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How (and why) to plan participation? Selected ethical dilemmas pertaining to legal-ethnographic participatory action research with 'unaccompanied minors'[1]

1. Introduction: non-neutral paradigms and legal provisions

The paradigm of engaged anthropology, oriented towards not only diagnosis or description, but also social change has been gaining ground, including in the Polish academy. Although it is difficult to state whether it is indeed a fully-fledged turn (Songin-Mokrzan 2014), postulative research projects, often featuring elements of participant agentive inclusion in research and 'giving a voice' to research participants, are no longer something unusual (Afeltowicz, Suchomska, Goszczyński 2021) especially if they relate to groups at risk of marginalisation. At times, academics work in most diverse configurations, with the civil society, local governments and institutions. At the same time, there are difficulties and risks inherent in such paradigm, which may cause that what at first glance seems correct, desirable and obvious, within a specific research process turns out to be ambivalent, problematic and, in some cases, harmful.

Based on my own experience, I would like to point out that in most of my research I have identified as an interdisciplinary researcher following socially engaged and critical research trends. At the same time, my current research approach has been defined by my experience of working in the NGO sector, studying community arts and the practice of art-based action within different communities. They determined my focus on participatory action research methodologies (e.g. Brzozowska-Brywczyńska 2019; Kotus, Sowada, Rzeszewski 2019; Krane, Klevan, Sommer 2021; Wulf-Andersen, Warming, Neidel 2021), as well as some of my methodological and ethical decisions. However, this was the case only until a closer examination of my current research topic forced me to reflect on these decisions and to critically examine what I had perceived to be unequivocally desirable.

In this article I address the problems I encountered while designing research that I am about to start. These relate to the agency of 'unaccompanied minors' in Poland. The starting point of this text is the juxtaposition of the participatory action research model with the group's characteristics, as initially identified. I focus primarily on two such characteristics. First, on the 'minority' aspect, which situates people in this group in a negotiable space in-between childhood and adult migration (Barbulescu, Grugel 2016; Tymińska 2022). Secondly, I factor in the hypothesis that a significant proportion of these persons may still be on the move internationally (cf. e.g. Belloni 2016; Bachelet 2018).

2. 'Unaccompanied minors' – who are they and why the inverted commas?

First, however, let us see who are 'unaccompanied minors' (*małoletni cudzoziemcy bez opieki*) and why do I put this phrase in inverted commas? The term 'unaccompanied minor' is used in international refugee law[2] and the Polish law based on it[3] to refer to forced migrants who: (1) are under 18 (and under the international regulations bear the status of children); (2) travel without parents or legal guardians; (3) are subject to general provisions related to international protection. The latter caveat means that Ukrainian citizens arriving in Poland after the 24th of February 2022 due to the escalation of Russian aggression do not belong to this group. This is because they benefit from completely different dedicated provisions.[4] I leave the examination of the relationship between these two forms of international protection and whether it is possible to speak of any privileging of one over the other for a later stage of my research. Here, I wish to point out I that my focus

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[2] Committee on the Rights of the Child [CRC], General Comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside Their Country of Origin (CRC/GC/2005/6), 2005.

[3] I.a., Article 61.1 item 3 of the Act of 13 June 2003 on providing protection to foreigners on the territory of the Republic of Poland (Journal of Laws of 2003, No. 128, item 1176).

[4] Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of Ukraine (Journal of Laws 2022, item 583).

on non-Ukrainian 'unaccompanied minors' stems from my perception of a research gap, dating back well before 2022. It is all the more puzzling since this particular group has received considerable attention in scholarly publications abroad. Later in this article, I present the conundrum of the emergence of such a gap and some preliminary hypotheses that may explain it.

I use inverted commas because, purposefully, I chose the starting point of my research to be the legal provisions, and in particular the artificial, or even arbitrary, category of 'unaccompanied minor', by means of which people who differ from each other in terms of characteristics, social status or experience are essentialised and included in one collective category. One of the long-term objectives of my research is to look at how legal and top-down factors affect the social life of individuals. Since I consider the term 'unaccompanied minors' to be a category constituted by a particular set of laws and not necessarily by shared experience, or a label that essentialises and groups together very different individuals, I opted for its use in inverted commas at the beginning of the text. However, for the sake of readability, I will now skip the inverted commas, having already explained my own critical assessment of the term. My research design involves its deconstruction and making an attempt at finding alternatives in interaction with people deemed to belong to this category.

Since the starting point of my research is the existing legal provisions and regulations and the relevant social practice, my work is a part of the field of legal anthropology. Within the Polish legal studies, dominated by the legal-dogmatic approach, such focus is still rare. Although various academic centres have been making attempts to promote social approach to the study of law, especially its sociological dimension (e.g. Winczorek 2019; Bucholc 2022), this kind of perspective is certainly not widespread. The legal anthropology implies a research emphasis on the social life of law and how specific groups and individuals position themselves in relation to it (Coutin, Fortin 2015; Ewick, Sarat 2015; Vago, Barkan 2017). At the same time, my study differs from strictly ethnographic research on forced migrants and migrant women, precisely because of its legal starting point, expressed, for example, in the way in which I delineated the group of research participants.

3. Review of current scholarship – or lack thereof?

There is a gap in the Polish literature on the subject, which I noted while looking for studies focused on unaccompanied minors. Individual papers in the legal studies area are an exception. Still, these rely almost exclusively on a legal-dogmatic methodology, involving an analysis of national and international law, and some desk research on existing standards and policies (Włodarczyk, Wójcik 2014; Jankowska 2019). An example is the work by Anna Trylińska (2018), describing the role of a court-appointed custodian within the application for international protection for unaccompanied minors in Poland. The author relies almost exclusively

on legal or semi-legal texts (standards, policies) and partly on practical applications with which she is familiar, which, however, is not subject to description in terms of a specific methodology. In addition, when analysing the content of laws or standards, legal studies researchers rarely resort to discourse analysis, especially to critique. Rather, they focus on systemic interpretation, situating legal texts in the context of other legal texts, rather than, e.g., general public discourse.

The only Polish scholarly publications problematising the topic of unaccompanied minors and based on field research have been published by Maria Kolankiewicz (2004, 2015). The first was based on a study covering the entire network of institutional actors involved in the care of unaccompanied minors in Poland. The broad scope of this research made it possible to capture important aspects pertaining to the diversity of unaccompanied minors' situations and institutional responses, which would not be possible in a purely legal analysis. The more recent article is a *sui generis* update of the previous one, as evidenced by their common titles (*Dzieci cudzoziemskie bez opieki w Polsce*, "Unaccompanied Foreign Children in Poland"). The new information was derived primarily from reports by the Polish Ministry of Labour and Social Policy. The paper is heterogeneous and its content and discourse show convergence with policy papers, whose features include concise reporting of research results and focus on recommendations, and which are part of the practice in public institutions as well as non-governmental and international organisations.

Review of international literature on unaccompanied minors shows that at least in the last fifteen years, the topic has received a lot of attention from researchers in a wide variety of fields, from medicine (especially issues related to age determination in undocumented migrants, see De Sanctis et al. 2015), psychiatry and psychology (e.g. Migliorini et al. 2021), law (cf. Bhabha et al. 2007; Brittle, Desmet 2020), to social sciences, such as sociology or anthropology (Ní Raghallaigh 2011; Giannopoulou, Gill 2019) including in engaged and participatory studies (Rosen, Crafter, Meetoo 2019; Aissatou et al. 2022).

Along with scholarship on the topic comes rich literature on the methodology and ethics of research involving unaccompanied minors. The focus has been on topics such as informed consent and the involvement of research participants, the ethics of their subsequent representation in scientific publications, or the researcher's positionality, in particular her own social and political conditioning (Block et al. 2013; Garcia, Birman 2020; Chaise et al. 2021). Rachel Rosen (2021) focused on the multifaceted temporality of participatory research and its implications for the critical design of research processes.

In legal sciences, the topic of unaccompanied minors has been developed to an extent that prompted Ruth Brittle & Ellen Desmet (2020) to declare it over-researched in many (but not all) aspects – they still identified some gaps related to research on the rights of migrating children. What is then the reason for such gap in the Polish-language literature on the subject?

4. Is it possible to research people who tend to disappear?

As I was embarking on my study, conducting the first, preliminary orientation interviews with experts from relevant NGOs, I heard two narratives, which can be summarised using the following brief statements: (1) "for all practical purposes, there are no such persons in Poland, their number is too small to conduct an effective study"; and (2) "they tend to disappear very quickly". The latter was definitely more common. It is an expression of a belief that unaccompanied minors placed in Polish foster care institutions leave them very quickly, move to an unspecified place and do not stay in touch with people they knew in Poland. A report published by the National Contact Point of the European Migration Network demonstrates that it was indeed the case, at least in the past (MSWiA 2015: 49–52). In individual cases, e.g. the provision of legal aid, such narrative formed an almost deterministic pattern – an expectation that a person would most likely 'disappear'. Since it is not possible to state whether that was true – due to the paucity of fieldwork data – one can speak of an 'atmosphere of determinism', which in the short run can trigger further action ('how do we change this situation?'), but in the long run raises concerns about the success of a project, either scientific or activist in nature. In addition, reluctance to address the topic of unaccompanied minors may also have been motivated by the multitude of 'gatekeepers' who need to be convinced of the legitimacy of the project in order to carry out such research in Poland.

To verify the belief that 'there are no such persons in Poland', I had to send requests for access to public information to a number of institutions. Based on the resulting data I was able to estimate how many such people there might have been, their age, locations around Poland where they were placed, etc. Unlike institutions in countries such as France, Italy or the United Kingdom, Polish ones do not maintain a common census of unaccompanied minors (not even an internal one, not shared with the public), and do not monitor situation of such persons in a systematic and centralized manner, except in the case of Ukrainian citizens under the protection of the so-called special law on Ukrainian citizens.[5] The last officially published statistics on unaccompanied minors come from 2009–2013 (Kolankiewicz 2015; MSWiA 2015). Such a gap in official numbers and statistics fosters a sense of real invisibility.

The publication of the latest data on the number of unaccompanied minors in Poland coincided with the entry into force, on 1 January 2012, of the new Polish law on foster care.[6] The new law introduced a major change in the approach to the group under consideration here. Prior to the introduction of the new law in 2011, most of the unaccompanied minors were placed in the same foster care children's home in Warsaw in Korotyńskiego Street (since September 2005; Kolankiewicz 2004: 18). By contrast, under the new legislation, there has not emerged

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[5] The law of March 12, 2022 on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country (Journal of Laws 2022, item 583, as amended).
[6] The law of June 9, 2011 on the provision of support to families and foster care (Journal of Laws 2011, No. 149, item 887).

single specialised institution. Unaccompanied minors are placed in institutional or family foster care according to the jurisdiction of the district court deciding their case their care. Alternatively, persons who are 15 or older may be sent to a guarded centre for foreigners in Kętrzyn.[7] As a result, the group has been dispersed and placed in various institutions across the country. I hypothesise that such decentralisation may make the group less visible within the country. It also makes it logistically and economically difficult to conduct systematic field research with the group, especially for small research teams or individual researchers.

It was also difficult to verify how many people have actually been recognised as unaccompanied minors in Poland. Based on data obtained through provisions on access to public information from 311 out of 319 district courts, there may have been 544 such persons in Poland between 2018 and 2022, although the data do not allow to determine the duration of their stay in the country. The vast majority were older teenagers. At least 383 were 16–17 and another 130 were 13–15. The data also show an overrepresentation of young men and boys relative to girls and young women. In addition, the results confirmed my hypothesis that the group has been largely dispersed in Poland – mainly in areas close to the national border.

5. Methodological and ethical issues

Reviewing preliminary data and opinions related to the group gave me a general idea of the difficulties involved in conducting ethnographic-legal research in this area – especially if I wished to apply the paradigm of socially engaged anthropology and participatory action research. Translating this ideal model into a specific method forced me to rethink the whole process in the context of the underpinning methodological and ethical issues, including the 'right to non-participation'. Working with people from vulnerable groups makes it particularly clear that methodology and ethics are inextricably intertwined. Below, I outline three issues that present themselves in research with people dispersed over a large area of the country, potentially still on the move, and at risk of unexpected 'disappearance'.

a) From the maximalism of model solutions to the right to non-participation
    in the context of social and economic framework of research

One of the first decisions I made about my research was that it should be participatory. It was based, namely, on the theoretical perspective of new childhood studies and critical youth studies that I adopted. At their core is a diagnosis that children, and minors in general, are socially restricted in their right to speak on their own issues and their opinions are marginalised as immature (Quijada

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[7] Article 397 item 3 of the law of December 12, 2013 on foreigners (Journal of Laws 2013, item 1650).

Cerecer et al. 2013; Brzozowska-Brywczyńska 2017). As a result, a variety of social actors, from political to academic, speak out on behalf of children and young people and in doing so also pursue their own interests, often essentialising those on whose behalf they speak (Spyrou 2018). The answer is to be increased participation of young participants in research processes (Pyżalski 2017; Krane, Klevan, Sommer 2021; Tłuściak-Delikowska 2022), including in the research stages previously reserved for academics, such as research design or publication co-authorship. Incidentally, there is a similar trend in research focusing on people with a refugee background (cf. Jaworska, Alieva, Boryczko 2019). A model example of such a project, implemented in the UK with unaccompanied minors, is the Children Caring on the Move,[8] focusing on the experience of receiving and providing care. The project is led by group of British academics in collaboration with young researchers being unaccompanied minors. The project has already resulted in one co-authored publication (Aissatou et al. 2022). However, as the project's PI, Rachel Rosen (2021) also stressed, such research design requires time, understood in various ways. First, it required the long, multi-year period to carry out all stages of the research project, from the preliminary design to the writing-up. In an ideal, participatory research model all these project stages should have multiple iterations (cf. also Ponzoni 2016). Needless to say, long-term, secure funding for the entire research team is a prerequisite for such a complex process. However, my PhD research is carried out within the realities of the Polish academia, so it is not optimistic news, due to the uncertainty of stable, single-source funding for the entire period of field research and lack of prospects of further employment and continuation of the project after the prescribed four years of the PhD programme, which practically rule out carrying out such comprehensive research. All this is exacerbated by lengthy funding application and ethics committee approval processes. Thus, a PhD research period should be regarded as introductory, a 'laboratory' testing stage that allows scholars to become knowledgeable in their chosen topic and establish rapport with research participants. The actual 'genuine participation' (Rix et al. 2020) should be planned in later stages of the academic career, once larger research teams can be involved.

The second, very important temporal dimension of participatory projects highlighted by Rachel Rosen (2021) is the time spent by project participants on the different activities. Their challenging social situation may translate into them being very busy and not having enough time to participate in the subsequent stages of the study. It is important to have this in mind, since participatory research is often based on an implicit assumption that research participants are keen to be extensively involved and that they have the resources, including time, to do so. In reality, each individual case is different. Therefore, the participation-driven attitudes it is also important to recognize the 'right not to participate' (Brzozowska-Brywczyńska 2019), which translates into designing a process that gives participants the opportunity to be involved in different ways and measures.

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[8] See https://www.ccomstudy.com.

Designing such processes, open to change and responsive to the behaviour of research participants, seems to me to be especially relevant for people on the move – in particular, when such international movement is de-legalized by the existing provisions of law (Belloni 2016; Bachelet 2018).

My project is centred around a workshop for minors, which I designed to include a series of 3–4 meetings. While designing activities and scenarios for individual workshops, I felt an unrelenting jarring between emphasis on 'genuine' participation and the need for a process based on trust that develops over time, and the requirement to factor in the possibility of participants 'disappearing' in the course of the project, followed by complete breakdown of rapport with people that remain in Poland. As a result, I developed a flexible set of scenarios that can be modified, shuffled, etc. However, I am still not entirely sure that such a research design sufficiently implements the idea of participation. Perhaps the designed activities will turn out to be merely a testing ground for further, fuller cooperation with research participants and other unaccompanied minors.

Maja Brzozowska-Brywczyńska (2019), in her text on participatory research in action, has rightly pointed out that while we incorporate participation in our research, the key question is not 'how', but rather 'why'. Assuming that it is an obvious, automatic decision can lead to situations in which group participation is merely ornamental rather than leading to a real change in social reality (Miessen 2013). It may also trigger making demands on research participants that are not commensurate with their resources, not to mention situations in which researchers (or cultural animators) abuse the communities and groups with which such actions are undertaken (Bishop 2015). We should consider such interpretations of the paradigm, that depart from 'maximum' participation. Sherry Arnstein's famous participation ladder (1969; cf. also 2012), which introduces the concept of reflexive gradation of participation,[9] may seem obsolete and in need of updating, or 'looking beyond', for an even higher standard (Kotus, Sowada, Rzeszewski 2019). Still, the model demonstrates that participation is scalable, and that scaling may even be desirable.

My first response to the question 'why include participation' was that I wished to 'give voice' to a group that in Poland find themselves on the margins of not only social but also research interests. This, in turn, requires me to recognize that some people may not want to speak up, or may prefer to speak as part of a single conversation rather than as part of an entire participative workshop series. This may seem obvious but is not if we consider some tacit assumptions made in projects that include participation. The question 'why' allows us, the researchers, to temporarily snap out of the role of a redeemer allowing a marginalised group to take the floor and granting them access to participate in a long, complicated process. This enables taking the position of a guest – a new stranger who invites others to action, recognizing that the invitation may, for various reasons, not be reciprocated. After all, the principal rule of anthropological research ethics is to do no harm (AAA 2012).

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[9] In 1992, Roger A. Hart (1992) adapted this concept to participatory research with children.

The second part of my answer to the question 'why include participation' relates to the possibility of improving the situation of the research participants, both individually and socially or systematically. In other words, it is about repaying them for those benefits that I, as a researcher, gain from the process, and about social responsibility. The aim of the workshops is to jointly, working together with unaccompanied minors, develop diagnoses and recommendations for change that could be presented to organisations and institutions in Poland who are responsible for safeguarding the unaccompanied minors' right to, among other things, care, protection or legalisation of their stay. Moreover, the scenarios also include, at a later stage, communication of knowledge and skills related to their stay in Poland and the procedures that affect them, i.e. mutual exchange of information. Also here, relying on the principle 'first, do no harm' seems to be a healthy and (not at all) obvious solution. The planned benefits may or may not materialise – research participants may 'disappear', gatekeepers may not provide the required information, and institutions may not be open to change. Creating a space for such failure, while making an effort to avoid it, and making non-harm principle a foundation, stands in contrast to maximum-participation approaches advocating ever-improving, 'genuine' participation or group social improvement. It also seems out of step with contemporary neo-liberal tendencies in the academia, which emphasise outcomes and outputs. However, I stand by my decision that it is the only scenario that takes into account both agency and subjectivity of all social actors involved in the process – who may also choose not to participate.

b) Informed consent vs models and forms

Informed consent to participate in research, one that is given on a continuous basis, and that can therefore be revoked at any time, is central to ethical reflection on any project involving human participation. The model for such consent suggested by ethics committees, as well as by data protection legislation, involves expressing such consent in writing, by the individual's signature.[10] The participants place their signature both on a document providing information about the project and comprehensive information about the processing of personal data (Surmiak 2019). As Adrianna Surmiak (2020) showed, in some cases signing such a form may even be a requirement suggested by research participants themselves. However, such a model implies a very specific subject – a participant with an individualised signature, aware of his or her rights and possibilities and ready to exercise them, for whom written evidence of actions is important. Moreover, such a subject is prepared to understand the specific, sometimes complex phrasing used in such forms.

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[10] See, e.g., the model documentation and consent forms suggested by the Rector's Committee on Ethics in Human Research at the University of Warsaw: https://www.uw.edu.pl/uniwersytet/wladze-i-administracja/komisje-i-zespoly/komisja-rektorska-ds-etyki-badan-naukowych-z-udzialem-czlowieka/.

The more divergent the research participant is from this model subject, e.g. in terms of cultural competence, knowledge of the Polish legal and institutional system, familiarity with the formal and bureaucratic culture of the Global North, the less effective the use of the model consent form will be. In the case of unaccompanied minors, this difference plays out on many levels. These are individuals coming from cultures often very different from the Polish one, or more generally, from the cultures of the Global North. As such, manifestations of excessive bureaucratisation may be foreign to them and make them mistrustful, as they may associate them with such procedures, lacking transparency, as e.g. applying for legal residence, to which they are subjected by institutions. For those invited to take part in the research project, this may translate into a reluctance to participate or failure to read through the information provided in the consent form, and less awareness of the consent implications (they may just sign it). The latter situation, in particular, raises questions as to the voluntary nature of the consent that is given, especially when there is a prior consent obtained from the gatekeepers, i.e. legal guardians or staff at care institutions (cf. e.g. Heath et al. 2007).

Moreover, for people seeking international protection, safeguarding their own identity and their place of current residence is usually one of the priorities, motivated by the fear of reprisals in the event of their possible return to the country of origin on the one hand, and of arousing resentment of Polish officials making decisions regarding legal residence. For the researcher, it should thus be of key importance to ensure the anonymity of research participants (Berger Cardoso et al. 2017; Olukotun, Mkandawire-Valhmu 2020), who may be anxious, because of the forms that will be kept for years with their names on them.

Finally, unaccompanied minors are not adults. We should bear in mind that their way of giving consent may differ from the way adults give consent (cf. Maciejewska-Mroczek, Reimann 2016), especially when we take into account that in Poland, the model 'adult' is one that has been raised and is competent within the local culture. However, we should not dismiss the possible emancipatory potential of independent consent, given by the person and not only by their gatekeepers (Leonard 2007; Surmiak 2020) – which Ewa Maciejewska-Mroczek & Maria Reimann (2016) called the performative function of consent. It is part of the reflection on research involving children and adolescents in general, but in the case of unaccompanied minors it may be of particular relevance, as these are individuals who, in Poland, seem to have a limited influence over their own situation (where and under whose care they are). The possibility of making an autonomous decision can thus be a reinforcing counterpoint, fostering one's sense of agency – provided the researcher was able to foster such a conviction in the participant through an appropriate form of communication.

For these reasons, as I was designing research with unaccompanied minors, I incorporated the following solutions into the process:
–   giving consent orally, in the form of a recording which is anonymised at the stage of transcription, so as to avoid storing a lot of personal data for a long period of time;

–   adapting the information about research and how personal data will be
    processed to the age of the research participants, possibly simplifying
    the language in which such information is provided;
–   presenting extensive information about the research orally during the first
    meetings with potential research participants;
–   if an interpreter's assistance is needed, finding interpreters who are
    familiar with the cultural context of the participant's country of origin,
    or interpreters who are also people with migration or refugee experience,
    so that interpreters can also help the researcher understand and mitigate
    possible communication barriers caused by cultural differences;
–   considering consent to be given iteratively (Herz, Lalander 2020), i.e.,
    throughout the course of the research process. This involves specific
    attention paid to communication with study participants, to include
    non-explicit ways of withdrawing consent (e.g. repeated postponement
    of appointments, reluctance to answer questions, etc.).

c) The politics of research – the risks of recontextualization

Ethnographic research (and, by extension, legal ethnography) is entangled within
social and political realities, not only during the design and fieldwork periods,
but also during the activities associated with publication and dissemination
of research findings. This may seem obvious. Ethnography, understood as a field
focused primarily on actual interaction with representatives of different commu-
nities, holds the potential to expose stereotypes, including those present within
the academia itself (Szörényi 2006; Jaworska, Alieva, Boryczko 2019; Smets et al.
2019). But what happens when our research findings do not lend themselves to this
deconstructive ideal model, and – when taken out of context and interpreted
in the light of narratives unfavourable to our research participants – are subject
to recontextualisation and seen as confirmation of the prevailing stereotypes?

    The 'disappearance' of unaccompanied minors within the Polish foster care
system, which I have already mentioned, has often been seen as part of the 'chil-
dren in danger' context, focusing on the dangers of forced migration, especially
for non-adults, perceived as subjects in need of some form of care. Sometimes,
the hypothetical 'disappearance' was at least partly interpreted as manifestation
of agency – making the decision to move to another country, usually in order
to reunite with family or one's own community. Let us assume for a moment that
fieldwork with unaccompanied minors confirms the actual existence of this ten-
dency. It is not difficult to imagine to an untrained (and unfavourable) eye, this kind
of research finding could be taken as a confirmation of the prevailing stereotype that
"these so-called refugees only wish to go to Western Europe to get social benefits
there" (cf. Pasamonik 2017). The researcher, especially if she identifies with socially
engaged research, is thus faced with a serious dilemma of how (or indeed if) to write
up such research finding, to minimise the risk of stereotyping recontextualization.

Each of the groups at risk of marginalisation has specific characteristics that differently shape those risks. For forced migrants seeking international protection, such characteristics include the very high standard of truthfulness and genuineness required of them by institutions and the society regarding their status, and the risks involved (Sigona 2014). To be considered a 'true (good) refugee' within a framework largely established by humanitarian discourse (Agier 2008), one needs to possess a set of qualities that evoke compassion in the public, and one needs to fit preestablished expectations. The more a person can be considered helpless, in need of care and assistance, the closer they are to this model. A seventeen-year-old unaccompanied minor thus finds himself in a very fluid space of negotiation, between a child in need of care and a grown-up healthy man who is unwelcome (Tymińska 2022). Any discursive description can become an argument for extending more or less protection to such persons (Barbulescu, Grugel 2016).

Similarly, as part of the procedure of granting international protection in Poland (including refugee status), the relevant institutions (Border Guard, Office for Foreigners) use a number of requirements regarding the truthfulness and consistency of the story told by the person seeking protection. Without assessing the adequacy of such requirements here, I wish to stress that such verification may amount to a 'presumption of falsehood'. As research indicates, institutions that are in charge of these matters in other countries are geared towards 'exposing possible lies and inconsistencies', rather than attuned to individual experience (Jubany 2011; Sigona 2014). Under such conditions, every mistake, however small – and understandable, given the challenging experience that is being narrated by a person in crisis, who is often experiencing the effects of trauma – can determine whether or not the person will be granted legal residence and avoid the risk of deportation (Klaus, Szulecka 2022). These requirements apply to unaccompanied minors as well, the only difference being that they have the support of a court-appointed custodian, usually a stranger, with no prior knowledge of the young person's history. Helen Stalford's findings (2018) are thus significant and, paradoxically, less and less surprising – her research showed that, in the UK, direct participation of unaccompanied minors in relevant procedures reduced their chances of obtaining protection. This was precisely because their stories – individualised, nuanced, multi-layered – did not fit the 'refugee child' model expected by institutions.

The social and discursive context within which the phenomena described above play out is also co-created by researchers exploring these topics. At a certain point, they inevitably face the dilemma of how to write up their findings in a way that would do no harm to research participants, both individually and in the general social context (AAA 2012; Jaworska, Alieva, Boryczko 2019), while maintaining scientific integrity. The question turns out to be particularly pressing for research that takes place in a political system (state) whose institutions pursue a policy of delegitimising some forced migrants and of push-backs (Mazzocchetti 2016). Which is also the case in Poland (cf. Klaus 2021), especially in the context of the humanitarian crisis on the Polish-Belarusian border (cf. Krępa 2022; Pietrusińska 2022).

Of course, it is difficult to find a definitive answer to such questions – it is certainly not possible to create a universal risk assessment algorithm applicable to future, purely hypothetical situations. I tend to associate it more with the feminist ethic of care with its emphasis on considering each action in individual terms and in relation to specific research participants (Mizielińska et al. 2018). The academics from the Researchers on the Border (Badaczki i Badacze na Granicy) collective who study the humanitarian crisis mentioned above, explicitly refer to the 'power over the narrative', which also manifests when we choose to quote or publish statements coming directly from migrants (Krępa 2023). These researchers' response is to publish texts that correspond to the reality, which also deconstruct stereotypes associated with the humanitarian ploy of 'rousing pity', and which are edited and written up with full awareness of possible recontextualizations, and where care is taken to minimise these risks at every level, including the language itself. Jacinthe Mazzocchetti (2016), on the other hand, points out that a certain degree of self-censorship is acceptable in such descriptions, given the immanent entanglement of such research efforts and responsibility towards those who are vulnerable.

Keeping this as an open question, I wish to stress that the problem should be considered especially in research related to child and adolescent refugees. The disproportion between the researcher (an adult who is usually enjoying their full rights and privileges as a citizen of a given country) and the research participants (underage citizens of other countries, often with an undetermined residence status) is even greater than in research with adults. This, in turn, also means greater responsibility when it comes to ensuring no harm is done.

6. Conclusion

There are far more examples of ethical problems emerging in research involving unaccompanied minors. These include, e.g., the tension between the risk of retraumatisation and excessive psychiatrisation of research participants, confounding the roles of expert and listener in participatory workshops, reflection and levelling of power relations, etc.

I chose to focus on the three specific problems discussed above because of the particularly strong ethical tension between a maximalist model of engaged participatory research – with an ever expanding ladder of participation (Kotus, Sowada, Rzeszewski 2019) and where power relations are increasingly effaced (Wulf-Andersen, Warming, Neidel 2021) – and the reality of a group of people who elude different model characterizations due to their young age, their being potentially on the move, or even 'disappearing'. All utopias, including participation, consist of many hidden assumptions, which often manifest only when one fails to live up to them. In other cases, such assumptions appear self-evident – due to the pressure to implement participatory methods (Brzozowska-Brywczyńska 2019), the insistence on maximum and multi-stage 'true participation' and 'giving back'

to the community, to the standardisation and formalisation of research ethics, that leads to the default requirement for written consent.

These tensions are also present in international literature focusing on ethical aspects of research with unaccompanied minors. While the text by Karen Block, Deborah Warr, Lisa Gibbs & Elisha Riggs (2013) mentions "maximising the benefits of involvement for participants", "enhancing capacities for participants to give informed consent", or creating methods to "enhance their engagement in the research", Rachel Rosen's (2021) article emphasises legitimate limitations rather than narratives of maximisation and enhancement.

This is not to say that ideals and models of full participation or extending the ladder of participation are not important. On the contrary, I take them very seriously, which is why many of their aspects appear to me to be problematic and in need of in-depth reflexive exercise on the way and the rationale of their application in specific research projects. Developing the research methodology and ethical framework always involves a compromise, since – fortunately – research participants do not conform to our a priori ideas, and sometimes turn out to be unwilling or lack specific resources to participate even in a perfectly designed, thoroughly democratic and horizontal process. But is not true agency about having to accept research participants' decisions and acknowledge that our projects may have failed?

Weighing out pros and cons is also necessary because, as researchers, we are not operating in an ideal situation, but within one that is very specific, and often challenging, economically and financially, and which rarely finds expression in scientific publications, assessed in purely academic terms. Research on unaccompanied minors conducted by a young woman being a doctoral student, would be very different from research led by a professor, backed by a scholarly establishment and a whole research team. Research conducted individually as part of a 4-year doctoral course, in which a project needs to be designed and funding needs to be secured through lengthy competitive procedures, would be different from a follow-up international project involving a whole research team. Without challenging the idea of scholarly institutions and their inherent logic of merit and achievement, I wish to draw attention to the situation of early career researchers, who need to negotiate between the maximalist demands placed on them by their specific disciplines and by methodological theorists, by funding bodies and ethics committees (cf. Surmiak 2020), and their precarious structural and economic situation.

In this sense, a return to the basic principle "do no harm" (AAA 2012) creates space for greater flexibility or for failure (cf. Halberstam 2011). Of course, we need to distinguish between the failure of a reflexive project and the abuse of research participants. Creating a space for research failures, minor or bigger ones, although at odds with contemporary academic trends, makes research projects more attuned to research participants, who are dynamic, ever changing and genuinely subjective. Which may constitute a conclusion in its own right (Mica et al. 2023).

In this text, I often use the first-person singular pronoun 'I' to refer to my own positionality and experiences as a young researcher (cf. Behar 1997). This

is a conscious decision that intentionally distances me from the paradigm of absolute objectivity. Indeed, the aim of my paper is not to present a formula for working with unaccompanied minors from an objective perspective that is external to me and my research subject, or to describe and resolve the ethical problems I encountered. It is but one layer. Above all, I wished to look at situations in which the research paradigm clashes with the social reality of a particular group – forcing us to reflect on the hidden assumptions we may be making, and to ask again about the foundations of our work. Such reflection always involves a stance of an 'I-the-researcher' or 'we-the-research-team' towards a specific topic. In this sense, this paper can serve as an example and an invitation to independently and situationally engage in such a reflection.

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SUMMARY

How (and why) to plan participation? Selected ethical dilemmas pertaining to legal-ethnographic participatory action research with 'unaccompanied minors'

The aim of this article is to present three selected ethical problems that I encountered when planning participatory action research with unaccompanied minors. 'Unaccompanied minors' are defined as those refugee children and adolescents who arrive in Poland on their own, without parents or other legal guardians. The ethical problems I encountered include: (1) the tension between 'full participation' and the possibility of withdrawal by research participants; (2) obtaining informed consent; (3) the risk of reproducing negative stereotypes through the use of research findings by external actors to promote resentment of minorities. The common denominator of all problems turned out to be the clash between the ideal model of participatory action research and the social reality of young people on the move – and the possibility that the former may fail in its interaction with the latter.

Keywords: unaccompanied minors, refugee children, participatory action research (PAR), engaged anthropology, research ethics