

Irregularity and Civic Stratification among Child Migrants in France

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Abstract

Although child migrants arriving in Europe benefit from certain rights and protections linked to their minority status, such as access to education and health care, they also face exclusion due to increasingly restrictive migration and citizenship policies. This exclusion often deepens as they transition to adulthood, particularly when they fail to meet legal residency requirements and become undocumented. While quantitative studies have demonstrated the effects of such policies on migrants' legal statuses and life outcomes, few have examined the specific experiences of irregularity among those who arrived as children, largely because of limited data. This paper explores the experience of irregularity among migrants who arrived as children in France, focusing on how it is shaped by individual, family, and contextual factors. Using the "Trajectories and Origins (TeO2)" survey conducted in mainland France in 2019–2020, we analyze a sample of 2,556 immigrants from non-EU countries who arrived before age 18. Preliminary findings indicate that 17% of this group have experienced being undocumented ("sans papiers"), with those coming of age after 2012 more likely to face irregularity than earlier cohorts (turning 18 before 2000). However, experiences vary considerably depending on family migration patterns (parental migration and undocumented status) and individual characteristics such as age at arrival, gender, and educational trajectory. Overall, the results suggest that recent migration and citizenship policy changes have heightened irregularity among child migrants, reinforcing legal status as a major dimension of social stratification in contemporary European societies.

Extended abstract

In recent years, an increasing number of legal and quantitative studies, based on administrative data or surveys, have examined migrants' legal statuses and trajectories, providing deeper insight into a key phenomenon: the production of irregularity. First, these studies demonstrate that legal status cannot be understood as a simple binary distinction between "regular" and "irregular." Instead, it constitutes a multidimensional and fluid condition. Individuals may hold certain rights—such as the right to reside—but be excluded from others, such as the right to work, or vice versa. Second, irregularity is not a static or permanent condition but a dynamic process. People can "fall into" and "emerge from" irregular status over time. This dynamic nature underscores the importance of adopting a life-course perspective, one that considers not only personal and family events but also work trajectories and the broader migration regimes that shape these transitions.

Children's migration has been primarily associated with family migration and the family reunification procedure, providing them with a stable legal status in the destination country. However, in the last decades immigration policies have increasingly restricted the entry and stay of migrants, including their rights to family reunification. While these changes have not stopped families from migrating or reunifying at destination, they have made it harder for family members, including children, to do so legally. Numerous studies show that parents unable to reunify their children under the family reunification procedure, may decide to "bring" them on a short-stay visa, or in other situations. While child migrants arriving in Europe may benefit from certain rights and protections during their minority (access to education, health care), they also experience exclusion in other areas in the context of increasingly restrictive migration and citizenship policies. This exclusion may intensify as they transition to adulthood, especially if they are unable to meet legal residency requirements and become undocumented. However, up until now few quantitative studies have focused on the specific experiences of irregularity among child migrants, in part due to unavailable or limited data on this group.

This paper examines the experience of irregularity among migrants having arrived as children in France. Foreign minors have an ambiguous legal status in France. On the one hand, they are subject to the same entry conditions as adult migrants, i.e. hold a long-stay visa if they intend to stay for 3 months or more in the country. On the other, they are not required to hold a residence permit until they reach 18 years of age (or 16 if they wish to work). Nevertheless, their status at entry (with a long-stay visa), as well as their parents' residence status does have an impact on their rights during minority. While access to education and health care is not conditional upon legal status at entry, some families and their children may still experience problems when they try to register or access services. Access to other social rights, such as family benefits, is conditional upon parents', but also children's legal status: since 1986 not only do parents need to have a valid residence permit to be able to receive them, but for children born abroad there needs to be a proof of their legal entry. In addition, the possibility to exit and re-enter national entry (for example, for a school trip or vacations) is only possible if minors have a special travel document (DCEM), the issue of which is dependent on the legal status of child at entry and their parents. The status upon arrival also affects under which admission categories they can / will apply upon turning 18th years.

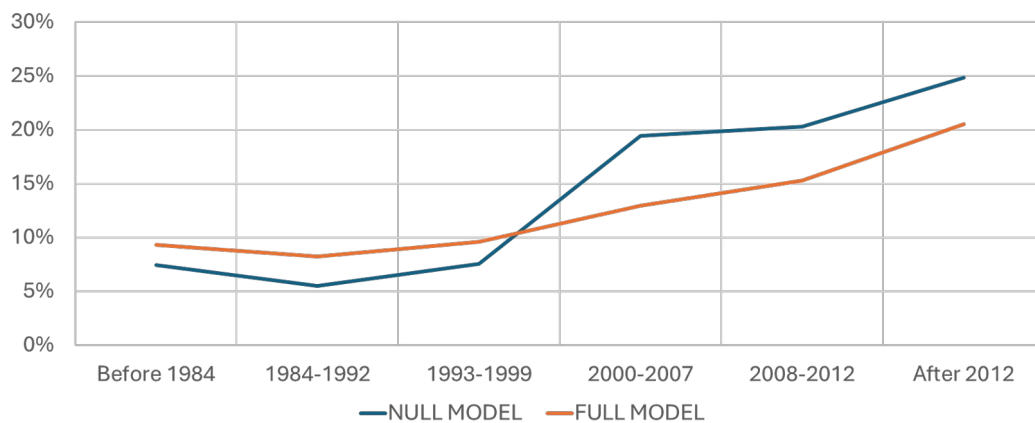
Statistics on migration of minors to France, and specifically their legal status upon entry, are incomplete, they suggest that many of them arrive as asylum seekers, with or without their parents, and, due to low recognition rates, are often rejected from their claims, thus forcing them and their families into a period of irregularity. Although, many of them are later able to acquire a residence permit upon turning 18 years, particularly on the grounds of arrival before the age of 13, some

experience more complex administrative trajectories during minority and during their transition to adulthood.

Using the “Trajectories and Origins (TeO2)” survey carried out in mainland France in 2019-2020, we examine to what extent the experience of irregularity has become more frequent over time, and how it is shaped by individual and family characteristics, as well as the destination country context. We focus on immigrants from non-EU countries having arrived in France before the age of 18 years (2,556 persons).

Preliminary results show that 17% of this group have been undocumented (*‘sans papiers’*), with youth growing up in the recent period (after 2012) being more likely to experience this compared to previous cohorts (turning 18 before 2000). However, this experience is not universal and is largely shaped by family migration (parent migrants, parents’ undocumented status) and individual characteristics (age at arrival, gender, educational trajectories).

Figure 1 - Probability of being undocumented by period of transition to adulthood*



Source: TeO 2 survey. Authors’ estimation. Sample: Non-EU27 immigrants having entered France before the age of 18 (2556 obs.). * This period is defined by the year of the respondents’ 18th anniversary.

These findings indicate that recent changes in migration and citizenship policies have increased irregularity among child migrants, while also impacting different groups in distinct ways. As legal status is becoming an important factor of social stratification in contemporary European societies, it is necessary to consider its impact on child and youth migrants.