

## CHAPTER 2

# WHY CHILDREN MIGRATE

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### INTRODUCTION

Hundreds of millions of people are on the move around the world. In 2010 international migrants made up 3% of the global population.<sup>31</sup> While this is a relatively small proportion, it equates to about 214 million people.<sup>32</sup> The majority of these people travel via official channels with valid documentation. However, about one third of all migration from developing countries could be irregular,<sup>33</sup> including people who may be refugees and asylum seekers, as well as economic and other migrants. Typically, these people do not have appropriate documentation and cross borders without official authorization.<sup>34</sup>

Mixed flows of refugees, asylum seekers and other irregular migrants, rising in number since the late 1980s<sup>35</sup>, represent a challenge to states. Significantly, they are seen to undermine states' sovereign right to control who enters and remains within their borders. Refugees, asylum seekers and other irregular migrants also represent a challenge to effective policy design and implementation, because different categories of people invoke different obligations on states. Some will require international protection as refugees. Others may not be 'refugees' according to the 1951 Convention definition, but may have other protection concerns. Others may not be able to return to the countries from which they have come. Some may not invoke a state's international obligations at all, but their presence within a state can make their removal challenging.<sup>36</sup>

Refugees, asylum seekers and other migrants who travel via unofficial channels are particularly vulnerable to human rights violations, discrimination and exploitation because of the circumstances that give rise to their irregular status (i.e. the situations that prompt them to leave their home communities) and because of the nature of the journeys they must undertake.

Mixed flows of refugees, asylum seekers and other migrants often elude easy categorization. Such people leave their homes for complex, often inter-related factors, including environmental and economic reasons and due to conflict. As well as refugees and asylum seekers, these mixed flows comprise other vulnerable migrants including:

victims of trafficking, smuggled migrants, stranded migrants, unaccompanied (and separated) minors, those subject to violence (including gender-based violence) and psychological distress and trauma during the migration production process, vulnerable individuals such as pregnant women, children, the elderly and those in need of medical treatment, and migrants detained in transit or upon arrival. In addition, mixed flows may include migrant workers [including children employed as crew and cooks on people smuggling boats], cross-border traders and migrants moving for environmental reasons.<sup>37</sup>

Given this complexity, we have chosen throughout this report to use the term 'refugee, asylum seeker and irregular migrant children' to describe the children to whom we refer.

## WHY CHILDREN LEAVE THEIR HOME COMMUNITIES

Although exact numbers are impossible to know, children are crossing international borders via irregular means in large numbers. According to one study, children represent around a quarter of all migrants.<sup>38</sup> In some situations, children make up an even higher proportion of those on the move. For example, it is estimated that 42 per cent of people crossing the Cambodian-Thai border are children.<sup>39</sup> Nearly half the refugees and others of concern to the UNHCR are also children.<sup>40</sup>

Like their adult counterparts, children who are refugees, asylum seekers or irregular migrants leave their home communities for a complex range of reasons and in a diversity of circumstances. Some children are forced from their homes. They may flee due to war, conflict or other situations involving serious human rights violations as the stories below from interviews with some of the 70 children held in immigration detention around the world demonstrate.

Girls and young women are at particular risk of gender based violence and sexual abuse.<sup>41</sup>

### YUSUF FROM SUDAN, DETAINED IN MALTA, AGED 16

Yusuf fled his village because of the conflict in Darfur. 'The war is compelling us to leave the country, to leave the people who we never wish to leave in our whole lives. And we have already faced a lot of things, so cruel, so bad things,' Yusuf said. 'When I left Darfur... in front of me, around 10 o'clock in the morning, they raped my sisters. At that time, I was 16 years. But I will never forget this. I will never forget it. They killed my father and two brothers in front of me.'

### ARUN AND CHIT FROM MYANMAR, DETAINED IN MALAYSIA, AGED 8 AND 6

Arun and Chit fled Myanmar with their mother. Their father had already fled the country after being jailed and tortured by the junta. The children's mother was also jailed by the military. When Arun and Chit left Myanmar with their mother, they left behind two other siblings because they didn't have the money to bring them. They paid an 'agent' to get them to Malaysia where their father was.

JUAN, FATHER OF JOSE & MARIA, FROM COLOMBIA, DETAINED IN MEXICO, AGED 14 AND 16

'We decided to come here because the fact that one of my brothers' daughters was raped,' Juan said. 'He has three children. After the rape, then we moved to another village, where someone raped two of my nieces, and after that we moved to another village where I got the message that my daughter would be the next, so we decided to go. We decided to drive to Guatemala. From Honduras we drove to the border between Honduras and Guatemala and then we just went all the way down to Guatemala, and after that we went to Tapachula (in Mexico). In Tapachula we were detained because we asked about how to get asylum in Mexico, and we have no idea that it was a crime to cross borders without documents. So they said that we were able to ask for asylum in Mexico City. We were detained on the southern border [a long way from Mexico City].

Children may leave their homes and communities for environmental reasons, whether sudden natural disasters such as floods or cyclones, or slow onset environmental change such as drought. Poverty may also be a cause for children to migrate.

CARLOS FROM HONDURAS, DETAINED IN THE USA, AGED 16

Carlos is from a poor family in a poor village in Honduras. In 1998, when he was barely a teenager, Hurricane Mitch, the deadliest Atlantic hurricane in more than 200 years, devastated Honduras, killing at least 7000 Hondurans and costing the country US\$3.8 billion. Wind, rain, flooding and landslides – worsened by the country's slash and burn forestry practices – 'virtually destroyed the entire infrastructure of Honduras', according to the US Department of Commerce's National Climate Data Centre. As much as 20 per cent of the population was rendered homeless. The agricultural industry was crushed. In the immediate term, parts of the population were threatened with starvation, and there were outbreaks of malaria, dengue fever and cholera. In the longer term, the country's development was thrown backwards. According to the Honduran President, Hurricane Mitch destroyed fifty years of the country's progress. According to Carlos, 'I decided to come here [to the US] because I felt that there weren't any other good options. After Hurricane Mitch destroyed most of the town where I am and work was really hard to get. It was really difficult times for my family and myself. So I decided to come here.' He was 16.<sup>42</sup>

Like Rafael and Marcos, children may flee their homes because of neglect, abuse or violence at home or school.

#### RAFAEL FROM HONDURAS, DETAINED IN THE USA, AGED 17

Rafael only went to school for a year because his father would not allow him to continue. Instead, his father made Rafael work with him. 'He didn't love us,' Rafael said. 'That's why he didn't give us schooling and that's why I decided to come here [the USA].'

#### MARCOS FROM EL SALVADOR, DETAINED IN THE USA, AGED 17

Marcos had a number of reasons for leaving his homeland. But one stood out. 'My problem was the gang. Some of them wanted to use me,' he said. 'The gang members are really bad. They don't think twice before killing you. They're like controlling the country.'

El Salvador's youth gang violence is remarkable. Partly exported from the USA and spread throughout Central America, and partly home grown, El Salvador's youth gangs 'demand that you help them to do crimes, to move drugs, light buses on fire, collect fees, many things,' Marcos said. And because he failed to comply, Marcos said, 'my life runs risk, my family's life is in danger...it is their decision what they can do.' Marcos's parents arranged for him to travel to the USA.

Because insecurity and violence is a major cause of children leaving their homelands, states of origin, receiving states, and the international community should work to establish conditions where children can be safe and secure in their home communities to reduce pressures on children to migrate. This includes ensuring that children are free from the threat of violence of any form (consistent with the Report of the Independent Expert for the United Nations Study on Violence Against Children )<sup>43</sup>, and from the threat of extreme poverty through the implementation of the United Nations' Millennium Development Goals.<sup>44</sup>

Some children are trafficked for labour or sexual exploitation.<sup>45</sup> Other children, while not compelled to leave for reasons of safety and security, nonetheless

see the decision to leave their home communities as both necessary and worth the risks associated with travelling without official documentation or permission.

Children may feel they have obligations to support their families. They may travel as the 'anchor' to establish a passage and a place for their family to follow. They may travel to be reunited with family. Some children may feel there is no viable future in their homelands and migrate seeking educational or employment opportunities. For some children the decision to leave their country is not their own, but is made for them by their parents or other adults in their lives who are fearful for their safety. Some children do not know where they are being sent when they leave.

### DAKARAI FROM ZIMBABWE, DETAINED IN SOUTH AFRICA, AGED 15

Dakarai left his homeland in Zimbabwe at the age of 14 after all his immediate family had died. Someone had told him there were opportunities in South Africa. He felt he had no other options but to be strong and leave.

### OSCAR FROM EL SALVADOR, DETAINED IN THE USA, AGED 17

'It was my dream to go to the US but I couldn't complete that dream. My dream was to get there, meet my family that is living there and to help my family that lives here. My idea was to go and look for a job there, work and help my mum [who remains in El Salvador].'

### FERNANDO FROM GUATEMALA, DETAINED IN THE USA, AGED 16.

Fernando's father lived in the US, but they had never met. Fernando had grown up with his grandparents, 'but at the same time I was growing up alone,' he said. 'There was no future for me to be in Guatemala. I decided to go to Mexico to look for a life. And when I went to Mexico I heard about the United States and opportunities and you can really have the opportunity and the chance to become somebody.'

Given the importance of socio-economic factors in pushing children to leave their home communities, states from which children migrate for socio-economic reasons should seek to implement social and economic policies and practices that allow children to develop fully without the need to leave their home communities. Further, both states of origin and receiving states should establish effective migration channels to facilitate legal migration to ensure the socio-economic needs of child migrants can be met without them having to risk travelling without state-sanctioned protection.

Wherever children's reasons for leaving their home communities and crossing international borders fall on a continuum between forced and voluntary migration,<sup>46</sup> children themselves feel they have strong reasons for leaving their families, friends and communities. Often, as discussed below, they do so at considerable risk.

#### THE EXPERIENCES OF CHILDREN ON THE MOVE

All refugees, asylum seekers and other irregular migrants are vulnerable during transit. Without legal status and the protection this offers, refugees, asylum seekers and irregular migrants are at risk of exploitation by smugglers and traffickers, corrupt

state officials and others who might reap gains from their vulnerability. The 'range of barriers' that states have erected to control migration and the increasing importance of smugglers and traffickers to facilitate cross-border migration have 'contributed to making irregular migration treacherous.'<sup>47</sup>

Children are not protected from these dangers, and indeed can be more vulnerable than adults simply because they are children. As well as being at risk due to their migration status, children are vulnerable because of their stage of development, and societal or cultural limitations on their ability to assert their rights. As they often travel unaccompanied by parents or relatives, they are also often without a primary caregiver, source of protection and comfort. Many states do not have specific mechanisms for responding to the needs of children, or if they do, those mechanisms are not always implemented in practice. However, other states do take account of the needs of children, as demonstrated in chapter 6.

Refugee, asylum seeker and irregular migrant children can be divided into three broad categories:

1. Those who travel with their parents.
2. Those who are separated from their parents or caregivers, but remain with family members. These children are referred to as 'separated minors' or 'separated children.' They may travel with other adult relatives. These relatives may be effective guardians, or they may themselves pose risks to the children in their care.
3. Those who travel without parents or other adult guardians. These children are 'unaccompanied minors.'

Children who migrate with their parents have the protective benefits of travelling with their carers and guardians. But as refugees, asylum seekers or other irregular migrants, the ability of parents to protect children is often extremely compromised by the physical dangers of the journey, through involvement with criminal people smugglers or traffickers, by a lack of effective state protection, and due to financial vulnerability.

#### ABDURAHAM FROM ERITREA, DETAINED IN ISRAEL, AGED 12 MONTHS<sup>48</sup>

Abduraham arrived in Israel with his mother with a cough and a runny nose. They were detained upon arrival. After repeated requests, a physician examined Abduraham and his mother. The physician noticed a strange scar on the boy's leg. Because they did not speak the same language, it was difficult for the physician to understand Abduraham's mother's explanation of the scar. In order to explain, Abduraham's mother, then only 22 years old, lifted her shirt and showed a similar scar. In the Sinai, they had been held captive for three months by the smugglers. The scar on the boy's leg and the corresponding scar on his mother, were from where the chains had been attached to their bodies. The only time they were not chained together was when smugglers unlocked Abduraham's mother to rape her. Only after paying US\$10,000 were they released and taken to the Israeli border.

## CHILDREN AT RISK ON THE JOURNEY

Siev 221<sup>49</sup>

ON 15 DECEMBER 2010, A BOAT CODENAMED SIEV 221 BY AUSTRALIAN OFFICIALS CRASHED INTO THE CLIFFS ON THE REMOTE AUSTRALIAN TERRITORY OF CHRISTMAS ISLAND. SOME 50 PEOPLE, INCLUDING 15 CHILDREN, WERE KILLED. <sup>50</sup> ONLY 30 BODIES WERE EVER RECOVERED. ANOTHER 20 PEOPLE REMAIN MISSING, PRESUMED DEAD. ONLY 39 PASSENGERS SURVIVED, INCLUDING 11 CHILDREN, THREE OF WHOM WERE ORPHANED. ALL OF THE SURVIVORS, INCLUDING THE CHILDREN, WERE

DETAINED ON CHRISTMAS ISLAND.

Separated and unaccompanied minors are often at increased risk, 'especially at... border crossings where they can be vulnerable to physical violence, theft and sexual exploitation.' <sup>51</sup>

### CARLOS FROM HONDURAS, DETAINED IN THE USA, AGED 16

Carlos' journey to the United States took about a year. He spent days in some places and weeks in others. He was caught and detained in Mexico for a few hours. Detention in Mexico 'was pretty ugly, cold, dark. I was really depressed because I was half way through Mexico. They got me and threw me back to Guatemala.' From the Guatemalan border, Carlos resumed his journey north.

He stopped in a range of places to work 'because I didn't have any money, so I needed to get some food or something.' As a child worker, he was easily taken advantage of: 'In my country I was exploited since day one. I studied to be a technical mechanic and I knew my work and I was good, but I never got paid for it. They were always lying to me just because I looked so young in Honduras. I worked a couple of times in Mexico and the same thing: they didn't pay me as they should. Or they say they would. But I always got exploited.'

Carlos attempted to cross the border from Mexico into the US over twenty times. Each time, he was caught. But instead of being sent back to Guatemala or even all the way to Honduras as a minor, he convinced the US border guards that he was an adult. 'I got returned back to Mexico because I told them that I was Mexican and so they just kick you back to the border. And then you try to get in again and again. I wasn't thinking about it too much, that it could affect me. I was just trying to put my mind on getting across. That's why I did it too much, all those times. And plus I didn't have any money to pay people to help me across.' Finally, he made it across the border in Tijuana - from where you can see down town San Diego.

Some children, like Yusuf, become separated from their families en route and become unaccompanied minors.

#### YUSUF FROM SUDAN, DETAINED IN MALTA, AGED 16

Yusuf's whole village fled after it was attacked. 'The people who are dead, are dead. We buried them. And all of us left. Nobody of the village who was still alive stayed in that place anymore,' he said.

Yusuf left with his mother and two sisters. The village was close to the border, so it didn't take long to cross into Chad. He stayed in a refugee camp for 11 days. But 'the camp was not safe. Some people were coming from outside trying to enter the camp and they attack them, they shooting, they come creeping at night, militias and kidnapping the people.' The guides who brought the villagers to the camp insisted they would take care of the mothers, but that the young boys were not safe and that they should leave. 'So we left. We came to Libya. From Libya, we came here [to Malta].'

The boys from Yusuf's village did not leave the refugee camp all together. Yusuf left with four other boys. The group travelled by car for a while before separating. Yusuf then found a Libyan animal trader who agreed to take Yusuf to Libya if he cared for the sheep on the way. The man took Yusuf to Tripoli.

The whole trip lasted 14 days.

Even unaccompanied minors generally do not travel alone. Often, they travel in groups with other children, older siblings and other adults who can help them.<sup>52</sup>  
This was the experience of Yusuf.

Yusuf stayed in Tripoli for three days. 'When I arrived, the Sudanese people told me that now you see in Darfur the war is going on. And you have not any identification. Don't go outside, on the street or anywhere. If the police catch you, they can transfer you to Sudan. They send you back. They give you to the government and the government is going to kill you. Don't go outside from this house because you don't have any identification, no passport, no ID card, nothing.'

'I said to those people, "I have just a little bit of money so, not very much. I have only \$500".' The smuggler who sends people from Libya to Europe told Yusuf that it would cost him \$1000. The other Sudanese raised the extra \$500 so that Yusuf could get a place on the boat, destination Italy.

The boat set out from Tripoli with 12 people on board. Three were Yusuf's age. The others were older. 'But we were lost. Six days on the sea. The water was finished. The fuel was finished, the food was finished. And we just prayed. We have no light. We have not petrol. Nothing.'

'When you turn any direction it was like desert. You see nothing. No light, no people. Nothing. We just prayed. And we said, We have nothing to do. Whatever is going to be, we are ready to die. We are ready to drown. Maybe we can find some shark to eat us. Many things.'

'Finally, the coastguard came and picked us up.'

Sometimes, children travel with smugglers. Their experiences of smugglers can be positive. At other times, however, smugglers exploit children or leave them stranded in dangerous circumstances.

#### CAROLINA FROM HONDURAS, DETAINED IN THE USA, AGED 16

Carolina was 16 when she left Honduras with a friend. 'I just left and I knew I had to come to the United States but I didn't know how,' she said. So I came with my friend and apparently everything went wrong.

Because we didn't know anybody, we don't have any food, we had to cross the desert and in the end we were kidnapped. It was really bad people and they had us locked up for a long time. They beat us, they didn't give us food and they had us locked up for two months until the money, the ransom was paid.

And then they took us out and they tied us up.'

'We didn't know when it was day or night time because it was dark, and they would hit us with a bat in case we made any noise. So when we went to the bathroom, they didn't let us go to the bathroom. Someone had to go with us. Someone had to go watch us. And then they'd take us again and then they asked us for our mothers' numbers so that they can be called and they asked them for a lot of money. And then they tell my mum that if she didn't send the money they would kill me or sell me. Like I don't know what you call those places, where women, where prostitute women are sold.'

#### CONCLUSION

Children leave their homes and homelands for a number of different reasons and in a variety of circumstances. In some instances they are forced to flee, including for human rights or environmental reasons. Other children may not be so compelled, but nonetheless feel their options in their homelands are limited. Such children migrate in search of a better life or with the task of earning money to support their families back home. They may desire a better education, the prospect of a better job or a life that is not curtailed by desperate poverty. Often children's motivations for leaving their homelands are complex and inter-related. Whatever their reasons for leaving their homelands, many millions of children travel across state borders without official documentation or

approval. Sometimes they do not want to leave but are sent by parents or relatives.

On their journeys to a new country and a new life, children are particularly vulnerable. Sometimes they travel with family and friends. Sometimes they travel alone. Often, they must use people smugglers with links to organized crime. Sometimes they are victims to criminals who prey on their lack of familial and state protection. Girls and young women are particularly at risk of harm due to their sex.

Throughout their journeys, children are also at risk of being detained by state authorities. The reasons that states detain migrant children are discussed in the next chapter.

## RECOMMENDATIONS

### Recommendation 2.1:

That Governments and the international community work to establish conditions where children can be safe and secure in their home communities, thereby reducing pressure on children to migrate. This includes ensuring that children are free from the threat of violence of any form (consistent with the Report of the independent expert for the United Nations study on violence against children),<sup>53</sup> and from the threat of extreme poverty through the realisation of the United Nations' Millennium Development Goals.<sup>54</sup>

### Recommendation 2.2:

That States from which children migrate for socio-economic reasons seek to implement social and economic policies and practices that allow children to develop fully without the need to leave their home communities.

### Recommendation 2.3:

That Governments establish effective migration channels to facilitate legal migration to ensure that the socio-economic needs of child migrants can be met without them having to risk travelling without State-sanctioned protection.

### Recommendation 2.4:

That States employ policies and practices to ensure that their border control methods remain sensitive to the needs of refugee, asylum seeker and irregular migrant children. Such measures include screening of new arrivals to assess whether they have particular vulnerabilities, including due to their age, streamlining protection procedures for children, and adopting a child welfare-based approach to the reception of child migrants.

### Recommendation 2.5:

That States develop policies and practices that acknowledge the particular vulnerabilities of separated and unaccompanied children, children who are seeking asylum, and children who are refugees.