Master's thesis

Making visible the invisible:

Exploring institutional gaps and counter-hegemonic discourses in the Spanish

protection system for unaccompanied migrant minors

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Abstract

This thesis examines the systemic inefficiencies within the Spanish protection system for unaccompanied migrant minors (UMMs) and former minors under guardianship, focusing on the pivotal role of non-governmental organizations (NGOs) as counter-hegemonic actors. Using Laclau and Mouffe's discourse theory, this study investigates how NGOs construct antagonistic, counter-hegemonic discourses that reveal and address systemic gaps as well as creating alternative narratives to the naturalized state's discourse. With this in mind, this thesis highlights the role of NGOs in advocating for the rights and dignity of vulnerable individuals.

Through an in-depth analysis of the protection system and the narratives surrounding UMMs, this thesis identifies struggles for meaning between the state's hegemonic discourse- framing UMMs as "migrants first" and "children second"- and the counter-discourses constructed by NGOs. This research's findings reveal systemic failures identified through the analysis of the data compiled through semi-structured interviews, as well as of the existing literature on the state of UMMs' rights in the Spanish context. These systemic failures include unreliable age-determination practices, inadequate resources, and a lack of comprehensive emancipation programs, which collectively result in institutional abandonment and marginalization. NGOs challenge these inefficiencies or "gaps" by reframing terms such as "protection" and "abandonment," exposing the systemic racism and migration control logics that underlie the Spanish system.

This research highlights the pivotal role of NGOs in contesting dominant narratives and advocating for structural reforms. It contributes to the fields of migration studies, discourse analysis, and child protection.

1.   Introduction

Migration is one of the most essential features of human history. It shapes societies and drives cultural, political and economic change. As natural as this feature is within humanity and its history, it represents a highly contested issue that drives different political discourses and ideologies. The governance of migration is an area of political contestation and discursive struggle. In Europe, the rise of border externalization or third country repatriation practices, for instance, represent ethically ambiguous terrains where countries grapple with the balancing of humanitarian obligations, political pressures and legal frameworks with their own strategies of migration management and control. Within this overall management of migration, unaccompanied migrant minors (UMMs) represent some of the most vulnerable groups in this context. This category refers to children who arrive in foreign countries without parental or adult guardianship. This way, UMMs are simultaneously subjects of international child protection frameworks and objects of restrictive immigration policies, a reality that creates a complex intersection within care and control.

In Spain, UMMs are in a particularly precarious position. Whilst the country is legally bound by international treaties such as the United Nations Convention on the rights of the child (1989), the implementation of these principles often falls short in practice. UMMs face multiple challenges, such as unreliable age-determination practices, inadequate living conditions in reception and protection centres, and the sudden loss of specific legal protections upon turning 18. These systemic failures, often described as forms of institutional abandonment, highlight a critical tension between the rights guaranteed to UMMs as children, informed by different legal frameworks, and the restrictive practices applied to them as migrants.

This thesis explores the intersection between these tensions with a focus on the Spanish protection system for UMMs and former minors under guardianship. It examines the inefficiencies and contradictions that characterize such a system of protection, but also the counter-hegemonic role of non-governmental organizations (NGOs) that work to expose and contest these sorts of systemic "gaps" through their providing of alternative forms of care and advocacy. By adopting Laclau and Mouffe's discourse theory as a theoretical and analytical framework, this study investigates how meaning is constructed, contested and stabilized

within the narratives surrounding UMMs, specifically through the study of the competing discourses represented by NGOs' accounts on the system of protection.

This thesis is guided by the central research question: *How do NGOs expose and respond to the inefficiencies of the Spanish protection system for UMMs and former minors under guardianship?* To address this, this study also poses two sub-questions: *How are unaccompanied minors and former minors represented and supported within the Spanish protection system? And How do NGOs construct counter-hegemonic discourses to challenge dominant narratives around unaccompanied minors in Spain?*

These questions reflect the focus of this thesis: to critically analyse the systemic gaps in the protection system and to understand how NGOs contest and redefine the dominant narratives that shape the experiences of UMMs within the Spanish context.

This research adopts a mixed methods approach, through semi-structured interviews with representatives of three different NGOs, as well as an extensive review of relevant literature, legal frameworks and policy reports. This methodological framework enables the study of the broader structures that influence UMMs treatment and their experiences in the country. This analysis is further developed by the theoretical lens of Laclau and Mouffe's discourse theory, which emphasizes the contingent and contested nature of meaning. This perspective is particularly useful for the uncovering of the ways in which power operates through discourse, shaping institutional practices, societal perceptions and identities. This study highlights the transformative potential of NGOs as agents of change that advocate for more inclusive and just systems while consequently dislocating hegemonic discourses that impose immigration control over the lives of children.

This thesis is structured the following way: The Background chapter provides an overview of the legal and institutional context surrounding UMMs in Spain, situating this context within the broader European and international frameworks. The Theoretical Framework chapter elaborates on Laclau and Mouffe's discourse theory and its relevance to this study. The Methodology chapter outlines the research design and methods as well as the ethical considerations and limitations in this project. The Analysis chapter delves into the systemic failures of the Spanish protection system through the study of NGOs' construction of counter-hegemonic discourses and the consequent contestations of meaning surrounding key terms such as "protection" and "abandonment". Finally the Conclusions chapter reflects on

the different findings, addressing the research questions and possible future developments of this research.

This thesis aims at shedding light on the often overlooked experiences of UMMs, through the discourses of NGOs and their advocacy for a systemic reimagination that places rights and dignity at the forefront. By examining the Spanish case through a critical discursive lens, I aim at contributing to a deeper understanding of systemic inequalities, and moreover, how they can be contested.

2. Background

The situation of Unaccompanied migrant minors (UMMs) in the Spanish protection system is a complex and multifaceted one. There are different sets of laws and competences that regulate these minors and their transition to adulthood as well as their presence in the country and their access to different rights that in themselves regulate their access to a quality of life (Sajir et al., 2022).

To be able to analyse this issue, it is relevant to investigate the specifics about the Spanish protection system as well as situate UMMs within the general scope of migration in Spain as well as the broader scope of European and international frameworks for migration.

2.1. Legal Framework

Firstly, Unaccompanied Migrant Minors (or *Menor Extranjero No Acompañado*, *MENA*) are defined, in Spain, as children or adolescents under the age of 18 that migrate and are in the country separated from their parents and are also without the company of an adult responsible for their care (Accem, 2019) . At the European Union level, an unaccompanied foreign minor is defined in the Article 2 of Directive 2011/95/EU as "*a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by practice of the Member State concerned, and for as long as he or she is not effectively taken into care of such person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States*" (*Official Journal of the European Union*, 2020, p. L 337/13).

According to the Spanish legislation, unaccompanied minors have the right to be taken into the child protection system regardless of their immigration status, in this sense, their

residency in the country is considered regular as long as they are under the guardianship of a public entity. This is stated in Article 35 of the *Organic Law 4/2000* on the *Rights and Freedoms of Foreigners in Spain and Their Social Integration*: *"It will be considered regular, for all purposes, the residence of minors who are under the guardianship of a public administration in Spain or under a court ruling, or by any other entity. Upon request by the body exercising guardianship, and once the impossibility of returning to their family or country of origin has been proven, the minor will be granted a residence permit, which will be retroactive to the moment when the minor was placed at the disposal of the child protection services. The absence of a residence permit will not prevent the recognition and enjoyment of all the rights that correspond to them by virtue of their status as a minor"* (*Organic Law 4/2000*, 2000) .

In relation to this legislation, Spain is a party to the Convention on the Rights of the Child, adopted in 1989 by the United Nations General Assembly. According to this resolution, Article 3 on the Best Interests of the Child, emphasizes how these "best interests" should be a primary consideration in all actions concerning children, *"whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies"* (United Nations, 1989, Art.3, p. 2). This convention outlines other vital principles and rights that children should be able to exercise, such as the right to life, survival and development (Article 6); the right to healthcare (Article 24); the right to non-discrimination (Article 2); the right to protection from abuse and neglect (Articles 19 and 24); the right to be heard (Article 12); and the right to play, rest and leisure (Article 31) among others. It is relevant to keep this legal framework in consideration throughout the analysis of the situation of unaccompanied minors in Spain.

Although all Member States of the European Union (EU) are bound by the same international frameworks regarding the rights of the child, there are no unified and coherent strategies in place for the protection of unaccompanied foreign minors in Europe, as reiterated by the European Economic and Social Committee (EESC) on its report on *'The protection of unaccompanied minors in Europe'* (2020):

> "The 1989 United Nations Convention on the Rights of the Child provides the general framework for child protection in Europe. However, neither this instrument, nor the European Convention on Human Rights (1950), nor the European Convention

on the Exercise of Children's Rights (1996) lay down specific provisions applying directly to unaccompanied children". (EESC, 2020, para. 2.6).

In this report, it is also emphasized how the principle of "the best interest of the child" (United Nations, 1989) should be the cornerstone for all policies concerning unaccompanied foreign minors. Therefore, this principle should always take precedence over national and international law. In other words, all Member States should treat migrant children as children first and as migrants second, not the other way around. The EESC also urges the European Commission to create a directive for the protection of specifically Unaccompanied Minors, being this the only way to ensure the enforcement of their rights as well as the existence of a uniform set of regulations regarding the procedures of the Member States to ensure these rights (EESC, 2020).

In the absence of this precise legal framework, the situation of unaccompanied minors varies significantly between Member States depending on the different laws that govern their treatment and the procedures in place to enforce these laws. This legal gap allows Member States to implement their own interpretations and regulations, for example in areas such as age determination practices, the allocation of guardians and overall exercise of unaccompanied minors' rights (EESC, 2020). This report also describes UMMs' situation in Europe as *"deplorable"* (EESC, 2020, para. 2.9) as well as *"seriously concerning"* (EESC, 2020, para. 3.1).

2.1.1. *Unaccompanied migrant minors in Spain*

In 2019, a total of 13,800 asylum-seekers in the European Union were classified as unaccompanied minors, which constitutes 7% of the total asylum seekers under 18 in the EU (EESC, 2020). Most of them were male, with 85% being male and 15% female. Of the total, 67% were aged 16 to 17, 22% were aged 14 to 15, and 11% were 14 or younger (EESC, 2020).

Although these data are relevant for understanding the scope of unaccompanied minors seeking asylum in the EU, it is also crucial to account for the lack of a comprehensive index that systematically collects information about unaccompanied minors in the EU who are not seeking asylum (which constitutes the majority). This issue was already highlighted in the European Parliament's 2013 resolution on the situation of unaccompanied minors in the EU: "*Deplores the lack of reliable official statistics on unaccompanied minors [...] the purpose of*

gathering such data is to achieve a better understanding of the situation, to improve the protection of unaccompanied minors and to better respond to their needs" (European Parliament, 2013, para. 7).

With this in mind, each Member State is responsible for developing (or not developing) accessible data about UMMs within their territory. In the case of Spain, limited data exists regarding this group (Save the Children, 2018), but the Ombudsman publishes annual data about the total number of UMMs in the country in its annual report:

UMMs Recorded Annually in Spain

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
2,841	3,660	3,341	3,997	6,414	13,796	12,417	9,030	3,048	11,417	12,878

Data provided by the General Commissariat for Immigration and Borders (Ombudsman, 2023).
Source: own elaboration.

According to these data, as of December 31st 2023, there were 12,878 minors in the Registry of Unaccompanied Migrant Minors, 18% of whom (2,308) were girls. These data highlight the increasing number of UMMs that are recorded in Spain every year.

UMMs' Main Countries of Origin in 2023

Senegal	Morocco	Gambia	Algeria
1,780	1,075	657	472

Data obtained from the 2023 report by Memoria de la fiscalía.
Source: own elaboration.

The year 2023 saw the highest number of arrivals since 2018. The Ombudsman's annual report also highlights the relevant challenges within the Spanish system, particularly regarding the treatment of UMMs. In 2023, 39,910 of the 56,582 recorded irregular arrivals occurred in the Canary Islands (Ombudsman, 2023). The number of UMMs in the region rose to 4,700 who were all distributed across 66 centers. This disproportionate ration between arrivals and available centers in the region highlights the strain on resources and pressure on the existing infrastructures (Ombudsman, 2023). Some Islands in the region such as El Hierro

and Lanzarote, lack permanent centers for the reception of minors. In the absence of these permanent centers, minors were allocated to sports centers and provisional tents. This report also accounts for two major issues, the lack of specialized personnel and errors in referral processes. There is a notable shortage of workers trained specifically to care for children as well as lack of interpreters, which has hindered the identification and protection of these minors. This issue is closely linked to referral errors, as a number of minors were incorrectly sent to adult centers and vice versa (Ombudsman, 2023).

Another ongoing issue that has been documented in various annual Ombudsman reports is the challenge of age determination practices and the processing of age assessment case files. In 2020, 5,038 files were processed, and it was determined that 2,446 of them were minors (Ombudsman, 2021). By the end of the year 1,076 applications were still pending in the Canary Islands alone, highlighting the system's overwhelmed capacity and the vulnerability of minors while awaiting placement in appropriate resources (Ombudsman, 2021).

When a minor reaches Spanish territory without any identifying documentation, they are submitted to bone density tests to determine their age (Gomez Vicario et al., 2023). The EESC 2020 report highlights how the current methods for age determination, such as bone maturity tests, have been scientifically proven to be unreliable, as well as being invasive, controversial and inaccurate (Gomez Vicario et al., 2023) and oftentimes carried out without the presence of a proper interpreter (EESC, 2020). These tests have a margin of error of ± 2 years and this inaccuracy exposes young people and children to situations of institutional mistreatment, as well as constituting an administrative infraction of the Spanish Immigration Law (Gomez Vicario et al., 2023).

The EESC 2020 report also highlights how the presumption of minority is not being respected. According to this principle, civil status documents from third countries should be presumed valid unless proven otherwise, which means that minors should not have to prove their status as children if they provide the right documentation. Despite this principle, it is reported annually how, despite having valid documents, many minors are treated as undocumented and subjected to these unnecessary tests. These practices contravene the criteria set by the Supreme Court since 2020 (EESC, 2020). In many cases, files are opened for minors whose status as minors is evident, or for adults who are clearly not minors, even when they admitted this in the centers to which they were assigned. Similarly, minors were

wrongly sent to centers for adults and later reassigned to the appropriate centers (Memoria de la fiscalía, 2023).

The low number of UMMs recorded in 2021 is explained in the Ombudsman's report for that year as a result of the migration crisis in Ceuta and the Canary Islands, combined with the effects of the pandemic, which significantly impacted the capacity of the responsible entities to effectively register and document the minors in these regions. This situation was also worsened by the delays in child protection entities assuming guardianship of the recorded minors, which, overall, violates the legal frameworks previously mentioned in this chapter and exposes young people to documentation irregularities upon reaching adulthood.

These recorded irregularities have also led to multiple cases of the irregular return of minors by the Spanish authorities (Ombudsman, 2021; Gomez Vicario et al., 2023). In 2021, multiple irregular returns to Morocco were documented without following the established legal procedures (Ombudsman, 2021), which constitutes a violation of national and international law, including the *principle of non-refoulement* (UNHCR, 1951).

2.1.2. *The 2021 reform on the legal regime of UMMs*

The year 2021 saw an improvement in the Spanish legal framework for unaccompanied minors and former minors under guardianship, due to the reform of the Regulation of Organic Law 4/2000, which governs the rights and freedoms of foreigners in the country as well as their social integration (Royal Decree 903/2021, 2021). This reform specifically focuses on the situation of UMMs and their transition to adulthood. In particular, it seeks to alleviate the administrative barriers that hinder their labor and social integration in the country, as well as their access to education, documentation and employment (Royal Decree 903/2021, 2021).

Some of the key problems identified in the previous system included lengthy documentation processing times (with a minimum nine-month waiting period before the start of the residence authorization process), irregular status upon reaching adulthood (due to these lengthy documentation periods and the requirement of unrealistic economic conditions for obtaining documentation), and strict employment requirements (such as the bureaucratic obstacles to accessing employment) (Royal Decree 903/2021, 2021). Some of the key changes in this law reform are as follows:

- Reduction of documentation periods: the maximum time frame to initiate the documentation process was reduced from 9 to 3 months.

- Extended validity of authorizations: residence authorizations now last two years instead of one, and renewals are granted for a two-year period if financial requirements are met.

- Employment without additional authorizations: UMMs of working age can now work without acquiring additional working permits.

- Replacement of *IPREM* with the Minimum Vital Income (IMV): before this reform, applications for residence renewal were only granted if the applicants documented income equivalent to a 100% of the *IPREM* (*Indicador Público de Renta a Efectos Múltiples* or Public Indicator of Multiple Effects Income) which represents roughly €100 more per month than the IMV.

- Transitional regulations for youth aged 18 to 23: young people who were unable to regularize their status under the previous system can benefit from this transitional regulation if they meet the requirements.

Some of the positive impacts of the 2021 law reform were documented in the official 2021-2023 report, *Unaccompanied Minors and Young People Formerly Under Guardianship with Residence Authorization* (*Ministerio de Inclusión, Seguridad Social y Migraciones* or Ministry of Inclusion, Social Security, and Migration, 2023). Some of the most relevant findings recorded in this report include how, in 2023, 94% of documented UMMs were able to work, compared to 60% in 2021. This report also highlighted how legal changes implementing exceptional pathways to apply for documentation after turning 18 had a very positive impact. In 2023, 28% of former minors who had been left undocumented managed to obtain documentation through this measure. As a result, employability within this group increased from 47% in 2021 to 60% in 2023 (Ministerio de Inclusión, Seguridad Social y Migraciones, 2023).

Although these changes, documented in the 2021 *Boletín Oficial del Estado* (BOE) as well as in the 2021-2023 report by the Ministry of Inclusion (Ministerio de Inclusión, Seguridad Social y Migraciones, 2023), represented a significant progress in protecting the rights of UMMs in Spain, some of the challenges that this law reform set out to resolve persist (Ombudsman, 2021, 2023). As previously discussed in this chapter the strain on existing

infrastructure and the lack of resources to accommodate the number of UMMs (and migrants in general) who arrive in Spain each year remain critical issues (Ombudsman, 2023). These resource limitations, along with a shortage of specialized personnel, hinder the implementation of the 2021 law reform. Additionally, the absence of a standardized framework across autonomous communities for the care of UMMs, creates systemic inefficiencies within the different stages of care (Ombudsman, 2023). One of the major consequences of these issues is the inability to properly identify minors upon arrival due to insufficient resources, leaving these children in situations of extreme vulnerability and danger (Ombudsman, 2023).

One of the most pressing issues that the 2021 reform -and the system as a whole- has failed to resolve, is institutional abandonment and marginalization once these minors turn 18 are no longer covered by the legal framework for UMMs or child protection laws. This aspect will be explored in the next section of his chapter.

2.2. Coming of age in the Spanish system: Unaccompanied minors and their journey

The literature about UMMs in Spain and Europe divides its analysis into two main areas: the situation of unaccompanied minors before they turn 18 and their transition to adulthood, during which they become former minors under care. Although these issues related to these two stages may seem distinct they are interconnected and influence each other simultaneously. After detailing the legal framework that shapes Spain's treatment of UMMs, as well as some of the challenges that these children face in the Spanish system, it is important to examine the specific steps that constitute the spanish protection system as well as the overall legal framework (or lack thereof) for former minors under care and the various actors involved. With this in mind, it is possible to identify some of the ways in which UMMs experience marginalization or institutional abandonment.

2.2.1. Navigating the Spanish care system

Whether by sea or land, migrants endure dangerous and arduous conditions during their migration journey and unaccompanied minors are especially vulnerable (Save the Children, 2018). Once they arrive in Spanish territory, they go through different procedures that will either grant them residency or leave them without legal status. However, the conditions they

face in the Spanish reception and protection systems often lead to feelings of helplessness and disappointment (Rinaldi, 2022, 2023; Sajir et al., 2022; Save the children, 2018).

Upon arrival in Spain, some UMMs are automatically classified as adults and placed in police stations or immigration detention centers instead of being properly identified and granted access to appropriate resources to which they are entitled (Save the Children, 2018). After enduring dangerous conditions during their journey, many face a disappointing reality in which their rights are not properly protected. This situation is further exacerbated by language and cultural barriers that increase stress, vulnerability, and uncertainty (Rinaldi, 2019; sajir et al., 2022).

Once in Spanish territory, if UMMs are correctly identified as minors upon arrival, they automatically enter the child protection system (Save the Children, 2018). However, if there are doubts regarding their age, they are subjected to age-determination tests, as previously in this chapter.

Once these minors are officially recognized as children, they are declared to be in a situation of *desamparo* (a legal term denoting the absence of care or protection), which initiates the protection process, beginning with the granting of temporary guardianship by the local authorities (Rinaldi, 2023). These minors are placed in specialized reception centers where they will live and wait for their documentation process to begin (Save the Children, 2018). This "state of limbo" that minors are subjected to while they wait for the applications to be processed is often a major contributing factor to their decision to leave reception centers (Arnal & Mascareñas, 2021; Jimenez Álvarez, 2019). Other contributing factors include experiences of violence and overcrowded centers, which lead to unsafe living conditions (Gómez Vicario & Gutiérrez Sánchez, 2024).

Although the residence permit application process is supposed to take place swiftly to avoid prolonged waiting times that exacerbate minors' vulnerability, this is not how the process is carried out in practice (Rinaldi, 2019, 2021; Sajir et al., 2022; Save the Children, 2018). Before the 2021 reform of the Spanish Immigration Law (Royal Decree 903/2021, 2021), as previously described in this chapter, the waiting times for allocation of guardianship to take effect could be as long as nine months. This period has now been reduced to three months (Royal Decree 903/2021, 2021).

For minors aged 16 and older, residence permits are now also linked to work permits, facilitating their entry into the labor market (Gomez Vicario et al., 2023). Once these minors turn 18, they automatically exit the child protection system and enter broader integration programs, if available (Gomez Vicario et al., 2023; Save the children, 2018). This also means that these young migrants are not allowed to remain in the protection centers where they lived before adulthood, bringing a new level of uncertainty into their lives. They now must find housing and become fully autonomous. Some of these young migrants reach adulthood while they are still waiting for their residence permit applications to be resolved, adding additional layers of complexity to their situation (Rinaldi, 2019; Sajir et al., 2022). This transition from guardianship to emancipation poses specific challenges, particularly due to the lack of preparation for independent living during their stay in protection centers (Sajir et al., 2022). The institutionalization of these minors and the lack of legal counseling to foster autonomy, makes it more difficult for them to navigate the system once they reach adulthood (Rinaldi, 2023).

This is part of a broader issue documented in the literature on unaccompanied minors in Spain: the lack, insufficiency, and/or inefficacy of programs designed to facilitate their transition to adulthood (Accem, 2022; Quiroga et al., 2010; Rinaldi, 2019, 2021, 2023; UNICEF, 2019; Gómez Vicario et al., 2023). This deficiency hinders their ability to integrate into Spanish society and navigate Spanish bureaucracy.

As a result, these challenges contribute to a sense of abandonment and marginalization which becomes even more pronounced upon reaching adulthood and exiting the protection system. The consequences of this transition to adulthood will be examined in the next section of this chapter.

2.2.2. *Adulthood and beyond: the challenges of aging out in the Spanish system and the role of NGOs*

The majority of the EU Member States lack specific strategies to support UMMs once they turn 18. Approximately half of them offer some form of *aftercare*, and most states have transitional periods where services and measures are phased out or certain services are partially continued (European Migration Network, 2022).

In the case of Spain, the 2021 reform introduced a series of changes that enabled former UMMs to access new documentation procedures -both for undocumented minors reaching

adulthood and for documented former minors under care. This reform allowed them to maintain their residence and work permits and to renew them by demonstrating sufficient financial means (Royal Decree 903/2021, 2021).

Although this represented an improvement for UMMs in Spain in terms of legal status and access to the labor market, it did not address the lack of emancipation programs supporting UMMs' transition to adulthood (Ombudsman, 2021). While such programs exist in Spain, the shortage of spots and resources allocated to these, as well as the differences in implementation, definition, and funding between regions and local authorities, leads to former UMMs being especially vulnerable to experiences of homelessness (Ombudsman, 2021).

It is important to specify how the average age of residential emancipation in Spain in 2022 was 30 years old (Eurostat, 2023), making it one of the latest emancipation ages in Europe (Instituto de la Juventud, 2023).Despite this, minors under care (regardless of their nationality or status) are expected to be fully emancipated at 18. According to the 2022 survey on homelessness conducted by the National Institute of Statistics (*Instituto Nacional de Estadística* [INE]), of the total number of people in situations of homelessness, who were formerly under the care of the public administration before reaching adulthood, 55% of them were of foreign origin (INE, 2022).

According to the 2019 Spanish Red Cross report *Young People in Post-Custody and/or at Risk of Social Exclusion,* 83.9% of former minors under care are at risk of poverty and exclusion and 45.7% face severe material deprivation (Cruz Roja Española, 2019). According to this report, income levels of former migrant minors under care are well below the minimum vital threshold. For the year 2019, 69% of these youngsters earned less than the Minimum Interprofessional Wage (or *Salario Mínimo Interprofesional*), with 17% of them earning less than €100 a month (Cruz Roja Española, 2019).

The bleak reality of former migrant minors under care in the Spanish system, is further complicated by cultural and language barriers, as well as experiences of discrimination and racism (Instituto de la Juventud, 2023). Young immigrant care leavers face specific challenges in their search for housing, many of which stem from their status as foreigners, such as housing discrimination. This form of structural racism is defined as *"the denial of equitable housing opportunities and access to resources for certain racial or ethnic groups"*

(Instituto de la Juventud, 2023, p. 20). This form of discrimination further exacerbates their marginalization and the barriers they face in integrating into Spanish society.

The European Migration Network's (2022) report on the transition of unaccompanied minors to adulthood, evidences *"a general lack of political attention and financial resources to the issue of transition to adulthood"* (European Migration Network, 2022, p. 1), reinforcing the notion that there are insufficient transitional measures to support UMMs as they exit the protection system. This lack of resources and political attention is often partially offset by NGOs which focus their efforts on 'filling the gaps' in aid for this vulnerable population.

The Spanish Red Cross (2019) report, *Young People in Post-Custody and/or at Risk of Social Exclusion* also highlights some of the ways in which NGOs (such as Spanish Red Cross) carry out essential work on the aid of UMMs and former minors under care. For example, this organization manages supervised housing and residential spaces to assist former minors in their emancipation process, as the state-provided resources are insufficient. Additionally, they develop individualized plans to cover specific needs, while also offering psychological and emotional support, labor insertion programs, and basic assistance (Cruz Roja Española, 2019).

Although support programs run by NGOs are crucial and effective, they lack sufficient resources to cover all the necessary areas. A coordinated effort between public administrations and social entities is necessary to ensure an effective transition to adulthood (Cruz Roja Española, 2019)- However, other critical measures include creating a national integration strategy for UMMs and former minors under care, improving administrative coordination between regions, enhancing infrastructure, and increasing targeted resources (Ombudsman, 2021, 2023; EESC, 2020).

3. Methodology

The development of the research design for this thesis has been an evolving process, aiming at gaining a deeper understanding of a specific phenomenon: *How do NGOs, as counter hegemonic actors, expose and respond to the inefficacies of the Spanish protection system for UMMs and former UMMs.* This thesis adopts an iterative methodological approach, blending inductive and deductive reasoning, but maintaining the inductive approach as the primary methodological resource. Eisenhardt et al. (2016) address: *"inductive methods are especially*

helpful for making progress on grand challenges" (p. 1113). The approach for this *"grand challenge"* is therefore, primarily inductive, as themes and patterns emerge from the data itself, but it is also guided by theoretical insights that shape the focus and interpretations of findings (Hammond & Wellington, 2013). This integrative approach allows the study to explore how discourse both reflects and challenges power structures in the context of unaccompanied migrant minors in Spain.

3.1.   Research Design and Methodological Approach

The case chosen for this thesis, represents a magnified fraction of the overall topic of unaccompanied migrant minors in Spain as well as the analysis of discursive constructions. As an *"edited chunk of empirical reality"* (Lund, 2014, p. 224) a case represents a construction aimed at organizing knowledge about reality in a manageable way (Lund, 2014). The case chosen in this thesis is a result of a combination of personal interests around different theoretical approaches, topics and areas of study.

In the past, I have approached the topic of unaccompanied minors in Spain academically through the lens of securitization and the analysis of the discourse of the Spanish far-right party Vox, through the 8th semester project in this master's programme: *The securitization of unaccompanied foreign minors by far-right populism: The case of Vox and MENAs in Spain.*

The approach to this topic stems from a deep interest in the analysis of the constructions of discourse around vulnerable groups, as well as from my experience as a Spanish national, that has been witness of the surge of far-right populist parties in the country throughout my lifetime. It is by witnessing the naturalization of these discourses around *MENAs* (UMMs) and the effects that this has had on the general public's opinion, that I became interested in exploring this topic, as well as the analysis of discourse in itself.

For this thesis I began with the broad objective of getting a deeper understanding of how UMMs and former minors under care are represented and supported within the Spanish protection system, aligning with one of the guiding research sub-questions. However, I did not initially have a clear vision of the specific approaches and methods I would employ.

Having previously explored the construction of discourse surrounding UMMs in Spain through media analysis, I decided to adopt a different perspective.To do so, I decided to conduct semi-structured interviews to NGOs working with UMMs which provide assistance

at various stages of their migration journey. This informs a completely different approach, not only methodologically, but thematically, as my interest would be to explore the construction of counter-hegemonic discourses and the ways in which these are able to expose and contest the inefficacies of the system of protection. This focus on the characterization of NGOs' discourses as "counter-hegemonic" was informed through the chosen theoretical framework of Laclau's and Mouffe's discourse theory (1985). Through this iterative research process, I was able to bridge theoretical insights with empirical data, allowing the study's direction to emerge organically.

Whilst extensive literature exists on the challenges faced by UMMs and the responses of NGOs to such, I have not identified studies that apply Laclau and Mouffe's discourse theory (1985) to investigate the discursive strategies of NGOs addressing the Spanish protection system for UMMs. This highlights a gap in the literature which my study attempts to address by examining these constructions of discourse. The absence of directly comparable studies made refining the methodological approach challenging. However, it also highlights the originality of the research and its value to discourse analysis, the study of migration policy, and NGO interventions.

3.2.   Research Methods

To explore how unaccompanied minors and former minors under guardianship are represented and supported within the Spanish protection system, as well as how counter-hegemonic discourses- articulated by NGOs- challenge dominant narratives by exposing and responding to the system's inefficacies, I employed different methods and sources to obtain a more nuanced analysis.

First, bibliographical research was essential to begin my approach to this topic as well as to understand the hegemonic constructions of discourse around the protection system for UMMs and how such a system could be incurring in different sets of inefficacies. Second, I conducted semi-structured interviews to delve into this case and gather the data in question: NGOs' construction of discourse around the system of protection and its impact on UMMs and former minors under care.

3.2.1.   Bibliographical Research

As previously mentioned, bibliographical research was essential in the development of this research project. I began by gathering academic papers focused on UMMs in Spain and the protection system. Apart from academic work, reports provided by NGOs have been extremely useful to unpack this case. In this study I have referred to different reports from NGOs such as Cruz Roja Española, Save the Children España, Accem or UNICEF or No Name Kitchen. I have also looked at reports from higher institutions such as the European Economic and Social Committee, the European Parliament, the European Migration Network, the Ombudsman (or *Defensor del Pueblo*) or the Council of Europe. Moreover, I have also examined official reports from the Spanish government such as from Fiscalía General del Estado and Ministerio de Inclusión Seguridad Social y Migraciones as well as statistical data obtained through Instituto Nacional de Estadística.

Another resource that has been crucial in this research process has been the study of national and international law to delve into the legal frameworks that encompass the Spanish system of protection. This has also been essential to understand the evolution of national laws regarding UMMs and the different developments in their legal conditions.

I have also extracted some information through news articles and documentaries such as *"¿QUÉ ESTÁ PASANDO EN CEUTA?"* by Asociación Social Combativa and Hood Warriors or *"M"* by Diputación de Cádiz.

Apart from understanding this case empirically, there has been a parallel task of identifying the most suitable abstract concepts and frameworks to analyse it effectively. Therefore, an extensive literature review has been carried out, gathering information on the construction of discourses around unaccompanied migrant minors, the Spanish protection system and its systemic gaps, as well as critical theories on discourse and power, with an emphasis on post-structuralism and post-Marxism.

3.2.2.   Semi-structured Interviews

As previously mentioned in this chapter, I have chosen to conduct semi-structured interviews as it represents a research method that allows us *"to explore issues with informants in a much more flexible way, using supplementary questions to clarify complex responses and developing new lines of enquiry"* (Thomas et al., 1998, p. 133). This method was particularly

suitable since the focus for my analysis was not completely fixed since the beginning. The data obtained through these semi-structured interviews helped me determine the approaches that the NGOs I interviewed had towards the Spanish system of protection as well as the ways they engaged with it through advocacy for UMMs.

Through the course of conducting these interviews, I explained the overall purpose and approach of my research to the interviewees, so that they would be informed about the project that they were participating in (Valentine, 2005). I conducted a total of three interviews in the month of November 2024, exclusively through video call due to geographical and economic constraints. The process of contacting the interviewees started a month prior and the organizations contacted were the following: Somos Acogida, Asociación Social Combativa, ExMENAs, Diaconía, Asociación Dual, Provivienda, Accem, Aldeas Infantiles SOS, Cruz Roja Española, Save the Children, Maakum Ceuta, No Name Kitchen, Asociación Elín.

Finally, the interviews were conducted with representatives from the organizations Asociación ExMENAs, Asociación Social Combativa and No Name Kitchen. These interviews were recorded and transcribed, in accordance with the consent acquired from the different participants of the interviewing process. Going forward, these transcriptions were coded according to identified themes and topics, which would facilitate the process of analysis.

As a small contextualization, these three organizations represent three different stages of UMM's experience within the Spanish protection system:

Firstly, No Name Kitchen primarily works with UMMs in Ceuta, one of the most significant migrant reception areas in Spain. Accordingly, this organization represents the initial phase of UMMs' arrival and reception in the country.

Secondly, Asociación Social Combativa supports UMMs and former migrants under guardianship by organizing leisure-based activities such as sports programs in Muay Thai and boxing. Additionally, they facilitate community-based activities including communal lunches and Spanish classes with an emphasis on creating safe spaces for these young people. This organization represents both UMMs' stage of protection and their transition to adulthood.

Finally, *Asociación ExMENAs* works primarily with former *Menores Extranjeros No Acompañados* (UMMs) advocating for their rights through political lobbying as well as

through direct intervention through community-based activities, education, legal aid and individualized assistance. *ExMENAs'* representative and founder- which I interviewed- Ismail El Majdoubi, is himself a former *MENA,* so he provides a nuanced perspective as an expert in the field as well as a former minor under care who has experienced directly the Spanish system. This organization represents UMMs' transition to adulthood and the consequent processes of institutional abandonment that they encounter.

Further interviews with the other organizations did not take place due to not obtaining a response or from them not accepting my proposal. I actively decided not to interview migrant minors or former minors under care, a decision I will elaborate further in the following section on ethical reflections and limitations. I will also reflect further on the questions I chose for the interviews I conducted for this research project, as reflecting on these issues is an essential process for developing and shaping positionality (Holmes, 2020).

3.3.   Ethical Reflections and limitations

To begin this subchapter on ethical reflections and limitations, I will reflect on the positionality of my interviewees. These NGOs representatives had a clear critical stance on the protection system and its ability to carry out UMMs' protection of rights. At the same time, my positionality as a researcher also parts from a critical standpoint which is reflected on the questions posed during the interview process, which were adapted along the process to reflect on the responses of the interviewees. However, as Jørgensen and Phillips (2002) remind us, *"the discourse analyst, like anyone else, does not have access to a privileged standpoint outside the discursive structures, so deconstruction has to take its starting point in the given structures"* (p. 48).

This acknowledgment underscores the importance of engaging critically with the structures I analyse, not from an external point of view but from within their constraints. This perspective reinforces the need for reflexivity in this research and for the acknowledgment of its alignment with critical scholarship that examines the intersections of power, discourse, and social justice.

Although these positionalities could be viewed as a limitation, in the case of the interviewees, accessing these field expert's knowledge involves accessing informed data from committed

informants who, as counter-hegemonic actors, present alternative discourses of the reality of UMMs and their experience in the Spanish protection system. As Weizman (2017) argues:

"Although expertise is often understood to be preconditioned on a position of neutrality in relation to the subject matter investigated, neither our collaborators, nor we, ever claimed such a position, rather we got involved in investigative work because of a sense of solidarity with those inflicted by state violence" (p. 637).

On the decision to choose NGOs as the subjects for these interviews, instead of unaccompanied migrant minors or former minors under care, it was informed by different sets of reasons. Firstly, I concluded that the obstacles to access these subjects would be multiple, secondly, it did not seem ethically appropriate.

In regard to the obstacles at accessing UMMs and former UMMs, I considered that the geographical constraints as well as my lack of access in addition to the fact that I have no practical past experience in this case, were enough for me to discard this approach.

Moreover, in regard to the ethical considerations, engaging in these interviews, specially in the case of unaccompanied minors, could potentially put them in situations of distress as well as making them go through possible processes of "double victimization". This is captured by Harvey (2016) in the following way: *"mapping even more evidence of man's patent inhumanity to man (...) allows the bleeding-heart liberal in us to pretend we are contributing to a solution when in fact we are not"* (p. 39).

At the same time, exploring the accounts of NGOs provides a different lens, as the construction of counter-hegemonic discourses and the way they expose and respond to the state's inefficacies, can serve as an open space for conversation, where the analysis of counter-discourses elucidates what needs to change, and moreover, why these changes must be made in the first place. By analysing these systemic critiques, we can begin to map out the *"the space left empty by others"* (No Name Kitchen, Q4[1]).

Some of the limitations of this research, apart from the ones already mentioned, is for example, the sample size of my data. Since I only conducted three interviews, analysing their

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[1] I will refer to the responses to the questions posed in the interviews this way. This quote is extracted from the interview with No Name Kitchen in their answer to question 4. (Q4).

discourses as a block of "NGOs' discourses", could be incurring in a process of generalization.

At the same time, the analysis of these discourses could be risking incurring in the framing of UMMs and former UMMs as vulnerable-agency-less subjects. This could've been solved by a development of theories of agency and resilience in this context, but finally, I concluded (also limited by the spatial constraints of this project) that the scope of my research wasn't as focused on unaccompanied migrant minors' experiences as such, but in NGOs' construction of counter-hegemonic discourses and the way that these are able to uncover, dissect and contest, hegemonic discourses that naturalize the inefficiencies of the Spanish system of care and thus, the mistreatment of UMMs and former UMMs.

4.   Theoretical Framework

For the study of the narratives and practices surrounding UMMs in Spain, and the role of NGOs in the addressing of systemic gaps, I will employ discourse theory, particularly Laclau and Mouffe's development of such, as my theoretical framework. The sets of concepts and tools developed by these authors offer a powerful lens to uncover how meaning is constructed, contested and naturalized within social and institutional contexts. By emphasizing the contingency of meaning and the struggles over its fixation, Laclau and Mouffe provide the tools to explore how concepts relevant to this topic, such as "protection" or "rights", can be framed in competing ways, thus making visible the hegemonic definitions of reality and the political processes that are involved in the creation of discourse.

4.1.   Discourse Theory

Discourse theory is a constructivist and post-structuralist framework for understanding how meaning, identity, and social structures are constructed, contested and transformed through language (De Cleen, et al., 2020). As a critical theory, it is rooted in the belief that reality is socially constructed, therefore rejecting fixed meanings or identities and instead emphasizing the contingent characteristic of all social phenomena (Jacobs, 2018). Through its post-structuralist influences, particularly from Foucault and Derrida, it is shaped how power operates through discourse to stabilize meanings while keeping them inherently unstable,

therefore open to change (Angermuller et al., 2014). Ernesto Laclau and Chantal Mouffe's *Hegemony and Socialist Strategy* (1985) is foundational to this theory. They draw from Gramsci's concept of hegemony (Ives, 2004) to argue that power and politics are primarily discourse, shaping society by fixing meanings in ways that exclude other possible alternatives (Jacobs, 2018; Marques, 2020). As a constructivist approach, discourse theory asserts that social reality is produced through discourse, and therefore, the processes of ascription of meaning are political and contingent (Angermuller et al., 2014). Laclau and Mouffe's discourse theory also draw from Marxist thought, particularly through its focus on power, ideology and the structuring of society, but rejects economic determinism and essentialist notions of class, while arguing that the social is constituted by discursive processes rather than solely by economic structures (Jacobs, 2018; Jørgensen & Phillips, 2002).

In summary, discourse theory combines different theoretical traditions to analyze how power, identity and meaning are constructed and negotiated in society (Angermuller et al., 2014). By highlighting the instability of social structures, it offers a lens to understand and critique the processes through which dominant narratives are produced and can be transformed or contested (Jørgensen & Phillips, 2002).

4.2. Laclau and Mouffe's discourse theory

Ernesto Laclau and Chantal Mouffe's theoretical development of discourse analysis poses a set of useful tools to analyze discourse and uncover the different social phenomena that comes into play in the creation of meaning. As mentioned previously, the overall idea of discourse theory is that social phenomena are never finished in total, emphasizing their inherently contingent and dynamic nature (Jacobs, 2018; Jørgensen & Phillips, 2002). This unfixed nature opens up the way for different sets of struggles about definitions of society, identity, underlying ideology, and reality. As Laclau and Mouffe state, the social is impossible as an objective order, and has to be continuously reconstituted (Jacobs, 2018).

Regarding their theory of the creation of meaning and their concept of "discourse", Laclau and Mouffe's poststructuralist theory diverts from the structuralist tradition in their understanding of how meaning cannot be so fixed and definitive. Signs acquire meanings by being different from each other, but the dynamism of ongoing language makes us position the signs in different relations with one another, thus acquiring new meanings, which reflects Saussurean linguistic influence adapted in Laclau and Mouffe's work (Jacobs, 2018;

Jørgensen & Phillips, 2002). This also entails their view of language as a social phenomenon: "*it is through conventions, negotiations and conflicts in social contexts that structures of meanings are fixed and challenged*" (Jørgensen and Phillips, 2002, p.25).

The creation of meaning as a social process consists in the way meaning is fixed to signs by placing them in specific relations to others. This fixation of the signs' meaning is not entirely possible (as it has been mentioned earlier). Thus, these processes of struggle about the way in which the meaning of signs is to be fixed, as well as the processes by which some fixations of meaning become so naturalized that we don't question them, are precisely the object of study for discourse analysis. By mapping these processes, it is also possible to uncover how these meanings come to be (Jørgensen & Phillips, 2002).

Laclau and Mouffe define four important concepts that are vital for their approach to discourse theory in an analytical viewpoint. These interrelated concepts are *nodal points*, *field of discursivity* and *closure*. All signs in a discourse are considered *moments* and their meanings are being fixed through their differences from one another.

Nodal points refer to privileged signs around which the rest of the signs are ordered, meaning, the rest of the signs acquire meaning from their relationship with the specific nodal point (Jørgensen & Phillips, 2002). This relation between signs, and the way they determine the fixation of meaning, entails a sort of exclusion of other possible meanings that these signs could've had, thus a discourse is a reduction of possibilities. All these exclusions of possibilities of meaning are called the *field of discursivity*.

In this sense, discourse in itself is constituted in relation to the "surplus of meaning" that it is excluding (Jacobs, 2018). All the signs whose meanings have not yet been fixed or that have multiple meanings, are defined as *elements*. As Jørgensen and Phillips (2002) explain, elements are "*the signs whose meanings have not yet been fixed; signs that have multiple, potential meanings (i.e. they are polysemic) [...] a discourse attempts to transform elements into moments by reducing their polysemy to a fully fixed meaning*" (p. 28). This means that the discourse is establishing a closure on the fluctuation of meaning, even though this closure is never definitive. The different meanings in the field of discursivity can at any moment change the meanings in the discourse.

At the same time, nodal points are signs that are empty of meaning in themselves, they acquire this meaning in the way that they are inserted into a particular discourse. These nodal

points are linked to the concept of *empty signifiers* as explored in post-structuralist theories (Jacobs, 2018; Marques, 2020). Laclau and Mouffe define these elements particularly open to different ascriptions of meaning as floating signifiers. These floating signifiers are, then, referring to the struggle between different discourses in their pursuit to fix the meanings of important signs.

To start the analysis of the data compiled for this thesis, it is important to, for example, identify the nodal points of specific discourses, which will be followed by an identification of alternative definitions of the same thing (floating signifiers). As Jørgensen and Phillips (2002) suggest, mapping nodal points provides insight into how a discourse organizes meaning and excludes alternative possibilities. This way, it is possible to analyze the struggle over meaning between competing discourses and what signs have more fixed and naturalized meanings. This theoretical approach is relevant to the discourses surrounding the topic of unaccompanied minors in Spain. For example, nodal points such as "protection", "integration" or "rights" could be analyzed as sites of contestation of meaning, where different actors (such as the state, NGOs or civil society) come into play to attempt fixing their own meanings. As Jørgensen and Phillips (2002) discuss, such struggles over meaning highlight the power dynamics within discourses and the efforts by the different actors to impose hegemony over certain meanings or interpretations.

Applying Laclau and Mouffe's discourse theory to this study, can help uncover how these discursive struggles shape the realities and experiences of UMMs as well as influence their social and institutional positioning. Therefore, using Laclau and Mouffe's theory on discourse analysis to analyze this study's data, will inherently uncover the opposite discourses that would be "hidden" otherwise as well as the way some discourses or meanings appear undisputed over others.

4.2.1. *From Hegemony to Discourse: Unpacking power, meaning, and social order*

Gramsci serves as a source of inspiration for Laclau and Mouffe on their criticism of Marxist economic determinism (Jacobs, 2018). He applied the term *hegemony* to explain how the processes in the superstructure play a part in the creation of consciousness (Ives, 2004). The dominant classes produce meanings as ways to secure their position without recurring to violence. Through this production of meaning, power relations can become naturalized and

therefore so invisible that are hard to question or identify but it also means that through the creation of meaning people can be mobilized against their existing conditions (Ives, 2004).

In the same way that Laclau and Mouffe interpret the structure of language as something that is never completely fixed, such as society, the groups we belong to and our identities. The aim of the discourse analysis is to explore how we create this reality that appears objective and natural being how we construct objectivity through discursive production of meaning (Jørgensen & Phillips, 2002). This does not mean that for Laclau and Mouffe the material has no significance. Within their approach, the social and the physical objects exist, it is just that our access to them is mediated by systems of meaning in the form of discourses (Jacobs, 2018; Jørgensen & Phillips, 2002). In Laclau and Mouffe's framework, social actions also derive meaning from their relationship to other actions. This is a social practice in itself, and all social practices work on reproducing or changing common ascriptions of meaning, and these changes or reproductions are in themselves political acts (Jørgensen & Phillips, 2002).

Laclau and Mouffe understand politics (in the same way as language or the social) as particular organizations that exclude all other possible ways. Politics, then, is *"the social organization that is the outcome of continuous political processes"* (Jørgensen & Phillips, 2002, p. 36). It can become clear how different actors promote different ways of organizing society by the struggles that take place between particular discourses. Discourses that become naturalized or hegemonic are described as "objective" (Jørgensen & Phillips, 2002, p. 36) and therefore, objectivity is the historical outcome of different historical processes (and struggles). Objectivity, or ideology, masks the alternative possibilities of discourse. For Laclau and Mouffe, the idea of power is intimately related to objectivity in the way that it produces the social. Any given social order will always be constituted in power as it inherently excludes other forms of social order. In this way, for Laclau and Mouffe (1985) power and politics work together, as power produces 'society' and 'identity' while politics refers to the way in which these aspects are never fully fixed. Objectivity, then, refers to the way in which the world's constitution by power and politics becomes naturalized or invisible (Jørgensen & Phillips, 2002).

This perspective on politics and objectivity could be aligned with the study of the struggles over meaning in the context of unaccompanied migrant minors. The state's discourse could be framing these minors primarily as migrants, subject to immigration control, which would reflect an "objective" discourse that has become naturalized through historical processes of

exclusion. This objectivity would, therefore possibly, also masking other framings like unaccompanied minors being children deserving protection.

Laclau and Mouffe consider how people are socially shaped, thus, the possibilities to reshape existing structures are also mediated by earlier structures: our thinking cannot transcend all existing structures. In this way, society in itself is partly structured (but only temporarily) (Marques, 2020). Social identities are constituted by closures of other possibilities of identification, which are therefore excluded (Jørgensen and Philips, 2002).

The totality of structures like "society" is a *myth* towards which we make our acts meaningful (Jacobs, 2018; Jørgensen and Philips, 2002). It is a distortion of reality as well a constitutive reality in the way that it establishes horizons for our acts. With this in mind, another objective of this form of discourse analysis is to pinpoint the myths that we view as objective reality that are implied within discourse.

The struggle for shaping certain definitions of reality, that takes place in the discursive practice, brings us to Laclau and Mouffe's conceptualization of the actors that come into play, as well as their concept of identity and group formation. For Laclau and Mouffe the subject is determined by discourses, and thus, is also fragmented, which means that it is not positioned in one way but in many different ways mediated by different discourses (Jørgensen & Phillips, 2002). These different positions that the subject occupies are, or can be, in conflict with other positions, as discourses are never fully fixed. When these struggles and oppositions are not visible, they make visible the outcome of hegemonic processes where alternative possibilities are excluded and the other discourses are viewed as natural (De Cleen and Carpentier, 2007).

For Laclau and Mouffe, identity is entirely social, as it is accepted, refused, and negotiated through discursive processes (Jørgensen & Phillips, 2002). In this same logic, group formation is a reduction of possibilities of identification where some are put forward and others are excluded.

When identity is investigated through discourse analysis, it can be studied the way in which the nodal point is filled with meaning by relations of contrast. This construction of positions and identities is a constant struggle for the creation of meaning. For Laclau and Mouffe, *antagonisms* can be found where discourses collide (Jørgensen & Phillips, 2002) and these antagonisms can be dissolved by *hegemonic interventions* which forces one of the

antagonistic discourses (or identities) to fall, on the benefit of another. The role of antagonisms also reveals the contingency of social structures (Marques, 2020).

Within this process of hegemonic intervention, new fixations of meaning can result. According to Laclau, *"the dissolution of hegemonic discourses is also a fitting description of the practice of discourse analysis itself"* (Laclau, 1990 as cited in Jørgensen & Phillips, 2002 p. 48). Thus, discourse analysis aims at deconstructing the structures that we take for granted, as well as helping us uncover how the given organization of the world is a result of political processes that have social consequences.

It is important to consider that the discourse analyst is also positioned within these structures and constructions of discourse, so it is impossible to completely distance oneself from them, but the production of analysis is, in itself, a sort of political intervention where elements that reproduce or challenge given discourses are uncovered (Jørgensen & Phillips, 2002). Another analytical tool developed by these theorists is the concept of *dislocation* which refers to a key condition for the emergence of antagonisms, as it disrupts the existing discursive order, it cannot be fixed forever (De Cleen and Carpentier, 2007). Dislocation creates a moment of openness in which alternative discourses can contest the hegemonic ones (Marques, 2020). This concept is essential for the understanding of how discourses evolve and adapt in response to challenges (Jacobs, 2018).

4.2.2. Key analytical tools

As a way to summarize and visualize the key elements theorized by Laclau and Mouffe that I will implement in the Analysis chapter of this thesis, I have created this visual representation of the organization of discourse in the conforming of reality, that represents such key elements:
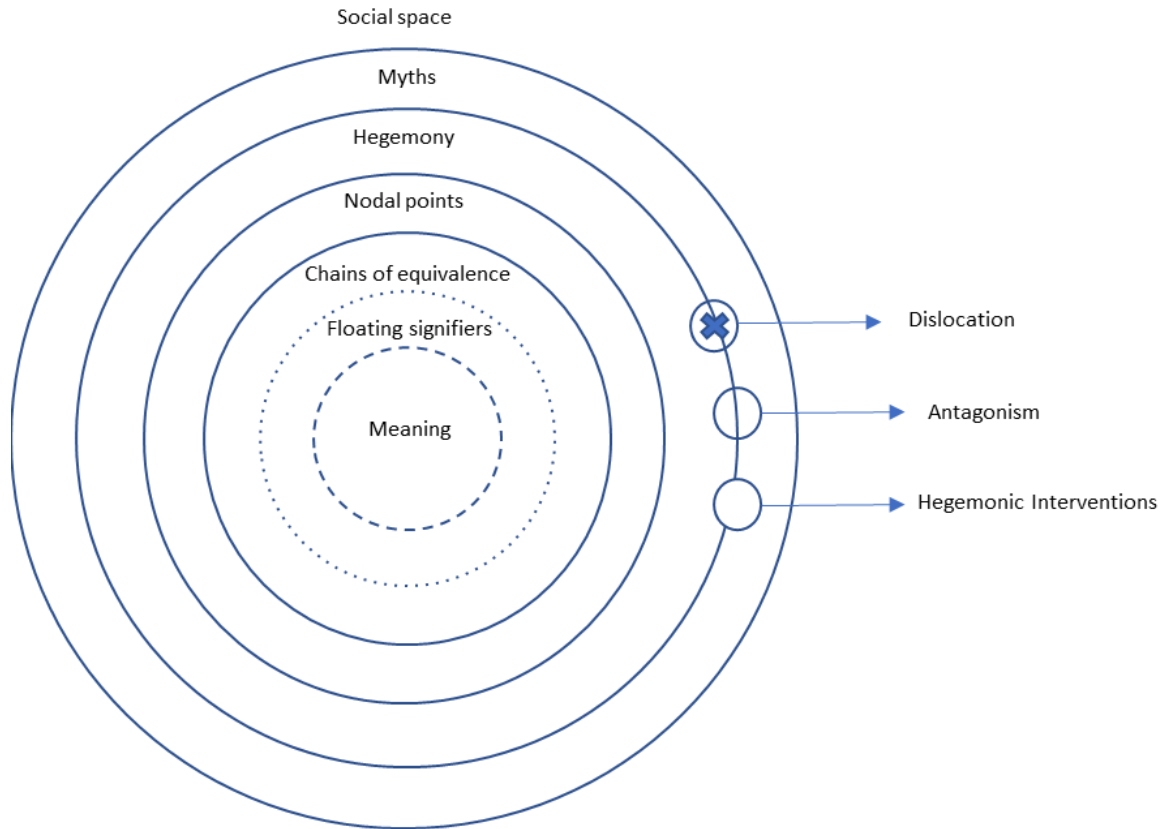
Source: Own elaboration.

If we were to imagine Laclau and Mouffe's Discourse Theory in a visual way, the social space would be represented by the totality of the circle. In it, the different articulations of discourse, power and politics constitute the rest of the layers that conform meaning itself. The first layer represents the concept of *myths*. These represent the overarching narratives that organize the social space in a certain way, paving the way for specific representations of reality. The next layer would be representing *hegemony*, as it constitutes the dominant discourses that shape the social space under dominant narratives in a way that these become naturalized. Alternative discourses would be in this layer but appear invisible due to their opposition to the hegemonic ones that have become naturalized.

In this layer, *antagonisms* are represented as these fights for the fixation of dominant meanings that are always prevalent since meanings cannot be permanently fixed, and thus, dominant discourses are always meant to be contested. *Dislocations* are represented as processes that break the layer of hegemony, since an alternative discourse has managed to disrupt it and expose the contingency of hegemonic discourse. On the other hand, *hegemonic interventions* are represented as moments where antagonism has occurred, but a hegemonic

intervention has managed to make this antagonism fall in favor of the dominant discourse, that, in contrast, becomes solidified. The next layers are representing the organization of discourse and the production of meaning itself. The layer of *nodal points* represents how hegemony has anchored a certain representation of meaning and thus, nodal points are fixed in that specific "realm of reality".

Chains of equivalence are represented as the following layer of organization of discourse as they represent the way different elements are linked to give meaning to *floating signifiers*. These are represented on the next layer by a dotted line, as floating signifiers are never fully fixed in meaning, and represent a terrain of contestation where different actors intervene. The last layer represents meaning. Its unfixed nature is represented by the unfinished line that surrounds it. Discourse surrounds this whole representation as well as forming it, similarly to power and politics. *Representation* and *identity* also belong to different layers of this diagram at the same time, since they are constituted by discourse and by the shape of the social space that they are contained in.

These different tools are useful for analyzing how different actors, such as the state and NGOs, define and contest the experiences of UMMs in Spain. By investigating the chains of meaning that take place in these discourses, one can begin to identify the identities and discourses that are being studied. Different elements in the chain of equivalence are always established in relation to a relation of opposition, in other words, there is always a description of the "Other" with the creation of the "Us". This is one of the main reasons why using these concepts and tools developed by Laclau and Mouffe's discourse theory (1985) could be highly beneficial for the analysis of the empirical data collected for this thesis. Their conceptualization of discourses as never truly stable, also makes possible the identification of the struggles for meaning that are taking place: what different understandings of reality are at stake? What are the social consequences if one understanding wins over the other? (Jørgensen and Phillips, 2002).

5. Analysis

As it has been mentioned earlier in this thesis, the core research question that is being investigated in this study is, *"how do NGOs expose and respond to the inefficacies of the Spanish protection system for UMMs and former minors under guardianship?"* as well as the sub-questions, *"how do NGOs construct counter-hegemonic discourses to challenge*

dominant narratives around unaccompanied minors in Spain?" and *"how are unaccompanied minors and former minors represented and supported within the Spanish protection system?"*.

As mentioned previously, the data compiled for this thesis consists of semi-structured interviews that took place with three different non-governmental organizations: ExMENAs, Asociación Social Combativa and No Name Kitchen. These three organizations work with UMMs in Spain as well as former minors under guardianship and are focused on different aspects of their experience in the country. The three of them carry out different projects and activities indicated at alleviating the different vulnerabilities and violations of rights that UMMs and former UMMs experience within the Spanish context.

By conducting the analysis of the data resulting of these interviews, with the theoretical lens of Ernesto LaClau and Chantal Mouffe's discourse theory (1985), and the subsequent implementation of their theoretical tools such as *myths, antagonisms, dislocations, hegemonies, nodal points and floating signifiers*, we can begin to explore the configuration of discourses around UMMs in Spain. Similarly, implementing this framework will aid at exploring the role of NGOs in the exposing of the inefficacies of the Spanish model of care as well as their response to such inefficacies and their construction of counter-hegemonic discourses. Therefore proceeding at answering the research questions posed in this master's thesis.

The analysis will be structured around three main chapters that have been shaped through an initial study of the compiled data through the coding of crucial themes, as well as through the study of the theoretical framework implemented for this analysis. At the same time, this research is supported by the production of literature on this topic explored through the literature review and the contextualization of the background for this case. The first chapter responds to the representation of NGOs as counter-hegemonic actors and their role at developing counter-hegemonic discourses where they are presented to be "filling up" the "gaps" or inefficacies left by the state in its management of UMMs and former minors under care. This first chapter will serve as a framework for the configuration of the rest of the analysis.

The second chapter responds to the discursive constructions of "protection", mediated by the two main actors in this struggle for meaning. It will be divided in three sub-chapters that will

analyse the construction of protection as neglect; the construction of parallel protection systems for UMMs and the subsequent antagonistic identities of children versus migrants; as well as the construction of systemic failure as a continuum. The third chapter, in turn, will explore the discursive constructions of "abandonment" and its different representations throughout the data, such as the transition to adulthood, mediated through the access to documentation, feelings of uncertainty, and the discrimination and marginalization of UMMs and the exposure of structural racism.

5.1. NGOs as counter-hegemonic actors

The role of NGOs is pivotal in exposing the systemic gaps and inefficiencies of the state's protection system for UMMMs. Drawing on Laclau and Mouffe's discourse theory (1985), this chapter frames NGOs as counter-hegemonic actors that challenge the state's dominant discourses surrounding UMMs in the Spanish context. In this sense, the state, as a hegemonic actor, constructs narratives that prioritize immigration control and the compliance with legal frameworks, often naturalizing systemic neglect and rendering it invisible. NGOs, by contrast, disrupt this hegemony by constructing counter-discourses that emphasize the vulnerability, deservingness of rights and humanity of unaccompanied migrant minors.

As previously introduced, central to Laclau and Mouffe's theory is the notion that power operates through the fixation of meaning, where dominant discourses become so naturalized that alternative perspectives, or constructions of discourses, become marginalized and excluded (Jørgensen & Phillips, 2002). In this sense, NGOs use different discursive strategies- such as the framing of UMMs as innocent children (Ticktin, 2017)- to contest the state's framing of UMMs as "migrants first" and "children second". Through their narratives, NGOs not only critique the state's practices but also propose alternative meanings and solutions that open up ways to reimagine the system of protection (Kutay, 2021).

NGOs construct their counter-hegemonic discourses through several key strategies that seek to expose the different systemic failures as well as challenging the dominant narratives.

5.1.1. Us vs. Them narratives

One of the defining characteristics of NGOs' counter-discourses is their creation of a clear dichotomy between the state- as the hegemonic actor- and themselves- as counter-hegemonic

actors. Through Laclau and Mouffe's discourse theory (1985), NGOs in their positionality as advocates for care and protection, produce a sharp contrast with the state's bureaucratic and procedural approach to protection, where unaccompanied migrant minors seem to be reduced to an administrative category that doesn't resonate with reality. This construction of UMMs (or *MENAs*) as an administrative category in the Spanish context is not only tied to the dehumanization of these subjects, but also to the use of this category for discriminatory purposes (Bordonaba-Plou & Torices, 2021).

The main aspect that represents NGO's construction of discourse as a dichotomy of Us vs. Them is the way they represent their actions (and existence in itself) as a "filling-up" of the "gaps" that have been left behind by the state in their application of their system of protection, thus contesting the ability of the institutions to actually deliver such "care" and "protection":

"We do the work that others have failed to do" (ExMENAs[2], Q1);

"We also assist with administrative issues, psychological support... basically, in everything. Specifically, our main activity is with young people who have just turned 18, as we observe a lot of irresponsibility" (EM, Q1);

"This is something the institution should do directly; associations shouldn't even have to exist because we're just putting patches in place" (ASC, Q15);

"You need support from the people who are supposed to support you. And we don't have all the tools to help everyone in this situation. We end up occupying the space left empty by others" (NNK, Q4).

These quotes exemplify the way NGOs position themselves in contrast with the institutions that manage the care and protection of UMMs. Their sole existence evidences a gap that the institutions have not managed to cover. In this sense, they challenge the state's discourse of "protection" by describing it as something that has failed, something that has become an empty space that these actors "fill up" with meaning. Their presence in that space is in itself a political act. This antagonist discourse that positions the system's actions in a dialect of inactions can be further exemplified by the following quote:

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[2] From now on I will refer to Asociación ExMENAs as EM

"They are totally exposed" (EM, Q2).

While the state develops "protection" with the means of "covering" vulnerabilities and complying with legal frameworks, NGOs challenge this narrative by characterizing UMMs under the Spanish system as being *"totally exposed"*. In the data, these discourses of inactions, empty spaces and exposures, could be analysed as dislocations of the dominant discourses of protection and abandonment, where alternative meanings come into play, evidencing the struggle for the fixture of meaning between the two main actors involved. This, at the same time, evidences the state's hegemonic discourse that guarantees protection and safeguards UMMs from "abandonment" instead of reproducing it.

These constructions of discursive antagonisms of Us vs. Them are the basis for the discursive analysis of UMMs within the Spanish context and the identification of the different actors' narratives. In Laclau and Mouffe's (1985) logic, understanding the alternative discourses of NGOs, can, in turn, evidence the hegemonic discourses and vice versa.

5.1.2. *Floating signifiers: redefining key terms and exposing hegemony*

These coexisting antagonist discourses represented by the state and the NGOs, are also reflected on the ways we come to understand *"protection"* and *"abandonment"*. These terms become floating signifiers that are ascribed to different meanings in relation to each actor's construction of discourse. In the state's discourse, "abandonment" could be fixed through different chains of equivalence as the condition of being *"unaccompanied"*, that could serve as a form or organization of migrants, separating them from one another through the use of administrative categories. Alternatively, NGOs as counter-hegemonic actors could be fixing the meaning of "abandonment" as a process of institutional neglect, as well as a lack of proper protection and care from the state's institutions. The production of discourses around "protection" and "abandonment" will be explored further in the following sections of this analysis, although they serve as a concrete example of the contestation and struggle for meaning.

NGOs, therefore, contest the meanings of key terms that are central to the discourses on UMMs. In this way, floating signifiers such as *care*, *vulnerability* or *rights* can be linked to the category of UMMs with the intention of exposing the limitations of the state's narrative,

which, in turn, make visible the systemic inefficiencies that are being masked by the hegemonic discourses of protection. Consequently, applying discourse theory (Laclau & Mouffe, 1985), NGOs not only propose alternative narratives but also reveal the seemingly impossible contestation of the state's dominant discourses.

For example, age determination practices (which will be analysed further in the following sections) could be framed by the state's discourse as scientific procedures that objectively discern between two clearly demarcated categories: minors and adults. This dominant narrative would be naturalizing key categories to make their contestations invisible in favour of the state's construction of myths. These myths frame the state's procedures as objective, as well as the age determination practices as scientifically accurate, and the division between childhood and adulthood as a "natural" ordination of the social space. NGOs, through their production of counter-hegemonic discourse, challenge these myths (as well as producing others) by their exposure of systemic deficiencies through their use of floating signifiers.

In the context of age determination, for example, NGOs put *"children"* at the forefront of their discourse, to emphasize aspects such as *humanity, vulnerability* or *innocence* (Ticktin, 2017). They expose the inefficacy of these practices and frame them as *dehumanizing* and *infringing on rights* by *humanizing* the subjects that these practices are enforced on. It's not a question of belonging to one category of migrant or another, it's a question of depriving *vulnerable children* of the *rights* that they are entitled to and subjecting them to bigger *violences* and *vulnerabilities* by denying them access to these resources. This way, NGOs can disrupt the myth of an efficient and comprehensive protection system exposing how the state's focus on procedures fails to address the lived experiences and realities of UMMs. By exposing these cracks in the dominant discourse, NGOs act as counter-hegemonic actors that dislocate this dominant narrative and propose alternative meanings that contest the system in its totality.

This provides a framework for the understanding of how systemic gaps in the Spanish protection system are exposed and contested, thus beginning to answer the research questions posed in this master thesis. The establishment of this framework is also necessary for the development of the rest of this analysis, where the constructions of discourse around *protection* and *abandonment* will be explored.

5.2.   The construction of discourses of *protection*

As it has been introduced in the previous chapter, *protection* and *abandonment* are two core terms in the topic of unaccompanied migrant minors and the child protection system. The analysis of each of these aspects inform the other, since they are presented as two antagonistic sides of the same coin. However, to begin the analysis of NGOs's construction of counter-hegemonic discourses, it is necessary to delve first into the study of the construction of discourses around *protection*, that will be analysed in this section of the Analysis chapter.

Firstly, the hegemonic institutional discourses around unaccompanied minors are tied to aspects such as the compliance -and ascription to- legal frameworks like the Convention on the rights of the child (United Nations, 1989), where the *best interests of the child* (Article 3) are set to be respected. In Laclau and Mouffe's (1985) terms, Spain's party to this framework could be analysed as the state's discourse around *protection*. Protection, in this sense, is a nodal point, around which other terms, such as *rights*, or *children* are ascribed meaning. It represents a discursive struggle between the state and NGOs that construct competing narratives.

The state's dominant discourse could be analysed, then, as their compliance with international legal frameworks equating the protection of children. This could be presenting *protection* as a given, objective reality, for the sake of the existence of these legal systems/networks of care, which, in turn, could be making invisible antagonistic discourses and representations of reality that expose this system's inefficacies and frame them as a lack of *protection* itself, even more, as a form of *neglect*.

5.2.1.   *Protection as neglect*

To begin this analysis of NGOs' construction of discourses of *protection*, it is important to understand the way that it is framed throughout the data. As it has been introduced, NGOs' construct these discourses by challenging the state's hegemonic narratives through exposing the system's inefficacies. Therefore, NGOs' discourse around protection is characterized by a retailing of systemic failures, where they position themselves through processes of antagonism. These accounts of systemic failure can be identified throughout different points of the data, but to introduce this portrayal of protection as a failure in its totality, I will focus on three different aspects, the first being a description of precarious material conditions and

situations of violence in protection centres, the second being a description of violations of rights at the moment of arrival, and the third being the account of deaths and disappearances throughout the migration process to Spain.

The issues of precarity and violence in the centres for UMMs are extensively represented through the literature analysed on this thesis (Gómez Vicario & Gutiérrez Sánchez, 2024; Ombudsman, 2021, 2023). On the account of precarity and violence, NGOs evidence the system's failures by equating these situations of precarity and violence in the protection centres and the way some minors are choosing to abandon these (Jiménez Álvarez, 2019):

"Clearly, minors are under the guardianship of the autonomous community of Ceuta, and it's their duty to protect them. There are different centers, and the conditions are what they are—bad. Many minors escape from these centers" (NNK, Q1).

In this quote, for example, the account of the institution's imperative of protection is contrasted with a following account of the bad conditions in the centres and minors' scape from these, as a consequence from the described conditions (Gómez Vicario & Gutiérrez Sánchez, 2024; Jiménez Álvarez, 2019). In this sense, the protection of rights could be analysed as a floating signifier, that has been ascribed this meaning by chains of equivalence such as *guardianship* and *duty to protect*. The aspect of the conditions in the centres could also be analysed as a floating signifier, according to this NGO's account, the meaning of these *conditions* is being fixed as negative, *"bad"*. This reflects an antagonist discourse where these bad conditions are also equated to the escape of minors from the centres, transforming this material description of the centre's conditions into a criticism of the fulfillment of guardianship by the autonomous community of Ceuta.

This way, the critique of this institution is directly linked to the consequences of its failure, which informs UMMs' escape from these centres that are supposed to issue their protection and execute their rights as minors. This represents a process of dislocation:

"Their rights are not protected" (EM, Q1).

In the same way, NGOs' account for minors' abandonment of these centres is equated with the lack of future perspectives and the situations of uncertainty that they encounter within the Spanish context (Arnal & Mascareñas, 2021; Jimenez Álvarez, 2019), which represents another form of systemic deficiency:

"Some minors, seeing that they will end up on the streets, even run away from the centre and head to France or Germany" (EM, Q2).

This aspect of uncertainty will be explored further along this analysis. Other accounts of precarity and violence are as follows:

"We've seen serious cases of theft—not just noticing that there's not enough money for food or for other things in the budget, but actual theft from the minors' savings" (ASC, Q9).

"We also have testimonies of the violence minors face in those centers. It's the basics that people should have, like proper treatment or conditions. I'm not just talking about physical violence, but also verbal, psychological, and administrative violence. (NNK, Q2).

On both of these accounts, there are specifications that reference systemic failures that give a sense of these situations forming part of a bigger context of structural violence. In the first quote, the specification refers to the cases of theft *"not just"* being problems with the allocations of budget. In the second quote, there is a separation between their awareness of testimonies of violence and situations of administrative, verbal and psychological violence that are also equated with a lack of *"proper treatment or conditions".* This opens up space for alternative interpretations where situations of violence and neglect are not just limited to specific accounts, but, in turn, part of a broader set of violences that further questions the hegemonic discourse of compliance with legal frameworks.

On the account of NGOs' exposure of the different sets of violations of rights that occur during the moment of arrival, the ExMENAs representative, Ismail El Majdoubi, already introduces this issue from the start of the interview:

"When they arrive, they are detained, and abuse begins as soon as they enter" (Q1).

This quote shapes this NGOs' discourse of UMMs' stay in the country as a process of abuse that begins at the moment of arrival, through unlawful detentions due to wrongful age and status determinations, among other matters. As it has been able to elucidate through the background chapter of this thesis, the issue of wrongful age determinations as well as the issue of unlawful detentions has been well documented by different authors and organizations (EESC, 2020; Gómez Vicario et al., 2023; Memoria de la fiscalía, 2023; Ombudsman, 2023; Save the Children, 2018). Through this quote, it can be analysed how the process of reception

is characterized by different sets of struggles and deficiencies that result in direct negative consequences towards UMMs. Alongside this, the system's inefficacies are shaped as a continuum where abuse *"begins"* at the moment of arrival but continues at different stages of the process. This construction of discourse will be analysed further along this chapter.

Another sort of systemic failure at the moment of arrival that challenges the hegemonic discourses around protection is the issue of pushbacks. These sorts of unlawful repatriations are extensively denounced in the literature of unaccompanied minors and migrants in general (No Name Kitchen et al., 2024; Rinaldi, 2019), but, in a simplified way, they pose not only a great violation of fundamental rights such as the *Non-Refoulement Principle* (UNHCR, 1951), but they especially vulnerate the rights of children and negate their ability to access the frameworks of protection they are entitled to (Save the Children, 2018).

The representative of Asociación Social Combativa shares:

"[…] Even in the summer, they were still doing pushbacks. They would take people from the beaches in vans and deport them. In fact, when they arrived, they took several minors from a center that had been opened for them—a sports hall" (Q13).

This quote further challenges the discourse of compliance with legal frameworks and *protection* of rights by specifying how these minors had already been determined as such and placed in reception centres -but still were victims of this sort of violation of rights. This challenges the hegemonic narrative of the protection process as something that starts with identification and continues with the placement of UMMs in specific centres, since it is accounted how a lack of implementation of these procedures can also occur (Rinaldi, 2019, 2021; Sajir et al., 2022; Save the Children, 2018).

This quote continues with a retelling of how these instances of unlawful returns were involved in a legal process where Fundación Raíces managed to successfully bring them to justice in favour of the minors involved (Fundación Raíces, n.d.). Still, the delayed legal processes rendered this victory virtually invaluable:

"The legal process is extremely slow. So, it was won less than a year ago, but the young people had already crossed back over and started their lives again. So, it's a failed system. It lost its meaning" (ASC, Q13).

The last part of this quote is especially valuable in this context, since it represents how systemic inefficiencies can deform the structure of such a system, erasing its intended meaning or intentionality. This is, specifically, the core argument of NGOs' discursive construction of the system of protection as a failure.

The third sort of account of the system's failure is characterized by the referencing of the deaths and disappearances that occur throughout the migration process. When asked about possible deterrence strategies, the representative of No Name Kitchen shares:

"They definitely do a lot to tell people "Don't come," and you can see it reflected everywhere. First, in the fence, with all the young people who disappear and die every day—the bodies we find on the beaches of Ceuta—there is no State that takes responsibility for all of that. The sea in front of Ceuta is a cemetery, the conditions in the centers, the locations of the centers, the treatment—whether you leave with or without residency" (Q7).

This powerful quote reflects on the numerous accounts of deaths and disappearances produced in the migration process to Spain (Gilmartin, 2025; Radio France Internationale, 2024; The Brussels Times, 2024) and at the same time challenges dominant discourses of protection in diverse ways. First of all, it situates the state and the institutions in a logic of responsibility, where their lack of accountability is equated with possible strategies of deterrence of immigration that can be reflected in different aspects of the system, such as the material conditions of the centres as well as their spatiality, the mistreatment of UMMs inside these centres, and ultimately, the deaths and disappearances that characterize the migration process to Spain: *"the sea in front of Ceuta is a cemetery"*. In this sense, this counter-hegemonic discourse sets "deterrence" as a nodal point, where aspects such as *conditions*, *locations* and *the obtainment of residency* are adhered to different meanings, where they not only represent systemic inefficacies but the possibility of deliberate strategies from the state in its treatment of UMMs and migrants in general. This is further cemented by the following quote:

"Ceuta does not have temporary shelter for people without homes due to emergencies or cold, as other places do, because they say it would cause a 'pull effect'" (NNK, Q1).

This criticism puts the lack of accountability and responsibility at its core, equating this with terrible consequences. In the same way, more quotes extracted from this interview follow along with this discourse:

"Marlasca [Spanish Interior Minister] has said Spain did a good job in 2023 because fewer people arrived, so what does that mean? It's not true that fewer people arrived. The number may be lower, but the number of people who left their countries is higher, so all we've done is kill more people. More people have disappeared, more people have died, and these are deaths on our watch" (NNK, Q11);

"We know some [migrants] disappear because friends or family ask about them, but there are so many people we'll never know anything about, and that's why I say the Mediterranean Sea is a cemetery" (NNK, Q11).

These quotes challenge the discourse of protection and care in a fundamental way, as well as framing it as comprehensive failure: there is no possibility of enforcing any kind of protection system or framework when life itself has already been lost.

5.2.2.   *Parallel protection systems: children vs. migrants*

To continue the discursive analysis of protection, it is necessary to explore the creation of antagonist identities as well as the creation of parallel protection systems for UMMs in Spain.

Firstly, following along with the analysis of NGOs' portrayal of age determination practices as exemplifications of their discursive representation of systemic deficiencies, the interviewed representative of Asociación Social Combativa shares:

"There are also millions of obstacles from the start. There are many young people who are determined to be of legal age when they are actually minors, because they haven't been able to bring their original passport or birth certificate from their country, or because they've had a test done and they determined that this child... **sometimes you just think, it can't be, look up and see them, seriously"** (Q9).

This quote highlights the issues of age determination that have been elucidated previously in the Background chapter of this thesis (EESC, 2020; Gómez Vicario et al., 2023; Ombudsman, 2021, 2023). The last part of this quote is especially interesting for this analysis because it helps the reader understand this issue in a sort of visual way. In terms of Laclau and Mouffe (1985), this strong assessment could be analysed as a dislocation in the dominant discourse of age determination that exposes the inefficiencies on the processes of identification: sometimes this assessment is obvious, but processes of age determination still take place,

which goes against different legal frameworks such as the presumption of minority: *"age assessment should not be conducted to estimate the age of someone who is without documentation but is clearly a child"* (Council of Europe, 2019, p. 9). This aspect brings us to explore the notions of majority and minority and the way they are constructed through discourse, creating different processes of representation.

From the legal frameworks that determine adulthood from a status of age minority, it seems rather objective how adulthood is determined by having, or not, 18 years of age, therefore, processes of determination could be framed as mere administrative processes empty of ideology. This aspect could be analysed as a myth that shapes our social space: we believe in this notion of minority and majority, adulthood and childhood, as foundational facts that have become so naturalized they appear objective.

These notions shape creations of identity and further attempt to organize the social space. With this sort of objectivity, scientific assessments of age take place providing this aspect an even more naturalized category. Hegemonic discourse creates two sets of representations of identities: minors and adults. Within these identities, minors or children are set to be protected, whether adults are not. Therefore, minors are deserving of rights whether adults aren't (Ticktin, 2017).

The frameworks of protection of minors are put into place to safeguard the rights of *children*, who are considered to be especially vulnerable. In this way, the primacy of the child's best interest, set in place by the legal framework provided by the CRC (United Nations, 1989, Article 3), comes into play and establishes a fundamental boundary: children are supposed to be treated as such. Their identity as children overrules other possible representations such as the one of migrants. In other words, children are supposed to be treated as "children first" and "migrants second". As the interviewed representative of No Name Kitchen explains, the superposition of the identity of children to the one of migrant, that complies with legal frameworks, is not being respected, furthermore it is being inverted:

"The fact of considering the person first as a migrant and then as a danger, rather than as a minor" (NNK, Q3).

Therefore, as it can be identified in the data, the imperative of the best interest of the child (United Nations, 1989) is not being protected:

"The best interest of the child is not respected" (EM, Q4).

The representative of ExMENAs further shares, *"the immigration law should no longer apply to minors because it basically abuses them and is incompatible with their needs. [...] We need to roll back the current parallel system that treats MENAs [UMMs] differently, like placing them in specific centers"* (Q5).

This quote references the existence of a *"parallel system"* of protection that is being applied to UMMs within the Spanish system. This *"parallel system"* is referring to the belief that immigration law is being applied to UMMs that should, instead, be safeguarded by child protection laws. This criticism of the protection system could be analysed as an antagonism where the representation of UMMs as *children* is being overridden by their representation as *migrants*. This would entail a lack of protection of the best interest of the child, as mentioned in the previous quote, with the intention of superposing immigration control to the protection of the rights of children. The representative of Asociación Social Combativa further confirms this aspect when asked about possible changes to improve the system of protection: *"the most fundamental one would be to stop treating migrant minors as migrants first and minors second. The protection of the minor should always come before immigration law, but that doesn't happen"* (Q12).

In this sense, other systemic inefficiencies that undermine the protection of the best interest of the child could be analysed as further conflicts, or antagonisms, between the different identities that coexist within the status of "unaccompanied migrant minor". Going back to the issue of age determination, for example, different quotes on the data shed light on how the inefficiencies in these processes are not only characterized by the unreliability of the age determination practices, but on the inefficient application of the proper guidelines for the protection of migrant children. This could be further reflecting the tension between the identity of *children* versus the one of *migrant*:

"Even the rules that are 'well written' are often ignored. I work at Fundación Raíces now, for example, and the team of lawyers gets desperate because they say, "It's written here, but they're not respecting it,"; "I gave them the original passport, and they said it's not valid." So, what do we do?" (ASC, Q12).

"Until there's proof that they are an adult, that they are no longer a minor, they should be treated as a minor. But that doesn't happen; it's the opposite. You have to convince people

that you're a minor, and that is incredibly frustrating for the person. The fact that they don't believe you, and these tests, which we know don't work—these tests are known to be inaccurate and give an estimate of plus or minus two years—what does that mean? It means nothing" (NNK, Q3).

These two quotes exemplify the issue of the application of the child protection frameworks, especially in regards to the lack of respect of the principle of presumption of minority (EESC, 2020). As previously mentioned, according to this principle, civil status documents from third countries should be presumed valid unless proven otherwise, which entails that minors should not have to prove their status as children if they have already provided the right documentation. These accounts presented above are exposing the lack of proper enforcement of this principle (EESC, 2020) as well as child protection frameworks entirely.

Breaking down the second quote, it is especially relevant to analyse the notion of "convincing": *"you have to convince people that you're a minor"*. This aspect further represents a tension between conflicting discourses and narratives around UMMs. On one hand, authorities seem to be pushing for the identity of *"migrant"* which equals undeserving of rights, whether NGOs seem to be pushing for the one of *"children"* which equals deserving of such. This tension is reflected in the act of "having to convince" of the status of minority as well as the reluctance to accept valid documentation that confirms this status. This criticism, alongside the one referring to the creation of a *"parallel system of protection for UMMs"*, intends to expose the superposition of strategies of migration control over the ones of protection of rights, which further challenges the dominant discourses of protection and opens up the way to alternative definitions and narratives proposed by NGOs as counter-hegemonic actors.

This contestation of meaning is directly described in the last part of the second quote presented above: "*these tests are known to be inaccurate and give an estimate of plus or minus two years—what does that mean?* **It means nothing"**. As analysed previously in this chapter, NGOs directly relate the inefficiencies of the system involving UMMs as a "loss of meaning". When intentions of protection are so distorted due to issues with implementation- amongst other aspects- that they lose their protective meaning and become an empty terrain where the hoax becomes apparent.

Following the analysis of the discursive construction of identities, it is relevant to mention how NGOs tend to ascribe specific meanings to the term *"children"* following their narrative, that is also constructed in a sort of antagonism with the one they identify the state to have. As a starting point, I will take a quote extracted from the interview with ExMENAs:

"We have abused children, and we're persecuting the victims" (Q5).

Although this quote is contextualized within a broader criticism of the Spanish political landscape, it also serves to analyse NGOs' representation of UMMs. This quote represents an articulation of meaning to *"children"*- and more specifically *unaccompanied migrant children*- where their vulnerability is at the forefront (Ticktin, 2017). This serves as an example of how there is always a description of the "Other" with the creation of the "Us" (Jørgensen & Phillips, 2002). In this sense, NGO's representation of UMMs as *victims* could, in turn, be representing the opposite representation of UMMs as *criminals* that NGOs identify to be present in the hegemonic discursive representations of UMMs. This dramatic opposition could be representing NGOs' efforts of placing *children* in the middle of the discourse around unaccompanied migrant minors, therefore emphasizing their *vulnerability* and consequent *deservingness of rights* as well as for the existence of forms of *protection* of such. This alternative discourse intends to fix the meaning of key nodal points and floating signifiers around a specific narrative. In this sense, the representation- or the identity- of UMMs as a category, could be analysed as a battleground where different actors intervene intending to fix the meaning of key elements and to produce closures/exclusions in favour of their narrative, that gets constructed alongside processes of power.

5.2.3. *The continuum of systemic failures*

This part of the chapter on the construction of discourses of protection will be focused on the discursive constructions of systemic failure being characterized by a process of continuity. A preconceived notion that I encountered whilst beginning the investigation process for this thesis was the hypothesis that institutional abandonment, represented by UMMs' transition to adulthood, was the biggest issue that enforced the failure of the Spanish protection system. While this issue is a great aspect of importance, during the interviewing process I encountered a very different retailing of systemic failures. The perspective that I could perceive in the data was one of continued processes of inefficacies that constituted the ultimate characterization of the protection system as a failure. While the transition to

adulthood was framed as the most visible representation of these inefficacies, it was only a product of previous malpractices along the whole protection process. In other words, this systemic failure was described as a continuum rather than a culmination, where the inefficiencies along the way inevitably lead to the visible representation of failure at the point of the transition to adulthood.

This aspect is represented at multiple points throughout the data. When asked about institutional abandonment, the interviewed representative of ASC shares:

"Well, when they turn 18, all the consequences of what "child protection" really is become evident" (Q6).

When asked for possible changes to improve UMMs' situation in the country she reiterates the same point:

"In general, we don't like the reception system very much. From start to finish, because we've been talking about the final part of emancipation, autonomy, and so on, but there are also millions of obstacles from the start" (Q9).

In the same line, the representative of EM shares:

"The system fails us not only when they turn 18 but also during their time as minors" (Q1); *"I would say there are failures all over this system"* (Q2); *"abuse begins as soon as they enter"* (Q1).

All of these quotes help us to elucidate NGOs' discourse around systemic failures and their framing of such as a continuous process that should be analysed in its totality. This construction of discourse challenges the idea that the system's inefficacies can be "fixed" in an isolated way and paves the way for a more comprehensive reimagination where the whole system is ought to be questioned. This is represented in the data with quotes such as:

"What needs to change? Well, the system itself" (ASC, Q9).

In this sense, NGOs portrayal of the system's inefficacies represents an antagonistic discourse that could be analysed as a dislocation where the state's discourse of protection collapses. Similarly, adopting the theoretical resource of "myths", the state might be promoting the myth that its' protection system is comprehensive and effective, whilst NGOs might

challenge this by exposing the invisible spaces of neglect. At the same time, NGOs might be constructing a myth of systemic neglect to argue for a reimagined protection system that prioritizes care and integration.

In the same line of this retailing of systemic failure as a continuum and the way it opens up broader contestations of the system in its entirety, the representative of EM shares:

"Poverty is a consequence of the violation of rights, because children should not be in this situation. Spain is a rich state, with resources and wealthy institutions, there are no excuses. There is a violation of rights through mismanagement of resources and priorities. What's happening has an explanation" (Q4).

With this quote, NGOS' discursive construction of a myth of systemic neglect becomes cemented. It also develops this criticism further by drawing a direct line of responsibility between the state's mismanagement of resources and the situations of vulnerability (represented by *"poverty"*) that UMMs encounter in the Spanish context. There is a clear representation of the state's responsibility by the connection of terms like *violation of rights*, *mismanagement of resources* or *priorities* that through chains of equivalence fix the meaning of *poverty* (or vulnerability) as a direct consequence of the state's inactions. At the same time, the reminder of *"children should not be in this situation"* brings back the characteristic of vulnerability present in the construction of NGO's discourse around UMMs. This representation of UMMs as *children* represents how *"children"* as a floating signifier is framed through NGOs' discourse as a term that evokes *"vulnerability"* or *"rights"* weather by the antagonistic state's discourse UMM is framed as an *administrative* category evoking *legality* in a sort of desensitized way.

This way, NGOs frame the system's inefficacies as a continuous process of failure while setting *children* at the core of the consequences of this problem, further representing UMMs as *vulnerable* and *in need of protection*, which ultimately drives these calls for a comprehensive systemic reimagination.

Further descriptions of systemic inefficacies that involve a violation of the CRC can be found throughout the data. One of these accounts is the issue of leisure. Leisure represents one of the core principles of the CRC. It is represented in Article 31 the following way:

"*States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts*" (United Nations, 1989, Article 31).

Leisure represents one of the main activities that the NGOs interviewed for this thesis enforce as part of their actions, as through their experience in the field, they identify leisure as a big gap in the system. This is represented by the retailing of ASC's (Asociación Social Combativa) experience in the system of protection:

"*Richard and I worked in a first reception centre for unaccompanied migrant minors here in Madrid, and from there we were able to see firsthand the number of deficiencies, let's say, that the protection system had. One of these deficiencies is the issue of leisure*" (Q1). Furthermore, she explains: "*we've always believed that leisure is a fundamental right that must be present in everyone's life, but we know that for these young people, it's something secondary*" (Q1).

The aspect of leisure is fundamental for NGOs' participation with UMMs as it can be a way to engage with them, create community and open safe spaces between these children and the volunteers. As she explains, "*leisure has been a way to get the young people to come to the activities we organized, so they could tell us the needs we knew they had. […] The idea was to connect with them through leisure to support them in the other processes they were going through*" (Q1).

This way, leisure is not only an aspect that is vital for children's development, as represented in the CRC, but it also represents an open space for NGOs to specify the care that they provide as well as for the creation of spaces of safety and trust:

"*We gather all these distrusts, all the harm caused by others. […] For us, it's important to be there, to try to rebuild that bond*" (NNK, Q4)

In this sense, the issue of leisure bridges the representation of UMMs as *vulnerable children, deserving of rights*, with the exposure of this gap in the system that appears interconnected with feelings of *mistrust and neglect*. NGOs act in this space as counter-hegemonic actors that intend to mend these systemic gaps. This aspect further challenges the discursive representation of the system of protection as efficient and comprehensive.

In the same line, the issue of privatization and the existence of monetary interest within the system of care, is represented in different points throughout the data:

"It must be understood that protection is privatized and outsourced to third-party companies that profit from this and, with their cuts, manage it worse than the administration itself, often resulting in minors being undocumented or even leaving centers without documentation" (EM, Q1);

"There's a lot of outsourcing of resources; they are not purely public, [...] so there's more economic interest than there should be" (ASC, Q9).

NGOS' exposure of the outsourcing and privatization of certain resources in the protection system challenges the state's myth that portrays protection as entirely public and therefore free of monetary interests. This further erodes the state's myth of efficiency. At the same time, it reinforces the NGOs' myth of systemic neglect by emphasizing how the outsourcing of resources is directly related to partial economic interest and the seeking of monetary profit, which evidently goes against the legal frameworks of child care and protection (United Nations, 1989).

In conclusion, NGOs' antagonistic discourses around protection expose and shed light on the different systemic inefficiencies that have direct effects on the lives of unaccompanied migrant *children*. At the same time, their portrayal of these failures as processes of continuation that lead to the precarious situation of UMMs in the country, paves the way for a more comprehensive analysis of the system, where specific parts cannot be taken away from the contexts they are engulfed in, and therefore, cannot be "fixed" independently.

Furthermore, this representation of the system's failures as a continuum, leads to the analysis of the biggest representation of institutional neglect: the transition of UMMs to adulthood and the consequent construction of discourses of *"abandonment"*.

5.3. The construction of discourses of *abandonment*

As it has been introduced previously in this analysis, the construction of discourses of "abandonment" is intimately tied to the constructions of discourses of "protection". Both aspects represent antagonistic representations, while at the same time being presented as consequences of one another or synonymous processes. Going back to the previous chapter,

NGOs representation of protection as a continuum of systemic failures, also informs the way that abandonment is represented to be. In this sense, abandonment is framed not only as the consequence of such systemic failures of protection, but also as the core condition for the existence of NGOs as counter-hegemonic actors. They position themselves as such by exposing the gaps left by the state and institutions within their system of protection. These perceived "gaps" are the representations of "abandonment" in NGOs' counter-hegemonic discourse. It is because these gaps exist that they have to intervene (Kutay, 2021) in aid of UMMs, therefore, the construction of discourses of "abandonment" is multifaceted: it is a consequence as much as a reason to be.

"Abandonment" is often directly portrayed by NGOs as "institutional abandonment", this way, the state's responsibility for such abandonment is evidenced, and at the same time, the counter-hegemonic discourse that portrays the system of protection as a failure that reproduces neglect, is cemented. It is also interesting to consider the term *abandonment* and its definitions. In terms of its direct definition, abandonment refers to the act of leaving or deserting someone, something, or a place, often permanently and without intending to return. It can also refer to the state of being left behind or neglected (Merriam-Webster, n.d.). In legal terms, to abandon is to *"intentionally and permanently give up, surrender, leave, desert or relinquish all interest or ownership in property, a home or other premises, a right of way, and even a spouse, family, or children"* (Hill & Hill, n.d.). This context helps to elucidate the chains of equivalence that are present in the different discursive constructions of this term.

In the case of the state, the construction of discourses of *abandonment* can be analysed through their representation of the legal transition to adulthood. In this sense, *abandonment* is framed as a natural and inevitable process tied to turning 18 years old and reaching adulthood. This framing is achieved by the use of chains of equivalence such as *transition to autonomy, self-reliance* or *legal adulthood.* This entails the use of nodal points such as *legal adulthood* or *procedural compliance.* Within this framing, the term *abandonment* could be replaced by synonyms like *autonomy* or *self-sufficiency*, presenting the transition to adulthood as a natural and structured process where systemic failures are obscured and the hegemonic discourses reinforced (as a sort of hegemonic intervention). Therefore, the state's role appears efficient and compliant with legal frameworks, rendering the meaning of *abandonment* to be completely detached from systemic responsibility. "Abandonment", then becomes a mere representation of narratives of "autonomy".

In the opposite (or antagonist) turn, NGOs as counter-hegemonic actors frame *abandonment* in a different way. Using nodal points such as *vulnerability* and *rights*, NGOs link abandonment to *systemic neglect*, *failure* and *violation of rights*. In other words, abandonment is synonymous with "institutional abandonment" and disappearance. This equalization is represented by the following quote:

"There's the situation where the entity disappears. [...] It's as if these young people were never there" (EM, Q2)**.**

This ascription of meaning forms a chain of equivalence that frames abandonment as a consequence of the state's inaction using terms such as *institutional abandonment*, *neglect*, *failure*, *disappearance* or *violation of rights*. In this sense, UMMs are represented as vulnerable as a consequence of this institutional abandonment that in itself represents the state's failure to uphold their fundamental rights.

As it has been introduced, the term *protection* is at the centre of this discourse, represented as the state's unfulfilled obligation to protect. This way, NGOs' discursive construction of *abandonment* is not merely physical (being left behind) but also symbolic (there are emotional, social and institutional dimensions of abandonment), representing the systemic failure to prioritize UMMs' well-being. This counter-hegemonic discourse of abandonment is represented by the following quote:

"*A minor is not in an irregular situation by being a minor, but they are [placed] in a system that involves them in their irregularity once they are abandoned institutionally"* (EM, Q1).

This quote sheds light into the discursive struggles of abandonment. The representative of ExMENAs uses the term *"irregularity"* as a reference to the state's use of this term as the legal status of UMMs. In this sense, the state frames *irregularity* as a condition tied to documentation and the compliance with immigration law (European Commission, n.d.). This way, the responsibility for such *"irregularity"* is shifted away from systemic structures onto the minors themselves. On the other hand, the counter-hegemonic discourse represented by this quote, frames such condition of *"irregularity"* as the consequence of the state's withdrawal of institutional support. Minors are left without the resources, documentation, or stability necessary to navigate the system. *Irregularity*, in this context, is then framed as the status that is being imposed (emphasizing the state's responsibility) upon minors by systemic neglect.

It can be analysed that the biggest representation of institutional abandonment and systemic neglect is represented by the consequences of UMMs' transition to adulthood. As it has been discussed throughout this thesis, reaching 18 years of age involves reaching a supposed state of "autonomy" that entails a loss of access to the system of care or protection. This change of status involves UMMs (now former minors under guardianship) in a new dimension of vulnerability and precarity where different factors, such as their obtainment of a residence permit during their time as minors, can dramatically inform their probabilities of success within the Spanish context (Accem, 2022). In this sense, the consequences of the continuous failures of the system of protection manifest on the lives of former UMMs in cumulative ways.

5.3.1.   *The transition to adulthood*

For this chapter, the construction of discourses of abandonment will be focused through the analysis of UMMs' transition to adulthood, where different factors such as the naturalization of situations of homelessness, the obtainment, or not, of documentation, or the issues of discrimination and systemic racism, will be explored.

Reaching 18 years of age demarks the transition from "childhood", deserving of protection and rights; to "adulthood", autonomous and no longer in need of protection and care. This process can be more or less abrupt depending on the presence of aspects such as the obtainment of residence and working permits, the existence of projects and initiatives aimed towards autonomy-building during UMMs' stay in protection centers, or the existence of resources of accompaniment during their transition to adulthood and consequent independence (Accem, 2022; Cruz Roja Española, 2019; Gómez Vicario et al., 2023; Quiroga et al., 2010; Rinaldi, 2019, 2021, 2023; UNICEF, 2019). As the interviewed representative of ASC mentions:

"If child protection doesn't work on their autonomy, and at 18 they face abandonment, it's a huge issue" (Q6).

NGOs play close attention to the issue of autonomy. They identify a lack of autonomy-building programs that ultimately increase UMMs' vulnerability as they reach adulthood (Accem, 2022; Cruz Roja Española, 2019). This lack of autonomy-building incurs,

for example, in bigger obstacles with the management of bureaucratic procedures. NGOs describe this as UMMs being highly institutionalized:

"They're very institutionalized, so yes, all the methodologies in the centers emphasize autonomy and deinstitutionalization, but the reality is that there's not enough staff and time to do this properly—and probably training is lacking too. The reality is that it's easier for a social worker to handle all the residency renewals and paperwork than to work on building autonomy, explaining it to them, and finding an interpreter (who may be another young person helping them). This makes everything really difficult, and they struggle with it a lot." (ASC, Q5).

This issue of institutionalization and lack of autonomy-building brings us back to NGO's framing of the system of protection as a continuum of systemic failures:

"The system fails us not only when they turn 18 but also during their time as minors" (EM, Q1);

"When they turn 18, all the consequences of what "child protection" really is become evident" (ASC, Q6).

Subsequently, NGOs' construction of "abandonment" through the process of UMMs' transition to adulthood is framed as a direct consequence of the system's inefficacies during their time as minors:

"They never face society until they turn 18, and then they're simply kicked out on their birthday" (NNK, Q1).

This challenging of hegemonic discourses around protection goes beyond the exposure of this continuity of failure, towards the ascription of direct responsibilities and hidden agendas by the hand of the state:

"I always say it's like a bad investment—strategically speaking, it's a very bad investment. You've invested a ton of resources, a ton of time, and emotionally a lot too, in many young people, and then, as soon as they turn 18, you completely neglect them, and without having done any prior work on autonomy" (ASC, Q6).

In this quote, the economic term of *"investment"* is brought up as a floating signifier to signal the state's discourse, tied to economic logic, where resources allocated to UMMs are framed as a cost-benefit calculation. This framing is used to imply the state's prioritizing of efficiency over rights and well-being, that in turn dehumanizes these minors and former minors under care. In this sense, that sort of *"investment"* has been done poorly, as the state's disappearance with UMMs' transition to adulthood puts to waste all the resources invested in their care and protection. This is due to the fact that the institutions fail at their obligations of enforcing autonomy and deinstitutionalization and further deepen this vulnerability at incurring in this process of institutional abandonment.

Moreover, this sort of *"investment"* is done as a cost-benefit calculation, with intentional underlying strategies:

"For whatever reason, they don't want to cover all the needs. I understand that if we notice it, they probably know too. Since the protection period won't be very effective, they'll invest the minimum possible in it" (ASC, Q15).

Again, this discourse around UMM's transition to adulthood is characterized by the antagonism between NGOs' conceptualization of protection as a complex of strategies and resources indicated at the protection of rights and the alleviating of vulnerabilities, with the state's framing of protection as a minimum compliance with legal standards. Within this antagonism, NGOs situate themselves as counter-hegemonic actors that enter the context of UMMs to alleviate the state's inefficiencies on the treatment of these youngsters as well as the state's lack of interest in actually enforcing *"effective"* systems of protection. This construction of discourse is also represented in the following quote:

"There are many people working in child protection, knowing that a young person will end up 'under a bridge' once they turn 18, and I just don't understand it" (ASC, Q11).

This quote also reflects on the lack of emphasis in the aid of UMMs' as they transition to adulthood and therefore face having to abandon the protection centers that they lived in (European Migration Network, 2022). This incurs on the acknowledgement that the protection system will fail and expose former UMMs to situations of homelessness. This can be analyzed as a dislocation where the discourse of protection collapses, giving way to one of abandonment, framed by NGOs. This systemic acknowledgement that UMMs will face homelessness after turning 18 completely disrupts the hegemonic discourse of protection as a

comprehensive system rooted in the compliance with legal frameworks. This is elucidated throughout the data and represented by the following excerpts:

"There are very few projects to help them once they turn 18. There are fewer independent living places until the age of 21 than there are for minors. The system assumes that not all minors in care will have the possibility to transition to independent living spaces. This is how it's set up. I'm not sure if this is done strategically or if it's just because no one cares, but it's pretty clear. They created many places for minors because they were legally required, but once they turn 18, they just forget about them" (ASC, Q6);

"It's a sad reality: to be 18 years old and living on the streets of the city. It's a concerning reality, and it's curious that if we explore data on these young people living on the streets at this age, they are probably and visibly former wards of the state, so it's a systemic issue" (EM, Q2).

Protection is then linked through a chain of equivalence to terms such as *inefficiency*, *neglect*, *abandonment*, *neglect* and *homelessness*. This process where the failure of the protection system becomes naturalized (or made invisible) evidences the hegemonic discourse. At the same time, the state's discourse of protection is sustained by the myth of comprehensive care and the fulfillment of protective obligations. However, this quote illustrates how the transition to adulthood exposes the limits to this myth. For NGOs, that inevitability of homelessness also challenges the validity of the state's protective claims, and at the same time lies at the core of their construction of a counter-myth of systemic neglect. The issue of homelessness is also reflected on different reports and data on the topic of UMMs in Spain (Cruz Roja Española, 2019; INE, 2022).

5.3.1.1. Uncertainty and (un)documentation

One of the most crucial aspects for UMMs in their involvement with the Spanish system of protection, is the processing and obtaining of documentation in the form of residence and work permits. This issue of documentation is represented throughout the data on multiple occasions, as NGOs recognize it to be one of the core aspects that inform the success of UMMs in the country. This is also reflected in different reports and academic articles about the situation of UMMs in Spain (Arnal & Garcés Mascareñas, 2021; Ombudsman, 2021, 2023; Rinaldi, 2021, 2023; Sajir et al., 2022).

As a first level of analysis, the process of documentation is framed as a barrier that UMMs struggle to overcome due to different factors such as the lack of encouragement of autonomy as well as the different barriers that reflect on their condition as migrant minors who face a new context where they are forced to navigate a complicated bureaucratic system:

"I would say that the core of everything is the administrative part. If that part worked better, everything else might flow a bit better too" (ASC, Q4);

"These 'adult' procedures are hard for anyone, let alone for minors who are still quite young, starting these adult procedures" (ASC, Q5).

At the same time, it is important to clarify how these barriers that UMMs experience within the Spanish system are multifaceted and not only tied to the process of documentation, as it is represented in the following excerpt:

"Some people manage the reality that they will take a long time to get their documentation, but then they struggle terribly with the social barrier, the racism they face, or the police harassment. It affects their mental health badly" (ASC, Q4).

The different references to documentation throughout the data are generally characterized by NGOs' exposure of the state's lack of commitment to this issue, as well as the institutions' problematic management of the issue of documentation through malpractices with underlying intentions of immigration control. This is represented through the following quotes by the EM representative:

"There is a lack of commitment, and brutal irresponsibility and lack of professionalism because nearly one in three young people leaves without even having their documentation processed. There is no response or action taken to ensure they leave with documentation" (Q1).

"It must be understood that protection is privatized and outsourced […] resulting in minors being undocumented or even leaving centers without documentation. This is a common practice" (Q1)

Again, in these quotes, the system's failure to provide the rightful issue of documentation is framed as a direct (i)responsibility by the state and the institutions that are supposed to issue UMMs' protection. This further cements NGOs' discursive construction of the counter-myth of systemic neglect by exposing the gaps in the state's discourse of protection that is

supposed to comply with the best interests of the child (United Nations, 1989). At the same time, NGOs use *documentation* as a floating signifier to contest this term and redefine it as a symbol of *care*, *protection* and *integration*. Ultimately, the lack of documentation is framed as a direct consequence of institutional neglect, and this is as well, tied to the abandonment of UMMs to vulnerability, precarity and exclusion. This deliberate omission of care where UMMs and former UMMs are left in a precarious state, unable to access basic rights or navigate adulthood is informed by such systemic failures that transform UMMs' transition to adulthood into a process of institutional abandonment (Rinaldi, 2019).

This issue of lack of documentation is acknowledged by the different interviewed NGOs, to have improved with the law change of the year 2021 that has been previously described in the background chapter of this thesis (Royal Decree 903/2021, 2021), but as it is also detailed in such chapter, issues regarding the obtainment and processing of documentation persist (Ombudsman 2021, 2023).

At the same time, these issues are not only due to problems with implementation or a lack of proper resources but based on the existence of problematic logics of behavioural conditionalities for the attainment of documentation. This is elucidated in the data in multiple instances:

"It's a system based on your behavior. If you behave well, you leave with residency; if you behave badly, you don't get the basics. That's not how it works; that's not right" (NNK, Q2);

"If you behave well, yes, if you misbehave, no" (NNK, Q5);

"A couple of years ago, this change was made to the immigration regulations, and we've had periods where it just started, and even then, we've had to fight a lot for it. And now, there are still cases where people leave without papers, so that's something we're also fighting for" (NNK, Q5);

"Then, the randomness of it all, which I also found terrible all these years, is the inconsistent issuing of documentation". It's true that now, since the law changed, all minors who go through the system get it, normally without issue, but then they face a lot of problems when it's time to renew. For example, some minors are stopped by the police but never notified of anything, and then, just when they are about to renew, even though they may already have a job offer, they're told it's not being processed because "something is wrong, figure it out." This creates huge expectations and much frustration" (ASC, Q5).

These quotes not only elucidate this conditionality of the issue of documentation, but also the way it translates further into this process, when renewals of residence permits are about to take place. In this sense, NGO's expose the ways in which the documentation process for UMMs and former UMMs is not only inconsistent, but also governed by logics of behavioural conditionality, where moral and behavioural expectations are imposed as mechanisms of control.

In this sense, *documentation,* analysed as a floating signifier, is contested through different actors. For the state, it could be analysed that *documentation* is framed as a privilege that ought to be obtained through good behaviour, therefore reinforcing control and compliance rather than care, whereas to NGOs, *documentation* signifies a fundamental right as well as a necessary tool for UMMs' integration and autonomy. This way, the state's conditional nature of documentation would be fixing its meaning of moral judgement through a chain of equivalence that links *documentation* with *control*, *punishment* and *compliance*. At the same time, this conditionality surrounding documentation also reinforces the systemic marginalization of UMMs.

The end of the first quote represents NGOs' contestation of this conditionality based on logics of deservingness, framing it as arbitrary and unjust:

"*That's not how it works; that's not right*" (NNK, Q2).

Moreover, the end of the last excerpt from the interview with ASC (*"this creates huge expectations and much frustration"*, Q5), reflects the emotional and psychological impact of the described conditionality and inconsistency of the documentation processes. The expectations created by the initial documentation are overthrown by the systemic failures during renewals, where UMMs and former UMMs face arbitrary decisions, delays and an overall lack of institutional responsibility that ultimately incurs in their institutional abandonment and neglect. When referring to institutional abandonment, the representative of EM shares:

"*Psychologically, there's a setback, a fall, because they find themselves facing an unknown future, a lack of communication with the minor, and the constant pressure throughout their stay that everything they do in the center will determine their future. It's not about their rights. The reality is that only one in ten leaves for an adult resource* (Q2).

These psychological impacts due to the conditionality of the documentation processes as well as the lack of effort in the development of autonomy by the involvement of minors in their own documentation processes, worsens this sense of uncertainty (Sajir et al., 2022) that is further described in different points throughout the data:

"They don't even know how long it [the documentation procedures] will take. Many arrive here without knowing how long they'll have to wait, and then they face a reality where their expectations are shattered" (ASC, Q5);

"This triggers a loss of morale, even cases of depression, especially when they see they're leaving without documentation, without a health card, etc." (EM, Q2).

These accounts of uncertainty are linked to NGO's portrayal of UMMs' generation of distrust and rejection of the institutions. The last quote from ExMENAs introduced above continues the following way:

"[...] And what does that create? It generates rejection and fear of institutions, social rejection... The young person or minor doesn't just see the centre or the institution as the issue, they see the entire society" (EM, Q2).

This aspect of institutional distrust and rejection is intimately tied to the issues of obtaining documentation, as they represent one of the most tangible relations between UMMs and the state's institutions. They enter the protection system with the promise of obtaining this documentation- which they are entitled to by law- that will permit them to reside in the country as well as to be part of the labor system (which in many cases informs a core reason for embarking in the migration process), but their rights get violated along the way, through different processes as the one described above. This is framed by NGOs as one of the ultimate representations of the overall failure of the system of protection:

"[There's a] total distrust in the State and any other person or entity trying to support or help. In the end, someone who has trusted a resource that eventually leaves them stranded on the street ends up distrusting everything else. It's complicated. Many people just want to work—to work and support their family—and this creates psychological harm because they might have to send money to their family, but at the same time, they find themselves on the street. This might push them toward drugs or criminality because there's no other solution. In the end, the State leaves them on the street in one way or another, and they have to survive.

Many come in with hopes to do things, but that changes them in the end. You lose trust, you don't believe you can do anything, and no matter how much you want to" (NNK, Q4).

This quote ties in directly with the aspect of discrimination and marginalization that will be explored in the next subchapter of this section of the analysis of the construction of discourses of abandonment.

5.3.1.2. *Discrimination and marginalization: systemic racism*

The portrayal of the construction of discourses of abandonment, through NGOs' exposure of discrimination and marginalization, is directly linked with the transition to adulthood and subsequent institutional abandonment that UMMs, and former UMMs encounter within the Spanish system.

First of all, NGOs question the state and institutions in their objective of carrying out the system of care with the means of integrating migrant children into society:

 "We're supposed to be constantly trying to integrate people, and it's absolutely impossible to integrate anyone in a context that doesn't want them. It doesn't make sense to invest a ton of resources into integration while at the same time spreading messages of hatred that reach many more people" (ASC, Q10).

As it is represented in this quote, the issue of discrimination, represented through a contestation of the state's willingness to integrate, is also mediated through the state's enabling of messages of hatred to spread. In this sense, while the state frames integration as a procedural goal achieved through resource allocation and the obtaining of documentation, NGOs question this by processes of articulation where integration is redefined as a holistic process that not only requires resources and compliance with frameworks, but also a structural change of societal acceptance. In this sense, *"it is impossible to integrate anyone in a context that doesn't want them"*.

The marginalization of UMMs is directly tied to the prevalence of discourses of hatred and strategies of discrimination. Within this critique from NGOs of the state's failure to counteract messages of hatred, it could be analysed how this perpetuation of discrimination and exclusion through discourse sheds a light on the analysis of hegemonic "tools" and how the spread of hatred could be deemed as such (Bordonaba-Plou & Torices, 2021). By enabling these messages of hatred to spread, the state could be reinforcing exclusionary

narratives that frame UMMs as "Others" who do not belong (Bourekba, Garcés Mascareñas, Güell, & Marín, 2023). Moreover, these narratives could be naturalizing systemic discrimination, making integration efforts ineffective and contributing to the marginalization of UMMs. This is also reflected on the quote presented above through *"in a context that doesn't want them"*. This could be reflecting on the systemic rejection of UMMs and former minors under guardianship, which NGOs argue that undermines any attempts at integration. Going back to hegemonic "tools", discrimination could be representing something more than an incidental barrier: it could be representing a structural characteristic of the system that is reinforced by institutional practices and societal attitudes.

This issue of discrimination is represented in the data through different ways. Firstly, it is directly tied to the political representation of MENAs within the Spanish context. This can be exemplified through the following quotes:

"The political reality of Spain also influences, turning migrant children into political hostages. The best interest of the child is not respected. Instead, we see partisan and ideological objectives take precedence. […] The far-right has been able to push certain discourses in Spain that also influence those in the middle" (EM, Q4);

"We thought of starting to offer free training to the young people we knew from that center who wanted to train. We tried to do it inside the center, but they didn't allow us. They literally told us that having boxing with MENAs would end up in the news, and that wasn't possible" (ASC, Q4);

"First of all, we need to treat these issues from a legal standpoint, not from nationalistic feelings or political stances. It's evident in the use of derogatory terms like 'MENA'" (EM, Q6).

These interview excerpts underscore how UMMs are not just subjects of care but also actively politicized within the Spanish context (Bordonaba-Plou & Torices, 2021; Bourekba et al., 2023). This politicization reveals a chain of equivalence in which political and ideological objectives are prioritized over the rights of children. At the same time, these quotes elucidate on the roles of media and public perception at reinforcing discriminatory practices. This construction of discourse is further represented through the following interview excerpt:

"I think we're overly programmed to criminalize and dehumanize everyone who's not from our culture or context, to make them less human, and everything goes wrong. And then there's the media, who not only dehumanize them but also criminalize them" (ASC, Q14).

With these criticisms, NGOs could be exposing deeper hegemonic strategies of control through public narratives. At the same time, it could be analyzed that these NGO discourses could be contesting the creation of nationalistic myths of protection where rights are framed as conditional on national belonging. This hegemonic myth could be framing UMMs as "outsiders" and therefore reinforcing their exclusion from the rights guaranteed to children under frameworks like the CRC (United Nations, 1989). Within this logic, the use of the term *MENA* could be used to dehumanize UMMs by reducing them to administrative categories, which, in turn, reinforce discrimination, exclusion and criminalization. This dislocation of the state's discourse by exposing the possible political and ideological motivations behind discrimination, is directly tied to NGOs' discourses about structural racism.

The issue of racism is represented throughout the data in different instances. It represents one of the core issues that NGOs identify in the Spanish context, not only as a matter of public opinion but also as an issue of structural racism that informs the totality of the protection system. In this sense, *racism* as a floating signifier is being contested by the two antagonistic actors in this context. The state could be fixing the meaning of *racism* as an isolated question of public opinion whereas NGOs fix the meaning of this term as a broader issue of systemic nature that implicates the state, as not only a passive observer, but an active participant in discriminatory practices. Therefore, within this construction of discourse, the state and its institutions lie at the core of this issue as the responsible entities. This is represented by the following quotes:

"When we address these topics, we forget to talk about the responsible party, which is the system, and to question our institutions for their discriminatory treatment. It's state racism, structural racism. It's an immorality that we cannot allow" (EM, Q6);

"I'm not clear on what the foundation is that makes this [system] work so badly, but I understand that it's a mix of political interests, racism in general, and millions of things that I believe simply don't add up—it doesn't interest them to improve it, so it's not going to change" (ASC, Q9).

This way, NGOs' discourses of discrimination contest the hegemonic narratives of protection as a system empty of ideology by exposing the structural racism that underlies these discriminatory practices. In this sense, the exposing of structural racism as a driving force for the system's inefficiencies, serves as a dislocation of the state's discourse, as it disrupts it and exposes its contradictions. The chain of equivalence portrayed by this quote, that links *systemic neglect* to *structural racism*, could be analysed as the combination of terms such as *racism*, *discrimination*, *exclusion*, *failure of protection* and, ultimately, *systemic neglect*.

The analysis of discrimination and marginalization within the Spanish protection system highlights how NGOs expose the systemic and structural nature of racism as a driving force behind the system's inefficiencies. By contesting the state's hegemonic narratives of protection and framing such as a process of abandonment, NGOs disrupt these narratives through chains of equivalence that link *racism*, *discrimination*, *exclusion*, and *systemic neglect*. This dislocation of the state's discourse reveals how structural racism is not an incidental flaw but a foundational feature of the system. In their counter-discourses, NGOs not only challenge the dehumanization of UMMs but also advocate for a reimagined protection system based in equality, rights, and genuine inclusion, reframing integration as an ethical and societal imperative rather than a conditional privilege.

6. Conclusions

This thesis set out to examine the critical issue of unaccompanied migrant minors (UMMs) within the Spanish protection system, focusing on the systemic inefficiencies that characterize their care, through the analysis of NGOs' construction of discourse around these systemic gaps. By employing Laclau and Mouffe's discourse theory (1985), this research has sought out to uncover the struggles over meaning and representation that ultimately shape the experiences of UMMs, as well as to explore how counter-hegemonic discourses (embodied by NGOs as counter-hegemonic actors) emerge as challenges to dominant narratives. These insights, in a broader sense, set out to understand how power, politics and meaning converge in the governance of vulnerable populations.

The central research question guiding this study was: *How do NGOs expose and respond to the inefficiencies of the Spanish protection system for UMMs and former minors under guardianship?* This was complemented by two sub-questions: *How do NGOs construct*

counter-hegemonic discourses to challenge dominant narratives around UMMs in Spain? As well as, *How are UMMs and former minors under care represented and supported within the Spanish protection system?*

Through an in-depth analysis of the protection system and the narratives constructed around UMMs through the implementation of Laclau and Mouffe's discourse analysis, this thesis provides nuanced answers to these questions through some of the following findings:

- According to the state's dominant narrative, *protection* is adhering to legal frameworks and child welfare. However, the recollection of the lived experiences of UMMs, by the hand of NGOs, reveal a significant gap between this narrative and the genuine experiences of neglect, precariousness and exclusion. The state's discourse, as a hegemonic narrative, is framed as objective and natural, therefore obscuring systemic failures such as the unreliable age-determination practices, the inadequate implementation of resources, or the lack of adequate emancipation programmes. NGOs, on the other hand, construct counter-hegemonic meanings of protection (and abandonment), and reimagine it as a commitment to the rights and dignity of unaccompanied migrant *children*.

- UMMs' transition to adulthood and autonomy is defined by a loss of the legal protection and resources allocated to minors. This thesis highlights how the Spanish system fails to prepare these youth for autonomy, leaving many undocumented (or unable to renew their documentation), homeless and excluded from pathways of integration. This sort of systemic abandonment reflects broader structural issues like the prioritization of immigration control over child welfare and the insufficient prioritisation of programmes that foster independence through providing the appropriate resources. The contrast between the state's legal obligations and its failures creates a discursive struggle for meaning that NGOs evidence and bring to the forefront through their interventions and criticism.

- As counter-hegemonic actors, NGOs are crucial in disrupting the state's hegemonic discourse by developing alternative narratives which focus on the rights, humanity, and vulnerability of UMMs. Through their advocacy, NGOs redefine key terms like *protection* and a*bandonment*, framing the former as a continuous process rather than an administrative procedure. In addition to exposing systemic inefficiencies such as the misuse of age-determination practices and the lack of adequate housing and

support for UMMs post-18, they unveil systemic racism and the way that it informs UMMs' experiences within the Spanish context. By positioning themselves as "filling the gaps" left by the state, NGOs not only critique the existing system, but also propose alternatives to such.

- Laclau and Mouffe's theoretical concepts, such as *nodal points* and *floating signifiers*, were essential in analysing how terms like *protection* or *rights* are contested within the protection system. For the state, *protection* is overall tied to legal frameworks and bureaucratic processes, while for the NGOs, it is based on UMMs' lived experiences and ethical standards. The competing meanings of these terms highlight the struggle for hegemony described within Laclau and Mouffe's discourse theory, where NGOs challenge naturalized dominant narratives that exclude alternative understandings of aspects such as *care* or *inclusion*.

- The state's hegemonic discourse frames UMMs as "migrants first" and "children second", which informs broader structures of migration control, with significant implications in the treatment of UMMs within the protection system, as well as within the Spanish context in its totality. This narrative naturalizes their marginalization and excludes them from the full spectrum of rights that they, as children, are legally entitled to. However, moments of dislocation such as the exposure of these systemic failures and the advocacy by NGOs, create opportunities for alternative reimaginations of the system in its totality, in favor of a more inclusive, equitable and just one.

As well as exposing systemic inefficiencies and responding to them throughout the fulfilment of their roles, NGOs move this conversation forwards by identifying responsibilities and shedding light into the different structures that sustain the neglect and marginalization of UMMs. As expressed by the ExMENAs representative: *"Poverty is a consequence of the violation of rights, because children should not be in this situation. Spain is a rich state, with resources and wealthy institutions... There are no excuses. There is a violation of rights through mismanagement of resources and priorities. What's happening has an explanation"* (Q4). By their constant advocacy for the rights of UMMs in different spheres (politically or in the field) NGOs make visible how the state's production of systemic gaps is no sort of accident: it is a conscious strategy of neglect based on logics of migration control and

systemic racism, that at the same time, enable the production and reproduction of discourses of hate and discrimination towards unaccompanied migrant children.

At the same time, the findings of this thesis reflect on NGOs' narratives by underscoring the urgent need for a reform of the Spanish protection system as well as the global frameworks where such a system is enclosed. By centering the experiences of UMMs through the counter-hegemonic voices of NGOs, this research advocates for a reimagination of the protection system, where care, humanity and integration are prioritized, inside and outside the system in question. These findings emphasize the importance of challenging dominant discourses and building inclusive frameworks that effectively protect the rights and dignity of children, regardless of their status as migrants.

In regard to future research, this thesis could be expanded in different ways to supplement its findings as well as developing new ones. For example, it could be positioned within a broader theoretical framework of post-structuralism, to analyse how the construction of hegemonic discourses and legal frameworks around UMMs could be reflecting biopolitical, as well as necropolitical strategies. At the same time, it could be analysed within a post-colonial lens to unpack how the historical power dynamics between the Global North and South shape contemporary migration policies and discourses. In regard to the scope of this research, without the current spatial constraints of this project, it could be developed further through the analysis of hegemonic discourses or through a broader study of different NGOs and counter-hegemonic actors.

Another interesting aspect that this research has not developed, but that would be interesting to delve into in the future, is the study of the experiences of female unaccompanied migrant minors within the system of protection, as they represent a small portion of the total number of UMMs and represent an especially vulnerable position that is often invisibilized. At the same time, they might face further violences informed by gender dynamics. By pursuing these different future directions and alternative framings, this research could contribute to a deeper understanding of migration governance through the study of the underlying strategies framed by power and politics, that inform the portrayal and treatment of these individuals.

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