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Today more than half the world's refugees are children and their numbers appear to rise continually. Child refugees tend to be at the greatest risk not only of lethal danger but also of being neglected by immigration systems. Jason Pobjoy studied the cases of 82 unaccompanied children who were applying to be refugees in Uganda to escape from extreme violence in their homelands. Although not the subject of this book, these children and the atrocities they experienced have inspired it. Dr Pobjoy is a practising barrister in London and he also works at the Refugee Studies Centre at the University of Oxford. Questioning why children are so invisible within immigration systems, he was led to examine how the problem arises from gaps and contradictions in international law. Specifically, the *Convention Relating to the Status of Refugees* (UNCR, 1951) and the *Convention on the Rights of the Child* (UNCRC, 1989) are both necessary to support child refugees adequately. Yet they are rarely combined in administrative and legal cases.

Pobjoy's aim is to demonstrate in practical detail how it is essential and possible to assist child refugees through legal analyses of their cases that combine the two Conventions. He has conducted 'a comprehensive comparative review of the procedural and substantive obstacles that a child –whether unaccompanied, separated or accompanied – may encounter' as well as ways to resolve these challenges (p. 3). The research is based on over 2,500 cases, mainly in the major common law countries, UK, USA, Canada, Australia and New Zealand. Although most refugees, nearly 90 per cent, are in the Global South, they tend to be allowed into those countries, where their living conditions are the major concern.

Pobjoy concentrates on law about access, and how permission or refusal are determined at the point of entry. This is the main problem for refugees arriving at the wealthier countries. Children who accompany their parents may seem invisible when officials concentrate on the parents' claims, even when the danger to children of enforced return to the country from which they have arrived may be greater than the

risks for their parents. Unaccompanied children are likely to be still further disadvantaged.

A major conclusion of the Nuremberg trials after World War II was the need not only for the current national laws on how states should protect their citizens, but also for new international laws to protect individuals against atrocities committed by their own state (Sands, 2016). This inspired the international law, for example: 'Everyone has the right to seek and to enjoy in other countries asylum from persecution' (UDHR, 1948, Article 14.1), and the Convention on Refugees (UNCR, 1951). Pobjoy concentrates on Article 1 of the UNCR, which defines the status of refugees. At first the UNCR seems to include all ages, in the term 'any person'.

'The term "refugee" shall apply to any person who...has been considered a refugee under [the legal guidance and who has a] well-founded fear of being persecuted...is outside the country of his [*sic*] nationality and is unable or...unwilling to avail himself of the protection of that country ...[or] is unable or, owing to such fear, is unwilling to return to it' (UNCR, 1951, Article 1).

Readers of this Journal will probably quickly realise that the 'any person' in the Convention can hardly be a baby or young child. Quite sophisticated political knowledge is assumed in the person, who can rationally form and explain a 'well-founded fear of being persecuted', and who can justify being 'unwilling' to apply for help from that country or to return to it. And sceptical immigration officials will expect very clear and convincing explanations, preferably with supporting documents. Older children and young people may well be able to form and explain their views on their 'unwillingness', but they risk falling into a double-bind. Authorities are likely either to claim that children cannot do this and will not listen to them. Or, if children seem mature, authorities may claim that they are probably actually adults who are breaking the rules by applying as children. Children can be doubly invisible in this adult-centric world. The five named grounds of persecution are 'race, religion, nationality, membership of a particular social group or political opinion' (UNCR, 1951, Article 1.A.2). Many legal experts assume that, except for race, none of these criteria can seriously apply during childhood, although millions of children suffer from these persecutions.

Major sections in the book consider in lengthy practical detail the difficulties children and immigration officials face. The sections show, firstly, how the UNCRC can inform UNCR law and procedures for determining who are refugees, secondly, how the UNCRC can complement and expand interpretations of UNCR Article 1 and, thirdly, how the UNCRC can be an independent authority. Pobjoy shows the UNCRC's great value in recognising children as legal persons and rights-holders. UNCRC Article 3 on best interests, and Article 12 on the child's right to form and express views that are heard and influence decisions, are especially relevant to the principle of non-refoulement. This prohibits the return of a refugee 'to the frontiers of territories where his life or freedom would be threatened' (UNCR, 1951, Article 33). Pobjoy concludes that the UNCRC is most useful in informing and complementing the UNCR, but that in certain cases the UNCRC adds crucial independent legal support.

Pobjoy's research is based on specific legal obligations, not on ideals. Rather than asking for new international laws, it shows how to make better use of present Conventions. The UNCR is an unusual Convention in not having a UN Committee to monitor compliance or to develop authoritative legal guidance (unlike the UNCRC). This work is left to the 145 nation states that have ratified and/or signed the UNCR. Even the USA has obligations because it has signed though not ratified both the 1967 Protocol related to the UNCR and the UNCRC. Pobjoy provides useful evidence on how the states work independently. Yet at times they also check other UN guidance and other states' law-making. Slowly, accumulative international legal networks and potential consensus are developing. Although the highly relevant English *Gillick* case [1985] on competent minors influences law across the 53 Commonwealth countries, unfortunately it does not appear to be mentioned.

There are comprehensive lists of legal cases from around the world, of international and national laws, a bibliography of books, articles and papers, pages of lists of United Nations materials and of legal and administrative guidelines from key countries, and thousands of foot notes.

Readers who would very much benefit from this volume include policy makers and human rights lawyers. Yet as few of them will find time to read the book, much depends on practitioners, academics and activists who support child refugees to make time to read, apply and publicise this valuable research and jurisprudence development. Lecturers, students and researchers in a range of disciplines will gain from seeing how new legal scholarship and common law contribute to the continual

development of the living rights of the UN Conventions, as they respond to changing needs and new knowledge. Greater political and public awareness are needed to support Pobjoy's aims: to redefine 'refugee, 'being persecuted' and 'non-refoulment' in terms that guarantee the protection to which children are legally entitled. Refugee law must be based on the human rights to genuine equality, respect and non-discrimination.

Sands, P. *East West Street: On the Origins of Genocide and Crimes against Humanity*. (London, Weidenfeld and Nicholson, 2016).

UDHR. *Universal Declaration of Human Rights*. (New York, United Nations, 1948).

UNCR. *United Nations Convention Relating to the Status of Refugees*. (New York, United Nations, 1951).

UNCRC. *United Nations Convention on the Rights of the Child*. (New York, United Nations, 1989).

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