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Another paradigm-shift in the context of refugees and asylum-seekers, one that occurred even before the adoption of the new Refugee Proclamation, was granting access to birth registration and documentation. In this regard, the Vital Events Registration Amendment Proclamation No. 1049/2017 not only grants access to the registration of vital events but also enables retroactive issuance of documentations based on bio-data and the testimony of the refugee or asylum-seeker. This is a fundamental step for recognising migrants as persons before the law and enabling them to access social services and benefit from the application of the Refugee Law, which allows for a broad spectrum of rights including the right to move freely within borders and the right to work.

South Africa is the other classical African migrant destination selected for study, one which has also been implementing out-of-camp arrangement for migrants. South African is recognised for its advanced laws on child rights as well as migration, as well as for interpreting its constitutional and other laws progressively in line with international and regional standards.

With regard to the free movement of adolescent migrants, especially in relation to entry to the country, the Immigration Act is silent on the matter but the Immigration Regulation of 2014 provides the criteria for an independent child to travel to South Africa regularly. The criteria indicate that consent of parents or legal guardians as well as the details and willingness of the receiver of the person in South Africa should be presented. This means adolescents may not be able to independently access the immigration system without the involvement of adults – to send him or her from the source country as well as receive him or her in South Africa.

The non-refoulement principle in the Refugee Act of 1998 is provided in similar terms as in the African Refugee Convention as it prohibits refusing entry of migrants to South Africa. This is fundamental to independent adolescent migrants, who may seek protection due to situations defined by the 1951 Refugee Convention and African Refugee Convention. Furthermore, once independent adolescent migrants ensure entry, they may present their case to courts of appeal and administrative bodies using progressive interpretations of migrant rights based on human rights principles.

In case of securing employment, there are both *de jure* and *de facto* challenges for adolescent migrants in securing employment in the formal setting. The Basic Conditions of Employment Act provides that children above the age of 15 years may work in selected sectors, but such privilege is not explicitly provided for adolescent migrants. The practical challenges relate to the high unemployment rate in South Africa, which may also preclude migrants from securing employment in the formal setting. The only option for them is to opt for private undertakings and small business – in this regard, the Constitutional Court affirmed that refugees have the right to work and undertake business. The Children's Act in this regard takes a merely protectionist approach in keeping adolescent migrants in care arrangements, as they are considered as children

in need of care and protection. Independent adolescent migrants do not want to be kept in child-care centres but rather want to fulfil their aims that in the first place pushed them to migrate, which includes working and earning money to change their future and support their families at home.

As in the international and regional normative frameworks and in many jurisdictions including Ethiopia, the South African legislative framework treats adolescents as children who are in need of protection due to their vulnerability, that is, it takes a protectionist approach. Although the Children's Act recognises the four cardinal principles, particularly the best interests of the child and child participation, there is no specific approach to dealing with older children such as adolescents.

The guiding principles provided as relevant in adoption, custody, court hearing and care and protection options but not specified in case of adolescents protection as well as independent adolescent migrant's situations. In such context, the Children's Act only provides protection of children in difficult circumstances without any alternatives and context-based determination of the protection, best-interests determination and durable solutions. For independent adolescent migrants who wish for an alternative treatment, who wish to work, stay in the country and travel outside, the law as it is does not accommodate any other interests. The only options may be to be kept in temporary care arrangements; subsequently, in cases where the court finds that they do not qualify for refugee status as per the ordinary meaning of the law, they are returned to their country based on family reunification, and return as the primary durable solutions.

South Africa has nearly universal birth registration and issuance of documentations for its citizens, but its performance in regard to migrants is inadequate – more than half of unaccompanied migrants in South Africa are without birth registration and any form of documentation. Although the court's placement order may be taken as an identity document enabling access to social services, this may not be taken as formal recognition of identity, registration and documentation for migrant children in South Africa. As a fundamental right by itself as well as a key to exercising other rights – as in Ethiopia – migrants in South Africa should be allowed to access registration modalities and receive documentation, a measure that should include retroactive issuance of documentation based on bio-data, testimony and/or scientific assessment of children and adolescent migrants.

Independent adolescent migration has become a glaring reality and is anticipated to increase dramatically not only in Africa but throughout the world. Independent adolescent migrants can be seen as either an opportunity or a human-rights-protection disaster, depending on how a nation or a continent views them: an opportunity if they are properly managed by taking into account their characteristics, needs, interests and human rights; and a protection disaster if they are seen as threats and burdens that ought to be returned to their country of origin or any other place than their destination.

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