

‘Niche openings’ and compassionate exclusions: the UK’s response to children during the refugee crisis

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Introduction

In September 2015 one photograph dominated the news and social media. The photograph, by Turkish photo-journalist, Nilüfer Demir, depicted a little boy in a red t-shirt and blue shorts lying face down and still in the surf on a beach in Bodrum, Turkey. Alan Kurdi, a three-year-old Syrian refugee child, had drowned with his mother and five-year-old brother as they attempted to cross the sea with their father to seek sanctuary in Greece. During this spectacle of a child’s death, there was an immediate (though temporary) shift in the tone of media, political and public discourse on the so called ‘Refugee Crisis’. There was a noticeably more compassionate discourse around refugees, particularly around the plight of child refugees.

We live in an era in which refugees often face hostile and exclusionary reception conditions in the societies in which they arrive. However, refugee populations are heterogeneous and while the stigmatised identity of ‘refugee’ often assumes a master status in public debates and policy on asylum, this intersects with discourses that relate to other aspects of the identities of people seeking asylum. Drawing on theoretical insights from work on emotions, I explore how UK government responses to refugee children have been framed and contested based on children’s status as moral referents, and through consideration of the ethical demands they place on the nation. This chapter focuses on the case study of the death of Alan Kurdi in September 2015 and the response of the UK government to child refugees caught up in the Refugee Crisis at this time. While recognising that there is an established precedent of contesting UK government policy towards refugee children based on their status as children, as will be shown in this chapter the Refugee Crisis and the death of Alan Kurdi marked a significant rise in attention to, and mobilisation of, a discourse of compassion.

Children and refugees both feature prominently as key populations within debates on rights, recognition and citizenship in the UK (Sirriyeh, 2014). Yet while refugees are frequently judged as lacking citizenship potential and are rejected through abandonment, confinement or expulsion (Anderson 2013; Bloch and Schuster 2005), children are regarded as an investment

in the future of the nation, to be moulded into model citizens through protection and guidance (Sirriyeh 2014). Meanwhile, I argue that a recent shift has taken place from the recognition of the threatened body to the recognition of the suffering body (Fassin 2011) which has further heightened the status of some refugee children as the ideal ‘deserving’ refugees.

In this chapter, I consequently suggest that within the wider context of hostility there have been some limited opportunities for inclusion for certain categories of refugees¹, particularly refugee children, whose identified characteristics fit more favourably within the professed moral and humanitarian values and goals of the receiving societies. This has led to (albeit limited) opportunities for some more progressive policies which I explore here through the case study of efforts to resettle children caught up in the ongoing refugee crisis. However, I also contend that the discourse of childhood vulnerability can undermine the recognition of children’s agency. As Cohen (2001) argued in *States of Denial*, despite the knowledge that suffering is occurring, it is often denied. Suffering is ignored, disavowed or reinterpreted and the appropriate moral responses and intervention are, therefore, withheld. A discourse of childhood vulnerability and claims of ‘compassion’ are sometimes used in denials of suffering by being presented as justifications for restrictive policies. For example, during the refugee crisis it has been asserted that denying settlement opportunities will reduce incentives for children to make hazardous migration journeys (Stone 2017). Meanwhile, the suffering of older children has been denied, and they have been excluded when they have struggled to fit this within the narrow parameter of recognition (McKee 2016). Even if they are initially included, as they age out of childhood in the UK young people have experienced exclusion, but also a *loss* of recognition as they have been stripped of previous rights and inclusions tied to their legal and social status as children (Wade et al 2012).

This chapter begins with an outline of the theoretical framework, exploring the concept of compassion and how it features within the emotional regime of asylum policy. This is followed by an overview of the UK asylum policy context. I then discuss the response to Alan Kurdi’s death and explore how compassion was expressed for the vulnerable child, leading to some limited opportunities for inclusion. Finally, I examine how while a discourse of compassion has been used to create ‘niche openings’ (Nicholls 2014), seemingly humanising emotions have also been used to justify what are in fact exclusionary and oppressive practices that have further entrenched the exclusion of other refugees.

Compassion as an emotional regime

The UK immigration and asylum regimes have created a hostile environment for undesired migrants and refugees (Anderson, 2013; Bloch and Schuster 2005). However, as Nicholls (2014:25) has argued (writing in the US context) even in the most hostile immigration contexts there are ‘internal contradictions’ that produce ‘cracks and fissures that can serve as narrow niche-openings for some immigrants’. Nicholls observes that during the 1990s and 2000s, the US government increasingly policed and sanctioned undocumented immigrants, leading to significant rise in detentions and deportations. Nevertheless, Nicholls (2014) found that despite these conditions, ‘niche openings’ – that is narrow, highly conditional, and limited terms of inclusions – emerged for some undocumented young people during the 2000s because they and their allies could present the young people’s characteristics and behaviour (innocence, assimilation, and productivity) as being aligned with US cultural, political and economic values and interests.

In this chapter, I suggest that Nicholl’s (2014) concept of ‘niche openings’ can be utilised to describe the limited and conditional terms of inclusion that have been extended to some refugee children in the UK. I argue that these niche openings have been produced in a context in which asylum has been rearticulated as an act of compassion towards passive and vulnerable victims, instead of a right which they are entitled to claim. I explore the structure of compassion as an emotional regime (Hochschild, 2002) in UK government policy discourse on asylum, I consider how this has enabled niche openings, and I reflect on the impacts of this on policy and practice towards refugee children during the refugee crisis.

In Aristotelian terms, compassion is, ‘a painful emotion directed at another person’s misfortune or suffering’ (Nussbaum, 1996: 31). As Nussbaum (1996) explains, ‘it requires and rests on three beliefs: (1) the belief that the suffering is serious rather than trivial; (2) the belief that the suffering was not caused primarily by the person’s own culpable actions; and (3) the belief that the pitier’s own possibilities are similar to those of the sufferer’. Nussbaum (2013) contends that the third criteria is not simply similar possibilities, but actually *eudaimonistic judgment*. She observes (2013: 11) that we are more likely to feel deep emotions, such as compassion, in relation to people or events which ‘we are somehow connected to through our imagining of a valuable life’, and to people who are in our ‘circle of concern’. I argue that the re-articulation of asylum through the frame of compassion has meant that many people seeking asylum have been denied sanctuary because they have not been recognised as deserving subjects of compassion in this highly conditional framing of the emotion. Niche openings have arisen for child refugees whose characteristics position them

as worthy recipients of compassion. Yet even these ‘openings’ for children are limited, while compassion has also been used to justify what were in effect exclusionary and oppressive practices towards refugee children during the refugee crisis, as mentioned earlier.

Refugees have been regarded as a moral touchstone, used to interrogate the ethical status of nation-states (Cohen 2006). However, as immigration and asylum have become increasingly politicised, the moral category of ‘refugee’ has been contested and fragmented into the sub-categories of *genuine refugees* who are deemed to have legitimate claims for asylum, and *bogus asylum seekers* whose claims are disputed (Sales 2002). Fassin (2011) described a similar trajectory in France. Writing about the de-legitimisation of people seeking asylum in France during the late 1990s and early 2000s, he documented how legitimacy was instead conferred on those who could present a case for leave to remain based on the evidence of their *suffering* body (as opposed to their *threatened* body). The growing culture of disbelief meant that the threatened body associated with political asylum, was now seen as suspect and conflated with the discredited economic migrant, and there was a decline in the number of people granted asylum in France. However, in the same period there was a rise in the number of people granted humanitarian leave to remain through the invocation of the ‘illness clause’ of the *1998 Conditions of Entry and Residence of Foreigners* legislation. Fassin (2005: 371) used the concept of ‘biolegitimacy’ to describe the shift in which the suffering physical body became the paramount basis for legitimacy, recognition and rights, asserting that the right to life was ‘being displaced from the political sphere to that of compassion’.

In the UK a similar shift has taken place from the recognition of the threatened body to the recognition of the suffering body. In the policy case study discussed by Fassin (2011), the recognition of the suffering body was performed outside of the asylum system (through the illness clause legislation). However, recent developments in the UK in the context of the refugee crisis indicate this shift in legitimacy has taken place within the frame of asylum, where the attribute of ‘vulnerability’ has become central to the framing of legitimacy within the asylum system. This has led to a transformation of a rights-based discourse on asylum to a discourse of compassion, in which asylum is framed in government policy discourse as a ‘generous’ and ‘compassionate’ humanitarian act, rather than a moral and legal obligation.

I suggest that the refugee child, or the assumed characteristics and circumstances of the refugee child, have become understood as the characteristics of the ‘genuine’ refugee in this re-articulation of asylum. Hochschild (2002 :118) describes an emotional regime as ‘a set of

taken-for-granted feeling rules (rules about how we imagine we should feel) which are connected to framing rules (rules about the way we think we should see and think)'. The feeling and framing rules that have developed around childhood intersect with contemporary discourse about refugees to construct refugee children as worthy subjects of compassion. Framing rules are social norms that govern what we should feel, to whom, and about what; for example, this could include the belief that children are weak, have limited agency and are, therefore, innocent, and vulnerable. Meanwhile, given the development of British child welfare policy norms, described later, there is a moral framing rule that the UK is a nation-state that promotes and protects the welfare of children. Bearing in mind these framings of children's characteristics and condition, and the identity and characteristics of the UK as a nation-state, the British government and peoples might be expected to feel and express care and compassion towards children, including refugee children.

Asylum policy and refugee children in the UK

In recent decades, some refugees have arrived in the UK through organised resettlement schemes (Collyer *et al.* 2017). However, most travel independently and apply for asylum on their arrival in the UK. In the 1990s, the number of people arriving independently increased, reaching a peak of 84, 000 applications in 2002 (Sirriyeh 2013a). This prompted concerns about the asylum process and was a catalyst for a series of restrictive measures instituted through legislative and policy changes, as discussed further below. The number of asylum applications has decreased since then, although it began rising again in 2011. In 2015 it rose by 31 per cent in comparison to 2014 (Refugee Council 2016a). In 2015, 32, 733 adults submitted asylum claims (Refugee Council 2016a) and 5202 children were dependents on adult asylum claims (Refugee Council 2016b).

In addition to children who arrive as dependents, other children claim asylum in the UK as unaccompanied minors. In 2015, 3, 253 unaccompanied minors claimed asylum. Although during the refugee crisis, the focus has been on Syrian refugees, Syrians constituted only the seventh largest number of claims among unaccompanied children (169 Syrian children in 2015) (Refugee Council, 2016b). Most children seeking asylum in the UK are granted a temporary leave to remain and must apply for further leave to remain when they were 17.5 years old, facing the risk of refusal and deportation as they reached adulthood (Wade et al 2012).

The UK declined to take part in the UNHCR resettlement programme for Syrian refugees, opting to contribute aid for the relief effort in the Middle East rather than resettling refugees in the UK (Kingsley, 2016). In January 2014, there was a shift in this response, following considerable pressure from the UNHCR, charities and politicians across party lines in the UK (McGuinness, 2017). On 29th of January 2014, Theresa May (then Home Secretary) announced the introduction of the Syrian Vulnerable Persons Resettlement Programme (SVPRP) to resettle the ‘most vulnerable refugees’ directly from camps in the Middle East. According to May, those who would be prioritised as the ‘most vulnerable’ were ‘survivors of torture and violence, and women and children at risk or in need of medical care’; by June 2015, just 216 people had been resettled through the SVPRP (McGuinness, 2017). On 7 September 2015, following renewed pressure to expand the SVPRP in the aftermath of Alan Kurdi’s death, Prime Minister Cameron announced that the programme would be expanded to resettle up to 20, 000 refugees over the course of that Parliament. Over half of people resettled through this scheme are children (Home Office, 2016). In April 2016, a ‘children at risk’ resettlement scheme was introduced to resettle vulnerable children and their families from the Middle East and North Africa (MENA) region (*ibid*). In February 2016, Lord Dubs introduced an amendment to the Immigration Bill 2016 to bring up to 3000 unaccompanied children living in camps in Calais, Greece and Italy to the UK. After a period of intensive campaigning for what became known as the ‘Dubs Amendment’, it was passed in May 2016. However, in February 2017 the closure of this programme was announced after only 350 children had been resettled, despite claims from local councils that they had the capacity to offer more places (Stone, 2017).

Immigration and asylum policy has been a high-profile topic of political and public debate for a long time in the UK. However, in recent years it has assumed a centre stage position because of the politicisation of migration in local and global politics (Castles and Miller, 2003). Significant attention was focused on the increased numbers of people who sought asylum there since the 1990s and in the early 2000s. Although numbers have declined significantly in recent years, the ongoing global refugee crisis, and debates on the role to be played by the UK and Europe during a period of austerity and as the UK voted for, and prepares to, exit the European Union, have meant that refugee policy has become a high-profile issue once again.

As immigration and asylum have become increasingly politicised, the moral category of ‘refugee’ has been contested and fragmented into the sub-categories of genuine refugees and

bogus asylum seekers, as discussed earlier. Throughout the past two decades a series of immigration and asylum legislation has introduced restrictions and conditionalities through policies such as; the introduction of the dispersal system for housing support for asylum seekers; payment through vouchers; restrictions on the right to work; limitations on the right to appeal asylum decisions; and a requirement for landlords to check immigration status (Lewis *et al.* 2016). These conditionalities are designed to make life increasingly difficult for people seeking asylum in the UK and those who remain after their applications have been refused, to deter them from seeking to remain in the UK. People seeking asylum have reported that they experience a culture of disbelief in the UK asylum system in which their testimonies are mistrusted and disputed and every effort is made to discourage them from remaining (Hynes 2011). This produces and reinforces a distinction between refugees and asylum seekers and a hierarchy of deservingness.

The development of this notion of the figure of the ‘genuine’ deserving refugee, in conjunction with social and historical understandings of childhood, has led to debates on contemporary responses to child refugees in the UK centering on the emotional regime of compassion. In the remainder of this chapter, I examine the UK’s response to the ongoing refugee crisis, and explore how the feeling and framing rules that have developed about children, and refugee children in particular, mean that *some* refugee children fit the criteria of compassion outlined by Nussbaum (1996). I argue that this discourse of compassion has often been mobilized in support of contradictory policies, depending on differing understandings of the notion of compassion and differing understandings of what a compassionate outcome looks like. This has created both ‘niche openings’ (Nicholls, 2014), but also some exclusionary and oppressive outcomes.

Saving and protecting the innocent child

Refugee children enter a relationship with the state based on their identity as refugees, but also based on their identity as ‘children’. The *UN Convention on the Rights of the Child* (CRC) 1989 enshrined the universal rights of the child (Article 2) and state duties to protect children (Article 4). Article 3 of the CRC declares the ‘best interests’ of children must be the primary concern in making decisions that affect them.

The precarious status of asylum seeking children has been a key area of contention in asylum debates in the UK, while the growth of a children’s rights discourse has simultaneously enabled campaigns to centre on the welfare of children in asylum policy (Sirriyeh 2014). The

Children Act 2004 established a duty on state agencies in the UK to safeguard and promote the welfare of children, drawing on notions of children as inherently vulnerable. However, this duty excluded children in immigration detention centres since, although the UK ratified the CRC in 1991, until 2008 it held a reservation on Article 22 which requires states to ensure that refugee children receive appropriate protection and humanitarian assistance (Sirriyeh 2014). After the UK withdrew this reservation, Section 55 of the Border, Citizenship and Immigration Act 2009 placed a duty on the UK Border Agency to have regard for children's safety and welfare during their duties.

Since the Victorian era, charity campaigns in the UK have focused on the plight of 'children without a childhood' (Piper, 1999) and the notion of 'child saving' whereby these children are rescued and restored to proper childhood; the Victorian era also focused on the deserving poor more generally. Children in these campaigns were portrayed as physically frail, vulnerable and without a voice (Piper, 1999). Children on the move in the public world of adults, such as street children, needed to be returned to the private and sedentary world of the domestic sphere, where they could be cared for. In the contemporary era, young refugee children, such as Alan Kurdi, mobile and out of place, are regarded as today's 'children without a childhood'. Their fragility and dependence on others places them at risk of serious suffering or harm and, therefore, in need of protection.

Refugee children as subjects of compassion

In 2014 and 2015 there was an unprecedented escalation in the numbers of people travelling to Europe as they fled the Syrian civil war, political instability in Libya, and persecution and economic hardship in other parts of the world (Kingsley 2016). As the horror of deaths in the Mediterranean Sea garnered media and public attention in the spring and summer of 2015, the response of the EU was deemed to be deeply inadequate and was critiqued as exacerbating the crisis and lacking in compassion (Eleftheriou-Smith 2015). The UK government had declined to take part in proposed EU resettlement programmes and advocated reducing the scope of search and rescue operations in the Mediterranean, ostensibly to dissuade people from making treacherous journeys across the sea to Europe (Crawley et al 2017; Kingsley 2016).

However, the publication and circulation of the photographs of Alan Kurdi on 2 September 2015 led to an immediate shift in media, political and public discourse (European Journalism

Observatory 2015). The photographs of Alan circulated rapidly around the world. British tabloid newspapers, which had been renowned for their hostile headlines on migration and refugees, now lamented the horrific fate of ‘tragic Aylan’ and (temporarily) engaged in more sympathetic reporting on the plight of the people journeying to Europe; these people were now more likely to be referred to as ‘refugees’ rather than ‘migrants’ (Goodman *et al.* 2017). Under pressure to adjust to a shift in public sentiment, on 7 September, Prime Minister David Cameron declared that ‘the whole country has been deeply moved by the heart-breaking images that we have seen over the past few days’ (HC deb 7 September 2015, c23). He announced that the SVPRP would be expanded and would resettle 4000 Syrians each year until 2020 (HC deb 7 September 2015, c24).

What was it about the photographs of Alan that induced such sentiments of compassion? I suggest that this occurred because the images of Alan were encountered and narrated in ways that engaged with feeling and framing rules about childhood and British national identity. These mapped onto the framework and criteria for compassion outlined by Nussbaum (2013); these are that suffering should be serious, the person suffering was not at fault, and that the person suffering is in our circle of concern.

Alan’s age and his status as a *young* child was central in the commentary on the images and his death. Although he was three-years-old he was often described in the British media as a ‘toddler’ (a term usually used to describe younger children) and through adjectives such as ‘tiny’, ‘little’ or ‘small’ (Hall and Macfarlan 2015). As Warner (2015: 7) has observed, ‘in the hierarchy of innocence, children are *the* moral referent’. An invocation of childhood innocence was also seen in previous cracks in the hostile immigration regime, such as in the 2010 announcement by the Coalition government that they would ‘end’ child immigration detention. In announcing the end of child detention, the Deputy Prime Minister at the time, Nick Clegg, stated that detention was ‘something no innocent child should ever have to endure’ and that ‘there is no greater test of civilized society than how it treats its young children’ (Deputy Prime Minister’s Office 2010).

As a very young child, Alan was identifiable as a relatable human face, but had not yet taken on the more troubling and contentious characteristics attached to refugees in some media reporting. Similar in composition to contemporary aid appeals, the photographs of Alan showed him ‘cast adrift’ (Manzo, 2008: 642) from his family; either alone on the beach, or in the arms of a stranger (the Turkish police officer), he was depicted as having suffered in a

dangerous environment and in need of protection. Unlike those who had survived the journey to Europe, his body was still and lifeless and he demanded nothing. Lacking agency, he was faultless. In the debates in Parliament, people who remained in the Middle Eastern camps, especially children, were contrasted with those who had already achieved relative ‘safety’ in Europe. Former Defence Secretary, Liam Fox declared that, ‘if we are genuinely to help refugees, this cannot simply be about helping the fittest, the fastest and those most able to get to western Europe. We must help those who are left behind in the camps, who are sometimes the most vulnerable’ (HC deb 7 September 2015, c34). In other words, the ‘left behind’, who like Alan had not reached Europe, were the ideal subjects of compassion.

The response of compassion towards Alan also emanated out of eudemonistic judgement. Although Nussbaum (2013) argues that being able to imagine similar possibilities for oneself is not essential for feeling compassion, she accepts that this can aid eudemonistic judgement. This was noticeable in the response to Alan’s images. Commentators, including MPs and journalists, frequently drew on their experiences as parents, or imagined how they might feel as a parent if Alan was their child (Phillips 2015). Unlike more graphic photographs of death seen during the refugee crisis, including dead children in disheveled clothing floating in the sea, although we are aware that a great tragedy has occurred, Alan’s image was peaceful. His clothing was intact, and he appeared as if he was sleeping. In commentary on Twitter, Alan was frequently likened to a sleeping child and people remarked that his posture was like that of their own children when they slept. As Labour MP, Yvette Cooper, observed, the photographs had moved people because they were ‘the image of a three-year-old on a beach, a picture that should have been full of life and joy and instead was a tragedy’ (HC Deb 8 Sep 2015, c245). The image of the small child on the beach or asleep was familiar and relatable; through their everyday experiences of playing with their children on holiday beaches or putting their children to bed, people could conceivably picture themselves in this scene. Death was even more horrific and shocking because it was out of place in this familiar and usually happy setting. Scottish National Party MP, Alison Thewliss (HC Deb 8 Sep 2015, c492) said that after seeing the images she, ‘held my own children tighter that night as they slept in their beds’; indeed, #CouldBeMyChild, was one of the popular hashtags used to comment on the photograph (El-Enany, 2016).

However, eudemonistic judgement also went beyond the imagining of similar possibilities. A compassionate response towards Alan, and by extension other refugee children, fitted within

the existing celebratory narrative of pride in the morality of the British nation-state and its peoples. Moreover, a response of compassion not only aligned within this celebratory national narrative, but was also understood as necessary for undoing the shame brought on the nation by the government's inadequate responses to the refugee crisis thus far. As the Liberal Democrat MP, Alistair Carmichael stated (HC deb 8 September 2015, c284), 'the question it brings to my mind is how the people of Britain will be seen on the world stage. That is what is at stake here. It is not a question of numbers, but of our standing in the world'.

In the months following the publication of Alan's photographs, reference continued to be made to the UK's history of welcoming refugees and, particularly to mass displacement during the Second World War and the Kindertransports whereby Jewish refugee children had been rescued and resettled in the UK. In his amendment to the Immigration Bill 2016 (to include the resettlement of unaccompanied minors who had arrived in Europe), Lord Dubs referred to the UK's history of providing sanctuary to refugee children through the Kindertransports, through which he himself had arrived in the UK. He described the figure of the vulnerable, innocent refugee child at risk of serious harm and living in miserable conditions in camps in Europe, and he contrasted this with the celebrated sophistication and humanitarianism of Europe, highlighting the discrepancy between the celebrated values of the region and the potentially shameful proof that the region has fallen short of these professed standards. He reminded Parliament that it had recently been Holocaust Memorial Day, and of the gratitude expressed by former Kindertransport refugee children to the UK and what these refugee children had gone on to achieve. He also reminded MPs of the UK's professed status as a moral leader, stating that, 'in 1938-39, most countries refused to help, and it was only the United Kingdom that allowed the children entry. We were alone, and we set an example that other countries did not follow'. His speech attempted to invoke compassion for the fate of these children through appealing to both the emotions of pride and shame by articulating this (contested) interpretation of national history that proclaimed the UK as an exemplar nation-state that had always welcomed refugees, and by drawing on the narrative of 'child saving' elaborated on earlier. The Dubs Amendment was passed in May 2016.

Compassion and exclusion

It is most commonly argued that immigration and asylum policy discourse, draws on, and mobilises, hostile or 'negative' emotions such as hate, fear or anxiety (Jones *et al.* 2017). However, seemingly humanising emotions can also be used to justify what are in fact

exclusionary and oppressive practices (Berlant 2004). While campaigners who advocated an expansion of refugee resettlement in the wake of Alan's death, drew heavily on a discourse of compassion, compassion was also referenced by those seeking to justify the refusal of the resettlement of refugees who had reached Europe. Justifying the UK's resettlement from camps in the Middle East rather than from Europe, David Cameron asserted that this would save lives because it would 'not encourage more people to make this perilous journey' (HC deb 7 September 2015, c39). This was a continuation of the logic for scaling back rescue operations at sea on the basis that more people would attempt these dangerous journeys and thus risk their lives if they thought they were likely to be rescued (Kingsley 2016). Meanwhile, although those advocating the resettlement of unaccompanied children who had arrived Europe argued that this would protect them from human trafficking, those opposed to this measure suggested conversely that it would increase the risk of human trafficking. For example, in a question to the Prime Minister in the House of Commons debate on 7 September, Conservative MP Gareth Johnson asked whether resettlement from Europe does not give 'a green light to people smugglers and encourages exploitation?' referring to the government's 'good track record' on tackling modern slavery and trafficking (HC deb 7 September 2015, c63). In February 2017, it was announced that the Dubs resettlement programme would end, after settling just 350 children. In announcing the closure, the Home Secretary Amber Rudd said that programme had created a pull factor and that children were returning to the demolished camps in Calais in the hope that they would be resettled in the UK (Stone 2017). She stated that, 'the Government has always been clear that we do not want to incentivise perilous journeys to Europe particularly by the most vulnerable children' (Stone 2017).

Nicholls (2014) observes that while niche-openings may present within a wider context of hostility, these are narrow and highly conditional, meaning that only a few people can fit through these cracks and many others are excluded. Refugee and migrant rights campaigners in the UK have frequently emphasised that migrant and refugee children should be treated as 'children first' in accordance with their rights enshrined in the UN CRC (Sirriyeh 2014). However, many of these children are older children and teenagers, and they often find that contradictory discourses around their identities as refugees and children come into tension, often leading to their expulsion from the protection of childhood. In October 2016, the first groups of children and young people arrived in the UK from Calais under the Dublin III regulations to be reunited with their relatives in the UK; those who were to be resettled under

the Dubs Amendment were still waiting to be relocated. British newspapers published photographs of the young people (all of whom were teenage boys) as they arrived in Croydon (London) and speculated about their age. For example, the *Daily Mail* published the headline ‘The first Calais *‘children’* arrive in Britain: Migrants *who claim to be* aged 14 to 17 are reunited with their families in the UK as French prepare to demolish Jungle camp’ [my italics] (Linning and Curtis 2016). The quotation marks around the word ‘children’ suggested it was a contested status, while the phrase ‘claim to be’ implied disbelief. Similarly, the *Daily Star* also used quotation marks around the term ‘kids’ in their headline and stated that they were ‘supposedly’, aged 14-17 years-old, again suggesting an element of disbelief (McKee, 2016). The subheading of the article reiterated this suspicion stating that, ‘THE first “*child*” migrants fleeing the Calais Jungle camp were given asylum in Britain yesterday – *with many looking older than their years*’ (McKee 2016).

Responding to these headlines, the Conservative MP David Davies observed that they ‘don’t look like children’ and stated, ‘I hope that British hospitality is not being abused’, controversially suggesting that their teeth should be examined to determine their ages (Withnall 2016). This was the latest incident in a long running culture of disbelief around the age claims of teenage refugees (Wade *et al.* 2012). Age determination has assumed an important place in social work assessments in the UK since it has implications both for determining eligibility for support from children’s services and for young people’s subsequent placement pathways. In 2010 I interviewed refugee young people during a study about their experiences of foster care provision in England (Sirriyeh 2013b). Some young people reported that they were received with an air of watchfulness and suspicion and that their ages had been disputed by the Home Office, social workers or foster carers as they are deemed to be acting older than their claimed age or their physical appearance was not deemed to tally with this age.

In *States of Denial*, Cohen (2001) argued that despite their knowledge that suffering is taking place, people often deny it through ignoring, disavowing or reinterpreting what is taking place, and withholding the appropriate moral responses of compassion and intervention. In seeking to explain how denial was legitimated, Cohen (2001) asserted that there were three possibilities as to what was being denied. Through ‘literal denial’ people asserted that something did not happen or was not true; through ‘interpretive denial’ they claimed that what had happened was actually something else, and not what it appeared to be; or, finally, through ‘implicatory denial’ the psychological, political or moral implications were denied or

minimised. Compassionate responses appear to have been withheld from many older refugee children, and especially teenage boys, due to ‘interpretative denial’. On the cusp of adulthood and fast-tracked into adulthood by the hardships and challenges they have faced, many teenage refugee young boys lose the protective cloak of ‘vulnerability’ and become the subject of the concerns that are often attached to adult male migrants and refugees. The young people in Calais were responded to not as, innocent children, but through the frame of ‘militarised masculinities’ (Allsopp, 2015). They were strong and exhibited agency in having undertaken the arduous journey to Europe, and through placing demands on the UK. Writing in the *Daily Star*, McKee (2016) stated that, ‘despite looking considerably older than the teenage cutoff point, the “children” are *demanding* asylum and saying they come from war-torn countries’ [my italics]. Not only were these children ‘demanding’ asylum, the quotation marks implied that they may not be ‘children’ at all. They were, therefore, seen through the familiar frame of ‘bogus’ asylum seeker, not only trying to deceive British people, but, in this case, also pushing in and taking the places of younger innocent children. These boys (or young men) fitted the description that Theresa May, gave of refugees and migrants in Calais in her speech to the Conservative Party conference as Home Secretary in 2015. She described them as the fittest and strongest people who had made it to Europe and ‘who sometimes manipulate it [the UK asylum system], for their own ends at the expense of the more vulnerable’, and she observed that, ‘three quarters of asylum seekers in Britain are men and the vast majority are in their twenties’ (Independent 2015).

Age not only affects young people gaining entry to the UK and support from children’s services, but also how they are treated in transitions out of care. At the age of 18, and even earlier for many at the age of 16, refugee young people face sharp and fast-track transitions to independent living (Wade *et al.* 2012). At 18, given that most of these young people have not been granted refugee status (see earlier), they face the prospect of being refused asylum and risk deportation as they are no longer protected from this outcome by their status as children. In 2014, 245 former unaccompanied minors were served with Removal Directions (Brokenshire 2015).

Conclusion

Viewed as lacking agency and out of place in the public realm, children often struggle to be recognised as political actors and so as persecuted people. However, as the figure of the ‘genuine refugee’ becomes increasingly characterised as vulnerable, and asylum is reframed

as compassion for the suffering body, rather than obligation to the threatened body, refugee children have become the figure of the refugee par excellence, as seen in the response to the death of Alan Kurdi. Indeed ‘vulnerability’ and passiveness, characteristics associated with the image of the refugee child, have become the predominant characteristics associated with the ‘genuine’ refugee, and there has been a move overall from recognition of the ‘threatened body’ to recognition of the ‘suffering body’, or the inherently vulnerable body. This has led to niche openings for some refugee children who have been able to gain some access to recognition and support as asylum has been reframed through the emotional regime of compassion. However, a discourse of compassion has also been used to justify exclusionary and oppressive responses to children, while the highly conditional and narrow criteria for compassion has also reinforced the further exclusion of those people who are unable to meet these terms.

To date, research on emotions and asylum has understandably focussed predominantly on hostile emotions expressed towards people seeking asylum and the fear and distress that they experience. However, as has been shown in this chapter, there are moments of interruption to this dominant discourse on asylum. Meanwhile, rather than simply calling for greater compassion, a case has been made here for engaging critically with compassion in asylum discourse, policy and practice to examine how and when it can interrupt and on what terms, recognising also the ways in which it has been appropriated and mobilised to enforce violence and exclusion.

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ⁱ Unless otherwise specified, I use the term 'refugee' as an overarching term to refer to people who are at any stage of the asylum application process.