A Vulnerable Threat?

Using *Sensemaking* to Understand U.S. Child Migration Governance

By:

Michaela Bruckmayer

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Department of Politics

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Abstract

This thesis investigates how, why and with what effects actors in U.S. child migration governance understand the causes and consequences of child migration, and how these understandings then help shape policy outcomes during the second Obama administration (2012-2016). 'Actors' include but are not limited to policy-makers, members of immigration authorities, and members of civil society organisations. A child migrant is anyone under the age of 18 who lacks legal status to remain in the United States and is not accompanied by a parent or otherwise legal guardian.

Building upon innovative approaches to the study of governance, this thesis contributes to the existing literature on child migration in the United States by presenting a programme of research that allows for the study of actors, their environments, and their understandings, and how these all contribute to shape policy outcomes. This is a departure from previous work that tends to make assumptions about actors' intentions by working back from observed policy outputs. Instead, this thesis attempts to open the 'black box' of governance. This research aims to achieve this by building on the assumptions underlying the 'vulnerable-threat' dilemma proposed by Bhabha (2014), which assumes that competing policy logics where children can be either constructed as vulnerable children in need of protection, or as potentially threatening migrants, have facilitated a contradictory policy environment.

This thesis aims to contribute to the existing literature by conducting a thorough examination of the U.S. child migration governance system by developing an interpretivist approach to governance that draws on Pragmatist Interpretivism and the concept of sensemaking and its seven associated properties (Ansell 2016b, Weick 1995). Data and evidence were gathered through the conduct of 33 semi-structured interviews in Washington D.C. and the Rio Grande Valley, Texas, as well as through an extensive document analysis.

The analysis yielded the following key findings. First, child migration governance is driven by the construction of the situation by the most influential actors and/or by the parts of the governance system that the most influential actors care about. Second, actors form their understandings based on who they are and on who they work with, not on the issue itself. Third, actors' understandings of the situation are greatly driven by their own ongoing projects, which form the frame of reference for interpreting the situation at hand. In response to the 'vulnerable-threat' dilemma, this thesis finds that, although actors pass judgements and hold certain opinions about child migrants, actors, who they are, and what their environment is like, matters much more for how they understand problems and devise solutions for child migration.

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List of Abbreviations

ACLU	American Civil Liberties Union
AILA	American Immigration Lawyers Association
BIA	Board of Immigration Appeals
CAM	Central American Minors Refugee/Parole Program
CBP	U.S. Customs and Border Protection
CGRS	Center for Gender and Refugee Studies
CIR	Comprehensive Immigration Reform
CIS	Center for Immigration Studies
CRC	Convention on the Rights of the Child
CRS	Catholic Relief Services
DACA	Deferred Action for Childhood Arrivals
DAPA	Deferred Action for Parents of Americans and Lawful Permanent Residents
DHS	Department of Homeland Security
DOJ	Department of Justice
DREAM Act	Development, Relief and Education for Alien Minors Act
EOIR	Executive Office of Immigration Review
FAIR	Federation for American Immigration Reform
FBO	Faith-based organisation
FEMA	Federal Emergency Management Agency
FY	Fiscal Year
HSA	Homeland Security Act of 2002
HHS	Department of Health and Human Services
HRW	Human Rights Watch

ICE	Immigration and Customs Enforcement
IIRIRA	Illegal Immigration Reform and Immigrant Responsibility Act
INS	Immigration and Naturalization Service
IRCA	The Immigration Reform and Control Act of 1986
KIND	Kids in Need of Defense
LIRS	Lutheran Immigration Service
NCLR	National Council of La Raza
NTCs	Northern Triangle Countries
ORR	Office of Refugee Resettlement
PI	Pragmatist Interpretivism
PMAGs	Pro-Migrant Advocacy Groups
SJIS	Special Juvenile Immigration Status
TVPRA	Trafficking Victims Protection Reauthorization Act
UAC	Unaccompanied Alien Children
UACPA	Unaccompanied Alien Child Protection Act of 2000
UNHCR	United Nations High Commissioner for Refugees
USAID	United States Agency for International Development
USCCB	United States Conference of Catholic Bishops
USCIS	United States Citizenship and Immigrating Services
WOLA	Washington Office for Latin America
WRC	Women's Refugee Commission

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Chapter 1: Introduction

I. THE 'HOT TOPIC' OF CHILD MIGRATION

In the summer of 2014, news about a 'surge' of children migrating alone to the United Sates received world-wide attention (BBC News 2014; Robles 2014; The Economist 2014; Buchter 2014; Tuckman 2014; Ehringfeld and Pitzke 2014). The U.S. border patrol apprehended more than 68,000 children in 2014 alone, which represented a drastic increase in numbers compared to previous years (Rosenblum 2015, p. 3). Most children were from the Northern Triangle Countries (NTCs) – Guatemala, Honduras, and El Salvador – and Mexico. It was the first time that Mexican children did not make up the majority of unaccompanied children migrating to the United States (Seghetti et. al 2014, p. 3). The largest proportion of children were apprehended in the Rio Grande Valley, Texas, near the U.S. south-west border with Mexico. Many children had endured a long and dangerous journey, often through several countries. Many reported traveling part of the journey by riding on top of a freight train, which they called *la bestia* – the 'beast' - also known as *el tren del muerte* – train of death, because it is common for people riding the train to suffer severe injuries or fall to their death (Dominguez Villegas 2014, para. 12-13).

While it is true that the numbers of apprehensions of child migrants in the summer of 2014 were higher than in previous years, this phenomenon was not new, or even a sudden, unexpected 'surge'. The number of unaccompanied children from the Northern Triangle Countries had been increasing steadily since 2009 (Dart 2014). Advocacy organisations have been trying to raise awareness about this trend for many years. An example is the report by the Women's Refugee Commission (WRC), *Forced From Home: The Lost Boys and Girls of Central America*, which was published in 2012 (Jones and Podkul 2012). Prior to this, in 2010, Catholic Relief Services published the report *Child Migration: The Detention and Repatriation of Unaccompanied Central American*

Children from Mexico (CRS 2010). This study looks at how Mexico was dealing with the increase in the number of children from the NTCs who were crossing through Mexico with the aim of reaching the United States. But the issue did not appear in everyday news until the 2014 child migrant 'crisis', at which point it received unprecedented attention. Interestingly, 'experts' on the issue had strikingly different opinions about how to characterise this type of migration, and what to do about it. 'Crisis' is a subjective notion. There is no simple, objective scale that determines when something becomes a 'crisis'. Rather, it is, as this thesis will show, highly dependent upon understandings and representations. To some, this represented a humanitarian crisis. Jennifer Podkul, Senior Officer for the Migrant Rights and Justice Program at the Women's Refugee Commission, told the New York Times that 'these children are victims' and that the U.S. government needs to treat this issue 'as a humanitarian crisis' (Podkul 2014, para. 2). Jessica Vaughan, Director of Policy Studies at the Center for Immigration Studies, characterised the children primarily as 'illegal crossers' (Vaughan, New York Times, 2014, para. 1). As pointed out by Blow (2014, para. 1), disagreements on this issue have 'brought out the worst in some of our politicians'.

Given this fierce debate, it would be interesting to see how these and other understandings help shape policy outcomes. This is the primary research question this thesis aims to answer. How do actors in U.S. child migration governance understand the issue of child migration and how do these understandings help shape policy outcomes? Before answering this question, one must ask who are the relevant actors involved in this policy area, which therefore constitutes this thesis' first research question. The next section will examine the academic literature in relation to these questions.

II. A VULNERABLE THREAT? THE RESEARCH PUZZLE

A child migrant is anyone under the age of 18, who does not have a parent or legal guardian, and who does not have legal status to remain in the United States (Manuel and

Garcia 2014, p. 2).[1] Because they are minors who do not have anyone to advocate on their behalf and who are not protected by legal status, they are often considered to be particularly vulnerable (Crawley 2011, p. 1172). However, not all U.S. policies take child migrants' status as minors into consideration. The U.S. policy environment towards child migrants has frequently been characterised as 'contradictory', where some laws and policies take the children's status as minors into consideration, whereas others treat them the same way as adult migrants (Bhabha and Young 1999, p. 85).

There have been some accounts assessing the reasons behind this contradiction. According to Bhabha (2014, p. 11), this is a result of 'unresolved ambivalence about the legitimacy of according protection to migrant children.' On the one hand, child migrants can be seen as vulnerable children in need of protection, on the other, they can be viewed as potentially threatening migrants, posing a danger to the host destination's common culture and values (Castles 2014, p. 197). Bhabha (2014, p. 14) argues that '[u]nderstanding the ambivalence that underlies public policy in this field is key' to develop more effective policy responses to child migration. This is the gap this study hopes to contribute to filling, and it intends to do so by studying the *governance* of child migration in the United States. This thesis aims to address the following two central research questions: who are the actors in U.S. child migration governance (RQ1) and how do their understandings of child migration help shape policy outcomes (RQ2)?

This research relies on Pierre's (2000, p. 3) influential definition of governance, which recognises its dual meaning for the purpose of analysis. According to Pierre (2000, p. 3), governance can refer to the conceptual representation of social systems and the empirical analysis of their capacity to adapt. This thesis develops an actor-centred

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[1] This definition of a 'child migrant' is the same as the U.S. definition for 'unaccompanied alien child'. The reason why this thesis prefers the term child migrants is because the majority of child migrants are re-united with a family member or otherwise legal guardian at some point of their immigration journey, at which point they technically cease to be unaccompanied. However, because all child migrants are unaccompanied when they first encounter immigration authorities and the U.S. immigration system, child migrant is the preferred term to discuss this population.

approach to governance that investigates the relationship between actors and the structures within which they operate. 'Actors' in this context include but are not limited to policy-makers, members of immigration authorities, members of child welfare institutions, and civil society organisations. Rather than focusing on policy-outcomes and drawing assumptions about the actors and processes behind these outcomes, this thesis develops and applies a programme of research that allows for the connection of concepts and meanings to practices and actions that will help open the 'black box' of child migration governance. The next section will briefly outline this approach.

III. THEORETICAL FRAMEWORK AND APPROACH

Based on the assumptions presented by the 'vulnerable-threat' research puzzle, this thesis identifies an interpretivist approach which sees actors as central to governance and offers concepts for the study of how different interpretations might shape policy-outcomes, as the most suitable for this study (Yanow 2000, p. 5; Bevir and Rhodes 2016; Bevir and Rhodes 2006). These actors are seen as part of larger governance systems and their concepts, meanings, practices, and actions are highly contingent on their environments. This means that even though actors are seen as central to the governance process, the unit of analysis is not the individual, but rather the social nature of governance. In order to gain insight into child migration governance in the United States, this thesis relies on concepts offered by Pragmatist Interpretivism (PI)[2] – a theory of governance - and Karl Weick's (1995) conceptualisation of *sensemaking* which is grounded in seven properties.

PI is a theory of governance that is interested in how actors draw inferences and form interpretations (Ansell 2016b, p. 392). It accounts for the fact that there are multiple perspectives in a governance system and believes that inferences are a result of

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[2] Pragmatism will be capitalized throughout the text in order to differentiate the theory from the word 'pragmatic' (Ansell 2011).

individuals' selection of certain aspects of an issue, which are often influenced by or reflective of a particular point of view held by individuals (Ansell 2016b: p. 86; Schön and Rein 1994). As one common assumption in the literature on child migration is that policy outcomes towards child migrants are shaped by actors' understandings, PI provides a valuable tool in trying to uncover the processes and practices that lead to these outcomes. It pays particular attention to how actors construct problems in a given governance situation (Ansell 2016b, p. 394).

The study of *sensemaking* has its roots in the organisational studies literature. Despite its strong pragmatist undertones, it is rarely applied to the study of politics (Ansell 2016a; Turnbull 2016, p. 381). Given the tacit nature of sensemaking, concrete conceptualization of the term can be challenging. One of the most widely recognised frameworks has been delivered by Karl Weick (1995) who suggests that sensemaking consists of seven properties. It is: 1) grounded in identity construction; 2) retrospective; 3) enactive of sensible environments; 4) social; 5) ongoing; 6) focused on and by extracted cues; and 7) driven by plausibility rather than accuracy. These properties are highly interdependent. They influence each other and do not appear in any particular order or degree, and depending on the context, 'some properties may be more pivotal than others' (Helms Mills et al. 2010, p. 186).

The development of a framework that connects both PI and sensemaking makes it possible to study how concepts and meanings influence practices and actions. This allows the researcher to gain insight into how actors in U.S. child migration governance make sense of the causes and consequences of child migration and how their interpretations help shape policy outcomes. This will help answer this thesis' central research questions.

IV. METHODOLOGY

To answer this study's research questions, child migration to the United States has been selected as a case study, specifically focusing on child migration from Mexico and

the Central American Northern Triangle Countries to the United States. There are multiple reasons for this case study selection. One, the Central America – Mexico – United States migration corridor has one of the highest rates of child migration in the world and the issue has been highly politicised in recent years (CGRS 2015). The region's high profile encourages the number and variety of actors involved, which makes it a strong case for a study that seeks to gain insight into actors in migration governance.

Second, this study investigates the case of child migration to the United States in the aftermath of the so-called 2014 south-west border 'crisis'. A 'crisis', or any other forms of interruptions or surprises, constitute excellent opportunities for studying sensemaking (Weick 1995; Helms Mills et al. 2010). These situations constitute scenarios where the ongoing flow of sensemaking is interrupted (Starbuck and Milliken 1988, p. 52 in Weick 1995). Something occurs or fails to occur that violates existing frameworks (Mandler 1984, p. 188 in Weick 1995, p. 100). It forces people to confront and sift through new information and match it against existing frames of reference, which leads to learning and/or evolvement. As this thesis will show, the events in 2014 surrounding child migration constituted a situation that triggered sensemaking, which makes it an excellent case for the purpose of this study.

The methods deemed appropriate for fulfilling this study's objective are semi-structured interviews, coding, and discourse analysis. To support the analysis, semi-structured interviews with 33 actors were conducted in Washington D.C. and near the U.S. – Mexico border in Texas, plus an extensive analysis of primary and secondary documents. Interviews for a research study differ from chance encounters in that they have been solicited by the analyst based on certain criteria (Corbetta 2003). For this study, individuals have been selected based on their experience and expertise in the area of U.S. migration politics, immigration law, or child welfare. Their names have been obtained from reports, books or studies they have authored, news sources that quoted them, or

transcripts from congressional committee hearings. Another source for selection was their position within an organisation that is somehow involved with child migration. In addition, participants were asked to recommend other actors who should be invited to take part in this study. The data was then coded using NVivo software and subjected to a discourse analysis.

V. KEY FINDINGS AND CONTRIBUTION

The analysis yielded several findings that contribute to a variety of academic literatures. It contributes to the existing literature on child migration by studying this issue through a *governance* lens. While there are numerous studies from the fields of legal studies, anthropology, social policy, mental health and psychiatry, studies from a political science perspective have been scarce. Although existing sources include rich and valuable insights into relevant actors and institutions (for example, see Terrio 2015a and Heidbrink 2014), their role in the governance system is not the central focus of analysis. This study helps fill this gap and finds that the U.S. child migration governance system consists of multiple and different types of actors, both inside and outside the U.S. government. Prior to the 2014 child migrant 'crisis', the policy environment seems to have primarily been driven by a handful of actors who were direct stakeholders. This included the relevant government departments, a handful members of Congress who took an interest in the issue, and a small number of pro-migrant advocacy groups (PMAGs) who worked with the children directly. After the 2014 'crisis', the number and types of actors in the governance system increased drastically. The White House took an active lead in devising the policy response to the 'crisis' and consequently involved other actors, such as the Department of State, which introduced new understandings and therefore helped shape the response. The number of members of Congress who were interested in the issue also increased. In fact, Congress held more hearings on child migration in the 18 months following the 'crisis' than it had in the entire decade prior combined. The number of

PMAGs also increased drastically, which did not necessarily increase their ability to influence policy-outcomes. In addition, groups whose objective it is to restrict immigration to the United States started to take an interest in child migration. These changes to the governance system altered the power dynamics that shape that system. By analysing the impacts of the 2014 'crisis' on the constitution of the governance system, and how this altered the structures and power dynamics that shape it, this thesis contributes to the literature on the impacts of 'crises' or other forms of 'interruptions' on governance.

This study further finds that there are a variety of factors that determine actors' ability to drive the policy environment and/or influence policy outcomes. The analysis will show that actors' ability to influence policy-outcomes is determined by an interplay between actors' agency, the constraints and opportunities presented by the structure of the U.S. government, and the relationships between actors. For actors that are not a formal part of the U.S. government, their ability to influence policy-outcomes essentially consists of getting state actors to share their understandings of child migration. In other words, their ability to help shape policy outcomes is contingent on other – more powerful actors – in the system.

In terms of analysing how actors make sense of child migration and how these understandings help shape policy outcomes (RQ2), the analysis yielded the following findings.

1. Child migration governance is driven by the construction of the situation by the most influential actors and/or by the parts of the governance system that the most influential actors care about.

2. Actors form their understandings based on who they are and on who they work with, not on the issue itself. This is even more the case when actors are under political

pressures, where they experience a strong need to construct a problem narrative and identify a solution.

3. Actors' understandings of the situation are greatly driven by their own ongoing projects, which form the frame of reference for interpreting the situation at hand.

4. In response to the 'vulnerable-threat' dilemma, this thesis finds that, while actors might pass judgements and hold certain opinions about the children, actors, who they are, and what their environments are like, matters much more for how actors understand problems and devise solutions for child migration.

VI. THESIS OUTLINE

This thesis consists of the following chapters. Following this introduction, Chapter 2 presents a review of the relevant literature. As pointed out in section two of this Chapter, this thesis seeks to investigate U.S. child migration governance, building on the 'vulnerable-threat' dilemma posed by the existing literature on child migration. Chapter 2 therefore examines the key debates in the governance literature, including the challenges around defining the diffused concept itself. This is followed by a discussion of the pre-occupations of the general migration governance literature, such as the ways in which countries exercise control and how these measures affect how issues surrounding migrants and migration are socially constructed. The section also contains an analysis of trends and themes in the child migration literature which include victimhood, agency, vulnerability and threat. The discussion then moves to examine the 'vulnerable –threat' dilemma that serves as this study's research puzzle and which has been used as an explanation for the persistent contradictory policy environment towards child migrants (Bhabha 2014, pp. 10-11). The analysis reveals a gap in the literature as to the causes of these understandings – e.g. vulnerable and threatening – and how exactly they shape policy outcomes. This thesis aims to help contribute to filling this gap by analysing child migration *governance*. To determine what approach to governance would be most helpful

in this scenario, the subsequent section reviews debates surrounding different approaches to studying migration governance. It is determined that an actor-centred analysis that also studies their environment is needed to move existing understandings to the next level (Anderson 2017; Geddes and Hadj-Abdou 2018). The chapter's final section introduces the interpretive approach to governance used by this thesis. To illustrate its advantages, interpretivism is contrasted with positivism, another dominant research paradigm in the social sciences. Finally, the basic tenets of Pragmatist Interpretivism (PI) – the theory of governance used in this research – are reviewed.

Chapter 3 outlines the methodology and methods employed to understand how actors in U.S. child migration governance form their understandings and how these translate into practices that help shape policy outcomes. The objective is to develop a programme of research that makes it possible to understand not only what people think they are doing, but also how this then shapes what happens. This chapter's central question is how to establish a connection between concepts and meanings and practices and actions. This thesis argues that this can be facilitated by connecting PI to 'sensemaking', which is focused on the social context of cognition – not the individual neuroscience. The chapter reviews each of these two components of the research framework in detail. In addition, Chapter 3 seeks to show how the properties of sensemaking and PI can be extracted from data through the use of semi-structured interviews, coding, and a discourse analysis. Each of these methods will be reviewed in more detail.

Chapter 4 locates the issue of child migration in the United States in its larger context, as required by the interpretivist framework outlined in Chapter 3 (Bevir and Rhodes 2006, p. 2; Yanow 2000). This chapter will explore the dynamics surrounding the U.S. child migration governance system that have helped shape it into the system as it operates under the second Obama administration (2012-2016) and which constitution and

processes this thesis seeks to better understand. It investigates the developments that have led to the what many characterise as the 'broken' U.S. immigration system, and the stalemate of Comprehensive Immigration Reform (CIR) (The Economist 2018). In addition, this chapter examines the legal and social political meanings that make up child migration in the United States, including but not limited to the United States' involvement in the Convention on the Rights of the Child (CRC) and the treatment of child migrants in the United States. These issues are examined because they form the background for the 2014 child migrant 'crisis' and helped facilitate that this actually small area of migration became a hugely politicized issue. The chapter's final section briefly reviews the U.S. policy responses to the 2014 child migrant 'crisis'.

Chapter 5 presents Part I of the analysis of the constitution of the U.S. child migration governance system. The development of an actor-centred approach to governance that looks at how migration governance is constituted as a process requires identifying the actors, while also gaining insight into how these actors are 'situated' and 'socialised'. This requires identifying where they are located in the governance system and how they interact. The chapter's first section presents an overview of how the data gathered for this study has been treated in order to answer the research question who are the actors in U.S. child migration governance (RQ1)? This will be followed by a discussion of the results, which identifies the White House – also often referred to as 'the administration' - Congress, and Immigration Authorities as the most dominant actors. It is found that the U.S. child migration governance system consists of multiple state and non-state actors and their power to drive the policy environment is a combination of navigating the existing structures that provide opportunities and constraints, their agency in deciding to become involved, and their relationships with each other. It is also found that the 2014 child migrant 'crisis' led to a significant increase in the number and types of actors involved in the governance system.

Chapter 6 continues the analysis started in Chapter 5 by investigating the role of actors in the governance system who are not part of the U.S. government. This includes civil society organisations, the United Nations High Commissioner for Refugees (UNHCR) and the governments of the most common child migrant sending countries of origin – Mexico, Guatemala, Honduras and El Salvador. The chapter investigates how these types of actors are able to influence policy outcomes – meaning how can they help shape state actors' understandings of child migration? It is found that while these types of actors have a variety of channels and avenues available to them for engaging in the policy-making process, their ability to influence outcomes is highly contingent on state actors and what is going on in their background and environment at that time.

This last finding will be further developed much in Chapter 7, which aims to answer this thesis' second research question of how do actors in U.S. child migration governance understand child migration, and how do these understandings help shape policy outcomes (RQ2)? Since crises, or other forms of 'interruption', provide excellent opportunities for studying sensemaking, this chapter looks at how actors made sense of the 2014 child migrant 'crisis', and how this then shaped their policy response (Weick 1995). Drawing on Weick's (1995) seven properties of sensemaking, the analysis responds to the 'vulnerable-threat' dilemma by finding that although consideration about the children – e.g. whether they are cunning or vulnerable – are present in how actors frame their understandings, at the core of what shapes actors' understandings lie factors such as actors' identity construction, the actions of other actors in the field, and actors' ongoing projects.

Chapter 8 concludes this work by summarising this thesis' key findings and their contribution to literature, discussing the limitations of this research, and exploring avenues for future research.

Chapter 2: Literature Review and Theoretical Approach

I. INTRODUCTION

This chapter's objective is to assess the existing literature as it relates to this study's aim of investigating U.S. child migration governance. The aim is to allocate and scrutinize existing academic approaches to identify appropriate paradigms and ways of studying the child migration policy environment. This chapter investigates the current state of the literature on this topic. What does the literature tell us and what are the main achievements of existing work? Within that, it also identifies gaps and highlights how this thesis helps to fill them.

This chapter consists of the following sections. The chapter's first section highlights and explains the main object of analysis: the notion of governance. This section briefly reviews the emergence of the field and the persistent debates, which relate to the very core of the concept – namely the issue of definition and use. The conceptualisation deemed most relevant for this study has been provided by Pierre (2000, p. 3) who identifies the notion's dual meaning. Governance can be used in both an empirical as well as a conceptual fashion. On the one hand, governance can show empirically how the state interacts with and responds to its environment. On the other hand, it can be used as a 'conceptual or theoretical representation of coordination of social systems, and for the most part, the role of the state in that process' (Pierre 2000, p. 3). Both meanings are applicable for this study as this research aims to uncover the constitution of the U.S. child migration governance system while also demonstrating how the system changed in response to the 2014 child migrant 'crisis'.

The chapter's second section looks at the way governance has been treated in the existing migration literature. The first part of this section focuses on identifying the pre-occupations of the migration governance literature, and how they differ for child migration specifically. It will be shown that while the existing literature identifies similar

dynamics of general migration and chid migration, such as means of control, there are additional layers that affect the child migrants specifically. Child migrants can be seen as both vulnerable children in need of protection and as potentially threatening migrants (Bhabha 2014, p. 14). This thesis builds on this 'vulnerable-threat' dilemma in order to build a programme of research that makes it possible to shed light on the 'contradictory' policy situation that is said to arise as a consequence of this dilemma where some policies take child migrant's status as children into consideration, whereas others treat them the exact same way as adult migrants (Bhabha and Young 1999, p. 85).

Part two of this section therefore examines the question of *how* migration governance can be studied. It will be shown that the field is dominated by concerns around pinpointing the drivers of migration governance and the need for approaches that effectively capture actors, their environments, and their interpretations of migration and how these interpretations help shape policy outcomes. The final section will then introduce the interpretivist, actor-centred approach to governance developed and applied by this thesis. This will be achieved by building on the assumptions presented by the vulnerable-threat dilemma. Justification of selection of interpretivism as this research' dominant paradigm will then be further illustrated by comparing it to positivism, one of social sciences' most dominant research paradigms (Blaikie 2007, p. 109). The conclusion briefly summarises this chapter's key points.

Through this literature review and subsequent chapters, this thesis builds upon and complements existing approaches by applying a perspective to child migration informed by the literature on governance as an organisational process. A focus of this literature review is therefore existing work on the role and impact of cognitive and normative frames, how they are formed or originate, and how they shape child migration governance.

II. WHAT IS GOVERNANCE?

What does 'governance' mean? How is it defined and what does the concept seek to measure? While a widely investigated phenomenon on the one hand, and a frequently applied approach on the other, consensus on a definition of the term has yet to be achieved (Pierre 2000, p. 3; Hughes 2010, p. 87; Sørensen and Torfing 2018, p. 352; Kooiman 1999, p. 68-70; Rhodes 2000, p. 55). As a consequence, 'the literature on it is diffuse' (Bevir 2013, p. 1). Numerous fields, including but not limited to, 'international relations, public administration and management, political science and economics', use governance in a myriad of ways (Kooiman 1999, p. 68). There is agreement that the term governance emerged throughout the 1980s and 1990s when scholars observed transitions in how states used to function and felt the need to create a new concept that capture these changes (Carmel 2017, p. 4; Lynn 2012, p. 49). Examples of these observed changes included increased globalisation and the accompanying shift of power from the state towards market forces (Howse and Nicolaidis 2001, p. 1; Bevir and Rhodes 2010, p.82). A more recent example includes the Arab Spring of 2011 (Braithwaite 2012, p. v)

These types of events were taken to represent a 'hollowing-out' of the nation state - a transformation of governments - as they had been known thus far (Rhodes 2000, p. 62, 71). As pointed out by Grell and Grappert (1992, p. 77), '[n]ew perspectives on the future of governance in the United States are emerging because today's centralized hierarchical bureaucracies do not operate well in the rapidly changing, high-technology, information, multi- cultural society of the 1990s.' Scholars felt that governments' powers to regulate and rule society became more diluted, with other actors gaining prominence and increased control, including the market and non-state actors (Treib et al. 2007, p. 3). But this already presents an example of the debate. Rhodes (2000, p. 62) might view this 'hollowing-out of the state' as 'new'. Torfing (2012, p. 103), however, rejects the idea

that this represents a new phenomenon and suggests that it rather constitutes a shift where the government maintains an active 'steering' role. This becomes especially apparent when looking to different countries, outside of the UK Westminster model, where networks overseen by state actors are quite common and have been for considerable time (Torfing 2012, p. 103). Whether states are actually experiencing a transformation and whether the observed trends actually constitute something 'new' – whether there is an actual 'before and after' – is contested (Carmel 2017, p. 41). Sørensen and Torfing (2018, p. 351) explain that this contestation has led to some initial 'unfruitful debates'. However, to capture various observed transformations, scholars developed a multitude of types of governance, including Multi-level governance; network governance; and regulatory governance (Hooghe and Marks 2003; Sørensen and Torfing 2005; Lobel 2012). Rhodes (2012, p. 36) explains that the field experienced 'second wave' of governance with the emergence of meta-governance. Meta-governance refers a sort of 'governance of governance' as it has also been argued that the degree of autonomy achieved by numerous organisation and process within the public sector necessitates an additional level of control (Peters 2010, p. 37). The role of the state is seen to act more in a 'steering' capacity, using various 'soft' or 'informal' ways of governing such as negotiation and diplomacy (Rhodes 2012, p. 37).

The concept's relevance and influence has been widely accepted (Carmel 2017; Sørensen and Torfing 2018: 352; Davies and Chorianopoulos 2018: 360; Bevir 2013). Sørensen and Torfing (2018: 35) propose that 'governance' has emerged from constituting an idea to a mature paradigm featuring multiple theories and approaches. Yet, disagreement as to how successful this evolution of 'governance' has been thus far in terms of the utility of the approach or concept persists. As pointed out by Carmel (2017, p. 40),

'the concept [of governance] gets specified in so many different ways according to different authors that it faces a paradox of multiple specifications: it becomes a stretched concept by being defined specifically to describe such a wide range of phenomena.'

The lack of a clear definition affects the utility and applicability of the concept (Sørensen and Torfing 2018: 352). Rhodes (2000, p. 55) aims to show that the definition of governance is an area of debate itself and captures the current existing strands in the field by identifying seven different ways of defining governance and yet he states that '[t]he word [governance] can be used as a blanked term to signify a change in the meaning of government'. Similarly, Bevir (2013, p. 1), explains,

'Governance refers to all processes of governing, whether undertaken by a government, market, or network; whether over a family, tribe, corporation, or territory; and whether by laws, norms, power, or language. Governance is a broader term than government because it focuses not only on the state and its institutions but also on the creation of rule and order in social practices.'

As the discussion above shows, one prominent approach to understanding governance and defining governance is seeing it as a transformation or a shift (Pierre 2000; Levi-Faur 20, p. 7). But the concept remains ontologically underdeveloped (Bevir 2013, p. xi). As pointed out by Bevir (2013, p. 1) if you can't agree on what something is, it is not possible to debate whether something has been reduced, expanded, shifted, or otherwise transformed. Yet, as previously mentioned, perceptions around the changing nature of government or states are what gave rise to the study of governance as a field in the first place.

In addition to lacking a clear definition and there is disagreement as to whether 'governance' is a concept or more of a research agenda. It is clear, however, that the field is characterised by a set of questions. The central question within the different definitions seems to be – who has power? Who has the control and/or is able to steer the governance system? It has been acknowledged that there is no longer one central actor – a government

– but that governance means that there are multiple actors at play, including domestic governmental institutions, international organisations, and civil society organisations (Sørensen and Torfing 2005, p. 199). A relevant question for the study of governance is therefore who are the actors within a specific governance system?

This leads to another definition or use of governance – namely governance as a mode of enquiry (Pierre 2000; Carmel 2017; Lynn Jr. 2012). This is different from the idea of change or shift in the composition and/or role of the state. This refers to using governance as a theoretical approach. Pierre (2000, p. 3) talks about the 'dual meaning of governance'. On the one hand, as the discussion thus far shows, governance 'refers to the empirical manifestations of state adaption to its external environment' (Pierre 2000, p.3). On the other hand, it can mean a 'conceptual or theoretical representation of coordination of social systems, and for the most part, the role of the state in that process' (Pierre 2000, p. 3). In other words, governance can represent an examination of the constitution of a particular system. This definition has particular relevance for this thesis, because, as the subsequent chapters will show, the analysis will uncover the constitution of the U.S. child migration governance system while simultaneously illustrating how it has changed in response to the 2014 child migrant crisis. In order to achieve this objective, it is imperative to determine the ontological underpinnings of this thesis' approach to governance. To facilitate this process, the next section will look at how the concept has been treated in literature of migration.

III. Governance, Migration and Children

The previous section established that governance can have different meanings in different contexts and essentially needs to be specified for each case. This section will now review the existing literature as it pertains to migration governance, and also specifically child migration governance. The central objective of this section is to identify

the pre-occupations in migration governance and how they differ for child migration governance.

A. Control, Vulnerability, and Threat

The field of migration, as pointed out by Phillips (2012, p. 2), has primarily attracted the attention 'of social scientists working within such disciplinary fields as sociology or anthropology, as well as the more discrete field of migration studies.' Migration governance is still largely an emerging field. According to Lahav and Guiraudon (2007), the literature on immigration can be divided into two broad categories: 'integration' and 'control'. The former pays attention to the impact of immigration on receiving societies and cultures and *vice versa* (Lahav and Guiraudon 2007, p. 3). The latter analyses the governing of entry and stay (Lahav and Guiraudon 2007). This includes work around the actors, practices, and discourses that characterise migration management, both on the national and international level, albeit it is recognised that the latter occurs on a much smaller scale (Hamsphire 2011; Geddes and Scholten 2016; Geiger and Pécoud 2010; Carmel 2012; Hollifield et al. 2014; Betts 2010).

An important part of the literature on control is the way in which countries exercise control and how these measures affect how issues surrounding migrants and migration are socially constructed. As pointed out by De Genova (2002, p. 424) migrants are 'not self-generating and random; they are produced and patterned'. Anderson (2013) elaborates that point by highlighting the different ways in which meanings and values intersect to produce migrant categories, both in legal as well as social terms. Physical borders differentiate between 'foreign' and 'domestic' (De Genova 2007, p. 423) – or 'us and them' (Anderson 2013). The immigrant could not exist without 'the citizen' (Anderson 2013, p. 2). In her introductory Chapter, Anderson (2013) wonderfully articulates how countries essentially constitute communities of values by determining what a 'good' person looks like. This is, naturally, in accordance with the members of

that particular community – which can be a nation defined by common values, culture, identity, etc. – and then measuring 'others' against those standards.

Controlling who crosses their borders and is allowed to live among the natives is often regarded as a sovereign right of nations (Ngai 2004, p. 1). Common methods of control include detention and deportation (De Genova 2002; 2007; Ngai 2004). This points towards another produced boundary. Immigrants are legal. Their presence 'certified by the state' (De Genova 2007, p. 425). They stand in contrast with people who work or live in a foreign country 'illegally'. As will be explored in more detail in Chapter 4, how to address the situation of the undocumented population has grown into a significant policy issue in the United States (De Genova 2007, p. 425).

Somebody can be detained and deported for being in a country undocumented – or 'unlawfully present' (De Genova 2007, p. 424). But foreigner assimilate, integrate and adapt and the differentiation between the native and 'other' weakens. As pointed out by Ngai (2004, p. 1), deportation can be seen as effectively 'cancelling out' an immigrant's integration, removing an individual from their place of cultural life, work, property and separates family. Given the severity of this punishment, there is debate to what extent governments should be allowed to exercise this control and under what circumstances. Menjívar and Abrego (2012, p. 1383) refer to using the law to control immigration - often with harmful effects - as 'legal violence'. Where does a state's right to control its borders end and the rights of human beings begin (Bertram 2018)?

There is another layer to this discussion when it comes to children, migration and governance. Child migrants are not just foreigners, but also children. As pointed out by Bhabha (2014, p. 11), while the state is expected to protect a nation from potentially 'threatening, unruly, and uncontrolled outsiders, even if they are children' the state is also seen to 'having a protective obligation towards vulnerable children'.

Child migrants' vulnerability has been a central focus in both research and policy. In terms of the literature, it used to be the case that children were usually not analysed as migrants in their own right, but rather as extension of somebody else's migration experience and process (Veale and Donà 2014, p. 4; Hopkins and Hill 2008, p. 258). An exception to that is perhaps the literature that focuses how children of immigrants integrated into their host societies (Veale and Donà 2014, p. 4). But in the migration literature which deals with newer migration patterns, such as seasonal, circular, or return migration, 'the migration of children and young people is generally subsumed within adult migration or constructed as an exceptional phenomenon' (Veale and Donà 2014, p. 4). Some of the earliest work that analysed migrant children in their own right stems from the fields of psychiatry which aimed to assess the psychological impact of extreme situations, including exploitation, on the children (e.g. see Rousseau 1995; Sourander 1998; Huemer et al. 2009). Another area of scholarship that started to focus on child migrants specifically was the area of legal studies which assesses how children are – or should be - treated under immigration law (e.g. see Bartlett 2002, p. 16; Carr 2014, p. 122; Kosse 2011). Ensor and Goździak (2010, p. 5) argue that this emphasis on vulnerability, to which also migrant advocacy groups contribute in their quest for increased resourcing and better conditions for migrants, has resulted in child migrants often being portrayed as passive victims of their environment. But this view often contradicts child migrants' lived realities (Ensor and Goździak 2010, p. 3). Other than their Western counter-parts, children in other parts of the world often take on adult-like roles in terms of working and caretaking at a much younger age (Ensor and Goździak 2010, p. 3). When child migrants are interviewed, they often speak of themselves as active decision-makers, sometimes even providers of families. Many report feeling confused by the fact that they are treated as children once they reach their country of destination (Goździak 2010, p. 169).

To be able to account for both the increased vulnerability of child migrants as well as their *agency*, the concept of *resiliency* emerged across several areas of scholarship, including in mental health (e.g. see Kohli and Mather 2003) and legal studies (e.g. see Corcoran 2015). Other fields, such as anthropology and childhood studies, began to recognize children's agency in migration decision-making (Ensor and Goździak 2010, p. 6). It has been increasingly acknowledged that the children themselves do not necessarily view themselves as victims but may view their decision to migrate as an act of empowerment – e.g. to support their family or improve their own lives. The field now has a deep appreciation of approaches that are built around children's perspectives by actively involving them in the research process to ensure that their perspectives are accurately represented (Ensor and Goździak 2010, p. 6).

While this is a great development for the academic field, policy and practice still seem to be lacking behind. Ensor and Goździak (2010, p. 2) write that individuals working with child migrants, including 'policymakers and service providers', devise culturally inappropriate policies and services for children because their understandings of childhood and children's roles in society are significantly different from the children's lived experiences. It has been argued that this is due to child migrants challenging Western conceptions of 'childhood', which sometimes means that they might not receive the protection they need (Crawley 2011, p. 1172). Thronson (2002, p. 980) writes:

> Deeply ingrained ideas about children's rights, often unacknowledged and unexamined, shape the way children are perceived and treated. These ideas underlie and color our perceptions of children's abilities and roles, and they influence the way law engages them. Broader debates about children's rights have largely bypassed immigration law and efforts to develop workable, child-centred approaches in immigration law have gained little footing. Immigration law and decisions continue to reflect conceptions of children that limit their recognition as persons and silence their voices.

O'Connell Davidson (2011, p. 462) explains that '[t]o speak of child migrants is to bring together two very different cultural categories' – the vulnerable child and the

potentially threatening migrant. Her article contrasts the treatment of trafficked children – who are forced to move – with other moving children who are perceived to have exercised agency and decided to move on their own (O'Connell Davidson 2011, p. 462-463). She argues that there have recently been many policies seeking to increase the protection for trafficked children, making various forms of relief available to them with little controversy. O'Connell Davidson (2011) suggests that viewing trafficked children as victims makes actors in governance more comfortable and allows them to award more protection to this group as opposed to other types of child migrants.

These dynamics have led to governance towards child migrants frequently being characterised as contradictory, where some policies do take their unique status for children in consideration, yet others treat them the exact same way as adult migrants (Bhabha 2014, p. 11; Bhabha and Young 1999, p. 85; Young and McKenna 2010, p. 260; Earner and Križ 2015, p. 157). This also applies to the United States, where examples of this include the requirement that children who are unaccompanied must be detained in 'child-friendly' settings, as dictated by the Flores Agreement of 1997 (Terrio 2015a, p. 55). But despite being minors, child migrants do not have a right to an attorney, which means that many children are forced to represent themselves in immigration court and navigate a complex, foreign legal system on their own (Terrio 2015a, p. 161; CGRS and KIND 2014, p. 83; Young and McKenna 2010, p. 256).

It has been argued that this contradiction is due to child migrants' 'invisibility' (Bhabha 2014, p. 11). Sigona and Hughes (2012) suggest that this is a result of child migrants falling into different policy areas: migration, children, and 'irregularity.' These three policy areas frequently differ in state intervention, legal and policy frameworks, audiences, and the intersection of international obligations and domestic priorities, which results in 'a diverse and often contradictory range of policies and practices' (Sigona and Hughes 2012, p. 9). But attention towards unaccompanied child migrants increased in

recent years because the fact that they lack status and do not have a parent or otherwise legal guardian to advocate for them makes them seem especially vulnerable (Crawley 2011, p. 1172; Bhabha 2014, p. 10-11). Considering that the situation of child migrants has been the subject of discussion for several years, invisibility, can no longer serve as an explanation (Bhabha 2014, pp. 10-11). Instead, Bhabha (2014, p. 11) suggests that the 'policy failure' persists because of 'unresolved ambivalence about the legitimacy of according protection to migrant children without a legal status'. The state has a responsibility to protect vulnerable children and at the same time protect the native population 'from threatening, unruly, and uncontrolled outsiders, even if they are children' (Bhabha 2014, p. 11). The issue does not suffer from invisibility, but rather from neglect. Bhabha explains (2014, p. 11) that this neglect arises from 'unresolved ambivalence' towards child migrants and constitutes 'a strategic compromise that […] has enabled us to avoid the conceptual and political and political dilemmas raised by child migration and to sidestep the policy challenges it represents'.

This is a very intriguing account of the situation. Bhabha (2014, p. 14) makes an excellent point when she says that, '[u]nderstanding the ambivalence that underlies public policy in this field is key'. This is the gap this study hopes to contribute to filling and it intends to do so by studying the *governance* of child migration in the United States. As the discussion on governance in the first section of this Chapter demonstrated, what governance is and how to conduct a governance analysis needs to be clearly defined and developed for each case. The literature review thus far already provides some interesting pointers. Bhabha (2014) talks about the 'state', but as the earlier discussion on governance in this chapter demonstrated, the steering or directing of policy areas can encompass multiple type of actors at different levels. An analysis of the governance system would in this case would therefore entail an analysis of the different actors involved and the power dynamics that shape the system.

What has been done on the actors in child migration thus far? Lots of the existing literature on child migration seem to have a more applied focus, where analyses centre on children's experiences and interactions with the authorities and institutions of the immigration system (Terrio 2015a; Heidbrink 2014). These studies provide rich and invaluable insight into the institutions, their operations, and also their roles within the governance system. But since governance does not form the core of their analyses, it is not quite clear from their analyses how exactly the understandings that seem to characterise the field of child migration – such as vulnerability, threat, agency, victimhood – shape policy outcomes, or what in fact causes them. It would be interesting to see why actors in policy-making understand child migrants either as vulnerable or threatening. For example, while there might be less controversy about trafficked children than about other categories of child migrants, as argued by O'Connell Davidson (2011), child refugees and asylum seekers might still be seen as 'cunning'. It is not uncommon for asylum seekers to be seen as 'bogus' or 'abusive', trying to exploit the receiving countries' resources (Geddes 2003, p. 152). What influences whether they are viewed as victims who flee persecution, or as individuals trying to take advantage of a foreign state? It seems that existing studies focus more on policy-outcomes and make assumptions about the actors and processes behind these outcomes rather than studying the processes themselves.

This thesis seeks to contribute to filling this gap by developing a programme of research that facilitates an examination of the constitution of the U.S. child migration governance system and the sensemaking processes that shape policy outcomes. The objective of this section was to highlight some of the main pre-occupations of governance for the migration literature in general, and the child migration literature specifically. The next section will review and contrast the different approaches to the study of governance offered by the migration literature in order to determine the most suitable approach.

B. Approaches to Migration Governance

There have been several different approaches at explaining state behaviour in regard to immigration control. A significant theme within the migration governance literature is addressing the perceived 'policy gap' which speaks to immigration politics' tendency to fail to achieve their desired outcomes (Hollifield et al. 2014). More broadly speaking, the literature asks what drives migration policy outcomes (Castles 2004; Wong 2017; Hampshire 2013; Geddes and Hadj-Abdou 2018). The objective of this section is to review attempts at responding to this question.

As pointed out by Betts (2014, p. 452), many authors 'start within the state, taking immigration states one at a time and assuming that the variables that explain (1) preferences and (2) the ability to "control" are largely endogenous to that state' (Betts 2014, p. 452). A common approach used to be that immigration policies are adapted to a nation's economic trends, but this has been mostly rejected (Castles 2004, p. 208; Wong 2017). Others have linked nations' policy choices to their history of immigration (Tichenor 2002; Martin 2003, 2010; Zolberg 2009). Martin (2003, p. 132), for example, explains how ambivalence around immigration during the nation's founding days is at the root of the United States' history of conflicting immigration policies that continue to this day. Going back to the nation's founding days, immigration was viewed as essential to the growth of the new nation, and was therefore desired and to be encouraged (Martin 2003, p. 134). At the same time, historic records of the earliest immigration policy debates show that decision-makers were concerned about the possible impacts immigration might have on the colonies' hope to grow into a stable, democratic nation with a common culture and shared values, especially regarding immigration from non-English speaking countries (Martin 2003, p. 134). The author claims that these conflicting positions resulted in a history of immigration policies that on the one hand aimed to position the United States as a welcoming destination, claiming to seek out 'the world's oppressed and poor', but

on the other hand, repeatedly showed signs of discrimination based on race, religion or political ideology (Martin 2003, p. 134). Martin's (2003) analysis relates to Bhabha's (2014) account of the policy environment towards child migrants mentioned in the previous section. But similar to Bhabha's (2014) analysis, it is not clear from Martin's (2003) account how exactly the ambivalent sentiments shape policy outcomes. Who are the actors behind these outcomes what do they do so that outcomes are shaped accordingly? How do these past policies shape current proposals?

Other authors lean more towards conducting an analysis of contemporary political systems and environments in an attempt to identify the drivers of migration policy-making. Contributing to the literature that examines issues around restriction versus openness, Hampshire's (2013, pp. 5-12) turns to the ideology of the liberal nation state to argue that the conflicting policy environment results from contradictions inherent to the liberal state itself, which is democratic, constitutional, nationalist, and capitalist. Hampshire (2013, p. 13) points out that the contradiction can be observed very quickly as '[t]wo of them (representative politics and nationhood) tend towards a restrictive dynamic, whereas the other two (constitutionalism and capitalism) are associated with openness.' Given this contradiction, Hampshire (2013, p. 13) states, '[i]t is these conflicting dynamics that lie behind the "liberal paradox" of immigration'. He then contrasts different migration phenomena in different settings and responses to them. While presenting an intriguing argument, Hampshire does not explore articulations within the policy process about these facets of liberal states and policy outcomes. There remains a 'black box' that Hampshire, similar to Martin (2003) and Bhabha (2014), does not touch upon.

Another relevant example is Wong's (2017) work, *The Politics of Immigration: Partisanship, Demographic Change, and American National Identity*. Building on Tichenor (2002) and Zolberg (2009), Wong (2017, p. 209) examines why and how much

immigration politics matter for the United States. He provides a rich analysis of the existing debates on immigration, which he argues 'are seldom just about whom to let into the country and how many to let in.' Wong's (2017, p. 209) analysis centres 'on the electoral incentives that legislators in Congress have to support or oppose immigration policy reforms,' essentially analysing the legislative voting behaviour of members of Congress. Wong (2017, p. 4) uses the results of his analysis in order to answer the ambitious question of 'what are the determinants of immigration policymaking in the United States?' He argues that it boils down the three factors:

> the entrenchment of partisan divides among legislators on the issue of immigration, the political implications of the demographic changes that are reshaping the American electorate, and how these changes are creating new opportunities to define what it means to be an American in a period of unprecedented national origins, racial and ethnic, and cultural diversity (Wong 2017, p. 210).

In addition to representing one of the most comprehensive analyses of congressional voting behaviour on immigration in the United States, Wong's (2017) work adds to the scholarly debate by attempting to connect what certain actors do in response the broader context in which they operate. However, Wong's focuses largely on one political actor, which limits the insights into migration governance as a whole, as it does not only consist of laws passed by the legislative branch of government. Rather, policies by the executive branch – the president as well as associated agencies – court decisions, and actors' practices shape the system as whole. Gaining further insights into the contradictory policy-environment of the United States requires assessment of these other factors.

Wong (2017) briefly touches on the role of other actors, such as the President who can 'use executive actions to affect policy in the absence of congressional action.' But Wong (2017, p. 210) argues that given the 'hundreds of policy pieces' introduced in Congress every session, there should not be placed too much emphasis other actors. However, Wong (2017, p. 210) also states that 'growing foreign-born and undocumented

immigrant populations have emerged as new actors that are vying to wrest power away from previously influential political actors.' It seems interesting that the author would credit non-state actors with more influence than the president of the United States. Regardless, Wong (2017, p. 209) focuses on Congress as the main actor and argues that 'political actors determine their positions on immigration in the context of a new demographic normal that is reshaping the American electorate.'

Wong's (2017) actor-centred analysis is not new in the migration governance literature. A prominent example of such an approach has been delivered by Gary P. Freeman (1995). His client-politics model suggests that immigration policies are a result of negotiations and compromises between organised groups who aim to shape policy outcomes to their advantage (Freeman 1995). The central question Freeman (1995) seeks to answer is why western liberal democracies seem to lean towards more expansive immigration policies despite the general public clearly favouring restrictions systems. Freeman (1995, p. 885) argued that:

> Immigration tends to produce concentrated benefits and diffuse costs, giving those who benefit from immigration greater incentives to organize than persons who bear its costs. It is useful to think of immigration regulation and control as a public good that lacks a concrete and organized constituency to produce it.

Freeman (1995, p. 885) identifies as the 'beneficiaries' of immigration the immigrant communities, 'employers in labor-intensive industries and those dependent on an unskilled workforce', and businesses that benefit from population growth, such as real estate and constructions firms. Cost-bearers, on the other hand, include government service sectors, including housing and schools, as well as the low-skilled labour force which competes with immigrants for jobs. Freeman (1995) concludes that nations' tendency towards expansionists immigration politics are due to the fact that the beneficiaries of migration tend to be actors with larger resources and therefore greater capacity to mobilize and influence policy-making than the cost-bearers.

Freeman's theory that immigration policies are largely the result of interest group politics has been subject to criticism as it tends to assume that all groups have equal access to the government (Tichenor 2002). As pointed out by Daniel J. Tichenor (2002, p. 24), there have been instances in the history of U.S. immigration politics where 'immigration controls have been enacted even when more organized interests are mobilized in opposition.' Therefore, the interest group model alone is not sufficient for understanding migration governance. But Tichenor's (2002) study is a good example of how an analysis of a nation's immigration history can help support, put into context, or reject the results derived by other approaches.

Freeman's interest group model has not only been rejected by Tichenor's (2002) historical analysis but also by Paul Statham's and Andrew Geddes' (2006, p. 250) investigation of the 'organised public's' ability to influence migration policy outcomes. The authors respond directly to Freeman's (1995) study by applying a constructivist and framing social movement approach to migration governance. This approach assumes that people act in accordance to a perceived reality, which means that, contrary to Freeman's (1995) assertion, costs and benefits alone do not determine actions (Statham and Geddes 2006). Rather, the importance individuals assign to a particular problem plays a central role in mobilisation (Klandermans 1992, p. 77). Another important factor is the policy environment and the opportunities the actor identifies in it, as well as the actor's calculation of the chances of an initiative's success and failure within that policy environment (Statham and Geddes 2006, p. 251). This means that the policy environment is more significant in determining the course of collective action than the actual costs and benefits of immigration.

Statham and Geddes (2006, p. 251) argue that it is particularly important to understand:

> how powerful political elites, acting through institutions and discourses, shape opportunities for other collective actors to perceive their material and symbolic

interests, and see themselves as sufficiently affected to collectively mobilise, or not. […] Freeman underestimates the ideological basis of immigration politics, which evokes sensitive race and national identity issues as a basis for collective action.

Out of the approaches reviewed so far, Statham and Geddes (2006, p. 252) were the first to connect sentiments (in this case: race and national identity issues) and policy outcomes (collective action). The authors also investigated the degree of influence of different actors within the migration governance system. By conducting a political claims-making analysis by gathering samples from newspapers sources, Statham and Geddes (2006) found that national state actors play an exceptionally strong role in the area of immigration. Civil society made up the second largest group, followed by supranational, translational and foreign actors who were only present to a small extent (Statham and Geddes 2006, p. 253). The authors also acknowledge that newspaper sources are selective in whose claims they present (Statham and Geddes 2006, p. 252). Based on these results, Statham and Geddes (2006, p. 254) conclude that migration policies are not a result of pressures applied by interest groups to decision-makers based on diffused costs and benefits on the former, as suggested by Freeman (1995). Instead, the agenda is set by government actors, 'significantly shaping the context in which other actors must position themselves' (Statham and Geddes 2006, p. 254).

Another study that deals with how actors' perceptions lead to policy-outcomes constitutes Castles' (2004) provocatively entitled article, 'Why Migration Policies Fail'. Castles (2004) examines 'three types of reasons' as to why countries' immigration policies fail to achieve their desired outcomes. One prominent example is the United States, which has been passing several pieces of policy and legislation aimed at reducing and/or preventing undocumented immigration, and yet, numbers continued to increase for many years (Castles 2004, p. 206). Castles moves on to review some of the prominent assumptions about migration that he assumes drive migration policy-making (Castles

2004, pp. 208-209). The core of his argument is that policy-makers misunderstand migration – e.g. reasons as to why people move. For example, Castles (2004) explains that because it is understood that people migrate to seek better economic opportunities, actors view the labour market as key to regulating migration. However, this simplistic causal thinking leads to poor quality policy outcomes. He argues that in order to increase the possibility for migration policies to achieve their desired outcomes, policy-makers need to increase their understandings of the complexities of the migration process (Castles 2004, p. 222). As stated by Castles (2004, p. 222),

> The forces driving international migration are extremely complex and deeply embedded in general process of social transformation (Castles 2003). In turn, they interact with another complex set of forces in the processes of policy formation and implementation. It is not surprising that the results are often poorly conceived, narrow and contradictory policies, which may have unintended consequences.

The problem with Castles' (2004) analysis is that he does not make effectively clear that all these factors indeed shape policy or how this might occur. Instead, he identifies actors' assumptions by studying policy outputs, for example by studying the case of Germany's guestworker policy in the 1970s. Castles (2004, p. 208) states, 'German policy-makers thought that unwanted 'guestworkers' would go away, because of the temporary residence principle built into the recruitment system, and because employment opportunities had declined.' He then moves on to explain that German policy-makers were wrong considering that people tend to base their decisions to migrate on other factors, such as existing migrant networks. However, Castles (2004) does not demonstrate how he came to understand that this is actually what the policy-makers thought. Did he induce that this is what they were thinking from the title of the policy? The reader is not told.

This is also noted by Anderson (2017) who thirteen years later responds directly to Castles' (2004) argument. Anderson (2017, p. 1528) starts her analysis by noting that

'[t]he European Union (EU) response [to the 2015 refugee crisis] has been widely characterized as a failure.' But whether a policy constitutes a failure or not depends on how it is measured, and also on who is doing the measuring. Anderson (2017, p. 1529) points out that the field of migration involves numerous types of actors and explains that '[f]or those involved in the migration industry, in general the more bodies processed the better, but for policy-makers and politicians the ostensible goal is reduced numbers. As with criminals, governments are always open to the charge that there are "too many" migrants and "too many" is a difficult number.' The idea of Europe being 'flooded' with migrants stimulates public anxiety about immigration (Anderson 2017, p. 1530). Different actors – including mainstream commentators and 'pro-migrant' NGOs – compete and try to reframe and counteract existing discourses. Anderson (2017, p. 1532) uses UK immigration policy, such as the net migration target, as an example and points out that:

> A government's perceived failure to control immigration can be seized on for electoral purposes, but it also must be seen within a broader political context. The context of the contemporary obsession with migration, reducing numbers and right-wing populism, is a nation state form in crisis.

Anderson's (2017) observation marks an increased trend in the migration governance literature that asks for a more comprehensive look at the governance system as a whole to determine what really drives migration policy-making. Using the UK public voting to leave the European Union in 2016 ('Brexit') Anderson (2017) explains just how many different stakeholders are involved in migration governance, ranging from business to human rights activities and politicians, saying that '[t]he migrant exemplifies the fluidity of relations between nation, people, and state' and that Brexit:

> should not be analysed simply as a policy failure that permitted "too many" migrants to enter the UK, but the consequence of multiple policies that disenfranchised and impoverished millions of people on the one hand, and years of setting up "migrants" as the reason for lack of jobs, low wages, poor public

services and so on. This unleashes powerful politics on the street and in the ballot box. It was not the migration policy failure that lay behind Brexit, but the long-term political success of scapegoating migrants (Anderson 2017, p. 1533).

By locating migration policy-making within its broader context, Anderson's (2017) analysis adds important consideration when trying to study migration governance. But her article does not present any analytical framework on how this objective can be achieved.

Before exploring possible options, it might be worth mentioning Castles' response to Anderson's comment. Castles (2017, p. 1538) uses this opportunity to ask how the analysis that he relayed in his 2004 piece 'stood the test of time.' He agrees with Anderson's observation that policy success has different meaning for different actors, and in cases where 'politicians and officials are reluctant to declare their true objectives, we need to look for the hidden agendas they may be pursuing.' As an example, Castles (2017, p. 1539) uses the fact that 'British jobs for British workers' has been a declared priority for several UK prime ministers. However, the UK has continuously issued policies that encouraged foreign workers to immigrate.

By offering such examples in an attempt to support his claims, Castles (2017) again focuses on policy outcomes, just as he did in his piece from 2004, which Anderson (2017) criticized. It is not clear how one could derive conclusions about actors' intentions – or their 'hidden' agendas from the example given above. Just because a prime minister might state something in a party conference speech to party loyalists, does not mean it will be acted upon. It is important to take other actors involved in governance into consideration.

Castles (2017, p. 1540) states that Anderson (2017) is right in highlighting the increase in the types and numbers of actors that make up the migration industry, the difficulties of associated with the categorization of migrants and how the issue of numbers have been dominating immigration debates in many countries. Castles (2017, p. 1541) states that:

Migration policies are intrinsically problematic, because they are concerned with defining people as migrants, differentiating them into bureaucratic categories and regulating their movements and work. Migration policies do not address the fundamental inequalities in livelihoods, human security and opportunities for realizing individual potential. The economic and political policies that perpetuate inequality are much more important in shaping migration than are migration policies – but much harder to challenge (Castles 2017, p. 1543).

Overall, the discussion above clearly demonstrates that there is a need for a framework that facilitates analysis of the sensemaking of migration, which is what this thesis aims to do. The need for this is further made clear in Castles' (2017, p. 1543) final paragraph where he writes:

Brexit and Trump have been successful because they have heard the voices of groups who feel left out by globalization, and have been able to manipulate these groups through claims that migrants and minorities are responsible for unemployment and the decline in working conditions and living standards. In the coming years policies on migration seem set to become even more restrictionist and exclusionary than they are at present. Building a broadly based movement to counter the new nationalism is more urgent than ever.

It is not quite clear how well Castles (2017) supports his argument, which is summarized in the title of this piece: 'Migration Policies Are Problematic – Because They Are About Migration'. This final paragraph actually suggests something different, namely that migration policies are not just about migration, but rather about other forces – or actors – that are shaping the larger political system within which migration governance is embedded, as argued by Anderson (2017).

The exchange between Anderson (2017) and Castles (2017) highlights the need for new lenses and approaches for studying migration governance. As pointed out by Anderson and Castles, the field of migration is increasingly characterised by numbers and categories. Geddes and Scholten (2016) argue that it is the interpretations assigned by actors through such characterisations that determine the meaning of migration for the country of destination. Geddes and Scholten (2016, p. 3) therefore suggest an alternative

way of thinking about migration in analytical terms. Instead of viewing migration 'as an independent variable that can then help explain various social and political changes', the authors propose viewing it as 'a dependent variable that acquires meaning when it meets the borders (territorial, organisational and conceptual) of destination states' (Geddes and Scholten 2016, p. 4).

This approach is also applied by Geddes and Hadj-Abdou (2018) in their article analysing EU migration governance following the 'Arab Spring.' By studying actors' understandings of migration within this particular governance system, Geddes and Hadj-Abdou (2018, p. 147) find that elite actors' understandings of the type of migration they are working on are consistent with existing research, but that their ability to convey these understandings is subject to certain constraints imposed on them by the governance system. With these findings, the authors challenge the 'gap hypothesis' (Hollifield et al. 2014), as well as Castles' (2004, 2017) work, which tends 'to work back from the observed outcome of a process – laws, policies and institutional responses – and make assumptions about the motives and logics held by actors within these migration governance systems' (Geddes and Hadj-Abdou 2018, p. 147). Often, the authors continue, assumptions about these motives are then used to justify declaring particularly policies as 'failed' (Geddes and Hadj-Abdou 2018, p. 147). By focusing on the actors in governance rather than on policy-outcomes, scholars are able to derive a clearer picture of the connection between the actor and the outcome.

This thesis contributes to this development in the field by offering a programme of research that allows for studying how actors in migration governance make sense of a particular type of migration and how this shapes policy-outcomes. As the analysis in subsequent chapters will show, migration governance is less about migration, and more about the actors who are behind the policy-making process, their relationships with each other, and the power dynamics which result from the overall structure of the governance

system. The following section will introduce the interpretivist approach that underpins the programme of research proposed by this thesis.

IV. INTERPRETIVE GOVERNANCE

The previous sections illustrated the need for an actor-centred approach to governance which effectively connects actors to their environments. This study hopes to help fill this gap in the existing literature by creating a programme of research that makes it possible to go beyond existing assumptions about what actors think they are doing and asking them directly what they think they are doing. This study is therefore concerned with connecting concepts and meanings to practices and actions. Its objective is looking at the ways in which child migration is constructed as a governance issue in the United States.

As few studies specifically concern themselves explicitly with governance in the field of child migration, it has yet to be established which theory of governance might be most helpful in this scenario. While not overtly applying a political science lens, existing works include assumptions and ideas about the politics and the governance system behind the U.S. policy environment towards child migrants that can be helpful in determining which approach might be the most useful. Bhabha's (2014) suggestion contains the following implications about the governance of child migrants: 1) there are multiple actors or groups of actors in the governance system and those actors play a key role in policy-making; 2) these actors hold different interpretations of issues related to child migration and somehow these different interpretations shape policy-outcomes; and 3) actors' interpretations are constructed and subject to certain influences, such as the vulnerable child or the threatening migrant.

This research develops an interpretivist approach which sees actors as central to governance and offers concepts for the study of how different interpretations might shape policy-outcomes (Yanow 2000: 5; Bevir and Rhodes 2016; Bevir and Rhodes 2006).

These actors are part of larger governance systems and their concepts, meanings, practices, and actions are highly contingent on their environments. This means that even though actors are seen as central to the governance process, the unit of analysis is not the individual, but rather the social nature of governance. As will be explained in further detail in forthcoming chapter, sensemaking and interpretive governance are seen as fundamentally social concepts that are shaped by interaction between different actors and their environments. An interpretivist approach to governance allows for study of actors' environments and the constraints and opportunities it provides for them.

To further illustrate the applicability of interpretivism, it might be useful to briefly contrast it with the basic tenets of the positivist approach, one of social sciences' most dominant research paradigms (Blaikie 2007, p. 109). Both of these methodological paradigms shape a researcher's approach and thus have powerful implications. Some argue that positivism and interpretivism are on opposite sides of the spectrum (Crotty 2003, p. 8; Blaikie 2007). Positivism dominated political science throughout most of the twentieth century as a result of efforts to design methods that could be applied to social inquiry in a similar fashion as in the natural sciences (Bevir and Rhodes 2016, p. 3). Positivism 'holds that meaning, therefore meaningful reality exists as such apart from the operation of any consciousness' (Crotty 2003, p. 8). Objects have an inherent meaning. That meaning is independent and not subject to the influences of individuals. It can be uncovered through the use of a set of scientific methods. Positivism believes in scientifically observable and obtained facts measured through human senses. It steers away from emotions, thoughts and believes which are not 'empirically verifiable' (Crotty 2003). There is a strong distinction between fact and value (Crotty 2003, p. 27). Viewing the world through a positivist lens means seeing it in 'a highly systematic, well organised' way (Crotty 2003, p. 28). Political science approaches that are driven by positivist

assumptions include institutionalism, behaviouralism, and rational-choice (Bevir and Rhodes 2016, p. 4).

Interpretivism disputes the positivist notion that there is an objective truth and holds that 'social science cannot take natural science as a model' (Bevir 2011, p. 52). As Bevir (2011, p. 52) explains, '[h]uman life is intentional and historical in way that sets it apart from the rest of nature.' In interpretivism, all truth and meaning are constructed, and this construction of meaning is said to be a fluid and interactive process (Crotty 2003, p. 9). Interpretivism acknowledges that,

> people are constantly involved in interpreting and reinterpreting their world – social situation, other people's actions, their own actions, and natural and humanly created objects. They develop meanings for their activities together, and they have ideas about what is relevant for making sense of these activities (Blaikie 2007, p. 124).

It is particularly important to note that individuals can have different interpretations of the same scenario and that these varying interpretations again shape others' interpretations (Crotty 2003, p. 9). This again highlights the fluidity and reciprocity of interpretivist theory. In terms of studying governance, applying an interpretivist approach means 'focus[ing] on the meanings that shape actions and institutions, and the ways in which they do so' (Bevir and Rhodes 2016, p. 3). Accordingly, interpretivists 'concentrate on meanings, beliefs, languages, discourses and signs, as opposed to, say, laws and rules, correlations between social categories or deductive models' which are characteristics of positivist approaches (Bevir and Rhodes 2006, p. 2).

Of course, as pointed out by Bevir and Rhodes (2006, p. 2), the differences between interpretivist and positivist approaches to political sciences are 'not an all-or-nothing affair'. For example, laws are in some ways the products of languages and beliefs (Bevir and Rhodes 2006, p. 2). Someone applying rational choice theory might very well take discourses and practices – meanings – into account and somebody using an interpretivist approach might also study the legal environment of an issue. But unlike positivism, which

might conclude that one particular factor determines what interpretation an individual might arrive at, interpretivism acknowledges that there is no 'blue print' that prescribes how any particular culture, institution, or community of individuals might act (Ansell 2016b, p. 91; Bevir and Rhodes 2006, p. 3). In interpretivism, meanings, interpretations, or actions are not fixed. Actions and identities are contingent on their environments which can be characterized by ambiguity and uncertainty (Ansell 2016b, p. 91). Many behaviours 'are habitual or learned' (Ansell 2016b, p. 89). This contradicts the idea that behaviours are a result of cost-benefit analyses, as, for example, the rational choice approach would suggest. To identify how actors might interpret an issue or why they act a certain way therefore requires locating them 'wider webs of meaning' (Bevir and Rhodes 2006, p. 2). When applied to this thesis, studying governance in an interpretivist manner requires identifying the 'communities of meaning' in U.S. child migration governance, assessing their varying interpretations of issues related to child migration, and enquiring into how actors in these communities form their interpretations – or in other words – make sense of child migration.

This section established that an interpretivist approach is better suited than a positivist paradigm as this thesis analyses actors' understandings of child migration in the attempt to gain further insight into the ambiguous vulnerable-child versus threatening-migrant policy environment. It allows for assessing what child migration and surrounding issues mean to various actors within the contexts in which they operate, against the backdrop of the 'contingency of political life' (Bevir and Rhodes 2006, p. 3). If this thesis were to apply a more positivist approach and focus on the relationships between particular variables, looking for recipes that can explain and predict actors' understandings and actions, a lot of aspects could be overlooked. Studying the relationships between variables might tell us which actor with a particular set of characteristics might develop certain understandings of child migration while another actor with another particular set of

characteristics might understand it in another way, but it would not be able to tell us very much about why actors form their understandings in that way. An approach that investigates meanings is more suited to such analysis. This thesis contributes to this development in the field by offering a programme of research that allows for studying how actors in migration governance make sense of a particular type of migration and how this shapes policy-outcomes. As the analysis in subsequent chapters will show, migration governance is less about migration, and more about the actors who are steering the system, their relationships with each other, and the power dynamics which result from the overall structure of the governance system.

To uncover these dynamics, this thesis relies on Pragmatist Interpretivism (PI). Rooted in Pragmatist philosophy, this is a theory of governance that is interested in how actors draw inferences and form interpretations (Ansell 2016b, p. 393). Pragmatist philosophy has strongly been influenced by the works of Charles Peirce, William James, John Dewey and George Herbert Mead (Ansell 2016b, p. 392). Its influence rose with the general need for paradigms to counter positivist approaches to social sciences, and even more so with the 'linguistic turn' in philosophy (Ansell 2016b, p. 393). Since then, Pragmatist assumptions influenced a variety of fields, including organizational studies, politics, and education. How PI will be used and operationalised in this study in order to extract meaning from the data will be discussed in more detail in Chapter 3.

V. CONCLUSION

The objective of this chapter was to review the existing literature relevant to child migration, with a view to assessing the extent to which it has been informed or influenced by research on migration governance. The first section of this chapter reviewed key debates on governance. It pointed out the existing challenges of defining and using the concept and determined that the most applicable definition for this study is Pierre's (2000, p.3) which recognises the dual of meaning of governance – an empirical account of

change as well as a conceptual lens as a mode of enquiry (see also Carmel 2017). The following section examined the role of governance in the general migration literature. The literature review showed that the field of migration concerns itself, among other issues, with how migration can be controlled. Methods of control, for example, include detention and deportation, which given their disruptive nature on individual lives could be termed 'legal violence' (Menjívar and Abrego 2012, p. 1383; De Genova 2002; 2007; Ngai 2004). Further methods include constructed borders, both the physical ones that separate the natives from the foreign, as well as the non-tangible ones, such as legal vs illegal that lead to the valuing and categorising of individuals, creating an 'us and them' (De Genova 2007, p. 423; Anderson 2013).

In addition to investigating the effects of such constructs, the literature focuses on assessing the drivers of migration governance. Some scholars focus on historical factors, others more on political ones, attempting to nail down a particular set of factors that shape policy outcomes (Martin 2003, Zolberg 2009, Wong 2017). While there is some debate around the factors themselves, such as the degree to which the economy matters in terms of shaping migration governance, debates about whether or not factors such party politics, nationalism or public opinion matter in immigration politics, do not form the core of that literature. Rather, a fundamental point of contestation is how the analysis is conducted, with many projects generating their results by studying policy outputs (Castles 2004, Wong 2017, Hampshire 2013). In order to move existing understandings to the next level, comprehensive approaches that allow for the study of actors in the governance system and their environment are needed (Anderson 2017; Geddes and Hadj-Abdou 2018).

The final section of this chapter therefore discussed interpretive governance which is the theory of governance used by this research. Interpretive governance, and Pragmatist Interpretivism (PI) in particular, places actors at the centre of the analysis and is interested in how actors draw inferences and form interpretations (Ansell 2016b).

This thesis seeks to contribute to the existing literature by studying how actors in child migration governance understand child migration and how this helps shape policy outcomes. This requires identifying the relevant actors, understanding more about the cognitive and normative frames that shape their views of child migration and then considering how these cognitive and normative frames translate into policy and practices. The next chapter will present the programme of research designed to achieve this aim.

Chapter 3: Methodology

I. INTRODUCTION

After identifying Pragmatist Interpretivism (PI) as the theory of governance used in this research in Chapter 2, this chapter moves from the conceptual level towards the operational level. Its objective is to outline the methodology and methods employed to investigate how actors in U.S. child migration governance understand the causes and consequences of child migration and how these understandings help shape policy outcomes. The aim is to develop a programme of research that makes it possible to understand not only what people think they are doing, but also how this then shapes what happens. This chapter's central question is how to establish a connection between concepts and meanings and practices and actions. This thesis argues that this can be facilitated by connecting PI with 'sensemaking' (Weick 1995). Sensemaking in this context is focused on the social context of cognition – not the individual neuroscience. The purpose of this chapter is to review each of these two components in detail. In addition, this chapter seeks to show that the properties of sensemaking and PI can be extracted from data through the use of semi-structured interviews, coding, and a discourse analysis. Each of these methods will be reviewed in more detail.

The chapter consists of the following sections. The subsequent section will cover the first part of the framework proposed by this thesis: PI and policy framing. PI is a theory of governance that places particular emphasis on inquiry and problem-solving and therefore has significant applicability for this study (Ansell 2016b). This will be followed by a discussion on the basic features of a frame analysis which can be used to uncover PI assumptions in the data. A frame analysis will show how actors construct different problem narratives that propose a particular solution that aligns with their interests (Schön and Rein 1994). The results from the frame analysis will increase understandings about

how actors in child migration governance frame issues and how this influences policy-outcomes.

But this thesis is not only interested in learning more about how actors use different interpretations of issues. It also seeks to gain insight into how actors form their interpretations in the first place. To achieve this objective, this thesis uses Karl Weick's (1995) sensemaking framework and identifies its seven properties, which are reviewed in section III of this chapter.

The remaining sections of the chapter introduce the methods used in this research in order to execute the presented research programme. This includes a review of the basic consideration relevant to the conduct of interviews – in particular with elites. This will be followed by a description of the coding process, which is used to organise the data and to help identity trends, themes and patterns (Taylor and Gibbs 2005). In addition, the data will be subject to a discourse analysis – specifically a narrative analysis - which will provide insight into how actors construct their identity, as well as the role of power within the governance system, among others. The final section of this chapter briefly discusses some of the limitations of interpretivist research.

II. PART I OF FRAMEWORK: PI AND POLICY FRAMING

The literature review in Chapter 2 revealed that there is a need for an actor centred analysis that accounts for how actors construct problems around migration and how this shapes governance. This can be achieved through the use of Pragmatist Interpretivism (PI). According to Ansell (2016b, p. 86), '[PI] theory is about trying to understand how people (and social scientists) draw inferences in specific social contexts about the kind of situations they are in and about the intentions and motivations of others.' To facilitate this objective, Pragmatists pay particular attention to how actors construct problems in a given governance situation (Ansell 2016b, p. 394). PI accounts for the fact that there are multiple perspectives and believes that inferences are a result of individuals' selectivity

of certain aspects of an issue, which are often influenced by or reflective of a particular point of view held by individuals (Ansell 2016b, p. 86; Schön and Rein 1994).

Looking at how individuals construct problems makes it possible to study the values that are present. Based on their values, actors form preferences which then lead to frames which form the basis of the creation of 'stories' (Druckman 2011; Schön and Rein 1994). Throughout this process, actors engage in 'naming and framing' (Schön and Rein 1994: 26). They select and label 'different features and relations that become the "things" of the story – what the story is about' (Schön and Rein 1994, p. 26). This process leads to the construction of a particular social reality, which in policy debates often constitutes the 'problem situation' (Schön and Rein 1994, p. 26).

In political science, this 'selective attention' and the consequent problem construction is often referred to as 'framing' (Schön and Rein 1994, p. 4). By highlighting particular factors that offer one specific explanation whilst ignoring or downplaying other aspects, actors are able to dismiss their opponents' interpretations (Schön and Rein 1994, p. 5). Policy framing can therefore be a valuable tool in advancing actors' interests (Schön and Rein 1994, p. 29). It should be noted, however, that interests do not necessarily determine frames. Rather, like everything in interpretivism, the relationship between actors' interests and how issues are framed is 'reciprocal, but nondeterministic […][.] [I]nterests are shaped by frames, and frames may be used to promote interests' (Schön and Rein 1994, p. 29).

An important feature of these constructed problem situations is that by highlighting a few salient aspects and relationships, it greatly simplifies an issue that might otherwise be too complex and overwhelming (Schön and Rein 1994, p. 26). Furthermore:

> They give these elements a coherent organization, and they describe what is wrong with the present situation in such a way as to set the direction for its future transformation. Through the processes of naming and framing, the stories make the "normative leap" from data to recommendations, from fact to values from "is" to "ought." It is typical of diagnostic-prescriptive stories such as these that they

execute the normative leap in such a way as to make it seem graceful, compelling, even obvious (Schön and Rein 1994, p. 26).

Turning an initially uncertain and complex situation into an easily understandable one with an obvious solution is often facilitated through the use of 'normative dualisms' (Schön and Rein 1994, p. 28). This means narrating a story in a way that highlights aspect that are generally seen as necessary for living a good life. For example, society prioritizes 'health' over 'disease'. Characterizing a situation as unhealthy immediately communicates the need for a remedy. Another example would be that if something is interpreted as a 'threat', the culturally conditioned 'logical' response is 'defence' (Schön and Rein 1994, p. 28). The way a problem has been constructed will determine its solutions. How actors construct, confront, and resolve problems is therefore of central concern for Pragmatists (Ansell 2016b, p. 395).

Pragmatists understand that actors have different capacities and resources in dealing with problems. There are also other constraints, such as novelty or uncertainty (Ansell 2016b, p. 395). The governance system itself may impose certain constraints on how actors can approach problems and how they can form interpretations (Turnbull 2016: 385). Interpretivists generally conceive of governance 'as an activity or set of practices,' where practices can be understood as 'the idea of entrenched understandings enacted through intuitive or habitual responses' (Turnbull 2016, p. 385). For example, individuals in organizations are commonly governed by a set of rules. Interpretivists assume that people do not follow one interpretation of a set of rules, but rather they approach 'each task in a pragmatic sense, drawing upon their experience and seeking innovative ways to deal with the problems they encounter' (Turnbull 2016, p. 385). Analysing how individuals interpret events but then assessing how these interpretations are constrained by their environment helps to establish a connection 'between the agency of individual political actors and the structuring effects of cultural context' (Turnbull 2016, p. 385).

When trying to resolve a problem, clashes between values are inevitable and reaching a solution usually requires an 'adjudication or integration across values' (Ansell 2016a, p. 395). Values can be uncovered during communication and deliberation which facilitate the negotiation of values (Ansell 2016a, p. 395). Dialogue constitutes an exchange of perspectives which encourages reflection which can potentially lead to growth, cooperation, or cause individuals otherwise to alter their perspective (Ansell 2016a). This can sometimes lead to re-construction of the situation (Ansell 2016a, p. 395). Deliberation is regarded as a form of inquiry in which problems are defined and adjusted (Ansell 2016b). According to Ansell (2016a, p. 396), inquiry also:

> involves the "elucidation of meaning" (Festenstein 2001, p. 734) and requires self-reflection on one's own beliefs, interests, and values. Inquiry brings existing knowledge and prior experience to bear on the situation, while seeking to avoid moralizing "position-taking," on the one hand, or a narrow instrumentalism, on the other.

This is a process that can occur on the individual level, but in terms of understanding governance, it is important to highlight the communal nature of deliberation as inquiry (Ansell 2016a, p. 396). Deliberation as inquiry, and the expression and negotiation of values that occurs during that process, also shapes actors' communities, which again shape deliberation in a reciprocal process (Ansell 2016a, p. 396; Yanow 2000, p.10). Not all interpretations have equal weight in the governance system, as actors vary in their degree of influence. An important aspect of this research's analysis will therefore focus on assessing power relations and actors' perceived influence within the governance system. This can be achieved by asking actors who they see as the most dominant actors and how they think they manage to achieve this during the conduct of interviews. In addition, a discourse analysis can also reveal information about this issue, as will be explained in the forthcoming section on methods.

It should be noted that there are certain issue areas in governance where resolution, despite much deliberation, does not happen. Such 'intractable policy controversies' include abortion (Schön and Rein, 1994), where different opinions are too much at odds with each other and maintain a threshold that prevents compromise. As Chapter 4 will show, immigration in the United States is a policy area that has moved towards intractability. But offering policy solutions is not the central focus of this thesis. The objective of this research is to increase understanding of the processes and actors in U.S. child migration governance. Actors' proposed solutions are not being studied for their applicability, but for what they can tell us about actors' values, how they shape interpretations, and how this influences policy-outcomes.

Based on the assumptions outlined in this and the previous sections, the objective of this thesis can be realised through the use of a frame analysis, which consists of the following steps. First, it is essential to identify the actors – or the communities of meaning (Yanow 2000). Actors convey their roles, identities, and the norms of their communities in narratives (Ansell 2016b; Turnbell 2016). They can also use narratives to 'tell stories as accounts of their organizations' histories and to legitimate their roles within them' (Turnbell 2016, p. 381). Interpretivists recognize that governance systems are cultures within their own right, with shared language and symbols, also known as artifacts (Turnbull 2016, p. 381; Yanow 2000). Once the actors and their artifacts have been identified, it is possible to 'map the "architecture of the debate" […] by identifying the language and its entailments (understandings, actions, meanings) used by different interpretive communities in their framing on the issue' (Yanow 2000, p. 12).

Figure 1: Symbolic artifacts accommodate multiple meanings

Source: Yanow 2000

All these aspects are contingent on each other. As pointed out by Yanow (2000, p. 12), '[t]here is a complex interrelationship among language, cognition (or perception), and action. It is not entirely clear which one shapes (or causes) the other […].' Accordingly, the different steps of a frame analysis might not necessarily be executed in a consecutive order, but rather in a parallel fashion. This will be facilitated through data coding and a discourse analysis. Both of these methods will be described in detail in the last section of this chapter.

Identifying actors and how they frame issues surrounding child migration will provide valuable insights into child migration governance. But this thesis would also like to gain insight into how actors make sense of child migration before engaging in policy framing. A conceptualization of *sensemaking* has been offered by the organizational studies literature. The following section will serve to introduce this concept and explain its use and value for this study.

III. PART II OF FRAMEWORK: SENSEMAKING

Most existing research on sensemaking has been done in organizational studies. The concept is rarely applied in the study of politics. This fact is lamented by both Ansell (2016a) and Turnbull (2016, p. 381), however, neither author offers an explanation as to

why they think that is the case. While detailed exploration of this issue would be beyond the scope of this study, it might be worth mentioning one reason as to why sensemaking has not been widely applied in political sciences. A possible explanation could be the fact that positivist approaches used to dominate the study of politics (Bevir and Rhodes 2016, p. 3). This would have discouraged scholars to search other disciplines for concepts that are more of the interpretivist tradition. Perhaps the evolvement of alternative paradigms fosters interdisciplinary research which is sure to enrich existing understandings.

This thesis wants to not only study how issues are framed and then how those framings are used to influence policy, but also seeks to expand understandings about the reasons as to why actors frame issues in a particular way. In other words, this thesis asks how do actors make sense of issues surrounding child migration (RQ2)?

Given the tacit nature of sensemaking, concrete conceptualization of the term can be challenging. The concept's meaning seems quite intuitive, as its name essentially captures its essence. Yet, to ensure the study's validity, it is essential to make explicit the boundaries and cornerstones of what constitutes sensemaking. It is important to state what it is, and what it is not. Sensemaking as used in this study does not include the analysis of any sort of cognitive, neurological science. Rather, this thesis is interested in gaining insight into actors' reasoning and motives against the backdrop of their organisations, the concepts and meanings they rely on while governing. Sensemaking is not an individual process. In fact, as the discussion below will show, it is highly social in nature.

'Social' also marks one of Karl Weick's (1995) seven properties of sensemaking. This framework is a very influential attempt to conceptualize sensemaking. The seven properties, which will be reviewed in this section, allow for the development of questions that can be applied to data. This overcomes the lack of clarity of a common-sense approach to the study of sensemaking.

Before moving on to reviewing Weick's (1995) framework, another word on the nature of this research should be mentioned. Because this research is going to use a Pragmatist interpretivist approach consisting of a frame analysis and Weick's (1995) sensemaking framework, it is neither inductive nor deductive, but abductive as defined by Friedrichs and Kratochwil (2009, p. 709) who explain that social scientists undertake abduction when they:

> become aware of a certain class of phenomena that interests [them] for some reason, but for which [they] lack applicable theories. [They] simply trust, although [they] do not know for certain, that the observed class of phenomena is not random. [They] therefore start collecting pertinent observations and, at the same time, applying concepts from existing fields of [their] knowledge. Instead of trying to impose an abstract theoretical template (deduction) or 'simply' inferring propositions from facts (induction), [they] start reasoning at an intermediate level (abduction).

1. <u>Weick's (1995) Seven Properties of Sensemaking</u>

Weick's (1995) seven properties of sensemaking are that it is: 1) grounded in identity construction; 2) retrospective; 3) enactive of sensible environments; 4) social; 5) ongoing; 6) focused on and by extracted cues; and 7) driven by plausibility rather than accuracy.

Table 1: The seven properties of sensemaking

Property	Key Aspect
Grounded in identity construction	Individual identities heavily influence sensemaking
Retrospective	Sensemaking always occurs after an event has already happened. It is influenced by the past.
Enactive of sensible environments	Actors' actions and their environment influence each other reciprocally. The environment is driven by the most active actors.
Social	Sensemaking is a social activity. It depends on the individuals who are around us or who are perceived to be around us.
Ongoing	There are no definite beginnings or ends to the sensemaking process. But actors select particular moments and present them in a certain light. The ongoing sensemaking process can be subject to interruption which allow for emotions to infuse sensemaking.
Focused on and by extracted cues	A particular aspect – a cue – of an issue is extracted and seen as representative of that issue. Interpretation of the cue depends on the context.

Driven by plausibility rather than accuracy	The accuracy of facts is less important than their plausibility. Understandings and actions are affected by constraints. It is important to look at what filters actors use when considering facts and information.

1. Grounded in Identity Construction

Individual identities strongly influence sensemaking processes. It is therefore important to consider the dynamics surrounding identity construction when trying to assess how individuals make sense of their environment. While identity formation, as well as sensemaking, might be processes that occur on the individual level, people's identities are contingent on other people (Weick 1995, p. 20). Identities are socially constructed and subject to constant re-construction through the interaction with others. People define themselves according to how they see the world around them. Based on their perceptions, they might define themselves as different or similar - or a variety of the two - to their environment (Weick 1995, p. 20).

How identity is constructed is also influenced by the individual's needs. This is particularly the case in organisations where individuals might be concerned with their self-image, including being seen as competent, and also where people have a desire for continuity. How individuals think they are seen affects how they see themselves (Weick 1995, p. 21 citing Dutton and Dukerich 1991). When it comes to sensemaking in organisations, individuals actually hold two 'selfs' (Weick 1995, p. 23 quoting Chatman et al. 1986). One representing themselves within that system and a second one representing the organization as a whole to the outside world (Weick 1995, p. 23). Situations that trigger a change in how the organisation's image is viewed by outsiders can have two possible effects. One, the organisation takes this on board and alters its own view of itself which may then lead to other actions. Or two, the organisation starts to change its views of something that is 'out there' (Weick 1995, p. 21). As Weick (1995,

p. 22) explains, 'sensemaking comes with a self-conscious sensemaker.' This also means that emotions and judgements play a role in identity construction.

2. Retrospective

People can only make sense of something after it has happened. This means that every perception that people have is essentially a memory (Weick 1995, p. 25 quoting Hartshorne 1962, p. 442). People's past experiences are essentially captured in individual episodes that are only made sense of when a person takes a moment to look at them - meaning that attention is required in order for sensemaking to take place (Weick 1995, p. 25).

Because of this, the sensemaking of the past event will be influenced by whatever is happening in the present – the moment of paying attention (Weick 1995: 26). As Weick (1995, p. 27) states, '[w]hatever is now, at the present moment, under way will determine the meaning of whatever has just occurred.' These meanings, however, might change as present 'projects and goals change' (Weick 1995, p. 27 citing Gioia and Chittipeddi 1991, p. 435). Organisations commonly have multiple and interdependent projects and goals. Because of this overlap, there are often too many meanings which then might need to be synthesized (Weick 1995, p. 27). Here, Weick (1995, p. 27) emphasizes that,

> The problem is that there are too many meanings, not too few. The problem faced by the sensemaker is one of equivocality, not one of uncertainty. The problem is confusion, not ignorance. I emphasize this because […] [some studies] view sensemaking, as they do most other problems, as a setting where people need more information. […] Instead, they need values, priorities, and clarity about preferences to help them be clear about which projects matter.

It is therefore important to trace the effects of remembering in order to understand why 'people make the sense they do of their ongoing activity' (Weick 1995, p. 28). One consequence of remembering is that people tend to 'forget' certain aspects of what happened. Suddenly, history is presented as something that was leading to a particular event or outcome, whereas the actual history was probably a lot more entangled and

complex (Weick 1995, p. 28). In addition, how history is told is influenced by whether it has been judged as good or bad (Weick 1995, p. 28). As Weick (1995, p. 28 citing Starbuck and Milliken 1988, p. 37-38) explains, '[i]f the outcome is perceived to be bad, then antecedents are reconstructed to emphasize incorrect actions, flawed analyses, and inaccurate perceptions, even is such flaws were not influential or all that obvious at the time.'

These dynamics become more relevant the more time has passed between the occurrence of sensemaking and the occurrence of the event to be made sense of. When it comes to sensemaking in everyday experiences, memory is fresh, and it is unlikely that past events get too convoluted (Weick 1995, p. 29).

3. Enactive of sensible environments

Enactment means 'reciprocal influence between action and the environment' (Maitlis and Christianson 2014, p. 84) and that there is no 'fixed environment that exists detached from' actors (Weick 1995, p. 31). Actors create their environments and with that the opportunities and challenges that can then, in turn, function to facilitate or constrain their actions (Weick 1995, p. 31). This is consistent with PI assumptions about actors' relationship with their environments.

This reciprocal relationship between actor and environment also puts a new spin on the notion of 'process'. Considering that there are actually no linear happenings with a clear beginning or end, there can't really be any results of processes, but rather just moments in processes (Weick 1995, p. 32 citing Follet 1924). Processes – and that includes governance processes – are circular and constantly in motion. When a new policy is enacted, it creates constraints and opportunities, which Weick (1995) interprets to mean the cycle is continuing, rather than a process having come to an end.

Enactment also means rejecting the idea that there is some sort of environment 'out there' that 'is put in front of passive people' (Weick 1995, p. 31). Instead, the environment

is driven by the most active actors. How actors confront their environment and the potential power dynamics associated with it provides valuable insights for this study. In addition, exploring actors' relationships with their environment might reveal how they feel about their status and roles within the governance system. This is important because, as discussed in the previous section, PI and policy framing also focus on the role of power within the governance system. Not every actors' interpretation has equal value. Some ideas and meanings have more power and influence than others. The second part of this chapter is going to elaborate on what method can be used in order to help detect power relations within the U.S. child migration governance system.

4. Social

The discussion on the first property, identity construction, and the term sensemaking itself, might give the impression that sensemaking occurs solely on the individual level. But Weick (1995, p. 38) points out how important it is to remember that sensemaking is actually a very social activity. Our thoughts and actions are contingent on the actual - and imagined - thoughts and actions of people who are around us or who are perceived to be around us. As Weick (1995, p. 40), explains, '[s]ensemaking is never solitary because what a person does internally is contingent on others. Even monologues and one-way communications presume an audience. And the monologue changes as the audience changes.'

This not only applies to thoughts, but also to actions. The actions of others are factored into the plans of an individual who as a consequence might change or abandon a particular action (Weick 1995, p. 40). Burns and Stalker (1961, p. 118) note that: '[i]n working organisations decisions are made either in the presence of others or with the knowledge that they will have to be implemented, or understood, or approved by others.'

But it is important to understand that assessing 'shared meanings' or 'social constructions' is not exhaustive of all of what is social about sensemaking because in

some settings people might align their actions with others - for example in order to achieve an organisational goal or complete a task - and within that, people tend to simplify and generalize. Therefore, '[t]o understand sensemaking is to pay more attention to sufficient cues for coordination such as a generalized other, prototypes, stereotypes, and roles' (Weick 1995, p. 42).

5. Ongoing

There are no definite beginnings or ends to the sensemaking process. It consists of a constant flow. When studying sensemaking, one should pay attention to the ways people 'chop moments out of continuous flows and extract cues from those moments' (Weick 1995, p. 43). This ongoing flow of sensemaking means that it is impossible for individuals to avoid 'acting' (Weick 1995, p. 43). Within that, the use of language is also considered acting and actions' consequences cannot be predicted. This means that reflection is hindered as individuals 'deal with whatever comes up', which also means that issues are never accurately represented. One aspect is always highlighted at a given time, probably in a disproportionate manner meaning that '[e]very representation is an interpretation' (Weick 1995, p. 43).

Individuals tend not to be conscious of how ongoing the dynamics are in which they operate. Instead, people have a tendency to categorize, which often ignores 'large pieces of continuity, thereby entrapping us in misconceptions' (Langer 1989, p. 27). This means that people feel like they are in the middle of projects, which causes them to concentrate disproportionately on aspects in the world that might affect their projects (Weick 1995, p. 45).

But while the notion that operations consist of projects with beginnings and ends might be an illusion, the flows that are the actual components of the operating environment may very well be subject to interruptions that occur when something happens that was unexpected or when something that was expected fails to happen (Weick

1995, pp. 45, 100). Interruptions constitute opportunities for sensemaking which often trigger feelings in actors, and since sensemaking is ongoing, interruptions are the reason why sensemaking is infused with emotions (Weick 1995, p. 45). The triggering of emotions brought on by an interruption can activate a fight or flight response in individuals. Then, actors have to assess, to varying degrees, depending on the characteristics of the interruption, if or how their well-being might be at stake, forcing them to investigate and make sense of what is occurring.

The presence of emotions in the sensemaking process affects what connections individuals establish in their minds. Individuals tend to recall events and situations in which they felt similar to how they feel in the present (Snyder and White 1982). As Weick (1995, p. 49) explains:

> Anger at being interrupted should encourage recall of earlier events where feelings of anger were dominant. These earlier moments of anger should stand out when people look back over their past experience to discover 'similar' events and what those previous events might suggest about the meaning of present events. Past events are reconstructed in the present as explanations, not because they look the same but they feel the same.

The important implication here is that the recall of memories that feel similar to the present, but that are actually not necessarily the same, might cause individuals to use what happened in those memories as templates for how to 'solve the current cognitive puzzle' (Weick 1995, p. 49). This could perhaps be referred to as emotional-hindsight-bias which, according to Weick (1995, p. 49), 'is precisely that possibility that we watch for when we acknowledge that sensemaking in ongoing and neither starts fresh nor stops clean.'

Weick's (1995) observations regarding the role of emotions in sensemaking was a very valuable addition to the field. However, his initial conceptualization of it is viewed to be in need of further development. As Maitlis and Christianson (2014, p. 99) point out, Weick's (1995) assessment was rather reductionist when he classified emotions as 'automatic arousal' triggered by interruption. Empirical work shows that 'emotions are

increasingly understood to be a part of the sensemaking process, influencing whether sensemaking occurs, the form it takes, when it concludes, and what it accomplishes' (Maitlis and Christianson 2014, p. 100). However, such studies remain 'scarce' and further research in this area is needed (Maitlis and Christianson 2014, p. 100).

Actors' responses to interruptions depend on various factors. In some cases, organisations have prepared a set of standards that guide actions following any sort of interruptions, such as Standing Operating Procedures (SOPs) (Weick 1995, p. 46). When that's not the case, actors' socialization in the organization will shape their response (Weick 1995, p. 46 citing Averill 1984; Hochschild 1983; Thoits 1984). Reactions to interruptions are also influenced by the intensity and length of the emotions that have been triggered and whether the emotions are positive or negative.

6. *Focused on and by extracted cues*

Since sensemaking is a rather 'swift' process, it is important to 'watch how people deal with prolonged puzzles that defy sensemaking, puzzles such as paradoxes, dilemmas, and inconceivable events' (Weick 1995, p. 49). Otherwise, the analyst runs into the risk of studying the results of sensemaking, rather than the actual sensemaking process (Weick 1995, p. 49). Within that, it is important to 'pay close attention to ways people notice, extract cues, and embellish that which they extract' (Weick 1995, p. 49).

Cues are 'simple, familiar structures that are seeds from which people develop a larger sense of what may be occurring' (Weick 1995, p. 50). There are two important points to note in regard to the reasoning associated with extracted cues. First, one particular aspect – a cue or character – is extracted from an entire 'datum' and is then being regarded as representative of that 'datum' (Weick 1995, p. 50 citing James 1890/1950 Vol. 2 pp. 340-343). Second, the extracted aspect then 'suggests certain consequence more obvious than it was suggested by the total datum as it originally came' (Weick 1995, p. 50 citing James 1890/1950 Vol. 2 p. 340). Depending on the context,

people tend to extract cues that are in some way unusual, unsettling, intense, sudden, or similar, which means that 'small, subtle features can have surprisingly large effects on sensemaking' (Weick 1995, p. 52). In organizational settings, whoever has control over which aspects or cues are extracted, has a certain degree of power (Weick 1995, p. 50).

What cues will be extracted and how they will be interpreted – or what meaning will be assigned to them - depends on the context. Weick (1995, p. 53) quotes Leiter (1980, p. 107) who states that:

> That context consists of such particulars as who the speaker is (his biography), the relevant aspects of his biography, his current purpose and intent, the setting in which the remarks are made or the actual, or potential relationship with the speaker and hearer.

Since people's backgrounds and expertise differ, there can be different interpretations of events (Weick 1995, p. 53 citing Starbuck and Milliken). Conflicting interpretations of an issue can then lead to political struggles (Weick 1995: 53 citing Hall 1984). At this point, what kind of cue was extracted and how it was embellished becomes less important than how the cue is acted on (Weick 1995, pp. 54-55). At this point, sensemaking turns into policy framing, as explained in the previous section.

7. Driven by plausibility rather than accuracy

Studies of organizational behaviour, and more recently political sociology, are increasingly researching the role played by imperfect information in organisations and the consequences of inaccurate perceptions by decision-makers. Weick (1995, p. 56) points out that accuracy is actually not all that important. Rather, facts and a proposed course of action need to seem plausible. In addition, decision-makers are usually subject to constraints, such as time or budget, which also affects understandings and action (Weick 1995, p. 58). It has been suggested that these consequences do not necessarily have to be negative:

Because environments aren't seen accurately, managers may undertake potentially difficult courses of action with the enthusiasm, effort, and self-confidence necessary to bring about success. Having an accurate environmental map may be less important than having some map that brings order to the world and prompts action (Sutcliffe 1994, p. 1374).

As mentioned before, people think in projects, and accordingly '[b]eliefs that counteract interruptions and facilitate ongoing projects are treated as accurate. Accuracy, in other words, is project specific and pragmatic. Judgements of accuracy lie in the path of the action' (Weick 1995, p. 59).

For the study of sensemaking, it is therefore 'more productive to look at the filters people invoke, why they invoke them, and what those filters include and exclude' rather than looking at where and how decision-makers got it wrong (Weick 1995, p. 57). Accordingly, this study is going to ask what are the filters used in relations to the actors' project? What shortcuts or simplifiers do they use in order to get their project going (e.g. do they not differentiate between what kind of migrants)?

2. <u>Summary</u>

There are strong Pragmatist undertones to Weick's conceptualization of sensemaking. Interpretivism and frame analyses also share a considerable number of aspects, such as the importance of shared meanings, the contingent relationship between actors and their environment, and the importance of roles. But both sensemaking and policy framing each have something the other lacks. Sensemaking offers a more focused and explicit approach to how individuals in organisations make sense of an issue. Weick's work introduces ideas about the role of the environment, emotions, and potential selection biases that are highly relevant for this study, especially since this research contributes by analysing how actors make sense of the causes and consequences of child migration as opposed to only studying the policy-process and outcomes. However, the literature on policy framing highlights the role of the political environment, such as method of deliberation, which Weick's work does not mention, as it was written primarily for the

organisational studies literature. By connecting these two concepts – sensemaking and PI – this chapter established a framework that allows for the study of how concepts and meanings influence practices and actions.

IV. METHODS

The previous sections established that a Pragmatist interpretivist approach with a frame analysis driven by questions derived from Karl Weick's seven properties of sensemaking will serve as the theoretical framework for this study. The objective of this section is to explain what approaches or techniques allow a researcher to identify when, how and with what effects sensemaking processes occur and also to consider the influence these then have on policy and practises.

The following table shows examples of questions that were asked in order to capture each of the seven properties of sensemaking and the foundations of PI, and through which method they were asked. The methods deemed appropriate for fulfilling this study's objective are the semi-structured interviews, coding, and discourse analysis. The following pages are going to review each of these methods in detail.

Table 2: Methods for analysis

Question Asked	Theoretical Framework Property Addressed		Method Used
	Sensemaking (Concepts & Meanings)	Pragmatist Interpretivism (Practices & Actions)	
Please tell me about your career and current position.	Identity Construction Enactive of sensible environments; social		Interview, Discourse Analysis
What do actors see as the causes of child migration?	Focused on and by extracted cues; driven by plausibility rather than accuracy.	Framing	Interview, coding
What do actors think are some of the effects/consequences of child migration?	Focused on and by extracted cues; driven by plausibility rather than accuracy.	Framing	Interview, coding
If you reflect back on your life and career, what events would you say have shaped your understandings of migration?	Retrospective		
What 'problems' do actors identify in regard to child migration and how do they construct them? What are the proposed solutions?		Construction of problems and narratives and how they are used, framing	Discourse Analysis

Who do you see as the dominant actors and how do you think they manage to be so influential?	Social, enactive of sensible environments	Communities of Meaning,	Interview, coding, discourse analysis
Who do actors think their audience is?		Deliberation as inquiry	Discourse Analysis
What are some of the ways you/your organisation engage/s in policy-making and with policy-makers? How would you rate your ability to influence policy?	Enactive of sensible environments; social		Interview, Discourse Analysis
Do you see your understandings of child migration reflected in current policies and existing proposals?	Grounded in identity construction; ongoing		Interview
How do actors communicate and deliberate with each other? What are some of the power dynamics in play? How do actors use narratives in order to convince others? In what ways might the setting have caused an actor to align their understandings? How have understandings been simplified? What generalized other, prototypes, stereotypes, and roles exist?	Enactive of sensible environments; social; Focused on and by extracted cues; driven by plausibility rather than accuracy	Deliberation as inquiry, communities of meaning, dominance of actors' interpretations	Interviews, Discourse Analysis

It should be noted that there is not one separate question for each the properties of sensemaking or foundations of PI. Rather, the questions were designed to each touch on various aspects of the theoretical framework. Consistent with interpretivism, the analysis was fluid and not subject to boundaries. It was executed in a parallel rather than a consecutive way. Furthermore, the approach to analysis was shaped by the use of sensemaking. A fundamental aspect of the study of sensemaking is the focus on social interaction. Although the data are speech, discourse and interview materials, the data is used to analyse actors, their practices, and resources and how they are developed and shared with others. To support the analysis, 33 semi-structured interviews were conducted in Washington D.C. and South Texas plus an extensive analysis of primary and secondary documents. The data was then coded using NVivo software and subjected to a discourse analysis. Weick's (1995) sensemaking framework made it possible to extract certain themes from the data that went beyond the breakdown and re-organisation of the data as

stipulated by the coding process, consistent with the interpretive nature of this study. The following sections specify these approaches in more detail.

A. Interviews

A prominent method for gaining insight into actors' points of view is the qualitative interview (Corbetta 2003, p. 264). Qualitative interviews provide for the collection of information about participants' 'mental categories, […] interpretations and feelings, and the motives underlying [their] actions' (Corbetta 2003, p. 264).

Interviews for a research study differ from by chance encounters in that they have been solicited by the analyst based on certain criteria (Corbetta 2003). For this study, individuals have been selected based on their experience and expertise in the area of U.S. migration politics, immigration law, or child welfare. Their names have been obtained from reports, books or studies they have authored, news sources that quoted them, or transcripts from congressional committee hearing. Another source for selection was their position within an organisation that is somehow involved with child migration.

An interview differs from a general conversation between two equal individuals in that 'it is a guided conversation in which the interviewer establishes the topic and ensures that the interview is conducted according to the cognitive aims set' (Corbetta 2003, p. 265). For this purpose, there are two options: the questionnaire and the interview (Corbetta 2003, p. 266). Under the first option, the interviewee must select one of the possible answer choices provided by the analyst, which means that a particular framework is being imposed on the participant. Interviews, on the other hand, provide interviewees with the opportunity to use their own words and give their own impressions which might reveal new aspects of which the analyst had no previous knowledge (Corbetta 2003, p. 266). The semi-structured interview also enables participants to elaborate and explain their reasoning underlying their response (Corbetta 2003, p. 266). It also has the advantage that questions can be mildly modified so that they better fit the individual

participant but are still consistent with the research plan. Therefore, semi-structured interviews were the best option in trying to realise this research's objective. A list of guiding questions prepared for interviews can be found in the appendix.

It should be mentioned that results produced through semi-structured interviews cannot be considered to be representative of a population as a whole (Corbetta 2003, p. 269). However, because this method allows for participants' elaborations and story-telling, it offers the opportunity to increase understandings of issues relevant to the research, which is consistent with this study's objective. As pointed out by Corbetta (2003, p. 267), 'a single subject with whom the interviewer has been able to establish a relationship of fruitful empathy may be worth more, in terms of understanding and interpreting a certain social phenomenon, than dozens of questionnaires.'

There are a few particular considerations when conducting interviews with 'political elites'. Pierce (2008, p. 119) defines political elites as:

> People who exercise disproportionately high influence on the outcome of events or policies in your research area. They may be ministers, MPs, senior civil servants, business leaders, union leaders, members of think tanks or financial institutions, learned commentators, journalists, local councillors, chief executives, "gatekeepers" etc.

When conducting elite interviews, the setting and duration of the interview might be set by the participant and their schedule. The interviewee might also ask to switch between being on-the-record or off-the-record (Pierce 2008). When off-the-record, the participant might reveal some information that will help the interviewer better understand the context but that cannot be recorded in any way (Pierce 2008). Also, when it comes to elite interviews, responses can rarely be attributed and protecting participants' anonymity is of particular importance. In order to ensure that participants' anonymity has been protected, transcripts and recordings were assigned and stored with a Participant

Identification Number. The names of individuals, places, and organisations have been redacted from the interview transcripts.

The literature points out a few other considerations regarding interviewing elites. Zuckerman (1972, p. 16) notes that despite being part of a country's elite, its members are still subject to hierarchies within elite groups. But influence and power within an elite community might not exclusively be based on titles or positions (Harvey 2011, p. 433). Influence and power can also depend on the extent of actors' networks and general recognition by others (Harvey 2011, p. 433). Actors' narratives obtained through the interviews can help reveal these power dynamics.

Harvey (2011) mentions it is important to gain participants' trust and recommends being as transparent as possible. Participants were provided with an information sheet and a consent form and were offered to ask any questions they might have before agreeing to being interviewed. Thirty-three individuals agreed to participate in this study. The interviews were completed over a five-week period in the United States. Locations included Washington D.C. and multiple cities in the Rio Grande Valley in Texas which has seen the largest influx of child migrants in recent years (US CBP 2015). The interview transcripts were subjected to data coding, a process used to facilitate analysis. The next section will describe this process in further detail.

Table 3: List of participants

Actor (broad category)	Description or Examples	Other experience	Number of Individuals Interviewed
Department of Homeland Security (DHS)* *(referred to as immigration authorities throughout this thesis)	Immigration Enforcement Agencies. Includes USCIS, CBP, ICE, CFO		3
Congressional Staff		1 participant also has DHS experience	3
Foreign Policy Actor	Department of State, USAID	1 participant also has White House Experience	3
Department of Justice	Executive Office of Immigration Review, Attorney General	Participant also has DHS and NGO experience	1

Department of Health and Human Services	Office of Refugee Resettlement		1
Civil Society Organizations	Includes direct service providers, human rights organizations, legal organizations		7
Faith-based Groups	Catholic Charities, Lutheran Refugee and Immigration Services		3
Restrictionist Groups	Examples include Center for Immigration Studies, Numbers USA, FAIR		3
Research	Includes academics, independent research organizations (e.g. think tanks) and government agencies tasked with research (e.g. organizations used by Congress)		6
Sub-national Actors	Includes activists, city officials, local charities, and religious institutions		3
Total Number of Participants			**33**

B. Coding using NVivo

Coding is a popular method of organising and analysing qualitative data (Pierce 2008; Saldaña 2016). A 'code' is essentially a label that 'symbolically assigns a summative, salient, essence-capturing, and/or attribute for a portion of language-based or visual data' (Saldaña 2016, p. 4). In an abductive analysis, an initial set of codes are created when first reviewing the data. This is called *a priori* coding and is driven by the research's theoretical framework (Gibbs and Taylor 2005). Upon reviewing the data, these codes can be adapted and new ones can be added as new meanings and patterns emerge (Gibbs and Taylor 2005).

After the data has been coded for the first time, the initial results typically represent a summary of the available information (Gibbs and Taylor 2005). This can also be referred to as descriptive coding (Gibbs and Taylor 2005). The next phase is called analytic/theoretical coding and moves beyond description by asking 'why what is occurring in the data might be happening' (Gibbs and Taylor 2005).

In order to keep the codes organised, a coding frame was created. This consists of a list of each code and a short description of each code (Gibbs and Taylor 2005). When coding a new line or phrase of text it was matched against the code's description to ensure consistency. Every time a new code is created, it is important to make sure to apply it to the entire data set (Gibbs and Taylor 2005).

Figure 2: Applying new codes

Source: Gibbs and Taylor 2005

Once a large number of codes had been created, the codes were organised into groups or hierarchies. This facilitated the observations of new patterns or trends, and perhaps more importantly at this stage, can lead to the emergence of relationships among codes that are central to the inquiry (Gibbs and Taylor 2005).

To help facilitate this process, coding was done via NVivo – a Computer Assisted Qualitative Data Analysis Software (CAQDAS). It used to be the case that coding was done by hand, e.g. by using coloured pens and post-ed notes, as well as manually cutting and pasting to rearrange the data into categories or codes (Hilal and Alabri 2013, p. 181). The development of CAQDAS changed this (Hilal and Alabri 2013, p. 181; Saldaña 2016, p. 28). However, the software does not actually code the data itself (Saldaña 2016, p. 30). Instead, it 'efficiently stores, organizes, manages, and reconfigures your data to enable human analytical reflection' (Saldaña 2016, p. 30). Because of a computer's capacity to securely and systematically store significantly larger amounts of data and information than a person, it is widely accepted that the use of CAQDAS 'helps to ensure rigour in the analysis process' (Bazeley and Jackson 2013, p. 3; see also Hilal and Alabri 2013, p.

182). For larger projects, software can therefore be 'a vital and indispensable tool' (Saldaña 2016, p. 28). However, the quality of a findings largely depends on a researcher's ability to interpret and analyse the data (Bazeley and Jackson 2013, p. 3). The theoretical framework developed by this study should help support consistency.

While there are different CAQDAS, NVivo has some particular advantages. It allows 'importing' from other applications, making it possible to organise and analyse not only text, but also audio, videos, images, surveys and web/social media content (Saldaña 2016, p. 32; Silver and Lewins 2014, p. 70; Edhlund and McDougall 2019, p. 12). NVivo further offers tools for data visualization (Silver and Lewins 2014, p. 71). It also has an impressive 'query' feature where you can 'ask simple or complex questions of the data' and the results of those queries can be saved (Silver and Lewins 2014, p. 71; Bazeley and Jackson 2013, p. 3).

For this study, as a first step, all data was compiled and uploaded – or 'imported' – into one NVivo file – also referred to as 'project'. This included all interview transcriptions, congressional committee hearings, and news/online sources. All materials were then coded via the coding process described above. Coded data in NVivo is stored in individual 'nodes', irrespective of which source the code was applied to. This made it possible to assemble all data relevant to one theme into one place from multiple sources which greatly helped facilitate the analysis once the coding process was completed. In line with a priori coding and the abductive nature of this research, initial nodes included: child; migrant; type of actor; causes of child migration; consequences of child migration; 2014 child migrant 'crisis'; and policy and legal environment. These initial codes were influenced by the literature (e.g. child and migrant), the theoretical framework (e.g. actors; 2014 crisis) and the interview questions. Throughout the coding process, these initial codes were expanded to include roughly 63 nodes in total, most of which were grouped under the initial nodes. Throughout the coding process, memos were written to

document the thought process throughout the creation and application of the codes. Similar to a coding frame, writing memos ensures that data analysis is carried out methodically. While the data was being coded, the interview transcripts were also subjected to a discourse analysis. This allows insight into questions such as how actors construct their identities or how they organise experiences into categories and events.

C. Discourse Analysis

There is no set definition of what constitutes *discourse*. In fact, there is rather large literature on it debating its meanings and what concepts to use in a discourse analysis, which cause some to say that 'there is a discourse on discourse' (Pierce 2008, p. 279; Fischer 2003)

Broadly speaking, when social scientists talk about discourse, they commonly refer to language that is 'in use' (Lynch 2007, p. 499). This includes 'both spoken and written language, as well as various other communicative media' (Lynch 2007, p. 499). Rather than being interested in sentence structure or word use, discourse analysis is concerned with 'larger organizational units […] [such as] narratives, stories, and conversational exchanges' (Lynch 2007, p. 499). An important characteristic of discourse is that it is active, naturally produced and observable (Lynch 2007, p. 499).

The study of discourse aims to assess how 'systems of meaning or 'discourses' shape the way that people understand their roles in society and influence political activity' (Pierce 2008, p. 280 citing Howarth 1995). It is important to remember that a discourse analysis does not aim to uncover the truth about what is discussed, but rather 'who claims to have truth' (Carver 2002, p. 53).

A focal aspect of discourse analysis is 'reflexivity', which represents the interpretivist notion that 'meaning is "intentional" – that words and utterances are directed toward referents, and oriented to audiences or recipients' (Lynch 2007, p. 501, emphasis in original). As Lynch (2007, p. 501) explains, 'the meaning and grammatical

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organisation of words, gestures, utterances and stories is not inherent in the formal features of the linguistic "objects" taken in isolation, but is a property of their production and reception as actions in context'. However, 'unintentional actions' are relevant as well as they are 'reflexive to the context of their production' (Lynch 2007, p. 501). Not only the sentences and how they work together to amount to larger units of organisation - such as narratives - matter, but also pauses, silences, cut-off words, and non-verbal communication are subject to analysis (Lynch 2007, p. 505). An 'utterance', for example, can actually be a question (Lynch 2007, p. 506).

Consistent with interpretivism, the setting in which the discourse happens is highly relevant. As pointed out by Pierce (2008, p. 281), 'the meaning of the language will be determined by the context and societal social norms'. This means that also surrounding noises and signs matter. Pierce (2008) gives the example of a referee's whistle or a traffic light. Lynch (2007, p. 502) describes the two concepts of 'thick' versus 'thin' descriptions. A thin description would for example focus on 'particles of speech and bodily motions arrayed in space-time' (Lynch 2007, p. 502). It is something that can be captured on camera. A thick description, on the other hand, does not only tell what exactly is happening, but why it is happening. Bevir and Rhodes (2006) give the example of when you see a swimmer moving his hand, is he waving or drowning? Only the context will give you an answer to that question.

There a various types of discourse analysis (Antaki 2008, p. 433). One that is of particular relevance to this study is the narrative analysis. Pierce (2008, p. 300) defines a narrative as 'an account of a past event' that can be 'verbal, written, visual or aural' or 'a combination of media.' Narrative analyses are conducted in order to gain insight into how 'the narrator finds a pattern and chronology that makes sense of her or his own unique life and the events in it' (Antaki 2008, p. 433). While identified patterns and chronologies might by particular to an individual, they can also be shared along like-minded groups

(Antaki 2008, p, 433). Narratives can be told by people with a certain authority – like political actors or the media – or by individuals recounting their own experiences. In case of the former, the narrator acts as some sort of mediator for the audience (Pierce 2008). In general, discourse analysis is not only concerned with who the speaker is, but also who the audience is, how the discourse is understood, and what are the effects (Pierce 2008; Lynch 2007, p. 505).

How speakers construct their stories usually also reveals aspects about their identity. As pointed out by Pierce (2008, p. 305), a speaker's identity usually consists of a narrative-of-the-self, as 'the self is nothing but stories.' Given Weick's (1995) emphasis on the role of identity construction in sensemaking, a narrative analysis is an essential tool for this study.

In addition to uncovering how individuals organise their experiences and how they construct their identity, narrative analyses can also help uncover so-called meta-narratives or grand narratives. These are narratives who shape individuals' lives without them being conscious about it. They include cultural scripts that tell us what is appropriate and what is not (Hyvärinen 2008, p. 455). They shape people's expectations which then again inform judgements (Hyvärinen 2008, p. 456). They are not told explicitly, but rather show an underlying presence that is reflective of the society the individual lives in. History is an example of a very powerful narrative as it helps shape national identity, which then in turn conditions the structures of states (Pierce 2008). Who tells the story is of importance, as there are usually master narratives that are told by the privileged, and counter-narratives that offer alternative stories (Hyvärinen 2008, p. 455).

In summary, when conducting a narrative analysis, the analysists asks questions that are characteristic of most discourse analyses including what is the setting and purpose, who is telling the story, how is it being told, who is the target audience and what are the effects? (Pierce 2008, pp. 302-303; Hyvärinen 2008, p. 447). Answers to these

questions will reveal important information about aspects of interpretivist inquiry that will greatly enhance existing understandings of U.S. child migration governance.

V. LIMITATIONS OF THIS STUDY

While this thesis adopts an interpretive approach, it is also the case that interpretivism has its limits. A key criticism is that its findings are not generalizable (Turnbull 2016, p. 386). Given the importance of context in interpretivism and the nature of narrative analysis, it can be difficult to measure how widely spread a belief is - or demonstrate under what circumstances or how likely something is to occur. But it is not the purpose of this research to derive a theory of how a particular political phenomenon operates. Rather, this study derives from the observation that existing literatures widely used the ambiguous assumption of the 'vulnerable-threat' when referring to child migration without offering thorough investigation of this claim. This inquiry aims to address this gap by investigating how actors form understandings in a very specific context. Sensemaking and a PI approach to governance are seen as best suited to fulfilling this objective.

Nonetheless, the systematic coding of data ensures the emergence of certain patterns which provide information about the characteristics of the U.S. child migration governance system. While these patterns and characteristics might not be any sort of prescription, they still offer insights about actors in migration governance applicable to other areas in that field. This study's results are relevant to child migration governance in other geographical regions, as well as U.S. migration governance in general. A more detailed discussion on this research's limitation is included in Chapter 8.

VI. CONCLUSION

The objective of this chapter was to design a programme of research that facilitates the study of the connection between concepts and meanings and practices and actions in governance. It was shown that a Pragmatist Interpretivist framework grounded in Weick's

(1995) seven properties of sensemaking allows the researcher to understand how actors in U.S. child migration governance make sense of the causes and consequences of child migration and how their interpretations help shape policy outcomes (RQ1 and RQ2). This can be achieved through the use of semi-structured interviews, coding, and a discourse analysis. Each of these techniques was reviewed in this chapter in more detail.

Executing this research will help fill an important gap in the current literature on child migration. Existing approaches tend to focus on outputs or outcomes of governance systems, offering largely empirical or applied analyses of child migration. This thesis offers an approach that looks much more closely at the operating assumptions of actors within these systems. It moves beyond assessing what factors shape actors' understandings and shows how these can then shape or influence policy and practices. This will help expand understandings of the vulnerable-child-threatening-migrant narrative that is prominent in existing studies.

Chapter 4: Child Migration in the United States and its Context

I. INTRODUCTION

This chapter's objective is to locate the issue of child migration in the United States in its larger context. As established in the previous chapter, studying governance in an interpretivist manner requires identifying actors' 'wider webs of meanings' (Bevir and Rhodes 2006, p. 2). This is also consistent with Weick's (1995) approach, which holds that sensemaking is a complex process and one of its aspects is that people use existing frames of references against which they match new information to make sense of an issue or situation. This chapter will explore the dynamics surrounding the U.S. child migration governance system that have helped shape it into the system as it operates under the second Obama administration (2012-2016) and which constitution and processes this thesis seeks to better understand.

The chapter is split into two major parts. The first part focuses on immigration politics in the United States. This section will show how immigration politics has evolved into one of the most complex and contested policy areas, ultimately leading to policy stalemate, preventing the enactment of Comprehensive Immigration Reform (CIR). This chapter asks how these developments - the stalemate of CIR - and actors' responses to it impacted the dynamics and relationships within the governance system.

The second part of this chapter focuses on the area of children and migration specifically. Amidst the larger immigration debate, 'children and migration' used to be a rather small policy area. The first sections of part two of this chapter will examine the emergence of child migration as a policy area, both internationally and domestically. The following section will investigate the legal and policy developments that build the overarching framework of the current child migration governance system. The final two sections will explore the events surrounding the 2014 child migrant 'crisis', which led to this normally small policy area becoming a hugely politicized issue. The analysis

presented in subsequent chapters will help gain insight into the process that have led to this change.

II. Immigration and the United States

This section's objective is to is to analyse the evolvement of the general immigration debate in the United States, against which backdrop child migration occurs. The following section will analyse the developments that have led to the stalemate of the CIR and what implications these developments had for the dynamics between actors within the governance system. It will be shown, that tensions within the government linked to increased polarisation of U.S. politics played a large role. The field of immigration became characterised by a fierce conflict between actors. This included conflicts between the federal and state level, and perhaps more importantly for the issue of child migration, conflict between the political parties and the executive and legislative branch of government. Consistent with interpretive governance theory, actors and their surroundings influence each other reciprocally. Subsequent chapters will highlight how the relationship between the administration and Congress impacted the area of child migration.

A. U.S. Immigration Law and Procedure

As any other area of law and policy in the United States, immigration is subject to the overall governmental structure. The U.S. government is often discussed in terms of three branches: The Executive Office, the Legislative Branch, and the Judiciary. Created by the U.S. constitution, a key feature of the U.S. government is the system of 'checks and balances' (Maisel 2016, p. 3). This means that each branch of government holds certain powers that allows it to somehow become involved or otherwise 'check' actions initiated by other branches.

In addition, the United States is a federal system where powers are divided between states and the federal government. In the case of immigration, regulatory power is

awarded to the federal government, which means that states are prohibited from issuing their own laws on the subject (Weissbrodt and Danielson 2004). In cases where states have moved to issue their own laws, the supreme court has commonly decided to uphold the status-quo, siding with Congress (Weissbrodt and Danielson 2004). States and localities, however, may pass regulations that affect the lives of immigrants living in their communities. This can include areas such as business licensing, health care services, or housing agreements (Ramakrishnan and Gulasekaram 2014, p. 1). In the past years where the United States has issued more restrictionist immigration policies federal legislation has increased the role of local and state actors, although this only applies in the case of enforcement and not to regulating admissions (Varsanyi et al 2012, para. 2).

This delegation of authorities does not come without conflict and this is especially true for the area of immigration, which has become a more and more contested issue over the past decades (Tichenor 2008, p. 226). For Tichenor (2008, p. 226), 'congressional and White House officials dreaded the issue because of the contentious and unpredictable politics it routinely inspired'. Actors tried to address the issues in ways that fit their interpretations but being unable to achieve compromise and/or agreement with other actors, they often resorted to using their powers awarded to them by the U.S. constitution. This resulted in 'the entire structure of U.S. immigration and of refugee and immigration policies [being] recast by significant federal legislation, independent executive actions, and judicial rulings' by the end of the 1990s. The following section will review some of these developments.

B. Comprehensive Immigration Reform: Constant Gridlock

The United States has the world's largest number of foreign-born residents (Martin 2014, p. 48). There are three different types of foreigners in the United States: 'immigrants', 'visitors', and 'unauthorized'. This third group has received a lot of attention. Most unauthorised immigrants are from Mexico, although that number dropped

slightly as a consequence of the post-2008 U.S. economic recession (Martin 2014, p. 53). In 2012, it was estimated that approximately 11 million unauthorised foreign citizens were present in the United States (Martin 2014, p. 53). While this number is lower than it was in 2007, when the number of unauthorised immigrations was estimated to be 12 million, it is a significant increase from the estimated 8 million in 2000 (Martin 2014, p. 53). Many individuals enter the United States by illegally crossing the U.S.-Mexican border, however, approximately 40 per cent of unauthorised individuals enter the U.S. legally with a visa but then over-stay, hence remaining in the United States unlawfully (Martin 2014, p. 53).

Given these developments, some have described the United States' immigration system as 'broken' (The Economist 2018). This has led to calls for a complete overhaul of the existing immigration system. In addition to awarding legal immigration status to the estimated 11 to 12 million unauthorised persons currently living in the United States, comprehensive immigration reform would include: 2) a further increase in border security and immigration enforcement towards individuals in the United States; 3) a reform of the existing legal immigration system; and 4) the administration of a non-immigrant channels to ensure the United States' labour demands are met. According to Chishti (2016, p. 10), these 'four components are sometimes referred to as the "four-legged stool" of comprehensive immigration reform.'

The 'blue-print' for this can be found in the last comprehensive immigration reform, which was passed more than 30 years ago (Feldman 2013, p. 3). The Immigration Reform and Control Act of 1986 (IRCA) represented 'the first major attempt by Congress to address the problems of illegal immigration' (Chishti and Kamasaki 2014, p. 1). IRCA created a system of increased border security to deter unlawful entries, sanctions for employers who hired unauthorised workers, and amnesty for people who were present unlawfully in the United States. As pointed out by Chishti and Kamasaki (2014, p. 1),

actors behind these efforts hoped that the size of the undocumented population could be controlled and create a 'clean slate on illegal immigration.'

But as mentioned above, this objective was not achieved. As pointed out by Chishti and Kamsaki (2014, p. 2), '[t]wenty-six years after the law's passage, the authorised immigrant population in the United States has grown almost threefold, from an estimated 4 million in 1986 to the most recent estimate of 11.5 million.' This happened despite the drastic increase in funds for increased border security. By 2012, the government spent roughly fifteen times more on border security than in 1986 (Chishti and Kamasaki 2014, p. 2). The next generation of comprehensive immigration reform (CIR) needs to address this. Since actors have different definitions and understandings of what exactly is broken about the current immigration system, and what the solutions should look like, no agreement has been reached and all efforts at CIR have failed since 1986. As a consequence, actors tried to control immigration in different ways through different avenues that are made available to them by the U.S. constitution. The following section will review these actions.

C. Efforts at Further Restricting Immigration: the 1990s

Concerned by the continuing increase in undocumented immigration and the persistent absence of further reform, the United States undertook a series of action since the passage of IRCA with the intention to further restrict and control immigration. Broadly speaking, there are two aspects to this. First, making it increasingly difficult for people to cross the border, therefore preventing the size of the undocumented population from further increasing. Second, enforcing immigration law against the undocumented population already residing in the United States (e.g. increased detention and deportations). During the 1990s, the United States adopted deterrence as the primary strategy governing the U.S. immigration system, largely through increased border enforcement. Before the 1990s, immigration enforcement tended to focus on arresting

and deporting unauthorised immigrants already present in the United States (Ewing 2014: 99). In the 1990s, the 'prevention through deterrence' strategy was announced (Ewing 2014, p. 100; Giordano and Spradley 2017, p. 200). In 1994, the U.S. Border Patrol implemented a strategic plan that increased enforcement capacity along the border and consisted of three phases. Those phases included:

- Phase I: Operation Gatekeeper in San Diego, California, Operation Hold the Line in El Paso, Texas;
- Phase II: Operation Safeguard in Tucson, Arizona;
- Phase III, which is unnamed but applied to all other areas alongside the U.S.-Mexico border (Giordano and Spradley 2017, p. 201).

According to Feldman (2013, p. 3), actors:

> believed that the harsh desert and mountainous geography of the rural areas would serve as a natural barrier and discourage individuals from crossing, or would alternatively funnel migrants into this hostile terrain, where the Border Patrol would supposedly have a tactical advantage.

With the expansion in surveillance in urban areas, migrants were increasingly forced to cross through particularly treacherous terrain, such as Arizona's Sonora Desert (Giordano and Spradley 2017; Ewing 2014). The Border Patrol assumed that migrants would be easier to detect when being forced to move through more remote areas (GAO 2006, p. 7). Furthermore, it was 'assumed that natural barriers including rivers, such as the Rio Grande in Texas, the mountains east of San Diego, and the desert in Arizona would act as deterrents to illegal entry' (GAO 2006, p. 7). Instead of deterring people from attempting to cross into the United States, the main impact was that migration flows were diverted through much more dangerous terrains (GAO 2006, p. 7). Being faced with extremely harsh hot and cold weather conditions in the more remote areas, many more migrants suffered injuries or death while trying to enter the United States (GAO 2006, p. 7; Giordano and Spradley 2017, p. 200).

Since the number of undocumented immigrants continued to rise despite the increased border controls, Congress passed the Illegal Immigration Reform and

Immigrant Responsibility Act (IIRIRA) in 1996 in an attempt to further combat undocumented immigration (Feldman 2013, p. 3). IIRIRA included several provisions that facilitated increased detention and deportation of migrants (Rodríguez and Hagan 2016, p. 35). Those provisions increased the role of state and local governments in immigration enforcement (Rodríguez and Hagan 2016, p. 35). Clause 278(b) of the IIRIRA 'invited state, county, and city law enforcement agencies to sign partnerships with the federal government to enforce civil violations of federal immigration law' (Varsanyi et al. 2012, para. 3).

Over the next years, several states passed legislation that made it harder for immigrants to attend public universities and colleges and, 'restricted the ability of unauthorised immigrants to drive, rent, and to congregate in certain areas to look for work' (Rodríguez and Hagan 2016, p. 35). A particularly notorious law was SB1070, also known as 'Arizona's Immigration Law'. This colloquial title is however misleading. This and related legislation did not per se award states more power in regulating immigration. This is still the responsibility of the federal government (Santos et al. 2017). Rather, 'state government wanted to foster conditions within the state that were so inhospitable to Latina/os and immigrants, documented or not, that the undocumented would self-deport or avoid entering the state altogether' (Santos et al. 2017, p. 3). There is a literature that documents the impacts this hostile environment has had on the well-being of communities and families, including children (Santos et a. 2017, p. 3).

D. The 2000s and beyond: 9/11 and Immigration in its Aftermath

After 2000, President George W. Bush, a former border-state governor in Texas promised during his campaign to facilitate faster family and employment immigration proceedings (Rosenblum 2011b). With statements such as 'immigration is not a problem to be solved; it is the sign of a successful nation' (as quoted by Rosenblum 2011b, p. 3), many were hopeful that he would be able to move the nation closer towards CIR. Bush

sought active collaboration with Mexican President Vincente Fox, working towards a bilateral immigration deal 'encompassing legalization, border enforcement, and a new temporary visa program' (Rosenblum 2011b, p. 3). While several pieces of legislation hardening U.S. immigration passed, there were some developments towards providing relief to particular groups. For example, on 01 August 2001, the U.S. Senate introduced the Development, Relief, and Education for Alien Minors (DREAM) Act, which aimed to address the situation of undocumented students who were unable to obtain a university education at in-state tuition rates as a result of an IIRIRA provision (Feldman 2013, p. 6).

These developments were interrupted by the 9/11 terrorist attacks (Feldman 2013, p. 4; Rosenblum 2011b, p. 4). The attacks had been carried out by individuals who had boarded the planes carrying student and visitor visas (Rosenblum 2011b, p. 4). Consequently, immigration processes and border patrol controls 'immediately became a central topic of concern in the aftermath' of the attacks and meant that the already contentious area of immigration was now connected to the issue of combating terrorism (Rosenblum 2011b, p. 4). The United States government moved on the pass numerous measures with the intention of catering to the 'war on terror' and several of these had pronounced implications for the area of migration. The 2002 Homeland Security Act (HSA) provided for a systematic reconstruction of federal agencies (Iyer and Rathod 2011, p. 10). Prior to the passage of the HSA, the Immigration and Naturalization Service (INS), which was located within the Department of Justice (DOJ), was the designated agency for all immigration issues (Iyer and Rathod 2011, p. 10). The HSA provided for a dismantling of the INS into three components 1) the United States Citizenship and Immigration Services (USCIS), 2) Customs and Border Protection (CBP), and 3) Immigration and Customs Enforcement (ICE) (Iyer and Rathod 2011, p. 10). All of these agencies were to be located within the newly created Department of Homeland Security (DHS) (Iyer and Rathod 2011, p. 10). To serve as the new agency's head, Congress

created the new cabinet level position of the DHS Secretary. Congress further declared the DHS's primary mission as 'preventing terrorism and minimizing the impact of terrorist attacks within the United States' (Iyer and Rathod 2011, p. 10). This meant that all immigration departments were now situated within an agency that had fighting terrorism as its primary objective.

In the following years, Congress passed several acts that further tightened immigration controls, frequently in the name of fighting terrorism (Feldman 2013). The Enhanced Border Security and Visa Entry Reform Act of 2002, which the Center for Immigration Studies described as the 'most comprehensive immigration-related response to the continuing terrorist threat that America faces', focused on increased monitoring of individuals trying to enter the United States (Jenks 2002, para. 1). This included introducing travel and visa documents with biometric technology, the creation of integrated databases so that officials from different agencies could have 'access to electronic information needed for alien screening', and a unified entry/exit monitoring system (Wasem 2010, p. 4; Jenks 2002). The act also increased monitoring of foreign students by increasing educational institutions' responsibilities in tracking the whereabouts of their foreign students and providing that information to the government (Jenks 2002).

Similarly, the REAL ID Act of 2005 introduced national guidelines on the issuance of IDs and driver licences, a responsibility normally delegated to states (Bradley et al 2017, p. 880). Proponents of the Act thought that this might better prevent foreigners using fraudulent ID cards to enter or remain in the United States, as has been done by some of the individuals who committed the terrorist attacks of 9/11 (Bradley et al. 2017, p. 880). However, several states objected to the guidelines and requirements for processing and data collection associated with the new ID cards. During the first two years following the passage of the real ID Act, very few states implemented the federal

requirements (Bradley et al. 2017, p. 880). After that, 15 states even 'enacted statutes specifying their state would not comply with the act and additional five have passed nonbinding resolutions opposing compliance' (Bradley et al. 2017, p. 880). As reasons for resistance, Bradley et al. (2017) cite the great financial burden of implementing the systems required by the REAL ID Act, as well as seeking to prevent increased federal power in state matters.

Another notable policy that formed part of this increasingly restrictive environment was 'Operation Endgame', which is 'a strategic plan for the decade in which it made clear its goal of "removing all removable aliens."' (Feldman 2013, p. 4). These developments led to 'an unprecedented increase in detentions and deportations' (Iyer and Rathod 2011, p. 10). As pointed out by Martin (2012, p. 313), the yearly detention of non-citizens increased from 146,760 to 369,483 individuals, more than doubling between 1999 and 2009 (Martin 2012, p. 313). As pointed out by Kilgore (2011: 42), immigrants are often detained for years before being removed across the border. The developments caused 'unease and confusion within immigrant communities' (Iyer and Rathod 2011, p. 10).

In December 2005, the House of Representatives passed an act with such negative implications for immigrants that it sparked nation-wide protests by immigration communities (Engler and Engler 2016b; Lavariega Monforti and McGlynn 2015, p. 550). The Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) explicitly linked terrorism and immigration (Feldman 2013, p. 4). This act, commonly referred to as the Sensenbrenner bill (after its sponsor Rep. F. James Sensenbrenner Jr. (R-Wis.)) provided for the doubling of the size of the Border Patrol and for the construction of 700 miles of militarised fencing alongside the U.S-Mexico border (Feldman 2013, p. 5; Engler and Engler 2016b, p. 214; Lavariega Monforti and McGlynn 2015, p. 550). In addition, it effectively criminalised being an undocumented person and introduced sanctions for individuals aiding undocumented individuals, such as giving out

food, providing shelter or medical services (Feldman 2013, p. 5, Engler and Engler 2016a, para. 2; Lavariega Monforti and McGlynn 2015, p. 550). In the hopes of preventing the U.S. Senate from passing the bill, which would have effectively turned it into law, 'demonstrations cropped up in more than 140 cities in 39 states. Some of the largest events took place in Southern California, culminating in a May 1, 2006 "Day Without Immigrants," when more than 500,000 rallied in Los Angeles to demand a pathway to citizenship' (Engler and Engler 2016a, para. 2).

The Sensenbrenner bill did not secure Senate approval (Engler and Engler 2016a, para. 3). However, 'neither did any positive immigration reform that would have legalised the status of undocumented immigrants' and the gridlock regarding comprehensive immigration reform persisted (Engler and Engler 2016b, p. 216). After the Sensenbrenner bill failed, Congress debated two additional legislative efforts at CIR. These included the Comprehensive Immigration Reform Act of 2006 (S. 2611) and Comprehensive Immigration Reform (S. 1639) (Wasem 2013). These efforts broadly featured the same elements: 'increased border security and immigration enforcement, improved employment eligibility verification, revision of legal immigration, and options to address the millions of unauthorised aliens residing in the country' (Wasem 2013, p. 1). However, members of Congress were unable to agree on the details of what the reform should look like and 'the thorniest of these issues centered on unauthorised alien residents of the United States' (Wasem 2013, p. 1). According to Massey et al. (2016, p. 1557), from 1986 to 2008, there was 'a fivefold increase in the number of U.S Border Patrol officers, a fourfold increase in hours spent patrolling the border, and a twenty fold increase in nominal funding.' Regardless, the number of unauthorized individuals present in the United States almost tripled, 'from an estimated 4 million in 1986 to the most recent estimate of 11.5 million' (Chishti and Kamsaki 2014, p. 2). As expressed by Swain (2018, p. 2), the presence of undocumented individuals presents a host of concerns, including

'criminal behavior, national security, refugee and asylee policy, family reunification, birthright citizenship, guestworker programs, human trafficking, and birth tourism. […] The list of immigration-related concerns and issues seems endless.' Unfortunately, despite high hopes, the situation did not become easier under the Presidency of Barack Obama, as the next section will detail.

E. President Obama and Immigration

According to Chishti (2016, p.11), there were high hopes that this stalemate would change with the election of President Obama. Obama had been vocal on immigration issues as a Senator and many argued that the Latino vote helped Obama get elected (Chishti 2016, p. 11). Republican efforts at CIR, which sparked the protests mentioned above, have been seen as alienating Latino voters (Engler and Engler 2016b). In addition, both chambers of Congress were controlled by the Democrats, which led people to hope that compromise would be possible (Chishti 2016, p. 11). However, President Obama chose to pursue other priorities, such as comprehensive health care reform, staying away from CIR during his first term (Spetalnick 2013, para. 5).

This failure to act earned Obama increased criticism from Latino Groups. The President of the National Council of La Raza (NCLR) publicly called him 'Deporter in Chief'[3] (Epstein 2014, para 2; Sakuma 2017, para. 4). In response, Obama showed strong support for the Border Security, Economic Opportunity, and Immigration Modernization Act of 2013 (Kim 2013). The bill was another effort at CIR and there where high hopes for its passage because it had been a bi-partisan effort. It had been developed by what was colloquially termed 'the Gang of 8', which included four Democrats and four Republicans (Kim 2013, para. 4). The Democrat-controlled Senate passed the act on June 27, 2013

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[3] There were about 392,000 deportations in 2010 under Obama, 'more than in any of the Bush years' (Kilgore 2011, p. 42). In addition, 'the number of incarcerated Latinos has increased by nearly 50 percent, crossing the 300,000 mark in 2009' (Kilgore 2011, p. 42).

(Magner 2016, p. 166). But the House of Representatives did not take up the bill, causing it to expire at the end of its session in 2014 (Magner 2016, p. 167).

F. Executive Action in 2014

In the absence of congressional action, the constitution of the United States does award the President some powers, such as the option of issuing executive actions (Wong 2017, p. 6). Not only did the U.S. Congress fail to pass CIR, it also never passed the Development, Relief, and Education for Alien Minors (DREAM) Act. First introduced under President Bush in 2001 in the Senate as S. 1291, its initial aim was to respond to the plight experienced by many undocumented young people trying to enter university after finishing school (Feldman 2013, p. 6). Their lack of immigration status made it impossible for them to qualify for in-state tuition rates or any federal grants and loans. This was due to provisions contained in the IIRIRA and the Higher Education Act of 1965 (Feldman 2013, p. 6). There were several initiatives over the course of the next decade that tried to remedy this fact. This included both stand-alone pieces of legislation, like the DREAM act, as well as proposals as part of larger CIR packages (Feldman 2013, p. 6). However, no legislation addressing the situation of undocumented minors, who in many cases were brought to the U.S. as very small children and do not have a strong relationship to any other nation other than the United States, was passed for the remainder of the decade.

Eventually, in August 2012, President Obama issued an Executive Order addressing the issue through the Deferred Action Childhood Arrivals Program (DACA). Under this programme, individuals who meet a set of criteria and who were unlawfully brought to the United States as children could apply for discretionary relief from deportation and a work permit for a two-year period, which could be extended for a further two years (Batalova et al. 2014). According to Batalova et al. (2014, p. 1), President Obama pursued two objectives with this Executive Order. On the one hand, he wanted to provide relief to

those minors and improve their situation by awarding them a legitimate - albeit temporary - status. On the other hand, he wanted to free up DHS resources to allow the agency to focus on more high-priority enforcement cases (Batalova et al. 2014, p. 1). Despite having been initially proposed under a Republican president in 2001, DACA offended many Republicans. Passing legislation is Congress' responsibility. When President Obama chose to use his power of executive order to put DACA in place despite the fact that Congress had not passed it into legislation, many Republicans accused the President of overstepping his powers, infringing on Congress' mandate (Hecht 2017, para. 5). With increasing party-divide on the issue, immigration seemed to move more and more towards intractability.

On June 30th, 2014, around the exact time when news broke across the country about the child migrant 'crisis' at the southern U.S. border, President Obama delivered public remarks on border security and immigration reform. During this speech, he announced that, 'I'm beginning a new effort to fix as much of our immigration system as I can on my own, without Congress' (The White House Office of the Press Secretary 2014a; Gulasekaram and Ramakrishnan 2016, p. 103). Frustrated at House Republicans' announcements that they will not vote on the latest immigration bill that would have addressed CIR, Obama highlighted what 'a year of obstruction has meant' linking it in with the 2014 child migrant 'crisis'. He further expressed,

> I want to repeat what I said earlier. If House Republicans are really concerned about me taking too many executive actions, the best solution to that is passing bills. Pass a bill; solve a problem. Don't just say no on something that everybody agrees needs to be done. Because if we pass a bill, that will supplant whatever I've done administratively (The White House Office of the Press Secretary 2014a).

In the following November, President Obama announced his Immigration Accountability Executive Action on Immigration (Kandel et al. 2015, p. 1). This executive action initiated and/or amended a range of programmes, including the border security policy for

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the Southwest border; interior enforcement priorities; skilled workers and immigrant integration and naturalisation (Kandel et al. 2015, p. 1). In addition, this executive action expanded DACA and initiated an additional deferred action programme – Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). DAPA provides deferred action for undocumented individuals who are parents of children who are U.S. citizens or lawful permanent residents. This last issue was one of the most controversial and salient of the executive action (Kandel et al. 2015, p. 1). DAPA and DACA combined provided relief from deportation and work authorisation for an estimated 5 million undocumented individuals (Kandel et al. 2015, p. 1).

Outraged at the President's action, several states with Republican governors, led by Texas, brought suit against the Obama administration (Hecht 2017, para. 9). The implementation of the executive action was put on hold when a federal district court issued an Order of Temporary Injunction on 16 February 2015 (Adler 2015, para. 1). A common criticism was that the President had abused his power and overstepped his authority by taking action in an area that is Congress' responsibility. On 23 June 2016, in Texas vs. the United States, the supreme court decided to halt the programme (Liptak and Shear 2016, para. 1). The issue generated a lot of public debate. For example, *Vox* designated this 'the biggest immigration case in a century' (Lind 2016). Several actors, including Obama and Walter Dellinger, who served as Acting Solicitor General in the Clinton Administration, said the decision crushed the hopes of the millions of people (Liptak and Shear 2016, para. 5, 6).

These events perhaps further exacerbated the already contentious relationship between Congress and the President and the two parties. Some might say that President Obama let the opportunity to secure immigration reform pass when he assumed his first term and had the necessary political majority. By the time he turned his attention to the issue, the political context had changed. The rather complex area of immigration, with its

numerous categories and issues, had been reduced in the public debate to a few dominant issues, such as security and undocumented migration.

What led the debate to develop this direction, and how did this end up shaping policy choices? Is it that terrorist attacks, including the attacks of 9/11 and the Boston Marathon attacks in 2013, 'have fuelled national security concerns', as argued by Swain (2018, p. 5)? Or is it driven by fears of the economic impacts and 'competition for scarce resources', as argued by Bernstein (2018, p. 141)? Perhaps it is concerns about crime (Bernstein 2018, p. 141)? Or is it as simple as xenophobia (Bernstein 2018, p. 141)? Is it due to opinion about good vs. bad migrants? Nicholls (2013, pp. 11-12) argues that DREAMers were able to emerge from simply being an immigration category to a political group because although they are undocumented immigrants in an environment that is becoming more and more hostile towards undocumented migrants, their circumstances did not remind their environment that they are 'illegal'. In his article for the New Yorker, Lizza (2013) argued that demographic shifts occurring in the United States as a consequence of immigration has implications for the political parties in terms of their ability to gain votes. Lizza (2013) cites a report produced by the Growth and Opportunity Project that highlighted that '[b]y 2050, the Hispanic share of the U.S. population could be as high as 29 per cent' noting that if the Republican party does not do something about attracting the Latino Vote, it might never win an election on the national level again. Lizza (2013) thinks that this finding might have caused some Senators to be more supportive of CIR, which is why the latest efforts have passed the Senate. In the House, however, he argues that many Republicans took a different approach by trying to further increase the margin of white votes, as they will still represent a majority of voters for many future decades.

Applying an interpretivist lens to the issue, the answer is that it is probably an interplay of these and other factors that have facilitate this contentious policy

environment. The objective of this study is therefore not to try to pin down a particular set of factors, but rather to try to establish a framework that allows for an analysis for *how* actors make sense of their environment and how these understandings then help shape policy outcomes.

Amongst this storm of immigration debates sits the small issue area of child migrants seeking to enter the United States undocumented and without a parent or legal guardian to advocate for them. While this issue did not become part of the larger immigration debate until the child migrant 'crisis' of 2014, the issue area does have a legislative and political history with concerns that are specific to unaccompanied children. The legacy of this history created a context that is particular to that area of immigration. The next section will explore the context of child migration in more detail. In addition, it will be shown how the 2014 child migrant 'crisis' led to child migration becoming entangled with the larger immigration debate, creating a new context for actors' sensemaking of the issue area.

III. MIGRATION AND CHILDREN

Children and youth migration have always been a part of international migration (Bhabha and Crock 2007, p. 32). But as subsequent chapters will show, in the case of child migration to the United States, this issue did not used to be a very high-profile area of migration. Regardless, this field has its own history and traditions which shape the current governance system, which will be explored in detail in Chapters 5 and 6. The objective of this section is to analyse the wider dynamics and structures that are particular to the small area of child migration. By analysing both the context of the larger U.S. immigration debate as well as the context of child migration, this chapter aims to understand the larger governance system within which the U.S. child migration governance system is embedded.

A. The United States and the Convention on the Rights of the Child

There have always been unaccompanied and separated children due to a variety of reasons, including war and natural disasters (Bhabha and Crock 2007, p. 28). In 2013, there were an estimated 232 million international migrants living abroad worldwide, meaning that 3.2 per cent of the world's population lived outside their country of origin (UN ECOSOC 2013). In 2010, the United Nations estimated that there were 33 million migrants under 20 years old worldwide (CRC Background Paper 2012; Schoenholtz 2012: 992). This number has increased by approximately two million since 2000 (CRC Background Paper 2012, p. 5).

The international community actually concerned itself with the rights of children early on in its formation. The League of Nations issued the Declaration of the Rights of the Child in 1924 (Bhabha and Young 1999, p. 87). This was adopted and extended by the United Nations in 1959 (Blanchfield 2010, p. 2). In 1979, in the year of the twentieth anniversary of the U.N. Declaration of the Rights of the Child, Poland submitted a proposal which, after ten years of negotiations, served as the template for the 1989 Convention of the Rights of the Child (CRC) (Engman 2015, p. 4). The CRC constitutes one of the most widely ratified international treaty in history (UN General Assembly Status of the CRC 2014). It requires states to protect the rights of all children – which it defines as anyone under the age of 18 - regardless of their legal status (Schoenholtz 2012, p. 992). This is stipulated by the 'best interests' principle in Article 3 of the 1989 United Nations Convention on the Rights of the Child (CRC) which states that:

> in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration (UNICEF and OHCHR 2012, p. 7).

Since Somalia ratified the treaty in October 2015, the United States is the only remaining country in the world that has not signed on to the CRC (Drake and Corrarino

2015, para. 1). The refusal of the United States government to ratify the treaty stands in contrast to its support of the CRC in the drafting of the bill. As pointed out by Engman (2015, p. 06),

> The U.S. played a pivotal role in drafting the CRC between 1979 and 1989. In fact, the Reagan and George H.W. Bush Administrations actively contributed to negotiating the treaty's text. U.S. negotiators pushed for the inclusion of articles addressing individual rights, based on the U.S. Constitution's Bill of Rights. These included family reunification, freedom of expression, freedom of religion, freedom of association and assembly, privacy, and protection from abuse.

In 1995, President Bill Clinton signed the CRC and sent it to Congress for ratification, as required by the U.S. constitution. Treaty ratification requires a two-thirds majority vote in the Senate to pass (Attiah 2014, para. 4). Opponents of the CRC, commonly Republican senators, voiced concern about U.S. sovereignty and about impacts on parental rights to educate and discipline their children (Blanchfield 2010, p. 9; Attiah 2014, para. 4). In addition, with family law being an area of state law, not federal law, there were questions around whether the international treaty conflicts with the U.S. constitutional delegation of authority (Blanchfield 2010, p. 8; Attiah 2014, para. 9). Others questioned the CRC as an effective tool in protecting children, considering that many countries that were known to regularly abuse children or fail to protect them on a large scale had ratified the treaty (Blanchfield 2010, p. 16).

The above accounts of Blanchfield, Attiah and Engman show that similar to comprehensive immigration reform, the CRC was a contentious issue with different actors holding different interpretations, which can influence outcomes. Although the ratification of the CRC was discussed under both the George W. Bush and the Obama administrations, as of April 2018, the United States has not ratified this treaty. It has, however, ratified the two Optional Protocols to the CRC in the 2003 (Engman 2015, p. 8). This shows that despite the opposition of some actors to the CRC, there is visible commitment to children's rights in the United States. Although the United States did not

ratify the CRC which requires countries to look for the best interests of children under their jurisdiction, regardless of the child's citizenship or legal status, the U.S. has several domestic laws that protect the interests of children. The United States also has a variety of domestic guidelines that specifically talk about migrant children, some of which even cite the CRC as international customary law and good practice (Bhabha and Young 1999, p. 89-90). The next section will provide an overview of the United States' legal and policy environment towards child migrants.

B. Migrant Children's Rights in the United States

According to Bhabha and Crock (2007, p. 30), before the enactment of the 1980 Refugee Act, the U.S. commonly resettled refugee children 'through ad hoc and situation-specific programs' which usually had one of the following objectives: 1) rescue children who were 'in direct danger of harm or persecution', 2) or who were 'displaced by war or natural disaster' and 3) the 'facilitation of inter-country adoptions by Americans'. An example of such a programme was *Operation Babylift* of 1975 under which approximately 2,547 children from South Vietnam where resettled to the United States and some European countries (Bhabha and Crock, p. 30).

As explained in Chapter 2, because of increased recognition of the fact that children might migrate to reach their country of destination by themselves, this issue has received increased attention. This recognition was accompanied by developments in the legal and policy environment towards this population. There are one agreement and two pieces of legislation that primarily govern the area of child migration in the United States (Terrio 2015a). They apply in all U.S. states, meaning that the role of individual U.S. states is therefore not as pronounced as it perhaps is the case in other areas of immigration law. These pieces of legislations and policies were mentioned by several actors who participated in this study. They include:

1. <u>The Flores Settlement Agreement of 1997</u>

In 1985, the National Center for Immigrations' Rights, the National Center for Youth Law, and the American Civil Liberties Union (ACLU) of Southern California filed a class action lawsuit against the Immigration and Naturalization Service (INS) (Terrio 2015a, p. 55). The suit was brought on behalf of four minors who had been detained by the INS. The first plaintiff was Jenny Lisette Flores, a fifteen-year-old girl from El Salvador. Apprehended in Southern California, the INS handcuffed Flores, detained her for two months amongst adults, and regularly subjecting her to strip searches (Terrio 2015a).

This occurred at a time when the United States experienced an influx of Central American migrants. Flores reported that she had been fleeing Civil War in El Salvador (Terrio 2015a). The INS's policy regarding unaccompanied minors used to be to release them to the community, unless they posed a particular threat. According to Terrio (2015a, p. 55), in an effort to 'stem the tide', the Western Region of the INS moved towards increased detention, only allowing release in exceptional circumstances. Advocacy organisations argued that conditions in detention were harmful to the children's welfare, violating existing U.S. standards.

The case moved through the legal levels, eventually reaching the supreme court. In 1997, the decade-long dispute was ended when the INS agreed to a settlement (Human Rights First: Feb. 2016). The Flores Agreement has since 'established a nationwide policy for the detention, treatment, and release of UAC and recognized the particular vulnerability of UAC while detained without a parent or legal guardian present' (Kandel and Seghetti 2015, p. 3). Among other regulations, the Agreement requires authorities to place the children in the 'least restrictive setting' available, taking the child's age and particular needs into consideration, and to release them as soon as possible (Young and McKenna 2010, p. 250; Terrio 2015a, p. 54). In addition, minors have to be provided with

adequate supervision to ensure their safety and are to be detained separately 'from unrelated adults whenever possible' (Kandel and Seghetti 2015, p. 3). Further, the Agreement established that all facilities housing unaccompanied minors must meet certain standards in terms of 'balanced nutrition, education, psychological counselling, medical services, [and] recreation' (Terrio 2015a, p. 54).

The enactment of the Flores Settlement Agreement was regarded as a major milestone towards improving the conditions for child migrants in the United States (Terrio 2015a; Young and McKenna 2010). However, it has been documented that the INS frequently failed to incorporate the standards set forward by the Agreement (Young and McKenna 2010, p. 251). As pointed out by Young and McKenna (2010, p. 250),

> Unaccompanied children were still detained for long periods of time, from more than six months to nearly two years. Children were inappropriately detained in secure facilities […]. Children with behaviour or mental health issues were also often placed in secure facilities because of a lack of services tailored specifically to children with such issues. Accusations of abuse at such facilities were prevalent.
> .

In response to the INS' failure to adjust practices towards child migrants, advocates drafted the Unaccompanied Alien Child Protection Act of 2000 (UACPA) (Young and McKenna 2010, p. 251). The UACPA asked for the creation of 'an Office of Children's Services within INS to holistically address unaccompanied children's needs' (Young and McKenna 2010, p. 251). But as pointed out in previous sections, the events of 9/11 had a profound impact on such efforts.

2.   Department of Homeland Security Act of 2002 (HSA)

The restructuring that resulted as a consequence of the passage of the HSA created some space for discussion of the needs of child migrants. The HSA adopted some provisions that had been put forward by the UACPA. Amidst the restructuring of the INS into the Department of Homeland Security (DHS), custody for child migrants was transferred out of this immigration complex over to the Office of Refugee Resettlement

(ORR), which operates under the Department of Health and Human Services (HHS) (Young and McKenna 2010, p. 251).

Advocates welcomed this change since the ORR had experience in working with resettled refugees – including children – and therefore could provide services that better carried to the needs of that particular group (Young and McKenna 2010, p. 251). Given that child migrants in the U.S. are not regularly awarded a guardian or legal representative by the government, the HHS effectively serves as the children's custodian (CGRS and Kind 2014).

3.   The William Wilberforce Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008

The TVPRA of 2008 forms the third piece of the legal framework governing the area of child migration in the United States. Initially, in 2000, the Trafficking Victims Protection Act was signed to increase protections for victims of human trafficking (American Immigration Council 2015, p. 5). Reauthorized on multiple occasions by the Bush and Obama administrations, it became referred to as the Trafficking Victims Protection Reauthorization Act (TVPRA). The provisions added in 2008 provide that all apprehended unaccompanied children are screened as potential victims of human trafficking, although the law differentiates between children from contiguous and children from non-contiguous countries (American Immigration Council 2015, p. 5; CGRS and Kind 2014, p. 48). Children who are either Canadian or Mexican nationals are screened for trafficking and any potential asylum claims by the U.S. Customs and Border Patrol (CBP), usually upon or soon after apprehension. If CBP does not find any evidence of credible fear of return or potential trafficking situation, child migrants can be summarily returned to either Mexico or Canada through the use of bilaterally established repatriation procedures (American Immigration Council 2015, p. 5). However, children who are from countries other than Canada and Mexico are 'transferred to the Department

of Health and Human Services (HHS) for trafficking screening [and] placed into formal immigration court removal proceedings' (American Immigration Council 2015, p. 5). The TVPRA of 2008 requires this transfer to happen within 72 hours after the children have been apprehended (Kandel 2017, p. 5).

The TVPRA also encourages the HHS to work with networks to connect child migrants with a pro bono counsel. In other aspects, the TVPRA of 2008 has added provisions to the policy environment towards child migrants which helped make it a bit more 'child-friendly'. This includes allowing all applications by unaccompanied minors to be processed at a first instance in front of the U.S. Citizenship and Immigration Services (USCIS) instead of the immigration court (CGRS and Kind 2014, p. 29). In contrast to immigration court, proceedings in front of the USCIS asylum office are non-adversarial in nature, which constitutes a more child-friendly environment (Podkul and Shindel 2018, p. 6). The TVPRA also exempts children from the one-year filing deadline, which bars individuals from receiving asylum if they fail to apply for it within one year of their arrival in the United States (Podkul and Shindel 2018, p. 6).

C. **The Child vs The Migrant**

The objective of this section was to review the areas of laws and regulations that make up the context of the U.S. child migration governance system. The reviewed requirements regulate the processes around child migration that involve multiple actors and their resources, and therefore plays a central role in shaping the net within which child migration governance is embedded. When looking at these legal and policy outcomes, one can understand why scholars have characterised the U.S. child migration environment as 'contradictory' (Bhabha 2014, p. 11; Earner and Križ 2015 p. 157). The field's legislative history implies that there seems to be an ongoing tug-of-war between actors trying to introduce more protections for children and other actors trying to treat them the same way as any migrant – just like Bhabha and Young (1999) have expressed.

However, what causes those actors to act that way? Is it really Western opinions about childhood that drive those practices (Crawley 2011, p. 1172; Thronson 2002, p. 980)? Or are there perhaps other factors that have less to do with the children, but more to do with the actors and their own environment? This thesis therefore asks how do the actors in U.S. child migration governance understand child migration, and how do those understandings help shape policy outcomes (RQ2). This research proposes that this can be achieved through the study of *sensemaking* as conceptualised by Weick (1995). According to Weick (1995), an excellent opportunity for the study of sensemaking constitutes when any form of 'interruption' occurs, such as a 'crisis' or 'turbulence' (Ansell et al. 2017). In the summer of 2014, the United States experienced a large influx of child migrants across its southern border, especially in the Rio Grande Region in Texas. Subsequent chapters will show, that this 'crisis' had a profound impact on actors' sensemaking and the U.S. child migration governance system. The next section will therefore review the events surrounding the 'crisis' and its implications for the larger governance system.

IV. THE 2014 CHILD MIGRANT 'CRISIS'

The objective of this section is to review trends in child migration to the United States, including the events surrounding the 'surge' of child migrants from the Northern Triangle Central American Countries – Guatemala, Honduras and El Salvador - in 2014. This section will also take the opportunity to review some of the procedures child migrants face once they reached the United States. The section concludes with briefly outlining the policy response to the 'crisis', which will highlight the fact that the 'surge' has led to the issue of child migration becoming entangled in the larger immigration debate.

A. Overview

Throughout the 2000s, U.S. authorities commonly apprehended between 6,000-8,000 children a year (CGRS and KIND 2014, p. 2). Those figures included

apprehensions at all points of entry, including children from all over the world (Jones and Podkul 2012). Between 2011 and 2014, the United States experienced a steady increase in the number of minors arriving unaccompanied (Rosenblum 2015, p. 3). The United States Border Patrol reported that 'apprehensions of unaccompanied children increased from 16,067 in fiscal year (FY) 2011 to 24,481 in FY 2012 and 38,833 in FY 2013' (Chishti and Hipsman 2014, para. 4). In FY 2014, the border patrol registered 68,541 apprehensions of unaccompanied minors at the U.S. south-west border (Kandel 2017, p. 1).

This figure constituted a drastic increase in numbers compared to previous years. A large majority of the child migrants came from Guatemala, Honduras and El Salvador (Northern Triangle Countries – NTCs) and Mexico (Seghetti et al. 2014). In addition to a change in numbers, changes in age, gender, and country of origin could be observed as well. Consistent with years prior, 82 per cent of unaccompanied minors apprehended at the southern U.S. border in 2009 were child migrants from Mexico (Seghetti et. al 2014, p. 3). During the same year, child migrants from the NTCs only accounted for 17 per cent. By 2014, however, 'the proportions had almost reversed, with Mexican UAC comprising only [25 per cent] of the 47,017 UAC apprehensions, and UAC from the three Central American countries comprising 73 [per cent]' (Seghetti et. al 2014, p. 3).

Table 4: Unaccompanied alien children encountered by Fiscal Year (FY)
Fiscal Years 2009-2014; Fiscal Year 2015 (October 1, 2014 - June 1, 2015)
Source: U.S. Customs and Border Protection, Southwest Border Unaccompanied Alien Children (2016)

Country of Origin	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015*
El Salvador	1,221	1,910	1,394	3,314	5,990	16,404	4,458
Guatemala	1,115	1,517	1,565	3,835	8,068	17,057	8,048
Honduras	968	1,017	974	2,997	6,747	18,244	2,533
Mexico	16,114	13,724	11,768	13,974	17,240	15,634	7,487

* until June 2015
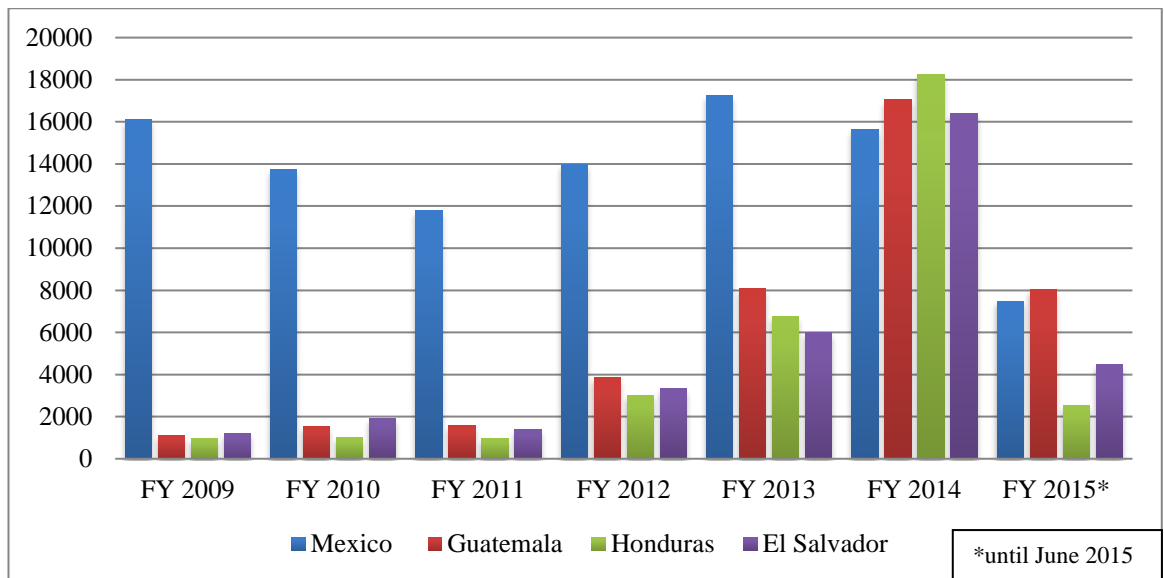
Figure 3: Number of UAC apprehended by U.S. border patrol
Source: U.S. Customs and Border Protection, Southwest Border Unaccompanied Alien Children (2016)

The shift from Mexico as the largest sending nation to the NTC countries does not represent the only recent development in child migration in the region. In the past, the large majority of minors migrating from Latin America to the Unites States consisted of boys aged between 14 and 17 (Greenberg 2015, para. 5). According to Mark Greenberg, Acting Assistant Secretary for the Administration for Children and Families in the U.S. Department of Health and Human Services (HHS), 11 per cent of child migrants were aged twelve or younger in 2012 (Greenberg 2015, para. 5). This figure increased to 21 per cent in 2014. Furthermore, while only one per cent of child migrants referred to HHS in 2014 were aged five or under, this number increased to three per cent in 2014 (Greenberg 2015, para. 5). A similar trend can be observed when it comes to the gender of child migrants. While girls only constituted approximately 23 per cent of child migrants referred to HHS in 2012, this number increased to 34 per cent in 2014 (Greenberg 2015, para. 5).
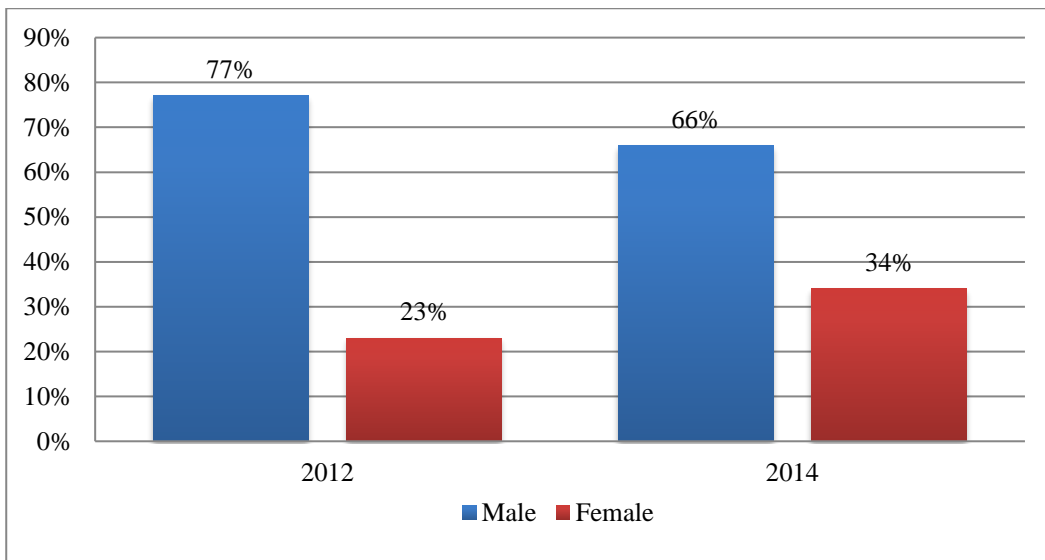
Figure 4: Changes in gender make-up of child migrants
Source: Greenberg Testimony 2015

These changes and the increase in numbers prompted a variety of reports investigating the causes of child migration in the region (Jones and Podkul 2012; UNHCR 2014a; Kandel et al. 2014). Studies identified increasing poverty and rising levels of violence as primary causes for the influx of child migrants from Central America (Markham 2013, para. 9; Jones and Podkul 2012, p. 7). Other motivations for children to migrate north included family reunification and seeking better educational or economic opportunities as well as escaping family abuse and exploitation (CGRS and KIND 2014, p. 8; CRS 2010, p. 18).

Children most commonly travel though the means of smuggler 'coyote' networks, who demand a fee for their services (Dominguez Villegas 2014). In many cases, child migrants travel on foot or by bus from their home to Mexico. Once in Mexico, migrants who cannot afford to pay smugglers migrate north by riding the famous 'beast' – *la bestia* - also known as *el tren del muerte* – train of death (Dominguez Villegas 2014, para. 2, 7). It received its name because migrants are forced to ride either on the roof or hold on to the side of the train because it is a cargo transport, making deadly accidents a common occurrence (Dominguez Villegas 2014, para. 8-9, 11). In addition, migrants might be

threatened, harmed or kidnapped by members of organised crime networks that control the territories (Dominguez Villegas 2014, para. 11; Amnesty International 2010, p. 11).

Figure 5: Children migrating north by riding 'the beast'.
Copyright by Which Way Home (2009)

Figure 6: Migrants riding 'la bestia'

Source: 'Thousands of Central American migrants ride […] la bestia, during their long journey north through Mexico to reach the United States border' (BBC Aug. 7, 2013)

A study conducted by Catholic Relief Services in 2010 found that children can experience abuse 'during all stages of migration' (CRS 2010, p. 5). The report documented that '42 per cent of children interviewed for the study reported at least one incident of abuse from the time they left home through their deportation' with the majority

of incidents occurring in transit, during apprehension, or in detention (CRS 2010, p. 5).

Perpetrators include 'smugglers, traffickers, local law enforcement, gang members, train

security guards and other non-state actors' (CRS 2010, p. 5; *see also* CGRS and KIND

2014; Jones and Podkul 2012). Migrant girls are particularly at risk of becoming victims

of sexual violence 'at the hands of criminal gangs, people traffickers, other migrants or

corrupt officials' (Amnesty International 2010, p. 15). Other reports document that

coyotes frequently subject women and girls to sexual violence as part of the 'price' they

are paying for their journey (Amnesty International 2010, p. 15).

Apprehensions of Child Migrants by Sector

Sector	Apprehensions
Rio Grande (TX)	49,959
Tuscon (AZ)	8,262
Laredo (TX)	3,800
Del Rio (TX)	3,268
El Paso (TX)	1,029
San Diego (CA)	954
El Centro (CA)	662
Yuma (AZ)	351
Big Bend (TX)	256
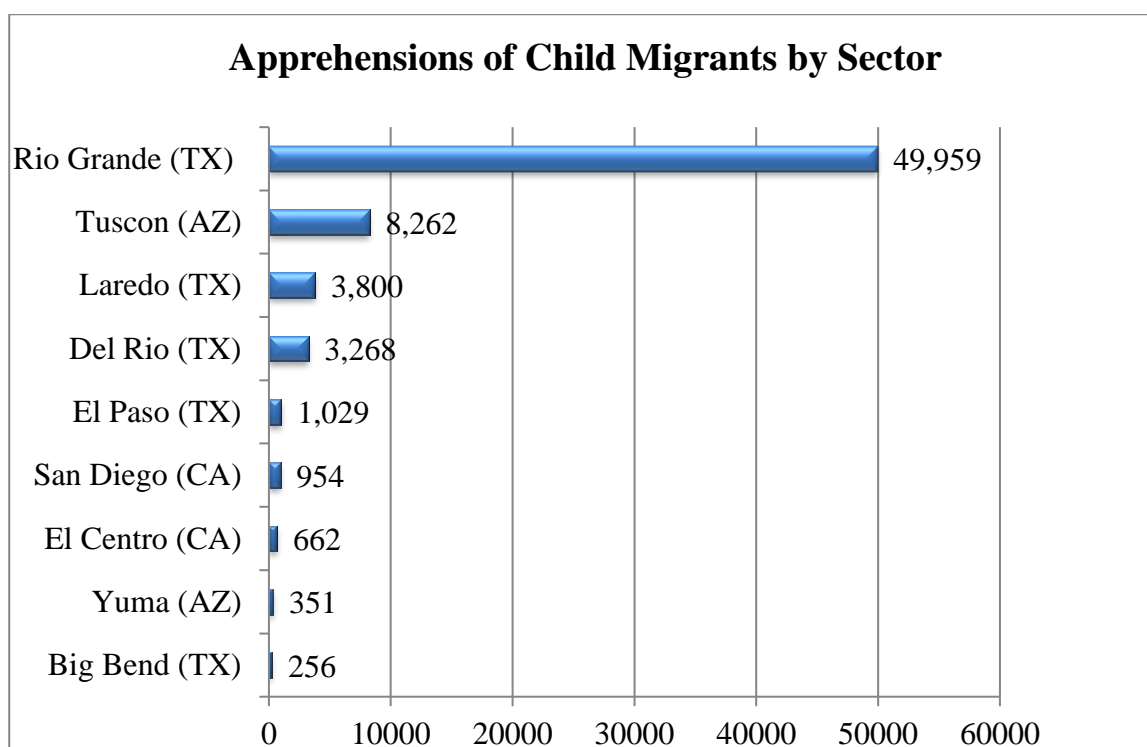
Figure 7: Apprehensions of child migrants by border patrol sector in FY 2014
Source: Report by CBP: Total Monthly UACs by Sector FY10-FY17

Children who survive travelling from Central America through Mexico are then

faced with the dangerous challenge of crossing the U.S. - Mexico border. As explained

earlier in this chapter, increased security and surveillance have made it increasingly

dangerous for individuals to cross into the United states, causing more people to die

during their journey (GAO 2006, p 6-9).

Once child migrants reach the United States, they are commonly apprehended by U.S. immigration authorities who 'take them into the custody of the federal government, and place them in deportation proceedings' (CGRS and KIND 2014, p. ii). Immigration authorities that are part of the U.S. Department of Homeland Security, such as Customs and Border Protection (CBP) or Immigration and Customs Enforcement (ICE), will try to determine whether the apprehended minor qualifies as an 'unaccompanied alien child' (UAC) (Levinson 2011, para. 17). During this process, a child is supposed to be informed of his or her rights and receive a list of free legal services (Levinson 2011, para. 17). The fact that child migrants have no right to assigned legal counsel and are faced with navigating a complex immigration system on their own has been heavily criticized by advocates (CGRS and KIND 2014, p. 3; Bhabha 2004, p. 143).

Children who are ruled unaccompanied and are trying to seek protection within the United States are then transferred to the care of the Office of Refugee Resettlement (ORR) which is located within the Department of Health and Human Services (HHS) and is responsible for 'the care, custody, and placement of the child' (Levinson 2011, para.17; Seghetti et al. 2014). In 2011, there were 43 ORR housing facilities for child migrants. While all facilities must meet certain minimum standards and provide some levels of education, counselling services, health care and legal services, they may be anything in between group homes to standard detention facilities (Levinson 2011, para. 23). In addition to subjecting child migrants to detention, many children are deported without authorities properly investigating whether they have claims to protection (Levinson 2011). In the event that children are able to apply for protection, there are three major forms of relief available: asylum; Special Juvenile Immigration Status (SJIS); and a 'T visa', which can be awarded to victims of human trafficking (Levinson 2011, para. 19).

The 'surge' of 2014 led to the area of child migration receiving unprecedented levels of attention and the causes and consequences of that will frame the discussion

throughout the remainder of the thesis. As expressed by one of this study's participants in response to the question of what they see as the consequences of child migration, Participant FP-10 referred to the 'crisis' in particular and responded:

> I think it has become part of the domestic political debate around immigration, the specifics of children coming. That is a very broad debate with lots of different views and different issues. But around the time when the real surge in arrivals was going on in the summer […] the specific issue with children kind of then became one of those [issues] (Participant FP-10).

Participant CO-03 also observed a change in the environment as a consequence of the 2014 child migrant 'crisis'. As outlined in the previous section, the 1990s and 2000s were times when advances towards child migrants' rights were made on both the domestic and international level, albeit not without controversy. According to Participant CO-03, because of the 2014 child migrant 'crisis', this will be harder to do in the future:

> Up until 2014 we were making progress […] this was one issue that was until then relatively non-controversial, bi-partisan. Everybody was like: they are kids. Of course, we need to take care of kids. But, I think because the numbers were low, it was in some ways easy to make that progress. […] it was one of only two immigration issues where we did see positive momentum forward. This and the trafficking issue. Now, you know all of that again is in question (Participant CO-03).

Analyses in subsequent chapters will help shed light into what this crisis meant for the child migration governance system and the actors in it. This will help facilitate understandings as to what have led to the policy response that ensued in the aftermath of the 'crisis'. The next section will briefly outline these policy developments.

B. Policy Responses to the 'Crisis'

Subsequent chapters will show that the above mentioned 2014 child migrant 'crisis' had a profound impact on the child migration governance system. New and powerful actors, such as President Obama himself, became involved in the issue. Part of the analysis undertaken in this thesis will help shed light onto the reasons as what prompted those actors' involvement, how they made sense of the issue, and the impacts this had on

child migration governance. This section will review the policy response to the 2014 child migrant 'crisis'. Led by the White House, the response included a series of initiatives aimed at addressing a multitude of areas related to child migration (The White House Office of the Press Secretary 2014b). However, the White House needed Congress to approve funds for the response.

The response consisted of two main parts. One set of initiatives was aimed at addressing the immediate impacts of the influx of children on the immigration system. This included the creation of a *Unified Coordination Group*. This group's aim was to coordinate efforts of the various agencies whose operations were affected by the increase in new child arrivals, including the Department of Health and Human Services (HHS), Department of Homeland Security (DHS), and the Executive Office of Immigration Review (EOIR) (Kandel and Seghetti 2015, p. 12). The group was made up of representatives from those key agencies and led by the Federal Emergency Management Agency's (FEMA) Administrator Craig Fugate (Preston 2014, para. 2). According to Kandel and Seghetti (2015, p. 2), by using FEMA, the administration brought in federal capacity to enable the agencies to keep focusing on their general operational objectives and missions (Kandel and Seghetti 2015, p. 12).

To facilitate this coordinated response, the Obama administration requested $3.7 billion in emergency funding from Congress on 08 July 2014 (Kandel and Seghetti 2015, p. 13). These funds were aimed to ease shortages at all stages of the children's migration journey, including helping to 'house, feed, process and transport these children' (Chishti and Hipsman 2014, para. 2). Of this amount, a large proportion was allocated to DHS, including $433 million for the border patrol and $1.1 billion for ICE. The border patrol deployed 265 agents from other sectors to the Rio Grande Valley to assist with apprehensions (The White House Office of the Press Secretary 2014b). Similarly, ICE assigned 60 Homeland Security criminal investigators and intelligence analysts to

'support staff of the Rio Grande Valley as part of efforts to target and dismantle human smuggling operations across the southwest border' (The White House Office of the Press Secretary 2014b).

Another large proportion of $1.8 billion was awarded to HHS to be able to accommodate the children. HHS worked with the Department of Defense as well advocacy groups with experience in serving child migrants to find additional accommodation for the children. This included setting up emergency shelters at Lackland Air Force Base in San Antonio, Texas, and at the Naval Base Ventura County in Oxnard, California (Kandel and Seghetti 2015, p. 2).

In addition, the Department of Justice (DOJ), which houses the Executive Office of Immigration Review (EOIR), received $64 million of the £3.7 billion requested by the Obama administration, and the Department of State received $300 million (Kandel and Seghetti 2015: 12). The DOJ used £2 million to create the 'Justice AmeriCorps' programme, in collaboration with the Corporation for National Community Service (CNCS) which leads the AmeriCorps programme which provides legal aid to low income individuals (Kandel and Seghetti 2015, p. 12; Chishti and Hipsman 2014, para. 2). The programme aims to facilitate the matching of volunteer lawyers, paralegals and law students with child migrants. However, studies show that the supply of volunteer lawyers is unable to meet the demand (TRAC Immigration 2014). In addition, DOJ was asked to '[refocus] its immigration court resources primarily to focus on cases involving recent migrants who have crossed the southwest border and whom DHS has placed into removal proceedings' (The White House Office of the Press Secretary 2014b).

Another set of initiatives was aimed at preventing further child migration. DHS worked with the Central American governments to develop an 'aggressive' *Danger Awareness Campaign*, a public education campaign aimed at deterring children from migrating north by highlighting how dangerous the journey can be (The White House

Office of the Press Secretary 2014b; Kandel and Seghetti 2015: 12; Participants IA-27; IA-25).

Figure 8: Example of U.S. information campaign regarding child migration.

The text, written in Spanish, translates into English as: 'I thought it would be easy for my son to get papers in the North…It was not true.'

Another initiative included the Central American Minors (CAM) Refugee/Parole Program. According to the U.S. Citizenship and Immigration Services (USCIS) the program, 'provides certain qualified children in El Salvador, Guatemala and Honduras a safe, legal, and orderly alternative to the dangerous journey that some children are currently undertaking to the United States' (USCIS, CAM, 2015). Applications could be submitted starting on 01 December 2014 by parents who are legally present in the United States and who have a child (genetically or legally) who is a national of one of the Northern Triangle Countries and who is currently residing in his/her country of nationality. In addition, the child must be unmarried and under the age of 21, with a few exceptions.[4]

Introduced in September 2014, the programme was quickly criticized by members of advocacy organizations, including Human Rights Watch. In a letter to the editor in response to a NY Times article reporting on the creation of the CAM program, researchers

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[4] As part of its review of the U.S. Refugee Admission Program, the Trump administration decided to close the programme, effective Nov. 9, 2017 (USCIS, CAM, 2017).

Bill Frelick and Clara Long (2014, para. 3) state that '[c]hildren with real protection needs do not have the luxury of waiting patiently, possibly for years, for the United States to review and assess complex claims in what surely will fast become a backlogged system.' The authors further mention that the U.S. has previously used in-country processing in order to justify actions like summary returns (Frelick and Long 2014, para. 4). Instead, Frelick and Long (2014, para. 5) emphasize that the 'real solution is the fair and efficient processing of asylum claims in the United States, and resettlement programs in neighbouring countries.'

These criticisms received backing when the first reports on the CAM programme's progress emerged. Almost one year after it started accepting applications, 'not a single child' had entered the United States (Shear 2015, para. 2). By that point in time, the program had received more than 5,400 applications (Shear 2015, para. 3).

Finally, in an attempt to address the root causes of migration from the Northern Triangle Central American countries to the United States, the Obama administration launched the *U.S Strategy for Engagement in Central America* (Meyer 2016, p. 6). The administration requested nearly $2 billion in aid for Latin American and the Caribbean, which represented a significant increase compared to the previous FY (Meyer 2016, p. 4). According to Meyer (2016), the primary objective of this increase was to strengthen governance in the region in the hopes of reducing future migration. The U.S. Department of State and USAID were tasked with distributing the funds (Meyer 2016, p. 4).

Table 5: Amounts of aid awarded by U.S. to Northern Triangle Countries
Source: (Meyer 2016, p. 6)

Country	Amount of Bilateral Aid	
	FY 2015	FY 2016
Guatemala	$114 million	$226 million
Honduras	$71 million	$163 million
El Salvador	$47 million	$119 million

This brief overview of the policy response already mentions several of the relevant actors in U.S. child migration governance. But as already pointed out in the literature review in Chapter 2, there is little existing understanding about the power relationships between those actors, how they interact with the above outlined environment, and how these interdependent dynamics shape policy outcomes. The analysis presented in Chapters 5 and 6 will detail actors' mandates and practices and their roles in the governance system. Chapter 7 will then show how actors' sensemaking, which is contingent on the constitution of the governance system, has led to the policy outcomes reviewed in this section. By doing so, this study differs from previous work. Rather than focusing on policy-outputs and then making assumptions about the actors behind those outcomes, this thesis offers a framework for connecting actors' understandings to their practices, therefore facilitating insights into the processes that constitute child migration governance.

V. CONCLUSION

This chapter's objective was to examine the dynamics that make up the background against which U.S. child migration governance is situated. The first section showed how U.S. immigration politics has evolved into a highly complex and contested policy area. Immigration politics in the United States encompasses issue areas such as the labour market, human rights, crime and terrorism, detention and due process, immigrant communities, and others. Problem definitions and proposed solutions vary from actor to actor. But there have been several large-scale efforts at passing CIR, a programme that would overhaul the entire U.S immigration system, addressing legal immigration avenues as well as the undocumented population. While many actors are in favour of CIR, the different interpretations of what the problems are and what solutions are needed have led to an acute policy stalemate. This chapter reviewed these developments and showed how

this stalemate and actors' responses to it impacted the dynamics and relationships within the governance system. In an attempt to work around this policy gridlock, actors have made use of certain powers awarded to their role by the U.S. constitution, which has led to conflict amongst actors. Subsequent chapters will show that this conflict surrounding CIR played a big role in the fact that child migration, although normally a rather small policy area, became a hugely politicised issue as a consequence of the 2014 child migrant 'crisis' which then had a profound impact on the child migration governance system.

This chapter's second section examined the area of children and migration specifically. While the idea of children's rights and protection concern might occupy a rather small space within the larger immigration politics arena, this chapter showed that prior to 2014, the policy environment towards child migrants has been shifting slowly but steadily towards improving conditions and protections for child migrants. As a consequence, the area of child migration is shaped by a particular set of laws that stipulate certain procedures and practices. As the analysis in the forthcoming chapters will show, several actors who came primarily from an immigration perspective and who did not have any background in child protection, found themselves constrained by the laws that govern the area of child migration, specifically by regulations stipulated by the TVPRA. It is the objective of the subsequent chapters to analyse how exactly these conditions shape actors' understandings and interpretations, and what this means for policy outcomes.

Chapter 5: The Constitution of the U.S. Child Migration Governance System Part I: U.S. Governmental Actors

I. INTRODUCTION

This chapter's aim is to address this thesis' research question (RQ1), *who are the actors in U.S. child migration governance?* This question was posed to help fill an existing gap in the child migration literature which has yet to offer a systematic account of who the actors are that drive U.S. child migration governance. This requires identifying the actors, while also gaining insight into how these actors are 'situated' and 'socialised'. This includes analysing where they are located in the governance system and how they interact. Once an understanding of the constitution of the governance field – the actors, structures, and dynamics (relationships) – is generated, it is possible to determine actors' sensemaking, which will be achieved in Chapter 7.

In addition to identifying the relevant actors and their roles, the analysis yielded three key findings that will be detailed in the analysis that follows. First, the composition of the U.S. child migration governance system fits with the prominent account of governance that holds that modern governance systems are composed of a multitude of different actors, including domestic governmental institutions, international organisations, and civil society organisations (Sørensen and Torfing 2005, p. 199).

Second, the 2014 south-west border 'crisis' had a profound impact on the constitution of the U.S. child migration governance system. As a consequence of the 'crisis', there was a high increase in the number of actors. The White House, a very powerful actor, took an active leadership role and invited new actors to participate. This change in the constitution in the governance system will be detailed throughout this chapter and given the relevance of who the actors are for sensemaking and consequent policy-outcomes, the 'crisis' and its impacts will feature throughout subsequent chapters.

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Third, this study finds that actors' status in the governance system in driven by the interplay of structure, agency, and relationships between actors. The existing structure of the U.S. government, including the system of checks and balances, determines what powers actors have available to them in order to try to drive policy towards child migrants. How they use this power is determined by their agency, as well as by their relationships with each other.

The chapter is organised into the following sections. The first section begins with a brief overview of how the data gathered for this study has been treated to answer the research question who are the actors in U.S. child migration governance (RQ1). This will be followed by a discussion of the results, which show that the most dominant actors are the U.S. Congress, the White House, and several other departments that are part of the executive branch. This includes sections of the Department of Homeland Security (DHS), the Department for Health and Human Services (HHS), the Department of Justice (DOJ), and the Department of State. Each of these actors and their role within the child migration governance system will be analysed in the following pages.

In addition, participants have identified several civil society groups from both the pro- and the anti-immigration sides as important actors in the governance system, the UNHCR, and to a lesser degree, the governments of the most common sending countries. Given the number of actors in the U.S. child migration governance system, the response to the research question (RQ1) will be split into two chapters. This chapter will review the actors that form part of the U.S. government. Chapter 6 will analyse actors 'outside' the U.S. government, concluding the analysis in response to RQ1.

II. SHINING LIGHT ONTO THE U.S. CHILD MIGRATION GOVERNANCE SYSTEM

A. Filling the Gaps

This section will very briefly review the gap in the literature that inspired this study's first research question (RQ1): *who are the actors in U.S. child migration*

governance? The existing literature assumes that the governance field of child migration in the United States consists of two opposing communities of meaning. This thesis refers to this as the 'vulnerable-threat dilemma'. On the one end of the spectrum, there appear to be actors who view child migrants as vulnerable children in need of protection. On the other end, the literature assumes that there are actors who see them as threatening migrants. This is then said to lead to conflicting policy-outcomes where only some policies take child migrants' unique status as children into account, whereas others treat them the exact same way as adult migrants (Bhabha and Young 1999, p. 85). A more detailed discussion of this scenario can be found in the literature review in Chapter 2. This assumed process is illustrated below by Figure 9.

Step 1
Child Migration Occurs

- Causes and dynamics of child migration are well documented (see CGRS 2015; UNCHR Children on the Run 2014, Podkul and Jones 2012)

Step 2
Policy-making occurs

- Actors see them as either migrants or vulnerable children (Bhbaha 2014; Terrio 2015a)
- **Question: Who are those actors and what do they think?**

Step 3
Conflicting Policy Outomes

- Some policies treat child migrants like vulnerable children, others like 'adults in miniature' (Bhabha and Young 1999, p. 85)

Figure 9: The policy-making process according to current literature

The white boxes in Figure 9 show each step of the policy-process towards child migrants, as provided by the existing literature. The grey boxes contain information about the status of the existing literature. The objective of this study is to increase understandings about Step 2, as well the two arrows that connect Steps 1, 2 and 3. So far, the literature does not clarify who those 'policy-makers' are. This gap led to the development of this thesis' first

research question (RQ1). The objective of this and the following chapter is therefore to provide a picture of who the actors are in U.S. child migration governance.

The theoretical approach and methods used to achieve this objective were outlined in Chapters 2 and 3. To briefly recapture, this study relies on an interpretivist approach to governance that assumes that 'governance' is a construct of meaning and practices (Bevir and Rhodes 2010, Turnbull 2016). The 'state' can be seen as a construction created by different actors' 'diverse actions and practices inspired by varied beliefs and traditions' (Bevir and Rhodes 2010, p. 20). The objective of this chapter is therefore to analyse the different actors in the governance system and identify their practices to gain insight into the constitution of the governance system that facilitates policy-outcomes towards child migrants.

B. The Actors of U.S. Child Migration Governance

The review of the existing child migration literature and the analysis of the larger context of the U.S. child migration governance system already noted some of the actors involved in child migration in the United States. A particular focus of the existing literature has been the Office of Refugee Resettlement (ORR), which operates under the Department of Health and Human Services (HHS), and 'immigration courts', commonly referring to the Executive Office of Immigration Review (EOIR) (Terrio 2015a; Heidbrink 2014). As previously explained these actors were mostly selected for analysis to examine children's experiences while they are subject to these institutions. While providing rich details about those actors, information about their intentions and the policy-making process mostly stems from assumptions drawn about the actors from studying policy-outputs. It is not uncommon for authors to simply talk about 'policy-makers' or 'the state' (Terrio 2015a; Bhabha 2014; Heidbrink 2014). Those and other actors' roles within the governance system and their ability to drive the policy environment, have yet to be established.

This section provides a brief overview of the data and some of the results obtained by the data analysis. Data collected through 29 semi-structured interviews with 33 individuals who are actors in U.S. child migration governance have been included in this study. A detailed description of the type of actors and their level of expertise can be found in Chapter 3. Consistent with the interpretivist framework outlined in the previous chapter, who are regarded as the influential actors in an environment is determined by who other actors *see* as the dominant actors. Accordingly, in order to establish *who* the key actors are in child migration governance, participants were directly asked the question *who do you see as the dominant actors in U.S. child migration governance* (interview question number 6)*?* The table below shows the number of times an actor has been named either 1) in direct response to interview question number six; or 2) where a participant made clear that they view this actor as influential at a different stage during the interview. Actors mentioned as influential by only one participant are not shown here to make the table more accessible.

Table 6: Actors identified as influential by participants

Actor Mentioned as Dominant/influential in Interviews (in response to Q.6)	Number of Participants Grand Total
Congress	**12**
Senate	2
Rep. Zoe Lofgren	3
Rep. Luis Gutierrez	2
White House/President Obama/Administration	**10**
"Executive Branch"	3
Department of Homeland Security	**9**
Customs and Border Patrol (CBP)	7
Immigration and Customs Enforcement (ICE)	4
Secretary Johnson	2
CBP Commissioner	2
Department of Health and Human Services (HHS)	**8**
Office of Refugee Resettlement (ORR)	4
Department of Justice (includes EOIR)	**5**
Foreign Policy and International Actors	**4**
U.S Department of State	3
USAID	1
UNHCR	4
Civil Society	**9**

Women's Refugee Commission (WRC)	6
Kids in Need of Defense (KIND)	4
Lutheran Immigration and Refugee Service (LIRS)	3
U.S. Conference of Catholic Bishops (USCCB)	2
'faith-based groups'	2
American Immigration Lawyers Association (AILA)	2
American Civil Liberties Union (ACLU)	2
'local level'	6
Restrictionist Groups	
Center for Immigration Studies (CIS)	2
Numbers USA	2
Federation for American Immigrating Reform (FAIR)	2

This section is going to briefly review the findings displayed in the table above. A more detailed discussion of the actors and their roles will be provided in the main part of this chapter, as well as in Chapter 6.

When looking at the information provided above, the following conclusions can be drawn. Participants responded that they think that one of the most influential actors in U.S. child migration governance is the U.S. Congress. Some participants named certain members of as being particularly active. Representative Zoe Lofgren from California, and Representative Luis Gutiérrez from Illinois, have been named most frequently. Both are members of the Democratic party.

Of equal importance in the governance system are parts of the Executive Branch. Many actors have named the White House as having taken on a dominant role since the 2014 child migrant 'crisis' (Participants CO-03; CO-16; FP-10; FP-15). Several participants identified the Department of Homeland Security (DHS) as an important actor (Participants AC-26; CO-03; CO-04; CO-34; CO-09; FB-06; FP-15; RS-05; RS-20). Participants regarded U.S. Customs and Border Protections (CBP), especially the border patrol, as the most important department of the DHS (Participants CO-04; CO-34; CO-09; CO-28; FB-06; IA-27; RS-05). Another department of the executive branch that has been identified as important is the Department of Health and Human Services (HHS) (Participants AC-26; CO-03; CO-4; CO-09; IA-27; RS-05; RS-17&18; RS-20). HHS - which houses the Office of Refugee Resettlement (ORR) - has primary guardianship over

child migrants until they are united with a relative or can be placed with a foster family (Terrio 2015a; Heidbrink 2014).

Headed by the attorney general, the Department of Justice is another actor that has been named by participants as an important player in child migration governance. It houses the Executive Office for Immigration Review (EOIR) which adjudicates immigration and asylum cases (DOJ, *EOIR at a Glance*, 2010). The Department of State is also part of the executive branch and mostly attends to the foreign policy component of the issue. This will be explained in more detail in the following sections.

While not forming an official part of government, several participants identified 'civil society' as influential (Participants FP-15; HHS-13; IA-25; IA-27; IC-14; RS-05; RS-17&18; RS-20; RT-11&12). Based on the data, these groups can be separated into two broad categories. On the one hand, there are groups and organisations who work to protect or advance child migrants' rights. Participants most notably identified the Women's Refugee Commission (WRC) and Kids in Need of Defense (KIND) as important advocacy groups (Participants AC-26; CO-03; CO-09; CS-19; CS-23&24; FB-01&02; RS-05). On the other hand, there are 'restrictionist groups', which focus it is to reduce immigration to the United States, including child migration. Three particular restrictionist groups were named, including the Center for Immigration Studies (CIS), Numbers USA, and the Federation for American Immigrating Reform (FAIR) (Participants CO-16; CS-23&24).[5] Generally speaking, multiple participants identified civil society organisations as important actors in the governance field. Their roles and practices will be explored in a more detail in the next chapter, as well as their relationship with governmental actors.

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[5] It should be noted that Participant CO-16 only identified these groups after being prompted whether s/he sees is aware of any important organisations in child migration governance which are not part of the advocacy community.

In addition to quantifying responses to interview question number six, a content analysis was carried out. The information presented below in Table 7 represents the number of times an actor was mentioned throughout all interview transcripts included in this study. In total, participants named about 108 actors. Actors mentioned fewer than five times in total were excluded to make the table more readable. Whenever a participant named their own organisation, it was discounted.

The results in Table 7 differ from the findings displayed in Table 6 because how often an actor is mentioned throughout an interview is not necessarily indicative of whether or not participants consider that actor to be particularly dominant or influential. For example, the actor mentioned most frequently is the U.S. Customs and Border Protections (CBP). However, when asked directly, participants regarded the White House and Congress as more influential in the governance system. Similarly, 'smugglers' or 'coyotes' are the seventh most frequently named actors in the data (see Table 7), but not a single participant mentioned them when asked directly who they think the most influential actors are in the governance system. This shows that the actors who are mentioned the most frequently are not necessarily the most dominant ones.

Table 7: Number of times participants mentioned actors during interviews

Actor	Frequency
Customs and Border Protections (CBP)	135
Congress	118
Administration	87
Department of Health and Human Services (HHS)	62
Office of Refugee Resettlement (ORR)	60
Department of Homeland Security	59
Smuggler or Coyote	51
President	36
Media	32
"the courts" - includes both immigration and other courts	31
Republicans (or conservatives)	25
U.S Department of State	24
White House	23
"local level"	23
UNHCR	22
Obama	21

Immigration and Customs Enforcement (ICE)	21
Trump	20
Department of Justice (DOJ)	20
Senate	18
Civil Society	17
Executive Branch	13
United States Citizenship and Immigration Service (USCIS)	13
Democrats	13
NGOs	12
Women's Refugee Commission (WRC)	12
Executive Office for Immigration Review (EOIR)	11
Mexican Government	10
USAID	9
Kids in Need of Defense (KIND)	9
Immigration and Naturalization Service (INS)	8
National Border Patrol Union	7
U.S. Conference of Catholic Bishops (USCCB)	7
Consulates	7
Lutheran Immigration and Refugee Service (LIRS)	6
Catholic Charities	6
ProBar	6
Former Senator Kennedy	5
Judiciary Committee	5
International Organization for Migration (IOM)	5
'faith-based groups'	5
The Young Center	5
American Civil Liberties Union (ACLU)	5

The results of the content analysis are included in this chapter for the following reason. The number of times an actor was mentioned throughout the interviews conveys that these actors are of relevance or concern to the participants and who actors find concerning helps shape actors' sensemaking (Weick 1995). These numbers compliment the findings of the qualitative analysis displayed above. This information is relevant because it conveys information about the social dynamics of the governance system, which is in accordance with this study's interpretivist approach and Weick's (1995) sensemaking framework.

To answer this thesis' first research questions fully, a thorough analysis must go beyond numbers and consider the context that has yielded the information displayed above. In accordance to the methods outlined in the previous chapter, the remainder of

this chapter will provide a brief overview of each actor relevant to this study and give insight into their role within the child migration governance system.

III. THE WHITE HOUSE

Based on the interview data, the White House – also frequently referred to as 'the administration' - did not play an active role in the field of child migration until the 2014 child migrant 'crisis' (Participants CO-03; CO-16). At that point, however, President Obama and Vice President Joe Biden themselves took on an active role. As briefly stated in Chapter 4, the Obama administration initiated a 'government-wide response' to the 'crisis' (White House Office of the Press Secretary 2014b). According to Participant FP-08, 'the Vice President has [also] been engaged personally' on this issue. He met with numerous other actors in the United States, as well with the governments the Northern Triangle Central American Countries (Participant FP-08; NBC News 2014). He actively promoted the $1 billion investment in Central America with the goal to improve in-country conditions to reduce the incentive to migrate, for which the White House had sought approval from Congress (Economist 2015). This was three times the aid amount that had been allocated to the region in the previous year (Economist 2015). Vice President Biden took on an active role in promoting the initiative (Economist 2015; Participant FP-08). Congress ended up appropriating $750 million for FY2015 to start the implementation of the new Engagement in Central America Strategy (Meyer 2017, p. 1).

The initiatives did not constitute a small demonstration of the White House's awareness of the issue, or any sort of symbolic act. Rather, the White House took over the steering wheel of the governance system, at least as much as it was able to. This active involvement of the White House in child migration governance represented a shift away from the actors who used to dominate the field of child migration governance prior to the crisis. As one participant (CO-16) explains,

> We have noticed a shift in policy whereas before it used to be the different agencies that kind of took the lead and made a lot of decisions about how to process children. What we have seen since the surge in 2014 of kids is that it has very much been directed by the White House and the White House has been telling the different agencies what to do. Kind of overriding any recommendations they are getting from the agencies.

A member of a faith-based organisation has a similar perspective:

> A lot of policy […] comes directly from the White House. It used to be something that was just led by the federal agency. But given what happened as far as flows and the media attention, a lot of that was walked back and then various, very strictly overseen by the president's staff and based of priorities. I think that has changed drastically since 2014 (Participant FB-06).

This narrative derived from the data offers important implications. First, it shows that some sort of 'crisis' can have a significant impact on a governance system. This is relevant because Weick (1995) speaks about the role of 'interruptions' on sensemaking. The involvement of the White House offers an excellent opportunity for studying the consequences of interruptions on sensemaking, as the data revealed that the White House chose to become involved in child migration based on its understandings of how the child migrant 'crisis' could affect its current plans for immigration reform (Participants FP-08; CO-16). What exactly the White House' understandings looked like and how this helped shape policy outcomes will be explained in detail in Chapter 7.

Second, the White House' decision to step up as a dominant actor without necessarily having had any prior involvement on the issue reveals information about the interpretivist nature of the governance system. This particularly applies to the relationship between structure and agency, which is a prominent topic in the literature (Turnbull 2016, p. 388; Glynos and Howarth 2008). According to Bevir and Rhodes (2010), structures are merely inherited traditions. Glynos and Howarth (2008, p. 162) argue that the literature has yet to establish what exactly is meant by structures, calling it an 'underdeveloped

social ontology.' The concept requires further development before it can be completely rejected (Glynos and Howarth 2008).

While it is not the objective of this thesis to address this debate, the findings of this research indicate that the U.S. laws and the system of checks and balances amount to a structure that presents both constraints and opportunities to actors, meaning that structure impacts on power relations in the system. Bevir and Rhodes (2004, p. 160) argue that any individual, while not autonomous due to tradition, is an agent who is able to 'modify and reject any aspect of tradition.' Chapter 4 already highlighted that this is significantly harder in the case of immigration politics, and the analysis in this thesis shows that this also applies to the area of child migration in particular. The President has the authority to make changes through the use of executive action, but as the case of DAPA and the DACA extension showed, this is not always successful as other actors can use methods to block or challenge this power. The dynamic surrounding the role of the White House in child migration governance highlights that agency matters, but the structure of the system determines the extent of that agency and its impact. Obama and Biden displayed agency when they chose to become involved in the issue of child migration following the 2014 'crisis'. The fact that they were able to take on a leading role was due to the existing structure of the U.S. government which awards the White House considerable power. So, agency determines whether or not power is used, the structure of the system determines the power's extent and success. The next section will show that this also applies to Congress.

IV. THE U.S. CONGRESS

According to the data, the U.S. Congress, the law-making body of the United States, constitutes one of the most important actors in the U.S. child migration governance system. About twelve participants identified Congress as an influential or dominant actor in the child migration governance system (Participant CO-03; CO-34; FP-15; HHS-13;

IA-27; IA-25; RS-05; RS-17&18; RS-20; RT-07; SN-30; SN-33). This makes it one of the most important actors, according to the interview data. Throughout the interview transcripts, Congress was mentioned 118 times. The Senate was mentioned 18 times specifically, and the House of Representatives was mentioned four times. When it comes to particular members of Congress, participants identified Representative Zoe Lofgren from California and Representative Luis Gutierrez from Illinois as most influential and/or active on the issue of child migration (Participants CS-19; CO-09; RS-05). As pointed out by Participant CS-19, 'Zoe Lofgren has been a leader on this issue for well over two decades'. Luis Gutierrez 'serves as the Chairman of the Immigration Task Force of the Congressional Hispanic Caucus', the Judiciary Committee's Subcommittee on Immigration and Border Security and used to be Chair of the Immigration Task Force of the Democratic Caucus (gutierrez.house.gov/immigration). His constituency, which is the 4th district of Illinois, is approximately 60 per cent Latino (Participants CS-23&24).

While Lofgren and Gutierrez have a longstanding involvement in the area, prior to the 2014 'crisis', Congress paid limited attention to the issue of child migration. Before the summer of 2014, there were a handful of congressional actors who, in collaboration with civil society groups active on the issue, achieved some significant legislative advances in the treatment of child migrants. This includes the transfer of custody of child migrations from immigration authorities to the HHS, a welfare agency, under the Homeland Security Act of 2002 and the Trafficking Victims Reauthorization Act of 2008 (TVPRA). According to the interview data, actors in child migration governance feel that their day-to-day operations are subject to these pieces of legislations (Participants IA-27; IA -25; HHS-13). Terrio (2015a) also asserts in her book that that the DHS of 2002 and the TVPRA, in combination with the Flores Settlement of 1997, provide the legal framework that governs the United States' treatment of child migrants. The impacts of this framework on actors' sensemaking of child migration will be discussed in Chapter 7.

But what is important to note here is that Congress' role as law-making body makes it a significant actor in the governance system.

Another interesting fact to note is that while the legislative developments discussed above were significant, they occurred over the course of several years. Congress became noticeably more active on this issue of child migration following the 2014 'crisis' (Participant CO-03). Several members of congress made a concerted effort to inform themselves about the dynamics of child migration in the region and how child migrants are treated by the United States. Senators and Representatives, and/or their staff, travelled to the south-west border to meet with local actors to hear their perspective and undertook visits of the HHS shelters/detention centres (FOX News 2014; Dumain 2014). In the 18-month period following the 2014 crisis, Congress held more hearings on the issue of child migration, and members of Congress proposed more pieces of legislation on the issue, than in the ten years prior combined. Members also put forward proposals intended to amend the existing legislative treatment of child migrants. This included legislative proposals to amend the TVPRA of 2008 to allow children from the Northern Triangle Countries to be treated the same way as children from Mexico (Zamora 2014; American Immigrating Council 2015). But despite this extensive congressional activity on this issue, no legislative changes regarding the treatment of child migrants have been made to date (Aug. 2017). As Participant CO-04 mentions:

> So far, the Republican majority in both houses has not – of the legislature – has not been able to – they make a lot of noise and they clearly have a strong way of not only being the majority but a strong public opinion behind them. But they haven't changed the policy. They have all the hearings constantly, and the press releases all the time, and they get signers on bills, but they can't pass legislation.

Participant CS-23 echoes this sentiment by saying: 'our Congress is pretty much broken' and by describing the congressional committee hearings as 'monkey trials'. The dynamics surrounding Congress' inability to move forward on the issue of child migration

resembles the deadlock surrounding comprehensive immigration reform, albeit on a much smaller scale. Congress members' struggle to achieve their desired changes is akin to the White House's presented in the previous section. By being the law-making body of the United States, Congress has considerable power over the lives of child migrants, as laws dictate the treatment of child migrants. By displaying agency in scheduling hearings and submitting legislative proposals, members of Congress can seek to influence policy outcomes. But despite being awarded this considerable power by the structure of the U.S. government their ability to successfully effect change is contingent on being able to persuade other members of Congress. It is further contingent on the White House, which has to sign any bills, as well the supreme court which determines which laws are lawful under the U.S. constitution. Another driving force behind change are therefore the relationships between actors. As Chapter 4 has shown, the relationship between President Obama and House Republicans has become increasingly contentious on the issue of immigration, and as Chapter 7 will show, this conflict has extended to the area of child migration. Through its ability to hold large-scale public debates on the issue, Congress is able to influence the debate, which again influences the President.

Another way Congress has power is due to the fact that part of its mandate is to allocate funds. This has a large impact on how other actors can perform their duties. As Participant RS-20 explains:

> The other part of government that is responsible is – the Congress has to allocate money. So, Congress has the power of the purse and specifically it's the House of Representatives. So, there is back and forth. The Department of Health and Human Services, when it presents its budget will ask for an emergency supplemental request. And in the beginning of the fiscal year ask for greater funds anticipating that there are going to be large numbers of kids. At least in the last few years. And so Congress looks at these requests and ask where did you get these numbers? Are you sure? What are you going to be doing? You want 3 billion dollars to spend on these children? For what? What are you going to do with the money? We don't want you appropriating some kind of the slush fund or spending it for purposes not intended for.

With this influence over the programming for child migrants, Congress also performs a monitoring role. When members of Congress' awareness of the issue of child migration in the wake of the south-west border crisis increased, several congressional committees requested reports on the availability and functionality of U.S. programmes for child migrants and the work of the involved agencies (Participant RS-17&18). The congressional monitoring role became especially apparent during the so-called 'Ohio Trafficking Incident'. In this case, news broke that some child migrants had been trafficked by their sponsors to whom the HHS had released them. As a consequence, members of Congress tasked the Permanent Subcommittee of Investigations to assess HHS' operations (Committee on Homeland Security and Governmental Affairs hearing, January 28, 2016).

V. AGENCIES

This section will review the role of the U.S. agencies that have been identified as relevant actors in U.S. child migration governance. All of the agencies reviewed are part of the U.S. executive branch, which is headed by the White House. The analysis will show that their influence in child migration governance is contingent on their relationship with the White House. In addition, their powers and actions are determined by the roles and responsibilities delegated to them by the laws created by the U.S. Congress.

A. Department of Homeland Security

After Congress and the White House, participants named the Department of Homeland Security (DHS) as the most dominant actor within the U.S. child migration governance field. Nine participants named the DHS as an important actor (Participants AC-26; CO-03; CO-04; CO-34; CO-09; FB-06; FP-15; RS-05; RS-20). While the DHS consists of multiple departments, the two sectors named most frequently as dominant actors were the Customs and Border Patrol (CBP) and Immigration and Customs

Enforcement (ICE) (Participants CO-04; CO-34; CO-09; CO-28; FB-06; IA-27; RS-05; CO-34; CO-26; IA-27; RS-05). Throughout all the interviews, CBP was the most frequently mentioned actor with having been mentioned 135 times by participants. DHS was mentioned as a whole 59 times and ICE 21 times. Three current and one former members of DHS were interviewed for this study. To ensure protection of their identity, participants' departments will not be revealed. When discussing participants' responses, this thesis will refer to them as members of 'immigration authorities'.

In addition to the CBP and ICE, another department of DHS that is involved with the issue of child migration is the United States Citizenship and Immigration Service (USCIS). Legislation for unaccompanied child migrants requires that a child who has been determined to be unaccompanied by immigration authorities before their transfer to HHS may have their immigration cases heard in front of an asylum officer at USCIS, rather than in immigration court (Wasem 2014b, p. 6). The difference is that the proceedings at USCIS are non-adversarial in nature (Taylor 2017, para. 12). This differs to hearings held at immigration court in that the children only have to present their case in front of an adjudicator and are not also challenged by an attorney from the DHS who acts on behalf the U.S. government. Despite this official role, no participant identified USCIS as an influential actor in child migration governance. Throughout all the transcripts, USCIS was mentioned approximately 13 times.

CBP is the first point of contact child migrants make with the U.S. authorities after they have crossed the border. Upon apprehension, CBP takes the children to a border patrol station where an officer will conduct an initial screening of the child. During this initial screening, CBP determines whether the child is from a contiguous country, i.e. Mexico, and whether the child could potentially be a victim of trafficking or has other protection concerns (GAO 2015). If it is determined that the child is from Mexico and does not appear to have been trafficked, then it is lawful for CBP to return the child to

Mexican authorities. The United States has agreements with Mexico in place that dictate the conditions under which the return can be undertaken (Ramirez et al. 2015, p. 455). If CBP determines that the child is from a non-contiguous country, or potentially has been a victim of trafficking, then CBP must arrange for the child to be transferred within a maximum of 72-hours to the HHS. This is stipulated by the TVPRA of 2008 (Rosenblum 2015, p. 9). This is because border patrol stations are essentially holding cells that consists of bare concrete walls. Child migrants have been reported to call those cells 'la hieleras', which translates as 'ice box', because of the low temperatures in the facilities (Bale 2013; Burnett 2014, para. 3). As participant IA-27 explains, 'you don't want - especially tender aged kids - in that setting because it is an arrest location. It is concrete walls and, you know, reinforced glass. It is not a place for kids.'
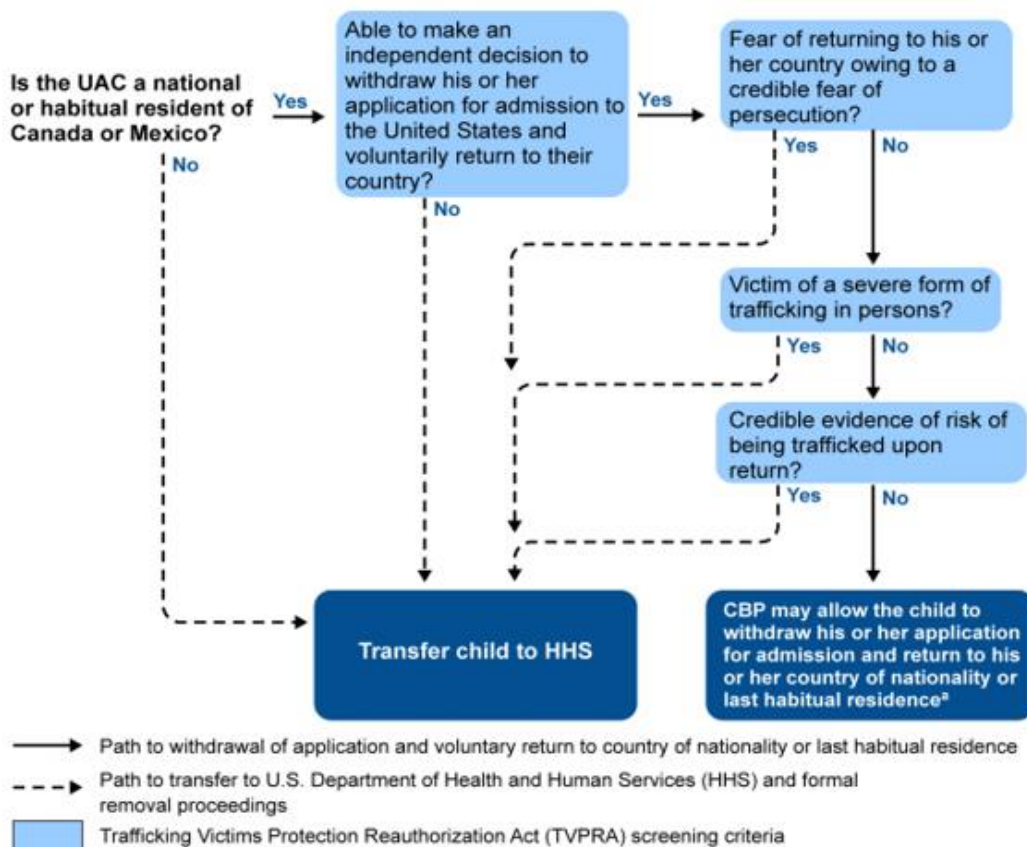
Figure 10: CBP screening process for UAC
Source: (GAO 2015, p. 12)

The transfer to HHS is usually undertaken by ICE officers (Kandel 2017, p. 7). Whereas CBP controls the crossing of goods and people at borders and other points of entry, ICE executes immigration laws within the United States, which includes the detention and deportation of undocumented individuals. This also applies to unaccompanied minors who have been ordered removed from the United States following their hearing at immigration court (Kandel 2017, p. 7). However, participants reported that the U.S. government is reluctant when it comes to deporting child migrants (Participant FP-08). Indeed, according to the congressional testimony by ICE Enforcement and Removal Operations Executive Associate Director Thomas Homan on February 23, 2016, only about 7,643 unaccompanied minors between fiscal year (FY) and FY 2015 have been removed from the United States (Senate Judiciary Committee Hearing, Feb. 23, 2016). This included deporting '1,813 [children] to Honduras, 2,517 to Guatemala, 2,485 to Mexico, and 663 to El Salvador' (Homan Testimony 2016). Participant FP-08 connects this reluctance to deport UACs to the case of Elián González, a Cuban child who was deported in 2000 and whose case caused wide-spread attention as well as political implications.

Based on the interview data, it appears that CBP took on a rather prominent role during the 'crisis' of 2014. Participants reported that the organisation actively collaborated with other actors in devising a response to the crisis. This appears to be particularly the case for the White House, which, as described above, became very active on the issue in the wake of the 2014 'crisis'. The reasons for these collaborative relationships, which ended up shaping the policy response, can be connected to how the White House made sense of the crisis. In turn, due to this collaborative relationship, how members of CBP made sense of the crisis, and child migration in general, also helped shape policy outcomes. Exactly how these actors made sense of child migration and how

this helped shape policy-outcomes will be discussed in detail in Chapter 7. Weick's (1995) third property of sensemaking – enactive of sensible environments – stipulates that sensemaking is driven by the most active actors in the system. As prescribed by this property, the White House, although it did not play a dominant role in child migration governance prior to the 'crisis', had the ability to become very influential because of the strong status it occupies within the overall U.S. governance structure within which child migration governance is embedded. The White House connected with CBP as a result of how it made sense of the 'crisis'. CBP offered their interpretations of events and the two actors influenced each other's sensemaking, which helped shape policy outcomes. This shows a clear example of Weick's framework, as the sensemaking is a driven by the most active actors, and/or by who actors see as influential. It also speaks to Weick's (1995) fourth property which stipulates that sensemaking is a highly social activity. All of this will be further shown in subsequent chapters.

This example further highlights the role of the three corner stones that seem to make up the constitution of the U.S. child migration governance system: structure, agency, and relationships. In this case, CBP was able to take on a prominent role because of its relationship with the White House.

B. Department of Health and Human Services

The Department of Health and Human Services (HHS) is the U.S. agency that provides guardianship to child migrants since they arrive in the United States without a legal guardian or caretaker (Kandel 2017, p. 8). Custody of child migrants was awarded to HHS following the dismantling of the Immigration and Naturalization Service (INS) and the consequent creation of the DHS (Terrio 2015a; Zatz and Rodriguez 2015, p. 124). This represented a transfer of custody of child migrants from an immigration agency to a welfare agency and advocates viewed this development as a positive step towards recognising child migrants' unique vulnerabilities as children without a caretaker (Young

and McKenna 2010, p. 250). As noted in the previous section, children from contiguous countries are not transferred to the custody of HHS unless they are found to be potential victims of trafficking or have a credible fear of being returned to their home country during the initial screening conducted by CBP (GAO 2015).

The section of the HHS specifically tasked with the care of unaccompanied minors is the Office of Refugee Resettlement (ORR), which is actually an office under the Administration for Children and Families (Terrio 2015a). Eight participants named HHS and four participants named ORR as influential players in U.S. child migration governance (Participants AC-26; CO-03; CO-04; CO-09; IA-27; RS-05; RS-20; CO-28; FB -06; RS-17). Throughout the interview transcripts, HHS was mentioned a total of 62 and ORR a total of 60 times. While both acronyms were used, HHS and ORR were pretty much discussed interchangeably. Since HHS includes ORR, the remainder of this thesis will use HHS when discussing this actor's role in child migration governance.

Since receiving guardianship over child migrants, HHS has been fulfilling the following roles. When immigration authorities apprehend a child from a non-contiguous country, who is not accompanied by a parent or otherwise legal guardian, they have 72 hours within which they must transfer the child from their stations to a HHS shelter (Zatz and Rodriguez 2015, p. 124). These shelters must comply with the 'least restrictive setting', based on best interest considerations, guidelines as required by the 1997 Flores Agreement, as well as the TVPRA of 2008 (Terrio 2015a). This means that children should receive education, medical attention, legal information, and recreational activities during their stay at one of the shelters (ACF Fact Sheet: Jan. 2016). In many cases, HHS provides funding for organisations to perform these services and/or run the shelters (Terrio 2015b). In addition, HHS provides family reunification services. Approximately 60 per cent of children can be reunited with a family member who is already located in the United States and able and willing to provide care for the child (Participants RS-20;

RS-17). For children who do not have family, HHS tries to identify foster care placements or other individuals who can act as 'sponsors'. In FY 2016, the 'average length of stay of a child in shelter care' was 34 days (HHS, Safe and Timely Release Process, Jan. 30, 2015).

There are varied accounts of how well the children fare at the shelters. Some claim that the children get to go the opera and eat pizza and therefore are quite comfortable in the shelters (Participants AC-26; IC-14; Phippen 2016). Despite these accounts, many advocates prefer to use the term detention (Participants CO-31; AC-26; Heidbrink 2014; Terrio 2015a). This is because even though the children's physical needs are met while they are in the government's care, the environment frequently causes them mental distress and shame. Children have reported that the extensive control exercised in those settings makes them very uncomfortable (Heidbrink 2014, Participant AC-26). In many detention centres, their movements are strictly monitored (Heidbrink 2014). Participant AC-26 spent a significant amount of time observing the conditions in the shelters and also had the chance to conduct interviews with some of the shelter's staff as well as some of the children. S/he reports that when children wanted to move from one room to another, they had to ask shelter staff to escort them. Despite children's physical and mental health being taken into consideration, and the fact that they have access to sports and education in line with the Flores Agreement, the children are often 'subjected to rigid behavioural regimes', which causes them to feel detained, rather than sheltered (Participant AC-26). Many of them are so affected by the experience that they continue to feel a deep sense of shame about having been in detention after their release from custody (Participant AC-26).

This shelter/detention disagreement within the governance system is worth mentioning because it helps map out the fields' communities of meaning and the architecture of debates, which is an essential aspect of interpretivist research (Yanow

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2000). It also is a necessary step towards gaining a clearer picture of HHS's role within the overall governance system. HHS clearly plays an important part because, similar to the CBP and the EOIR, it represents one of the major 'stations' in the children's immigration journey. For example, CBP apprehends the children, representing their first point of contact with U.S. authorities, and then turns them over to an HHS facility. For many child migrants, HHS therefore represents the second 'stop' on U.S. soil, before being released into the community. As explained, the children often spend many days in HHS custody and because HHS is tasked with identifying the children's relatives or find sponsors for them, the agency can have an enormous impact on their future life and well-being. This obviously gives the HHS an important role in the process. But even though HHS has probably more interaction with the children than for example, CBP, participants identified the latter actor more frequently as influential in child migration governance. CBP had a better relationship with a more powerful actor – the White House – which elevated its influence. This demonstrates that actors' status in the governance system is neither determined by their mandate, nor by their level of expertise on the issue. Rather, it is determined by an interplay between structure, agency, and relationships. Although not regarded as one of the most influential actors in the governance system, participants recognised HHS as important. Interview data suggests that because of their close work with the children, the agency can serve as an important source of information to other actors. Participant HHS-13 stated that members of HHS see themselves as executors of the role assigned to them by Congress. The agency seeks to make policy recommendations in regard to the programmes and services that it is responsible to administer (Participant HHS-13). Yet, the White House sought CBP's expertise on the issue over HHS', and as Chapter 7 will demonstrate, this is because the White House's understandings of the child migration 'crisis' aligned closer with the ones of CBPs.

Other participants described the HHS as a very resource poor and heavily underfunded institution (Participants AC-22; RS-20). This could perhaps be an indication as to why the HHS primarily acts in an advisory and executory role on the issue of child migration, rather than taking a very active stance. The agency might face resource constraints. The Office of Refugee Resettlement (ORR), the HHS section that deals with vulnerable migrants, including child migrants, forms only one of several departments of the HHS. The agency serves numerous disadvantaged communities in the United States. Despite the steady growth in the number of child migrant arrivals in the United States between 2009 and 2014, the agency's budget had not really been increased until 'crisis' stage had been reached in the summer of 2014. At this point, President Obama requested $3.7 billion emergency funding from Congress, for which $1.8 billion was intended for the HHS (Participants AC-22; RS-17; Quandt 2014). The limited resources made available to HHS led to the major incident that received nation-wide attention a few months after the 2014 south-west border 'crisis', which has already been mentioned briefly in the section on Congress (Participant AC-22, CO-03). It was discovered that children who had been placed with sponsors became victims of forced labour (Hennessy-Fiske 2015). Congressional law makers launched an investigation into the HHS functions under the Senate's permanent subcommittee on investigations. This raised awareness about HHS' role in child migration governance and several participants mentioned the investigation (Participant AC-22; AC-26; CO-03; CO-09; FB-06; RS-17; RS-20).

Participants also noted that serving unaccompanied minors does not necessarily have the same 'prestige' or 'political clout', as for example increasing services for poor inner-city youth. As participant RS-20 explains:

> Child migration is the kind of problem that no agency really wants. They are obliged to do it. Health and Human Services would rather be expanding programs for disadvantaged children to show that they are bringing down the rate of poverty. Or improving access to food. Nobody wants to be dealing with a crisis if they don't

have to. But, it's their responsibility so it falls on them to deal with it (Participant RS-20).

This could also mean that the HHS' agency was constraint by the fact that child migration did not constitute its large 'ongoing project', one of Weick's sensemaking properties. The significance of larger ongoing projects on actors' sensemaking and how these shape consequent actions will be further explored in Chapter 7.

C. Executive Office for Immigration Review

The Executive Office for Immigration Review (EOIR) is part of the Department of Justice which is an agency within the Executive branch of the U.S. government. According to EOIR's website:

> EOIR primarily decides whether foreign-born individuals, who are charged by the Department of Homeland Security (DHS) with violating immigration law, should be ordered removed from the United States or should be granted relief or protection from removal and be permitted to remain in this country (DOJ, *EOIR at a Glance*, 2010).

There are 57 immigration courts located throughout the United States and 235 immigration judges who preside over 'administrative court proceedings, called removal proceedings' (DOJ, EOIR at a Glance, 2010). Decisions issued by immigration courts can be appealed to the Board of Immigration Appeals (BIA). The BIA normally evaluates the case records for application of immigration law. That means that there are usually no further hearings conducted. Only in exceptional circumstances may the board decide to hear oral arguments (DOJ, EOIR at a Glance, 2010). If the claimant is dissatisfied with the outcome of a BIA decision, they may file a petition to review with the respective federal circuit court of appeal. However, the DHS, which represents the state in immigration court proceedings, may not appeal a decision issued by the BIA (DOJ, EOIR at a Glance, 2010).

Because of the enormous impact an immigration judges' decision can have on a child's life, immigration courts play crucial role in the lives of child migrants (Terrio

2015a, p. 161). Immigration judges decide whether a child is allowed to build their lives in the United States, or whether s/he will be ordered to return to his/her country of origin. Terrio (2015a, p. 161) points out that children are held to the exact same standards as adults when it comes to trying to obtain legal status in immigration court, or face appropriate consequences for entering the country undocumented, including deportation. Because of this, immigration courts are a popular example used in the literature to show that children are treated just like adults (Terrio 2015a; CGRS 2014). Terrio (2015a, p. 162) highlights this point by explaining how immigration law differs from other areas of law involving minors, such as domestic juvenile court or family court proceedings. These areas of law include practices that, 'mandate protective measures by considering mitigating circumstances, demanding less accountability, particularly for youths under the age of seventeen, and viewing juveniles as less deserving of the most severe punishments' (Terrio 2015a, p. 162). In immigration court, however, the children's particular status is only taken into consideration in terms of creating a 'child-friendly' environment. This means that DOJ and DHS have issued guidelines that advise – not require – immigration court judges to aim to create a non-threatening atmosphere during proceedings (CGRS 2014; U.S. Dep't of Justice, Memo Sept. 16, 2004). For example, the guidelines recommend judges to be considerate in how they question children when trying to obtain information (Terrio 2015a, p. 162).

It can also be argued that the different treatment between children without legal status and national children is further heightened by the fact that the EOIR is located with the executive branch of government (Terrio 2015a, p. 167). This means that in immigration proceedings, the prosecution and adjudication are under the same overarching organisational structure. In other legal proceedings, the prosecution is brought forward by the executive branch, but adjudication is conducted by the independent judiciary branch. This means that the widely recognised system of checks

and balances of the United States, which is supposed to facilitate democratic values, does not apply to immigration proceedings.

Because of such dynamics, EOIR is perhaps one of the most analysed actors in the existing child migration literature. This debate is of similar nature as the debate relating to HHS/ORR and the contention around whether to refer to their facilities for children as shelters or detention centres. Analyses like Terrio's (2015a), Bhabha's (2014) and Heidbrink's (2014) provide very valuable insights and information about these actors, the impacts on child migrants, as well as insightful interpretations of the existing policy environment. However, these studies do not analyse the role of individual actors within a large governance system which is needed to better understand what shapes governance towards child migrants.

Data collected for this study makes this point apparent. Similar to HHS, despite the attention the actor receives in the academic literature, members of the governance system do not regard the EOIR as the most influential player. Three participants named the Department of Justice (DOJ) as an influential actor in U.S. child migration governance (Participants CO-03; FP-15; RS-20). In addition to that, Participant AC-26 identified the EOIR specifically an influential actor, and Participant RT-07 named the immigration courts as influential. Throughout the interview data, the DOJ was mentioned 20 times, the EOIR was mentioned eleven times. This means that EOIR is a recognised player in child migration governance and its role and impact on the children's life is undeniable. But participants regarded the EOIR as less dominant than several other actors, including the White House, the U.S. Congress, the Department of Homeland Security and civil society.

The interview data further suggests that the EOIR is actively involved in policy-formulation that impacts it directly. This includes administrative as well as procedural issues and often involves collaboration with other actors including the DHS and members

of civil society (Participants IC-14; FB-06). Participants describe the EOIR as an agency subject to and an executor of the laws passed by Congress. This narrative of the EOIR's role shares similarities with the HHS, as illustrated in the previous section. The agencies advise other policy-makers when it comes to the design of programmes and procedures they help execute. When it comes to 'mapping' the governance system, as suggested by Yanow (2000), based on the data collected for this study, the HHS and the EOIR are further away from the governance's centre of power.

Another similarity the two agencies seem to share is chronic under-funding (Participants CO-04; CS-19; IA-25). The role of 'immigration backlog' was a significant theme within the data. It is interesting that the agencies that seem to have taken on a more dominant role in child migration governance, as for example the DHS, are also the ones who have received the most funding in recent years. In fact, the large backlog at EOIR is a consequence of increased funding provided to ICE and CBP, because increased enforcement leads to a higher number of immigration court proceedings (Participant FP-08). Yet, funding for immigration court has not been increased until 'crisis' stage had been reached in 2014 (The White House Office of the Press Secretary 2014b). As explained earlier, it is beyond the scope of this study to actively measure which actor has the most influence within the governance system and/or what factors might help shape who has the most influence. But it is an interesting observation that out of the three agencies who are directly involved in the children's migration journey in the U.S. (DHS: apprehension and transfer; HHS: shelter/detention; EOIR: granting/denying legal status), the agency with the largest budget – the DHS - happens to have the most involvement in general U.S. policy towards child migrants. All three agencies are part of the executive branch which means that when solely considering structural factors, the three agencies have equal status. When it comes to the DHS' actual contact with child migrants compared to HHS and EOIR, the argument could be made that DHS does not necessarily

play the largest role in their lives. Yet, participants regarded DHS as more influential than HHS and EOIR. This could partly be due to DHS' relationship with the White House, as well as due to the fact that EOIR and HHS face higher resource constraints to exercise their agency in deciding to become involved.

D. Foreign Policy Actors: U.S. Department of State and USAID

This thesis regards 'foreign-policy actors' as members of organisations that seek to facilitate work on the issue of child migration between the U.S. government and foreign governments. The most important actors in this area for the purpose of this study are the U.S. Department of State (hereinafter: State Department) and United States Agency for International Development (USAID). Three participants identified the State Department as an influential actor in U.S. child migration governance (Participants CO-31; CO-03; HHS-13). One participant (FP-15) named the USAID as an important actor. Throughout all interview transcripts combined, participants mentioned the State Department 24 times, and USAID nine times.

Like the White House, the State Department and USAID assumed a role within the U.S. child migration governance system in the aftermath of the 2014 south-west border 'crisis'. Some of the data suggests that the organisations became involved because other actors had asked them to take on that role. As one participant (CO-03) explained:

> We dragged the State Department into this kicking and screaming. They've been, and I am used to thinking of the State Department as kind of the – not always – but the softer [sic] and gentle side of the U.S government and they have just wanted nothing to do with this, unfortunately, [prior to the 'crisis].

One of the main roles the two organisations seem to have assumed was to help carry out the policy responses to the 2014 child migrant 'crisis'. The White House tasked both the State Department and USAID with helping to administer many of the programmes that emerged in response to the 'crisis'. According to Participant (FP-08), the State Department took on a strong role in programme design, and USAID in fund management.

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While it is true that foreign policy actors had hardly any involvement in the issue of child migration in particular, it probably goes without saying that when it comes to migration and refugee issues in general, the organisations have a long history of involvement. The State Department has a separate Bureau of Population, Refugees, and Migration which 'provides aid and sustainable solutions for refugees, victims of conflict and stateless people around the world, through repatriation, local integration, and resettlement in the United States' (U.S. Dep't of States: About PRM). But in the case of child migrants crossing the U.S. southern border, it was the State Department's Bureau for the Western Hemisphere that became involved in child migration. That particular Bureau was tasked with developing and implementing the 'Alliance for Prosperity', which was part of the U.S. policy response to the 2014 child migrant 'crisis' (U.S. Dep't of States: Strategy for Engagement in Central America).

Is it surprising that Foreign Policy actors do not play a larger role within the governance system considering that migration is always a regional problem? When asked about collaboration with other countries, pretty much all respondents asked confirmed the importance of governments working together to address the issue. Yet, participants have regarded a significant number of other actors as more important than foreign policy actors. While the data gathered for this study is not comprehensive enough to effectively determine the reasons for this circumstance, the available information allows for the exploration of a few possible explanations. First, this might represent another example of the applicability of Weick's (1995) third property of sensemaking: enactive of sensible environments, meaning that actors who are the most active in the environment are perceived as the most important. Because the State Department had not been actively engaged on the issue before 2014, their existing relationships with other actors on the issue are comparably weak. Other actors, such as HHS and EOIR, have long-standing relationships with each other when it comes to working on child migration.

It is also interesting that when it comes to working regionally, the DHS seems to have taken on a role in working with other countries governments (Participants 17&18). Since the DHS is regarded as a more important actor, its regional work might be perceived more strongly than that of the foreign policy actors. Perhaps the State Department acts more as a facilitator between governments and executor of certain programmes, than actively shaping the direction of policy, a task which might be left to the DHS. Since both the DHS and State Department are subject of the executive branch, which is headed by the White House, it is possible that this differentiation is due to how the White House understood child migration and how it then decided to involve the other actors, hence shaping their role within the governance system. This argument will be further explored in the subsequent chapter on actors' sensemaking.

Another factor could be the status foreign policy occupies among other topics of debate in U.S. politics. This is also frequently the subject of discussion in the press, especially during presidential elections (Saunders 2016; Drezner 2012; Aisch and Parlapiano 2017; Jones 2015). As Daniel W. Drezner (2012), a professor of international politics at Tufts, explains:

> Poll after poll shows that when Americans are asked what they consider the most important issue in presidential campaigns, an overwhelming majority choose the economy. Answers related to foreign policy or national security typically yield between 3 and 5 percent. […]. When pollsters prod Americans about their foreign policy views, the results are clear: they want the government to focus less on the rest of the world. […]. Politicians are not blind to these numbers. Short of a war or other violent attacks on American installations, foreign policy rarely takes center stage during presidential elections.

Whether the percentages cited by Drezner are correct is a matter of perspective and methods used by the cited polling stations. But the fact that foreign policy ranks considerably low in importance for American voters has also been established by the well-known polling organisation, Gallup, prior to the 2016 presidential elections. Polling roughly 1,016 adults throughout the 50 U.S. states in May 2015, Gallup established that

foreign policy is only regarded as the fifth most important concern for the American voter (Jones 2015, para. 4). When discussing the role of foreign policy in child migration governance, one of this study's participants confirmed such views by expressing:

> Foreign Policy in the United States doesn't always get the attention that it should. We read about things overseas but…the people have a core idea of our state department and other agencies that do international work. Sometimes they get marginalized compared to the Department of Defence and Department of Homeland Security (Participant RS-20).

However, at the same time that foreign policy actors took on a role in child migration governance, the importance of foreign policy as an issue started to climb in the polls. In July 2016, more than one year after the aforementioned Gallup poll, the Pew Research Center (2016, p. 31) reported that voters ranked foreign policy as the third most important issue during the 2016 presidential elections. The same report states that immigration has grown in importance greatly compared to previous election cycles (Pew Research Center 2016, p. 34). So has terrorism, which although it might be a foreign policy issue, is also very much a national security issue which perhaps falls more under the Department of Homeland Security's responsibility. The section in the next chapter on regional cooperation might provide more insights into this topic.

VI. CONCLUSION

The objective of this chapter was to respond to this thesis' first research question, who are the actors in U.S. child migration governance (RQ1)*?* For this purpose, this chapter began with a presentation of the data gathered for this study. The data showed that the U.S. child migration governance system consists of a range of governmental and non-governmental actors. Due to the large number of actors, analysis of the actors was split into two chapters. This chapter focused on the actors who are a formal part of the U.S. government. This included the White House and Congress, which have been identified as the key actors driving the environment. The analysis also included several

departments of the executive branch, including the Department of Homeland Security (DHS), the Department of Health and Human Services (HHS), and the Executive Office of Immigration Review (EOIR), the Department of State and the U.S. Agency for International Development (USAID). The following chapter (Chapter 6), contains information about actors that are not part of the U.S government, but are nonetheless regarded as influential by participants. This includes civil society organisations, the United Nations High Commissioner for Refugees (UNHCR) and the governments of Mexico and the Northern Triangle Central American countries. The data was obtained through the conduct of interviews with 33 individuals with high levels of expertise in U.S. child migration governance. Participants were asked who they think are the most dominant actors in U.S. child migration governance, in accordance to the interpretivist framework outlined in Chapter 3. The actors identified by participants have been reviewed for their various roles within the governance system.

The analysis of the governmental actors yielded the following results. It was shown that the 2014 child migrant 'crisis' had a significant impact on the governance system. It led to an increase in the types of actors involved, in the number of actors involved, and to a shift as to which actors are perceived to be driving the environment. Examples include the increase in the number of members of Congress involved in the issue, as well as the involvement of the White House, which chose to take on a leadership role. The White House then involved the Department of State and USAID. It will be shown in subsequent chapters that this is due to how the White House understood child migration. There is no indication in the data that the role of the EOIR and HHS changed in the aftermath of the 'crisis'. It is interesting that these are the two agencies that are regarded as underfunded.

The figures below provide a simplified illustration of the impact of the 2014 'crisis' on the constitution of the U.S. child migration governance system, demonstrating how the system has 'expanded' as a result of the 'crisis':
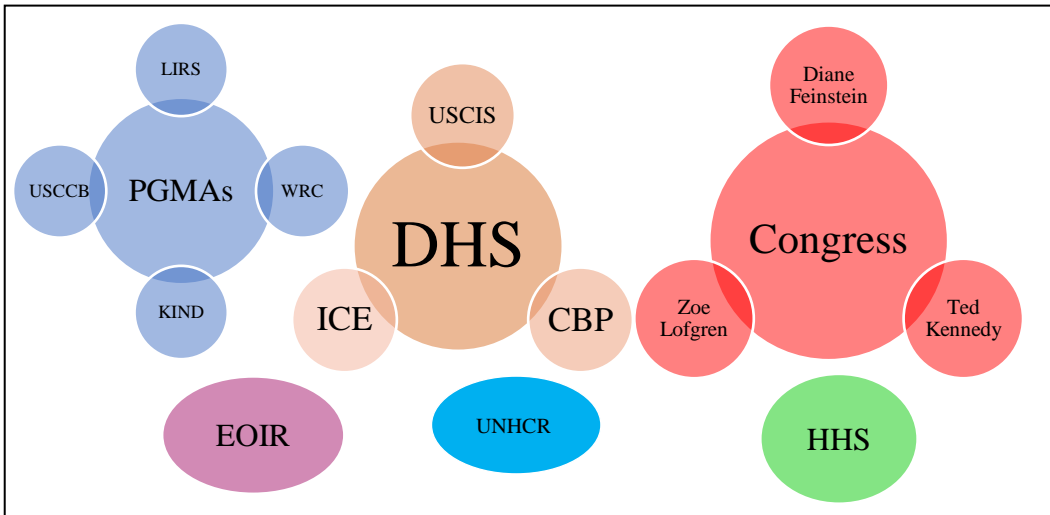
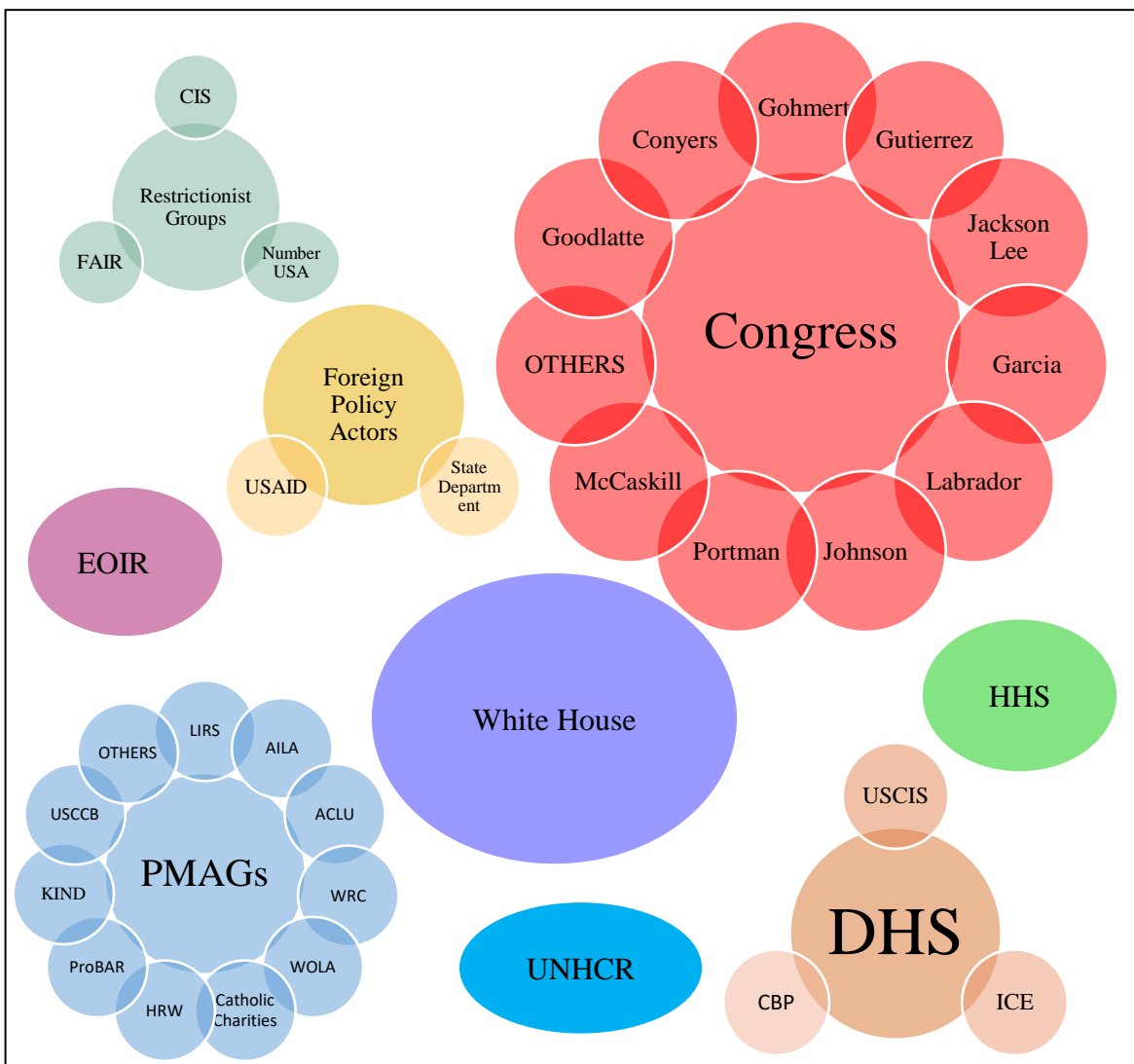Figure 11: Governance field prior 2014 'crisis'

Figure 12: Governance field post 2014 'crisis'

From these observations, important implications can be drawn for the study of governance. The analysis showed that U.S. child migration governance consists of a

multi-actor, multi-layered system that includes actors inside and outside the formal government structure, both domestically and internationally. The cornerstones of this governance system are structure, agency, and relationships which are, as Chapter 7 will reveal in much more detail, driven by the seven properties of sensemaking. The analysis observed that structure alone does not determine which actor has a dominant role. However, the system plays an important role in that it can help make some actors more powerful than others. The case of the White House's involvement is a good example, where the structure of the U.S. government enabled it to take on a strong leadership role. Yet, it was only able to realise this leadership role by displaying agency to take it on. But only due to the power awarded to it by the existing structure of the system within which child migration governance is embedded, the White House was able to realise its agency. The example of Congress also highlighted these dynamics. Despite several members of Congress displaying agency by becoming involved in the issue by putting forward proposals aimed at changing existing legislation towards child migrants, their ability to successfully do so was limited.

In addition to structure and agency, another important component of the governance system are the relationships between actors. This is in accordance with Weick's (1995) sensemaking properties and indeed, Chapter 7, which explores sensemaking within the governance system, will provide much more evidence of the presence and nature of this attribute. Based on the interview data, it seems that the White House consulted largely with the Department of Homeland Security, in particular with the Border Patrol, in devising its policy response to the 2014 'crisis'. The State Department was also consulted. This shows that even though there are multiple actors that perform important roles within the process of child migration governance, such as the Department of Health and Human Services and/or the Department of Justice, the Department of Homeland Security - and specifically the border patrol - gained more influence in the governance system because

of its relationship with the White House. Similarly, members of Congress' success in driving policy change is contingent on the relationship between the parties, as individual members need to gather support for their proposals.

The forthcoming chapters of this thesis will further demonstrate how sensemaking drives structure, agency, and relationships, fully exposing the nature of U.S. child migration governance. The next chapter, however, will analyse the remaining actors in the governance system, completing the response to RQ1.

Chapter 6: The Constitution of the U.S. Child Migration Governance System Part II: Actors 'Outside' the U.S. Government

I. INTRODUCTION

This chapter further develops the analysis of the constitution of the U.S. child migration governance system. It focuses on actors that are not part of the U.S. government, including civil society, the United Nations High Commissioner for Refugees (UNHCR), and the governments of Mexico, Guatemala, Honduras, and El Salvador. The chapter provides further insights into how structure, agency, and relationships make up the cornerstones of U.S. child migration governance already identified in Chapter 5. It seeks to assess how these actors help shape policy even though they are not an official or formal part of the governance system. It is shown that these types of actors use a variety of channels and activities with the aim of influencing policy-outcomes. 'Influence' in this context refers to an actor's ability to gain access to, or involvement in, the policy-making process, and more importantly, infuse policy outcomes with their understandings of child migration. To achieve this objective, these types of actors usually need to influence the understandings of the more dominant actors, which were identified in Chapter 5. This means that their ability to influence is contingent on what is going on with other actors in the system. This corresponds with Weick's (1995) property of sensemaking that states that it is enactive of sensible environments, meaning that the most active – or powerful – actors shape the environment. This demonstrates how sensemaking can be a useful tool for generating insight into child migration governance. This means that this analysis also facilitates greater understandings of the power dynamics that shape the governance system.

The chapter's next section analyses the gathered data regarding civil society organisations in child migration governance in the United States. This includes both pro-migrant advocacy groups (PMAGs) and restrictionist actors. The channels and avenues

used by these organisations to influence state actors' understandings of child migration to help shape policy outcomes are explored. This is followed by a section analysing the role of the UNHCR in the governance system. The subsequent section assesses how other actors in the governance system view the governments of the main sending countries – Mexico and the Northern Triangle Countries – and what this says about their relationships.

II. CIVIL SOCIETY

As pointed out by Laubenthal (2014, p. 238), the literature on migration has paid little attention to the role of civil society in governance. In the general governance literature, interpretivists have touched on their role and influence when discussing different modes of governance. In the interpretivist tradition, the state is not viewed as a set entity, but rather as a result of practices. It is negotiated by interaction between state and civil society, the national, international, and transnational (Bevir and Rhodes 2010, p. 93-94). This section provides insight into the practices and roles of civil society actors that help make up the constitution of the governance system. This is achieved by providing a picture of the diverse landscape of U.S. civil society relevant to child migration, illustrating how they seek to participate in the governance system, and evaluating to what extent they are successful. Despite not having any formal decision-making capacity, these actors employ strategies to influence policy-making that allow them a sort of informal governance (Laubenthal 2014, p. 254).

Based on the data gathered for this study, civil society actors can be grouped along two lines. They can be grouped into two opposing camps based on their ideological position – or policy and advocacy goals. This consists of activists and organisations that seek to reduce migration to the United States. For the purpose of this study, these actors are referred to as *restrictionists.*

On the opposite side of the spectrum are groups who seek to protect or advance immigrants' rights. They do not necessarily seek to increase migration to the United States, but they tend to view migration as favourably and beneficial. This thesis refers to these actors as *pro-migrant advocacy groups (PMGAs)* (Anderson 2017).

The following section will review each actor and their activities in detail. This speaks to the multi-level and multi-actor nature of U.S. child migration governance. In addition, it is also shown that the 2014 child migrant 'crisis' altered the status of civil society organisation, causing a shift away from the *collaborative governance* style that used to characterise the governance system prior to 2014 (Ansell and Gash 2007).

A. Pro-Migrant Advocacy Groups

The United States is known to have a very active third sector. Many believe that civil society plays an important role in U.S. governance as U.S. democratic history has facilitated the formation of groups representing competing values, often with the aim to influence government policy and policy-making (LeRoux and Feeney 2015, p. 46, 54). The United States' history of freedom of religion has been seen to provide fertile ground for organisation and assembly, and according to LeRoux and Feeney (2015, p. 43), there has always been a strong connection between philanthropy and religion. Today, religious organisations in the U.S. still constitute the most numerous non-governmental organisations (LeRoux and Feeney 2015, p. 50). Some have grown into federations, meaning a national organisation with local chapters facilitating a strong presence throughout the entire country (LeRoux and Feeney 2015, p. 50). Additionally, the United States' history of small government and rather limited welfare state means that, due to the weak presence of government services, poorer segments of society have been primarily served by local human service organisations. Assuming an integral function within U.S. society, a culture of privatising and contracting out government services like health care and human services emerged (LeRoux and Feeney 2015, p. 47).

These trends also apply to PMAGs in the area of child migration. As this section will show, they have taken on a variety of roles and services that have enabled them to gain a certain status and access within the system. Many perform advisory, research and advocacy roles, and some are tasked with providing a range of services to immigrants, including child migrants in particular. Some are faith-based, others are not.

Turning to the interview material, six out of the 33 participants directly named the advocacy community as an influential actor in response to the question who they see as the dominant actors in U.S. child migration policy-making, meaning that their perspectives, advice and understandings of child migration and associated key issues were well respected and seen to help shape policy-outcomes (Participants FP-15; HHS-13; IC-14; RS-05; RS-20; RT-11&12). Three more participants conveyed indirectly, or responded when prompted, that they see PMAGs as valuable or influential actors within the governance system (Participant IA-27; Participant IA 25; RS-17&18). Two participants also specifically mentioned 'faith-based groups' as important actors (Participant FP-08; Participant IA-25). In terms of recognising particular organisations, participants identified the Women's Refugee Commission (WRC) (six participants); Kids in Need of Defense (KIND) (four participants), the United States Conference of Catholic Bishops (USCCB) (two participants) and the Lutheran Refugee Immigration Service (LIRS) (two participants). Throughout all interview transcripts, 'civil society' was mentioned 17 times (meaning actors who are here referred to as PMAGs), 'NGOs' twelve times, and 'faith-based groups' five times. The WRC was mentioned twelve times, KIND nine times, USCCB seven times, and LIRS six times. A list of other advocacy groups that were mentioned by participants as actors throughout the interviews can be found below. Groups mentioned only once are not included in this list for the sake of scope.

Table 8: Type of advocacy groups mentioned by participants

Advocacy Groups	Number of Times Mentioned in Interviews
'Civil Society' (in this case referring to PMAGs)	17
'NGOs'	12
Women's Refugee Commission	12
Kids in Need of Defense (KIND)	9
U.S. Conference of Catholic Bishops (USCCB)	7
Lutheran Immigration and Refugee Service (LIRS)	6
Catholic Charities	6
ProBAR	6
'faith-based groups'	5
The Young Center	5
American Civil Liberties Union (ACLU)	5
Catholic Church	4
Catholic Relief Services	3
American Bar Association	3
American Immigration Lawyers Association (AILA)	2
Center for American Progress	2
Washington Office for Latin America (WOLA)	2
Human Rights Watch (HRW)	2

It should be noted that for the purpose of analysis, organisations have not been grouped based on how frequently they have been mentioned, but rather by type of organisation. This research finds that PMAGs in U.S. child migration governance can be categorized into the three types: legal service providers; faith-based organisations; and research/advocacy organisations although there is overlap between organisations' services and objectives. PMAGs use the expertise and standing gained from performing those roles to build relationships with, and earn recognition from, other actors in the field with the aim of getting those actors to adopt their understandings of child migration to help shape policy outcomes. This, however, means that PMAGs ability to influence is contingent on other actors in the governance system.

1. Legal service providers

Organisations that fall into this category and that have been mentioned as relevant in child migration governance include Kids in Need of Defense (KIND); ProBAR, which is associated with the American Bar Association, The Young Center, and the American Immigration Lawyers Association (AILA). A central focus of these organisations is to advocate for and provide legal services to child migrants. Most importantly, this includes

legal representation in immigration proceedings. Because immigration proceedings are considered civil and not criminal legal proceedings, child migrants do not have a right to government funded legal representation (Terrio 2015a, p. 161). In an effort to fill this gap, advocacy groups have mobilized to create networks of pro-bono attorneys, where lawyers volunteer their time to represent child migrants.

A leading role on this issue has been taken on by KIND, which was established in 2008 and is funded by actress and activist Angelina Jolie and the Microsoft Corporation (KIND FAQ, Feb. 2017). According to the organisation's website, KIND has partnerships with more than 400 legal organisations, including corporate law firms, law schools and bar associations who 'have agreed to represent unaccompanied children pro bono' (KIND FAQ, Feb. 2017). In addition to providing the service of coordinating the network and matching children with available attorneys, KIND provides attorneys with 'training, mentoring, and other resources', which means that attorneys are not required to have prior immigration law experience (KIND FAQ, Feb. 2017). Since its opening in early 2009, KIND 'has trained more than 17,000 attorneys and been referred more than 14,000 unaccompanied children' (KIND FAQ, Feb. 2017). The organisation operates ten field offices throughout the United States and is in the process of expanding its model to the United Kingdom.

In addition to facilitating pro-bono representation, KIND operates a Return and Reintegration programme that assists minors who have not qualified for any immigration relief and have been returned to their country of origin (KIND FAQ, Feb. 2017). By forming partnerships with local organisations in Guatemala and Honduras, KIND aims to facilitate access to services such as family reunification, training programmes, or schools for children who need to reintegrate in their societies (KIND FAQ, Feb. 2017). These are two examples of where a civil society organisation has taken on a role that perhaps in

other contexts would be expected to be delivered by the state (Laubenthal 2014; LeRoux and Feeney 2015).

ProBAR Children's Project operates primarily in South Texas where the majority of child migrants are apprehended. Founded in 2003, the organisation offers 'Know Your Rights' presentations to child migrants while they are in shelters (Terrio 2015a, p. 86). In addition, they try to match children with pro-bono attorneys by working with KIND and other organisations (ProBAR Kids Brochure July 2012). ProBAR has been sub-contracted by the VERA Institute for Justice which is contracted by the U.S. government to conduct the intake interviews with child migrants where they are screened for any protection needs (Markham 2013). Being a government sub-contractor gives organisations like ProBAR a certain degree of access to governmental actors. The analysis following this overview will show that state-actors recognise the expertise those organisations gain from working directly with child migrants.

Participants who mentioned the Young Center for Immigrant Children's Rights (hereinafter Young Center) talked about its operations rather enthusiastically. Based in Chicago, Illinois, the organisation has a working relationship with the Department of Health and Human Services' Office of Refugee Resettlement (ORR) since 2008 (GAO 2016, p. 8). Borrowing the concept from domestic legal proceedings involving children, the Young Center trains people to act as advocates on their behalf (Markham 2013, para. 56; GAO 2016, p. 8). Advocates are expected to meet with the children regularly and learn about them, their migration experience, and their background. They may also accompany the child to any immigration proceedings. As pointed out by Participant SN-29, this differentiates the advocate from an attorney:

> The attorney has to do what the kid wants even if it's crazy. But I can go in and meet the child and understand the child's situation and then in court say it is not in the best interest of this child to be deported or to be re-united and for these reasons.

Based on the information they learn, advocates can then make recommendations regarding the child's custody arrangements, needs in detention, or release and possible repatriation (GAO 2016, p. 8). These recommendations should be in line with the child's best interest principle and can be submitted to immigration courts as well as DHS (GAO 2016, p. 8). However, according to ORR regulations, these advocates are usually only appointed for unaccompanied children deemed to be especially vulnerable (GAO April 2016, p. 2). This includes victims of trafficking or abuse, children under the age of 12, and children who might be expecting or already have a child themselves. It may also include children who might have to be detained by ORR for longer than 4 months (Markham 2013; GAO 2016, p. 2). This means that despite expanding its operations into other geographical areas, the Young Center only served about '904 children from fiscal year 2012 through fiscal year 2015' (GAO 2016, p. 10).

As these examples show, PMAGs fulfil needs that many advocates see as essential, but that many feel the government is failing to deliver (LeRoux and Feeney 2015). In addition, as shown by the example of ProBAR, advocacy organisations can take on government services by being contracted by the government. Because of their close work with the children, these organisations are often in a unique position to see first-hand the impacts of the system on child migrants, and because of their established working relationships with governmental actors, PMAGs are sometimes able to evoke change. An example offered by participants of an improvement PMAGs were able to achieve includes an issue surrounding *Notices to Appear* (NTA) distributed by immigration authorities to child migrants in the aftermath of the 2014 'crisis'. Through their work with child migrants, pro-bono attorneys and other members of PGMAs learned that child migrants often failed to receive their notices of when to appear in court causing them to be removed from the United States 'in absentia'. This was because NTAs, which inform migrants of the dates when they must attend an immigration court hearing, were commonly filed in

the U.S. state in which the child had been detained. If the child was later re-united with family in a different state, s/he would have needed to file a 'Change of Venue' with the courts in that state. Very few minors, especially the ones without attorneys, would be aware of such regulations. This meant that children were failing to receive the notice and missed their court hearings, in which case judges commonly order deportation. When advocates learned about this issue, they filed a joint letter to Immigration and Customs Enforcement (ICE) and the Executive Office of Immigration Review (EOIR) who then worked to simplify the process (Participant FB-06). This is an example of the 'administrative advocacy' undertaken by PMAGs as well as an example of how they can perform a sort of 'monitoring role' within the governance system (Participants FB-06; IC-14).

2.   Faith-based organisations (FBO)

Religious institutions and faith-based organisations (FBOs) have a long history of being involved in serving migrants and refugees in the United States (Eby et al. 2011, p. 587). FBOs perform a variety of functions within the governance system including: direct advocacy on behalf of child migrants by liaising closely with policy-makers and educating the public; conducting and disseminating research; and, offering direct services, as times as part of a contractual relationship with the government. Among others, these services include housing, job seeking assistance, English as a Second Language classes, and citizenship preparation classes. The public-private partnership between FBOs and religious institutions, such as churches, synagogues, etc. and the government plays a fundamental role in facilitating refugee resettlement and integration (Eby et al. 2011).

The two FBOs identified as influential actors by participants in this study were the United States Conference of Catholic Bishops (USCCB) and the Lutheran Refugee Immigration Service (LIRS). Both of these organisations are registered with the U.S.

government as refugee resettlement agencies tasked with helping newly arrived refugees to become self-sufficient. How many are assigned to each agency depends on estimated capacity (Eby et al. 2011, p. 591-592).

USCCB has been providing services to unaccompanied migrant children since 1980, including family-reunification services and foster care (USCCB, Children and Migration, 2017). Staff have also testified before Congress on the issue of child migration (Seitz 2014). The organisation has also previously undertaken research trips to the Northern Triangle Countries to assess the situation for Central American child migrants. The USCCB's Bridging Refugee Youth & Children Services (BRYCS) programme connects advocates specialised in child welfare with refugee organisations (BRYCS Brochure 2010).

The LIRS has been assisting refugees to the United States in one capacity or another since 1939, with an original focus on assisting Lutherans (LIRS: History). Similar to the USCCB, the organisation provides assistance in facilitating family-reunification and foster care arrangements for child migrants (LIRS: People We Serve - Children). LIRS also engages in the political process through active advocacy, campaigning and lobbying. It has played an active role in the reauthorization of the Trafficking Victims Protection Reauthorization Act (TVPRA) (LIRS: History).

This type of activism is not uncommon for PMAGs. In cases where advocacy is insufficient, they might try to influence laws and regulations by bringing suit against the government. When asked how s/he thinks that advocacy organisations manage to be influential in child migration governance system, Participant CS-19 responded:

> I think using the legislative process. Here in Washington we have a lively NGO community. They really are on the ground. They really understand the issues very well. When you take that knowledge and then [connect] […] with key representatives on specific issues, you can mobilise a pretty strong force that comes together and gets the legislative process going. They will effect change [in] bits of legislation.

An example of PMAGs successfully using the legislative process to improve treatment of child migrants is the Flores Settlement of 1997 which, as reviewed elsewhere in more detail, requires certain minimum, child-appropriate standards, while child migrants are in the care and custody of the U.S. government (Terrio 2015a; Young and McKenna 2010).

But not all attempts at changing legislation by bringing suit against the U.S. government are successful. For example, in September 2016, a federal appeals court rejected a suit brought by advocacy groups against the U.S. government demanding that child migrants receive government funded legal representation (Johnson 2016, para. 1). Existing pro-bono networks have been stretched very thin following the increase of unaccompanied child arrivals in recent years. Advocacy groups appealed the decision, but in early 2018, the Ninth Circuit Court of Appeals decided that child migrants do not have a constitutional right to legal representation (Cassens Weiss 2018, para. 1, 3). This constituted a set-back for the advocacy community. Astonishingly, the court announced in the following September that the case be reheard, which is set to happen in December 2018 (Arulanantham 2018). Accordingly, the final outcome of the case remains to be seen.

These examples show that PMAGs are able to participate in governance by using available channels – for example by using the legal system. However, their ability to influence policy outcomes is contingent on their ability to get state actors to adopt their understandings of child migration. The changes mentioned in this section were advocated by PMAGs, but they were implemented by DHS, the courts, or Congress. But the fact that PMAGs have been successful in some instances shows that they play an important role in the governance system.

3. Research/advocacy organisations

Organisations like the Women's Refugee Commission (WRC) do not provide direct services. Rather, their main focus is to conduct research and engage in advocacy in order

to influence policy. In 2012, the WRC published a report, *Forced From Home: The Lost Boys and Girls of Central America*, which highlighted the increase in the number of child migrants from the Northern Triangle region two years prior to what became known as the 2014 south-west border 'crisis' (Jones and Podkul 2012). The organisation tried to use the insights gained from the report to inform state actors about their perspective and hopefully adopt the WRC's understandings, eventually influencing policy. As one governmental actor who participated in this study noted (CS-19):

> The NGO community was extremely [strong and] active. The Women's Commission on human rights acted more than any other group on pushing that issue forward in the early stages in terms of how do we properly treat and house child migrants, especially unaccompanied migrants coming to the United States.

Participant CO-09 offers are more concrete example of how the WRC has helped shape practice regarding child migrants:

> I would say there are other organisations that should take a lot more credit like the Women's Refugee Commission and others that have worked a lot with CBP on what the guidelines should look like, and the screenings. But it is a step in the right direction that you actually start to see a greater recognition of the fact that the way it was being done wasn't helpful.

The example of the WRC's involvement in initial screenings of child migrants, where an advocacy organisation was allowed to review the practices of a governmental actor regarding child migrants and make recommendations, is another example of how these organisations can fulfil a monitoring role. By conducting research and speaking to the children directly, members of PMAGs are in a unique position to learn about issues facing child migrants. They can then use this knowledge to effect change through various avenues, as the examples presented here demonstrate. But again, the actual change is undertaken by governmental actors, and as Chapter 7 will show, their ability to adopt the perspectives of PMAGs, is subject to various factors and constraints depending on what else is currently happening around them regarding the subject at hand.

Participant FP-08 also noted this conflict. The participant explained that faith-based organisations often have a long-established relationship with senior members at the White House and have used this access to successfully shape policy in the past. In the case of child migration, these groups have been 'incredibly vocal', trying to 'give it a very significant humanitarian angle'. However, Participant FP-08 explained that despite the government's great relationship with those groups, it is not always able to cater to their demands because it faces certain 'legal, political, and resource constraints.'

Participant CO-16 also acknowledged that there is a difference between having access and having influence. Below is the response to the question how they would rate their ability to influence:

> Really good. About the ability to influence I don't know but I have really good access [laughs]. I mean I think it depends. I mean you know with Congress it's a very polarised Congress right now so there's offices that I feel like we can be very influential with and they generally agree with us and take our advice. There are other offices you know that are totally the opposite of what we believe and so we do not have much influence. I would say with the administration we have very good access. We have regular meetings with headquarters, their policy officers, the White House, you know, I don't know how much - you know we work very hard and I think they take us very seriously. You know it is hard at the end of the day to kind of exactly categorize how much influence we have (Participant CO-16).

Given these findings, it might be accurate to refer to PMAGs more as change facilitators, rather than the drivers or enactors of change, as policy is mainly driven by state actors. Because of this, civil society organisations - and this includes PMAGs as well as restrictionist groups - try to increase pressures on state actors through the use of grass-roots mobilisation. As the next section on restrictionist groups will illustrate, the number of PMAGs, especially on the issue of child migration, significantly outweighs the number of restrictionist groups. Does this help or hurt mobilisation? Participant CO-03, a member of a PMAG, explained that at a recent collation meeting, it was determined that there were 25 different collations working on the issue of child migration. The participant explained that this can of course be a good thing in terms that 'there is a lot of energy and interest

going into' the issue. However, the participant also wondered, 'if we do reach crisis point, are we going to be able to coordinate fast enough?' Participant FB-02 voiced similar concerns. S/he emphasised the importance of grassroots mobilisation in trying to shape policy outcomes because s/he believed that in the end, the policies that get passed are often the ones who can demonstrate the most support on the ground:

> It's helpful obviously we form relationships with staff and congressional representatives […] and the administration until we go in and we'll and you know talk with them, point our issues, but it's always very important to back that up with some sort of grassroots sort of response. We need to show the representatives and senators that there is a constituency within their districts or within their states, depending on what you are talking about, that is responsive and interested in the issues that we spoke to them about you know at some earlier point in time whatever we are going to go speak to them about (Participant FB-02).

Participant FB-02 argued that PMAGs have been failing to cultivate a strong and unified grassroots response both on the issue of child migration and the larger issue of comprehensive immigration reform. They believed that this hindered their ability to influence policy outcomes. The participant attributed this failure to the relationship between the different groups currently active on this issue. As mentioned above, the number of groups involved in child migration increased drastically since the 2014 child migrant 'crisis'. Prior to the 'crisis', there were four groups 'who really [had] expertise in the area' (Participant CO-03). This included the Women's Refugee Commission (WRC), Kids in Need of Defence (KIND), the U.S. Conference of Catholic Bishops (USCCB), and the Lutheran Immigration and Refugee Service (LIRS) (Participant CO-03). According to Participant CO-03, in the wake of the 'crisis', this number increased to about 50 or 60 organisations to include groups from foreign policy, international development, the refugee relief and resettlement world, immigrant rights, ethnic groups, and legal organisations such as bar associations.

Based on the data, this development seems to have hurt PMAGs' ability to mobilise. As illustrated in Chapter 4, PMAGs have been able to record some successes in terms of

advancing child migrants' rights in the past. This includes the Flores Settlement Agreement of 1997; transferring guardianship of unaccompanied minors from Immigration Authorities to the Department of Health and Human Services (HHS), and the Trafficking Victims Protection Reauthorization Act of 2008 (Terrio 2015a). But as expressed by Participant CO-03, this 'progress' slowed down following the events in 2014. Before that, 'this was one of only two immigration issues where we did see positive momentum forward. This and the trafficking issue. Now, all of that again is in questions' (Participant CO-03).

This is another example of how a crisis – or some form of 'turbulence' or 'interruption' - can impact a governance system (Weick 2005; Ansell et al. 2017). Chapter 5 already presented other examples of how a 'crisis' led to the involvement of more actors, and Chapter 7 will serve to better illustrate the reasons why. Similarly, more PMAGs actors became involved in the issue. But as the data shows, that did not necessarily make them more powerful. Perhaps even to the contrary. Based on the data collected for this study, it seems that prior to the 'crisis', there were a small number of PMAGs and a handful of members of Congress who advocated on behalf of child migrants and who together were able to achieve some positive developments. This could also be referred to as *collaborative governance* (Ansell and Gash 2007; Bevir and Rhodes 2010: 210). Ansel and Gash (2007: 544) define collaborative governance as follows:

> A governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented, and deliberative and that aims to make or implement public policy or manage public programs or assets.

Being part of the 'broader trend' of moving 'away from top-down hierarchical approaches' to policy-making, collaborative governance emphasises 'discussion and cooperation among stakeholders' (Bevir and Rhodes 2010, p. 212). Importantly, 'it relies on negotiation, not competition' (Bevir and Rhodes 2010, p. 210). That changed

following the 2014 'crisis'. While perhaps collaborative practices were more common between NGOs and state actors prior to 2014, the competition had now increased, as well as the top-down approach with the White House stepping in and delegating responsibility to particular actors (e.g. border patrol and Department of State). This example effectively illustrates how a 'crisis' can lead to a shift in a governance system.

In summary, the discussion showed that despite not being a formal part of the U.S. government, PMAGs are very active, recognised actors in child migration governance. They play an important role in an advisory, monitoring, research and advocacy capacity, and by performing direct services. The analysis also revealed that PMAGs are able to effect change through a myriad of ways, however, their ability to do so is subject to their ability to successfully influence state actors. The strength of their influence has been affected by the changes that occurred in the governance system following the 2014 child migrant 'crisis'. The system shifted away from the collaborative governance style that used to characterise the system towards a more top-down hierarchical structure. This has reduced PMAGs' ability to influence state actors, as their environment had changed, despite the fact that the number of PMAGs had increased exponentially. The next section will review the role and activities of restrictionist actors in the governance system.

B. Restrictionist Groups

Based on the data collected for this study, three groups with the aim of restricting immigration have been identified as relevant for the issue of child migration. This includes the Center for Immigration Studies (CIS), the Federation for American Immigration Reform (FAIR), and NumbersUSA (Participants CO-16 and CS-24&24). Throughout all interview transcripts, CIS was mentioned four times, NumbersUSA three times and FAIR twice (Participants CS-23&24; RT-11&12; CO-16). In addition to having been mentioned the most by participants, CIS also seems to have given the most congressional testimonies on the issue of child migration specifically and appears to have

produced to most written material, so it could be regarded as the most active restrictionist actor in child migration governance. Generally speaking, PMAGs featured significantly more prominently throughout the interview data than restrictionist groups. But where participants were prompted about the role of restrictionist groups, their relevance in the governance system was confirmed (Participants CO-16; IC-14). As declared in the interview with Participants RS-17&18:

> It kind of divides between the advocacy groups that are looking for ways to support immigrants and refugees and anyone coming into the country, and certain groups that had positions that oppose that. I mean they both have a role to play and they both influence - have influence - over policy-makers and legislators. I mean […] they definitely do.

Whereas PMAGs often provide essential services on behalf of or in cooperation with the government, and perform several important roles within the governance system, restrictionist groups appear to seek to influence policy primarily through research and advice. According to Participant RS-20, their reports can be of good quality in terms of the research, however:

> It takes a certain amount of skill to judge, and experience to understand, what you can take from certain organisations and what you have to leave behind. [In the case of CIS] […], you know they sometimes produce good work. But, sometimes, you know, a lot of times, the good work is tough to pick out because they are so busy trying to press a message (Participant RS-20).

Participant RS-20's impression is similar to what Participant FP-08 said about advocacy groups' strong humanitarian position. Other actors in the system are aware that CIS, FAIR, and NumbersUSA pursue a certain agenda. Both restrictionist groups and PMAGs try to influence governmental actors to adopt their respective understandings of child migration to help shape policy outcomes. However, there are some notable differences. First, with only three active organisations involved, there a significantly fewer restrictionist actors than PMAGs. Second, based on publications on the issue and on the

number of congressional testimonies, it appears that CIS did not become involved in child migration governance until approximately 2012, when a steady increase in the numbers of child arrivals could first be noted (Participant RT-07). Just like the White House and foreign policy actors, restrictionist groups seem to be another type of actor that became noticeably more active in child migration governance in the aftermath of the 2014 south-west border 'crisis'. CIS is perhaps the exception as it became involved in the issue approximately in 2012 and has since remained one of the most vocal restrictionist groups (Participant RT-07).

But as shown in the previous section on PMAGs, a large number of actors does not necessarily mean that they are more influential. When it comes to immigration restrictionist actors, participants can only identify three organisations, but believe them to be very influential. Although Participant CO-16 struggles to correctly remember the names of the groups, s/he finds their presence within the governance system a part of life within the immigration policy arena:

> What's incredible is there's fewer, I would say, anti-immigrant groups but they are very powerful. They have a good voice. But the interesting thing is that when you have a briefing on the Hill and both sides are able to bring witnesses I would say from our side there is always totally different people. There are so many organisations that work on this. On their side it's like the same four people and it's almost like: how can we be losing?

S/he believes restrictionist actors' influence with governmental actors, especially congressional representatives, is because many of them represent 'districts where there is a lot of anti-immigrant sentiment' (Participant CO-16). Civil society organisations' ability to influence is contingent on what is going on with state actors. As previously explained, PMAGs felt that they were able to achieve more prior to 2014 when there were actually fewer organisations. But this was not due to the number, rather it was because the environment of state actors was different before the events of 2014. As a consequence of the events of 2014, child migration became entangled with the larger immigration

debate in the United States. The topic became of central concern to several members of Congress, who may hold restrictionist views. This gave more prominence to restrictionist non-state actors. While there might be very few restrictionist civil society organisations, their ability to influence policy-outcomes is not necessarily less than that of PMAGs, because this largely depends on what kind and how many state actors might be receptive to their understandings of child migration.

To achieve this objective, restrictionist groups seem to focus their energy on trying to influence Congress by mobilising congressional constituencies and working through the media. Participant CS-23 believes they are successful because the narratives they present are more 'fired up and aggressive.' Restrictionist actors appear on a variety of outlets, both on the national and local level, including national TV, local radios, and town hall meetings, and tell the public that 'their country is being invaded by people who are not good enough to be here and it's ruining their country' (Participants CS-23). This narrative is delivered with an intensity that lets those actors 'appear much bigger than they actually are' (Participant CS-23).

Participant CO-28 echoes this assessment. S/he argues that restrictionists are 'extremely vocal' and effective. They 'stoke fears […] of the American public about foreigners coming to the United States, [making] linkages between foreigners and people who might be dangerous […]', such as terrorists (Participant CO-28). Participant CO-28 continues, 'by really building up on these fears, I think that community [with] much more anti-immigration and restrictionist constituents have been able to influence Congress in a disproportionate way.' The participant continues to explain that polling shows that 75 per cent of Americans are in favour of immigration reform, including awarding legal status to the roughly 11 million undocumented individuals currently living in the country. Yet, Congress does not give weight to the views of the public because it only 'hears from the extremely vocal views of a small minority', meaning from restrictionist actors

(Participant CO-28). This is another testimony to how powerful restrictionist actors are perceived to be, especially in terms of influencing Congress.

In regard to other actors in the system, restrictionist groups do not appear to communicate with the government agencies as much, such as the Border Patrol, or the Department of Health and Human Services (HHS). The data used for this study does not convey that for sure, but what can be said is that when asked about their relationship with civil society, no member of immigration authorities participating in this study mentioned a single restrictionist group throughout their interviews. A member of the immigration court system interviewed for this study said s/he is aware of restrictionist groups but stated that they are significantly less involved than PMAGs (Participant IC-14). The participant reported that their office regularly receives letters from PMAGs that may include recommendations on certain issues and may also request meetings to discuss things further. Participant IC-14 also said that s/he thinks that restrictionist actors have participated in business phone calls on occasions, but 'they haven't done the same type of things' as PMAGs because 'that's not sort of their role'. By saying 'that's not sort of their role', the participant conveys that restrictionist groups do not perform the same type of direct services or monitoring and advocacy roles as PMAGs. Yet, just like PMAGs they have established relationships with members of Congress with whom they can work and try to get them to adopt their understandings of child migration in order to influence policy-outcomes.

In summary, despite there only being a small number of restrictionist actors, they are perceived to have a considerable amount of influence over state actors. This applies especially to Congress. Their influence increased as a result of the 2014 child migrant 'crisis', when the number of members of Congress who represent constituencies with strong anti-immigrant sentiments involved in child migration increased. However, as noted elsewhere, at the time of writing this research, no legislative changes have happened

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in the area of child migration. But the presence of restrictionist groups has helped to shape the overall debate on child migration.

III. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

According to Hampshire (2013, p. 82), migration is still largely seen as a 'national' issue. Despite growing recognition that migration transcends borders and would therefore require 'cooperative approaches to the management of migration flows', there has been little progress towards any sort of global migration governance regime (Kunz et al. 2011). States are still quite resistant when it comes to handing over responsibility to international institutions (Hampshire 2013, p. 82). As could be seen on the example of the development and status of the UN Convention of Rights of the Child (CRC) presented in Chapter 4, the United States' involvement in international affairs is domestically always a highly contested issue.

Nonetheless, five participants named UNHCR as an influential actor in U.S. child migration governance (Participants AC-26; CO-09; CO-28; CS-24; FP-08). In total, participants mentioned UNHCR 22 times during interviews. Discussions about the UNHCR revealed that the organisation is a recognised part of the governance system, but does not make its work and involvement very well known. As participant CO-09 explains, 'I think the UNHCR has actually been very effective as much of what they do is very quiet and not always public'. Participants report that UNHCR has established relationships with U.S. agencies working on child migration (Participants CO-09; CO-28; FP-08). Acting in a monitoring role, UNHCR has worked with the DHS regarding the screening of children for protection needs upon their apprehension (Participant CO-09). Participant AC-26 also mentioned that the UNHCR was granted access by the HHS to evaluate child migrant shelters/detention centres. In addition to collaborating with domestic agencies, participants reported that UNCHR has been working on expanding its presence on the issue of child migration regionally. This included working with the

International Organisation for Migration (IOM), aiming to enhance regional governments' capacities in dealing with the consequences of migration and working towards increased child protection (Participant FP-10; CP-28).

In addition to their monitoring role, research produced by the UNHCR is highly regarded. Four participants directly cited the organisation's study "Children on the Run" which was published in 2014 (UNHCR 2014a; Participants AC-22; CO-31; FP-10; HHS-13). The report analyses factors that drive children from the Central American Northern Triangle Countries to migrate to the United States. Participant CO-28 gives his/her view:

> In the past two or three years I think one-way UNHCR has been most influential is that they have done incredible research and investigated the country conditions and the situations that have caused migration in let's say certainly Central America and Mexico. And then lend their voice to it and given their formal opinion about what's happening. I think that has been essential. As well as the role UNHCR plays in multilateral and bilateral negotiations to work with country governments to protect children (Participant CO-28).

The data suggests that in the case of U.S. child migration governance, the UNHCR did not necessarily assume the role of an 'international player'. Rather, it seemed to have performed a similar function to civil society organisations. This included undertaking research and sharing its expertise in the hopes of influencing governmental actors' understandings of child migration. It seems the organisation relied on its mandate and international recognition for facilitating access. It also assumed a more neutral role because other than civil society, it does not appear to be involved in U.S. party politics. In addition, as pointed out by Participant CO-28's statement, the UNHCR is maybe more successful in framing their operations as ensuring human rights protection, which is a lot less controversial than the more opposing positions of PMAGs and restrictionist groups.

UNHCR seemed to have focused their efforts on influencing the administration. How much an administration might choose to listen to an international organisation might depend on its more general stands towards the United Nations system as a whole. As

pointed out by Bosco (2011: 336), President Obama had taken active steps on several issues to strengthen diplomatic relations with the United Nations from the start of his administration. This is an example of how an actor's understanding of one issue area – in this case how President Obama understands the international system – can influence how he understands child migration. Because of his relatively favourable stance towards the international system, the UNHCR was invited to play a role in the governance system. The UNHCR also issued a statement in support of President Obama's 'coordinated, government-wide response' to the 2014 child migrant crisis titled, 'UN refugee agency applauds President Obama's response to growing number of child migrants' (UNHCR 2014b).

It is difficult to say without more data just how much Obama adopted the views of the UNHCR on the child migrant crisis. The widely cited UNHCR (2014a: 6) report 'Children on the Run', concluded that a large number of children from Central America did indeed flee violence and that they 'may well be in need of international protection'. But as the next chapter will show, Obama's understanding of the 2014 child migrant 'crisis' was largely shaped by his ongoing project of comprehensive immigration reform, and the primary goal of his response was therefore deterrence – not refugee assistance, which would have been closer to the UNHCR's position.

IV. THE GOVERNMENTS OF MEXICO AND THE NORTHERN TRIANGLE COUNTRIES

As migration is still seen as a largely national issue despite the international dynamic that characterise it, countries sometimes favour bilateral cooperation, albeit this is also still rather limited (Hampshire 2011). This type of cooperation tends to be more informal and non-binding, giving the involved governments more control over the process (Hampshire 2011, p. 85). This is especially the case when it comes to cooperation between powerful destination countries and often significantly poorer sending countries, who do

not necessarily share the same objectives when it comes to migration management (Hampshire 2011, p. 85). As pointed out by Hampshire (2011, p. 87):

> Informal non-binding cooperation […] allows receiving states to engage in negotiations without loss of sovereignty or prior commitments, and the possibility of exit gives them a bargaining chip: accept *x* or will withdraw from cooperation altogether.

Given their limited occurrence, it is probably not surprising that the literature on partnerships in managing migration is not that expansive yet. What does exist mostly focuses on Europe and relevant regional partners, albeit some studies focus on United States' collaboration with Mexico (Kunz 2011, p. 284).

The U.S. has bilateral cooperation with Mexico through the North America Free Trade Agreement (NAFTA). While having a strong focus on liberalising the movement of capital, other than the EU, NAFTA did not include liberalisation of labour migration (Fernádez-Kelly and Massey 2007, p. 99). As shown in Chapter 4, the United States continuously exercises control over its borders in an attempt to discourage migration. Despite the deep existing trade and investment relationship that could potentially provide a forum for discussion and collaboration, cooperation between the two nations on migration has been challenging. Only since the beginning of the 2000s, there have been small attempts at reaching out (Domínguez and Fernández de Castro 2009, p. 2; Rosenblum 2011a). Similar, the United States has taken some steps to increase diplomatic relations with the Central American governments in recent years, which, with its complex history, has been difficult (Participant FP-08).

The interview data confirmed these observations. No participants mentioned the governments of the most common countries of origin for child migration - Mexico, Guatemala, Honduras, or El Salvador - as important actors in direct response to the interview question: who do you see as the dominant actors in U.S. child migration governance? But because migration crosses national boundaries, participants were also

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asked the question: to what extent does collaboration with other states (e.g. Mexico, Northern Triangle Countries) shape what you do? Almost all participants who responded to this question expressed that they think regional collaboration is essential for addressing child migration. For example, participant CO-03 states, 'obviously I very much come from the perspective of this is a regional crisis and it requires regional solution. The U.S. is not the only player here.' Similar sentiments were offered by Participant SN-33, a city official near the U.S.-Mexico border: 'I believe that other countries, especially countries where these people are coming from – like Central American countries - their participation and involvement is critical in the outcome of making the whole immigration reality a success.'

The actors experiencing the most collaboration with actors in the sending countries were U.S. immigration authorities and foreign-policy actors. Participant IA-32 described collaboration with other countries as 'critical' to their operations. Participant RS-18 explained that, '[U.S. agencies] absolutely must coordinate […] with the host countries that they were working with to determine what is going to help them reach their objectives.' Without this, Participant RS-18 argued, U.S. actors would not be able to achieve the goals they set for themselves.

An example of such cooperation mentioned by participants was data sharing and information exchange (Participants IA-25; IA-27; IA-32). This then led to collaborative efforts in devising the information campaigns that were part of the White House's policy response of the 2014 child migrant 'crisis' (Participants IA-27; IA-25). As Participant IA-25 explains:

> We worked through [the countries of origin], trying to work with them to create a – number one - to send a message. Trying to get the message out to these people trying to make this dangerous trip to the United States that you know, there is no free ride up here. There's smuggler organisations, who are messaging to them that once they get up there they will be released and they will get a visa. So we were working with the officials of those governments to help us share the message with folks down there that there is no free visa. You get up here and you are going to get

arrested. You are going to put you in immigration proceedings. We are going to try to remove you. So we worked with them trying to get the message to people so that they don't make that dangerous track up here and…trying to learn from them what we could do to slow down this illegal migration to the United States. So, it was basically us meeting with them and trading ideas on how we are going to solve this problem.

What is interesting about how Participant IA-25 talks about this collaboration is that the United States had certain objectives for which they asked assistance from the NTCA governments. In a truly collaborative relationship, both type of actors would meet to devise a plan. In this scenario, however, it seems to be more the case that the U.S. had decided the course of action – discouraging migration – and requested that NTCA governments support this.

This tendency can also be observed in other examples of cooperation discussed during the interviews. Another area of collaboration mentioned constituted law enforcement, especially in terms of increased border controls (Participants CO-04; IA-25; IA-27). Following the 2014 child migrant 'crisis', Mexico started to increase enforcement around its own southern border with Guatemala. Critics accused the U.S. government of 'outsourcing' its border enforcement to Mexico (Participant RS-20; Participant CO-03).

As a consequence of Mexico implementing Programa Frontera Sur (Southern Border Program), migrant apprehensions in Mexico increased by 85 per cent between July 2014 and June 2016 (Isacson et al. 2017, p. 7). Concerns were raised about human rights violations committed against migrants by the Mexican authorities, including child migrants (HRW 2016). In addition to potentially facing abuse, a report released by Human Rights Watch raised concerns that Mexican authorities failed to offer protection to child migrants to which they were legally entitled. According to the report, 'less than 1 percent of children who are apprehended by Mexican immigration authorities are recognized as refugees or receive formal protection in Mexico' (HRW 2016).

For the purpose of this study, what is interesting is what the narratives about this collaboration convey about the relationship between the actors. When reviewing participants' statements, it seems that U.S. actors very much view themselves – or the U.S. – as the driving side, and the sending countries' governments more as the receivers of guidance. Participants did not speak of sending countries actors as equal partners in policy-making. For example, Participant RS-20 clearly states that the U.S. 'outsourced immigration enforcement to Mexico.' Participant RS-20 then continues to explain the Mexican government still went ahead to implement the U.S. directive although some of it was in contradiction to the Declaration of Migrants Rights passed in Mexico a few years earlier. Similarly, Participant IA-27's talks about how the U.S. sent advisors to the countries to gain a better understanding of the causes of migration and the conditions on the ground. This knowledge was supposed to then 'influence the law enforcement regime' in the countries (Participant IA-27). Again, this is indicative of the United States trying to steer the governments of the other countries into a certain direction, rather than pursuing an actual collaborative relationship.

Participant FP-08 makes it even more explicit:

> [This] issue […] was one where we needed these countries to cooperate and traditionally the countries of Central America do not – some of them have fought wars with each other - they don't cooperate very actively. But when you are talking about joint border patrols, when you are talking about regional law enforcement efforts, when you are talking about infrastructure to actually create market opportunities, you have to force them to the table. So, the United States is ahm…even though they have regional bodies, without the United States present as almost a super structure, these countries do not work together.

These are very clear words that make it explicit that U.S. does not necessarily view the governments of Mexico and NTCs as equal actors. Rather, the U.S acts as a guiding 'super structure'. Such attitudes might explain why no participants mentioned them when asked directly who they see as the most influential actors in the governance system.

But this attitude towards countries of origin is a little less pronounced amongst U.S. non-governmental actors. The data revealed that PMAGs are quite involved in the countries of origin and can point to frequent areas of cooperation. This again speaks to the multilevel character of the child migration governance system. Especially PMAGs that are recognised as key players in the governance system, such as Kids in Need of Defense (KIND) and the U.S. Conference of Catholic Bishops (USCCB), and the Women's Refugee Commission (WRC) appeared to have active partnerships with non-governmental organisations in Mexico and the NTCs, as well as with their government officials (Participants CO-03; CO-04; CO-09; CO-16; FB-1&2). For example, many faith-based groups are part of global networks that work together with their individual governments and therefore can facilitate information exchange among partners in different countries (Participants FB-01&02). Other organisations mentioned that they have established connections with the countries of origin governments and local groups and have therefore been able to monitor and advise their treatment of child migrants (Participant CO-16). Participants also spoke about meeting with other countries' officials and discussing opportunities for the alignment of common advocacy goals, such as legal counsel for children in the U.S. (Participant CO-16). Other ways of working together includes collaboration through established programmes, such as KIND's repatriation programme in Guatemala (Gale 2011).

Other non-governmental actors spoke of regional cooperation in a more superficial way that expressed that they think that regional cooperation is very important, but did not offer any concrete examples of their own (Participants CO-28; CO-34). This might of course be the case because the organisations that have a much longer history of involvement in the area of child migration might have more established relationships with other actors, including actors in other countries. Organisations that only just became active in this particular governance system as a result of the 2014 'crisis' would not be

able to testify to a similar level of cooperation. There was no evidence in the data that suggested that restrictionist groups engaged in any form of regional cooperation.

This shows that regional cooperation is another area of governance impacted by the 2014 'crisis'. This applies across all levels of government, as well as non-state actors. Some participants explained that they have a stronger relationship with Mexico than with the Northern Triangle Countries, but that cooperation with the latter has increased since the 2014 'crisis'. For example, Participant CO-16 explains that his/her organisation has a history of collaboration with Mexico, for example in terms of investigating their operations towards child migrants. In terms of Central American governments, CO-16 reports that their organisation works 'a little bit with the Central American governments', in particular their embassies in the United States. This engagement seems to centre mostly on building relationships and exchanging information, for example by 'trying to get a sense of what their concerns are, explaining to them the work we are doing [and] who we interact with' (Participant CO-16).

The conversation with Participant IA-27, a member of immigration authorities, offered interesting insights into the 'ebbs and flows' of regional collaboration. When asked about how s/he would describe the collaboration with country of origin governments, Participant IA-27 responded that with the Central American countries, it is 'emerging'. This includes foreign aid, military engagements, and diplomatic engagement by the Department of State. Efforts are being undertaking to develop and increase cooperation and engagements in the areas of law enforcement and border security.

Participant IA-27 characterises the relationship with Mexico as 'more mature', explaining that Mexican authorities, in terms of federal police, custom and immigration, are similar to U.S. authorities which facilitate better collaboration and information exchange. But the relationship 'ebbs and flows', depending on leadership and policy priorities. For example, Mexico and the U.S. collaborated closely on the federal level in

the area of law enforcement, including the border patrol, under the Caldron administration, which according to Participant IA-27, was 'dedicated on delivering on the agreements of the MERIDA accord.' However, the next administration was less committed to delivering those agreements and so collaboration 'kind of ebbed away during the transition.' This changed again as a result to the child migrant 'crisis', when Mexico 'stepped up in a big way' (Participant IA-27).

Building on these observations, it is possible to summarise the key points made in this section. First, no participants mentioned the governments of the most common countries of origin - Mexico, Guatemala, Honduras, and El Salvador – as dominant actors in the U.S. child migration governance system despite there being areas of cooperation, such as information sharing and border control efforts. U.S. governmental actors see actors in the countries of origin as recipients of guidance rather than active partners, which implies that those actors' ability to influence U.S. policy outcomes towards child migrants is limited. This can be observed in statements such as the U.S. is working to 'influence […] the law enforcement regime' in the region (Participant IA-27) and describing the United States government as a 'superstructure' that facilitates collaboration on the issue (Participant FP-08). However, U.S. non-governmental actors that collaborate with governmental and/or non-governmental actors in the countries of origin seem to describe the nature of the relationship as more equal.

Second, regional cooperation on the issue of child migration is not well- established even though actors frequently state that they believe collaboration with other countries in the region to be a 'crucial' element (Participant IA-32). The data revealed that collaboration with the Northern Triangle countries on the issue of child migration was rather marginal before 2014. For the purpose of this study, this is an interesting observation because it draws attention to the role of socialisation in governance, which also overlaps with Weick's (1995) framework. Actors clearly feel the need to say certain

things to meet certain expectations. They do not want to be perceived by others as someone who does not value international cooperation. It also speaks to Weick's (1995) other property of sensemaking that understandings do not necessarily have to be accurate, they just have to be plausible so that they can form a basis for subsequent action. Actors are apparently aware that there *should* be more regional collaboration, so it is not inconceivable that the governments of other countries in the region are important actors. But is this actually the case? To some extent yes, but apparently collaboration is not the driver of U.S. child migration governance. Rather, understandings of the most powerful actors, such as the White House and Congress, drive policy.

V. CONCLUSION

This chapter concludes the investigation of what the U.S. child migration governance system looked like during the second part of the Obama administration. It thus addresses this thesis' first research question (RQ1) *who are the actors in U.S. child migration governance?* It continued the discussion from the previous chapter which presented data gathered for this study in response to RQ1. Whereas Chapter 5 analysed actors in U.S. child migration governance that are part of the U.S. government, this chapter presented information on actors that are not part of the U.S. government, but as the data has shown, nonetheless play a role within the governance system. In line with an interpretivist, actor-centred approach to governance, this chapter asked how actors outside the U.S. government are able to help shape the governance system and policy-outcomes. The analysis has shown that both restrictionist groups and PMAGs utilise a combination of methods and channels in an effort to infuse policy-outcomes with their understandings. These include conducting research and advocacy. It also involves engaging in the political process by building relationships with members of Congress and testifying at congressional committee hearings. Participants also identified working with the media to help shape public opinion, which can help gain the attention of more

influential state actors. By providing services to child migrants on behalf of behalf of the government, PMAGs also perform an important monitoring role. Those existing relationships have led to PMAGs having rather good access to governmental actors. Their close contact with child migrants has given PMAGs unique expertise on the issue that is widely recognised by governmental actors. Accordingly, members on all level of the government regularly consult with advocacy groups on the issue. How much state actors listen to civil society groups does, however, depend on the state actor and what their environment is like, as will be better illustrated in Chapter 7.

There is also data that shows that prior to the 2014 'crisis', the child migration governance system could be characterised as collaborative governance, driven by the collaboration between the most relevant stakeholders. This included the relevant government departments, a handful members of congress who were particularly interested in the issue, and a small number of PMAGs who were known to have expert knowledge. However, the 2014 child migrant 'crisis' changed that. The number and types of actors involved increased drastically to include actors who are not necessarily direct stakeholders. For PMAGs, the involvement of restrictionist groups and the increased involvement of members of Congress who may have opposing views, led to increased competition that made it significantly harder to PMAGs to influence state actors and consequently help shape policy outcomes.

In addition, this chapter reviewed the role of the United Nations High Commissioner for Refugees (UNHCR) in the U.S. child migration governance system. The analysis revealed that the UNHCR has a recognised monitoring and advising role. Similar to advocacy organisations, but perhaps even more so due to its internationally recognised status, the UNHCR seems to be a recognised institution on the issue. Its report analysing causes of child migration from Central America was widely cited by participants and seemed widely accepted as a recognised source of reference. The data is

not sufficient to show how strong UNHCR's ability is to actually influence policy outcomes. It is possible, that the UNHCR achieved access to the administration due to President Obama's generally more favourable stance toward the international regime. It is also possible that the administration did take on board the interpretation of the UNHCR as to why the children are fleeing. However, the administration's primary response to the crisis was framed around deterrence, and not around protection, as the UNHCR would have wanted.

Finally, this chapter discussed the role of the governments of the main child migrant sending countries – Mexico, Guatemala, Honduras, and El Salvador. The analysis in this chapter revealed that no participant identified the governments of the most common countries of origin as important players in child migration governance in direct response to that question. This is perhaps not too surprising given that regional partnerships to migration management in general tend to be rather informal arrangements between nations (Hampshire 2011). In addition, while the United States has reached out to Latin American countries in terms of increased economic cooperation, it has preferred to focus on managing migration primarily through enforcement at the border and within the country (Kunz 2011; Rosenblum 2011a). But the events following the 2014 'crisis' led to more involvement the region. One, the United States has asked Mexico to increase enforcement alongside its southern border. Second, the Obama administration chose to increase funds for the Northern Triangle Countries by forming the Central American Alliance for Prosperity. But the analysis has shown, that the United States does not view the governments of these countries as equal collaboration partners, but rather as actors who need to be directed to achieve the United States' objectives. The power dynamics within that relationship makes one question the ability of the Mexican and NTCs governments to help shape U.S. understandings of child migration.

Chapter 7: Sensemaking in U.S. Child Migration Governance

I. INTRODUCTION

This chapter addresses this thesis' second research question which seeks to gain insight into actors' sensemaking in U.S. child migration governance. This question is grounded in the existing literature on child migration which suggests that actors in child migration governance experience ambivalence towards child migrants because of the 'vulnerable-threat' dilemma inherent to that group, and that this ambivalence leads to conflicting policy-outcomes (Bhabha 2014, p. 10; Terrio 2015a). However, the literature has yet to offer an-depth investigation of actors' understandings of child migration. This chapter seeks to demonstrate how actors develop their interpretations of child migration by constructing a narrative of the 2014 child migrant 'crisis'. The analysis will show how the interpretivist approach developed by this thesis can draw on Weick's (1995) seven properties of sensemaking to generate insights into U.S. child migration governance.

This chapter proceeds as follows. The first section provides a brief overview of sensemaking in governance, and the role of 'interruptions' and/or 'crises'. The following section shows how Congress, the White House, and immigration authority actors in child migration governance made sense of the 2014 child migrant 'crisis'. Each of the narratives will demonstrate the presence of some of Weick's seven properties to varying degrees, which corroborates the fluid and contingent nature of the properties in the sensemaking process. However, each of the examples will be used to illustrate the particular role and impact of sensemaking properties which help increase understandings about the constitution of the migration governance system as a whole. In conclusion, this study responds to the 'vulnerable-threat' dilemma by finding that actors' interpretations are less influenced by who the children are, and significantly more determined by who the actors are.

II. SENSEMAKING AND THE ROLE OF CRISES

The previous chapters showed that the constitution of the U.S. child migration governance system was altered as a result of the 2014 child migrant 'crisis'. The numbers of actors involved in the issue increased drastically. This included an increase in existing types as well as new types of actors. Most notably, following the 2014 child migrant 'crisis', highly influential actors such as the White House took an active lead in the field. This section discusses the role of crises in sensemaking to improve our understandings of changes to the child migration governance system as a result of the events in 2014.

What constitutes a 'crisis' and does it actually matter? As pointed out by Pina e Cunha et. al (2006, p. 317), the organisational studies literature has a long-established interest in the impacts of events and/or circumstances that are 'either unpredicted or perceived to be unpredictable.' The governance literature has followed suit. Researching how governments are dealing with various forms of crises and operate under conditions of uncertainties is becoming a rising trend (Ansell et al. 2017). Significant themes in both types of literatures include: how actors respond to unexpected events (Ansell et al. 2017); the impacts on institutions (Dinan 2012; Kreuder-Sonnen 2016); and, modes of governance during or as a result of a crisis (Dawson et al. 2015). White (2015) asked whether this form of 'crisis governance' is in fact a new phenomenon while Kamkhaji and Radaelli (2017) looked at the role of learning and policy change amidst crisis management. In wake of the 2015 EU migrant crisis, scholars turned their attention to studying the role of crisis in migration management (Bourbeau 2015).

Despite this eager scholarly engagement, summarizing this type of literature as 'crisis' literature would be misleading, as there is contestation around this type of terminology. Authors differentiate between *surprises*, *shock*, *turbulence*, and *crisis*, awarding each a different definition to be able to capture and analyse various experiences (Pina e Cunha et al. 2006; Bourbeau 2015; Ansell et al. 2017; Boin et al. 2016). So what

kind of situation constituted child migration to the United States in the summer of 2014 which led to a series of events and actions that had a fundamental impact on the constitution of the child migration governance system?

The term 'crisis' was widely used by news sources and a wide variety of actors, including congressional representatives, members of immigration authorities, and the Obama administration. News outlets using the term included well-established and widely recognised stations, including but not limited to The Guardian; BBC News; Reuters; and the Washington Post (Dart 2014; Cowan 2014; Zurcher, BBC 2014; Carpenter 2014). Fourteen of this study's participants used this term in relation to child migration. Throughout interview transcripts, the term 'crisis' was used more than 50 times. Yet, there were others who contested the idea that the events surrounding child migration in 2014 really constituted a 'crisis. As Participant CO-04 pointed out, the impacts on the United States were small rather small, arguing that a country like the United States 'can easily absorb 30,000 kids whose families are already here.'

The analysis presented in this chapter will show that different types of actors arrive at different interpretations of the situation. In academic research, depending on the situation, analysts devise particular definitions, but what all these situations tend to have in common is that they refer to scenarios where the ongoing flow of sensemaking is interrupted (Starbuck and Milliken 1988, p. 52 in Weick 1995). Something occurs or fails to occur that violates existing frameworks (Mandler 1984, p. 188 in Weick 1995, p. 100). It forces people to confront and sift through new information and match it against existing frames of reference, which leads to learning and/or evolvement. Frames have a wide variety of origins including organisational culture, political ideology, education, among others. But most importantly, they are highly contingent on people's environments. As pointed out by Weick (1995, p. 107), '[t]he words that matter to self, matter first to some larger collectivity.' This again speaks to how highly social sensemaking is in nature, even

if the process occurs in each individual. Weick (1995, p. 110) calls this the 'substance of sensemaking', which begins with: 'a frame, a cue, and a connection.'

Regardless of whether child migration to the U.S. in 2014 represented a 'crisis', 'shock' or 'surprise', it constituted an event that triggered sensemaking because 'occasions for sensemaking are themselves constructed, after which they become a platform for further construction' (Weick 1995, p. 85). The increase in the numbers of child migrant arrivals, regardless of its causes or consequences, received such wide-spread attention that it created an information overload (Weick 1995). Participant SN-30, an active actor in the Rio Grande Valley region, shares this observation, 'the biggest impact that we observed early, early on was the publicity. It was the […] PR attention that suddenly descended on us almost overnight in June of 2014 when this became a very hot political topic.'

According to Weick (1995, p. 86), an increase in information can constitute one of those occurrences where 'people, regardless of where they sit in organizations or who they are, will take note of what is happening and pursue it.' The more the load of information increases, the more steps will people take in an attempt to manage it (Weick 1995, p. 87). The more complex the information, the more it increases perceived uncertainty, which increases pressure on actors to respond quickly (Weick 1995, p. 86-87). To cope, actors must cut corners. As explained by Weick (1995, p. 87), people 'begin with omission, and then move to greater tolerance of error, queuing, filtering, abstracting, using multiple channels, escape and end with chunking (Miller, 1978, chap. 5).' Through this process, cues are forced from a particular context. Because of environmental constraints, such as time and pressures, people tend to make sense of an issue by focusing on those cues. As pointed out by Helms Mills et al. (2010, p. 184 citing Boudes and Laroche 2009), 'disruptions in routine processes require individuals to make sense of what is occurring now and to consider what should be done next.' Crises demand action,

which caused the expansion of the child migration governance system. But what this action looks like depends on what meanings actors assign to a particular event. As explained by Helms Mills et al. 2010, p. 183):

> At its most basic, sensemaking is about understanding how different meanings are assigned to the same event. […] Because sensemaking occurs as a result of a shock, or break in routine, the study of sensemaking during or as a result of an organizational crisis offers particular insight into the processes involved.

This means that studying sensemaking during crises should help with: 'uncovering the social psychological processes that contribute to organizational outcomes, rather than focusing on the outcomes themselves' (Helms Mills et al. 2010, p. 183). As explained in earlier sections, this is exactly what this thesis sets out to do. By studying how actors made sense of the crisis, it will be possible to learn more about the processes behind child migration policy-outcomes, which constitutes an existing gap in the literature. As already noted, sensemaking consists of seven interrelated properties that were initially ascribed equal importance, although more recent research has indicated that, depending on the context, 'some properties may be more pivotal than others' (Helms Mills et al. 2010, p. 186). Uncovering which properties are pivotal for which actor, and what implications that has, is an objective of this chapter. The following pages will examine how actors formed their understandings of the 2014 child migration 'crisis'.

III. ACTORS' CONSTRUCTION AND INTERPRETATION OF THE 2014 CHILD MIGRANT 'CRISIS'

A. Congress

According to the data gathered for this study, the increased information on child migration had a profound impact in triggering congressional involvement in the issue of child migration. As explained by Participant RS-20, who works closely with members of Congress:

It was driven by the press. Congress understands the importance of the press. Of the media. I get requests all the time saying: we want to know how many people blah blah blah and then I find out that the reason that they are asking that question is because yesterday, there was an article in some local newspaper in their hometown or in their district released that had discussion about this topic. They have to show the people back home that they are doing something about it. They have to be responsive. So anytime something hits the news, if they are supposed to be on top of it, [Congress members will raise] questions (Participant RS-20).

This assessment already points towards the presence of one of Weick's seven properties of sensemaking, namely identity construction. The existing literature on sensemaking has established that identity construction can be one of the most pivotal properties in how actors construct problem narratives, acting as the foundation of sensemaking (Weick et al. 2005; Helms Mills 2003, p. 55; Helms Mills and Weatherbee 2006; Helms Mills et al. 2010). There is an extensive literature on the relationship between Congress, the media, and congressional constituencies (e.g. see Page and Shapiro 1983; Tan and Weaver 2007; Edwards and Wood 1999). While many have tried to pin down factors that drive representatives' actions a gap remains in terms of being able to provide an account that actually captures the processes behind this type of thinking. Participant RS-20's statement conveys that congressional representatives had to swing into action on the issue of child migration when it became relevant to the constituencies they represent. Their identity as a 'representative' who acts on people's behalf and protects their interests was challenged.

In addition, the fact that Congress started to pay attention to the issue of child migration starting in 2014 demonstrates that sensemaking is enactive of sensible environments. This is Weick's third property of sensemaking and stipulates that environments are driven by the most active actors. The number of child migrants arriving in the United States had actually been increasingly steadily since 2009, and particularly in 2012. Members of civil society, both from PMAGs as well as restrictionist groups, tried to raise awareness about that fact several years before the summer of 2014 when the

issue reached 'crisis' stage. Examples of this include the publication 'Forced from Home: The Lost Boys and Girls of Central America' by the Women's Refugee Commission (WRC), which was published in 2012. Restrictionist actor Participant RT-07 emphasises that s/he has been following the issue since 2012, and that the numbers of 2014 should not have been a surprise to the administration. However, neither Congress nor the White House took an interest in the issue until it reached 'crisis' stage in 2014.

There are a variety of implications that can be drawn from this evidence. On the one hand, it might be about actors' relationships with each other. Perhaps actors such as the press and public are simply more important to members of Congress because, as explained above, those actors might pose a greater challenge to Congress members' identity. On the other hand, it is possible that civil society organisations failed to gain Congress' members – and other actors' – attention on that particular issue. Unfortunately, the data gathered for this study does not reveal whether civil society organisations had actively tried to raise awareness about the increasing numbers beyond publishing information. Perhaps PMAGs tried to reach members of Congress in different ways, but they were not receptive. Yet, as established in previous chapter, several participants in this study asserted that PMAGs had very good access to policy-members. However, the previous chapter also established that public involvement is key in getting state actors' attention and as mentioned by Participants FB-02 and CO-03, PMAGs have struggled to coordinate a unified, grassroots response on the issue of child migration.

The focal point here is that who is interested in an issue, drives the issue. It is not the actual causes or consequences of an issue that matter. The environment is driven by the construction of the situation by influential actors and/or parts of the governance system that influential actors care about. This will also been show in later sections on the White House and Immigration Authorities.

It is of course also possible that the issue of child migration received more attention

from policy-makers following the involvement of the UNHCR. The UNHCR eventually got involved in child migration to the United States, publishing its report 'Children on the Run' in the spring of 2014. This report was referenced widely by participants and seems to be regarded as a respected authority in terms of aiding understanding of the causes of child migration (Participant HHS-13; FP-10). However, the wave of interest from newer actors, such as Congress and the White House, did not seem to unleash until June. Therefore, it appears that in order to provoke action, there seems to be a need for an occasion that triggers sensemaking, such as information overload as provided by the press (Weick 1995). It also shows that actors base what they see as important in relation to what is seen as important by the people or organisations regarded as important by the actor. This indicates that the study of sensemaking might be a helpful tool in trying to understand what made the 'crisis' a 'crisis' and the events that followed.

Following the increased media coverage, a large number of members of Congress who had no prior involvement in the area of child migration initiated a series of steps to learn about the issue. The Congressional Research Service received multiple requests to provide reports on a series of issues related to child migration (Wasem 2014a; Wasem 2014b; Kandel et al. 2014). In addition, Congress organised several trips for representatives to travel to the south-west border, visit shelters, and meet with local members of immigration authorities and other stakeholders (Dumain 2014; FOX News July 2014; Participant CS-19; Participants CS-23&24). While prior to 2014, only a handful of congressional representatives had been involved in child migration governance, the number had now increased exponentially, with the topic becoming an important agenda item for several committees. In the 18 months following the summer of 2014, Congress held more congressional hearing testimonies on the issue than in the entire preceding decade, as Table 9 below shows.

Table 9: List of congressional committee hearings since 2014
Source: author's own research

Title	Legislative Body	Committee	Session	Date
An Administration Made Disaster: The South Texas Border Surge of Unaccompanied Minors	House of Representative, Committee on the Judiciary	Committee on the Judiciary, House of Representative	113th Congress	June 25th, 2014
Children Migrating From Central America: Solving a Humanitarian Crisis	House of Representative, Committee on Foreign Affairs	Subcommittee on the Western Hemisphere	113th Congress	June 25th, 2014
Dangerous Passage: Central America in Crisis and the Exodus of Unaccompanied Minors	Senate	Committee on Foreign Relations	113th Congress	July 17th, 2014
U.S. Citizenship and Immigration Services	House of Representatives	Committee on the Judiciary	113th Congress	July 29th, 2014
Unaccompanied Alien Children: Pressing the Administration for a Strategy	House of Representative, Committee on Foreign Affairs	Subcommittee on the Western Hemisphere	113th Congress	November 18th, 2014
Open Borders: The Impact of Presidential Amnesty on Border Security	House of Representatives	Committee on Homeland Security	113th Congress	December 02nd, 2014
Impact on Local Communities of the Release of Unaccompanied Alien Minors and the Need for Consultation and Notification	House of Representative, Committee on the Judiciary	Subcommittee on Immigration and Border Security	113th Congress	December 10th, 2014
Migration Crisis: Oversight of the Administration's proposed $1 Billion Request for Central America	House of Representative, Committee on Foreign Affairs	Subcommittee on the Western Hemisphere	114th Congress	April 30th, 2015
Oversight of the Executive Office of Immigration Review	House of Representative, Committee on the Judiciary	Subcommittee on Immigration and Border Security	114th Congress	December 03rd, 2015
Adequacy of the Department of Health and Human Services' Efforts to Protect Unaccompanied Alien Children From Human Trafficking	Senate, Homeland Security and Governmental Affairs	Permanent Subcommittee on Investigation	114th Congress	January 28th, 2016

In addition to those hearings of which child migration was a central theme, the topic also strongly featured in routine immigration hearings (highlighted in Table 9 above in dark grey). With those actions, Congress effectively politicized the topic of child migration, awarding this actually rather small area of migration unprecedented attention.

Congressional committee hearings should constitute forums that allow opportunities for debate and learning. They are meant to provide an opportunity where people can engage in sensemaking, which 'organizes flux' (Weick, Sutcliffe, and Obstfeld 2005, p. 411). Members of Congress are given space to voice their own interpretations, albeit within a specified, limited time frame. In addition, the hearings usually include a range of experts from all sectors of the governance system who can answer representatives' questions. Accordingly, these forums can be great opportunities for 'generating plausible interpretations of situations that create the basis for joint action' (Ansell et al. 2017, p. 39).

Despite much deliberation, it seems Congress was not able to achieve any consensus. Interpretations of the causes and consequent of child migration varied wildly, especially by political party affiliation. As explained by participant CS-19, the hearings highlighted 'the complete disconnect between the democratic view of what the issues are and the republican view of what the issues are.'

Participant CS-19 continues:

> To [some], it is clear that the high levels of violence in Central America - you know the number one murder rates in the world and the issue of gangs, that coupled with extreme levels of poverty and the historical link between the United States and the region - create very strong push factors. If you speak to [others] […] they may say lax immigration enforcement has created this and [the U.S.] continue[s] to allow it by allowing families who bring their children here and who pay smugglers to bring their children here with no consequences. So, but to [others] it is clear more and more that this is, you know, high levels of violence that are pushing these children out.

Because the committee hearing schedule is set by the majority party, which at that time was the Republican party, the interpretation of 'lax immigration enforcement' as a cause features rather strongly within committee hearings. This can already be seen in some of the committee hearing titles as displayed in Table 9 above. The majority party also gets to select the majority of witnesses, meaning that it was not uncommon to have three

witnesses selected by Republicans and only one witness selected by the Democrats to deliver testimony and answer representatives' questions (Participant CO-16; Participants CS-23&24). It is important to note this set up as it might give the impression that the Republican views dominated more than they actually did.

But as the hearing titles convey, and as pointed out by Participant CS-19, a significant theme among Republicans within the congressional committee hearings was the notion that existing U.S. immigration policies and regulations created factors that pushed children to migrate to the United States. Within that debate, a significant point of contention was the role played by the Obama administration in the creation and/or execution of such policies. As stated by Jason Chaffetz (R-Utah), the Obama administration 'helped create an atmosphere conducive to the current rush of thousands of minors, some coming with family members but many unaccompanied, entering from the south of the border into the United States' (Rep. Chaffetz (R-Utah), June 25, 2014, Serial No. 113-84). According to Chaffetz (R-Utah) (Hearing on June 25, 2014, Serial No. 113-84), it is easy for minors, 'to game the system, our asylum and administration laws because the Obama administration has severely weakened them' (Chaffetz (R-Utah) (Hearing on June 25, 2014, Serial No. 113-84).

In other words, the Republican party's interpretation of the 2014 child migrant 'crisis' was the Obama administration's failure to effectively control migration. This had important implications, as the administration had been keen to advance immigration policy in the United States overall (Participant FP-08). However, efforts did not lead to any significant legislative changes, as explained by participant RS-20:

> Congress right now is not in a position, or is incapable, appears to be incapable of passing any legislation on any aspect of immigration. […] But if there is an opportunity to embarrass the administration, or to do some oversight, then that may happen (Participant RS-20).

Participant CO-04 also connects what happens in Congress regarding child migration to the issue of comprehensive immigration reform:

> In 2013 especially – was it 2014? 2014 too – when the Senate passed a pretty good - except for doubling border patrol to placate republicans - they passed a bipartisan bill and that would have done a lot of what was needed to improve attention to the kids. But of course, the House got their hands on the bill and turned it into something to roll back all protections and of course no bill has passed. As a result of that lack of realization of the causes or lack of consensus on the causes you have the status quo. The policy has not changed at all (Participant CO-04).

This clearly shows how actors' ongoing projects influence how they make sense of child migration. According to Weick (1995, p. 44-45), sensemaking is a constant flow, but as explained earlier, this flow can be interrupted by certain shocks or surprises. At the same time, individuals have a need to extract particular moments out of the ongoing flow and usually are in the middle of some sort of project. When people's projects are interrupted, 'then what they see in the world are those aspects that bear on their projects' (Weick 1995, p. 45). The child migrant crisis of 2014 interrupted two significant ongoing projects. One of them, as mentioned above, was comprehensive immigration reform. The other was the upcoming presidential elections. As mentioned by Participant CO-03:

> Congress is a whole other problem. But I will say this. Really, what stood between us and the protections being peeled away from unaccompanied kids [was] the Senate. We have a handful of Senators who've been incredibly outspoken, both criticizing their own President and pushing back legislative attacks on unaccompanied kids. The problem is that's a handful of half dozen. So you know there's a line that we could cross very quickly, particularly this year, an election year, and lose everything (Participant CO-03).

The examples of participants' statements above, as well as the examples of Rep. Chaffetz earlier, illustrate how actors plug in cues - such as 'border control' - into their ongoing projects and explain attempts to shame the Obama administration in the Congressional committee hearings. Of course, this is not an uncommon occurrence in politics, as explained by Faist (1994, p. 51):

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political parties try to define the terms and images that serve above all tactical purposes in inter-party competition. Those political parties that are successful in defining issues have more chance of succeeding in the electoral arena. Political actors are not only or primarily interested in solving issues and problems that arise from policies: they also strive to originate events.

The need to 'originate events' clearly overshadows any need for accuracy, which is consistent with Weick's (1995) assessment that sensemaking does not necessarily need to be accurate, just plausible. That a policy environment created by the Obama administration created a push factor for child migration was plausible enough. It constructed a problem statement of the child migration crisis that offered a clear solution: a Republican administration is needed in order to effectively manage migration to the United States. In short: vote Republican! This is consistent with the literature which holds that in sensemaking, 'circumstances are ''turned into a situation that is comprehended explicitly in words and that serves as a springboard to action''' (Taylor and Van Every 2000, p. 40 in Weick et al. 2005, p. 409).

During the congressional committee hearings, Democrats tried to counter this interpretation by trying to point out inconsistencies in the narratives. For example, in her exchange with Brandon Judd, President of the American Federation of Government Employees of the National Border Patrol Council, Rep. Chu (D-CA), discussed the 'catch-and-release' policy (Hearing on June 25, 2014, Serial No. 113-84). She notes that:

> just like this hearing is a misnomer, 'An Administration Made Disaster', also this term 'catch-and-release' is a misnomer because these children are not just released into society. They, first of all, are released to a relative, but that's because of a law that dates back to 17 years ago, and that was reinforced by two laws that were signed then by President Bush.

She continues to state: 'nothing has changed in the law. There is nothing that has changed with regard to the Obama administration. All these laws were done before the Obama administration' (Chu (D-CA), Hearing on June 25, 2014, Serial No. 113-84).

But it is not sufficient for another actor to simply contest an existing interpretation. Chu therefore focuses her attention on other aspects related to child migration in order to offer an alternative narrative in relation to the bigger ongoing project of comprehensive immigration reform. Speaking about 'the broken immigration system', Chu focuses on two particular circumstances related to child migration (Chu (D-CA), Hearing on June 25, 2014, Serial No. 113-84). Chu first focuses on the large immigration court backlog that causes individuals who are technically subject to immigration proceedings to remain in the United States for several years while waiting for the court hearing, which is said to entice people to migrate, as it causes them to believe that as long as they make it across the border, they will be able to stay (Participant FP-10). Without explicitly making the connection at this point during the hearing, this interpretation offers the course of action of passing comprehensive immigration reform as this would reduce the numbers of immigration cases.

Chu raises another issue concerning unaccompanied children, namely the fact that they do not have the right to an attorney. Chu explains that children's struggles to understand and act in judicial and/or administrative proceedings often prevents court proceedings from running efficiently, which further harms the courts' capacity (Chu (D-CA), Hearing on June 25, 2014, Serial No. 113-84). This problem narrative and its proposed solution is reluctantly affirmed by Thomas Homan, Executive Associate Director, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement (ICE) (Hearing on June 25, 2014, Serial No. 113-84).

Sensemaking is also 'retrospective' meaning that 'past experiences, including rules and regulations, dictate what cues [people] will extract to make sense of a situation' (Helms Mills et al. 2010, p. 185). The examples of actors' problem narratives of child migration stem from a hearing in front of the judiciary committee, which makes the fact that representatives Chu and Chaffetz formed their narratives heavily around policies and

administrative procedures unsurprising. In addition to forming their understandings against larger, ongoing projects, actors frame the cues that have emerged, such as 'migration' and 'southern border' around their own experiences and backgrounds. This illustrates why Republicans and Democrats form their understandings differently, as there are differences in their party's values and ideologies. As explained by Helms Mills et al. (2010, p. 185), '[t]he sensemaking process involves focusing on certain elements, while completely ignoring others, in order to support our interpretation of an event. […]. [It] may allow individuals to interpret cues, or features of a map, in ways that support their beliefs'. Accordingly, many authors have used the study of sensemaking to understand failed organisational outcomes (e.g. Helms Mills and Weatherbee 2006). Rather than focusing on the outcomes and their impacts, studying sensemaking makes it possible to trace the process that has led to these outcomes, making it a valuable tool in trying to generate insights into child migration governance (Helms Mills et al. 2010, p. 183).

Notably, assumptions about the children themselves – for example, whether they are vulnerable or threatening – do not constitute the cores of actors' understandings. While such comments might be made, these concepts do not seem to form any part of actors' sensemaking – they are neither the frame, nor cue, nor the connection (Weick 1995). Indeed, it seems that the actors, who they are, and what their environment is like, matters much more in how actors understand problems and devise solutions for child migration. The next section develops this point even more by showing how Congress' understandings influenced the White House's understandings, further highlighting how sensemaking is enactive of sensible environments, as well as a highly social activity (Weick 1995).

B. The White House

As explained in Chapter 5, the White House had no noticeable involvement in child migration prior to the 2014 'crisis'. As for the reasons as to why the White House decided

to step in, Participant FP-08, who closely worked with the White House at the time, explains:

> When the surge in unaccompanied children reached, I think around June [2014] or so, with almost 50,000 [apprehensions], the administration became increasingly concerned that - ahm politically in the U.S. - that this surge could be used as an argument against the President's efforts at immigration reform (Participant FP-08).

Two properties of sensemaking can be seen very clearly here. One, the White House's sensemaking was clearly enactive of sensible environments where, according to Weick (1995), actors' sensemaking is driven by other actors, most commonly those who are the most active. Based on Participant FP-08's narrative, the White House's involvement was due to the increased 'noise' produced by Congress around the issue. Some of the congressional committee hearing titles alone, such as 'An administration-made disaster', show the intention of members of Congress to connect the Obama administration to the 'crisis'.

In other words, the politicization of child migration which was eventually translated into the 'crisis' interrupted the President's bigger project, namely comprehensive immigration reform for the approximately 11 million undocumented individuals living in the United States (Martin 2014). As pointed out in Chapter 4, there has been persistent deadlock on this issue. In fact, lack of progression on this issue, or 'Latino issues' in general during his first term, was an active criticism of President Obama while he was running for re-election (Epstein 2014; Sakuma 2017). During his second term, President Obama tried to make progress on the issue. A comprehensive immigration reform package passed the Senate in 2013, but failed in the House of Representatives (Magner 2016). The president then resorted to pass initiatives that would address the issues through a series of executive orders (Kandel et al. 2015). DAPA and the DACA extension were rolled out in November 2014. Accordingly, the surge in 2014 came at an incredibly inconvenient time for the administration (Participant FP-08). This assessment was

supported by another participant (CO-16) who when asked why they think that the White

House stepped in explained:

> My personal view is that the White House was very intent on getting DACA and
> DAPA passed and it was very much a political calculation. They needed broad
> support for the 11 million undocumented people who are here. And then as that was
> happening there started to be a surge of asylum seekers at the border and that looked
> bad. I think they wanted to show: look we are being tough at the border and we are
> enforcing the law! And that's different from what we are trying to do with DACA
> and DAPA. So I think it was very much a political calculation (Participant CO-16).

Consequently, the Obama administration took an active lead on the issue, making

it one of the most dominant actors in the child migration governance system (see Chapter

5). On 02 June 2014, Obama announced his decision to, '[direct] the Secretary of

Homeland Security (Secretary) to establish an interagency Unified Coordination Group'

to address the 'urgent humanitarian situation' caused by the 'influx of unaccompanied

alien children (UAC) across the southwest border of the United States' (Obama 2014b).

This group, headed by the DHS, was tasked with coordinating an 'aggressive' and

'government-wide' response to the 'crisis' (Obama 2014a).

This scale of attention to the issue of child migration was unprecedented. Despite

the large increase in numbers between 2009 and 2015, child migration from Latin

America still constituted a rather small area of migration, with probably rather limited

impacts on the United States itself. As Participant CO-04 explains:

> The impacts [of child migration] have been small. I mean the United States is a
> country that can easily absorb 30000 kids. Whose families are already here. Some
> jurisdictions, I mean the D.C. metro area being one of them that has a large portion
> of them come – I mean one in six are in the D.C. area. That has burned in some
> school districts, for instance, and maybe some other social services. I mean if a
> school has 1500 kids and all of sudden there's 50 new ones I mean that is a big
> expense. Then you got to hire a couple of teachers and then [offer] a lot more
> English as a second language [classes].

This impact – the fact that schools had to absorb a high number of new, non-English

speaking students on short notice - was indeed one of the most common responses to the

interview question, *what do you see as the consequences of child migration?* (Participant CO-03; Participant CO-09; Participants CS-23&24; Participant RS-05; Participants CS-17&18; Participant RT-07; Participants RT-11&12). However, the response developed by President Obama did not really include anything addressing this impact. Rather, the administration devised a large-scale response involving numerous levels of governance, domestically as well as in the countries of origin. This included the creation of the Central American Minor Refugee Parole Programme (CAM); the Alliance for Prosperity, the DHS information campaign, and some additional funding for the immigration courts (The White House Office of the Press Secretary 2014b). To the Obama administration, the situation around child migrants in 2014 represented quite a big risk, and so the actually small area of migration received a discrepant response. This is another example of how an ongoing project influenced an actors' sensemaking.

The case of the White House exemplifies another pivotal property of sensemaking in child migration governance, namely how it is highly social in nature. As explained by Weick (1995, p. 40), people's thoughts and actions are contingent on the actual and imagined thoughts and actions of others. This even applies to monologues and other forms of one-way communication. Human beings always assume an audience, and thoughts and actions change when the audience changes. Burns and Stalker (1961, p. 118) note that, '[i]n working organizations decisions are made either in the presence of others or with the knowledge that they will have to be implemented, or understood, or approved by others.'

It appears that the President's audience was Congress. Obama's response was not so much about alleviating the impacts of child migration, or perhaps about helping the children as some actors desired (e.g. Participant CO-03). The President's public statements on the 2014 child migration 'crisis' clearly evidence this observation, strongly featuring the conflict between the administration and Republicans. For example,

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President Obama himself travelled to Dallas, Texas to meet with the Texan Governor

Rick Perry (Republican) to discuss the issue. Afterwards, Obama held a press conference

and his exchange with the press elucidates the significance of the overall immigration

debate, as well as the existing animosity between the parties.

Question by the Press:

> There are increasing calls not just from Republicans, but also from some Democrats
> for you to visit the border during this trip. Can you explain why you didn't do
> that? And do you see any legitimate reason for you to actually do that at some point,
> or do you think those calls are more about politics than anything else?

President Obama responded that DHS Secretary Jeh Johnson had visited the border five

times already and is planning another visit. Obama continued to say that after each visit,

Johnson 'reports to me extensively on everything that's taking place. So there's nothing

that is taking place down there that I am not intimately aware of and briefed on.'

Addressing the issue of 'politics' directly, Obama states that '[t]his isn't theatre. This is

a problem. I'm not interested in photo ops; I'm interested in solving a problem' (Obama

2014c). Clearly frustrated, the President remarked:

> I think it's fair to say that these days in Washington, everybody is always concerned
> about everything falling victim to partisan politics. If I sponsored a bill declaring
> apple pie American, it might fall victim to partisan politics (Obama 2014c).

Obama continued along those lines. He pointed out that his legislative proposal,

which he already submitted to Congress and would be happy to sign, included a further

increase in the number of border patrol officer, as desired by Gov. Rick Perry and other

Republicans (Obama 2014c). This constituted another jab at Congress for failing to pass

comprehensive immigration reform. He further noted DACA's advantages for law

enforcement, arguing that resources used for 'chasing after' young people and families,

who have been living in the United States peacefully for many years, could now be used

to prevent new migration (Obama 2014c).

The President then strikes out at Congress in a similar way as some of its members had done during congressional committee hearings. Obama (2014c) exclaimed that he had previously told Republican Governor Rick Perry 'that it would be useful for my Republican friends to rediscover the concept of negotiation and compromise'. In another statement, Obama reiterates this perspective by expressing:

> The influx of children being apprehended trying to cross the southwest border shows that our immigration system is broken and Congress needs to advance comprehensive immigration reform so we can fix the system now. […] Republicans have had more than a year to comprehensively fix the nation's broken immigration system. In the absence of congressional action, the President mounted a significant effort to deal with this urgent humanitarian situation in the Rio Grande Valley (The White House Office of the Press Secretary 2014b).

Clearly, the President attempted to fire back at Congress, trying to push responsibility away from him. Because if his administration is perceived to be failing in the area of immigration politics, then it is possible that other actors – including the public - might fail to believe in any of his future proposals on immigration. The administration wanted to seem competent, and at the same time, wanted child migration to stop to make sure that it could not be used against him. Although there is an understanding about this amongst other actors, Obama was obviously not able to publicly put forward this characterization of the problem. Accordingly, Obama's public constructions of the situation was at times quite conflicting. For example, his letter dated June 30th, 2014, begins with, 'overall apprehensions across our entire border have only slightly increased during this time period and remain at near historic lows' (Obama 2014a). This contradicts his administration's decision to implement a 'government-wide' and 'aggressive' response focused on deterrence (Obama 2014a; Participant FP-08; Participant IA-32). Despite referring to the situation as a 'humanitarian crisis', the President did not design a programme focused on helping people. At least not in a way that members of PMAGs would have liked. Rather, calling it a humanitarian crisis helped characterize the issue of

child migration in 2014 as a particular incident that should not be associated with other immigration policy areas. As pointed out by Participant CO-03:

> Then you have the White House, which I have found horribly disappointing in this crisis. It comes from the top - from President Obama himself. He has viewed this as a border enforcement problem, not as a refugee crisis and he wants these people to go away. So you know raids and deportations, setting up new detention facilities, putting unaccompanied children's cases at the top of the immigration court dockets?! I mean, what is that?! You know, ahead of suspected terrorists?! You know, this is not the President […] I voted for twice. I mean I am shocked at his response to this (Participant CO-03).

Accordingly, the administration set out to deliver several programmes designed to 'address the root causes of migration and stem the flow of adults and unaccompanied children into the United States.' In delivering these programmes, the administration chose to work with the DHS, as well as to a lesser extent the Department of State. This facilitated a significant shift within the child migration governance system. As explained in the previous chapters, there are several agencies working with child migrants. In addition to the DHS which apprehends the children and adjudicates some of their cases, the HHS and DOJ play a large role in the children's lives. But the White House's interpretation of the situation alleviated the status of the DHS in the chid migration governance system. This shift was made possible because of the status and power the White House has within the overall U.S. governance structure in which the child migration governance system is embedded. Applying a sensemaking perspective helps generate further insights into this shift. As Participant IA-27 explains:

> I think [DHS's] influence was based on the identification of it as a crisis. I mean if you saw the images of 2014. When it hit the press, you know, those children sleeping on the floor, you know, it was a non-positive kind of public image that we were a part of. There was problem that no one was fixing in an adequate way. And once the public saw it in those terms, they were ahm they wanted the government to…it gave [DHS] momentum. It forced decisions and resources to be adjudicated in a way that you couldn't before. The interagency [group] weren't able to solve the problem as fast as the public outcry made [DHS] fix it.

Uncertain or ambiguous situations force out cues, which influences actors' sensemaking (Weick 1995). It is therefore possible that the cue 'border' drove the White House to initially connect with DHS on the issue, and in particular with the border patrol. This shows how the study of sensemaking can facilitate understandings about changes in governance systems. The next section will illustrate some of the effects of this shift by reviewing how immigration authorities made sense of the 2014 child migrant crisis.

C. Immigration Authorities

When members of immigration authorities were asked what they see as the primary causes of child migration, they presented the following narrative: smugglers deliberately encouraged the children to migrate and then released them in particularly rural areas with instructions to surrender themselves to border patrol. Immigration authorities believed that this created a huge diversion, allowing smugglers to better continue their illegal activities while immigration authorities' resources were drained apprehending and caring for children. As expressed by Participant IA-27, 'this deliberate…you know the smugglers tried to tell people: hey there is some benefit you can have, just come with us. There was a lot of that kind of gaming going on,' which s/he believed severely impacted their ability to do their job. Immigration authorities said that apprehending and taking care of the children interfered with their ability to go after the actual criminals, and intercept other crimes like weapon and narcotic smuggle, human trafficking, or terrorism (Participant IA-32). As Participant IA-27 explains, the biggest risk s/he sees in terms of child migration:

> I would say it was: the resources. We were buying blankets and diapers and formula and those care items that were necessary instead of other things that we need to do for our work. And then you need to make these choices. In every program we are concerned that we couldn't finish the year with being able to do that care and wrap around and still do the enforcement work.

Part of this narrative was that smugglers were able to do that by exploiting existing U.S. policies. Many referenced the catch-and-release policy, which was already mentioned in the section on Congress earlier in this chapter. It was believed that smugglers told children that the notice to appear that they receive when released is a permission to stay (*Permiso* in Spanish) (Participants CO-04; FB-06; RT-11&12).

The above provides a prominent example of how immigration authorities understood the causes of child migration. They also connected the consequences to U.S. policy. For example, they faulted the TVPRA which requires children from non-contiguous countries to be transferred to the custody of the HHS within 72 hours. Because of the large number of children, immigration authorities were not able to comply with this rule, which to them constituted the actual crisis. In addition to being less able to fulfil their duties in fighting terrorism and smuggling, they also failed to be able to comply with this law. Participant IA-27 shares his/her experience of the crisis:

> It is a 72-hour rule. We have to have them into HHS custody in 72 hours. They couldn't keep up with that. So we weren't able to turn people over fast enough. And that backed everybody up in our facilities and so it became a real problem. Not in enough resources for the care and feedings, not enough agents to process and there was not enough floor space. There was not enough room for everybody.

This narrative consists of clear causes and consequences and reveals the presence of properties of sensemaking. One, it clearly shows how immigration authorities' sensemaking is grounded in their identity construction. The failure to execute their duties, of successfully performing their role as law enforcement agents, determined how immigration authorities understood the situation. While the Obama administration understood the 'crisis' as 'we need those people to go away', immigration authorities understood it as 'we are failing to do our job properly'. Immigration authorities see themselves as the receivers and executors of orders, almost in line with the concept of 'good soldiers'.

This identity is recognised by other actors in the field. Participant FB-06 criticises

that CBP is not as open to communicating with civil society as other agencies due to their

organisational culture:

> Customs and Border Protection is kind of like a military type of culture. That's sort of how they see themselves and particular, I am talking mostly about Border Patrol. […] [They have] kind of this culture that is…almost above the law. It is not used to being transparent (Participant FB-06).

> I mean it is the biggest law enforcement agency in the U.S. It is a law enforcement agency. They are not military. It is a law enforcement agency (Participant CO-34).

Participants who are members of immigration authorities also made this point themselves,

as the examples below show:

> Many times, I tell [people] if you have an issue with enforcing immigration law then you need to go and you don't need to talk to me. You need to talk to congressional representatives and tell them you don't like law because they are the ones who pass the law (Participant IA-25).

Participant IA-32 conveyed a similar sentiment:

> I mean you can debate the whole immigration issue as whole. They become a burden on the social programs, they don't, you'll have different views on that. I will be honest with you, I grew up on the border, I grew up fairly poor […] and I definitely have a lot of sympathy for the children that are coming in but I don't know what the answer is. That's a policy issue, you know. Do we stabilize, help stabilize the country, do we let them all in. I mean that's something for politicians and law makers to make.

Participants spoke about their responsibility of upholding the law but made clear in their

answers that they themselves do not make the law. This illustrates Weick's (1995) point

that identity construction is a social process. The participants defined themselves not only

around their prescribed mandate but constructed their identity by differentiating

themselves from other actors in the field. Immigration authorities carry out the

responsibilities delegated to them by other actors, in particular by the administration and

Congress. This identity forms the starting point of their sensemaking. In addition,

upholding this identity is probably their overarching ongoing project which acts a filter and actively shapes the narrative they construct around their understandings. As Weick (1995, p. 110) says, 'the substance of sensemaking is a cue, a frame, and a connection.' Given this, it is not surprising that immigration authorities' understanding of the causes of child migration was grounded in immigration law and the meaning of the 'crisis' constructed around their ability to execute their duties.

Besides the strong presence of their identity and ongoing project, their understandings were also shaped by other actors' understandings. This is another example of sensemaking's highly social nature. The following statement by Participant IA-27, which s/he gave at the end of the interview after being asked if there was anything s/he would like to add, strongly illustrates this point:

> What I like to impress upon people is that: yeah, this is a challenge for us. We did the best we could in the middle of the crisis. I am proud of what our people did. But I really like people to understand that it wasn't a border security crisis. It was symptom of the way the policy worked out. […] I like to have people understand that it wasn't really a border problem. It was a sort of migration policy problem and the way we were doing the enforcement and those services post arrest.

This statement highlights just how conscious the speaker is about the political dynamics going on within the governance system, which probably further heighten the need for immigration authorities to offer a narrative that defends their own ongoing project, namely protecting their identity. Just like Obama's interpretations were affected by Congress, so were immigration authorities' interpretations. At the core of Participant IA-27's interpretation is the need to explain the situation in a way that distracts from his/her inability to perform their duties, which is so important to them. But within that, the speaker is heavily conscious of framing the issue around 'border security', which had been raised by Congress at the same time.

Participant IA-27's statement also might be another example of how sensemaking is shaped by ongoing projects. If the ongoing project is enabling them to fulfil their duties,

then a change in policy that removes the burden of having to care and transfer the children, might make it easier.

In this politicised environment where actors heavily form their understandings around other actors, rather than the issue itself, not a lot of attention is placed on accuracy. To anyone less familiar with the issue, the narrative presented by immigration authorities might seem perfectly plausible. It properly identified causes and consequences and allowed actors to create solutions. An example is the information campaign adapted by the Obama administration that spread messages in the Central American Northern Triangle Countries about the dangers of the journey in an attempt to combat the trafficker's rumours. Another example would the CAM programme.

But other actors were quite unhappy with this interpretation and course of action. They did not deny the existence of rumours and/or the role of smuggling networks in child migration, but contested the narrative presented by the border patrol (Participants CO-04; CO-09; CO-16). As explained by Participant CO-04, the border patrol believes that if the children had protection concerns - meaning if they were asylum seekers or refugees - they would not have to cross the border illegally. Rather, they could just go to the border checkpoints and declare that they would like to apply for asylum. While some children do this, the majority tries to enter the United States by crossing the border. Border patrol explains their behaviour by arguing that smugglers who are part of cartels that control much of the Mexican border deliberately use the children and place them in remote areas with the intention of drawing border patrol officers to those areas and facilitating drug trafficking in other places. As Participant CO-04, whose expertise is in border security, dispassionately states this 'is their theory. I have no way of disproving it.' But Participant CO-16 argues that this narrative ignores the realities faced by the children, which constituted the actual causes of child migration. While other factors, be it economic hardship, the desire to re-unite with family, or rumours spread by smugglers

about being able to remain in the U.S., might play a role, at the core of a child's decision will always be protection concerns. 'A *child* is not going to leave their home unless they need to. Unless there is a safety concern' (Participant CO-16). Participant CO-16 and Participant CO-04 disagreed with how immigration authorities - and consequently the administration - interpreted the role of smugglers.

Participant CO-16 offered his/her explanation as to why those actors adopted those understandings. S/he argues that it comes from a good place, that they really do not want the children to undertake this dangerous journey. Therefore, the administration has been trying to send the message, 'you have to stay in your home country. Don't migrate, it's dangerous' (Participant CO-16). S/he continues:

> I think the problem, or the misunderstanding is that these kids know very well how dangerous it is, but they are doing it anyway because it is better than where they are living right now. And so, I think it's just kind of tone deafness to the seriousness of the situation in Central America that they think that kids could be persuaded from migrating if they hear stories of detention or stories of deportation or radio adds that tell them that it's dangerous to migrate (Participant CO-16).

But this analysis shows that the administration's 'belief' or 'misunderstanding' was not rooted in misinterpreting children's motives, but rather is a result of matching new information against their existing frameworks. Just like Participant CO-16 formed his/her interpretation around protection concern which matches his/her background in child protection issues.

Actors form their understandings based on who they are and on who they work with, not on the issue itself. This seems to be even more the case when actors are under political pressures, where they experience a strong need to construct a problem narrative and identify a solution (Faist 1994). Under these conditions, interest in actually fully understanding the issue fades quickly. Little attention is paid to who the children are and what they need, which challenges the vulnerable-threat dilemma as an explanation for the existing policy environment.

IV. CONCLUSION

This chapter sought to show the applicability of the study of sensemaking as a tool for increasing understandings of U.S. child migration governance. By studying how actors form their understandings about child migration, this chapter showed that actors' interpretations are grounded in different sensemaking properties (Weick 1995). Their sensemaking is enactive of social environments. The environment is driven by the construction of the situation by the most influential actors and/or parts of the governance system that the most influential actors care about. This was particularly shown by the cases of the White House and Immigration Authorities. While the Obama administration understood the 'crisis' as 'we need those people to go away', immigration authorities understood it as 'we are failing to do our job properly'.

The analysis has shown that actors in U.S. child migration governance are particularly influenced by their identity construction and actors' ongoing projects. When people's projects are interrupted, 'then what they see in the world are those aspects that bear on their projects' (Weick 1995, p. 45). The child migrant 'crisis' of 2014 interrupted two significant ongoing projects – CIR and the upcoming presidential elections – which profoundly shaped how those actors interpreted and consequently responded to the 'crisis'. The fact that actors form their understandings based on who they are and on who they work with, not on the issue itself, seems to be even more the case when actors are under political pressures where they experience a strong need to construct a problem narrative and identify a solution (Faist 1994). The heightened pressure exercised by the governance system increased the importance of cues and discouraged the search for accuracy. While all actors formed understandings and constructed their own meanings of the 2014 'crisis', only the most influential actors' understandings translated into policy. Which actors' understanding translated into policy depended on the structure of the governance system and the relationships between actors. These findings highlight that

actors' sensemaking is clearly social in nature and enactive of sensible environments.

This chapter responded to the vulnerable-threat dilemma that constitutes this thesis' research puzzle by finding that actors' interpretations are less influenced by who the children are, and significantly more determined by who the actors are. Actors' sentiments towards the children, or ideas about who they are, might be present during discussions. But they do not constitute the core of policy formulation. The core of the debates are always relations actors have with each other, and this is what shapes outcomes. Accordingly, by studying actors' sensemaking of the 2014 child migrant 'crisis', it was possible to understand more about the dynamics of the governance system the consequent policy outcomes.

Chapter 8: Conclusion

I. A Vulnerable Threat?

This thesis examined the constitution of the U.S. child migration governance system (RQ1) and investigated how actors' understandings of child migration help shape policy outcomes (RQ2). It developed a programme of research consisting of two main components: Pragmatist Interpretivism (PI) – an approach to the analysis of governance - and *sensemaking* (Weick 1995; Ansell 2016b). The study was conducted in the aftermath of the 2014 child migrant 'crisis', when more than 68,000 children from Mexico, Guatemala, El Salvador, and Honduras were migrating to the United States unaccompanied (Rosenblum 2015). The analysis therefore largely focused on actors' understandings of child migration and consequent policy outcomes during the second Obama administration (2012-2016).

The research built on the 'vulnerable-threat' dilemma posed by Bhabha (2014, p. 11) who identified that child migrants can be constructed as either vulnerable children in need of protection, or as potentially threatening migrants. These competing policy logics are said to contribute to a contradictory policy environment where some policies take child migrants' status as minors into consideration, whereas others treat them the exact same way as adult migrants (Bhabha and Young 1999, p. 85). This line of argument offers intriguing insights and therefore served as this study's research puzzle. This thesis sought to build on Bhabha's (2014) insights and investigate how actors' understandings help shape policy outcomes. Rather than working back from observed policy outcomes and making assumptions about the actors and processes behind them, this study aimed to address this gap by studying actors directly involved in child migration governance and asking them what they think it is they think they are doing. This research uncovered the assumptions and ideas about governance underlying the 'vulnerable-threat' dilemma suggested by Bhabha (2014) and established that an interpretivist approach to governance

grounded in Pragmatist philosophy is the most suitable for this study. This approach sees actors as central to governance and offers concepts for the study of how different interpretations might shape policy-outcomes (Yanow 2000, p. 5; Bevir and Rhodes 2016; Bevir and Rhodes 2006). Pragmatist Interpretivism (PI) looks at how individuals construct situations, meaning it asks how they engage in 'naming and framing' to create narratives that provide specific problems and solutions in alignment with their values, interests and preferences (Ansell 2016b, p. 86; Schön and Rein 1994, p. 4). Interpretivists generally conceive governance 'as an activity or set of practices' (Turnbull 2016, p. 385). Governance systems are viewed as cultures in their own right with shared understandings, actions, and meanings (Turnbull 2010, p. 381; Yanow 2000, p. 12). Actors convey their roles, identities, and the norms of their communities in narratives (Ansell 2016b; Turnbull 2016). As pointed out by Yanow (2000, p. 12), '[t]here is a complex interrelationship among language, cognition (or perception), and action. It is not entirely clear which one shapes (or causes) the other […].'

This thesis aimed to increase understandings of these interdependent processes by combining PI with *sensemaking* as conceptualized by Karl Weick (1995). According to Weick (1995) sensemaking is grounded in seven properties which are: 1) grounded in identity construction; 2) retrospective; 3) enactive of sensible environments; 4) social; 5) ongoing; 6) focused on and by extracted cues; and, 7) driven by plausibility rather than accuracy. By connecting PI and sensemaking it was possible to establish a connection between actors and their environments because, even if interpretivists see actors as central to the governance process, they are seen as part of a larger governance system. Their concepts, meanings, practices, and actions are highly contingent on their environments. This means that this study's unit of analysis was not the individual, but rather the social nature of governance. By combining PI and sensemaking, this study established a programme of research that made it possible to connect concepts and meanings to

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practices and actions. This framework can be used for other cases and examples of avenues for future research are outlined in this chapter's final section. This means that this thesis does not only make an empirical contribution by examining U.S. child migration governance, but also a conceptual and methodological contribution to the interpretivist governance literature.

By doing so, the thesis shed new light on the ways in which child migration is constructed as a governance issue in the United States. In response to the 'vulnerable-threat' dilemma, this study found that policy-outcomes are less shaped by who the children are, and more by who the actors are that drive the policy-environment. This thesis found that the U.S. child migration governance system consist of multiple types of actors, both state and non-state. Actors' ability to drive the policy-environment is determined by the interplay of structure, agency and relationships, which means that their ability to influence is context driven. The environment is shaped by actors' sensemaking and vice versa, in particular by actors' identity construction and their ongoing projects. The analysis demonstrated that, while actors frequently express assumptions and judgements about the children – e.g. whether they are vulnerable or threatening – the core of their understandings of child migration are marked by concerns about themselves and other actors in the system. Actors develop positions based on who they are and who the work with, as well the constraints and opportunities they face, not the issue itself. Concerns about who the children are and what they might do seem to be less of driving factor in actors' sensemaking and their consequent policy positions.

The objective of this concluding chapter is to review this study's key findings and contributions in more detail. It will also highlight some of its limitations and discuss avenues for future research.

II. KEY FINDINGS

The objective of this section is to briefly present this study's key findings. This includes answers to the two research questions: who are the actors in U.S. child migration governance (RQ1) and how do their understandings of child migration help shape policy outcomes (RQ2)?

A. The constitution of the U.S. child migration governance system

The existing literature on child migration offers rich insights into the institutions that shape the field of child migration in the United States (e.g. see Terrio 2015a; Heidbrink 2014). They frequently analyse actors who play a direct role in the children's immigration pathway, such as the Department of Health and Human Services, the Executive Office of Immigration Review (EOIR – or 'immigration courts'), the U.S. Customs and Border Protection (CBP – or 'border patrol') and the United States Citizenship and Immigration Service (USCIS) (Terrio 2015a; Heidbrink 2014). But these studies tend to have an applied focus, analysing mostly those actors' operations and/or their impact on the children and their communities. Thus far, there was a lack of research that focused on the power dynamics between those actors that might shape the governance system, which, in turn, might help increase understandings of the contradictory policy environment towards child migrants that is frequently mentioned in the literature (Bhabha 2014; Terrio 2015a). This study helped to fill this gap by systematically examining the constitution of the U.S. child migration governance system through an interpretivist approach.

It was found that the U.S. child migration governance system consists of multiple types of actors. This includes state and non-state actors, meaning it includes both those actors who are a formal part of the U.S. government and those who are not (Sørensen and Torfing 2005). Actors' ability (or power) to influence policy outcomes – meaning their ability to shape policy outcomes in accordance to their respective understandings of child migration - is determined by the dynamics resulting from the interplay of structure,

agency, and relationships. The data gathered for this study showed, that following the aftermath of the 2014 child migrant 'crisis', the most dominant actors in the governance system were the White House (also known as 'the administration'), Congress, and the Department of Homeland Security (DHS), in particular Immigration and Customs Enforcement (ICE) and the U.S. Border Patrol (referred to as 'immigration authorities'). In the aftermath of the 'crisis', each actor displayed agency in making the most use of the avenues awarded to them by the U.S. government's structure. The White House was able to step in and take on a leading role in shaping the policy response to the 2014 child migrant 'crisis'. But its policy response was confined to the existing laws on child migration, which only Congress has the power to change. Meanwhile, Congress made use of its ability to ignite debate and frame the discussion through the means of holding several public congressional committee hearings on the issue. In the 18 months following the summer of 2014, Congress held more congressional committee hearings on the issue of child migration than in the entire decade prior combined. This enabled members of Congress to put pressure on the President. But given how difficult it can be to change laws, despite numerous proposals put forward by members of congress, no changes to laws governing child migration had been made by the time this research concludes – almost four years after the crisis. These difficulties are an example of how actors' agency can be constrained by the structure of the U.S. government.

In addition to structure and agency, the thesis showed that influence depended upon the more or less favourable views of actors taken by the White House and Congress, (i.e. upon relationships). The data revealed that in wake of the 2014 child migrant 'crisis', the Department of Homeland Security's (DHS) influence increased, despite the fact that other actors, such as the Department of Health and Human Services (HHS), might have had more involvement or expertise in child migration. The White House also involved other actors in the field, such as the U.S. Department of State, which despite its extensive work

on refugees worldwide and its involvement in Latin America on various issues, did not seem to have had any prior involvement in child migration in the specific context of children moving from Mexico and Central America to the United States.

These findings show that the actors which are the most commonly analysed in the current child migration governance system, such as HHS and EOIR, are not the most influential in the governance system. This also means that the actors who spend the most time with child migrants, or the ones whose actions have the biggest impact on child migrant's lives, are not necessarily the most influential in driving the environment.

B. The role of actors' understandings in shaping policy-outcomes

This study used the notion of sensemaking as conceptualised by Karl Weick (1995) in order to facilitate greater understandings of why the dynamics of the U.S. child migration governance system, as identified by this research, are the way they are, and how this impacts policy outcomes. As Chapter 7 showed, these properties are highly interrelated. They do not appear in any particular order and while they are overall seen as equally important, depending on the context, 'some properties may be more pivotal than others' (Helms Mills et al. 2010, p. 186). In the case of U.S. child migration governance, two properties that appeared very strongly included 'ongoing' – which includes the role of ongoing projects - and 'grounded in identity construction'. As Weick points out, the 'substance of sensemaking' begins with 'a frame, a cue, and a connection' (Weick 1995, p. 110). Actors take cues from an issue they are presented with and interpret these cues by matching them against their existing frameworks. In the case of U.S. child migration governance, the data showed that both the White House and Congress interpreted the 2014 child migrant 'crisis' against their own ongoing project of comprehensive immigration reform (CIR). In the case of the White House, the 'crisis' was primarily understood as a potential threat to President Obama's efforts at CIR, for which he introduced Executive Actions a few months after the 'crisis.' As Chapter 7 showed,

Obama's response was primarily driven by 'deterrence' as his main goal was to discourage future child migration. As one participant put it, 'he want[ed] those people to go away' (Participant CO-03).

Congress was also weary of CIR, but in addition, Republicans had another ongoing project which influenced their interpretation of the 2014 child migrant 'crisis', namely the upcoming presidential elections in 2016. Their ongoing project against which they framed the 2014 'crisis' was to discredit the Obama administration as much as possible, and by extension the Democrats. Republican members of Congress therefore framed their understandings of the 2014 child migrant 'crisis' around Obama's failure to control the southern border, claiming that his immigration policies were responsible for the 'pulling' the children north. This pressured Obama into acting, which shows the social nature of sensemaking, Weick's property number 4. Obama consequently initiated an 'aggressive' and 'government-wide' response to the 'crisis', which was perhaps larger than necessary (Letter from the President, 30 June 2014). Several participants pointed out that the actual impacts of this type of migration are rather limited, the only exception perhaps being increased pressures on schools to accommodate the children. But other than that, participants thought that the United States is able and strong enough to absorb an additional 68,000 children. However, as this analysis showed, it is less the actual impact or consequences that matter in actors' sensemaking. Rather, what implication an issue might have for an actor is what matters in how they respond.

In devising this policy response, the Obama administration chose to work closely with immigration authorities whose understandings of the issue consequently shaped that of the administration. This means that actors form their understandings based on who they are and on who they work with, not on the issue itself. This seems to be even more the case when actors are under political pressures, where they experience a strong need to construct a problem narrative and identify a solution (Faist 1994). The border patrol's

understandings of the child migration 'crisis' was very strongly shaped around their identity construction. While the Obama administration understood the 'crisis' as 'we need those people to go away', immigration authorities understood it as 'we are failing to do our job properly'. The data showed that immigration authorities see themselves as the receivers and executors of orders, almost in the line with the concept of 'good soldiers.' Immigration authorities said that apprehending and taking care of the children interfered with their ability to go after actual criminals, and intercept crimes like weapon and narcotic smuggle, human trafficking, or terrorism (Participant IA-32). This problem narrative of the situation formed the foundation for how they understood the causes of child migration and what they thought the solutions for the problem should be. Their identity construction and the ongoing project of fulfilling their organizational mandate of 'securing the border', led immigration authorities to advocate for solutions that they thought would reduce the influx of children and thus helping them free up their capacity to focus on their other priorities. The result of the collaboration between immigration authorities and the administration were a range of policies which many other actors argued did not speak to the realities child migrants experience. It does not seem, however, that the administration ever questioned or investigated immigration authorities' understanding of child migration as to whether or not they were accurate. Rather they were seen as sufficiently plausible, which is another one of the properties of sensemaking identified by Weick. The heightened pressure put on the governance system by the 'crisis' narrative and its implications for actors' identity and their ongoing projects, increased the importance of cues and discouraged the search for accuracy. While all actors formed understandings and constructed their own meaning of the 2014 'crisis', only the most influential actors' understandings translated into policy. Which actors' understanding translated into policy depended on the structure of the governance system and the relationships between actors. These findings highlight that actors' sensemaking is clearly

social in nature and enactive of 'sensible environments' (i.e. that make sense to actors and allow them to proceed).

In response to the 'vulnerable-threat' dilemma, this thesis finds that actors' interpretations are less influenced by who the children are, and significantly more determined by who the actors are. The analysis revealed that actors' sentiments towards the children, while present during discussions, are not at the core of policy formulation. Members of congress might talk about children 'gaming the system', hence implicating their character (Chaffetz (R-Utah) (Hearing on June 25, 2014, Serial No. 113-84). President Obama also briefly talked about 'children in need' in one of his statements. But the core of the debates were always relations between actors and this is what shapes outcomes. When looking at the data collected for this study and then looking at policy outcomes, actual outcomes are clearly much more contingent on the dynamics between actors in the governance system. Accordingly, by studying actors' sensemaking of the 2014 child migrant 'crisis', it was possible to understand more about the dynamics of the governance system and resulting policy outcomes.

C. The meaning of 'crises' and their impacts on governance

Another area of findings to highlight in this conclusion is the role of the 2014 child migrant 'crisis' for U.S. child migration governance. Although children undertaking the dangerous journey on their own is not a new phenomenon, the issue gained unprecedented attention in the summer of 2014 when more than 68,000 children were apprehended at the southern U.S. border to Mexico. The analysis carried out in this thesis showed how this actually rather small area of migration became a highly politicized topic. The insights generated by this research made it possible to better understand the meaning of a 'crisis' for a governance system. It does not matter whether the 'crisis' is an actual crisis or not. The analysis showed that the extent of the impact and consequences matters less than what implication an issue has for actors. In the wake of the events surrounding child

migration in 2014, it was not the fact that the 'influx' of children caused dramatic problems for the United States. Rather, it was the meaning of the 'crisis' for the actors – especially for their identity construction and their ongoing projects – that determined their response to the 'crisis'. This is a great example of how sensemaking can be used to connect meanings and practices (Bevir and Rhodes 2010).

The analysis showed how the governance system changed as a result of the 'crisis'. The constitution of the U.S. child migration governance system as identified in this study differed significantly from the system that existed prior to the 2014 child migrant 'crisis'. Data collected for this thesis indicate that prior to the 2014 child migrant 'crisis', the governance system was largely driven by collaboration between a handful members of Congress who had an interest in child migration, a small number of pro-migrant advocacy groups (PMAGs) who often provided direct services to child migrants, and the government agencies working child migrants as part of their organisational mandate. This type of governance system can be characterised as *collaborative governance* (Ansell and Gash 2007). This governance practice usually consists of the most important stakeholders, both state- and non-state actors, collaborating to identify the best policy solutions.

This changed significantly after the 2014 'crisis.' The White House took on a dominant leadership role albeit never having had any recognisable prior involvement in the issue. The number of members of Congress interested in child migration nearly 'exploded'. This was also the case for civil society organisations. Prior to the 'crisis', four PMAGs were most noted for their active involvement in the issue of child migration. This number increased drastically, with numerous organisations taking an interest in the issue and trying to participate in the governance system. Similarly, the area of child migration is now also on the radar of most immigration restrictionist groups which did not use to be

the case. As a result of the 2014 child migrant 'crisis', the governance system shifted away from a collaborative style towards a more top-down hierarchical system.

This change had particular implications for actors 'outside' the U.S. government. Chapter 6 showed that these actors use a variety of channels and practises in an attempt to shape policy-outcomes in accordance with their understandings of child migration. Ultimately, however, their ability to influence policy is contingent on their ability to get state actors to adopt non-state actor's understandings of child migration. The increase in the number of actors in the field since the 2014 'crisis' has made this more challenging because of the increased competition for the attention of the dominant actors.

These findings relate to the literature on governance which is interested in assessing how the role of the state transforms in response to changes in its external environment (Pierre 2000). The next section is going to specifically outline this study's contributions to existing literatures.

III. CONTRIBUTIONS

This study's objective was to address several specific gaps in existing academic literatures. The aim of this section is to highlight how and to what extent this has been achieved. It will be shown, that this thesis' approach and findings contributed to four academic literatures, including the child migration literature; the more general literature on migration politics and governance; the interpretivist governance literature; and the literature on sensemaking.

This study contributed to the literature on child migration in two significant ways. First, it provided a systematic exploration of the actors and dynamics that constitute the U.S. child migration governance system, which prior to this study had not existed. Thus far, political scientists had largely neglected the area of child migration. The key findings about the constitution of the U.S. child migration governance system address a gap in the existing child migration literature. It was shown that the policy environment is not

necessarily driven by the actors who have the most contact with the children, or who are most commonly analysed in the existing literature (Terrio 2015a; Heidbrink 2014). Rather, the policy environment is driven by the most dominant actors, which in this case are the White House in collaboration with immigration authorities, and the U.S. Congress. Accordingly, by analysing how governance in U.S. child migration is constituted as a process, findings yielded by this thesis have helped address a significant gap in the child migration literature.

Second, this study contributed to the child migration literature by challenging the dominant assumption in existing works that policy-outcomes towards child migrants are driven by understandings about childhood and/or the children themselves. By using sensemaking to understand child migration governance, it was shown that actors' policy positions are more determined by who they are and who they work with, and not by thoughts or ideas about the children themselves, or the dynamics surrounding the migration of children. This represents an important contribution as it highlights the importance of not only studying policy-outcomes and their impacts on or meanings for the governed population, but to also analyse the actors and their environments behind these outcomes.

By developing an actor-centred analysis to the study of migration governance, this research also contributed to the larger study of migration politics as a whole. As the literature review in Chapter 2 demonstrated, a significant theme within the literature aims to assess the drivers of migration governance. It has been argued that policy-outcomes are driven by perceptions – or in this case misconceptions - about migration (Castles 2004; 2017). Castles suggests that a simplistic view of migration leads to inadequate policy outcomes which is why migration policies often fail to meet their desired objectives. To this, Anderson (2017) convincingly responds that to fully understand migration policy-making, one needs to study governance systems as a whole, looking at

what other forces or dynamics are going on at the time that could impact on the migration policy-making process. This thesis contributes to this emerging literature by showing how actors' ongoing projects and their relationship with other actors impacts on their sensemaking which consequently shapes policy-outcomes. This finding supports Anderson's (2017) argument and contributes to the literature by further validating the applicability of comprehensive, actor-centred approaches to the study of migration governance. This thesis further contributes by offering a research programme through which this can be achieved. By connecting PI with sensemaking, this research developed a framework that allows for the analysis of how actors and their environments shape each other and how this shapes policy-outcomes.

In addition, this research contributes to the interpretivist governance literature in two ways. Interpretivism builds on the importance of meanings, arguing that they shape practices which constitute governance (Bevir and Rhodes 2010). Although the literature acknowledges their importance, it can be challenging to establish a connection between concepts and meanings and practices and actions. This research showed that this can be achieved by an interpretivist approach to governance that connects PI and sensemaking. By establishing this connection, this research helped to open up the 'black-box' of governance that usually connects meanings and practices.

Lastly, this research contributed to the sensemaking literature by applying Weick's (1995) framework to a governance case study. As lamented by Ansell (2016a) and Turnbull (2016: 381), sensemaking is still rarely applied in the study of politics. This thesis provided an example of how sensemaking can be used to generate valuable insights into governance, making it a cross-disciplinary study.

IV. LIMITATIONS OF THIS RESEARCH

Despite the findings and contributions outlined in the previous sections, this research has certain limitations. Chapter 3 already highlighted some concerns regarding

this research's potential limitations when discussing the methodology and methods applied in this study. A key criticism of interpretivist research is that its findings are not generalizable (Turnbull 2016, p. 386; Bevir and Rhodes 2010). As explained by Bevir and Rhodes (2010, p. 92) there can be no comprehensive theory of governance, as it cannot be defined 'by its key features' but rather can only be defined 'for particular cases'. While the findings of this research cannot be prescriptive, this does not mean that the programme of research developed by this thesis cannot be applied to other cases, as it is not necessary for cases to have 'common features' to be suitable for analysis (Bevir and Rhodes 2010, p. 93). The systematic coding of data facilitated the emergence of certain patterns which provided information about the characteristics of the U.S. child migration governance system. While these patterns and characteristics might not be any sort of prescription, they still offer insights about actors in migration governance applicable to other areas in that field.

It should also be acknowledged that this study is limited by some methodological challenges that are mainly due to available resources. Given the constraints placed on this study, such as access to and time spent with participants, assessments about other contexts can be made, but could be substantiated by further study. Accordingly, the findings generated by this study can be seen as providing valuable insights for future research. A comparison of different contexts in the future could potentially yield strong support for the framework proposed by this study. The next section offers some ideas for future research.

V. AVENUES FOR FUTURE RESEARCH

The findings of this thesis open up avenues for future research that could help address further gaps in several literatures. One example would be further study on the relationship between the United States and the governments of Mexico and the Central American Northern Triangle Countries in terms of addressing child migration, or

migration in general. This study's finding that these actors are viewed more as the receivers of direction from the United States rather than equal partners was a valuable insight that could serve as basis for further research aiming to gain deeper insights into the relationship between those actors. It could investigate questions such as what are the practices and meanings that shape the relationship between those actors? How do their understandings of child migration differ and how does that shape policy-outcomes? The discussion of those actors in this particular study has been limited because participants had not identified them as influential or dominant actors in U.S. child migration governance. In addition, a more in-depth investigation of regional child migration governance would have required more resources in terms of fieldwork and might have taken the study beyond its scope. The questions posted above warrant a new research project aiming to contribute to increasing understandings of bilateral or regional migration governance, which still constitutes a rather small area of research (Hampshire 2011).

Another example of possible future work includes a project that uses the framework developed by this thesis to investigate why child migrants from contiguous countries are treated differently under U.S. law than child migrants from non-contiguous countries (American Immigration Council 2015, p. 5; CGRS and Kind 2014). According to the Trafficking Victims Protection Reauthorization Act (TVPRA) of 2008, children from countries other than Canada or Mexico who arrive in the United States unaccompanied are transferred to the custody of the Department of Health and Human Services following apprehension (Kandel 2017). Unaccompanied child migrants from contiguous countries - which mainly means Mexican children - are treated differently. In their case, the border patrol screens them to see if they have potential asylum claims or are victims of trafficking (Zamora 2014). If this is not found to be the case, the children might be returned to

Mexico without being given the chance to go through immigration proceedings in the United States.

It would be interesting to use the programme of research developed by this study to increase understandings as to why this particular policy is the way it is. One of this study's participant argued that the reason behind this policy decision is to reduce the number of child migrants entering the United States, as in the past most of the children entering the United States used to be from Mexico (Participant SN- 29). As data presented in Chapter 4 demonstrated, it has only been the case for the past few years that children from the Northern Triangle Countries make up the largest proportion of child migrants arriving in the United States. Others have pointed out that the original thought behind the TVPRA provision was to make sure that children are given adequate screenings for protection concerns (Zamora 2014). While these claims are very intriguing, they pose similar challenges as the 'vulnerable-threat' dilemma. This policy situation could benefit from an investigation that asks who the actors were behind this policy and what their context was like within which they were operating. This could provide valuable understandings of this policy situation and would most likely further increase existing understandings about child migration governance as a whole. This case would be a good opportunity to study child migration governance prior the 2014 child migrant 'crisis'. This may allow for a comparison to child migration governance post 2014, which might further increase understandings of the changes that resulted in the governance system as a consequence of the 'crisis'.

The framework developed by this thesis is not only applicable to other cases in the area of child migration. It could also be used to shed light onto other migration policy areas and might be particularly useful for increasing understandings about policy-outcomes which seem to be contradictory or are perceived to be 'failing' (Castles 2004; Anderson 2017). Examples of possible research puzzles include the 'net migration target'

in the United Kingdom, or migration policies under the Trump administration in the United States. A particularly interesting study might be a comparative analysis of the Obama and Trump administrations, as this could potentially further increase understandings about the study of sensemaking, such as the properties themselves.

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Appendix

I. ETHICS APPROVAL LETTER

Michaela Bruckmayer
Registration number: 140148435
Politics
Programme: PhD

Dear Michaela

PROJECT TITLE: A Vulnerable Threat? Policy Framing and Child Migration Goverance
APPLICATION: Reference Number 003851

On behalf of the University ethics reviewers who reviewed your project, I am pleased to inform you that on 11/08/2015 the above-named project was **approved** on ethics grounds, on the basis that you will adhere to the following documentation that you submitted for ethics review:

- University research ethics application form 003851 (dated 30/07/2015).
- Participant information sheet 1011659 version 2 (30/07/2015).
- Participant consent form 1011660 version 1 (27/07/2015).

The following optional amendments were suggested:

Please see comments and revise accordingly

If during the course of the project you need to deviate significantly from the above-approved documentation please inform me since written approval will be required.

Yours sincerely

Claire Williams
Ethics Administrator
Politics

II. INTERVIEW QUESTIONS

1. Please tell me about your career and current position.

2. Please tell me about your/your organisation's work with child migrants.

3. When you think back on your life and career, what factors/events, etc. would you say influenced/helped shape your understandings of child migration?

4. What do you think are the causes of child migration?

5. What do you think are some of the effects/consequences of child migration?

6. **Who** do you see as the key actors in policy-making in this area and **how** do they do this? How do you think they manage to be so influential?

7. What are some of the ways you/your organisation engage/s in policy-making and with policy-makers? How would you rate your ability to influence policy?

8. Do you see your understandings of child migration reflected in current policies and existing proposals?

9. How does your organization deal with factors such as risk and uncertainty?

10. To what extent does collaboration with other states (e.g. Mexico, Northern Triangle Countries) shape what you do?

11. Is there anything else you feel that I should have asked but didn't?

Research Project: Child Migration Governance

Dear Participant,

You have been invited to take part in this research project. Before you decide if you want to participate, it is important for you to understand this research's purpose and objectives. This sheet contains all the relevant information and you are welcome to raise any additional questions you may have. Please take time to decide whether or not you wish to take part.

Thank you for reading this information

What is the purpose of the project?
The objective of this research is to investigate the role played by individuals and organisations in the policy-making process towards child migrants. This includes actors such as policy-makers, members of immigration authorities, law enforcement personnel, researchers, academics, advocacy organisations, child welfare institutions, resettlement agencies, and others. This study is interested in gaining insights into a range of issues related to child migration governance, including but not limited to, actors' understandings of the causes and consequences of child migration, actors' perceptions of the policy-making process and potential challenges and opportunities associated with the policy environment.

Who is funding the research?
This research is funded by the European Research Council (https://erc.europa.eu/).

Why have I been chosen?
You have been asked to participate because of your professional capacity and/or because of your expertise in one or more of the following areas: child migration, U.S. immigration policies, border security, regional or bilateral relations in North and Central America, child welfare, community activism, and legal services. You can contribute to the research by telling us about your perceptions and experiences in relation to child migration and/or U.S. policy-making.

Do I have to take part?

Participation is entirely voluntary. If you decide to take part you will be asked to sign a consent form and you are welcome to ask any questions about the project you may have. You may decline to answer any particular question and can stop the interview at any time without having to provide a reason for doing so.

Will my taking part in this project be kept confidential?

Your responses will be anonymized and treated with confidentiality. No identifying information will be published without your explicit consent to do so.

What will happen to me if I take part?

You will be invited to participate in an interview with open-ended questions related to child migration governance. The interview will take approximately 30 minutes and – with your permission - will be audio recorded to facilitate transcription.

What are the possible benefits of taking part?

Whilst there are no immediate benefits for those people participating in the project, the findings of this research can contribute to increasing knowledge and understanding about the role and impacts of actors in child migration policy-making.

What will happen to the results of the research project?

The results of this research will be published in form of a doctoral thesis/dissertation. They may also be published in academic journals and similar outlets and may be presented at academic workshops and conferences. The anonymized data and findings obtained by this study may also be used in future academic research projects.

Will I be recorded, and how will the recorded media be used?

With your permission, the interviews will be audio recorded. This will facilitate transcription of the interviews and the transcripts will be used for the purpose of analysis.

The transcripts will be redacted in order to eliminate identifying information.

What if something goes wrong?

If you have any questions or comments, or would like to raise a complaint, you are welcome to contact Researcher Michaela Bruckmayer at m.bruckmayer@sheffield.ac.uk, or the project supervisor Professor Andrew Geddes at a.geddes@sheffield.ac.uk. If you feel that your complaint has not been handled to your satisfaction either by the main researcher or the supervisor, you can contact the Director of Postgraduate Research Studies in the Department of Politics at the University of Sheffield, Dr. Garret W. Brown at g.w.brown@sheffield.ac.uk.

Who reviewed this project to ensure its compliance with Research Ethics Standards?
The project received ethical approval from the Ethics Committee of the Department of Politics, University of Sheffield in August 2015.

Contact for further information:

Michaela Bruckmayer, University of Sheffield

Email: m.bruckmayer@sheffield.ac.uk

This information sheet is for you to keep. Thank you for your time and assistance!

IV. RESEARCH PARTICIPANT CONSENT FORM

Name of Researcher: Michaela Bruckmayer
Email: m.bruckmayer@sheffield.ac.uk
Institution: Department of Politics, University of Sheffield
Project: Child Migration Governance

Participant's Name: _____

Identification Number: _____   **Please initial box**

1. I confirm that I have read and understood the information sheet explaining this research study and that I have had the opportunity to ask questions about the project.

2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. I understand that if I do not wish to answer any particular question or questions, I am free to decline.

3. I request that my responses will be anonymized.

4. I agree to the data collected from me to be shared with other members of the research team.

5. I agree to the use of audio recording devices to facilitate transcription.

6. I agree for the data collected from me to be used in future research.

7. I agree to take part in the above research project.

_____   _____   _____
Name of Participant   Date   Signature

_____   _____   _____
 Researcher   Date   Signature