdraw or refuse questions, you

will still be compensated.

Your participation in this study is completely voluntary and you may withdraw at any time, without any consequence. Pseudonyms will be used to protect your identity. Any data collected up to the time of withdrawal will be promptly secured destroyed.

If you wish to participate in this study, please contact Zohra Faize, the principal investigator at   or   .

Université d'Ottawa | University of Ottawa

Département de criminologie | Department of Criminology

120 Université, FSS14002 / 120 University, FSS14002, Ottawa, ON K1N 6N5

<u>*Oral Consent Form*</u>

**Detention Experiences of Asylum-Seeking Children in Canada:
An Interpretative Phenomenological Analysis**

Zohra Faize (Principal Researcher)
Email:
Cell:

Professor Christine Gervais (Research Supervisor)
Department of Criminology
Faculty of Social Sciences
University of Ottawa
FSS 14047 – University Private
Ottawa, ON, K1N 6N5
Phone:
Email:

I am invited to participate in the abovementioned research conducted by Zohra Faize, Master's student in the Department of Criminology at the University of Ottawa. The purpose of the study is to address how asylum seeking children understand and make sense of their detention experiences and of the long term impacts of these experiences, and of their perception of themselves and Canada.

Participation: My participation will consist of one in-person or over the phone interview lasting approximately 1 hour to 1.5 hour where I will be asked a series of questions related to my detention experiences starting from the initial arrest, the daily activities in the detention facility, the rules and routines of the facility, my experiences with the guards and the surveillance, the location of the facility and the long-term impact of these experiences on my perception of myself, the Canadian government, and Canadian detention practices. The entire interview will be audio-recorded.

Risks: My participation in this study means that I may discuss issues for which I might feel emotional and/or psychological discomfort, distress or anxiety as a result of reflecting on past experiences or memories. The researcher has assured me that every effort will be made to reduce these risks as I am asked questions surrounding my detention experiences. I have also been advised that I am able to withdraw consent at anytime, or refuse to answer any questions, without facing any consequences. I will be given a list of available services within the community that I can use in case I want any support or assistance.

Benefits: My participation in this study will be beneficial, as it will be used as a way to provide expertise on my detention experiences as a refugee child. It is an opportunity in which I am able

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to safely provide an opinion on my experiences and how they have impacted my perception of myself, the Canadian government, and Canadian detention practices.

Confidentiality and Anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I have been given assurance by the researcher that no identifiable information (such as name, address, etc.) will be published and that any potentially identifiable information that I provide (such as names of places or people) will be deleted or altered during transcription. The researcher has also assured me that a pseudonym will be used instead of my real name and only the principal researcher and her supervisor will have access to the data. Finally, the data collected from me will only be used for this research.

Conservation of Data: I have also been assured that the data collected (digital interviews, transcripts) will be kept in a secure manner. During data collection all digital data will be stored in Zohra Faize's password protected computer in a password-protected file. Transcribed files and digital information will be transferred to the possession of Christine Gervais, Associate Professor in Criminology at the University of Ottawa in a secure cabinet in her locked office. The material will be kept for a period of 5 years and then destroyed.

I understand that the information I share will be used for a Master's thesis, as well as for related presentations, public education material, chapters and journal articles by the principal researcher.

Compensation: I will be given a gift in the form of a Tim Horton's gift card valued at $10 at the beginning of the interview, which I have been advised is mine to keep whether or not I choose to continue with the research process. In addition, I will also be reimbursed for transit fare or parking costs that I incur in relation to this research.

Voluntary Participation: Finally, I am under no obligation to participate in this study and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. If I choose to withdraw, all data gathered until the time of withdrawal will be destroyed.

If I have any questions about the study, I may contact the researcher or her supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5
Tel.: (613) 562-5387
Email: ethics@uottawa.ca

Acceptance: There are two copies of the consent form, one of which is mine to keep and the researcher will keep the other. Consent will be orally given by responding, "yes" to the following question

I agree to participate in the above research study conducted Zohra Faize. The goals of the research have been explained to me, the consent letter has been reviewed orally and I have had the opportunity to ask questions and receive clarification regarding research goals, methods, researchers' obligations and the rights of the participants or any other concerns. I have been given a copy of the consent letter.

I, _____ (Zohra Faize) am administering this interview and I hereby attest that oral consent has been given.

Signature : _____ Date : _____

Université d'Ottawa | University of Ottawa

Département de criminologie | Department of Criminology

120 Université, FSS14002 / 120 University, FSS14002, Ottawa, ON K1N 6N5

Written Consent Form

Detention Experiences of Asylum-Seeking Children in Canada:
An Interpretative Phenomenological Analysis

Zohra Faize (Principal Researcher)
Email:
Cell:

Professor Christine Gervais (Research Supervisor)
Department of Criminology
Faculty of Social Sciences
University of Ottawa
FSS 14047 – University Private
Ottawa, ON, K1N 6N5
Phone:
Email:

I am invited to participate in the abovementioned research conducted by Zohra Faize, Master's student in the Department of Criminology at the University of Ottawa. The purpose of the study is to address how asylum seeking children understand and make sense of their detention experiences and of the long term impacts of these experiences, and of their perception of themselves and Canada.

Participation: My participation will consist of one in-person or over the phone interview lasting approximately 1 hour to 1.5 hour where I will be asked a series of questions related to my detention experiences starting from the initial arrest, the daily activities in the detention facility, the rules and routines of the facility, my experiences with the guards and the surveillance, the location of the facility and the long-term impact of these experiences on my perception of myself, the Canadian government, and Canadian detention practices. The entire interview will be audio-recorded.

Risks: My participation in this study means that I may discuss issues for which, I might feel emotional and/or psychological discomfort, distress or anxiety as a result of reflecting on past experiences or memories. The researcher has assured me that every effort will be made to reduce these risks as I am asked questions surrounding my detention experiences. I have also been advised that I am able to withdraw consent at anytime, or refuse to answer any questions, without facing any consequences. I will be given a list of available services within the community that I can use in case I want any support or assistance.

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Benefits: My participation in this study will be beneficial, as it will be used as a way to provide expertise on my detention experiences as a refugee child. It is an opportunity through which I am able to safely provide an opinion on my experiences and how they have impacted my perception of myself, the Canadian government, and Canadian detention practices.

Confidentiality and Anonymity: I have received assurance from the researcher that the information I will share will remain strictly confidential. I have been given assurance by the researcher that no identifiable information (such as name, address, etc.) will be published and that any potentially identifiable information that I provide (such as names of places or people) will be deleted or altered during transcription. The researcher has also assured me that a pseudonym will be used instead of my real name and only the principal researcher and her supervisor will have access to the data. Finally, the data collected from me will only be used for this research.

Conservation of Data: I have also been assured that the data collected (digital interviews, transcripts) will be kept in a secure manner. During data collection all digital data will be stored in Zohra Faize's password protected computer in a password-protected file. Transcribed files and digital information will be transferred to the possession of Christine Gervais, Associate Professor in Criminology at the University of Ottawa in a secure cabinet in her locked office. The material will be kept for a period of 5 years and then destroyed.

I understand that the information I share will be used for a Master's thesis, as well as for related presentations, public education material, chapters and journal articles by the principal researcher.

Compensation: I will be given a gift in the form of a Tim Horton's gift card valued at $10 at the beginning of the interview, which I have been advised is mine to keep whether or not I choose to continue with the research process. In addition, I will also be reimbursed for transit fare or parking costs that I incur in relation to this research.

Voluntary Participation: Finally, I am under no obligation to participate in this study and if I choose to participate, I can withdraw from the study at any time and/or refuse to answer any questions, without suffering any negative consequences. If I choose to withdraw, all data gathered until the time of withdrawal will be destroyed.

If I have any questions about the study, I may contact the researcher or her supervisor.

If I have any questions regarding the ethical conduct of this study, I may contact the Protocol Officer for Ethics in Research, University of Ottawa, Tabaret Hall, 550 Cumberland Street, Room 154, Ottawa, ON K1N 6N5
Tel.: (613) 562-5387
Email: ethics@uottawa.ca

Acceptance: By signing this form, I agree that I have been informed about the study's purpose, procedures, possible benefits and risks. I have also been given the opportunity to ask questions before I sign and I have been told that I can ask questions at any time. I voluntarily agree to participate in this study.

I will be a given a copy of this form for my records.

☐ I agree to participate in this study

Signature of the interviewee _____ Date: _____

Signature of the researcher _____ Date: _____

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APPENDIX F: CERTIFICATE OF ETHICS APPROVAL

Université d'Ottawa   University of Ottawa
Bureau d'éthique et d'intégrité de la recherche   Office of Research Ethics and Integrity

Certificate of Ethics Approval

Social Science and Humanities REB

Principal Investigator / Supervisor / Co-investigator(s) / Student(s)

First Name	Last Name	Affiliation	Role
Christine	Gervais	Social Sciences / Criminology	Supervisor
Zohra	Faize	Social Sciences / Criminology	Student Researcher

File Number: 08-15-05

Type of Project: Master's Thesis

Title: Detention Experiences of Asylum-Seeking Children in Canada: An Interpretative Phenomenological Analysis

Approval Date (mm/dd/yyyy)	Expiry Date (mm/dd/yyyy)	Approval Type
11/21/2015	11/20/2016	Ia

(Ia: Approval, Ib: Approval for initial stage only)

Special Conditions / Comments:
N/A

Université d'Ottawa   University of Ottawa

Bureau d'éthique et d'intégrité de la recherche   Office of Research Ethics and Integrity

This is to confirm that the University of Ottawa Research Ethics Board identified above, which operates in accordance with the Tri-Council Policy Statement and other applicable laws and regulations in Ontario, has examined and approved the application for ethical approval for the above named research project as of the Ethics Approval Date indicated for the period above and subject to the conditions listed the section above entitled "Special Conditions / Comments".

During the course of the study the protocol may not be modified without prior written approval from the REB except when necessary to remove participants from immediate endangerment or when the modification(s) pertain to only administrative or logistical components of the study (e.g. change of telephone number). Investigators must also promptly alert the REB of any changes which increase the risk to participant(s), any changes which considerably affect the conduct of the project, all unanticipated and harmful events that occur, and new information that may negatively affect the conduct of the project and safety of the participant(s). Modifications to the project, information/consent documentation, and/or recruitment documentation, should be submitted to this office for approval using the "Modification to research project" form available at: http://recherche.uottawa.ca/deontologie/submissions-and-reviews.

Please submit an annual status report to the Protocol Officer 4 weeks before the above-referenced expiry date to either close the file or request a renewal of ethics approval. This document can be found at: http://recherche.uottawa.ca/deontologie/submissions-and-reviews.

If you have any questions, please do not hesitate to contact the Ethics Office at extension 5387 or by e-mail at: ethics@uOttawa.ca.

Protocol Officer for Research Ethics
For Dr. Barbara Graves, Chair of the Social Sciences and Humanities REB

APPENDIX G: APPROVAL OF MODIFICATION

Université d'Ottawa University of Ottawa
Bureau d'éthique et d'intégrité de la recherche   Office of Research Ethics and Integrity

Social Sciences and Humanities Research Ethics Board

APPROVAL OF MODIFICATIONS

June 10, 2016

Zohra Faize

Christine Gervais
Department of Criminology
Faculty of Social Sciences
University of Ottawa
120 University Private
Ottawa, ON K1N 6N5

RE: Detention Experiences of Asylum-Seeking Children in Canada: An Interpretative Phenomenological Analysis (# 08-15-05)

Dear Professor Gervais and Ms. Faize,

The Social Sciences and Humanities Research Ethics Board has examined your request for ethics approval of the following modifications to your research project:

- Researchers have modified the inclusion criterion regarding the age of participants when they arrived in Canada. They will now recruit those who were under the age of 25 at the time of arrival in Canada.
- Researchers will also recruit using snow ball sampling technic.
- Participants will no longer have to accept audio recording of their interview in order to participate.
- Some interview questions have been added to the interview guide.

Your request has been accepted. The certification of ethical approval granted on November 21, 2015 and valid until November 20, 2016 covers this modification.

During the course of the study, any further modifications to the protocol or forms may not be initiated without prior written approval from the REB. You must also promptly notify the REB of any adverse events that may occur.

If you have any questions, please do not hesitate to contact me at extension 5387.

Sincerely yours,

Protocol Officer for Research Ethics
For Dr. Barbara Graves, Chair of the Social Sciences and Humanities REB