



Childhood Spent Waiting at the Gate

The Ambiguous Treatment of “Unaccompanied Foreign Minors” in Airport Holding Centres

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Translated from the French by Oliver Waine

Series: Children in the City

The recent opening of a holding area for “unaccompanied foreign minors” at Paris Charles de Gaulle airport reflects a change in French policy regarding the detention of children at border entry points. Adeline Perrot shows that, in reality, providing care for young people in confinement straddles a fine line between protecting minors in danger and policing migratory movements.

In July 2011, a closed area for the detention of unaccompanied foreign minors was opened at Paris Charles de Gaulle airport, within the holding centre known as “ZAPI 3” (*zone d’attente pour personnes en instance numéro 3*, or “holding area 3 for persons awaiting decisions”), with the specific aim of separating minors travelling alone¹ from adults and accompanied minors. According to available estimates, there are more than 8,000 children (and young adults)² in accommodation on French soil provided by state services or local youth welfare services. These unaccompanied foreign minors became a subject of political concern (Gusfield 2009) in the early 1990s (Perrot 2015), and the number each year who arrive at Charles de Gaulle airport and are temporarily placed in holding centres by the French authorities now runs into the hundreds. The reasons for their confinement include applications for asylum at the border, through transit, and notifications of refusal for entry into France owing to non-possession of the necessary documents. While unaccompanied minors arriving by land and apprehended directly on French soil are legally considered “children at risk”, their status during their time in holding centres is not clear, and indeed the French child protection agencies do not intervene there. The ethnographic study³ revealed that these children are the subject

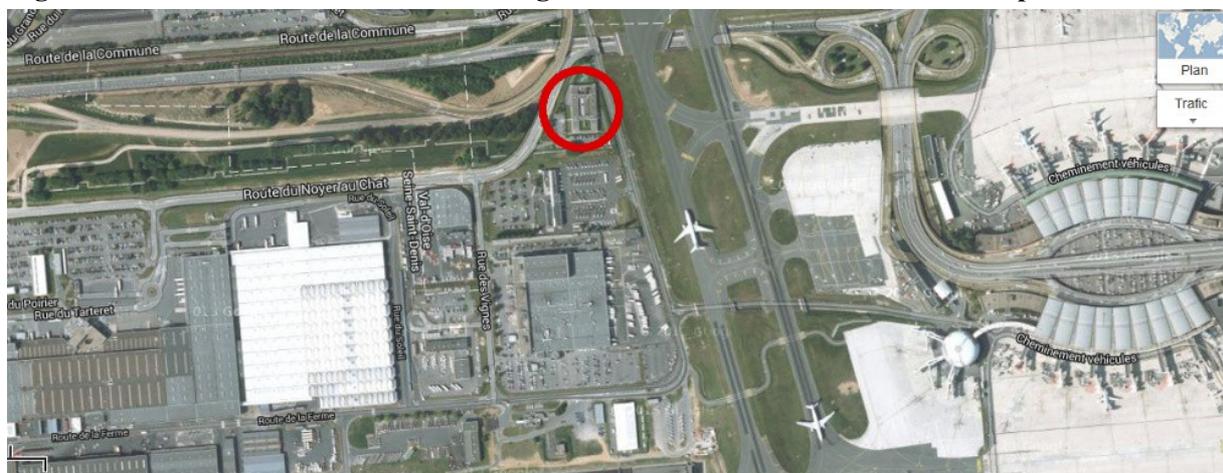
¹ The minors observed generally were not travelling completely alone: they tended to know people upon their arrival in the holding centre or in France. These might be family members (real or not), peers in similar situations to themselves, or other individuals whose identity remains unknown. The principle of separating these minors from adults aims to evaluate any situations of danger that they may incur by being “temporarily or permanently deprived of the protection of their family” (Article L.112-3 of the French Social Action and Family Code, created by the French law of 5 March 2007 reforming child protection). Here, recognizing their unaccompanied status and their legal incapacity implies an acceptance that they may require protection as endangered children (Article 375 of the French Civil Code) and that such protection cannot be ruled out because of an institutionally created border.

² This approximate figure was provided by the Cellule Nationale des Mineurs Isolés Étrangers (French National Unit for Unaccompanied Foreign Minors), created in June 2013 following the application of the circular of 31 March 2013 by the French justice minister, “relating to the means by which care is provided for unaccompanied foreign young people via national measures ensuring the shelter, assessment and referral of these individuals).

³ As a result of the different trajectories followed by unaccompanied minors arriving in France prior to their entry (or non-entry) into the French national child protection system (holding centre for minors, tracing services, initial reception and referral services, juvenile courts, liberties and detention judges), the studies we conducted in a number of French *départements* (administrative areas akin to English counties) – namely Paris, Seine-Saint-Denis and

of a somewhat ambivalent treatment related to the judicial status of this centre located at a border entry point on the margins of the city.

Figure 1. Aerial view of the ZAPI 3 holding centre at Paris Charles de Gaulle airport



Source: cartographic data, Google Maps, 2013.

Before the creation of “holding centres” under French legislation,⁴ the deprivation of liberty could take place, with no maximum time limit, in the “international zone” of Charles de Gaulle airport, located between the transit corridors and the border police checkpoints. This administrative practice was governed by neither French nor international regulations, and was established outside any legal framework, in a space designed at the time to be “extraterritorial”.⁵ This situation has recently been changed, with the gradual application of French law and the opening-up of control and supervisory practices to the judicial authorities, following objections from associations of activists (Makaremi 2010). Now, after the first four days of administrative detention following a prefectural decision, liberties and detention judges have the legal power to extend this detention (twice, for a maximum of eight days each time, resulting in a total detention period of no more than 20 days) or end the detention period and authorize the person’s release, in their capacity as guarantors of rights associated with border detention. These rules apply identically to both adults and minors.

Our observations essentially call into question this suspension of territorial continuity at borders, which tends to be “projected” rather than implemented in concrete terms. Indeed, the “minors’ area” facility tends to mitigate the notion of border detention, instead confirming the status of these minors as children “already” in France. This facility would therefore seem to be an edifying example of forms of border-point management calling into question not only their own existence

Essonne (all in the Paris region) and Mayotte (an overseas *département* that forms part of the Comoro Archipelago) – were modelled on the “combinatory” ethnography of Nicolas Dodier and Isabelle Baszanger (1997). In the holding centre, our study focused on the internal and “lockdown” operation of the minors’ area via prolonged observation of the work of the Red Cross mediators and interpreters responsible for the 24-hour care of the minors placed there. The Red Cross association was granted the power to intervene in this space – rendered “unofficial” by the fact that its activities are shielded from public scrutiny – in 2003 by the French interior ministry. In 2011, the Red Cross hired six female mediators/interpreters who work in shifts to provide round-the-clock support for the unaccompanied minors in their care. The aim here is to understand how these professionals, recruited specifically for their expertise in the field of early childhood, deal with the populations that are sent to the minors’ area. These populations are sometimes viewed as legally responsible (Fischer 2012), requiring the verification of their identity, and sometimes as children rendered “vulnerable” by their migratory peregrinations, who must be protected first and foremost.

⁴ Specifically, the “Quilès Law” of 6 July 1992 concerning holding centres at ports and airports, modifying the order of 2 November 1945 relating to the entry and residence conditions of foreigners arriving in France.

⁵ Draft law relating to the immigration control and residence of foreigners in France, submitted to the French Law Commission on 1 October 2003. Examination of Article 34: “Improving the holding-centre regime”.

but also that of the established barriers in place. To what extent does the creation and professionalization of a “minors’ area”, designed for young children, expose and contribute to this move ever closer to the city gates?

The confinement of minors in detention centres

Confinement at Charles de Gaulle airport takes place in a specialized “hotel”-type accommodation centre built with the specific aim of border detention and inaugurated by the French interior minister in 2001. Located a few metres from the runways,⁶ the boundary of the centre’s territory is marked by a dividing line that remains somewhat unstable, represented in physical terms by fences and police surveillance measures. Situated out of view and away from urban exchanges, this centre, with its somewhat porous borders, spills over into French territory, in which it is located geographically, and whose institutions ensure its operation. The centre is not completely closed off from France for several reasons: first, because the minors detained there consider and designate their placement in the holding centre as their first steps in France, with its share of discoveries and disappointments. Second, the French state is an omnipresent figure via the implementation of protocols and facilities and the accreditation of a series of administrative actors (OFPRA⁷), associations (ANAFÉ⁸, Red Cross, Famille Assistance), medical bodies (a team from Ballanger hospital⁹), multi-service providers (a company called GTM) and police (air border police). In everyday life, the translations into French, hearings in French, the dishes on offer in the canteen, the climate, the trips under police escort to Bobigny (the administrative centre of the *département* of Seine-Saint-Denis, in which part of the airport lies) and into the centre of Paris, and the crests and badges of the police forces encountered continually evoke France. Despite this, detainees are constantly reminded that they are “not yet” in France.

While these measures interrupt minors’ migratory plans and prevent (at least temporarily) their access to French soil, it is apparent that French territory is not that far away. The legislative creation of a border beyond the airport entry checkpoint raises the question of whether the category of “unaccompanied foreign minors” should not be changed instead to that of “children in danger” in this intermediate space that is supposedly outside any national territory.

Hesitancy over how to describe a population with uncertain status

The semantic hesitations and other difficulties in describing this population of minors detained in holding centres are indicative of a fundamental problem in defining the way in which these young people should be treated (Thévenot 1990).

A first level of definition is in legal terms: from this point of view, these individuals are “minors” who are supposedly travelling unaccompanied, although in certain cases it is necessary to check their identity and biological age, which is done using methods for determining age and parentage that are today controversial. Here, legal inflexibility is applied in a “disembodied” and impersonal way in order to distinguish “true minors” from those who show signs of being of legal majority or of having possible family links with adults also in detention. All these assessments, which begin in the holding centre and continue on French soil, form a necessary step in the process towards a possible admission into France, and therefore release to a legal guardian or to a children’s judge who will arrange for the child’s placement in an appropriate situation of care. Accordingly,

⁶ The law provides for the establishment of holding centres close to disembarkation points, by order of the prefecture (Article L.221-1 of the French Code Governing the Entry and Residence of Foreigners and the Right of Asylum, modified by Article 10 of the French law of 16 June 2011).

⁷ OFPRA: Office Français de Protection des Réfugiés et Apatrides (French Office for the Protection of Refugees and Stateless Persons).

⁸ ANAFÉ: Association Nationale d’Assistance aux Frontières pour les Étrangers (French National Association for Border Assistance to Foreigners). Website: www.anafe.org.

⁹ Ballanger hospital is located in nearby Aulnay-sous-Bois (in the *département* of Seine-Saint-Denis).

determining that the individual in question is indeed minor and unaccompanied is of great importance legally.

Considered from a different angle, however, this population of young detainees are still “children”, who, from the moment they are assigned to the minors’ area, have every reason to be considered vulnerable. They have been through trying journeys, have taken considerable risks, and therefore require careful monitoring in terms of their sleep schedule, their diet, their health and their activities. This monitoring is especially important given that the isolated environment of the holding centre means that worrying situations cannot be ignored. In reality, reporting situations of danger affecting unaccompanied foreign minors in detention is not a widespread practice, according to observations made by ANAFÉ (2013, p. 32) and the Red Cross (2011, p. 26). The conditions for deciding whether to report such situations are essentially contained in Article 375 of the French Civil Code,¹⁰ but the specific criteria used vary from association to association (deportation, threats posed by human trafficking networks, detention conditions, domestic abuse). Furthermore, it is rare for the children’s judge to adjudicate before the liberties and detention judge, and it is rare for a provisional decision ordering a minor’s placement with local youth welfare services to lead to his or her release.

The professionals in the minors’ area have to deal with “young people” whom it is sometimes difficult to still truly consider children. First of all, this is for reasons relating to their age: among the detained minors identified by Red Cross *ad hoc* administrators, the 13–18 age group was by far the most numerous, accounting for 86% of the minors represented by the association in 2010 (Red Cross 2011). We therefore sought to see how the mediators dealt with this problem of how to consider the populations in question, who wanted neither to break the association with the innocence of childhood nor to assimilate them with young people who are legally competent with respect to immigration law because they were “chosen” to accomplish their respective families’ migratory plans (Laacher 2002). According to our observations, this perspective implies a reversal of identities in order to prevent, contain or circumvent certain types of behaviour on the part of minors (attempts to abscond, rivalry with police officers, rebellious attitudes) and cultivate, promote and encourage others (expressions of distress or tiredness, children’s activities). Often, upon entry into the minors’ area, it is made clear to new arrivals exactly what their status as legally incapable minors means: it implies both protection and constraints, owing to their legal representation by *ad hoc* administrators and the secure/doubly enclosed environment of the minors’ area. With this in mind, the qualities that are recognized and encouraged in order to complete the migratory trajectory is incompatible with the rationales of this transitional area and their status as “minors in danger”.¹¹

Our study thus reveals a movement and an oscillation between different categories: “minors”, in strict, inflexible legal terms; “children”, which implies special treatment in certain regards; and “young people”, whose mobility trajectory presupposes the development of reserves of resistance and determination (Laacher 2005), which may resurface in the minors’ area but must be contained. While these three statuses coexist to a certain extent, our observations show that the mediators try to counterbalance those categories with the least administrative relevance – “minors” and “young people” – by supporting and promoting a framework built around the category of “children”. The

¹⁰ “If the health, safety or morality of an unemancipated minor is endangered, or if the conditions of his or her education, upbringing or physical, emotional, intellectual and social development are seriously compromised, educational support measures may be ordered by a court of justice [...]”.

¹¹ Without making any presumptions about the difficulties that minors have been through and the veracity or otherwise of their “unaccompanied foreign minor” status, there are three points in international mobility trajectories that involve the family: first, when the young people in question leave one country as “exemplary” minors who are trusted and given the resources necessary to achieve this collective project; second, during an often difficult and painful journey that is highly unpredictable and full of uncertainty; third, upon their entry into the admission process for youth welfare services, which requires minors to undo the identity they have developed, and which is valued and encouraged by their families, and instead express more of their vulnerability (which we shall not call into question here). It is not a matter of designating any one of these cases as being more “realistic” than the others, but rather of showing that they all make up part of the migration experience of children who are in the process becoming “unaccompanied foreign minors” in the French institutional sense.

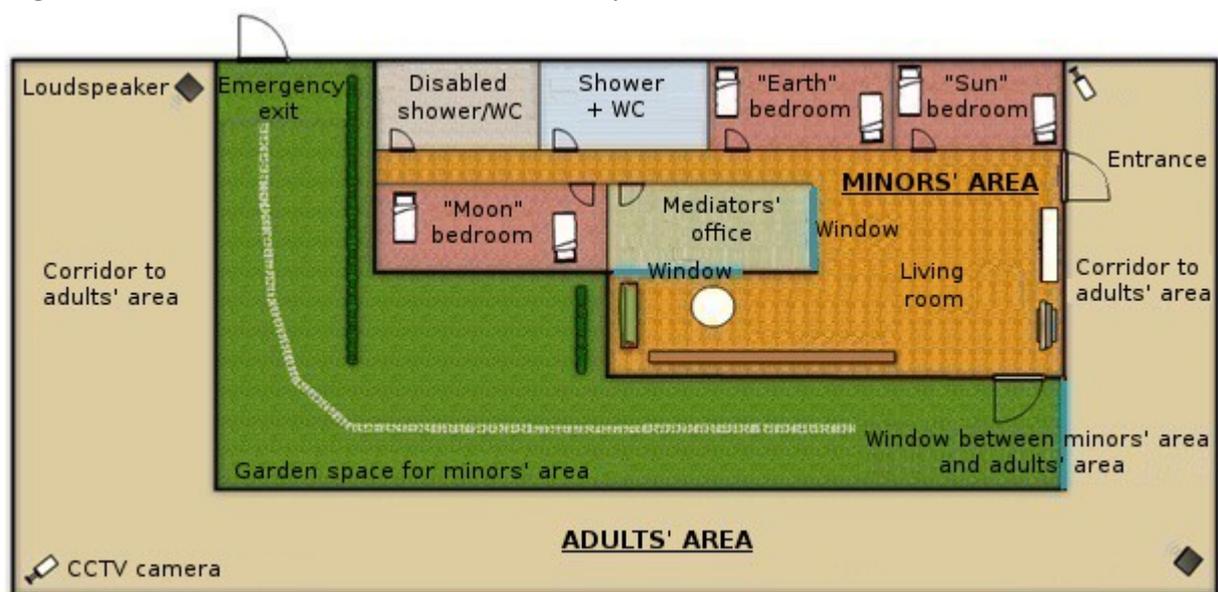
premise put forward by the mediators is that the imposed context of confinement – and investigations concerning minors’ identities as migrants – should be left outside the minors’ area and outside the scope of their work. To achieve this, they mobilize the resources offered by the environment of the minors’ area and seek to enable minors to live in this place of transition in a certain way.

Facilities and terminology associated with childhood

It would seem that all the occupants of the minors’ area, regardless of their age, are viewed as children that have not only to be fed and cared for, but also kept entertained. Aside from concerns about the physical condition of the minors in their care, the mediators’ attention focuses on their fulfilment and development via the spontaneous acts of everyday life. Within this context of quasi-imprisonment, where “normal” life is inevitably disrupted, the “life process” (Mead 1897) is supposed to be maintained as far as possible, and this is reflected through play. Although the minors here are caught in a sometimes unbearable waiting game, and often fall prey to a great many misunderstandings relating to their confinement, the mediators believe that they should be able to have fun in a worry-free context. This is very much an “adult-centric” educational vision (Danic *et al.* 2006) that is considered paramount in the holding centre, as it is thought to be indicative of minors’ well-being.

The minors’ area is fitted out in such a way that minors perceive a light, soothing atmosphere as soon as they arrive. This space is a micro-world of its own within the holding centre (see Figure 2 below), and reflects an attempt to demarcate it from the surrounding environment, even though both are relatively permeable.

Figure 2. Plan of the minors’ area, surrounded by the adults’ area



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How the minors’ area is laid out: a space that seeks to re-establish minors’ role as children?

In contrast to the rest of the holding centre, the building for minors is painted in bright colours, and mediators regularly note that rooms are excessively heated. It covers a total area of about 80 m² (860 sq. ft), which is subdivided to provide three themed bedrooms (“moon”, “earth” and “sun”), two bathrooms, the mediators’ office, a living room, and a garden area. In the different corners of

the minors' area, the shelves are filled with games, books and stuffed animals that mediators often have to tidy up in order to avoid excessive cluttering of floor space or having piles of toys collapse. In terms of the sound environment, the lack of resonance is immediately perceptible compared to the echoes that reverberate outside in the bustling corridors of the adults' area during interactions between detainees, with police officers, or during the broadcast of audio messages via the intercom system. By crossing the threshold of the door to the minors' area – access to which is strictly controlled from within by the mediators – one emerges into a soft, colorful, soundproofed atmosphere.

Although the barbed wire, CCTV cameras, lack of handles on the windows, and regular police patrols are constant reminders of a situation of deprivation of liberty, certain aspects of the minors' area help to forget the context of confinement that underlies mealtimes and periods of recreation, relaxation and procedural activities. This is a space where minors are forced to take on the role of a child, that is to say an individual who can be placed into care by the children's judge and attend school. Being declared a "minor" means being treated and having to behave as such; but some succeed with less ease than others, depending on the reasons for their migration (education, prostitution, informal labour) and the requests made during the waiting period (to smoke, to shave, to talk to people in the adults' area, or even to pursue a romantic relationship). The predominant perspective adopted is to see these children as "ordinary", temporarily putting to one side the adverse possibilities that may await them in the future (risk of abuse; domestic, sexual or economic exploitation), which must remain within the domain of the inconceivable.

Once police checks and controls are complete, minors are transferred to the holding centre, where they are accommodated and, from the outset, considered and treated as children who require the support of "caring" adults in pursuing what would appear to be a "justifiable" project: learning French and going to school. It is in this minors' area that they are taught the kinds of skills necessary for their integration into child protection services: learning to make their beds and showing respect for basic rules of politeness and community life, for example. While the humanitarian dimension of the space is visible via the cupboards full of sheets, food and hygiene products, the burgeoning socio-educational framework is even more present, given the likelihood of placement provisions being ordered for minors upon their release from the detention centre¹² in cases that do not end in forced removals. But what does this informal introduction of educational aspects mean in a context where minors are not legally recognized as children in danger? What is at stake?

Should unaccompanied foreign minors be integrated into the French national child protection framework?

How this population is defined – as minors, children or young people – is a major issue in political terms and among the groups and associations working in this field. The precise designation that is used determines the treatment that they will receive, either as a "child" to be protected or as a "young person" close to the age of majority who will soon no longer be covered by the child protection system. In this respect, it is significant that migrant advocacy groups also – and very systematically – use the designation "child" in order to decry the confinement of minors and the existence of other practices generally deemed to be discriminatory with regard to unaccompanied foreign minors.

¹² In 2010, among the cases where access was granted to French territory (82%) – that is to say very much the majority of cases, compared with the number deported or allowed to continue their journeys (based on a sample of 175 minors represented by the Red Cross association, in its role as *ad hoc* administrator, out of a total of 411 unaccompanied foreign minors detained in the holding centre) – the most common outcomes were referral to the child protection unit of the local youth welfare services, followed by the child's return to his or her parents (or other legal guardian), to another family member, or to a trusted third party (Croix-Rouge 2011).

The aim of these efforts is to achieve a convergence between the French regulatory framework on child protection and the rules that apply to the minors' area, which theoretically lies outside the national physical space. Moreover, certain lawmakers wish to see advances made along these lines. When the French child protection law of 2007 was passed, several amendments were presented (but not adopted) in both the National Assembly and the Senate¹³ with the explicit aim of ensuring the cases of unaccompanied foreign minors confined in holding centres were automatically referred to a children's judge with a view to obtaining their placement with local youth welfare services. At the time, and even before the creation of the minors' area at Charles de Gaulle, debate on the subject was already under way: in particular, the question had been raised as to whether the provisions for minors arriving by land should also be fully introduced and applied to the airport holding centre. All the ambiguity of this situation lies in the fact that the children's judge, declared to have territorial jurisdiction for the holding centre,¹⁴ would have to issue a placement order¹⁵ for minors who are not technically on French soil, which would there help to maintain the current legal uncertainty between the admission practices in place on French territory and, at the same time, the physical distancing of minors from these practices, to the extent that they are sometimes even deported.¹⁶ These emerging debates and legal precedents illustrate the current tendency to reconsider the notion of borders (Darley *et al.* 2013), and consequently also to call into question the differences in treatment between minors on French soil and minors who are so very close to being so.

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¹³ Assemblée Nationale (National Assembly, or lower chamber of the French parliament), verbatim record, third session, 9 January 2007; Sénat (Senate, or upper chamber of the French parliament), session of 20 June 2006, verbatim record of debates, and session of 12 February 2007, verbatim record of debates.

¹⁴ Decision of the Cour de Cassation (French Court of Cassation) of 25 March 2009: "that Article 375 and following of the French Civil Code [...] shall be applicable on French territory for all minors on French territory, regardless of their nationality or the regular or irregular nature of their stay in France; that minors placed in the holding centre located at Paris Charles de Gaulle airport shall *de facto* be deemed to be on French territory."

¹⁵ In rare cases (e.g. organ trafficking, prostitution rings), a provisional placement order may be applied to a minor detained in the holding centre concomitantly with his or her presentation before the liberties and detention judge; however, release from the holding centre may not precede the judgement (source: interview with the mission coordinator of the Red Cross association's *ad hoc* administrators).

¹⁶ The "Guide théorique et pratique de la procédure en zone d'attente" ("Theoretical and practical guide to holding-centre procedures"), produced by ANAFÉ in January 2013, informs us that the French interior ministry and the French border police have already taken measures in the past to deport minors despite the issuance of a provisional placement order (Bobigny children's court, 24 September 2004, provisional placement order).

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