
TRANSIENT YOUTH

When young people migrate without their parents, the most important question for German authorities is: are they minors or young adults? Unaccompanied minors receive support and legal protection, while adults must endure a protracted asylum procedure on their own. Ulrike Bialas has investigated the situation of young refugees. She advocates a more flexible approach to the question of age.

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More and more young people are fleeing conflicts, disenfranchisement, and poverty without their families and applying for asylum in Germany. In 2013, 42,000 unaccompanied minors were taken into custody; by 2016, in the wake of the so-called refugee crisis, this number had already doubled. However, many young refugees do not possess identity documents, and some are unaware of their exact age. According to the Federal Office for Migration and Refugees (BAMF), only 40 percent of all asylum seekers are able to provide proof of their identity. Those from Afghanistan, Somalia, and Guinea – among the most common countries of origin for unaccompanied minors – almost never own such documents. As a result, official figures on unaccompanied minors in Germany are only rough estimates.

Yet a date of birth plays a crucial role in determining the legal status and everyday life of young refugees. While minors are protected from deportation, live in youth welfare apartments, and are attended to by a legal guardian, adults often live in constant fear of a Dublin transfer during their initial months in Germany. This entails being deported to the first EU country of entry. Many adults find themselves living in refugee camps for years, with limited legal alternatives available if their asylum application is rejected. So, in the absence of birth certificates, how do German administrative offices decide who should receive legal protection and be accommodated as a minor in youth welfare? And how do young refugees themselves cope with being classified as either a minor or an adult?

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VIEW POINT

ULRIKE
BIALAS



ILLUSTRATION: SOPHIE KETTERER FÜR MPG

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These are some of the questions I examined ethnographically, using participant observation – a qualitative social research method that holds immense value, particularly in cultural anthropology but also in my own discipline of sociology. This method involves accompanying people throughout their everyday lives for an extended period of time, often spanning years, with the aim of gaining familiarity with their habits, values, and challenges. Ideally, a bond of trust forms between the researcher and their interlocutors, enabling open discussions on potentially sensitive topics. From my perspective, the disputed ages of young refugees can only be examined through years of participant observation. It is only through observing and experiencing different contexts and situations that one can truly comprehend how an age assumes varying meanings depending on the context and situation.

I initially observed age assessments at a forensic institute, where medical examiners analyze radiological images to estimate a person's chronological age based on their bone development. To gain a deeper understanding of the legal framework surrounding unaccompanied minors, I subsequently volunteered with an organization that connects them with volunteer legal guardians. I then spent several years with a group of refugees, consisting of both officially recognized minors and young adults. I visited them at their camps or youth welfare apartments, provided assistance with their German lessons or homework, met their friends and acquaintances, and accompanied them to administrative offices, including the BAMF, the Foreigner Registration Office, the family court, and the Youth Welfare Office. I also joined them for appointments at hospitals, law firms, and asylum counseling sessions.

My research revealed that age is a complex construct. And yet, due to rigid legal distinctions made within areas such as residence and youth welfare law, administrations are required to establish precise dates of birth in order to differentiate between minors and adults, down to the day. Age assessments, on the other hand, can only provide estimations and probabilities because, although humans develop in similar ways, they do not always develop at the same pace, particularly when influenced by disparate circumstances during their upbringing. Consequently, even though dates of birth determined through forensic means are only approximations, they ultimately determine whether a young person can reside in Germany and the conditions under which they may do so.

Refugees determined to be young adults face significant legal uncertainty. They rarely have the opportunity to enroll in regular schools, receive minimal support without the assistance of youth welfare, and struggle to find the peace and privacy necessary for relaxation and studying in their camps. However, minors also encounter their own challenges. While they

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often had substantial responsibilities within their families in their home countries, they must now listen to their guardians and abide by the rules and supervision of youth welfare. Their welfare benefits are allocated on a weekly basis, their expenses are scrutinized, and living in youth welfare entails curfews and room inspections. Furthermore, their case workers are informed about even the most intimate aspects of their lives by lawyers, teachers, doctors, and therapists – to name just a few of the most common measures. Notably, young refugees often had to display significant maturity during their flight. However, once placed in youth welfare, they are no longer able to exercise this independence. This level of autonomy and maturity is sometimes even used against them in support of arguments that they cannot truly be minors.

Age initially appears to be a straightforward and equitable category. However, my research has demonstrated that it cannot be definitely determined and may not be the optimal means of assessing a person's need for assistance. The young refugees I met had childhood experiences in their home countries that differ significantly from the kind of upbringing that prepares German youths for adulthood. While they took on household responsibilities at a young age and provided financial support to their parents

or helped raise younger siblings, they themselves acknowledge that they did not acquire the skills to make independent decisions or plan their life and career paths. Furthermore, they face the immense challenge of overcoming the trauma of their flight and navigating life in a new country without the support of their families.

Of course, there should be ongoing efforts to improve age assessment methods, particularly to ensure that no minors are wrongly classified as adults. However, overall, we may need to accept and learn to live with ambiguity. Despite their significant political and professional differences, all the experts I spoke with unanimously agreed on one point: we can never know the exact ages of young people who arrive in Germany without proper identification documents. This poses a legal and bureaucratic challenge, but it also presents an opportunity. We currently live in a time where previously rigid categories are being effectively questioned and challenged. The migration of young refugees “without an age” could inspire us to critically examine the concept of youth itself. Minors receive special support because they are both in need of assistance and often exhibit open-mindedness and a readiness to embrace help. Therefore, supporting them is a necessary and prudent societal investment. Should we not include young people in our society based on their vulnerability and openness rather than solely relying on a specific date of birth? Engaging in a debate about these terms will undoubtedly be as challenging as determining dates of birth currently is, but it is certainly worthwhile.

