

Let Children be Children

Lessons from the Field on the
Protection and Integration of
Refugee and Migrant Children
in Europe



Eurochild
Putting children at
the heart of Europe



**SOS CHILDREN'S
VILLAGES
INTERNATIONAL**



About Eurochild:

Eurochild advocates for children's rights and well-being to be at the heart of policymaking. We are a network of organisations working with and for children throughout Europe, striving for a society that respects the rights of children. We influence policies, build internal capacities, facilitate mutual learning and exchange practice and research. The UN Convention on the Rights of the Child is the foundation of all our work.
www.eurochild.org

About SOS Children's Villages:

SOS Children's Villages International is the umbrella organisation of more than 130 affiliated national SOS Children's Village associations worldwide. SOS Children's Villages is a non-governmental and non-denominational child-focused organisation that provides direct services in the areas of care, education and health for children at risk of losing parental care, and those who have lost parental care. The organisation also builds the capacity of the children's caregivers, their families and communities to provide adequate care. SOS Children's Villages advocates for the rights of children without parental care and those at risk of losing parental care. Founded in 1949, its operations are guided by the spirit of the UN Convention on the Rights of the Child and the UN Guidelines for the Alternative Care of Children.
www.sos-childrensvillages.org



This publication receives financial support from Eurochild through the European Programme for Employment and Social Innovation (EaSI) 2014-2020. The views expressed do not necessarily reflect the position or opinion of the European Commission.



Produced and printed in November 2017.

For more information, contact:

Agata D'Addato, Senior Policy Coordinator, Eurochild, agata.daddato@eurochild.org

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Foreword

by **Georgios Kaminis**

The refugee crisis that erupted in the summer of 2015, brought cities in Europe at the forefront of this new reality. They had to welcome, provide humanitarian assistance and accommodate thousands of people, fleeing war and devastation. In a crisis that has created tension and undermined Europe's fundamental values, our cities have proven that they can offer solutions to the multiple implications of the refugee challenge and be the frontrunners in promoting coexistence and mutual respect.

Athens has been one of the cities most affected by the influx of refugees and became a transit point on their way to Europe, on their way to safety. The City of Athens' response was immediate and effective. We had to guarantee the protection of these people's fundamental rights and to gradually promote their integration in our society.

Today, Athens is hosting, through different accommodation schemes, more than 12.000 people, among them many are children and unaccompanied minors. They are the most vulnerable group and in need of care and protection in order to quickly regain a sense of belonging, normality and safety.

The role of cities in this particular context is of the utmost importance. They have to provide children appropriate services in order to facilitate their adaptation to their new life. The City of Athens, through its social services, offers psychosocial support to them and to their parents, in close collaboration with organisations such as SOS Children's Villages. At the same time, we monitor their enrolment to schools in direct contact with the state authorities while we bring together refugee children and children of the host community, offering all of them an array of activities through our "Open Schools" programme.

Children are the future citizens. We have an obligation and duty to facilitate their integration and to offer them every opportunity to build relationships, receive education and become active members in their societies; to offer them every opportunity to fulfill their destiny.

The way we handle these issues today will determine our future as a continent. The migration challenge is here to stay and it will keep knocking on our door for many years to come. Every delay or refusal to face this reality turns into a structural problem that is much harder to deal with at a latter stage. European cities and local authorities, together with international organisations, have a leading role to play in implementing integration strategies and securing social cohesion.



Georgios Kaminis

Mayor of Athens,

Member of the European Committee of the Regions

Foreword

by **Věra Jourová**

I welcome Eurochild and SOS Children's Villages' compendium of inspiring practices on migrant and refugee children in Europe. The 12 April 2017 European Commission (EC) Communication on the protection of children in migration acknowledged that, despite the many challenges still remaining, there is also a wealth of knowledge and good practice in the Member States which needs to be shared at local and national level. As announced in the Communication, the Commission will collect and disseminate good practices on the protection of children in migration via an online database now in development, and this compendium serves as a precursor, covering a range of situations from reception through to integration, as well as guardianship, advocacy and legal advice, in several Member States. Efforts to capture child-rights based good practice and share it widely with a view to inspiring similar or even better runoffs are very valuable, especially when resources are finite. Sharing good practice can also help to ensure mutual trust from one country to another and beyond the descriptions of the context and practice, the sections on lessons learned, main strengths and key challenges generously help other organisations and authorities in a very practical expression of European solidarity.

Věra Jourová

European Commissioner for Justice, Consumers and Gender Equality



Foreword

by **Benyam Dawit Mezmur**

As children represent today a quarter of all asylum-seekers arriving in Europe, we need more than ever to ensure that they are treated first and foremost as children, regardless of their or their parents' migration status. In the context of international migration, the rights of the child should have primacy. The principle of non-discrimination should be respected, and the best interests of the child shall be a primary considerations in all actions or decisions concerning children.

The UN Convention on the Rights of the Child (UNCRC), together with other core international human rights treaties, provide a strong set of rights and principles on the protection of children in the context of migration. The UN Committee on the Rights of the Child and the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families have developed two complementary Joint General Comments on the human rights of children in the context of international migration, which will provide useful guidance in interpreting and implementing the UNCRC and ensuring strengthened protection of the rights of children in migration.

These Joint General Comments will make clear that detention is not compliant with children's rights and should never be used for reasons related to their or their parents' migration status. There is thus a need to create integrated child protection services with equal access for migrant children, and to ensure access to adequate services, such as healthcare and education, or any service that is necessary in each individual case. Unaccompanied children should have equal access to quality care through a range of alternative care options, including community or family-based care. Professionals working with and for children need to be trained. Finally, the right of the child to be heard should be respected in all decisions that affect their lives. In relation to these developments at the UN level, I warmly welcome the joint initiative of Eurochild and SOS Children's Villages International to

prepare this compendium of inspiring practices on migrant and refugee children in Europe. The 16 case studies offer practical solutions and are valuable contributions to the debate on how the specific needs and rights of migrant children can be integrated in comprehensive child protection systems and in migration policies at local, regional, national and international level.

This report also has value in highlighting the need to invest in mainstream services for a more inclusive society, and emphasizing the need to ensure equal access for all migrant children. This is in line with the UNGC n.19 on 'Public budgeting for the realization of children's rights', which recommends to utilize public budgets to realize all children's rights, including the rights of the most excluded groups of children.

I hope that this compendium will play a part in finding concrete solutions to strengthen the protection of children in migration.

Benyam Dawit Mezmur

Member of the United Nations Committee on the Rights of the Child

Associate Professor of Law, Dullah Omar Institute for Constitutional Law, Governance and Human Rights, University of the Western Cape



INTRODUCTION TO THE COMPENDIUM OVERVIEW AND USE

Reflecting on real concerns about the situation of migrant and refugee children, Eurochild and SOS Children's Villages International have mobilised members and partners in 12 countries to illustrate practices from across Europe on protecting their rights. The 16 case studies offer lessons from the ground on how services can ensure refugee and migrant children get the necessary protection and individualised support. They help gather learnings from interventions where the mainstream child protection services can provide quality family and community-based care to respond to the specific needs of refugee and migrant children, and identify outstanding challenges and gaps.

This publication is meant to be a useful resource to:

- a) share practices and learning opportunities at local level**
- b) support (sub-)national and EU level advocacy in the field of refugee and migrant children for collective influencing**
- c) inform and promote a stronger rights-based approach to the EU's migration agenda. This publication also aims to be a helpful tool to offer advice to policy makers on the investment priorities and long-term benefits of realising the rights of every child for society as a whole**

The publication uses a rights-based¹ foundation and places the emphasis on engaging all actors to ensure respect of the rights of the child in the context of migration. It has a particular focus on supporting refugee and migrant children in order to prevent any form of violence. Furthermore, it stresses the need to foster their development and inclusion in society while providing adequate reception conditions and care meeting children's individual needs.

All migrant and refugee children who arrive in Europe must be treated first and foremost as children. Therefore, their specific and individual needs as children must be addressed. They have the right to be protected and adults have the duty to protect them, in line with European values, international and European law on the rights of the child.

Integrated child protection systems² that place the child at the centre, reflect the UNCRC, and ensure that all essential actors and systems – education, health, welfare, justice, civil society, community and family – work in concert, are needed to meet the specific needs of migrant and refugee children, and to prevent them from falling through the cracks.

The practical solutions and the learnings from the ground documented in this publication are expected to function as a source of inspiration for government and civil society actors to ensure that children arriving in Europe are assured a safe and nurturing environment for their full development.

1_ UN Committee on the Rights of the Child (CRC), General comment No. 13 (2011): The right of the child to freedom from all forms of violence, 18 April 2011, CRC/C/GC/13, <http://www.refworld.org/docid/4e6da4922.html>.

2_ European Commission, 9th European Forum on the rights of the child, 'Coordination and cooperation in integrated child protection systems' (30 April 2015): https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/european_forum_on_the_rights_of_the_child_2015_-_reflection_paper.pdf.

SETTING THE SCENE THE POLICY CONTEXT

The case studies presented in this publication aim to document examples of practices showing how mainstream child protection services and the provision of quality, family and community-based care can provide effective responses to the specific needs of refugee and migrant children, in particular those who are unaccompanied or separated, and therefore particularly vulnerable.

As organisations working to promote children’s rights, we found it valuable to share our knowledge and experience – both at the policy and at the practice level – to engage with experts in migration to build synergies and ensure that valuable lessons learned on the reform of child protection systems and the provision of quality alternative care could benefit also migrant and refugee children coming to Europe, to ensure that all children can enjoy their rights on an equal basis, irrespective of their migration status.

When selecting the case studies showcased in this publication, we paid particular attention to the European policy and legal framework to understand how the practices contribute to their implementation, and consequently the achievement of EU objectives. We have focused both on the child rights framework, as well as on the migration/asylum framework. Relevant initiatives of the Council of Europe (Action Plan on Protecting Refugee and Migrant Children in Europe 2017-2019, and the Strategy for the Rights of the Child 2016-2021) have also been included as they apply to all European countries and make specific references to the rights of migrant children.

Treaty on European Union

EC Communication “The Protection of Children in Migration”

Charter of Fundamental Rights of the EU

Common European Asylum System

EC Recommendation “Investing in Children – Breaking the Cycle of Disadvantage”

EC Directive laying down standards for the reception of applicants for international protection

Reflection Paper “10 Principles for Integrated Child Protection Systems”

European Pillar of Social Rights

The starting point of our analysis and reflection was the UNCRC, and the UN Guidelines for the Alternative Care of Children which aim to strengthen the implementation of the UNCRC specifically for children without, or at risk of losing, parental care. They were formally welcomed by the UN General Assembly in 2009 to address the specific gaps in the implementation of the Convention for this group of children.

The protection of the rights of the child is an explicit policy objective of the EU: the Treaty on the EU (Lisbon Treaty) in its article 3 mentions this principle as one of the objectives of the Union, showing the explicit intention to strengthen the Union's commitment towards children and the promotion and protection of their rights. The Charter of Fundamental Rights of the EU guarantees the protection of rights of the child by the EU and its Member States. Whilst the whole Charter applies to children, article 24 specifically addresses the rights of the child, recognising that children have the right to "protection and care as is necessary for their well-being", and emphasizing that in all actions relating to children, whether taken by public authorities or private institutions, the child's best interest must be a primary consideration.

The EU and its Member States share competence in the areas of social policy and justice, though competence in the areas of poverty and social exclusion rests primarily with Member States. Nonetheless, a series of important instruments that address children's rights, child poverty and child well-being have been adopted in recent years.

The 2013 EC Recommendation "Investing in Children - Breaking the Cycle of Disadvantage", adopted as part of the Social Investment Package, provides a useful framework to tackle child poverty and promote the well-being of children in a holistic way. It recognises the need for adequate responses to child poverty, looking at different elements that affect child well-being such as access to adequate services, housing, and health, equality in education and inclusive early childhood education and care. Importantly, it mentions specifically children without parental care, calling on Member States to improve the quality of alternative care settings and to enhance family support.

In 2015, DG Justice approved a Reflection Paper presenting 10 Principles for integrated child protection systems, which takes a system approach to the protection of children from all forms of violence and emphasizing the system's capacity to prevent and respond to violence. Three of the principles refer to children at risk or without parental care, stressing the importance of prevention measures as a key component of protection systems (principle 3), the need to empower families in their role of primary caregivers (principle 4), and the need to make quality alternative care available to those children who need it in line with the UN Guidelines for the Alternative Care of Children (principle 6). Principle 7 refers to transnational and cross-border mechanisms, highlighting the need to step up efforts for children in cross-border situations who are in need of child protection measures.

The 2017 EC Recommendation on the European Pillar of Social Rights has the objective of strengthening Europe’s social dimension. In its Social Protection and Inclusion Chapter, mention is made of the rights for all children to benefit from good quality early childhood education and care, as well as protection from poverty, including specific measures for disadvantaged children to enhance equal opportunities.

The EC Communication on the Protection of Children in Migration, also adopted in 2017, provides a framework and recommendations to ensure the protection of children in migration and to provide adequate reception conditions. It is based on the key principles of the best interests of the child and of a non-discriminatory approach as a basis for all actions concerning migrant and refugee children.

The Common European Asylum System sets out common standards among EU Member States to ensure shared, fair and effective asylum procedures across the EU. The treatment of asylum seekers, including children, is the subject matter of the Reception Conditions Directive, currently under revision. The proposal states that the best interests of the child, should be taken into primary consideration in the implementation of the Directive.

The Council of Europe has a comprehensive strategy to promote the rights of the child across the continent: spanning the 2016-2021 time frame, it mentions poverty, inequality and exclusion and migration as key challenges affecting children in Europe today; and in its priority areas “equal opportunities for all children” and “a life free from violence for all children”, it addresses the rights of children on the move or otherwise affected by migration as deserving protection and promotion by various Council of Europe bodies. The role of adequately trained care professionals is underlined as crucial in ensuring a child-rights based approach in all forms of alternative care.

The Council of Europe also adopted a specific Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019). It provides guidance to ensure access to rights and child-friendly procedures, to provide effective protection, and to enhance the integration of children who seek international protection in Europe.

A detailed description of all these legislative and policy documents is included as an annex (see annex 2).

We hope that the practice examples illustrated in the case studies will provide inspiration and guidance on how the child rights framework can be brought to life for all children in Europe, no matter where they come from.

THE CASE STUDIES





IE

UK

NL

DE

SE

FI

AT

SK

HU

IT

RS

EL

Summary table with key topics by case study

This table visually summarises the topics addressed by each case study.

PAGE	COUNTRY	CASE STUDIES
16	Austria (AT)	Semi-independent living for children in Austria
22	Finland (FI)	Integrating unaccompanied refugee children in Finland
30	Germany (DE)	Volunteer legal guardianship for unaccompanied young people: an evaluation of the guardianship system in North Rhine-Westphalia
38		Independent living arrangements for unaccompanied children in Germany
46	Greece (EL)	Care and integration of unaccompanied and separated children in Greece
56		Prosvasis: Street work project for homeless children and families in Greece
64		Support and informal education for children in reception facilities in Greece
72	Hungary (HU)	Foster care for unaccompanied children in Hungary
80	Ireland (IE)	Child Migration Matters: promoting the rights of undocumented migrant children in Ireland
86	Italy (IT)	Centre for asylum-seeking families with children in Italy
92	Serbia (RS)	Humanitarian assistance for refugees and migrants in Serbia
100	Slovakia (SK)	Children Do NOT Belong in Prison: Ending migration detention of children and families in Slovakia
106	Sweden (SE)	Innovation for the integration of unaccompanied children in Sweden
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Semi-independent living for children in Austria

SUMMARY

The project provides accommodation for unaccompanied and separated children with refugee status between the ages of 16 and 18. The practice is based on the SOS Children's Villages semi-independent living model for children without parental care and is implemented in partnership with child and youth services.

Unaccompanied and separated children with refugee status live in a student residence facility where they can interact with students from different countries and gradually integrate into the community. Care and support services are provided as well as opportunities for apprenticeships.

In addition to covering children's basic needs, the project facilitates access to education and employment, provides counselling and promotes empowerment and self-reliance. Aftercare support can be provided up to the age of 21.

Community involvement is achieved through a mentoring program which enables volunteers to support refugee children.

Country: Austria

Location: Salzburg

Website:

<http://www.sos-kinderdorf.at/so-hilft-sos/wo-wir-helfen/europa/oesterreich/wg-salzburg>

Target group:

Unaccompanied and separated children and young people with refugee status between the ages of 16 and 21

Implemented by:

Salzburg Child and Youth Services,
SOS Children's Village Salzburg, ÖJAB-Haus
Salzburg

Funded by:

Salzburg Child and Youth Services,
SOS Children's Village Salzburg,

Timeframe: 2016 – ongoing

Contact person:

Sabine Köppl-Lindorfer,
Pedagogical Supervisor
Sabine.koeppel-lindorfer@sos-kinderdorf.at

KEY TOPICS

ALTERNATIVE CARE FOR UNACCOMPANIED CHILDREN | CASE MANAGEMENT
PSYCHOSOCIAL SUPPORT | FORMAL EDUCATION | INFORMAL EDUCATION
VOCATIONAL TRAINING | TRANSITION TO ADULTHOOD | STAFF TRAINING
CHILD PARTICIPATION | PUBLIC PARTNERSHIP | PRIVATE PARTNERSHIP
LOCAL COMMUNITY | ACCESS TO INFORMATION

LEGAL AND POLICY CONTEXT

In 2015, the Austrian reception system was put under pressure due to a significant increase in asylum applications by unaccompanied children. According to Eurostat, 8,275 unaccompanied children applied for asylum in 2015 in Austria, compared to 3,900 in 2016. The majority of asylum-seeking children are boys between the ages of 14 and 18.¹ The sharp increase in the number of asylum applications in 2015 led to legislative reforms, including the introduction of the requirement and assignment to reception facilities, provisions for setting up reception facilities for unaccompanied and separated children and measures promoting foster care.

Asylum seekers are placed according to a quota system, which stipulates the number of refugees to be taken in by each federal state based on the size of the federal state's population.² Accommodation and care services are often outsourced to NGOs or private companies. Unaccompanied asylum-seeking children are placed in special residential facilities, most of which are run by NGOs. Daily subsidies provided to NGOs caring for unaccompanied asylum-seeking children range between €40.50 and €95. These subsidies are considerably lower than those provided for Austrian children, even though asylum-seeking children are entitled to the same services.³

The accommodation and care system for asylum-seeking unaccompanied and separated children is structured in stages. Upon arrival unaccompanied and separated children are placed in state reception facilities under the Ministry of the Interior. After the asylum procedure is initiated, children are moved to the so-called basic care facilities in different federal states. The type of accommodation offered should meet children's individual needs. The available options include group homes where one social pedagogue is responsible for the care of ten children, residential facilities where one social pedagogue takes care of 15 children and supervised flats where one social pedagogue is responsible for 20 children. Asylum-seeking children under the age of 14 are placed in social pedagogic facilities. Despite the fact that there should be different placement options, unaccompanied and separated children are often moved from reception centres to the basic care facilities without a needs assessment, especially in federal states where there is a shortage of facilities. There have also been cases where large numbers of children, for instance 30 or more, were placed in one facility without adequate professional support.

In practice, asylum-seeking children often do not have access to the same child and youth services as Austrian children. Care and accommodation for children who have been granted

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- 1_ "63 300 Unaccompanied Minors among Asylum Seekers Registered in the EU in 2016", Eurostat, news release 80/2017, 11 May 2017, <http://www.europeanmigrationlaw.eu/documents/Asylum%20applicants%20considered%20to%20be%20unaccompanied%20minors.pdf>
 - 2_ Article 1(4) GVV-Art.15a.
 - 3_ "Country Report Austria", Asylum Information Database (AIDA), last modified 30 March 2017, <http://www.asylumineurope.org/reports/country/austria>

Where I live... is a student home. Most students come from Upper Austria... We have a common kitchen, a large kitchen. We meet there, and for example we talk, we cook, sometimes all together... It is a very nice place and the people are very nice... And there is an opportunity to speak and learn German; [since] I live in Austria, this is certainly good for me... I live with a lot of Austrians and we talk... I can learn something from them, you see. For example Austrians laws, and the rights and obligations I have... I can talk to my friends [in the student home]. They are really happy to explain things to me. And they say, you can ask us any time if you have a question, and if we know, then we will help you. They're really nice and I'm happy that I can ask them questions, it's really good.

Fawad, 18-year-old-boy from Afghanistan

asylum is funded and sometimes directly provided by youth welfare services. In some areas, however, children remain in the same facilities even after being granted refugee status.

Following increased numbers of unaccompanied children arriving in the country, local families have expressed willingness to take them in, so some local governments have intensified their efforts in this area.

Other challenges in providing care for unaccompanied and separated children in Austria include difficulties in implementing durable solutions, insufficient guardianship provisions, family reunification restrictions and limited support in transitioning to adulthood.⁴

THE PRACTICE

As part of its semi-independent living programme for children without parental care, SOS Children's Village Salzburg implements a living arrangement for children between the ages of 16 and 18 with refugee status which enables children to receive support while living in student residence facilities. The living arrangement is designed to guide children on their path to independent adulthood in a natural group environment, among their Austrian and international peers, where they are not automatically identified as refugees but are perceived as students, just like anybody else at the student facility. Depending on education needs, the support provided can be extended up to the age of 21. Child refugees are referred by child and youth services.

At the moment the project works with two young people sharing a room at a Salzburg student residence facility operated by the Austrian non-profit organisation ÖJAB. The young people live independently and receive 10 hours of individualised support per week by a team of youth care professionals. They are also supported by the staff of the student facility. Rather than focusing on the small challenges of day-to-day life, the social pedagogical services by SOS Children's Village Salzburg youth care workers are focused on helping the young people achieve development goals such as the following:

- Recognise their individual strengths and weaknesses
- Develop their attitudes and skills

⁴ Saskia Heilemann, "The Accommodation and Care System for Unaccompanied Minors in Austria", Social Work and Society International Online Journal (2017) <http://www.socwork.net/sws/article/view/494/998>.

- Develop a sense of community
- Overcome any barriers to development and achieve psychological stability
- Come to terms with their experiences and accept their histories and paths in life
- Choose the right career

An individual plan outlining educational, professional and social goals is developed together with each of the young people.

The project offers an environment where the young people can establish a daily routine, and benefit from opportunities such as language courses, information, cultural activities and support in the areas of education, vocational training and employment.

The two young people currently in the programme are fully integrated into the student facility's life, interact on a daily basis with German-speaking students and participate in joint informal activities such as football games or parties. There is also a "buddy programme" which matches each of the young people with a peer mentor. Local volunteer families also act as mentors.

The staff of SOS Children's Village Salzburg help the young people to maintain contact with their families. They also cooperate with the Red Cross in family tracing matters and assist the young people in submitting family reunification claims.

All staff working with the young people have relevant education and receive specialised training in the needs of unaccompanied and separated children and child refugees. Group supervision is also provided to the staff of SOS Children Village Salzburg.

The programme is the first of its kind in Austria. It could be replicated across the country in order to provide care and support for other unaccompanied children and young people, in particular those who are motivated to pursue formal education.

I have applied for family reunification so that my family can come here... It took me eight months or so [to prepare and submit the application] when I was below 18. I applied at 17. Now I got a negative decision; I was told that now I am a grown-up, and my parents cannot come here because I am already 18 years old... I just wanted my parents to be able to live here... If [the authorities] do not want my parents... why then do they give the possibility to get help from the Red Cross? They should stop this programme... My parents were issued a passport [and other required documents]; this costs money – I think 2000 to 3000 Euros... How can they find all this money? [If the authorities don't want to allow family reunification and bring the parents of unaccompanied children] why do they provide information and instructions on what you have to do and then they reject you? If it's not possible, why do they say it is?

Fawad, 18-year-old boy from Afghanistan

MAIN STRENGTHS AND KEY CHALLENGES



Promoting equity of care

The project is endorsed by child and youth services as a living arrangement for children without parental care. The quality of accommodation and care provided for unaccompanied and separated children is the same as that available to other children, which promotes equity and non-discrimination in care. At the same time, support services are tailored to meet the specific needs of this group of children and include, for example, language courses and information on legal rights and obligations.



Support in transitioning to adulthood

The project provides accommodation until the age of 21 at the latest, supporting young people in transitioning to adulthood. Young people in care, particularly unaccompanied and separated children, might have a different pattern of transition and encounter greater challenges on their path to independence than other children. During this crucial time in their lives, children need a supportive and caring environment. The project provides semi-independent living arrangements that help young people gradually take responsibility for their lives, build self-esteem and develop life skills.



Integration and social inclusion

Many facilities for refugees and asylum seekers are located in remote areas, create an isolating environment and fail to ensure adequate access to support services, healthcare, education and vocational training. In this project, unaccompanied and separated children live in a student residence facility and have many opportunities to interact with peers and the local community. The setting allows them to practice their German and learn about local cultural values and societal norms. Further support is provided in areas including vocational training and employability.



Partnerships

By partnering with the student residence facility, schools, public services, private actors and civil society organisations, SOS Children's Village Salzburg ensures access to essential services and addresses the young people's development needs.

**Difficulties in engaging the children in the project**

In addition to some administrative barriers the project staff initially had difficulty explaining the project's model to the young people and having them agree to placement in the student facility. Volunteers and other organisations initially also had doubts about the potential of such an accommodation arrangement for unaccompanied and separated children. These doubts were dispelled after the positive experiences of the first two young people demonstrated the merits of the approach.

**Challenges in providing appropriate care for all children regardless of asylum status**

Although Austrian child protection law does not differentiate between Austrian and non-Austrian nationals, in practice the type of accommodation and care depends on the asylum status of children. Only some children move to accommodation provided by child and youth services once they are granted asylum. One of the advocacy priorities of SOS Children's Villages is to ensure that all children receive appropriate care and protection that meet their individual needs, regardless of their asylum status.

LESSONS LEARNED

- **Networks and partnerships are crucial for better services.**
Establishing regular communication channels and cooperation networks with a range of actors including national authorities, members of local communities and private actors can contribute to service sustainability, help to scale up project activities and enhance care service quality.

- **Equity of care for all unaccompanied and separated children ensures protection and integration.**
Asylum-seeking children often have to wait for a long time for the outcome of their asylum application. During this time, they need to be provided with quality care and accommodation that support their well-being and development. Accommodation arrangements should enable quality support aiming at long-term outcomes, including the integration of asylum-seeking unaccompanied and separated children, who might eventually be granted asylum in Austria.

Integrating unaccompanied refugee children in Finland

SUMMARY

The project facilitates the social inclusion of unaccompanied and separated children in Finland. It is implemented by SOS Children's Villages Finland in Espoo, the country's second largest city, and Haapajärvi, a small rural community in western Finland.

Children are accommodated in two family group homes in a semi-independent living environment where they are provided with basic services and support for their psychological rehabilitation and social integration.

All children are enrolled in local schools, and the project facilitates activities outside of school, such as hobbies, summer jobs and interaction with the local community. Individual care plans are designed with children and regularly updated to reflect changes in children's lives and to address their needs.

The project encourages partnership and cooperation among national and local authorities and civil society organisations and places an emphasis on engaging members of the local community.

In addition to providing direct services, SOS Children's Villages Finland advocates for equal rights and opportunities for refugee and migrant children.

Country: Finland

Location: Espoo and Haapajärvi

Target group:

Unaccompanied and separated children with temporary residence status

Implemented by:

SOS Children's Villages Finland in co-operation with the Ministry of Economic Affairs and Employment, the City of Espoo, the Finnish Immigration Service, Centres for Economic Development, Transport and the Environment, child protection services, schools, regional social and health services, police, the Finnish Red Cross (Haapajärvi), the Espoo CSO Coalition, 4H Association (Haapajärvi) and Save The Children (Espoo)

Funded by:

The government of Finland and SOS Children's Villages Finland

Timeframe: Since October 2015 (Espoo) and January 2016 (Haapajärvi), ongoing

Contact person:

Anna-Liisa Koisti-Auer,

Programme Director,

liisa.koisti-auer@sos-lapsikyla.fi

KEY TOPICS

ALTERNATIVE CARE FOR UNACCOMPANIED CHILDREN | CASE MANAGEMENT
PSYCHOSOCIAL SUPPORT | FORMAL EDUCATION | INFORMAL EDUCATION | VOCATIONAL TRAINING
TRANSITION TO ADULTHOOD | STAFF TRAINING | CHILD PARTICIPATION
PUBLIC PARTNERSHIP | LOCAL COMMUNITY | PRIVATE PARTNERSHIP
ADVOCACY AND RESEARCH | ACCESS TO INFORMATION

LEGAL AND POLICY CONTEXT

More than 2,500 unaccompanied and separated children sought asylum in Finland in 2015, and 370 in 2016. Of those who applied for asylum in 2016, 34% were under the age of 14 and 69% were boys, most of them coming from Afghanistan, Syria and Iraq.¹ All children are entitled to protection and care in Finland. However, unaccompanied and separated children are not dealt with by national child protection agencies, regardless whether they are seeking asylum or have received a resident permit.

Unaccompanied and separated children under the age of 16 are placed in group homes. The qualifications of the staff and the types of services in these group homes are comparable to those in Finnish child protection facilities. Children over the age of 16 are accommodated in supported living units. Children living in group homes and supported living arrangements receive social and financial support and have access to healthcare services. All children are enrolled in schools according to their age and educational level. They have access to legal aid and interpreting services if required.²

When no reliable evidence of an asylum applicant's age is available, authorities much rely on an applicant's stated age. However, when the stated age is disputed by authorities, the person must undergo an age assessment which includes a clinical examination and x-rays. The informed consent of the person and his or her parent, guardian or other legally authorised representative is required. Those who refuse to undergo an examination are often classified as adults.

All children without parental care in Finland must have a guardian. For asylum-seeking children, a legal representative is appointed whose duties are similar to those of a guardian and include accompanying the child throughout asylum procedures and interviews with authorities.³ However, a considerable time often elapses between the identification of an unaccompanied child and the actual appointment of a legal representative. Legal representatives are recruited by immigration authorities. There are no requirements for any specific training for them.

The national system is struggling to meet the needs of unaccompanied and separated children, and there are multiple challenges associated with access to mental health services, the continuity of education and exclusion and discrimination in Finnish society – a combination of factors which hamper the protection and integration of children. The main barriers to integration for refugee and migrant children in Finland include a lack of access to higher education and employment, limited interaction with peers and local communities and the effects of untreated trauma.

1_ "63 300 Unaccompanied Minors among Asylum Seekers Registered in the EU in 2016", Eurostat, news release 80/2017, 11 May 2017, <http://www.europeanmigrationlaw.eu/documents/Asylum%20applicants%20considered%20to%20be%20unaccompanied%20minors.pdf>.

2_ "Unaccompanied Minors", Finnish Immigration Service, 2017, http://www.migri.fi/asylum_in_finland/reception_activities/reception_services/children_without_a_guardian.

3_ Ibid.

THE PRACTICE

The project by SOS Children's Villages Finland was launched in 2015 with the aim of providing accommodation, care and protection for unaccompanied and separated children, mostly adolescents, who at the time were arriving in Finland in increasing numbers.

As the number of new arrivals in 2016 and 2017 decreased, the project adjusted its priorities to focus on integrating them into Finnish society. It works to help children to acquire the social skills and knowledge they need to meet the demands of school, to secure jobs, to adapt to the local culture and to become part of their communities. Children receive, among other services, emotional and psychosocial support and trauma therapy.

[What worries me more] are things about the past... and also the future. How life and school will be in the future. ... I would imagine that in five years I will speak Finnish, I will be studying, and I will have a part-time job. This is at least what I imagine and hope for.

17-year-old unaccompanied boy from Afghanistan

The children participating in the project have temporary residence permits for a period of one to four years and are accommodated in two family-like homes run by SOS Children's Villages Finland. At the moment, there are 34 boys from Afghanistan in the project, but this number is expected to rise to 45 by the end of 2017.

The project is implemented in close cooperation with responsible authorities and makes use of community resources. State authorities provide basic services, such as education and health care, and cover accommodation, care and food costs as well as children's allowances, whilst the project provides complementary services, such as psychosocial support, family support, fixed-term employment opportunities and leisure and free-time activities.

To accelerate integration into the local community, the project builds the language skills of the children, facilitates access to the formal education system and helps children to join local sports clubs and associations. Emphasis is placed on life skills training, preparation for independent living, vocational training and trauma therapy. The children are also encouraged to develop hobbies, interact with local volunteer families, gain summer jobs and internships and meet peers from the local community.

Each child has an individual development and care plan that is developed and agreed upon with his personal instructor, following a needs assessment. This individual plan is reviewed twice a year to reflect changes in the child's life, including changes in his or her family and legal status.

The children participate in regular group home meetings to discuss and contribute to the design and improvement of various activities and are included in all decision-making processes that affect their lives.

Walking on a frozen lake for the first time



The project has one educator per child as required by Finnish law. All staff members are trained in working with vulnerable children and dealing with mental health issues, loss and trauma.

In its implementation, the project uses a comprehensive approach to care and relies on a network that brings together state authorities, civil society organisations, businesses and members of the community. A combination of public and private funding contributes to a sense of ownership on the part of the community.

I have had many good and many bad days. One of the best days was when I went to Aryana Sayeed's concert in Helsinki. It was great for me to see a female Afghan artist. The fact that she is successful and as a woman has the chance to give a concert here was very joyful for me. It was very important and nice for me to meet her and see that all kinds of opportunities exist. ... And the other thing [that I like about living in Finland] is peace. It is safe here. There is no war. Life is good.

17-year-old unaccompanied boy from Afghanistan

accessing basic education. Local health services have introduced special arrangements to accommodate the needs of unaccompanied and separated children and adolescents. The city of Espoo supports the continuity of care⁴, which is important in integrating young people, provides training⁵ for project staff and cooperates with the project staff to further develop its services for refugees. In both locations, the project also has established cooperation with schools and draws on corporate partnerships to facilitate youth employment.

In addition to providing direct services to children, the project advocates for equal rights and quality services for all children in Finland, regardless of their migration status. In that regard, SOS Children's Villages Finland in partnership with other NGOs works with local and regional authorities and service providers.

Local authorities and community members are actively involved in the project. For example, the city council in Haapajärvi has organised summer jobs for all of the children in the project; it provides vocational training for those over 16 and actively supports them in

4 – To ensure continuity and stability, children are supported to remain in the care provided by SOS Children's Villages during all stages, from family-like care in group homes to semi-independent living and after care.

5 – These trainings aim to support the staff to respond to specific needs of unaccompanied and separated children, such as trauma and feelings of being unsafe.

MAIN STRENGTHS AND KEY CHALLENGES



Comprehensive, tailored services

The project provides comprehensive support to children, from basic care to psychological support to vocational training. The types of support depend on the individual needs of each child, based on an individual care plan. Individual care plans are regularly reviewed to reflect and encompass short- and long-term goals and to meet the requirements of every child's specific circumstances. The small size of group home units allows for flexibility in planning activities.



Long-term support to help children transition to adulthood

As they grow up, young people may be confronted with many challenges, for instance when they pursue employment or education opportunities. Unaccompanied refugees and asylum seekers leaving care face even greater difficulties and thus need adequate support. The project works with children until the age of 21. After leaving the group home, usually at the age of 17, young people can move into flats where they are supported to live independently.



Development of state services

In addition to giving children direct support, SOS Children Villages Finland works with local authorities, offering advice on developing new or adjusting existing local services to meet the needs of refugee children. Such cooperation contributes to the project's sustainability and prevents duplication of services.



Community engagement

In order to promote social inclusion and help children integrate into the local community, children are taught about the local culture, values and customs and are encouraged to participate in community activities and neighbourhood events. In addition, all children are supported by volunteer families. The local families are recruited, trained and supervised as part of the project.



Advocacy for the rights of asylum-seeking children

The project highlights the shortcomings in the system that deals with unaccompanied and separated children. It works to promote quality care for all children regardless of their migration status as part of SOS Children's Villages' broader child rights advocacy at national, regional and municipal levels.



Challenges faced in rural areas

The main challenge faced in carrying out the project in rural areas is the shortage of employees with multicultural skills and experience in managing migration issues. In addition, the available services and education or employment opportunities are limited. As a result, service providers and local authorities may struggle to meet the needs of refugee children.

LESSONS LEARNED

- **Family reunification laws should be reviewed to fully respect the UNCRC**

Children seeking to be reunited with their families often encounter considerable obstacles. Reducing practical barriers, simplifying procedures and providing child-friendly information could improve the situation of children in this process.

- **Service providers need to be able to adapt to changing circumstances.**

Service providers and local authorities need to be more flexible in order to adjust their services to respond to the different needs of refugee children. Reacting quickly to changing circumstances and removing bureaucratic obstacles is of paramount importance to the success of integrating refugee children in society.

- **Unaccompanied children should be granted long-term resident permits**

Unaccompanied children usually receive short-term permits which allow them to stay in Finland for a period of one to four years. As a result, they live with constant uncertainty and fear of being forced to leave the country, which negatively impacts their development and psychological well-being. To foster integration and a feeling of being accepted by society, unaccompanied children should be granted to reside in the country on a long-term basis.



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Volunteer Legal Guardianship for Unaccompanied Young People: An evaluation of the guardianship system in North Rhine–Westphalia

SUMMARY

This research project was carried out on behalf of the Ministry of Children, Families, Refugees and Migration of North Rhine–Westphalia, Germany’s most populous state in the north of the country. The goal was to look into different guardianship practices for unaccompanied and separated children to assess their efficiency and impact on children’s lives. The project explored the pros and cons of assigning guardianship responsibilities for unaccompanied young people between the ages of 16 and 18 to volunteer guardians.

The study explores how young people experience and assess their relationship with their volunteer guardians and the support they receive. It also summarises guardians’ perspectives on how they can improve their services to efficiently support and protect young people in their care. It looks into the practices of volunteer guardians in various municipalities and the structural elements of a guardianship system that are key to sustainability and efficiency. Participation and empowerment of young people throughout the appointment procedure and the entire guardianship process is also examined.

The evaluation highlights the positive impact of volunteers, which is to be attributed mainly to the development of personal relationships between guardians and young people, whilst also stressing that volunteer guardianship services cannot replace but only complement guardianship services offered by qualified professionals. The study also highlights the need to establish an efficient system for the recruitment, training, professional supervision and monitoring of volunteer guardians.

Country: Germany

Location: North Rhine-Westphalia

Target group:

Unaccompanied children between the ages of 16 and 18

Implemented by:

Institut für Soziale Arbeit e. V. (ISA)

Funded by:

Government of North Rhine–Westphalia (Ministry of Children, Family, Refugees and Integration)

Timeframe: 2015–2017

Contact person:

Dr. Christina S. Plafky, ISA e. V., Head of Research, Division of Child and Youth Studies, Christina.plafky@isa-muenster.de

KEY TOPICS

ALTERNATIVE CARE FOR UNACCOMPANIED CHILDREN | CASE MANAGEMENT
PSYCHOSOCIAL SUPPORT | FORMAL EDUCATION | INFORMAL EDUCATION
VOCATIONAL TRAINING | TRANSITION TO ADULthood | STAFF TRAINING | CHILD PARTICIPATION
PUBLIC PARTNERSHIP | LEGAL AID | ACCESS TO INFORMATION

LEGAL AND POLICY CONTEXT

In recent years the number of unaccompanied and separated children registered¹ in Germany has increased dramatically: from 2,822 in 2010 to 42,309 in 2015. Although these numbers began to drop in 2016, they remain very high². In January 2016, 60,162 unaccompanied and separated children were registered and placed in care in Germany. The majority of these children are from Afghanistan, Syria, Iraq, Eritrea and Somalia. Only around 9% are below the age of 14 and a further 20% are between 14 and 15 years old, while the majority are adolescents between the ages of 17 and 18. Only 10% are female. In North Rhine–Westphalia alone, 13,211 unaccompanied and separated children were registered with youth welfare services in 2016, compared to 12,805 in 2017³. Unaccompanied and separated children are usually placed in either foster care or group homes. Some municipalities and local authorities have no previous experience of working with this group of children, which has prompted the need to recruit and train volunteer guardians.

Under German law, when parents are unable to care for their children, a guardian is appointed in court⁴. In the case of unaccompanied and separated children seeking asylum, a guardian should be appointed within three days of arrival.

Guardianship responsibilities are exercised by (a) the staff of local youth welfare offices; (b) the staff of guardianship associations licensed and monitored by youth welfare offices; (c) self-employed individuals registered with the courts; or (d) volunteers recruited by youth welfare offices. Volunteer guardians are not paid, but they are compensated for the expenses associated with the performance of their duties once a year⁵, and certain expenses can be claimed back by volunteers from their agencies. Local youth welfare offices are responsible for the recruitment, training, supervision and monitoring of volunteer guardians.

Under German law, a maximum of 50 children can be assigned to a professional guardian (i.e. an employee of a youth welfare office). Volunteer guardians usually are responsible for one or two children only, whilst individuals who work as professional guardians are usually assigned ten to 15 children. The actual number of cases per guardian may also depend on the personal circumstances of the child.

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1. An unaccompanied child is defined as a person below the age of 18 years old who arrives in Germany from abroad without a parent or a legal guardian.
 2. “Unbegleitete Einreisen Minderjähriger aus dem Ausland lassen Inobhutnahmen 2015 erheblich ansteigen”, Federal Office of Statistics, Press release N. 268, 2 August 2016, https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2016/08/PD16_268_225.html.
 3. As of 1 April 2016 and 23 June 2017 respectively. For more information, see: “Versorgung, Betreuung und Unterstützung von unbegleiteten ausländischen Minderjährigen (UMA)”, Rhineland Region, 1 April 2016, http://www.lvr.de/media/wwwlvrde/jugend/service/arbeitshilfen/dokumente_94/jugend_mter_1/landesstelle_nrw_1/FirstSpirit_1459754652044TL_UMA_Nordrhein-Westfalen_2016-04-01.pdf; “Handreichung zum Umgang mit unbegleiteten minderjährigen Flüchtlingen in Nordrhein-Westfalen 2017”, Ministry of Family, Children, Youth, Culture and Sport of North Rhine-Westphalia & Ministry of Interior and Municipal Affairs of North Rhine-Westphalia, https://www.mkffi.nrw/sites/default/files/asset/document/handreichung_2017.pdf; “Leitfaden zur Umsetzung des vorläufigen Verfahrens zur Verteilung von unbegleiteten minderjährigen Flüchtlingen in Nordrhein-Westfalen”, Ministry of Family, Children, Youth, Culture and Sport of North Rhine-Westphalia, 2015, https://www.mfkjks.nrw/sites/default/files/asset/document/leitfaden_vorlaeufiges_verfahren_zur_verteilung_von_umf_nrw_0.pdf.
 4. Art. 6 para. 2 GG, § 1774 BGB, § 1 para. 1 SGB VIII.
 5. On the legal framework see also: Bürgerliches Gesetzbuch, §§1773-1895, §1773 para. 1 and §53ff, SGB VIII.

THE PRACTICE

The sharp increase in the number of unaccompanied and separated children arriving in Germany in recent years created a considerable burden on child protection and guardianship authorities. The local authorities responsible for these services have experienced considerable human resource shortages. In 2015, some of them had no previous experience working with unaccompanied and separated children, especially adolescents and young people, so there was a need for additional training and a reform of the service provided. The responsible authorities have reviewed the issue of involving local communities and volunteers in the provision of services, including guardianship services, and a debate on the strengths and weaknesses of the different types of guardianship systems emerged.

[Without my guardian] things would not be good, because [being] alone is not good. He [the guardian] never abandons me. [When I am with my guardian] everything is good [and] I don't think of my problems... I want [my guardian] to be with me everywhere I go. [To be] always together!

17-year-old unaccompanied boy

In light of this situation the Ministry of Children, Family, Refugees and Integration of North Rhine-Westphalia (MKFFI) commissioned the Institut für Soziale Arbeit e.V. (ISA)⁶

to undertake a study of guardianship practices used with unaccompanied and separated young people aged 16 to 18 in the region, evaluating different types of guardianship services – both voluntary and professional – and developing recommendations on how to strengthen guardianship services to better protect children and young people. The study specifically addresses the situation of volunteer guardians and provides guidance to local authorities on how to set up an efficient system of volunteer guardianship that ensures training, professional supervision and monitoring.

The research methodology involved face-to-face interviews and focus group discussions with young people, practitioners and professionals working with child protection and guardianship services. Of the 38 persons who participated in the research, 11 were unaccompanied and separated young people who had either volunteer or professional guardians. The remaining 27 were professionals and practitioners: judicial officers, guardians (either those employed on a voluntary or self-employed basis or those employed by local authorities or non-profit organisations), social workers and other professionals from local child and family services or professional associations.

The evaluation was conducted in 2015-2016, and the final report will be published soon. It provides recommendations for policymakers and local authorities on how to improve volunteer guardianship services in the context of a decentralised child protection system. It

⁶ ISA is a non-profit, non-governmental institute which works in research, training, practice development and policy advice for local governments.

also points to the importance of investing in volunteer services and suggests ways to mobilise community resources in the context of comprehensive and integrated child protection systems to ensure the successful social inclusion of unaccompanied and separated children, especially those turning 18. Lastly, it provides

specific guidance for local authorities on how to set up an efficient volunteer guardianship system to train, supervise and monitor all those taking part.

MAIN STRENGTHS AND KEY CHALLENGES



Frequent communication and personal contact with children

Volunteer guardians have face-to-face meetings with children and young people on a regular basis – sometimes daily –, while professional guardians employed by youth welfare offices meet with children once a month as per legal requirements. Guardians employed by youth welfare offices are responsible for up to 50 cases, whilst volunteer guardians are usually assigned one to two cases. The amount of time devoted to the young people in their care, frequent face-to-face meetings and volunteer guardians' personal involvement in young people's daily life contributes to the development of a strong, personal, trust-based relationship. Such relationships have been found to contribute to young people's emotional development and well-being.



Supporting young people throughout their everyday lives

Volunteer guardians tend to spend more time with the young people in their care and sometimes extend their role and support them in all aspects of their daily lives, whilst employed professional guardians mainly deal with administrative procedures affecting young people and will not meet with them outside of working hours or during weekends. Volunteer guardians usually invest a lot of personal time, become involved in joint leisure activities with young people and use their private and business networks to support them.



Support for young people over the age of 18 transitioning into adulthood

Very often volunteer guardians continue supporting young people after they reach the age of 18, when the legal guardianship ends. The research suggests that although under certain conditions children in the care of youth welfare offices are entitled to continued support after the age of 18, they are often able to maintain their personal relationships with their volunteer guardians beyond that age.



Communication with the birth family

Guardians' regular contact and communication with the birth family is essential to maximise interactions between both parties and work together to support the child. Volunteer guardians report investing time in supporting young people's communication with their birth family (e.g. via Skype or Facebook); they also often inform parents of any news and involve them in important decisions.



Lack of a shared understanding of guardians' duties and responsibilities

The study shows that guardians do not always share a common understanding of their duties and responsibilities. Volunteer guardians frequently describe themselves as a friend or a parent figure whose role is to support the young person in managing his or her life, make important choices and stand up for the young person's rights. Therefore, the way volunteer guardians perceive and understand their role is often full of contradictions and ambiguity. This situation results in different guardianship practices and different experiences for children and young people.



Insufficient qualifications, expertise and training

No professional or educational qualifications are required to become a volunteer guardian. Volunteers recruited as guardians in principle do not have to have professional experience, knowledge or expertise in working with unaccompanied and separated children and young people. Although they receive some training and support through local authorities, the study has highlighted the need for regular training and professional supervision for volunteer guardians prior to and throughout their guardianship service.



Challenges in maintaining clear boundaries

Volunteer guardians often face challenges in safeguarding their private lives and setting boundaries in their relationships with the young people they support. The research revealed that volunteer guardians may be overprotective with the young people they are responsible for, who may become part of the guardian's private and family life. It is not uncommon for volunteers to provide support and services that go beyond their duties and responsibilities as guardians (e.g. presents or financial support) and become emotionally involved. Such practices may result in situations where young people are not ready to take responsibility for their daily life after they reach the age of 18, and the guardianship ends. Moreover, such attitudes lead to assumptions that volunteer guardians are more supportive than other guardians and that they can – and should – offer extra support to the children and young people in their care. Such assumptions often strain relationships and undermine trust between guardians and children.

LESSONS LEARNED

- **Volunteer guardians need professional supervision and support.**

The study shows that volunteer guardians' ability to reflect on their role and continuously examine their own motives is vital throughout. It is necessary to support this process through regular meetings with other volunteers and professional guardians. In addition, both volunteer and professional guardians must be supported with professional supervision. Professional supervision will help volunteer guardians to fulfil their role and to develop relationships with children and young people.

- **Induction and ongoing training is essential.**

Volunteer guardians should participate in induction and ongoing training in order to be able to provide efficient guardianship services and protect children from harm. Such training will also help them in developing a shared understanding of a guardian's role and responsibilities.

- **Volunteer guardianship services can complement but not replace professional guardianship.**

Volunteer guardianship services can complement professional guardianship but cannot replace it. Working in partnership could increase the quality of guardianship services. A guardianship system where each child has both a professional and a volunteer guardian could be beneficial, as volunteers, with their

enthusiasm, commitment and time, could complement the work of professional guardians. Both types of guardianship could coexist and complement each other or on some occasions be sequential: professional guardians could be swiftly appointed upon arrival, following which a volunteer guardian could be appointed after a thorough matching process. In such a system, clarity on the role of each type of guardian and other actors involved is essential.

Nevertheless, volunteer guardians should not be assigned to cases of children and young people with severe trauma or cases of children and young people who need to be treated by qualified and trained professionals with relevant expertise, for example victims of criminal acts or children with multiple vulnerabilities.

- **An efficient volunteer guardianship system requires resources.**

An efficient volunteer guardianship system should be an integral part of the formal child protection system, which requires allocation of sufficient resources. Volunteers could add value and ensure the quality and efficiency of guardianship services, but they should not be seen by policymakers as an opportunity to save resources. Setting up an efficient guardianship system in which volunteers constitute an essential element requires sufficient resources, since the recruitment, vetting, training, supervision and monitoring of volunteers requires adequate resources be allocated to youth welfare offices and other child protection services involved. Partnership between local authorities and private and/or professional non-profit organisations in the area of recruiting and training volunteers could be an option in certain contexts.

- **Measures need to be taken to ensure child safety.**

Not every willing volunteer is suited to work with children or to become a guardian. The recruitment process should include careful assessment, vetting and screening procedures. Moreover, efficient monitoring is required to minimise the risk of child abuse and exploitation or other forms of misconduct.

- **Children and young people should participate, and their opinions should be taken into consideration in the matching process.**

Successful matching is essential for successful guardianship. Matching a child with a guardian is an important process that requires a significant amount of time. In this process, the views and opinions of children and young people should be heard and taken into consideration. Their participation in the matching process contributes to their empowerment and can offer an insight into democratic processes, which are of particular importance for the successful integration of unaccompanied and separated children and young people from different cultures and backgrounds.

Independent living arrangements for unaccompanied children in Germany

SUMMARY

The project aims to respond to the needs and rights of unaccompanied young people in Germany who are transitioning from care to independent life. By doing so, the projects contributes to fill gaps and complement the national youth welfare system. It supports unaccompanied children's rights, promoting their successful integration into German society.

Starting from the age of 16, unaccompanied young people receive individual counselling and support for acquiring necessary skills for daily life, including education, language courses, life and social skills and career plans. In a next phase, up to the age of 21, the young people have the possibility to live semi-independently. The project focuses on self-empowerment and helping unaccompanied young persons to live independently, step by step.

SOS Children's Village Düsseldorf is working with the national, municipal and regional authorities to provide a comprehensive care network through its child and youth care projects, offering educational support, individual guidance, counselling and other activities for unaccompanied children over the age of 16 who have been granted residence or a tolerated stay permit.

Young people in partnership with the relevant authorities, caregivers and their guardians co-draft personal plans, which help them to develop a realistic perspective on their life. Project participants can continue to receive support after turning 18 and up until the age of 21.

Country: Germany

Location: Düsseldorf and Essen

Website:

www.sos-kinderdorf.de

Target group:

Unaccompanied children between the ages of 16 and 21

Implemented by:

SOS Children's Village Düsseldorf and SOS-Kinderdorf e.V.

Funded by:

State Youth Welfare

Timeframe: Long-term project, 2016 –ongoing

Contact person:

Lena Rausch
Advisor Pedagogical Special Service at SOS Children's Village Düsseldorf and SOS Children's Village Essen
Lena.rausch@sos-kinderdorf.de

Dr. Vincent Richardt
Pedagogy Department Director
vincent.richardt@sos-kinderdorf.de

Ilona Fuchs
Head of Programme and Quality Development,
SOS Children's Villages Germany
Ilona.fuchs@sos-kinderdorf.de

KEY TOPICS

STAFF TRAINING | CHILD PARTICIPATION | PUBLIC PARTNERSHIP
PRIVATE PARTNERSHIP | LOCAL COMMUNITY | GUARDIANSHIP
ADVOCACY AND RESEARCH

LEGAL AND POLICY CONTEXT

Over the past few years Germany has experienced a sharp increase in the number of unaccompanied children coming into the country to seek international protection. According to Eurostat, the agency that collects statistical data from all EU countries, almost 36,000 unaccompanied children applied for asylum in Germany in 2016 compared to over 22,255 in 2015¹. At the beginning of 2017, 47,990 unaccompanied children were living in Germany²; a further 15,458 were young adults over 18 who had arrived in Germany as children and received permission to stay in the care of youth welfare services after reaching 18.

On 1 November 2015 a new law³ reorganising the reception procedure for unaccompanied child refugees came into effect. According to this law, unaccompanied children entering Germany are to be taken into provisional care by local youth welfare offices (cf. § 42a SGB VIII), which are responsible for ensuring a suitable placement⁴. Upon arrival and following an initial assessment by at a youth welfare office, children may be transferred to another municipality or state. The local youth welfare office carries out an individual assessment to decide on the most suitable type of alternative care for each child based on his or her needs, which can consist of placement with relatives, in foster families or in family-like, residential care. A family court then appoints a guardian. Often

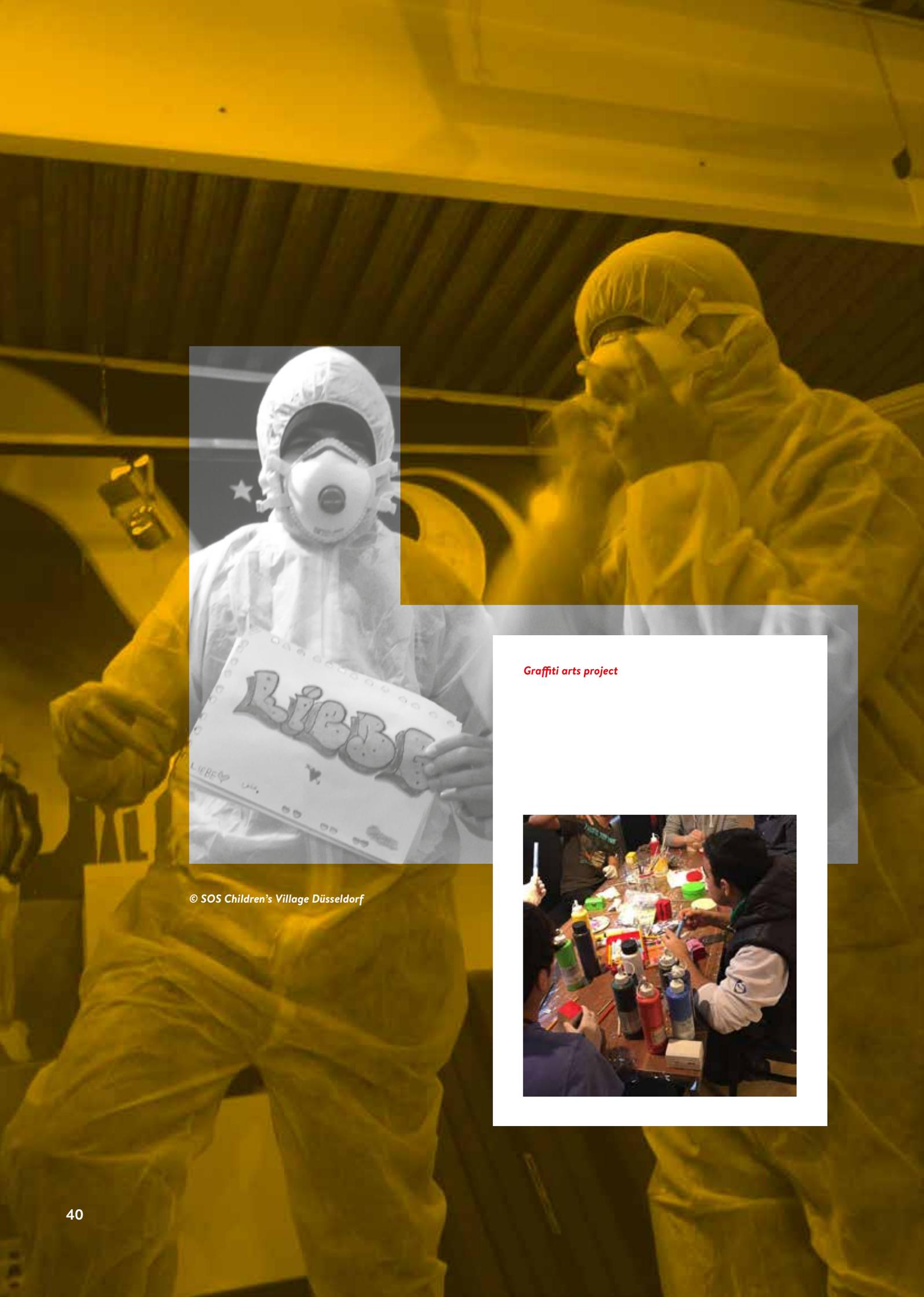
this function is carried out by a youth welfare office employee.

Unaccompanied children seeking asylum in Germany are usually granted a temporary residence permit with a tolerated stay status and are protected from deportation until they turn 18⁵. The legal situation and rights of unaccompanied children may differ depending on the status that they receive. For example, a recent law introduced in March 2016 – “Asylum Package II” – limits the right to family reunification only to unaccompanied children who are granted either refugee status or subsidiary protection⁶. Furthermore, the protection framework and practices applied with unaccompanied children differs from state to state.

Most undocumented children are placed in residential care facilities, typically in residential groups for unaccompanied children. Children are entitled to care and protection and have access to education and vocational training. Despite this protection framework, the absence of a long-term residence permit results in legal uncertainty and constitutes a major challenge in promoting the social inclusion of migrant and refugee children.

Unaccompanied children are entitled to guardianship support, and local youth welfare offices have guardianship responsibility for all

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1. “63 300 Unaccompanied Minors among Asylum Seekers Registered in the EU in 2016”, Eurostat, news release 80/2017, 11 May 2017, <http://www.europeanmigrationlaw.eu/documents/Asylum%20applicants%20considered%20to%20be%20unaccompanied%20minors.pdf>.
 2. “Statistical Data on Unaccompanied Children (period: 1 January 2017 - 30 June 2017)”, Federal Office for Migration and Refugees.
 3. The name of this law is “Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher“ (SGB VIII).
 4. “Unaccompanied minors,” Federal Office for Migration and Refugees, last modified 1 October 2016, <http://www.bamf.de/EN/Fluechtlingschutz/UnbegleiteteMinderjaehrige/unbegleitete-minderjaehrige-node.html>.
 5. A “tolerated stay” (Duldung) is granted to foreigners who are obliged to leave the country but whose deportation cannot be carried out for technical reasons (e.g. lack of necessary documents) or on humanitarian grounds.
 6. Family reunification for those children with subsidiary protection has been suspended for 2 years (until March 2018).



Graffiti arts project



© SOS Children's Village Düsseldorf

unaccompanied children in the areas they serve. However, the national guardianship system is overwhelmed: the challenges associated with delays in the appointment of guardians are

compounded by the fact that the staff of youth welfare offices are unable to adequately carry out their tasks due to a heavy workload and insufficient training and support⁷.

THE PRACTICE

The project sets out to offer adequate care and protection to unaccompanied children, while providing support as each child grows up. It seeks to equip young people with the right set of skills to live independently and to integrate socially. It targets unaccompanied young people between the ages of 16 and 18, providing them with support and assistance up to the age of 21, where necessary. All the young people enrolled in the programme have submitted an application for international protection and either hold a short-term, tolerated residence permit until the age of 18 or have been granted refugee status or subsidiary protection.

The project is in place in the cities of Düsseldorf and Essen. In Düsseldorf, the unaccompanied young people live together in two or three bedroom apartments in the city. Socio-pedagogical experts of SOS Children's Villages meet with them regularly to provide support. There is as well a 24/7 on-call duty performed by the socio-pedagogical experts. In Essen, the young people live together in two bedroom apartments across two buildings in one street. The office of the socio-pedagogical experts who are available 24/7 to support the young people is located in one of the buildings. There are currently 42 young men who are supported to live independently in Düsseldorf and Essen. Both cities have developed a comprehensive care framework to assist with the integration of unaccompanied children. In both locations the project

works closely with the local youth welfare office, education authorities, health officers, youth migration services and healthcare providers. The project is funded by state youth welfare authorities and institutional donors.

The main goal is to create a functioning support network which helps unaccompanied young people to achieve independence and fully integrate into German society.

I am currently a fighter. I fight for life. [...] I had nothing when I came to Germany. I had to learn to grow up quickly, I could no longer be a child. I have been an adult since I turned 15.

[...] Family and social relationships are very important. This is why I want to and have to care for my younger brother. Sometimes people say that I should live my own life and he as well, but I can't. He is my family.

19-year-old boy from Syria, former unaccompanied child

An individual care plan is developed in consultation with each young person, his or her legal guardian and his or her case manager at the youth welfare office. The individual care plan details the appropriate measures and activities that will be taken to support the young person,

7. "Country Report: Germany", Asylum Information Database (AIDA), last modified 13 April 2017, <http://www.asylumineurope.org/reports/country/germany>.

based on an assessment of his or her needs. It is formalised in a care contract, which outlines the responsibilities of both the project participant and the case manager and is binding for both parties. Project participants consent to adhere to the rules set out in the contract, attend regular meetings and follow the arrangements developed in consultation with them. The care plan is regularly reviewed and adapted to address the constantly evolving needs of the young person.

Young people participating in the project are supported to cope with everyday life. They also receive educational support for school and vocational training, in addition to pedagogical support to help them to become independent and to integrate into society.

To cater to the individual needs of each young person, a range of activities are carried out to develop practical competencies, improve personal and emotional well-being and promote social and professional integration. Areas targeted by these activities include, among other things, managing household activities such as cooking, shopping and furnishing, organising free time, practicing self-discipline in handling money, strengthening self-confidence, being able to spend time alone, building relationships, facing fears, recognising your own feelings and learning to deal with them, coping with crisis situations, being considerate to others, respecting rules and norms, recognising the importance of school and vocational training, and improving job interview skills.

The young people not only receive individual support but also participate in group activities and projects, such as joint recreational activities or meetings and discussions on topics of their interests. In addition, project participants can make use of other opportunities available with SOS Children's Villages, for example the Youth Club that provides young people with a safe and friendly space for free-time activities as well as homework tutoring.

The socio-pedagogical experts of SOS Children's Villages act as mediators between young people and other actors in all areas which affect their everyday lives. They accompany, if necessary, the young person to appointments with the authorities, therapists and doctors.

Furthermore, in order to promote project participants' rights and facilitate access to adequate services and protection, legal counselling and support is provided to guide and assist on migration and asylum procedures and identify realistic options and opportunities that could facilitate long-term integration into German society.

The staff have different cultural backgrounds and include male and female professionals of different ages that work together in a team, promoting multiculturalism and gender equality, which helps the project participants to familiarise themselves with socially acceptable gender roles in Germany that might be different from those in their country of origin.

Unaccompanied young people are informed orally and in writing of their rights and obligations in the facilities where they live, including complaint procedures and opportunities to participate in decision-making processes that affect their lives. A brochure on child protection and children's rights developed as part of the project is handed out to all project participants.

In order to ensure high-quality pedagogical work, continuous training and supervision are provided to the staff. The staff are supported by divisional management and offered regular expert counselling. In addition to daily service handovers between working shifts, planning, coordination and reflection are facilitated by weekly team meetings, peer-to-peer case consulting and supervision. Volunteers engaged in such activities are always supported and supervised by professional staff.

MAIN STRENGTHS AND KEY CHALLENGES



Partnership and cooperation for greater impact and sustainability

The project is financed by and runs in cooperation with child protection authorities – youth welfare offices – and is incorporated in their activities. Partnership with state authorities ensures coordination between different services as well as the project's long-term sustainability. The services provided are complementary to youth welfare and municipal services aimed at supporting children's transition to independence and adulthood. By ensuring cooperation and effective communication between different stakeholders, the project avoids duplication of effort and maximizes impact.



Participation and self-empowerment

Many unaccompanied children and young adults have gone through traumatic experiences or have unrealistic expectations regarding the opportunities and services provided by the authorities. With the help of this project, they build up confidence and prepare themselves for independent living by actively participating in the development of their care plan and all the associated activities.



Support in transitioning to adulthood and independent living

By providing support and independent living arrangements, the project seeks to help young people in their transition to adulthood and independence. They get intensive social pedagogical support in coping with everyday life in a new environment as well as educational support, which helps them to succeed in their studies and to plan their career paths. The project focuses on enabling independence through a supportive environment that ensures respect, security and protection.



Regular supervision and training of staff and volunteers

The project's staff receive regular supervision and training, which helps them to achieve high-quality pedagogical work. Supervision and training needs are reflected in the professional employees' annual work plans and budgets. The need for further education and training is regularly assessed as part of a feedback process. Furthermore, all staff members are encouraged to take part in educational activities. Professional development needs are determined while discussing performance in team or staff meetings.



Constantly changing legal and policy frameworks as an obstacle to integration

Constant changes in policies and legislation have a negative impact on planning and achieving the goals set. It is extremely difficult to achieve social inclusion and independence when children only have permits to reside in the country for three or six months, and the policies affecting their status keep changing. There is a conflict between the long-term youth care perspective, which involves planning and setting goals, and the short-term legal perspective. In this context, developing an effective social integration and personal development programme for unaccompanied children becomes challenging.

LESSONS LEARNED

- **Emergency responses should be replaced with long-term services.**

Responses to the emergency needs of refugees in recent years have been immediate and efficient. Nevertheless, as the emergency situation is over, emergency measures need to be phased out and replaced by sustainable, long-term services. It is important to offer proper housing facilities with safe, humane and dignified conditions. To achieve the goal of integration, durable solutions for refugee children and young people need to be found and promptly implemented.

- **Cooperation and legal clarity are key to achieve the best outcomes.**

Cooperation among stakeholders is essential, but it is most effective when there is clarity on legal and policy frameworks. Similarly, developing well-functioning networks of services and organisations is what enables high-quality services that complement rather than duplicate each other, which eventually contributes to a more effective and robust care system.

Care and integration of unaccompanied and separated children in Greece

SUMMARY

The project aims to address the needs of unaccompanied children in Greece in order to contribute to overcome the challenges in the national child protection system. It safeguards the fundamental rights of unaccompanied and separated children, ensures their safety and supports their integration into Greek society.

The lack of safe and adequate accommodation for unaccompanied and separated children in Greece is a key concern. Children are often detained at police stations and held under “protective custody”, pending suitable placements.

SOS Children’s Villages Greece offers accommodation and care services to children aged 14–18 regardless of their residence and migration status.

Children accommodated in the SOS Children’s Villages facilities receive a wide range of support from qualified professionals, including but not limited to legal aid and representation, psychosocial support, family reunification, informal education and healthcare, in addition to leisure activities.

The project aims to respond to the individual needs of the children enrolled on this project, ensure their protection and support their integration into the local community. To facilitate this process, SOS Children’s Villages has developed targeted activities to raise awareness and engage local community in the project.

Country: Greece

Location: Athens

Target group:

Unaccompanied and separated children between the ages of 14 and 18 (boys), regardless of residence status

Implemented by:

SOS Children’s Villages Greece, Ministry of Labour, Social Security and Social Solidarity, and UNICEF Greece

Funded by:

SOS Children’s Villages Sweden
SOS Children’s Villages Norway
Hermann-Gmeiner-Fonds Deutschland e.V.
SOS Children’s Villages France
SOS Children’s Villages USA
SOS Children’s Villages United Kingdom

Unicef (September 2016 – July 2017)

Timeframe: 2016 – December 2017

Contact person:

Kalliope Gkliva, Project Manager
popigkliva@sos-villages.gr

KEY TOPICS

ALTERNATIVE CARE FOR UNACCOMPANIED CHILDREN | CASE MANAGEMENT
PSYCHOSOCIAL SUPPORT | FORMAL EDUCATION | INFORMAL EDUCATION
VOCATIONAL TRAINING | STAFF TRAINING | CHILD PARTICIPATION | PUBLIC PARTNERSHIP
LOCAL COMMUNITY | LEGAL AID | ACCESS TO INFORMATION

LEGAL AND POLICY CONTEXT

The national system dealing with the protection of unaccompanied and separated children in Greece – from identification and registration to referral and protective services – has been overwhelmed since the numbers of arrivals increased significantly in 2015, with those arriving by sea exceeding 1.5 million. This increase has resulted in delays in processing and assessing cases and a shortage of adequate facilities to accommodate unaccompanied and separated children, with many documented cases of children in de facto detention and many unaccompanied and separated children remaining unregistered.

As of September 2017, 62,206 refugees and asylum seekers are estimated to be living on mainland Greece. Between 1 January 2016 and 30 September 2017, 8,987 cases of unaccompanied and separated children were registered with Greece’s National Centre for Social Solidarity (EKKA). In September 2017, 1,126 unaccompanied and separated children were living in accommodation facilities hosting exclusively unaccompanied and separated children and 1,652 were waiting for placements. Of those on waiting lists, 228 children were living in ‘Reception and Identification Centres’¹, more than 370 were in temporary facilities or ‘safe zones’ for unaccompanied children in camps, and 106 children were in ‘protective custody’ – de facto detention – in police stations, pending suitable placements².

There are a number of pre-existing shortfalls in the national child protection system for unaccompanied and separated children. These include the absence of a best interest determination procedure, a weak guardianship system, a poor system for monitoring accommodation and care facilities for children, and a fragmented legal framework for foster care. The problematics of each have been exacerbated by the current situation with increased numbers of migrants and refugees arriving in the country.

The Greek state is legally obliged to provide free compulsory education for all children between the ages of five and 15, regardless of migration status. However, the overburdened national system has failed to ensure access and to enrol all newly arrived children. As of 2016, children living in private accommodation or outside ‘Reception and Identification Centres (RICs) and camps can be enrolled at regular schools, whilst those living in camps or reception centres should attend integration classes offered by the Ministry of Education inside these facilities. Nevertheless, access to education remains a challenge, as many children are refused enrolment due to insufficient documentation, lack of places in preparatory (‘reception’) classes or capacity issues. At the time of writing³ no precise figures were available on how many refugee and migrant children were enrolled in regular schools. Accessing education is particularly difficult for asylum-seeking children

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- 1_ ‘Reception and Identification Centres’ (RIC) are Formerly First Reception Centre, closed centre in border areas where entrants are identified and referred to asylum or return proceedings. Six such centres exist in Fylakio, Lesbos, Chios, Samos, Leros and Kos. Hotspots are defined in the Regulation establishing the European Border and Coast Guard of 13 September 2016 as “an area in which the host Member State, the Commission, relevant union agencies and participating Member State cooperate with the aim of managing an existing or potential disproportionate migratory challenge characterised by a significant increase in the number of migrants arriving at the external border”. In Greece, hotspots are established in the Reception and Identification Centres of Lesbos, Chios, Samos, Leros and Kos. See “Country Report Greece”, Asylum Information Database (AIDA), 2016 update, March 2017, <http://www.asylumineurope.org/reports/country/greece>; “The Implementation of the Hotspots in Italy and Greece”, ECRE, December 2016, <https://www.ecre.org/wp-content/uploads/2016/12/HOTSPOTS-Report-5.12.2016..pdf>.
 - 2_ “Situation Update: Unaccompanied Children (UAC) in Greece”, EKKA, 15 September 2017, <https://data2.unhcr.org/en/documents/download/60150>.
 - 3_ October 2017.

living on Greek islands and in ‘Reception and Identification Centres’, who are considered to be “in transit”.

According to national legislation, asylum seekers and members of their families are entitled to free access to public health services. However, in practice, asylum seekers routinely face difficulties in accessing healthcare due to administrative barriers, a general lack of capacity at hospitals as well as a lack of interpreters or cultural mediators.

The system of appointing a guardian for unaccompanied children is dysfunctional as the public prosecutor for children or the public prosecutor of the local first-instance court who acts as a provisional guardian cannot handle the large number of children referred to him or her. The limited capacity of accommodation facilities dedicated to unaccompanied and separated

children under the National Centre for Social Solidarity (EKKA) deprives children of the special reception conditions they are entitled to. Due to the lack of appropriate places, many children remain in camps or transit facilities under substandard conditions. NGO-operated shelters partially cover the public service gap by offering accommodation and protection to unaccompanied and separated children that have come to Greece in recent years.

The child protection system is currently being reformed in order to address structural problems and pre-existing challenges in the area of guardianship and the alternative care of children deprived of parental care. Nevertheless, new draft laws on guardianship, foster care and adoption have not yet been adopted.

THE PRACTICE

This case study focuses on one of the four facilities for unaccompanied and separated children that SOS Children’s Villages Greece has established in order to respond to the increased need for safe accommodation and protection for unaccompanied and separated children.

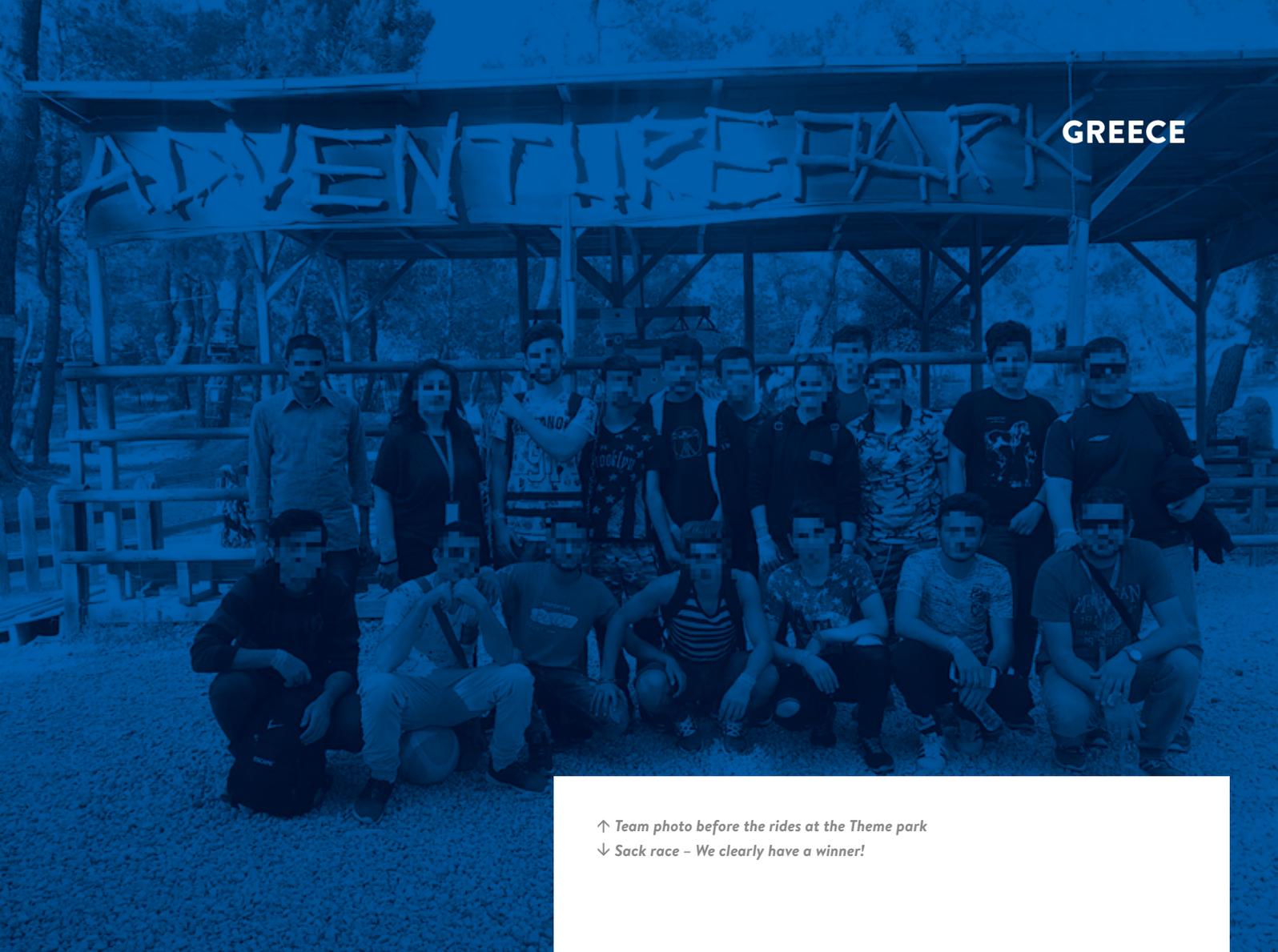
The facility has been established in cooperation with the Ministry of Labour, Social Security and Social Solidarity, and also with the support of UNICEF until July 2017.

The facility is able to accommodate up to 25 people and was initially intended to host unaccompanied and separated children aged 14–18 regardless of residence and migration status. Recently, due to urgent requests by EKKA, the facility has also started taking in boys below 13 years of age.

The main goal is to safeguard the fundamental rights of unaccompanied and separated children, to protect and keep them safe while helping them to integrate into Greek society.

A range of services and activities are provided to meet the needs of each individual child. In addition to accommodation and care, children have access to psychosocial support, legal aid, mediation services as well as educational and recreational activities.

Psychosocial support includes individual case management, group sessions (with a focus on life skills, promoting resilience and strengthening social cohesion within the house) and individual counselling to address substance abuse, loss, anxiety, self-harm and other issues.



↑ Team photo before the rides at the Theme park
↓ Sack race – We clearly have a winner!



I wish our house here [the SOS Children's Villages accommodation] was even bigger in order to host more children facing major problems like the ones I did until I came here and I received love and care from you [SOS Children's Villages staff].

Here... I have learned so many things in so little time; I feel I am better as a person because of that and I will definitely need and use this knowledge in the future.

16-year-old boy from Afghanistan

Each child receives legal advice and legal representation throughout the asylum and migration procedures including family reunification, asylum and return procedures. A lawyer acts as a link and facilitates communication among the relevant stakeholders such as the Greek Asylum Service and the Prosecutor's Office, follows up on individual cases throughout the relevant procedures and continuously informs children on developments regarding legal procedures affecting them.

Re-establishing or maintaining communication with the birth family and family reunification procedures are among the project's key priorities. In addition to legal support, material support is provided when necessary to facilitate contact between children and their families (e.g. mobile phones, SIM cards or free Wi-Fi). Further, the project staff works to build relations of trust with the parents to agree on common approaches and to seek their support to make the children aware of the risks of engaging in irregular work and relying on smugglers to leave the country irregularly. Parents are urged to encourage their children to seek legal channels either to settle in Greece or to reunite with their family in another European country.

Staff also facilitate access to the national healthcare system. An informal network is in place to ensure prompt referral and access to medical services and to address any challenges, for example those related to communication or the lack of interpretation services.

All children are enrolled at schools, some of them at schools specialising in intercultural education. In order to ensure children's right to education, the staff work closely with school directorates and assist children with their studies and homework. The staff regularly visit the schools where children are enrolled and attend relevant meetings to discuss children's academic performance or other challenges they may face. When necessary they adjust the tutoring provided after school according to school requirements and the children's needs.

In addition to formal schooling, the project offers multiple informal educational activities that include, for example, language courses, tutoring and computer courses; it also organises recreational sports, arts and cultural activities as well as outdoor field trips. Many of these activities are developed in close cooperation with local actors and make use of community resources. Moreover, the staff organise activities designed to inform and raise awareness among the public and in the local community on issues associated with the protection of unaccompanied and separated children and to facilitate the inclusion and integration of the children.

Finally, those children who are approaching the 18 are prepared for employment. Specialised staff such as social workers support them in obtaining a work permit and other required documents from government authorities, advise on employment and vocational training and help young people to draft their CVs and to apply for jobs.

To enhance quality and ensure sustainability, all services are offered by specialised staff including psychologists, lawyers, social workers, tutors, intercultural mediators and teachers who run informal education and recreational activities (20 staff members in total). In order to protect and keep children safe, members of the staff are present on a 24/7 basis. One tutor, who also acts as a role model for children, is always available to ensure prompt and appropriate responses to daily concerns and challenges and help to establish and maintain a stable, protected environment for the children.

The staff receive regular supervision and support to help them to address daily challenges, prevent burn out and enhance the quality and efficiency of services. Professional supervision

is provided by experienced supervisors. Staff members meet with the facility coordinator on a face-to-face basis to receive guidance and support. Finally, SOS Children's Villages, in cooperation with other organisations and bodies, offers regular training for the staff in order to enable them to address children's needs and provide adequate support.

The project is funded by SOS Children's Villages International and was partially supported by UNICEF until July 2017. Cooperation with the Ministry of Labour, Social Security and Social Solidarity and UNICEF is fundamental to the facility's success. In addition, the local community has also been supportive, as the children are part of the everyday life of the neighbourhood, shops and schools.

MAIN STRENGTHS AND KEY CHALLENGES



Access to formal education and tailored teaching programmes

The project promotes cooperation between SOS Children's Villages staff and teachers at the local public school. Each child's individual needs or learning difficulties are taken into account, and a supportive teaching programme is developed accordingly. The educational activities provided by SOS Children's Villages are preparatory or complementary to the school curriculum and aim to support children's integration into the public school system.



Support in accessing employment

Access to vocational training and the development of employability skills is essential for young people who arrived in Greece as unaccompanied children, not only because it facilitates integration into the local community, but also because it will help them to cover basic needs and to live independently in dignified conditions when they become young adults. In addition to the challenges faced by the general population due to economic recession and high unemployment rates, former unaccompanied children encounter other difficulties in accessing the labour market. Through this project children receive practical support, information and counselling services designed to facilitate access to vocational training and employment.



Minimising the risk of trafficking and exploitation

Unaccompanied and separated children are at higher risk of exploitation and trafficking. Legal uncertainty and prolonged delays in the identification and implementation of durable solutions cause anxiety and distress in children and lead to the deterioration of their well-being, mental health and development. As a result, unaccompanied and separated children are very often not receptive to help offered by formal structures and rely on the support of smugglers and criminal networks to reach out to family or friends in Europe.

By providing support and quality care, the project seeks to minimise the risk of child trafficking and other forms of exploitation. The project also promotes durable solutions and, by providing legal aid, helps children to get refugee or subsidiary protection and obtain a secure status in Greece or to join family members in other European countries through family reunification procedures. Furthermore, the project provides information sessions and individual counselling on the risks associated with travelling using unsafe means or smuggling networks and seeks the support of parents to make the children aware of such risks.



Provisions for staff training

Staff members receive regular supervision in a support group setting to address daily challenges, prevent burn out and enhance quality and efficiency of services. In addition, the coordinator of the house holds regular support meetings with the staff. Moreover, continuous training is provided by SOS Children's Villages Greece. The training programme covers child protection and child rights topics and addresses the specific protection needs and vulnerabilities of unaccompanied and separated children. It is offered in cooperation with other organisations that work in the field and includes seminars, workshops and individual assessment meetings.



Awareness-raising in the local community

Targeted information and awareness strategies prior to children's arrival are crucial to building support within the receiving community. When the project location was selected, no actions were taken to inform the local community, prepare it for the arrival of the children and promote their inclusion. Nevertheless, shortly after the project was set up, in order to overcome these challenges, SOS Children's Villages Greece developed awareness-raising activities in the neighbourhood and continuously seeks to create opportunities to bring unaccompanied and separated children and the local community together, for example by enrolling children in local sports centres. Proactive measures were also taken to avoid conflict with the local community and ensure support for the children. The project uses various opportunities to support the local community

and promote cooperation. For example, all supplies for the facility are purchased from local providers and neighbourhood shops.



Sustainability of services

Over the past two years, many European and international organisations have scaled up their activities in Greece with the aim of providing humanitarian assistance to overcome the challenges in the national protection and asylum system. Nevertheless, such interventions usually do not aim to provide long term and sustainable services. This initiative was developed within this context as a way to accommodate children who could not be accommodated by government authorities and public services. The lack of secure, long-term funding makes the activities difficult to sustain, even though the authorities are still struggling to take over responsibility to provide adequate accommodation, and more than 1,000 children are still awaiting placement in safe, child-appropriate shelters.



Lack of foster and other family-based care options for unaccompanied and separated children

Although the project provides quality services for unaccompanied and separated children, it does not promote family-based care. Both UNICEF and SOS Children's Villages actively support the reform of the child protection system in Greece and promote new legislation on family and foster care which in the future would allow developing family- and community-based care programmes for all children deprived of parental care in Greece, including unaccompanied and separated children.

LESSONS LEARNED

- **To effectively protect children, unaccompanied children's asylum claims and family reunification procedures need to be prioritised.**

Prompt identification and implementation of durable solutions is key to safeguarding the best interests of children. Excessive delays in processing children's asylum and family reunification applications affect children's mental health and well-being and impede their protection. The completion of legal procedures within a reasonable time facilitates children's integration into society and improves their overall well-being.

- **Availability of information and clarity in legal procedures enable better protection.** Unaccompanied and separated children have to go through complex and lengthy procedures that they are often unable to understand. The provision of information and individual counselling on legal procedures helps children make informed decisions and choices.

- **Access to formal education is essential for protection and integration.** A clear legal framework and policy aiming at removing legal barriers to children's access to formal education is essential to effectively protect children and promote integration in all areas of their lives. Support measures should be available for all children facing marginalisation and social exclusion.

In order not to abandon my goal when I started this journey, I always kept in mind that I had to be educated, that I had to acquire all the basic knowledge that would allow me to keep having dreams.

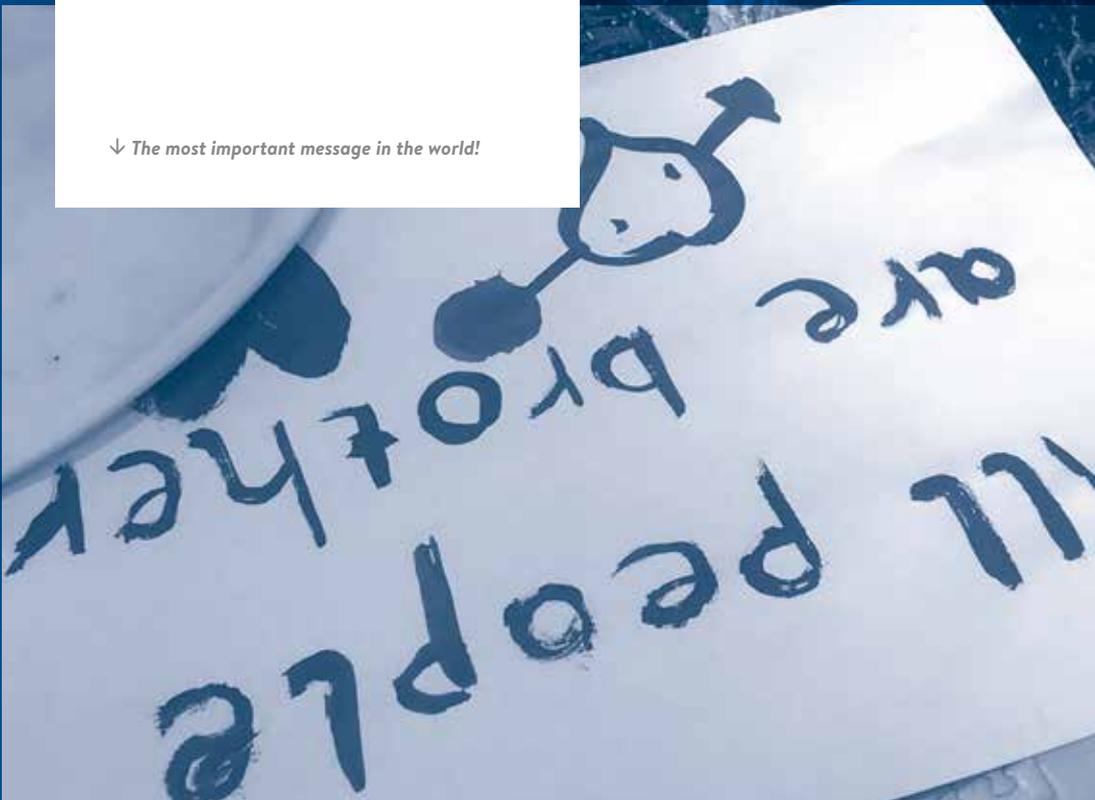
... I will never forget, of course, the day I learnt of the positive news about the asylum application but also my first day when I went and played the keyboard at school.

16-year-old boy from Afghanistan



↑ *Preparing for 1st Christmas in Athens, Greece*

↓ *The most important message in the world!*



Prosvasis: Street work project for homeless children and families in Greece

SUMMARY

Greece is one of the main entry points for refugees and asylum seekers arriving in Europe by sea and has received more than 1.5 million people over the past two years. The national asylum and migration system is overwhelmed. Despite the efforts made to strengthen the capacity and quality of the national reception system, many asylum seekers and migrants end up homeless and often in legal limbo. Unaccompanied and separated children and families with children make up a significant share of the population of migrants living in the streets.

The main goal of the “Prosvasis” street work project is to identify and protect vulnerable children and to prevent child exploitation, abuse and trafficking. The project seeks to assist homeless refugee and migrant children living in the city of Thessaloniki, regardless of their legal status.

The project provides humanitarian support, including food and non-food items and protection services. Once they have been identified, all children are referred to the Association for the Social Support of Youth (ARSIS) where they receive legal assistance and psychosocial support.

The project is implemented with support from the United Nations Refugee Agency (UNHCR) and funding from the EU.

Country: Greece

Location: Thessaloniki

Target group:

Homeless unaccompanied and separated children and homeless families with children, regardless of age and residence status

Implemented by:

ARSIS

(Association for the Social Support of Youth) with support from UNHCR

Funded by:

UNHCR and the EU

Timeframe: 1 January 2017 to 31 December 2017

Contact person:

Nefeli Pandiri,

General Coordinator,

childprotection.dragoumi@gmail.com

KEY TOPICS

SUPPORT TO PARENTS/PRIMARY CARE GIVERS | PSYCHOSOCIAL SUPPORT
FORMAL EDUCATION | INFORMAL EDUCATION | VOCATIONAL TRAINING
STAFF TRAINING | CHILD PARTICIPATION | LOCAL COMMUNITY

LEGAL AND POLICY CONTEXT

The national asylum and reception system in Greece is under strain and remains, despite the progress made over the past two years, inadequate and ineffective. Although different types of accommodation facilities are now available, such as reception centres, shelters and rental facilities, the overall capacity is insufficient, and homelessness remains a matter of great concern. To increase capacity, the national authorities have established temporary camps run by the Reception and Identification Service (RIS) on the mainland. However, many of these facilities do not meet international and European standards¹ and are not suitable for long-term accommodation, especially of children and families. Children and families are often placed in remote areas where access to health and education services is restricted. Asylum seekers often refuse placements at such centres or leave the camps due to the inadequate living conditions and instead opt to seek accommodation in urban areas, alone or with the support of informal networks.

To address the shortfalls in the reception system, the UNHCR has established an accommodation scheme, providing suitable accommodation to specific groups of asylum seekers, i.e. persons eligible for relocation, those who have submitted family reunification requests under the Dublin Regulation and very vulnerable applicants such as persons with chronic diseases. In addition, many NGOs run shelters that provide accommodation and reception services to unaccompanied and separated children and families with young children. However, the overall capacity remains limited. In addition, certain groups of migrants are not entitled to accommodation and reception services, i.e. asylum seekers whose applications were rejected

and people who do not seek international protection, with the exception of unaccompanied and separated children, who are entitled to accommodation and care regardless of their migration status.

Nevertheless, the reception system for unaccompanied and separated children is overwhelmed, and those requiring assistance have to wait for a long time until they are placed in suitable facilities. Some of the unaccompanied and separated children found on the streets outside the formal reception system are children who have been expelled from the shelters where they were placed due to antisocial behaviour or delinquency and children who have absconded from the shelters in order to continue their trip to another EU country.

According to the National Centre for Social Solidarity (EKKA), unaccompanied and separated children stay at their allocated accommodation for an average of 48 days.

Similarly, many families do not seek asylum in Greece and are not registered on the system, and some asylum seekers end up in legal limbo following unsuccessful attempts to reach their destination country.

As a result, despite the legal framework providing for special reception conditions and protection for unaccompanied and separated children and other vulnerable groups, many children with or without family do not have access to housing and basic services. Many of these children become victims of violence and exploitation which negatively impacts their physical and mental health.

1. See also: "Migration Flows and Refugee Protection: Administrative Challenges and Human Rights Issues", Greek Ombudsman, April 2017, https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf.

THE PRACTICE

Prosvasis is a street work project run by ARSIS with the support of the UNHCR which aims to identify, register, support and protect children among the homeless population of migrants and asylum seekers in Northern Greece and to prevent child abuse, trafficking and exploitation. The project is implemented in Thessaloniki, the second largest city of Greece.

I want to go to school again to make friends because now I don't have any. My favourite day in Greece was the day I went to the park to play and my worst was the day when the police arrested us and put us behind bars.”

Interview with a five-year-old boy from Pakistan living in a precarious situation with his family

The project was developed to respond, in particular, to the needs of families and unaccompanied and separated children who are in an irregular situation², are not registered on the national protection system and are considered to be at high risk of abuse and exploitation. The majority of the children supported by the project are unaccompanied boys between the ages of 13 and 18, most of whom have recently arrived in the city of Thessaloniki and are undocumented. Many of the children are victims of sexual exploitation and trafficking and were found to be exploited in criminal activities and involved in substance abuse. Among the families many are undocumented or have had their claim for international protection rejected.

The main project activities include:

- Identification, support and provision of basic services to homeless families with young children and unaccompanied and separated children
- Legal advice and legal aid for families and unaccompanied and separated children
- Referral of families and unaccompanied and separated children in need to relevant authorities and organisations

The project focuses in particular on children who are victims of violence, abuse and exploitation, offering them psychosocial support and protection, and on unaccompanied and separated children with delinquent or antisocial behaviour or in conflict with the law, who are often marginalised and are deemed at risk of further exploitation by criminal networks.

A multi-disciplinary team of professionals including social workers, psychologists and lawyers provides humanitarian assistance, information, legal aid and psychosocial support to homeless children and in some cases, their families.

Cases are identified through street work, which is a key component of the project. Some cases are also referred by other organisations and individual members of the local community.

Following identification, children and families receive humanitarian assistance to cover their basic needs and are referred to the ARSIS Unit for the Protection of Minors. Tailored services are provided; the type of assistance delivered varies and is based on the legal status and the personal circumstances of individuals.

2_ The situation of migrants can be irregular either because they do not have a valid authorisation to stay or reside, having entered the European Union (EU) in various ways, or they become irregular as they overstay the period to which they are entitled. This vulnerable situation often puts migrants at heightened risk of fundamental rights violations. For more, see “Fundamental Rights of Migrants in an Irregular Situation in the European Union”, Fundamental Rights Agency, 2011, http://fra.europa.eu/sites/default/files/fra_uploads/1827-FRA_2011_Migrants_in_an_irregular_situation_EN.pdf.

An individual needs assessment is conducted in all cases of unaccompanied and separated children. Children receive comprehensive information on the national legal framework, procedures and services, are actively involved in decision-making processes that affect their lives and participate in the development of their individual plans. Where families are concerned, a family plan is prepared following a needs assessment and in consultation with all family members.

Cooperation with and referral to the authorities is a key element of the practice. All cases are referred to the National Centre for Social Solidarity which is responsible for placing unaccompanied and separated children and other vulnerable groups in appropriate accommodation facilities. In cases of unaccompanied and separated children, the Public Prosecutor for Minors, which acts as a provisional guardian for all unaccompanied and separated children in Greece, is duly informed.

All cases are referred to the ARSIS social services and youth centre, which provides legal aid and psychosocial support and implement various educational and recreational activities for children and young people aiming to promote their development and wellbeing and prevent marginalisation.

The local community is actively engaged in the project activities: community members provide material support to those in need or refer homeless families and unaccompanied and separated children to ARSIS.

All staff receive training on child protection and other specialised guidance in their field of expertise and area of work. Training is provided by ARSIS in cooperation with other partner organisations, including the UNHCR. All members of the project team also receive professional supervision and specialist support from an ARSIS case manager. The team also holds dedicated meetings with the protection unit of the UNCHR when necessary to discuss the case management of particularly vulnerable and complex cases.



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MAIN STRENGTHS AND KEY CHALLENGES



Ability to reach the most vulnerable and marginalised groups

The street work project for homeless families and children reaches the most vulnerable and marginalised group of children and aims to compensate for some serious deficiencies of the national reception, identification and registration system. It minimizes the risks of further victimisation and exploitation of children and protects the safety and dignity of each person. Child victims and children at risk of abuse and exploitation are referred to appropriate accommodation facilities and specialised services providing quality care and protection according to their individual needs.



Provision of information and legal aid to undocumented children and families

Newcomers and asylum seekers whose applications have been rejected often do not have access to information and legal aid, and children are not properly informed of their rights. By providing legal information, legal aid and, in the cases of unaccompanied and separated children, legal representation, the project facilitates access to asylum and migration procedures and consequently access to accommodation, health and educational services.



Advocacy for the rights of homeless and undocumented children

The situation faced by homeless migrant and refugee children is an issue that receives little attention despite their extreme vulnerability. In addition to providing direct services to children and families, the project aims to collect data and information on the situation of this particular group of children and to develop recommendations to promote their rights. This work is essential, as very often the rights and needs of undocumented children and children in irregular situations are neglected, since reception provisions are linked to asylum procedures.



Services tailored to individual needs and a multidisciplinary approach

The project provides services tailored to respond to the needs of individual children and families and to address the multiple vulnerabilities they face, based on an individual care plan which is developed in consultation with families and children. The project has a multidisciplinary team of professionals providing legal and psychosocial services and refers cases to other specialised organisations when necessary.



Sustainability

The absence of regular funding impedes the sustainability and scalability of the project activities. The project was developed in the context of a larger programme of humanitarian assistance to Greece funded by the EU and sustainability of the funding is not guaranteed. Activities that are developed in the context of humanitarian responses are often short-term in nature and end due to lack of funding even if they are still needed. A possible solution could be that authorities conduct situation analyses to identify activities that address persisting needs, so that longer-term funding could be made available.



Limited capacity for proper follow-up

The project contributes significantly to identifying homeless children and families; however, due to the limited capacity of the reception system, it is not always possible to ensure protection and a prompt and appropriate placement. The project facilitates the placement of children in dedicated facilities by referring them to the national authorities, but prompt placement is always conditional to the availability of places, as the project itself does not provide accommodation. As a result, many families and children remain in the streets for long periods after identification as they await placement, and during this time it is not possible to ensure the safety and protection of children.



Difficulty in building trust and provision of long-term support

One of the biggest challenges of this project is establishing and maintaining contact with the target group throughout lengthy legal procedures, in particular as homeless persons often do not have a stable place of reference where they can be reached. Although the ARSIS youth centre and social service facilities could serve as a reference point, it is difficult to build trust. Children and families living in the street have experienced traumatic situations and are often victims of violence, abuse and exploitation, and engaging them in project activities requires a lot of effort and continuous support and counselling. Very often they receive contradictory information from other sources, including traffickers and smugglers, which is an additional constraint in building a trust-based relationship.

LESSONS LEARNED

- **Engaging extended family members helps to keep families together.**

Children should be supported to grow up with their family as maintaining and strengthening family links is essential for their well-being and protection. When the family unit is in crisis, support from extended family members often helps to prevent family breakdown.

Respecting the principle of the best interest of the child entails a careful assessment of individual needs and family relationships. Using a broader definition of family that includes extended family in the context of family reunification and other asylum and migration procedures could strengthen the protection of children and promote their safety and well-being.

- **Strengthening information provision and legal aid services helps to prevent legal limbo.**

Provision of information in a language and manner suitable for children and the availability of legal assistance and representation is a right and an important procedural safeguard, especially in the context of complex or accelerated asylum procedures. Factors such as homelessness, language barriers and marginalisation impede access to formal identification, reception and asylum procedures and might lead to situations of legal limbo. It is essential that individuals, especially those considered to be the most vulnerable, receive clear and comprehensive information and legal advice from the outset.

Support and informal education for children in reception facilities in Greece

SUMMARY

The project by the Society for the Development and Creative Occupation of Children (EADAP), ‘Life Planning Support in a Shelter for Unaccompanied Children and Single Mothers,’ was implemented at the “Mellon” shelter for unaccompanied children and single mothers. The educational services provided by EADAP in the shelter included language courses, parental skills development and activities for preschool-aged children as well as for teenagers.

The “Mellon” project was launched in September 2013 and ended in April 2017. It was part of the International Organisation for Migration’s (IOM) programme entitled “Supporting Organisations that Assist Migrant Asylum-Seeking Population in Greece” (SOAM) and was funded by European Economic Area grants. The project was jointly implemented by four NGOs: Nostos, EADAP, IASIS and Ergoerevnikiti. The project provided accommodation, food, legal aid and medical, psychosocial and educational services.

EADAP’s project aimed to increase children’s participation in activities, facilitate their future integration in public schools and help them adapt to the local community. The activities included outdoor lessons, activities with the community and visits to museums.

Educational methods and activities were adjusted throughout the project in consultation with children in order to meet their educational needs. The activities implemented and the active participation of many beneficiaries confirmed the project’s relevance. Nevertheless, it was found to have managed only partially to cover the basic educational needs of refugee and migrants.

Country: Greece

Location: Moshato Municipality, Attica Region

Target group:

Asylum-seeking unaccompanied and separated children and single mothers

Implemented by:

Society for the Development and Creative Occupation of Children (EADAP), Ergoerevnikiti, Nostos, IASIS

Funded by:

EEA grants

Timeframe: September 2013 – April 2017

Contact person:

Athina Kammenou, special educator,
info@eadap.gr

KEY TOPICS

SUPPORT TO PARENTS/PRIMARY CARE GIVERS | CASE MANAGEMENT
PSYCHOSOCIAL SUPPORT | INFORMAL EDUCATION | STAFF TRAINING
CHILD PARTICIPATION | PRIVATE PARTNERSHIP | LOCAL COMMUNITY | LEGAL AID
ACCESS TO INFORMATION

LEGAL AND POLICY CONTEXT

Under national law, refugee and migrant children are entitled to access the education system under similar conditions as Greek nationals. In addition, under national law, children from countries outside the EU can enrol in Greek schools, even with incomplete documentation¹. Ensuring that the right of children to education is met has presented a big challenge for the Greek government. The Greek state continues to struggle to accommodate the numbers of refugees arriving; it is estimated that children account for more than a third of the overall number of migrants and refugees arriving in Greece in recent years.

In an effort to secure access to education for refugee and migrant children, the Greek government developed a programme according to the specific needs of these children and the conditions of their stay. A ministerial decision adapting the compulsory education system for children aged five to 15 years old was issued with the aim of facilitating the integration of a large number of foreign children and to try to prevent some schools from being burdened with excessive numbers. The programme offers (a) enrolment in state schools (for children living outside refugee accommodation centres and facilities) and (b) access to education in Reception Facilities for Refugee Education (RFRE) in other cases. Between October 2016 and March 2017, 107 RFREs were set up with some 2,643 children attending them².

To facilitate access to state schools, afternoon preparatory classes for refugee and migrant children have been set up. Preschool education is only provided inside reception and accommodation centres.

Children living in private housing in urban areas can enrol at local schools. Reception classes for children with limited knowledge of the Greek language may be available in areas characterised as priority education zones.

Despite such efforts, children often face delays and obstacles in their enrolment in public schools due to a lack of reception classes, limited capacity of schools or administrative issues. The main shortcomings of the current education policy include access to non-compulsory education, as it does not provide for pre-school education, upper secondary education and vocational training. The high mobility and fluidity of the asylum-seeking population as well as staffing issues pose additional challenges in securing the right to education. Additional challenges exist for children in certain geographical areas, such as the Eastern Aegean islands, which are considered transit zones³.

Access to early childhood and preschool education facilities is a challenge for citizens and non-citizens alike due to the limited capacity of public day care centres and kindergartens run by local authorities.

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1. Law No. 3386/2005, article 72. See also: Kalliopi Spanou, "Non-Enrollment and Promotion in the Next Class of Foreign Students Due to Deficiencies in the Registration Documents", Greek Ombudsman, December 2013, www.synigoros.gr/resources/462193.pdf.
 2. "Refugee Education Project", Ministry of Education, Research and Religious Affairs, Scientific Committee in Support of Refugee Children, April 2017, 38, https://www.minedu.gov.gr/publications/docs2017/CENG_Epistimoniki_Epitropi_Prosfygon_YPPETH_Apotimisi_Protaseis_2016_2017_070_.pdf.
 3. "Migration Flows and Refugee Protection: Administrative Challenges and Human Rights Issues", Greek Ombudsman, April 2017, 63 & 67, https://www.synigoros.gr/resources/docs/greek_ombudsman_migrants_refugees_2017_en.pdf.

Preschool education for children under the age of four is not covered by national education laws because early childhood centres are classed as belonging to local authorities. In these matters each municipality has to resort to special measures concerning the registration of refugee and migrant children.

To fill these gaps, informal educational activities have been organised and offered by non-governmental organisations in most shelters and in other spaces in big cities.

THE PRACTICE

The “Mellon” project was implemented by four non-governmental organisations and focused on providing accommodation and care services to single mothers and unaccompanied and separated children. Nostos was responsible for operating the shelter and coordinating project activities, including the provision of legal aid. Psychosocial services were provided by IASIS, health care services by Ergoerevnikiki, and educational activities by EADAP. The project was part of the International Organisation for Migration’s programme entitled “Supporting Organisations that Assist Migrant Asylum-Seeking Population in Greece” (SOAM), designed to increase the number of shelters and improve reception conditions and the quality of services available to asylum seekers.

The shelter accommodated asylum seekers while they were waiting for a decision on their asylum claims. Under national legislation, asylum claims must be processed within a six-month period, which can be extended in certain cases; however, in practice the procedure can take over 12 months. During their stay at the shelter, the women and children could benefit from a range of services, including educational activities.

The educational services provided by EADAP include:

- Support for parents in applying for places in state-run nursery schools for children aged four to six years old
- Provision of informal early childhood education activities for children under five who were not enrolled in nursery schools
- Support classes for children attending local schools
- Greek and English language courses
- Educational activities for unaccompanied and separated children

Dedicated activities targeting unaccompanied and separated children included psychosocial support, Greek language courses, recreational activities aimed at cultivating children’s talents, activities to prepare them for employment, and activities to strengthen their relationships with the local community.

However, unaccompanied and separated children, in particular young people, had limited engagement and participation in the educational activities provided by the shelter. To overcome this challenge, the activities were re-designed, in consultation with the children, to better meet their specific needs and interests.

In this context, an innovative educational project entitled “Our Lands and their Animals” was designed based on the children’s proposals and in close cooperation with the children, the staff and the local community. The aim of this project was to prepare unaccompanied and separated children of school age for enrolment in school through learning, while also promoting integration. Using animals as an inspiration, children had the opportunity to share personal stories and experiences in Greek or English and familiarise themselves with their new environment. Activities included theatrical performances, outdoor lessons, meetings with people from the neighbourhood, field trips to museums and use of audiovisual material. As a result, the children’s participation in activities increased, and the community became more engaged in the project.

For young children, a pedagogical project called “Baby Room” was implemented with the support of a professional early childhood educator and volunteers in a dedicated space inside the shelter. The pedagogical activities targeted babies and children aged 0 to six years old and were designed to support the emotional and social development of children. Children with disabilities were also included in the groups. The main goal of the “baby room” was to offer a secure, stable and pleasant environment for all babies and children arriving at the shelter.

In addition, this service gave mothers some free time either to rest or to take care of administrative issues such as appointments with asylum, migration or other services.

Moreover, activities to support young mothers experiencing psychosocial pressure and stress were developed to help them cope with motherhood and to strengthen their parental skills with the aim of preventing child neglect and abuse.

Reception conditions for children in migration include not only safe and appropriate accommodation, but also any necessary support services to secure the child’s best interests and wellbeing, ... as well as access to education, healthcare, psychosocial support, leisure and integration-related measures.

Given that recently arrived children may not yet have been able to acquire sufficient skills and competences to fully and actively integrate in society, in particular for transition into further study or the labour market, children in this transitional phase should be provided with guidance, support and opportunities for continuing education and training.

*The Protection of Children in Migration:
Communication from the Commission to the European Parliament and the Council (COM(2017)211 final)*



© Nostos, EADAP, IASIS, Ergoerevnikiki



↑ Visiting museums, Greece

↓ Visiting the neighbourhood



MAIN STRENGTHS AND KEY CHALLENGES



Local community engagement

The project sought to create opportunities to bring the beneficiaries and the local community together through children's outdoor activities and the active participation of children and families in events organised by the municipality and community. By participating in sports clubs, the children had a chance to spend time with their peers and improve their social and language skills. Field trips to museums helped them get to know the culture of their host country and to learn more about their new environment. Establishing and strengthening connections between refugees and locals was an essential element of the project and a key factor for the refugees' integration into the host society.



Adjustment of project activities in consultation with participants

Following the limited engagement and interest of children in activities when the project first started, the educational programme was adjusted to respond to their needs and interests. The staff encouraged children to share their views and provide feedback on the design and the implementation of activities. As a result, a new educational framework was developed, based on their suggestions and tailored to their interests. The new programme increased participation in educational activities and allowed the children to develop communication skills, increase their confidence and gain a sense of achievement.



Partnership and cooperation

The "Mellon" project was implemented by a group of NGOs, with each of them providing complementary services and activities. Cooperation and effective coordination among project partners helped enhance the quality of services and increased the impact of the implemented activities. Moreover, support from and cooperation with public services and state actors responsible for the reception and protection of asylum seekers, such as the National Centre for Social Solidarity (EKKA) and local authorities, were essential for the effective implementation of the project.



Support for primary caregivers

Single mothers accommodated in the shelter, many of whom were under enormous stress, received psychosocial counselling and support aimed at strengthening their parental skills. The "baby room" service enabled them to participate in activities of their interest, rest or attend meetings with asylum and migration authorities whilst their babies were taken care of by professional staff. Parental support services and activities were targeted at young mothers in order to prevent or respond to child neglect by strengthening parental skills and the child-parent relationship.



Pedagogical activities for mothers and children

The “baby room” project offered an enriching environment for babies and very young children. Specialised educators and social workers worked together to develop and implement individualised educational programmes for the children and their mothers. Individual plans were developed for the reception, educational support and social integration of young children with special needs.



Limited access to formal education

Educational measures should be aimed at promoting formal schooling and realising every child’s right to an education. The educational activities provided inside reception facilities should prepare children for integration into the formal education system. The project encountered challenges in this area. Although there are objective challenges that impede access to education for refugee and migrant children, a more constructive cooperation between the shelter’s staff and the educators of local schools would have facilitated the enrolment of children. Moreover, it has been established that the young children who participated in informal education and preschool activities within the shelter had limited interaction with the local community and their peers and tended to get marginalised.



Language issues and difficulties in achieving children’s participation

One of the main challenges was the lack of interpreters during some of the activities, which made communication between the beneficiaries and the staff difficult. In addition, at the initial stage of project implementation, the staff found it difficult to ensure children’s participation in educational activities. This problem could be due to disparities in the children’s ages, cultural backgrounds and educational levels, which made it particularly challenging to form teaching groups. Psychological factors such as fear, sadness or anxiety affected the quality of participation and contributed to poor concentration.



Sustainability

High turnover rates of beneficiaries, long and complicated asylum and migration procedures, legal uncertainty as well as the fact that Greece, for many asylum seekers, is a ‘transit’ and not a ‘destination’ country, impede any effort to promote integration and provide sustainable support. Many of the shelter residents, including unaccompanied and separated children, had no motivation to participate in project activities, learn the Greek language or get involved in the life of the local community.

LESSONS LEARNED

- **Proactive information and awareness strategies are crucial to building support within the receiving community.**

Proactive measures should be taken to prevent fear and avoid conflicts with the local community. Raising public awareness and dispelling common myths about refugees is essential to generating support. Host communities should be encouraged and motivated to get involved in projects providing support to refugees and asylum seekers and engage with them directly.

- **Ensuring access to formal education and a focus on multicultural aspects are key elements of integration.**

A clear legal framework and clear policies aimed at removing barriers and facilitating children’s access to formal schooling are key to their effective protection. Access to quality education is essential for their social inclusion and future development. To ensure the successful inclusion of asylum-seeking and refugee children in public schools, cultural issues should be addressed. Some of the measures that could contribute to quality education are: cultural sensitivity and inclusive education training for teachers, the development of support teams for educational staff, the introduction of innovative education techniques, and collaboration between various actors.

Foster care for unaccompanied children in Hungary

SUMMARY

Following a legal reform in March 2017, unaccompanied and separated children above the age of 14 are held in transit zones at the Hungarian–Serbian border where they are detained, while those below the age of 14 are taken into care by competent child protection authorities and placed at the Károlyi István Children’s Centre.

The project aims to provide foster care for particularly vulnerable groups of unaccompanied and separated children accommodated at the Károlyi István Children’s Centre. The project targets in particular unaccompanied children below the age of 12, who are entitled to foster care under national child protection law, girls, and children with disabilities or serious diseases. The project includes the recruitment, selection, training and monitoring of certified foster parents for unaccompanied and separated children. This is carried out in line with existing foster care standards and procedures and the placement of children is carried out by competent national authorities.

The practice is implemented in close cooperation with the relevant authorities and other service providers. Children’s views and cultural backgrounds are taken into consideration while matching them with foster parents.

Foster care for unaccompanied and separated children is new in Hungary, and this project serves as a pilot.

With support from SOS Children Villages, the Child Protection Services of Budapest have recently started recruiting and training foster parents for unaccompanied and separated children.

KEY TOPICS

ALTERNATIVE CARE FOR UNACCOMPANIED CHILDREN
CASE MANAGEMENT | PSYCHOSOCIAL SUPPORT
STAFF TRAINING | CHILD PARTICIPATION | PUBLIC PARTNERSHIP
LOCAL COMMUNITY | ACCESS TO INFORMATION

Country: Hungary

Location: Budapest and Kecskemét

Website:

<https://www.sos.hu/hogyan-segitunk-mi/menekult-program/neveloszuloket-keresunk-menekult-hatteru-gyermekek>

Target group:

Unaccompanied and separated children below the age of 12; unaccompanied and separated children with disabilities and unaccompanied and separated girls of all ages

Implemented by:

OS Children’s Villages Hungary in partnership with the Child Protection Service of Budapest, the State-run Károlyi István Children’s Centre at Fót, the Hungarian Directorate-General for Social Affairs and Child Protection, Menedék – Hungarian Association for Migrants, and the Government Authority of the Bács-Kiskun County

Funded by:

SOS Children’s Villages Switzerland
SOS Children’s Villages Sweden
SOS Children’s Villages Denmark

SOS Children’s Villages Hungary and state subsidies

Timeframe: November 2016 – ongoing

Contact person:

Eszter Kósa,
Emergency Response Advisor CEE/CIS,
eszter.kosa@sos-kd.org,
Viola Szlankó, Advocacy Advisor,
viola.szlanko@sos.hu

LEGAL AND POLICY CONTEXT

Since May 2011, services for unaccompanied and separated children in Hungary have been the responsibility of the country's child protection system. Unaccompanied and separated children are appointed a guardian, who is legally responsible for their care and their legal representation. They are entitled to the same care arrangements as Hungarian children¹, and hosted in a designated child protection facility, the Károlyi István Children's Centre.

In 2015 Hungary experienced an increase in the number of migrants and refugees arriving in the country and seeking to continue their journey to other European countries. A number of legal reforms were carried out in recent years, which changed the protection framework for asylum seekers, including unaccompanied and separated children. The revised regulatory framework, along with the closure of Hungary's border with Serbia and new border restrictions, resulted in a significant decrease in the numbers of asylum seekers and migrants². According to Eurostat, the number of unaccompanied and separated children seeking asylum in Hungary dropped from 8,805 in 2015 to 1,220 in 2016³. Nevertheless, a new law introduced on 28 March 2017 means that all asylum seekers in Hungary, including families with children of all ages and unaccompanied and separated children over the age of 14 are held in closed transit zones along the Serbian–Hungarian border. Only unaccompanied children under the age of 14 are exempted from detention and

transferred to the Károlyi István Children's Centre, where they can access specialised child protection services.

The Guardianship Office of the 5th district in Budapest has been designated as the single competent body in charge of appointing guardians for unaccompanied and separated children and other non-national children. To avoid conflicts of interest, the person acting as a guardian should not also be a caregiver in the facility where the child is placed. Despite the legal provisions, there are still significant delays in the appointment of guardians⁴.

The Károlyi István Children's Centre in Fót is the only facility in Hungary providing care to unaccompanied and separated children. The centre can normally accommodate approximately 50 children; in the case of an emergency this number can go up to 140. Children placed in the centre receive a short-term placement status for a maximum of 30 days. However, in practice, this period usually lasts much longer – four to five months. The main goal of the short-term placement is to assess the child's best interests and to identify durable solutions such as family reunification or referral to a long-term care placement. Care workers and educators are responsible for undertaking a needs assessment for each individual child. An Expert Committee of the Child Protection Services of Budapest conducts an assessment and recommends the type of placement.

1. European Council on Refugees and Exiles (ECRE), Case Study on a Dedicated Reception Centre with a Range of Integrated Services in Hungary, (June 2016) https://www.ecre.org/wp-content/uploads/2017/05/Hungary_Case_Study1.pdf.

2. For statistics, please refer to Hungarian Helsinki Committee, Hungary: Key Asylum Figures as of 1 April 2017, (12 April 2017) <https://www.helsinki.hu/en/hungary-key-asylum-figures-as-of-1-april-2017/>.

3. "Asylum Applicants Considered to Be Unaccompanied Minors by Citizenship, Age and Sex - Annual data (rounded) [migr_asyunaa]", Eurostat, last modified 16 August 2017, http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en.

4. For more information, see "Best Interest Out of Sight: The Treatment of Asylum Seeking Children in Hungary", Hungarian Helsinki Committee, (2017), <http://www.helsinki.hu/wp-content/uploads/Bestinterestoutofsight.pdf>.

According to the Child Protection Act, all children under 12 years of age should be placed in foster care to avoid institutionalisation. Nevertheless, foster care placements are not available in practice for young unaccompanied children. All unaccompanied and separated children are placed in the Károlyi István Children's Centre, where they are accommodated in a separate building and receive healthcare within the facility. Access to education can be a challenge despite legal entitlements, although many children are enrolled in Hungarian schools.

THE PRACTICE

Currently, most children at the Károlyi István Children's Centre stay for a very short time and go missing from the facility shortly after their placement. SOS Children's Villages Hungary's Refugee Program mobile team visits the centre three to four times per week and provides services tailored to children's needs. Since the project began in 2016, the team has worked with over 700 unaccompanied and separated children, including approximately 50 children belonging to the most vulnerable groups (young children, girls and children with serious illnesses or disabilities).

I came alone all the way from Afghanistan. I had to face many dangerous situations. I think it is a brave thing to arrive and live alone in a different country, far away from my country and my family.

12-year-old unaccompanied child from Afghanistan

Based on recent statistics, in the first five months of 2017 41% of asylum seekers were children. After the new regulation providing for the detention of unaccompanied and separated children over the age of 14 in closed transit zones came into force, an increase in the arrivals of young unaccompanied children was observed. It is estimated that about 90% of the children leave the children's centre shortly after being placed there to continue their journey to other European countries, often to join family members there.

Although family-based care should be available for unaccompanied and separated children below the age of 12, it is not applied in practice. As part of its broader interventions for refugee and migrant children in the country, SOS Children's Villages Hungary started a pilot project in order to provide adequate care to young and vulnerable unaccompanied and separated children and promote the use of foster care.

In this pilot project, SOS Children's Villages Hungary is identifying and recruiting a group of foster parents for unaccompanied and separated children. Foster parents are recruited by SOS Children's Villages and trained officially as all foster parents in the country. They also participate in special trainings provided by SOS. The profiles and qualifications of potential foster parents and the types of training and support that they receive are based on the specific cultural and protection needs of unaccompanied and separated children.

When foster parents start as family based care providers they are registered with the External Foster Care Network of SOS Children's Villages Kecskemét Programme.

SOS Children's Villages Hungary believes that cultural, religious and linguistic identity is important for children, so during recruitment it prioritises the selection of foster parents with similar linguistic and cultural backgrounds to the children. Besides the foster care program (but based on the same group of applicants) in June 2017, the organisation launched a mentorship programme which enabled 12 volunteers to support families and children with refugee status in their everyday lives and to promote their inclusion and integration.

Foster parent candidates undergo two interviews and a psychological test. The selected candidates receive the same compulsory training as foster parents caring for Hungarian children, which is complemented by cultural sensitivity training and specialised training on the needs of unaccompanied and separated children.

During the training, the candidates receive information on their tasks and responsibilities and are given the opportunity to carefully consider their decisions to become foster parents. Foster families receive monthly counselling, psychological support and advice from SOS Children's Villages family counsellors. To make such support possible, the foster parents need to reside within a close distance of the SOS Children's Villages facilities.

To ensure the best interests of unaccompanied and separated children, SOS Children's Villages works in close cooperation with other stakeholders such as the Hungarian Helsinki Committee, legal guardians in the state child protection system, the UNHCR and the Károlyi István Children's Centre. A joint working group to address individual cases of unaccompanied children has been established and holds monthly meetings.

I am so worried about my mother and my siblings. My mom and two of my cousins are ill, so I should send them money – but I can't have a job here as a child – due to the regulation. So I am worried about this situation; I cry for them a lot. Anyway, I have just found out that I could earn some money if I worked as an extra in movies, so I'll try to manage this. I have to talk to my legal guardian about it as I need his permission to do it. It would be great if I could send some money to my family.

12-year-old unaccompanied child from Afghanistan

The role of the biological family is considered crucial, so the staff facilitate communication between children and their biological families and involve biological families in decision making.

By October 2017, four candidates had been selected and certified by SOS Children's Villages Hungary and had completed their official foster parent training. Those new foster parents will be registered to allow for swift placement of those children identified by Hungarian child protection authorities. Each foster parent can care for one or two unaccompanied and separated children. Placement in foster families is carried out by child protection authorities based on a needs assessment, an individual care plan developed by a multidisciplinary team and an interview with the child. Foster parents undergo vetting and screening procedures and are subject to the national child protection monitoring system and periodic reviews conducted by child protection authorities throughout the placement.

Actually I can't count on anybody, and I don't really trust anybody either. I have a legal guardian, but I don't know either his telephone number or his Viber name, so I can't talk to him whenever I want.

12-year-old unaccompanied child from Afghanistan

In May 2017, child protection services in Budapest worked with SOS Children's Villages Hungary to start its own programme to recruit foster parents for unaccompanied children in order to be able to provide family-based care for all unaccompanied children below the age of 12, as per legal requirements.

The first unaccompanied child was placed in SOS Children's Villages foster care in autumn 2017, and it is anticipated that the practice will be expanded in 2018.

MAIN STRENGTHS AND KEY CHALLENGES



Non-discrimination and quality care for all children

It is estimated that more than 90 % of all unaccompanied children in Hungary go missing. However, despite the existing regulatory framework, foster care arrangements have not been used for unaccompanied and separated children, even those below the age of 12. The project seeks to ensure quality care for unaccompanied children and promotes family-based care options. Unaccompanied children living in institutions and large reception facilities are at higher risk of violence, abuse, exploitation and human trafficking. The overall refugee programme of SOS Children's Villages Hungary seeks to protect the rights for all unaccompanied and separated children regardless of residence status.

Nevertheless, due to recent legislative reforms, unaccompanied children above the age of 14 are detained in transit zones and do not have equal access to the national child protection systems.

Promoting the development of an integrated child protection system



The project activities are implemented within the framework of the national child protection system in cooperation with the relevant authorities. This cooperation promotes children's rights, facilitates access to child protection and care services and strengthens the capacity of national child protection authorities to provide adequate services. Furthermore, it encourages and supports national authorities to develop an integrated child protection approach and adjust mainstream services, such as foster care arrangements, in response to the care and protection needs of unaccompanied and separated children arriving in Hungary.



Developing a robust foster care system

In order to safeguard children's rights, the recruitment, training, monitoring of foster parents, as well as the placement of children, is carried out within the context of the national child protection system according to national standards and formal procedures.



Support and specialised training for foster parents

In addition to compulsory induction training, foster parents receive regular support, counselling and supervision by SOS Children's Villages staff throughout their service. Foster parents receive specialised training in addressing the specific needs of unaccompanied and separated children that covers intercultural aspects. Foster parents also have access to psychological support and advice.



Engagement of biological families

Communication with parents seeks their support in persuading children not to put themselves at risk of abuse and exploitation by working irregularly or by trying to leave the country with the help of smugglers. Parents are urged to encourage their children to seek legal channels either to settle in Hungary or to reunite with their family in another European country.

Work with biological parents requires intensive effort: biological families need to be systematically informed on the situation of the child, the applicable European and national legal requirements and the risks of violence, abuse, exploitation and human trafficking, so that they can support children in making safe decisions and set realistic goals.

The staff help children to establish and maintain communication with their parents and family members and seek to engage the biological family in all important decisions affecting the child. SOS Children's Villages staff also plans to facilitate communication between foster parents and biological families.



The national legal and policy framework deprives some children of their rights

Despite the project's efforts to promote children's rights and equity of care, the national law excludes unaccompanied and separated children over the age of 14 from care entitlements and place them in detention in transit zones. Because of this, they are forced to stay in prison-like conditions and have no access to education and other essential services.



Lengthy procedures that exacerbate the specific vulnerabilities of unaccompanied children

The practice of foster care placements for unaccompanied and separated children is new to Hungary, although there is an established foster care system. The procedures and timelines for such placements could be adjusted to address the situation of these children. The current lengthy and complicated procedures increase the risk of children leaving their assigned care units and becoming victims of abuse, exploitation and trafficking.

LESSONS LEARNED

- **Helping children to maintain their cultural identity is an important factor for their integration.**

While integration into the local community is important, children should also be given the opportunity to maintain their cultural, linguistic or religious identity. These elements should also be taken into consideration while matching children with foster parents. Securing the best match and avoiding significant cultural differences requires a sufficient pool of foster parents with diverse backgrounds. At the same time cultural differences and the fact that a young person has to get adjusted to a new family environment may cause many challenges in everyday life: tolerance, mutual understanding and ongoing development and support are essential to overcome these obstacles.

- **No one form of care suits all.**

The type of alternative care placement should be determined based on each child's specific situation, needs and wishes. To enable appropriate placements, different forms of family-based care should be available, including foster care. Children's individual vulnerabilities and risks of exploitation and trafficking need to be taken into consideration when developing placement procedures and different forms of family-based care. The development of these forms of care should not jeopardise appropriate child safeguarding measures.

Child Migration Matters: promoting the rights of undocumented migrant children in Ireland

SUMMARY

The Child Migration Matters research project conducted by the Immigrant Council of Ireland focuses on the situation of migrant children in Ireland.

The project's primary goals included raising awareness of the rights and obligations of migrant children, helping children to secure lawful migration status and increasing the capacity of child protection professionals to meet the needs of migrant children.

The study was carried out through:

- Outreach work;
- Training and awareness-raising activities for professionals working with migrant children;
- Provision of information, legal advice and representation;
- Publication of a legal research report to highlight the need for child-friendly legal provisions;
- Advocacy activities.

The Immigrant Council of Ireland's research has contributed to the public debate on the situation of migrant children, and has provided concrete recommendations on improving the legal and policy framework to ensure children's rights and address their needs.

Country: Republic of Ireland

Location: Countrywide

Website:

<http://www.immigrantcouncil.ie/sites/default/files/2017-10/CMM%202016%20Child%20Migration%20Matters.pdf>

Target group:

Undocumented migrant children in care

Implemented by:

Immigrant Council of Ireland

Funded by:

FLAC Public Interest Law Fund

Timeframe: 2015–October 2017

Contact person:

Katie Mannion, Solicitor,
Katie@immigrantcouncil.ie

KEY TOPICS

CASE MANAGEMENT | STAFF TRAINING

LEGAL AID | ACCESS TO INFORMATION | ADVOCACY AND RESEARCH

LEGAL AND POLICY CONTEXT

In January 2016, the UN Committee of the Rights of the Child examined Ireland's compliance with the UNCRC¹. The Committee expressed concern about the inadequacy of the Irish framework in addressing the needs of migrant children and the absence of clear, accessible formal procedures for conferring migration status on persons in irregular migration situations. It recommended that Ireland adopt a comprehensive legal framework to address the needs of migrant children. Prior to the Immigrant Council's report, research and policy analysis had largely focused on unaccompanied and separated children seeking asylum, and little attention had been paid to the experiences of other migrant children, including those who did not seek international protection and those who moved with their families or travelled to join their families.

In Ireland, all foreign nationals over the age of 16 who are not citizens of a Member State of the EU or the European Economic Area (EEA) or Switzerland² are obliged to register³. Children under the age of 16 are assumed to have the same migration status as their parents⁴, but not all have a confirmation of their status, which can lead to difficulties in establishing their personal residence history. There are no clear procedures for regularisation in the cases of children over

the age of 16 who fail to meet registration deadlines or for younger children whose parents are in irregular migration situations. Individuals who cannot register under a specific migration scheme can make a written application to the Minister of Justice to seek permission to reside in Ireland, by outlining their personal circumstances and activities in the country.

Since 2005, children born in Ireland are entitled to Irish citizenship if they have a parent who is an Irish citizen, a refugee, a British citizen or, if a foreign national, the parent must have been a legal resident in Ireland for three years before the birth of the child⁵. Undocumented parents who have a child who is granted Irish citizenship subsequently have legal grounds to apply for permission to remain in Ireland⁶.

Many migrant children become undocumented because they are unaware of their obligations to register and do not have sufficient information on the procedures. Children being cared for by the State face challenges as migration status is not typically included in care plans and is often overlooked until a young person seeks to access formal education, social or housing support.

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1. "Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland", Committee on the Rights of the Child, 1 March 2016, CRC/C/IRL/CO 3-4.
 2. "How the Irish Immigration System Works", Seirbhís Eadóirseachta agus Inimirce na hÉireann - Irish Naturalisation and Immigration Service, last modified 10 February 2017, <http://www.inis.gov.ie/en/INIS/Pages/about-registration-system>.
 3. With the Irish Naturalisation and Immigration Service if living in Dublin, and with their local Immigration Officer based in a Garda station if living outside Dublin.
 4. Section 9(6), paragraph (a) of the Immigration Act 2004. Section 35(b) of the Employment Permits (Amendment) Act 2014 provides for amending the Immigration Act to delete this exception. That amendment has not yet taken effect. The Migrant Integration Strategy published in 2017 commits to enabling registration of "non-EEA migrants aged under 16 years" by 2018. See: "The Migrant Integration Strategy: A Blueprint for the Future", Department of Justice and Equality, 2017, 23, [http://www.integration.ie/website/omi/omiwebv6.nsf/page/JWKY-AJEE6A1021139-en/\\$File/Migrant_Integration_Strategy_English.pdf](http://www.integration.ie/website/omi/omiwebv6.nsf/page/JWKY-AJEE6A1021139-en/$File/Migrant_Integration_Strategy_English.pdf).
 5. Irish Nationality and Citizenship Acts 1956 and 2004; see also Citizens Information, "Irish Citizenship through Birth or Descent", last modified 9 May 2017, http://www.citizensinformation.ie/en/moving_country/irish_citizenship/irish_citizenship_through_birth_or_descent.html.
 6. For more information, see: Irish Naturalisation and Immigration service <http://www.inis.gov.ie/>, and Immigrant Council of Ireland, "Child Migration Matters: Children and Young People's Experiences of Migration".

The absence of a comprehensive national legal framework on migration has a negative impact on children. The lack of clear guidelines setting out migration status requirements and rights, combined with a heavy reliance on ministerial discretion, results in inconsistencies in the

migration permissions granted to children. Given the complexity of migration law, access to information and legal advice is essential for children, but it is not always guaranteed.

THE PRACTICE

The “Child Migration Matters” project aimed to advocate for the rights of migrant children in Ireland, to identify the problems they face and to engage with law and policymakers to improve their situations.

during the application process for residence permits, naturalisation procedures and asylum applications.

One of the project’s main objectives was to increase awareness among professionals working with children, including social workers, aftercare workers, and guardians, of the need to address children’s migration status and how to seek legal advice when appropriate.

Nowadays I don’t leave my house. Normally I’d go out every day but now I don’t leave because I’m afraid that if I go somewhere and I will get stopped by an officer I’ll be asked for proof of identification. I don’t have anything. I’ll be taken off somewhere, wherever people get taken off, I don’t know.

Paul, undocumented young person, cited in: Katie Mannion, “Child Migration Matters: Children and Young People’s Experiences of Migration” (Dublin: Immigrant Council of Ireland, 2016), 141.

The project included the following legal case-work and advocacy activities:

- Outreach sessions with professionals working with migrant children to raise awareness of the legal matters and the situation of this group of children. Such sessions sought to inform them of the services offered by the Immigrant Council of Ireland and to encourage them to refer their cases to the Immigrant Council where appropriate;
- Legal casework on behalf of children referred to the organisation with a particular focus on extremely vulnerable migrant children in care;
- Development of a legal research report analysing international standards, relevant laws, policies and administrative practices as well as sample case studies and the data available from state agencies to identify best practices and recommendations for administrative, policy and law reform;
- A national conference on child migration and human rights to launch and disseminate the report’s findings and recommendations.

The project included services for individual children, such as legal counselling and legal representation, and research and advocacy.

Children, young people and their families and advocates were offered information on the procedure children must follow to register with the migration authorities and on regularisation and naturalisation procedures.

The Immigrant Council of Ireland provides legal representation on family reunification applications for separated children who are not eligible for the government’s free legal aid programme as well as legal representation



Chinonyerem Okeke (Law graduate and member of report research advisory committee), Rutendo Kandiwa (Engineering student), Katie Mannion (Solicitor, Immigrant Council of Ireland), Geoffrey Shannon (Special Rapporteur on Child Protection), Margaret Tuite (European Commission Coordinator for the Rights of the Child) at the launch of Child Migration Matters, December 2016, Dublin, Ireland.

Migration status directly affects access to services and opportunities, from education and employment to social benefits and housing support. The project has demonstrated that

progress in this area can be achieved by training social workers and educators, who are in the position to advise on the applicable migration requirements and refer children for help.

MAIN STRENGTHS AND KEY CHALLENGES



Increased visibility of the situation of undocumented migrant children

One of the project's main strengths is its emphasis on supporting undocumented children, who face a lot of difficulties and barriers in accessing services and as a result are extremely vulnerable. This group remains invisible in Ireland's migration system, and the project sought to explore the experiences and needs of undocumented migrant children and young people.



Legal aid and legal representation

Access to justice includes the right of access to legal information, the right to legal representation and the right to be heard. The Immigrant Council of Ireland's legal services helped children and young people to navigate the complex procedures that have a direct impact on their lives.



Provision of child-friendly information

Children need to be able to access and understand information on their rights, duties and the procedures affecting their status. This information should be age-appropriate and adapted to their needs. The project distributed child-friendly information leaflets explaining the steps to be taken by children and young people to secure their migration status, the procedure for applying for Irish citizenship as well as situations in which to seek legal advice.



Advocacy for the rights of undocumented children

Another key element of the project was its emphasis on advocacy. The report produced as part of the project highlights the need for policies and laws addressing the situation of undocumented migrants and explores the personal experiences of migrant children and young people. A national conference on child migration was held to disseminate the findings and recommendations.



Capacity building for child protection workers

Since most university degrees undertaken by social workers do not cover migration law, many have little knowledge of migration requirements and therefore are not able to assist children in such matters and refer them to the relevant authorities and services. The



training offered to social workers and care professionals helped increase their awareness of the need to include actions to secure children's legal status in their care plans as early as possible. The project also engaged schools and youth groups to share guidance on migration related matters and assist those in need in gaining legal advice.



Limited capacity and reach

Lack of access to adequate legal advice and representation increases vulnerability and results in poor outcomes for undocumented children. State-provided free legal aid does not currently extend to general migration matters, or to family reunification applications for refugees, even where applicants are children. This means that much of the legal representation in these areas falls to be provided by solicitors acting pro bono or by organisations such as the Immigrant Council Independent Law Centre, which has a limited capacity.

LESSONS LEARNED

- **There is a need for a clear, comprehensive legal framework addressing the needs of undocumented migrant children.**

The legal framework should include clear, child-rights based procedures for conferring lawful migration status on undocumented children and their families. Information on children's migration rights and obligations should be readily available, and undocumented children should have access to legal advice and representation. To inform policy and practice, further research on the situation of undocumented migrant children is required.

- **Social workers and care professionals should receive training in migration issues.**

To be able to support children and young people with migration procedures, social workers need to be provided with adequate information and training. Lack of awareness among professionals and the failure to address these issues can have a devastating impact on the lives of children.

I would like them to give me time and explain to me 'this is the process, this is how the process goes, this is what will happen,... this is the thing in Ireland you need your status to be able to stay in Ireland... to go to school and work and stuff'.

Katie Mannion, "Child Migration Matters: Children and Young People's Experiences of Migration" (Dublin: Immigrant Council of Ireland, 2016), 197.

Centre for asylum-seeking families with children in Italy

SUMMARY

The centre run by **Fondazione L'Albero della Vita (FADV)** provides assistance to families with children seeking asylum in Italy and those eligible for relocation to other EU Member States. It goes beyond accommodation and material support, aiming to provide a foundation for long-term social inclusion.

Families living in the centre receive a range of specialised services including psychosocial and pedagogical support, education and healthcare, legal aid and employment counselling.

The project aims to respond to the individual needs of the families and to equip them with the tools to become self-sufficient by ensuring their participation in the preparation of family plans.

FADV operates in strict collaboration with the contractors – the Municipality of Milan and the Prefecture of Milan – and works with CSOs, local school and social services for implementing specific project activities. The project also implements activities to raise awareness and engage volunteers from the local community.

Country: Italy

Location: Milan

Website:

<https://www.alberodellavita.org/progetto/faro-in-citta/>

Target group:

Asylum-seeking families with children

Implemented by:

Fondazione L'Albero della Vita (FADV)

Funded by:

FADV, the Municipality of Milan and the Prefecture of Milan

Timeframe: July 2016 – December 2018

Contact person:

Daria Crimella, Desk Officer Europe
crimella.fondazione@alberodellavita.org

KEY TOPICS

SUPPORT TO PARENTS/PRIMARY CARE GIVERS | CASE MANAGEMENT | PSYCHOSOCIAL SUPPORT
FORMAL EDUCATION | INFORMAL EDUCATION | VOCATIONAL TRAINING | STAFF TRAINING
CHILD PARTICIPATION | LEGAL AID | PUBLIC PARTNERSHIP | LOCAL COMMUNITY
ACCESS TO INFORMATION

LEGAL AND POLICY CONTEXT

In recent years, Italy has become a major entry point for migrants and refugees who take the Mediterranean Sea route to Europe. In 2016, the number of asylum seekers rose to 123,600, a 47% increase compared to 2015¹. Many of them are children: in 2016, a total of 5,984 unaccompanied and 5,639 accompanied children applied for asylum². Following European Council decisions 2015/1523 and 2015/1601, asylum seekers in clear need of international protection can be relocated from Italy and Greece to other EU Member States. The decisions stipulated that 39,600 asylum seekers would be relocated from Italy by 26 September 2017³.

The Italian reception process is comprised of three major phases: (a) first aid and assistance in centres set up in the main places of disembarkation (“hotspots” and emergency centres); (b) the first reception phase in centres for the accommodation of asylum seekers run by the Ministry of Interior (in local administrative divisions - prefettura); and (c) the second reception phase carried out in centres run by the Protection System for Asylum Seekers and Refugees (SPRAR). The SPRAR system is a network of local authorities and NGOs

accommodating asylum seekers and refugees. It consists of small reception facilities where support and integration services are provided⁴. Under Italian law, children should not be separated from their families, and reception structures should seek to keep families together. In practice, there have been several cases of fathers separated from the rest of the family and accommodated in different facilities.

In 2017, a new law aiming to strengthen the protection of unaccompanied and separated children was adopted⁵. Access to compulsory education until the age of 16 is guaranteed by law for all children regardless of their residence status. In addition, asylum-seeking and refugee children are also offered Italian language courses⁶. In practice the main obstacles for school enrolment include the reluctance on the part of some schools to enrol a high number of foreign students, the reluctance of some children or their families to attend, or a lack of places in schools near accommodation centres⁷.

1_ “Dati Asilo 2015 - 2016”, Ministero dell’Interno, last modified 9 November 2017, http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/riepilogo_dati_2015_2016_0.pdf.

2_ Ibid.

3_ “Report from the Commission to the European Parliament, the European Council and the Council: Fourteenth Report on Relocation and Resettlement”, European Commission, 26 July 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170726_fourteenth_report_on_relocation_and_resettlement_en.pdf.

4_ “Country Report: Italy”, Asylum Information Database (AIDA), last modified 30 March 2017, <http://www.asylumineurope.org/reports/country/italy>.

5_ “Disposizioni in Materia di Misure di Protezione dei Minori Stranieri Non Accompagnati”, L. 47/2017, 7 April 2017, <http://www.gazzettaufficiale.it/eli/id/2017/04/21/17G00062/sg>.

6_ “Attuazione della Direttiva 2013/33/UE Recante Norme Relative all’Accoglienza dei Richiedenti Protezione Internazionale, Nonche’ della Direttiva 2013/32/UE, Recante Procedure Comuni ai Fini del Riconoscimento e della Revoca dello Status di Protezione Internazionale”, DL 142/2015, 18 August 2015, <http://www.gazzettaufficiale.it/eli/id/2015/09/15/15G00158/sg>.

7_ “Country Report: Italy”, AIDA.



↑ Child-friendly space

↓ Family



↑ Workshop

THE PRACTICE

To respond to the rising numbers of refugees and migrants arriving in Italy, the FADV has collaborated with the Municipality of Milan and the Prefecture of Milan to set up a reception centre in the city. The project aims to cover basic needs such as accommodation, food, healthcare and access to basic information, and to promote the social inclusion of families.

The centre can accommodate up to 95 people and welcomes families seeking asylum in Italy or entitled to relocate to another EU member state. Most children are under the age of six. The centre has 21 housing units and two communal spaces for leisure and educational activities.

Families at the centre benefit from a range of services catering to their individual needs. A Family Plan is developed by staff together with the family, defining short- and long-term objectives, timelines and activities to monitor and evaluate their integration.

Additional activities are developed for families who wish to stay at the centre as they wait for a decision on their asylum application to be taken by a court of first instance, or during their initial appeal.

Families have access to language services, psychosocial and pedagogical services, legal information, job counselling as well as educational and life planning activities. Psychosocial support includes group meetings and counselling with parents. Pedagogical activities for children are carried out in child-friendly spaces and aim to increase children's resilience and develop their life skills in areas such as decision-making, problem solving, interpersonal skills, self-awareness and coping with stress, trauma and loss. There are also a series of workshops for mothers and their children, designed to improve child-parent relationships.

The centre facilitates access to public services, and families are guided through the

In the first school I attended everything was all right: I learned, I did homework, I also learned Italian. In the second school I did not do anything; I would just draw or get easy maths exercises. So most of the time I was sleeping. ... The thing I liked most at school was when we built a musical instrument (a kind of guitar) with wood."

12-year-old boy from Eritrea

administrative procedures involved: they are offered translation, interpretation and cultural mediation services and are accompanied by project staff. The centre also provides guidance on local services and opportunities in order to encourage asylum seekers to interact with members of the local community. The centre also provides basic information on healthcare services and ensures children's enrolment in schools. It offers language courses for families who wish to remain in Italy.

Finally, families receive advice on gaining employment. The centre's staff organises group meetings and individual interviews to discuss professional backgrounds and education levels. After the first interview, a "professional skills record book" is filled out, which is then used as a starting point to look for internships or training opportunities.

The project has a team of 25 staff members specialising in various areas, including cultural mediators, legal experts, educators, a psychologist, language teachers, a doctor and nurses. Staff members are available on a 24/7 basis. A number of measures are in place to monitor the quality of services being provided. There is a pedagogical intervention handbook outlining FADV's requirements for service provision with detailed descriptions of actions, timelines, internal procedures, forms and documents. The centre is periodically audited by the Municipality of Milan and local and prefecture officials. The centre's running costs are covered by the Municipality of Milan and the Prefecture of Milan and private donations.

MAIN STRENGTHS AND KEY CHALLENGES



Access to education

The project promotes better access to education. Children are enrolled in state-run schools, and the organisation has signed memorandums of understanding with local schools. FADV also works with schools to raise awareness among teachers and parents. The project staff helps asylum-seeking families to communicate with school administrators and teachers.



Family care planning

A customised family care plan is developed which takes into consideration children's needs. The project has developed a range of planning tools such as a self-evaluation form that family members fill in upon arrival in the centre with the support of the staff.



Capacity building for primary caregivers

FADV provides activities and workshops to develop parental skills and promote families' self-reliance in their new sociocultural environment. Parents receive orientation and information on public services, the healthcare and education systems and employment opportunities.



Service quality

The centre staff receive regular external supervision and support. FADV provides continuous staff training on pedagogical topics, while FADV's partner Foundation Patrizio Poletti provides cultural sensitivity training. The project has also developed its own monitoring, assessment and case management tools; it oversees children's health, their emotional and cognitive skills and parents' progress towards becoming self-sufficient in Italy.



Child protection policy

In addition to activities to strengthen parental skills, the project offers individual and family counselling for parents, family mediation and psychological interventions for families in crisis. FADV also monitors children's well-being by visiting families in their homes, and professional staff are available 24/7. If there are signs of neglect, parents and children are interviewed separately, and parents get help in addressing the causes of harmful behaviours. Cases of abuse and violence are referred to the competent authorities.



Enhance cooperation

FADV participates in a number of networks and is part of the coordination unit of the Municipality of Milan (Cabina di Regia), which provides a platform for NGOs working with migrants and asylum seekers to discuss challenges and to share examples of best practice.

**Community engagement and partnerships with local authorities**

In order to engage the local community in project activities, FADV runs a volunteer programme. In cooperation with the Municipality of Milan and the Prefecture of Milan and private enterprises and local associations, FADV implement educational and cultural activities that help beneficiaries to interact with the neighbourhood.

**Challenges in maintaining high quality standards**

Ensuring sustainability and maintaining service quality standards in emergency situations is a major challenge, as the project is under pressure to adjust its activities quickly to accommodate emergency needs. Since taking in more beneficiaries and including other groups would go beyond the centre's capacity and have a negative effect on service quality, FADV has avoided scaling up its activities and maintains a focus on working with families with children as its primary target group.

**Lack of information and unrealistic expectations among project participants**

Many families participating in the project are not properly informed and have unrealistic expectations and goals. Gradually building trust and providing comprehensive information and legal counselling on asylum seekers' rights and obligations in Italy and paths towards legal residence status in Europe is thus a challenging yet essential task.

LESSONS LEARNED

The recent refugee crisis has highlighted the need for a coordinated approach that goes beyond the provision of emergency assistance and that covers all aspects from reception to integration, while safeguarding human rights.

- **Asylum seekers should have access to clear information on asylum procedures.**

There is a need for streamlined asylum procedures and clear, comprehensive information on how to navigate them. Information intended for children should be provided in a child-friendly manner and should be readily available to all children.

- **Cultural sensitivity is an important element of successful integration.**

Initiatives for the integration of refugees must be tailored to meet individual needs and take into consideration family histories and cultural backgrounds. Asylum seekers need to participate in the preparation of their development plans so that they can set goals that are meaningful to them and take responsibility for meeting personal objectives.

Humanitarian assistance for refugees and migrants in Serbia

SUMMARY

SOS Children's Villages Serbia implements a programme to improve living conditions in facilities for refugees and to offer assistance and protection to vulnerable children and families. The goal is to prevent family separation and to provide children with an environment where their individual development is supported. The programme safeguards the fundamental rights of vulnerable groups by complementing the services provided by state authorities.

The programme provides a range of services in facilities across the country from material support to psychosocial counselling, tailored to the needs of children and their families and based on individual and family care plans. It has also set up child-friendly spaces, youth corners and mother and baby areas to create an environment that is better suited to children's needs. Furthermore, child protection teams identify particularly vulnerable children and refer them to specialised service providers following standard operating procedures developed by the authorities.

The programme is implemented in close collaboration with national and local authorities and international and local civil society organisations. Its activities are carried out in line with the Humanitarian Charter and Minimum Standards in Humanitarian Response, standard operating procedures for the protection of refugee and migrant children as well as SOS Children's Villages Child Protection Policy.

SOS Children's Villages Serbia supports around 70% of all refugee children living at reception centres in the country.

KEY TOPICS

SUPPORT TO PARENTS/PRIMARY CARE GIVERS
CASE MANAGEMENT | PSYCHOSOCIAL SUPPORT
INFORMAL EDUCATION | TRANSITION TO ADULthood
STAFF TRAINING | CHILD PARTICIPATION | PUBLIC PARTNERSHIP
ACCESS TO INFORMATION

Country: Serbia

Location: Countrywide

Website:

<http://www.sos-decijasela.rs/>

Target group:

Vulnerable migrant and refugee children and families, regardless of residence status

Implemented by:

SOS Children's Villages Serbia, the Ministry of Labour, Employment, Veterans and Social Affairs, the Serbian Commissariat for Refugees, centres for social affairs, health centres in Sid and Kikinda, and UNICEF

Funded by:

SOS Children's Villages Sweden
SOS Children's Villages Norway
SOS-Kinderdorf e.V.
SOS Children's Villages France
SOS Children's Villages Iceland
SOS Children's Villages Denmark
Hermann-Gmeiner-Fonds Deutschland e.V.
SOS Children's Villages Finland
SOS Children's Villages Italy
SOS Children's Villages Spain
SOS Children's Villages USA

UNICEF

Timeframe: 2015–ongoing

Contact person:

Gordana Vučinić, Project Manager
gordana.vucinic@sos-decijasela.rs

LEGAL AND POLICY CONTEXT

In 2015 Serbia became one of the main transit countries for refugees and migrants taking the Western Balkan route to Western Europe. Authorities and humanitarian organisations provided emergency and humanitarian assistance. In 2016, after strict border controls were introduced and the route was officially closed, many people were stranded in Serbia, becoming increasingly hopeless. The authorities opened reception facilities throughout the country, mainly in remote areas and close to the borders, in order to provide basic accommodation and services. Nevertheless, at the end of 2016 and the beginning of 2017 there were reports of people living in dire conditions in makeshift camps in Belgrade instead of staying in reception centres due to fears of deprivation of liberty and deportation¹. According to UN Refugee Agency (UNHCR) data from 15 October 2017, out of 4,275 newly arrived refugees, asylum seekers and migrants who were counted in Serbia, 3,855 were housed in 18 state-run centres².

Asylum Act provides for the provision of special care to vulnerable asylum seekers, including children, during the asylum procedure. However, this does not refer to accommodation and reception conditions³.

A lack of space, shortages of professional staff and the reliance on donations and assistance from non-governmental organisations (NGOs) create challenges in providing suitable care to

vulnerable groups⁴. Although some families may receive better treatment than others, living conditions often remains inadequate.

In asylum and reception centres, where most unaccompanied children are hosted, separation between unaccompanied children and unrelated adults is not guaranteed in practice. In addition, accommodation centres for children in Belgrade and Niš, which are also home to vulnerable local children and juvenile offenders, only have the capacity to accommodate 31 unaccompanied children. Although juvenile offenders and other children are kept separate within the centres, there are frequent conflict situations among children. Furthermore, due to a lack of interpreters for the languages that refugee and migrant children can understand, care is limited to meeting basic needs⁵.

There are two main challenges regarding the guardianship of unaccompanied children in Serbia. Firstly, guardians are responsible for large numbers of unaccompanied children at the same time (around 50–200 children per guardian in 2017), so they are unable to perform their duties effectively. Secondly, between the time they enter the country and the end of the asylum procedure, unaccompanied children are assigned several temporary guardians, which affects the continuity of care and makes it difficult to build trust⁶.

1_ Asylum Information Database (AIDA) Country Report: Serbia, 2016 Update (3 April 2017), <http://www.asylumineurope.org/reports/country/serbia>.

2_ UNHCR, Serbia Update 9-15 October 2017, (17 October 2017), <https://reliefweb.int/report/serbia/unhcr-serbia-update-09-15-october-2017>.

3_ AIDA, Ibid.

4_ Belgrade Centre for Human Rights, Unaccompanied and Separated Children in Serbia (2017), 24-25. http://www.asylumineurope.org/sites/default/files/resources/unaccompanied_and_separated_children_in_serbia.pdf.

5_ Ibid.

6_ Ibid., 22.



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According to the UNHCR, in October 2017 some 85% of refugee, asylum-seeking and migrant children between the ages of seven and 14 attended school. Of this number, 430 attended public primary schools and around 70 were schooled inside transit centres in Sombor, Subotica and Kikinda. According to the UN agency, efforts are being made to enrol children over 14 into secondary schools⁷.

International organisations and NGOs provide essential humanitarian assistance, care, and support services to migrants and refugees complementing state services and filling protection gaps. Serbia's Ministry of Labour, Employment, Veteran and Social Affairs has developed standard operating procedures⁸ to coordinate the work of all actors in the identification and protection of refugee and migrant children.

THE PRACTICE

SOS Children's Villages Serbia's emergency response programme was launched in 2015 with the main goal of providing humanitarian assistance to unaccompanied children and migrant and refugee families, improving their living conditions in the often understaffed state-run facilities and promoting their rights. In some facilities, SOS Children's Villages Serbia is the only organisation offering such services on a daily basis.

The programme provides a range of services from food and material assistance to mediation, psychosocial services and educational and recreational activities.

To protect children from violence and abuse, SOS Children's Villages Serbia has formed child protection teams in six locations. Child protection teams focus on identifying particularly vulnerable children and referring them to specialised service providers. The teams undertake case management⁹ and follow standard operating procedures developed by the authorities. Child protection officers work with multidisciplinary teams made up of teachers, nurses and ICT experts in order to carry out assessments. They collect information about children and families in three areas: children's developmental needs, parenting capacity and family and environmental factors. Based on the assessment, family development plans are prepared, outlining objectives, activities, success indicators and timelines. The plans

7_ "UNHCR Serbia Update, 09 – 15 October 2017", ReliefWeb, 17 October 2017.

8_ Lidija Milanović, Miroslava Perišić, Marija Milić, "Standard Operating Procedures: Protection of Refugee and Migrant Children", 2016, https://www.unicef.org/serbia/Standard_Operating_Procedures_Protection_of_Refugee_and_Migrant_Children.pdf.

9_ "Case management is a way of organising and carrying out work to address an individual child's (and their family's) needs in an appropriate, systematic and timely manner, through direct support and/or referrals, and in accordance with a project or programme's objectives". Case management "should focus on the needs of an individual child and their family, ensuring that concerns are addressed systematically in consideration of the best interests of the child and building upon the child and family's natural resilience. [It] should be provided in accordance with the established case management process, with each case through a series of steps (...) involving children's meaningful participation and family empowerment throughout. [It] involve[s] the coordination of services and supports within an interlinked or referral system. [It] require[s] systems for ensuring the accountability of case management agencies. [It is] provided by one key worker (referred to as a caseworker or case manager) who is responsible for ensuring that decisions are taken in best interests of the child, the case is managed in accordance with the established process, and who takes responsibility for coordinating the actions of all actors". Core steps in the case management procedure include: "identify[ing] and register[ing] vulnerable children, including raising awareness among affected communities; assess[ing] the needs of individual children and families; develop[ing] an individual case plan for each child addressing the needs identified; sett[ing] time-bound, measureable objectives; start[ing] the case plan, include[ing] direct support and referral services; follow[ing] up and reviewing; clos[ing] the case". Child Protection Working Group, Inter Agency Guidelines for Case Management and Child Protection (January 2014), 13-14, http://www.cpcnetwork.org/wp-content/uploads/2014/08/CM_guidelines_ENG_.pdf.

Of course, we were afraid. We had been walking in the forest for three days, we had nothing to eat or drink, and there were animals. I was looking after my cousin all the time, making sure he was OK. I was afraid myself.

13-year-old boy from Pakistan

are developed with the participation of family members with the goal of helping them to become self-reliant. However, the full implementation of such plans is often impossible, as families often move to other countries.

To support successful participation in formal education, the programme offers a number of informal educational activities including language courses and tutoring and organises recreational activities for children and young people. A number of targeted interventions were developed to empower parents as primary caregivers, including child-friendly spaces, family rooms and mother and baby corners as well as support groups and individual counselling for parents. Support group meetings are held by educators and psychologists and focus on different parenting topics such as child development, everyday challenges, cultural differences and creative activities. Support group meetings for men and women are held separately. Family rooms are designed to ensure a proper environment for joint activities for all family members. The needs of children are considered and addressed in individual and family care plans.

In addition, the programme works in the following areas:

- Youth corners offer creative and educational activities as well as psychological workshops for adolescents aged 13 to 18 and young people aged 19 to 30. The goal of such spaces is to increase self-reliance and improve social and practical skills.
- ICT corners inside reception and asylum centres offer IT workshops and enable people to maintain contact with friends and family.
- The “Super Bus” mobile team offers recreational activities for children to develop their motor, social, cognitive and emotional skills. Psychosocial and pedagogical interventions and learning through play activities help to give children a sense of normality and to reduce stress.

The services are provided by 96 specialists across 12 locations in Serbia. Staff members receive group and individual psychological supervision on a monthly basis, as well as additional training. SOS Children’s Villages Serbia regularly monitors the programme’s activities, including through communication with programme participants.

The programme is funded by SOS Children’s Villages International and UNICEF and relies on cooperation with key stakeholders such as state authorities and local and international organisations.

MAIN STRENGTHS AND KEY CHALLENGES



Partnerships

SOS Children's Villages Serbia implements its activities in state-run refugee centres in cooperation with state authorities, NGOs and local institutions, following the government's standard operating procedures on the protection of refugee and migrant children. By building alliances, the organisation helps to increase the capacity of local institutions.



Identification of and support for particularly vulnerable people

The programme's target group of migrant and refugee children includes some of the most vulnerable children: children who survived violence, unaccompanied children and children with disabilities or severe illnesses. The programme's child protection teams identify particularly vulnerable children and refer them to relevant services. The teams employ case management to ensure proper follow-up and swift response to individual needs.



Services for families

The programme works to improve children's lives by providing direct services and helping families to stay together. For each case, a family plan is developed in cooperation with all the family members, including children, and the support of a multidisciplinary team. Activities for parents include workshops and support groups as well as joint recreational and educational activities with their children. To provide a suitable environment for children, dedicated areas are created in the centre when feasible, such as family rooms and mother and baby corners.



Adequate training and support for staff

SOS Children's Villages Serbia has a code of conduct and a child protection policy, and its staff are trained in reporting and responding to cases of child abuse. The project's staff receive training and monthly individual and group psychological supervision.



Limited capacity of the state

Serbia is unable to address the needs of the numbers of refugees and migrants, most of whom arrived in the country without intending to settle there but were prevented from travelling to other countries. The limited resources and capacity of state services do not always allow for a proper follow-up of cases referred to them.



Insufficient services for migrant and refugee children enrolled in formal education

Although it was estimated that around 700 children would be enrolled in formal education in September and October 2017, there is a lack of mentoring and informal education services throughout the school year to help children to learn the local language and catch up with their peers. In addition, there are no state measures promoting enrolment in secondary school for children above the age of 14.



Lack of integration policies

Since Serbia has been seen as a transit country by the majority of refugees and migrants, as well as by the State authorities, state services have focused on providing humanitarian assistance and initial reception services, whilst integration policies have not been considered necessary.

Moreover due to the fluctuation of the population during the first months of the implementation of this programme and the unpredictable number of arrivals, it was difficult for the organization to plan and achieve long-term objectives. However, after the official closure of the Western Balkan route, the situation changed, as now refugees are staying in Serbia for longer periods of time. They are consequently in need of services beyond humanitarian assistance, including access to education for children.

LESSONS LEARNED

- **Flexibility is key to successful project implementation.**

Shifting the focus from short-term activities to longer-term services requires a level of flexibility in adapting to new realities. Securing ongoing funding beyond the first months of an emergency to keep the programmes up and running remains a challenge.

- **Inclusion in the local community in order to combat prejudice.**

While most people in Serbia are tolerant towards refugees, the interaction with local communities remains low. There have been reported cases of migrants experiencing hostility, in particular from members of the community living near reception facilities. Initiatives to enable people to get to know each other are crucial to tackle this problem and build understanding within the receiving community.

10. UNHCR, Serbia: Inter-Agency Operational Update July-August 2017, (August 2017), <https://data2.unhcr.org/en/documents/download/60086>.



Children Do NOT Belong in Prison: Ending migration detention of children and families in Slovakia

SUMMARY

The practice of migration detention is one of the key problems affecting the situation of migrant children in Slovakia, especially those accompanied by family members.

The Human Rights League (HRL) has partnered with several NGOs to raise awareness on the issue and promote alternatives to migration detention by working with the national government, local communities and UN bodies. Its activities include publishing research reports, making recommendations for policy and practice, implementing community awareness campaigns, providing information and building the capacity of professionals.

Each partner organisation has a distinct role in providing complementary services and advocating for policy reform.

Country: Slovakia

Website:

<http://www.hrl.sk/zaistenie-rodin-s-detmi>

Target group:

Asylum-seeking and undocumented migrant families with children who are in migration detention or are at risk of being detained

Implemented by:

The Human Rights League, Forum for Human Rights, the Coalition for Children, the Foundation for Children and other NGOs

Funded by:

The Human Rights League, Foundation for Children Slovakia and private donors

Timeframe: 2015 to 2020

Contact person:

Zuzana Številová, Director,

stevulova@hrl.sk

Barbora Meššová, Senior Lawyer,

messova@hrl.sk

KEY TOPICS

SUPPORT TO PARENTS/PRIMARY CARE GIVERS | INFORMAL EDUCATION

TRANSITION TO ADULTHOOD | STAFF TRAINING | PUBLIC PARTNERSHIP | PRIVATE PARTNERSHIP

LEGAL AID | ACCESS TO INFORMATION | ADVOCACY AND RESEARCH

LEGAL AND POLICY CONTEXT

The UNCRC, the EU Charter of Fundamental Rights and the European Convention on Human Rights (ECHR) stipulate that the detention of children should be a measure of last resort. Children's right to protection and care and the principle of the best interests of the child should prevail in all decisions affecting them, and the UN Committee on the Rights of the Child has stressed that detention of children in the context of migration is never in the best interests of the child¹.

Migration detention of children remains a major issue in Slovakia. The Human Rights League reports that 451 children were detained with their adult family members between 2015 and 2016 and remained in detention for an estimated two to three months. According to data collected by the organisation, 27 children were placed in detention between January and March 2017, including 12 children under the age of six, 12 children between the ages of seven and 15 years old and three children who were 16 or 17 years old. The average duration of their placement in detention was 19 days².

Under Slovak law, unaccompanied children, unlike children who arrived in the country with their families, cannot be detained. However,

young people who cannot provide proof of their age are treated as adults pending an age assessment examination. Once in detention, these young people have no access to information and legal aid which would enable them to challenge their detention.

Unaccompanied children are placed in specialised orphanages or accommodation centres for vulnerable asylum seekers. It is estimated that as many as 90% of them go missing from these facilities³. The protection of separated children is also a major concern: they are often detained with adult relatives, for example adult siblings, who are unable to make reasonable decisions in their best interests. Some children were separated from family members accompanying them and were then unable to reunite with them without legal proof of their relationship or parental authorisation.

Under national law, asylum applicants, including families with children, can be detained (a) in order to ascertain their identity or nationality; (b) to process their asylum claims when this would not be otherwise possible, in particular, if there is a risk of them going missing; (c) during return procedures if there is a risk that the individual subject to return may abscond or disrupt

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1. "The principle of the best interests therefore requires States to take a clear and comprehensive assessment of the child's age and identity, including their nationality, upbringing, ethnic, cultural and linguistic background, as well as any particular vulnerabilities or protection need they may have. The child's best interests must supersede state aims, for example, of limiting irregular migration". See "General Comment No. 6 on the Treatment of Unaccompanied and Separated Children Outside their Country of Origin", UN Committee on the Rights of the Child, 2005, CRC/ GC/2005/6, para. 86; François Crépeau, Jose S. Brillantes, Benyam Dawit Mezmur, Sétondji Roland Adjovi, "Children and Families Should Never Be in Immigration Detention - UN experts", 18 December 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21026>.
 2. Thanks to advocacy efforts, in 2017 the Slovak Border and Alien Police started collecting more information about family detention, such as the composition of families by age and the average length of detention. Statistics on Detention are available on the official website of the Ministry of Interior: "Statistical Overview of Legal and Illegal Migration in the Slovak Republic", Presidium of the Police Force, Bureau of Border and Alien Police, 2016, http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2016/2016-statistical-overview-UHCP-EN.pdf.
 3. For more information, see "Slovakia Immigration Detention", Global Detention Project, last modified September 2016, <https://www.globaldetentionproject.org/countries/europe/slovakia>.

return procedures; d) if there is a risk to national security or public order; or (e) during transfer procedures under the Dublin Regulation if there is a risk of them going missing.

The maximum length of detention is six months, which in certain cases can be extended by 12 additional months. However, the 12-month extension does not apply to families with children or to individuals considered at risk.

THE PRACTICE

HRL partners with various national civil society organisations and networks including the Coalition for Children, the Foundation for Children and the Slovak Humanitarian Council as well as legal aid providers such as the Centre for Legal Aid under the Ministry of Justice, to end migration detention of children and families in Slovakia and protect children's rights.

At the time we were there, we were the only family. The children did not have anyone to play with. We were isolated from the others. I was 16 at the time, but my brothers and sisters were still little children (three, nine and ten years old).

Ahmed, 27-year-old refugee from Iraq

HRL works in two areas: direct services and activities for children and families in detention facilities or at risk of detention, and advocacy activities that include litigation, monitoring of detention facilities and research publications on the issue.

Alternatives to detention are provided by law but rarely used in practice. Options such as release on bail and reporting obligations are available but only to those who have proof of accommodation and sufficient financial means to support themselves. Many asylum seekers, especially families and particularly vulnerable individuals, do not meet these requirements. As a result, families may be detained for several months. Among those who qualify for alternatives to detention, access to adequate healthcare and material support is a cause for concern, since Slovak law only provides for access to healthcare, basic material support and social and legal services for detainees.

In the area of advocacy, HRL and its partners participate in the development of policies and legislative reforms by providing recommendations and advice to legislative bodies and migration authorities, lobbying members of the parliament and using strategic litigation practices. Awareness-raising activities and public campaigns are used to inform members of the public of the situation of children in detention and engage them in the public discourse on policy and legislative reform.

In addition, HRL liaises with professionals providing legal aid to families and children in detention and implements training activities and workshops to build their capacity.

To trigger and facilitate policy and legislative reforms, HRL and its partners engage with stakeholders at both national and international levels. They maintain constructive dialogue with state authorities while also advocating with relevant UN committees and bodies to increase international pressure on the national government. For example, HRL and the Czech NGO Forum for Human Rights submitted a

joint shadow report to the UN Committee on the Rights of the Child and to the UN Human Rights Committee on the implementation of the UNCRC and the International Covenant on Civil and Political Rights in Slovakia which underlined the concerns and implications of detaining migrant families and their children. Following the report conducted between June and November 2016, the CRC and the UN Human Rights Committee (OHCHR) urged the Slovak Republic to end such detentions and to implement alternative measures.

In the area of service provision, HRL partners with organisations who are offering psychosocial services, legal aid and recreational activities for families with children in detention centres. Most of the support services are provided directly by staff from the Bureau of Border and Alien Police and by the Slovak Humanitarian Council, whose social workers and contractors work in detention centres. In addition, HRL plans to implement Street Law sessions to raise awareness of migrant families on family law, for example about the relationship between parents and children and the principle of the best interests of the child.

MAIN STRENGTHS AND KEY CHALLENGES



Partnerships and networks

The project is implemented in partnership with many local and international civil society organisations, with each organisation having a distinct role and providing complementary services. HRL's partner organisations have developed constructive relationships and maintain communication with officials from different state bodies.



Work at both national and international level

In addition to contributing to the development of national policies and working with local communities, the organisation advocates internationally for the national government to change its practices. HRL is engaged in advocacy with UN bodies and participates in formal procedures such as universal periodic reviews. Advocacy with the UNCRC and the OHCHR has led to increased awareness of the issue surrounding the detention of families with children.



Engaging with the authorities in a constructive way

The project's advocacy activities include the development of recommendations for state authorities, which focus on implementing short- and long-term measures to eliminate migration detention of children and families and to develop migration and asylum policies and practices that are compatible with international and European human rights frameworks. HRL works with key state actors in a constructive and collaborative manner that goes beyond mere criticism. As a result, the parliament has amended its migration laws in an attempt to stem the use of alternatives to detention and to improve conditions for families with children.



Information and legal aid

As part of its Street Law sessions, HRL informs migrants and asylum seekers who are at risk of detention of their rights and obligations under national law and the services available to them. The sessions also address the legal relationships between children and parents and educate parents on their role as their children's representatives. HRL is also exploring the possibility of offering training on family law, gender roles and the prevention of domestic violence within detention centres. In addition, capacity-building activities for legal professionals aim to increase the availability and improve the quality of legal aid for children and families in detention.



Raising public awareness

One of the main challenges at the local level is a lack of public awareness of migration detention and the situation of children in detention facilities. HRL has developed an information campaign using videos, social media and other digital material aiming to inform and build alliances with the local community.



Sustainability of the project

Advocacy for policy reforms requires long-term commitment. Lack of long-term funding may impede the sustainability of the advocacy campaign and undermine the outcomes of the project as a whole.



Lack of political commitment

In the public discourse in Slovakia, migration is perceived as a threat⁴. Negative opinions on migration affect the situation of migrants and refugees in Slovakia, including children, and impede efforts to safeguard the rights of refugee and migrant children. To overcome these obstacles, HRL and its partners promote constructive dialogue on this issue.

LESSONS LEARNED

- **Migration detention needs to be eliminated to protect children.**

Unaccompanied children might be detained as a result of inadequate age assessment, identification and registration procedures. In order to protect children's rights and eliminate detention practices, an integrated child protection framework is needed – one that includes alternatives to migration detention and provides for housing, quality care and other basic services for families and children.

- **Advocacy for the rights of refugee and migrant children should go hand-in-hand with advocacy for the rights of other marginalised groups.**

Efforts to promote the rights of refugee and migrant children should be implemented along with efforts to promote the rights of other marginalised groups, so advocacy organisations aiming at integration of different marginalised target groups should work together to achieve meaningful change in integration.

- **Alternatives to migration detention are essential for meeting the requirements of international and European law.**

Migration detention is incompatible with the best interest of the child. The use of alternatives to migration detention would likely decrease the risk of children absconding, as beneficiaries would perceive the system as fairer and would be more likely to trust and cooperate with officials, lawyers and social workers and meet their legal obligations.

- **Schools and authorities of social and legal protection of children should be involved in broader alliances advocating for children's rights.**

Schools and authorities responsible for social and legal protection of children often disregard their own role in promoting and safeguarding children's rights. Raising their awareness could help them assume a more proactive role in protecting children and advocating for the use of alternatives to migration detention.

4_ Jarmila Androvičová, "Securitization of Migrants in Slovakia - Discourse Analysis", *Sociológia* 47 (2015): 319-339. Jarmila Androvičová, "The Migration and Refugee Crisis in Political Discourse in Slovakia: Institutionalized Securitization and Moral Panic", *Acta Universitatis Carolinae Studia Territoralia* 2 (2016): 39-64; "Migration Politics in Slovakia: Balancing Domestic and EU-level Goal", *Globsec*, 9 May 2017, <https://www.globsec.org/publications/migration-politics-slovakia-balancing-domestic-eu-level-goals/>.

Innovation for the integration of unaccompanied children in Sweden

SUMMARY

Sweden is facing challenges in effectively integrating a record number of unaccompanied and separated children who arrived in the country in recent years.

The Innovation for Integration programme was developed by the Swedish non-profit organisation Reach for Change. It provides a thematic incubator that helps civil society organisations to develop, in cooperation and partnership with others, solutions to improve the lives of unaccompanied and separated children. Initiatives implemented with the support of the Innovation for Integration programme are diverse and cover four priority areas: social and legal rights, internship and employment, education, and social networks.

The programme supports the design, development and scale-up of selected initiatives through funding, business advisory and research and advocacy.

The activities that are supported by the programme are run throughout Sweden in close cooperation with local authorities and are primarily targeted at newly arrived children regardless of their residence status.

Country: Sweden

Location: Countrywide

Website:

<http://reachforchange.org/en/about/innovation-integration>

Target group:

Unaccompanied and separated children

Implemented by:

Reach for Change in partnership with Right To Play, IT Guide, Kompis Ungdom, Mitt Livs Val and Barnrättsbyrån

Funded by:

Stenbeck Stiftelse, Tele2 and the Swedish Postcode Foundation

Timeframe: 2016 to 2018

Contact person:

Hans Vineland, Country Director,
hans.vindelands@reachforchange.org
Laura MBaye, Project Manager,
laura.mbaye@reachforchange.org

KEY TOPICS

INFORMAL EDUCATION | VOCATIONAL TRAINING | TRANSITION TO ADULthood
CHILD PARTICIPATION | PUBLIC PARTNERSHIP | PRIVATE PARTNERSHIP
LOCAL COMMUNITY | LEGAL AID | ACCESS TO INFORMATION
ADVOCACY AND RESEARCH

LEGAL AND POLICY CONTEXT

In 2015, the numbers of unaccompanied and separated children seeking asylum in Sweden reached record highs, with around 35,000 arriving in the country to flee war, civil unrest and poverty. This figure represented a tenfold increase compared to 2010¹. The local authorities and social services that are responsible for the care, reception and integration of unaccompanied and separated children were overwhelmed. An overstretched guardianship system could not accommodate all of the children requiring guardianship services². The country also faced significant challenges in addressing inequalities, social exclusion and how to integrate these children into local communities³.

The sharp increase in the number of children arriving in the country and the challenges faced by both migration authorities and local governments in providing care, accommodation and protection prompted a number of legislative changes. These changes included stricter requirements for granting residence permits to unaccompanied and separated children and restrictions on family reunification entitlements and procedures.

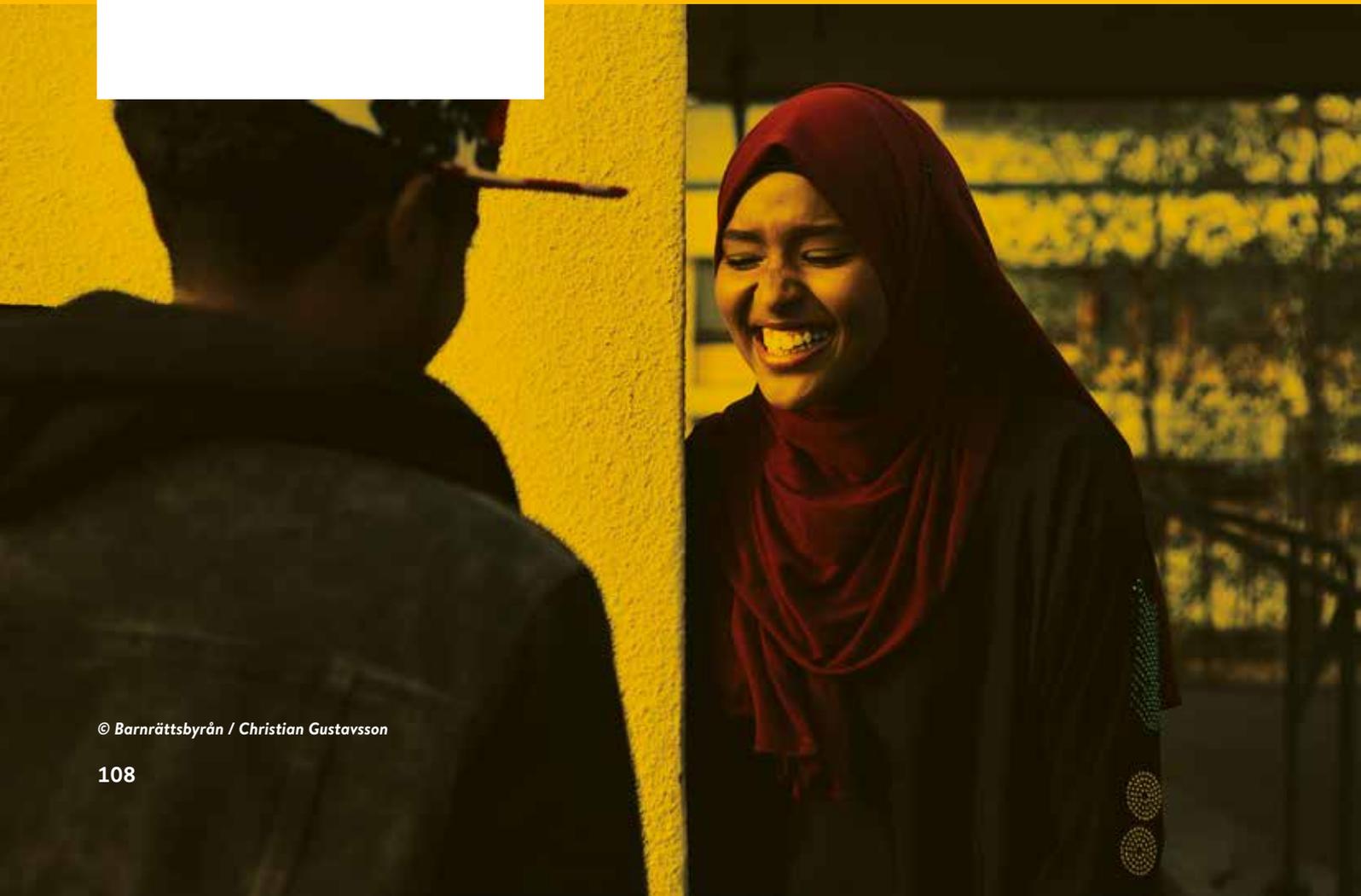
Changes in national laws combined with the difficulties encountered by social services in providing adequate protection generated numerous challenges for unaccompanied and separated children in Sweden, many of whom live in constant fear of deportation. Studies have revealed that many children suffer physical and mental health problems. For example, a 2016 study by Cosmos Asyl- och Integrationshälsan in Uppsala found that 76% of unaccompanied and separated children included in the study had symptoms of post-traumatic stress disorder, and a third of them had suicidal thoughts. Although asylum-seeking children have access to formal education, those of them who arrived recently perform poorly at school and are significantly more likely to drop out compared to other students⁴. Other studies have revealed challenges in gaining employment: many recently arrived migrants have low-paid jobs or fail to secure a job⁵.

These challenges have prompted authorities and civil society organisations to look for solutions for unaccompanied and separated children to improve their living conditions and provide opportunities for successful integration into Swedish society.

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- 1_ "Innovation for Integration", Reach for Change, n.d., <http://reachforchange.org/en/about/innovation-integration>.
 - 2_ "God Man för Ensamkommande Barn", Sveriges Kommuner och Landsting, 24 August 2017, <http://skl.se/integrationsocialomsorg/socialomsorg/barnochunga/placeradebarnochunga/ensamkommandebarnochunga/overformyndaregodman/godman.3609.html>.
 - 3_ More information on the reception of unaccompanied children in Sweden is available at the websites of the Swedish Migration Agency, <https://www.migrationsverket.se/English/Private-individuals/Protection-and-asylum-in-Sweden.html>, and the Swedish Association of Local and Regional Authorities (SALAR), <https://skl.se/integrationsocialomsorg.26.html>.
 - 4_ "Arbetsmarknadens Villkor Blir Alltmer Olika", Svenska Dagbladet, 14 November 2012, <https://www.svd.se/arbetsmarknadens-villkor-blir-mer-olika>.
 - 5_ "Socialtjänsten Arbete med Ensamkommande Barn och Ungdomar – En Vägledning", Socialstyrelsen, May 2013, <http://www.lansstyrelsen.se/skane/SiteCollectionDocuments/Sv/manniska-och-samhalle/integration/mottagning-och-etablering-av-nyanlanda/Ensamkommande%20flyktingbarn/Socialtj%C3%A4nstens%20arbete%20med%20EKB%202013-5-2.pdf>.



↑ Picture from Right to Play Sweden's Operations
© Reach for Change



THE PRACTICE

In response to this need, in 2016 the Swedish NGO Reach for Change, collaborated with private donors including Tele2 and Stenbeck Stiftelse, to launch Innovation for Change, a programme aimed at helping local social entrepreneurs to create and scale up initiatives to improve the lives of unaccompanied and separated children.

Reach for Change's programme focuses on a selection of projects that can be replicated and expanded nationwide.

The programme supports the design and development of these initiatives through funding, business advice, research and advocacy.

Projects supported by "Innovation for Integration" primarily work with newly arrived unaccompanied and separated children, including undocumented children. Some of them also assist young people until the age of 21 and child refugees who arrived in the country with their families.

The programme has identified, based on a situation analysis and consultation with children, four focus areas: legal rights, internships and employment, social networks, and education; overcoming linguistic barriers is treated as a cross-cutting issue in all four areas.

The Innovation for Integration programme supports the following organisations and projects working in these four areas.

Barnrättsyrån

Barnrättsbyrån is a children's rights organisation providing individual legal and social services. Through its advocacy work, Barnrättsbyrån educates children and young people on their rights and the Swedish social and legal system, advises them on key legal concerns and supports them in their interactions with government authorities. The organisation's approach is focused on building personal relationships with children and offering tailored individual support. On average, Barnrättsbyrån supports each individual over six months, providing between 50 and 150 hours of services per individual.

Mitt Livs Val

Mitt Livs Val aims to help more young people who arrived in the country as unaccompanied and separated children to enrol in higher education. To achieve this goal, the organisation provides a mentorship programme which allows young people to interact with higher education students who motivate and coach prospective students and guide them on how to apply to universities and pursue higher education.

Before, I was alone and did not talk to anyone, but when I met Moa, it changed. After meeting Moa, I live a more social life.

By meeting all these new people, I have built a new identity with pieces from many different cultures, which have shaped my new identity, an identity that I enjoy and that suits me well to live here in Sweden.

18-year-old girl from Syria, participant of the Kompis Ungdom project

Kompis Ungdom

Kompis Ungdom connects unaccompanied and separated children and young people with Swedish children and youth through a buddy programme. The goal is to erase barriers between “new” and “established” Swedes by facilitating links between them and helping them to build lasting, mutually beneficial relationships.

Right to Play

In collaboration with municipalities, sport clubs and with the active participation of children, Right to Play offers leisure and educational activities for children and young people which provides them with a social platform and contributes to the development of their life skills.

IT Guide

IT Guide offers unaccompanied and newly arrived children afternoon and holiday work opportunities. Children and young people up to the age of 19 work as IT guides educating elderly people in using technology. By participating in the programme, they gain work experience, earn an income and obtain new skills while practising Swedish, which helps them at school. At the same time the seniors gain IT knowledge and have an opportunity to interact socially and learn more about other cultures, religions and ethnicities.

A key element of the Innovation for Integration programme is a focus on partnership and cooperation. It aims to engage key stakeholders such as government authorities in the innovation process. Reach for Change works closely with the Swedish Association of Local Authorities and Regions (SKL) and Förnyelselabbet, its innovation platform that works to improve the lives of newly arrived children and young people. The platform includes a forum where municipalities, government agencies, civil society organisations, unaccompanied and separated children and young people can jointly identify and develop solutions.

Most of the initiatives supported by Reach for Change are implemented in collaboration with or with funding from municipalities.

Innovation for Integration’s activities are evaluated on two levels: impact on the organisations and entrepreneurs it supports in terms of organisational development and revenue growth, and impact on children and young people reached by organisations and entrepreneurs.

MAIN STRENGTHS AND KEY CHALLENGES



Innovative approach

The idea of co-creating and supporting initiatives by social entrepreneurs and inspiring citizens to contribute to the development of an inclusive society where all people have equal opportunities is innovative. The programme takes this idea even further by helping projects to scale up their activities and impact nationwide.



Empowering children and promoting participation

The programme empowers children to become active citizens and promotes their right to participation. Through interviews and focus group discussions, children are engaged in the design but also implementation and evaluation of activities. Children's voices are heard and used to adjust and develop activities and improve practices to meet children's needs. In addition, children are included in idea generation and problem-solving workshops held in a "hackathon" format in which they are given the role of experts.



A joint approach for problem solving

The Innovation for Integration programme promotes a joint approach to problem solving that involves public authorities, local communities and beneficiaries. This collaborative approach is essential for generating ideas and making innovative practices scalable and sustainable. The programme enables municipal authorities and government agencies to work together with social entrepreneurs, businesses and children to co-create and implement new solutions.



Supporting all unaccompanied children regardless of residence status

The programme addresses the needs of all unaccompanied refugee and migrant children in Sweden regardless of their migration status. It focuses primarily on newly arrived children and seeks to provide support at the earliest stage of their lives in Sweden, when they need help the most, to guide them on their paths towards integration.



Impact assessment for evidence-based policy and practice

The Innovation for Integration programme aims to develop evidence-based practices that address the needs of unaccompanied and separated children in the areas of education, employment, social networks and legal rights. To achieve this goal, Reach for Change has developed an evaluation framework with tools for monitoring project activities and measuring impact on young people. As the practices are all relatively new, their outcomes and impact have yet to be determined.



Delays in identifying durable solutions

One of the main challenges faced by the Innovation for Integration programme is working around the limitations of the current national legal and policy framework which may impede the integration of unaccompanied and separated children arriving in Sweden. Delays in finding durable solutions for these children result in prolonged periods of legal uncertainty and missed opportunities and compromise any efforts to engage unaccompanied and separated children and young people in activities that require long-term planning. Legal uncertainty and the fear of deportation affect children's mental health and push many of them to leave the care system. The integration of children who do not have a permanent residence permit is given lower priority by the authorities and service providers than other, more urgent issues related to their asylum applications and the risk of deportation.

LESSONS LEARNED

- **Social networks make a difference.**

The development of social networks and social relationships with peers and members of the local community is extremely important for integration into society. Although this knowledge is not new, the value of social networks in the integration process is often underestimated and insufficiently addressed in policy and practice. The experience accumulated by the programme so far shows that a structured approach that creates a framework for the development of social networks can make a difference in the lives of the children who are most at risk of becoming marginalised.

- **Provisions of information is not a one-off activity.**

Continuously providing children with information and guidance is necessary to promote and protect their rights, especially in the context of a changing legal framework. Children need to be aware of their rights and the services that are available to them and know how to claim their rights.

Mentoring programme for unaccompanied children in private living arrangements

SUMMARY

The professional mentoring programme, implemented by SOS Children's Villages Sweden in the Gothenburg district of Angered in partnership with district authorities, works with unaccompanied and separated children who have residence status and live in private housing.

Local social services responsible for the care and protection of unaccompanied and separated children in Sweden do not have the resources to provide individual support to children living outside state-run facilities. Children living in private housing are considered to be particularly vulnerable since they often live with individuals and families who are not well-equipped to help them prepare for independent adulthood.

The programme complements the services provided by state and local authorities and helps children and young people to integrate into Swedish society. It works with young people up to the age of 23 as they transition to adulthood.

SOS Children's Villages Sweden plans to expand the practice to other municipalities in 2018 and 2019.

Country: Sweden

Location: Gothenburg- (Angered district)

Website:

<https://sos-barnbyar.se/verksamhet-i-sverige/>

Target group:

Unaccompanied and separated children with residence status

Implemented by:

SOS Children's Villages Sweden and Gothenburg municipality (Angered district)

Funded by:

Angered district administration, the Swedish Postcode Lottery, the Erling Persson Family Foundation, Semcon Ltd., Synsam Ltd., Apotea Ltd., DHL Ltd., Swedbank, the Family Oldmark

Timeframe: 2017 – ongoing

Contact person:

Cecilia Bergling Nauc ler,
Press and Advocacy Manager,
Cecilia.naucler@sos-barnbyar.se

KEY TOPICS

SUPPORT TO PARENTS/PRIMARY CARE GIVERS | CASE MANAGEMENT
PSYCHOSOCIAL SUPPORT | FORMAL EDUCATION | INFORMAL EDUCATION
VOCATIONAL TRAINING | TRANSITION TO ADULTHOOD | STAFF TRAINING
CHILD PARTICIPATION | PUBLIC PARTNERSHIP | PRIVATE PARTNERSHIP
LOCAL COMMUNITY | ACCESS TO INFORMATION

LEGAL AND POLICY CONTEXT

Sweden is one of the main destination countries for unaccompanied and separated children seeking asylum in Europe. In 2015 more than 35,000 unaccompanied and separated children applied for asylum in Sweden, compared with approximately 7,000 in 2014. Local authorities responsible for the reception and care of unaccompanied and separated children were overwhelmed, especially in Stockholm, Gothenburg and Malmö, where the vast majority of asylum-seeking children arrived. Municipalities are required by law to provide accommodation, education, healthcare and guardianship services. In addition to a guardian, each child is assigned a social worker, who follows up on the child's care plan and makes sure that the child's needs are met.

The sharp increase in the number of unaccompanied and separated children arriving in Sweden and the challenges encountered by social services in fulfilling their responsibilities in providing care, accommodation, protection and integration resulted in several changes in the legal framework. For example, supported living arrangements were introduced as a new type of placement for unaccompanied and separated children and young people between the ages of 16 and 20¹. This type of placement is for children and young people who, based on the assessment of social services, are not in need of state care facilities (such as a placement in a family home or residential care organised and monitored by the authorities). Municipal social services municipal authorities must provide individual support and help these children and young people to manage their daily lives.

Many unaccompanied and separated children wish to live with relatives or family friends already living in Sweden. According to a law known as the EBO act², asylum seekers can opt to arrange their own accommodation instead of living in facilities run by the Swedish Migration Agency. With unaccompanied and separated children, child protection authorities have to determine if a placement with the relatives or friends chosen by the child is suitable. Since so many unaccompanied and separated children arrived in the country in 2015, responsible authorities did not always have the resources to carry out suitability assessments and proper monitoring.

There are a significant number of unaccompanied and separated children currently living in private housing arrangements with relatives or family friends. In the Gothenburg suburb of Hammarkullen alone, which has a total population of around 6,000 people, some 500 unaccompanied and separated children are living in such arrangements. Social services and other responsible authorities such as schools consider these children to be extremely vulnerable and recognise that they need special attention compared to the children living in family groups or residential care. The families caring for children in private arrangements are often not completely integrated into the local community; they live in remote areas, do not have a good command of the Swedish language and struggle with unemployment, so they are not well-equipped to guide these children. Since municipal authorities and social services often lack the resources needed to provide individual support to these children, they seek partnerships with civil society organisations to develop care and support solutions.

1. The legislative amendments entered into force on 1 January 2016. See "Supported Accommodation – a New Form of Placement for Children and Young People", Government Offices of Sweden, last modified 24 January 2017, <http://www.government.se/articles/2015/11/supported-accommodation--a-new-form-of-placement-for-children-and-young-people>.

2. Law (1994:137) on the reception of asylum seekers and others (LMA).

THE PRACTICE

SOS Children's Villages Sweden has developed a professional mentorship programme for unaccompanied and separated children who live with relatives or family friends in independent housing arrangements. The programme was launched in early 2017 and is currently implemented in the city district of Angered with plans to expand it to other municipalities in 2018 and 2019.

Social services refer unaccompanied and separated children who have been granted residence in Sweden to the mentorship programme.

Individuals are free to decide whether or not they would like to participate in it. Once enrolled on the programme, children are assigned a professional mentor who provides long-term individual support.

I learn Swedish; I learn about what is right for me in the future; I get help in how to apply for a job and get an apartment. I also get help with my homework.

19-year-old boy from Ethiopia, former unaccompanied child

The mentoring programme is set up in SOS Children's Villages' Youth Centre, where children participate in workshops and information sessions, do their homework, socialise with peers and friends, meet with their mentors or get advice when their designated mentor is unavailable.

The services offered by mentors are made up of three core areas: social orientation; leisure time, culture and networks; and education and work:

- **Social orientation activities** are designed to help children to learn more about Sweden, to build links with local communities and to cope with the challenges of everyday life. Examples of such activities include language cafés, study visits, excursions and training workshops offering skills such as managing personal finances or cooking.
- **Activities in the area of leisure time, culture and networks** encourage children to participate in social and cultural events outside of school and home. Mentors inspire children to try new activities and accompany them when necessary, or mentors organise events for other organisations and services in order for them to present their activities to the youths in the programme.
- **In the education and work area**, children are offered services such as educational workshops, help with homework, workplace visits and help with CVs, job applications and internships. SOS Children's Villages works with a strong network of partners to provide education and employment opportunities.

It is expected that by the end of 2017 the mentoring programme will also include work with children's caregivers. One of the planned activities involves connecting families caring for unaccompanied and separated children with Swedish families, which would help to facilitate both exchanges on cultural issues and experience-sharing in the area of parenting and child care.

Children receive assistance from their mentors to develop their individual action plan which establishes the goals they wish to achieve and a framework to accomplish these goals. The action plan is based on an individual needs assessment of each child and incorporates his or her wishes.

The programme offers consistent, long-term support for children and young people up to the age of 23. It is unique in that it aims to build personal relationships between mentors and children, so the programme is set up in a way that enables children to keep the same mentor throughout their participation in the programme.

Children meet with their mentors regularly. The frequency of the meetings varies from twice a week to twice a month, depending on the child's needs and preferences. The programme has six mentors along with a team leader and a coordinator. Each mentor works with six to eight children. All mentors have adequate education and experience in social work or pedagogy and receive continuous group counselling, supervision and training.

The programme is funded with grants from foundations and corporate sponsorships. Local authorities pay a fixed amount for each action taken for children enrolled on the programme and also subsidise the rent for the youth centre. The programme makes use of other community resources such as sports centres and works with other local services and initiatives. For example, in order to support vocational training and facilitate access to the labour market the staff work closely with the local employment agency to arrange internships and jobs for young people. The programme also collaborates with businesses, which offer vocational training and internships.

MAIN STRENGTHS AND KEY CHALLENGES



Multisectoral partnerships

The programme promotes partnership between public and private actors and effectively combines community resources with private and public funding. The contribution of private sector partners is not limited to funding and includes internships, vocational training and information sessions.



Coordinated approach

The mentoring programme is implemented in close cooperation with social services based on a partnership agreement with the Angered district. The programme was carefully designed to complement rather than replace the existing state services. Mentors work closely with social services and guardians within the framework of children's individual action plans.



Support for children in their transition to adulthood

All those on the programme receive support up to the age of 23, which is particularly important given that the majority of unaccompanied and separated children arriving in Europe are between 16 and 17. As many of them turn 18 before their asylum and migration procedures are concluded, they have to leave state care and do not receive the same support anymore from the state.



Consultation with children

In its design, the programme is based on a study examining the situation faced by unaccompanied and separated children in Sweden. The study draws on interviews with children as well as experts, authorities, staff at shelters and other professionals. A group of children also directly participate in designing the programme, and feedback from participants provides a foundation for adjusting the programme to accommodate children's needs.



Ability to reach only children with residence status

The practice aims to support the integration of children into Swedish society, which requires individual planning, personal involvement and a high level of commitment on the part of children. The experience of the implementing partners shows that children who do not have a secure residence status often do not have this level of commitment in developing a plan for their future in Sweden, as they fear that their asylum applications will be rejected and they will be forced to leave the country. This uncertainty makes it challenging for service providers to plan for the long term. The programme faced difficulties in adjusting its services to the needs of these children and as a result it currently only works with children with residence status.

**Engagement with and support for caregivers**

A safe and supportive living environment is essential for children's well-being, development and integration. The programme has yet to develop a set of services that would engage caregivers and members of the families in which children live.

**Sustainability**

Since as much as 95% of the programme's annual budget comes from private donors, it may face challenges in sustaining its work in the long term, as private funding may be influenced by the political climate and the public discourse on migration.



LESSONS LEARNED

- **The integration of unaccompanied and separated children is a long-term investment for local communities.**

Integration is a long-term investment that benefits society by enabling its new members to contribute to its social and economic development. Services for children should start early and include the period of transitioning to adulthood. Durable solutions should be identified and implemented quickly.

- **Services should meet children's individual needs.**

Integration requires establishing clear pathways for each individual child or young person in a new country. Although unaccompanied and separated children as a group may face common challenges in integrating into local communities, they also have diverse needs, capacities and goals. Services for these children should address individual vulnerabilities and needs and build on children's capacities.

Happy Nest: an afterschool programme for children in reception centres

SUMMARY

Asylum-seeking children arriving in the Netherlands typically stay in asylum seeker centres for long periods of time while they wait for their asylum claims to be processed. Those whose asylum claims are rejected are detained before being forcibly returned to their countries of origin.

Families with children pending return are placed in family centres. While living at these facilities, they may not leave the municipality and have daily reporting obligations. Primary school classes are offered inside such centres, and children have little contact with the community and limited access to public services, leisure and educational activities.

Since 2014, the Happy Nest programme has been offering afterschool activities for children living in family centres. It currently works in two family centres, and in October 2017 Happy Nest spaces were opened in two reception facilities for asylum seekers.

Happy Nest spaces offer a safe environment where children can participate in group activities with their peers and receive psychosocial support. The programme aims to help children to develop resilience and cope with the stress caused by the environment in which they live.

Country: The Netherlands

Location: Katwijk and Burgum

Website:

<https://icdi.nl/projects/a-safe-nest-for-children-in-refugee-centres-netherlands> and <https://vrolijkheid.nl/wat-we-doen/een-warm-nest/>

Target group:

Children between the ages of 6 and 12 living in reception centres

Implemented by:

Stichting De Vrolijkheid and International Child Development Initiatives (ICDI)

Funded by:

the Dutch Postcode Lottery and Stichting Kinderpostgezels

Timeframe: 2014 – ongoing

Contact person:

Mathijs Euwema, Director, International Child Development Initiatives, Mathijs@icdi.nl

KEY TOPICS

PSYCHOSOCIAL SUPPORT | INFORMAL EDUCATION | STAFF TRAINING
CHILD PARTICIPATION | PUBLIC PARTNERSHIP | LOCAL COMMUNITY
ACCESS TO INFORMATION | ADVOCACY AND RESEARCH

LEGAL AND POLICY CONTEXT

In the Netherlands, 58,900 people applied for asylum in 2015. In 2016 this number dropped sharply to 31,600. Of this number, 18,170 were first-time applications, 1,660 were repeated applications and 11,810 were family reunification applications¹.

The Central Agency for the Reception of Asylum Seekers (COA)² handles the reception of asylum seekers. Asylum seekers are entitled to material reception conditions as soon as their asylum claims are registered by the COA Reception Centre for Asylum Seekers in the northern town of Ter Apel. The COA provides several types of accommodation for asylum seekers. The type of reception facility depends on the stage of the asylum procedure and thus the legal status of the person. Most asylum seekers, including families with children, are accommodated at facilities known as asylum seeker centres – asielzoekerscentra (ACZ) – while their asylum applications are processed by migration authorities. Asylum seekers whose asylum applications have been rejected but who maintain the right to reception conditions may also be accommodated at AZCs. However, when the voluntary return period ends, they are moved to facilities with restricted freedom of movement which are known as vrijheidsbeperkende locaties (VBL).

Families with children under the age of 18 whose asylum applications have been rejected and undocumented families who are subject to return are placed in family centres known as gezinslocaties (GL), also run by the COA. Adults and children in family centres and VBLs are not detained, but they are not allowed to leave the municipality and they must report their presence daily³. The first family centres were established in 2011⁴ after the Hague Court of Appeal⁵ ruled that children whose asylum applications had been rejected and children classed as irregular migrants had the same rights to adequate and safe accommodation, care and protection as other children in the Netherlands and that state authorities should assume responsibility for these children⁶. Families and children stay in family centres until their return or until the youngest child turns 18.

Dutch law guarantees children all the rights enshrined in the UNCRC regardless of their legal status or the status of their parents, including the right to education⁷.

Primary school classes for children living in AZCs and GLs, while being part of the formal education system, are offered inside the centres. As a result, children have limited contact with their peers and the local community. Children in secondary education attend schools outside facilities for asylum seekers.

Some child rights and human rights

1 – “IND, COA, DT&V Present Annual Figures”, Government of Netherlands, 10 April 2017, <https://www.government.nl/latest/news/2017/04/10/ind-coa-dtv-present-annual-figures>.

2 – See “About COA”, Centraal Orgaan opvang asielzoekers, n.d., <https://www.coa.nl/en/about-coa>.

3 – Rejected asylum seekers who are placed in a VBL or a GL are subject to the freedom restricted measures based on Article 56 of Aliens Act 2000.

4 – Letter from the Minister of Immigration, Integration and Asylum to the House of Representatives, 21 December 2011, www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2011/12/21/kamerbrief-gezinslocaties/microsoft-word-kamerbrief-gezinslocaties-def.pdf.

5 – ECLI:NL:GHSGR:2011:BO9924, De Rechtspraak, Gerechtshof 's-Gravenhage, 11 January 2011, <http://deeklink.rechtspraak.nl/uitspraak?id=ECLI:NL:GHSGR:2011:BO9924>.

6 – See also *Defence of Children International v. Netherlands*, 47/2008, European Committee of Social Rights, 28 February 2010.

7 – *Leerplichtwet 1969*.

organisations have strongly criticised the reception conditions in gezinslocatie family centres⁸. A coalition of organisations including UNICEF Netherlands, Defence for Children and the Dutch Council for Refugees (DCR) has closely monitored the development and expansion of family centres since 2011. According to its findings, families and in particular children in these facilities suffer from ill health, psychological

problems and stress. Since most expulsions occur early in the morning, some children are afraid to go to sleep and fear being separated from their parents and siblings. Some children stay in family centres for years, and during this time they have limited or no interaction with the local community⁹.

THE PRACTICE

Happy Nest is an after-school programme for children living in reception centres in the Netherlands. Happy Nest provides a safe space outside of school where children between the ages of 6 and 12 can learn, play and develop. By participating in recreational and educational activities, children expand their interests, acquire new skills, build positive relationships with other children and adults, develop resilience and learn to cope with the stress that may be caused by legal uncertainty, harsh reception conditions and social exclusion. The programme also helps children with their homework. Happy Nest spaces are located inside reception facilities and include a common living area where children can spend their free time. The programme also makes use of other rooms and spaces within the reception facilities for its activities.

Happy Nest spaces are open on workdays during after-school hours until 6 p.m. Activities include handicrafts, music and drama workshops and sports.

Each Happy Nest is run by two part-time staff members, and volunteers are involved in individual activities. Happy Nest staff have professional training in areas such as pedagogy, psychology and the arts. They are selected on the basis of their experience in working with children and their abilities.

The programme seeks to build links with the local community. For example, it organises exhibitions of children's artwork and it invites children to participate in school trips to museums, the town hall or the fire brigade, which give them the opportunity to interact with members of the local community and to learn more about Dutch society. Volunteers from the local community help children to learn more about Dutch culture.

Children are not seen as "clients" but rather as active participants. They are consulted about activities and the daily routines at Happy Nest spaces.

⁸ See "Gezinslocaties", Werkgroep Kind in azc, n.d., <http://www.kind-in-azc.nl/gezinslocaties/>.

⁹ Ibid.

THE NETHERLANDS

Girls learning judo in the Nest centre in Katwijk. © De Vrolijkheid



↑ Children enjoying the central living room in the Nest centre in Katwijk. © De Vrolijkheid

↓ Boys and girls of the Child Research Group in the Nest centre in Burgum. © ICDI



Effective access to education, and to any measures necessary to ensure such access (e.g. language classes), must be available to all children, even if they will be returned to a third country. Due to emerging risks of segregated education for children in migration, access to inclusive and non-discriminatory education is the key towards children's integration in other areas of life.

The Protection of Children in Migration: Communication from the Commission to the European Parliament and the Council (COM(2017)211 final)

In addition to its activities for children, the Happy Nest programme also offers complementary services for parents.

The Nest model was first developed and piloted in Bosnia and Herzegovina between 2009 and 2013 as a project targeting children from families with multiple problems. Evaluations and impact assessments of the model revealed its positive impact on children. The international handbook entitled, *The Nest Center: A Home away from Home* offers guidance on how to set up, run and maintain a Nest centre¹⁰. In the Netherlands, the first Happy Nest opened at the asylum seeker centre in Katwijk in 2014, and a second one opened in 2016 in Burgum. In October 2017 two more spaces opened in Zeewolde and Drachten, in the provinces of Flevoland and Friesland. Happy Nest spaces are open to any children who are interested. Teachers, COA officers, health workers and representatives of other services can also contact Happy Nest staff if they have concerns about a child or if they want to refer a child to the centre. Registration requires the consent of parents or legal guardians and children.

The programme is run by the Dutch NGO De Vrolijkheid with technical support from ICDI. De Vrolijkheid supports children who are victims of armed conflicts, torture, neglect, abuse or exploitation and promotes children's rights offering special care, recovery and integration services. ICDI is a knowledge organisation specialising in the psychosocial development of children and young people growing up in difficult circumstances. De Vrolijkheid is responsible for managing and implementing Happy Nests, and ICDI provides training and professional supervision for De Vrolijkheid's staff and volunteers.

The programme is currently funded by the children's charity Stichting Kinderpostzegels and by the National Postcode Lottery, but would need to secure long-term funding from other sources to sustain its work and reach other reception facilities.

De Vrolijkheid has a formal cooperation agreement with the COA under which the roles and responsibilities of each party are outlined. Before a Happy Nest can become operational, COA permission is required. The COA provides spaces for Happy Nests. Other programme partners include primary schools operating in the reception centres, health services and municipal authorities. Happy Nest staff are in continuous contact with the directors and teachers of schools operating in the reception centres.

¹⁰ Mathijs Euwema, Marian van Teeffelen, Branka Ivanović, Elvira Živanović, "The Nest Center: A Home away from Home", n.d., <https://icdi.nl/media/uploads/publications/the-nest-center.pdf>.

MAIN STRENGTHS AND KEY CHALLENGES



Participatory approach

Child participation is a fundamental feature of the Happy Nest concept, and children are seen as agents of change and partners rather than clients. Children are involved in the design and implementation of activities and in the programme's daily work.



Child protection policy

All Happy Nest staff and volunteers undergo vetting procedures: they are subject to checks by the Criminal Records Bureau and should obtain a certificate of good conduct in order to work with children. De Vrolijkheid has a child protection policy, and all its staff and volunteers are briefed on its content and must sign it. People who work with children are obliged by law to report possible abuse to the relevant child protection authority.



Training and professional supervision of staff and volunteers

ICDI provides a mandatory three-day induction training course on the Nest model for staff and volunteers, as well as follow-up training and professional supervision. Staff and volunteer training is also provided by De Vrolijkheid. The ICDI and De Vrolijkheid training programmes focus on the methods and techniques for communicating with children from different cultural backgrounds and children who suffer from trauma.



Limited contact with the local community

The movement of children living in gezinslocatie family centres is restricted and with the conditions at reception centres often becoming saturated. The Happy Nest programme seeks to encourage links with the local community, but in practice Happy Nests are part of the reception facility setting and do not have the power to change it. As a result, despite all efforts, children remain isolated and often have little or no interaction with the outside world and peers from the community.



Difficulties in measuring impact on children's development

The Happy Nest programme in the Netherlands is based on a successful model that was developed in Bosnia and Herzegovina for a different target group. The practice in the Netherlands needed to be adapted to a different context. An evaluation study conducted by ICDI in the Happy Nest in Katwijk suggests that the programme so far has had limited measurable impact on the psychosocial wellbeing of individual child participants. However, other qualitative methods (interviews with children, parents, teachers, staff and volunteers) suggest that children do benefit from participating in Happy Nest activities.



High turnover of children and project sustainability

The exact amount of time that children and their families stay in a specific facility is not predetermined and ranges from a few weeks to several years. Children may be transferred to another facility or returned to their countries of origin at any time. Many families leave reception facilities to avoid deportation. As a result, many children are engaged in the programme activities for a short time and may leave unexpectedly. In addition, events in the reception facility, such as the arrival of new group of refugees, the sudden deportation of a family or incidents of violence, cause disturbances and affect children's wellbeing and attendance.

LESSONS LEARNED

- **Training and supervision of volunteers is essential to ensure the quality and sustainability of services.**

An important element of the programme is the involvement of volunteers who contribute to activities and act as links to the local community. However, the recruitment, training and monitoring of volunteers requires considerable investment in time and effort on the part of the staff. Since each Happy Nest only has two part-time workers, the staff have a high workload which does not always allow them to provide the necessary attention and support to volunteers. The development of a volunteer network and their meaningful and beneficial engagement require sufficient human and financial resources.

- **Initiatives for migrant and refugee children operate within the limits of national policies.**

Every project runs within the limitations of the national legal and policy context. The Happy Nest programme and other similar initiatives offering informal education and after-school activities for children should be developed in the context of an integrated approach, which would require certain changes in national policies on the return, reception and integration of migrants and asylum seekers. At the same time, any such project should be able to adjust its activities to realities on the ground and find ways to manage operational challenges caused by a high turnover of children and poor infrastructure.

Guardianship service for unaccompanied and separated children in Scotland

SUMMARY

The Scottish Guardianship Service works with unaccompanied and separated asylum-seeking and trafficked children and young people. It provides support, information, advice and advocacy to enable children and young people to understand and exercise their rights and entitlements as they go through migration procedures.

The service seeks to build trust-based relationships with children and young people and empower them in coping with the challenges of being without family support in an unfamiliar country. The staff are trained in migration law, policy and practice and have the skills required to support the recovery of children and young people who have been through severe traumatic experiences.

The service has been shown to be highly valued by the children and young people who use it and to achieve positive outcomes in trauma recovery, contact with family, residence applications and access to services.

This is the only service of this kind in Scotland, and as of 2017 it has a statutory status.

Country: United Kingdom

Location: Scotland

Website:

<http://www.aberlour.org.uk/services/scottish-guardianship-service/>

Target group:

Unaccompanied and separated asylum-seeking and trafficked children

Implemented by:

The Aberlour Child Care Trust and the Scottish Refugee Council

Funded by:

Current: the Scottish Government
Pilot: the UK Big Lottery Fund, the Scottish Government and the Paul Hamlyn Foundation

Timeframe: 2010 – ongoing

Contact person:

Catriona MacSween, Service Manager
guardianship@aberlour.org.uk

KEY TOPICS

CASE MANAGEMENT | PSYCHOSOCIAL SUPPORT | VOCATIONAL TRAINING
TRANSITION TO ADULTHOOD | STAFF TRAINING | CHILD PARTICIPATION | PUBLIC PARTNERSHIP
GUARDIANSHIP | LEGAL AID | ACCESS TO INFORMATION | ADVOCACY AND RESEARCH

LEGAL AND POLICY CONTEXT

The UK has received a relatively small number of refugees compared to other European countries along major migration routes. According to Eurostat, 3,175 unaccompanied and separated children applied for asylum in 2016, compared with 3,255 in 2015. A proportion of asylum-seekers arriving in the UK are sent to Glasgow, as it has been a major dispersal centre for more than 20 years, although a new transfer scheme has been introduced which distributes responsibility for the care of unaccompanied children among a number of local authorities.

Under the 2016 Immigration Act, also known as the Dubs amendment, the UK government committed to offering safe passage to the UK for a number of unaccompanied and separated children, and it was anticipated that around 3,000 children would be received. However, the numbers actually admitted are very low. In 2016, 900 unaccompanied and separated children were transferred to the UK from Europe, including more than 750 from France. Approximately 200 of these children met the criteria specified in section 67 of the Immigration Act¹. In October 2017, there were a total of 365 unaccompanied and separated children in Scotland.

In accordance with the Children (Scotland) Act 1995, local authorities are required to ensure that children in need are provided with accommodation and support if their needs cannot otherwise be met. Unaccompanied and separated children are deemed by the Scottish Government to meet the threshold of need and are thus formally admitted to the care system. The care system, however, has not been adapted to the specific needs and vulnerabilities of

unaccompanied refugee children. Many organisations throughout the years have highlighted the lack of independent guardianship provision and services and have advocated for such services.

Guardianship provisions for unaccompanied and separated children were introduced under the Modern Slavery Act 2015 in England and Wales and the Human Trafficking and Exploitation Act 2015 in Northern Ireland. In Scotland, the Human Trafficking and Exploitation (Scotland) Act, adopted in 2015, introduced mandatory guardianship provisions for unaccompanied children as of 2017. This requirement applies to unaccompanied and separated children when there is reason to believe that they might have been trafficked or are at risk of trafficking; this group therefore includes unaccompanied children seeking asylum, unaccompanied children with refugee status and undocumented unaccompanied children that might be at risk of falling into the hands of trafficking groups. Before 2015, guardianship services for unaccompanied and separated children in Scotland were provided by the Scottish Guardianship Service on a non-statutory basis. Following the adoption of the Human Trafficking and Exploitation (Scotland) Act in 2015, referral of unaccompanied and separated children to the Scottish Guardianship Service became mandatory.

Local authorities carry out assessments to determine the age of asylum seekers. Social workers conducting such assessments must be certified and must have received relevant training. Assessments must be conducted

1. "Refugees: Children: Written question 61210", Parliament, 27 January 2017, <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-01-23/61210/>.



↓ *Young people drawing a guardian*



in the presence of an appropriate adult, and written consent must be granted. However, age assessment practices are not consistent across the UK, and the quality of age assessments has been heavily criticised. Although in general the principle of presumption of minority should apply, when two migration officers, one of whom is a senior officer, hold a “reasonable belief” that an asylum seeker is over 18 years old, the asylum seeker is treated as an adult and therefore could be liable to detention.

Migration and asylum procedures for unaccompanied and separated children, unlike those for adults, entitle children to have a representative present during the asylum interviews. Children must be interviewed in the presence of an adult who has no ties to the Home Office. However, obtaining good quality legal advice and representation is a challenge, and the lack of adequate advice, information and legal representation is a critical obstacle to unaccompanied and separated children realising their rights².

THE PRACTICE

In 2009, in response to the 2008 concluding observations from the UN Committee on the Rights of the Child, the Scottish Government published “Do the Right Thing”, an action plan aiming to address the issues raised in the committee’s recommendations, including providing better support to unaccompanied children seeking asylum.

The Scottish Guardianship Service was developed in 2010 as a three-year pilot project. The service is run in partnership with the Aberlour Child Care Trust and the Scottish Refugee Council with support from the Home Office, local authorities and other stakeholders. As of 2013, following an impact evaluation, the Scottish Government agreed to fund the service for a minimum of three years³. Under the 2015 Human Trafficking and Exploitation Act (Scotland), all unaccompanied children must be referred to the service and be appointed a guardian

The service is located on the premises of the Scottish Refugee Council in Glasgow and is implemented by a project leader, four full-time guardians and one part-time guardian, who are qualified migration advisers trained in advocacy. Two relief guardians are based in more remote parts of Scotland.

The service works with unaccompanied asylum-seeking or trafficked children and young people. Many of these children have been through unimaginable traumas and have to cope with being apart from their families in a strange, new country. They face language and cultural barriers and may have difficulty navigating the welfare and migration system in the UK.

Children referred by local authorities are assigned a guardian, who helps them to navigate the migration and welfare process and represent a point of contact and continuity during their progress through the asylum and migration system. Guardians make children and young people aware of their rights, explain aspects of the asylum and welfare system to

2_ “Country Report: United Kingdom”, Asylum Information Database, last modified 12 July 2017, <http://www.asylumineurope.org/reports/country/united-kingdom>.

3_ “The Scottish Guardianship Service”, Scottish Government, last modified 17 August 2017, <http://www.gov.scot/Topics/People/Young-People/protecting/lac/guardianship>.

them, introduce them to social opportunities and enable them to integrate into community life⁴. They advocate for children's best interests in all decisions affecting them, provide emotional support, help them to overcome language and cultural barriers and facilitate their access to specialist trauma recovery services if needed.

The service works to help unaccompanied and separated asylum-seeking children to feel supported and empowered throughout their journey whilst their claim is assessed and their status determined. It enables them to access the assistance they need when they need it and helps them to make informed decisions about their future.

To date the project has worked with around 365 children and young people. They have all been provided with independent advocacy, personal support and advice and help with migration procedures. Around 60% of them have been granted leave to remain in the UK after the age of 18, in contrast with the very low percentage of children who are successful in securing the right to stay without support of this kind.

The service advocates for and supports unaccompanied asylum-seeking and trafficked children to be included in mainstream services and helps them to become familiar with their local communities and access informal social support and other resources that can help with integration such as language learning.

Guardians work with the local community to make sure children are monitored and develop the required social skills. Children and young people receive services from local authorities looking after them or local voluntary organisations; they may also be involved with community groups such as youth or religious organisations. The children and young people attend schools or other educational provisions, depending on age. The service works with the Red Cross in tracing and establishing contact with family members where appropriate.

The Scottish Guardianship Service project underwent an independent external evaluation by two researchers specialising in the field of migration. The evaluation took place during the initial 30 months pilot phase and found evidence of positive outcomes in a number of domains and no major weaknesses.

4_ "Refugees and Asylum-Seekers – Unaccompanied Children", Scottish Government, n.d., <https://beta.gov.scot/policies/refugees-and-asylum-seekers/unaccompanied-children/>.

MAIN STRENGTHS AND KEY CHALLENGES



Access to quality, individualised guardianship services

The guardians have specialised knowledge and experience in assisting with asylum procedures. They are trained in issues such as child protection, child trafficking, victim support and age assessment procedures. The guardians are able to identify the best options to secure children's rights, plan for their future, provide access to education and promote children's emotional well-being.



Durable solutions in accordance with the best interests of the child

By providing information, legal representation and legal aid, the service safeguards children's rights and contributes to identifying and implementing sustainable solutions in line with their best interests. The fact that the children it supports are considerably more likely to receive permission to remain in the UK after the age of 18 than other asylum-seeking children demonstrates the benefit of providing specialist support appropriate to children's needs and assigning an adult who is responsible for advocating for children's welfare.



Sustainability

Following a pilot period of 30 months, the service was recognised by law and received funding from the Scottish Government, which has secured the future of this guardianship model and its place in the child protection system.



Empowerment and participation of children

Guardians represent and advocate for the children and young people they work with in their interactions with other service providers. They help children to understand the services that would best meet their needs and make them aware of the available options and the nature of public services in the country (i.e. NHS, schools, colleges, social care, housing, etc.). Ultimately, the project enables children and young people to make informed decisions about their future.



Involvement of children in service design and implementation

The service was developed in response to a specific need. The development of the model took a year and involved children and young people from the target group. As a result of extensive consultations and children's participation, the service is designed in a way that reflects their needs, wishes and aspirations.



Impact data for evidence-based policy

At the end of its pilot phase in 2013 the service underwent an independent external evaluation, which examined the nature of its work and how it changed in response to experience and need. The evaluation included an analysis of demographic data, case records and interviews with children and young people focusing on their experiences with the asylum process and the support services they received. The evaluation demonstrated the value of the service and its impact on individual children and young people. The findings helped to inform relevant policies: independent child trafficking guardians were recognised by law, and the service received government funding.



Coordination and cooperation

The guardians act as a link to service providers and state actors, thereby ensuring that children and young people receive the support they need.



Limited prior dialogue with other agencies

Insufficient involvement of and dialogue with other agencies working with refugee children prior to establishing the service generated some challenges relating to how the guardians fitted in with existing services. This also resulted in a lack of clarity on the independent advocacy role of the guardians and how it might potentially affect other agencies' plans and priorities.



Difficulties in meeting increased demand

Since its inception, the service has supported over 365 children, but demand for services remains high. In order to avoid a waiting list, some support services have been provided in groups rather than individually. An increased geographical spread across Scotland also makes it challenging to respond to the needs of children and young people in a timely manner.



Prolonged asylum and migration procedures and lack of durable solutions

Unaccompanied and separated children applying for asylum in the United Kingdom can often be granted temporary leave to remain until they become adults, but they have to apply for further leave to remain once they reach the age of 18. Slow decision making by migration authorities impacts on children and young people's capacity to feel secure and stable. Many children age out of the care system while going through migration procedures and therefore lose certain rights and safeguards.



LESSONS LEARNED

- **Protecting children's rights requires long-term commitment**

The case of the Scottish Guardianship Service, which started as a pilot project in 2010 and developed into a service endorsed by the government in 2017, showed that achieving change in policy and practice requires consistency and commitment as well as continuous effort to develop and sustain partnerships with other stakeholders.



RECOMMENDATIONS



Recommendations

The case studies presented in this publication bring to light both shortfalls in current practices and examples of how mainstream child protection services can provide effective responses to the needs of refugee and migrant children, in particular those who are unaccompanied or separated, and therefore particularly vulnerable. These recommendations draw on the experience of civil society organisations and their partners working with refugee and migrant children in Europe, as exemplified in this publication. We hope they will assist policy makers and practitioners in the statutory sector as well as in civil society to ensure migrant and

refugee children, like all other children, have access to protection and quality family and community-based care in European countries.

The recommendations require States and the EU to invest sufficient resources to ensure services effectively support individuals, families and communities. To achieve desired outcomes, funding needs to be consistent, transparent, predictable, accessible, long-term and based on real needs.

1. Ensure families can play a protective role
2. Provide quality family and community-based care to unaccompanied and separated children
3. Ensure that guardians are equipped to safeguard the best interests of unaccompanied and separated children
4. End the migration detention of children
5. Strengthen children and families' resilience and ensure psychosocial support
6. Ensure care professionals are adequately trained and supported
7. Promote equity of care and inclusion in the local community

1. ENSURE FAMILIES CAN PLAY A PROTECTIVE ROLE

A caring and protective family is central to a child's development, as recognised by the UNCRRC. However, displacement coupled with traumatic experiences, inadequate reception conditions, a lack of information, parents' lack of control over the situation they and their children are in, and uncertainty about their future can hinder the ability of families to provide a stable environment where children can develop and fulfil their potential.

All efforts should be made to support families in their role as primary caregiver and to keep migrant and refugee children in, or bring them back to, the care of their family within the community, unless this is assessed to be against the best interests of the child.

How can this be achieved?

- By **supporting families to stay together** if this is in the best interests of the child. Families should be supported through universal and targeted social services, psychosocial support and by allowing early access to the labour market for parents and other caregivers so that families can stay together. For instance, in the 'Mellon' shelter in Greece, single young mothers, many of whom were under high stress, received psychosocial counselling and support aimed at strengthening their parental skills.
- By improving the implementation of **family reunification** provisions to fully respect children's right to family, including through the removal of practical barriers such as deadlines for applying for family reunification, waiting periods before applying for family reunification and material and income requirements.
- By ensuring that **families** can still play an important **protective role when children are unaccompanied or separated**. Unaccompanied and separated children should be helped to stay in contact with their parents or primary caregivers unless this is not in their best interests. The practice in several cases examined in this publication including programmes by SOS Children's Villages Greece and Hungary shows that dialogue with families of origin is key to working together towards the best interests of the child, including decreasing the risk of unaccompanied children relying on smugglers. Children may be put under undue pressure or at a higher risk of exploitation due to limited legal and safe channels to reach protection, parents and families' lack of adequate information on the risks of travelling irregularly, and unrealistic expectations about the possibilities for children to support their families. The experience of civil society shows that when caregivers and other professionals working with unaccompanied and separated children engage in dialogue with families of origin, this can help them to increase their understanding about the risks of travelling with the help of smugglers and the advantages of their children focusing on their education. As a result, they will be more likely to encourage their children to seek legal channels to either settle in the country where they live or to reunite with their family in another European country and to take advantage of available opportunities for education and training¹.

1. For the impact of stress and uncertainty on people's ability to participate in education and training, see "Life in Limbo. The Consequences of Thwarted Mobility for Refugees, Asylum Seekers and Other Migrants in Serbia", Danish Refugee Council, September 2017, <https://drc.ngo/media/3945615/life-in-limbo-online.pdf>.

- By enabling **siblings** to be placed/stay **together** in line with the UN Guidelines for the Alternative Care of Children when children cannot stay with their parents or primary caregivers, unless this is not in the

best interests of the child. Siblings should be enabled to maintain contact with each other, unless this is against their wishes or best interests².

2. PROVIDE QUALITY FAMILY AND COMMUNITY-BASED CARE TO UNACCOMPANIED AND SEPARATED CHILDREN

European countries are failing to provide appropriate reception and care to unaccompanied children, with unaccompanied children sometimes being accommodated in large-scale reception centres or refugee camps, which does not constitute adequate quality care, hinders their cognitive and social development and their integration in society.

When children are unaccompanied or separated, States should provide a range of alternative care arrangements that fulfil children's needs and best interests, such as family and community-based solutions, as outlined in the UN Guidelines for the Alternative Care of Children.

How can this be achieved?

- By **removing barriers to the provision of family and community-based care to unaccompanied and separated children**. These include discrimination based on the origin of children, their legal residence status, a lack of financial resources or professionals prepared to deliver specialised alternative care. For example, in Hungary, SOS Children's Villages has initiated a pilot project to recruit,

select, train and monitor certified foster parents for unaccompanied and separated children. Despite the exististance of national legislation providing for foster care for all children under 12 years of age to avoid institutionalisation, in practice no foster care places were available for unaccompanied children.

- By tailoring **support to every child, reflecting the diversity of children's aspirations, needs, skills and strengths**. The case studies in this compendium illustrate that the best results are achieved when support is tailored to every individual child and is based on **participation** during planning and through continuous monitoring. In order to promote children and young people's participation in decisions that affect their lives, they should be encouraged to see themselves as individuals with rights and responsibilities, and procedures that encourage and facilitate participation in accordance with their age and maturity should be put in place. In Greece, the EADAP project "Our Lands and their Animals", preparing unaccompanied and separated children for enrolment in school, was

2_ SOS Children's Villages, Because We are Sisters and Brothers. Sibling Relations in Alternative Care (2012) <https://www.sos-childrensvillages.org/getmedia/dbf1ad1a-d04d-43ae-95d7-721abb6052bc/SiblingsBrochure-WEB-EN.pdf?ext=.pdf>.

designed based on children's proposals and in close cooperation with them, the staff and the local community. In the Netherlands, IDCI and Stichting De Vrolijkheid involve children as partners in the design and implementation of activities in the Happy Nest programme.

- By promoting **diversity** as an important **resource** in the provision of family and community-based care to unaccompanied and separated children. SOS Children's Villages Hungary did this by prioritising the recruitment of Hungarian foster parents who share similar linguistic and cultural backgrounds with the children³ to help children's integration into society.
- By providing **information** and **legal assistance**. The experience of SOS Children's Villages Greece and the Immigrant Council of Ireland shows that this yields good results in getting children to pursue legal and safe channels to seek protection, reunite with their families, apply for citizenship as well as engage in voluntary return procedures

to the country of origin when this is in their best interests. Information should be age-appropriate and provided consistently, orally and in written form, by trained professionals in a language the children can understand, and with periodic follow-ups with the children to ensure that they have understood the information provided.

- By **implementing child protection standards** and child safeguarding policies, in line with international frameworks⁴, to ensure that staff, operations and programmes do no harm to children and do not expose them to risk of harm and abuse; ensuring that appropriate responses and effective management of child safeguarding concerns are in place and that any concerns about the safety of children are reported to the appropriate authorities. Children and young people should also be made aware of the child protection policy and of their right to safe care provision.

3. ENSURE THAT GUARDIANS ARE EQUIPPED TO SAFEGUARD THE BEST INTERESTS OF UNACCOMPANIED AND SEPARATED CHILDREN

Despite the critical role of guardians in ensuring that the rights of unaccompanied and separated children are protected and that their best interests are safeguarded, practice in several of the countries examined in this compendium shows that guardians are often assigned an excessive number of unaccompanied children to support, which prevents them from carrying out their responsibilities as they should.

Appropriate funding should be allocated to initiatives that ensure children have strong supporting networks, in addition to their families of origin and stable care person, including, professional guardians adequately equipped to perform their duties.

3_ In the Netherlands, where around 47% of all unaccompanied children are accommodated with foster families, the guardianship institution for unaccompanied children, Nidos, aims at placing children as much as possible in families from their own culture or a related culture in order to ensure children remain connected to their roots, while the family serves as a good bridge to society. See "To Become a Foster Family", Nidos, n.d., <https://www.nidos.nl/en/voor-opvangouders/opvangouder-worden/>; "Netherlands", ENGI, n.d., <https://engi.eu/projects/reception-and-living-in-families/the-netherlands/>.

4_ See Keeping Children Safe, <https://www.keepingchildrensafe.org.uk/>, and specifically <https://www.keepingchildrensafe.org.uk/how-we-keep-children-safe/capacity-building/resources>.

How can this be achieved?

- By ensuring that guardians are **responsible for a reasonable number of unaccompanied and separated children** at any given time⁵ so that they are able to perform their duties effectively. To this purpose, States should allocate sufficient human and financial resources. The Scottish Guardianship Service offers a good model of how guardians can be enabled to support unaccompanied and separated children.
- By ensuring that guardians are immediately appointed, appropriately trained, supported and monitored. Training should apply the same standards as for the education and child rights training of professionals working with children in the alternative care system. Guardians should be employed so that each child can have a qualified and skilled guardian⁶. **Professional guardians could**

be supported by volunteer guardians to increase quality and support for children. The practice from North-Rhine Westfalia (Germany) shows that volunteer guardians often extend their role by supporting children in all aspects of their daily life using their personal, private and professional networks to support the children. The time devoted to the unaccompanied child, the frequency of personal meetings and the personal involvement of the volunteer guardian in their daily life allows for the development of a strong personal and trustful relationship. Furthermore, they often continue supporting young people after they reach the age of 18, when the legal guardianship ends.

- By making sure that children are able to contact their guardian easily⁷, including beyond office hours⁸.

4. END THE MIGRATION DETENTION OF CHILDREN

Despite its profoundly negative impact on children's health and psychosocial development, EU legislation allows the detention of children in the context of migration in exceptional circumstances, as a matter of last resort, and if it has been established that other less coercive alternative measures cannot be applied effectively. In practice, while many European countries do not collect or make public the numbers, length and grounds for the detention

of migrant children, detention is a reality for too many migrant children in Europe.

Children should never be detained for reasons related to their or their parents or care givers' migration status. The Committee on the Rights of the Child has asserted that the detention of any child because of their or their parents' migration status constitutes a child rights violation and contravenes the principle of

5_ In Year 1 of the evaluation of the Scottish Guardianship Service Pilot, the average caseload per Guardian was 6.2. In Year 2 the average caseload for each Guardian increased to 13.3, as the numbers of young people using the Service grew. See Heaven Crawley, Ravi KS Kohli, "She endures with me". An evaluation of the Scottish Guardianship Service Pilot", 2013, http://www.scottishrefugeecouncil.org.uk/assets/0000/6798/Final_Report_2108.pdf.

In the framework of the recast negotiations of the Reception Conditions Directive (Directive 2013/33/EU on laying down standards for the reception of applicants for international protection), the European Parliament recommends that guardians may not be in charge of more than 20 unaccompanied children.

6_ "Guardianship for Children Deprived of Parental Care", European Union Agency for Fundamental Rights, 2014.

7_ A 12 year's old unaccompanied child from Afghanistan living in Hungary, interviewed by SOS Children's Villages Hungary said: "Actually I can't count on anybody, and I don't really trust anybody either. I have a legal guardian, but I don't know either his telephone number or his Viber name, so I can't talk to him whenever I want."

8_ Ibid.

the best interests of the child⁹. In their Joint General Comments published on 17 November 2017, the Committee on the Rights of the Child and the Committee on the Protection of the Rights of All Migrant Workers reaffirm that “States should expeditiously and completely cease or eradicate the immigration detention of children” and “any kind of child immigration detention should be forbidden by law and such prohibition should be fully implemented in practice”¹⁰.

How can this be achieved?

- By enacting legislation and/or policies to **prohibit the migration detention of children** and implement **alternatives to detention** that enable refugee and migrant

children to remain with their family members and/or care givers. This should be in non-custodial, community-based contexts that respect the rights of the child, are in their best interests and focus on case resolution¹¹. In Slovakia, the Human Rights League has partnered with several NGOs to promote alternatives to migration detention by working with the national government, local communities and UN bodies.

- By scaling up the development of **family and community-based care solutions** in order to avoid unaccompanied or separated children being accommodated in closed facilities due to a shortage of suitable alternative reception facilities¹².

5. STRENGTHEN CHILDREN AND FAMILIES’ RESILIENCE AND ENSURE PSYCHOSOCIAL SUPPORT

Organisations working in the field of mental health and psychosocial support have underlined that, in addition to the human rights violations and hardships that refugees and migrants have fled in their home countries and encountered during their journey to Europe, mental health problems might be

induced or aggravated by the way people are received and how protection and assistance is provided. According to UNHCR, IOM and MHPSS.net, while rates of disorders related to extreme stress, such as posttraumatic stress disorder (PTSD), are higher in refugees than in people who are not forcibly displaced, for most

9_ See “Report of the 2012 Day of General Discussion”, Committee on the Rights of the Child, para. 78. See also “Report of the Working Group on Arbitrary Detention - United Nations Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of Their Liberty to Bring Proceedings Before a Court”, UNGA, A/HRC/30/37, 6 July 2015, annex, in particular principle 21, para. 46, and guideline 21.

10_ Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration and Joint General Comment No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 23 (2017) of the Committee on the Rights of the Child on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=11.

11_ For further information, see Global Campaign to End Child Detention, <http://endchilddetention.org/>; Jacqueline Bhabha, Mike Dottridge, “Child Rights in the Global Compacts”, 24 June 2017, <http://www.childrenonthemove.org/wp-content/uploads/2017/02/Working-document-English-11-Nov-2017.pdf>.

12_ In Greece, in September 2017, out of 2,778 unaccompanied and separated children, only 1,126 were placed in accommodation facilities hosting exclusively unaccompanied and separated children. 1,652 unaccompanied children were waiting for suitable placement, including 228 children living in ‘Reception and Identification Centres’ and 106 children in ‘protective custody’ – de facto detention – or in police stations. “Situation Update: Unaccompanied Children (UAC) in Greece”, EKKA, 15 September 2017, <https://data2.unhcr.org/en/documents/download/60150>. ‘Reception and Identification Centres’ (RIC) are, closed centres in border areas where entrants are identified and referred to asylum or return proceedings. Six such centres exist in Fylakio, Lesbos, Chios, Samos, Leros and Kos. See “Country Report Greece”, Asylum Information Database (AIDA), 2016 Update, March 2017, <http://www.asylumineurope.org/reports/country/greece>. See also “Wrong Counts and Closing Doors: The Reception of Refugees and Asylum Seekers in Europe”, AIDA, 2016, <http://www.asylumineurope.org/2016>.

refugees and migrants potentially traumatic events from the past are not the only, or even the most important, source of psychological distress. Most emotional suffering is directly related to current stresses they are exposed to upon arrival and worries and uncertainty about the future¹³.

How can this be achieved?¹⁴

- By implementing practices that recognize and strengthen the skills and self-confidence of children and families to help them deal with persistently stressful conditions (such as a lack of education opportunities or negative interactions with people in the communities in which they live) that are caused or exacerbated by displacement, anti-migrant
- By ensuring access to socio-educational and recreational services.
- By ensuring the swift identification of children who are not coping well and offer further focused and individualised psychosocial support as well as access to socio-educational and recreational services¹⁵.

6. ENSURE CARE PROFESSIONALS ARE ADEQUATELY TRAINED AND SUPPORTED

Adequately trained staff is key to implementing an integrated child protection response to protect refugee and migrant children¹⁶. Frontline staff should also be able to identify

and assess child protection risks, while also respecting and promoting the rights of the child. To achieve this, Procedural Safeguards (legal rights and protection) should be in place

13. “Mental Health and Psychosocial Support for Refugees, Asylum Seekers and Migrants on the Move in Europe: A Multi-agency Guidance Note”, UNHCR, IOM and MHPSS.net, December 2015,

<https://reliefweb.int/report/world/mental-health-and-psychosocial-support-refugees-asylum-seekers-and-migrants-move-europe>.

14. See also the good practice principles developed by UNHCR, IOM and MHPSS.net, 2015, to prevent inadvertently doing harm and to guide the psychosocial support response for migrants and refugees in Europe, including children travelling alone and with their families.

15. In their guidance on treatment for people with severe mental disorders, UNHCR, IOM and MHPSS.net note that treatment can only be provided by certified clinicians, and in accordance with national regulations, and recommend organisations to refer people with severe mental disorders to appropriate secondary services, UNHCR, IOM and MHPSS.net, 2015.

16. A study by the European Migration Network on unaccompanied children shows that only some Member States require the staff working with unaccompanied children reception facilities to hold a degree in a relevant field (i.e. being graduated social workers, educators). This is the case in Belgium, Croatia, Czech Republic, Cyprus, France, Italy, Slovak Republic, Sweden, the Netherlands, the United Kingdom, Norway, and for certain positions in Finland. Other (Member) States do not require any specific qualification but provide ongoing training to their staff (Hungary, Latvia, Lithuania, Slovenia). In Belgium, Cyprus, Finland, France, Ireland and the Netherlands, the staff receives training in addition to their qualification to deal with unaccompanied children or with asylum seekers in general (e.g. Slovak Republic). In Austria, the basic welfare support legislation does not foresee any minimum qualification or experience requirements for supervisors of unaccompanied children, and in Cyprus, residential care officers are not provided with any specific training in accommodating the needs of unaccompanied children. See “Synthesis Report for the EMN Focussed Study 2014 Policies, Practices and Data on Unaccompanied Minors in the EU Member States and Norway”, European Migration Network, May 2015,

https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/emn_study_2014_uams_0.pdf.

Furthermore, a report by Missing Children Europe identified the need to step up efforts to develop and deliver training programmes to frontline workers on the disappearance and protection of unaccompanied children. Most reception centre operators, guardians and social services with experience in working with unaccompanied children who participated in a survey in seven European countries (Belgium, Cyprus, Greece, Ireland, Italy, Spain and the United Kingdom) stated that they did not receive any training in prevention, response to and aftercare of unaccompanied children who went missing. Missing Children Europe, Summit report, Best practices and key challenges on interagency cooperation to safeguard unaccompanied children from going missing, (February 2016) http://missingchildreneurope.eu/Portals/0/Docs/report_SUMMIT%20-%20Safeguarding%20Unaccompanied%20Migrant%20Minors_1mrt.pdf

to ensure that refugee and migrant children are able to understand and follow asylum or other legal proceedings and to exercise their rights¹⁷. Procedural Safeguards are a primary consideration to the child's best interest and all staff should be trained on these. Staff should implement these safeguards in a child centered and friendly manner, in line with General Comment 13 (2011) on the UNCRC, on The Right of the Child to Freedom from all forms of Violence¹⁸.

How can this be achieved?

- Applying the highest standards of selection, recruitment and verification procedures. Applicants for any position that allows interaction with children, whether professionals or volunteers, should disclose any previous criminal record. This is accomplished through providing a police check or any other appropriate check, and cross-checking of references¹⁹.
- By ensuring that staff working with and for children (such as border guards, reception centre workers, guardians etc.) are adequately trained in child protection and rights of the child and in communicating with children in a gender, age- and context- appropriate manner.
- By ensuring mandatory and ongoing training on child rights for all professionals working with children, and training modules that are practical, and based upon and aligned to the UNCRC²⁰.
- By monitoring stress among professionals and volunteers and supporting their well-being²¹. This includes ensuring manageable caseloads for child protection staff and guardians, regular and supportive supervision, promoting and strengthening peer-to-peer support among staff; developing and establishing policies and protocols for the continuous monitoring of distress levels and satisfaction among staff working with refugee and migrant children; providing Psychological First Aid and stress management training for managers and staff.
- By equipping staff working with refugee and migrant children with the relevant knowledge and skills to: prepare young people in alternative care to develop life skills to deal with persistently stressful conditions caused or exacerbated by displacement and to successfully make the transition to adulthood and independence by applying a rights-based approach; be active promoters of children's right to participation; and identify children in need of further focused support. In addition, staff working with refugee and migrant children should be equipped to assist children in issues related to their migration status. As an example, the training offered by the Immigrant Council of Ireland to social workers and other professionals working with migrant children helped increase their knowledge of migration law and raised awareness of the need to include actions to secure children's legal status in their care plans as early as possible.

17 _ For further information on procedural safeguards and EU legislation on this matter, see the General Background Paper drafted for the 10th Child Rights Forum on The Protection of Children in Migration, e.g. Chapter 3.1, http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=34456

18 _ General Comment 13 (2011) UN Committee on the Rights of the Child, the right of the child to freedom from all forms of violence, art 2 (b): "A child rights-based approach to child caregiving and protection requires a paradigm shift towards respecting and promoting the human dignity and the physical and psychological integrity of children as rights-bearing individuals rather than perceiving them primarily as "victims", <https://tinyurl.com/y7x2qg9b>

19 _ SOS Children's Villages International, Child Protection Policy (May 2008), <https://www.sos-childrensvillages.org/getmedia/c490b303-02b4-4b17-9434-07c09d771921/ChildProtection-Policy-eng.pdf>

20 _ SOS Children's Villages International, European Recommendations on the implementation of a child-rights based approach for care Professionals working with and for children (2015) <https://www.sos-childrensvillages.org/getmedia/2a751100-f8ec-463e-bf78-87014d22edeb/European-Recommendations-on-child-rights-based-care.pdf>

21 _ See UNHCR, IOM and MHPSS.net (2015), Ibid.

7. PROMOTE EQUITY OF CARE AND INCLUSION IN THE LOCAL COMMUNITY

Around a million people arrived in Europe seeking protection and a future in 2015. People were transiting quickly and different actors, including civil society, responded providing basic support to migrants and refugees *en route*. Although the situation remains appalling in several locations in Europe²² where support is still necessary for basic needs to be met, both those who reached their destination and those who were left stranded on the way after the legal migration channels towards Western Europe were closed, need support, beyond emergency assistance, to rebuild their lives. Many of these people are and will remain members of our societies. They cannot be left behind. In particular, children need to regain a sense of normality to be able to develop appropriately, which includes going to school and when they lack the care of their parents, being provided with appropriate care.

The social inclusion of refugee and migrant children and young people is a long-term process that can bring social, cultural and economic value to local societies when properly supported. Refugee and migrant children should be supported to thrive and be fully included in social, economic and political life, for their benefit, that of the communities in which they live and the communities of origin.

The label of ‘refugee’ or ‘migrant’ cannot be used to downgrade the rights that all children have regardless of their migration status or that of their parents, including the right to care. This

means that children’s best interests must be given priority over Europe’s migration agenda²³.

The development of social networks and social relationships with peers and members of the local community is extremely important for the integration of newcomers into society and for local communities to benefit from the contributions of refugees and migrants. Measures to unlock the potential of diversity include access to the labour market for parents and other adult family members, the provision of accommodation in the local community, integration into mainstream services (e.g. schools, health care) and leisure activities.

How can this be achieved?

- By establishing **integrated child protection systems**, where all duty-bearers (namely the state authorities represented by law enforcement, judicial authorities, migration authorities, social services, child protection agencies, etc.) and system components (e.g. laws, policies, resources, procedures, processes, sub-systems) work together to form a protective and empowering environment for all children²⁴.
- By ensuring that migrant and refugee children have **full access to mainstream services such as education, training and health care**. Legislation should guarantee access to services on an equal basis with children who are nationals, and proactive and targeted measures should address the particular challenges faced by migrant and refugee

22 See ECRE, Conditions on Greek islands remain critical, as arrivals continue (October 2017), <https://www.ecre.org/conditions-in-greek-islands-remain-critical-as-arrivals-continue/>; and UNHCR, UNHCR Aegean Islands Factsheet, 1-31 October 2017 (31 October), <https://reliefweb.int/report/greece/unhcr-aegean-islands-factsheet-1-31-october-2017>.

23 See Joint statement Let’s work to end child immigration detention (November 2017) http://destination-unknown.org/wp-content/uploads/JointStatement_Child_Immigration_Detention_FINAL.pdf.

24 9th European Forum on the rights of the child. Coordination and cooperation in integrated child protection systems Reflection paper (30 April 2015), http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf.

children to ensure that they have this access in practice²⁵. Particular challenges affecting some migrant and refugee children include: limited or no command of the local language, prolonged periods out of school, insufficient family and community support, access to fewer socio-economic resources and a lack of documents to prove identity. Additional targeted support – including language support – will help ensure that children can join formal education successfully and develop their potential in their new schools. While these measures produce positive results and should be supported, non-formal and informal education cannot and should not be considered as replacing access to formal education²⁶. Parents and children might also need support in meeting prerequisites to enroll children in school. For example, in Serbia, children need to undertake a medical check in order to enroll in school, which might be challenging for parents who cannot speak the local language and do not know the procedures.

- By developing civil society programmes in **coordination and dialogue with public authorities** to ensure that **support complements** but does not replace or replicate services provided by the State. When public and community services are available, efforts should focus on removing obstacles to their use by refugee and migrant children and families. SOS Children’s Villages Germany’s project supporting unaccompanied children’s transition to independence and adulthood is financed by and runs in cooperation with child protection authorities – youth welfare

offices. Partnership with state authorities increases impact and ensures coordination between different services and the project’s long-term sustainability.

- By ensuring that **public service providers are not required to share personal information with migration authorities** for migration enforcement purposes, as fear of deportation prevents undocumented migrants from seeking public services in case they are reported to migration authorities.²⁷.
 - By supporting the **development of community-based services** to favour integration. Schools, health facilities and other public services must be allocated enough resources so that they have the human and material capacity to respond appropriately to increasing needs and ensure **access to quality public services for everyone**, which is key to avoid conflicts caused by the perception that the response to the needs of migrants and refugees prevents public services from adequately responding to the needs of other marginalized groups, such as homeless citizens.
- The local population**, including people lacking resources, **must also benefit from the resources allocated to refugee programmes**. In Serbia, for example, SOS Children’s Villages’ ‘Super Bus’ enables all children in the community, and not only refugee and migrant children, to access recreational and informal education activities.

25 _ In line with European Commission Recommendation on Investing in Children: ‘Breaking the Cycle of Disadvantage’, 20 February 2013, which recommends Member States to “Maintain an appropriate balance between universal policies, aimed at promoting the well-being of all children, and targeted approaches, aimed at supporting the most disadvantaged”

26 _ UNICEF, Refugee and Migrant Crisis in Europe, Improving children’s future through access to education. Available at https://www.unicef.org/eca/EDUCATION_ADVOCACY_Brief.pdf.

27 _ United Nations, Promotion and protection of human rights, including ways and means to promote the human rights of migrants. Report of the Secretary General, Promotion and protection of human rights, including ways and means to promote the human rights of migrants (on migrant children and adolescents), UN document A/69/277 (7 August 2014)

http://www.ohchr.org/Documents/Issues/Migration/GA69thSession/A-69-277_en.pdf.

See also, Jacqueline Bhabha and Mike Dottridge, Child Rights in the Global Compacts (June 2017)

<http://www.childrenonthemove.org/wp-content/uploads/2017/02/Working-document-29-June-2017.pdf>.

- By offering **advice and support to local authorities** to develop new or adjust existing services to meet the needs of refugee and migrant children, and overcome challenges faced by them in accessing services at the local level. This includes assisting schools and teachers in developing support services and in building skills to work in diverse cultural environments²⁸. In Finland, SOS Children's Villages achieved this through cooperating with the city of Espoo in developing the city's services for refugees. This approach facilitates the sustainability of projects²⁹.
- **By providing accurate information to the local community** to facilitate mutual understanding. SOS Children's Villages in Serbia engages with the parents of local students, schools directors, teachers and other staff to discuss the strengths and challenges faced by the new students. These efforts facilitate the inclusion of the refugee children into local life, helping them make friends and supporting a more welcoming environment.
- By facilitating **opportunities for the local population and newcomers to meet and establish relationships**. Initiatives to enable people to get to know each other are crucial to build mutual understanding and to increase support among the local population, as well as to address fears. For example, Reach for Change in Sweden supports an initiative enabling young people who are newly arrived in the country to provide IT training to Swedish older people. In Salzburg, SOS Children's Villages Austria enables unaccompanied children and young people between the ages of 16 and 21 to live in a student residence facility where they can interact with German-speaking and international students, and gradually integrate into the community.
- By supporting disadvantaged children, including migrant and refugee children³⁰, to access high quality vocational and tertiary education, including through the provision of **financial support, scholarships, mentorship and other measures such as the elimination of fees to offset the disadvantage experienced**. For example, Reach for Change in Sweden supports a mentorship programme through which higher education students coach and motivate prospective students who have arrived in the country as unaccompanied and separated children to enrol in university and pursue higher education.
- **By establishing partnerships with employers to increase employability and employment opportunities for all disadvantaged young people, including refugee and migrant young people**. Quality internships and other measures should be available to facilitate access to decent work and entrepreneurship. For example, SOS Children's Villages Sweden cooperates with businesses, which offer vocational training and internships to unaccompanied young people who participate in the SOS Children's Villages mentorship programme. The city council in Haapajärvi, Finland, organises summer jobs for all of the young people participating in the SOS Children's Villages project in the city.

²⁸ Ibid.

²⁹ Sustainability is defined as the extent to which the benefits delivered by a project continue after external assistance has ended. SOS Children's Villages, PRAG Institutional Funding, Practical Guide (September 2015).

³⁰ In line with European Commission Recommendation on Investing in Children: 'Breaking the Cycle of Disadvantage', 20 February 2013, which recommends Member States to "Ensure a focus on children who face an increased risk due to multiple disadvantage such as Roma children, some migrant or ethnic minority children, children with special needs or disabilities, children in alternative care and street children, children of imprisoned parents, as well as children within households at particular risk of poverty, such as single parent or large families"

- **By supporting young people in their transition to adulthood.** The transition into adulthood can be a period of vulnerability in the development of any child. For children in migration, the transition to adulthood may entail a significant loss of rights from one day to the next. What this means in practice is that they may lose their permit to stay, and be subject to detention and forced removal. It can leave the young person even more vulnerable than when they were under 18. Knowing that they will face this uncertain and precarious situation on turning 18 also negatively impacts the children’s well-being while they are children, during an important period of psychosocial development³¹. In addition, there is a lack of strong support networks to help them in this transition, one which happens much earlier than for their peers who have parental care or other support, including support networks, for much longer³². Young migrants and refugees should be supported in the transition into adulthood, including through ‘after care’ services with trained practitioners and youth workers. For example, in Germany, Finland and Austria, SOS Children’s Villages offer support for children and young people up to the age of 21³³. SOS Children’s Villages Sweden supports them up to the age of 23. In Hungary, unaccompanied young people who remain in so called State after care (until they are 24 if they attend higher education) can be supported by SOS Children’s Villages.

31_ Global Migration Group, UNICEF, OHCHR, PICUM, Universidad Nacional de Lanús, Human Rights of Undocumented Adolescents and Youth (2013) <http://www.globalmigrationgroup.org/system/files/uploads/gmg-topics/mig-data/Human-Rights-of-Undocumented-Adolescents-Youth.pdf>.

32_ SOS Children’s Villages, I Matter, Interim Evaluation Report, September 2010. Available at <https://www.sos-childrevillages.org/getmedia/23be97b8-9b22-4fb7-a709-1a7ef67209da/100922-interim-report-final-screen-version.pdf?ext=.pdf>.

33_ In Austria, the decision on whether to offer support to young people up to the age of 21 is left to the discretion of the authorities of the provinces, which decide on a case by case basis. As a result, the situation significantly differs throughout the country. Generally, only children who have been granted international protection have a chance of receiving support after turning 18.



ANNEXES



Annex 1 - GLOSSARY

Alternative care. Alternative care may take the form of:

- Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;
- Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures¹.

Asylum seekers. Individuals who seek safety from persecution or serious harm in a country other than their own and await a decision on their application for refugee status².

Best interests determination. A formal process with strict procedural safeguards designed to determine an individual child's best interest for particularly important decision affecting the child, such as finding a durable solution³.

Child. Article 1 of the UNCRC defines who is to be considered a "child" and states that: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier".

Child-friendly spaces. These are safe spaces and schools where communities create nurturing environments for children to access free and structured play, recreation, leisure and learning activities. Child-friendly spaces may provide health, nutrition and psychosocial support and other activities that restore a sense of normality and continuity. They are designed and operated in a participatory manner, and may serve a specific age group of children or a variety of age ranges⁴.

Child protection. Preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage⁵.

Child safeguarding. Child safeguarding includes all the activities an organisation undertakes to ensure that its staff, operations, and programmes do no harm to children and do not expose them to the risk of harm and abuse; that appropriate responses and effective management of child safeguarding concerns are in place; and that any concerns the organisation

1_ Guidelines for the Alternative Care of Children, United Nations General Assembly, A/RES/64/142, 2010, https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf.

2_ "Glossary on Migration", International Organization for Migration, International Migration Law Series no 25. (2011) 12; See <https://www.iom.int/key-migration-terms>.

3_ "Safe and Sound", UNHCR & UNICEF, October 2014, 19-21, <http://www.unicef.org/protection/files/5423da264.pdf>.

4_ "Minimum Standards for Child Protection in Humanitarian Action", Child Protection Working Group, 2013, https://resourcecentre.savethechildren.net/sites/default/files/documents/cp_minimum_standards_english_2013_v2.pdf.

5_ "What is Child Protection?", UNICEF, 2006, https://www.unicef.org/protection/files/What_is_Child_Protection.pdf.

has about children's safety in its own programmes and within the communities it works in are reported to the appropriate authorities⁶.

Children without parental care. All children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances⁷.

Durable solution for unaccompanied or separated children. Sustainable solution that ensures that the unaccompanied or separated child is able to develop into adulthood, in an environment which will meet his or her needs and fulfil his or her rights as defined by the UNCRC and will not put the child at risk of persecution or serious harm. Because the durable solution will have fundamental long-term consequences for the unaccompanied or separated child, it will be subject to a BID (Best Interests Determination). A durable solution generally takes one of three forms: local integration, resettlement in another country or return to the country of origin⁸.

Family reunification. Entry into and residence in a State by family members of a foreign national residing lawfully in that Member State in order to preserve the family unit, whether

the family relationship arose before or after the resident's entry⁹.

Forced migration. A migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes (e.g. movements of refugees and internally displaced persons as well as people displaced by natural or environmental disasters, chemical or nuclear disasters, famine, or development projects)¹⁰.

Guardian. A guardian is an independent person who safeguards a child's best interests and general well-being, and to this effect complements the limited legal capacity of the child. The guardian acts as a statutory representative of the child in all proceedings in the same way that a parent represents his or her child¹¹.

Integrated child protection system. Approach in which all duty-bearers (state authorities, represented by law enforcement, judicial authorities, migration authorities, social services, child protection agencies, etc.) and system components (e.g. laws, policies, resources, procedures, processes, sub-systems) work together, sharing responsibilities so as to form a protective and empowering environment for all children. In an

6_ "What is child safeguarding? Child safeguarding is the responsibility that organisations have to make sure their staff, operations, and programmes do no harm to children, that is that they do not expose children to the risk of harm and abuse, and that any concerns the organization has about children's safety within the communities in which they work, are reported to the appropriate authorities". See "Child Safeguarding Standards and How to Implement Them", Keeping Children Safe, 2014, <https://www.keepingchildrensafe.org.uk/sites/default/files/resource-uploads/KCS.STANDARDS.2014.pdf>.

7_ Guidelines for the Alternative Care of Children, United Nations General Assembly, 2010.

8_ "Safe and Sound", UNHCR & UNICEF, October 2014.

9_ For legislation in the EU context, see: Council Directive 2003/86/EC on the right to family reunification, European Union, O. J. L 251, 22 September 2003, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32003L0086&from=EN>.

10_ "Key Migration Terms", IOM, n.d., <https://www.iom.int/key-migration-terms>.

11_ General Comment No. 6: Treatment of Unaccompanied and Separated Children Outside their Country of Origin, UN Committee on the Rights of the Child, 1 September 2005; Guidelines for the Alternative Care of Children, UN Human Rights Council, A/HRC/11/L. 2009,13; see also "Guardianship for Children Deprived of Parental Care – A Handbook to Reinforce Guardianship Systems to Cater for the Specific Needs of Child Victims of Trafficking", European Union Agency for Fundamental Rights (FRA), 2014, <http://fra.europa.eu/en/publication/2014/guardianship-children-deprived-parental-care-handbook-reinforce-guardianship>.

integrated child protection system, components and services are multi-disciplinary, cross-sectorial and inter-agency, and they work together in a coherent manner. This is particularly important for unaccompanied children who are exposed to and move between numerous, often competing systems and processes. An integrated child protection system enables refugee and migrant children to be treated as ‘children first’, encourages sharing of best practice in child welfare and reduces the risk that public bodies will fail to take responsibility for a child¹².

Migrant. There is no consensus over the definition of migrant. IOM defines ‘migrant’ as any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. IOM concerns itself with migrants and migration-related issues and, in agreement with relevant States, with migrants who are in need of international migration services¹³. However, according to UNHCR, migrants choose to move not because of a direct threat of persecution or death, but mainly to improve their lives by finding work, or in some cases for education, family reunion, or other reasons. Unlike refugees who cannot safely return home, migrants face no such impediment to return. If they choose to return home, they will continue to receive the protection of their government.

“At UNHCR we say ‘refugees and migrants’ when referring to movements of people by sea or in other circumstances where we think both groups may be present (...). We say ‘refugees’ when we mean people fleeing war or persecution across an international border. And we say ‘migrants’ when we mean people moving for reasons not included in the legal definition of a refugee”¹⁴.

Refugee. According to the Convention and Protocol Relating to the Status of Refugees, a refugee is someone who has been forced to flee his or her country because of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion¹⁵. Many States grant other forms of international protection to people at risk beyond the definition in the Convention and more broadly, the term “refugee” is used – including in this publication – also to include people who, if returned to their country of origin would face a real risk of suffering serious harm. In EU legislation, ‘serious harm’ is considered to include death penalty or execution; torture or inhuman or degrading treatment or punishment; and serious and individual threat to a civilian’s life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Unaccompanied and separated children. Both unaccompanied and separated children are not accompanied by their parents or primary caregivers. **Separated children** are children who have not necessarily been separated from other relatives or accompanying adults. These may, therefore, include children accompanied by other adult family members¹⁶.

13. “Key Migration Terms”, IOM.

14. “UNHCR Viewpoint: ‘Refugee’ or ‘Migrant’ – Which Is Right?”, UNHCR, 11 July 2017, <http://www.unhcr.org/en-us/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html>.

15. Convention and Protocol relating to the Status of Refugees, 1951, <http://www.unhcr.org/en-us/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

16. “UNHCR Viewpoint: ‘Refugee’ or ‘Migrant’ – Which Is Right?”, UNHCR, 11 July 2017, <http://www.unhcr.org/en-us/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html>.

The accompanying adult(s), who could also be unrelated, may not necessarily be able to, or suitable for, assuming responsibility for their care. In the EU, separated children are – when registered – generally registered as **unaccompanied children**. Anecdotal evidence suggests that most separated children arriving in the EU are boys between the ages of 13 and 17 years from Afghanistan, Iraq and Syria, and accompanied by a sibling, uncle, aunt or grandparents. They travel without their parents, who stay in the country of origin to protect their house or land, or because the family could only afford the traveling costs for one of its members¹⁷.

Smuggling. The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident¹⁸. Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights¹⁹.

Trafficking in human beings. The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation²⁰. Trafficking in persons can take place within the borders of one State or may have a transnational

character. Trafficking for sexual exploitation and for forced labour are the most prominently detected forms, but trafficking victims can also be exploited in many other ways. Victims are trafficked to be used as beggars, for forced or sham marriages, benefit fraud, production of pornography or for organ removal, to mention some of the forms countries have reported²¹.

Undocumented / irregular migrants.

Undocumented migrants are those without a residence permit authorising them to regularly reside in the country they are in. Usually this is because a person's residence or work permit has expired or become invalidated (for example, due to job loss, breakdown of a personal relationship), they have been unsuccessful in the procedures for international protection and family reunification, they have stayed beyond the length of a short-stay visa or have entered irregularly. Children usually become undocumented automatically if their parent loses their status, and can also be born "undocumented migrants"²².

17 _ See "Current Migration Situation in the EU: Separated Children", FRA, December 2016,

<http://fra.europa.eu/en/publication/2016/december-monthly-migration-focus-separated-children>.

18 _ UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000, Art. 3(a).

19 _ "Key Migration Terms", IOM.

20 _ UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime, 2000, Art. 3(a).

21 _ "Global Report on Trafficking in Persons", United Nations Office on Drugs and Crime, 2016,

https://www.unodc.org/documents/data-and-analysis/glotip/2016_Global_Report_on_Trafficking_in_Persons.pdf.

22 _ As defined by the Platform for International Cooperation on Undocumented Migrants (PICUM). See also PICUM's Terminology Leaflet in [English](#), [Greek](#), [Dutch](#), [Italian](#), [French](#), [German](#) and [Spanish](#) to read about why not to use the term 'illegal migrant'.

Youth / young people. “Youth” is a period of transition from the dependence of childhood to adulthood’s independence and awareness of our interdependence as members of a community. The UN, for statistical consistency across regions, defines ‘youth’, as those persons between the ages of 15 and 24 years, without prejudice to other definitions by Member States. However, youth is a more fluid category than a fixed age-group. “Youth”/“young person” is indicated as a person between the age where he/she may leave compulsory education, and the age at which he/she finds his/her first employment. This latter age limit has been increasing, as higher levels of unemployment and the cost of setting up an independent household puts many young people into a prolonged period of dependency²³.

²³ “What Do we Mean by Youth”, UNESCO, n.d., <http://www.unesco.org/new/en/social-and-human-sciences/themes/youth/youth-definition/>.

Annex 2 – Selected relevant legislative and policy documents on the protection of migrant and refugee children

UN Convention on the Rights of the Child

All EU Member States have ratified the UNCRC¹, setting out the rights of every child. The UNCRC applies to every child, irrespective of their status, including their migration status. In case of family separation, States should seek to trace parents or relatives to allow migrant children to be reunited with their family, and ensure that every migrant child has equal rights with other children in terms of care. Article 20 of the UNCRC specifically deals with children deprived of their family environment and specifies that these children are entitled to special protection and assistance provided by the State. The UN Guidelines for the Alternative Care of Children², which were formally endorsed in 2009 by the UN General Assembly, aim to enhance the implementation of the UNCRC specifically for children who have lost parental care or who are at risk of losing it. The UN Guidelines outline the need for relevant policy and practice based on two key principles, namely necessity and suitability. The necessity principle comprises that removing any child from his/her family should be a measure of last resort and that situations and conditions that can lead to placement in alternative care should be prevented. The suitability principle outlines that any alternative care option must be suitable to the specific care needs and best interest of each child.

See also:

Joint General Comments of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the Committee on the Rights of the Child on the Human Rights of Children in the Context of Migration, November 2017.

UN Convention Relating to the Status of Refugees

The definition of a refugee as laid out in the 1951 Convention Relating to the Status of Refugees³ applies to all individuals regardless of their age. The UN High Commissioner for Refugees Guidelines on international protection and child asylum claims⁴ recommend to adopt a child-sensitive application of the refugee definition, consistently with the UNCRC.

The UNHCR has also issued its position regarding the detention of refugee and migrant children in the migration context⁵, in which it states that detention is never in a child's best interests and that children should not be detained for migration purposes. Furthermore, the position specifies that "appropriate care arrangements and community-based programmes need to be in place to ensure adequate reception of children and their families".

1_ Convention on the Rights of the Child (CRC), UN General Assembly, A/RES/44/25, 20 November 1989, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

2_ Guidelines for the Alternative Care of Children, UN General Assembly, A/RES/64/142, 24 February 2010, https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf.

3_ Convention and Protocol relating to the Status of Refugees, 1951, <http://www.unhcr.org/3b66c2aa10>.

4_ "Guidelines on International Protection: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees", UNHCR, 22 December 2009, <http://www.unhcr.org/publications/legal/50ae46309/guidelines-international-protection-8-child-asylum-claims-under-articles.html>.

5_ "UNHCR's position regarding the detention of refugee and migrant children in the migration context", UNHCR Division of International Protection, January 2017, <http://www.unhcr.org/protection/detention/58a458eb4/unhcrs-position-regarding-detention-refugee-migrant-children-migration.html>.

EU Charter of Fundamental Rights

The Lisbon Treaty that entered into force in 2009 explicitly refers to ‘the protection of the rights of the child’ within the list of general stated objectives of the EU (article 3(3) TEU). It also elevated the legal status of the Charter of Fundamental Rights of the EU⁶, giving the Charter equal legal force as the Treaties. Article 24 of the Charter of Fundamental Rights of the EU outlines that children have the right to such protection and care that is necessary for their well-being. In particular, it stipulates that every child has “the right to maintain on a regular basis a personal relationship and direct contact with both of his or her parents, unless that is contrary to his or her interests”.

EC Recommendation on Investing in Children

In 2013, the EC adopted the Recommendation ‘Investing in Children: Breaking the Cycle of Disadvantage’⁷, as part of the Social Investment Package. The Investing in Children Recommendation, which explicitly promotes a child-rights based approach, provides guidance to EU Member States on how to tackle child poverty and promote child well-being in an integrated way based on three key pillars: access to adequate resources, access to affordable quality services and children’s right to participate. It specifically calls on EU Member States to enhance family support and the quality of alternative care settings. The Investing in Children Recommendation emphasizes that a focus should be ensured on children who face an increased risk due to multiple disadvantages, such as some migrant or ethnic minority children.

European Pillar of Social Rights

Principle 11 of the 2017 European Pillar of Social Rights⁸ affirms that children have the right to protection from poverty and specifically points out that children from disadvantaged backgrounds, such as some migrant or ethnic minority children, have the right to specific measures to enhance equal opportunities. The Commission Staff Working Document (SWD) “Taking Stock of the 2013 Recommendation on Investing in children: breaking the cycle of disadvantage”⁹, published with the European Pillar of Social Rights package, underlines that children in migration and unaccompanied children face a multitude of challenges, including access to integration measures and access to education and healthcare from the earliest moment of arrival. For unaccompanied children, there is a lack of trained and qualified guardians and/or delays in their appointment as well as a lack of adapted accommodation and suitable care solutions. To better support these children, the SWD calls for the promotion of integrated child protection systems and strengthening synergies across policy areas of high relevance for social inclusion. It also highlights the importance of monitoring and improving the situation of children with a migrant background, notably in the framework of the European Semester.

6_ Charter of Fundamental Rights of the European Union, European Union, O.J. C 326, 26 October 2012, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=EN>.

7_ European Commission Recommendation ‘Investing in Children: Breaking the Cycle of Disadvantage’, European Commission, O.J. L 59/5, 20 February 2013, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0112&from=EN>.

8_ “European Pillar of Social Rights”, European Commission, n.d., https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights_en.

9_ “Commission Staff Working Document Taking stock of the 2013 Recommendation on ‘Investing in children: breaking the cycle of disadvantage’”, European Commission, SWD(2017) 258 final, 26 April 2017, <http://ec.europa.eu/social/BlobServlet?docId=17618&langId=en>.

Principles for Integrated Child Protection Systems

In 2015, on the occasion of the 9th Child Rights Forum, the EC presented “10 principles for integrated child protection systems”¹⁰, intended to inform discussion on integrated child protection systems. The principles do not constitute a legal interpretation of EU law. Based on a child-rights approach, they nevertheless provide a useful contribution towards ensuring that national child protection systems provide all children, including those in situations of migration or seeking international protection, with a protective environment as is necessary for their well-being.

EC Communication on the protection of children in migration

In 2017, the EC published a Communication on the protection of children in migration¹¹. This Communication offers a comprehensive framework with a useful set of principles and recommendations aiming to protect the rights of all children in migration, whether unaccompanied, separated, or with families. It addressed the challenges faced by children throughout their journey, from their arrival in Europe to integration.

It promotes a child-rights approach and insists on the best interests of the child and the principle of non-discrimination as a basis for all actions concerning migrant and refugee children. More specifically, the Communication calls for Member States to “ensure that a range of alternative care options for unaccompanied children, including foster/family-based care are provided”. It also includes recommendations for adequate reception conditions.

These comprise providing safe and appropriate accommodation, access to support services such as education, healthcare, psychosocial support and leisure, independent representation, and measures that promote migrant and refugee children’s integration. It recommends the training of professionals working with children, including communicating with children in a gender, age, and context-appropriate manner. It also foresees the provision of EU funds for implementing the recommendations.

However, the Communication falls short of banning detention for migrant and refugee children, and states that detention should be used only in exceptional circumstances, as a last resort and for the shortest time possible.

This Communication builds on relevant EU initiatives including the Action Plan on Integration (COM(2016) 377 final), which is not analysed in this annex.

Common European Asylum System

The ‘Common European Asylum System’ (CEAS) comprises the revised Reception Conditions Directive, the revised Dublin Regulation (supported by Eurodac), the revised Asylum Procedures Directive and the revised Qualification Directive. The EC has proposed replacing the Asylum Procedures Directive and the Qualification Directive with regulations to reduce differences in recognition rates and procedural guarantees and standards within the EU. The Reception Conditions Directive and the Dublin Regulation are also being reviewed.

Reception Conditions Directive¹²

The Reception Conditions Directive deals with

10. “10 Principles for Integrated Child Protection Systems”, European Union, 3 June 2015,

http://ec.europa.eu/justice/fundamental-rights/files/rights_child/10_principles_for_integrated_child_protection_systems.pdf.

11. “Communication from the Commission to the European Parliament and the Council - The Protection of Children in Migration”, European Commission, COM(2017) 211 final, 12 April 2017, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170412_communication_on_the_protection_of_children_in_migration_en.pdf.

12. For further information, see “Comments on recast Reception Conditions Directive”, ECRE, 6 October 2016, <https://www.ecre.org/ecre-comments-on-reception-conditions-directive-recast-proposal/>.

the treatment of asylum seekers – including asylum seeking children - by EU Member States from the moment they apply for asylum.

In implementing the Directive, Member States should take the best interests of the child into primary consideration, respect the child’s own views, and ensure an adequate standard of living that supports the child’s physical, social, and mental development¹³.

Accommodation

According to the Directive, unaccompanied children seeking asylum shall be placed: with adult relatives; with a foster family; in accommodation centres with special provisions for children; in other accommodation suitable for children. The Directive allows Member States to place unaccompanied children aged 16 or over in accommodation centres for adult applicants, if it is in their best interests. As far as possible, siblings shall be kept together, taking into account the best interests of the child concerned and, in particular, his or her age and degree of maturity. Changes of residence should be limited for unaccompanied children. Regrettably, the Directive falls short of prohibiting the detention of children. It states that children shall be detained only as a measure of last resort, if there are no less coercive measures available, and for the shortest period of time. Under the Directive, unaccompanied children can be detained only in exceptional circumstances.

As provided by the Directive, those working with unaccompanied children should be trained professionals. Member States should start

tracing the family of unaccompanied children as soon as possible.

Access to education

The Directive provides for access to education for children no later than three months after an application for asylum and « under similar conditions » as nationals, even though it allows for the possibility of education to be provided in accommodation centres (rather than mainstream schools). It also provides for preparatory classes, including language classes to facilitate access to the education system.

Access to health care

The Directive provides that people with special reception needs, including children, should have access to “necessary medical or other assistance” including appropriate mental health care.

Guardianship

Under the Directive, “Member States shall as soon as possible take measures to ensure that a representative represents and assists the unaccompanied minor”. The role of the representative is to help secure the child’s rights.

The Commission proposal to review the Reception Conditions Directive requires Member States to take measures to ensure that a guardian represents and assists the unaccompanied child as soon as possible and no later than 5 working days after the unaccompanied child makes an application. The European Parliament (EP) report introduces a requirement to take such measures “from

13. For further information on the ongoing process to review the Reception Conditions Directive, see: European Commission, Proposal for a Directive of the European Parliament and of the Council Laying Down Standards for the Reception of Applicants for International Protection (Recast), COM(2016) 465 final, (13 July 2016) https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_standards_for_the_reception_of_applicants_for_international_protection_en.pdf
European Parliament, Report on the Proposal for a Directive of the European Parliament and of the Council Laying Down Standards for the Reception of Applicants for International Protection (Recast)”, European Parliament (10 May 2017) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FTEXT%2BREPORT%2BA8-2017-0186%2B0%2BDOC%2BXML%2BV0%2F%2FEN&language=EN>
ECRE, ECRE Comments on Reception Conditions Directive recast proposal (October 2016) <https://www.ecre.org/wp-content/uploads/2016/10/ECRE-Comments-RCD.pdf>

the moment when an unaccompanied child arrives in a Member State”. Some flexibility still remains since the text does not explicitly require for a guardian to be appointed from the moment of arrival, but rather an obligation to take the necessary measures for a guardian to be appointed.

The Commission also proposes that the number of unaccompanied children that guardians may be in charge of should not render them unable to perform their tasks. Member States should monitor that their guardians adequately perform their tasks and should review complaints lodged by unaccompanied children against their guardian. The EP report supports this provision and specifies that guardians may not be in charge of more than 20 unaccompanied children.

Access to the labour market

The Commission proposal reduces the time-limit for access to the labour market from no later than nine months to no later than six months from the date when the application for international protection was lodged.

Dublin Regulation

The Dublin Regulation¹⁴ aims to determine the Member State responsible for processing an

application for international protection in order to ensure that one and only one Member State examines each application.

There are several reasons why a particular EU Member State may be responsible for examining an application for international protection. In the case of unaccompanied children, if the child has a parent, spouse, child or sibling who is legally present in a Member State, that Member State will be responsible for examining the child’s asylum request unless this is not in their best interests. If this is not the case but the unaccompanied child has an adult aunt, uncle or grandparent who is legally present in a Member State and who following an individual examination, it is established that he or she is able to take care of the child, then that Member State is responsible for the asylum application of the child provided this is in his or her best interest¹⁵.

In the case of unaccompanied children who have no family members or relatives legally residing in another EU Member State, the country responsible for examining the asylum request is the one in which the child is present and has lodged an asylum application, provided that it is in his or her best interest^{16 17}.

14 _ Regulation (EU) No 604/2013 of the European Parliament and of the Council Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-country National or a Stateless Person (Recast), European Union, O.J. L 180/31, 26 June 2013, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:en:PDF>.

15 _ See “Unaccompanied Children and the Dublin III Regulation”, European Network of Guardianship Institutions, 2016 <https://engi.eu/wp-content/uploads/2016/11/Unaccompanied-Children-and-the-Dublin-III-Regulation.pdf>.

16 _ European Database of Asylum Law (EDAL), CJEU - C-648/11 The Queen on the application of MA, BT, DA v Secretary of State for the Home Department (June 2013) <http://www.asylumlawdatabase.eu/en/content/cjeu-c-64811-queen-application-ma-bt-da-v-secretary-state-home-department>

17 _ For information on the ongoing process to review the Dublin regulation, see: European Commission, [Proposal for a Regulation of the European Parliament and of the Council Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-country National or a Stateless Person \(Recast\)](#), COM(2016) 270 final, (4 May 2016).

European Parliament, [Report on the proposal for a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person \(recast\)](#) (COM(2016)0270 – C8-0173/2016 – 2016/0133(COD)), 6 November 2017.

European Council on Refugees and Exiles (ECRE), [Comments on the Commission Proposal for a Dublin IV Regulation](#)”, (October 2016).

European Union Agency for Fundamental Rights, [Opinion of the European Union Agency for Fundamental Rights on the Impact on Children of the Proposal for a Revised Dublin Regulation](#)”, (April 2016).

The objective of the **Eurodac Regulation** is to allow the functioning of the Dublin system by providing fingerprint evidence to assist in determining the Member State responsible for examining an asylum application made in the EU. The EC has proposed changes to allow fingerprinting and facial images of asylum seekers and third country nationals as young as 6 years old - the age limit was previously 14¹⁸.

Asylum Procedures

The Asylum Procedures Directive¹⁹ sets out common procedures for Member States for granting and withdrawing international protection, including age assessment procedures for children.

The Commission has proposed to replace the Asylum Procedures Directive with a Regulation. This proposal acknowledges the need for special guarantees for children. It also aims to strengthen guardianship systems in Member States with the mandatory appointment of a guardian no later than 5 working days from the moment an application is made by an unaccompanied child.

The Commission proposal includes provisions on age assessment of unaccompanied children. Being misidentified as an adult rather than a child when seeking international protection can have considerable implications on the level of rights and protections afforded to children by a receiving State. This ranges from being unable to access welfare services and support, to being detained. ECRE has welcomed this but urged for firmer rules that clearly restrict the use of medical examinations to a last resort measure of age assessment²⁰.

Obtaining international protection and the content of the protection

The Qualification Directive²¹ defines the criteria for obtaining refugee status or subsidiary protection in the EU and the content of international protection. The Commission proposal for a Qualification Regulation aims at ensuring more harmonized recognition rates across the EU and introduces mandatory reviews of status and penalizes people moving on from the Member State that granted them international protection.

18 _ “Proposal for a Regulation of the European parliament and of the Council on the Establishment of ‘Eurodac’ for the Comparison of Fingerprints for the Effective Application of [Regulation (EU) No 604/2013 Establishing the Criteria and Mechanisms for Determining the Member State Responsible for Examining an Application for International Protection Lodged in One of the Member States by a Third-country National or a Stateless Person] , for Identifying an Illegally Staying Third-country National or Stateless Person and on Requests for the Comparison with Eurodac Data by Member States’ Law Enforcement Authorities and Europol for Law Enforcement Purposes (Recast)”, European Commission, COM(2016) 272 final, 4 May 2016, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0272&from=EN>.

19 _ Directive 2013/32/EU of the European Parliament and of the Council on Common Procedures for Granting and Withdrawing International Protection (Recast), European Union, O.J. L 180/60, 26 June 2013, <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=celex%3A32013L0032>.

20 _ For further information on the ongoing process to replace the current Asylum Procedures Directive with a regulation, see:

- European Commission, Proposal for a Regulation of the European Parliament and of the Council Establishing a Common Procedure for International Protection in the Union and Repealing Directive 2013/32/EU”, European Commission, COM(2016) 467 final, (13 July 2016), <https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-467-EN-F1-1-PDF>
- European Parliament, Draft Report on the Proposal for a Regulation of the European Parliament and of the Council Establishing a Common Procedure for International Protection in the Union and Repealing Directive 2013/32/EU”, European Parliament, 2016/0224(COD), (12 May 2017) <http://www.europarl.europa.eu/sides/getDoc.do?type=COMPARI&reference=PE-597.506&format=PDF&language=EN&secondRef=01>
- ECRE, Comments on the proposal for an Asylum Procedures Regulation, (18 November 2016), <https://www.ecre.org/ecre-comments-on-the-proposal-for-an-asylum-procedures-regulation/>

21 _ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for (Subsidiary) Protection, and for the Content of the Protection Granted (Recast), European Union, O.J. L 337/9, 13 December 2011, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095>.

ECRE has argued that mandatory review of status goes against integration. This, together with further obstacles for acquiring long-term residence status create uncertainty, which is especially damaging in the case of children²².

Returns Directive

The Returns Directive lays down standards and procedures for returning irregularly staying third country nationals to their country of origin or a third-country²³. When issuing return decisions, Member States must consider the best interests of the child, the right to family life, health, and the principle of non-refoulement. With regards to the return of unaccompanied children, the authorities enforcing the return should make sure that the child will be returned to his or her family or legal guardian, or to “adequate reception facilities in the State of return”²⁴. The Directive sets the criteria and conditions for the detention of persons pending return. In particular, it states that unaccompanied children and families with children “shall only be detained as a measure of last resort and for the shortest appropriate period of time”²⁵, and the best interests of the child should be a primary consideration²⁶.

Council of Europe’s Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)

The European Convention on Human Rights²⁷ (ECHR) provides that States should secure the rights contained in the Convention to everyone within their jurisdiction, without discrimination including on grounds of age. The European Court of Human Rights has an extensive case-law on children, including on migrant and refugee children. It is thus significant for the protection of migrant and refugee children in Europe.

Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019)

The Action Plan²⁸ concerns all migrant and refugee children (with a special focus on unaccompanied children) who are in the territory of a member state of the Council of Europe, and it is based on the clear principle that children should be treated first and foremost as children, regardless of migration status. It proposes concrete actions for the period 2017-2019, based on existing standards and guided by the best interests of each child, taking into consideration

22 _ For further information on the ongoing process to replace the Qualification Directive with a Regulation, see

- European Commission, Proposal for a Regulation of the European Parliament and of the Council on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted and Amending Council Directive 2003/109/EC of 25 November 2003 Concerning the Status of Third-country Nationals Who Are Long-term Residents, COM(2016) 466 final, 13 July 2016, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf.

- European Parliament, “Draft Report on the Proposal for a Regulation of the European Parliament and of the Council on Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection and for the Content of the Protection Granted and Amending Council Directive 2003/109/EC of 25 November 2003 Concerning the Status of Third-country Nationals Who Are Long-term Residents, 2016/0223(COD) (2 March 2017) <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARG+PE-599.799+02+DOC+PDF+V0//EN&language=EN>;

- “ECRE”: ECRE, Comments on the Commission Proposal for a Qualification Regulation, (November 2016), <https://www.ecre.org/wp-content/uploads/2016/11/ECRE-Comments-QR.pdf>

23 _ Directive 2008/115/EC of the European Parliament and of the Council on Common Standards and Procedures in Member States for Returning Illegally Staying Third-country Nationals, European Union, O.J. L 348/98, 16 December 2008, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:en:PDF>.

24 _ Ibid., art. 10.

25 _ Ibid., art. 17.

26 _ See also ECRE, ECRE Information Note on the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, 7 January 2009, CO7/1/2009/Ext/MDM, <http://www.refworld.org/docid/496c61e42.html>

27 _ Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe, 1950, http://www.echr.coe.int/Documents/Convention_ENG.pdf.

28 _ “Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe”, Committee of Ministers, CM(2017)54-final, 19 May 2017, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168071484e.

their specific needs and situation. These actions aim to achieve the objectives set under three pillars:

- 1) ensuring access to rights and child-friendly procedures;
- 2) providing effective protection;
- 3) enhancing the integration of children who would remain in Europe.

The actions support Council of Europe Member States in the areas of guardianship, alternatives to detention, and child-friendly information and procedures.

Council of Europe Strategy for the Rights of the Child (2016-2021)

The Council of Europe Strategy for the Rights of the Child 2016-2021²⁹ recognises that children on the move, whether unaccompanied or with their families, are one of the most vulnerable groups in Europe today. In particular, disregard for the best interests of the child, the use of detention, family separation, shortcomings in the guardianship system and “demeaning age assessment procedures” are mentioned to illustrate ways in which migrant and refugee children “fall through loopholes in child protection frameworks”. The Strategy therefore sets out to promote and protect the rights of migrant and refugee children through various Council of Europe bodies and by supporting Council of Europe Member States in upholding their obligations and adopting a child-rights based approach.

²⁹ “Council of Europe Strategy for the Rights of the Child (2016-2021)”, Council of Europe, March 2016, <https://rm.coe.int/168066cff8>.



Acknowledgements:

This report has been written by Agata D'Addato (Eurochild), Miriana Giraldi, Caroline Van Der Hoeven and Ana Fontal (SOS Children's Villages International), with contributions from the following national experts, who have produced the case studies:

- Austria: Sabine Köppl-Lindorfer and Susanne Zoller-Mathies, SOS Children's Villages Austria
- Finland: Riikka Tiitola-Salmimies, SOS Children's Villages Finland
- Germany: Christina Plafky, Institut für Soziale Arbeit e. V. (ISA); Lena RauschVincent Richardt and Ilona Fuchs, SOS Children's Villages Germany
- Greece: Nefeli Pandiri, ARSIS; Athina Kammenou, EADAP; Kalliope Gkliva, SOS Children's Villages Greece
- Hungary: Eszter Kosa and Viola Szlankó, SOS Children's Villages International;
- Ireland: Katie Mannion, Immigrant Council of Ireland
- Italy: Daria Crimella, Fondazione L' Albero della Vita
- Slovakia: Zuzana Stevulova and Barbora Messova, Human Rights League
- Serbia: Gordana Vučinić and Maja Simić, SOS Children's Villages Serbia
- Sweden: Peter Lindh and Laura MBaye, Reach for Change; and Cecilia Naucler, SOS Children's Villages Sweden
- The Netherlands: Mathijs Euwema, International Child Development Initiatives
- UK: Catriona MacSween, Scottish Guardianship Service.

The case studies were edited by: Georgia Dimitropoulou, independent expert.

We would like to thank:

- All the children and young people who shared their experiences with us.
- The advisory committee of this project: Elona Bokshi, ECRE; Georgia Dimitropoulou, independent expert; Lilana Keith, PICUM; Svetlana Radosavljevic, SOS Children's Villages; and Federica Toscano, Missing Children Europe.
- ECRE and the organisations gathered under the Initiative for Child Rights in the Global Compacts for their expertise, which has been instrumental in developing this report.
- Vera Mikhailovich, Sarah Barden and Claire Rimmer for proofreading the publication.
- Salomé Guibreteau for her valuable support.

Design: www.chocolatejesus.be

Citation rule:

When quoting from this publication, use the following reference:

D'Addato A., Giraldi M., Van Der Hoeven C. and Fontal A. (2017), *Let Children be Children: Lessons from the Field on the Protection and Integration of Refugee and Migrant Children in Europe*, Eurochild and SOS Children's Villages International, Brussels.



**LET CHILDREN BE CHILDREN:
LESSONS FROM THE FIELD ON THE PROTECTION
AND INTEGRATION OF REFUGEE AND MIGRANT
CHILDREN IN EUROPE**

Eurochild and SOS Children's Villages International mobilised members and partners in 12 countries across Europe to document how child protection services are ensuring refugee and migrant children get the necessary protection and individualised support.

Gathering 16 case studies that offer lessons from the ground on protecting the rights of migrant and refugee children, the compendium is a useful resource to support national and EU level advocacy and inform and promote a stronger rights-based approach to the EU's migration agenda.



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