Social work with separated young people and human rights: cross-national perspectives on practitioners' approaches

by

Nathalie Huegler

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London Metropolitan University, Faculty of Social Sciences and Humanities

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ABSTRACT

This thesis considers social work practice with separated young people who have migrated to Germany and the UK, with a specific focus on the role of human rights perspectives within practitioners' approaches. The conceptual starting points are the contradictions between human rights frameworks which are commonly conceptualised as universal and inclusive, and the exclusive responses of Western states towards 'irregular' and asylum migration. These contradictions are enhanced and complicated by binary conceptualisations of childhood and adulthood, affording children different rights from adults. In practice, separated young people are treated very differently depending on whether they are considered 'children' or 'adults'. While many face disbelief from authorities regarding their asylum and age claims, even those who are initially accepted as 'children' are faced with uncertain futures as they enter legal 'adulthood'.

Social workers, as members of a profession which considers itself a key proponent of social justice and human rights, are at the interface of these dilemmas in their practice with separated young people. They have a central role in inclusive processes, helping young people access support and resources, but they may also be caught up in exclusionary processes which significantly affect their practice, including their commitment to emancipatory values.

Seeking to unsettle and transcend dichotomist conceptualisations, the field research for this thesis examined accounts of practitioners in different organisational settings in Berlin and London/Southeast England. The findings suggest that there were different approaches, which were not mutually exclusive, to conceptualising and referring to human rights more or less explicitly in their day-to-day practice. In what can be described as a liminal field of social work practice, practitioners used a range of strategies between accommodation with and resistance to difficult policy contexts.

CHAPTER 1: INTRODUCTION

1.1 Background and context of the research

Separated young people in Europe

Migration has been a strategy for human survival since time immemorial. The worldwide international migration statistics published by the United Nations (UN, 2013) suggest that over 231 million people were international migrants in 2013, equivalent to 3.2% of the world's total population, with variations across different regions: for Europe as a continent, the statistics refer to a rate of 9.8% (72 million) of the total population. However, basic statistics reveal very little about the reasons for and circumstances of migration which may be as disparate as moving to warmer climates for retirement or being displaced by war and conflict. In fact, the statistics suggest that in 2013 refugees constituted only 1.5 million of the international migrant population in Europe, while Majority world[1] countries hosted over 87% of the world's refugees (UN, 2013).

A particular 'cohort' of international migrants who have received increased attention in the academic and policy discourse in Europe in recent years are unaccompanied and separated children and young people (e.g. Chase and Allsopp, 2013). There are a range of terms in use across this literature. The European Commission refers to an *unaccompanied minor* as

> *…a non-EU national or stateless person below the age of 18 who arrives on the territory of the EU States unaccompanied by an adult responsible for him/her […] including a minor who is left unaccompanied after s/he has entered the territory of the EU States.* (European Commission, n.d.).

The *Separated Children in Europe Programme* (SCEP), a network of Non-Governmental Organisations (NGOs) across European countries states its preference for *'separated'* over *'unaccompanied'* because this emphasises

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[1] The concepts of 'Minority World' and 'Majority World' reflect the recognition that the privileges and resources often considered from a 'Western' or 'Northern' perspective as 'normal' cannot be taken for granted for a majority of the world's population (including those who are excluded and poor in 'Western' countries). While they may be criticised as following a binary logic, the concepts seek to redress the normalising imposition of Minority world perspectives on the world as a whole (e.g. through conventional distinctions of the 'developed' and 'developing' world).

> *...the essential problem that such children face. Namely, that they lack the care*
> *and protection of their parents or primary caregiver and as a consequence*
> *suffer socially and psychologically from this separation (SCEP, 2009, p.4).*

The SCEP suggests that most separated children will fall under three broad categories: children seeking protection (e.g. asylum); children who have been trafficked; and children who are migrants (e.g. seeking family reunification, educational or economic opportunities). There is an acknowledgement of considerable overlap and movement between the categories, which prompt an emphasis within the SCEP on seeing and treating separated children as '*children first and foremost*', with their migration status being *'a secondary consideration*' (p.15).

Another term arising from a different conceptual framework is '*independent child migrant'*. For example, O'Connell Davidson and Farrow (2007, p.30) argue that the emphasis on the vulnerability of separated children obscures both the possible positive outcomes that may result from migration (alongside risk factors) and the possibility that children who migrate with their families may be as vulnerable as those who are separated. They suggest that rather than considering independent child migration as an inherently risky activity more attention needs to be paid to the specific factors which might make a child or young person vulnerable, including the lack of safe migration opportunities and the rights violations which child migrants may face (before migration, *en route* and in destination countries). Chase and Allsopp (2013) provide a further conceptual extension by referring to '*independent young migrants'* in an attempt to *'transcend the 'under 18' (child) / 'over 18' (adult) binary*' (p.4, footnote 3) set by legal and policy frameworks, in recognition that the needs of young people do not suddenly change on their 18th birthday and that the uncertain futures faced by young migrants in the 'transition' to legally defined adulthood have a significant impact on their wellbeing.

The policy (and social work practice) focus in Germany and the UK – the two countries where the fieldwork for this project was conducted - has been on '*unaccompanied minor refugees*' (*unbegleitete minderjährige Flüchtlinge*)[2] and '*unaccompanied asylum seeking children*' respectively, although in the UK there has been a greater tendency of

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[2] Terms and quotes originally in German are based on my translations throughout this thesis.

NGOs to follow the '*separated*' children terminology (e.g. Stanley, 2001). In both countries this focus on particular forms of migration is likely to be linked to the greater statistical registration of young people through the asylum system (see below). Noske (2011) critically analyses the impact of using categories such as the German term 'unaccompanied minor refugees' in social work practice due to the distinctions it creates: separating '*minors*'[3] from *adults*; '*accompanied*' from '*unaccompanied*' children; and '*refugees*' from '*other*' (e.g. 'economic') migrants. The tighter the boundaries between categories are drawn, the more likely it is that they are crossed. The language used to describe cohorts of (young) people can have a significant bearing on how they are treated, for example by professionals such as social workers.

In this thesis, I chose the term 'separated young people', although I make use of other terms if relevant for distinction purposes. None of the terms discussed above are perfect in describing the diversity of young people who migrate for a variety of reasons and under many different circumstances to countries such as Germany and the UK. While 'independent' seems an attractive alternative to 'separated' or 'unaccompanied', which moves away from stereotypical images of inherent vulnerability in favour of emphasising young people's own agency, it bears other potentially problematic connotations. It has the potential to underplay the significance of human *inter*dependencies, including family ties in a variety of forms. As described by a social worker in the fieldwork research for this project, most separated young people are *living* - or at least in the majority of their contacts with professionals, presenting as living - the context of separation from parents or caregivers. Another point is that from the (albeit limited) research available, many young people do not actually migrate to Europe 'independently' but under conditions influenced by a range of social contacts and networks, including family and community members but also smugglers or traffickers (e.g. Wells, 2011).

The other distinctive 'attributes' mentioned above (migrant/refugee or child/adult) are problematized throughout this thesis, including by some of the practitioners interviewed for this research who reflected on the difficulties experienced by young people needing to 'fit into' set categories. I use the term 'young people' as it provides a greater

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[3] The word 'minor' itself is criticised due to its association with 'less', implying that children might be of less significance than adults (Noske, 2011).

categorical flexibility than 'child' and reflects common demographic characteristics discussed below (i.e. that the majority of separated young people arrive in Germany and the UK aged around 14 and above). The term also provides a better frame for issues concerning 'transitions' as well as the fluidity of chronological age in contexts of age disputes. Finally, by not making routine reference to young people's status as 'migrants' I am aware that there is a potential for linguistic overlap (e.g. with young people in care more generally who are also separated from their families for reasons unrelated to migration), but consider that the specific use of the term should be clear in the context of this thesis.

In terms of statistics on separated young people in Europe, Eurostat (2015) recorded 12,730 new asylum applications in the European Union (EU) from 'unaccompanied minors' in 2013 (a rise from 11,700 in 2008). Main destination countries for these young people in 2013 were Sweden (3,850) followed by Germany (2,485), the UK (1,265) and Norway (1,070). According to the European Commission (n.d.) a further 12,770 unaccompanied minors who did not apply for asylum were registered, particularly in Italy (8,461), Spain (2,165) and Belgium (1,682), suggesting country-specific migration patterns. Overall, there is considerably less data available on young people who do not seek asylum, not least because, for a variety of reasons, not all young people '*allow themselves to be counted*' (Chase and Allsopp, 2013, p.11).

Among unaccompanied minors seeking asylum, the majority (8,530 – around 67%) were aged 16 and 17 upon arrival, while 2,755 were recorded as 14 to 15 years, 1,295 as under 14 (and a further 150 as 'unknown') (Eurostat, 2015). Similar age trends applied within individual countries. Just under 84% were young men (ibid. and own calculations). Table 1 in Appendix 1 shows the five main countries of origin per year between 2008 and 2013 for the EU overall as well as for Germany and the UK individually. This suggests fluctuations in both countries in terms of overall numbers of applications as well as migration routes of young people from particular countries. Overall, however, major conflict areas are consistently represented in the statistics both for the EU overall and for the two individual countries.

Beyond asylum statistics, data on separated young people taken into care provides some further information: For Germany, this shows a rise from 2,988 separated children taken into care in 2009 to 5,605 in 2013 – although for some young people this may have only been a temporary measure, e.g. if their age was later disputed (Kemper and Espenhorst, 2014). The same statistics also indicate a much higher proportion of young men compared to young women (89% to 11% overall, however with significant regional variations) and higher numbers of young people aged 16-17 (70% among young men and 60% among young women, again with regional variations). In the UK, numbers of unaccompanied asylum seeking children who were looked after in England fell from 3,890 in 2009 to 1,860 in 2013 (Department for Education, 2013). These statistics indicate similar gender (nearly 88% male) and age distributions (75% over 16) in 2013.

Social work with separated young people

If separated young people do engage with (or are 'intercepted by') systems of immigration and support, social workers are one of the key professional groups with whom they come into contact after their arrival in the UK or Germany. Depending on their agency contexts, social workers may have very different roles, ranging from providing direct day-to-day support, advice and advocacy through to an initial (or ongoing) 'gatekeeper' role in terms of access to services and resources. A particular aspect of the latter, for social work with separated young people, is the practice of age assessment. In both countries this is a task that either predominantly (UK) or regularly and increasingly (Germany) involves social workers (see Chapter 3). Decisions in these processes are far-reaching, influencing not only the type of support young people will be entitled to, but also their treatment within the asylum and immigration systems. This is particularly relevant because asylum and immigration policies in both countries (and throughout Europe) have over recent decades developed on the basis of deterrence, using measures of external and internal border controls (Humphries, 2004). Among the former are physical and bureaucratic measures of border enforcement (e.g. visa or carrier liability regimes), while the latter in both Germany and the UK have involved severe curtailments of many migrants' rights to access welfare support (particularly the creation of separate and punitive systems of 'asylum support'). Separated young people under the age of 18 are less likely to be affected by such measures, as there is a duty on

children's social services to support them in line with domestic child welfare legislation in both countries.

This policy context and the specific gatekeeping roles placed on some social workers raise potential ethical dilemmas for practitioners, particularly given professional ethical commitments to emancipatory values such as human rights and social justice.

Human rights perspectives

The starting point for this research is that human rights issues and perspectives are relevant in a number of ways for social work practice with separated young people. This includes the contexts and conditions which lead to young people's migration, their experiences during their journeys as well as their treatment in destination countries. However, migration from majority to minority world countries tends to be considered by destination countries as a 'management' rather than human rights issue, leading to the above mentioned policies of deterrence through external and internal border controls. Underlying these policies is the construction of 'human rights' related grounds for migration as *exceptional* through the creation of narrowly defined categories, such as the international definition of a 'refugee' under the relevant UN Convention (see Chapter 3). By limiting 'legitimate' reasons for granting asylum, specific rights violations, i.e. *individual* persecution, become privileged over others, such as the denial of essential resources or being exposed to 'generalised' conflict-related violence. Such exclusive applications of human rights frameworks contradict claims that human rights are indivisible and universal. In a similar way, 'children's rights' are also constructed as an exceptional category of rights which are both more extensive (e.g. regarding protection) and more limited (regarding self-determination). The almost universal ratification status of the UN Convention on the Rights of the Child gives children's rights a powerful status internationally, but in the absence of resources to realise the full catalogue of these rights their impact can remain largely symbolic, as argued by Boyden and Hart (2007).

As this thesis will argue, separated young people, particularly if they are seeking asylum, are thus placed in a position where their rights depend on whether or not they are categorised as 'exceptional' enough to fit into narrow definitions of protection as

refugees and / or as children. Rights for both categories are overall more 'generous' compared to others (i.e. migrants who are not considered refugees and adult migrants) and both categories are narrowly defined - yet eligibility for them is hard for young people to 'prove' (e.g. in the absence of birth certificates etc.). Because official discourses consider that transgressions (as 'abuses of the system') are widespread, separated young people face being disbelieved and labelled as '*bogus*' asylum seekers or as *'adults masquerading as children'* (Bhabha, 2008, p.2).

At the level of ethical commitments and professional definitions, social work has been declared a 'human rights profession' (e.g. Healy, 2008). However, the meaning of human rights in social work practice has as yet been underexplored both from conceptual and practical perspectives. The international definitions of social work by the International Federation of Social Workers (IFSW) and the International Association of Schools of Social Work (IASSW) of 2000 and 2014 stipulate principles of human rights as *'fundamental'* (2000) or '*central*' (2014) to social work. However, as Cemlyn (2008) argues, in order to move from the abstract domain of principles to a more situated understanding of the meaning of human rights in social work practice, the contestations and multiple theorisations that exist around the concept need to be acknowledged.

1.2 Outline of the research: interest, rationale, aims and key research questions

My motivation for this research project arose from professional and academic interests in social work with separated young people, which connected, first and foremost, with my experience as a social work practitioner as well as with previous research in this field. As a practitioner, I had worked in both statutory social work teams with unaccompanied asylum seeking children and young people leaving care, as well as in the voluntary sector in a charity supporting children, young people and families who had experienced torture and organised violence. Both contexts have over the years provided me with fundamental practice experience and confronted me with specific dilemmas. From this basis, I developed a particular interest in the meaning of human rights concepts for social work *practice* beyond abstract definitions and legal frameworks, even though the latter can be very relevant for day-to-day practice. In the

context of the significance attributed to human rights in the international definition of social work, I wanted to critically explore whether and how practitioners in this field considered human rights as relevant to their day-to-day work.

My personal, professional and academic backgrounds have also been influenced by migration-related themes and experiences, starting from growing up in an Anglo-German family in Germany where I studied social work and social pedagogy before moving to the UK (for personal, professional and academic reasons). As a result of my own bi-lingual and bi-cultural background, I undertook cross-national research for my Master's degree in International Social Work and Refugee Studies (University of East London) exploring care and support for young separated refugees in Germany and the UK (Huegler, 2005). Based on these experiences I was interested in undertaking further cross-national research. The crossing of boundaries is a key theme for social work with separated young people through young people's own migration histories and through international policy and legal contexts. Additionally, cross-national research has the potential to highlight (and possibly challenge) 'taken-for-granted' aspects of social work practice which might not become as obvious in single-country research.

As set out in more detail in Chapter 4, despite a growing body of research regarding separated young people over the past decade (which has included some references to the roles of social workers), at the start of this project in 2008 there were only a few studies which considered social work practice in this field in more detail (a notable example was Kohli's 2007 study in the UK). Similarly, while a growing body of studies consider policy and practice responses towards separated young people, including through European comparisons (e.g. European Migration Network, 2010; European Agency for Fundamental Rights, 2010), these studies tend to focus on overall pictures of support provision rather than on detailed approaches or dilemmas in social work practice. Finally, as set out above there is a lack of research on the meaning of human rights in social work practice (both in this particular field and beyond).

This project aims to provide a critical exploration, analysis and comparison of social work practice with separated young people in specific settings in Germany and the UK. A particular focus is on how practice is influenced by the tensions between apparently

inclusive ideas of human rights and children's rights on the one hand and the exclusive character of asylum and migration policies and practices on the other. By considering the ways in which practitioners conceptualise and use human rights in their day-to-day work in this field, a further aim is to contribute to knowledge about the role of human rights in social work practice more broadly.

Out of these aims developed the following main research questions:

1. *What are the contexts of social work with separated children and young people in each research setting?*
2. *How do social workers in the two country contexts conceptualise their work and what approaches do they use?*
3. *How do social workers make sense of young people's situations and 'stories'?*
4. *How do social workers conceptualise and use human rights in their work with separated children and young people?*

The fieldwork involved in-depth interviews with practitioners in Berlin and in London / Southeast England. The practitioners interviewed worked in a variety of settings (both voluntary and statutory) and thus had different roles in supporting separated young people. These contexts were significant in relation to their perspectives, but nevertheless many common themes were identified through the research.

1.3 Structure of this thesis

This thesis is divided in four main parts. Part I, following this introductory chapter, critically reviews and discusses relevant literature. Chapter 2 focuses on the conceptual frameworks relevant to the research, starting with a discussion of how post-structural theories influenced the project. It goes on to explore some of the theoretical foundations and contradictions relating to human rights concepts, highlighting the need for critical and reflexive approaches which focus on how human rights are put into *practice*. The chapter then considers the precarious status of migrants seeking regularisation of their legal status (e.g. through asylum) in Western countries as well as the particular challenges for separated young people in the context of specific constructions of childhood and children's rights. Chapter 2 concludes with a critical discussion of the paradoxical and liminal position of social work as striving at once for the promotion of

people's inclusion and yet operating in a context of often exclusionary policies. Chapter 3 reviews the legal, policy and practice contexts of social work with separated young people in Germany and the UK. It highlights recent developments which suggest some (gradual and contingent) improvements in the access of separated children under 18 to social care and support. However, these leave separated young people at the margins of this categorical definition in a precarious position through age disputes or 'transition' into legal adulthood.

Part II, consisting of Chapter 4, is concerned with methodology. It discusses conceptual perspectives and issues in researching social work with separated young people which compares local practice across country boundaries and considers human rights from a praxis perspective. It then describes and reflects on the research process including issues of sampling and access, ethical concerns and data analysis.

Part III, consisting of Chapters 5, 6, 7 and 8, presents the findings from the fieldwork. Each chapter is divided into a section exploring the perspectives of social workers in Berlin and London/Southeast England respectively, followed by a comparative discussion. Chapter 5 sets the scene by discussing the contexts of social work practice through three perspectives: the 'systems' of reception and care for separated young people in each context, demographic trends regarding separated young people described by practitioners, and the pathways and motivations which brought practitioners themselves to work in this field. Chapter 6 outlines the ways in which social workers conceptualised their practice in 'generic' and 'specialist' terms. Chapter 7 is concerned with how practitioners approached and tried to make sense of young people's experiences and their '*thin*' and '*thick*' stories (Kohli, 2007). Chapter 8 considers human rights themes and perspectives in practitioners' approaches. It looks both at key rights issues which social workers thought affected the young people they worked with and at the ways in which their day-to-day practice was informed by dilemmas and principles of human rights.

Part IV provides the overall discussion and conclusions of the research. Chapter 9 discusses the findings in the context of the conceptual frameworks of the thesis. It suggests that social work in this field is characterised by a liminal and often paradoxical

position between emancipatory aims and constraining contexts, leading to a range of practice strategies – some of which involve adaptation and accommodation with prevailing systems, while others engage in 'resistance' at various levels. Chapter 10 offers concluding reflections on the research, its contributions and limitations, as well as ideas regarding future possible research in the field.

PART I: LITERATURE REVIEW

CHAPTER 2: SOCIAL WORK WITH SEPARATED YOUNG PEOPLE AND HUMAN RIGHTS: CONCEPTUAL PERSPECTIVES

2.1 Introduction: key theoretical perspectives

This chapter considers some of the key concepts and theories relevant to this research, starting with a brief exploration of the role of post-structural perspectives in challenging *taken-for-granted* assumptions about concepts such as human rights, but also activities like social work as 'naturally' benevolent. The broad and often contested character of human rights has remained relatively under-explored within social work. The chapter therefore considers different perspectives including critiques of human rights, before discussing the potentially precarious position of migrants vis-à-vis such rights in the context of a myriad of border control and deterrence measures in Western countries. I then go on to discuss how separated young people are particularly at risk of exclusion through their liminal position between binary constructions of childhood and adulthood in Western modernity and the framing of children's rights as a distinct discourse. Finally, I consider the paradoxical and liminal position of social work (including diverse trajectories in Germany and the UK,) before critically exploring the suggestion that social work is a '*human rights profession*'.

A key interest of this research is to consider the potentially contradictory relationship between the proclamation that principles of human rights and social justice are '*fundamental to social work*' and '*serve as the motivation and justification for social work action*' (IFSW, 2012) on the one hand, and on the other hand, the charge (in the UK context) that social work is itself at risk of becoming complicit in state immigration control measures and therefore being an instrumental part of a separate '*poor law*' for asylum seekers and others subject to immigration control (Hayes, 2004, p.9; Humphries, 2004). These suggestions can be framed as competing statements concerning the successes or failures of social work's emancipatory 'project' of contributing to social justice and the enjoyment of human rights. From a conceptual perspective, this formulation is just one example of expressions following a dualist (either/or) logic,

which have powerfully influenced modern thinking. Other examples in the context of this thesis are the distinctions drawn between who is a 'child' or an 'adult', or between a 'political refugee' and an 'economic migrant' - categorisations which tend to come with contrasting attributes such as 'vulnerable'/'resilient', or 'victim'/'opportunist'.

Karen Healy (2000), drawing on Derrida's post-structuralist work, argues that such dichotomies create false notions of homogeneity within each category by emphasising difference between categories and ignoring diversity within: for example, in Western binary conceptualisations of 'child – adult', 'children' tend to be constructed according to generalised notions of vulnerability and need for protection. This is regardless of the fact that the situations of children in different circumstances may vary greatly and that *particular* children may be less 'vulnerable' or require less 'protection' than particular adults. Binaries are also based on power hierarchies which privilege one position while devaluing the other. These are not fixed but depend on context: for example, an 'adult' position may, in some situations, be associated with greater power and rights. However, in the context of forced migration, constructions of separated children as particularly vulnerable and less responsible for their actions have (at least in the UK and Germany) served to protect many from the most punitive aspects of '*poor law*' asylum support systems and provided rights to social work support under child welfare legislation. Nevertheless, these 'privileges' are limited to those meeting certain characteristics, such as being '*genuinely*' separated from parents or customary caregivers or being '*really*' under 18. They also only provide short-term protection (Chase and Allsopp, 2013).

These selections are based on specific *discourses*, which, following Foucault, refer to a '*(coercive) practice through which the objects and practices that constitute the world are categorized and evaluated, regulated and controlled*' (Nyers, 2006, p.7). Discourses lead to systems of exclusion by allowing some questions and propositions (e.g. as 'normal' or 'true') while marginalising others. Examples are the systems which categorise some groups of migrants as 'refugees' and others as 'failed asylum seekers', but also systems of age 'determination' assigning the status of 'child' to some young people while others are considered as 'adults'. Because these categorisations lead to specific actions by authorities (e.g. provision of support under child welfare

arrangements, or the grant or denial of residence rights), discourse provides the link between language and practice (Turton, 2003).

The privileging of some discourses over others is linked to power. Foucault's work (Healy, 2000; Chambon et al, 1999) has highlighted the relational constitution of power as something that is exercised rather than possessed and which is not only repressive, but primarily productive – including of things that can be helpful and useful to individuals. Social work itself is an example of this, as it combines practices aimed at 'helping' or 'empowering' people with functions of social control and even forms of '*surveillance*' (Healy, 2000). Based on these contingent and relational perspectives on power, post-structural perspectives challenge views which take for granted a role of social work as 'naturally' upholding values of social justice and human rights (Badwall and Razack, 2012). However, as discussed in this chapter, from a post-structural perspective even the assumed benevolence of human rights themselves can be subject to critical analysis and questioning.

Post-structural perspectives thus play an important part within the repertoire of critical theories relevant to social work, but there are also cautioning voices to a 'whole-sale' deconstructionist approach which might lead to cynical, pessimist or apathetic worldviews, neglecting the '*emancipatory potential in everyday social work practices*' (Healy, 2000, p.5). Parton (2003) draws on Rosenau's (1992) distinctions between '*sceptical*' and '*affirmative'* positions with regards to postmodernity and post-structuralism, with the former representing more pessimistic accounts of uncertainty and fragmentation while the latter focus on *reconstruction*, negotiation and are '*more open to the potential for practical actions*' (p.8). Wendt and Seymour (2010) refer to Foucault's claim that '*everything is dangerous*' as a premise for critical action rather than inertia. Another aspect of *affirmative* positions is that they connect with ideas of *relationality* rather than fragmentation, such as human *inter*dependence (Parton, 2003), or the intersectionality of different perspectives and identities. In this sense, affirmative positions seem more compatible with the many processes of practical and conceptual negotiation involved in social work.

A concept which connects with relational perspectives, which is identified as particularly relevant both to the positions of separated young people and of social work practice in this field is *liminality*. Originating from anthropology and the exploring of rites of passage, liminality refers to transitions and the crossing of boundaries which involve states, phases, spaces etc. which are '*in-between*' (Warner and Gabe, 2004). The concept has been applied in various contexts, including in the field of Refugee Studies where Turner (1999) considered changes in the social status of Burundian young men in Tanzanian refugee camps. Associated with the '*suspension of taken for granted social structures and norms*' (ibid., p.7), liminality has both disintegrative and liberating potentials: for example, in Turner's study some Burundian young men became '*liminal experts*', utilising the potentials of their liminal positions to become community leaders or seize other opportunities and resources. On the other hand, Warner and Gabe (2004) suggest that people labelled as *liminal others* (e.g. users of mental health services) may be constructed as '*difficult to place*' (p.389) or even as threats. Finally, social work itself is often placed in in-between contexts as a profession.

The ideas outlined above are revisited throughout the following discussion of four key thematic areas: human rights; migration; separated young people and children's rights; as well as social work.

2.2 Human rights

Exploring human rights concepts

Despite frequent (and perhaps exponential) references to human rights in a variety of domains of human life, there are manifold approaches and perspectives on the concept, rendering it a '*contested territory*' which all too often (including in social work) remains abstract and thus limited to rhetorical rather than practical use (Cemlyn, 2008, p.237). Healy (2008, p.736) suggests a basic definition of human rights as '*the rights that belong to all just because we are human*' and goes on to emphasise the significance of the Universal Declaration of Human Rights (UDHR, 1948) and subsequent covenants and conventions (see Appendix 2). In a similar view, Wronka (2008, p.5) suggests that human rights are a construction which provide '*the legal mandate to fulfil human need*'.

Within the UDHR and subsequent treaties, three 'generations' of rights can be traced which emerged throughout different periods of (Western) history (Wronka, 2008; Ife, 2012). In this framework, first generation rights are considered *civil and political rights*, such as the rights to freedom of speech or assembly, as well as freedom from discrimination, intimidation, harassment or torture. These rights, which emerged in the context of the Enlightenment period, are also referred to as 'freedom' rights or *negative* rights as their focus is on protection from state interference. Second generation rights, linked to social democratic and socialist movements in 19th and 20th Century Europe, encompass *economic, social and cultural rights* and focus on the provisions required to allow people to '*realise their full potential as human beings*' (Ife, 2012, p.44). As *positive* rights they require an active role of the state in setting the conditions for their fulfilment, but this also makes them more contentious because of the resources required and their challenge to tenets of free market capitalism. Second generation rights are considered to have a central role for day-to-day social work practice (Healy, 2008; see below). Unsurprisingly, first generation rights have been supported particularly by Western liberal-capitalist governments while the inclusion of second generation rights in international law are attributed by some to the influence of 'Eastern Bloc' social-collectivist states in the post-war period (Ife, 2012). Third generation rights, which emerged in the latter part of the 20th Century and remain formulated only in very rudimentary terms in international human rights law, refer to *solidarity* and *human cooperation* and concern issues affecting humanity as a whole such as the environment, peace and fair global distribution of resources (Ife, 2012).

The three generations perspective as well as a predominant focus on existing frameworks of human rights law are subject to criticism, which for a social work context has been articulated particularly by Ife (2012 and earlier editions; 2010). For example, a greater emphasis and 'enforceability' of first generation rights in legal frameworks combined with lesser prominence of second and third generation rights challenges the idea of human rights as *indivisible* and interconnected. Rights such as freedom of expression are of limited use to people whose lives are threatened by starvation or lack of protective shelter, which in turn are influenced through the impact of global climate change on food resources in Majority world countries (Wronka, 2008). In this context, a broader and more inclusive conceptualisation of human rights which

extends beyond the three generations and the boundaries of currently existing legal frameworks is increasingly put forward in some of the literature (e.g. Ife, 2010; Hoover, 2013). This includes a recognition of human rights as socially constructed and negotiated, evolving discursively through human interaction and dialogue (or rather multilogue), containing both individual and collective aspects, as well as needing to be applied through contextual rather than universalist ethical frameworks (Cemlyn, 2008). The following sections explore key aspects of such broader conceptualisations, including by considering critiques of dominant human rights discourses.

Human rights, human needs and social justice

If human rights are considered *inalienable* based on the mere fact of our humanity, they are based on an acknowledgement of (certain) human needs. Ife (2012) argues that considering the link between human rights and human needs is particularly relevant to social work, because the latter have been the traditional focus of social work theory and practice. Dean (2013, p.32) suggests that human rights (and among them, *social rights* in particular) are based on two intersecting concepts: '*sociality'*, i.e. human interdependency manifested through the making of '*claims upon each other [...] based on shared experience and constructions of need';* and the '*negotiation'* of means to recognise or acknowledge need. He refers to various conceptualisations of need, including distinctions between '*thin'* needs (linked to biological survival but also to utilitarian notions of 'happiness') and '*thick'* needs (relating to ideas about what is needed for a 'good' life). These distinctions can be traced back to Aristotelian philosophy which separated 'natural life' from the 'proper' or 'good life' (Gündoğdu, 2012). Other distinctions concern whether human needs are considered as inherent (and therefore universal) or as context-specific (interpreted); or whether they are defined *normatively* (by 'experts' or 'professionals'), *felt* or *expressed*, or articulated as *comparative* needs (Dean, 2013; Ife, 2012). Rights, as ways to meet needs, are constructed differently depending on political contexts. Based on intersecting different conceptualisations of needs and rights with more contractarian and more solidaristic citizenship models, Dean puts forward a taxonomy of four 'models':

- a *conditional model*, based on a moral-authoritarian approach in which '*[e]ntitlement is based on obedience*' (and being 'deserving') (2013, p.39);

- a *selective model* which draws on economistic approaches and considers entitlement in the context of ideas that citizens should strive for self-sufficiency;

- a *protective model* which connects with the idea that '*one belongs to and accepts one's place within the social collectivity*' (ibid.) leading to '*mutual moral obligation*' (ibid.) and

- an *inclusive model* which views rights as unconditional and a matter of moral imperative based on collective responsibility.

In the first two models, 'freedom', 'choice' and self-sufficiency are emphasised as values, while the latter two relate more to 'entitlement' based respectively on 'belonging' or shared humanity. The inclusive model seems most compatible with notions of 'universal' human rights that are independent of state citizenship. Dean emphasises that these models are not representative of particular (welfare) regimes, but that they offer ideas about how rights and social citizenship might be reconstructed in ways which acknowledge the relevance of both local and global contexts.

These thoughts also connect with the differentiation and integration of concepts of human rights and social justice, which particularly in social work are often treated as enmeshed without much further analysis (Cemlyn, 2008). Hugman (2012) argues that the connection between the two concepts is in fact neither automatic nor unproblematic in a world of diverse value systems and an intensely uneven distribution of finite resources. He suggests that this problem of distribution (and redistribution) is at the heart of social justice concerns and proposes that a relationship between human rights and social justice should deal with '*the basic question [...] [of] why some people are denied human rights, which may take the form of access to material resources and what can be done to redress this [...][while] social justice grounds human rights in the realities of a finite world*' (p.382). Hugman argues that for social work, a social justice perspective involves privileging the interests of those less able '*to achieve what is necessary to live a truly human life*' over the interests of those with more resources (ibid.), even if this might put social work at odds with certain (liberal or neoliberal) political viewpoints.

Critical perspectives on human rights

In many contexts, including as a tendency in social work theory and practice, human rights are viewed as something inherently 'good' (Hugman and Bowles, 2012). However, there is also a substantial body of critical literature concerning human rights, some of which questions the validity of their emancipatory claims. In the following section I consider some of these critiques, before discussing emerging ideas that seek to reconstruct human rights in a more pluralistic and process-focused way.

A common criticism of the notion of *universality* within dominant conceptualisations of human rights is that it is rooted in (and therefore dominated by) Western Enlightenment thinking (Ife, 2012). Tascón and Ife (2008) argue that constructions of a 'universal' humanity emerged, in fact, in a limited (and historically contingent) context based on ideas of the binary separation of 'inside' and 'outside'; 'subject' and 'object'; and 'self-same' and 'other' during early modernity. In a context where *reason* of the mind took on a new centrality, the 'outside' was viewed as imperfect and rational knowledge became a key basis for control. This was based on a binary distinction of 'sameness' and 'otherness' in which the former was privileged and in control of the latter, displacing ambiguity and ambivalence through the quest for reasoned certainty. Thus, despite ostensibly benevolent constructions of a 'universal' humanity, Tascón and Ife argue that its logic has in fact involved an exclusionary construction of the '*other'*, linked to the dominance of patriarchal voices and the unquestioned, unexamined and often invisible status of 'whiteness' as a privileged norm. Race, gender as well as other 'identities' came to be constructed as categories of otherness, outside the realms of universal representativeness but consigned to states of particularity and exception. From these limited constructions of 'humanity', Tascón and Ife trace grounds for the criticisms of human rights as '*part of the colonialist project, as an apparently benign form of spreading Western epistemological superiority to the remainder of the world'* (ibid., p.316). The ongoing privileging of 'expert voices' in human rights discourses, as well as emphasis of Western governments (and many NGOs) on abuses of civil and political rights in '*other'* countries, combined with the relative down-playing of lacking social, economic and cultural rights in their own territories, continue to fuel such criticisms (Wronka, 2008). At the extreme end, human rights concerns have served as grounds for military intervention, but these concerns have not usually extended to

allowing the refugees trying to flee those regions easier access to Western territories for protection.

Similar to the critique of Western dominance in the historical development and current power structures of human rights discourses, post-structural feminist perspectives have criticised their underlying androcentrism, particularly in the context of privileging freedom rights over social rights which reinforce '*a public/private dichotomy that relegates women's moral concerns to the private realm while valuing what is male as important and public*' (Spring, 2011, p.70). From feminist perspectives, some arguments have been advanced to support an *ethics of care* as an alternative framework to conventional ethics of justice, starting from a position of humanity as interdependent and emphasising the importance of relationships based on concern and responsibility for others (e.g. Gilligan, 1982). However, the juxtaposition of care- and rights-based ethics has itself been criticised as reflecting essentialising binaries. More recent theories have focused on integrating the concepts, including through broader conceptualisations of human rights (as discussed below) (Tronto, 1993; Parton, 2003; Spring, 2011).

Another critique relating to conceptual limitations in contemporary formulations of human rights is their reliance on nation states as guarantors of rights. Epitomising the inside/outside dichotomy which has been argued as a characteristic of modernity, nation states remain powerfully invested to provide and deny rights through administrative distinctions (the most powerful one being between citizens and non-citizens). For Hannah Arendt (1973, p.279), this exposes a fundamental paradox within the concept of universal human rights, between supposedly inalienable rights '*enjoyed only by the citizens of the most prosperous and civilised countries, and the situation of the rightless themselves*'. Those who lack a political space within which to claim rights, such as refugees and other forced migrants, only have a precarious and contingent '*right to have rights*' (ibid., p.296). At the extreme end, Arendt argues, '*the loss of home and political status become[s] identical with expulsion from humanity altogether*' (ibid., p.297) because despite the promises of human rights, 'being human' is not enough to guarantee a person's protection.

Arendt's critique is taken further (and radicalised) by Giorgio Agamben (2008) who argues that human rights are inextricably linked to the sovereign power (particularly state power) to make *decisions over life* and therefore, paradoxically, make human life more rather than less vulnerable to violence (Gündoğdu, 2012). Agamben draws on Foucault's concepts of *biopower* and *biopolitics* which refer to modern forms of administrative rule through forms of discipline (governmentality), superseding more archaic forms of political power associated with the granting or taking life. In modernity, people become '*populations to be managed*' and bodies '*to be normalised*' through techniques, discourses and institutions (Holt, 2002, p.93). Migrants who cross borders without administrative permission challenge such controlling functions, rendering them particularly at risk of being constructed as 'exception' as they are subject to '*inclusive exclusion*' (Agamben, 1998, p.12). They are excluded through their lack of citizenship, but they are also included by being subject to the laws of the state where they are present and because their exclusion reinforces the boundaries of that state's '*imagined community*' (Anderson, 1983; Nyers, 2006). As such, their liminal position can easily be reduced to '*bare life*' rather than politically qualified life. Agamben differs from Foucault in that he considers biopolitics not just a modern phenomenon, but an ancient condition whereby sovereign power has always involved decisions and definitions concerning life itself, although he posits that modernity politicises life because it becomes more than ever '*valorised*' and '*sacralised*' (Gündoğdu, 2012, p.9). This is the point where human rights themselves may render life more vulnerable to violence. Gündoğdu (2012) provides an example of seemingly benevolent humanitarian laws granting undocumented migrants suffering life-threatening illnesses protection from removal. As this coincided with generally harsh immigration policies, the laws – with their inherent power of defining *exceptions* – had the effect of producing more illness as desperate migrants refused treatment, deliberately infected themselves with life-threatening diseases or took on the identities of ill people.

'Reconstructing' human rights: A praxis perspective

Agamben (2008) argues that the link between human rights and sovereign power (and violence) cannot be severed and that it is therefore necessary to consider a politics which goes '*beyond human rights*'. However, this radical suggestion can itself be

critiqued for being totalising and focusing on 'formal' approaches rather than '*an engagement with the details of human rights practice*' (Hoover, 2013, p.10). By focusing only on the role of states in granting or denying human rights, and the problems associated with this 'state-centric' perspective, the possibility of change 'from below' through human rights is neglected. This reflects '*an assumption of intellectual privilege that determines who can and cannot define the meaning of human rights*' (ibid., p.10-11). In this sense, the above critical perspectives reflect, perhaps more than anything, critiques of existing power dynamics expressed in conventional human rights discourses, but in doing so tend to view power as possessed and fixed rather than as relational and produced. As Gündoğdu (2012) suggests, such a fatalist view of human rights overlooks the '*potentialities*' they may harbour to be transformed and (re-) appropriated in unpredictable ways, including by those who are seemingly rendered 'rightless'. In this view, while human rights may have '*no special privilege*' (Hoover, 2013, p.16) as the only way for upholding human dignity and promoting wellbeing, from a pragmatic perspective they can have an important role to play in mitigating against different forms of violence (e.g. political, social or economic) and in '*achieving good*' (ibid.).

An important element in the 'reconstruction' of human rights against the above critiques is a focus on how they are put into practice. In this view, human rights are constituted as much (if not more) through the everyday actions of people in different contexts across the world as through legal and philosophical frameworks (Redhead and Turnbull, 2011). Ife (2012) argues that a *praxis*[4] perspective on human rights provides bridges and links between theoretical considerations and constructs (including critical perspectives) and the everyday contexts in which human rights come into use. Beyond a binary construction of theory and practice as separate, a praxis approach considers both knowledge and action together. With respect to human rights praxis, this involves not just considering the formulation or claiming of rights 'from above' (i.e. within legal frameworks), but also their development and articulation '*from below*', at a 'grassroots' community level as a way of unsettling discourses of human rights '*of the powerful*

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[4] The term has been used in various contexts (including Aristotle, Marx and Arendt) but Ife (2012) draws particularly on Freire's concept of *dialogical praxis* placing an emphasis on processes of dialogue which recognise and value both the 'wisdom' and 'consciousness' of social workers and of social work's 'clients'.

about the powerless' (Ife, 2010, p.126). On a macro-level, this power hierarchy privileges political elites of the Minority world in the 'Global North' over countries from the Majority world; while on a micro-level a dominance of formal legal processes excludes those without the means to access such routes. Ife builds his arguments on the idea that there are significant parallels between human rights praxis and processes of community development and action through their focus on relationships and dialogue. He suggests a theoretical framework which uses postmodernist/post-structural and ecological perspectives to analyse the production and reproduction of power within processes that seek to articulate and claim human rights from below. This approach also involves an inherent connection between social justice and human rights as joint principles, as it focuses on challenging situations where people are denied human rights.

In some ways, this perspective can be seen as a key aspect of the idea of human rights as 'evolving' and discursively constructed rather than static. However, human rights 'from above' and 'from below' should not be constructed as binary opposites but rather as part of a complex and tension-filled context within which a profession like social work navigates. One conceptual model for considering such complexities and contradictions is the idea of *praxis domains*. Based on Maturana's (1985) concepts, Lang et al. (1990) delineate domains of 'explanation', 'production' and 'aesthetics' within the praxis of 'helping professionals'. The first involves exploring, questions and questioning and is set in a 'multi-verse' in which '*all realities or perspectives are equally valid though not necessarily equally desirable'* (ibid., p.41). The second domain is action-focused and in this process complexity may sometimes be reduced (for pragmatic reasons) to the uni-verse of a particular 'reality' or 'truth' (i.e. conventions which may become 'taken-for-granted'). The third involves notions such as morality, ethics, harmony or even 'elegance' within attempts to reconcile between the contradictions of human action and experience (the metaphors of a 'dance', an art, or a 'balancing act' might be examples). Rather than being exhaustively or exclusively constituted, Maturana's suggestion is that human beings exist (or act) simultaneously in these (and other) domains.

If not seen in a static or essentialist way, this concept can be useful for considering human rights in practice and the tensions between different approaches: it allows space

for deconstructive approaches which question and unsettle the taken-for-granted role of currently dominant discourses of human rights, while also acknowledging the significance and usefulness of existing normative frameworks, including for those people whose 'rights to have rights' are precarious. Dilemmas, dia- (or multi-) logue and negotiating practical and conceptual 'messiness' in this context seem key elements of the ethical dimensions associated with praxis in social work. These issues are returned to in later sections of this chapter, after considering how constructions and frames of *inclusive exclusion* in the contexts of (forced) migration and childhood may place separated young people in a complex and precarious position vis-à-vis human rights.

2.3 Migration and human rights

Inclusive exclusion: constructions of migration as anomaly

By definition (in the context of this thesis) separated young people are migrants, a term for which Bhabha (2008) suggests a clear definition is lacking. One common distinction in the literature has traditionally been between 'forced' and 'voluntary' migration, suggesting that there are varying degrees of 'choice' involved in the contexts in which cross-border movements take place. Turton (2003) critiques this terminology for the lack of human agency which 'forced migrant' implies and argues that (despite its continued use in the absence of suitable alternatives) it relates to '*artefacts of policy concerns*' (p.2), particularly attempts to distinguish 'political' from 'economic' motives. The former tend to be privileged, reflecting the dominance of first generation over second and third generation human rights. Political grounds, particularly the 'force' of persecution, are also key to the international legal definition of a *refugee* (see Appendix 2). When it comes to the migration of children and young people, discourses regarding force, choice and agency take particular shapes, as discussed further below.

Like human rights, the concepts of 'forced migrant' and 'refugee' are historically shaped constructs with roots tracing back to the beginnings of humanity, but which have taken specific forms particularly through modernity. Marfleet (2006) points to the historical conjuncture of the first uses of the term 'refugee' and the emergence of European nation states. Tuitt (1996) suggests that the contemporary refugee concept was shaped on limited grounds in the post-war era, reflecting and privileging Western

European human rights concerns. Until the 1990s a particular embodiment of this were refugees from Communist regimes who were constructed as '*ambassadors of the Cold War period*' (ibid, p.16), while others, for example Asian refugees fleeing turmoil in East African states in the late 1960s were largely excluded from refugee protection (Pupavac, 2008). Shifting geopolitical landscapes since the 1990s have, on the one hand, led to 'new' and more complex refugee movements but on the other hand have also challenged the specific political constructions of previous decades, leading to increasing attempts, particularly in Western states, to expose the large majority of asylum seekers as 'economic migrants'.

In this context, Turton (2003) analyses the language used (in 'host' or 'destination' states) to represent and construct forced migration, which is infused by metaphors of substance, such as '*waves*', '*flows*' or even '*floods*'. These metaphors are dehumanising, evoking notions of threatening natural events which need to be controlled and stemmed. Nyers (2006) also considers linguistic aspects and identifies a vocabulary of crisis and fear as a defining aspect of policy discourses and practice concerning refugees, captured in the Refugee Convention's key criteria of a *'well-founded fear of persecution'*.

This language of crisis and passivity also confers a status of exceptionality on refugees and other forced migrants, linked to an inherent failure to recognise their '*ordinary*' humanity (Turton, 2003) which allows their construction as the '*other*' - the '*them*' which stands in contrast to '*us*' (Anderson, 2013). At the heart of this construction lies the '*non-position*' (Holt, 2002, p.93) of refugees within the dominant concept of state citizenship. Through their presence in other countries (particularly if they have 'illegally' crossed borders to get there) refugees not only lack a political space within which to claim rights but also challenge the power of states to govern populations – especially 'the poor'. They come to be constructed as liminal *others*, disrupting the '*national order of things*' (Malkki, 1995, p.4). Marfleet (2006) suggests that the characterisation of refugees as an '*anomaly*' is a contradictory and deceptive discourse deeply connected with the global spread and dominance of capitalism. While movement has a long tradition throughout history as part of the repertoire of human responses to a lack of resources and rights, the spread of capitalism not only sets contexts which 'produce' forced migration on an ever greater scale, but also leads to a scapegoating of

migrants for economic and social pressures. Marfleet argues that exclusionary state policies are a (deceptive) attempt of states to be seen to be addressing some of the detrimental social and economic consequences of globalised capitalism, even though in fact they serve above all to reinforce oppression and rightlessness among poor people who migrate, rather than preventing their movement as such. These processes can be seen as an example of Agamben's (1998) concept of *inclusive exclusion*.

Within these constructions of exceptionality, representations of refugees and forced migrants tend to be highly polarised. On the one hand, negative stereotypes in public and policy discourses centre on the external and internal threats supposedly presented by the mobile poor as challenging state borders and exploiting welfare systems; while on the other hand more sympathetic perspectives have a tendency to connect with constructions of victimhood. Pupavac (2008) problematizes the latter as often stereotypical representations which focus either on refugees as *exceptionally* talented and gifted or as (traumatised) victims, both with unintended consequences that can perpetuate rather than alleviate exclusion: on the one hand, those who fall into neither category risk becoming further marginalised. On the other hand, the lens of victimhood is risky even for those who are considered within these terms, as constructions of passivity and impaired capacity lead to particular forms of inclusive exclusion. Humanitarian concerns for victims may provide some limited social (welfare) rights[5] or even temporary rights to remain, but this comes with the risk of diminished rights of self-expression and self-determination, or of becoming '*an object of professional management*' (Pupavac, 2008, p.281). The critique thus focuses on essentialist external representations rather than the rights of people who suffered violence and persecution to consider themselves as victims.

Pupavac (2008) suggests that binary constructions of threat and victimhood are gendered, in that men are more prone to representations as threatening, while women and children (often considered as a 'joint' category) are more likely to be considered as

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[5] An example in the UK is the (extraordinary) provision of accommodation to migrants *in need of care and attention* under s.21 National Assistance Act 1948 (interpreted very exclusively through policy and court judgements) who would otherwise be excluded from such (and other) support.

victims[6] (Judge, 2010; Boyden and Hart, 2007). As discussed further below, such binary constructions can be particularly problematic for separated young people who are confronted not only with expectations of conforming to notions of the 'genuine' refugee but also with characteristics ascribed to a 'genuine' status as minors.

Precarious rights: external and internal border controls

Turton (2003, p.8) suggests that forced migrants '*make a special claim on our concern*' because their situations of loss and persecution evoke questions about moral responsibilities among human beings and require us '*to consider who* we *are […] and, ultimately, what it means to be human*'. Arendt (1973) argued that, at a rhetorical level, refugees represented the very embodiment of human rights (having been reduced to their bare humanity) but that this deeply contrasted with their actual experiences in a world which '*found nothing sacred in the abstract nakedness of being human*' (p.299). Today, despite the formal recognition of the Refugee Convention by many countries, there is no universally acknowledged human right to migration as such – and in fact the physical and legal barriers for forced migrants to seek refugee status in countries of the Global North remain as severe (if not more so) as in Arendt's time. These barriers reinforce deep inequalities in access to international mobility, casting forced migrants as vagrants and '*vagabonds*' (Bauman, 1998).

However, in addition to *external* systems of immigration control (such as visa restrictions, carrier sanctions or the patrolling of land and sea borders), Western states have also developed *internal* measures of exclusion (Humphries, 2004). A basis for these internal controls is the creation of administrative categories of progressive differentiation and (negative) exception. These range from people granted refugee status who may enjoy more extensive rights (but both in Germany and the UK, for example, this status is time-limited and subject to review), asylum seekers entitled only to limited rights (e.g. support within segregated and inferior 'welfare' systems), through to people with 'failed' asylum claims who remain in varying degrees of 'undocumented' and 'illegal' existences and may be excluded from any form of welfare support. The

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[6] This does not mean that migrant women are immune to portrayal as threats - for example Lentin (2009) discusses ways in which childbearing 'non-citizen' women in Ireland are constructed as *'(m)others'*, a particular form of *femina sacra*.

progressive exclusion of different categories of forced migrants enables states to maintain claims of humanitarian benevolence through the right to seek asylum, while at the same time evading the political (and de facto often overstated) 'costs' of immigration, validating state powers to control borders and create exceptions (Gibney, 2014). Thus, the rights of forced migrants are highly conditional and contingent on the ways in which their claims and situations are categorised by authorities, revealing a biopolitical logic which seems at odds with universalist ideals of human rights (Holt, 2002).

The paradox between universalist formulations of human rights and the creation of exceptional categories has particular dimensions (and implications) for separated young people who migrate to Western states. They not only face the challenge of being accepted or rejected as refugees (or being afforded another form of residence status), but also find themselves at the intersection of the powerfully defined binary between 'childhood' and 'adulthood' which, through the (symbolically) widely endorsed international framework of Children's Rights, places those considered over 18 in very different positions from those seen as under 18. In this context, social and cultural constructions of childhood become significant factors in decisions made by immigration and social work professionals which influence the trajectories of separated young people. The next section considers these issues in more detail.

2.4 Separated young people and children's rights

Modern constructions of childhood

Recent academic work in the field of childhood studies has identified the socially and culturally constructed nature of this phase in the life course (e.g. James and Prout, 1997). This takes both historical and geographical dimensions: the emergence of childhood as a sheltered phase of life is generally considered an idea which took hold in Western nations around the Enlightenment period. Zelizer (1985) suggests that through processes of '*sacralisation*', the 19th Century view of children as '*economically useful*' (through their labour) was replaced by a notion that children were '*emotionally priceless*'. However, lived experiences of childhood today differ dramatically according to geographical location and social status (Boyden and Hart, 2007). Not only are the life events that mark the end of childhood and youth and the transition into adulthood

different across the world, being a child also involves a variety of roles and expectations and thus has a different symbolic status in different countries.

A key critique of conceptualisations of 'modern' childhood has been the exclusion and marginalisation of children by adults who viewed them '*as dependents and themselves as fair representatives of children*' (Qvortrup, 1990, p.87). Critics of this view of children as appendages of adults and of the emphasis of their immaturity as '*human becomings*' rather than '*human beings*' argue that this has supported their exclusion from a full range of citizen (or human) rights (Qvortrup, 1994, p.4). For example, in many societies there is still implicit acceptance of physical chastisement of children (often minimalised through language, e.g. 'smacking' rather than 'hitting') while the same actions inflicted on an adult would likely lead to prosecution for assault. Other examples, like the gap between the age of criminal responsibility at the age of 10 in England and the right to vote at only 18, suggest contradictions in paternalistic conceptualisations of children and their agency. In this sense, a modern symbolic view of childhood as 'sacred' may connect with the ancient etymology of the word as an ambiguous term which Agamben (1998) analyses as denoting *both* the exceptional and invaluable (holy) *and* the banished and damned (and therefore outside of society) - revealing some of the inherent contradictions within modern constructions of childhood.

Views of children as immature, passive and therefore '"*naturally" incompetent*' (Qvortrup, 1994, p.2) have been challenged in recent years by alternative conceptualisations of children as active agents who take part in shaping their own lives, notwithstanding constraints arising from their individual life contexts. Thus, while a relationship between biological maturity and capabilities and some common needs during childhood are acknowledged, the suggested universality and linearity of earlier child development theories (such as Piaget's model) are rejected alongside uniform expectations on what a 'good' or 'normal' childhood should look like (Tisdall, 2012). The recognition that these expectations often hold little truth for many children in the 'Majority World' has contributed to this development. Additionally, there has been increasing recognition that both children and adults are continuously developing and therefore can be thought of as *becoming beings* (Lee, 2001). These changing

perspectives have had an impact on the development of children's rights, as discussed in the next section.

Children's rights

The United Nations Convention on the Rights of the Child (UNCRC, 1989, see Appendix 2) is by far the most widely ratified human rights convention (Somalia, South Sudan and the United States of America are the only current exceptions; United Nations Treaty Collection, 2015). The UNCRC includes three broad categories of rights: protection, provision and participation rights. These categories reflect some tensions between different (and changing) conceptualisations of childhood: on the one hand the idea that children need, and therefore have a right to protection and provisions has been influential in the formulation of 'nurturance' rights, represented in the notion that the 'best interests' of children should be at the heart of adults' decisions about them. On the other hand, participation rights pay tribute to children's 'developing capacity' for making decisions in their own right and to their 'inherent dignity' (Ruck and Horn, 2008).

Paralleling criticisms of dominant conceptualisations of human rights, there are a number of criticisms of current children's rights discourses. These include the framing of children's rights and interests predominantly in legal terms, rendering 'expert' adults (i.e. professionals) as main interveners on children's behalf while displacing their families and children themselves as advocates for their best interests (Pupavac, 2001). At the same time, like human rights more generally, children's rights have been criticised for their individualising character and an overemphasis on autonomy and independence at the expense of more communitarian perspectives. Tisdall (2012) argues that despite an increased focus on children's agency, children's rights often fall short of achieving real opportunities of participation, because adults still tend to play a key role in selecting and interpreting children's voices in settings such as research or court proceedings. In the latter context, Tisdall analyses how courts in proceedings involving children have tended to privilege certain accounts and narratives (e.g. those which are '*consistent, clear and definite'*) over those which seem '*ambivalent or anxious'* (ibid., p.186). As discussed below, such processes can have a significant impact on how

separated young people are positioned within discourses concerning the 'genuine' refugee and the 'real' child.

A further criticism of the UNCRC (in line with other human rights frameworks) is its formulation in a state-centric context. The role of states in protecting and providing for children is considered a deeply embedded notion in modern Western thought (Giner, 2007). Boyden and Hart (2007) suggest that a view of states as guarantors of children's rights is complemented by the symbolic value placed on children's wellbeing as a marker of a state's progress. Underlying these notions, however, is a basic assumption that children's lives '*are nested within the boundaries of a single nation*' (ibid., p.237), a relationship which links with the etymology of the word '*nation*' itself, as derived from the Latin word '*nascere*' (to be born) (Agamben, 1998). Thus, as with the more general human rights framework, the link between 'belonging', citizenship and rights is also recognisable within children's rights. Separated young people, as migrants, challenge this assumption.

Boyden and Hart (2007, p.241) argue that the UNCRC has reinforced and institutionalised the view of children as lacking competence and being subordinate to adults by creating a set of '*special rights over and above those enjoyed by adults*' but at the same time putting adults in charge of providing for those rights. This suggests a key tension inherent in the very idea of children's rights as separate from the rights of adults: on the one hand, there is the potential that children's rights afford better protection and better access to fundamental rights such as care, education and health as well as to participation and self-expression rights. At the same time, the conceptualisation of children as inherently different from adults has the potential to construct them as an 'exception'. Pupavac's (2001) critique goes as far as arguing that the moral superiority that is internationally afforded (in symbolical terms) to children's rights reflects '*an '(unspoken)' mistrust of adulthood and political rights*' (p.96). She argues that this '*misanthropy*' constitutes state and non-governmental organisations (particularly those in or from the Global North) as voices and caretakers of children's rights. This has the potential to disempower not just their own families but also (especially for countries in the Global South) their communities and societies, because

an idealised model of childhood is universalised while the prerequisite social and economic conditions of affluence are not.

Just as with human rights more generally, the position taken in this thesis is not to suggest that the idea of children's rights should be abandoned, nor to deny that they can, in practice, serve to improve the situation of children and young people worldwide – including of separated children and young people in Europe. However, some of the contradictions inherent in current formulations of children's rights have the potential to place separated young people in a precarious position. This is particularly because of underlying assumptions which construct childhood and adulthood as distinctly separate phases, ignoring the liminal ('in-between') positions in which separated young people may be - as migrants without citizenship but also as young people who may not easily fit into the adult-child-binary. The following section considers this in more detail.

Separated young people between constructions of victimhood and threat

The UNCRC is considered a principal legal framework for the rights of separated young people (e.g. Separated Children in Europe Programme, 2009), especially through General Comment No. 6 (CRC, 2005) which articulates particular obligations on state parties for unaccompanied and separated children outside their countries of origin (see Appendix 2). Bhabha (2008) suggests that the emphasis of legal and policy frameworks related to child migration has been on notions of distinctive vulnerability and subsequent protection needs, while autonomous agency and resilience among migrating children and young people have been viewed with suspicion.

Referring to Arendt's critiques of the lacking enforceability of human rights outside a context of state citizenship, Bhabha (2009) suggests that many migrant children (whom she refers to as '*Arendt's* children') are *de facto* stateless. As a consequence, their rights to have rights are '*tenuous at best and frequently unenforceable in practice*' (2009, p.415) and they are constructed as inherently different or '*other*' compared to citizenship children. Because of the hardships they may have survived, '*Arendt's children*' challenge the constructed 'normality' of idealised (Minority world) childhood. Once in the destination country, legally and socially constructed categories such as '*young refugee*' or '*unaccompanied asylum seeker*' dominate, fragmenting young

people's stories by '*separating out their life 'back home' (when they were not migrants) from the migration journey and their life in their new country*' (Wells, 2011, p.328). Separated children and young people also challenge the notion that the core family is the 'right place' for a child until they enter adulthood, a conceptualisation which has led to a status of children as 'semi-citizens' who depend on their parents for full access to rights (Meloni et al., 2013). In the context of traditional male-focused perspectives which view women and children '*as merely tagging along behind the primary male migrant'* (O'Connell Davidson and Farrow, 2007, p.20), separated children may be constructed as *inherently* vulnerable, leading to a focus on protecting them *from* migration rather than protecting their rights before, during and after migration. This focus on vulnerability draws attention away from the conditions which have prompted migration in the first place, ignoring the possibility that young people may have '*embrace[d] risk as part of a migration strategy which pursues their self-defined 'best interests' and future plans*' (Chase and Allsopp, 2013, p.28). In these contexts, young people may be confronted with contradictory expectations: on the one hand, their communities may view them as bearing responsibilities that in the Minority world would be associated with 'adult' status (and migration can itself be a 'rite of passage'); on the other hand, in destination countries they may have to '*recast themselves as vulnerable, dependent children*' (Tefferi, 2007, p.301) in order to receive assistance.

A failure to recognise young people's agency places them at particular risk of being considered through binary perspectives of victimhood and threat (Bhabha, 2009; Judge, 2010). As discussed earlier in this chapter, these perspectives can have gendered and age-related dimensions. Boyden and Hart (2007) suggest that adolescent boys are more likely to be considered as 'threats' while for younger children and (some) girls '*the prism of victimhood*' may be more common (Boyden and Hart 2007, p.243). However, these notions are not fixed; and separated young people are often in a liminal position, in between constructions of vulnerability and threat.

The construction of children's rights as separate to those of adults also places particular significance on whether separated young people are considered above or below the boundary between legal adulthood and childhood set at the age of 18. As discussed in Chapter 3, many separated young people arrive without documents which are accepted

as proof of their identity and age. The biopolitical concern with distinguishing a 'real' child from an 'impostor' adult, for the purposes of establishing whether they should be entitled to benefit from special protection rights afforded to 'vulnerable' children, has brought about an increased focus on practices of age assessments (Judge, 2010). However, in the absence of 'scientific' methods which could 'determine' a young person's exact age with any certainty, these practices themselves rely on cultural and social constructs of childhood. Through the stigma of 'negative credibility' there are also some links between a young person's 'failure' to be recognised as a child and the success chances of their asylum application (if they have one).

The child-adult binary is not only problematic in relation to age disputes, but also because the categorisation as a 'child' is inevitably temporary (Chase and Allsopp, 2013). In this sense the situation of separated young people exposes further layers of the *biopolitical fracture* which Agamben (1998) refers to in his critique of human rights discourses, in the sense that their inclusion within the (in this case) protective functions of the exceptional category of an unaccompanied or separated child inevitably ends once they reach a certain age, at which point (if not before) their living circumstances may be reduced to the '*bare life*' experienced by other status-less migrants. Rather than universal, their access to protection and support rights is constituted as exceptional.

Separated young people are exposed to the power of state agencies and professionals to subject them to assessments and categorisations. Chase (2010), drawing on Foucault's concept of the *panoptic mechanism*, argues that many asylum seeking young people find themselves in contexts of regular scrutiny and surveillance. There are some suggestions in the literature about how young people deal with this scrutiny. For example, Anderson (2001, p.196) considers that some resort to presenting 'the simplest story' to professionals because they have '*been told that only a particular version of the truth will enable them to remain, '... because this is what the interrogators want to hear'*. Chase (2010) suggests that selectively disclosing information about their past experiences may enable separated young people to retain some agency by using the following strategies: distancing themselves from the label 'asylum seeker'; avoiding talking about the past in many circumstances; and seeking to resist the perceived '*intrusive elements in the system*' (ibid., p.2059), such as repeated questioning by

professionals. In this context, young people may consider social workers as part of systems which are at once potentially supportive as well as controlling and constrictive.

It is this potentially contradictory position of social work – being caught in a dilemma between emancipatory aspirations and associations with systems of control and discipline – which is explored in more detail in the next section of this chapter.

2.5 Social work: liminal positions beyond dualist formulations

Professional trajectories in Germany and the UK

Huegler et al. (2012, p.2) refer to social work as '*a generic term for a diverse occupational group which takes many forms across the globe*', ranging from more official and bureaucratic to largely informal positions. In Western countries such as Germany and the UK, official forms are dominant (e.g. in terms of formal qualification requirements but also through the existence of specific roles of enacting statutory powers). In this context, social work is commonly described as a profession in which practices of 'care' compete with elements of 'control'. Healy (2000, p.49) critiques such dualist formulations as suggesting that some forms and sites of practice '*are innately emancipatory, while others contain few or no possibilities for progressive practice*'. My aim in this thesis is therefore to go beyond such dualisms and to explore how social workers articulate, struggle with and negotiate the paradoxes, contradictions and dilemmas of their everyday practice.

Hyslop (2012, p.406) argues that social work arose from (and continues to operate within) a paradoxical position and that this links to its roots in capitalist modernity. Foucault (cited in Chambon et al., 1999, p.92) formulates this as an inscription '*within a [...] larger social function [...] of surveillance-and-correction*' whereby '*correction*' may involve both '*punishment'* and '*pedagogy'*. However, it is also important to acknowledge that, despite some common roots across several European and North American countries, the development of social work as a profession followed different historical trajectories. Lorenz (2006) (building on Esping-Anderson's (1990) typology of welfare states) suggests that Germany's welfare system follows a *corporatist* logic involving the principle of subsidiarity (where provisions are made through voluntary organisations but funded by state agencies). The UK, on the other hand,

characteristically represents a more *residual* approach where state social services focus on narrowly defined areas of 'controlling' intervention (e.g. child protection) while voluntary sector organisations are more likely to become involved in inclusive and 'caring' initiatives.

In terms of the conceptual development of social work in Germany and the UK, welfare support for poor populations bearing the brunt of the industrial revolution and capitalism were significant foundations and in each country women from middle and upper class backgrounds played important roles as 'social work pioneers' domestically but also through early international networks (Badwall and Razack, 2012; Hämäläinen, 2003). However, a significant difference in the German context has been the development of social pedagogy and its influence on social work. Considering this influence is important not only because of the currency of socio-pedagogical thinking in social work overall in Germany, but also because of Foucault's specific reference to 'pedagogy' as an aspect of social work's modernist inscription. Social pedagogy emerged in the latter part of the 19th Century from within a broad education paradigm as a lens for considering social problems (Hämäläinen, 2003). While there are different conceptual strands and understandings across European countries, the paradigms developed by Paul Natorp and Herman Nohl have been significant for social pedagogy's trajectories in Germany. Social integration and the reconstruction of communities were key issues at a time when industrialisation and urbanisation had fragmented previous social ties and networks. In this context, social pedagogy was developed as a practice to provide social help involving education '*through and for society and communities*' (Hämäläinen, 2003, p.73). Although many areas of social pedagogy intervention were (and are) aimed at children and young people, the broad community-focused paradigm envisaged social help through education as part of lifelong learning processes (linking with the earlier mentioned notion of both children and adults as '*becoming beings*'). However, its idealising conceptualisation of community made it particularly vulnerable to ideological abuse during German National Socialism, leading to initial post-war suspicion against the paradigm, while individualised psychodynamic approaches prominent in Anglo-American traditions prevailed during this period in social work overall (Lorenz, 2008).

Conceptually, there are different positions on the relationship between social work and social pedagogy (as largely identical, distinctly separate or complementary to each other), but in Germany there have been strong trends towards convergence of the two disciplines (Hämäläinen, 2003). This is reflected in the use of a common umbrella term '*Soziale Arbeit*', which very literally translates as '*work that is social*' but linguistically only has very fine differences to the term for 'traditional' social work (*Sozialarbeit*). Such issues might be a contributing factor for the lack of knowledge and understanding of social pedagogic influences (for example) in Anglophone countries.

From the late 1960s onwards, critical theory and concepts of phenomenological sociology have been key influences on social pedagogy and social work, particularly the interaction between structural, social and individual factors which become meaningful in people's subjective 'life-worlds'[7] (*Lebenswelt*) as well as an emphasis on subjective coping strategies in *everyday* life situations (*alltägliche Lebensbewältigung*) (Lorenz, 2008; Grunwald and Thiersch, 2009). Life-world oriented social work and social pedagogy aims to mitigate against the colonising tendencies of outside 'systems' (including social work interventions) by aiming to start at the point of people's subjective perspectives and coping strategies and offering help with alternatives and adaptations where these strategies have undesirable or even harmful effects. In this sense, people are first and foremost seen as 'experts of their own life-worlds'. The approach draws on socio-spatial (e.g. localisation) and life course perspectives. For example, Böhnisch (1999) argues that people's actions connect with their previous and current life experiences as well as their outlooks on the future in a way that aims for a meaningful 'fit' within individual (and collective) biographies. Core principles and values for social workers in the life-world paradigm include: respect; negotiation; prevention; being, as much as possible 'on the same side' as the service user (*Parteilichkeit*); critical involvement in and challenging of issues at structural levels ('*Einmischung*'); as well as promoting integration and participation. Lorenz (2008, p.639) argues for a distinctly 'political' character of interventions within this paradigm, in that they '*identify political processes, issues of justice and equality, in life-world*

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[7] The 'life-world' concept draws on phenomenological philosophy, particularly the writings of Husserl and Schuetz. Habermas developed the concept further by distinguishing between 'system' and 'life-world' whereby the former has a tendency to 'colonise' the latter (1981, cited in Grunwald and Thiersch, 2009). Kraus (2006, p.125), drawing on systemic-constructivist perspectives, suggests that the life-world represents a person's essentially subjective construction of perceived reality.

contexts in which they build social policy 'from the bottom up'. In this sense, the life-world approach has links with Ife's (2010) concept of '*human rights from below*'.

The life-world approach received 'official' endorsement through the German Federal Government's *Eighth Youth Report* (Kraus, 2006). Conceptually, the approach has an explicitly emancipatory orientation, but it has also been subject to criticisms. Because of the inherently subjective character of the life-world concept, Kraus (2006) argues that professionals cannot really claim to 'understand' the life-worlds of people they work with, yet he criticises the sometimes inflationary and unreflective use of the term (paralleling a similar criticism levelled by Wendt and Seymour (2010) towards the use of the 'empowerment' concept). A further concern is that in the context of neoliberal influences, particularly the rise of 'social management' approaches, key social pedagogy concepts such as 'self-help' or 'empowerment' have been reframed and (mis-) appropriated to justify a decrease in services (Lorenz, 2008, p.640). Staub-Bernasconi (1995) suggests that a focus on the micro-level life-world concept not only risks displacing discussions about challenging macro-level structural issues, but also contributes to social work's overly '*modest'* self-image in Germany. From a post-structural perspective, another critique is that lacking conceptual clarity of ideas such as *holistic* help which potentially encompasses all areas of life, combined with insufficient reflexivity regarding the power dynamics between 'professionals' and 'clients', could in some situations (paradoxically and unintentionally) render this approach more rather than less intrusive, controlling and 'colonising' (Kleve, 2007, p.57).

In the UK, the early professionalization of social work through the Charity Organisation Society (COS) and Fabianism set a different context which in comparison to Germany gave social work a more 'independent' status vis-à-vis other academic disciplines. However, this arguably weakened its engagement with a broader social-theoretical knowledge base in favour of greater influence of social policy developments and techno-bureaucratic management approaches (Lorenz, 2008). The '*science of caring'* approach of the COS has also been criticised as framing the distinction between the '*deserving'* and '*underserving'* poor as an individualised, blaming and binary concept which draws on constructions of the poor as morally weak (Hyslop, 2012). The Settlement movement, a parallel initiative to the COS, is sometimes regarded as the

foundation for a more critical and emancipatory approach (Badwall and Razack, 2012). Critical and radical approaches to social work gained support in the 1960s and 70s in Britain, particularly in the context of socialist critique and a greater influence of sociology as a reference discipline for social work. Radical social work critiqued casework approaches as individualising and pathologising and thus perpetuating (rather than challenging) the social *status quo*. However, the influence of radical social work approaches declined over the 1980s and 90s, particularly through the rise of neoliberal and managerialist influences. This was alongside a focus away from '*class*' and towards a range of factors of oppression (e.g. race, gender and disability) (Ferguson, 2009). In this context, anti-oppressive practice became a more dominant paradigm which continues to inform professional discourses to date. However, this approach has also not been without critics, particularly in the context of its widespread institutionalisation: McLaughlin (2005) argues that while state agencies (including local authority social services departments) ostensibly state their commitment to anti-oppression, their actual power to take part in enforcing oppressive policies (including vis-à-vis asylum seekers and immigrants, e.g. through refusing support to those who are destitute) remains unquestioned. In this context critics have expressed concerns that anti-oppressive practice risks losing sight of its more 'radical' roots and becoming a rhetoric or even self-deluding claim (Humphries, 2004), and as a form of individualised practice 'from above' turning against the disadvantaged themselves who then are '*personally polic[ed], not politically empower[ed]*' (McLaughlin, 2005, p.300).

This brief comparison shows that despite different conceptual paths, social work has in both countries been struggling with the earlier mentioned paradoxical position which combines controlling functions with emancipatory potentials. In each country, the trajectories have involved the emergence of critical approaches which seek to challenge and minimise the former and strengthen the latter aspect, such as the life-world perspective (also referred to as *anti-colonising*) in Germany as well as radical and anti-oppressive perspectives in the UK. However, in a way that seems reminiscent of the critiques of human rights discourses earlier in this chapter, these approaches have themselves come under some criticism the more they have become officially endorsed and part of 'mainstream' frameworks, and have been accused of losing their more challenging and radical edges vis-à-vis structural oppression. Cemlyn (2008) suggests

(with respects to anti-oppressive practice) that such critiques are both consistent with social work's past and current paradoxical positions and (at least to some extent) exaggerated, as they overlook the emancipatory potentials which these practices can still retain.

The next sections explore these dilemmas further, first by considering the complex position of social work in the context of migration (and specifically with separated young people) in Germany and the UK. This is followed by a discussion of the relationship of social work and human rights, particularly of the notion of social work as a possible '*human rights profession*'.

Social work and migration

Social work approaches and responses in the context of migration in Germany and the UK link with each country's historical contexts and current political and societal influences. While there are some key differences in post-war patterns and policies regarding migration (and diversity) between the two countries, policy responses to more recent migration (particularly of asylum seekers or 'undocumented' migrants, including separated young people) seem more convergent (see Chapter 3).

In Germany, specific social work approaches to migration developed in the context of post-war 'guest worker' migration, and the long-term political denial that this had led to permanent ethnic and cultural diversity. In the 1960s and 70s '*Auslaendersozialarbeit*' (social work with foreigners) was a response to the fact that mainstream services failed to meet the needs of diverse populations, but was later criticised for an implicit deficit-focus and the de-facto segregation of services (Mecheril, 2004). From the late 1980s and 1990s the '*intercultural*' opening of services became a key paradigm, which focused conceptually on recognition and acknowledgement of cultural differences and the fostering of intercultural understanding, dialogue and acceptance. This was in parallel to a growing political recognition that Germany had become a 'country of immigration' which needed to consider issues of integration. However, a focus on

'culture[8]' as a central marker of difference has been criticised as bearing the risk of essentialised (and often ethno-nationalist) constructions leading to processes of ethnic *othering*, while also neglecting the variety of structures and mechanisms which lead to oppression, notably racism. In the light of this critique recent years have seen a turn to concepts which view diversity (through a variety of lenses) as an issue for society overall (Mecheril, 2004). Politically, however, there remain tensions between a diversity perspective and entrenched assimilationist views of integration as a 'task' for migrants themselves (Fekete, 2008).

In the UK, post-war (and post-colonial) immigration was not a matter of political denial, but structural and institutional racism and subsequent political unrest, (along with a critique of the neglect of these issues within existing radical approaches) influenced the development of anti-racist and anti-oppressive social work practice from the 1980s onwards (McLaughlin, 2005). The above discussed critique of anti-oppressive practice as rhetorical '*delusion*' is a strong feature of some recent radical analyses of social work with people subject to immigration control (Humphries, 2004). One aspect of this, according to Masocha and Simpson (2011), has been a failure of social work to acknowledge new forms of racism (i.e. 'x*enoracism*') which are not necessarily linked to physical characteristics such as skin colour, but instead to constructions of asylum seekers as 'other'. As discussed above, such constructions of fundamental otherness can be based on *both* hostile and some sympathetic discourses (Pupavac, 2008).

Alongside condemning critiques of social work as complicit in racist immigration control there are more nuanced analyses of the level of 'resistance' of social workers towards oppressive frameworks. Cemlyn and Briskman (2003) suggest that despite lacking professional engagement and resistance, approaches within UK statutory social work can include anti-racist, rights-based and relationship-based practice. Sales and Hek (2004), discussing dilemmas of care and control within the work of an Inner-London Local Authority 'Asylum Team', outline different strategies among practitioners. These

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[8] One explanation for the dominance of 'culture', rather than race, as a marker of difference in German discourses is the negative connotation of the German translation of race ('Rasse') stemming from the legacy of the Holocaust when German goals of world domination as well as the genocide of Jewish and Roma people or the invasion of Slavonic countries were 'legitimised' by constructions of 'superior' and 'inferior' races.

either involved forms of distancing or differentiation that enabled workers to carry out their gatekeeping roles (e.g. separating responses to individual clients from broader political issues outside of practitioners' control; separating the needs of individual clients from broader rights issues; or differentiating between 'deserving' and 'undeserving' clients) or avoiding making gatekeeping decisions altogether. However, none of these individual strategies supported practitioners in escaping the basic contradictions within their work, and wider strategies of collective resistance were absent from their accounts. Fell and Fell (2013) challenge the notion of social work as predominantly colluding with exclusionary immigration control, suggesting that models of '*hospitality-based practice*' do exist, particularly in the voluntary sector which also employs many social workers. The authors describe a social work process model based on welcoming, accompanying, mediating for, befriending and advocating for (and with) asylum seekers and within this, suggest that anti-oppressive practice can be '*an undertaking running counter to the social consequences of exclusionary policies*' and '*a type of humanitarian solidarity and care which will offset some of the negative consequences of the asylum-seeking process and the hegemonic order which it represents*' (ibid, p.11).

Specifically regarding social work and social pedagogy with separated young people in a German context, Theilmann (2005) suggests that the conflicting demands in this field have been insufficiently addressed in conceptual debates. She argues that there are constant dilemmas in this field: between the administrative and caring aspects of social work; between professional aims and values and the limitations set by asylum legislation; as well as between the expectations of professionals on young people and their own ideas for their future life. Theilmann suggests that in this conflicting position, many practitioners take a (defensive) stance of '*adaptation*' (or conformity), trying to make the best of a difficult situation but risking submission to the status quo of young people's curtailed rights and limited perspectives, and finally, defeatism. An alternative to this is proactive '*resistance*' against constraining administrative and legal contexts, through efforts to create and use structures and networks which provide space for collective and 'political' action and maximise the ability of practitioners to support young people in line with emancipatory values and goals (ibid, pp.113-120).

Kohli's (2007) UK-based research focuses on conceptualising social work practice with unaccompanied asylum seeking children in the context of a *resettlement* focus. He suggests that despite occurrences of scepticism and suspicion among practitioners vis-à-vis young people's 'stories', they largely resisted '*opportunities* […] *to be border guards*' (p.173), although their tolerance of ambiguity varied. Kohli's study involved social workers of unaccompanied young people who were already supported within the care system and thus the issue of gatekeeping access to services seems unsurprisingly less controversial than in some of the above more critical reviews of social work's engagement with migration issues. In fact, the study's focus on 'resettlement' in itself could be critiqued as glossing over the many uncertainties faced by separated young people particularly once they move closer to legal adulthood with an unresolved immigration status. However, a key contribution to the conceptual discussion is Kohli's model of three domains of practice, associated with three 'types' of professional roles. Similar to the earlier described praxis domains of 'production', 'explanation' and aesthetics' (Lang et al, 1990), Kohli's domains and their corresponding roles are not fixed, but rather offer different frames between which practitioners may (or may not) move. The first domain is *cohesion* and refers to practical support and advocacy, focusing on processes of resettlement in the here and now of the '*outer world'*. This links with the practitioner role of a '*humanitarian helper'*, with some similarities to the roles of international and local NGOs in humanitarian crises involving the movement of refugees (i.e. a focus on access to resources). The second domain, '*connection*', focuses on the '*inner world'* of emotional needs and the impact of '*experiences of abuse, disconnection and flight*' (p.156) on young people's day to day lives – taking the role of a '*therapeutic witness'* (without acting as therapists in a formal way) and respecting young people's own pace to talk about their stories. Finally, in the domain of *coherence* social workers act as '*confederates'*, supporting young people to reconstruct their lives in what Kohli describes as a '*holistic'* way and to move from '*thin'* stories of victimhood to '*thick'* stories of resilience. This includes the ability to *'[hold] complexity and ambiguity'* (p.190), offering companionship and even some instances of becoming '*ethical subversives'* (p.198) to support young people through an unwelcoming system. Kohli also explores how the different orientations and domains deal with issues such as 'lies' or 'secrets' – particularly in relation to issues such as young people's '*real'* age, '*real'* reasons and circumstances of migration and '*real'* lack of family contact and

support. For those in the 'humanitarian' perspective, inconsistencies in young people's accounts and suspected secrecy seem most problematic because they tend to judge the '*the truth of the asylum story*' (p.205). At the same time, the humanitarian approach described by Kohli also avoids in-depth engagement with young people's stories and this superficiality and vagueness is described as providing some protection against cynicism or '*rudimentary*' approaches to helping (p.170). The witness perspective, on the other hand, does involve in-depth engagement with young people's stories of the past, including a role as '*memory holders*' (p.188). Secrets are viewed as potentially serving a protective (therapeutic) function for young people in the interim, but harmful for their recovery in the long-term. With a focus on suffering and trauma, this domain may, however, risk overlooking aspects of agency and resilience. The confederate perspective, lastly, recognises, accepts and sometimes implicitly supports the potential functionality of secrets and the validity of multiple stories, looking beyond victimhood to young people's capabilities as agentive survivors.

The above review highlights a range of issues and perspectives relevant to the roles which social workers might have in their work with separated young people (and in the context of migration more generally). The potentialities range from professional collusion with and involvement in systems of exclusion through to promises to use professional power to aid young people's inclusion even against the odds. From these varying perspectives, the notion of social work as a *human rights profession* seems a more or less tenable suggestion. The following section considers some of the conceptual debates regarding social work's role vis-à-vis human rights.

Social work and human rights

At international levels, human rights have been proclaimed as a key framework for social work theory and practice, most prominently in the profession's international definition (IFSW/IASSW, 2000; updated 2014). Lynne Healy (2008) suggests that social workers have made significant contributions to the field of human rights, both historically through the work of early social work pioneers and through a growing debate in more recent years. The IFSW's policy statement on human rights (originally agreed in 1996 and updated in 2012) suggests a high level of compatibility between social work values and human rights theory. Social workers are described as '*advocates*

for change' and the *'conscience of the community'*. Accepting their *'share of responsibility for working to oppose and eliminate all violations of human rights'* social workers are bound by these principles in their roles as practitioners, representatives of organisations but also as *'citizens of a nation and the world'* (ibid.[9]).

Despite these contributions in practice, theory and policy, Healy (2008) suggests that there has been a lack of external (and internal) recognition of social work as human rights practice, which she attributes, among other factors, to a greater focus on micro-level and individualised case work approaches compared to influencing policy. Ife (2012) also draws on the dominance of first generation rights which render human rights as a specialist or 'minority' concern rather than extending their meaning to include more everyday concerns of social workers (as would be the case with a greater focus on second and third generation rights).

In the context of her critique of social work's lack of professional confidence in Germany, Staub-Bernasconi (2007) makes a case for expanding the traditional 'dual mandate' perspective (i.e. care and control) to a 'triple mandate' based on conceptual-scientific foundations and an ethical framework based on human rights. She argues that a human rights orientation mitigates against the oppressive influences of increasing neoliberalism and managerialism, providing professional legitimacy and autonomy. Ife (2012) argues that human rights-based social work has an inherently political character, meaning that such practice commits the worker to an ideological position involving *'passion'* as well as *'morality'*.

However, a taken-for-granted view of social work as a *'human rights profession'* is also contested. Based on post-structural frameworks, Badwall and Razack (2012) and Wendt and Seymour (2010) challenge a taken-for-granted view of social work as a 'heroic' activity promoting good as this risks overlooking the potential (albeit often unintended) complicity of social workers in processes of social control and power imbalances. Badwall and Razack (2012) link this particularly to constructions of helping being enmeshed with unquestioned and often invisible discourses of privilege and dominance which are raced, classed and gendered.

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[9] NB: website citation – no page numbers.

On a more practical level, there are also questions regarding the conceptualisation and recognition of human rights in practice. In this context, Cemlyn (2008) highlights the insufficiently explored link between the concepts of social justice and human rights, leading to often individualised and narrow perspectives on rights-based practice in Minority world countries. She argues that this risks devaluing the transformative potential of human rights so that, while they may become more recognised on a *formal* level through international and national legislation, '*wider possibilities of system change are perceived as beyond the frame*' (p.234). Ellis' (2004) study of social workers' attitudes to human rights in their work with disabled people suggests that despite a basic acceptance of human rights as a framework based on human interdependence, many practitioners viewed a reliance on welfare as generally negative and social rights as conditional on individual responsibilities. There were also practitioners who considered human rights defensively as '*weapons of litigation*' (p.13) against their practice, undermining relationships of negotiation between themselves and people using their services. Roose and De Bie (2008), writing about Children's Rights, suggest that too much reliance on legal processes can provide an '*end to dialogue*' (p.38), while a more relational perspective on rights as a '*lever for commitment*' (p.41) can initiate and promote dialogue.

In both Germany and the UK, as much as being potentially complicit in social control, the social work profession is also subject to state (and media) surveillance and control, which may at times limit the capacity of even the most enthusiastic human rights activist social worker to engage in emancipatory practice *and* maintain their employment particularly in statutory social work contexts. Given this difficult position, Hyslop (2012, p.405) suggests that (in Western Anglophone countries), making broad claims of social work as '*concerned with the politics of human rights and social change [may] concea[l] more than it reveals in the sense that it effectively marginalizes the experience of most practitioners*', even though his analysis concludes that there remain possibilities and spaces for emancipatory practice. These possibilities may be less visible in contexts where bureaucratic systems focused on '*informational*' and technical competence overshadow practitioners' ability to work within the domain of '*the social*' (Parton, 2008) and where punitive welfare agendas dominate, particularly regarding people with uncertain residence statuses. However, the possibilities of small- and larger-

scale resistance against agendas of surveillance and discipline discussed in the literature include using professional discretion or '*subversion*' to counter-act bureaucratic repression (Moffat, 1999) or entering into coalitions with rights-based organisations (Ferguson, 2009). As Cemlyn (2008) points out (and echoing the debates about human rights presented earlier in this chapter), a human rights orientation is not the only possible frame for such emancipatory practice, but provides a significant recourse to principles and values. The dialogical '*praxis*' perspective described by Ife (2012), involving processes of appropriating human rights ideas '*from below*' and '*from above*' seems a relevant framework for critical and reflexive practice, not least because it challenges narrow and individualised interpretations of rights.

The above discussion points towards the need for more nuanced and reflexive perspectives on social work's role vis-à-vis human rights, starting from a position which challenges a taken-for-granted benevolent helper role (and critically questions the power dynamics underlying human rights discourses themselves) but which recognises and constructively acts upon the emancipatory potentials in (everyday) social work practice. Critical and reflexive engagement with social work's paradoxical and liminal position (which, following Agamben's terminology, could be described as being both complicit in processes of inclusive exclusion of certain groups as well as being itself subject to inclusive exclusion as a profession) can mitigate against, rather than bring about, the professional '*one-down*' position and external domination which Staub-Bernasconi (1995) problematizes. Hyslop (2012) describes social work's ambiguous and interstitial position as both a source of vulnerability and strength. In the sense that - at a conceptual level - social work shares the emancipatory aspirations and potentials of human rights but is also mired in paradoxes concerning inclusion and exclusion, the description of social work as a '*human rights profession*' may in fact be particularly fitting.

From a praxis perspective the above discussion suggests a need for exploring further how human rights are conceptualised and used by social workers in their everyday practice – something which this research aims to do within the particular 'field' of social work with separated young people.

2.6 Summary

This chapter started by introducing key conceptual perspectives, particularly the challenging of binary formulations and of taken-for-granted assumptions (concerning human rights, migration, childhood and children's rights, as well as social work) through critical post-structural theories. Human rights concepts were explored regarding their historical development and their relationship to ideas such as human needs and social justice, but also in terms of various critiques levelled against their currently dominant political and theoretical formulations. This includes the paradoxical relationship of territorial (national) concepts of citizenship and (rhetorically) proclaimed universal human rights. In response to these critiques, Ife's (2010; 2012) concept of rights '*from below'*, along with a *praxis* perspective (transcending a binary conceptualisation of theory and practice) were considered as particularly relevant to social work contexts.

The chapter then discussed the often precarious status of migrants vis-à-vis human rights in the context of external and internal border controls which can severely curtail the rights of those without citizenship, especially if they fail to fit the narrow constructions of refugee status. In addition, separated young people may be in a particularly complex and liminal position at the intersection between binary constructions of childhood and adulthood. This may be represented in a contingent and temporary inclusion within the more protective children's rights regime; however, they risk exclusion from participation rights not just through their migrant status but also through the need to conform with specific constructions of childhood as a phase of vulnerability (and often, passivity). At the same time, because protection through children's rights is contingent on a young person being (often professionally) 'defined' as a 'child', as well as by its very nature time-limited, many separated young people face exclusion from this framework sooner or later.

Finally, the chapter explored the paradoxical, ambiguous and liminal position of social work, with the aim of moving beyond binary formulations which contrast care and control as separate (rather than intricately connected) aspects of practice. While there are different historical trajectories and current conceptualisations of social work in Germany and the UK, a commonality is the emergence (and re-emergence) of critical

approaches (which in turn have come under some criticism but arguably remain relevant in the context of emancipatory practice). The chapter then considered the literature on social work practice in the context of (recent) migration and highlighted this field as a particular example of the tensions between the paradoxes of inclusion and exclusion facing social work practice. The chapter concluded with a debate of social work's potential as a '*human rights profession*'. This suggested that more nuanced explorations of the role of human rights perspectives in everyday social work practice are needed to move beyond the risk of (sometimes rhetorical) claims being undermined by counter-examples of unreflective complicity in practices with oppressive effects (even if those are unintentional). As discussed in this chapter, these tensions between inclusion and exclusion are particularly relevant to social work practice with separated young people who often hold a precarious position vis-à-vis human rights. The next chapter provides a further review of the literature focusing on legal, policy and practice contexts of social work with separated young people, setting the backdrop for the research conducted for this thesis.

CHAPTER 3: SOCIAL WORK WITH SEPARATED YOUNG PEOPLE AND HUMAN RIGHTS: LEGAL, POLICY AND PRACTICE CONTEXTS

3.1 Introduction

This chapter discusses the legal, policy and practice contexts relevant to social work with separated children and young people in Germany and the UK. Building on the conceptual issues highlighted in Chapter 2, I explore how these contexts reflect the tensions between universalist notions of human rights (and children's rights) and the construction of migrants as 'exceptional' through politics of exclusion, leading to a liminal position for separated young people. The chapter starts by considering the legal and policy context on international levels, before tracing key developments in Germany and the UK since the 1990s. I then consider some of the practice issues and challenges affecting social work with separated young people in the two countries.

3.2 International legal and policy contexts

As discussed in Chapter 2, separated young people are at the intersection of discourses of human rights, children's rights and migration policies. This section considers the legal and policy contexts relevant to these discourses at international level.

In terms of human rights law, Appendix 2 sets out the core treaty bodies established at United Nations (UN) level, based on the UDHR (1948) which (despite earlier formulations of human rights) was adopted in the immediate aftermath of the Second World War. The UDHR contains a *right to seek and to enjoy in other countries asylum from persecution* (Art.14), but its character as a declaration rather than ratified convention meant that it failed to establish a legally binding right on which individual refugees could rely. The post-War period was also the context for the development of the *Convention relating to the Status of Refugees* (1951), which (together with its 1967 protocol, removing temporal and geographic restrictions) provides the basis in international law for the protection of refugees from return to countries where they face persecution. The Refugee Convention defines a refugee as a person who

owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country [Art. 1].

The Refugee Convention's definition is open to interpretation leading to differences in how it has been applied in different countries and over time. As discussed in Chapter 2, its underlying concept has been linked to the particular political climates of the post-War and Cold War periods, in which refugees were largely constructed as '*victims of oppressive, totalitarian regimes*' rather than '*groups of displaced people or those fleeing from international or internal conflicts*' (Marfleet, 2006, p.146). With this focus on an individual freedom rights perspective, the definition has been criticised as containing gender and age biases. The main text of the Convention only mentions children in an 'accompanying' role, although there is some reference in the preceding recommendations section to '[*t*]*he protection of refugees who are minors, in particular unaccompanied children and girls, with special reference to guardianship and adoption*' (Recommendation B(2)). While in recent years specialised procedures for children[10] have been developed internationally and regionally based on criteria developed by international organisations (Feijen, 2009), their effectiveness remains subject to debate (e.g. Crawley, 2010).

As discussed in Chapter 2, the UNCRC (1989) has a particular (symbolic) status in terms of its claims for universal relevance, based on its unprecedented ratification status and the emphasis (in Article 2) on its universal applicability regardless of a child's legal status. The UNCRC also makes particular reference to separated children, e.g. through Art. 20 which concerns the protection rights of children who are separated from their families and through Art. 22 which refers to particular protection needs of refugee children (see Appendix 2 for further examples). Furthermore, the Committee on the Rights of the Child issued a General Comment (No. 6) in 2005 concerning the

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[10] Examples are the '*Inter-agency Guiding Principles on Unaccompanied and Separated Children*' (International Committee of the Red Cross (ICRC), 2004) and the Guidelines on *International Protection: Child Asylum Claims* (United Nations High Commissioner for Refugees (UNHCR), 2009). The latter highlights a range of child-specific forms of persecution, including under-age recruitment, child labour and trafficking, female genital mutilation, as well as other forms of human rights violations which may amount to persecution (such as domestic violence or severe violations of social and economic rights without recourse to state protection).

'Treatment of Unaccompanied and Separated Children outside their Country of Origin' (see Appendix 2).

Significantly, both Germany and the UK have until recently restricted the applicability of the UNCRC to non-citizen children: Germany entered five declarations upon ratification, the first of which diminished the status of the Convention in domestic law, while the fourth privileged 'aliens law' over the children's rights of the convention – a reflection of the anti-immigration 'consensus' of major political parties in the early 1990s (Brostean-Kaiser, 2011; see below). In July 2010, following years of campaigning by a range of actors (including through the *National Coalition for the implementation of the UN-Convention on the Rights of the Child*), the declarations were finally withdrawn, but its full implementation particularly for refugee and migrant children remain issues for ongoing debate and campaigning (Brostean-Kaiser, 2011). The UK entered a reservation upon ratification on the applicability of rights in the Convention to children and young people subject to immigration control, which was withdrawn in 2008 after significant campaigning of NGOs and other bodies. Similar to Germany, there is as yet no direct implementation of the Convention into domestic law, although a commitment to '*ensuring that all new laws and Government policies are compatible with the Articles of the UNCRC'* has been stated (Joint Committee on Human Rights (JCHR), 2013, p.7).

At European level, the European Convention on Human Rights (ECHR) provides the basis for supra-national human rights law. Drafted and adopted by the Council of Europe in 1950, the ECHR reflects Western post-war concerns in its emphasis of civil and political rights. The equivalent instrument for social and economic rights, the European Social Charter, does not have the same status as the ECHR, allowing only collective complaints from certain organisations such as trade unions or other NGOs (Council of Europe, 2015a). All current 47 Council of Europe members have to be party to the ECHR (Council of Europe, 2015b). Key articles include the prohibition of torture or inhuman or degrading treatment or punishment (Art.3) and the right to respect for private and family life (Art.8) which can be significant in decisions about residence rights. However, there is also provision in the ECHR to limit some of the rights of non-citizens relating to residence or family life. The ECHR provides for individual

complaints to the European Court of Human Rights. The UK has formally incorporated the ECHR into domestic law through the 1998 Human Rights Act while in Germany the Convention has a significant status as a supplement to the constitutional Basic Law (*Grundgesetz*, see below) at federal level (Sweet and Keller, 2008).

The EU has its own human rights instrument, the Charter of Fundamental Rights (2000) which became legally binding through the Lisbon Treaty. The Charter is more extensive in relation to social rights than the ECHR and contains specific references to children's rights (Article 24) (Butler, 2013). The European Commission (2011) has proposed '*An EU Agenda for the Rights of the Child*' which makes reference to separated children as a particularly vulnerable group but also in 2010 committed to an '*Action Plan on Unaccompanied Minors (2010 – 2014)*'. This focuses on four broad areas: data collection; prevention of unsafe migration and trafficking; reception and procedural guarantees; and finding durable solutions. While the recognition of unaccompanied minors as refugees is considered as one possible option for the last category, there is also a noticeable emphasis on the prevention of '*the root causes*' of migration including through '*increasing protection capacities in third countries*' (p.6) or '*dispel[ing] false myths about life in Europe*' (ibid.) and the action plan suggests that '*[i]t is likely that in many cases the best interest of the child is to be reunited with his/her family and to grow up in his/her own social and cultural environment*' (p.12).

From an NGO perspective, the Separated Children in Europe Programme (SCEP), has been a significant platform for cooperation, advocacy and information sharing. The SCEP's Statement of Good Practice, currently in its fourth edition (2009) sets out a number of 'first principles' and 'good practice' in different areas, mainly based on the UNCRC (and General Comment No.6) as well as the UNHCR Guidelines on Child Asylum Claims. Notably, as the definition of a separated child concurs with the UNCRC, the guidelines focus on practice before a young person's 18th birthday but states that young people who 'age out' by turning 18 should still be considered vulnerable and any 'durable solution' (family reunification; integration in the host country, return or transfer to another country) should take this into account and follow 'best interests' determinations.

There are also specific provisions for separated children (referred to as 'unaccompanied minors' in all documents) within the various EU directives which seek to establish a Common European Asylum System (CEAS) (European Commission, 2014), including the *Reception Directive*, the *Qualifications Directive* and the *Asylum Procedures Directive*, which reiterate the best interests requirement, refer to consideration of child-specific persecution grounds and specify unaccompanied minors as a particularly vulnerable cohort, providing specific procedural guarantees (such as provision of representation or guardianship). These directives currently exist in two versions (original ones proposed between 2003-2005 and 'recast' versions 2011-2013). Particularly the first 'generation' of these directives limited some of the special guarantees for older separated children and some of these limits remain (despite some improvements) in the recast versions. For example, while the 2003 Reception Directive allowed member states to place unaccompanied minors aged 16 or over in accommodation centres for adult applicants, the 2013 version (to come into force in most Member States by 2015) qualifies this by adding the proviso that this arrangement would need to be '*in their best interests'* (Art.24(2))*.* Detention of unaccompanied minors is for the first time limited in the 2013 version to '*exceptional circumstances'* (Art.11(3)), prohibiting detention in prison, but it is not outlawed as such. Similarly, the use of accelerated and border procedures are limited (but not prohibited) for unaccompanied minors. The Asylum Procedures Directive prescribes the appointment of a representative for unaccompanied minors, however, the 2005 version provides several exceptions to this requirement, such as if free legal advice or other counselling is available, if the minor is or has been married, or where they are 16 years or older (unless they are unable to pursue their application without a representative). In the 2013 version most of these exceptions have been removed apart from cases where the young person '*will in all likelihood reach the age of maturity before a decision at first instance is taken'* (Art.25(2)). While the recast directives signify a trend towards more procedural safeguards for separated children, there remain concerns about protection gaps due to the discretion afforded to Member States by some of the provisions (Asylum Information Database, 2013). Significantly in the context of this thesis, the UK has so far opted out of the recast versions of the above three directives (UK Parliament, 2012).

Overall, the European policy context reflects the ambivalent relationship between the 'protection' and 'best interests' claims of a children's rights perspective and migration policies focused on 'management' and deterrence. The European Platform for the Return of Unaccompanied Minors (EPRUM) seems a particular example in point, suggesting on a rhetorical level that 'family unity' and 'best interests' of separated young people are important considerations for the project, but in its actions and inherent assumptions focusing more exclusively on return of young people as a solution to the 'problem' of their arrival in European countries (including through the idea that returning some young people might discourage others from attempting the journey) (Lemberg-Pedersen, 2013). Chase and Allsopp (2013, see below) argue in this context that there is a significant disconnect between policy strategies regarding separated young people at European level, which are built around notions of children's passivity and the possibility of 'managing' young people's migration (including through justifications involving professional definitions of 'best interests'), and young people's own agentic life contexts and strategies. In this sense, children's rights perspectives are not only in tension with restrictive migration policies, but are also instrumentalised to create distinct categories: the minority of children and young people 'deserving' of residence rights; and the majority of 'undeserving' young people who do not 'belong' in countries of asylum and for whom return not only serves state policy interests but also their own presumed 'best interests'. These discontinuities between (and within) rights frameworks and policies at international and European levels are also reflected in (and reflect) developments at national levels, which are discussed in the next section.

3.3 Policy developments in Germany and the UK since the 1990s

In terms of rights frameworks, a fundamental difference between Germany and the UK is that in the former, all legislation is based on the national constitution, the Basic Law (*Grundgesetz*, GG). The Basic Law articulates 19 fundamental rights, some of which have 'universal' status while others are specifically reserved for German citizens (e.g. freedom of assembly or movement). Conversely, Article 16aGG (right to asylum based on political persecution) is the only right only applicable to non-citizens. Until the early 1990s, the right to asylum under Basic Law was considered fairly generous and (until 2005) used to provide a privileged status compared to recognition under the UN Refugee Convention, which Germany is also party to (Hailbronner, 2009). However,

shortly after German Reunification and in a climate of populist mass hysteria about rising asylum applications, the so-called '*asylum compromise*' in 1992/3 (involving the major political parties) severely curtailed the Basic Law right to asylum, by excluding anyone who entered German territory from a 'safe country' (which de facto left air travel as the only legitimate entry option) (Liedtke, 2002). At the same time, strict procedural laws (Asylum Procedures Act – *Asylvefahrensgesetz*) and a separate, punitive support system (Asylum Seekers Benefits Act *Asylbewerberleistungsgesetz*) were introduced. The former set out accelerated procedures involving detention and immediate return at airports and land borders. It also set the legal capacity (*Handlungsfähigkeit*) of minors to conduct asylum proceedings without the help of a guardian at 16 years, contrary to 18 being the age of full legal capacity in other areas of German laws. A consequence of this (and the general lack of access to free legal representation for asylum seekers) has been that separated young people aged 16 and 17 have had to go through the asylum process without proper advice and support (e.g. Huegler, 2005). Since 2010, internal instructions of the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge* (BAMF), the agency responsible for hearing and deciding on asylum applications) set out that for *all* separated children under 18 special representatives with relevant training should conduct hearings and make decisions, and that hearings should only take place after a guardian has been appointed for the young person and invited to attend (Berthold et al., 2011b).

Apart from lacking advice and representation, the legal capacity rule for 16 and 17 year old separated young people has for many years affected their access to support (until changes in 2005 and 2012, see below). While practices varied among different federal states within Germany, it was common for separated young people aged 16 and 17 to be included in the restrictive procedures and support arrangements affecting adult asylum seekers (and their children) (Huegler, 2005). This involved dispersal to different federal states according to nationally agreed quotas as well as accommodation and support in reception centres subject to the Asylum Seekers Benefits Act. The provisions under this legislation are explicitly aimed at deterrence and involve housing in often isolated and physically unattractive communal accommodation centres (*Gemeinschaftsunterkünfte*) where minimal support is mostly provided in kind (e.g. as prepared meals, food- and

toiletries parcels or vouchers, with only a limited amount of cash as 'pocket money') (Selders et al., 2011). The conditions in communal accommodation centres can be described as camp-like with some tendencies towards '*total institutions*', as there are controls not just in terms of who can come, go and visit, but also lacking privacy (e.g. several unrelated adults or whole families sharing one room, intrusive room inspections or time-limited access in some locations to shower- or kitchen facilities) (ibid., pp.5-7). The centres are usually administered by regional government, with (usually very limited) advice and social support provided through Non-governmental Organisations such as Caritas (Liedtke, 2002; Huegler, 2005). Adult asylum seekers and their families initially have no choice about living in camps (even if relatives are prepared to offer them living space), and their ability to leave the district where their camp is located is severely restricted. Conditions vary somewhat between different federal states, with Berlin considered the most progressive state by principally allowing asylum seekers to move into individual accommodation after three months, while conditions in southern states such as Baden-Wuerttemberg and Bavaria as well as some in Eastern Germany are considered to be more punitive and degrading (Kothen, 2011). However, even those asylum seekers who are able to leave communal accommodation centres remain subject to significant restrictions (e.g. regarding employment) and support levels well below minimum benefits for citizens (and more 'privileged' non-citizen residents) [11]. The support system for adult asylum seekers and their families (and, until recently, for many separated young people aged 16 and 17) is thus a key example of inclusive exclusion reducing the living conditions of asylum seekers to *bare life* (Agamben, 1998) and demonstrates the conditionality of rights in a citizenship model where solidarity is based on belonging (Dean, 2013).

In contrast to the asylum support system, German Child and Youth Welfare Legislation (Eighth Social Law Book; *Sozialgesetzbuch VIII – Kinder und Jugendhilfe*) places a range of duties on local youth departments to support children and young people '*in need of support with their upbringing*'[12], which includes full time residential care where

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[11] Conditions of support for asylum seekers were successfully challenged before the Federal Constitutional Court in 2012 leading to some improvements and an overhaul of the Asylum Seekers Benefits Act at the time of writing (Bundesregierung, 2014)

[12] '*Hilfe zur Erziehung*' (§27 SGB VIII).

required. Although this duty is owed to principle care givers (meaning that for separated children and young people their guardian would normally have to request support), there is also a protective emergency duty of care (*Inobhutnahme*) which children and young people can request themselves. In 2005, a change in Child and Youth Welfare Law specified that local youth departments should, as a rule, take unaccompanied non-citizen children who arrive in Germany without a parent or guardian into protective care and initiate the allocation of a guardian without delay (Berthold et al, 2011b). This was hailed as a landmark change by advocates for separated children and young people; however, the reservation to the UNCRC until 2010 and the legal capacity of 16 and 17 year old separated young people in asylum and residence matters posed obstacles in practice, not least because their inclusion in the national dispersal system often meant delays in care and guardianship procedures. As a result, practices have varied greatly among (and within) different Federal States (Berthold et al., 2011a and b). In 2012, the Conference of Youth and Family Ministers of Federal States (*Jugend- und Familienministerkonferenz* (JFMK), 2012) agreed that separated young people should as a matter of principle be taken into care in the localities where they arrive or first present and not be included in the national dispersal system (although 'dispersal' might still take place within a federal state or through cooperation agreements between states). This was already practice in Berlin at the time of the fieldwork for this research (March 2010- February 2011) – suggesting that in this area the city state had a comparatively more progressive position. The JFMK agreement that protective emergency care upon arrival is the appropriate form of support for separated children and young people, including for those aged 16 and 17, confirmed the view that since the withdrawal of Germany's reservation on the UNCRC the duties under Child and Youth Welfare law could not be superseded by asylum and residence legislation. The JFMK also called for implementation of the aims of the UNCRC across national laws and regulations.

Unlike Germany, the UK does not have a clear-cut constitution setting out basic rights, although in recent years the idea of a British 'Bill of Rights' has been subject to varied political debate including through a Parliamentary Commission reporting in 2012. There are arguments that the 1998 Human Rights Act (HRA), which formally incorporated the ECHR into UK law, constitutes an existing 'Bill of Rights' by making it *unlawful for a public authority to act incompatibly with Convention rights* (Commission on a Bill of

Rights, 2012, p.12). The Commission's report suggests that it lacks popular support not least because its association with *European* law, in a context of populist anti-European sentiment, has led to it being regarded as a '*foreign*' piece of law (ibid., p.16). Although the Human Rights Act has been criticised particularly by the political right, the previous Labour government had advanced the notion that human rights needed to be considered alongside (and dependent on) responsibilities (ibid., p.12).

In the UK, the UN Refugee Convention provides the key framework for the consideration of asylum applications (as well as, implicitly, some articles of the ECHR through the HRA 1998). Asylum process legislation has changed frequently over the past 15 years and from 1993 onwards support for asylum seekers has been progressively and severely curtailed (Cemlyn and Briskman, 2003). The 1999 Immigration and Asylum Act introduced fundamental changes to the support system for adult asylum seekers and their families, locating responsibility for this with a central government agency that formed part of the Home Office, the department responsible for deciding asylum and immigration matters. Paralleling the legislative changes, the Home Office agencies have undergone frequent reorganisations and name changes over the past decade[13]. The asylum support system is based on a policy of 'no-choice' dispersal accommodation away from London and Southeast England (traditionally the most common arrival points through air and sea ports, but also the central location for the registration of initial asylum claims made within the UK) as well as limited support at significantly lower levels compared to the mainstream benefits system (ibid.). Subsequent legislation has further limited the access both of 'late' asylum claimants and of unsuccessful applicants to even basic welfare support, introducing the prerequisite that such support must be necessary to prevent a breach of human rights under the ECHR (sections 55 and 54 (Schedule 3) of the Nationality, Immigration and Asylum Act 2002). Under certain conditions, unsuccessful asylum seekers may be provided with cashless (e.g. voucher) support and accommodation (section 4 of the Immigration and Asylum Act 1999) while others with exceptional needs (based on adults' care and attention needs or children's needs) may in some cases gain access to limited support from local authorities (No Recourse to Public Funds (NRPF) Network, 2011).

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[13] These name changes have included: the Immigration and Nationality Directorate (IND), the Border and Immigration Agency (BIA), the UK Border Agency (UKBA) and since 2013, UK Visas and Immigration (UKVI).

Similar to the German context, separated children should as a rule be supported under child welfare rather than asylum support arrangements. This support is provided through local authority children's social services departments and in England and Wales[14] is governed by the Children Act 1989 (and subsequent supplementary legislation). In principle, there are two basic forms of support: under s.17 of the Children Act 1989 (CA1989) assistance (including accommodation) can be provided to '*children in need*', while s.20 specifies that in particular circumstances children should become '*looked after*' by the local authority. Until 2003, it was commonplace for separated young people aged 16 and 17 to receive the more limited support under s.17 CA1989 which ended at the age of 18 and often involved housing in hostel-type accommodation with very limited social work support (Huegler, 2005). Through Department of Health guidance and a landmark case in 2003[15] there is now a presumption that all separated children should receive the more intensive support under s.20 CA1989 (Bhabha and Finch, 2006), which includes not only rights to suitable placements, regular visits from social workers and written Care Plans which have to be reviewed regularly, but significantly also rights to 'Leaving Care' support until 21 or 25 in some circumstances.

Following the withdrawal of the UK's reservation on the UNCRC, the Borders, Citizenship and Immigration Act (BCIA) 2009 introduced (through s.55) a duty on the Home Office '*to make arrangements for ensuring that immigration, asylum, nationality and customs functions are discharged having regard to the need to safeguard and promote the welfare of children in the UK*' (UK Border Agency and Department for Children, Schools and Families, 2009). The statutory guidance relating to this duty sets out principles and safeguards to be adhered to when working with separated children, such as settings and procedures that are '*as child-friendly as possible*' (ibid., p.16).

A comparative view of policy developments in the two countries reveals some common trends: in both countries asylum policy and legislation has become progressively more restrictive and aimed at deterrence since the 1990s. Incidentally, the political 'leaning'

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[14] Different legislation applies to Scotland and Northern Ireland. In the context of this research, which focused on London and the Southeast of England, this separate legislation was not considered.

[15] R(Berhe and others) v Hillingdon (2003), commonly known as 'the Hillingdon Judgement'.

of different governments does not seem to have played any major role in counteracting this trend, with centre-left governments in both countries generally as active as more right-leaning ones in pursuing agendas of deterrence. Giner (2007), reviewing UK policies, argues that the exclusion of asylum seekers through restrictive policies is based on a strong societal consensus, contrasted by an equally strong consensus on inclusive measures aimed at the protection of children. This tension leads to a '*policy bricolage*' (p.258) approach regarding asylum-seeking children, who belong to both categories, with context-specific inclusionary concessions for children (in response to protests from lobbying agencies or the public) rather than radical changes to agendas of large-scale exclusion. Giner specifically refers to children in families[16] rather than separated children and young people, and since publication of her paper the withdrawal of the UNCRC reservation has brought about some further (partly symbolic and partly more tangible) concessions in favour of child asylum seekers in the wake of the statutory guidance to s.55 BCIA2009 referred to above. The broadening of concessionary treatments appears more obvious for the particularly defined categories of 'unaccompanied asylum seeking children' (UASC) in the UK and 'unaccompanied minor refugees' (UMF) in the German context (as well as for 'unaccompanied minors' at EU level): in both countries, support policies for separated children who are under 18 upon arrival have become (in principle) more aligned to the treatment of citizen children in care, with less distinctions between support available to young people over and under 16 years. However, this relatively 'privileged' status (compared to asylum seekers more generally and to 'accompanied' children in families) comes at the price of a more defensive delineation of the boundaries of these categories in policy (and practice). Noske (2011) suggests that such tightening of boundaries (e.g. of the distinction between 'children' and 'adults') inevitably leads to more attempts to cross (or 'transgress') them. For professionals who are directly or indirectly invested in these boundaries (including social workers) these 'transgressions' can lead to mistrust or even disbelief. A particular issue in this context is the degree to which categorical boundaries are constructed based on specific notions of vulnerability (for example, a more passive 'victim' status). The following section considers some of the key practice issues and

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[16] Giner discusses the controversial section 9 of the Asylum and Immigration Act 2004 which created the power for the Home Office to withdraw support from asylum seeking families who had 'exhausted' their appeal rights, leaving a 'choice' between return, destitution or the children alone being supported in the care system. The policy was never implemented on a large scale but exemplified exclusionary asylum policies just as the government of the time was promoting the inclusionary 'Every Child Matters' agenda.

challenges for social work with separated young people in Germany and the UK which reflect the tensions outlined above.

3.4 Social work with separated young people in Germany and the UK: key practice issues and challenges

Arrival, reception and access to care

In both Germany and the UK, separated young people arrive through a variety of routes and circumstances. Key arrival areas in Germany include large cities such as Hamburg, Berlin, Dortmund, Frankfurt and Munich, but recent years have seen more arrivals in a range of regions (Berthold et al, 2011a). A particular issue of concern is the practice of entry refusal or removal of children at borders. While statistics in 2010 were only available for separated children aged 15 and over, around a third who were apprehended by the Federal Police were not referred to youth welfare offices and just over 8.5% removed or refused entry (Deutscher Bundestag, 2011). Reception arrangements also vary between locations: while some areas have established special reception centres for separated young people (referred to as '*Clearing*' centres), other areas have had a regular practice of placing 16-17 year olds in reception centres for adult asylum seekers (and families), at least for an initial period, despite the fact that there is a duty on local youth welfare authorities to take separated young people into protective care (Berthold et al. 2011a). Overall, adequate facilities and structures are reported as lacking particularly in rural areas. As outlined in Chapter 5, the practice in Berlin at the time of research was for all separated young people to be placed in a special '*Clearing*' centre.

The *Clearing* process usually takes up to 12 weeks and involves health checks and basic needs assessments, as well as initial discussions with young people about the circumstances of their migration (such as reasons for flight and location of family members if there are any). In the absence of any legal caregivers, guardianship proceedings should be initiated as quickly as possible. Young people also receive advice and support around residence issues (e.g. whether or not an asylum application should be made) and initial language support. Age assessments may also take place during this time (see further below).

The consideration on whether an asylum application is in a young person's best interest should involve a young person and their guardian (Berthold et al., 2011a). Germany's tripartite administrative context of federal government (*Bund*), state government (*Länder*) and local government (*Kommune*), which can include further divisions in rural areas, or be more unitary in city states like Berlin, means that no central agency is responsible for residence matters in their entirety. Asylum applications (whether written or verbal) are decided by the federal agency (BAMF), while other applications regarding residence (or the suspension on removal, e.g. on humanitarian grounds) are a matter for the local Foreigners' Offices (*Ausländerbehoerde,* ABH) (Gödde, 2011). An unsuccessful asylum application can have negative consequences for future residence applications, which is why NGOs emphasise the importance of careful consideration and competent advice (which in the absence of free legal assistance in asylum matters can be hard to come by as even guardians may not be knowledgeable enough about these issues) (Berthold et al., 2011b).

During an asylum claim young people have a temporary residence authorisation (*Aufenthaltsgestattung*) which involves restrictions on free movement outside of designated geographical areas (other than with a special permit). A positive decision (under either Art. 16aGG or the UN Refugee Convention) leads to grant of a residence permit of three years (*Aufenthaltserlaubnis*) through the local ABH, after which young people can request an unlimited settlement permit (*Niederlassungserlaubnis*) provided the BAMF does not decide that there are grounds to revoke refugee recognition (Gödde, 2011).

Aside from 'full' recognition there are other forms of 'subsidiary' protection which lead to residence permits of one year (and longer waits before settlement might be granted). Negative decisions of asylum claims can either be 'ordinary' or deemed 'manifestly unfounded' and in the latter case young people have only very limited rights and periods of appeal. This is a particular reason why applications for asylum which are likely to lead to a 'manifestly unfounded' decision are not advisable (ibid.). Non-asylum applications for residence can include a wider spectrum of grounds, including arguments of successful integration or family and private life and provide more possibilities of appeal or petitioning (e.g. as 'hard cases'). Nevertheless Gödde (2011)

considers that many ABH offices (wrongly) try to persuade claimants into making asylum applications. Another route into obtaining a form of (often very temporary and restricted) 'status' is an application for a 'toleration' (*Duldung*)[17].

Data on separated young people who have been trafficked seems limited in Germany, which is criticised by the UN Committee on the Rights of the Child (CRC, 2014a), along with insufficient measures for the recovery and reintegration for trafficked children, including unaccompanied children. Another point of criticism is that the provision of residence titles for victims of trafficking, including children, is conditional on their cooperation with law enforcement authorities (CRC, 2014b).

In the UK, there are also wide variations regarding the reception of separated young people. Traditionally, London and Southeast England have been key arrival points due to the locations of major ports and airports, as well as the centralised Asylum Screening Unit in Croydon, South London (Bhabha and Finch, 2006). However, significant numbers of separated young people also live in other areas of the UK (see e.g. Brownlees and Finch, 2010; Crawley and Kohli, 2013). Some local authorities supporting higher numbers of unaccompanied asylum seeking children have set up reception centres where young people are cared for in the initial period after their arrival (see e.g. Mathews, 2011). While generally the local authority where a young person first becomes 'known' (e.g. through contact with the police, immigration services or social services) is responsible for assessing their needs and providing support, some areas have established special arrangements, such as a rota referral system for separated young people aged 16 and 17 in London combined with a system of emergency accommodation for a few days (London Asylum Seekers Consortium – LASC, 2010). Reports suggest that despite improvements since revised governmental guidance and the 'Hillingdon Judgement' (both in 2003), support arrangements both upon arrival and in the longer term can be very variable, ranging from foster care or specialist semi-independent units through to unsupported hostel accommodation (Bhabha and Finch, 2006).

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[17] A toleration is not actually a legal residence status but instead a suspension of a person's liability to leave German territory.

The UK asylum system distinguishes between asylum applications made at a 'port of entry' and those made 'in-country' at an Asylum Screening Unit (Bhabha and Finch, 2006.). In 2012, the Office of the Children's Commissioner for England raised concerns about practices where some separated children who arrived at the sea port of Dover without stating an immediate intent to claim asylum being returned to France under a '*Gentlemen's Agreement*' in place since 1995 (Mathews, 2012). This practice was immediately abolished for children upon the intervention of the Children's Commissioner, but it remained in place for adults and could therefore affect separated young people whose age is disputed. Similarly, young people whose age has been disputed can be detained for immigration purposes including for 'fast track' accelerated procedures, whereas separated children accepted as under 18 are excluded from such practices (Coram Children's Legal Centre, 2012). A positive asylum decision leads to a grant of refugee status (along with five years' '*leave to remain*') with the possibility of applying for settlement / indefinite leave to remain thereafter. Other possible outcomes include a grant of humanitarian protection (also usually five years' leave to remain) or discretionary leave to remain for a range of reasons. The latter is the most common outcome for separated asylum seeking children whose claims are decided while they are still 17 or younger, due to a specific policy to grant unaccompanied asylum seeking children discretionary leave to remain until 6 months before a young person's 18th birthday (i.e. to 17½ years) if their claim is refused. Young people whose claim is decided after they reach 17½ years may have an outright refusal with no grant of leave. Refusals of refugee status (and other forms of leave) carry a right of appeal (ibid.).

In 2008, the Home Office White Paper '*Better Outcomes*' proposed a reform programme whereby '*a reduced number of specialist local authorities and other agencies, largely outside London and the South East of England*' would take responsibility for supporting unaccompanied asylum seeking children (Home Office, 2008, p.9). This paper also included recommendations about 'aligning' care planning processes with a young person's immigration status focusing on immigration-related aims such as '*early return to the country of origin*' (p.6). While subject to controversy and uncertainty (including for practitioners in existing services for separated young people), the plans for central organisation of reception and care arrangements were in

the end never realised, largely due to a lack of dedicated funding for potential specialist local authorities (Brownlees and Finch, 2010).

Another practice concern relates to incidents of separated young people who go missing from local authority care shortly after their arrival, leading to suspicions that they may have been trafficked (and subsequently coerced to leave care or abducted for exploitation) (e.g. Bhabha and Finch, 2006). If separated young people are suspected to be victims of trafficking, they can be referred by certain agencies for protection under the National Referral Mechanism (NRM, established in 2009). Under this arrangement, two 'competent authorities' (the UK Human Trafficking Centre and the Home Office) are responsible for assessing and making decisions regarding trafficking cases which may lead to a residence permit of 12 months (Coram Children's Legal Centre, 2012).

In summary, in both countries separated young people arriving under the age of 18 are in principle entitled to support under child and youth welfare arrangements. In both countries adequate reception arrangements and support for young people aged 16 and 17 has been a particular challenge with (ongoing) regional variations and discrepancies. In Germany, the disadvantage of 16 and 17 year olds has been particularly evident through their inclusion in procedures and processes as 'quasi-adults' in a complicated asylum and residence system which even non-legally trained adults would struggle to navigate, particularly with regards to deciding what kind of application to which authority might be most advisable. On the other hand, the establishment of specialist '*Clearing'* procedures (and centres) as part of reception (which generally seem to be becoming more widely available to all separated young people arriving under 18) seems to provide relatively consistent and reliable support during a period of great uncertainty in several key arrival areas in Germany. In comparison, arrangements in a large city such as London depend on individual practices in each of its 33 local authorities. Another difference between the countries is that there seems more reference made to (and a more organised system of referral for) young people who may be victims of trafficking in the UK. However, probably the most fundamental difference concerns guardianship and representation of separated young people in the two countries, which are explored in the next section.

Guardianship and representation

Issues of representation, guardianship and legal capacity of separated young people differ substantially between Germany and the UK. In principle, all young people under the age of 18 who lack a person legally entitled to care for them (*Sorgeberechtigter*) have to be appointed a guardian by the courts. The anomaly of legal capacity of 16 and 17 year olds in asylum and residence matters has in the past often led to a neglect of the duty of authorities to initiate guardianship, leaving young people without adequate support and access to youth welfare support (see, e.g. Huegler, 2005). The legislative and policy changes over the past decade have led to widespread improvements (Berthold et al, 2011b). There are different organisational forms for guardianship, the most common for separated young people (an estimated 70-80%) being through statutory guardians (*Amtsvormund* – usually employees of a local authority with generally high caseloads). Alternatives are individual (*Einzelvormund* – volunteers, relatives or sometimes professionals) or associational guardians (*Vereinsvormund* – NGOs acting on young people's behalf) (ibid.). Unsurprisingly, the support offered by guardians varies according to capacity in terms of time but also knowledge. In this context the complexities of asylum and residence law have in some areas led to qualified lawyers acting as individual or supplementary guardians (Ergänzungspfleger), as free legal advice is not available in these matters.

The situation in the UK in many ways is an inversion of the above: for asylum matters, free legal advice and representation is (still) available (despite severe curtailments through recent legislation[18] and funding cuts) and in fact giving advice on immigration matters without relevant accreditation constitutes a criminal offence (Coram Children's Legal Centre, 2013). On the other hand, a system of guardianship for separated children and young people has (despite long-standing debates and calls for this from NGOs) been absent in most of the UK to date. Bhabha and Finch (2006) argue that this leads to young people having to deal with a confusing array of adult professionals with different roles (e.g. support worker, social worker, educational advisor and legal representative), none of whom takes on a full parental role. Support under sections 17 or 20 of the Children Act 1989 does not convey parental responsibility to social services, and

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[18] Changes in legislation from 2013 have curtailed access to free legal advice in immigration matters which are not related to asylum claims (Joint Committee on Human Rights, 2013).

depending on service structures and workloads social workers may only spend limited time meeting with a separated young person face to face[19]. Lawyers on the other hand might be the only professionals advising the young person about the asylum process itself, but their role is to act upon young people's instructions rather than helping them work out what might be in their best interests. The role of the Children's Panel advisors at the Refugee Council has sometimes been compared to that of a guardian, but Bhabha and Finch argue that scarce resources in comparison with demand and a non-statutory footing make this an unrealistic expectation. In 2010, a pilot scheme for a guardianship model was set up in Scotland as a non-statutory scheme run through voluntary organisations (Crawley and Kohli, 2013). The scheme defined the role of a guardian explicitly as being '*on the child's* side' ibid., p.3) and was received positively by separated young people and overall welcomed by professionals (with some initial criticisms over role confusions and overlap). The parliamentary Joint Commission on Human Rights (2013) recommended that similar pilot projects be established in England and Wales.

In comparison, the different practices identified by the literature in Germany and the UK each seem to leave specific gaps: in Germany this concerns particularly separated young people aged 16 and 17 (who may lack access to advice in asylum and residence matters), but also the problem that existing guardians may lack legal competence to understand the complex asylum and residence system; while in the UK the absence of a guardian (with the exception of the non-statutory pilot in Scotland) bears the risk that none of the professionals involved in young people's lives considers themselves 'on their side' or responsible for their *overall* wellbeing.

Age assessments and disputes

Disputes concerning the age of separated young people are common both in Germany and the UK. The majority of separated children and young people travel without legal documents proving their identity and age; additionally, birth registration processes are not universal across the world (Smith and Brownlees, 2011). The CRC's General

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[19] The statutory minimum in terms of contact between a social worker and a 'looked after' young person tends to be a visit every 6 weeks.

Comment No. 6 (2005) suggests that age assessments should be based not only on physical appearance but also psychological maturity and that they

> *...must be conducted in a scientific, safe, child and gender-sensitive and fair manner, avoiding any risk of violation of the physical integrity of the child; giving due respect to human dignity; and, in the event of remaining uncertainty, should accord the individual the benefit of the doubt such that if there is a possibility that the individual is a child, she or he should be treated as such.* (CRC, 2005, p.11).

Currently used age assessment methods in Europe can be broadly grouped into medical examinations and tests (including x-rays or MRI scans); non-medical assessments (ranging from basic observation to more detailed assessments based on interviews); and examinations of any documentary evidence (where available) (Smith and Brownlees, 2011). Most of these methods are controversial because of their often high margin of error, their potentially invasive nature and the very detrimental consequences of decisions based on which a young person is wrongly treated as an adult (ibid.). Despite these fundamental problems with age assessments, immigration and social services authorities (particularly in the UK) argue that '*adults posing as children*' exploit more generous provisions for separated children and '*pose a real protection risk to other children*' with whom they share, for example, a foster placement or a school class (Gower, 2011, p.334). Age disputes are thus an example *par excellence* of the conflictual relationship between perceived risks *for* and risks *from* separated young people, and the moral panic ensuing from (suspected) transgressions of the categorical boundaries between 'deserving' children and 'undeserving' adults.

In both Germany and the UK, social workers are involved in age disputes, but there are variations regarding prevalent practices and concerns raised about these in the literature. For Germany, Espenhorst (2013) problematizes the use of intrusive and often humiliating medical examinations which he suggests seem to serve the research curiosities of some radiologists as much as the disbelief of authorities. Berthold et al. (2011a) critique the lack of legal remedies in cases where authorities fail to provide written decisions in age disputes to young people. They also outline practices in some cities where social workers of youth welfare authorities undertake age assessments based on interviews with young people, leading to decisions on whether or not they are

minors. In those cases the asylum and residence authorities tend to accept the findings of social services and young people are informed of the possibilities of legal challenge. Overall, the lack of consistent practices and standards, as well as insufficient procedural transparency are points of concern. Berthold et al. (2011a) also acknowledge the burden resulting for social workers from making decisions with very far-reaching consequences for young people but suggest that nevertheless the involvement of social workers remains preferable over decisions reached through medical means or made by immigration officials.

In the UK, social worker-led age assessments have become the established norm over the past decade, based on a high volume of litigation which clarified various procedural issues (and set the High Court as the authority entitled to make the 'ultimate' decision in cases of dispute) (Coram Children's Legal Centre, 2012). Age assessments are considered a part of a local authority's decision on whether a separated young person is a 'child in need' for support purposes. Immigration authorities can also dispute a young person's age, and in cases where officials consider that their appearance and demeanour '*very strongly suggests that they are significantly over 18 years*' the Home Office tends to treat a young person as an adult (ibid., p.56). However, if a local authority age assessment comes to a different conclusion the immigration authorities should normally follow that decision. The process which social workers should use has come to be known as '*Merton-compliant*' (following a specific court case against a London borough) and consists of one or more interviews with at least two social workers seeking to elicit a young person's medical, family and social history, in the presence of an 'appropriate adult' offering practical and emotional support to the young person (ibid.). While medical reports need to be taken into account in the overall assessment, their role in the process has diminished over the past years. In this context, the ethical dilemmas facing social workers in age assessment decisions are problematized by Cemlyn and Nye (2012) who emphasise the subjective preconceptions which are likely to inform the process, the potential pressures placed on practitioners by managers preoccupied with cost issues, as well as the powerful contextual influence of social, cultural and political constructs regarding 'children' and 'asylum seekers'. The authors distinguish between '*bureaucratic*' and '*child-centred*' approaches: the former are set in contexts of disbelief, creating rifts between practitioners' values and ideals and their

implication in potentially oppressive practices (and can thus be disempowering for all involved); while the latter acknowledges uncertainty and ambiguity by allowing the 'benefit of doubt' principle and the needs of a young person to prevail over pressures to reach determinative decisions about age.

The comparison suggests a more established and standardised process in the UK placing social workers in a key decision-making role, while in Germany (in the context of wide practice variations) the involvement of social workers in age assessments seems to be considered a positive development compared with other potentially humiliating and child-unfriendly methods. Nevertheless there is acknowledgement in the literature in both countries that responsibility for age assessment decisions place social workers in very difficult positions which may compromise their practice values. While the child-centred approach suggested by Cemlyn and Nye (2012) mitigates against some of these dilemmas, the issue of age assessments also exemplifies the dangers of positioning children's rights and social work with children in isolation from broader political engagement with rights and social justice issues (ibid.). This is also evident when considering the longer-term perspectives of separated young people who, even if initially accepted into the 'childhood' category, inevitably move on from it eventually.

Uncertain futures

The uncertain perspectives of the majority of separated young people are a key practice issue for social work in this field. Both in Germany and the UK, alongside outright refusals, temporary residence statuses offering limited protection perspectives are the most common outcomes of separated young people's asylum applications. In Germany, just under 18% of initial decisions for separated children in 2013 granted them refugee status, while 39% received subsidiary forms of protection and 37% were refused altogether (a further 6% were either withdrawn or otherwise ended procedurally) (BAMF, 2013 and own calculations[20]). In the UK just under 26% of initial decisions for separated children under 18 were grants of refugee status or humanitarian protection, while around 55% received more temporary forms of leave (including just under 13%

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[20] For Germany, statistical files are published separately for young people aged 16-17 and those under 16. The figures from both were collated and different decision categories drawn together, calculating percentages in rounded figures. For the UK, different categories of leave were drawn together and percentages calculated in rounded figures.

who only received leave until 17½ because they could not be returned as children), and 19% were refused outright (Refugee Council, 2014 and own calculations). UK statistics were also available for decisions made after a separated young person had reached the age of 18. Here, grants of refugee status amounted to just over 28%, grants of discretionary leave just under 3% and refusals 69% (ibid.). All in all, temporary forms of status and refusals by far outweigh positive decisions, leaving a lot of uncertainty regarding young people's futures.

In both Germany and the UK, separated young people can in principle receive aftercare support once they reach the age of 18. In the English context, young people have a right to 'leaving care' support if they have been 'looked after' by a local authority for 13 weeks or more (Coram Children's Legal Centre, 2012). A key aspect of this support is the requirement of local authorities to set out a 'pathway plan' about the advice and support a young person will receive to prepare them to live independently. For separated young people, a model of '*triple planning*' has been suggested (ibid., p.44) which incorporates the scenarios of young people being able to remain in the UK, leaving the UK (either forced or voluntarily), or remaining without any legal status. The last category includes young people who have 'exhausted' their appeal rights and are classed as a 'person unlawfully in the UK'. Under Schedule 3 of the Nationality, Immigration and Asylum Act 2002 they are denied access to support (including leaving care support) unless this denial would lead to a breach of their rights under the ECHR (Coram Children's Legal Centre, 2012). In practice this means that local authorities, usually social workers, have to conduct so-called 'human rights assessments' to determine whether young people should be supported on an ongoing basis. At the time of research, there was little guidance on how these assessments should be conducted, but factors such as legal and practical obstacles to return, the willingness to consider voluntary return and whether young people would face inhuman and degrading treatment if homeless and destitute played a role (ibid.).

In Germany access to '*support for young adults*' (*Hilfen für junge Volljährige*) depends on their individual needs without being conditional on the receipt of support before their 18th birthday. Espenhorst (2012) argues that therefore in principle, even separated young people arriving after their 18th birthday (or those whose age has been disputed) could

receive some support although this rarely happens in practice. However, another problem is that German youth welfare law distinguishes between support that is available only to people with *ordinary* and *legal* residence, and interventions (such as the duty to take children into protective care) which only require *actual* residence. Support for young adults comes under the former category, so that only young people with legal residence or with a '*toleration*' are entitled to it. Paradoxically, however, according to residence law, support for young adults (if not just short-term after care) can be a reason for deportation or denial of a residence permit (DIJuF[21], 2010).

In comparison, the UK seems to follow a model of economically driven 'enforcement' strategies for people without legal residence rights, based on the denial of access to support, whereas the German model seems, inversely, to focus on legal and bureaucratic restrictions, including the threat that receiving support could itself lead to deportation. However, both scenarios exemplify the dissonance between agendas of inclusion which purportedly underlie child welfare policies and legislation, and exclusive measures of immigration control. This leads to paradoxes for social workers supporting separated young people through the 'transition' to legal adulthood: in both countries their work with young people follows, on the one hand, inclusionary and citizenship-based aims such as 'wellbeing' or increased self-determination and self-sufficiency, but this very future vision is marred by immigration policies which do not foresee granting separated young people the status or space that would allow them to take up a 'citizen' role.

Chase and Allsopp (2013) argue that '*future*' is an underexplored concept in the context of research regarding separated children and young people (which has tended to focus on either past experiences or present difficulties in the host country). They suggest that institutional ideas around 'planning' for young people's futures (such as the concept of pathway plans for young people leaving care in England) are presented as benevolent frameworks with concerns about separated young people's 'best interests'. As such, they make various assumptions which overestimate the role of formal systems against the agency of separated young people themselves and the influence of their informal social networks. For example, there are assumptions that young people will comply with formal systems of care and immigration in pursuit of their '*best interests*' when in

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[21] *Deutsches Institut für Jugendhilfe und Familienrecht e. V.*

fact, professionally defined best interests might prevail over ideas of young people themselves and young people might opt in and out of formal systems at different times as a strategy for survival. Similarly, policy makers assume that for the majority of young people who are refused residence rights, return (whether voluntarily or by force) represents a so-called '*durable solution*'. In fact, this may not be the case because young people may either 'disappear' to avoid forced return or may seek opportunities to re-migrate after removal because they face the same or worse conditions in their countries of origin. Finally, the idea of return as a durable solution is also based on the assumption of Western states that young people '*belong*' in their countries of origin, when in fact they may, for various reasons, have multiple and variable ties to different countries (including because migration forms a part of their or their families' life projects) (ibid, p.25). Alternatively, young people may feel that they 'belong' nowhere. Overall, Chase and Allsopp conclude that the failure within the policy frameworks to understand how young people's own lived experiences and agency influence their decisions even against institutional aims may in fact be based on self-interested strategies of European states to construct '*a new kind of disposable European subject*' devoid of citizenship rights or of state responsibilities towards them (ibid., p.27). Noske (2011) also asks (in the German context) whether the contingent inclusion of separated children (combined with the exclusion of those over 18) may in fact follow agendas of creating conformity and compliance by *moulding non-Germans according to our ideas and turning young people until the end of their status as 'minors' into moral and in the German context useful subjects'* (p.26). Taken further, such ideas of assimilatory but temporary and contingent 'inclusion' could serve what Marfleet (2006) suggests is part of the capitalist logic of Western states' migration policies: creating and maintaining rightless populations who become readily exploitable 'human capital' both as undocumented migrants in countries where they remain regardless of the refusal of residence rights, in 'transit' countries as '*refugees in orbit*' (p.221) and upon return to their countries 'of origin' where they may be cast more than ever as outsiders.

3.5 Summary

As discussed in Chapter 2, social work historically arose out of the very context of modern paradoxes between inclusion and exclusion, particularly under conditions of capitalism. In this sense, the dissonances between policy frameworks for children and

for asylum and migration make social work with separated young people an example *par excellence* of the contradictory positions which the profession can assume. The comparative review of legal and policy frameworks, as well as of key practice issues and challenges in Germany and the UK has outlined specific examples of how these tensions affect both young people who come to (initially) be categorised as 'separated *children'* for the purposes of support and those who (through age disputes or by 'aging out') are at (or outside of) the margins of this category. As a general trend, recent years have seen some improvements in the support rights of those within the separated children category in both Germany and the UK, with the withdrawal of each country's reservations against the UNCRC being both a part and a result of these processes. However, given the temporal and geographic restrictions of rights granted under international and domestic children's rights frameworks (i.e. until 18 and only while young people actually are in the 'host' state) there are questions on whether these developments represent mainly a symbolic commitment to what Pupavac (2001, p.109) has termed '*a profoundly misanthropic view of human relations in general'.* For those young people at or outside the margins of the 'separated children' category there seems to have been little if any improvement, and the increasingly litigious context in areas such as age assessment suggests that this gap in support and rights has the potential to intensify the gatekeeping roles of social workers (at least in statutory services).

A key question for this research is how social workers negotiate these tensions in their everyday practice, particularly in the context of the profession's (aspirational) claim to be a *human rights profession*. For Germany, Espenhorst (2012) suggests that there is an ongoing need to develop professional concepts in social work with separated young people, including by engaging with political perspectives that aim to improve the situation of asylum seeking and refugee children and young people more generally. A starting point for such perspectives is a professional recognition of the contradictory position of social work in this field. Depending on their work contexts, practitioners may consider their own capacities to engage with wider political perspectives limited or undermined. The research for this thesis explores these conflicting policy and practice contexts and the approaches of social workers in Berlin and London/Southeast England, with a particular focus on the role of human rights perspectives in practice. The next

chapter outlines the methodology for this research, before the presentation and concluding discussion of findings in Parts III and VI.

PART II: METHODOLOGY

CHAPTER 4: RESEARCHING SOCIAL WORK WITH SEPARATED YOUNG PEOPLE AND HUMAN RIGHTS CROSS-NATIONALLY: METHODOLOGICAL ISSUES IN THEORY AND PRACTICE

4.1 Introduction

This chapter provides a critical discussion of the methodological framework for the research by considering underlying conceptual perspectives and how these shaped the research design and process. This sets the scene for the presentation of findings in Part III. I start by reflecting on my own 'dual role' position as part time postgraduate doctoral researcher and part-time social work practitioner in the same 'field', before linking this with epistemological considerations which shaped this qualitative research project. I then consider some of the methodological issues relating to the three 'sub-fields' which this research project spans: social work practice with separated young people; cross-national research in social work (particularly within a small scale qualitative framework); and research concerning human rights and social work practice. All three areas constitute relatively under-explored fields of research in themselves and in the context of this research this added layers of complexity both from conceptual and practical perspectives. The chapter then goes on to discuss the process of research, including qualitative interviewing methods, sampling, ethical considerations and data analysis.

4.2 Locating and unsettling the research: epistemological perspectives in a researcher-practitioner context

My aim in the following section is to provide a broad outline of the epistemological context of my research. This starts with an exploration of the significance of my different positions as researcher and practitioner in the field and moves on to a discussion about epistemological positions which I consider relevant. However, in reflecting on these (multiple) 'locations' of my research, I also consider the various processes of 'unsettling' (and being 'unsettled') which were pivotal for the process of

research and writing of this thesis. These dialectical metaphors refer not only to the tensions that exist in a profession and discipline like social work (for example with respect to the relationship between theory and practice), but they also connect, at a broader level, with the dislocating and relocating processes involved in (forced) migration, and with the shifting perspectives of cross-national research.

My motivation for this research emanated from my experience and ongoing role as a social work practitioner with separated young people (in both statutory and voluntary contexts) as well as from previous research experience (Huegler, 2005). The 'location' of the research was thus rooted in my everyday experience of working with rights-based issues and dilemmas in this field. This fuelled my interest to explore how other social workers conceptualised and negotiated those dilemmas. Although there was no formal link between my two roles as a researcher and practitioner, it was inevitable that the two would be connected and influence each other: I needed to consider the implications of my epistemological position as a researcher for my approaches to practice and vice versa.

At a practical level, my familiarity with the field from a UK practitioner perspective was both a facilitative factor throughout the research process (from design and sampling through to analysis and interpretation) but also presented a number of challenges – for example because I did not have the same level of familiarity in the German context but also because I had to be mindful of any possible conflicts of interests arising between my two roles.

Shaw et al (2006) describe two opposing positions on the relationship between social work practice and qualitative research: Gilgun (1994) argued for a high degree of 'fit' (using a *hand-and-glove* metaphor) between the two in terms of skills and purposes, while Padgett (1998) criticised this as a blurring of paradigmatic and ethical boundaries with negative implications for both practice and research, suggesting that practice has a normative frame which research does not share. Seeking to transcend the dichotomy of these positions, Shaw et al. (2006) argue that there is some congruence but that processes of '*counter-colonizing*' and '*translation*' (ibid., p. 502) are necessary, with the former referring to challenging a subordinate and passive ('recipient') approach of

practice towards research while the latter emphasises the interpretative and dialogical character of these processes. As researcher and practitioner I found myself constantly engaged in such processes of interpretation and dialogue, particularly as I considered key concepts and critiques both from 'theoretical' and 'practical' positions (as discussed below). Thus, being in both practitioner and researcher roles provided me with additional opportunities for researcher reflexivity.

Shaw et al. (2010) draw further connections between social work research and practice, arguing that distinct features of such research are '*a pervasive concern with social inclusion, justice and change*' (p.3) as well as the importance of research in both contributing to theoretical knowledge and being practically '*useful*'. Ife (2012, p. 3), writing specifically about social work and human rights, echoes the latter point by suggesting that '*any theoretical exploration must be grounded in, and relevant to, the reality of the messy world of social work practice with its contradictions, unpredictability and general chaos.*'

Given these references to social justice agendas and to the notion that research should be 'useful' and 'relevant' to practice, it is important to consider questions of epistemology, because different positions influence how such ideas are viewed, whether as self-evident, constructed or even problematic. The basic epistemological divide tends to be drawn between positivist/objectivist and interpretivist/subjectivist approaches, with the former emphasising the existence of an observable (and measurable) reality and an objective research position, while the latter emphasises the 'produced' (and constructed) character of knowledge and holds that the researcher (and her subjective interpretations) play a key role in research (e.g. Denzin and Lincoln, 2011). Pease (2010) argues that there has been a tendency for the majority of social work research to remain linked to positivist approaches and to lack engagement with critical social theories concerned with social justice issues. However, he suggests that positivist approaches can also be inherent in some of the critical literature regarding social justice issues when this overemphasises structural conditions but neglects the influence of human agency. Interpretivist approaches, on the other hand, focus on subjective experiences and constructions of meaning and thus may seem more relevant to the micro-levels of social work practice focusing on interpersonal relationships, moral-

practical considerations and 'tacit' forms of knowledge (Parton, 2003). However, between the two 'poles' of positivism and interpretivism there are multiple and sometimes overlapping categorisations (e.g. positivist, post-positivist, critical theories, constructivist/interpretivist and post-structural paradigms; Denzin and Lincoln, 2011) which have varying degrees of (in-) compatibility with each other.

In the context of research on human rights in social work, a more positivist-leaning focus on structural critical theories might be seen as corresponding with conventional human rights discourse and normative frameworks, while the concept of '*human rights from below*' (Ife, 2010; see Chapter 2) connects with interpretivist, social constructionist as well as post-structural perspectives. Post-structural approaches in particular relate to '*question*[ing] *the supposedly self-evident over and over again*' (Wendt and Seymour, 2010; p.671) including ideas about 'power' and 'truth', both significant concepts for practice and research. In a research context this points to questions about whether findings can be considered to convey 'a truth' or even 'the truth', or whether they constitute representations of the local and contextual at a particular point in time. Foucault (1980) suggests that societies have specific '*regimes of truth*' through which different discourses are accepted or rejected based on an '*ensemble of rules according to which the true and the false are separated and specific effects of power attached to the true*' (p.132). Thus, truth is not seen as something to be discovered but something which is produced.

As discussed in Chapter 2, Tascón and Ife (2008) outline how key conceptual shifts during modernity reconstructed ideas of 'humanity' but also of 'knowledge' based on clearly drawn boundaries between 'inside' and 'outside', occurring '*from the central theme and modern requirement of control*' (p.310). Striving for perfect forms of rational knowledge gave rise to claims of universality and truth. These principles and ideas can be applied to a range of contexts: they relate to questions about what are considered acceptable forms of knowing ('evidence') in research but also to the territorial boundaries created during modernity that led to nation states and gave rise to the very issue of 'international' migration. They also connect with the construction of modern human rights in a way that can be criticised as a '*privileged discourse*' (ibid., p.319; see also Chapter 2).

In this context it is important to question the ways in which social work research and practice contribute to the reproduction of privilege '*as that which positions someone to be provided with the benefits necessary to 'enable''* (Tascón and Ife, 2008, p. 315). For social work practitioners and researchers this involves reflexivity through considering our own positionalities within contexts and processes of oppression, as well as unsettling taken-for-granted assumptions. An example is the notion that social work is 'by nature' a benevolent and emancipatory activity which only works to promote human rights, something that might be concluded from the IFSW/IASSW statement. However, as Wendt and Seymour (2010) with reference to Foucault point out, this questioning of '*romanticised professional goodness'* (p.679) is not to suggest general malevolence (as might be constructed from Humphries' (2004) harsh critique of social work as implementer of immigration control), but rather aimed at raising awareness about the *dangers* inherent in all practice. Cemlyn (2008) suggests that macro-level critiques of systems and structures with totalising tendencies risk neglecting the complexities of everyday micro-level practice, including their emancipatory potentials. Wendt and Seymour (2010) emphasize that their intention is not to present a pessimistic view on practice and refer to their belief '*in the ideals that social work strives for'* (p.671). Similarly, Pease (2010) cautions against an uncritical relativist stance associated with the often cited critique of 'post'-theories as representations of 'anything goes' and argues that '*social work research should take sides and embrace the values of promoting social justice and human rights*' (p. 104). In this sense (and bearing in mind the notion that research and practice should be closely linked), my research approach reflected the '*affirmative'* position towards post-structuralism which Parton (2003, see Chapter 2) refers to.

These tensions and dilemmas were part of my own journey throughout the research process which required me to 'unsettle' my own taken for granted assumptions. I had started out mainly from a (practitioner) position which considered concepts such as 'human rights', 'empowerment' or 'advocacy' as principally positive and relatively unproblematic. Working with dichotomist categories such as *child* or *adult* and *forced* or *voluntary* migration was (and to some extent continues to be) part of my practice context despite my awareness of the various problematic and potentially exclusive consequences of drawing such distinctions. My reading and reflections on post-

structuralist critiques led me to become more questioning, but my practitioner context required me to 'translate' critical thoughts from the relative distance of academic arguments and debates into the '*messy world of social work practice* (Ife, 2012, p.3).

Denzin and Lincoln (2011) refer to qualitative research as processes of '*bricolage*', i.e. fitting pieces together and working '*between and within competing and overlapping perspectives and paradigms*' (ibid., p.5), suggesting that there are interpretive; narrative, theoretical, political and methodological dimensions to these processes. This image of researchers (and practitioners) as '*bricoleurs*' also fits well with the earlier mentioned concept of praxis domains ('explanation', 'production' and 'aesthetics'; see Chapter 2) based on Maturana's (1985) thinking and developed by Lang et al. (1990). This conceptualisation allows critical reflexion and deconstruction of taken for granted ideas to go hand in hand with 'working with and within' these same constructs because they are part of the current language and practice of social work. From the point of view of 'aesthetics', which also incorporates 'ethics', this requires a balancing act which rarely involves a 'neat fit'. However, the very expectation that there should be such a fit demonstrated to me, in what seemed a continuously messy process, how powerfully I was influenced by modern ideals of controlling and displacing ambiguity and ambivalence from processes such as research.

In the following section I discuss how these tensions and dilemmas impacted on the development of the research framework in a multi-layered field spanning research on social work practice with separated young people, cross-national research and research on human rights issues in social work.

4.3 Developing the conceptual frame for the research: social work with separated young people and human rights as a multi-layered 'field'

Researching social work practice with separated young people: in search of 'thick stories'

As discussed in chapters of Part I there are various examples of research-based studies regarding separated young people in the UK, Germany and elsewhere. These range from more policy-focused studies (in the UK often commissioned / published by NGOs) which evaluate and critique the treatment of separated young people in host countries

through to studies which seek to explore, through direct accounts, the experiences and *life-worlds* of separated young people. Examples at the former end of the spectrum include, in the UK, Stanley's (2001) study for Save the Children or Brownlees and Finch's (2010) study supported by UNICEF; in Germany examples are the joint reports of the *Federal Professional Association for Unaccompanied Minor Refugees* (B-UMF) [22] and UNHCR on policies and practices in different federal states (see Berthold et al, 2011a and b). There are also various studies which compare policies and practice across countries, for example Smith's (2003) comparative report for the *Separated Children in Europe Programme* NGO platform; a tri-country research project based at two universities in the US and Australia, as well as a barristers' chambers in the UK (Bhabha and Crock, 2006); or other networks and agencies at European level (e.g. European Migration Network, 2010; European Union Agency for Fundamental Rights, 2010). In terms of methodology, policy-focused studies tend to be based mainly on interviews with 'experts' and other professionals (including social workers), sometimes with young people directly as well as other methods of 'fact-finding' (e.g. analysis of relevant documents or visits to key agencies). Overall, a focus of many policy-focused reports tends to be on findings and recommendations, with relatively little information on underlying theoretical or epistemological frameworks.

There is a growing body of research which considers the needs and experiences of separated young people in different country contexts, based on a range of methodologies but often highlighting specific factors of vulnerability. Examples include quantitative studies focusing on young people's mental health needs including risk and resilience factors for post-traumatic stress symptoms (e.g. Hodes et al., 2008; Bronstein et al., 2012), studies considering young people's well-being (Chase et al., 2008) and the interface of experiences, needs and service provision (Hopkins and Hill, 2010). Some studies also seek to explore young people's life-worlds from their own perspectives (e.g. Wells, 2011) although overall this type of research is still relatively scarce (Wernesjö, 2012). In Germany, Zito (2014) gives an example of studies focusing on the complex needs of former child soldiers living in Germany as separated young people while Ballusek et al. (2003) include ethnographic case studies of separated young

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[22] *Bundesfachverband Unbegleitete Minderjährige Flüchtlinge,* hereafter B-UMF (www.b-umf.de)

people to illustrate conditions of young refugees' socialisation in the context of social inequalities.

Many of the above mentioned studies make reference to social work services and the practice of social workers – for example in policy-focused studies to highlight poor (and sometimes good) practice, or to illustrate the importance of effective support provisions to meet the needs of separated young people '*as a particularly vulnerable category of children*' (Wernesjö, 2012). However, there are few studies which examine in detail how social workers approach their work with separated young people. In Germany, Weiss et al (2001) conducted an in-depth study on a residential home for separated young people in Brandenburg (Eastern Germany) using a mixed methods approach including interviews and participant observation. This focused on the 'multicultural' aspects of the residential home environment based on diversity among both young people and the staff group (some of whom had been refugees themselves while others had experienced significant social and cultural transitions as part of German reunification). As discussed in Chapter 2, Kohli's (2007) study is a notable example of research focused on social work with separated young people, based on qualitative interviews with social workers in different local authority settings in the UK. One of the key contributions of this study is that it moves beyond existing 'thin' accounts of social work practice to 'thick' stories about the roles and approaches of practitioners supporting separated young people in their resettlement in the UK. In this context, Kohli's critique of some previous (mainly policy-focused) studies is that

> '...young people's 'thin' stories are used to illuminate their vulnerability, the 'thick' stories remain unseen and unheard. As part of the promotion of a vulnerability perspective, their resilience and willingness to prosper in adverse circumstances are underplayed and remain relatively underexamined.' (p.72)

Kohli goes on to link this focus on thin stories to a preoccupation with a specific form of social work practice, that of 'the humanitarian helper' (see Chapter 2), who '*remains clearly to the fore as a key reconstructor of refugee lives*' (ibid.), arguing that this can prevent a view on young people's own resilience and capabilities. Kohli's typology[23] makes an important contribution to conceptualising practice in this field and thus

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[23] As discussed in Chapter 2, Kohli's study identifies two other 'types' of social work practitioners ('therapeutic witnesses' and 'confederates') which extend the repertoire of approaches in what he terms *resettlement-based* practice.

provided a significant starting point for my research framework. The different practitioner 'types' have different levels of tolerance for ambiguity as well as varying capacities to 'hear' the range of young people's stories. As Kohli himself points out, the typology does not represent actual practitioners but rather different 'ideal-type' positions and domains between which the social workers in his study (and the focus of their practice) moved. While I did not seek to simply replicate Kohli's study in a cross-national context, I was curious about how his practitioner typology, associated with different domains of practice (cohesion, connection and coherence), might relate to different conceptualisations of human rights among the practitioners I interviewed for my research.

Connecting further with Kohli's concept of '*thin stories*', I was also interested in how representations of young people seemed to correspond with thin descriptions of social work practice and thin conceptualisations of human rights in some of the literature. A limited view of young people and their situations (focusing on vulnerability as a basis for being 'deserving' of support and residence rights) seemed to go hand in hand not only with a particular and narrow model of social work practice (as either benevolent 'rescuer' or harsh gatekeeper) but also with a limited human rights discourse. The latter meant that a human rights orientation was often implicitly taken for granted but also focused narrowly on civil-political rights. Further limitations included viewing rights as contingent on how much young people fit into particular constructions of vulnerability, such as 'childhood' (i.e. being under rather than over 18) or 'refugeehood' (i.e. having asylum grounds which are considered as 'individual political persecution' rather than rejected as 'general' human suffering in wars and political, social and economic instability). Rather than critically analysing the basis of these constructions and how they affected separated young people's life contexts as well as social work practice, such concepts often remained unquestioned.

As discussed in Chapter 2, from a post-structuralist perspective, limited constructions based on binary divisions can be critiqued as reproducing discourses of 'otherness'. Denzin and Lincoln (2011) refer to the colonial legacies and historical implication of research (and particularly qualitative research such as anthropological ethnography) '*in a racist project*' (p.3), which at its roots was often concerned with '*the dark-skinned*

other […] [as] the object of the ethnographer's gaze' (ibid.). This seems a particularly important point in the context of research concerning separated young people who are subjected to a range of 'othering' processes and experiences, particularly in the context of their status as migrants who are 'outside' the norm of living with their core families and who, based on existing literature findings, are regularly subjected to a '*culture of disbelief*'.

Social work proclaims itself to be an activity aimed at promoting human rights, and in this context has the potential to counteract the disempowering experiences and situations suffered by young people. However, as discussed in Chapter 2, both social work and human rights have (in general terms and specifically in this field) come under criticism for their potential to (inadvertently) reproduce the very power imbalances they seek to redress. Badwall and Razack (2012, p.140) argue that, from the professional beginnings of social work in Europe and North America, constructions of 'heroic' helping offered to 'the disadvantaged' and oppressed have relied on '*a subject who embodies difference and who requires direction and management*' – which has particularly included people of 'other' ethnic backgrounds. They suggest that the kind of virtuous helping associated with the early history of social work is linked with constructions of 'whiteness' as an unquestioned norm in opposition to 'others', i.e. racialized populations who represent deviance. Badwall and Razack argue that such tendencies (despite contradicting the stated values of social work) may continue to intersperse even well-intentioned but uncritical approaches aimed at promoting human rights and social justice if social workers lack awareness in their own complicity in structures and processes of oppression. Even within an explicit social justice orientation, social workers may fail to recognise and / or address how disempowering contexts are in fact being reproduced between themselves as *subjects* or *agents* of knowledge production and 'others' as *targets* of knowledge (ibid).

In the context of my research project, I was mindful of the multiple contexts and layers of these power imbalances and was concerned that I could run the same risk of constructing 'the researched' (i.e. the practitioners participating in my study, but also indirectly the young people whom the practitioners talked about) as 'othered' objects of my own gaze and critique. As a practitioner I was acutely sensitive to media and public

debate processes sometimes referred to as '*social worker-bashing*' (BASW, 2014) which centre on crises and scandals about professional 'failures' in the context of work with vulnerable children. From my researcher-practitioner perspective I was therefore particularly concerned about how a critical analysis of my participants' accounts of their practice might inadvertently reproduce '*thin stories*' – for example because practitioners felt defensive about their work or because I felt defensive on their behalf. As discussed below, this brought ethical implications which I needed to consider from my particular position.

Crossing boundaries: comparing local practice in different countries

In addition to looking for 'thick stories' about social work practice with separated young people, I also wanted to explore through my research how the contexts of such practice and the accounts of practitioners might compare in different countries. In this sense, my research design started from the basis of a cross-national comparative frame which Hantrais and Mangen (1996, p.1) define as the study of '*particular issues or phenomena in two or more countries with the express intention of comparing their manifestations in different socio-cultural settings*'. Baistow (2000) suggests that processes of globalisation and increasing European harmonisation and cooperation have been driving forces for an increase in comparative research in social policy and social work since the 1990s. She argues that among the benefits of cross-national research are processes of learning *from*, *about* and *with* others and learning *about ourselves* (including the questioning and deconstruction of taken for granted structures, concepts and situations).

In the case of my research, there were multiple motivations for choosing a frame which considered social work practice across different contexts. International migration is by its very definition a phenomenon which crosses and (particularly if it is 'irregular') challenges national boundaries. At the same time, policy developments concerning migration in Europe are increasingly 'harmonised' across the EU member states and borders enforced through supra-national bodies such as FRONTEX or through cross-national agreements (e.g. OHCHR, 2012).

Anderson and Keith (2014) suggest that migration and migrants are constructed not only by the rules and laws which govern access to territories and citizenship rights, but also through their representations within (social) research (e.g. if migration is constructed as a 'problem'). Scholarship and research in the broad field of migration studies has moved from 'classic' and unidirectional theories (such as 'push' / 'pull' or emigration / immigration models) towards more complex and complicating approaches, including transnational approaches which question the role of nation states as 'container' for societies (not least in the context of globalisation) (ibid.). These developments can also be seen in the ways in which the migration of young people without their families is conceptualised. Challenges to traditional adult-child binaries which rely on essentialising characterisations (e.g. adults as active and possibly opportunistic agents *versus* children as passive and vulnerable appendages of adults) have led to perspectives which consider the experiences of children and young people as '*independent migrants'* (e.g. O'Connell Davidson and Farrow, 2007) and to an increased focus on why and *how* young people make their journeys as opposed to only starting from the 'fact' of their presence in a 'host country'.

While the relationship between migration and nation states becomes increasingly complex and challenging, the significance of national law and policy contexts for social work practice has remained comparably unquestioned, although there has been recognition in recent decades that social work, despite often being considered mainly a 'locality-bound' activity, needs to engage with the social consequences and dynamics of globalisation and adopt *international perspectives* (Lyons et al, 2006), not least because the populations it works with (and sometimes its own workforce) often occupy transnational social spaces (e.g. Köngeter, 2010). Different ideas exist about whether globalisation undermines the power of nation states, strengthens them (through nationalist 'backlashes') or has failed to effect significant change on the international hierarchy in which Western states control the fate of poorer countries and regions through organisations such as the International Monetary Fund (e.g. Huegler et al., 2012). Increasingly, the complex and contradictory trajectories of globalisation processes are recognised, as well as the significance of local movements and processes.

In this context, cross-national comparative research is itself becoming more varied and complex (as well as being rejected as a useful concept by some). For example, there are differences between approaches seeking to make comparisons at a macro-level and those which consider the micro-level of local contexts and practices. Meeuwisse and Swärd (2007, p.491) distinguish between three broad categories of comparative research: *model comparison*s (such as Esping-Andersen's (1990) prominent typology of 'welfare regimes'); *profession-oriented comparisons* which consider the roles of social workers in different societies; and *practice-oriented comparisons* which aim to explore '*what actually happens in social workers' practical exercise of their profession*'. Arguably, however, these categorisations are fluid and overlapping. In my research I was mostly interested in considering and comparing practice approaches, but was also mindful of the interconnections between this more 'micro'-level view and the role of different welfare state contexts as well as professional development trajectories, as discussed in Chapter 2.

Cross-national research in social work also differs in scale, process and methodologies. For example, some European cross-national social (work) research projects in recent decades have involved teams of researchers in different countries which needed to work on their ways of communicating and collaborating across different socio-cultural contexts (e.g. Cooper et al., 1995; Chamberlayne et al., 2002). While single researcher small-scale projects lack access to the resources of such larger studies and therefore do not require the same collaborative efforts, Gomez and Kuronen (2011) argue that they involve at least some degree of researcher 'immersion' in the different contexts studied. This brings about the benefit of more in-depth familiarity with each setting by the end of the research process, but also the challenge of having to access and interpret meanings across linguistic and cultural divides as a sole researcher. In the case of this research, my own personal and professional background (see Chapter 1) facilitated a degree of immersion in the two country contexts, despite an overall greater familiarity as a practitioner with the British social work context. I had also undertaken previous cross-national comparative research in the field (Huegler, 2005). These 'cross-national' roots provided both motivation and facilitation for this research project.

However, research which seeks to compare practices across different socio-cultural and linguistic contexts also presents a number of challenges. Baistow (2000) outlines these as problems of

- equivalence of '*policies, structures, systems and professional roles*' on the one hand and of language, terms and concepts on the other (ibid., p.10);

- representation, including whether significant intra-country differences exist and whether these still allow cross-national comparison;

- changing geopolitical contexts and boundaries, which may call into question the viability of nation states as units or contexts for comparison;

- interpretation, i.e. what meaning might be given to differences found and how to avoid judgemental and 'othering' positions;

- practical and material kind, e.g. accessibility in the context of limited time and resources.

The majority of these challenges became relevant in one way or another over the course of my research. For example, some terms were hard to translate between English and German, including the term '*separated*' young people itself, for which there is no real equivalent (instead, '*unaccompanied minor refugees*' is the translation of the common term for this population). On the other hand, prominent concepts from the German context, such as social pedagogy or the life-world orientation are not well known in Britain (or have been, in the former case, introduced without much consideration of their historic development; Lorenz, 2008). Pösö (2014), considering the difficulties of translating terms from the Finnish child welfare and protection system into English, suggests that translation may in fact transform knowledge, particularly in a context where English acts as the *lingua franca* in cross-national research. She suggests that rather than 'fluent' translations which suggest false notions of universality across cultural and linguistic contexts, translations should be robust in the sense that they allow recognition of '*particular social, local, historical and cultural contexts*' (ibid., p.9) even if these sound 'foreign' to English 'native speakers' – e.g. by leaving some terms that lack an English equivalent in the original language. '*Soziale Arbeit*', the umbrella term used in Germany to refer to both *Sozialarbeit* (social work traditionally with poor and excluded populations) and *Sozialpaedagogik* (social pedagogy which developed in

different strands of community-oriented work with 'socio-educational' dimensions) provides a case in point.

Baistow's (2000) concern about whether intra-country differences allow cross-national comparisons was also pertinent in the context of my research: Germany has a tripartite administrative system (federal (*Bund*) – state (*Länder*) – local authorities) which in city states such as Berlin takes a particular shape. In the UK, on the other hand, administrative differences between England, Wales, Scotland and Northern Ireland are also considerable and devolution has led to increasing policy differences in areas such as social welfare (including child welfare) while other areas, notably immigration, remain (as yet) the domain of the central government. However, even within areas that share the same laws and policies, practices can and do differ. Unlike in random-sample based quantitative approaches, qualitative research with small sample sizes tends to aim less for *representation* (as it is impossible to claim large-scale generalizability), but rather for providing an in-depth and contextualised account. In this context, Gomez and Kuronen (2011) argue that the benefit of qualitative approaches for comparative research is that they focus on the local and particular and on the nuances and differences of subjective meaning as part of '*everyday life and experiences*' (ibid., p.685, citing Mason, 2006). In this sense, some of the methodological challenges in cross-national research raised above, such as cultural and conceptual differences, can in themselves become meaningful aspects of qualitative research projects.

The focus on the local and particular rather than the nation state as a 'whole' also links with the critique that social sciences research (and particularly migration studies) can be accused of '*methodological nationalisms*' by essentialising and failing to question nation states as a historically specific phenomenon (Amelina et al., 2012, p.2). In contrast, cross-border and transnational social space studies challenge the idea of the nation state as a 'container' for social relationships and argue instead for reinterpretations of the '*conceptual relationship between space, the social context and geographic mobility*' (ibid., p.10). However, while supporting these critiques, Pries and Seeliger (2012) also caution against a '*cosmo-globalism*' which neglects the ongoing role of nation states in the context of welfare and immigration policies and legal frameworks. Based on a relational concept of space, they therefore argue that *cross-*

national comparisons remain legitimate forms of cross-border studies, but that nation states are by no means the only or the main unit of reference or analysis in a '*multi-sited spatial spanning of the social*' (ibid., p.234).

The term 'cross-national' in the context of this research therefore has a relative quality since my comparison did not seek any representative portrayal across the two countries. However, it recognises that significant legal frameworks and policy developments (as well as language differences) are related to the demarcations drawn by country boundaries, making this one 'frame' among others in more micro- or macro-level perspectives. Gomez and Kuronen (2011) argue that comparative qualitative research findings can be meaningful beyond the particular context investigated, as *the 'macro' becomes visible through the lens of the 'micro'* (ibid., p.694), reflecting wider social, cultural and political developments through the lens of the local practice settings. This '*intersection of different scales of social life*' (ibid.) was something I was particularly interested in with respect to how social workers conceptualised and related their practice to human rights, because the suggested universality and state-centrism of human rights frameworks often seems to lead to macro-level and 'top-down' perspectives in human rights research where policy and legislation form the 'benchmark' against which 'reality' is tested. The following section discusses issues relating to a research approach to human rights '*from below*' and based on a *dialogical praxis* perspective (Ife, 2010) used in this study.

Researching human rights in social work practice

Just as Ife (2012) observes for conventional discourses on human rights overall, Coomans et al. (2010, p.181) suggest that human rights research is '*often regarded as the exclusive province of lawyers*' even though a closer look at the field reveals that there is in fact a high degree of multi- and interdisciplinarity, with the social sciences in particular having influenced a greater variety of approaches. They argue that there is a tendency among human rights scholars to avoid challenging 'conventional wisdom' (particularly human rights conventions and mechanisms) and to regard human rights as inherently positive without critical reflection – something which they attribute to researchers' commitment to the cause of human rights (e.g. as activists). For example, the ratification of conventions is commonly considered a sign of improvements in

states' commitments to human rights, even though a critical study by Hathaway (2004) challenged this notion through an investigation of torture in states which had signed up to the *UNCAT* (1984).

In a social work context, some have suggested a dissonance between formalised commitments to individualistic versions of rights-based anti-oppressive practice approaches and a reality where '*social work has been drawn into implementing racist policy initiatives*' (Humphries, 2004, p.95). Cemlyn (2008, p.234) argues that greater prominence of human rights discourses brings '*a problem of rhetoric masking reality*' because their meanings for practice are insufficiently examined and some professional codes[24] present limited and individualistic conceptualisations of rights (e.g. 'independence rights') without proper regard to issues of social justice. Additionally, public discourse about human rights, at least in the UK context, has often had negative connotations, framing them as a 'foreign' (European) imposition on state sovereignty (see Chapter 3). In social work practice, the compliance of local authorities with human rights provisions has become a contested field of often defensive practice where people subject to immigration control (including some separated young people) are rendered destitute (by central government bodies) and are only granted access to support to prevent a breach of their human rights (JCHR, 2013).

This motivated me to explore social work practitioners' accounts about the role of human rights in their practice with separated young people. A starting point was to consider different possible meanings of the term 'human rights' which might be relevant for practice. This included (but was not limited to): the *macro*-level context of human rights as a set of legal norms and frameworks (on international and national levels, e.g. the Human Rights Act in the UK and the Basic Law in Germany); the *meso*-level context of human rights as a professional value orientation as represented in ethical codes (on international as well as national level) but also (potentially) through values and 'codes' of organisations; and the *micro*-level of human rights as a form of '*praxis*', i.e. the dialogical interaction of theory and action in everyday settings, as articulated by Ife's (2010) concept of the interaction between 'human rights from below' with human rights norms and frameworks ('from above'; see Chapter 2). At the

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[24] For example, the codes of the General Social Care Councils - now replaced in England by the Healthcare Professionals Council

micro-level, Redhead and Turnbull (2011) in their study of human rights practice suggest that human rights might be an 'interpretative lens' for practitioners while also holding meaning in a wider sense even for those in the field who do not directly consider themselves as human rights activists or practitioners (for example because they draw on wider ideas of 'justice' or 'doing good').

In the above conceptualisation of macro-, meso- and micro-level aspects of human rights, the focus of my research clearly was on the micro-level of social work practice and the accounts of practitioners. My hope was that this lens would reveal something about how macro- and meso-level aspects of human rights might be given meaning and (re-)constructed within social workers' practice.

Integrating different perspectives in an overall research frame

The previous sections outlined conceptual issues related to the three 'sub-fields' that contributed to the overall research frame. While each field represents methodological challenges and opportunities for contributing to further knowledge in its own right, the research frame for this study combined:

- an interest in exploring qualitatively rich and 'thick' stories about social work practice with separated young people that went beyond simplistic divides (such as of heroic helper or agent of immigration control);
- a cross-border view which focused particularly on the 'micro'-level context of practices of social workers in two areas but also considered contexts on other levels (thus aiming to make the 'macro' visible through the lens of the 'micro'); as well as
- a praxis-based focus on human rights which was interested in how practitioners worked with and made sense of human rights concepts and issues in their day to day work.

The following section discusses how this conceptual frame was put into practice throughout the research process.

4.4 The research process

Postgraduate doctoral research, especially if following qualitative approaches, is often described as an 'iterative process', removed from the ideal of a linear and straight-forward path - from writing a proposal with clear aims, objectives and a research strategy to winding up with an accomplished thesis document, ticking off various set milestones along the way (such as conducting the literature review, research design, preparation for fieldwork, data gathering, data analysis and thesis writing). While the consecutive ordering of some of these stages seems logical, in other respects there are far less-straight-forward boundaries. For example, in my experience, 'reading', 'writing' and 'analysis' were ongoing processes which led to various forms of reconceptualising '*bricolage'* (locating, unsettling and sometimes re-locating) throughout the project.

One aspect of this was that when I started my research, I aimed to look at the situation of '*separated children'*. Although this seemed a broader term than '*unaccompanied asylum seeking children*' (and the German 'equivalent' of '*unbegleitete minderjährige Flüchtlinge*' – *unaccompanied minor refugees*), I realised during the research process that the term still failed to problematize the binary conceptualisation of vulnerable children and independent adults, as discussed in Chapter 2. However, because of the demographic characteristics of the majority of separated young people in the countries studied (i.e. being in their late teens), this binary significantly impacts on their rights, including their access to social work support. My move towards using the term 'young people' did not resolve these issues or other conceptual 'barriers' (such as that between young people within and outside the asylum systems), but this was one example of the multiple iterative 'journeys' and attempts to locate, unsettle, be unsettled and re-locate concepts and ideas from the literature and fieldwork data.

Reviewing and analysing the literature

Reading with my research aims and questions in mind was an activity which I started at the beginning of the project, but which I returned to periodically throughout the research including during the time when I focused mostly on writing. I used a broad range of sources, particularly journal articles and key books, among which were Jim Ife's *Human Rights and Social Work* (published now in its third, 2012, edition) as well as

Ravi Kohli's *Social Work with Unaccompanied Asylum Seeking Children* (2007). Online publications (e.g. working paper series from research centres such as COMPAS or the Refugee Studies Research Centre at Oxford University) or specialist organisations such as the German *Federal Professional Association on Unaccompanied Minor Refugees* (B-UMF) were also very relevant. My key words in English included 'human rights'; '(forced) migration; 'separated children; 'separated young people'; 'unaccompanied children'; 'refugee children'; 'social work'; 'asylum'; 'children's rights' (a non-exhaustive list), along with German equivalents, but often I also searched by consulting the references lists of key texts. While I accessed literature relevant to both country contexts, I did find that overall, more material was available and accessible in English.

Another way of accessing information about the field was attending key conferences where practitioners, policy specialists and academics presented papers on current issues and developments. For Germany, this included an annual conference of the *Federal Professional Association for Unaccompanied Minor Refugees* in 2010 (as well as reading the documentations of other annual conferences available online) which also provided me with opportunities to have informal conversations with German practitioners in the field. Additionally, I attended a pre-conference on human rights and social work attached to the *European Association of Schools of Social Work* conference in Dubrovnik (2009) and presented some initial findings at the PhD School of the *Association of Human Rights Institutes* conference in Vienna (2012).

During the first years of the project, I also worked on various co-authored chapters for edited publications on topics in related fields (including migration and the EU (Lyons and Huegler, 2010) as well as a chapter on separated children and young people (Huegler and Lyons, 2012)) which supported my literature review for this project.

Developing topic guides for interviews
Because of their detailed focus on participants' views, understandings and experiences, in-depth interviews seemed a suitable methodology to answer my research questions. Mason (2002) highlights that most qualitative interview approaches consider '*knowledge [...as] situated and contextual*' (p.63) requiring both a degree of breadth (to

bring into focus contextual factors) as well as depth. Rather than considering the research process one of simply reporting or 'excavating' facts, researchers using in-depth interviews tend to aim to construct and reconstruct knowledge through dialogic interactions which create meanings and understandings (ibid.). Thus, researcher and interviewee engage in a process of co-production which is deliberately based on an only partially 'scripted' topic guide. Wengraf (2001, p.5) describes interviews as '*high-preparation, high-risk, high-gain and high-analysis'*, pointing towards the importance of the intellectual process of moving from research questions to interview 'questions' or elements of a topic guide. Mason (2002, p.69-70) provides a helpful example of the planning and preparation process for interviewing, which I adopted for breaking down my own broad research questions into sub-questions and considering how these might be addressed in different parts of my topic guide. Translating the topic guides into German presented a further challenge but also allowed me to reflect on how the topic categories worked in two language contexts.

The final versions of the topic guide (see Appendix 3) included the following broad areas: the setting of practitioners' work, including some characteristics of the agencies they worked for and of the young people they supported (such as age range or main countries of origin); a 'biographic' exploration of the (personal and professional) factors that had influenced practitioners to work in this specific field; what practitioners considered to be the key influences on their work; particular examples of dilemmas in their work with separated young people; and practitioners' views on how human rights might influence their work.

The process of moving from research questions to topic guide areas was not always straight-forward. In particular, the multiplicity of meanings and conceptual 'messiness' of human rights (in general and specifically within social work) led to some tensions for me between focusing explicitly on 'human rights language' within the topic guide and allowing practitioners to talk about practice within their own meaning frames (which may or may not be focused on human rights). In the end, I decided to keep the first parts of the interview open enough to allow practitioners to discuss how they made sense of and framed their day to day practice, with some more focused questions concerning human rights in later parts of the interviews. My rationale for this included the

consideration that early reference to rights frameworks within interviews might lead to responses which considered only normative aspects of human rights (e.g. as '*mainly the domain of lawyers*') rather than practitioners' reflections on their own practice which may include rights-related issues and themes even if practitioners might not necessarily frame their practice using rights-based language. From the title of the research and the information sheet given to participants before the interview, practitioners were aware that human rights was a specific focus of the study. I deliberately did not present practitioners with a definition of 'human rights' or 'human rights influences' because I wanted to explore what definitions (if any at all) practitioners used themselves.

Gaining access to participants and sampling

I used a purposive sampling strategy (Miles and Huberman, 1994, cited in Marshall and Rossman, 2006, p.71), which involved considering how participants could be recruited from settings which allowed some basic comparison between the English and German contexts but which also included some 'typical' and 'specialist' social work roles in the field. A basic starting point was to focus on the two capital cities of the two countries. However, in the English case the location of key 'ports of entry' in local authorities in the Southeast (thus outside the boundaries of Greater London) – combined with access to willing interview partners in one such location – prompted me to extend the geographical area of my sample. One aspect in this consideration was that London itself already presents a conglomeration of autonomous (unitary) local authorities which are responsible for certain services such as children's social work without any oversight from the city's joint authority (the Greater London Authority) (London Councils, n.d.). Berlin on the other hand is a federal (city) state involving a hierarchically tiered system of government (central authority and districts) (Berlin.de, n.d).

The different local administrative structures and organisational forms of social work in the two local contexts made finding comparative samples a challenge. For example, there were far fewer social workers in voluntary settings in the English sample compared to the German one, which reflected the organisation of support services for separated young people in the two countries. Through professional networks (and in the case of Berlin, some initial personal contacts which led to important information about the field) I identified agencies with key roles in supporting separated young people. In a

'snowball' approach, contacts with individual practitioners then sometimes led on to further suggestions about other possible interview partners. With some agencies there were issues regarding permission, particularly in the case of local authorities in England, where sometimes access to interview partners had to be negotiated over several weeks or was declined by line managers. The latter reflected the developing prominence of research in this field, with various (often NGO-led) studies having been undertaken, often within the same local authorities, in the past years, but also the general issue of increased public scrutiny experienced by statutory services in the wake of prominent child abuse scandals.

As a researcher who was also a practitioner in the field I also had to be careful to maintain boundaries where conflicts of interest might arise between my two roles. This meant that I tried to avoid approaching practitioners with whom I had direct working contact relating to separated young people through my practitioner role at the time of interviews, so as to avoid any breach of practice confidentiality through the research process. However, my practice context did not make it feasible to rule out any practitioners as participants with whom I had more general working contacts. When making first contact with potential participants I referred to both my social worker and researcher roles but emphasised that the research was independent from my practice role.

The sample for the research in Berlin eventually consisted of two practitioners from statutory agencies and seven from voluntary agencies. The voluntary agencies varied in focus from advice organisations through to those providing direct day to day support to separated young people, as well as some specialist projects. All of the participants worked in a 'specialist' role where their main focus was on working with separated young people (even if they also worked with other populations as part of their role). Several practitioners in this sample also participated in local or national lobbying associations (such as the Berlin Refugee Council or the *Federal Association for Unaccompanied Minor Refugees*). Out of the nine social workers interviewed in this sample, three were male and six were female. Apart from one participant who had a longstanding professional background as 'educator' (Erzieher) and was completing a university degree in pedagogy and related subjects at the time of the interview, all

others had social work and / or social pedagogy backgrounds. All practitioners were experienced, having worked in the field for several years (at least). Some had also undertaken additional post-qualifying training (such as Masters degrees). One of the participants made direct reference to his own experience of having come to Germany as a refugee; others spoke of the influence of periods of their working lives which they had spent abroad but did not indicate that they had been born or had grown up in another country than Germany.

In London and Southeast England, the sample consisted of six practitioners from statutory agencies and two from voluntary agencies. Among the statutory social workers, there was a mixture of those who worked in specialist and those who worked in more generic teams, but a general trend seemed to be that more and more specialist teams were being merged with generic teams – something about which several practitioners voiced concern due to the fear that this would lead to a loss of specialist knowledge and expertise. Taking both present and (where mentioned by practitioners) past employment in the field into account, the practitioners in statutory agencies had worked across seven local authorities in London / the Southeast of England, including some with a 'port of entry' within their area.

The participants of voluntary organisations worked in national organisations providing specialist services for separated young people. Three of the participants in this sample were male and five were female. The majority of practitioners were qualified social workers (using the 'protected title' definition requiring registration with national bodies) with one still undertaking this training at the time of the interview (from a position of several years' experience in the field in an 'unqualified' social worker position which involved similar duties and responsibilities). Two other practitioners either did not hold a social work qualification as such (but had a related qualification in addition to longstanding experience in the field) or held a social work qualification gained abroad without having registered through the relevant national body, meaning that they would be prevented from officially bearing the protected title at the time of the interview. Within this sample, one practitioner specifically referred to having come to the UK as a refugee while three others had also migrated for personal and professional

reasons, after obtaining their social work qualification in other countries (in Europe and North America).

Carrying out the fieldwork: interviews in Berlin and London/Southeast England

The interviews with practitioners in Berlin were carried out during two fieldwork visits in March 2010 and February 2011 (with the exception of one participant who was in the UK at the time of the interview). Traveling to Berlin for interviews from my usual place of residence (and work context) in London required detailed planning and organisation, to ensure that I could fit interview dates as closely together as possible given my limited time and financial resources. The interviews with practitioners in London and Southeast England were less challenging in terms of advance organisation, although here too there could be issues with availability due to the usually busy schedules of social workers in the field. All participants were contacted by email and (in many cases) by telephone to ask if they would be prepared to participate. As explained above, in some cases there were also negotiations with managers for permission purposes.

The majority of interviews took place in practitioners' work places. In advance of the interview, practitioners were sent an information sheet about the research as well as a consent form (see Appendix 4) which emphasised the voluntary nature of participation in the project and asked about permission for audio-recording and using verbatim quotes. All interviews were audio-recorded apart from one where a participant objected to this (but agreed to verbatim quotes from the extensive notes taken during the interview).

The majority of participants in both country contexts were generous with their time, with interviews often lasting over the broadly indicated 90 minutes (during which I regularly 'checked-in' about the time we had left). In some cases this generosity also meant that there were interruptions through phone calls or the need to move rooms. Other practitioners had to restrict the interview time from the start. Overall, the practitioners who participated seemed to do so based on a commitment to their work and an interest in research in the field. Particularly in Berlin, many social workers wanted to know more about practice and the situation of separated young people in

England at the end of the interview – which was less frequently the case among practitioners in London and Southeast England. A minority of practitioners (in both settings) made reference to other cross-national research or exchange activities they had experienced. Several commented on their wish that such activities were more widely available to them as this seemed to mostly be the 'privilege' of either senior managers or academics.

After each interview I took time to reflect on the conversation and noted key impressions and striking aspects in my research diary. These initial reflective notes proved useful later at the analysis stage, as they helped me contextualise the interview data.

Ethical considerations

Peled and Leichtentritt (2002) refer to five guiding principles for ethical social work research: firstly, that research ethics are an integral part of the research process during each of its phases; secondly, the empowerment of participants, particularly vulnerable and disenfranchised groups, through ethical research; thirdly, the beneficial character of ethical research for participants combined with (fourthly) the prevention of harm for anyone involved in research; and finally, the requirement for technical competence in the chosen research methodology. The British Joint University Committee's Social Work Education Committee *Code of Ethics for Social Work and Social Care Research* (JUC SWEC, n.d.) comprises fifteen points, which in addition to the principles above refer in more detail to issues such as informed consent; openness and fairness; congruence with social work practice aims and values; as well as to responsibilities regarding the publication of research findings (including findings which might challenge 'orthodox opinion' or any vested interests of researchers or agencies they are associated with). It also highlights the need for emancipatory and participatory research approaches and agendas which '*respect fundamental human rights and which aim towards social justice*' (ibid., pt.3).

In line with these concerns and principles, I considered the ethical implications of my research. In terms of formal ethical approval, this was granted through London Metropolitan University's Research Ethics Committee before the fieldwork was

undertaken. This involved submitting a full description of the planned fieldwork methodology as well as the draft information material and consent forms, which addressed issues of ensuring anonymity and protecting personal data. Measures in this regard included using codes for participants (e.g. B1, B2, B3 etc. for participants in Berlin) and avoiding any identifying information about participants and their agencies, as well as secure data storage (such as keeping any notes which did contain identifying information separately stored and using password protection for computer records). All participants received a copy of the consent form in advance of the interview date and consent was discussed before the start of each interview. It was interesting to note that none of the German social workers interviewed referred to requiring permission from a manager, whereas managers in England were much more important as 'gate-keepers'.

Among the 'prevention from harm' principles of ethical codes are concerns to avoid any *unreasonable disruption in [the] daily lives or unwarranted intrusions into [the] privacy* of participants (JUC SWEC, n.d., point 4). Because interviews mostly took place within social workers' professional working days it was important to negotiate the amount of time the interviews would take as well as being prepared to deal flexibly with 'interruptions' related to practitioners' practice responsibilities. On the point of privacy, the interview topics included questions about social workers' 'paths' into this particular field of work, which in several cases led practitioners to reflect on personal as well as professional influences. However, I made it clear during interviews that practitioners were free to answer these (and other questions) only to the extent that they felt comfortable.

While the research did not involve the direct participation of young people, social workers were asked to draw on examples in their work concerning particular young people. I asked practitioners not to provide any identifying details about the young people, which the participants largely adhered to. However, due to my dual role as practitioner and researcher I had to consider the small risk (in the UK context) that I might be able to identify a young person from a practitioner's account of their circumstances if by chance I was to meet them in my practice context. I minimised this risk through my selective sampling approach, i.e. avoiding interviews with practitioners with whom I was working in regard to specific young people at the time of the research.

This dilemma emphasised for me the contextual and situated nature of research ethics, meaning that rather than using a 'blanket' approach to confidentiality I needed to consider how any risks could be minimised and addressed in the particular context of my research (Denzin, 1997, cited in Peled and Leichtentritt, 2002), and what steps I might need to take if this particular research-practice boundary was crossed.

In a similar way, my 'insider' perspective as a researcher and practitioner (in one of the country contexts of the research) also presented a particular challenge in terms of the interpretation and presentation of the research data. The reference in some ethical codes (such as the one proposed by the JUC SWEC) to 'accurate', 'complete' or 'undistorted' reporting of findings suggest that the analysis and presentation of data in research publications might be a relatively straight-forward process, one which involves a revealing of *the* truth. This might indicate an ongoing prevalence of positivist-leaning approaches to research in the field, which consider data as pre-existing and waiting to be 'gathered' or 'excavated' as opposed to considering the idea that there might be – at least a degree of - 'co-production' or even 'co-construction', particularly with qualitative interview approaches (Mason, 2002). From my epistemological position, I did not consider that my role as a researcher could really be that of a 'neutral' reporter of findings but instead had to acknowledge and reflect on my *involved* position in terms of all parts of the process of the research including the interpretation and presentation of 'findings'. Given the constructed nature of human rights and their strong recourse to values (see Chapter 2), acknowledging and reflecting on one's own involved position as a researcher is a particularly important responsibility in this field. In this perspective, the potential for 'bias' as an 'involved' researcher-practitioner is balanced by the benefits stemming from having to consider implications of research both from academic and practice perspectives.

Data analysis
My approach to data analysis broadly followed a thematic analysis approach (Braun and Clarke, 2006), which Spencer et al. (2014, p.271) suggest involves the systematic identification of '*topics that are progressively integrated into higher-order key themes, the importance of which lies in their ability to address the overall research question*'. While sharing many characteristics in process and methods with other approaches, such

as grounded theory (linked particularly to the works of Glaser and Strauss, 1967, but developed in various different ways over time, e.g. Charmaz, 2005), Braun and Clarke (2006) argue that thematic analysis is less linked to one particular epistemological position and therefore allows more flexibility as far as its use in different frameworks is concerned. This includes that developing 'theory' from the data may be a part of the research process but, unlike with grounded theory approaches, thematic analysis involves conceptualisations and explanations which may (or may not) be considered to amount to a 'theory' in a more formal sense. The approach they describe and which Spencer et al. (2014) build on suggests an iterative and recursive process which involves the following aspects:

- *familiarisation* with the data including through transcription, reading and re-readings and documenting initial thoughts and ideas;
- *generating initial codes* as a set of themes and sub-themes (which may be more theory- or more data-driven);
- *indexing and sorting* – labelling the data (i.e. words, sentences or paragraphs) with the developed codes/themes and applying this systematically across the data set(s);
- *reviewing themes* and the data collated within them;
- *data summary and display*: Spencer et al. (2014) suggest the use of a matrix-based format (which they refer to as *Framework*) which allocates a row to each participant and a column to each subtheme and which can be used either with the help of specialist software (such as 'Nvivo') or spreadsheets in Word or Excel;
- *developing categories* based on the range of aspects of a particular theme, which involves abstraction and interpretation (Spencer et al., 2014) as well as comparison;
- *drawing up links* between different parts of the data;   and
- *developing explanations*.

Spencer et al (2014) suggest the above processes can be broadly divided into *data management* and *abstraction and interpretation* which start off close to the data and progressively move towards more abstract (and possibly theory-building) categories.

I transcribed all audio-taped interviews verbatim which was a lengthy but very important process phase of the data analysis. Often whilst listening and re-listening to an interview sequence and reading and re-reading the transcribed text I started thinking about the meaning of this sequence. As this labour-intensive phase progressed I also made connections to similar themes in different interviews I already had transcribed. In one case where permission for audio-recording was declined I transferred my hand-written notes into a typed version as soon as possible after the interview, noting any verbatim quotes I had managed to take. I reviewed and re-read this text along with the transcripts as well as the reflective notes I had been keeping throughout the research process.

Table 2 in Appendix 5 provides an example of how I developed and applied initial codes within an interview sequence. I sorted these codes into themes and sub-themes and used the various review, referencing and charting functions (such as comments, text search and tables) in Microsoft Word (and occasionally, Excel) to label text segments with (sometimes overlapping) categories and codes. I also wrote 'memo' notes in form of an ongoing research diary which allowed me to note my thoughts about particular themes. Table 3 in Appendix 5 is an example of a matrix chart for summarising my data and comparing how particular themes features in different participants' accounts. Here, the theme, '*Influences that brought participants to work in this field*', is divided into sub-themes which I developed both based on the data and on my theoretical framework, in this case: '*personal factors*', '*professional factors (incl. training)*', '*values / justice* themes', 'experiences *around migration / interest in 'different' cultures*'. As the analysis process progressed, I reviewed and sometimes changed categories, for example by separating a sub-theme into further sub-categories or by drawing together categories which were similar.

While using non-specialist word processing software proved somewhat more labour-intensive than a specialist programme for qualitative analysis, the advantages for me included the ability to work on my data in multiple environments without the cost of installing a particular software programme (a flexibility which as a part time researcher and working parent of a young child was essential to me). Mason (2002), while emphasising the value of specialist *computer aided qualitative data analysis (CAQDAS)*

programmes, also suggests some caution in that some programmes '*can be quite seductive and give the researcher a false impression that they are actually dealing with neatly packaged variables*' (p. 161) even where a variable analysis approach might not fit with the particular epistemology of the research.

In following the above approach of identifying, organising, refining and interpreting themes (both based on research questions and 'theory' as well as on the data itself), the question of how to work with data from a cross-national study was something I had to consider carefully. I was interested in applying at least some 'common' codes and themes to the data in order to be able to arrive at some comparisons, but at the same time there were context-specific factors (and therefore data-driven themes) within each of the interview sets. I therefore decided to approach this by applying all theory-driven themes across both data sets but also to consider data-driven themes regarding their 'context-specific' or 'common' character.

In addition to the cross-sectional approach of thematic analysis I also looked at my data using more contextual and holistic approaches (Mason, 2002), including by focusing on 'stories' in the interviews. This included practitioners' narratives about their paths into this field of work, combining professional and personal factors, which revealed some of the most interesting connections between practitioners' life experiences and values and their current work. A similar focus on narrative elements was relevant to looking at the ways in which practitioners 'told stories' about the young people they worked with and referred to their reactions to young people's stories, particularly the sometimes 'thin' asylum story and other, often 'thicker' accounts of their life experiences (cf. Kohli, 2007).

4.5 Summary

This chapter has discussed methodological issues in the context of researching social work with separated young people and human rights cross-nationally, from both conceptual and practical (process) perspectives. The experience of undertaking doctoral research is often likened to a 'journey' and I considered this a helpful metaphor along with others which refer to 'space' and 'movement', particularly as my research is concerned with issues of migration as well as with considering practice in different

(country) locations. The notion of crossing boundaries and 'moving between' attempts to 'locate' my research project and experiences of being 'unsettled' also connected with my different roles as part time doctoral researcher and part time practitioner in the same field. On a personal level, over the course of the research, I assumed an additional new (and life-changing) 'role' as parent of a young child which in itself brought a myriad of unsettling and grounding experiences, with implications for the research project. Combining these roles provided practical, conceptual and learning challenges, but importantly provided me with invaluable contexts for reflexivity which proved facilitative for my thoughts and actions throughout the research. From a conceptual perspective, engaging with post-structural and constructivist theoretical frameworks, aimed at 'unsettling' taken for granted assumptions (including about human rights and social work), has had a key influence on my epistemological position, although I have also questioned practice implications of *sceptical* perspectives overly concerned with 'deconstruction' (Parton, 2003). In this context, I consider Denzin and Lincoln's (2011) notion of qualitative research as '*bricolage*' helpful, referring to a multi-dimensional process of bringing together different 'materials', concepts and perspectives which are sometimes overlapping and sometimes competing.

As part of these processes of 'bricolage' my research frame combines a search for 'thick' stories about social work practice with separated young people in two different cultural and 'country' contexts with an interest in exploring the relevance of human rights in everyday social work practice. My discussion of the research process including its difficulties and dilemmas has aimed to set the context for the following chapters, in which I discuss and interpret the 'findings' of my research.

PART III: SOCIAL WORK PRACTICE WITH SEPARATED YOUNG PEOPLE AND HUMAN RIGHTS IN BERLIN AND LONDON/ SOUTHEAST ENGLAND: RESEARCH FINDINGS

CHAPTER 5: SETTING THE SCENE: CONTEXTS OF PRACTICE

5.1 Introduction to the 'Findings' part of this thesis

This study considered the approaches of social work practitioners working with separated young people in agencies in Berlin and in London /Southeast England[25], with a specific focus on the role of human rights in this field of work. Chapter 5 explores the contexts of social work practice, including local arrangements for reception and care for separated young people; practitioners' descriptions of demographic trends among the young people they work with; as well as an exploration of the personal and professional factors that influenced practitioners to work in this particular field. Following from this, chapters 6, 7 and 8 represent the main body of findings, considering, respectively, the ways in which practitioners conceptualised social work with separated young people (in both generalist and 'specialist' perspectives); their understandings and constructions of separated young people and their stories; and the human rights related themes and perspectives in their work (which sometimes featured very explicitly and sometimes were more implicit in practitioners' accounts about their practice). Each chapter is divided into sections which represent the accounts of practitioners in Berlin and in London/SE respectively, in order to facilitate comparison between the two settings.

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[25] abbreviated as 'London/SE' henceforth.

5.2 The contexts of social work practice with separated young people in Berlin

Reception and care arrangements

The reception and care arrangements for separated young people in Berlin follow the national legal and policy frameworks outlined in Chapter 3, but as explained there are a range of differences among Germany's federal states. The following outlines the basic processes of local arrangements as well as the roles of social workers from statutory and voluntary agencies who were interviewed for this study.

Separated young people arriving in Berlin are initially placed in a specialist '*Clearing*' centre for up to three months. This allows young people to 'arrive' and be prepared for a number of processes, some of which happen fairly quickly. Practitioners from statutory settings interviewed for this study suggested that most young people seemed to know where to go, having been advised either by members of their communities, advice organisations or, in some cases, even through information given by smugglers.

During this initial period, guardians are appointed for the majority of young people: they initiate the asylum process (where appropriate) for young people under the age of 16 and also apply for residential care on behalf of young people under 18. The majority of young people are allocated to one of the three statutory guardians in Berlin (with responsibility for several hundred young people). However, some young people - especially those assessed as particularly vulnerable – are appointed an individual guardian (*Einzelvormund*). This may be a relative or another person who has befriended a separated young person and applied for guardianship via the family court. In Berlin there is also a special initiative through a voluntary organisation which recruits, trains and supports individual guardians. Some young people who are near their 18th birthday may not be allocated a guardian but they are still taken into protective care (*Inobhutnahme)* (see Chapter 3).

During the *Clearing* phase young people usually have various health checks and go through bureaucratic processes such as registration; age assessments also take place for many young people at this stage. While the centre is run by a voluntary organisation the central city authority (*Senat*) has responsibility for separated young people at this stage,

including administering the process of allocating young people to the 12 districts of Berlin. Previously young people over and under 16 were treated differently, with 16 and 17 year olds usually not being cared for under youth welfare legislation and being dispersed away from Berlin according to the national quota systems for asylum seekers. However, since 2010 there has been a new city-wide rule that all young people under 18 can stay in Berlin rather than being included in the national dispersal system which uses quotas for asylum seekers across all federal states.

Representatives of the central authority may conduct age assessment interviews with young people based on an interview about their life experiences and significant dates (such as age at starting or leaving school or the ages of parents and siblings). Once the representatives of the *Senat* had concluded their view of the likely age of a young person, this was passed on to the '*Aliens Office*' with the aim of reaching an agreement among the authorities. Court proceedings against age assessments were described as an increasingly frequent development. Some young people were able to provide documents confirming their age but there was no guarantee that these would be accepted by the authorities and the process could take time.

At the end of the *Clearing* phase, separated young people are referred by the central authority to social workers in one of Berlin's district youth offices (*Bezirksjugendamt*). The social workers usually have 14 days from the point of referral until they become responsible for the care of a separated young person and during this time they look for suitable accommodation and support through one of the (usually voluntary sector) support agencies. Sometimes young people ask to live in a particular project because they already know other young people there. Practitioners from both statutory and voluntary agencies commented on the fact that there was diversity in quality (and cost) of support agencies, reflected in the level of experience of their staff. An increase in the numbers of separated young people in the area at the time of research meant that there was sometimes a lack of suitable placements for young people.

While statutory social workers are responsible for overseeing and reviewing the support plans (at least every 6 months), they may not have very frequent direct contact with young people, relying mostly on regular exchanges with support social workers. Apart

from support plan reviews, additional meetings with young people and their support social workers might take place in case of particular issues or concerns (e.g. about educational attendance or need for therapeutic support and treatment).

The roles of social workers in voluntary settings depended on the set-up and purpose of their organisations. Some practitioners provided one-to-one support linked to residential care settings. Their roles were based on developing close support relationships with young people and working with them holistically in relation to a range of issues, including their health, education, leisure time and accommodation but also support throughout the asylum process and contact with other significant professionals in young people's lives (such as their statutory social workers, guardians and lawyers). For practitioners working in an advice-based setting their work did not necessarily involve long-term working relationships with young people who sought their support - although the nature of their agency settings and the needs of young people requiring help often meant that the work was on-going and sometimes long term. Periods of intense activity and contact with young people could be followed by much less frequent involvement if issues had been (temporarily) resolved, to the point where practitioners would expect young people themselves to re-initiate contact if needed. Practitioners in these roles were also likely to work with young people whose age had been disputed and who were treated as adults as a result, which meant that they would often lack any support from either statutory social workers or voluntary support social workers.

Separated young people: demographic trends

The social work practitioners in Berlin described some common demographic trends among separated young people in the city. In terms of age, for example, most were reported to be between 14 and 17 upon arrival, although there also was a particular group, at the time of the research, of boys who gave their age as 12 or 13 (see below). Main countries of origin mentioned by practitioners included West African countries (particularly Guinea); Afghanistan; the Palestinian Occupied Territories and neighbouring countries; Vietnam; some states of the Former Soviet Republic; as well as a few young people from Pakistan and Bangladesh. It was clear that there were frequent fluctuations depending on areas of current conflicts in the world; but the presence of existing ethnic communities in Berlin also played a significant role (such as the

Vietnamese community in the Eastern part of the city dating back to labour exchange programmes of communist times; or more recently formed West African and Arab communities).

All practitioners indicated that their agencies worked with significantly more boys than girls, estimating the ratios between 80% to 20% and two thirds to one third. Gender trends also seemed to be linked to countries of origin – for example some practitioners could not think of many girls from Arab countries, and only of a few (more recently) from countries such as Iran, Afghanistan or Iraq. The gender distribution seemed more even among young people from African countries; and East Asian countries, particularly Vietnam, were also considered more common countries of origin of young women. Some practitioners held their own 'theories' as to why there were fewer separated young women overall:

> *…it's probably to do with gender roles and with the regard given to women and girls in countries of origin; it's a fact that boys are just valued more there than girls – maybe girls also just get stuck more often during the journeys because they are captured in some ways… [but] to escape, it costs money and they have to consider if it's worth it for girls… I grew up in the 1950s and my older sister also experienced this – they said, you're only a girl anyway, you'll get married anyway … We shouldn't be as arrogant to say: 'that's really quite bad for the girls' – it's not so long ago that people thought the same way in Germany.* [B7]

The asylum or residence status of separated young people has significance not only for their prospects of being able to remain in Germany, but also influences their rights and entitlements, particularly in the area of education and employment. The rate of young people being recognised as refugees was generally considered to be very low. As discussed in Chapter 3, a *toleration* was a common form of 'status', often after an unsuccessful asylum claim. There were also some young people who (for various reasons) had not claimed asylum at all. For example, young people who arrived at a fairly young age and whose prospects of winning an asylum application were not considered particularly strong were sometimes advised by their guardians and / or lawyers to attempt the 'route' of integration and later application for a residence permit via a 'hard cases commission' which had the power to convey the right to stay to people

based on particular achievements that demonstrated their levels of integration into and positive contributions to German society (e.g. through education or sports). Some practitioners welcomed this as a recent positive development as previously there had been too many asylum applications made by guardians on behalf of young people which had very little chances of success which effectively prepared the ground for their later deportation. In some cases asylum applications might also be delayed for some time to allow young people to settle and receive advice about the process before facing the difficult reality of an asylum interview.

Despite the very uncertain status of the majority of young people the practitioners worked with, there were very few examples in practitioners' recollections of young people under the age of 18 being returned to their countries of origin. Some practitioners spoke of different '*possibilities which always come up*' [B2] e.g. through the hard cases process or on health grounds if young people were receiving therapeutic treatment.

At the time of interviewing several practitioners spoke of there being higher numbers of young people in the city. This was partly attributed to the new system whereby all young people under 18 remained in the city. At the same time, practitioners also reflected on how international factors influenced migration – for example, a trend for Afghan young people to move on from Iran (where they had sought initial shelter) due to political troubles there. On the other hand practitioners wondered why less young people seemed to be arriving from certain countries where the political situations also remained fragile.

A particular 'cohort' referred to especially by practitioners in statutory agencies at the time of research were young men from Arab countries (such as Lebanon, the Occupied Palestinian territories and neighbouring countries) who were described as having been brought to Germany and who were working in forced contexts in the drugs trade selling Heroin. Dangerous practices (such as swallowing small plastic balloons filled with the substance to avoid detection and arrest) were putting their health at considerable risk. Most of the young people claimed to be 14 and under at the point of their arrival but practitioners thought that many of these young people were actually older, even though

they might still be minors (which in some cases had been confirmed through medical assessments). There were concerns that it was a deliberate strategy of the trafficking networks to coax young people into claiming they were under 14 years as this brought them outside the remit of criminal responsibility for any drug trafficking related offences. Practitioners spoke of various dilemmas in their attempts to work with these young people (see below), as many seemed hard to reach through support programmes offered, as a result of the control exerted over them by the trafficking networks.

The Practitioners: pathways and motivations for working in this field

For a majority of practitioners in the Berlin sample, particularly those from voluntary organisations, working with separated young people was not just a coincidence but a planned choice, which sometimes started with experiences during social work training or was related to other educational or personal experiences. Some practitioners referred specifically to wanting to work with refugees because of their interest in different cultures and perspectives, which sometimes connected with previous training and education experiences (e.g. an anthropology degree or a particular module about migration). For some (particularly in voluntary organisations), finding a job in this field had required a fair amount of persistence due to funding constraints. Overall, most practitioners looked back on (at least) several years of experience in the field which was something they considered enhanced their capacity to support young people effectively. Several also had experienced other careers before entering social work, and had completed their social work training later in life.

Pragmatic approaches to career development also played a role. For example, two practitioners considered their age as a barrier in many employment contexts, but this seemed less the case for working in this field, albeit for different reasons: one social worker in a voluntary organisation felt that her employer valued her life experiences more, but for another (in a statutory agency), working with refugees provided opportunities for career progression because colleagues regarded this as a 'less popular' field compared to mainstream child and family social services work. One practitioner considered that this might be related to popular professional specialisation choices, such as qualifications in family therapy or mediation, which in this field seemed less called for than '*meeting basic material needs and existences, furnishing accommodation,*

clothing, educational help etc.' [B4]. However, there was also a sense of a more generalised negative view of young refugees among some social workers in mainstream services (see Chapter 6). At the same time, being able to avoid dealing with family disputes, custody battles and child abuse seemed an attraction for working with separated young people for some, because this offered opportunities to '*escape*' or '*take flight*' from the heavy emotional demands of child protection work with families.

Several practitioners spoke of how values, particularly political convictions and motivations had been a key influence on why they were working in this field. For example, one practitioner referred to herself as having always been '*a justice type*' [B5] even as a child, who intervened in school fights or when someone was bullied. Another practitioner who had first-hand experience of being a refugee identified the need to raise awareness of global contexts of inequality which led to forced migration as a key reason for working with young refugees now. A strong political motivation and a belief in the transformative power of pedagogy was, for another practitioner, connected with his experiences within student and social movements in Germany in the late 1960s. The choice of social pedagogy as a profession seemed, to him, more '*a coincidence*' compared to becoming a lawyer to challenge social injustices, but '*landing in the circles of teachers and social pedagogues*' influenced his view that social transformations had to start in earliest childhood with changed parenting choices based on social and gender equality:

> *...perhaps from today's perspective this sounds a bit ridiculous – but for me it was a motivation that pedagogy is an unbelievably political issue* [B7]

Another key influence for the same practitioner was the witnessing, on television, of the Auschwitz trials as a child by which he felt '*nauseated*'. The reaction to learning about the horrors of genocide and mass terror and the subsequent conviction that such events must never be allowed to happen again were directly linked, for this social worker, to his later dedication to supporting young refugees, '*to save them from torture, to strengthen them should they ever return to their countries of origin*' [B7].

Yet another practitioner had started her early professional career by rejecting professional social work practice because of its part in the oppression, institutionalisation and even abuse of vulnerable people. After completing her degree in

the late 1970s she '*initially actually decided that [*she*] didn't want to do it for political reasons because [*she*] somehow felt it was wrong to [...] want to integrate people into something which [*she*] didn't think of as right in principle* [B3]. Referring to the recent uncovering of a historic '*wave of cases of abuse*' in institutional care at the time of the interview, this practitioner reflected how at the time of her studies children's homes had been closed and branded as '*children's prisons*' leading to many young people living as '*runaways*' and '*illegal*'. Through her involvement in grassroots initiatives (e.g. founding a women's refuge), she eventually found an entry into social work by working in support social work specifically with young women - something that seemed '*meaningful*' in the context of her values and biography and which led her to working in specialist projects with young women who were refugees.

Another theme in several practitioners' accounts, and a common experience among people working in this field, were personal '*connection points*' with people from other countries, for example '*bi-cultural marriages or a bi-cultural background in their own families or experiences in their life history, or periods spent abroad*' [B4]. For some, this included direct personal experiences of migration, such as being *a refugee myself [...][having come] to Germany as a young person* [B1], or having spent a period of time on another continent as part of work or study experiences. In the latter case, the practitioner highlighted the contrast between the experiences of refugees who, even after recognition, '*can never return to their country of origin*' and herself who had '*a country to which I can return, [...] a home place which is open to me, [...][and] a passport which states that I can go anywhere*' [B5], but nevertheless the experience of being '*all on your own in a foreign country*' was a great resource for trying to empathise with separated young people. In a similar vein, a practitioner reflected on his experiences of uprooting through a childhood move from one part of Germany to another, '*a fraction compared to what the children here have experienced [...][but] a bit of a feeling of what horrible things happened to their little souls*' [B7].

5.3 The contexts of social work practice with separated young people in London/SE

Reception and care arrangements for separated young people

As discussed in Chapter 3, there are a variety of routes through which separated young people might reach or be referred to social services in a local authority. Areas which included a 'port of entry' are more likely to support larger numbers of separated young people seeking asylum. Within London, at the time of the research a special rota system was operating by which separated young people aged 16 and 17 were sent to the various local authorities in the city if they had applied for asylum 'in-country' at the Home Office's Asylum Screening Unit (based in Croydon in South London) and did not have a 'local connection' to another area (e.g. through having lived or having family members living in the area).

Among the practitioners in statutory agencies interviewed for this study, there were some who worked in areas which included a 'port of entry' while others supported separated young people who had come to their services via the London 'rota' system or through a 'local connection' to their area. Depending on the agency setting young people came into initial contact with the authorities in different ways, but the majority were referred to local authorities by the Home Office. In some cases young people were also '*dropped off or [...] picked up by the police'* [L7] and here social workers might represent their first contact with the authorities. Some practitioners also worked with separated young people who had not claimed asylum but who had come to the UK on visas with family members and then been abandoned or lost contact with those family members – but their visas had expired and they often struggled to legalise their residency status.

As discussed in Chapter 3, a significant proportion of separated young people referred to (or presenting to) local authority children's services are subjected to an age assessment through the so-called '*Merton-compliant*' process based on interviews with young people about their personal, social and family history as well as any other available sources (e.g. information from support workers who have in-depth contact with young people on a day-to-day basis). Many of the social workers interviewed in

London and Southeast England described this process as difficult and fraught with ethical dilemmas (see Chapter 8).

As described in Chapter 3, in the past it was common for young people arriving aged 16 and 17 to receive less support than those who were under 16 (as 'children in need' (s.17 CA1989) rather than 'looked after children' (s.20)); a practice which started to change after the landmark '*Hillingdon judgement*'. Several practitioners reflected on how this judgement had given '*asylum seekers and refugees a lot more rights to support services*' [L6] compared to previous practice, and how this had affected caseload numbers as well as services' sense of responsibility towards young people's welfare:

> *...the section 17's, it was easier, if a young person was missing or didn't engage, to close the case ...* [L7]

However, practitioners from voluntary organisations highlighted on-going examples of some local authorities not providing a full 'looked after' service for many separated young people in their area, by insisting that young people were given a choice and had opted for a less intensive form of support:

> *the problem is they* [the local authorities] *are not saying, yes that's the way we do it, they say, no, that's the way the young person chose to be cared [for]* ...[L5].

Depending on the organisation and structure of services within their agencies, the practitioners in statutory agencies interviewed for this research worked with separated children and young people from the point of their arrival in their area up to the point where they left care, or from certain age points onwards (e.g. 16 years). These aspects influenced their day-to-day roles, for example in undertaking 'duty' work such as meeting children at ports of entry or assessing their needs when they initially arrived in an area; as allocated social workers for separated children who were looked after and lived in different kinds of placements; and as social workers for young people who were in the process of leaving care and being prepared for living independently. The younger the children were, the more likely it was that they would be placed in more supportive placement environments such as foster care or residential children's homes. In those cases social workers would see them at least every six weeks (as a matter of statutory requirement) but more often if they had arrived recently or not settled (yet) in their

placement. Practitioners emphasised their roles in liaising with other professionals and agencies and coordinating services provided to young people.

Young people leaving care, especially those over 18, seemed less likely to be in supportive placements and this sometimes meant that practitioners provided more direct support themselves, such as going along to important appointments or providing emotional support and companionship (e.g. taking a young person '*out for coffee*' [L6]). Practitioners in statutory organisations also reflected on their positions of power by representing the authority responsible for young people's financial upkeep.

The practitioners in voluntary organisations interviewed for this research worked for specialist charities which focused on advocacy and advice or on providing services for young people considered '*particularly vulnerable*' [L8]. The work of these organisations was usually considered as complementary to rather than replacing statutory services, which meant that work could be short-term until specific needs had been met or difficulties resolved.

Separated young people: demographic trends
Key countries of origin of the separated young people practitioners worked with reflected current conflict and post-conflict zones and areas of political turmoil at the time - with Afghanistan, Iran, Iraq and Eritrea being mentioned frequently. Other countries included Albania, Vietnam, China, as well as various other African countries such as Somalia, the Democratic Republic of Congo or Ivory Coast – but overall there seemed fluctuations linked to specific migration movements and trends.

While the vast majority of separated young people had claimed asylum fairly soon after their arrival in the UK, some young people had initially arrived as young children with their families or friends / relatives but had later been abandoned by them – and been left without a regularised immigration status as 'overstayers'. There were also children whom practitioners believed to have been trafficked and who in some cases had gone missing fairly soon after their initial placement. However, practitioners also suggested that many trafficked young people were '*not coming face to face with social services,*

they are always under closed doors, in closed homes, […] a cannabis factory or [the] catering industry …' [L5].

In terms of age, there were some variations according to the set-up of the different agencies for which the practitioners worked (e.g. as a generic or specialist service) and the location of the service (i.e. whether they had a port of entry in their area) also played a role. Overall, most practitioners indicated that the majority of the young people they worked with had been around 15-16 years old when they arrived, but there were also reported examples of a few very young children (who sometimes went on to join extended family members). In terms of upper age limits, for most statutory services the 'cut-off' points for support were either when young people reached the age of 21 or 24 (if young people were in education), in line with their entitlements under the Children (Leaving Care) Act 2000.

As in Berlin, the gender distribution among the young people supported by social workers in this sample involved far more boys than girls. Links between gender and nationality were also observed by practitioners here, for example noting the scarcity of Afghani or Albanian girls among their caseloads and higher representations of young women from African countries and China. This seemed to connect with perceived dangers of particular routes, which practitioners thought families might consider when deciding whether to let their daughters or sons embark on the journey to the West. These perils associated with young people's journeys also seemed one (if not the only) possible reason for a recent significant decrease in numbers of separated young people they worked with. Some practitioners considered that international barriers prevented refugees from certain countries coming to the UK even though there were still on-going conflicts in those areas:

> *… for some reason, people from Africa are not reaching here […] the government has managed, or Europeans have managed to stop migration from Africa to … Europe … […] … if you go maybe to Kenya, one of the UNHCR camps, you may see thousands of Somali young people are still waiting to join their families somewhere in Europe, in England or anywhere… but they can't make it…* [L5]

For those young people who did make it to the UK and claimed asylum, the most common outcome seemed to be a grant of discretionary leave to remain, often given until they reached the age of 17 years and 6 months. The fact that this leave was granted for such a limited time which expired before young people reached legal adulthood was considered to leave young people in very uncertain situations:

> *... they've been waiting years and years and years for decisions. So what we end up with is children having Discretionary Leave until they're 17 ½, applying to extend that and then waiting – waiting and waiting. And they might get to 21, we might be closing their case and they're still waiting...* [L3]

Refugee status seemed a less common outcome of young people's asylum claims, although some practitioners felt that upon appeal there was a higher chance of this for some young people. However, those young people whose appeals were refused could find themselves in a situation of having 'exhausted their appeal rights', and practitioners were particularly concerned about their future welfare as they might face destitution after the support from social services ended.

While there was a sense that being '*at the end of the line'* was becoming more and more common, practitioners considered instances of young people in their care actually being returned to their countries of origin as quite rare. Some practitioners felt that the length of time many young people had spent in the UK (even with an uncertain status) might be a potentially protective factor against any attempts by the Home Office to forcibly return them to their countries of origin.

The Practitioners: pathways and motivations for working in this field

Among the practitioners in London/SE there were a variety of routes into work with separated young people. One common theme was having worked with children and young people more generally, for example as youth workers or as residential workers in children's homes, before their social work training. Other practitioners looked back on a long career in a variety of different settings in social work before moving into this particular field of work, which was not necessarily what they had '*set out to do*' [L1].

While working with separated children and young people might not have been a planned choice for some practitioners but rather an opportunity which presented itself at

certain points in their professional careers, once in the field, it seemed the 'right place' – something that they became '*really passionate about*' [L3] because it fulfilled their desires to engage in work they perceived as meaningful and important. For some, '*it brought together*' professional paths and personal life experiences, something that '*was like squaring the circle*' [L1].

Many of the practitioners linked their motivations for (and subsequently the pathways into) working in this field to personal values, interests and convictions, such as '*an awareness of global issues*' [L3], an '*interest in other cultures*' [L6], or '*questions [...] about equity and injustice*' [L8]. Personal life experiences (such as multi-cultural family or friendship contexts or experiences of migration) were often a more important part of this than learning during social work training. However, it was clear that personal values and professional interests often intersected:

> *... I took a short time off work when I had young kids and I asked myself when I went back to work [...] what issues I felt most strongly about, and refugees and asylum seekers and children were the two that in my mind really I felt very passionate about...* [L8]

Training and education played a variable role in influencing practitioners' pathways into working with separated young people. As discussed in Chapter 4, several practitioners in London and Southeast England had come to the UK from other countries where they had experienced at least some, if not all, of their professional education and training. Of the practitioners who had trained as social workers in the UK, some felt their training had neither influenced nor prepared them for social work with young refugees which they associated with '*a very, very - sadly - negative view of social work training in this country*' based on the lack of '*training on international movement of people*' despite the very '*multi-racial, multi-cultural, multi-faith*' character of British society which had '*such a huge impact on many, many families in our communities, particularly in London*' [L1]. For one practitioner who was still in the process of completing their training at the time of interview a lack of explicit focus on work with refugees or separated young people seemed balanced by learning opportunities involving broader theoretical and analytical frameworks for critical practice such as '*anti-oppressive practice and [...] structural social work*' which was seen as a '*useful lens to look at this work*' [L3]. Practice experience through placements, and learning from experienced

practice educators could be '*particularly influential*' especially if the latter were '*good role model[s]*' and helped practitioners '*explore my values and what I wanted from my career*' [L4].

All the practitioners who had trained outside the UK referred to interests in issues of migration and cultural diversity which predated their own movements within or across continents to live and work in the UK. This included placement experiences with migrant communities in their countries of origin, voluntary work with NGOs, as well as an interest in subjects such as anthropology, geography, political sciences or international relations. Some practitioners referred to having been '*always more interested in less traditional social work and more community levels and international dimensions of social work*' [L8] or in '*immigration policies, in human rights in different countries*' [L7], which they felt had set them on a path away from the 'mainstream'.

Several practitioners referred to practice values such as anti-oppression, equality and fairness, which they considered an essential prerequisite for wanting to work in this field. For some this also included an explicitly socially transformative aspect of social work based on wanting to '*change things for individuals and make a positive contribution to society […] empowering individuals, […], to assist them to make the most of their lives in a constructive way […] with adequate support and knowledge and people who are intervening on their behalf* [L1]. For another practitioner, the agenda for social transformation went beyond 'change for individuals' to wanting to '*change the society*' and '*make this society more fair*' [L7] particularly by challenging discrimination towards immigrants:

> *I don't believe in frontiers … if you want to get deep into it, I'm an immigrant myself within the UK at the end of the day, and the only difference is that I've got a European passport and I'm able to work… and some people are not as lucky as I was […]… because it's a political thing …*[L7].

Personal experiences of migration or themes of migration in family histories featured strongly as a theme among this group of practitioners. Several practitioners spoke about having moved to the UK for different reasons and at different times in their personal and professional biographies. One practitioner had experienced internal displacement in his country of origin and migration had become a part of his family identity and a

significant influence in his life, '*from my young age until I migrated to Europe*', leading to a fuller understanding of '*what migration means for people*' [L5]. For others, living in a metropolis like London was an initial attraction earlier on in their life, and once here they realised that the social work degree from their countries of origin was a resource in demand at a time of many vacancies, particularly in child protection work. However, initial language barriers and limited professional experience in the UK could make working in child protection particularly challenging. In comparison, working with migrants and particularly separated young people where the emphasis was on '*supporting people to move on rather than challenge [behaviour] all the time*' [L7] meant that their own initial unfamiliarity with life in the UK and experiences of acculturation and adaptation could become an advantage rather than a barrier. It provided connection points with young people: '*little things*' which '*British people will take for granted*', such as the need to explain to young people what 'benefits' were and '*the difference between the Jobcentre and social services,* [that] *it's not the same*' [L7].

5.4 Discussion

This chapter has outlined some of the contexts of social work practice with separated young people from the perspective of practitioners in Berlin and those in London/SE, considering three contextual 'domains': the system of reception and care for separated young people and the roles of social workers within these; the practitioners' descriptions of demographic trends among separated young people they worked with; and finally, a closer look at the personal and professional factors which influenced practitioners' 'path' into this field of work. The first two domains largely reflected arrangements and demographic trends among separated young people on national levels but also highlighted some particular issues raised by practitioners in the two localities at the time of the research. The third domain, focusing on the practitioners, suggested some common themes - for example the fact that in both areas (albeit more so in the London/SE sample) experiences of migration and of cultural diversity within their personal networks had played a role for some of the practitioners. While more practitioners in Berlin described working in this field as a planned choice than in London/SE, the accounts of social workers in both areas suggest that they were dedicated to working with separated young people and considered that the work allowed opportunities to make a difference for individuals or even contribute to social change on

a larger scale. Therefore it seems perhaps unsurprising that many of the practitioners in both areas linked their motivation to work in this field with values linked to social justice and that some considered their work to have explicit political dimensions. In this sense, considering the contexts of social workers' practice with separated young people has already revealed some insights into how they linked their work to rights- and justice-based issues, a perspective which is explored in more detail in following chapters.

CHAPTER 6: SOCIAL WORK PRACTICE WITH SEPARATED YOUNG PEOPLE: KEY CONCEPTS AND CHARACTERISTICS

6.1 Introduction

This chapter explores how social workers interviewed in Berlin and in London/SE conceptualised their practice with separated young people, including theory perspectives and practice principles that guided their work. What emerges from this is that in both localities, practitioners built above all on 'generalist' paradigms and principles relating to social work with children and young people (which were influenced by factors such as agency settings, dominant theoretical approaches and policy frameworks). Additionally, however, practitioners also identified (and debated) aspects which made their work a 'specialist' area of practice.

6.2 Perspectives of social workers in Berlin

General paradigms and principles: the significance of social pedagogy approaches

As discussed earlier, most of the social workers in the Berlin sample had worked in this field for several years. Alongside some explicit reference to theoretical models that informed their work, many practitioners emphasised the significance of more tacit and implicit practice-based knowledge, skills and qualities (Parton, 2003). Using life experience as well as 'practice wisdom' acquired through years of working in the field therefore were common themes. Overall, social pedagogy approaches seemed a significant paradigm for practitioners in Berlin, sometimes referred to explicitly but often implicit in their responses.

Practitioners interviewed for the research in Berlin mirrored the trends of convergence between the originally separate disciplines of social work and social pedagogy, by often referring to both terms when describing their training backgrounds and talking about what they did. Those in voluntary settings made more obvious references to approaches and concepts associated with social pedagogy – as their work often focused on building relationships and using these as a 'tool' for working. For the social workers in statutory settings the social pedagogy paradigm seemed less obvious, as their roles usually focused on assessing needs as well as initiating, overseeing and reviewing support

interventions rather than working with young people directly on a day-to-day basis. However, despite having a less direct role it was clear from some of the responses that a social pedagogy framework was still influential in their thinking and practice.

Key elements of social pedagogical approaches are a focus on people's subjective meaning frames and coping strategies (their 'life-world') and using relationship-based work (*Beziehungsarbeit*) to support young people through their everyday lives (Grunwald and Thiersch, 2009; Hämäläinen, 2003; see Chapter 2). In this context, practitioners referred to the practical aspects of their work, helping young people to tackle small achievable goals – something which was seen as helping young people restore a sense of '*normality*' [B5].

Many practitioners emphasised the importance of the relationships they sought to develop with young people in their work. This included '*just looking at the person […] as a person and not as 'a case' or 'a refugee' or … 'a client'…*' [B9] and an emphasis on seeking to create equality within the relationship:

> '*…the people I work with, they're not other beings, but they are people just like I am, with a different background of experience and a different age but no less or different because of that, or to be seen on a different level […] they are all very strong personalities […] who deserve my respect and who have come a long way* [B3].

Several practitioners emphasised their attempts to minimise power differences by using an approach which aimed to position themselves '*side by side*' and '*on the same side*' as the young person rather than '*top-down*' [B9] and suggested that it was necessary to develop a form of '*professional closeness*' rather than '*distance*' [B1]. Practitioners emphasised that they wanted young people to be able to consider them as an 'authentic person' whom they could and should test in terms of their trustworthiness but who was open also with them even to the point of facing disagreements or explaining 'bitter truths' about their situation. Helping young people develop trust in themselves and their own feelings, and the confidence to maintain their point of view, was seen as a key step in the process of developing trusting relationships. This included '*testing*' the trustworthiness of practitioners themselves and of the support relationship.

Several practitioners stressed that social work and social pedagogy involved approaches which were more than the sum of different 'tasks' and that the values and attitudes of the worker towards the young person were more important than technical competence. As one practitioner summarised it, this approach was something that had to come not only '*from your head, but from your heart*' [B2] because young people could tell and appreciate the difference.

Practitioners also made a range of references to their respect for young people's right to '*set the agenda for the process, the direction*' of the work [B9] and their own role as facilitators:

> *...I always respect the young person's interpretation and view of their own life situation and try to find out about that... to put it in a jargon-like phrase: 'because young people are the experts of their own life-world' [...] and I've realised that I've really done this, that I didn't just read it in a book, but that I've really worked in this way ...* [B9].

Allowing young people to largely 'set the agenda' did not mean, however, that young people's perspectives remained unchallenged. Practitioners referred to the importance of engaging with young people in constructive conflict in situations where they considered that young people were making 'risky' or 'unwise' choices and encouraged them to '*argue with me and test me and have a different view than I do and oppose my view [...][so] that they find those things out or that they establish their positions...* [B3].

Practitioners also referred to their own role model function and their responsibility to demonstrate constructive conflict-solving, to enable young people to experience '*democratic structures also among us adults*' and through this to learn '*to solve conflicts without violence and work on solutions… to teach young people that you will only move forward in any conflict with a win-win situation*' [B7]. Some practitioners referred to the potentially wider impact of these experiences of conflict resolution if young people returned to their countries of origin and were able to apply non-violent strategies there in later life.

Among these approaches, values of social justice, emancipatory commitments and optimism regarding the transformative power of social pedagogy are clearly discernible.

However, there were also some indications that the 'educative' and socially integrative aspects of social pedagogy approaches meant that supporting young people in making their own choices was not free of normative expectations or agendas which the practitioners represented as part of their roles. For example, one practitioner emphasised the aim of supporting young people '*to spend their youth in a meaningful way – meaningful in the sense of learning something, not just hanging about […] to the point of somehow getting some form of qualification*' [B7]. In this sense, it seemed that practitioners had to balance the approach of starting out from the subjective meaning-making and coping strategies of individuals (i.e. their 'life-world') with an awareness of the demands and expectations of 'the system', in order to be able to support young people in negotiating their paths. However, in a context where exclusionary forces (such as residence restrictions) directly contradicted the inclusionary efforts of social work, balancing this 'dual mandate' became particularly difficult for practitioners.

One cohort where systemic demands and expectations and the life-worlds of young people seemed to be clashing particularly were young people considered to be exploited by drug trafficking and trading gangs (as mentioned in Chapter 5). A practitioner in a statutory setting described her dilemmas of working with these young people while the range of available support programmes offered by the care system failed to reach them due to being '*essentially based on having a young person who wants help with their development, who wants to achieve something*' [B4]. However, these young people were considered unwilling or unable to engage with this kind of support because they were either held captive by the force of the criminal networks and the failings of the criminal justice system to protect them or 'blinded' by the naïve idea that they were earning a living through the drug trade:

> *…we […] cannot achieve much because the real problem lies with the justice system; that is to bring those who use and exploit those children to justice. It's a dark force which is much stronger than the youth welfare offices, and sometimes even than the police* [B4].

In this context, the practitioner considered that '*pedagogical work cannot be established […] it's neither about supporting emotional needs because the young people aren't able at all to open up; it's also not about educational or intellectual support*' [B4]. This situation created a dilemma because young people tended to remain in support schemes

which failed to meet their needs (as they regularly used the homes as a place to sleep only) while it was '*also problematic not to provide any care*' [B4] because this would leave young people in the exploitative contexts of the drug trafficking networks.

Overall, the contexts of authority within which the practitioners in statutory agencies worked marked a degree of difference from the theme of working 'side by side' with young people represented by many of those in voluntary organisations. On the other hand, this paradigm itself had its limits and associated conditions (not least that of a young person's willingness to engage in the support offered) suggesting that despite workers' attempts to limit power differences, they remained an inevitable aspect of their work.

'*Specialist' aspects of working with separated young people*

While many practitioners rejected the notion of being an 'expert' in relation to their role vis-à-vis young people it was clear from their accounts that in relation to other professionals they were often regarded as 'specialists'. Several practitioners referred to their need to have specialist knowledge about laws and systems which conveyed power to practitioners to act as advocates for young people and to guide them in negotiating their day-to-day interactions with 'the system' with increasing confidence and independence.

Being aware about '*the circumstances which [young people] had grown up in, the things they had experienced and survived; [...] the political misery in countries of origin*' [B1] was considered by some practitioners an essential part of a life-world focused approach, a prerequisite for being 'on their side'. At the same time, many practitioners, led by the cues of young people themselves, focused on the present and the future:

> *... everything the young people bring and talk about by themselves I take on board, but I don't probe a lot, I don't do therapeutic work with them [...] it has to come from the young people themselves [...] ...My experience with the young people I've worked with is that they were interested in looking ahead and to see how they could establish their life in Germany and how to leave the things they*

> *had experienced behind, which were dramatic and traumatic in different ways* [B9].

Practitioners also referred to the need to be aware of the ways in which contexts such as culture or religion influenced young people's interactions in their day to day lives. Without some of this specialist knowledge professionals could '*very easily misunderstand things*' [B8]: an example was how demands from family or kin in countries of origin placed pressure on young people, for whom it was '*very, very difficult to withdraw from these demands* [unlike] […] *in our individualist society*' [ibid.] which placed a higher emphasis on values such as independence and autonomy.

This awareness of different life experiences was relevant in the context of what several social workers referred to as a specific aim in their work: helping young people to integrate into their new environment and adapt to life in Germany. As discussed in Chapter 2, social integration is a key concept within social pedagogy but its contexts and meaning are ambiguous and have been subject to significant debate. One aspect includes the tensions between normative aspects of social integration and subjective-interactive strategies of individuals to feel socially integrated. The former suggests a degree of conforming with social norms and expectations and therefore has an implicit social control dimension, while subjective-interactive strategies might be non-conformist (but could in some circumstances be considered harmful for the individual or socially undesirable[26]). In German public discourses about migration over past decades the meaning of 'integration' has been similarly contested, but has been mired with paradoxical expectations of linguistic and cultural assimilation[27] and concerns about 'parallel societies' among ethnic minority communities on the one hand, and politically fuelled segregation and denial of key citizenship rights on the other (Fekete, 2008.; see chapter 2). Within these discourses, culture and religion (rather than race) have functioned as key signifiers of difference but also as sites of acceptance and tolerance.

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26 An example suggested by Böhnisch (1999) is that of violent youth gangs who break social norms through their behaviour (interpreted as a sign of social disintegration) but may subjectively feel socially integrated within the structure of their group.

27 In fact, at the point when Germany finally admitted its status as a 'country of immigration' in the early Millennium debates about the adherence of ethnic minorities to a culture of 'core values' (Leitkultur) drew particularly on Christian-conservative ideas of assimilation.

This emphasis on cultural and religious aspects was also reflected in some practitioners' references to working with separated young people from diverse backgrounds. For example, one practitioner spoke of his aim to foster tolerance and mutual understanding among young people and convey '*that there is no difference between [people of different faiths], there is only a difference between bad and good people*' [B7]. However, there were also indications that some practitioners did consider religious and cultural difference as a possible explanation for 'unsuccessful' interventions in their work. For example, one practitioner considered that one of the difficulties in reaching separated young people who were involved in drug trafficking and trading were the '*significant differences between cultural values, between European and Arabic culture* […] *and that these young people don't take this culture here seriously, including the basic democratic understanding* [of] […] *rules, respect, and tolerance ...* [which] *are all orders which are alien to them, which they haven't come across in their contexts*' [B4]. While this was only one of a range of explanations why this particular cohort of young people seemed so difficult to reach and support (see discussions regarding feelings of professional powerlessness against the complex problem of young people's exploitation above), the emphasis of cultural 'otherness' does seem reminiscent of some ongoing tensions within Germany's migration and integration debates.

Other practitioners emphasised the systemic barriers which created discriminative contexts rather than issues of culture and insisted that the main role of social workers was '*not to 're-educate' young people... […] but instead, to support them and to encourage them so that they are not brought down* [B1] by the pressures facing them. Helping young people negotiate legal and bureaucratic barriers was indeed something which several practitioners referred to, particularly regarding education or training, something which was especially difficult for young people without a fixed residence. In this context, the conflicts between social pedagogical aims of supporting social integration and the long-standing exclusionary implications of asylum policies aimed at preventing 'settlement' also came to the fore (see Theilmann, 2005 and Chapter 3).

Some agencies promoted diversity among their staff as a way of helping young people to identify and make easier connections with those supporting them. While this diversity was considered a positive aspect by practitioners, some pointed out that 'matching'

workers and young people who spoke the same languages could '*ope[n] up opportunities, as far as communication is concerned, to avoid misunderstandings from the beginning ... or perhaps even to be able to get closer to the young people emotionally [...]* [but] *also be a hindering factor'* [B3] in terms of young people's language acquisition. On the other hand, one practitioner was also critical of the idea that some social workers considered themselves '*interculturally competent'* just by having attended a seminar and suggested that '*it would be ideal if migrants from the communities with a degree or training worked with this group of people'* [B1] because this was likely to lead to more success, for example through their role model function.

The status of being a 'specialist' worker for separated young people seemed to have different implications for practitioners in statutory and voluntary agencies. For the former, this work could have an 'excluded' status within statutory social work with children and families or be regarded with some suspicion and apprehension:

> *Most of my colleagues here, they appreciate what I do, think it's good, think it's interesting if I report on what's going on now and then... and by now they don't see it so much as a nuisance any more that there are 'foreign' young people here, it didn't used to be like that in the beginning..."they steal, we have to lock everything away" etc.* [B6].

While practitioners sometimes became unofficial 'experts' on certain issues (such as forced marriage) within their districts, they felt unsupported by their agencies to organise awareness-raising or training events. However, the marginal status of this work could also hold advantages for practitioners, because the lack of knowledge or detailed interest extended from immediate colleagues up to senior management levels, providing social workers with more professional autonomy and freedom, including in budgetary decisions.

For many practitioners in voluntary organisations on the other hand cooperation with like-minded professionals was a strategy to share expertise and work on challenging the political conditions influencing their work. For this purpose, a specialist working group for those interested in issues concerning separated young people had been established within the city's Refugee Council and several practitioners referred to this as an important place of exchange, debate and discussions (see Chapter 8).

6.3 Perspectives of social workers in London/SE

General paradigms and principles: working 'holistically' to meet a range of needs and working within the 'system'

The practitioners interviewed in London/SE referred to a range of theoretical perspectives and practice approaches which they used in their work. Practitioners in statutory agencies, the majority in this sample, implicitly described a case work model which involved a role in assessing young people's needs, drawing up relevant support plans, and providing some direct support while ensuring that young people had access to a range of different services from other professionals and agencies. For the practitioners in voluntary services interviewed for this study the focus was usually on providing a complementary service and sometimes on bridging gaps due to an absence of (sufficient) statutory involvement – roles which required skills in assessment, advocacy, networking, as well as supporting young people emotionally and practically.

Among the theoretical frameworks mentioned by practitioners were solution-focused, person-centred, social learning and cognitive-behavioural approaches as well as psychodynamic approaches including attachment theory. Several practitioners emphasised the need to engage with structural themes and anti-oppressive practice approaches which took account of the many difficulties faced by separated children and young people as asylum seekers or refugees. Practitioners also spoke about the need to attend to a range of issues and needs in the present (from education, health and emotional wellbeing needs to accommodation and financial support) as well as considering the impact of the past (e.g. loss and separation) and making plans for the future within the limitations posed by the multiple uncertainties faced by young people. For example, solution-focussed approaches were appreciated by several practitioners for allowing them, in some situations, to focus '*on the present and not going into the past*' [L4]. While practitioners acknowledged that there were times when it was necessary to address 'the past' and use theories and approaches which facilitated this, it was clear that this was a more difficult territory in the work for a variety of reasons. These included '*cultural reasons, that young men don't talk about feelings... also because of the potential trauma there and what's involved in unlocking that and also this idea that maybe we're linked to the Home Office... can they really trust us and the service?*' [L4]. In this context, practitioners emphasised the importance of '*being led by that young*

person and the kind of support they want' [L3] although this did (as discussed below) also have some limits particularly through the requirements which the 'system' placed on social workers.

Overall, an 'eclectic' approach to theory seemed common which made use of a combination of different aspects of theoretical frameworks but were often more an implicit rather than explicit aspect of their working:

> *… I guess we don't explicitly talk about theory… we don't sit in the team meeting and talk about it explicitly… I guess everyone's got their own approach.* [L3]

Having an 'eclectic' perspective with regards to theory was linked to an approach described by some practitioners as *holistic*, based on the notion that the work should be led first and foremost by the needs and aspirations of young people by treating them as being '*at the centre of their lives*' and supporting them to '*make choices*' and to understand '*what their choices could lead to*' in a way that involved '*advising young people rather than telling them*' [L2]. The roles of practitioners in this context included providing guidance, 'accompanying' young people physically and emotionally and being an advocate for their needs. This was balanced by the aim of promoting independence '*so that they can move on and are not relying on our services*' [L6]. Practitioners emphasised the individuality of young people and their needs and spoke about allowing time for trusting relationships to develop:

> *it takes time, it's not a one-evening discussion, it's on-going work but I think that it is basic at the beginning to be aware of what is happening to them… and also to relax with us in order to make our work easier with them, because some of them they wouldn't trust us as it is in the beginning …* [L7]

Alongside this focus on the needs of young people, the procedural systems and frameworks of care for looked after children and young people leaving care also seemed to provide important guiding principles for social work practice in this sample group – for example by setting the pace in form of timescales within which contact needed to take place or plans needed to be drawn up and reviewed. Practitioners had varying views regarding these frameworks and their impact on the work they did. One possibility was that they could be a protective factor against discriminative treatment of separated young people because it prevented '*differentiat[ions] between asylum seeking*

young people and mainstream looked after children' [L4]. Similarly, '*the fact that there has to be a Pathway Plan [...] [and that] [y]oung people have to be involved and their views have to be expressed'* meant that professionals could not '*just carry on to get things done whether the young person wants it or not'* [L2]. In this sense, frameworks could protect rights and provide some mitigation against the power imbalance between professionals and young people. At the same time, there were obstacles against working in a 'young person centred' way, for example high caseloads which meant that social workers were '*spreading themselves quite thin*' and had to focus on paperwork which meant that despite wanting to '*spend a lot more time with young people'* they made '*a lot of referrals to other people'* [L2] to undertake direct work. In this sense, the 'system' could not only be inhibitive because of its '*fixed parameters*' [L2], but at worst it could even be counter-productive to good social work practice, particularly because in a context of '*performance indicators and outcomes [which] are measured down to the nth degree'* [L1] the particular needs of separated young people were insufficiently recognised. In a similar way, social workers could be criticised (for example in the context of statutory care reviews) if young people were not seen to 'engage' in relation to education or if placements broke down. In such cases there seemed limited scope for practitioners to take the professional risk of allowing a young person to make their own choices:

> *... the reviewing officer [said]: 'he's not engaging, you have to do this and that' - but it didn't work with that child and I think that people don't see that, because you are scared that something will happen to him and he's a minor... but you have to give them room at the very beginning to make sense of what is happening to them and if they don't want to engage... they have engaged in different ways... the fact that they don't go to college or that they don't want to stay in the place that you're giving them doesn't mean that they're not engaged somehow...* [L7]

Practitioners also shared concerns about situations where they felt 'the system' had let young people down due to inaction or the wrong actions at the wrong time, leading to negative outcomes for the young person and a loss of their trust. In other cases, practitioners were frustrated when their work with young people seemed to stagnate and go '*round and round in circles*' [L6] leading to anxiety about how young people would cope in a context where external circumstances might change quickly to their detriment

(e.g. due to negative decisions about their rights to remain). They experienced dilemmas between sometimes feeling they might be 'doing too much' for some young people (preventing them from being more active themselves), and feelings of powerlessness and not being able to do 'enough' at other times. This suggests that the difficult transitions young people had to manage and the uncertainties they had to endure induced anxieties not just among young people but also among the practitioners supporting them.

'Specialist' aspects of working with separated young people

Among the practitioners interviewed in London/SE there was a common understanding that working with separated young people was a specialist field of work, notwithstanding the notion that separated young people should be treated as (looked after) '*children first and foremost'* (Stanley, 2001, p.4). Some practitioners in statutory agencies worked for 'specialist' services for separated children and young people while others were based (sometimes after internal restructuring) in 'mainstream' services for looked after children and young people leaving care, where they often held a post as 'specialist worker'. The practitioners in voluntary settings interviewed for this research on the other hand worked for agencies which were highly specialised in supporting refugees.

Among the themes and areas of knowledge which reflected a 'specialist' perspective, practitioners referred to 'particular needs' of separated young people which meant they could not be expected '*to behave in the same way as a child who has been born in the UK'* [L7]. However, practitioners were critical of an approach which considered separated young people as a homogenous group when in fact *'[t]he only similarity is that they come here, to this country, from all over the world and they're separated from their families* [L1]. Emphasising the individuality of each young person and their experience, practitioners placed emphasis on finding out more about '*their history* [which] *needs to play a part in the work that we do'* [L4]. However, establishing this history was also challenging because social workers were '*dependent upon what they tell us'* [L4] and some young people were reluctant, for a variety of reasons, to talk about the past (see Chapter 7).

Being able to work on the basis of limited access to information about a young person's past and needing to rely on their own accounts - which might be 'thin' rather than 'thick stories' (Kohli, 2007) especially at the beginning of a working relationship (see Chapter 7) seemed in itself a part of the 'specialist' skill set of practitioners. Practitioners emphasised the need to provide reassurance and a sense of safety in the present and to attend to emotional needs arising from difficult experience of the past and work in a way that was '*similar to […] counselling*' and to have an understanding of '*what it is - trauma, loss and separation and how to deal with all that'* [L7]. Practitioners felt that while referrals to mental health services could be very useful for some young people, this was not always '*what young people really need*' [L3]; instead, practitioners might focus on '*building up social networks and coping strategies'* [L3] to reduce isolation and support young people.

Practitioners were acutely aware of many additional restrictions which the immigration system posed on their work. One example was the need for 'multiple pathway planning' for separated young people with an uncertain immigration status depending on whether or not they had refugee status. However, this aspect also presented significant dilemmas because some practitioners considered the suggestion that plans for different asylum outcomes were equal and unproblematic 'options' for young people as '*patronising'* [L1] because this neglected the oppressive aspects of the immigration system which did not allow young people to reach the stated aims of the care system (e.g. to '*achieve their potential*' [L1]).

Thus the question of 'integration' was also a dilemma for practitioners in London and Southeast England, but this followed a more multicultural model which has been seen as characteristic for the UK (e.g. Fekete, 2008). This included an expectation, within young people's care or pathway plans, that they would be supported in making links to groups representing their cultural or religious backgrounds. There were some examples (in less culturally and ethnically diverse areas) where a lack of integration between separated young people and 'local' youths was considered problematic, sometimes because separated young people '*wanted to only spend time together'* [L4] with those from similar ethnic backgrounds and sometimes because despite attempts to make diverse friendships they experienced local racist attitudes. However, other practitioners

suggested that in '*such a multicultural place*' [L7] as London young people were likely to negotiate their own paths when it came to cultural reference points and networks, for example through friendships at college.

Some practitioners with personal experiences of migration considered that this enabled them to be more authentic in their advice to young people (for example when explaining the particularities of the education, housing or benefit systems). However, there were also some cautions against assumptions that having migrated to the UK automatically made practitioners 'experts' in this field. One social worker who had managerial experience, for example, recalled that practitioners in her team who had arrived in the UK as refugees had rejected the idea that they should be the worker of choice for young people from the same countries. Another aspect was that sometimes practitioners with 'insider' knowledge about a certain conflict reason would find it harder to work with young people whose accounts they doubted (e.g. about their ethnic or political affiliations, or their age). On the other hand, the assumption that social workers recruited 'from abroad' were better suited per se to working with separated young people '*just because [they] are a foreigner*' [L5] was also critiqued. This was particularly in the context of trends common in the mid-2000s of local authorities actively recruiting social workers from countries such as Australia, Canada or South Africa (among others). While having first-hand experience of migration and of being a member of a minority group might be a supportive factor for specialist practice, it was more important to be '*informed about the subject area*' [L5]. Garrett (2006) makes this point in his analysis of the significance of '*race*' and '*place*' in the Laming report about the death of Victoria Climbié, contrasting risks associated with a transient and ill-trained workforce with benefits arising from the '*degree of professional experience [...] and level of knowledge of relevant local factors*' (p.329) which individual social workers might bring. Kohli (2007), in his study about social work with unaccompanied asylum seeking children, found that a third of his sample of practitioners had experienced migration into the UK and suggests that this was significant for some in their ability to relate to the experiences of young people they worked with.

Like their colleagues in statutory agencies in Berlin, practitioners in this sample group reflected on how being in the position of a 'specialist' or 'expert' worker was something

that could lead to greater degrees of professional autonomy – particularly if senior managers had less knowledge and as a result were less likely to be directive about some aspects of the work. The other side of the coin, however, was a tendency among some other professionals, including colleagues or even managers, to defer to them in any matter concerning non-indigenous service users:

> *... I think they probably see us as experts on culture… […] and if there's a trafficking case that comes up or an asylum seeking family we'll have to be contacted even though we're just a children's service. They sort of see us as this know-it-all service about cultural issues… when we're not…* [L4]

Additionally, practising in a specialist field also meant that there often was less support or dedicated training available, and practitioners described having to be more self-reliant in staying 'up to date' with policy and legal developments as well as specific research.

6.4 Discussion

This chapter has considered key concepts relevant to practice with separated young people among the social workers interviewed in Berlin and in London/SE, looking both at 'generalist' and 'specialist' aspects. While in Berlin the influences of social pedagogy and in particular the life-world orientation were a strong (and often explicit) feature of general practice principles and paradigms (especially among social workers in voluntary agency settings), the notion of separated young people as '*children [and young people] first and foremost*' and the emphasis on their legal position (and rights) as 'looked after children' seemed a dominant paradigm in the London/SE sample, among some more implicitly referenced 'general' social work theory frameworks. Focusing on treating separated young people 'like other young people' seemed to have particular importance in both country contexts because of the history of separated young people aged 16 and 17 being supported outside the 'mainstream' care systems (e.g. Huegler, 2005).

In both country contexts the accounts of practitioners reveal some tensions between the aim of being 'led by the young person' and the requirements of the system. The former is emphasised by the focus on subjectivity in the life-world perspective and it therefore seems unsurprising that many of the practitioners in Berlin stressed this aspect of their work (even though there were signs that this approach also had its limits). For

practitioners in London/SE, the parameters of practice seemed more explicitly influenced (and sometimes limited) by systemic requirements (such as performance standards and statutory guidance concerning care for looked after children). Similarly, the references to principles of life-world-orientated social work (social pedagogy) in the Berlin sample suggested a stronger connection to a particular practice-based (and theoretically founded) paradigm, while practitioners in London/SE referred to a diverse (and 'eclectic') theory base. While these differences might relate to the fact that more social workers in the German sample worked for voluntary agencies compared to a majority in the statutory sector in the English sample, they also point to different paths of professionalisation in the two country contexts. In Germany, a (historic) lack of formal unity in the training paths of social workers and social pedagogues (see e.g. Lyons and Huegler, 2012) has gone alongside a stronger focus on theoretical and paradigmatic debates on what constitutes 'professionalism' in social work (although this has also been lamented as a factor limiting professional confidence; Staub-Bernasconi, 2007). In England, on the other hand professional regulation (including through the protection of title and standards of proficiency) have followed a formal path while theory frameworks have remained diverse but also under-developed in relation to the relationships between theory and practice (e.g. Parton, 2003).

In both contexts, there was a sense among practitioners that young people often wanted to deal with '*the present first, the future next and [..] the past last*' (Kohli and Mather, 2003, p.208). There seemed to be some nuances regarding the values placed, respectively, on preparing young people for independence (emphasised by some social workers in the English sample) and on promoting both self-determination and integration (among some of the practitioners in Berlin). Placing a high value on independence might link to a stronger focus on (economic) self-sufficiency in what Dean (2013, p.39, see Chapter 2) terms a 'selective' approach to social rights in a residual welfare system such as the UK, while a greater emphasis on social integration links with Dean's 'protective' model based on mutual social (and moral) obligation in a model with a corporatist welfare history such as Germany.

A similarity in both contexts is that most practitioners held an official or unofficial position as 'experts' or 'specialists' in working with separated young people,

notwithstanding the emphasis especially among workers in London/SE on treating these young people as looked after children first and foremost. In terms of 'specialist knowledge', practitioners in Berlin referred particularly to awareness of the legal, political and cultural contexts affecting young people, while those interviewed in London/SE emphasised sensitivity to individual histories of trauma, separation and loss as well as the difficulties associated with young people's uncertain futures. In both countries practitioners felt that their efforts to help young people settle were made more complicated by systemic barriers imposed by immigration restrictions.

Another similarity in both contexts was that practitioners reflected on the question of whether specialist expertise in working with separated young people was facilitated by cultural diversity and first-hand experiences of migration among professionals themselves. In the English sample, where a large proportion of the social workers had trained overseas, some practitioners emphasised the benefits of such first-hand experiences but were also careful to reject the assumption that these experiences made anyone an 'expert' in this field of work, while in the Berlin sample some practitioners commented on the relative lack of trained staff from members of migrant communities in this field. In both contexts practitioners reflected on having to deal with the projections of colleagues and managers about their assumed expert status, which could lead to some frustrations if this coincided with a lack of understanding and support. Lacking support at higher management levels seemed to be particularly a theme for practitioners in statutory contexts (in both countries), while voluntary practitioners in Berlin drew on specialist local networks for mutual support.

Applying Kohli's (2007) framework of three key domains (and corresponding practitioner types) in social work with unaccompanied asylum seeking children (see Chapter 2) to the ways in which practitioners in Berlin and London/SE conceptualised their work, it seemed that workers in both contexts dealt with a range of practical issues in the '*cohesion*' ('humanitarian helper') domain, particularly since this was something that young people themselves seemed to prioritise. Some of the practitioners (especially in the English sample) also emphasised the emotional needs of separated young people and seemed to work in the domain of '*connection*' where work could take therapeutic dimensions (without constituting therapy in a formal way). The social pedagogy focus

of many practitioners in Berlin, with its focus on relationships, growth and being on young people's side seemed most reminiscent of Kohli's domain of *coherence* (where workers become trusted 'confederates'). Overall, however, just as Kohli's study found that practitioners often moved between all three domains, the accounts of practitioners both in Berlin and London/SE suggested a great deal of flexibility in their approaches, despite (or perhaps because of) the various restrictions they encountered in their work. The following two chapters consider these approaches from different angles, first by looking in more detail at the ways in which practitioners made sense of young people's experiences and 'stories', and then by considering how they related their work to human rights themes and issues.

CHAPTER 7: PRACTITIONERS' APPROACHES TO YOUNG PEOPLE'S EXPERIENCES AND STORIES

7.1 Introduction

This chapter looks at the approaches of social workers interviewed in Berlin and London/SE through the lens of the practitioners' understandings of young people and their 'stories'. The term 'stories' has been deliberately chosen (despite, or even because of its ambiguity) for a number of reasons: a story is a form of representation that can be 'true' or 'imagined'. In investigative contexts (or domains, see Lang et al, 1990) establishing the 'truth' behind a story may be considered particularly important – examples include the refugee status determination processes of the asylum system but also the practice of age assessments conducted by social workers, both connected with the granting or denial of specific rights. However, in other social work contexts (where an 'explanatory' or 'exploratory' domain might prevail) there is less emphasis on truth and 'credibility' and more on the meaning, contexts, relationships and connections revealed through a story. These perspectives link more readily with constructivist or post-structural approaches (e.g. Parton, 2003).

During the research interviews, practitioners told 'stories' about their practice, including about the experiences and needs of young people they worked with (for example how vulnerable or resilient they perceived them to be). Practitioners also talked about the stories they heard from young people about their experiences, which they doubted in some cases because the stories seemed 'rehearsed' or 'scripted' (or '*thin'* stories as described by Kohli (2007)), leading to different views among practitioners about the relevance of a story's 'truth'. Sometimes (as observed by Kohli in his research) practitioners also experienced young people retelling or reconstructing stories into 'thicker stories' over time. Finally, practitioners' stories about their practice also included reflecting about the 'impact' and roles they felt they had in young people's lives through their work. These various perspectives not only reveal more about the approaches used by the practitioners in their work, but also link with human rights themes which are the focus of Chapter 8.

7.2 Perspectives of social work practitioners in Berlin

Young people's experiences and needs: stories of vulnerability, resilience and agency

Many practitioners' referred to young people's past experiences of persecution, violence and abuse. At the extreme end, practitioners were concerned about young people who lived with long term physical and mental health problems and even disablement. A general theme, however, was the '*loss of family and of home*' [B4] which was considered by some practitioners to be potentially a source of 'trauma' in itself because of the '*terrible breaks in young people's biographies*' [B7] these losses represented. For some young people, losses seemed particularly complicated and ambiguous, for example because they had never experienced secure attachments and caring relationships and had lived through cycles of abuse, or their families and communities had shunned them because of '*ways of life which are not allowed to be*' [B3] (such as homosexuality). While the past often was considered a source of turmoil, displacement and even trauma, some practitioners also recognised the significance of past histories as roots which offered resilience and helped to promote young people's agency, even if only through the fact that young people had become survivors and in various ways had been supported by family and community organisations on these paths.

As described in Chapter 6, the focus for social work practice was usually the situation of young people in the present as well as their outlooks for the future. Practitioners were concerned about how young people were affected by the immense pressures and experiences of disbelief they faced within the asylum system. The consequence of this disbelief was usually a long (or indeterminate) period of uncertainty during which many young people legally were 'only tolerated'. Practitioners considered that this uncertainty impacted on all aspects of young people's everyday lives, to the point where their future paths were blocked '*because special laws have been made to stop them from developing*' [B1]. For some this situation was seen as so unbearable over time that their mental health suffered; while for others, the impact carried through into the next generation because the children born to former separated young people who had no residence status or accepted documents might in turn not receive proper birth documents.

Being offered and being able to engage in opportunities such as education or training was considered by practitioners as a source of resilience and development for separated young people. This included learning German, but also acquiring qualifications which might lead to future employment. Some young people had managed high achievements in education and training against the odds and in some cases were considered able to 'give something back' by offering advice and sometimes even job opportunities to the next 'generation' of more recently arrived separated young people.

However, there were also situations where practitioners felt they were able to do relatively little to support separated young people. This was seen as the case with young people (particularly from Lebanon or the Palestinian Occupied Territories, as well as Vietnam) who were suspected of having been trafficked to work in the illegal drugs trade or other exploitative work contexts. While these young people were considered 'vulnerable' by practitioners, many seemed to lack insight into the precariousness of their situations and some seemed to naively regard their activities as 'work' to earn a living:

> *... one child – young person – said himself that he wasn't really 13, he was really 16, and when I asked him if he knew that it [swallowing heroin balloons] could have fatal consequences, that he is risking his life and that others are putting him through this, he said, why, it wasn't really like that, you just had to drink sparkling water afterwards and then you could bring up around 24 balloons again and it wasn't a risk to his life… and the guardian told me then that this is sometimes practiced with them in their countries of origin, with peas, to swallow those balloons and then bring them up again* [B4].

As mentioned, practitioners were frustrated by feelings of powerlessness in the face of the control and manipulation suffered by the young people from international criminal networks (including through threats against their families in the countries of origin), as well as the lack of an adequate response through the criminal justice system. Sometimes, however, being arrested and charged could be a 'way out' for some young people if they were subsequently left alone by traffickers *'because they aren't interesting any more or because they are being observed to find out about their contact people'* [B6] which then allowed the young people to take up support opportunities from which they had previously been prevented.

Overall, practitioners related to the successes of their work through descriptions of young people who had grown to become more confident young adults, who had managed to break through past experiences of violence and abuse by developing personal strength and were able to represent their own points of view. This seemed connected with a sense that young people needed opportunities to just be '*a normal young person*' [B5] – an indication that many practitioners resisted fixed categorisations of inherent vulnerability and victimhood. While being granted leave to remain seemed to be an important factor supporting young people's resilience (as it allowed them to settle and feel more secure), practitioners also provided examples where young people had shown resilience and agency by taking charge of very difficult situations, such as returning to their countries of origin voluntarily to allow them to return in the future without facing visa sanctions. Some practitioners also referred particularly to groups as something which strengthened young people's resilience, for example by providing a platform for self-advocacy and solidarity on the basis of shared experiences (see also Chapter 8).

Approaches to 'thin' and 'thick' stories

From the point of their arrival in the country of 'exile', the narrative of the events that brought separated young people there becomes a significant factor defining their future. This 'story' is tested for its credibility as part of the asylum process, but social work practitioners also often rely on it as an indication of the support the young person might need (e.g. having lost family support or having experienced 'traumatising' events). However, young people's stories can also be testing of practitioners' tolerance for ambiguity: several practitioners referred to their sense that the initial asylum account might only provide a partial 'story' of young people's experiences, even though this often was their starting point in terms of 'known' information about a young person's background. Similar to Kohli's (2007) findings, some practitioners in this study talked of young people whose accounts had become more detailed or even changed over time once a relationship of trust had been established. In this context, for some of the practitioners, the 'need to know' the full details about a young person's history seemed a secondary consideration:

> *... sometimes I want to find out a bit more, not straight away... once I've got to know them a bit more then I do ask and they do reply... sometimes they say, well,*

it was a bit different actually and then they just tell it again – because when they
come here they don't want to talk about some things but also know what they
[the authorities] need to hear or want to hear… it sometimes changes a bit –
that it was actually more horrible, or a bit different, or that they come from
somewhere else … [B6]

Other practitioners suggested that a majority of young people they worked with seemed to have to live with multiple 'stories' and were concerned about the impact this might have on the young people's well-being, as not being able to 'tell the truth' could be burdensome. Practitioners hypothesised about various barriers which might prevent the disclosure of young people's 'real' stories, including that:

- some young people were too traumatised through violence and abuse to speak about what had happened to them and that it took therapeutic work (sometimes over years) to enable them to talk about their experiences;

- many young people (often based on their previous experiences of adults in authority) were preoccupied with 'sorting and selecting' who was 'on their side' (particularly in the beginning of their relationships with professionals) and that this prevented them from trusting anyone;

- some young people carried hidden stories which they thought would be 'unacceptable' to the authorities, including those about the financial pressures many faced as a result of the immense costs of their journeys to Europe (which often created chains of debt and bondage involving the young people as well as their families in the countries of origin)

While they clearly had understanding and empathy for the dilemmas young people faced, 'not knowing' about young people's 'real' personal histories seemed more difficult for these practitioners – because they believed it sometimes prevented them from providing effective support for young people. One example concerned the disclosure of surviving family members:

…for most of them [when they arrive] I know I can write in the personal details
form 'parents are dead – no siblings' …[…] And I sometimes say, 'I'm a mother
myself and I always find it really important that parents know where their
children are and that their children are well and that they arrived somewhere
alive'… and that you give them a signal […] to give them a kind of permission
…and often after 2-3 years brothers, sisters do indeed appear […], who say,

> *'yes but we can't take him in here – I have a family with 2 children and we live in only 2 rooms and I cannot accommodate my 14 year old brother here'* [B4].

One practitioner compared her current work to previous roles supporting 'indigenous' young women in the care system who had suffered abuse. Her reflections suggest that working with 'thin stories' might be particularly difficult when practitioners and young people have very different contexts of lived experience:

> *For young women who have grown up here it is also often really difficult to talk about what happened to them, one mustn't underestimate that ... it's the same, that it is associated with shame, that it somehow instils fear, that it is 'unspeakable'... and that it takes a really long time ... But still [...] you can relate to it more than if you have the feeling that the story is just not fitting together and I try to picture it and it's all like walking on cotton wool and nothing is really right* [B3].

Despite expressing professional difficulties about 'not knowing', these practitioners refrained from making judgements about young people who were perceived as not telling the whole or 'true' story, acknowledging instead that '*there always are personal miseries behind it*' [B4] and that '*sometimes the real stories are more tragic than what they tell [officially]*' [B3].

At the same time, dilemmas also sometimes arose when practitioners found a story believable but it was dismissed by the authorities, leading to difficult feelings when supporting young people in this situation:

> *...the boy came out of [the hearing] in tears, 'why doesn't anyone believe me' – you just don't make up a story like that. And [the decision makers] just can't imagine what it feels like to be all alone in this world [...] and to only be in fear [...] ... you really only can take him into your arms and wait for the fit [of tears] to pass and go home and say, 'those idiots!'* [B7].

Some practitioners reflected on the dilemmas resulting from young people's need to 'fit' into the asylum system because this seemed the only legitimate route of regularising their status, even though many might '*not have such big asylum grounds*' [B7]. Some practitioners linked this to the changing contexts of refugee movements (see, for example Turton, 2003) where political and economic factors are intertwined.

One practitioner went as far as challenging the applicability of the label 'refugee' as this could veil the complex realities that had led to young people's migration; instead, their situation needed to be considered from a broader human rights perspective which focused on protecting young people from the multiple and contradictory pressures of adults' expectations:

> *...even if a child or young person may not necessarily be categorised as a refugee in the classical sense, they still have particular needs and require particular protection [...] [Their fates] are usually directed by others [...] nobody ever asked them if they wanted it [...] and here they are in a situation which is incredibly burdening because there are people in the country of origin who want something from them and possibly even here people who want financial payments or something else from them, and then there are social workers and guardians and everyone wants something... and what that does to such a child or young person is often really gruelling...And for me [...] it has to essentially be about protecting this child or young person and to ensure that they won't totally break under all those mechanisms of pressure surrounding them* [B8].

However, considering that not all separated young people who claimed asylum actually fitted this category involved particular challenges and dilemmas for practitioners, particularly where direct practice was closely linked with refugee advocacy work. As critiqued by Pupavac (2008; see Chapter 2) this practitioner felt that some advocacy contexts could be dominated by '*talk about the fates of refugees in a sepulchral voice and it is almost like blasphemy if you maybe tell a different story – you mustn't*' [B8]. However, a difficulty with telling 'different stories' as a professional was that the media and wider public seemed to have little interest in more nuanced accounts and '*would get the wrong end of the stick very quickly [...] and say, that's abuse, they're really all economic migrants or educational migrants or something*' [B8], reducing the complexity of human life and circumstances to binary constructs of the 'deserving' and the 'undeserving'. However, by working within the parameters of a closely defined refugee paradigm, practitioners involved in advocacy also risked being caught up in the very discourses which required separated young people to be constructed as *either* 'genuine' refugees *or* 'opportunistic' economic migrants and as *either* children *or* adults.

The latter issue, relating to the question of young people's age, seemed another area where some practitioners felt young people might feel pressured to give the most 'acceptable' account (Anderson, 2001) at the point of their arrival. None of the practitioners in this sample was actually involved in undertaking age assessments, and as a result any perceived discrepancies between young people's accounts about their age and practitioners' own thoughts had only limited impact on the support the practitioners were in a position to provide. However, in some cases, particularly among the earlier mentioned group of young men who were being exploited by drug trafficking networks, the perception of some young people as 'obviously' older was something that practitioners remarked on and sometimes seemed to struggle with because available support programmes failed to meet their needs (see Chapter 8).

Where new or different 'stories' did emerge – after long periods of young people testing whether '*those bridges are safe to pass*' [B7], some practitioners, in a pragmatic '*confederate*' approach (Kohli, 2007, p.205), acknowledged the 'functionality' of different stories as part of young people's survival:

> *…some feel terribly ashamed when they have a baby and they then want to or need to give their real identity and age etc. because they want to give their child a future, not based on lies…They sometimes struggle for a long time and are devastated when they say it wasn't true and that… and …'are you angry or something now?' Then I say, 'no […], 'that's part of your history, then it has to be like that, and if it's different now and it's good for your baby, then it's like that'…. I don't go and say, 'oh God, you're already 23 or 22 or something …[B6].*

Another practitioner reflected on the privileged position of being trusted by a young person who after years felt safe enough to open up about her 'real' story:

> *One girl, after we've known each other for 7 years and I hadn't worked with her directly any more for 2 years, just a few months ago told me of her own accord, 'we finally have to talk now and I have to tell you how it really happened'…. I'd already imagined that her story back then was more or less constructed but I'm usually careful not to ask further and initially let things lie because in my experience drilling and confronting doesn't lead to anything… Well and I was*

really quite impressed that she felt the need herself to tell me her story – she didn't even have to do it any more… [B8]

The 'real' account in this case turned out to be a complex story of familial abuse and exploitation, as well as of rediscovered agency supported by the kindness of strangers who helped the young person break free from the abuse and '*make a new start*' – which only seemed possible by trying to fit into the narrow categories of the asylum system.

Reflective stories: considering the impact of their work on young people's lives

As well as 'stories' about young people and their needs and their approaches to young people's stories, practitioners also shared stories about the roles they thought they had in young people's lives through their work. This obviously varied depending on practitioners' contexts of practice which involved different levels of contact and depths of relationships.

Particularly the practitioners working for voluntary agencies providing direct day-to-day support reflected on instances where young people had shown appreciation of the relationship and comfort offered:

What I found somehow really moving [was] that he recently said to me: 'I don't have much luck in my life somehow, but, you know, I am lucky that I have you'… and of course I thought that was somehow nice, because I then realise [...] I give him hope as well, and we will carry on, we won't give up… [B3]

Times of crisis (e.g. when young people experienced rejection and disbelief within the asylum system) often seemed to be the points when practitioners became aware of the importance of their presence for young people. However, there was also a tendency to be modest about this impact. For example, one practitioner reflected on a situation when he comforted a young person after a particularly difficult asylum hearing:

…I think even if he didn't perceive my presence as a support worker, just the fact that someone was there who gave him a hug… I think at that time it wouldn't have mattered who it was […]…but it just happened to be me. And anybody else would have reacted in the same way I assume [B7].

Despite such modesty, there were indications that the relationships with specific workers did matter to the young people. Another practitioner reflected on a situation

when due to organisational reasons she was meant to hand over support for one young person to a colleague:

> *… and then [the young person] really resisted this, he was really angry and […] just totally refused it […]… And I hadn't expected that at all […]. He probably would never admit that himself but I think I realised then that he was quite attached to me and I never thought that before because he's not really an emotional type, he's more the 'cool' one […] he never really showed that he liked me too […] And at that point I realised that he really wasn't prepared to bear this break in the support relationship – and then I didn't do it […] I can't remember how we solved it but somehow we found another solution* [B9].

From this example of respecting the young person's insistence on maintaining consistency in their support relationships, links can be drawn to rights-based perspectives which incorporate an emphasis on relationality and human interdependence (see Chapter 2).

Practitioners were also mindful that their status as a central person in a young person's circle of contacts could be an indication of isolation – or at least of a scarcity of meaningful relationships with others:

> *… he recently said to me: you're sometimes the only one in a week who calls me and just asks me how I am … and sometimes you don't realise this, because he does have a lot of contacts… he definitely also has many contacts whom I don't know … but the kind of significance it does have after all, it's sometimes quite surprising…* [B3]

Overall, practitioners were aware that young people valued them particularly for 'being there' and 'going the extra mile' for them. However, there were also instances when practitioners had to reflect on the limits of their work – for example in cases where young people failed to engage in support offered and seemed unable to develop even basic trust in their social workers, or when external circumstances (such as age limits or age disputes) meant that they could no longer offer (formal) support. One practitioner recounted the very difficult situation of a young person who initially had evaded most support offers while staying in a children's home due to his exploitation by drug trade networks:

> *...he probably initially thought it was quite funny, how he always escaped us, we*
> *ran to a meeting at 8am – no young person there!* [B6].

However, after a court-ordered medical age assessment the young person had been '*made older'* by several years so that she was unable to help him much beyond providing advice and trying to link him into various other support programmes.

As in the above example, even after the end of a formal support relationship, separated young people sometimes returned to agencies to 'say hello' as young adults after they have managed to establish themselves in terms of education and employment and were now able to offer help and advice to others (e.g. about job and training opportunities). Other young people contacted their former social workers to tell them about life events, such as a marriage or the birth of a baby –sometimes even after having returned to their countries of origin by telephone or other virtual means. The fact that some young people maintained contact or came to 'check in' long after the formal support relationship had ended was a sign for the social workers that something had gone right in that relationship.

7.3 Perspectives of social workers in London/SE

Young people's experiences and needs: stories of vulnerability, resilience and agency

Similar to practitioners in Berlin, the social workers interviewed in London and Southeast England also reflected on various factors that they considered made young people particularly vulnerable as well as signs of resilience and agency. Those young people who had been through long-term and cumulative experiences of violence, abuse and separation, particularly from a young age, were seen to be '*the most vulnerable and traumatised'* [L3]. Long and arduous journeys and where they had experienced hardship and exploitation also added to young people's vulnerability. Some practitioners reflected on the pressures put on young people simply through the costs of their escape which might have involved families borrowing huge sums and which often involved ongoing debts to smugglers which young people were expected to pay off through work (usually in the black or 'grey' economy). Being unable to comply with these expectations and pressures (for practical reasons or because as separated asylum seeking young people in the care system they faced the scrutiny of immigration authorities and social workers) could lead to panic and even physical and mental illness:

> *… they are not telling you in a black and white way, but […] you can see them physically deteriorating from day to day and developing a sort of mental illness […] you can see it is very difficult for them, you can read it from their situation…* [L5]

In common with the findings from the Berlin sample the practitioners considered that separation itself - being *in this country without any family* [L7] – was a potential source of trauma. Metaphors used included the lack of a '*safety net'* [L2] or a loss of *'their anchor […] to hold them in place'* [L4]. Practitioners were also mindful that the young people were not just separated from their families but also from their familiar contexts, '*from what they know about'* [L2]. They were aware that the lack of an adult who might *'step in'* or push them in relation to education placed additional pressures on these young people *'to get it right the first time'* [L2] or to '*mak[e] more of an effort to 'be good' […] their parents may have paid for them to come here so they may have to do well'* [L4]. As Anderson (2001) suggests, being chosen to escape by adult carers could also lead to mixed messages and dilemmas for young people:

... he told me just a few weeks ago he questions his future… He misses his family and that's what it's all about - having a family, and he is here all by himself in England… his family sent him here and he sometimes questions whether it was the right decision that they've done it… [L6]

Another difficulty facing young people was uncertainty (particularly in relation to an insecure immigration status). Here again, reactions from young people to adversity seemed variable, ranging from feelings of 'hopelessness' and a lack of motivation to make plans for the future to being particularly motivated to engage in any opportunities that young people could benefit from in the limited time they might have in the UK. Some practitioners also referred to the helplessness they themselves felt in supporting young people because '*there's nothing you can really do to change the outcome*' apart from trying to help them '*get the most out of the opportunities they have now*' [L3]. For those young people whose asylum claims had been refused, the consequences of facing disbelief and 'failing' in their requests for protection could be particularly devastating, especially if they had experienced immigration detention.

The transition into adulthood (often connected with changes in support systems) was described as another source of adversity. One practitioner, for example, reflected on her work trying to emotionally prepare a young person for such changes after their 21st birthday:

… you just think this young person has no idea about how the system works… When I explained to him – you're going to be with [the adult asylum support system], you'll probably be in shared accommodation… and he says, 'I'm not going to do that!' …and going outside of London, he says, 'I'm not going to do that, I'm going to kill myself'… [L6].

The practitioners also highlighted various areas representing young people's resilience and agency. One aspect mentioned by several practitioners was that a significant number of the separated young people they worked with seemed to have experienced positive attachments in their earlier childhood:

... when you get to talk to them about what's happened in their past you realise that they have come from quite a strong and loving family and that maybe that they've had a quite strong base maybe from the first 10-12-14 years of their life

> *and I think often that gives them that resilience, you know, to face adversity and*
>
> *get through it….*[L3].

Where young people had contact with family members (by phone or email) this was seen as a significant source of resilience.

Some practitioners compared the vulnerability and resilience of separated young people with how they perceived 'indigenous' children in care. In this context, separated young people were sometimes described as seemingly more independent, '*a lot more mature*' and '*very education focused*' because often their parents '*wanted them to achieve something in life*' [L6]. Maturity '*beyond their years*' seemed to have resulted from adversity, for example the need to '*make life-changing decisions for themselves*' [L1] and to manage '*to get through and survive*' [L3]. Compared to other children in care, their behaviour often was seen as less challenging although there were concerns that they might instead '*internalise*' [L3] their difficulties. Separated young people were perceived to be appreciative of having contact with their social workers and '*happy that someone's there to support them because they come from countries where they don't necessarily have that*' [L3]. The absence of a long history of involvement with social services meant that the relationship was usually untainted by the marks of broken attachments and hopes suffered by some indigenous young people in long term care. A supportive relationship with their social worker thus seemed to represent both a sign and a possible source of resilience.

Similar to practitioners in Berlin, the social workers also provided examples of young people's agency which related to making difficult decisions about their future. One example was a young man who travelled back to his country of origin for an important family event against the advice of professionals supporting him (because of the risks that leaving the country bore on his refugee protection claim). In this situation, concern for the young person's future was accompanied by the sense that social workers could only offer as much information as possible but ultimately had to respect the young person's right to make choices, however problematic they might seem to the practitioners.

Approaches to 'thin' and 'thick' stories

Similar to the practitioners in Berlin, some practitioners reflected on their sense that some young people's asylum accounts might not represent the full (or true) picture of their experiences. Practitioners talked about having heard similar stories repeatedly, which sometimes seemed '*standardised'* [L7], and how this had led them to have (sometimes tentative, sometimes explicit) feelings of doubt about some of the stories. The question of the 'truthfulness' of a young person's account seemed '*like a veil […] or a cloud that hangs over all of this work […] [because] …the default position is that these young people have lied…* [L1]. Disbelief thus became a major influence on '*what happens in their lives in this country'* [ibid.] both from young people's own perspectives and from that of 'the system'.

In this context, similar to the Berlin sample, there were different approaches to dealing with issues of 'truth'. One social worker, for example, emphasised a view of truth as context-dependent and subjective, allowing for the possibility of multiple truths which could all be valid:

> *It's not about lies, it's about interpretation. So, a child who is told, for example, to say that the parents are dead because they've been told that that is what they have to say – that becomes that child's truth. Now, whether the parents are dead or alive is actually… it's not irrelevant, but it's almost suspended for that child. Maybe many, many years later when they're no longer a child and they're in a different situation, they'll be able to find out whether or not their parents are alive or not, but actually what they have to live is the death* [L1].

In this perspective, the 'truth' most relevant to the separated young person was the one which had come to be their lived reality, even if the various agencies and professionals working with them might interpret the account in different ways. However, the role and responsibility as social workers was not '*to reason why […] these children are here'* [L1].

Other practitioners spoke of taking what seemed a pragmatic approach and said that they started from a position of basic acceptance of young people's accounts ('*assum[ing] that whatever they tell me is the truth'*, [L7]) but were mindful that initial

'thin stories' might become more detailed and 'thick' over time, if practitioners provided a context in which trust could develop:

> ....then there is one evening where you visit them or they visit you and there is all this news coming up… and that is a beautiful moment... [...] … it's not that it's lies but they are economical about the truth at the beginning which I suppose is fair enough... [L7].

Being able to work on the basis of a '*suspension of disbelief*' (Kohli, 2007, p.171) seemed, for some, to involve the capacity to bear an ambiguity in which 'believing' and 'not believing' were positions that could co-exist (at least for some time).

The length of time as well as the period during which practitioners worked with young people could make a difference to young people's ability to talk about their experiences, for example one practitioner felt that working '*with a young person from when they arrive, that's the time when they do want to talk, and [...] you keep that channel open about talking about the past*' [L3]. In contrast, young people who had been in the country for a while '*might have already shut that down*' which made it more difficult to engage in conversations about the past. In these situations practitioners would consider asking '*a few probing questions, but nothing that's too upsetting [...] Something that's not necessarily painful memories but something that might open up that path if that's what they want to do… but some of them don't and you kind of have to respect that ....*' [L3].

Like practitioners in Berlin, social workers here also suggested that seemingly '*fabricated*' accounts might mask a 'real' story that was '*probably worse*' [L4]. While practitioners themselves spoke about being careful to '*refrain from making judgements*' [L4] they also were aware that other agencies, particularly immigration authorities, might take a different stance and sometimes tried to discuss this with young people openly, preparing them for possible challenges. Reflecting Kohli's (2007) '*therapeutic witness*' position, some practitioners contrasted immigration authorities as '*lack[ing] patience, [young people] have to answer here and now and that's it*' [L7] with social services who had to '*do the opposite, [...][giving] them the space to settle and work with them through the family history*' [ibid.]

There were also cases where practitioners experienced and expressed doubts about young people's accounts and made distinctions between those that seemed 'believable' and others that were more 'questionable':

> *... you get a minority of cases where people do open up and where you do believe they really fled from war-torn countries and really truly miss their family and want to get in contact with them again ...whereas you do also have ... half of them maybe, where you question their stories and question whether their parents really died...* [L6]

In this context, which seemed more clearly rooted in Lang et al.'s (1990) 'uni-versal*' domain of production* and linked to Kohli's (2007) '*humanitarian helper*' position, the more believable accounts were associated with more obviously observable signs of distress and 'not coping' while the accounts of young people who seemed to be '*on track with everything*' or '*secretive'* [ibid.] about their lives were more likely to be doubted. However, despite these doubts and the sense that a majority of young people had come '*for a better life'* [L6], practitioners emphasised that they felt empathy for their situation and that they treated '*all equally, even if she may be 20, 21 already and claims to be 18, that doesn't make a difference to me, I still treat them the same way*' [L6]. However, as in the Berlin sample, practitioners did speak of particular dilemmas and difficulties when they considered a young person's story as convincing and believable, but the system did not – especially if other young people with more 'questionable' stories were granted status with seemingly less difficulty.

One dilemma for those confronted with young people's stories could be feeling '*traumatised by [the story] themselves'* [L1], especially if they lacked reflective skills and training. Here, some practitioners contrasted their own professional skills and experience with the 'untrained' position of many immigration officials. However, even for trained and experienced practitioners, Rustin's (2005) analysis of critical moments in the tragically short life of Victoria Climbié suggests that defences against mental pain can affect the ability of professionals to appreciate stories as possibly 'true' and make disbelief the 'easier' option, particularly in a situation where both individuals and organisations are overwhelmed by work and resource pressures.

As in the Berlin sample, not all practitioners made reference to issues of 'believing' or 'not believing' young people's accounts. In this sample, those who did not refer to this theme included the practitioners in voluntary settings. This might have simply been because practitioners did not doubt any of the accounts of the young people they worked with. It may also have been that the question of 'believing' or not was not of significance to their approaches. However, another possibility (similar to the dilemma described by a practitioner in Berlin) is that the commitment to advocacy for separated young people may have a role in preventing expression of doubts regarding individual accounts for ethical reasons, particularly in a context where young people were already facing so much disbelief from authorities and in the media.

Reflective stories: considering the impact of their work on young people's lives

As in the Berlin sample, practitioners in London and Southeast England were asked about their sense of how young people saw them and their roles. One reflection shared by several practitioners was that many young people came from contexts where the very concept of a social worker was unknown, and the distinction between social services and other authorities such as the police or immigration might be unclear to young people when they first arrived. The sheer numbers of professionals involved in young people's lives after their arrival in the UK ('*the social worker and then the interpreter and then the doctor and then the support worker, immigration officer and [...] on and on*' [L1]) was seen to contribute to this difficulty because '*it is utterly bewildering for these youngsters…and they don't know whom to trust and not to trust*' [L1].

From these contexts of initial confusion the relationships between social workers and young people moved on through the vagaries of young people's lives in the care system. Practitioners reflections suggested that, on the whole, they and their work were appreciated. Young people expressed this through cards or text messages for Christmas or other festivities, and sometimes as open gratitude: '*when I see them in the street, and they tell me, 'look, if it wasn't [for] you [...] …I wouldn't have been successful'…*' [L5]. Sometimes practitioners were concerned that young people seemed to rely on them 'too much', especially if they seemed to be their only key contact, and were acutely aware that as professionals they could not really substitute young people's family contexts (not

least because their caseloads might mean that they were responsible for 15 or more young people).

However, not all relationships were described in such positive terms. There were some young people who seemed more indifferent to the relationships on offer – particularly if they had needed to be self-reliant and 'look after themselves' as part of their past experiences of separation and migration. Sometimes, situations where young people did not want to engage with services offered but were considered in need of help challenged social workers' own resilience. Practitioners spoke about how they felt frustrated by not being able to '*do much social work*' [L7] but acknowledged that they needed to simply '*be there*' and not let young people down even if they were '*angry, calling us different names, closing the door to us*' [ibid]. They understood that the anger was not directed against them personally but a '*frustration against the society [and] all his story*' [ibid.] and recognised that despite their limitations they may have still '*been the most constant person in his life since he came to the UK*' [ibid.].

In other instances, social workers might face the anger and disappointment of young people, particularly when they had to be bearers of bad news and represent restrictive or controlling aspects of the system. In these situations, social workers could come to represent '*the new persecutors*' [L2] for young people. An example was if young people at the point of leaving care had no access to follow-on support as a result of their immigration status:

> *...she was really, really angry and upset. Because I remember her saying to me, she was saying, 'you're not going to support me anymore?' And I was saying, 'no we can't' – and she said 'that's disgusting', and I completely agreed with her... so I think she didn't have a very positive view of me, because I was part of this organisation that was abandoning her basically and that's what we did...* [L3].

Despite '*understand[ing] [...] and accept[ing]*' [L3] young people's reactions in these situations, practitioners found themselves in '*quite a difficult position*' [L3] not least because the organisational decisions they represented often conflicted with their own personal and professional values (see Chapter 8).

7.4 Discussion

In considering the perspectives of practitioners about young people's experiences and needs, their stories and about the impact they felt their work had on young people's lives, there are many similarities between the accounts of practitioners in Berlin and those in London/SE. In both country contexts, practitioners reflected on a range of factors which they considered to lead to greater vulnerability rooted particularly in young people's past stories, but also in the pressures of the present and the uncertainties of the future. In Berlin there were particular concerns about the hidden vulnerability of young people exploited by international criminal networks who were difficult to reach for support interventions. In the English sample transition to adulthood was a concern as this brought prospects of destitution for some young people. In both contexts practitioners recognised the resilience of many young people as active survivors (despite the adversity they had faced) who were appreciative of the support they were offered.

There were also many similarities with respect to the range of responses to young people's stories about their experiences. This related particularly to the view among some of the practitioners that many young people, for a variety of reasons, started off with what Kohli (2007) describes as 'thin stories', representing the accounts they considered most likely to be accepted by the authorities. In both country contexts, most practitioners worked with young people's stories 'as they were' at the time, even if these changed over time. Some practitioners considered 'truth' as a relative (and subjective) issue which was context-dependent and 'functional'. This approach seems to connect with what Lang et al. (1990; see Chapters 2 and 4) describe as the *praxis domain of explanation* based on a 'multi-verse' of perspectives. Similarly, many practitioners started from a point of basic acceptance of young people's accounts, suspending their own views (including any possible disbelief), and waiting for the possible emergence of 'thicker' stories. Others indicated some degree of unease about working with thin stories, particularly because this might prevent them from providing appropriate support or might be burdensome for young people. Those who made distinctions between accounts they found more or less believable could feel particularly conflicted about young people whose accounts they perceived as credible but who were refused by the asylum authorities. These different positions are reminiscent of aspects of

Kohli's (2007) typology of '*humanitarian helpers*', '*therapeutic witnesses*' and '*confederates*', with different tolerance levels for ambiguity in young people's stories. The positions also link with different human rights conceptualisations. For example, from a formal-legal perspective on human rights, '*jud[ging] the truth of the asylum story*' (Kohli, 2007, p.205) seems more relevant as *humanitarian* help is based on assessed needs and entitlement and thus, at least a degree of separation of the 'deserving' from the 'non-deserving'. A *therapeutic witness* position is more likely to operate from a broader conceptualisation of protection rights based on psychosocial needs and aimed at recognising pain and suffering even if this remains hidden for a long time. However, this position could be liable to reproducing and being fixed on 'victim' discourses that neglect agency and the possibility of 'different stories' (see critique by Pupavac, 2008 in Chapter 2). Finally, the *confederate* seems the position most likely to connect with the idea of '*rights from below*' (Ife, 2010) (even where this involves a degree of '*ethical subversion*' (Kohli, 2007, p.205), to recognise '*little narratives*' (Tascón and Ife, 2008, p.322) of agency and resilience and to accept ambiguity and the validity of multiple stories. A refusal to '*go deep*' into young people's stories by questioning or probing may thus connect with acts of resistance, through subversion, against a system which acts as a form of 'surveillance' (Moffat, 1999). In this sense, practitioners may have supported young people's own attempts to retain agency through selective disclosure (Chase, 2010), while also retaining their own professional agency. As discussed above, it is not suggested that practitioners remained fixed in one particular position; rather there were nuances which sometimes changed within the same interview context.

There were also many similarities among practitioners' 'stories' about the impact they felt their work had on young people's lives. Many practitioners reflected (sometimes with surprise, a certain sense of pride, or with concern) on the level of significance which individual young people seemed to attribute to their relationship. At the same time, there were also stories of difficult or stagnating interactions which tested the resilience of practitioners. However, a particular issue in the English context was that social workers in statutory agencies sometimes had to represent organisational decisions to end young people's support (due to their immigration status) even where this would render young people destitute, leading to ethical dilemmas for practitioners. These

dilemmas and other human rights themes and issues are discussed further in the next chapter.

CHAPTER 8: HUMAN RIGHTS THEMES AND PERSPECTIVES IN PRACTITIONERS APPROACHES

8.1 Introduction

This chapter explores how practitioners in the two localities talked about human rights themes and perspectives in their work with separated young people. The first part within each section presents examples identified by practitioners of particular human rights issues affecting young people. The second part discusses the role of human rights perspectives in social workers' day-to-day practice, including rights-based approaches and dilemmas.

8.2. Perspectives of social workers in Berlin

Human rights issues affecting social work practice with separated young people

- **The theory and reality of rights**

In principle, all practitioners considered human rights to play a key role in young people's lives and subsequently in their practice. They referred to national and international human rights legislation (e.g. the Basic Law or European legislation, and the associated courts), although many felt that the realisation of rights was hampered by the constraining or even oppressive character of asylum and residence law and its implementation. Practitioners had a sense that asylum policies were based on a broad political (and public) consensus and changes were achieved only at a very slow pace. Connected with this view was the notion that rights were further curtailed by being narrowly (or wrongly) enacted and applied, leading to '*a constant battle with authorities and agencies etc. just so that they [young people] even get those things to which they are already entitled'* [B5]. Some practitioners felt that the realisation of rights seemed to depend on which agency and individual worker a young person encountered, ranging from the '*proactive [...] [*who recognised their*] duty [...][*and*] the law*' to those who considered that young people '*live on our costs'* [B1]. As a result, young people (and practitioners supporting them) were faced with barriers which showed '*again and again, [how] life is just different from the way it is written down [in the laws]'* [B3] – suggesting a biopolitically contingent rather than universal realisation of rights.

A contrast between rhetoric and reality was also raised by several practitioners specifically regarding children's rights. A social worker in a statutory agency reflected on how children and young people (including those in German families she worked with) always seemed to '*lose out*' because despite *'a lot of talk about child protection'* there was a lack of political will to enforce the legislation designed to prevent (particularly psychological) abuse by parents or others [B6]. Another practitioner echoed similar sentiments when commenting on the fact that after '*15 years [of] fighting against Germany's reservations'* [B7] about the UN Convention on the Rights of the Child (leading to their successful withdrawal) there was still little actual change in the situation of separated young people.

- **Young people's experiences within the asylum system and as 'non-citizen' Others**

The area that was considered the most lacking as far as change since Germany's withdrawal of its reservations against the UNCRC was concerned was the asylum and residence law system. A key area of concern was the treatment of young people aged 16 and over as adults in asylum and residence matters, which meant that separated young people in this situation were responsible for making their own decisions without the right to an advisor, even though in other areas of law they were still considered minors. The situation was particularly difficult because there was no access to free legal advice:

> *…I know many German social workers who don't advise young refugees or don't support them because they are afraid of doing something wrong - how can you leave this complex area of law to a 17 year old when many German adults – even lawyers - shy away from it, or get it wrong…?* [B7]

Practitioners were also critical of the asylum procedure itself, which many described as harsh, interrogative and in some cases downright humiliating. For example, one practitioner considered the thresholds of credibility so high that it almost seemed necessary for applicants to '*provide a video tape of their own torture session so that it is that credible that there is no way of disputing it*' [B5]. Practitioners expressed incomprehension about '*why these young people or generally those people, even adults, have to be treated so terribly just to deter them*' [B7]. While there seemed to be some interviewing officers who were sympathetic and sensitive about young people's situations, other young people faced officers who were '*unbelievably insolent*' so that it

was '*sometimes impossible to imagine what they are thinking [...] or why they need to humiliate and bully them to such an extent. I cannot imagine that at all... it's like... well, Third Reich, Concentration Camp guard or something...* [B6]. This comparison evokes the link drawn by Agamben (1998; 2008) between the granting (or denial) of human rights and biopolitical violence in the form of humiliating processes and practices.

There were also examples where practitioners considered that specific human rights abuses were insufficiently recognised by the asylum system: this could concern geopolitical issues which meant that young people from certain countries or regions (often those 'closer to home' or with political ties to the host country) were less likely to be given protection; while another concern was about gender-based persecution, for example female genital cutting:

> *... that partial cutting is seen as a reason for refusing [a woman or a girl] asylum, I find that very hard to comprehend. Because she is seen as already 'damaged', no longer unscathed... and [therefore] can be sent back [...] maybe as a woman it affects me in a different way, but it goes against my humanist understanding of the protection of women and girls...* [B4].

Disbelief within the asylum process and the subsequent refusal of the majority of young people's claims for refugee status led to uncertainty and insecurity - something that many young people were reported to live with over several years. Not having a permanent right of residence could lead to a life on the margins, involving emotional suffering due to the looming threat of deportation and facing a variety of day-to-day bureaucratic hurdles caused by not having the 'right' documentation, to the point that *'a person is actually somehow non-existent if they do not have papers'* [B3], reflecting Arendt's (1958) notion of '*expulsion from humanity altogether*' (see Chapter 2). Systemic hurdles also led to mental barriers, '*a kind of division [...] [or] censorship in their heads'* [B1] about whether they were '*allowed'* to do things or not. Living as 'only tolerated' over years could prevent young people from even starting to imagine their future.

Some young people were granted temporary leave which was dependent on conditions such as requiring therapeutic treatment. This could pose particular dilemmas and double-binds for young people and professionals alike, if 'moving on' from therapy became connected with losing this status:

... what happens when someone isn't in therapy any more, does it mean that they will be put on a plane automatically? ... there are a few generations [of young people] at the moment who are in fear when they go to the aliens office after having stabilised, going to school, having found a job etc… and then the whole stress starts again from the beginning because some person in the aliens office says: 'well are you still in therapy or is that finally going to come to an end now?' – with that kind of undertone as well… [B5]

This seems another example which connects with Agamben's (2008) arguments linking the granting of 'exceptional' rights to the potential of *biopolitcal violence* (see also Gündoğdu, 2012; Chapter 2). If temporary residence rights are only afforded on the basis of defined categories of ill health and certified need for ongoing treatment, recovery is tied to a paradox where 'getting better' leads to new exposure to risks, such as forced return to the very contexts where young people experienced the violence and persecution that had precipitated 'trauma' reactions in the first place. In this context, resilience and agency are sanctioned by a withdrawal of protection rights while only a 'victim' position provides a temporary notion of safety which nevertheless remains precarious due to the diminished self-determination rights this entails (Pupavac, 2008).

- **Access to opportunities and resources**

Young people's ability to access education and (vocational) training was a key issue for practitioners in the Berlin sample, and the lack of such opportunities was deemed to represent a significant gap in the realisation of their human rights – not least because this would have a direct impact on their futures, whichever country this future might happen in. A main reason for difficulties in accessing training were restrictions which prevented some young people from taking up work or studies, while others were effectively barred despite formal entitlement[28]. There was also a reported scarcity of educational resources at the time of the research due to an increase of young people arriving and being accommodated in the city. Connected with this was also a reported lack of suitable accommodation for young people which meant that some were inadequately supported in hostels. When young people were ready to move on into

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[28] This referred to young people who had 'low priority' access to the labour market which meant that anyone with a more privileged residence status had priority to a particular position.

independent housing their lack of residence status could also pose barriers as some landlords were reluctant to offer them tenancies.

Practitioners were concerned about the social exclusion facing many young people, particularly those who only had 'tolerated' status. In this context, practitioners drew links between the difficult socio-economic conditions facing German benefit recipients and the much lower levels of subsistence asylum seekers were expected to live on: *'it's inhumane, nobody touches that…'* [B6]. A lack of debate about the latter connected with diminishing levels of solidarity in times of (perceived) economic hardship, where asylum seekers were considered to *'have a very low position in the social hierarchy'* and perceived to *'only really cost money'* [B4]. At the same time, there was concern that welfare restrictions for asylum seekers served a wider political purpose, with the suspicion that cutting their support functioned *'as a testing ground [and] then the social rights of Germans were also curtailed subsequently'* [B7]. This perspective connects with Anderson's (2013) argument that both '*external Others*' (poor migrants) and '*internal Others'* ('failed citizens', for example people on benefits) are constructed as the '*undeserving poor*' (p.5). In line with the biopolitical paradox described by Arendt, despite being (in theory) '*the very figure of* [human, N.H.] *rights'* (Holt, 2002, p.92), those seeking refugee status are not only excluded from a range of social rights but their exclusion also can also act as a precursor for excluding others considered 'undeserving'.

- **Age disputes**

As previously mentioned, none of the practitioners in the Berlin sample was directly involved in conducting age assessments, as this task was carried out by representatives of the city's central authority. However, several practitioners talked about working with young people who in different ways were affected by age assessment decisions. One example concerned identical twins whose ages had been assessed differently in another city where they arrived, leading to their separation and dispersal to different parts of the country. Eventually their birth certificates were put before the authorities and they were found to be only 17 at that point, but in the meantime '*they had been hanging around in adult accommodation centres for two years […] no money, no lawyers, no school…'* [B6].

Medical assessments were used in some cases, and practitioners were particularly concerned about the practice of using magnetic imaging scans as this could pose both physical and psychological health risks (e.g. if young people had shrapnel wounds from war injuries or if the confined space during the scans triggered flashbacks of previous experiences).

There were also some cases where practitioners doubted the claimed age of young people they worked with, for example among some young people exploited by drug trafficking networks who had been instructed to claim to be under 14 as this brought them outside the age of criminal responsibility. This was a difficult issue due to the negative press coverage in some cases which carried generalised portrayals of separated young people as lying criminals and of social services as naïve and incompetent. However, in these cases practitioners often considered that young people were still 'legally' minors (but more likely in the 15-16 age range than 12-13). In such cases, the main issue identified as problematic for the young people involved and practitioners alike was the 'lack of fit' between the rules and boundaries of the support contexts (such as children's homes) and young people's expressed wishes for more freedom and independence. In one exceptional example, a practitioner told the story of a young man who had accidentally '*landed in Berlin'* when he was actually aiming to get to another country to find work and who had left with a hurried good-bye and explanation after a few months because '*he said it was really horrible, he just couldn't do this [living as a 'minor]'* [B6].

Although they were not directly involved in age assessments, practitioners discussed the difficulty of this task, not least because the appearance of young people could change from initially looking '*ancient'* due to the hardship they had experienced, to '*suddenly becom[ing] much younger, much softer*' [B6] after they had spent some time in care. In this context, the separation of this role from day-to-day social work with separated young people seemed a welcome status quo for practitioners.

Human rights and practice approaches

- **The meaning of human rights in day-to-day work**

As described in Chapter 5, personal values and political convictions played a significant role for several practitioners in their pathways into this field of practice, which often

included a specific concern about justice issues. In a similar vein, for many practitioners human rights represented above all a value orientation that guided their work, in a more or less explicit way. For some, '*the topic of human rights permeate[d] the whole work*' [B5] which meant being knowledgeable about the entitlements of young people and challenging authorities to provide these. For another practitioner, '*key elements of human rights*' in her work included the fulfilment of basic human needs, including education, but also, particularly, '*respect and tolerance towards women*' [B4]. The right to access therapy and other support, independent of funding concerns, was another example of a concrete influence of human rights principles [B2]. In terms of how human rights influenced practitioners' approaches, some referred to '*liv[ing] that each day with the young people, that we try to get them their rights*' [B2], while for others human rights represented '*essentially a way of life*' which '*were not to be questioned but applied in day-to-day work*' [B7]. Some practitioners stressed the importance of human rights as a basic value within their agency's working ethos, even if '*the word human rights or children's rights were never expressed as such, honestly speaking, but it's somehow implicit*' [B9]. Another practitioner emphasised a self-determination rights perspective which included the rights '*to develop, to learn, to find their way and be as free as possible from any mechanisms of force*' [B8], particularly from the force of adults' expectations.

- **Advocating for young people's rights and supporting self-advocacy and agency**

Several practitioners emphasised the importance of using resources and networks to advocate for young people in respect of their access to rights. This could include accessing materials from human rights organisations to help young people prepare for their asylum case, or involving a range of agencies and individuals within a young person's network (such as sports coaches) in order to prepare statements for submissions to the 'Hard cases committee'[29]. Practitioners also used creative solutions to problems such as the absence of funded legal advice for young people's asylum applications, by approaching professional lawyers to be appointed as individual legal

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[29] This committee was responsible for making recommendations on who should be granted leave to remain on grounds of successful integration and contributions to German society (see Chapter 3).

guardians, which meant that they were responsible for guiding them in overall issues concerning their welfare but could also help them with their particular legal expertise.

One agency had facilitated and supported the establishment of a self-advocacy group among young refugees. This was considered an important vehicle for developing young people's sense of being 'an expert for their own situations', but also a source of mutual support, and solidarity, based on the idea that if '*you live in the same misery you have to look together for things in common and work together for a cause*' [B1]. One way of supporting each other was that the group regularly attended young people's court hearings to show presence 'on the young person's side':

> *…the young person [...] sits at the front and feels [their presence] behind him, there are 5 or 6 of our people who know him, they support him… and the guy from the immigration authority, the lawyer, he also sits at the front and looks - it's not one person who sits there [in front of him], there's several….*[B1]

While the strength and established character of the group sometimes made it daunting for 'new' young people to join it, 'older' members facilitated their gradual entry by allowing them to be listeners until they were ready to join into discussions; until '*after half a year or a year they are experts and better [informed] than me and better than even 10 people who've studied law, because they are affected [by the issues] themselves*' [B1]. Practitioners emphasised the need to help young people realise that despite the many barriers they faced their lives were not determined by others but they could '*make [their] own decisions and to learn to deal with it better, [so] that [they] were] not taken hostage by the aliens office or [...] by the law*' [B1]. In this sense, advocacy to support '*people who won't get their rights by themselves*' was not far-reaching enough; from a social pedagogical perspective the aim was to help young people '*learn to fight for their rights*' [B1].

Other practitioners also emphasised the importance of supporting young people's agency and capacity to '*do things themselves*' with the relevant support '*even if it takes two hours*' [B5] and explained to young people that their '*aim [was] that you don't have to see me anymore, because then I know you can do it yourself*' [B5]. In this sense, the work was as much (if not more) focused on the process compared to the outcome and '*experiences of success*' [B5] were an important basis of social pedagogic working.

Advocacy work could be a 'struggle' and practitioners reflected on an expectation, shared by many, that it was important '*not to give up'* even if you '*hit a brick wall'* [B3]. Another practitioner echoed this when talking about her own expectation, shared by colleagues, to be prepared to '*go beyond doing what is required by law but to research a bit on your own initiative, what else can you do'* [B9]. This was based on an approach of '*doing everything in our power to help young people get the same rights which a German child or young person has'* [B9]. In this perspective, achieving 'limited rights' represented only half the 'fight' and not a point to '*let it go'* [ibid.]. However, practitioners also emphasised that ultimately the decision about 'fighting' or 'not fighting' against an injustice remained with the young person themselves and respected their right to '*find their own ways which have nothing to do with me and how I advocated for them [...] even if I personally don't think this is the best way'* [B9].

- **Framing social work with separated young people as 'political work'**

Some of the practitioners, particularly those in voluntary agencies, emphasised their explicitly political understanding of their work, which was linked to their basic understanding of social work as having '*emerged from a political context'* [B1]. Although they considered that this understanding had, for some, '*partially become devoid of meaning [and] doesn't exist anymore for many [though] not for all fortunately'* [B1], having a political perspective (which included understanding social work '*in a global way*') was fundamental, because a loss of its emancipatory aims and its commitment to work on the root causes of exclusion would reduce the work to a techno-bureaucratic activity of social control:

> *...[it] degenerates to getting people to function, then it isn't social work at all, then someone from the job centre can do it'* [B1].

Other practitioners emphasised the importance of getting involved in political decision making processes (particularly, but not only at local levels) and acting as '*lobbyists for young refugees'* [B7]. In this perspective, the work involved '*doing politics'* - not as a politician who worked on a range of sometimes abstract causes, but '*rather directly [...][where] I know I'm doing it for a person I know'* [B7]. For these practitioners, getting directly involved in politics (e.g. by meeting and writing to political representatives at local and national levels and drawing their attention to issues affecting young people) involved building and using networks, as well as drawing on the fact that

work with separated young people was an 'easier' lobbying field than asylum politics overall. At the same time, practitioners also pointed to the role model function of their political work:

>...that's also something our young people then learn - democracy after all also means to become involved... [B7].

Alongside these examples of direct political engagement there were other, more implicit and micro-level reflections about the political dimensions that the work entailed. This included references to wider contexts of global social inequality and the responsibility of relatively affluent states and continents to other regions of the world. '*Levelling the path*' [B3], and '*investing in the children who are here*' [B6] rather than in '*totalitarian rulers and despots*' [ibid.] thus made a small contribution towards social and political justice on a more global scale, '*a form of development aid*' [ibid.] which helped global causes through local action and avoided the complicated dynamics of foreign aid politics. In a similar vein, supporting separated young people and '*saving them from torture, strengthening them in case they should ever return to their home countries*' [B7] was seen as making a contribution towards the eradication of torture: '…*they will be well-trained people then, which means they will at some point be influential in their countries of origin... that they don't use these kinds of means, that's really everything*' [ibid.].

In addition to formal strategies of political involvement, informal networks and solutions could play a crucial role in strategies of resistance: many practitioners used forms of virtual network 'maps' (developed by themselves and colleagues) of helpful individuals in authorities who had been known to be more generous than others in their interpretations of rules. Such an '*exception to the rule [which] allowed things to happen which wouldn't normally have been possible*' [B3] could have a significant impact on young people's lives. Embracing the 'bending of rules' could also involve a degree of 'subversive' practice among social workers themselves, for example taking advantage of the structural chaos and ignorance within a jobcentre agency and '*changing an ancient letter exemplar a little bit*' [B6] to help young people get approval for training which they would otherwise have been unlikely to get (due to their status).

This framing of their work as political and the use of strategies of proactive 'resistance' (Theilmann, 2005) allowed practitioners to not just 'adapt' to external circumstances impacting on their work but to seek to influence these conditions, at 'macro' and 'micro'-levels.

The impact of the work on practitioners

As discussed above, the fact that most practitioners worked in this field by choice and the explicitly political motivations which many expressed suggested that they viewed their work as meaningful – both for individual young people, but sometimes also as serving a 'higher purpose'. This included, for example, the motivation to provide a positive representation of her country (and profession) as welcoming because '*it reflects on us, how we deal with people from other places [...] who come here and maybe will stay here, those are young people who might have a job here at some point, family, etc. [...] [because] nobody gives up their home voluntarily… they don't come here for the fun of it* [B6].

Practitioners spoke of enjoying their work, including the challenge of supporting young people through often difficult circumstances. Experiences of success (such as a young person being granted status or finding employment), supportive colleagues, teams and networks as well as pride in their own work made up for feelings of frustration in the face of the harshness and inflexibility of the 'system', the scarcity of resources, and the realisation that there were limits to what sometimes could be achieved despite best efforts. However, there were times when practitioners felt '*pushed to the edge'* by particular barriers or powerless in the face of '*higher forces'* (such as the criminal networks exploiting some young people). They were mindful that their own frustrations on behalf of young people were not helpful in the long-term except for some brief moments of sharing difficult feelings (with colleagues and sometimes, as part of 'authentic' practice, also directly with young people) which could act as a spur to further action, such as '*looking for a different route'* [B3].

Some practitioners spoke of strategies of protecting themselves from being overwhelmed by difficult accounts of young people's experiences. This could include '*not go[ing] too deep because it won't leave me again* […] *you have to be able to get*

over a fair few things' [B6], but also (in parallel to the preference of many young people) focusing on the here and now and on the job in hand:

> *... everything I try to achieve for them here, that's my job, to make things easier for them - and everything else I don't want to know about in all the details and I mustn't always take it all home with me* [B6].

Other strategies included recognising that sometimes it was important to '*let things lie or to take time and also to draw boundaries in terms of time'* [B3] because the demands of the work could become overwhelming and this took its toll (for example in extended bouts of illness). Others spoke of how they and '*many colleagues in the whole 'scene' [...] work[ed] at the edge of exhaustion'* [B7]. Here, however, the emphasis was on pressures through the '*political environment and [...] ignorance of politicians towards the problems of young refugees and towards the problems of youth'* [ibid.] rather than on dealing with young people's accounts because *'in the direct interaction with people'* [ibid.] it was possible to find ways of dealing with hearing *'horrible stories'*. A representation of these pressures and paradoxes was the humorous suggestion of one practitioner, towards the end of the interview, that '*in order to work in this field, you need a basic degree of madness, that's my personal theory – and I'd quite like you to find me some scientific foundations for that now...'* [B7].

Limited funding and strained budgets were another source of frustration for some practitioners, particularly those from voluntary agencies. One practitioner drew a link between the precarious position of people with uncertain immigration statuses and the similarly precarious status of advice and support work which was only 'tolerated' and on *a time-limited residence permit [...] and then the insecurity starts again*' [B5].

8.3 Perspectives of social workers in London/SE

Human rights issues affecting social work practice with separated young people

- **The theory and reality of rights**

When considering the impact of human rights themes and issues for social work practice in this field, several practitioners referred to legislation built on human rights principles, such as the Human Rights Act and the Children Acts. Some also considered that the UK had a history of rights which it could be '*rightfully proud of'* [L1], ranging '*from the Magna Carta right through to the suffragettes'* [ibid.]. On the other hand, many also saw conflicts between the notion of universal rights and the restrictions of young people's rights particularly though the asylum and immigration system, which prevented young people from resettling and building their futures. Examples included '*children who've lost their families but maybe rebuilt something of a family or [...] friendships which are kind of akin to family for them'* [L3] and for whom these new connections were under constant threat through the possibility of removal to their countries of origin or through dispersal away from London and Southeast England if they had to enter the adult asylum support system as a young adult. For some social workers, particularly those who had experience of managing services, the funding regime of statutory services for unaccompanied asylum seeking children through grants from the Home Office represented acute '*conflicts between what would be in their best interests and what they are allowed to do, and what the local authority's funded to do'* [L1], revealing the fragility of rights-based work in a context where funding was connected to particular state interests, i.e. those related to immigration control rather than child welfare. This resonates with Bhabha and Finch's (2006) finding that separated young people were considered '*the responsibility of the Home Office'* (p.83) rather than the central government department responsible for children's welfare.

- **Young people's experiences within the asylum system and a 'culture of disbelief'**

As in Berlin, many practitioners commented on young people's experiences within the asylum system as a common example of human rights issues. Many young people seemed to experience, upon arrival, being '*strangers in a strange land'* (Kohli and Mather, 2003, p. 201) which included unfamiliarity with the asylum system; and

practitioners worried that many came '*with an understanding that they haven't got any rights in this country*' [L7]. As a result, some practitioners emphasised their role in explaining '*what is the Home Office [and] advis[ing] them [...] how they can claim asylum – so [...] they have an idea of the whole legal process [....]the implications of what they are saying, why the Home Office can give them asylum or refuse them entry to the UK*' [L7]. Such a proactive approach in making young people aware of their rights contrasts with some of the criticisms in the existing literature that social workers engaged insufficiently with young people's asylum-related needs, ranging from the '*kind but vague*' approach of some of the practitioners in Kohli's (2007, p.173) study through to examples of disinterested neglect (e.g. Bhabha and Finch, 2006). Many practitioners referred to young people's negative experiences within the asylum process which seemed characterised by a '*culture of disbelief*' (Bhabha and Finch, 2006, p.11) as '*the default position*' [L1] and was perceived by some as '*mildly racist*' [L4]. Several practitioners also considered that many young people felt criminalised by the asylum process, particularly if they had experienced detention. This was seen as particularly difficult '*if they come from families where people have fought for human rights*' [L8] leading to persecution in countries of origin and flight, with the hope of finding access to justice in another country such as the UK. However, rather than finding recognition of their struggles, young people faced disbelief and the precarious position of having to prove their claims.

Similar to practitioners in Berlin, social workers in the English sample also made specific references to gender-based human rights themes, for example the vulnerability of young women who had experienced rape and sexual assault and who were facing destitution or return to their countries of origin. Another area of concern was that it was becoming harder due to funding cuts for young people to access competent legal advice and representation (which, unlike in the Berlin context, was in principle freely available for asylum and immigration matters at the time of the research) and which was seen as an essential factor influencing the outcome of their asylum applications.

The context of disbelief influenced young people's lives beyond their experiences within the asylum system. Negative public perceptions and stereotypes concerning asylum seekers were considered to contribute to some young people's experiences of

racism, ranging from incidents of attacks through to some young people not being greeted by classmates outside of their school or college contexts. Chase (2010) draws links between separated young people's experiences of scrutiny, judgements and categorisations through a range of sources (including the asylum and social care systems, but also the media and general public) and their attempts to maintain agency and resist systems of constant surveillance (which social workers are implicated in). These attempts include '*selective disclosure*' (p.2052) of their life stories and circumstances. This not only links with the notion of young people telling '*thin stories*' in their interactions with social workers, but could have an impact on their relationships with others in many contexts:

> *…they live in a world of disbelief and a lot of the time they try to either prove who they are or hide who they are… so the [separated young person] who looks like a black British kid and goes to college and nobody knows their story...* [L8].

Some practitioners also problematized the relationship between restrictive asylum and immigration systems and a society they considered as '*inherently racist and xenophobic*' which provided a mandate for harsh government policies because '*[t]hey don't want non-English people here, of any colour at all*' [L1]. A particularly problematic aspect was that negative public attitudes were considered to translate into suspicion and racist attitudes even among colleagues and managers, reflected in '*always the same jokes […] 'oh, you've got another one in reception, he looks like 34' […] and it was coming from management* [L7].

- **Access to opportunities and resources**

As in Berlin, access to educational opportunities was highlighted as an important rights issue among practitioners in London/SE, particularly in the context of many separated young people being highly motivated to engage in further or higher education. Eligibility restrictions for funding, however, meant that most young people without settled or refugee status were practically excluded from embarking on university courses. This was considered '*a direct dilemma and conflict*' between the roles of social workers within government child welfare policies, aimed at encouraging young people in care '*to achieve their potential*' and the restrictions imposed by immigration policies [L1]. Fear and uncertainty among young people about their status and their future which

might involve '*being seized and put into detention for catapulting back*' [L1] posed even further barriers to education and learning. Similar restrictions affected separated young people being prepared for leaving care when it came to housing options: *'the net [...] tightens around them and that can be very, very restrictive...'* [L3].

Access to resources and opportunities could also be restricted through discriminative provision of services. One practitioner recounted his experiences of working in another local authority where asylum seeking clients were seen separately from 'mainstream' social services clients in a building that was '*a garage...[and] the smell of urine in the garage was awful'* [L7]. However, discriminatory services for separated young people could also be apparent in '*the type of placement, the amount of money that they were getting for subsistence, every single bit, it was totally different [...] and we couldn't understand why our young people who were more in need probably than most of the looked after children that we had were getting the worst service'* [L7]. Other social workers also considered that '*this group of children isn't treated equally*' [L1] and that society was not '*honest*' about admitting this. Practitioners had some possible explanations for this unequal treatment within services, ranging from lacking resources to some social workers being '*ignorant'* or '*not good at dealing with those types of clients or [...] not willing to work with this type of clients'* [L5]. Some practitioners expressed a tentatively hopeful impression that notwithstanding the fear of further cuts to local authority funding at the time of the research, the discrimination within service provision had been reduced in recent years, not least as a result of the 'Hillingdon Judgement' which had led to '*a better right of life'* [L6] for young people.

- **Age disputes**

As in Berlin, age disputes were raised as an issue influencing young people's rights. While medical assessments were usually only undertaken at the request of young people's solicitors in order to support their cases, several of the practitioners in statutory agencies held responsibility for carrying out age assessments as part of their role. It was clear from their responses that they perceived it as a difficult task which created professional dilemmas for many. At the heart of this was the question whether it was '*a do-able task'* [L1] at all:

> *...you can't know how old somebody is. And yet, in our society, you have to give them a date of birth – as simple as that.* [ibid.]

Practitioners were aware that age assessments not only determined access to support under the Children Act 1989 but had other potentially far reaching consequences which made them '*quite an uncomfortable process really when you age assess someone as being older, because […] it does have an impact on whether they can stay or go in some cases…* [L4]. In this context practitioners spoke of particularly difficult feelings when those they considered adults rather than children '*might have had a really difficult experience*' [L4]. This might imply at least some problematisation of the binary divides which pair concepts of childhood with notions of vulnerability. However, a rationalising strategy for some practitioners involved '*hav[ing] that kind of cut-off, that we're not responsible for making sure they stay in this country or not, that's not our role, we're here to support children* [L4]. This response suggests a re-assertion of the 'child first and foremost' paradigm which has had a dual role, both facilitating the improvement of Children Act support for separated young people (e.g. through the Hillingdon Judgement), but also serving to differentiate this 'special' provision from the markedly restrictive domain of 'asylum support' (for adults and children in families). This differentiation was justified by the view that '*supporting adults within children's services […] doesn't work, it could be quite dangerous, thinking of maybe somebody who's 18 and assessed as 15 and then going into school, living with younger children perhaps* [L4]. Here, the demarcation line between the social spaces of childhood and adulthood was drawn very distinctly, separating age groups with only three years' difference between them and leaving seemingly little space for individual factors that might mediate risk and vulnerability between the two positions.

At the same time -and perhaps as a consequence of knowing the impact of their judgements - none of the practitioners involved in age assessments seemed to take this '*burden*' [L4] lightly, even if among colleagues, managers and other professionals there were '*still a lot of myths […][and] a disbelief about whatever [young people] are saying*' [L7]. In this context, practitioners spoke about resistance, for example in cases where legal documents provided proof of a young person's age claim:

> *it is up to us or for me at this point to say I refuse to do an age assessment because there is no reason why we should doubt [their age]*' [ibid.].

Similarly, practitioners also referred to cases where information from the age assessment records had been used by the immigration authorities to contradict young

people's own accounts as part of their asylum case, providing '*an extra challenge […] [and a] duty to explain [this] to young people'* [L7].

Human rights and practice approaches

- **The meaning of human rights in day-to-day work**

Practitioners had varying and sometimes fluid perspectives on the concept and meaning of human rights and how they might matter in their day-to-day practice with separated young people. Some practitioners considered human rights (at least initially) mainly in terms of specific legal frameworks (such as the Human Rights Act or the Refugee Convention) and suggested that it was predominantly young people's asylum lawyers who were '*dealing[ing] with human rights aspects of things'* [L4]. While human rights provided '*a standard'* [L4] or '*a baseline for how people should be treated'* [L3], some practitioners considered that this seemed too basic compared with the more expansive rights young people had under the provisions of the Children Act 1989. From this more limited perspective on human rights, practitioners considered that their practice seemed unlikely to come '*even close to violating their human rights*' [L3]. Similarly, these practitioners did not think they would explicitly refer to human rights in '*an assessment or a letter'* [L3]. However, on further consideration the practitioners did think of some examples where human rights could be directly relevant, such as the right to family life for young people wishing to stay in a foster placement, or the potential of degrading and inhumane treatment in the context of enforced return or destitution. While for the latter, the asylum system seemed the main force violating young people's human rights, some practitioners also reflected on the potential involvement of social workers in such situations, particularly through their involvement in 'human rights assessments' which could provide or deny continued access to support for young people over 18 whose asylum claims had failed (see further below).

Some practitioners reflected on the absence of human rights as a '*label'* in everyday practice, but in a '*taken for granted'* way, '*when you think about it, it's all based on human rights'* [L7]. Other practitioners articulated their commitment to a rights perspective explicitly as something that was '*really quite fundamental in our work and in my role'* [L8] or which for them '*personally […] underlies everything that we do'* [L1]. In this context, the practitioners in voluntary sector agencies more explicitly

articulated human rights as 'fundamental' not just to their own practice approaches but to the work of their organisations. On the other hand, some practitioners who had trained abroad compared their current work in a statutory agency with previous experiences in voluntary agencies in their countries of origin and from this position challenged the notion of a more prominent role of voluntary sector agencies in relation to human rights work per se, pointing out, for example, that a lack of resources could still leave practitioners in voluntary agencies '*frustrat[ed]*' and with '*little that can be done*' [L7].

Despite the initial distancing of some practitioners from 'human rights' as directly relevant to their work on the level of legal frameworks, there was broader consensus on their relevance through the commitment to human rights values as part of professional ethical codes of practice. Examples included the '*right to be treated with dignity and respect*' [L3] or the provision of '*equal access to opportunities [while] realising differences [...][regarding] needs and cultures*' [L2]. On the personal level of motivations for practising social work, particularly in this field, practitioners spoke of their wish to '*figh[t] inequality*' [L4], '*speak up for other people's rights*' [L6] and reduce social suffering by helping individual people [L1]. Some referred to a personal 'philosophy' that emanated from their life experiences:

> *...for me there is no such thing as an innocent bystander, and [...] it is everybody's duty to save lives and help lives to be fulfilled ...* [L1].

Thus, practitioners linked references to human rights with social justice perspectives. In the context of their work, 'fighting inequality' included a commitment to equal services for separated young people and other young people in care, represented by the 'children first and foremost' paradigm. Some social workers emphasised particular principles of the UN Children's Rights Convention, such as '*best interests [...] and the right of every child to try to achieve some form of its potential and some form of normality [...], however you define that*' [L1].

Practitioners also made reference to participation and self-determination rights, such as '*help[ing] people to help themselves*' [L6] or '*empowering young people to take responsibilities for their lives*' [L2]. In this context, some practitioners reflected on potential dilemmas inherent particularly in a children's rights perspective, between

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protection ('best interests') and participation rights which might lead to social workers *'think[ing] one thing and young people might totally disagree'* [L2]. Examples included situations where young people were considered to take risks (such as breaking the rules of immigration restrictions), where, in the end, it was down to young people to '*either reject or take on board'* [L2] practitioners' advice.

- **Advocacy and being 'alongside' young people**

Notwithstanding the different perspectives on how explicitly human rights featured in their day-to-day practice, many described advocacy approaches and 'being alongside' separated young people as key elements of their work. For some this included close cooperation with young people's asylum lawyers whose quality of work was described as variable, ranging from '*excellent'* to '*some who just don't do much about it'* [L7]. In this situation, some practitioners described their role in making young people aware of their rights in the context of gender- or sexuality-based persecution. Some practitioners also referred to helping young people research materials relevant to their case to pass on to their asylum lawyers even though sometimes this comprised a laborious and fruitless task:

> *… we then looked together on the internet, he looked at 'youtube' videos and sent me all the links and I checked them out at home because I can't access them here at work… but what he found was nothing to do with that… there's just nothing you can find, it's all so secured, closed up…* [L6].

In a similar vein, awareness-raising also sometimes included explaining the difficulties of gaining refugee status to young people who might '*believe that it is easier to get asylum than it is and solicitors can be very positive about outcomes and that is not the case'* [L7]. In this sense, practitioners acted as mediators between the parameters and boundaries of the law and the '*social world*' of young people (Hyslop, 2011).

These roles of mediation and advocacy also involved helping young people to access services from other agencies, including, if necessary, 'educating' other professionals who '*might not have an understanding of their status and their rights and entitlements*' [L3]. For practitioners in voluntary agencies advocacy and mediation with statutory services was a particularly strong element of practice, for example if individual social services departments refused to provide support to young people in line with the

'Hillingdon Judgement'. In these cases, practitioners considered that advocacy, negotiation and diplomacy to '*try to convince them*' [L5] sometimes needed to be 'escalated' to the level of involving solicitors for legal challenges if services were '*very resistant*' [ibid.]. This in turn bore some risks for future negotiations because '*when we win the case they have got a bad image in front of the media*' leading to a '*spoilt*' relationship [L5].

Another voluntary agency practitioner emphasised the importance of being '*alongside*' young people which included '*being witness to their experience [...][and] that they're going to be believed unless proven otherwise*' which for her was an important '*part of the human rights frame*' and '*a reminder that you have rights even though you have come to this country and you're not always welcome or well-received*' [L8]. Some practitioners in statutory agencies echoed the notion of being '*alongside [young people] and [...] aware of what they need*' [L3]. This in turn supported them when advocating to influence conditions within their own organisations and allowed them to '*make a difference*' [ibid.] for example when it came to securing resources for young people. In some cases, this could involve '*big battles*', such as changing housing providers who offered poor quality accommodation, or convincing managers to review their interpretation of legislation. An example of the latter was the '*struggle to get support for young people to continue their education when they're 21*' [L3] because internal policies had for a long time only foreseen this support for young people in university courses (but not further education colleges), although '*when you look at the Leaving Care Act that's not what it says at all, it's how it's been 'translated'. So we have managed to challenge that and it's made a difference really*' [L3]. This was particularly important for separated young people who were often effectively barred from university courses due to their ineligibility for help with student fees, but vocational courses at colleges were more accessible.

Some social workers also reflected on the limitations of advocacy approaches: on the one hand, some felt pessimistic about the ability of practitioners to influence key issues because there was a lack of political will at state government level to address them. On the other hand, some practitioners considered that in individual cases '*too much*' advocacy could hinder young people's ability to represent themselves:

....sometimes there've been situations [...] where we've been to the GP or to other health professionals and he asked me, 'you speak, you tell them what my situation is' - where I feel I should have stepped back and let him talk more on his own even though he may have struggled talking about complex issues …[L6]

There were also examples where practitioners talked about going beyond advocacy for individual young people directly, instead becoming a broader 'advocate' for their rights '*as a group*', e.g. by challenging stereotypes among other professionals:

... say you're having a conversation with an immigration officer and they say something like, 'you know what they're all like', that kind of thing, I'd feel it was my responsibility to say 'what do you mean by that?' ... so personally to challenge things with people... [L4].

Similarly, such broader advocacy could extend beyond professional work contexts, for example when encountering negative views regarding asylum seekers within their personal networks and feeling '*so strongly that their view was completely clouded by what they'd read in the papers and actually they had no real understanding of what some people experience*' [L3]. In this context, some practitioners saw opportunities to '*change people's opinions and attitudes and maybe that has an impact, a broader impact on a small level really*' [ibid.]. On the other hand, challenging stereotypes could also extend to debates with individual young people about their views on rights issues in a diverse society, for example about *'issues with [...] the way they see women, the way they see gay people'* [L7]. In this context, challenging prejudice was considered a human rights issue in itself, but also something that helped practitioners to work with young people in a more 'authentic' way.

- **Ethical dilemmas and strategies of resistance**

For many practitioners, ethical dilemmas that arose in their work with separated young people were an important aspect of their reflections on the relevance of human rights to their work. Particularly among statutory social workers there was a broad acknowledgement that in some way or another, they were balancing dual mandates as helpers, advocates and protectors for young people alongside their role '*as agents of the state*' [L1] and potential 'gate keepers'. These dilemmas resulted from '*the interface between immigration legislation and childcare legislation*' [L1] which directly affected

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statutory agencies through the funding administered and distributed by the Home Office for their work with unaccompanied asylum seeking children. In this context, for some social workers the lack of '*strong leadership and strong direction*' [L1] within their profession constituted a particular problem.

Examples of dilemmas in day-to-day practice included roles where social workers were involved in assessing eligibility for services using criteria that went beyond human need (and specifically, the needs of children as defined by the Children Act 1989). Examples included age assessments (see above) and 'human rights' assessments to determine whether a person with 'no recourse to public funds' was still entitled to support to avoid a breach of their human rights (something that was most likely to affect separated young people after their 18th birthday). At the time of interview, practitioners referred to human rights assessments as a future prospect rather than a current reality of their practice, but this prospect seemed nevertheless problematic, and some considered the term an antithesis of their understanding of human rights but rather '*a paper excuse to terminate in most cases the support you are offering now [...] [lacking a foundation within] human rights law or research*' [L7].

Another dilemma concerned the changes of young people's entitlements to support when they turned 18 and later (for some) at 21. While turning 18 might be considered a milestone associated with increased rights for many indigenous young people, for separated young people this rarely seemed to represent a cause for celebration, because of '*worry about their immigration status*' as well as '*emotional separations [...][if faced with] return to their country of origin*' [L2]. Practitioners reflected on the discrepancies between young people's 'chronological' status as an adult and their impression that '*in terms of their behaviour they often are not*' [ibid.].

While the changes around young people's 18th birthday represented a difficult situation for young people and practitioners alike, social workers faced particular dilemmas when working with young people who reached the end of their entitlement to leaving care support without any rights to other forms of support as a result of destitution policies:

> *... once they're 21 and they're not in further education then we can't keep supporting them and that line tends to be held quite firmly* [L3].

In this context practitioners considered young people's options very limited: most young people were described as '*not interested*' in voluntary return to their country of origin for reasons that were '*completely understandable*' [L3], leaving very limited (or sometimes non-existent) 'options' of support within their communities or by charitable organisations. Being in the situation where they had to break the news to young people that their department would be withdrawing its support was '*a really, really horrible feeling*' and also represented a context where '*rigid rules […] won't let you help someone*' [L3]. Practitioners expressed their frustrations in this context of '*feeling very strongly that it's morally wrong*' but also *'feeling […] hopeless that, you know, you try what you can […] but when you've exhausted that and you still haven't got anywhere, then that's quite upsetting...*[L3]. In this context, practitioners strategies of '*resistance*' to rigid and 'morally wrong' systems of exclusion through destitution policies seemed limited to the micro-level of trying to support individual young people to make the best out of a fairly 'hopeless' situation. This included looking for lawyers prepared to help young people make a 'fresh claim' for asylum, making 'exceptional' arguments in attempts to persuade managers to agree the extension of support, as well as looking for other informal (and usually short-term) solutions, such as allowing young people to use grants that were intended to help them set-up home after leaving care to cover essential living costs for as long as this money lasted. Through these ways, and through their critical questioning of destitution policies, social workers did engage in practices which '*humanize[d], individualize[d] and g[a]ve voice*' (Hyslop, 2011, p.419) to the experiences of young people and to the human rights issues at stake.

The impact of the work on practitioners

Several practitioners referred to their work being *'not an easy job'* [L5] and *'emotionally quite hard'* [L3]. One practitioner described this as a general feature of social work which involved '*see[ing] things that you wouldn't normally see*', which (as in the film *'The Matrix'*) could not be unseen again [L4]. However, this change of perspective and inability '*to go back*' [ibid.] could be positive as it helped practitioners '*know as much as I can about society*' [ibid.]. This metaphor of 'seeing' things beyond the norm seemed, at the same time, to mark both the 'subject' and the 'status' of social work as 'exceptional' territory. In this context, asylum seekers were considered a particularly marginalised and excluded population, manifested in their treatment and

'*the general discourse of being bogus*' which – in the mediating and liminal position of social work - could '*make you feel a little bit helpless and quite angry sometimes*' [L3]. In trying to counteract such negative discourses about their clients, some practitioners considered that their own stereotypes had diminished through their practice and they had become more aware of '*the complexity of the whole picture*' [L6].

Practitioners described a range of strategies and responses to the emotional impact of their work. For some this involved '*disengaging emotionally [...][and seeing] my work as my work and [..] a process*' [L4]. In this context, experience was seen as important '*because things that would have affected me when I first qualified don't affect me now*' although there was also a careful balance between not wanting '*to become a robot [and] at the same time [...] need[ing] to be emotionally detached in some respects* [L4]. For others, the impact of successes and set-backs they witnessed among young people seemed more difficult to manage, leading to scales of '*very happy*' and '*very sad*' feelings on their behalf [L5]. Where they felt powerless to address young people's difficulties (including because their organisations lacked the '*capacity*' or '*ambition*' to address these issues), it was sometimes necessary to '*just pull out of it [...][or] live with the problem if you are very strong*' [L5]. However, 'pulling out' seemed difficult at times, and there were instances where practitioners took home some of the emotional burdens of their work where it could affect personal family life.

For others, '*never giv[ing] up and [...] feel[ing] very motivated*', appreciating young people's ability to '*take so much advantage of what you give to them*' and maintaining a sense of how their work was '*contribut[ing] to a better society*' [L7] was a strategy to help them feel content with their work. An important factor in this context was also that practitioners felt appreciated by colleagues for their advice and expertise, which made them feel '*that people listen to you*' [L7]. Several practitioners echoed the importance of supportive colleagues and teams, such as having '*someone who will listen to you*' on a '*bad day*' [L3] as well as '*time to replenish your own batteries*' [L2]. The conduct of managers and quality of supervision was seen as particularly important in this context, with some practitioners appreciating, above all, '*professional freedom*' and '*not [being] micro-managed*' [L8] while for others the lack of '*space to talk about the feelings and frustration*' in managerial supervision that was '*more practical and more case ticks*' [L7] was in itself a source of frustration.

8.4 Discussion

This chapter has considered human rights themes and perspectives in social workers' practice with separated young people. The practitioners interviewed in Berlin and in London/SE raised a range of similar issues affecting the separated young people they worked with. In both countries, practitioners referred to a gap between human rights provisions in principle (particularly the special 'protection' rights for children and for recognised refugees on international and national levels) and a 'reality' which was marred by the contested social space that many young people occupied, whose 'rightful' access to the legal privileges afforded by these 'exceptional' forms of protection was questioned.

This disputed status was most evident in the context of young people's treatment within the asylum system, which particularly practitioners in Berlin considered as incompatible with human rights principles. Problematic issues here included young people's sense of being criminalised, but above all the 'culture of disbelief' which was seen as pervading the asylum system in both country contexts. The consequences of this disbelief for young people (which was linked to a wider context of discrimination and racism) included often long-term experiences of exclusion, leading to what social workers in Berlin described as conditions of 'inner censorship' that prevented young people from imagining a future beyond the limitations of their 'only tolerated' status. Among the English sample, there were references to young people's predicament of either having to 'prove or hide' parts of their identity, as a way of coping with the constant *surveillance* identified by Chase (2010) in reference to Foucault's writings. Similarly, the fragile and precarious temporary 'protection' granted to young people based on their ongoing engagement in therapeutic treatment (in Berlin) can be seen to represent a biopolitical form of exception to the general denial of residence rights to asylum seekers.

A consequence of the often precarious legal status of separated young people, particularly at the points where they reached legal adulthood, was that their access to opportunities and resources was often restricted. Among practitioners in Berlin, there was some concern that due to this excluded status as '*non-citizen*' Others, even public discourses about poverty levels among citizens were mute on the much lower levels of asylum support (which some young people had to rely on upon leaving care) despite its

potential function as a 'testing ground' for lowering welfare provisions for '*failed citizens*' (Anderson, 2013). In the English sample, on the other hand, practitioners referred to examples of persistent discrimination in services for separated young people despite some recent improvements following the '*Hillingdon Judgement*'.

One area which highlights the 'disputed' status of separated young people vis-à-vis children's rights perhaps like no other is the practice of age assessments, which brings to the fore the implications of a binary conceptualisation of childhood and adulthood. In both countries, care and support from social services authorities are limited to those fitting the criteria of '*unaccompanied children*' at the time when they first present in need of such support, while others seeking refugee status, i.e. adults and children in families, are subject to very restrictive support regimes. Age assessments undertaken by youth welfare authorities involving social workers have emerged in both countries as practices of distinction and categorisation, based predominantly on interviews with young people and questions of 'believing' or 'not believing' their accounts about their age in the light of other available evidence. This is notwithstanding the fact that in Germany practices are more variable and intrusive medical assessments remain common, while in the UK an increasingly litigious context has brought about a common format and a ruling that the ultimate decision in challenges lies with the courts (see Chapter 3). The difference between the two sample groups in this study was that several social workers in statutory organisations in London/SE were directly involved in age assessments while in Berlin these processes were carried out by the central city council authority. As a result it is not surprising that practitioners in the English sample raised the dilemmas and difficulties of age assessment practice, while among the practitioners interviewed in Berlin the consequences of age assessments for young people and on practice was the more dominant theme. This also links with varying perspectives on the risks associated with age assessments:

- A concern with risks *for* age-disputed young people focuses on the potentially detrimental impact on their welfare if young people who are 'actually younger' are treated as adults. Alternatively, a risk *for* those who are 'actually older' than assessed is that they have to live in contexts which they experience as constraining (such as a children's home).

- Conversely, a concern with risks *from* age-disputed young people focuses on the potentially detrimental impact on the welfare of those who are '*real*' children if those who are 'actually older' are allowed to enter environments reserved for children and adults who have been verified as '*safe*' (such as schools or foster care).

While risks *for* young people were considered to some extent in both country contexts, the risks *from* age-disputed young people seemed more uniquely a theme in the English sample, perhaps associated with the particular role of social workers as gatekeepers tasked to ensure that adults were not supported in children's services. This might also tie in with a trend of increasing public scrutiny and surveillance affecting statutory social work itself, leading to situations where preoccupations with risk assessment and management dominate actual work to improve the lives of children and young people (Parton, 1999).

Regarding the role of human rights in practice approaches there were some similarities between the two sample groups but also some marked differences. In both countries practitioners described some explicit references to human rights among other more implicit understandings. There was a stronger tendency among the social workers in the English sample to associate human rights primarily with formal legal standards, particularly the UK Human Rights Act 1998. In this view, human rights were more likely to be considered predominantly an issue for lawyers (e.g. as asylum-related rights concerning the question of young people's right to remain) or as potentially '*too basic*' a category compared with the more 'comprehensive' framework of child welfare legislation. This perspective seemed linked with a focus on *first generation* (freedom) rights, reflecting the dominance of this 'category' within common human rights discourses (see Chapter 2). As Ife (2012) observes, a preoccupation with first generation rights, connected with a view of lawyers as human rights specialists, leads to a construction of human rights as a *minority concern* within social work, whereas a broader conceptualisation which incorporated second and third generation human rights '*would effectively define all social workers as doing human rights work*' (p.49).

However, as discussed in previous chapters, practitioners in both contexts considered that human rights and social justice principles significantly influenced their personal

and professional values. This included themes such as fighting inequality and discrimination through their work and supporting young people's rights to self-determination (even where there might be conflicts with their own views and perspectives). In this context, key strategies included advocacy-related work as well as using 'rights education' to help young people develop their capacity to claim rights for themselves.

A key difference was that in the Berlin sample there were more explicit indications that some practitioners (particularly those in voluntary agencies) framed their work as 'political' involving examples of direct rights-related activism and involvement in local politics (including through professional lobbying networks) as strategies of proactive *resistance* against conditions for separated young people which they considered unjust. Others used more informal strategies such as relying on 'helpful contacts' within their networks or using a degree of 'subversion' to help young people realise certain rights (e.g. to education) which the 'system' denied them on grounds of their residence status.

In the English sample, on the other hand, practitioners problematized a range of ethical dilemmas resulting from their position in statutory services as 'agents of the state' who were on the one hand concerned with promoting the welfare of separated children and young people in their care, and on the other found themselves, at times, as harbingers of exclusionary immigration policies that removed some young people's rights to support rendering them destitute upon leaving care. In this context, the emancipatory promise of a profession meant to champion human rights and social justice agendas could at times seem remote or even risk '*marginaliz[ing] the experience of […] practitioners'* (Hyslop, 2011, p.405) working in very rigid systems of limited 'choices'. However, even in these constrained contexts, '*strands of resistance*' (ibid., p.415) were apparent both in the actions some practitioners described to support individual young people facing the prospect of destitution and in their critical stance towards the co-option of their professional practice (and – in the context of 'human rights assessments' - of the term 'human rights' itself) as part of immigration politics.

Working with these tensions did not leave the social workers unaffected. In both countries, the practitioners referred to different strategies which they used (more or less

successfully) to counteract the emotional impact of working with young people in difficult situations (and with stories that were hard to listen to even for skilled professionals): this included attempts to maintain boundaries between work and personal life, but also drawing on the support of colleagues where this was available. In Berlin, professional networks seemed to have a supportive role especially for voluntary sector practitioners. However, the political contexts of their practice seemed a more difficult to manage source of pressure and frustration, especially as they also sometimes resonated with practitioners' (and their organisations') own contingent positions where funding cuts remained ever-looming. In this sense, practitioners not only dealt with the dilemmas of inclusion and exclusion affecting young people, but were often faced with liminal and precarious standings themselves.

PART VI: DISCUSSION AND CONCLUSION

CHAPTER 9: LIMINAL PRACTICE: SOCIAL WORK WITH SEPARATED YOUNG PEOPLE BETWEEN EMANCIPATORY IDEALS, CONSTRAINING CONTEXTS, ADAPTATION AND RESISTANCE

9.1 Paradoxes and liminality

The conceptual framework of this thesis is based on critical consideration of the contradictions between social work's emancipatory claims and aspirations (particularly a commitment to human rights) on the one hand, and its unwitting or knowing involvement in oppressive structures and practices on the other. Examples of the former position can be found in internationally agreed professional definitions or documents such as the IFSW Policy Statement on Human Rights. The latter perspective is exemplified in Humphries' (2004) charge that social work is complicit in '*implementing social policies that are degrading and inhuman*' (p.93) specifically in a UK context of professional responses to (recent) migration. Rather than debating arguments supporting either position, this thesis has drawn on post-structural perspectives which challenge the idea of universal claims about a singular 'truth' regarding inherent benevolence or malevolence of social work practice. From this perspective social work can be seen as ambiguous and contested, requiring critical and reflexive approaches which consider both the potentials and dangers inherent in everyday practice, as proposed for example by Wendt and Seymour (2010).

Contradictions have been a common thread throughout the conceptual discussion: I have argued that there are affinities between conceptions of social work and of human rights, not just through the emancipatory ideals and 'promises' underlying each concept, but also between their respective paradoxes and contradictions. Both have long-standing roots and traditions, but in their current formulations they are intricately linked to ideas associated with the development of modernity in the West. Particularly from critical post-structural perspectives this common background has been put forward as a key source of their conceptual and practical contradictions by, for example, Hyslop (2012)

for social work and by Tascón and Ife (2008) for human rights. These can be summarised as tensions between *inclusion* and *exclusion*. The contradictions between social work's disciplinary and emancipatory potentials have been problematized within the social work literature, although this has often taken the form of contrasting different settings or practices rather than considering a paradoxical position as an 'inherent' aspect of social work itself (Healy, 2000). Human rights concepts have equally been subject to conceptual and practical critiques noting their formulation in contexts of Western dominance (such as andro- and ethnocentric biases) but also the reliance of current frameworks on states as guarantors of rights. The latter places citizens of repressive regimes as well as those who are factually or practically stateless in potentially precarious positions. At the same time, the ability of states to define, grant and deny *exceptional* rights challenges the proclaimed universality of human rights frameworks for example by granting residence rights only on the basis of accepted political persecution, conforming with categories of particular vulnerability or being considered 'useful' through skills and talents. Migrants subject to external and internal controls in countries such as the UK and Germany have been identified as particularly affected by processes of *inclusive exclusion* (Agamben, 1998), being included by being subject to a country's laws (and symbolically, as outsiders who through their presence help define 'insiders'), while being excluded from political, social and economic participation.

In this context, exceptionally formulated human rights can reinforce *inclusive exclusion* if they are used in a top-down and/or expert-defined way to separate 'deserving' from 'underserving' rights claims. On the other hand, if framed and applied more broadly and holistically human rights can mitigate against selective and exclusive conceptualisations, for example by focusing on issues of process and emerging '*rights from below*' (Ife, 2010).

Nevertheless, within both international and national social work definitions, human rights have mostly assumed a taken-for-granted positive role, representing emancipatory values and ideals which professional action should strive for, without further interrogation of their potential contradictions (Cemlyn, 2008). A key conclusion of

Chapter 2 was therefore the need to consider the (conceptual and practical) use of human rights in everyday social work practice in more detail.

For separated young people, the divisions between childhood and adulthood provide further challenges in addition to the precariousness of their migrant status. A major factor in this is the formulation of children's rights as a distinct discourse which at a symbolic-rhetorical level enjoys a privileged status compared to rights frameworks for refugees and other migrants or even universal constructions of human rights. Hence, legal and policy frameworks in Germany and the UK provide, in principle, that separated migrant children should be supported under the same care arrangements as 'indigenous' children who need out-of-home care; however, their actual situation depends on age- and status-related categorisations. Disbelief from authorities about their age (alongside their reasons for migration) has a key impact on the rights of separated young people. Even if their accounts are accepted they face uncertainty as they 'age out' of access to special provisions and protections. In this sense, separated young people cross a number of boundaries and in doing so risk being regarded as transgressing *vagabonds* (Bauman, 1998). They challenge the power of states to define exceptions so as to maintain boundaries between those to be granted and those to be denied rights such as the distinctions between child and adult; between 'victim' and 'threat'; between 'recognised' refugee and irregular migrant or, more broadly: between the 'deserving' and the 'undeserving'.

Social workers are at the interface of the above contradictions in their practice with separated young people, which can be characterised as a 'liminal' field. Warner and Gabe (2004) consider various ways in which the concept of liminality applies to social work in a mental health context: as liminal *states*, which can both refer to service users' subjective states of being and mind (e.g. a blurring of 'outside' and 'inside') and to their position in-between service provisions; as liminal *space*s (in their example, the street as a physical and social in-between space, often associated with strangers, risk, refuse and otherness); and in the role of social work as a liminal *profession* - an intermediator between public and private spheres. These different levels can be similarly applied (and extended) to practice with separated young people. As young people and as migrants, often with an unregularised immigration status, their liminal and often precarious

position disrupts the 'order' which welfare and immigration systems seek to impose: between 'vulnerable children' and adults responsible for their own actions and fate; between refugees with 'well-founded' claims and refused asylum seekers; and between those who are 'deserving' or undeserving of support (particularly social work support within the care system). The notion of liminal spaces applies on a variety of levels - for example, to the physical borders young people have crossed and to the threats of expulsion (through forced removal) or (particularly in the UK) destitution and homelessness. With an uncertain immigration status, separated young people are also in a liminal social space as far as citizenship is concerned.

The professional liminality of social work in this field not only involves negotiations between 'public' and 'private' spheres (Christie, 2001) (or between the subjective 'life-world' and system worlds), but is set in contexts of inclusion and exclusion which significantly impact on young people's rights. Social workers can have an intermediate role for and alongside separated young people, but they can also be involved in decisions which directly affect the granting or withdrawal of rights, such as through the practices of age assessments or, in the UK context, human rights assessments. At the same time, social workers may also consider themselves to be in an excluded position. On the one hand they may face implications of the low status of this area of work among the media and wider public, or even their colleagues and managers. On the other hand, the particular ethical conflicts and dilemmas associated with their roles may position social workers in statutory organisations in conflict with others within their own profession (e.g. those in voluntary agencies or academia), and as scapegoats for the wider context of oppressive policies within which they operate. Humphries' (2004, p.104) condemning analysis, in a UK context, that '*it is no wonder they [social workers and social services] are despised and feared by the people they purport to help*', could be seen as an example of distanced (and harshly formulated) criticism in place of a more nuanced and reflexive approach that bridges the (imaginary) gulf between 'the emancipatory' and 'the oppressive' sides of social work (as well as a practice/academia divide).

The following section identifies and discusses aspects of liminal practice at the intersection between practitioners' emancipatory values, constraining contexts and

possibilities of (micro- and more macro-level) 'resistance'. It explores the different potentials and dilemmas vis-à-vis social work practice using human rights perspectives, and the range of approaches and strategies used by practitioners.

9.2 Potentials and dilemmas vis-à-vis human rights practice

Emancipatory roots and aims: motivations and values

As discussed in Chapter 5, all practitioners within this research referred to motivations and values which linked with emancipatory ideals and with human rights and social justice frameworks. Such ideas were not only a common theme in the context of practitioners' reasons for entering the social work profession and working in this particular field, but were also evident in their reflections about the links between their work and human rights perspectives. Personal and professional domains often intersected in this context: personal principles (such as being *'a justice type'* or refusing to believe in *'such a thing as an innocent bystander'*) and experiences (e.g. witnessing the Auschwitz trials on television as a child, coming from a family of refugees, or having been a refugee themselves) linked with motivations to become involved in social justice issues during training and later in professional life. For some social workers this included explicitly *political* philosophies and forms of activism which provided a platform for critical engagement with social work's proclaimed emancipatory agendas, contrasting these with the risk that professional activity might focus on systemic-functional adaptation ('*getting people to function'*). Similarly, some practitioners drew on their own experiences of migration or being a liminal *stranger* to empathise with the even more precarious situations of separated young people.

Ideas of social justice featured strongly among the social workers' value frames for their practice, ranging from more structural levels such as '*fighting inequality'* or making '*society more fair'* to the personal level of treating everyone *'the same way'*. For some voluntary agency practitioners in Berlin, these ideas explicitly involved aiming to position themselves '*on the same side*' and 'the same level' as young people, while particularly statutory social workers in the English sample seemed more cautious in suggesting such a level of partiality and equality in relationships. Practitioners considered their roles to include '*empowering*' individual young people to help them '*achieve their potential*', or '*some form of normality*'. Other values connected to human

rights and social justice referred to *'dignity'*, *respect'* and *'tolerance'*, or young people's right to '*develop, to learn, to find their way and be as free as possible from any mechanisms of force'*. In terms of professional action that related to human rights, practitioners referred to their role in supporting young people's participation rights, by *fighting for* or *speaking up for* the rights of young people, and (explicitly mentioned in Berlin), by helping young people '*learn to fight for their rights'* themselves.

Thus, on the level of stated motivations, values and aims, practitioners across the board in both countries emphasised their commitment to human rights and social justice. Yet, these broad expressions only reveal a limited part of the overall 'messiness' of practice in this often conflicted field. Values and aspirations can be as abstract as professional declarations and ethical codes if they are not acted upon. In this context (as discussed in Chapter 4) a key aspect (and possible limitation) of research - and interview-based research in particular - is that it can only access the co-constructions and reconstructions of participants' *perspectives* on their practice rather than making any claims to reveal a 'true' representation of this practice. Practitioners made clear that they felt their emancipatory aims for their work were often constrained by the contexts within which they practiced, although they also considered some contexts as facilitative and / or improving. Considering these contexts, and the approaches and strategies used by practitioners to negotiate the liminal space between emancipatory and constraining elements of their work, provides a more nuanced view of the dilemmas and possibilities of human rights-based practice.

Constraining contexts and professional liminality

Among the constraining influences on practice, the asylum system was most commonly problematized as limiting young people's rights, choices and sense of agency, but also the ability of practitioners to support them towards self-determined forms of '*normality'*, inclusion and integration. This ranged from practitioners criticising the asylum system's *'lack[ing] patience'* and its failures to listen to and believe young people's accounts through to condemning the dehumanising violence implicit in the system and its practices, which were '*hard to comprehend'*; *'interrogating'*; *'criminalising'*; '*terrible'*; *'humiliating'*; *'bullying'; 'racist'* or even comparable to the totalitarian contexts of Concentration Camp guards. As discussed in Chapter 8,

practitioners in Berlin overall had a tendency to express negative views in stronger terms.

In terms of the impact of negative asylum decisions on young people's lives, there were some differences between practitioners in the German and English samples, although both described contexts dominated by exclusion. For social workers in Berlin this manifested itself through the status of young people as merely '*tolerated*' or having been '*taken hostage*' by the authorities through the restrictions (e.g. regarding education or employment), and their experience that not having the right papers made them '*somehow non-existent*' within German society. These legal and symbolic forms of (inclusive) exclusion connect with Dean's (2013) '*protective*' or corporatist model (see Chapter 2) based on the notion that rights are dependent on *belonging* to a solidaristic collectivity: in this logic those who are defined as outsiders in relation to the collectivity can be denied rights and classed as only '*tolerated*' on a temporary basis, making the system far from '*protective*'. Following Agamben (1998), the 'inclusive' part of young people's exclusion refers to their being subject to the very laws that serve to exclude them and to the symbolic nature of their *othered* status as foreigners (*Ausländer*). In the English sample, on the other hand, practitioners emphasised the prospect of destitution as a major threat to young people leaving care whose appeal rights were exhausted. As discussed in Chapter 3, the denial (or only very exceptional granting) of support rights links with economistic forms of (inclusive) exclusion, based on (largely false) official beliefs that '*failed asylum seekers*' will return to their countries of origin if their access to welfare is cut off, even though a growing body of evidence suggests that rather than returning, most refused asylum seekers look for ways to cope with destitution, turning to precarious and sometimes dangerous survival strategies instead (Crawley et al., 2011). Indeed, Marfleet (2006, p.186) suggests that the creation of an '*army of cheap labour*', by European states denying forced migrants political, social and economic rights, may be more than just an unintended consequence of their policies, serving the logic of capitalist markets which rely on exploitable labour.

Within these regimes of exclusion, a key difference for social work practice, which was clear from practitioners' accounts, is that destitution policies within the UK have directly implicated social workers in their administration, through the practice of

'human rights assessments' and, indirectly, through age assessments which remove the safety net of support under the Children Act 1989 (including aftercare support for young people leaving care). In Germany, some social workers are also involved in age disputes, which have implications for the treatment of separated young people in terms of support, asylum and residence status. However, the practitioners in Berlin did not refer to involvement in a practice comparable to that of human rights assessments, nor of a policy of support being withdrawn altogether (notwithstanding the punitive character of the existing asylum support system and other legal restrictions).

Possibly as a result, the social workers in Berlin made less reference to feeling caught up within a problematic interface between asylum or immigration legislation and child welfare, whereas this seemed a quite central theme for practitioners in the English sample. The social workers in the German sample from both statutory and voluntary organisations focused on the various negative consequences of the harsh asylum system on the lives of young people they worked with, and on how this limited their ability to support them at times – but their ability to engage in benevolent roles as *supporters* of young people generally remained unquestioned. Professional dilemmas concerned practical issues within their work or rights issues affecting young people; as well as – in some cases – the difficulties of young people having to 'conform' with specific notions of a *child refugee*, preventing them from openly talking about their experiences and reasons for migration. However, for the social workers in the English sample, the issue of gatekeeping practices based on age but also on immigration status, especially at the point of preparation for 'leaving care' seemed much harder to escape. For practitioners in statutory agencies this had direct consequences for the support they were able to offer young people (or not), and sometimes also on the level of trust and relationships they could develop with young people. For those in voluntary organisations on the other hand, particularly if they were involved in advocacy on behalf of separated young people, relationships with their colleagues in local authorities could sometimes become strained or even conflictual.

Based on these different accounts, it could seem as if both social workers in the Berlin sample and those in voluntary organisations in the London/SE sample largely managed to maintain the ability to engage in emancipatory practice, promoting the rights of

separated young people, in contrast to social workers in statutory settings in the English sample who faced choices between resisting or conforming with the system. Discourses which distinguish between social work in voluntary and statutory agencies in the UK as likely sites of more emancipatory or more oppressive practice can be traced in the recent policy-focused literature concerning separated young people, particularly among some NGO reports (see Chapter 4). In their outline of a '*positive process of work with people seeking asylum*', Fell and Fell (2013, p.5) state that they aim to '*move away from the problem-saturated discourse of collusion'*. They emphasise the potential of the UK *voluntary* sector in particular to support this kind of practice, implying relatively less hope for emancipatory practice within the statutory sector. As problematized by some of the social workers in this study, the set-up of different practice roles does imply a greater risk of statutory social workers in the UK being drawn into gatekeeping in this field. However, from a more nuanced perspective, a binary separating supportive 'heroes' from gatekeeping 'villains' is too simplistic. Robinson (2014, p.13), amongst others, points to the dangers of voluntary sector refugee organisations in the UK being drawn into a '*contract culture*' where they risk involvement in implementing gatekeeping and other restrictive policies. This may coincide with a separation of direct service provision and critical advocacy work, as well as a reduction of the latter. Similarly, as discussed further below, even constraining contexts in statutory organisations do not preclude opportunities for small and sometimes larger-scale resistance against practices such as gatekeeping.

With regards to the seemingly less conflictual and dilemma-laden positions of social workers in the Berlin sample (both in the statutory and voluntary sectors) vis-à-vis engagement in rights-based practice, the separation of the roles of the city's central authority and social workers in the districts needs to be highlighted as a highly context-specific practice, particularly when it comes to age assessments. Given Germany's diverse systems of local administration, practice varies widely across federal states and local authorities (see Chapter 3), meaning that many social workers may be directly involved in both gatekeeping and supportive roles just as the English social workers in this study. For social workers in voluntary agencies, organisational and funding contexts also vary widely. This means that they are unlikely to be immune against the problems of 'contract culture' at the cost of their organisational independence. Noske (2011)

suggests that even practitioners who are not directly involved in reinforcing the boundaries of age or status cannot hide away from the fact that their professional practice, if set in the context of providing support specifically to 'unaccompanied minor refugees', always has implications for those outside of or at the margins of this category. In consequence, the notion of differential rights for people in different 'categories' is always something to be questioned from a human rights perspective.

From a conceptual perspective, the social pedagogy paradigm and life-world orientation which influenced particularly practice in voluntary agencies in the Berlin sample might seem, at first sight, to offer a more explicitly emancipatory framework – the 'good twin' of a more state-controlled and welfare-based statutory social work. Notwithstanding the potentials of this approach, an over-optimistic view of social pedagogy's emancipatory potentials is tarnished by its historic (and contemporary) involvement in aspects of social control. As discussed in Chapter 2, Foucault (as cited in Chambon et al., 1999, p.92) suggested that '*pedagogy*' does form an aspect of social '*correction*', alongside '*punishment*'. In this sense, the contexts of social pedagogy-based practice can also be limited, for example by support provisions being linked to at least some willingness of young people to engage in processes of learning and education, aimed at a degree of *integration* which carries normative expectations. Whilst these expectations seem linked to the *best interests* of separated young people (suggesting a link between education and a more promising future), they nevertheless impose conditions on their access to support (particularly when they reach the age of 18) in a context where the alternatives (e.g. asylum support provisions for adults) are extremely limiting. Young people who fail to conform to these expectations (perhaps because their abilities or external pressures placed on them prevent them from engaging in 'meaningful learning') may therefore be at a particular risk of falling through the gaps in service provision. Theilmann (2005) problematizes these issues as conflicts between the aims of professionals who believe they are working towards young people's 'best interests' and young people's own ideas about their current and future lives. The latter may centre on obligations towards families in countries of origin, debts to smugglers or simply emanate from the paradoxical character of the often very limited 'integration' perspectives offered by the care system. Chase and Allsopp (2013) similarly highlight the flawed assumptions of institutional 'Life Projects' planning schemes (such as the Pathway Plan process in

England) that young people will simply comply with the definitions, advice and plans of professionals concerning their perceived best interests. In this sense, social workers face difficult balancing acts when trying to engage in practice which takes real account of young people's subjective perspectives and coping strategies while also trying to offer alternatives to behaviours and actions they consider may place young people at risk.

These issues demonstrate the liminal character of social work practice in this field, with social workers having to negotiate between dilemmas of exclusion and inclusion in various domains: in terms of young people's liminal states between exclusion and inclusion (through the nexus of asylum and care systems); in terms of their own positions (depending on agency contexts) of providing support and becoming involved in gate-keeping processes; and in terms of the tensions that may exist between their professional ideas regarding young people's best interests and young people's own ideas and strategies. In these contexts of liminality, even the most committed practitioners may find themselves in the paradoxical position of trying to offer support based on their assessment of young people's needs without really being able to respond to what young people themselves define as their needs.

Finally, and not least through these constraining contexts, practitioners working with separated young people themselves may sometimes occupy a liminal position within social work more generally. Examples included the description of statutory social work with separated young people in Berlin as an '*unpopular field*' or services having an only '*tolerated*' position in terms of funding. Despite the status of most practitioners as 'experts', they encountered a lack of understanding from managers and colleagues in more general services. For some this extended into prejudiced attitudes among their own personal networks, and a hostile political climate meant that some practitioners felt they were working '*at the edge of exhaustion*'. At the extreme end, the liminal social space occupied by separated young people and other migrants could correspond to services being located in unattractive physical spaces (such as the example of a garage smelling of urine). At the same time, practitioners also made some positive references to the liminal status of social work in this field, with paths away from 'mainstream' practice being associated with the ability to '*escape*' from the challenges and emotional demands of child protection work. By understanding the field better than others in

positions of authority (be it within the hierarchy of the same services or in other agencies), practitioners also gained agency in finding access to resources (including those that were informal or 'unconventional') which often allowed them to work more flexibly and independently than in more 'mainstream' fields of social work.

Diverse conceptualisations of human rights

While all practitioners in the research embraced broad emancipatory values and aims, there were different perspectives on the role of human rights in day-to-day practice which ranged from implicit to more explicit conceptualisations. However, practitioners did not necessarily represent one particular position only throughout the interview but often used conceptualisations that were fluid and flexible. The range of positions included an initial differentiation by some social workers in the English sample of 'human rights' (as mainly the domain of lawyers) from child welfare principles which were seen as more inclusive and less '*basic*'. This conceptualisation is significant not only by limiting human rights discourse to 'basic' levels (most likely in line with the common focus on *first generation* rights), but also because it could be seen as reinforcing the children's rights/human rights binary and suggesting that social work with separated young people might be able to focus on issues of children's care and support without the constraining contexts within which this practice is set. Depending on these contexts, the optimistic view that, hopefully, practice would not come '*even close to violating [the] human rights [of separated young people]*' may have its limitations – for example if support is withdrawn on grounds of young people's immigration status or age. Another implication of this relative distancing of day-to-day practice from human rights concerns is that it risks separating young people's experiences before and during migration from their life in 'host' countries, linking the former with mostly oppressive and the latter with predominantly liberating characteristics. Such a perspective is liable to reinforce notions of stereotypical 'otherness' (e.g. of non-Western societies as archaic and non-progressive). However, it also ignores the complex dynamics of human rights on local and global levels: on the one hand, young people's experiences in 'host' countries may in fact be dominated by oppression rather than freedom; on the other hand, the pursuits of political and economic interests of 'Minority world' countries are linked to human rights violations in the 'Majority world'.

Another position was to consider human rights as a key concern which might not be explicitly talked about but nevertheless informed the work on a fundamental level. This interpretation draws on broad and inclusive conceptualisations of 'human rights' and 'social justice' in which the two tend to be merged. Cemlyn (2008) points out that such a quasi-synonymous discourse may facilitate a greater integration of human rights perspectives in social work. On the other hand broad conceptualisations can also be vulnerable to being interpreted (and co-opted) to fit a variety of agendas, including individualised views of rights. Without clear articulation, human rights perspectives can also remain at a largely rhetorical level. In the context of this research, there were indications that many practitioners in both countries did engage with issues relevant to human rights (and social justice) but did not necessarily use the language of 'rights' explicitly. This may reflect the prevalence of other concepts such as anti-oppressive or structural social work in the UK (e.g. Cemlyn, 2008) or the 'anti-colonising' life world approach in Germany (e.g. Hämäläinen, 2003; Lorenz, 2008). It may also link with common narrow conceptualisations of human rights themselves (e.g. focusing on first-generation rights and legalistic formulations; Ife, 2012).

The most explicit position started from the basis that human rights '*permeate[d] the whole work'*, not just on the basis of practitioners' personal values, but in the sense that social workers made direct reference to particular rights in their practice or considered dilemmas from a human rights perspective. Examples in this context were practitioners' reflections about the global dynamics of social injustice which brought about the migration of separated young people, and critiques of narrow differentiations between 'legitimate' or 'illegitimate' asylum grounds which forced young people to conform to particular representations of the '*real child refugee'*. From these explicit positions, practitioners were also more likely to resist essentialising divisions between countries and cultures of origin as sites of human rights violations and Western host countries as benevolent defenders of rights.

Practice strategies: between adaptation and resistance

In the liminal spaces between emancipatory aims and values and constraining contexts, practitioners used a range of strategies and approaches that allowed them to reconcile the emancipatory aspirations that motivated them to practice social work and the

constraining contexts in which this practice was set. Rather than 'embodying' a particular way of practising, however, many social workers seemed to move between different approaches.

One strategy was to work within the boundaries of entitlement drawn by the 'system', particularly between young people classified as 'children' and those who were not. From this perspective, practitioners defended the rights of separated children to be treated – as much as possible – in the same way as other children and to be seen as '*children first and foremost'*. This perspective has both equalising and exclusionary implications: on the one hand, as several practitioners in this research highlighted, there has been a long-standing history of unequal treatment of separated young people, justified politically through the respective reservations of Germany and the UK to the UNCRC regarding the rights of migrant children. This has particularly affected separated young people aged 16 and over, with practices in both countries leading to less and often inadequate support, including (in Germany) treatment as quasi-adults for support and asylum process purposes. Despite the withdrawal of their reservation by each country, the treatment of separated children can by no means be considered 'equal' in all respects to that of citizen children in care (see Chapter 3). In this context, a focus of practitioners on separated young people's rights *as children* can be a strategy to lobby managers for more resources and take other agencies to task over their responsibilities (e.g. in relation to the provision of education).

On the other hand, as outlined at various points throughout this thesis, the risk of focusing on a children's rights discourse alone is that it excludes those separated young people who fail to conform with the underlying notion of a 'vulnerable' child (Judge, 2010) and those who 'age out' during the process of seeking asylum (Chase and Allsopp, 2013). For social work practice, working on the basis of the boundaries drawn between the rights and entitlements of children and adults suggests a degree of support for (or at least accommodation with) this dichotomy. In a similar vein, practitioners may refer to the boundaries between 'real' refugees and economic migrants, although making this distinction rests with immigration authorities and may therefore be a lesser concern for social work practice. Nevertheless, as Chase (2010) observes with reference to Kohli's (2007) study of social work practice with unaccompanied asylum seeking

children, constructing young people as 'deserving' on the basis of 'real' (or 'believable') suffering may link with more dedication, especially among practitioners working within the '*humanitarian helper*' domain.

As discussed in Chapter 2, Theilmann (2005) distinguishes between approaches of adaptation and resistance in social pedagogy and social work with separated young people, suggesting that adaptation approaches remain within the 'system' without challenging it and practitioners resort to '*making the best out of the situation*' (p.113) using the available resources. She suggests this is a defensive stance which might lead to short-term improvements but limits professional agency in the long-term as it reduces the fundamental paradoxes of social work in this field to situational and individualised problems. The approach of working within and accepting the boundaries drawn by the system (e.g. between children and adults and between refugees and economic migrants) may involve such adaptation. This is not to say that practitioners do not engage in positive work with individual separated young people in their care, enabling them to access resources and even fighting for the realisation of their human rights in specific contexts. However, the difficulty with this approach is that it is liable to leave behind those young people at the margins, whether they never come to benefit from social work support at all (e.g. as a result of age disputes) or whether they lose entitlement to this support further down the line. Within the paradigm of adaptation social workers have little capacity (and possibly no willingness) to support these young people.

Resistance, on the other hand, involves proactive attempts to challenge systemic constraints, including through involvement in collective action and political work. Examples provided by Theilmann (2005) include getting involved in grassroots initiatives and networks which support refugee rights, as well as co-operation with other professionals on national level through the *Federal Professional Association* (B-UMF). In the context of the research for this thesis, there were some examples, particularly in Berlin, of practitioners' direct involvement in such local and national initiatives, including the support provided to a self-advocacy group of separated young people. As discussed above, different contexts are likely to be more or less facilitative for more active resistance, and Fell and Fell (2013) and Theilmann (2005) argue that the greater degree of independence of voluntary sector organisations provides an important basis

for collective action and political work. However, even in the more statutory-dominated social work contexts of the UK, Ferguson (2009), among others, puts forward a case for collective activity as a strategy for '*reclaiming social work*'. The examples he provides are set in a broader context, involving initiatives such as the Social Work Action Network (S.W.A.N.), trade union organisation and professional association. In the context of social work with separated young people, a specialist association similar to the *Federal Professional Association* in Germany would provide a platform for more networking and collective action for social workers (and other key professionals) in statutory and voluntary organisations alike.

Alongside examples of practitioners in this research getting involved in direct campaigning and networking, there were also indications that social workers engaged in practices of resistance on a smaller scale. This could take the form of what Carey and Foster (2011, p.585) describe as '*responsible subversion*' and '*positive deviance*', such as using networks to find 'informal' solutions to problems, or the example of adapting an old standard letter to help young people get into training which they might otherwise not be able to access. Subversion could also take the form of practitioners refusing to question a young person's account, even against the backdrop of managerial pressure to engage in gatekeeping practices (e.g. around age). Even examples when practitioners went 'the extra mile' in supporting an individual separated young person (e.g. by spending time with them to research possible sources of evidence for a 'fresh claim' or by lobbying their managers to agree to the provision of extended support beyond 'normal' rules) can be seen as forms of 'subtle' deviance and resistance (Carey and Foster, 2011).

In the context of more small-scale and subtle resistance, the boundaries to what Theilmann (2005) describes and critiques as 'adaptation' seem somewhat blurred. Under conditions of increasing managerial scrutiny and surveillance, performance targets, form filling, risk assessment and '*discretionary shrinkage*' (Hyslop, 2012, p.418) - particularly in statutory social work - 'making the best of a situation' by looking for ways to ameliorate hardship for individual people through both formal and 'creative' or informal approaches and by engaging other professionals and organisations is (no longer) a taken-for-granted social work role (at least within statutory social work

in the UK). From a '*human rights from below*' perspective even small-scale emancipatory moments in day-to-day practice ought not to be dismissed and ignored, just as not all examples of large-scale and collective strategies of resistance can automatically be assumed to be as beneficial and emancipatory to social work service users as they might claim to be: in fact, professional action 'on behalf' of young people is also capable of serving ego-centric goals that perpetuate rather than challenge power dynamics. A binary conceptualisation of social work practice as either engaging in resistance or consigning itself to adaptation thus seems questionable and unhelpful. At the same time, despite emancipatory aims and strategies of resistance amongst practitioners, young people may choose to '*find their own ways*' which do not involve cooperation with social work practitioners but draw on their own agency as survivors and '*liminal experts*'.

CHAPTER 10: CONCLUSIONS

10.1 Review of research findings

This research set out to explore and compare social work approaches with separated young people in Germany and the UK in two specific locations, using a qualitative framework based on interviews with practitioners. I was particularly interested in how practice is influenced by tensions between inclusive ideas of human rights (and children's rights) and restrictive asylum and migration policies and practices, as well as how practitioners conceptualised and used human rights in their day-to-day work. Through this, I also hoped to make a contribution to knowledge about the role of human rights in social work practice more broadly.

A review of the existing literature established that while there is a growing body of research regarding separated young people, including some comparative studies at policy level, only a few studies have considered social work approaches in this field in more detail. Research which compares such approaches across different country contexts or which looks specifically at the role of human rights in everyday practice (both within and outside this field) is particularly lacking.

Based on a qualitative research methodology involving interviews with practitioners in Berlin and London/Southeast England, the research sought to answer the following questions:

1. *What are the contexts of social work with separated children and young people in each research setting?*
2. *How do social workers in the two country contexts conceptualise their work and what approaches do they use?*
3. *How do social workers make sense of young people's situations and 'stories'?*
4. *How do social workers conceptualise and use human rights in their work with separated children and young people?*

The four findings chapters of this thesis (5-8) broadly correspond to each of these questions. Regarding the contexts of practice, the research has found differences between the settings in terms of legal systems, the organisation of services and the roles of social workers within different agencies but also some common themes, particularly

among practitioners' motivations for and pathways into working in this field. One interesting finding has been that practitioners' motivations often linked with social justice-related values. Considering these motivations and pathways has also revealed the significance of both 'personal' and 'professional' life experiences.

In terms of the conceptualisations and approaches of social work practice in this field, the research has found that in both contexts, practitioners relied on 'general' paradigms and principles of working with young people but also referred to 'specialist' aspects of their work. A commonality here was that practitioners placed emphasis on treating separated young people as 'children' or 'young people' first and foremost, despite acknowledging that their status as migrants was also relevant for the work. For practitioners in Berlin, social pedagogy was a significant paradigm, reflecting the overall influence of this approach on social work in Germany. Working with a social pedagogical framework has specific implications for practice, such as an emphasis on processes and relationships between practitioner and young person. Arguments could be made that the social pedagogy framework, not least due to the principle of being (as much as possible) '*on the same side*' as young people, is particularly supportive of emancipatory agendas. However, bearing in mind the overall contexts of this work (including the categorisations separated young people are subject to in terms of their age and status), it seems impossible for practice to remain altogether unaffected by power differentials and discrepancies between the agendas of professionals (e.g. regarding young people's participation in education) and the ideas of young people themselves. This seemed especially difficult where young people only engaged with support offered to a limited extent - e.g. because of their exploitation through trafficking gangs, against which practitioners felt mostly powerless. In this sense the research also confirms post-structural critiques of binary conceptualisations of practice fields or methods as *either* emancipatory *or* involved in social control (e.g. Healy, 2000), revealing instead tensions between both aspects as an inherent part of all professional social work practice.

Considering practitioners' approaches to young people's experiences and 'stories', the research findings have shown that in both settings, practitioners on the whole resisted relying on fixed constructions of victimhood when talking about young people's experiences. Instead, they considered factors of vulnerability alongside resilience and

agency, drawing attention to young people's difficult living situations in the 'host' country (such as the burdens of uncertainty) rather than solely focusing on the impact of past ('traumatic') experiences. Another finding, similar to that of Kohli's (2007) study, was that many practitioners expressed some doubts about whether the initial 'story' of young people (e.g. the account given as part of their asylum claim or at their first meetings with social services) represented the 'full picture' of what had brought them to the destination countries. However, despite such doubts, many practitioners accepted the fact that more information might emerge over the course of their working relationship, although they had different levels of tolerance for such ambiguity – with some expressing a degree of unease about the impact of '*thin stories*' (Kohli, 2007) or multiple stories on their work with young people. For many, however, their resistance to much further questioning or probing seemed to represent both a respectful stance towards young people's attempts to retain agency through selective disclosure (Chase, 2010) and a strategy to maintain their own professional agency whilst working in contexts of uncertainty.

Regarding the key research question on how social workers conceptualised and used human rights in their everyday practice, the research has found that although different practitioners referred to human rights more or less explicitly as part of their everyday practice, all practitioners identified a range of human rights issues affecting the young people they worked with. Practitioners drew particular attention to the impact of asylum and migration systems on young people's lives, including the common experience of disbelief and the resulting precarious status and future uncertainty of young people. Particularly practitioners in the English sample also highlighted several rights-related dilemmas in their work, for example through the gatekeeping roles they were sometimes cast into (e.g. in the context of age assessments or the end of leaving care support leading to young people's destitution). Some social workers (in Berlin) referred to an explicitly political character of their work, involving lobbying and campaigning for young people's rights. For others, 'resistance' to systems curtailing young people's rights was more subtle and involved strategies such as challenging practices within and outside their agencies, or 'going the extra mile' even if this involved using unconventional means, including examples of 'subversion' (Moffat, 1999).

Overall, the research has identified that social work practice in this field is set in a contradictory context involving emancipatory aims and motivations among many practitioners and constraining contexts. Separated young people are often placed in a liminal position in between age- and status-related categorisations which frame their access to support, leading to precarious rather than universal rights. However, social work can itself also be considered a liminal practice, facing the dilemma that although inclusion is a stated aim, practice often takes place in policy contexts that are exclusionary. Practitioners themselves may potentially be involved in both processes. From these positions of professional liminality, practitioners may use an (often overlapping) range of strategies on a spectrum ranging from *support for* or *accommodation with* through to (micro- and macro-level) *resistance to* the systems that uphold the categorical boundaries of age and residence status affecting separated young people.

10.2 Contributions, limitations and further implications

The research makes a number of contributions to knowledge. A key issue arising from the research is a challenge to fixed categorisations, particularly if they follow a binary logic. This applies to a range of areas: the conceptualisations underlying the terms 'separated' or 'unaccompanied child' (as well as 'refugee' and 'economic migrant'); the framing of social work practice (in this field and more generally); as well as the ways in which human rights themselves are constructed.

The comparative view of practice in the two country contexts has emphasised the problematic consequences for separated young people from processes of categorisation (particularly the 'over 18' and 'under 18' divide in terms of access to support), as well as the dilemmas practitioners themselves experience through these processes. In this research practitioners in statutory agencies (in the English sample) were most directly affected by these dilemmas (e.g. by being involved in age assessments), but, based on post-structural critiques, a binary view of the voluntary sector as a site of emancipatory practice and of statutory social work as compromised and colluding is considered problematic: this would negate both the efforts of practitioners in statutory settings to uphold emancipatory values (despite working in constraining contexts) and absolve practitioners in voluntary agencies from any part in perpetuating fixed categorical

boundaries. Thus, while contextual differences (between the two countries but also between different types of agencies) are a significant factor for practice, the research supports the view that dilemmas of inclusion and exclusion are a core issue for social work per se. This point arises particularly from the study's focus on human rights perspectives. In line with critiques in the literature of narrow and state-centric formulations of human rights, the research has considered how practitioners conceptualise and use human rights on a day-to-day basis. This has revealed a discursive and nuanced view of rights-based practice, identifying approaches among the practitioners in the research that ranged from implicit to more explicit uses of human rights concepts. The research also showed that practitioners in both countries were thoughtful about the wider context of their work, such as the impact of global social injustice in perpetuating migration from the Majority to the Minority world. In a similar way, by identifying human rights issues affecting young people within the host country (rather than just as a possible cause for migration), many practitioners supported a holistic view of the concept (rather than privileging a particular category, such as freedom rights).

In terms of practice implications - focusing on the issue of binary conceptualisations of childhood and adulthood - if support to separated young people was based on *needs* rather than age at arrival the ethical dilemmas surrounding age disputes might be less pressing in practice. However, it seems difficult to imagine a scenario in the English context where this categorical boundary became less significant for access to support, because the Children Act 1989 currently does not envisage support to young adults unless they have already been in care (and therefore by definition, have been accepted as having arrived under the age of 18). While some voluntary agencies run advice and support projects for separated young people over 18 outside the care system, adult asylum support policies (particularly 'no-choice' dispersal away from London and Southeast England), alongside scarce resources, are likely to be barriers to accessing such ancillary support. In the German context, Espenhorst (2012) suggests that using existing legal possibilities to provide support for separated young people who arrived aged 18 and over need to become part of professional lobbying agendas although here too various practical, financial and legal (within residence law) barriers exist. Given these difficult contexts, dilemmas about the impact of categorising judgements are

likely to continue for social workers, involving choices such as supporting their validity (in acceptance that the outcome will lead to differential rights for young people); applying a maximum of discretion in a process which (despite judicial scrutiny) remains highly subjective (i.e. 'giving the benefit of doubt' to a maximum based on principles of 'safe uncertainty' rather than 'unsafe certainty'); or avoiding involvement in these decisions altogether through 'subversive' or active resistance. Similar issues are likely to arise for social workers involved in eligibility assessments under destitution ('no recourse to public funds') policies.

Alongside highlighting some of the contributions of the research, it is also important to acknowledge its limitations. The challenges involved in the research have been outlined in detail in Chapter 4, but undoubtedly key issue for research is bias (within design, execution and interpretation). Aside from my own bias as a researcher, which I have tried to make explicit within this thesis, due to its small scale and design there clearly was a bias among the social workers interviewed in that they were interested enough to give their time to participate. I am fairly certain that the practitioners in the study over-represented qualities such as reflexivity, dedication as well as an interest in human rights issues and emancipatory practice, and that a more random sampling approach might reveal practice which follows an explicitly collusive approach vis-à-vis restrictive border control measures (as argued by Humphries, 2004), alongside a disinterest in or disregard for human rights perspectives. However, highlighting the 'better' rather than 'worse' end of the spectrum of practice has advantages for stimulating conceptual discussions in a practice-based discipline like social work.

Limitations of research often also indicate potentials for future research. For example, while this research explicitly aimed to explore social work practice approaches from 'within', the voices of separated young people themselves are insufficiently represented in research. Their perspectives on human rights issues and on social work practice would significantly contribute to the development of practice in this field. However, it is also important to avoid a tokenistic involvement of young people in research, which requires considerations on various levels, such as their role in determining the agenda and priorities, the methods used and the perceived benefit of participation.

By challenging binary conceptualisations of practice and within categorising judgements of the groups and individuals with whom social work is involved, the research has significance beyond this specific field of study. In contexts of public spending cuts, marketization of services and the progressive exclusion of welfare recipients and other so-called '*failed citizens*' (Anderson, 2013), social work is more than ever put under pressure to engage in categorising judgements between those 'eligible' and those 'ineligible' for support. Models of marketization, which can be found across different European welfare states, mean that social workers in voluntary agencies are also increasingly involved in those developments. While this challenges, on the one hand, the idea that particular areas of social work are 'safe' from being drawn into exclusionary practices and can consider themselves benevolent helpers, it also raises the significance for social workers in all contexts to ask themselves what being a member of a '*human rights profession*' really entails in their specific practice setting. For this level of reflexivity to take place, practitioners need the support of professional associations and of an academia that is interested in and informed about dilemmas 'on the ground', bridging the divides between 'theory', 'practice' and 'research' while acknowledging the value of different perspectives and experiences.

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APPENDICES

Appendix 1: Asylum applications of 'unaccompanied minors': key countries of origin

Table 1   **Source: Eurostat (2015)**

Year	EU overall	Germany	UK
2013	Afghanistan (3,310) Somalia (1,580) Syria (1,030) Eritrea (730) Albania (560)	Afghanistan (690) Somalia (355) Syria (285) Eritrea (140) Egypt (120)	Albania (470) Afghanistan (150) Eritrea (130) Iran (75) Vietnam (70)
Total	*12,730*	*2,485*	*1,265*
2012	Afghanistan (5,245) Somalia (960) Pakistan (400) Syria (395) Guinea (385)	Afghanistan (1,005) Iraq (150) Syria (135) Somalia (125) Pakistan (110)	Albania (265) Afghanistan (235) Iran (120) Eritrea (80) Vietnam (60)
Total	*12,545*	*2,095*	*1,125*
2011	Afghanistan (5,245) Somalia (645) Guinea (480) Russia (450) Iraq (415)	Afghanistan (1,090) Iraq (200) Somalia (110) Syria (85) Ethiopia (55)	Afghanistan (415) Iran (190) Albania (130) Eritrea (125) Vietnam (90)
Total	*11,695*	*2,125*	*1,400*
2010	Afghanistan (3,945) Somalia (1,200) Iraq (555) Guinea (405) Russia (345)	Afghanistan (800) Somalia (255) Iraq (200) Syria (55) Ethiopia (45)	Afghanistan (545) Iran (200) Eritrea (140) Vietnam (120) Somalia (70)
Total	*10,620*	*1,950*	*1,715*
2009	Afghanistan (4,595) Somalia (1,800) Iraq (825) Russia (470) Eritrea (410)	Afghanistan (455) Iraq (225) Vietnam (60) Guinea (50) Ethiopia (45)	Afghanistan (1,525) Eritrea (230) Iran (190) Iraq (155) Somalia (115)
Total	*12,225*	*1,305*	*2,990*
2008	Afghanistan (3,225) Iraq (1,730) Somalia (1,270) Russia (510) Eritrea (505)	Iraq (230) Vietnam (70) Afghanistan (60) Guinea (50) Ethiopia (35)	Afghanistan (1,800) Iraq (485) Iran (390) Eritrea (370) China (200)
Total	*11,700*	*765*	*4,285*

Appendix 2: United Nations Human Rights treaties

The **Universal Declaration of Human Rights (UDHR)** of 1948 is generally considered the 'bedrock' of the international human rights framework, although (as described in chapter 2) the notion of human rights predates and also extends beyond it (Wronka, 2008; Ife; 2012). While there are some debates about the degree to which it is legally binding (ref), its symbolic status as 'a yardstick by *which to measure the degree of respect for, and compliance with, international human rights standards everywhere*' (OHCHR, 1996, p.8) and its role in articulating particularly first generation rights (articles 3-21) and second generation rights (articles 22-27) is rarely disputed. Both categories of rights have corresponding International Covenants, namely the **International Covenant on Civil and Political Rights (1966)** and the **International Covenant on Economic, Social and Cultural Rights (1966)**. Together with the UDHR these form the **International Bill of Human Rights** (OHCHR, 1996). Third generation rights are sketched out, to a limited extent, in articles 28-30 of the UDHR. The UDHR includes reference to a universal right to seek asylum (Article 14), as well as the right to a nationality (Art.15).

Apart from the two Human Rights Covenants mentioned above seven other conventions form the body the nine core human rights treaties:

- the **International Convention on the Elimination of all forms of Racial Discrimination** (1965);
- the **Convention on the Elimination of all forms of Discrimination Against Women** (CEDAW, 1979);
- the **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** (CAT, 1984);
- the **Convention on the Rights of the Child** (UNCRC - 1989);
- the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (1991);
- the **International Convention for the Protection of All Persons from Enforced Disappearance**, (2006); and
- the **Convention on the Rights of Persons with Disabilities** (2006).

The majority of these treaties have been supplemented by (optional) protocols dealing with issues of particular concern. All core treaties have a treaty body (committee) which

monitors their implementation across member states – with an additional body for the monitoring of the Optional Protocol on the Prevention of Torture (OHCHR, 2015).

The rights set out in international human rights frameworks should apply regardless of a person's citizenship status or (in majority) the legality of their presence in a state's territory (Feijen, 2009). However, the treaties have varying levels of international support, with the UNCRC (as mentioned in Chapter 2) enjoying the status as most widely ratified treaty. In contrast, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) has not been signed by any European Union member state.

The UNCRC contains some articles of particular reference to separated children: Art. 20 emphasises the particular protection rights of children who are separated from their families, while Art. 22 refers specifically to refugee children. Other articles of potential relevance are the prohibition of children acting as soldiers (a child being exceptionally defined as under 15 in this context; Art.38), of the exploitation (Articles 19, 32, 34 and 36) and trafficking (Art. 35) of children as well as the protection from and rehabilitation after abuse, torture and inhumane and degrading treatment (Articles 37 and 39). The UNCRC has Optional Protocols on the involvement of children in armed conflict; on the sale of children, child prostitution and child pornography; and most recently, on a communications procedure which will allow individual complaints from and on behalf of children. Both Germany and the UK have ratified the first two Optional Protocols, while the third Optional Protocol has (at the time of writing) been ratified by Germany, but not yet by the UK (UN Treaties Collection, 2015).

Of particular significance in the context of this thesis is the Committee on the Rights of the Child's General Comment No. 6 (2005) which sets out principles regarding the '*Treatment of Unaccompanied and Separated Children outside their Country of Origin*'. It emphasises the Refugee Convention's principle of *non-refoulement* but also refers to specific measures such as prompt identification and registration, family tracing, appointment of a competent guardian or advisor as well as access to legal representation, appropriate care arrangements, education, and to '*the highest attainable standard of health and facilities for the treatment of illness and rehabilitation of health*'

(ibid., p15). Importantly, it calls for interpretation of the Refugee Convention in an age- and gender-specific manner, taking into account child-specific forms of persecution, and for age- and gender sensitive approaches to interviewing children. The Comment also addresses preventive measures regarding trafficking, other forms of exploitation and military recruitment.

In addition to the nine 'core' Human rights treaties listed above, there are numerous human rights declarations, conventions and protocols relating to particular issues, situations or populations, which all have varying status and power. Among these is the *Convention relating to the Status of Refugees* (1951), supplemented by a protocol in 1967 which removed the temporal and geographic restrictions relating to the immediate post-War context in Europe. While some alternative regional frameworks (such as that of the Organisation of African Unity or the Latin American Cartagena Declaration) provide broader definitions of refugee status, the definition of the 1951 Convention continues to be the main legal instrument for determining asylum claims internationally, but does not confer a right to asylum as such (Marfleet, 2006). Its international ratification status is not universal, and countries who are not party to the 1967 Protocol (including some neighbouring current major conflict zones) continue to apply its original restrictions.

Appendix 3: Interview topic guide

Introduction

Explanation of research project; issues of consent including audio-recording; any questions before we start?

About the interview partner

- Role / title

- Professional qualifications

- Length of experience as a social worker

- How long you have worked for this agency

About the agency

- Type of agency (statutory / voluntary / private sector / other)

- Level(s) of operation - e.g. on local / regional / national / international level

- Approximate size (of the agency / team) – i.e. (roughly) how many social work staff work with separated children

- Purpose and main areas of work including main methods / conceptual frameworks (e.g. direct work – individually / group-based; advocacy; outreach; therapeutic approaches, etc.)

- Other key factors about the agency – e.g. specific values / legal frameworks / something which sets this agency apart from others

About separated children who are supported by the agency

- How many separated children are supported by the agency?

- Are there other groups of service users?

- Age range of separated children / gender composition

- Main countries of origin / ethnic groups

- (Main) immigration status(es) of separated children

- Does the agency support any separated children who are not / have never been subject to the asylum process?

- How children come into contact with the agency

How you have come to work in this field

- Personal /'biographical' factors that may have influenced you to work in this field

- social work education / training (special interests / influences)

- career progression / development (previous posts / areas of experience)

- professional interests and / or values

Key influences on your work with separated children

- Main focus of your day-to-day work

- Contextual factors (e.g. policy, law, etc.- on what level? / in relation to children – asylum – social work – other areas?)

- Current issues and themes in your work e.g. public / professional debates; current events

- Impact of the situation of particular children / young people on your work

- Factors relating to the specific setting of your agency which influence your work

- Range of professionals / services you work with

- Restricting / supporting factors for your work

- particular theories influencing your work

- particular practice methods / approaches / orientations

- influence of training / professional development

- influence of personal / professional values

- Impact of this work on you

A particular situation in your work with a separated child / young person which posed a dilemma for you (not naming/ identifying the child / young person)

- The situation of this child

- what happened / the dilemma

- your role in this situation

- your approach in the situation

- the factors which influenced your approach

- what you think the child's views were in the situation and what they would say about your approach / role

- what you think other people (e.g. managers, other professionals) involved would have said (or did say) about the situation and your approach

- what you remember about this particular child's situation / "story" – their needs, vulnerabilities and capabilities

- connections to human rights issues?

Influences of human rights issues on your work in this field

- your own understanding of the meaning of human rights for you in your work (e.g. legal framework; values; etc…)

- in what way (if at all) is your work influenced by human rights issues (examples)

International dimensions of your work

- e.g. through working with children from a variety of countries and cultural backgrounds / influence of children's migration / mobility

- international / cross-national work (e.g. family tracing / contact; family reunion, return / removal of children to another country - incl. "third country cases")

- using / sharing practice models / approaches / research from other countries

- international policies or legislation which affect your work

- professional networking on international level / contact with international (professional) organisations

Closing

- **Thank you**

- **Any questions (about research, process, anything else)**

Appendix 4: Information sheet and consent form for research participants

Information for participants

"*Social work with separated children and human rights: a cross-national comparison of professionals' approaches*" is a research project carried out by Nathalie Huegler, a research student (Mphil / PhD) in the Department of Applied Social Sciences at London Metropolitan University. The research is supervised academically by Norman Ginsburg ([email address]), Dr Karen Lyons ([email address]) and Dr Liz Davies ([email address]).

The broad aim of the project is to consider how social work practitioners approach their work with separated children, in the context of underlying legal and policy frameworks, in different agencies in two European countries (Germany and the UK). 'Separated children', for the purpose of this project, refers to children who through a variety of circumstances (often through forced displacement) are outside their country of origin and who are separated from their parents or other customary caregivers[30]. A particular focus of the project is to examine the influence of human rights on policy and practice in each country. By exploring the possible dilemmas practitioners in different countries might face when working with children who have migrated across national borders, the project will further aim to consider the role of international perspectives in this field of social work.

The research project will involve approximately 20 interviews with social work practitioners in agencies in London and Southeast England, as well as in Berlin. In addition to this, relevant available documents (such as procedures, policies and professional codes of practice) will be analysed. It is hoped that the research will make a contribution to knowledge about social work practice in relation to separated children, and concerning human rights, both nationally and internationally.

Your participation in this project is completely voluntary. If you do agree to participate, you are free to refuse to answer any question or to withdraw from taking part at any time, without giving a reason.

I expect that our interview will take around 1.5 hours. With your permission, the interview will be audio-recorded and subsequently transcribed. The personal data of participants will be protected by storing audio files, as well as any files containing personal information (i.e. names or agency details) separately and securely in compliance with the Data Protection Act 1998. Only I will have access to these files.

Excerpts from interview transcripts may be published in anonymised form, referring to participants' professional role, the type of agency they work at (e.g. a children's services department, a voluntary organisation, etc.) and the country and regional location of the agency (i.e. London, Southeast England…) – but not the names of participants or agencies.

The research will be written up in form of a PhD (doctoral) thesis, and may also be presented and published in other forms (e.g. as a conference paper, journal article or book chapter) during or after completion of the research project. At the end of the research project, audio-files and all files containing personal information about participants will be destroyed.

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[30] Separated Children in Europe Programme
http://www.separated-children-europe-programme.org/separated_children/about_us/separated_children.html

This project has been approved by the Department of Applied Social Sciences Research Ethics Review Panel (RERP) at London Metropolitan University. If you have any questions or concerns about this, please contact the panel through its chair, Georgie Parry-Crooke ([email address]).

If you have any questions or would like further information, my contact details are as follows:

Nathalie Huegler   Tel. xxxxxxxxxxxxxxxxxxxxxxxx
Mphil / PhD Student   Email: xxxxxxxxxxxxxxxxxxx
Department of Applied Social
Sciences
London Metropolitan University

Consent form

Title of research project:

"Social work with separated children and human rights: a cross-national comparison of professionals' approaches"

Contact details of researcher:

Nathalie Huegler
Mphil / PhD Student
Department of Applied Social Sciences
London Metropolitan University
Ladbroke House
62-66 Highbury Grove,
London N5 2AD
Tel. xxxxxxxxxxxxxxxxxxxxx
Email: xxxxxxxxxxxxxxxxx

Please initial box

1. I confirm that I have read and understand the information sheet for the above research project and have had the opportunity to ask questions.

2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving reasons.

3. I agree to take part in the above research project.

4. I understand that the researcher will hold all personal data collected securely and in confidence and that all efforts will be made to ensure that I cannot be identified as a participant in the study (except as might be required by law) and I give permission for the researcher to hold relevant personal data.

5. I agree to the interview being audio recorded.

6. I agree to the use of anonymised quotes in publications.

_____   _____   _____

Name of Participant   Date   Signature

Nathalie Huegler, Researcher   _____   _____

                                                         Date   Signature

Appendix 5: Examples of data analysis processes

Table 2: Identifying and applying initial codes

Seq.*	Comments	Transcript sequence	Themes
		(...)	
		I: Pathway into this work?	
		(...)	
7.	Emphasises how own values were a motivation to enter social work Shares beliefs regarding social work's aims / roles	*...but why originally social work is because I wanted to <u>change things for individuals</u> and make a positive contribution to society. And I do <u>see social work as social change</u>, from a <u>political perspective</u>... and it's about <u>empowering individuals</u>, from my point of view, to assist them to make the most of their lives in a <u>constructive way</u> and by assisting individuals to <u>improve their circumstances</u>, I do believe that they can lead <u>better lives</u> and that <u>children can certainly lead better lives with adequate support and knowledge and people who are intervening on their behalf.</u>*	social change / social justice Political perspectives Social work as potential agent of change – through 'empowerment' of individuals *'better lives'* as aim Role of social work professionals: *interventions;* provide *support*, share *knowledge*
		(...)	
		I: Role of social work training?	
10.	Emphasises largely negative view of social work training in the UK both historically and currently; Emphasises willingness to share own knowledge (if asked to contribute). How things in social work training should be – but aren't.	*No, training was not at all part of any of this. I think that.... I mean, I have a very, very - sadly - <u>negative view of social work training in this country</u>. I trained in the '70s... I don't think it's that much better now. I don't think social work training in the UK is particularly good and there is <u>virtually no training on international movement of people</u> in social work training, in this country, from my experience. That is one of the reasons <u>why I always welcome being asked to contribute to social work training</u>, because it's something I think that, you know ... because we are so multi-racial, multi-cultural, multi-faith and there is such a movement of people around the world. It does have such a huge impact on many, many families in our communities, particularly in London ... and in other parts of the country. So I think it should be very much part of social work training, but sadly it's not.*	Lack of influence of social work training due to poor quality / lack of relevance for this field and for diverse contexts of social work overall Relationship of practitioner knowledge and academic knowledge in social work

* Interview Sequence

Table 3: Matrix displaying a theme with sub-themes: *'Influences that brought participants to work in this field'*

	Personal factors	*Professional factors (incl. training)*	*Values / justice themes*	*Experiences around migration / interest in 'different' cultures*
B1	Own experience as a refugee – motivation to help others	Background as '*Erzieher*' Activism within organisation / networks	connections between the political actions of countries of the 'Global North' and the factors leading to forced displacement of people social work is more than working with marginalised people and helping them to 'function better' in society – looking at causes of problems is important support people '*to get their rights*' / '*learn to fight for their rights*'	Own experience as a refugee – motivation to help others
B2	Second career Voluntary work	Second career previous and current voluntary work with human rights charities interest in this field of work during university work with German families or young people less 'attractive'	interest in legal aspects of work	enjoys the possibility to learn about / from other cultures
B3	long period of unemployment (age barriers / discrimination); age was less of a barrier to working in this field / agency	Initially had a critical view of social work; after some years did go into social work practice specifically with young women (including some young refugee	Initial critical view: considered institutional care for young people to be abusive in the 1970s as part of own political convictions /	*[no direct reference, but discussion on advantages and disadvantages of social workers from similar linguistic backgrounds supporting refugee young*

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	because life experience was appreciated	women)	feminist stance)	*people - e.g. how quickly do y.p. learn German]*
B4	interested in changing perspectives, hadn't done this work before	work with excluded people has a low status in society and within social services work – this led to opportunity to work in a new area as many colleagues weren't interested when post became vacant interest in working with young people (more than perhaps families / younger children);	Issues affecting women and girls – shocked by abuse suffered by women in Muslim countries and African countries. [*but distances herself from a 'feminist' label*]	Likes to travel, likes to get to know other cultures; interest in international current affairs; interest in diversity / minorities influence of older sisters studying in a more multicultural environment and having partners from other countries
B5	High motivation to work in this particular field / agency	'*fairly long professional biography*' Lecture during university which sparked interest in field / organisation Determined to work in this particular organisation; sought out placement; interest in / focus on intercultural work	'*always been a justice type*' – even in school defending others from being bullied	Placement abroad, experience of being a 'foreigner' – led to a change of direction within social work studies
B6	Age as barrier to promotion but not in this field	only possibility to go up on the pay scale – unpopular field Background as a foster carer and 'Erzieher'	Work is a '*form of development aid*' – focus on children and young people who are here	Some influence through a module on migration at University (over 20 years ago) led by a professor who had lived in Africa and which involved visiting families from different ethnic backgrounds
B7	influenced by watching Auschwitz trials as a child and being disgusted by the events; '*perhaps I was too young to*	Ability to have political influence in this area of work more a coincidence having ended up in social work / social pedagogy rather than	Influenced by the late 1960s social movements; key principles such as gender equality;	Reference to experiences of displacement as a child through moving with family from one area of Germany to another

	see this but it influenced me a lot';	law; strong political character of pedagogy – e.g. Rudi Dutschke: social transformation has to start with the youngest members of society	*'some may criticise the pedagogy of those days but I believe it is a good model'*	
B8		Studied social work with ethnology (anthropology) as additional subject and worked in a group home for separated young people for a long time; development of specific projects around guardianship	⟷	interest of working in intercultural field, chose working with refugees from early on in career
B9	Seeking to combine interests in different areas	Studied social work after initial degree in anthropology worked with young people in a vocational training setting first and then found a job with young refugees which seemed the *'right place'* at the time		Always has been interested in 'other' (uses inverted commas) / non-European cultures first degree in anthropology '*was a real eye opener in terms of thinking about different cultures and the fact that one is not more valid or 'better' than another'*; then thought Anthropology was a bit too theoretical and decided to study social work; combining the two is the ideal
	⟷			
L1	Forced migration / displacement as part of family history	Working in this field as an 'opportunity' to integrate different personal and professional interests / motives	In terms of entering social work overall, motivation was to achieve change and empowerment for individuals and make a positive contribution to society; political perspective important in social work;	Forced migration / displacement as part of family history Diversity / migration as neglected topics in social work education

L2		Range of previous experiences as relevant to current work: youth work / voluntary work with homeless young people; working in an 'Asylum Team' in the time before the *Hillingdon Judgement*; as an advocate for young people in care; in an organisation focusing on racial equality issues (legal background); in an adoption/fostering team		
L3	Family members worked in similar fields (working with children) Interest in working with children	previous experience of working in a children's home	'*really passionate about [working in this field] now I'm in it – so I feel I want to stay in this field.*'	Work with asylum seeking children more of a coincidence but '*it was funny because I guess I had grown up with quite an awareness of global issues and kind of sympathy towards people in that position, so it came quite naturally once I was in it, but it wasn't something that I chose on purpose*'
L4		Social work degree with final placement in an asylum unit – influence of practice educator	social justice themes: '*it's about tackling oppression*'; '*trying to fight inequality for people generally*'	interested in politics and geography and foreign affairs –'*this sort of work lends itself to those interests*'
L5	Own experience of internal displacement and migration	Background and interest in geography; later studies in anthropology and youth and community studies experience of working in a children's home		Family background of internal displacement migration even in country of origin '*If you are only lucky you are born in London, you stay in London and have a family, but that didn't happen as a chance*

				for my family'
L6	Experiences of migration (from European country)	social work degree in country of origin – main influence was a student placement in a migrant welfare organisation doing advice work including immigration advice: '*that got me interested in working in that kind of field'*		*I suppose having grown up, I think I've always been interested in other cultures …and also having a relationship with someone from a different culture … just… always been open I would say to learning more about other cultures'*
L7	coming to the UK for personal reasons – attracted by moving away from parents to London while quite young	Worked with asylum seekers and immigrants in country of origin while studying social work realised that finding work in social work was easy due to vacancy situation initially worked in child protection - '*very challenging'*; unfamiliarity with the legal system and some language issues; moved on into 'No Recourse to Public Funds' team; experienced work there as more supportive and less challenging – prefers this aspect of social work	Different political realities for European migrants and people seeking asylum: '*if you want to get deep into it, I'm an immigrant myself within the UK at the end of the day, and the only difference is that I've got a European passport and I'm able to work… and some people are not as lucky as I was, isn't it, because it's a political thing at the end of the day'*	Experiences of migration help to relate to young people and understands their experiences of unfamiliarity – thinks young people also appreciate this Thinks back to how it was harder to work with English families when first arrived in UK as could not always express exactly what wanted to convey
L8	life influences as important factor: growing up in diverse environment (school friends from different ethnic / economic backgrounds) Career break when children were young helped to refocus:	interest in social work more broadly defined – community and international perspectives post-qualifying training in primary prevention background in political science and international relations	Interest in link between human rights issues and work with refugees and asylum seekers	Experience of living and working in different countries

	I asked myself when I went back to work what were the issues I found most compelling…' Feeling *very passionate about'* work with refugees and asylum seekers and children	work in human rights organisations in different countries being drawn to a particular organisation: '*when this job opened up it really kind of spoke to me, it was really where my heart was and it was perfect and I knew I'd really be inspired by the team in place, so that's the long story of how I found my way here.*'		