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The asylum-child welfare paradox: unaccompanied minors in Austria

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Existing research shows that right-wing populist imaginaries and discourses on “bogus asylum seekers” mobilise feelings of fear and panic and serve to legitimise increasingly restrictive asylum policies in Europe. In light of this ongoing development, this paper addresses a more intrinsic and structural aspect of asylum, which requires balancing the inclusion and exclusion of persecuted third-country nationals. This paradox is most evident with unaccompanied minors who are caught between state norms and practices that are both exclusionary and repressive (asylum) and inclusive and caring (child welfare). In order to tackle this dilemma, we explore how the asylum-child welfare paradox is organised and formalised by the state and how it affects unaccompanied minors. Based on interviews with unaccompanied minors in Austria and experts who work with them, the findings show that child and youth welfare norms and practices that are formalised as part of the asylum procedure improve unaccompanied minors’ living conditions without dismantling asylum norms and practices of surveillance, conditionality, and scarcity. Judging by their simultaneous implementation, the state preserves and reinforces exclusionary and repressive asylum norms not despite but *through* child welfare norms and practices.

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Introduction

In the 1990s, a “hostile new agenda” emerged throughout Europe that distinguished between “genuine refugees (still entitled to compassion)” and “bogus asylum seekers (no rights, no call on compassion)” (Cohen, 2002, p. 22). Recently, growing far-right movements and political parties have elevated the political priority of asylum, thereby mobilising sentiments of fear and panic towards people seeking international protection (Wodak, 2015, 2018). Austrian politics has followed a similar course of normalising right-wing populism, which has given rise to increasingly restrictive asylum policies, as documented by a growing body of literature (Rossell Hayes and Dudek, 2020; Liebhart, 2020; Rheindorf and Wodak, 2018; Scheibelhofer, 2017; Wodak, 2015). Existing research also shows that these policies are legitimised through political and media representations of male Muslim asylum seekers as “foreign patriarchs with dangerous sexuality” (Scheibelhofer, 2017) and female Muslim migrants as victims of “harmful traditions” such as veiling and forced marriage (Holzleithner and Strasser, 2006), while asylum-seeking minors are represented as “anchor children” (Dursun and Sauer, 2018; Siebenhofer and Valchars, 2012), allegedly instrumentalised by their parents.

Despite the ongoing intensification of these imaginaries, discourses, and policies directed against asylum seekers, this article addresses a seemingly less controversial and more intrinsic aspect of asylum based on the following two observations: On one hand, the right to asylum is a post-war achievement that recognises every person’s “right to seek and to enjoy in other countries asylum from persecution” (UNDHR, Article 14). Even within the context of national sovereignty, this facilitates a new discursive and political realm of institutional protection and rights for third-country nationals. On the other hand, asylum formalises a parallel system of substandard rights and services reserved for asylum seekers (Rosenberger and König, 2012). This “balancing act of excluding a selection of people but at the same time standing on a high moral ground for which the EU and its Member States stand for” (Vollmer, 2017, p. 4) is most apparent regarding unaccompanied minors caught between exclusionary and repressive asylum regimes and inclusive and caring child welfare regimes (Edlins and Larrison, 2020; Giner, 2007; Vitus and Liden, 2010). As elsewhere, the experiences of asylum-seeking unaccompanied minors’ in Austria are structurally shaped by this asylum–child welfare gap (Dursun and Sauer, 2018; Glawischnig, 2014).

In order to tackle the asylum–child welfare paradox, the article first explores how it is organised and formalised by the nation state. Second, it analyses its implications for asylum-seeking unaccompanied minors. From a state theory perspective, the asylum–child welfare paradox denotes a manifestation of societal antagonisms that are inscribed into the different branches of the nation state and which account for inconsistencies and contradictions in state norms and practices (Forschungsgruppe »Staatsprojekt Europa«, 2014). The analysis is based on a set of qualitative interviews conducted with Austria-based unaccompanied minors and experts who work with them. The findings suggest that the Austrian state organises the asylum–child welfare paradox by integrating both exclusionary–repressive and inclusive–caring norms and practices into its asylum regime in a simultaneous, flexible, and strategic fashion, thus incorporating ambivalence into the asylum procedure as a constitutive element. The findings also suggest that this institutionalised paradox between exclusion and inclusion, neglect and care, and desperation and hope experienced by unaccompanied minors constructs their precarious social position as asylum-seeking children and youths.

The following summarises Austria’s institutional framework for asylum procedures for unaccompanied minors and discusses current asylum numbers and trends. It then describes existing research and elaborates upon state-theoretical perspectives to clarify the contradictory ways that asylum practices are oriented towards unaccompanied minors. Next, the paper outlines its methodological and methodical approach, followed by an overview and discussion of the empirical findings, and concluding remarks.

Research context

Institutional framework. The United Nations Convention on the Rights of the Child (UNCRC, 1989) Article 2 established that all state parties shall ensure the rights of

Each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

The UNCRC entered into force in Austria in 1992 with a reservation as to its execution (*Erfüllungsvorbehalt*) that prevented courts and administrative bodies from implementing it directly. In 2011, the Austrian Parliament passed the Federal Constitutional Act on the Rights of Children (*Bundesverfassungsgesetz über die Rechte von Kindern*, BGBl. I Nr. 4/ 2011). The Act established the “welfare of the child” (*Wohl des Kindes* or *Kindeswohl*), the German equivalent of the “best interests of the child,” as a guiding principle for public and private authorities concerning all decisions, measures, and procedures related to minors, which aligned with the Austrian Civil Code’s (*Allgemeines Bürgerliches Gesetzbuch*, JGS Nr. 946/ 1811) Articles 138 and 139 that pertain to ensuring a child’s best interests.

The Austrian *Bund* (federal government) and the nine *Länder* (subnational states) restructured and reorganised the basic care system for asylum seekers in accordance with the Council of European Union directive (2003/9/EC) to streamline reception standards across the country. In 2004, Austria’s Basic Welfare Support Agreement (BGBl. I Nr. 80/2004, *Grundversorgungsvereinbarung*) was established between the *Bund* and the *Länder* to set common standards and enable a balanced distribution of asylum seekers among the *Länder*. The Agreement assigned the responsibility for providing initial reception centres and care facilities for asylum seekers during the admission procedure to the *Bund*, while *Länder* oversee asylum seekers who have already been admitted to the asylum procedure. The *Bund* and *Länder* may outsource these tasks to humanitarian, church, and private organisations.

Article 7 of the Agreement recognises unaccompanied minors as a vulnerable group in need of additional care and protection during their initial clearance and stabilisation. If necessary, minors shall receive pedagogical and psychological support and will be housed according to their individual level of autonomy. Besides child-friendly accommodations, unaccompanied minors shall have daily structure (e.g., education, leisure, sports, group and individual activities, housework) and receive assistance with asylum processing questions about their age, identity, country of origin, the living situation of family members abroad, as well as family members’ prospects and the potential for reunification. An integration plan and a roadmap for every minor’s educational and professional trajectory shall also be developed according to objectives of self-reliance.

Current numbers and trends. 2015 saw a sharp rise in asylum applications lodged in Austria, which jumped from 28,064 in 2014 to 89,098 the next year.¹ The number of applications filed by unaccompanied minors also increased from 1976 in 2014 to 8277 in 2015. However, since 2015, there has been a marked decline in asylum applications and as of November 2020, 12,558 people applied for asylum in Austria, of which 1302 were unaccompanied minors. These numbers point to two developments: *First*, even during the height of the so-called “refugee crisis” in 2015, three-quarters of refugees were hosted by countries neighbouring the refugees’ countries of origin (UNHCR, 2020, p. 22), making common epithets such as “migration flood” into the EU unjustified. *Second*, rather than indicating improved humanitarian conditions in asylees’ countries of origin, the drop in the asylum applications reflected Europe’s stricter border and migration control that was magnified in 2020 due to the global COVID-19 pandemic.

State of research

The abundance of edited volumes and special issues on unaccompanied minors is a testament to the growing social and academic importance of the topic (e.g., Alemi and Sigrid, 2019; Bhabha et al., 2018; Clayton et al., 2019; Kanics et al., 2010; Sedmak et al., 2018). Existing studies have explored how national and supranational asylum norms and provisions affect unaccompanied minors’ wellbeing and prospects, documenting both breaches to children’s rights and, to a lesser extent, best practice examples (Bhabha, 2011; Bhabha et al., 2018; Clayton et al., 2019; Kanics et al., 2010; Sedmak et al., 2018). Empirical evidence from Austria has shown that unaccompanied minors are subject to a “two-class system” composed of two parallel child welfare systems for national children and unaccompanied minors (Dursun and Sauer, 2018), while research from Slovenia suggests that unaccompanied minors are systematically treated as “migrants” rather than children, and sometimes framed as criminal foreigners who might jeopardise public safety and health (Sedmak et al., 2018). In Norway, asylum-seeking children are considered both asylum seekers and children, while they are primarily positioned as asylum seekers in Denmark (Vitus and Liden, 2010). Scholars have observed these and other human rights violations at every stage of migration—during the journey, the asylum application, and when ultimately establishing credible grounds for human rights violations that amount to persecution vis-à-vis state officials (Bhabha, 2014, p. 210; Dursun and Sauer, 2018). They found that transnational practices such as extra-territorial border policing and cooperation with non-EU states were intended to reduce the number of incomers to the EU and further undermined unaccompanied minors’ prospects for protection and wellbeing (Clayton et al., 2019).

Existing research on unaccompanied minors reflects national and international norms in its consensus that age is a key determinant of social vulnerability, with Jacqueline Bhabha noting that age has become “a critical variable in the study of and engagement with migration” (2018, p. 1). Since applicant age is pivotal to determining states’ legal obligations, establishing an asylee’s age has become a major concern for public officials, evidenced in Europe’s routinisation of age assessment procedures (Separated Children in Europe Programme, 2011; for France and the United Kingdom, also Bailleul, 2018; Dembour, 2018). Scholars have underlined the scientific and ethical controversies surrounding age assessment, going so far as to call it “junk science” (Noll, 2016). They emphasise medical professionals’ obligation to disclose the low accuracy of skeletal and dental age assessment while pointing to the systematic breach of the principle that the net benefit of ionising radiation to the individual

must outweigh its risks (Hjern et al., 2012; Hjern et al., 2018). Others have problematised the focus on chronometric age, which may serve as a tool for assessing migrants’ productivity and employability, which has clear disadvantages for some—especially older adults (Seibel, 2016). Yet, others have interpreted age assessment as a “colonial mapping of the body” (Dahler, 2020) that allows “imperialist violence to appear rational, scientific and necessary” (ibid., pp. 39–40).

Most work on unaccompanied minors has shown a common understanding that the nation-state plays a key role in setting and implementing legal and ethical norms and provisions—an assumption we share. At the same time, we assume that institutionalised asylum norms and provisions that are at odds with children’s rights and best interests cannot be simply erased by and from the state. This is because they are rooted in social relations shaped by gendered, classed, and racialised hierarchies that are reproduced and organized by public institutions. We are also sceptical of depictions of the state as a monolith purposefully designed to always exclude and repress “foreign” children. To understand the institutional workings of such predicaments and assess their social effects, we instead suggest adopting a critical approach that is attentive to inconsistencies and ambivalences within state norms and practices that occur at different state levels and fields.

Theoretical considerations

Unaccompanied minors’ social positions and experiences exist at the crossroads of asylum and child welfare policies and are essentially shaped by existing contradictions and inconsistencies in state norms and practices (Dursun and Sauer, 2018; Giner, 2007; Vitus and Liden, 2010). First, asylum regimes derive their legitimacy from the notion of national sovereignty and the state’s right to determine what criteria “foreigners” must fulfill to access its physical territory and social infrastructure. Asylum regimes, therefore, rely on repressive state apparatuses such as the police and courts to ensure control and surveillance at and within its borders. Second, asylum regimes simultaneously entail compassionate norms and practices embedded in humanitarianism such as access to health care, accommodation, and (compulsory) schooling for all asylum seekers. Some of these elements are specifically tailored to the needs of extra vulnerable groups such as the chronically ill or unaccompanied minor asylum seekers (Dzenovska, 2016; Fassin, 2005; Giner, 2007; Vitus and Liden, 2010). These relatively inclusive state norms and practices targeting vulnerable groups can be seen as approximations of common welfare standards reserved for citizens and are mainly implemented by less repressive state apparatuses such as child and youth welfare services for unaccompanied minors. However, the piecemeal recognition of vulnerable groups does not dissolve the repressive character of asylum norms and practices. Rather, it represents compassionate exceptions to the rule (Fassin, 2005, p. 375) by establishing “a hierarchical relationship between the subjects and the objects of compassion” (Dzenovska, 2016, p. 3).

Drawing on the materialist state theory tradition, the state represents institutionalised social relations (Gramsci, 1991; Poulantzas, 1978; Sauer, 2001)—i.e., class relations, gender and age relations, and relations between citizens and non-citizens (Forschungsgruppe »Staatsprojekt Europa«, 2014, p. 29)—and constructs classed, gendered, age differentiated, and ethnicised subjects. When conceptualised as the “material condensation” (Poulantzas, 1978, p. 154) of social relations, the state displays a contradictory and fragmented ensemble of state apparatuses, which are manifestations of societal antagonisms that are inscribed into the state at national and international levels (Forschungsgruppe »Staatsprojekt Europa«, 2014, pp. 29–30).

Different societal forces and actors take interest in different state apparatuses and vice versa. Thus, the state becomes a strategic field shaped by the complex, decentralised, and antagonistic relations between its different levels and internal sectors, which explain existing policy contradictions and inconsistencies (ibid.). This materialist state concept, thus, helps detect the tension and contradictions between state institutions and the actors that pursue different projects and practices. With regard to unaccompanied minors, the concept helps capture and explain the workings and effects of exclusionary–repressive asylum and inclusive–caring child welfare regimes, which are bundled into a functioning institutional paradox by the nation-state.

Methodology and methods

State norms and practices that concern unaccompanied minors during the asylum procedure are mediated by a variety of institutions, organisations, and governmental and non-governmental actors. These institutions, organisations, and actors may pursue and carry out different, parallel, or contradictory goals and tasks which collectively construct unaccompanied minors' precarious social positions. Such institutions and organisations normally include asylum agencies, the police, courts, child and youth welfare services, legal guardians, social workers, and schools and teachers. Since state norms are mediated through social interactions, they are embedded in the actual encounters and daily lives of minors and experts alike.

Within this context, we conducted a set of semi-structured, in-depth interviews with experts and (former) unaccompanied minors (Flick, 2009). An ethical protocol was drafted prior to the fieldwork with minors and signed by all research participants.² One researcher from the Austrian team consulted with a lawyer who specialised in working with unaccompanied minors who advised us on the appropriateness of our interview questions. We contacted minors exclusively through their legal guardians and/or the management at the care facility where they were housed. The informed consent of minors and their legal guardians was acquired prior to the interviews. The interviews were conducted and recorded with the consent of the interviewees. All minors were granted full anonymity; we thus used pseudonyms rather than their real names. At the time of the interviews, these interviewees were aged between 14 and 23 years and came from Afghanistan, Syria, Iran, Pakistan, the Chechen Republic, the Republic of Dagestan, and Somalia. Only one was female and those who were still minors at the time of the interview (ten out of twelve) were housed at a childcare facility while waiting for the outcome of their asylum application. Although some interviewees had been living in Austria for a few years, others had only recently arrived. An additional seventeen interviews were conducted with experts including public officials, legal advisors, managers and care workers at care facilities for unaccompanied minors, activists and NGOs, and the godparent of an unaccompanied minor. All expert interviews were conducted in German, while interviews with (former) minors were either conducted in English or German.³ Quotes from German-language interviews were translated into English by the authors.

The interview guidelines we prepared for unaccompanied minors involved questions about their past (biographical background and personal profile) and present experiences (living conditions, access to social rights and services, education and work, perception of public officials, institutions, and legal proceedings) as well as questions about desires, expectations, and aspirations for the future. The guidelines prepared for the expert interviews concerned questions about experts' professional tasks and responsibilities related to unaccompanied minors, how they perceive and act in the child's best interests, and obstacles they

face in this regard. Upon completion, all interviews were transcribed, and each set of interviews was analysed according to a standardised template that largely corresponded to the interview structure and aimed to identify patterns and contradictory experiences and practices in the everyday lives of the minors and experts.

Unaccompanied minors in Austria: between asylum and child welfare

In the following, we discuss the contradictions and inconsistencies that arose from the overlap between asylum and child welfare norms and practices. The findings showed how formalising and integrating child welfare norms and practices as part of the asylum procedure improved minors' wellbeing and prospects; for example, access to child-friendly accommodations and compulsory schooling during the asylum procedure. However, when implemented in the shadow of exclusionary and repressive asylum norms and practices, child welfare provisions are designed to be inferior to those enacted for national children. Besides manifesting indirectly in substandard child welfare provisions, exclusionary asylum norms and practices directly affected minors in the form of general and child-specific asylum norms and practices such as initial reception and accommodation at overcrowded facilities, long duration of and lack of information on asylum procedures, and age assessment. This was arguably an outcome of contradicting state levels and fields.

Asylum norms and practices vis-à-vis unaccompanied minors.

As asylum seekers, unaccompanied minors were exposed to repressive norms and practices at every stage of the asylum process, which began before their arrival in Austria. The existing legal framework means that asylum applications can only be lodged in Austria, which required unaccompanied minors to embark on an oftentimes long and dangerous journey to Europe. Among the interviewees, Aasiya (17) was the exception in that she had flown from Somalia to Austria. However, Adam (16) travelled from Syria to Lebanon and Egypt and crossed the Mediterranean Sea to Italy before arriving in Austria. The entire journey lasted about 20 days. Hamed (17) travelled from Syria to Austria via Turkey, Greece, Macedonia, Serbia, and Hungary, which took around two and a half months. While in Serbia, he was kept in custody for 25 days for not having his passport available. Ehsan (23) had to travel for five months from Afghanistan before arriving in Austria. On their way to Austria, Afghani brothers Karim (14) and Khalid (16) were held in Bulgaria for approximately 30 days with other unaccompanied minors from Afghanistan and Syria in what they described as a "jail" or "prison". Karim described how some of his hair turned white during that time from sleepless nights and feelings of "tension". After the brothers' experience in Bulgaria, Khalid expressed relief that it was "very, very good we came here [to Austria]" (Khalid, 16). Karim and Khalid's accounts demonstrated that they did not understand where they were kept in Bulgaria and why.

A tedious asylum procedure awaits minors in Austria. The unaccompanied (former) minors we spoke with did not report any direct violence or poor treatment from officials but reported practices that systematically undermined their feelings of confidence and trust. Ehsan (23) showed that he was acutely aware of the institutional suspicion towards minors' narratives and concerns and pointed to the dilemma between "you want to tell the truth", but "you don't know whether it is bad for you when you say it now". Ehsan lost contact with his family during his five-month-long journey to Europe and was afraid to call them upon arrival in Austria out of fear of jeopardising his

asylum prospects—a state of mind he called “paranoia”. He told us that existing legal provisions sometimes forced unaccompanied minors to change their names and age to avoid being deported to the EU country where their fingerprints were first taken .

Besides their biographies and motives, unaccompanied minors must make their bodies transparent to the public authorities upon request. The Austrian Federal Office for Immigration and Asylum Procedures Act (BGBl. I Nr. 87/2012, *BFA-Verfahrensgesetz*) established that the Federal Office for Immigration and Asylum (*Bundesamt für Fremdenwesen und Asyl*) or the Federal Administrative Court can order an age assessment when a person has failed to provide a credible document that confirms their minority status. When Asif (16)—who said he was from Afghanistan but was born and raised in Pakistan—arrived in Austria, he only had a photocopy of his official identification documents with him. He explained that he left the originals at home because he worried about losing them during his journey (Asif, 16). However, Austrian officials did not accept the copies, so his sister sent the originals from Afghanistan to Austria. Even then, Asif was ordered to undergo an age assessment to prove he was underage (“the result was the same, as I told them”, Asif, 16). This resulted in a longer stay at the notoriously overcrowded, child-unfriendly initial reception centre in Traiskirchen, Lower Austria (“two month[s] and] a day destroyed in Traiskirchen”, Asif, 16). Despite Asif’s treatment, there was a clear variation in the interviewed minors’ experiences; for example, officials did not order age assessments for Adam (16) and Salim (17) who had their respective Syrian and Afghan passports with them. Likewise, Austrian officials believed the accuracy of the statements that Majeed (17) and Rasheed (17) made about their age, while Tahir (17) was ordered to take an age assessment (Tahir, 17). These different experiences showed that the decision as to whether someone must undergo age assessment partly depends on the official assigned to the respective minor. Nevertheless, official numbers from 2016 demonstrate that of 4.151 asylum applicants who were older than thirteen 3.943 had to take a carpal x-ray (Glawitschnig, 2017).

While minors were asked to be transparent—often literally, in the case of radiological age assessment—about their personal data, biographies, and motives, personal experiences that were deemed irrelevant to the asylum procedure were systematically ignored by officials who acted according to both institutional norms and provisions, as well as personal discretion. The structure and course of the asylum procedure are designed to compartmentalise minors’ experiences by selectively picking out aspects considered relevant by the asylum bureaucracy. Karim (14), who was not given the opportunity to tell his experiences in detail during his interview with the Federal Office for Immigration and Asylum, noted that

They [the officials] must hear [out] everything someone want[s] to tell them. I [wanted to] tell [them] about my journey, [...] about my feeling[s], about the hard times I spent. [...] But they don’t want to hear it, [they] just [want to know] why you came.

Aasiya (17), who travelled to Austria by plane, described her encounter with the police at the Vienna airport as “really bad”. After being interrogated about how she got to Austria and her documents, Aasiya was taken to “a place like a jail” (Aasiya, 17). Since it was late in the evening, she had to spend the night there before being sent to the initial reception centre in Traiskirchen the next morning. Aasiya spent her first night in a place with a locked door and only a toilet and bed (Aasiya, 17). She noted that “when I see [the] police I get scared” and did not “wish anyone was in my situation” (Aasiya, 17). Her discomfort seemed connected to the protocol followed by the police rather than their

behaviour, which Aasiya described as “[f]or real very kind” (Aasiya, 17), although it is difficult to assess to what extent officers followed a binding protocol or their personal judgement.

Experts generally agree that the accommodation at an initial reception centre is highly problematic concerning the child’s best interests. The manager of a care facility for unaccompanied minors noted that it would be an exaggeration to refer to “care” or the “child’s best interest” in Traiskirchen (Manager of a care facility 1). Similarly, the manager of another care facility for unaccompanied children stated that having to stay in Traiskirchen for a long time was “the worst conceivable [thing] for minors”, even when their legal representatives—who are appointed by the Federal Office for Immigration and Asylum for the duration of the admission procedure—were “certainly very eager” to improve minors’ wellbeing (Manager of a care facility 2). However, these actors were limited in their ability to “change the fact that there are way too few possibilities for [child-friendly] accommodation” in Traiskirchen. Another expert confirmed that Traiskirchen was not “necessarily the ideal care facility for unaccompanied minors” (Officer at Child and Youth Welfare Services 1), which at least partly referred to the reception centre’s size. The same expert underlined that *Länder* regularly neglected their obligation to expand accommodation infrastructure to relieve problems at Traiskirchen (Officer at Child and Youth Welfare Services 1). Malik (18) from Afghanistan, who stayed in Traiskirchen for two months, explained, “[t]here [are] no German course[s] or sports opportunities there, almost nothing. I studied German in my room through the entire time”. Likewise, Adam (16), who also stayed in Traiskirchen for two months, noted that people working there “were the worst”, and gave the example of security who shouted at residents and prohibited them from leaving the building after 9:00 PM. Asif (16) stayed in Traiskirchen for three months, Hamed (17) for two and a half months, and Ehsan (23) for fifteen days before being transferred to a Viennese childcare facility. The minors reported that the combination of traumatising past experiences and overcrowded living spaces sometimes led to tension and fights among residents. Ehsan witnessed such fights (Ehsan, 23), while Majeed (17)—who only stayed in Traiskirchen for four days—was involved in a fight when two men tried to steal from him while he was eating (Majeed, 17).

Although minors’ life circumstances improved considerably upon admittance to the asylum procedure and being transferred from the initial reception centre to a childcare facility in one of the nine *Länder*, the long asylum procedure duration continued to burden them. One lawyer commented that

Asylum procedures are overall rather long; this is gruelling for every affected person. I believe [this is] especially [true] for young people because they are in a phase where they try to orient [and] somehow find their path in life and if one [young person] is stuck in a waiting loop for one, two, three years, it is, I believe, much graver than [it is] for an adult (Legal advisor and representative to asylum seekers at a joint network project).

Similarly, another expert noted that some residents at his care facility had been admitted to the asylum procedure for more than two years and were still waiting for an appointment to have their first interview, which is an “insanely long time period” (Manager of a care facility 1). Although the expert did not explicitly accuse certain institutions of intentionally prolonging the application process, he noted that asylum procedures that do not conclude before a minor’s eighteenth birthday render family reunification in Austria legally impossible. In the case of subsidiary protection, minors can apply for family reunification only after three years of being issued such protection. However, most minors will already

have turned eighteen during this time. Malik (18), who had been living in Austria for two years at the time of the interview, was still waiting for the outcome of his asylum application, which made him feel depressed. He mentioned that he had lodged a complaint against the Federal Office for Immigration and Asylum for missing the legal deadline, which remained unanswered. Similarly, other interviewed minors had been living in Austria for over a year without an asylum decision (Asif, 16; Majeed, 17; Salim, 17). The long stretches of silence from the Federal Office for Immigration and Asylum placed additional stress on the minors. As Asif (16) noted, he was “happy for my life [...] right now, but I don’t know about my future”.

Turning eighteen, therefore, was attached to losing the already-meagre benefits afforded to asylum-seeking unaccompanied minors. One major issue for those who were approaching legal adulthood was that they had to move out of their childcare facility accommodations. This required minors to become financially independent in order to afford their own housing, food, and clothes. Minors who hold asylum or subsidiary protection have unrestricted access to the labour market, while those who lack such status only have restricted access. Malik, who had recently turned eighteen at the time of the interview, explained that he had to move out of the care facility and into a flat where—unlike the care facility—he needed to pay rent (Malik 18). Another former unaccompanied minor reported having received financial assistance from the municipality of Vienna, but it was barely adequate (Ehsan 23). Thus, former minors may end up in crowded flats where they struggle to find privacy and tranquillity (Ehsan 23). Another equally important issue was that, as mentioned above, minors without asylum or subsidiary protection lose the right to family reunification upon turning eighteen. Hamed (17), who is from Syria and received asylum, mentioned that his parents would soon join him in Austria, but his siblings could not because they were above eighteen.

Bureaucratic procedures and institutional infrastructure for asylum-seeking unaccompanied minors in Austria displayed systematic neglect of children’s needs and prospects. These procedures are built on notions and practices of surveillance, repression, deservingness, and scarcity. This was visible in how minors were systematically deprived of necessary infrastructure and resources such as childcare; education and leisure activities at the initial reception centre; bureaucratic primacy ascribed to establishing minors’ age and motives rather than their needs; the institutionally fabricated uncertainty through lack of information and lengthy asylum procedures; and further uncertainties attached to the outcome and timing of the asylum procedure, which determine minors’ prospects for family reunification.

Child and youth welfare norms and practices vis-à-vis unaccompanied minors. There were visible, significant improvements to the living conditions, wellbeing, and prospects of minors upon being admitted to the asylum procedure. Upon admittance, minors are transferred to a childcare facility in one of the nine *Länder*, where they normally reside until they reach adulthood. Unaccompanied minors are usually housed in childcare facilities that are funded within the Basic Welfare Support framework for asylum seekers, rather than through the Child and Youth Welfare Services for national children. A leading expert on unaccompanied minors in Austria explained that, at the time of our interview, only a quarter of Vienna-based unaccompanied minors were accommodated at a Child and Youth Welfare Services facility (Expert from an NGO handling asylum issues). Before unaccompanied minors are transferred to a childcare facility, a clearing procedure should ideally be conducted to identify each child’s care needs and level of autonomy. However, such a

procedure was *de facto* almost non-existent and the decision for where a minor is accommodated (within the Child and Youth Welfare or Basic Welfare Support framework and according to the respective minor/caregiver ratio) usually remained a “matter of goodwill” (Expert from an NGO handling asylum issues). The younger the minor, the more likely they were to be accommodated in a Child and Youth Welfare Services facility, which has comparatively more resources than Basic Welfare Support childcare facilities. An exception revealed in the interviews is the City of Vienna’s *Drehscheibe*, a Child and Youth Welfare Services pedagogical care facility. When an unaccompanied minor is referred to *Drehscheibe* after arriving in Austria, an employee accompanies them to Traiskirchen to lodge an asylum application before returning to *Drehscheibe* to wait for admittance to the asylum procedure (Manager of a care facility 2). In the meantime, *Drehscheibe* employees determine whether the minor was separated from their parents during the journey and/or which prospects there are for family reunification. Additionally, they help minors search for and find schools and German courses, as well as the subsequent childcare facility where they will stay until their eighteenth birthday (Manager of a care facility 2).

In contrast to the overcrowded, child-unfriendly initial reception centre in Traiskirchen, unaccompanied minors’ housing situations improved after being transferred to the childcare facility. Interviewed minors either stayed in a single or double room or shared their room with three or four others. The care facilities provided food, which minors were often involved in cooking, and some took turns cooking for themselves and their peers (Aasiya, 17; Hamed, 17; Salim, 17). Hamed (17) told us that he cooked “very, very well” and made various Syrian dishes for himself and his “four Syrian brothers”, referring to other Syrian minors housed at the same facility. Likewise, Aasiya (17) said she loved cooking and that others liked her food. When asked about eating elsewhere, she responded “no, because there is not much money”. Asif (17) complained about food monotony and explained that “nobody eats [...] the same cheese [every] day” and therefore “all the [pocket] money goes in[to] food”. Asif was also overwhelmed by the workload attached to preparing his own food:

In Asia, when I woke up, I [saw] my mum first, then talk[ed] with her [when] she woke me up for [...] school [...]. And here, I have to wake up by my own, I have to prepare food by my own [which] I never did [when] I was in Pakistan or Afghanistan. [...] I have to wake up, I have to prepare my food and go to the German [class], then come back, and then I have to prepare my food again and I have to eat [...]. Life is quite complicated and busy in Europe.

Asylum seekers, including unaccompanied minors, housed in a facility receive monthly pocket money of 40 Euros, 150 Euros per year for clothes, 200 Euros per year for school material, and 10 Euros per month for leisure activities. Depending on the type and scope of service provision, the facility may pay out a disbursement to the residents, for instance for food (between 5.50 to 6 Euros per day per person). Interviewees spent the money at their disposal on food, learning materials, going to the gym, or the Internet (Aasiya, 17; Adam, 16; Hamed, 17; Majeed, 17; Salim, 17). The Internet proved to be a basic necessity for minors to keep in touch with families, which left them with barely any money for leisure activities such as going to the cinema (Adam, 16). Hence, they spent their time learning German, watching TV, playing video or card games, or hanging out in the parks (Activist; Hamed, 17; Majeed, 17).

Of all the missing resources that would help unaccompanied minors meaningfully structure their everyday lives, education

stood out the most. Most interviewees received some formal schooling in their countries of origin, with some having attended school for nine or ten years (Aasiya, 17; Malik, 18; Salim, 17). However, minors often had to start their education over due to a lack of academic equivalency and German proficiency (Malik, 18). Those under Basic Welfare Support received 200 h of German classes, while Child and Youth Welfare Services in the *Länder* Burgenland and Lower Austria increased the total hours of German classes to 600 (Expert from an NGO handling asylum issues). The Austrian Compulsory Schooling Act (*Bundesgesetz über die Schulpflicht*, BGBl. Nr. 76/1985) requires every child based in Austria to attend the school for at least nine years from the age of six. This compulsory schooling also applies to unaccompanied minors, which the interviewed experts stated was generally well-organised and satisfactory. However, Karim (14) was the only young interviewee who was within Austria's compulsory education age range, while others attended secondary school (*Mittelschule*) or preparation courses at, for example, an adult education centre (*Volkshochschule*), to receive their secondary school diploma (*Pflichtschulabschluss*) (Ehsan, 23; Rasheed, 17; Salim, 17; Tahir, 17). Numerous participants mentioned their goal to earn a university degree in subjects including accounting, engineering, history, and medicine, while others wanted to pursue vocational training. Access to wage labour, especially considering the scarcity of resources as minors approach their eighteenth birthday, as discussed earlier, is of crucial importance for emerging adults. Rasheed noted that minors have no influence over which *Land* they will be transferred to from Traiskirchen, but that Vienna has relatively more opportunities to study and work. He added that “one cannot take money from the state all the time [and] needs to start working at one point”. Furthermore, work had a strategic meaning for unaccompanied minors, as one expert working at a care facility for girls explained: When a girl will almost certainly be denied asylum, “we of course try and work differently” to make sure that she still has prospects to settle in Austria (Care worker at care facility 1). The same expert described a girl from Nigeria who wanted to become a nurse, and that they supported her as much as possible “because we know that once she has become a nurse and has resided in Austria for a long time, she will have the opportunity for residence” (Care worker at care facility 1).

Like all asylum seekers, unaccompanied minors have basic health insurance. A social worker and/or a translator may accompany minors to doctor appointments, although translation services were often scarce (Adam, 16). Interviewed minors received routine medical and dental check-ups, medication for chronic diseases like kidney failure, surgery for a broken finger, and glasses (Aasiya, 17; Adam, 16; Asif, 16; Karim, 14; Hamed, 17; Rasheed, 17; Tahir, 17). One expert reported a general shortage of psychological therapy, which impacts unaccompanied minors and Austrian children alike (Expert from an NGO handling asylum issues).

Once unaccompanied minors were admitted to the asylum procedure and transferred to a childcare facility, there were some improvements to the institutional infrastructure and bureaucratic procedures were moved to the background. Norms and practices like control and surveillance tests over deservingness and accuracy, and systematic neglect and deprivation were somewhat replaced by institutional care. At the same time, self-care, caring for other minors, and receiving care from adults were moved to the foreground. Caring tasks such as cooking, washing, studying, and leisure time activities became more prominent, as did the presence of caring adults such as legal guardians and social workers. At this stage of asylum, the welfare state's caring institutions, thus, became responsible for unaccompanied minors, and human rights activists' framings and practices had greater

importance in their everyday lives. These improvements, however, were significantly overshadowed by structural continuities: Compared to their national peers under Child and Youth Welfare custody, unaccompanied minors experienced more discrimination and continue to suffer from inadequate resources and prolonged uncertainties about their future as asylum seekers.

Conclusions

The above analysis shows that integrating child and youth welfare norms and practices into the asylum procedure for unaccompanied minors can improve their living conditions without dismantling the asylum norms of surveillance, conditionality, and scarcity. Our findings confirm existing research that unaccompanied minors are exposed to policies and measures that are not age-appropriate and thus exacerbate child-specific vulnerabilities. This is in line with studies that underscore the precarious social position assigned to unaccompanied minors as both children and asylum seekers. However, our research goes beyond determining the social and institutional coordinates of unaccompanied minors at the intersection of asylum and child welfare procedures. Rather, it also demonstrates how these two systems that usually follow contradictory goals are aligned and made to work together. Focusing on the everyday experiences of unaccompanied minors and experts proved useful in illustrating how the state mobilises a variety of actors and institutions to implement asylum norms, while selectively allowing child welfare provisions. Our study, therefore, shows that asylum norms and practices are preserved and reinforced, not despite, but *through* child welfare norms and practices.

This does not imply that norms and practices pertaining to child welfare are purposefully co-opted or manipulated to serve the needs of exclusionary and repressive asylum norms. Nor does it mean that it is insignificant to integrate child welfare norms and practices into asylum procedures or that it makes little or no difference. Considering the current right-wing, nationalist backlashes in Europe, defending and expanding child welfare norms and practices is more important than ever. Hence, this work serves to underscore how imperative it is to tackle the inconsistencies and contradictions that are organised into a functioning institutional paradox by the state, and how they continue to affect the lives of the most vulnerable.

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Notes

- 1 For official statistics on asylum in Austria, visit: <https://www.bmi.gv.at/301/Statistiken/>
- 2 The field research was simultaneously conducted by national research teams in Austria, France, the United Kingdom, and Slovenia within the framework of the research project “Whose Best Interests? Exploring Unaccompanied Minors' Rights through the Lens of Migration and Asylum Processes” (MinAs) funded by the European Union
- 3 Interviews were conducted in German: Ehsan (23), Hamed (17), Majeed (17), Malik (18), Rasheed (17), Salim (17), Tahir (17). Interviews were conducted in English: Aasiya, (17), Adam (16), Asif (16), Karim (14), Khalid (16).

References

- Allemi Q, Sigrid J (2019) Editorial—Introduction to the “Special Issue on Adolescent and Young Adult Refugees and Unaccompanied Minors in Residential Care”. *Resident Treat Children Youth* 36(2):81–82. <https://doi.org/10.1080/0886571X.2019.1582666>
- Bailleul C (2018) Coping strategies of unaccompanied minors lacking protection within the French context. The key role of political and civil society mobilisation. In: Sedmak M, Sauer B, Gornik B (eds) *Unaccompanied children in European migration and asylum practices*. In whose best interests? Routledge, London/New York, pp. 134–154

- Bhabha J (2014) *Child migration and human rights in a global age*. Princeton University Press, Princeton/Oxford
- Bhabha J (2018) Introduction to the Research handbook on Child Migration. In: Bhabha J, Kanics J, Senovilla Hernández D (eds) *Research handbook on child migration*. Edward Elgar Publishing, Cheltenham/Northampton, pp. 1–5
- Bhabha J (ed) (2011) *Children without a state. A global human rights challenge*. MIT Press, Cambridge/Mass
- Bhabha J, Kanics J, Senovilla Hernández D (eds) (2018) *Research handbook on child migration*. Edward Elgar Publishing, Cheltenham/Northampton
- Clayton S, Gupta A, Willis K (eds) (2019) *Unaccompanied young migrants. Identity, care, and justice*. Policy Press, Bristol/Chicago
- Cohen S (2002) *Folk devils and moral panics. The creation of the mods and rockers*. Routledge, London
- Dahler N (2020) Biometrics as imperialism: age assessments of young asylum seekers in Denmark. *Race Class* 62(1):24–45. <https://doi.org/10.1177/0306396820925648>
- Dembour MB (2018) Surely not! Procedurally lawful age assessments in the UK. In: Sedmak M, Sauer B, Gornik B (ed) *Unaccompanied children in European migration and asylum practices. In whose best interests?* Routledge, London/New York, pp. 155–182
- Dursun A, Sauer B (2018) Asylum experiences in Austria from the perspective of unaccompanied minors. Best interests of the child in reception procedures and everyday life. In: Sedmak M, Sauer B, Gornik B (eds) *Unaccompanied children in European migration and asylum practices. In whose best interests?* Routledge, London/New York, pp. 86–109
- Dzenovska D (2016) Eastern Europe, the moral subject of the migration/refugee crisis, and political futures. *Zone Books Near Futures Online (Europe at a Crossroads: Managed Inhospitability)*. <http://nearfuturesonline.org/eastern-europe-the-moral-subject-of-the-migration-refugee-crisis-and-political-futures/>. Accessed 8 Feb 2021
- Edlins M, Larrison J (2020) Street-level bureaucrats and the governance of unaccompanied migrant children. *Public Policy Admin* 35(4):403–423. <https://doi.org/10.1177/0952076718811438>
- Fassin D (2005) Compassion and repression: the moral economy of immigration policies in France. *Cult Anthropol* 20(3):362–387. <https://doi.org/10.1525/can.2005.20.3.362>
- Flick U (2009) *An introduction to qualitative research*. SAGE, London
- Forschungsgruppe »Staatsprojekt Europa« (2014) *Kämpfe um Migrationspolitik. Theorie, Methode und Analysen kritischer Europaforschung*. Bielefeld, transcript Verlag.
- Giner C (2007) The politics of childhood and asylum in the UK. *Children Soc* 21(4):249–260. <https://doi.org/10.1111/j.1099-0860.2007.00097.x>
- Glawischmig K (2014) Kein Kind wie du und ich. *Asyl Aktuell* 3:2–6
- Glawischmig K (2017) *Kinderflüchtlinge in Österreich. Kinderrechte-Situationsbericht*. <https://www.asyl.at/files/180/25-krb-bericht-kinderfluechtlinge.pdf>.
- Gramsci, A (1991–1999) *Gefängnishefte. Kritische Gesamtausgabe in 10 Bänden*. Bochmann K., Haug W. F., Jehle P. (eds) Hamburg, Argument
- Hjern A, Ascher H, Vervliet M, Derluyn I (2018) Identification. Age and identity assessment. In: Bhabha J, Kanics J, Senovilla Hernández D (eds) *Research handbook on child migration*. Edward Elgar Publishing, Cheltenham/Northampton, pp. 281–293
- Hjern A, Brendler-Lindqvist M, Norredam M (2012) Age assessment of young asylum seekers. *Acta Paediatrica* 101(1):4–7. <https://doi.org/10.1111/j.1651-2227.2011.02476.x>
- Holzleithner E, Strasser S (2006) Troublesome Issues. Current debates on tensions between gender equality and cultural diversity in Austria. https://www.univie.ac.at/NODE-CMC/pages/HolzleithnerStrasser_onlinepub_2006-10-30.pdf. Accessed 8 Feb 2021
- Kanics J, Senovilla Hernández D, Touzenis K (eds) (2010) *Migrating alone: unaccompanied and separated children's migration to Europe*. UNESCO Publ, Paris
- Liebhart K (2020) The Normalization of Right-Wing. The Normalization of Populist Discourses and Politics in Austria. In: Wöhl S, Springler E, Pachel M (eds) *The state of the European Union. Fault lines in European integration*, pp. 79–101.
- Noll G (2016) Junk Science? Four arguments against the radiological age assessment of unaccompanied minors seeking asylum. *Int J Refugee Law* 28(2):234–250. <https://doi.org/10.1093/ijrl/eev020>
- Poulantzas N (1978) *State, power, socialism*. New Left Books, London
- Rheindorf M, Wodak R (2018) Borders, Fences, and Limits—Protecting Austria From Refugees: Metadiscursive Negotiation of Meaning in the Current Refugee Crisis. *J Immigrant Refugee Stud* 16(1-2):15–38. <https://doi.org/10.1080/15562948.2017.1302032>
- Rosenberger S, König A (2012) Welcoming the unwelcome: the politics of minimum reception standards for asylum seekers in Austria. *J Refugee Stud* 25(4):537–554. <https://doi.org/10.1093/jrs/fer051>
- Rossell Hayes A, Dudek CM (2020) How radical right-wing populism has shaped recent migration policy in Austria and Germany. *J Immigrant Refugee Stud* 18(2):133–150. <https://doi.org/10.1080/15562948.2019.1587130>
- Sauer B (2001) *Die Asche des Souveräns. Staat und Demokratie in der Geschlechterdebatte*. Campus, Frankfurt/Main
- Scheibelhofer P (2017) 'It won't work without ugly pictures': images of othered masculinities and the legitimisation of restrictive refugee-politics in Austria. *NORMA* 12(2):96–111. <https://doi.org/10.1080/18902138.2017.1341222>
- Sedmak M, Sauer B, Gornik B (eds) (2018) *Unaccompanied children in European migration and asylum practices. In whose best interests?* Routledge, London/New York
- Sedmak M, Lenarčič B, Medarić Z, Žakelj T (2018) 'Not our children'. Unaccompanied minor asylum seekers in Slovenia. In: Sedmak M, Sauer S, Gornik B (eds) *Unaccompanied children in European migration and asylum practices. In whose best interests?* Routledge, London/New York, pp. 110–133
- Seibel K (2016) Bureaucratic Birthdays. Chronometric old age as resource and liability in U.S. refugee resettlement. *Refuge* 32(3):8–17
- Separated Children in Europe Programme (2011) *Review of current laws, policies and practices relating to age assessment in sixteen European Countries*. <https://resourcecentre.savethechildren.net/node/5315/pdf/5315.pdf>. Accessed 8 Feb 2021
- Siebenhofer A, Valchars G (2012) "Ankerkinder" sind die neuen "Scheinasylanten". *Die Presse* 2012, 16 Jan
- UNHCR (2020) *Global Trends. Forced Displacement in 2019*. <https://www.unhcr.org/5ee200e37.pdf>. Accessed 8 Feb 2021
- Vitus K, Liden H (2010) The status of the asylum-seeking child in Norway and Denmark: comparing discourses, politics and practices. *J Refugee Stud* 23(1):62–81. <https://doi.org/10.1093/jrs/feq003>
- Vollmer BA (2017) A hermeneutical approach to European bordering. *J Contemp Eur Stud* 25(1):1–15. <https://doi.org/10.1080/14782804.2016.1148591>
- Wodak R (2015) *The politics of fear. What right-wing populist discourses mean*. SAGE Publications, London
- Wodak R (2018) "Strangers in Europe". A Discourse-Historical Approach to the Legitimation of Immigration Control 2015/16. In: Zhao S, Djonov E, Björkvall A, Boeriis M (eds) *Advancing multimodal and critical discourse studies. Interdisciplinary research inspired by Theo van Leeuwen's social semiotics*. Routledge, New York, pp 31–49

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Competing interests

The authors declare no competing interests.

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