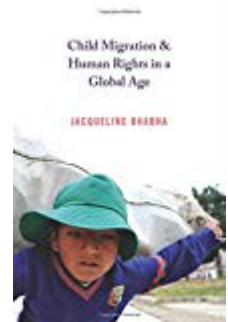


Jacqueline Bhabha. *Child Migration and Human Rights in a Global Age.* Human Rights and Crimes against Humanity Series. Princeton: Princeton University Press, 2014. 392 pp. \$35.00, cloth, ISBN 978-0-691-14360-6.



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The dilemma of child migration burst onto the U.S. consciousness in the spring and summer of 2014. Debates over what caused the sudden uptick in unaccompanied minors reaching the southern U.S. border alternately blamed gang violence in the primary sending countries of Guatemala, Honduras, and El Salvador; President Barack Obama's immigration policy and particularly the implementation of a modified "DREAM Act" by executive order; the legacies of American meddling in Central American politics going back to the early Cold War; and the unintended consequences of the immigration laws passed in 1986 and 1996 that militarized the border, limited circular seasonal migration, and broadened the scope of deportations. What has gotten lost in the political debate are the basic human rights of the children huddled in U.S. Immigration and Customs Enforcement (USICE) detention facilities awaiting a decision on their fate. Jacqueline Bhabha's masterful study of *Child Migration and Human Rights in a Global Age* aims to correct that oversight.

Bhabha has built a career considering the unique challenges of children, adolescents, and women as migrants and refugees, and this latest work synthesizes the best of her past research and greatly expands it. In the course of seven chapters highlighting such issues as family reunification, child citizenship, international adoption, child sex and labor trafficking, child soldiers, children as refugees or asylum claimants, and children's rights, Bhabha demonstrates that the disconnect between the ideals of human rights and the actual experiences of child migrants has devastating consequences all over the world. Moreover, she argues, states and activists alike need to consider the rights and interests of the child migrants themselves. Despite their tender age, they have the ability to make choices based on their own best interests. In the meantime, the problem is not really invisibility—for example, the roughly fifty-seven thousand unaccompanied minors on the U.S. border have gotten a great deal of press and attention—but ambivalence.

This ambivalence, according to Bhabha, stems from a series of debates that center on what makes the child migrant unique. Unprotected minors (more of a concern than unaccompanied minors) require assistance that can include the receiving state's child welfare institutions, asylum and immigration policies, and international law and treaties. The most common response internationally to unprotected minors crossing borders is detention: children are held often in facilities that were not designed with their needs in mind. From that point on, some of the core questions raised by Bhabha include the extent to which family unification is a goal that trumps any other considerations of the best interests of the child, whether children's citizenship is equal to that of an adult who is more fully capable of participating in the public sphere, and whether the child's own perception of his or her interests aligns with that of the state's.

Family unification undergirds a great many national immigration policies, including that of the United States. As Bhabha notes, the European Convention on Human Rights and the European Union's Social Charter both recognize the right to family life. These principles assume that children are almost always better off living with their parents, but migration issues often interfere with this ideal. As Bhabha notes, they can translate to trafficked children being returned to families they fled (or in some cases, which sold them), it can mean deporting child migrants into war zones or economically untenable situations, and it can mean holding children alongside their parents in adult detention facilities incapable of providing them with a healthy environment in the name of keeping families together.

Bhabha argues that the goal of keeping families together often also means denying children equal citizenship. In countries like the United States that have birthright citizenship, American citizen children with immigrant parents find their claims to their country of birth trumped by their

parents' status. Minors with deportable parents discover that "family unity and the right to respect for family life have thusly generally been viewed as a privilege of parents, earned by good or reasonable behavior, rather than as a right of children, or an aspect of citizenship independent of parental conduct" (p. 81). Beyond deportation, these conflicting rights can affect children's access to health care and education, as well as their sense of security, whether they are citizens or migrants, documented or not.

An unambiguous "right to have rights" (p. 264), as Bhabha puts it, would require a mechanism by which children's judgments of their best interests are given equal weight to those of the adults charged with determining their future. This proves to be the most critical—and the most elusive—of the factors at play through the book. In a wide range of contexts detailed by Bhabha, this right is undermined by state goals. International adoptees have limited ability to maintain contact with or access to parents left behind. Trafficked children are returned into bad situations without consideration for how they came to be trafficked in the first place. Child soldiers find international bodies more interested in punishing recruiters than tackling the hard work of their rehabilitation. Refugee children are deported back into the violence they tried to escape. And across the board, child migrants' concerns about access to work and income-generating occupations are easily dismissed on the assumption that despite their sometimes very adult life experiences, they are too young to understand their own needs.

Bhabha eloquently and forcefully outlines these and a range of related concerns for each of the child migrant populations she discusses in her book. She takes a truly global perspective, and as a result some American readers might be surprised to discover that although the United States' handling of the child migration issue is deeply flawed, its flaws are by no means exceptional or even unusual. One of the great advantages to

Bhabha's global approach is the recognition that all first world countries struggle with the same questions in juggling human rights against migrant rights. The downside of this approach is that although the book offers a great many opinions about these problems, it cannot offer concrete solutions to our current dilemmas. Instead, it often poses new questions.

One example of the tricky considerations at play can be found in the chapter on international adoption. The U.S.-led explosion of international adoption after World War Two has slowed considerably in recent years as the result of state-led initiatives to keep children in the country and international campaigns, like that of UNICEF, to discourage cross-border adoption. As Bhabha notes, both international human rights law and widely shared cultural norms stress the importance of a safe and nurturing family environment for all children, forcing states to weigh the prospect of a happy family life abroad and the disadvantages of institutionalization against the risk of trafficking and cultural loss. Opponents of international adoption express well-founded concerns that a profound number of babies and young children adopted abroad are in fact not orphans at all, but children of low-income families whose parents either cannot afford them or do not want them. Adoption in the latter case is a godsend; in the former, it is a tragedy, and one that shares a great deal in common with other dilemmas of economically driven transnational migration. UNICEF and other organizations have come to prefer aid and in-country charitable programs that care for orphans and low-income families to migration abroad. Bhabha agrees to a certain extent, but also suggests that the often well-intentioned parents involved in international adoptions need to have legal support to treat the transaction more like domestic adoptions, maintaining contact between the birth parents and adoptive parents and allowing opportunities for visits in both directions. While all of these suggestions are superior to the 1950s-era proxy adoptions championed by

Henry Holt, none will be universally pleasing and none do quite enough to consider the rights of the child.

The adoption dilemma is replicated in the 2014 American border crisis. Here a similar accounting emerges: is it possible for the United States to offer economic and social aid programs that will allow child migrants to return to their home countries and remove the impetus for migration (legal or otherwise)? Beyond the immediate humanitarian concern of caring for unprotected minors without risking their lives or exposing them to further trauma, they can be given asylum in the United States from the violence of the drug wars, but that would require an expansion of the existing definitions of "refugees." They can be deported, but with no alteration in the economic conditions, it is more likely that they will migrate again than stay in their home countries. Remaining in the United States, neither deported nor granted legal status, means living without rights. Bhabha finds plenty to criticize in this system, and she acknowledges the temptations to focus on international agreements and principles as a means of acknowledging the problem without solving it. However, as she notes, "global mobility and desperation are removing the comfortable distance of geographical separation, leaving the First World with the challenge of translating adolescents' rights into human rights on our own doorsteps" (p. 256). The hard case-by-case work of finding resolutions cannot be absolved forever. But there are no real solutions offered here, and one of the few possibilities—forgoing either focus on international law or individual rights in favor of robust bilateral diplomacy that deals with both the unique context and shared motivations of groups of migrants—does not really enter into Bhabha's analysis. No matter how the United States solves the issue of child migrants on its southern borders, we can be certain that it will not be through international law or United Nations accords. Even domestic revision of immigration laws has proven (and, indeed, has always

been) fraught. The USICE can strive to understand better the unique challenges that child migrants pose, but what happens beyond that is an open question.

Bhabha's extensive documentation of the difficulty of solving the problems posed by child migrants leads to the uncomfortable conclusion that perhaps the only answer is eliminating the need for child migration altogether. Trafficked children need interventions at home to eliminate their vulnerability to traffickers and when they cross borders, because they are too rarely recognized as trafficked. But Bhabha's ultimate solution is better socioeconomic opportunities in the home country to help children or their guardians avoid being manipulated by traffickers. Child soldiers need to be recognized, in some cases rescued, and rehabilitated. But they, too, need stable homelands that allow them to earn a living and pursue education. And so it goes, until the impression arises that the ultimate solution to the problems attending unprotected child migration is to remake the governments and economies of the entire developing world. Even then, however, there will always be factors inspiring new migration. That is where Bhabha's other, more attainable, suggestion comes into play: teaching government institutions to have more respect for the human rights of child migrants. However, it is not at all clear that this project moves past the ambivalence she laments in her introduction.

Impossible solutions notwithstanding, *Child Migration and Human Rights in a Global Age* is a deeply thought-provoking work filled with both anecdotes and evidence that should spark reflection and debate from academics and government officials alike. For historians, particularly historians of international relations, it also presents a range of understudied subjects that are both worthy of deeper historical reflection and policy-relevant. For example, Bhabha draws on the history of Chinese exclusion in the United States as both the roots of invasive border control techniques

and an example of administrative inflexibility, but leaves explicit comparisons to the next scholar. She makes the barest of references to nineteenth-century responses to child migrants in the United States and elsewhere that deserves further examination. And her broader technique, to compare the experiences of net immigration societies and first world countries across the board, reminding us that countries both learn from each other and share culpability for mistakes, could use greater reflection from historians of migration and diplomacy who are uniquely positioned to make effective comparative studies.

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