Chapter 7

"Illegal bodies" on the move – A critical look at forced migration towards social justice for young asylum-seekers

Maria Pisani

INTRODUCTION

*H*omo Migratus. A term I coined to make a point – an important point: human beings move. It is what we have always done; it is nothing new. Indeed, contemporary trends indicate that international migration is now an integral part of globalisation. This, according to Castles and Miller (2009) is the "Age of Migration". But what is the "Age" of migration? The UN Youth Report of 2013 suggested that by mid-2010, the global number of international migrants aged 15-24 was estimated to be around 27 million, making up around one eighth of the global migrant population (estimated at that time to be around 214 million). According to another UN report, young people aged 19-29 constitute somewhere between 36% and 57% of international migrants (United Nations 2013). Young people move for a variety of reasons, be it for education, employment opportunities, voluntary work abroad, for love even. There are also those who are forced to flee their home as a result of an existential threat. Statistics on asylum claims throughout the EU are significant. In 2014, almost four in every five asylum-seekers in the EU-28 were under 35 years of age (79%). Those aged 18-34 made up just over half of the total number of applicants (54%), while minors under the age of 18 accounted for just over one quarter (or 26%). In 2014, more than 23 000 unaccompanied minors (UaMs) requested asylum in one of the EU-28 countries (Eurostat 2015).

In this paper I will be focusing on young people who have been forced to flee their homes, specifically those fleeing sub-Sarahan Africa, the Middle East and North Africa, who have made their way to the European Union.[2] The paper is divided into two sections. In the first section I provide an overview of the forced migration trends crossing the Mediterranean. My analysis will contest the neo-liberal liberal agenda and the immigration policies of "Fortress Europe" that extend well beyond the blue (sea) border: political processes and practices that structure realities at a global, regional and local level. I then look at the case of young asylum-seekers who have arrived in Malta,[3] and secondary containment within the EU. I describe human rights violations, poverty and social marginalisation, and I expose processes of democratic exclusion: the day-to-day realities experienced by illegalised young bodies positioned discursively and *de facto* outside the law. In the second section I illustrate how a "statist" hegemony is ubiquitous within youth research. I illustrate how the "citizenship assumption" within youth studies has failed to interrogate the "nation state" as a unit of anlaysis. I conclude by arguing that the prevalent, uncritical stance towards notions of the nation state and democracy is fundamentally problematic, inherently exclusionary, and out of touch with a global reality lived out by millions of young people: young bodies positioned as "illegal" wherein the "right to rights" cannot be assumed (Arendt 1968).

This paper adopts a critical approach to the study of youth and forced migration. In the spirit of a critical approach to knowledge production, one must necessarily draw on a wide spectrum of disciplines, paradigms and theoretical approaches. In this paper I draw on, *inter alia*, critical international relations, post-structuralism, post-colonial studies and intersectionality. What each of these theoretical approaches share is the rejection of any notion of objectivity or neutrality in language, concepts and categories, arguing instead that knowledge is always embedded in historical and social processes. In adopting a critical approach to the study of youth and forced migration, this paper seeks not only to question, expose and understand domination and oppressive structures, but also to move towards a project of praxis and social transformation (Habermas 1993). In this regard, this paper does not claim to be objective or neutral; rather, it is unapologetically political and geared towards social justice. This paper does not provide an all-inclusive account of youth and forced migration, nor does it seek to do so. Rather, it marks a humble – desperate

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2. For the purposes of this paper, forced migration is defined as the movement of individuals resulting from an existential threat and includes persons displaced as a result of war, persecution, conflict, famine, natural or environmental disasters. The term "forced migrants" includes refugees, internally displaced people (IDPs), as well as persons displaced by natural or environmental disasters, chemical or nuclear disasters, famine or development projects (see also Betts 2009; IASFM 2014). Migration is often premised on the distinction between forced and economic migration – the former being associated with the category of "refugee", the latter assumed to be "voluntary". Such a dichotomy – that of volition and coercion – is inherently problematic (Crisp 2008). There is a fine line between fleeing one's home in search of safety and as a means of subsistence and survival. In reality the line is complex and blurred wherein the need for human security must not be limited to violence and persecution, but must include socio-economic threats (Pisani and Grech 2015).

3. Located in the centre of the Mediterranean, south of Sicily and north of Libya, Malta (and the sister islands of Gozo and Comino) is the smallest of the European Union (EU) member states, with a population of just over 400 000.

even – attempt to stimulate further debate on youth and forced migration – an issue that urgently deserves theoretical engagement, informed intervention and practice, and legal and policy change in order to ensure the right to rights and social justice.

CONTEXTUALISING SOUTH/NORTH FORCED MIGRATION

Over the past few months, the asylum flows across the Mediterranean have received considerable attention in the international media as the death toll has continued to rise – now well into the thousands. Up to April 2015 the guesstimates were around 1 780 (IOM 2015). This blue border has emerged as the most deadly sea route used by refugees and other forced migrants around the world. We will probably never know exactly how many lives have been lost, positioned and construed as "illegal"; their bodies are rendered disposable. However, we do have some statistics on arrivals – albeit inconsistent ones. The United Nations High Commissioner for Refugees (UNHCR) and IOM report that more than 10 000 unaccompanied minors risked their lives crossing the Mediterranean in 2014 (UNHCR and IOM 2014). Other sources suggest that the same year witnessed 12 164 in Italy alone – a third of them now reported as missing (Malta Independent 2014). In 2014, more than a quarter of the arrivals in Malta were under the age of 18 and travelling alone, young people (generally aged between 15 and 17) largely (but not exclusively) from Somalia and Eritrea, fleeing war, conflict and/or poverty in search of a better life in Europe.

Political and humanitarian responses to this reality have all too often adopted a fig-leaf response that "at best ignores underlying causes, and at worst, legitimates structures perpetuating forced migration" (Betts 2009: 131). I want to begin by first looking at the context that forced migrants crossing the Mediterranean are leaving behind. Castles (2003) has argued that such forced migratory movements are a fundamental element of North/South relations, and intrinsicaly linked to global social transformations. Neo-liberal globalisation has continued to exacerbate a hierachy of wealth and global inequalities that have proved to be detrimental to poor people's rights and livelihoods. Undaunted by the risks involved in crossing the Mediterranean, for years now young people (in particular young men) from sub-Saharan Africa have been fleeing poverty and war, risking their lives in search of security and the hope of a better life, embodying the discursive, historical and geopolitical formations that capture these new forced migrant flows (Ifekwunigwe 2013). Despite some economic improvements, sub-Saharan Africa remains, by far, the poorest region in the world (Economist Intelligence Unit 2014), a reality that must be set against another uncomfortable truth: the economic interests of the richer countries of the world have also contributed to triggering and perpetuating wars. Indeed, poverty, all too often (and by no means coincidentally) is associated with fragile states wherein a weak justice system, human rights violations, corrupt regimes, insecurity, repression and persecution are commonplace, generating the structural conditions that push people to cross international borders in search of safety, security and protection (see also Castles 2003; Betts 2009; Grech 2011). If we look at the statistics for Malta, over the past 12 years the top countries of origin boat arrivals have almost consistently been Somalia, Eritrea, Ethiopia and Sudan. As of 26 June 2015, more than 120 000 asylum-seekers have reached the shores of Italy

(62 000) and Greece (63 000), the vast majority coming from Eritrea and Somalia, and Syria, Afghanistan and Iraq respectively (BBC 2015; UN 2015).

THE GLOBAL DIVIDE

In order to understand the contemporary policy context, we need to look to the recent past. The end of the Cold War witnessed a new world order and new migration flows. The political and economic interests of the rich northern countries shifted, and with them, their agenda. As migration movements transformed, the EU adopted a policy of containment, and so developed what has rightly been coined as "Fortress Europe". Spurred on by 9/11, the strengthening of border controls, an emphasis on securitisation, a more rigorous refugee determination process, and visa restrictions, among other measures, can all be seen as designed to prevent North/South migration or, more specifically, that refugees from the global South remain in the South (Koffman et al. 2000). As a young refugee recently shared in a conference organised in Malta, "It would have been easier for me to get a visa to Mars, than to get a visa to Europe." For this reason, and contrary to popular perceptions in the EU and beyond, the vast majority of displaced people are hosted by countries in the Middle East, Asia and Africa. Indeed, at the end of 2013, the poorest countries in the world were hosting 86% of the world's refugees (UNHCR 2014), a reality, then, that must also be understood within the broader context of North/South relations.

While the causes of forced migration are global, the responsibility for hosting refugees is clearly local. The majority of the world's refugees and displaced people have been residing in protracted refugee contexts (that's for at least five years) because they have nowhere else to go. For many host countries in the global South, chronic refugee contexts contribute to insecurity, presenting challenges to economies that are already weak, and posing a political and economic dilemma vis-à-vis the security of its own citizens. The ongoing situation in the country of origin and the policy responses of the host country go some way to explain the causes of protracted refugee contexts, but do not provide the whole picture.

The restrictive asylum policies of the rich countries of the North have ensured the externalisation of borders to the South, perpetuating the disproportionate responsibility on the global South (Milner 2014). And herein lies what Hyndman (2011) has described as the "conundrum … a contradiction, or more simply geopolitics" (2011: 7). The world's richest states have found ever more convoluted ways to avoid their legal obligations as enshrined within the 1951 Geneva Convention. The aid, policies and strategies put in place by liberal democratic countries are a flagrant denial of the liberal democratic norms and human rights established to protect refugees. This containment policy has contributed to millions upon millions of the world's forgotten people – refugees – remaining warehoused in limbo, denied the most basic rights to work, residence and mobility, their legal status restricted (ibid.). As Chimni (2009: 11) has convincingly argued, restrictive access to international rights must be historically contextualised and recognised as deliberate, reinforcing what he calls the "myth of difference between second and third world refugees". In the absence of durable solutions and effective protection, some refugees will continue their journey, resulting in irregular secondary movements (Moret, Baglioni and

Efionayi-Mäder 2006). This of course has implications regionally, and also internationally. Some – and as the statistics indicate, by no means all – will head to Europe. Take, by way of example, the Mai Aini and Adi Harush camps in Ethiopia, which have been housing Eritrean refugees for more than a decade. Facing a life in limbo, thousands of young Eritrean refugees have moved on to third countries, many en route to Europe or the Middle East (UNHCR 2011).

FORTRESS EUROPE

This containment policy, coinciding with restrictive immigration policies, has witnessed the birth of "Fortress Europe". Similar to Australia's "Operation Sovereign Borders", the policy debilitates asylum-seekers' access to refugee protection. The strategy has led to deadly repercussions as the EU member states have sought to construct an increasingly impenetrable fortress to keep the unwanted out – regardless of the desperate measures they are willing to take to seek protection. In an effort to "defend" its external borders the EU has gone to extraordinary measures, placing borders over lives, sovereignty over rights.

Take the Greece/Turkey border, for example, where barbed wire fencing, thermal night vision cameras and border patrols are among the means used to prevent what is construed as a national security threat (Council of Europe 2010). If we look to the eastern borders, in response to a dramatic increase in the number of asylum-seekers originating from countries like Afghanistan and Syria, the government of Hungary just recently announced a plan to build a 13-foot (4-metre) high wall along the 109-mile border with Serbia (The Wall Street Journal 2015).

Another case in point would be along the southern borders. In 2014 the EU took the decision not to replace the Italian Mare Nostrum operation and support search and rescue operations in the Mediterranean, claiming that it would encourage more migrants to attempt the crossing. Needless to say, migrants continued to board the boats; the desperate attempts to reach protection did not cease. The decision to stop search and rescue operations contributed to the hundreds of drownings we witnessed in spring 2015.

Academic literature has demonstrated how "illegal" migration flows are a product of ever stricter border controls. The emphasis on securitisation has produced illegality and the criminalisation of forced migrants by law, policy and a "plethora of practices" (Scheel and Squire 2014: 189).

The absence of legal safe means of travel has witnessed the proliferation of ever more dangerous and unscrupulous smuggling networks. The Special Rapporteur on the human rights of migrants, François Crépeau, has illustrated how the 2000 Palermo Protocol against the smuggling of migrants is a repressive tool used to serve state interests. He argues that the tool demonstrates a simplistic understanding of the phenomenon that is not only dangerous, but also dismisses the rights of refugees. The anti-smuggling protocol can be differentiated from the anti-trafficking protocol on the basis of coercion and consent – the onus here being on agency. This is not to suggest that the smugglers are not profiting from the circumstances of desperate people, nor indeed that they are not exploiting their vulnerability; rather, it is to emphasise the volition of the migrant and understanding of the risks involved,

in contrast to the deception and coercion prevalent in trafficking. Politicians will often confuse smuggling with trafficking – and it would be naive to suggest that this is not intentional – generating the conditions necessary to justify a hardline approach with the smugglers (Crépeau 2003). Indeed, following the deaths in the Mediterranean, the EU member states drafted a UN Security Council resolution to secure a UN mandate allowing miltary action in Libya to curb the asylum flows by "targeting trafficking networks" (The Guardian 2015). Theresa May, the UK Home Secretary, justified such action by arguing that:

> we should use military, intelligence and crime-fighting assets not only to deliver search and rescue mechanisms, but also to crack down on the traffickers who are putting people at risk. (International Business Times 2015)

Another reading of smuggling networks is sustained through academic research. The failure of migration policies has witnessed the emergence of the migration industry – including NGOs (including the organisation I form a part of), counterfeit documents, and smuggling networks among others. Paradoxically, then, in its efforts to keep the unwanted at bay, "Fortress Europe" has contributed to an increase in irregular migration; the rise in smuggling networks has been described as a direct result of state and regional measures to ward off "unwanted" migration. In simple terms, in the absence of a safer option, smugglers have responded to the needs of forced migrants by providing a far from ideal alternative. If there were a safer alternative, common sense tells us that most people would take it, rather then risk his or her life in the watery graves of the Mediterranean, or indeed anywhere else in this divided world. As things stand, the route is by no means available to all, and research has demonstrated how the forced migratory process intersects with, *inter alia*, age, gender, dis/ability, socio-economic status, "race" and ethnicity (UNHCR and Integra Foundation 2015). An increasingly restrictive migration and asylum regime has increased the costs of reaching safety beyond the blue borders, and the end result is that protection for refugees – access to rights – is a commodity to be bought, and thus only available to those who can afford it (Zetter 1991). Migrants' access to different forms of capital (economic, social, cultural, symbolic and human) determines how the migratory process will pan out (van Hear 2004). The journeys are often long, dangerous, and physically demanding (Pisani and Grech 2015). It comes as no surprise, then, that the majority of asylum-seekers making the crossing are young men (Ifekwunigwe 2013; Pisani and Azzopardi 2009). And yet, despite the human rights framework, the 1951 Geneva Convention and the specific provisions under the UN Convention on the Rights of the Child (UNCRC), young forced migrants with an irregular status are subjected to enforcement measures that violate their rights (Global Migration Group, UNICEF and OHCHR 2013).

"ILLEGAL BODIES"

We are often exposed to images of misery in the media: the plight of "refugees" in Africa, the Middle East and beyond. The "wretched of the earth" (Fanon 1963) represent a faceless pitiful mass removed by history and a comfortable distance. By the time these same people reach the shores of the EU, the label "refugee" has morphed into labels such as "illegal immigrant", "klandestini", "illegal asylum-seekers" and so on. The heterogeneity of asylum-seekers is erased, often replaced by an

"essentialised blackness" (Ifekwunigwe 2013: 221). Labels are not unproblematic – the shift in discourse does not happen in a vacuum – rather they are driven by states' migration policies and operational concerns (Zetter 1991). Such criminalising hegemonic discourse upholds power relations that serve the interests of the global North, not only defining, but also justifying hardline policies that all too often are a barefaced violation of human rights. It's a lot easier to violate the rights of an "illegal" body – surely, one may even go so far as to question whether such bodies actually have the "right to rights" (Arendt 1968).

Upon arrival in Malta, for example, asylum-seekers are detained for up to 12 months, or until their asylum claim is determined; rejected asylum-seekers are detained for 18 months. In 2011, the Commissioner for Human Rights of the Council of Europe asserted that Malta's policy of mandatory and prolonged administrative detention is "irreconcilable with the requirements of the European Convention on Human Rights and the case law of the Strasbourg Court". The Court found that none of the remedies available to migrants "constituted an effective and speedy remedy for challenging the lawfulness of the applicants' detention" and as such are a violation of the right to liberty as set out in the European Convention on Human Rights (Commissioner for Human Rights 2011). The conditions in detention have also received widespread criticism, reported to be "beyond the threshold of degrading treatment" (International Commission of Jurists 2012: 31).

The Geneva Convention is a status- and rights-based instrument, underpinned by a number of fundamental principles, most notably non-discrimination, non-penalisation and *non-refoulement*. Importantly, the convention prohibits penalties for unlawful entry (UNHCR, n.d.: 3), and yet in the case of "illegal bodies", "rights" are confined to the citizen imbued with humanity. Evidence has demonstrated how the detention centre is, as Agamben has argued, the definitive paradigm of the "state of exception"; a depoliticised space wherein, by virtue of their political – and ontological – exclusion, lives are suspended, dehumanised, they are reduced to "bare life" and outside the reach of law (see Agamben 1998: 174). Such is the fate of the "illegal body"; the cost of state security is borne by the politically insecure, their "right to rights" denied (Arendt 1968). The detention policy remains unchanged.

Pending age verification, unaccompanied minors are also subject to the mandatory detention policy – a policy which is also a violation of the UNCRC that can never be justified as being in the best interests of the young person (aditus 2014).[4]

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4.   Upon verification of age, a care order is issued by the minister officially placing the child under the care of the Minister for the Family and Social Solidarity, and the UaMs are transferred to an open centre, where they are assigned a legal guardian and the asylum procedure resumes. A recent report published by aditus highlights a number of key concerns vis-à-vis age assessment and guardianship, including (but not limited to) the need to regulate the age assessment procedures, and increase transparency; age assessment should not be conducted in detention, and minors should not be detained with adults; UaMs are presently obligated to undergo the age assessment procedure and interviews in the absence of a guardian or legal representative; appropriate and accessible information is not made available to the UaMs, hindering their participation in the age assessment process. The duties and responsibilities of a legal guardian for UaMs are not clearly specified in law or policy and UaMs do not have immediate access to a guardian or legal representative upon arrival and while they are in detention (aditus 2014: 35-42).

Discursive practices serve to position the "illegal body" outside the national political community; the onus is on national security, not only protecting the citizenry, but also reinforcing the citizen–non-citizen relationship. The following statement, made by the former Maltese Minister for Home Affairs, captures this notion well:

> Given Malta's small size you cannot expect the government to release illegal immigrants into the streets, especially in light of increasing numbers. This would send the wrong message and spell disaster for the country ... As a minister I am responsible, first and foremost, for the protection of Maltese citizens. (Calleja 2009)

The regimes of discourse and power, informed by a devout Roman Catholic narrative that plays into contemporary times wherein the victory over Islam is still celebrated,[5] are inscribed on the body, reconstructing the subject; the black illegal immigrant is rendered docile (Foucault 1976).

The detention policy is symptomatic of the insidious, but ever-present, abuse of power of governments around the world, resulting in the imposition of policies and practices that are directed by national interests and political gains. Given the values that we would normally associate with a "liberal democracy" – justice, rights, equality, and so on – the very notion that a state can imprison thousands of people where no crime has been committed, and where the notion of "guilt or innocence" does not feature, beggars belief. Let me be clear, this would not be happening if these young people were citizens of the nation state.

Space limitations do not allow me to delve into the lived realities of unaccompanied minors and young asylum-seekers' lives in Malta.[6] It is worth noting that the majority of asylum-seekers in Malta – almost 80% in 2015 (UNHCR Real Time) – are granted international protection in recognition of the conditions they left behind in their home country. However, for the majority of them this protection is limited to subsidiary protection, which grants them freedom of movement in Malta, residence (renewable) for one year, access to employment, core state medical care and core social benefits, access to state education, and travel documents (UNHCR Malta 2010). They do not have the right to apply for citizenship.[7] Those whose request for protection has been denied remain in Malta in a tolerated state, pending deportation. The chances of them being deported are very limited; many cannot return due to the conditions they left behind and so they remain in limbo – discursively,

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5. The arrival of asylum-seekers has largely been perceived as a threat to Maltese society, and to the myth of cultural homogeneity. Malta is a Roman Catholic state; societal discourse has responded with the mobilisation of communal symbols (not least the "nation's religion" or "Christian values") and collective memories that subsume the heterogeneity and social hierarchy into some kind of larger collective, albeit imagined, national identity (Borg and Mayo 2002).

6. See, for example, JRS Malta (2010); aditus (2014); UNHCR and Integra Foundation (2015).

7. Beneficiaries of Refugee Protection are granted the right to apply for citizenship; however, as Debono (2013) has argued, the Maltese citizenship regime and the sub-field of naturalisation are governed by a "protectionist position" and "immigration concerns". The legal aspects and practices of naturalisation give rise to critical questions related to fairness and justice. Describing it as a "damning practice", Debono argues that the minister's discretionary power – which lacks transparency and the possibility of appeal – indicates a "distinction and a hierarchy between a citizen and a non-citizen" that is likely to remain intact thanks to general political support (Debono 2013: 10-11).

ontologically and legally they exist at the margins. Stripped of any political existence, power decides for them – their voices denied by the sovereign state, outside the law, they are silenced (Agamben 1998).

Over the past 13 years more than 20 000 asylum-seekers have reached the shores of Malta – a guesstimated 6 000 remain in Malta. Of those who left, some of them were resettled through the US resettlement programme; a few hundred were relocated to other EU member states. A few hundred were repatriated, some voluntarily. But thousands have left Malta and we have no idea where they now are – this includes unaccompanied minors: a recent report suggested at least two are reported missing every week – and never found (aditus 2014). So what's happening?

SECONDARY CONTAINMENT – THE EUROPEAN DIVIDE

In order to answer this question I must now turn my attention to the policy of containment within the EU, and secondary irregular movements. It is by now more than evident that the will to come up with a Common European Asylum System (CEAS) is fractured (aida 2014). Far from harmonised, differences exist in the number of asylum claims, and indeed in refugee recognition rates – an asylum-seeker's chances of being granted protection (and the quality of protection received) depend very much on where in the EU they apply. The Dublin Regulation determines which state is responsible for examining an asylum application, and this is determined by point of entry, which will – for reasons I explained above – generally be one of the external border states; given the immigration restrictions there are few alternative ways to reach the EU as an asylum-seeker. The upshot of this has resulted in a north/south divide within the EU. The countries of the north have pushed for humane asylum policies, but have simultaneously argued that asylum-seekers remain in the country of asylum, while the countries of the south – and increasingly also the east – are arguing that the Dublin Regulation puts a disproportionate "burden" on the external borders. As things stand, the Dublin Regulation ensures – on paper at least – that asylum-seekers remain contained in the first country of asylum; this is reinforced through the EURODAC system. Upon arrival, asylum-seekers are systematically fingerprinted, the records stored in a database – allowing for identification and return back to the first country of asylum (The Migration Observatory n.d.). European Commission requests to "share the burden" with a mandatory quota for the relocation of 40 000 beneficiaries of protection from within the EU and 20 000 from outside were rejected by the member states. In July 2015, following what was described as a "diplomatic slanging match" (Robinson 2015: n.p.) the majority of the member states agreed to relocate 40 000 over a two-year period, on a voluntary basis and with no set quotas (Bulgaria and Hungary were exempted, the UK opted out). The agreed number stands in stark contrast to the number of arrivals in 2014 and the first few months of 2015 alone – indicative of the absence of solidarity between the member states, and even less with the refugees and forced migrants. The agreement is tokenistic at best.

There are 28 individual member states looking out for their own national interests: immigration issues are generally electoral issues. The powers that be are more likely to take a "hardline" stance, strategically shifting their stance and discourse, to ward

off the threat of the increasingly popular far right. Indeed, all too often, for fear of being punished at the ballot box, the "illegal body" – and indeed in some countries, albeit to a lesser degree, the broader category of "migrant" – becomes the sacrificial lamb: the scapegoat to explain the country's woes. Power is determined by votes, and "illegal immigrants" do not have votes; indeed, the political clout of the "illegal body" is non-existent,[8] and the possibilities of exercising political agency are small, defined by a social reality that is experienced as an individual, constituted at the political level and established in law. In the meantime, the production of the apolitical state of "bare life" is resisted by asylum-seekers; they move on regardless, exercising their agency at the micro-political level, crossing internal borders and residing within the fortress with an irregular status. And so again, we witness the production of illegality within the EU, evidenced in endless media reports as France and Switzerland beef up their borders with Italy, and "illegal immigrants" take desperate measures to cross from Calais to the UK, and so on.

ILLEGAL YOUTH – AN EPISTEMOLOGICAL SHIFT

The majority of asylum-seekers who arrived in Malta are now residing elsewhere in the EU and beyond. We cannot know how many for sure – such is the reality of irregular migration. The situation I describe, while contextually specific, is reproduced within the EU and further afield. Within the EU, data are generally inaccurate and unreliable; the Organisation for Economic Co-operation and Development (OECD) estimates that around half a million undocumented migrants enter the EU annually. In 2007 – prior to the intensification of the Mediterranean and eastern European migrant flows – it was estimated that between 10% and 15% of Europe's 56 million migrants were undocumented (PICUM 2013). That's a lot of people. That's a lot of young people.

What I have tried to illustrate so far in this paper is how an understanding of forced migration, and more specifically irregular migration and asylum flows, cannot be divorced from issues of geopolitics, neo-liberal globalisation, and importantly the nation state. The sovereign nation state demarks not only the border with another state, but also the border between the citizen and the non-citizen – and it is this reality that goes to the core of how liberal states treat the "illegal body" (see also Pisani 2012; Pisani and Grech 2015).

I want to pick up on this issue in relation to the field of youth studies and what I would describe as a "statist" hegemony that sits alongside what I have defined elsewhere as the "citizenship assumption" (Pisani 2012). By way of example, I refer to Andy Furlong's introduction to youth studies (2013). Furlong (2013: 210) does acknowledge that not all "residents of a country are entitled to citizenship rights" and goes on to note that they "may be formally denied certain rights and, in these cases, the state may limit entitlements or make them conditional upon a range of criteria that are more strict than those available to its own citizens … their position is

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8. Given that Malta is an emerging country of immigration, the absence of a diasporic voice within the citizenry is also felt. The local situation can be compared to the US, for example, where the Hispanic vote has had considerable influence on the political debate on "illegal immigration" and citizenship (see, for example, Cooper & Gabriel, 2012).

highly ambiguous". The fact that the non-citizen is acknowledged is commendable. However, the analysis stops there and fails to interrogate the implications for the "illegal" youth. Furlong goes on to state that:

> [all] young people are granted the rights normally accorded to citizens in a piecemeal fashion, and while the age at which voting rights are bestowed usually represents an important landmark, an additional package of rights are frequently held back until a later stage (ibid.)

The assumption, therefore, is that while all young people face restrictions with regard to citizenship, the discrimination is "temporary" even though "it still involves the state-sanctioned denial of various rights and obligations of citizenship" (Furlong 2013: 25). In the case of "illegal" youth, the transition from minor to adult will not provide for the "right to rights".

In the following text, taken from Bernard Davies' "Youth Work: A Manifesto For Our Times – Revisited" (2015), this assumption is taken further:

> Youth work's commitment to tipping these balances in young people's favour needs to be seen in this contemporary context. But it needs to be understood, too, in a much broader way: explained bluntly as "young people are citizens, too – and now". Though apparently a simple notion, this needs to be asserted uncompromisingly at a time when so many current policies assume that, just because young people (and indeed children) have to be prepared for citizenship, they are therefore *not already* citizens (Davies 2015: 103)

The passage not only emphasises what I refer to as the "citizenship assumption", that is, that all young people are, or will be, citizens, but I think the passage also illustrates how we may be complicit in the creation of the social schism: citizens and non-citizens, those with rights (and a right to rights), and those without. If a young person is not a citizen, then he or she is officially excluded by the state, and this is sanctioned – or actively encouraged – by the "citizens", who also form the majority. Citizenship – a formal status granting a set of legal, exclusive rights – thus represents a state-sanctioned form of discrimination: democracy undermines democratic processes. This is problematic when, for example, in the following extract, Tony Jeffs (2015) does not problematise democracy, but rather takes it on as a utopian goal:

> Youth work was a way whereby they might widen horizons, expand perceptions, encourage empathy and instill respect for democracy (Jeffs 2015: 80)

Paradoxically, the "illegal body" is excluded from the core values inherent to youth work and youth studies, namely, democracy, freedom and equality. The notion of a level playing field in the eyes of the law, and indeed, access to human rights, cannot be taken for granted (Pisani 2012). Parker and Brassett (2005) demonstrate how democracy cannot perform the task of justice since it is subsequent to the demarcation of the "national community". Those persons thus excluded from this demarcation are consequently also denied the possibility of engaging as critical citizens. Herein lie the limitations of transformative youth work practice and the possibilities of transformative action in advocating for a democratic process, paradoxically, within a "national" democratic space from which the "illegal body" is excluded.

EXPOSING THE ASSUMED: MOVING BEYOND THE HEGEMONIC NATION STATE MINDSET

So now what? As Furlong (2013) reminds us:

> Youth research … is not simply about policy, about the concerns of the powerful or about understanding cultural change. The examination of young people's lives provides a unique window on processes of social and economic change and facilitates the exploration of some of the big theoretical concerns in social science. In this context, youth research is concerned with social justice, class, "race", gender and spatial divisions. It focuses on issues of power and privilege on the one hand, and deprivation and exclusion on the other" (pp. 5-6)

As a political project, youth studies illuminate the relationships within knowledge, authority, and power. As a transformative pedagogy it is committed to exposing the hegemonic processes within society and how dominant perceptions and knowledge beliefs uphold existing power relations. The concept of hegemony can also be employed as the basis for a political strategy that aims to establish an alternative hegemony that does not serve to maintain the oppressed in a subordinate position (Mayo 2010). In this regard, youth researchers can take the lead in exposing the citizenship assumption within discourse, theory and practice, and highlight the implications and consequences for the "illegal body". As researchers, and as practitioners, we also have a responsibility to understand the international and national politics of migration, the implications of legal status and the right to rights, and how normalising discourses shape policy and service provision. This is part of our commitment to social justice.

CONSTRUCTING A COUNTER-HEGEMONIC VOICE: AN EPISTEMOLOGICAL SHIFT

Hannah Arendt's (1968) solution to the crisis of the "illegal body" was the creation of a supranational law consisting of one human right: the right to belong to a political community. The fortification of the border that surrounds the EU, a space fraught with the tension and contradictions between globalisation and the sovereign state, suggests that such a solution is a long way off. And so, within the hegemonic nation state paradigm, how is social justice – for all human beings – best achieved?

Homo migratus is what we are. As long as young people are denied citizenship they will be denied the rights conferred by that same citizenship. "Illegal bodies" will remain with us as long as the right to exclude is founded on sovereignty, fortifying the state system and reinforcing the rights of the citizen: human rights will remain trumped. In the meantime, an epistemological shift in the way we theorise the non-citizen may introduce a counter-hegemonic voice – towards transformation. As we have advanced in our own theoretical frameworks, we have identified and accounted for multiple sites of oppression, be it class, gender, disability, race, and so on. Legal status cannot be excluded from this analysis. Democracy – as we know it today – cannot deliver the emancipatory possibilities it claims to deliver, and the right to rights cannot be assumed.

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