



Separated Children in Europe Programme

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The content has been prepared from publicly available sources and information provided by the participants of the Separated Children in Europe Programme's NGO Network and UNHCR SCEP Focal Points.

SCEP Programme Update

Revision of the Statement of Good Practice

The revision work is finalized by the revision team, lead by Terry Smith, and has been submitted for the Steering Committee's final approval. Pending endorsement, the 4th revised edition of the Statement of Good Practice will be printed and publication will take place before the end of 2009.

“Addressing the Protection Gap for Unaccompanied and Separated Children in the EU: Role of the Stockholm Programme”

Save the Children held an international conference in Brussels on September 15, focusing on the protection gap for unaccompanied and separated children in the EU. The conference, held under the auspices of the Swedish presidency, was specifically targeted on the role of the Stockholm programme in addressing the issue of unaccompanied and separated children of third country origin in Europe. The conference was prepared in cooperation with SCEP, UNHCR, UNICEF and Human Rights Watch and joint recommendations on EU action in the field were presented.

SCEP NGO network meeting autumn 2009

The SCEP NGO Network will meet in Rome 11-13 November for one day of training on Child Rights Programming and two days of Network meeting.

SCEP Annual report 2008

An annual report for 2008 is now published and also available on www.separated-children-europe-programme.org/separated_children/publications/reports.

The annual report provides brief information about the program and activities in the past year.

Hard copies can be requested by e-mail to Anne Sofie Lund at ASL@redbarnet.dk



With financial support from EC Daphne III

SCEP Youth Network

After the implementation of the 2-year project 'Networking with Youth to Combat Violence against Separated Children', SCEP has been developing other ways to support and cooperate with the Youth Network.

A restricted Face book groups is established for communication and for capacity building, youth representatives have participated in the European Youth Forum's information and networking days on youth and migration that took place in Brussels in June and in a Study Session organized by the network Voices of Young Refugees in Europe (VYRE) in cooperation with the Council of Europe that took place in Strasbourg in June.

A youth representative participated in the spring SCEP NGO network meeting, and three youth representatives will participate in the autumn SCEP NGO network meeting.

Three youth representatives will take part in a work group to elaborate a version of the Statement of Good Practice targeted towards separated children and youth themselves.

New country and NGO partner on board SCEP

For the first time since SCEP started in 1997, a NGO from Cyprus has become member of the programme. The new member is HFC 'Hope for Children', Office for Children's Rights, based in Nicosia.

SCEP contact information

Updated contact information for the SCEP Programme management, Steering Committee, NGO Network and UNHCR SCEP Focal Points is available at

www.separated-children-europe-programme.org/separated_children/about_us/contacts/index.html

European Union

The Stockholm Programme

During the current Swedish European Union Presidency, the direction of EU law and policy on asylum and international protection is to be determined for the next five years. 'The Stockholm Programme', due to be adopted by the European Council in December 2009, will seek to complete the second phase of the Common European Asylum System (CEAS), a system that is meant to provide harmonized, uniform and high-quality asylum practices throughout the Union Member States.

Commission Communication in the area of Freedom, Security and Justice

On June 10, the European Commission published a Communication to the European Parliament and the Council entitled "An area of freedom, security and justice serving the citizen". The Communication is the Commission's contribution to the discussions on "the Stockholm Programme". Save the Children welcomes that the Commission Communication has clearly identified the need to take children's rights systematically into account and the special attention which should be paid to children in particularly vulnerable situations.

The Commission Communication can be downloaded at

eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0262:FIN:EN:PDF

Save the Children briefing note on the Stockholm Programme

Save the Children published a briefing note, which sets out some recommendations for Member States and the European Parliament to achieve a Stockholm Programme that will have a real and positive effect on the lives of children affected by EU action.

Save the Children wants to ensure that the Stockholm Programme contributes to ensuring that all EU measures respect and promote children's rights as set out in the UN Convention on the Rights of the Child and recognized in the Charter of Fundamental Rights of the European Union. The EU Strategy on the Rights of the Child will serve as a key instrument to securing an integrated and balanced approach to children's rights in EU actions in both internal and external relations.

In its asylum, migration and trafficking policies, Save the Children believes that EU action should be anchored in the recognition that migrant children are to be treated as children first and foremost. Migrant children must benefit from their rights as children without discrimination. Save the Children has called for horizontal measures to ensure that all unaccompanied and separated children receive protection and assistance within the EU and identify actions which will support Member States in finding secure, concrete and durable solutions that are in the best interests of each child.

Save the Children calls on the EU to be vigilant in ensuring that all actions with an external dimension focus on securing children's rights, including protection, rather than taking crime and migration control as their primary goals.

Save the Children's full briefing note on the Stockholm Programme can be found at: www.savethechildren.net/alliance/europegroup/europegrp_pubs.html

Save the Children Conference “Addressing the Protection Gap for Unaccompanied and Separated Children in the EU: Role of the Stockholm Programme” in advance of the Justice and Home Affairs Council

Save the Children held an international conference in Brussels on September 15, focusing on the protection gap for unaccompanied and separated children in the EU. The conference, held under the auspices of the Swedish presidency, was more specifically targeted on the role of the Stockholm Programme in addressing the issue of unaccompanied and separated children of third country origin in Europe.

At the conference, joint recommendations were presented from Save the Children, UNHCR, UNICEF, Human Rights Watch and the Separated Children in Europe Programme on EU action in the field.

The conference took place in advance of the JHA Council on September 21 that discussed the situation of unaccompanied minors in EU policy and the role of the Stockholm Programme. Save the Children broadly welcomes the conclusions drawn from the JHA Council meetings. The EU Member States agreed at the Council meeting that the European Commission should prepare an EU action plan on unaccompanied minors to be presented early 2010 during the Spanish EU Presidency, for whom the issue will be a priority. It was agreed that all member states would benefit from the development of common approaches and increased cooperation with countries of origin, including cooperation to facilitate minors' return. Areas identified as requiring particular attention included the exchange of information and good practice, cooperation with countries of origin, the question of age assessment techniques and family tracing, and the need to pay particular attention to unaccompanied minors in the context of the fight against human trafficking.

European Parliament debate on the Stockholm Programme

On 8 October, the European Parliament Committees on Legal Affairs; on Civil Liberties, Justice and Home Affairs; and on Constitutional Affairs presented and debated a motion for resolution on the Stockholm Programme, in the presence of representatives from the EU Member States national parliaments.

The draft EP resolution includes a mention of children in the broader context of “a Europe of Rights” and ensuring protection of the most vulnerable groups. In the debate that followed the presentation of the draft resolution, it was emphasised that children’s rights should be given specific attention in a separate article.

European Parliament adopted reports on the proposed asylum package

In its last plenary session in May, the European Parliament adopted reports largely welcoming the Commission proposals relating to the revision of the Dublin II Regulation, the Reception Directive and the EURODAC regulation as well as a new measure establishing a European Asylum Support Office. The Commission proposals are ultimately to be adopted under the Council-Parliament co-decision procedure.

The reports suggested some amendments to the Commission proposals. In relation to the Dublin II Regulation, the report adopted in the plenary session restored "subject to best interests of the minor" in Article 8 paragraph 4 of the proposal. However, Save the Children continues to support the language of the Commission proposal stating that the Member State responsible for examining the application shall be that where the minor has lodged his or her most recent application for international protection, subject to best interests of the minor. The final EP report instead refers to the State in which the minor has lodged "his or her application for international protection".

Children arriving in the EU and the Mediterranean Situation

Save the Children Europe Group published a statement in June in advance of the JHA Council and the European Council in relation to the new policy adopted by Italy on pushing back boats carrying migrants in the Mediterranean Sea to Libya. Save the Children recognises the burden currently borne by Italy but notes that this burden can never be used as an excuse for ignoring its own human rights obligations. Save the Children is gravely concerned that Italian actions are currently putting at risk the safety and lives of migrants, including children, who are frequently making these perilous journeys on their own. The statement emphasises that the EU cannot adopt any measures, endorse any interpretation of EU law or condone any national strategy which would effectively permit border control measures to be conducted in international waters, whilst simultaneously claiming that human rights are displaced in the high seas.

The Statement proposes that the EU urgently continue to explore a range of regional actions to respond to the situation, particularly in light of the upcoming Stockholm Programme at the end of the year. These actions should include a clear recognition that Member States shall respect human rights whenever they exercise their jurisdiction over persons during operations at sea.

In relation to children specifically, the EU and Member States must carefully consider how to ensure that the children making these dangerous

journeys receive the protection and assistance that they require.

Read the statement at

www.savethechildren.net/alliance/europegroup/eurpegrp_pubs.html

JHA Council conclusions on the Mediterranean situation

The JHA Council on 21 September discussed the Mediterranean migration situation in the light of the ongoing negotiations with Turkey and Libya to control migration to the EU.

The Commission announced that it will continue these negotiations over migration flows from Turkey and Libya that have resulted in the overheating of reception and border control capacities in the Mediterranean countries of the EU. European Commissioner Jacques Barrot showed preparedness to assist the Libyan authorities in enhancing their capacity to prevent departures and improve the treatment of asylum-seekers.

EU publishes EU resettlement proposal

On September 2, the European Commission proposed the establishment of a "Joint EU Resettlement Programme" This programme aims to develop resettlement within the EU into a more effective instrument to give protection to refugees, providing for closer political and practical cooperation among EU Member States. This initiative concerns the resettlement of refugees from third countries to an EU Member State. Resettlement is the transfer of refugees, who have provisional protection, from the first country of asylum to another country, where they can start a new life and find permanent protection.

The resettlement proposal identifies four specific categories of persons that receive an amount of 4000 euro extra per resettled person for resettlement activities in addition to the general annual allocations through the European Refugee Fund. Among these four groups are also unaccompanied minors and children and women at risk, particularly from psychological, physical or sexual violence or exploitation.

Committee on the Rights of the Child

The UN Committee on the Rights of the Child has published General Comments No. 12: 'The right of the child to be heard', on the article 12 of the Convention on the Rights of the Child. The article 12 provides:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due

weight in accordance with the age and maturity of the child.

2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

The General Comments No. 12: 'The right of the child to be heard' can be downloaded from www2.ohchr.org/english/bodies/crc/comments.htm

Austria

Due to the Committee on the Rights of the Child's excessive workload, there has been a considerable delay in handling the third and fourth reports concerning Austria.

In September 2009, the Austrian federal government released its country report. Its response concerning the area of separated children is vague and no concrete implementation measures in the field of separated children in reaction to the previous Concluding Observations were reported. The Committee will not examine the report until 2011.

Belgium

Belgian NGOs working on the topic of children's rights are preparing their alternative report to the Committee on the Rights of the Child. A description of the present situation and recommendations specifically regarding unaccompanied minors have been written.

Denmark

In cooperation with nine other children's rights organisations, Save the Children Denmark has just finalized the 4th Supplementary NGO report to the UN Committee on the Rights of the Child, available in Danish at:

www.redbarnet.dk/Default.aspx?ID=6000&M=News&PID=14956&NewsID=3910.

The report has not yet been translated into English.

Finland

The Government of Finland submitted its 4th periodic report to the CRC Committee in 2008. The NGO Group for the CRC has asked the Central Union for Child Welfare to coordinate the feedback of NGOs. To start with, CUCW has asked for feedback from its member organisations. The rights of separated children will most probably be one of the items in the NGO reporting to the Committee.

Germany

The 3rd and 4th German Periodic Report to the Committee on the Rights of the Child have not - as obliged - been published on 4 April 2009, however,

it is expected to be published within the next few weeks.

The National Coalition for the Implementation of the UN-CRC as well as the “Forum Menschenrechte” are preparing the submission of shadow reports as soon as the Periodic Report has been published.

Ireland

A consolidated 3rd and 4th report was due to be submitted by Ireland on 27 April 2009 but has not yet been submitted (as of 15 October 2009).

Italy

In November 2009 the second supplementary report will be published by the Italian NGO Group for the CRC (Gruppo di Lavoro per la Convenzione sui Diritti dell’Infanzia e dell’Adolescenza - Gruppo CRC). The report has been subscribed by 86 NGOs and associations. It covers 5 years and is produced following the Italian Government Report on the CRC implementation published in February this year.

Among the several child rights issues addressed, the alternative report devotes considerable attention to the situation of children in need of special protection, focusing among others on migrant children (unaccompanied children; children seeking international protection; child victims of trafficking and exploitation; children arriving by sea; children within irregularly staying families). The report will be available (in Italian) at www.gruppocrc.net.

The Netherlands

On 28 September 2009 multiple NGOs from the Dutch NGO Coalition for Children’s Rights were invited to talk with representatives from different Ministries about the Concluding Observations of the Committee on the Rights of the Child. Migration, juvenile justice, children’s rights education etc. were discussed. Follow up will take place in smaller groups.

For more information, see the concluding observations (January 2009), the NGO report and the report of the Dutch government at www.kinderrechten.nl/site/?page=volwassenen/rapportage/index&template=professionals_noblock.

Norway

The Norwegian Forum for the Convention on the Rights of the Child has finalised a Supplementary Report to Norway’s fourth Report to The UN Committee on the Rights of the Child. This report touches on a number of key areas; some of them are related to separated children in Norway.

The Ombudsman for Children in Norway has also finalized their supplementary report to the UN. The reports can be read as a commentary on Norway’s fourth periodic report to the UN Committee on the

Rights of the Child. The reports are published in English and Norwegian, and they are available both online and in print.

State representatives from Norway will meet the UN Committee on the Rights of the Child in order to discuss the State party report in light of the CRC and to participate in defining practical courses of action for improving the situation of children. This public meeting is scheduled to take place on 21 January 2010.

Romania

On the 5th of June, the Child Rights Committee examined the third and fourth periodic report of Romania (CRC/C/ROM/4). In order to the support Committee’s examination, Save the Children Romania submitted an Alternative Report underlining the main areas of concern.

Taking into consideration the information received, the Committee notes that the new Law on Asylum, adopted in 2006 (Law N° 122/2006), encompasses explicitly the principle of best interest of the child in all decisions regarding the refugee status determination affecting children as well as the principles and procedural guarantees of family unity, non-refoulement, non-discrimination, confidentiality and the benefit of the doubt. However, the Committee is concerned that the Law on Asylum does not extend some special measures to cover separated children and that persons with responsibilities for unaccompanied children, including those processing asylum applications, have not been equally exposed to the same training. While welcoming the excellent cooperation among the relevant stakeholders, the Committee notes with concern that the authority responsible for age assessment of unaccompanied children operates without consideration to possible margins of error. The Committee recommends that, while taking into account its General Comment No. 6 on the treatment of unaccompanied and separated children outside their country of origin, the State party should:

- a) extend in law and continue to provide in practice specific guarantees for unaccompanied and separated children;
- b) expand the training throughout the country on child-friendly interview techniques to all decision makers involved in the refugees status determination (RSD) as well as to those acting as legal guardians;
- c) apply the benefit of the doubt concerning age assessment;
- d) ensure that when return of children occurs, this happens with adequate safeguards, including an independent assessment of the conditions upon return, including the family environment.

Spain

The Infancy NGO-Platform has finalised its alternative report to the Committee on the Right of the Child and it will be published on 20th November. Separated children issues are included in the main concerns.

Sweden

In May 2009, Save the Children Sweden employees and members were present at the Committee's examination of Sweden's fourth periodic report. The members were trained on the work of the Committee and will use their knowledge in advocacy at local level.

The Committee's concluding observations came in June 2009. The main criticism and recommendations regarding migrant children included that the best interests of the child is not sufficiently taken into consideration in the asylum process, undocumented children do not enjoy the right to health and education, large number of unaccompanied asylum seeking children disappear, the Government is considering to introduce a support requirement for family reunification and that unaccompanied asylum seeking children do not get a temporary guardian within 24 hours.

Switzerland

The alternative report from Child Rights Network Switzerland is now available in French and German on their website: www.netzwerk-kinderrechte.ch. Several issues about asylum and undocumented separated children have been addressed. The Swiss government will not present its report until the beginning of 2010.

Changes and Developments in Law, Policies and Practice

Austria

The two governing parties in Austria (ÖVP and SPÖ) have presented plans outlining the incorporation of the Convention of the Rights of the Child into the Austrian constitution. The opposition parties have announced their support of this proposal thus children's rights should become legally enforceable in the future. It has, however, not been clarified in which form the implementation of the plan will actually be carried out.

Belgium

Regarding access to health care, since January 1st 2008, unaccompanied minors inscribed at school for at least 3 months or inscribed in an institution of family support, have access to medical insurance. Due to the law of May 11th 2009, it is decided that unaccompanied minors will benefit from an increased intervention in health care. It means that

minors will benefit from convenient measures, like upper reimbursement for some specific medical performances, a personal intervention less important for some medicines and hospitalization etc. They are also entitled to diverse social benefits like discount for telephone and public transport, some taxes etc.

Cyprus

The new SCEP partner in Cyprus, HFC 'Hope for Children', has contributed with a thorough research conducted with people representing the agencies that are dealing with the issue of separated children, from the governmental and non-governmental sector.

The list of interviewees consists of officials from the Welfare Services, a Chief Immigration Officer, a police officer from the Domestic Violence and Anti-trafficking Unit, a protection officer from UNHCR, an officer from the Office of the Commissioner for the Rights of the Child, representatives from the Ministry of Education, the Ministry of Health and the Ministry of Labour and Social Insurance and officers from the Asylum Service and the Civil Registry and Migration Department. The sample also includes a social counsellor and the ex-head of the Unit for Rehabilitation of Victims of Torture, advisors and counsellors from two NGOs and two educators as well as a person who is currently a guardian for a separated child.

Specific issues and findings from the research in Cyprus are reflected under the relevant themes in this newsletter.

The key findings from the research mainly concern the way the authorities treat separated children. The Social Welfare Services do not assume effectively their responsibility as guardian of the children and do not provide substantial accommodation and care. Apart from public assistance, no other form of care is provided by the Welfare Services to separated children, who are forced to find their own accommodation, usually through acquaintances and co-nationals. The living conditions are similar to those of asylum seekers, which are described as ideal. Education is accessible in theory, but there are not enough measures to help separated children integrate and benefit from the educational system. There is a delay in registration in school by the Welfare Services. The intensive language courses are not adequate to ensure integration and vocational training seems not to be available, even though it was generally accepted as the best alternative for children who for any reason cannot attend school. As a result, children are forced to work, in order not to lose their public assistance. Additionally, there are no provisions to ensure the protection of children from exploitation and other dangers. In

general, there is no specialized policy for employment that concerns separated minors. Even though there is a legal framework for healthcare, access proves difficult in practice as there are no mechanisms to ensure it. There is lack of translators and psychological support that is assessed as imperative is not accessible to separated children. Legal procedures also have weaknesses; there is no legal advice and no access to information. The authorities are not assuming their responsibilities in providing legal assistance and separated children have to get information from random sources and are not informed about their rights. Integration is problematic, since there are no substantial measures and there seems to be discrimination against separated children, whereas their contact with Cypriots is restricted.

Czech Republic

The Minister for human rights and national minorities, Michael Kocab, is proposing to establish a Children Ombudsman office as an authority that should actively pursue children rights and monitor the fulfilment of CRC.

Finland

General administration: The Finnish Immigration Service (former Directorate of Immigration) is going to have the overall responsibility for the reception of asylum seekers. These functions will be transferred from the ministry to the governmental agency which already has the responsibility to investigate applications and make decisions. This is the final part of a big administrative change expected to happen by the end of 2009 (the bill is being processed in the Parliament at the moment).

Law: Another coming change is that the Act on Integration of Immigrants and Reception of Asylum Seekers will be split in two different acts – reception and integration will be addressed in two different laws in the future. It will have consequences also to separated children. The work has just begun and the Ministry of Interior has appointed a steering group for the work. 4 NGOs participate in the group, and the Central Union for Child Welfare is one of them.

Government policy: In June 2009, the government released a report aligning the asylum policy. The report was targeted to find new ways of reducing unfounded asylum applications. The report takes up 3 main issues: age assessment will be regulated by the law, there will be some changes in practices to make the asylum process more efficient and finally, family reunification policy will be tightened. (See more under the specific themes).

Hungary

The numbers of arrivals are still increasing, especially compared to the figures for 2007, when 73 separated children applied for asylum - the figures by October 2009 are 212 arrivals. In addition to this, a number of separated children are not applying for asylum but enjoying special care of Hungarian child protection system (see under Miscellaneous).

Ireland

The implementation of the Immigration Residence and Protection Bill 2008 has not yet been enacted and it may now be enacted in 2010.

The Report of the Commission to enquire into Child Abuse (more commonly known as the Ryan Report) was published in May 2009 following a ten year enquiry. The Irish Government have outlined their proposed implementation of the Report's recommendations in an Implementation Plan published in July 2009. Among other actions to be taken, the use of non-State run hostels for separated children seeking asylum is to be phased out by December 2010 and the Health Service Executive will inspect and register residential hostels where separated children seeking asylum are placed in the interim.

Italy

As described in the previous SCEP Newsletter, after the 2008 April elections in Italy, a clear restrictive trend in the field of migration has been recorded in the country, through changes in law and policies.

In particular, legal measures adopted cover "security" and "migration" in the same acts. The most noticeable set of provisions is represented by the so-called "security package", which is composed by a wide range measures distributed in 5 different legal acts proposed by the Government. The latest and largest act (Law N.94) has been approved in August 2009.

In general, the above-mentioned provisions represent a compression of migrants' rights, largely through measures achieving the effect of "criminalizing" irregularly staying migrants, of making it more difficult to obtain and keep regular status for those entering or staying in the country, and considerably limiting – directly or indirectly – access to a wide range of rights, including fundamental human rights, for migrants including children.

The measures that are particularly concerning from a child rights perspective are briefly summarized below.

- Prohibition for irregular migrants to get married and to access civil registry acts. The above-mentioned law 94/2009 provides that a foreign citizen intending to get married in Italy shall show

documentation proving his/her right to stay in the country. Such a provision violates one of the fundamental rights recognized to every human being, i.e. the right to get married and found a family without any discrimination.

The provision is likely to have a negative impact on children, also considering it in combination with another proposed change, according to which irregular migrants cannot access public services and civil registry acts, including recognizing their children.

The above provision raises concerns about the violation of the right of every child to an identity and to family unit.

Additional provisions included in the above-mentioned "security package", having an impact on children directly or indirectly, are listed below:

- Introduced the crime of illegal stay and entry in the country. Based on the most agreed upon interpretation of the (already existing) art.19 of the Migration Law, asylum seekers, children, as well as other so-called "vulnerable groups" should be exempted from this crime; however, this new provision does not envisage explicit exemptions for the above-groups. It applies to irregularly staying adults with children.

- Increase of sanctions up to 2/3 for crimes committed by irregular migrants. For the first time, an aggravating circumstance relates to the status of a person and not to his/her actions. This provision is currently under scrutiny of the Constitutional Court.

- The limit-time of detention of irregular migrants in Centres for Identification and Expulsions (CIE) is increased from 2 to 6 months. Although children should not be subject to detention for violation of migration law, children wrongly identified (age assessed) as adults and children within families are normally placed in CIEs. (See also below, "Detention")

- Foreign citizens who obtained a long-term residence permit should pass a test of Italian language knowledge. Moreover, to obtain and renew a residence permit, each individual shall sign an "integration pact" divided in objectives corresponding to "credits": not meeting the objectives leads to losing credits and eventually to losing the residence permit and being expelled from the country.

The Netherlands

The State Secretary of Justice wants to revise the policy for separated children. The publication of the different plans is postponed.

Norway

Norway has experienced an increase in the number of arrivals of unaccompanied minor asylum seekers during the last two years. The Norwegian

Government has introduced new measures in the immigration policy that will ensure that the Norwegian practice in areas of importance differs as little as possible from other European countries. This is a continuation of the tightening measures from 2008. The aim is to limit the number of asylum seekers who are not regarded in need of protection, and furthermore to prevent that Norway receives a disproportionate amount of the asylum seekers coming to Europe. The majority of the tightening measures from 2008 have been implemented. These are the Government's new measures:

- 1) The Norwegian Directorate of Immigration is to be instructed to start applying the Dublin II Regulation to return families with children to Greece. It is no longer sufficient in itself to be a family with children to avoid return to Greece. A concrete and individual assessment should be carried out in each case.

- 2) Establishment of a separate procedure with more efficient interview and age assessment for unaccompanied minor asylum seekers.

- 3) Expanded age assessment of the unaccompanied minor asylum seekers; dental, wrist and physiological examination will be carried out.

- 4) Unaccompanied minor asylum seekers who are not regarded in need of protection nor fulfil the conditions for residency on humanitarian grounds, will as a main rule be rejected.

- 5) The Government will establish care and education centres for unaccompanied minor asylum seekers in their countries of origin.

- 6) Asylum seekers whose identity is not documented will, as a general rule, not be granted a temporary work permit during the processing of his or her application.

- 7) The Government plans to create a national identity and documentation centre.

- 8) A general reintegration program will be created.

The Norwegian Government will take steps to establish adequate care for separated children and unaccompanied minor asylum seekers in their home countries. Norwegian agencies will now to a larger degree assess the overall care situation in the countries of origin, whether with parents, with the extended family or in a care institution. Contact will be established with competent authorities in relevant countries of origin with a view of finding beneficial solutions. The Norwegian Government has on the 2010 national budget included expenses related to the establishment of orphanages in Afghanistan and Iraq for unaccompanied minor asylum-seekers.

Separated children at 16-17 years of age who come to Norway and seek asylum because they have no care persons in their home country are only to be

granted temporary residence until they turn 18. Then they should be returned to their home country.

The Ministry of Labour and Social Inclusion has proposed that the immigration authorities should be able to collect information regarding asylum-seekers in reception centres. Reception centre employees are currently bound to confidentiality with regards to information about the centre inhabitants. The proposal is currently subject to a consultative round. Many reception centre employees fear that the new proposal will make it harder for them to build a relationship of trust with the asylum-seekers.

The reasons for all these new policies are to control immigration. Save the Children and several others hold that this is in conflict with the principles of the best interests of the child and non-discrimination.

Slovakia

The main practical change that has occurred in the treatment of separated children is that minors granted subsidiary protection, who before have been placed in an accommodation facility with adults, are now, after finishing the asylum procedure, placed in a specialized children's house with other unaccompanied children. Social care is provided as well as a possibility to finish school education. There is, however, still a need for change in the law considering the responsibilities of different authorities.

Slovenia

The amendments to the International Protection Act are in the phase of preparation. Slovene NGO's are also involved in preparing proposals for amendments. Proposed amendments concerning treatment of separated children include a better guardianship system for separated children seeking asylum, obligatory trainings for officials dealing with separated children, free legal aid from the beginning of the asylum procedure.

Spain

The final text of the new Spanish Asylum Law has been adopted on the 15th October 2009. The new law seeks to transpose into Spanish legislation three particularly important EU Directives: Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers ("Reception Conditions Directive"), Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted ("Qualification Directive"), and Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in

Member States for granting and withdrawing refugee status ("Asylum Procedures Directive").

As positive aspects we should welcome, inter alia, the fact that the proposed legislation seeks to consolidate, in one comprehensive Asylum Law, all important aspects of international protection; the explicit mention of the situation of separated and unaccompanied children; the establishment of a resettlement program; the establishment of a subsidiary protection regime for beneficiaries, ensuring a standard of treatment and providing protection of their basic rights almost at the same level as for individuals granted refugee status under the 1951 Convention.

Concerning the particular situation of unaccompanied children and their special procedural safeguards, further development must be made in the Implementation rules of this legislation, in order to be in line with the minimum standards established in the Asylum Procedure Directive and with principles of international refugee law.

The Spanish draft Foreign Law is under review. Comments and recommendations in relation to unaccompanied minors have been made. This is a crucial moment to improve the dispositions affecting separated children. The right to have a lawyer in the return processes may be recognised in the law, thanks to the Constitutional tribunal (the highest court) ruling that recognised the capacity of separated children to defend themselves, through a lawyer, against the decisions of their guardian.

A National Court of Madrid annulled a repatriation that was carried out in November 2006 and has forced Spanish Government (of Madrid) to repatriate a former separated children from Morocco to Spain and to give him a residence permit, as the Court considered that his rights were not respected. Bilal is 20 years old today and living in Madrid.

United Kingdom

The Borders Citizenship and Immigration Act 2009 will be implemented incrementally. Main features are new rules for permanent settlement and applicants for British citizenship, also a new duty on the UK Border Agency to contribute towards the safety and welfare of children it deals with while they are in the UK.

Detention

Austria

In the past, minors were repeatedly placed in detention in Austria (2005: 171; 2006: 185; 2007: 163 and 2008: 181 cases). Through an amendment to the aliens police law planned to enter into force as of 2010, the grounds under which asylum-seekers can be taken into detention will be extended and

detention be made mandatory where necessary in a number of circumstances including after a first instance rejection under the Dublin II Regulation. As a consequence, also the number of separated children placed in detention is expected to increase in the future.

Belgium

Concerning the closed centers and imprisonment of children in such centres see the report by Federal Mediators: *Investigation sur le fonctionnement des centres fermés gérés par l'Office des Etrangers*, Bruxelles, June 2009. This report concludes that detention is never justified, neither on the juridical aspect, nor on the medical aspect. An end to detention of children must be decided immediately.

Even if the law on reception has theoretically put an end to detention of unaccompanied children for any stay exceeding 6 working days, we have seen in the daily practice a minor imprisoned and evicted from Belgium. The platform and its members fear that there are more cases than the one described.

The report by Federal Mediators can be found at: <http://www.mineursenexil.be/>

Cyprus

Regarding the issue of detention, an officer from the Domestic Violence and Anti-trafficking Unit stated that: “arresting and detaining minors is avoided, if it is proven that the person is a minor”. An official from the Civil Registry and Migration Department confirmed this statement by saying that “there is no detention of minors under any circumstances”.

Nevertheless, cases of detention of separated children, for illegal entrance and for carrying fake documents, were mentioned. A guardian described how the separated child under her care was detained: “the one who stays with me was in detention for about 9 months and she made clear that she wanted to apply for asylum when she was arrested”.

There is no designated space for the detention of minors, but a police officer mentioned that whenever there is a case of a minor, there is separation. The same officer stated that the detention conditions are the same for adults and minors, three meals are provided, one of which should be warm and all the detainees enjoy their rights under the law.

Concerning access to a legal advisor, minors are in principle not deprived of this right but there are no provisions by the state and they have to find someone themselves. An immigration officer claimed that “we never arrested a minor after he was rejected”. However, he admitted that when “the application is rejected, they are illegal and the Welfare cannot help them any more”.

NGO representatives agreed that there should be a mechanism to ensure that the law applies and that persons under the age of 18 will not be detained for any other reason than protection and with appropriate infrastructure to ensure these conditions.

Denmark

Separated children including those who may be victims of trafficking are being detained in youth delinquency facilities or for a shorter period even in actual prisons. These minors are being detained and sentenced - usually for 40 days - for carrying false identification.

Germany

The B-UMF and Terre des Hommes have commissioned a case-study on detention and deportation of separated children. Individual cases will be documented to shed light on the situation in Germany. Since the issuing of the last Newsletter, no new figures have been published.

Hungary

According to the legal provisions, separated children are not detained. Detention under immigration laws or the detention prior to expulsion of a third-country national who is a minor may not be ordered.

However, there was one case in the spring of 2009, when a family arrived from Afghanistan - a couple with children and the 14 year old brother of the father. They were arrested for forgery of documents and the young brother was separated from the rest of the family and detained. When he was released from detention, the young brother went to Sweden where he applied for asylum.

Ireland

Recent research by the European Migration Network concluded that although there had been reports in the past of minors who were assessed as being over eighteen without proper documentation being detained, this appears to be happening less frequently now that immigration authorities are more careful in their age assessments.

Policies on Unaccompanied Minors in Ireland, Joyce & Quinn, ESRI, Dublin 2009, pp 56-57

Italy

According to the national migration law, children cannot be detained in centres for irregularly staying migrants, except to exercise their right to family unit, and on expressed consent by the family.

Therefore children may be detained in such centres only when they are detected with their families. However, children may be wrongly identified as adults as a consequence of age assessment

procedures, and therefore be placed in centres for adults as well.

In both cases (and in general) it is particularly concerning that the limit of administrative detention of irregular migrants has been increased from 2 to 6 months in August 2009 (Law 94/2009), after a controversial process of rejections and final approval at the Parliament (see previous SCEP Newsletter).

Lithuania

According to the guidelines of UNHCR of 1997 the children seeking asylum in Lithuania cannot be detained. If children seeking asylum are detained, Lithuania must follow in any case the article 37 of Convention on the Rights of the Child: the detention can be used only as a last resort and for as short as possible. If children seeking asylum are detained at the airport, the detention centres of the migration authorities, they cannot be kept under conditions similar to prison. It must be sought to release the children and to accommodate them in an appropriate place. The basic view is “the protection” but not “the detention”. In the guidelines of UNHCR concerned with the detention of asylum seekers, it is underlined that the children have right to education during the detention and that there are created conditions for their leisure and games.

Malta

The fast tracking procedure for vulnerable asylum seekers including unaccompanied minors is still in operation.

This year there was a new project in detention, funded under the EU Solidarity in Action Fund, COPE, dealing with the coordination and provision of welfare services in detention. One of the aims of the project was the identification of vulnerable persons including unaccompanied minors in detention.

The Netherlands

The coalition 'Children don't belong in refugee detention' started a follow-up campaign for the separated children in the Netherlands who are still detained because they are staying illegally. Defence for Children, Amnesty International and SAMAH have talked with spokesmen of the different political parties to call for action and the immediate stop for detention of these children. The organisations plead to the need of protection of the unaccompanied minors which is not possible in detention. Just like Dutch children in need of child care measures, there should be a role for the magistrate at the juvenile court. A debate in the Lower House of Parliament is expected about detention.

Romania

No separated children were reported in detention.

According to the Romanian asylum law (122/2006) separated children are exempted from border procedure and they are immediately granted access to the territory. Also according to the Romanian asylum legislation, separated children seeking asylum cannot be held in detention solely on the ground of being asylum-seekers

One young asylum seeker from Afghanistan who was assessed as over 18 years was held in public custody (detention centre-Otopeni) after his return under the Dublin Regulation.

Slovenia

From April 2009 to mid October 2009 ten separated children were deprived of liberty because they illegally entered Slovenia. They were held in detention between a few days and up to two months.

Sweden

Save the Children Sweden discovered two cases where separated children had been detained nine days, according to the Swedish Alien's Act the maximum time for detention of children is six days. The reason given by the Migration Board for having exceeded the time was that the individuals initially were considered to be adults. The Migration Board had trusted documents from former host countries. When an ocular age assessment was done it was clear that the individuals were children and they were then released

United Kingdom

Since April 2009 a change in funding for the Refugee Council Children's Panel has meant that they can no longer assist age disputed separated children in detention. This has caused great concern as many young people in detention are getting no support, and experience has shown that a significant minority are later found to be children.

Age Assessment

Austria

The number of age assessments in the initial reception centre in the context of procedures under the Dublin II Regulation is still very high. A recent development is that also separated children who have already been admitted to the asylum procedure are being sent to age assessments more frequently. According to official statistics, 57 applicants were declared as adults after age assessments from January to September 2009.

Since February 2009, the Federal Asylum Agency has required asylum-seekers to undergo magnetic resonance examinations (MRT), as well as dental

and forensic examinations as part of the age assessment procedure. From the results of these specific examinations a general assessment is produced.

The proposed amendment to the asylum law expected to enter into force as of 2010 will include a provision on age assessment: If the minority of an asylum-seeker is questioned and cannot be confirmed through authentic documents or other kind of proof, the asylum authorities can in the context of a multi-factorial assessment order radiological examinations, including x-rays. If, following an age assessment, doubts about the age prevail, the principle in *dubio pro minority* shall apply. While the provision has been improved as a result of the official consultation procedure (by way of making reference to a multi-factorial assessment, the *dubio pro minority* principle and expressly prohibiting the use of force), the age assessment will solely focus on the physical age leaving out considerations of psychological maturity.

Belgium

The practice of age assessment seems to be almost systematic. If authenticated documents declare a different age and the difference is more than 2 years, the documents will not be taken into consideration.

Cyprus

The difficulty of making an accurate age assessment, when trying to identify who is a minor and who is not, was accepted by almost all the interviewees in the research. The method of medical assessment was described as inadequate and inaccurate and it was concluded that there are no sufficient means to assess the age, but every case should be assessed individually.

Denmark

In August 2009, the Danish Supreme Court issued a ruling in a case about the family reunification of an under-aged Afghani child with his family, the family having obtained asylum in Denmark.

Six years ago, the Afghani boy was denied family reunification because the Danish immigration authorities on the background of the assessment made by the Medico-Legal Council found that the boy was over 18 years old. His age had been assessed on the basis of x-rays of bones (left hand, wrist and collarbone).

The Supreme Court found that “in such cases, considerable weight must be placed on the age assessment carried out by the Medico-Legal Council”; nevertheless, the assessment is “marked by some amount of uncertainty, and in the evaluation of the evidence it is therefore necessary to consider the probability of the age assessment together with the other available evidence”.

After an evaluation of the total body of evidence, the Supreme Court ruled that the applicant was under the age of 18 when he had applied for asylum. This decision overruled the decision otherwise made by the Ministry of Integration six years ago.

The case will probably come to have bearing on over 100 other decisions about family reunification that have been made in recent years.

It will be interesting to follow whether the decision will also lead to changes in practice in relation to age assessment of separated children applying for asylum in Denmark and age assessed in Denmark, since the age assessment taking place within the country draws upon other factors in addition to x-ray of the bones.

Finland

Age assessment practices will be regulated by the law; a legislative amendment will be given to the Parliament within few weeks. The responsibility for undertaking tests and also following the practice will be given to the best experts in the field, to the Department of Forensic Medicine at Helsinki University. The test will be carried out by the same experts; however, by request of the department, the tests can be carried out also at hospitals or clinics if needed. The proposed amendment to the Alien's Act is mainly matching the procedures directive. The NGOs are discussing e.g. how it can be best guaranteed that the results of these tests are interpreted correctly (taking the benefit of doubt into account) and what are the consequences when an applicant refuses to undergo the medical tests.

Germany

The situation has not changed, in each Federal State or region/city the methods of age assessment are different. Whereas in some regions/cities youth welfare offices are engaged, in other regions/cities the aliens authorities are responsible. Sometimes both offices are involved. Whereas x-ray procedures are still not common, in most cases visual inspections are being conducted, sometimes complemented by an interview of the minor.

There are no numbers or estimates on how many persons have been assessed as adults.

Hungary

If any doubt emerges concerning the age of an asylum-seeker claiming to be a minor, a medical expert examination may be initiated for the determination of his/her age.

Actually, the age assessment is carried out by two physicians of Bicske reception centre. A paediatric and an internist, one by one, makes an examination, including genitals, and X-rays of the applicant's teeth. Then together they repeat the physical measurements.

The consent of the person is a necessary condition to carry out such an examination. If the asylum-seeker is in a state being unable to give consent, then his/her legal representative or guardian should give consent to the age assessment. If the applicant doesn't give his/her consent to the age assessment, s/he is dealt with as an adult, with the exception of the provisions relating to the involvement of a legal representative or the appointment of a guardian.

Asylum applications may not be rejected solely on the grounds that the asylum-seeker, the legal representative or guardian did not give consent to the performance of the examination.

Ireland

There is no statutory procedure for age assessment at present. Neither does the proposed Immigration Residence and Protection Bill provide for a formal age assessment procedure and only requires that an Immigration Officer has “reasonable grounds” or that “it appears to him” that the person is over 18. In practice, interviews (by social workers, Immigration Officers and officials from the Office of the Refugee Applications Commissioner) and age assessment tools are used to assess age. No bone density testing is currently provided for.

Italy

In May 2008, the Ministry of Interior (hereinafter “MoI”), in agreement with other relevant institutions, mandated the Ministry of Labour, Health and Social Policies (hereinafter “MoLHSP”) to issue a set of procedures for assessing the age of separated children to be applied in a standardized manner in Italy. Consequently, the MoLHSP set up an Experts’ Group, composed by well-known professionals including psychologists, radiologists, paediatricians, as well as representatives of institutions such as the Ministry of Justice, Municipalities’ Association and Judicial Police, to propose a set of procedures. Save the Children Italy was invited as external expert organization and followed up the work of the Group from its beginning to the end

In November 2008, the Experts’ Group above proposed a first set of procedures for age assessment, whose main elements are:

- Informed consent of the presumed child; obligation to issue a certificate with the results of the exams in a language understood by the child;
- Multi-disciplinary approach, including: paediatric visit, relying upon up-to-date parameters about physical development patterns in different countries (of origin); psychological assessment through an open-ended interview (given the lack of reliable tests); the presence of a cultural mediator required in both exams;
- Margin of error to be always specified in the certificate, estimating it of $\pm 2-3$ years; presumption

of minor age anytime it is comprised in the above-range;

- Resort to medical procedures (suggested by the Experts’ Group) only in cases of serious doubt and after having tried other means to assess the person’s age where possible (e.g. diplomatic offices of origin countries – of course when this does not imply risks for the person’s safety etc.);

- The child should always be assisted by a guardian throughout the process, or by another person s/he trusts;

- Resort to wrist x-ray was allowed only for children in conflict with the law (the Italian criminal procedural code requires identification within 3 days), but provided that a) there is a proven/documented impossibility to apply the multidisciplinary approach and b) data are inputted in a database to avoid multiple x-rays on the same individual;

Note: the wrist (or any other) x-ray was not included in the procedures above.

The Supreme Health Council was requested by the MoLHSP to issue an Opinion on the Procedures proposed by the Experts’ Group (above). Based on this Opinion, the MoLHSP issued a final set of Procedures (“Protocol for assessing the age of children based on multi-disciplinary approach”), partially modifying the proposal of the Group on substantial elements, as well as narrowing the scope of provisions envisaged (i.e. further reducing them to strictly technical/medical aspects) and submitted it to the MoI.

To issue this Opinion, the Supreme Health Council had set up – in its turn – a technical group. After having examined the first proposed set Procedures (above), the Supreme Health Council expressed the following observations on the elements thereby envisaged:

- The proposed Procedures are considered in general reliable and effective for the purpose of assessing the chronological age. Several aspects are considered valuable and therefore supported; in particular:

- (In line with a previous MoI’s Regulation dated 9 July 2007) the multidisciplinary approach is to be applied, and examinations implemented in public medical centres, with a paediatric department

- It is the competence of the local institutions (“Regioni”) to identify the above centres, which must be equipped with the required facilities and professionals to properly conduct age assessment procedures for separated children; in doing that, local institutions shall coordinate and consider the needs of the Juvenile Justice Department [for children in conflict with the law, specifically]

- Professionals carrying out age assessment procedures shall be properly and regularly trained (i.e. up-to-date)

- The central role in age assessment procedures is assigned to the paediatric examination which – in presence of a cultural mediator – shall aim at assessing all relevant data that could give indications on the child’s age, based on the updated parameters relating to physical development in the different countries [“auxologico” is the term used]; the paediatrician, fully respecting the child’s sensitivity, may also assess his/her sexual development
- An interview with the child shall be envisaged in the framework of the age assessment procedures, complying also with the participation principle
- The chronological age results shall always specify the margin of error and, according to international and national law, the benefit of doubt shall always be applied

Moreover, the Supreme Health Council considers that:

- a) The wrist x-ray is not very invasive;
- b) Although it brings a range of error, it is still the most reliable methodology available, if compared with other applicable methods that are less invasive, and therefore as of today it cannot be excluded from the multidisciplinary approach;
- c) Less invasive methods/exams are not backed by sufficient scientific evidence of their adequate reliability and possibility to be replicated;
- d) The experience and expertise of professionals interpreting the images and estimating the age based on them is of crucial importance, therefore it would be appropriate that age assessment be carried out at centres that are recognized and selected based on such expertise;
- e) Variables such as ethnic group, diet, socio-economic background and pathologies in bone development influence significantly the outcome of this exam, and need therefore to be all carefully considered by the professionals performing the examination
- f) Most of countries performing age assessment have opted for a multidisciplinary approach, which – alongside physical development assessment and parameters – considers x-ray (of wrist or teeth) an element that cannot be excluded, while ensuring the benefit of doubt and the consent by the individual concerned.

Based on the above, the Supreme Health Council expressed the following Opinion:

- The integrated assessment/evaluation of the results of wrist x-ray and physical development (anthropometric measurement, observation of signs of sexual maturity, dental development) carried out by a paediatrician is to be considered, at the moment, the most reliable multidisciplinary protocol to assess the chronological age of an individual. This is also based upon the needs to ensure in the shortest possible time the protection of children in conflict with law. The principle of

presumption of minor age has to be applied in any case of doubt resulting from the age assessment

- The psychological assessment/evaluation of the presumed child shall be better undertaken in the framework of other protection measures [rather than for age assessment purposes], provided that it shall be conducted by very skilled and expert professionals
- Concerning the centres where the age assessment will be performed, these will have to be equipped with professionals having medical, radiological, paediatric, neurological and psychological skills and trained for the specific task
- MoLHSP, in coordination with concerned institutions, shall design and organize trainings for cultural mediators on the topic
- The Procedures adopted shall be revised and updated at least every three years according to the multidisciplinary approach
- The academic scientific world shall contribute with focused research projects to identify age assessment procedures that are more precise/reliable than the current ones while ensuring the same level of respect of the psycho-physical health of the individuals concerned.

As of today, the Procedures finalized as above by the MoLHSP have not yet been adopted officially. The MoI should adopt them through appropriate legal act shortly.

Lithuania

The following methods of age assessment are mostly used: medical examination, psychical measurement, tooth examination, psychical examination and interview.

Malta

The age assessment process described in previous SCEP newsletters has been maintained. However we have had some changes in relation to the medical test. The medical tests are only conducted in cases of serious doubt and when the alleged minor keeps insisting that he or she is of minor age. Thus the medical test will give benefit of the doubt to the alleged minor. Currently, a pilot project between the Maltese and Dutch Health Authorities is going on and is aimed to improve the system.

The Netherlands

In the last SCEP newsletter a case was mentioned of December 4th, 2008 (AWB 07/1683). The court considered that the counter-evaluation of child radiologist Robben contains serious reasons to doubt the correctness of the age research instrument which is used in the asylum procedure in The Netherlands (X-rays of the wrist and collarbone). It was mentioned that this judgment is very important because until now the methods for

age assessment have always been approved. On 7 October 2009, the Medisch Advies Kollektief (Medical Advisory Collective) was contacted and they mentioned that the appeal (by the Immigration authorities) is still pending.

Norway

The Norwegian Directorate of Immigration (UDI) has announced that it will initiate more extensive age assessment tests of minor asylum-seekers. In addition to the dental examination used today, UDI will also perform an x-ray scan in order to determine the maturity of the bone structure of the minor, as well as a clinical examination to assess the degree of maturity and puberty development. Finally the three examinations will collectively be used to assess the age of the asylum-seeker. The tests are voluntary. The Norwegian People's Aid has criticized UDI for wanting to examine the genitals and bowel of young asylum-seekers. The organization has stated that it is contemplating submitting a complaint against UDI to the UN Committee against Torture to determine whether or not this constitutes a human rights violation.

Romania

Age assessment was conducted only in cases where the declared separated children seemed older than the age they declared.

Article 41 paragraph (2) of the Asylum Law stipulates that: "In the situation in which the unaccompanied minor cannot prove his/her age and there are serious doubts regarding his/her minority, the Romanian Office for Immigration will request a forensic examination to evaluate the age of the applicant, with the prior written approval of the minor and his/her legal representative".

United Kingdom

Policy continues to be determined by caselaw rather than government proaction.

- Judgement on the high profile case known as A and WK stated that reports from paediatricians and other medical practitioners would not usually be sufficient to overturn a decision by a social worker, provided that the social worker had considered the medical report and was sufficiently qualified and trained to conduct age assessments. One of the parties (WK) has been granted permission to appeal to a higher court. In the view of the judge in A and WK it is entirely appropriate for the entire age assessment report to be shared with the UK Border Agency in order that it may adopt the decision on age made by the local authority. This has raised great concern that this breaches children's rights to privacy.

- The highest court in the country, the Law Lords, considered the submissions on behalf of two children assessed as adults by local authority social

workers. It is argued that the process of assessment and reviews, where it has been decided that the original assessment was flawed, breaches article 6 of the ECHR, namely the right to a fair hearing. Judgement is expected during the autumn of 2009.

Guardianship

Austria

Due to the higher number of separated children seeking asylum in Austria, there is a lack of suitable accommodation facilities. As a result, a growing number of separated children are placed in guesthouses and other facilities intended for adult asylum seekers. Often there is no one in charge of clarifying the question of guardianship at these facilities.

A second difficulty is that separated children have to stay an average of six months in the initial reception centre while two years ago the waiting period was less than two weeks. During the stay in the initial reception centre no guardian is appointed.

Belgium

The guardianship service, existing now for 5 years, is undergoing an internal evaluation of the guardianship system. Due to the overloading of the reception centres, minors are no longer systematically placed in specific centres. Instead they are placed in regular centres for adult asylum seekers, without any specific support. Due to the lack of specific centres, a guardian is no longer systematically nominated. The identification by the Guardianship service is also delayed, this comprises about 70 minors.

Cyprus

In the research a question was asked about what kind of care is provided on behalf of the Director of the Social Welfare Services. A district welfare officer replied that there is effort to cover the basic needs, like shelter, nutrition and education, but many NGO representatives claimed that apart from the public assistance there are no substantial care provisions.

On the frequency of visits by social workers, the representative of Family Unit of the Welfare Head Office claimed that officials see the children in theory 3-4 times a month and maybe everyday if there is a crisis, whereas an NGO officer stated that there is no framework to instruct the social workers how often to visit separated minors. NGO social advisors underlined that the Director should assume the role as legal guardian and ensure that all the rights of separated children are protected.

Support and resources: When asked who they consider the most important persons in the lives of separated children, the interviewees in the research mentioned the Social Welfare Services and

especially the social workers, who have the responsibility of guardianship. Most of them admitted that this important role is only on paper.

In general, the people with whom the separated children live and have everyday contact, which are most probably their co-nationals, were evaluated as the most important persons for them, while importance was placed on the role of NGOs in supporting separated children. "Many times, we hear children express the opinion that only in NGOs they have found the attention and support they needed" (NGO social advisor). Concerning their access to the media, it was generally accepted that it is important and that most separated children have access to a cell phone and probably internet through public internet places.

Denmark

The number of separated children seeking asylum has increased considerably during the last year which has led to an increased pressure on the available guardians in Denmark. The Danish Red Cross who runs the asylum centres and is in charge of the guardianship system is continuously educating more guardians to cope with the demand. Since the system builds on voluntary guardians and the demand at the moment is higher than number of volunteers, the separated children might be offered a professional guardian, who will be guardian for a number of children.

Finland

The Ministry of Interior released instructions for guardians for the first time (in Finnish/Swedish). The paper is not an official binding document; the official status of the paper is a letter or recommendation. However, it is aligning the duties of the guardian in practice.

There is some discussion going on about the guardianship at the moment – about the duties, the responsibility and cooperation with other actors as well as about the need of coordination. Sudden rise in numbers of children have caused new challenges also to guardians.

Ireland

There is currently no service providing every separated child with a professional independent guardian. The National Children's Strategy, published in 2000, has stated that "unaccompanied children seeking refugee status will be treated in accordance with best international practice including the provision of a designated social worker and Guardian-Ad-Litem." A guardian ad litem is an independent representative appointed by the court to both ensure that the views of the child are heard by the court and to advise the court on the best interests of the child. Recently guidelines published by the Children Acts Advisory Board on

the use of guardians ad litem identified areas of consideration which may influence the appointment of a guardian in a specific case, among them: where there may be issues about a child's identity, nationality or entitlement to residence in the jurisdiction; where a child may be separated from their family or an unaccompanied minor; and where there is reduced or no parental support, or where parents and guardians are absent. The government has committed to engaging in agreeing a future policy of management and funding of the guardian ad litem service by May 2010.

Lithuania

Until the beginning of 2002 the Law on the Refugee Status did not foresee the appointment of the guardian, but only the participation of the representative of the Child Rights Protection Service in the asylum procedure. On January 15, 2002 the changes brought the requirement of the appointment of the temporary guardianship. But in practice the guardians were never appointed, because the regulations for implementation of the mechanism was not prepared. Until 2002 the representative of The Child Rights Protection Service participated in the interviews related to the asylum of the separated children. But the work of such representatives was only to participate in the interview and the confirmation of the necessary documents. According to the Law On The Legal Status Of Aliens the temporary guardianship is appointed to the unaccompanied minors according to the legislation of Republic of Lithuania. The care, the education, the creation and the keeping of the circumstances for the spiritual and physical growth, the protection and the representation of the personal, legal and the other interests of the child without parents are appointed for the natural or legal person according to the law.

The temporary guardianship is appointed by the decision of the Child Rights Protection Service and the municipality to the Refugee Reception Center, as an institution, which appoints the responsible social worker.

Malta

The process of Guardianship remains the same as before, where the social worker or the community worker of the centre where the unaccompanied minor resides applies for guardianship of the minor. He or she, apart from attending to other matters, is actively involved in the application for asylum and other legal issues.

The Netherlands

On January 29th 2009 the court ruled that the negligence of a guardian could not be attributed to a separated child. A guardian had forgotten to extend the residence permit of a boy from Angola and thus

he needed to return. The court ruled that it could be expected from Nidos (the Dutch guardianship institution) that they made sure that the request was made in time. The negligence of the guardian could not be attributed to the boy. His interest needed to prevail. (See: www.rechtspraak.nl, LJN: BH4596)

Romania

A legal guardian is appointed as soon as a child submits his asylum claim.

Romanian Office for Immigration takes necessary steps for designation of a legal guardian for the separated child, in the shortest period possible from the moment when a person declaring that (s) he is a separated child lodges the asylum applications. The refugee status determination procedure is suspended until the appointment of a legal guardian. According to the Law, appointed guardians are staff members of the local Directorate for Child Protection (graduates of Law Faculty or of the Faculty for Social Assistance).

The legal guardian assists the child throughout the refugee status determination procedure, including during the age assessment process.

United Kingdom

The Scottish Refugee Council is waiting to hear the result of a funding application which, if successful, would mean that the first guardianship project in the UK could start in early 2010. The partner will be Scotland's largest children's charity, Aberlour.

Reception

Austria

In the initial reception centre in Traiskirchen the number of separated children is still very high. On 20 September 2009, the total number of separated children housed in Traiskirchen was 213. The camp offers suitable accommodation for 78 separated children. The majority of separated children does not receive adequate social support.

Since the number of separated children seeking asylum is increasing, it is also difficult to find adequate facilities outside the first reception centre. While, according to the Basic Care and Welfare Act, asylum-seekers should be assigned to a Province within 14 days following the admission of their procedures, separated children remain as a result of the shortage for a prolonged duration in the initial reception facility. Also, more and more separated children are accommodated in guesthouses. For example, in the provinces of Tyrol and Styria, 50% of the separated children are placed in guesthouses, an indication of a serious backlash in the care standards for separated children in Austria.

Belgium

A number of organizations have jointly addressed an open letter to the Minister's Council concerning the lack of places for minors. In answer to this letter, the new Minister of Social Integration and Fight against Poverty (Minister Courard), has quickly replied by mentioning all the urgent solutions initiated.

Cyprus

Accommodation: According to the Social Welfare Services, on paper, there are two kind of placement for separated children; Institutions and foster families. In the past, there have been cases of children who were put in children's shelters and youth guesthouses, but today there are no separated children in institutions. There is also no placement of children in foster families. Most of the researches agree that separated children today live with their co-nationals and relatives and that they find their own accommodation, through compatriots and acquaintances. They also agree that there is no assessment whether the adults that accommodate separated children are qualified and whether the conditions are appropriate. Some of the NGO workers expressed the opinion that separated children live in conditions that are not adequate and that constitute a threat to their health and development.

In general, the living conditions of separated children were evaluated as being similar to the living conditions of adult asylum seekers and were described as difficult and very dirty. It is obvious that accommodation is not provided by the authorities, unless there are cases of complete abandonment, and that care from the welfare services is restricted to granting public assistance. This results in poor living conditions, of which there is no control by the relevant services.

As far as care is concerned the only form of care provided for the children is the public assistance. It is up to the minors themselves to provide for their own meals, since they live independently. It was commonly admitted that the care of the children is up to the persons they are staying with.

Access to education: It has been noted that in theory separated children have access to the educational system in Cyprus. This includes access to public primary schools, middle schools and secondary schools, technical schools, evening schools and vocational training. According to the law, it is obligatory for every child under the age of 15 to attend school. After this age, children have the choice to remain in school or pursue employment.

The Ministry is currently undertaking to tackle the issue, which include a pilot program of intensive Greek language teaching to non-native speakers, for 8 hours per week, and the publication of an

information guide in eight languages, aiming to inform parents and guardians about their rights and the educational system. However, the efforts for intensive language courses were criticized by both educators who were interviewed as inadequate and not satisfactory.

It seems like, while in theory every separated child has access to school, there are factors that impede substantial registration and integration in the education system. Apart from the issue of language, another problem arises with the registration of separated children in school. Registration in school is under the control of the welfare officers. The child has to request to be placed in school and the welfare officer has responsibility to arrange for it. It is also noted that many times children have no one to encourage them to go to school. It was also mentioned by an adult guardian that many children are placed in school without having any educational background and in addition to the language problem, it is thus impossible for them to cope.

Employment: The framework that applies to separated children is the same as the one that applies to asylum seekers in general. Separated children, like adult asylum seekers, do not have access to the labour market for the first six months and then they are allowed to work only in specific fields, for example in agriculture, garbage collection, recycling.

There is no framework for employment concerning separated children, but the conditions for employment of minors are determined in the “Peri Pedion Apasxolisi” Law. According to an officer from the Ministry of Labour and Social Insurance, teenagers between the ages of 15-18 can only work in certain jobs and for a certain number of hours.

It was often mentioned that when children drop out of school or if they do not wish to attend school, in order not to lose the public assistance, they have to register as unemployed at the Labour Office and they have to be sent for employment. But there are no provisions to ensure that the children are protected from exploitation and there is no mechanism to control that the relevant law applies. It is generally suggested that no child under the age of 18 should be working.

Healthcare: All the interviewees in the research were aware of the fact that if separated children have a legal status and are recognised by the Welfare Services, they are entitled to a healthcare card that in theory ensures them access to the state’s public health institutions. However, there remains the doubt on how substantial that access can be proven in practice.

The fact that there are no interpreters in hospitals was recognised, as well as the fact that social workers rarely accompany children to the hospital,

unless the children are accommodated in institutions.

Also, concerning psychological support, many pointed out that even though there are provisions for child psychologists, in reality, the access is not substantial. There was a suggestion by the adult guardian for a specialized person in each hospital, in order to deal with separated children whereas an institution officer recommended cooperation with other countries in bringing psychologists who will be able to provide adequate psychological support in the children’s native language. Also, there was a call by many NGO advisors for the Welfare Services to assume their responsibility as a legal guardian and ensure substantial healthcare to separated children.

Germany

A high-level working-group which was established by the Federal Ministry of the Interior as well as the Ministry for Family Affairs to work out standards on reception of separated children failed due to different views on how to treat these minors. Therefore the implementation of common standards on the implementation of Section 42 Social Welfare Act seems to be far-off.

Greece

'Europe News' reports in August 2009 that the director of UNHCR Greece visited the island of Lesbos and called for the creation of more special centres for unaccompanied child migrants and refugees. The UNHCR director made the comments after reports of dozens of minors detained at Pagani recently went on a hunger strike to demand their release from the horribly overcrowded centre. The article is available at: www.monstersandcritics.com/news/europe/news/article_1497366.php/UNHCR-calls-for-creation-of-more-child-immigrant-centres-reported-in-142-Monday

Hungary

Unaccompanied minor asylum-seekers are accommodated in the Shelter for Unaccompanied Minors (KNKO) until the age of 18. Actually there is one such facility in Bicske. In 2009, the KNKO is run and funded through an ERF project lead by the Hungarian Interchurch Aid (HIA) in co-operation with the Office of Immigration and Nationality (OIN). The KNKO is in the territory of the OIN reception centre but physically separated from it, and the staffs’ professional background is ensured by HIA.

Separated children shall be provided accommodation, three meals a day, items for personal use (cutlery and tableware, toiletries and clothing), health care, monthly pocket money, allotment of donations, school-enrolment benefit,

reimbursement of education and training costs, travel allowance and free Hungarian language course at the reception facility. Children can stay there until turning 18, independent of the stage of their status determination procedure. As separated children are mainly 17 years old at arrival, in practice it means that they can stay there during the procedure. However the capacity of KNKO is limited and some cases were reported of nearly 18 years old asylum-seekers who were not directed to this facility but to another reception centre, where their special provisions are not ensured.

For information about KNKO - only in Hungarian - with photos and contacts, see www.hia.hu/object.2456ea77-b724-4867-93a3-1104ffa9e3b8.ivy

Ireland

The HSE will end the use of privately run hostels by December 2010 for separated children seeking asylum and accommodate children in mainstream care on a par with other children in the care system. In the interim, the HSE will inspect and register residential centres and hostels where separated children seeking asylum in the care of the HSE are placed.

In the greater Dublin area there are currently three residential units specifically for unaccompanied children in operation with a fourth due to open shortly. These are registered with the Social Services Inspectorate and subject to inspection.

Italy

Throughout the past years, Italy's Southern coasts has become an increasingly important entry point for separated children. Until the end of 2008, most migrants (including children) arriving through the Mediterranean used to land in Lampedusa (i.e. to be rescued at sea and escorted to the island).

Between 2006 and 2008, the Italian Government has been piloting a system of management of mixed migration flows in Lampedusa based on first reception, assistance and identification, and further referral of each individual (both adults and children, asylum seekers, economic migrant, potential victims of trafficking) to the appropriate centres on the mainland.

Although there was room for substantial improvement, the so-called "Lampedusa model" of managing mixed migration flows represented a promising practice at both the national and European level.

As described in the previous SCEP Newsletter, Save the Children Italy - alongside a wide number of NGOs and International Agencies - has been very concerned about the violations of children's rights (and human rights of migrants more broadly) caused by the decision dating December 2008 by the Ministry of Interior to halt transfers of migrants

from the Lampedusa Centre to appropriate facilities elsewhere in Italy, and to transform the Island's existing Centre for Preliminary Reception and Assistance (Centro di Soccorso e Prima Accoglienza - "CSPA") into a Centre for Identification and Deportation (Centro di Identificazione ed Espulsione - "CIE").

The situation of migrants arriving through the Mediterranean Sea has further worsened starting in May 2009. Indeed, Save the Children has been gravely concerned about the new push-back policy undertaken by the Italian Government to return persons rescued in international waters directly to Libya without any prior assessment of their protection needs, which resulted in pushing back to Libya several hundred migrants, including asylum seekers, pregnant women and children, whose safety and lives have been put at serious risks.

These children have been left in a place where their rights are not protected, their life and physical and psychological integrity are at serious risk, violating the non-refoulement principle and other human rights international law and domestic legal provisions.

Lithuania

The separated children, who apply for asylum in the Republic of Lithuania according to the legislation, are accommodated, by the decision of the Migration Department under the Ministry of the Interior, in the Refugees Reception Centre where appropriate living conditions are established. The children accommodated in the Refugees Reception Centre are supplied with all the means required for their needs (material, hygienic, domestic etc.). They are provided social assistance, education, training, psychological assistance and medical aid. One social worker is responsible for the material supply of the unaccompanied minors. The other social worker, who is appointed as a temporary guardian of an unaccompanied minor, represents the interests of the unaccompanied minor in the legal procedures. The unaccompanied minors are taught the Lithuanian language according to an individual program. The other minors attend the courses on the vocational training and get the desirable occupation after the graduation. The programs of education and assistance are available in the centre, which are intended for the unaccompanied minors: the programs of ethics, social skills, work activities, integration into the Lithuanian society, professional orientation and psychological assistance.

Malta

The Agency for the Welfare of Asylum Seekers (AWAS) operates in two reception centres which cater for unaccompanied minors. Shelter, food and other basic necessities are provided by the centre.

We also work to address the socio-educational needs of the minors as much as possible.

A peripatetic teacher has been assigned by the Ministry for Education to create a program of integration for unaccompanied minors at school age. Therefore, through this initiative, the youths will be assisted and prepared to start schooling while at the same time the school will be better prepared to meet the possible challenges of addressing the needs of students with a different social, ethnic and academic background.

Another development is the setting up of an Advisory Board consisting of officials from the Ministry of Education and AWAS management to look into proper access to education for unaccompanied minors and children of foreign origin, especially asylum seekers.

AWAS has also applied for funding through the Children and Young Persons Advisory Board to obtain the services of a mentor. The request was approved and currently there is a mentor preparing the youths for school, assisting them in their social-educational needs related to schooling and other related matters.

Norway

Unaccompanied minor asylum seekers stay in separate reception centres or sections. The UDI is responsible for unaccompanied minor asylum seekers between the age of 15 and 18 years.

At the end of September 2009 there were 1,059 unaccompanied minor asylum seekers in separate sections in ordinary reception centres and 558 living in transit centres for unaccompanied minors. Unaccompanied minors under the age of 15 years live in separate care centres, which the Child Welfare Service is responsible for.

Portugal

The first steps for the creation of a reception centre for refugee children were taken by the Portuguese Refugee Council (CPR) at the end of 2006. This new project of social solidarity will be publicly presented in Lisbon on 5th of November 2009, and it will count with the sponsorship of the Portuguese National Television, the Portuguese Bank of Investment and the Luis Figo Foundation. This is a project supported by the Portuguese First Lady, Maria Cavaco Silva.

Taking into account that all children have the right to grow up and live in an adequate environment, balanced and harmonized, this new project will assist refugee children that are uprooted and forced to move due to conflicts and persecutions, violations of their human rights, environmental catastrophes, poverty, among so many other different reasons.

The first Reception Centre for Refugee Children in Portugal will be in Lisbon, in Bela Vista Park, in a

building provided by Lisbon Municipality which will be restored and prepared for the reception of children. This Centre will improve the reception conditions for unaccompanied minors and implement, through National Resettlement Programmes, the reception of children with special medical needs.

With a living and dining room, library, double and triple rooms, divided according to gender, administrative cabinets, besides re-qualified external spaces, the reception centre will have the capacity to receive 14 children, providing a safe environment, resembling a family structure, and assuring their development and the integration into the Portuguese society.

This project will be built with the financial support of different partners, but a watch will be produced by Swatch for this venture and part of the sales will revert to CPR's new reception centre.

Romania

The national law stipulates that separated children under the age of 16 years should be housed in Child Protection Directorate centres. Also one separated child who after rejection received tolerated status on Romanian territory according to the foreigners' law, was accommodated in the Child Protection centre from Maramures County.

Slovenia

A lack of appropriate accommodation for separated children (for all categories – non-asylum seekers, asylum seekers and refugees) still remains.

Sweden

Separated children, who ask for asylum, are forced to wait in transitional reception centres for months before they are transferred to the municipalities. The Migration Board estimates that around 450 separated children are waiting in transitional reception centres. In 2006, a reform was implemented that transferred the responsibility for the reception of separated children from the Migration Board to the municipalities. The reform has not worked, much due to an increase in the influx of separated children and the municipalities reluctance to receive the children.

United Kingdom

The funding provided to local authorities from the UKBA for the care of separated children seeking asylum is to be reduced over coming years, beginning October 2009. This could result in the lowering of standards

Missing children

Belgium

An agreement on collaboration has been signed by different authorities (the Foreign Office, the High Commission for Refugees and Stateless Persons, the Federal Agency for the reception of asylum seekers, guardianship service, police) about how to deal with the disappearance of minors from the two reception centres. The objective is to locate the disappeared minors within the shortest period, and then to collect as much information as possible about minors arriving in the centres; this information is regarded valuable in case of disappearance.

Cyprus

In many cases, the children cannot be traced by the Welfare Services and there are no steps taken to find them. The welfare officers interviewed in the research stated that the police are not notified, whereas the officer from Domestic Violence and Anti-trafficking Unit pointed out that if the guardian reports the disappearance, the police have the responsibility to locate the children and inform the guardian.

Hungary

In 2008 there were 90 cases of missing children.

In 2009 (January - September) 97 children went missing from the reception facility.

If the applicant departs for an unknown destination without the permission of his/her caretaker, the refugee authorities (OIN) shall discontinue the refugee status determination procedure.

Ireland

23 separated children seeking asylum went missing in the period from January to the end of May 2009. Inadequate staffing of hostel accommodation by trained childcare professionals may be a contributory factor to the numbers of unaccompanied minors going missing while in State care. Recent reports show that most minors who go missing from care in Dublin are Chinese.

A new Joint Protocol on Children Missing from Care was signed by the Garda Síochána and the Health Service Executive in April 2009. This sets out the roles and responsibilities of various agencies dealing with missing children and defines the course of action which should be taken by both organisations in cases where a missing child report is made. Under the Protocol a recent good quality photograph of the child should be kept on record where the child is resident and the HSE will ensure that sufficient information about the child is recorded in order to assist An Garda Síochána if the child goes missing.

See further: 'Disappeared: 20-plus children missing from HSE care', The Irish Times, 17 June 2009;

'Most minors missing from care in Dublin are Chinese', The Irish Times, 5 October 2009; Policies on Unaccompanied Minors in Ireland, Joyce & Quinn, ESRI, Dublin 2009, pp 36-48

Malta

Formal procedures are in place in order to ensure the necessary protection regime of unaccompanied minors. Such procedures include also pro-active staff in order to ensure the daily monitoring of the minors. Should an unaccompanied minor fail to return to the residence at curfew time, the staff liaises immediately with the police.

Should all efforts not provide fruitful results, the Children and Young Persons Advisory Board together with the ISS (International Social Work Services) are informed.

Romania

One separated child from India has abandoned the refugee status determination procedure and left the reception centre.

Slovenia

The trend of children going missing a few days upon their arrival to the Asylum Home still remains. Since April 2009 to mid October 2009, eight separated children disappeared from the Asylum Home.

Dublin II practice

Finland

167 out of 404 decisions made this year (until 30 September) for separated children have been negative decisions related to Dublin (meaning return to another member state). Authorities have refrained to return separated children to Greece in the recent years, but now there seems to be pressure to return also minors. As an example, a 17-year old girl lately got a negative decision under Dublin; she said that she wanted rather to return to Somalia than to Greece.

Hungary

Most of the new arriving asylum-seeking separated minors are Afghan youngsters, and many of them with a Dublin II hit from Greece.

Hungary does not send Afghan minors back to Greece.

Ireland

Transfers of unaccompanied minors under Dublin II do take place, although numbers remain low. Between 2004 and 2008, 3 unaccompanied minors were transferred under the Dublin II; so far in 2009 (from 1 January to 23 July) some 4 minors have been transferred.

Transfer under Dublin II may also take place in instances where a minor's family may be located in another EU country and it is believed to be in the best interests of the child for the minor to be reunified with these family members. Given the difficulties in conducting family social work assessments in separate countries, DNA testing of alleged family members is routinely used in such cases.

Malta

There have been no Dublin II returns from Malta to other countries with regards to unaccompanied minors. However, we have had several minors returned from other European countries. If the minor is still under the age of eighteen, then he or she is accommodated in a centre for minors. Should they have reached the age of eighteen, they are offered accommodation in a centre for adults.

Liaison is also held with local and foreign organisations with regards to the safe return of these unaccompanied minors.

The Netherlands

On July 20th 2009, it was decided not to transfer a minor asylum seeker from the Netherlands to Italy due to the report about Italy from Thomas Hammarberg (Coe Human Rights Commissioner). The minor stated that Italy violates article 3 of the CRC and that the age assessment, the right to education and right to shelter is not lived up to in practice.

Because the story of the minor corresponds with the report of Hammarberg more research is necessary before the boy can be returned to Italy.

Norway

As a result of the increasing number of asylum seekers arriving in Norway the Government has introduced new measures in the immigration policy that will ensure that the Norwegian practice in areas of importance differs as little as possible from other European countries. One of the measures is that the Dublin II regulation will be applied more widely, also to unaccompanied minors. The measure was implemented in October 2008, and says: "Norway's assessment of cases under the Dublin II regulations will be harmonized with practices by other member states to the effect that Norway does not make general exceptions from the regulations unless there are particular reasons to do so. An individual assessment shall be carried out concerning applicants who are to be returned to Greece and unaccompanied minors".

Romania

One staff member from Red Cross Sweden has informed CNRR legal counsellor about a separated child from Iraq who should be transferred to

Romania where he initially has applied for asylum. Later, the same person informed CNRR that the child had disappeared and he could not be returned. Two separated children from Afghanistan abandoned the procedure and illegally fled Romania. One was granted refugee status while he was outside Romania and he was returned on Dublin II. The other contacted CNRR saying that he would be returned to Romania, but his return has not taken place yet.

Slovenia

In October 2009, an 15 years old minor was returned from Germany under the Dublin regulation. He was accommodated in the Asylum Home since his asylum procedure was not finished.

United Kingdom

Concerns about the welfare of children returned under the Dublin II regulation continue. However, the instruction to UKBA staff has been amended to include a requirement to discuss the case with a child's social worker, address their concerns and consult them over plans for removal.

Procedures and Recognition

Belgium

A procedure for regulation of minors' stay has been in progress since September 15th. This regulation can be applied for unaccompanied minors having a certificate of registration in the foreigners' database, or having an arrival declaration. This regulation applied on the basis of the article 9 bis of the 15.12.1980's law concerning the stay of foreigners; and on the basis of an instruction of the state secretary for migration and asylum.

This procedure is also applicable for persons who were unaccompanied minors when they arrived but who are now adults.

Cyprus

As far as legal procedures are concerned, researches agreed that legal advice and information are two things that separated children do not have access to. Separated children complete and submit their application on their own, and the police have no responsibility to provide information, so any information they get derives from random sources. According to an Asylum Service officer the police have responsibility to notify immediately the Welfare Services when a separated child makes an application, whereas the asylum services notify them in writing.

The interviews are described by the representative of UNHCR as problematic and she claims that they are asked inappropriate questions. Interpreters are always present, but an NGO legal counsellor had the opinion that they are not always competent.

During the interviews, separated children usually do not have legal advice and they are not encouraged to have a person who they trust with them.

Regarding the duration for processing of the application it seems that right now there is a policy of examining the applications as soon as possible. The officer from the Asylum Service insisted that in cases of rejection no minor is deported and they are given a humanitarian status. None of the interviewees were aware of cases of deportation but an NGO advisor mentioned cases of separated children whose application was rejected and they remain in Cyprus illegally, without any status.

Numbers of separated children: An official from the Civil Registry and Population Department stated that there is no problem with the phenomenon of separated children since there are very few cases in Cyprus.

Others mentioned the necessity of recognising that there is indeed a problem because of the fact that the numbers of the separated children that exist in Cyprus are not officially known, since each service has different data. It has to be noted also that welfare officers admitted that there are no structures yet but there are procedures and the services are currently being organized to tackle the issue of separated children more effectively.

Finland

In 2009 (until 30 September) the Finnish Immigration Service has made 404 decisions concerning separated children. 198 were positive and 193 negative (167 out of them Dublin), and 13 applications were ceased. One was granted asylum, 126 were granted subsidiary protection status, 49 humanitarian status, 21 permits for other grounds, and one temporary residence permit.

Germany

The UNHCR Sub-office Nuremberg takes part in the European Asylum Systems Quality Assurance and Evaluation Mechanism Project (ASQAEM). Within the scope of the project an independent and objective gap analysis and evaluation of the asylum interviews and the decision making process for applications for international protection is conducted. Thematically, it focuses on the German asylum procedures concerning separated children. The project carries out a systematic analysis of first and second instance decisions in the asylum procedures. The National RSD Evaluator takes part in conferences which are conducted by the Federal Office for Migration and Refugees in order to contribute to the training and coaching of decision makers on how to best close identified gaps. The project inter alia focuses on the question of child-appropriate interview techniques and child-sensitive procedures. With regard to the decision making, the

project strengthens the awareness of child-specific grounds of persecution. The project will be closed end of February 2010.

Hungary

Besides the general conditions, the prohibition of refoulement also prevails if the unification of the family, or institutional care provided by any state or NGO agent is not possible in the country of origin or in another state receiving the child. That is the reason of relatively high recognition rates, approximately 95% are granted a protection status.

In order to protect the minor's rights, provide for and monitor his/her care, the resolution on recognition of an unaccompanied minor shall be forwarded by the refugee authority to the guardian authority with competence according to the minor's place of residence, too.

Ireland

Concern has been expressed by both social workers and NGO partners regarding the appropriateness of the asylum system for unaccompanied minors due to its adult orientated process, the use of legalistic language and the potential for re-traumatisation. (See further: Policies on Unaccompanied Minors in Ireland. Joyce et al., 2009).

Specialised training is provided to staff in the first instance decision making body (ORAC) for dealing with minors and best practice guidelines have been developed. The Irish Refugee Council, in consultation with UNICEF, is currently working on guidelines for information materials for unaccompanied minors within the asylum process. The Office of the Ombudsman for Children has pointed to the need to involve children in decisions concerning them, including the decision to apply for asylum.

Lithuania

Within 2 weeks - after detention - separated children are taken to the Refugee Reception centre. They are given a residence permit with subsidiary protection to live in Lithuania until they turn 18. According to the law separated children turning 18 should be interviewed and a new decision about the protection should be taken. But that procedure is carried out, usually upon turning 18 separated children uphold their subsidiary protection status.

Romania

One separated child from Afghanistan, accommodated at Suceava centre, has obtained refugee status while he was outside Romania. He found about the decision after he was returned under Dublin II.

Three separated children from Afghanistan were granted subsidiary protection by the local court from Somcuta Mare, Maramures County.

Two separated children were granted refugee status in the administrative stage of the procedure by the Romanian Immigration Office Bucharest

United Kingdom

2008 decisions:

Refugee status: 285 (8% of total)

Humanitarian Protection: 15 (<1% of total)

Discretionary Leave: 1,790 (53% of total)

Refused: 585 (17% of total)

21% of the applicants received their decisions after they had turned 18. Of these, most were refusals, only 1% refugee status and 1% humanitarian protection.

The UNHCR's Quality Assurance programme auditing the UK's asylum decision making looked at children's claims during 2008 and published a briefing of their findings in May.

Despite some examples of good practice, key concerns included

- Lack of preparedness for interview
- Style of questioning i.e. not taking into account age and maturity
- Use of country of origin information without considering its applicability to children
- Inappropriate questioning and assessment of credibility
- Understanding and consideration of age specific persecution.

For more information see

www.unhcr.org.uk/press/QISixthReport.htm

Family Tracing and Reunification

Cyprus

It was mentioned by almost everyone in the research that separated children have a right to family reunification. The officer from the UNHCR stated: "There is an obligation in the law for tracing the family but it doesn't seem to happen". Welfare Officers appeared more optimistic and stated that the Welfare Office with the help of other agents had some successful cases of reunification. Head of district immigration office pointed out that, at national level, "we don't deal with tracing the families of separated children".

Suggestions were made that efforts of family tracing should be part of the initial evaluation of the child and should not only occur if there is a possibility of deportation.

Finland

Government is going to present some new proposals to the Parliament in November 2009.

One discussed proposal is that considering the age of an applicant, the conclusion should relate to the moment when the decision is made, not when the application was lodged. That would leave most of the separated children without factual right to family reunification because the waiting time has increased due to rising number of applicants. NGOs are trying to lobby at the Parliament but the atmosphere is not very positive at the moment.

Hungary

If a person inquires through the Hungarian Red Cross about his/her potential unaccompanied minor family-member's refugee application which was submitted in Hungary, the Office of Immigration and Nationality provides all available information.

This year two family reunification procedures were initiated by separated children. These are pending cases. The children are from Afghanistan and Sri Lanka.

In case of Somali applicants, the problem is lack of reliable documentation, i.e. travel documents, birth certificates etc. In practice, reunification of Somali families is impossible.

Ireland

In general, when alleged family members are presenting upon referral of the unaccompanied minor to the HSE, the social work team undertakes a series of checks to verify the relationship of the minor to the alleged family members. There are no follow-up checks carried out by the HSE after these reunifications take place. In Dublin, DNA testing is routinely used before reunification although this is not standard practice in all parts of the country.

Lithuania

When the Migration Department receives information about an unaccompanied minor, they have immediately to organize a search for family members together with the particular organizations and the temporary guardian of the unaccompanied minor. The issue of legal status of an unaccompanied minor in Lithuania is addressed when conducting the search for family members. The aim of the search is to ensure the respect of the family unity. The search for the parents and the family must be started immediately upon the arrival of the child. The guardian of the child must participate in the process of the search. The search must be conducted not menacing to the other family members. The offices on the UN and the International Committee of the Red Cross figure as the most important organizations conducting searches, so the governmental and other organizations, taking care of search, have to

collaborate with these offices. It is necessary to inform the child about the search and seek to ensure understanding of the decision making and actions concerning the child.

Malta

AWAS liaise with local organisations such as UNHCR and Red Cross to facilitate family tracing and reunification procedures.

Norway

The Norwegian Government wants to introduce a stipulation that a person must have worked or studied for a period of four years in Norway before family reunion may be granted.

Return

Belgium

Within the Foreign Office, the specific service dealing with documents for unaccompanied minors does not use the instructions of September 15th 2009 regulating the minors' stay. A lot of return orders are delivered to minors without a prior search for a sustainable solution in the country of origin. This is against the article 3 of the CRC and the Belgian law regulating guardianship.

The Foreign Office systematically interviews all the minors regarding their travel and the situation in their countries of origin. The Foreign Office states that they respect the article 12 of the CRC. Nevertheless, it seems like the interviews are not oriented in the best interests of the child - the guardian is not always there, the questions are not always adapted to children. Furthermore the child is sometimes under pressure, because the interviewers want their acceptance of returning to their country of origin.

Germany

The bilateral agreement between Germany and Kosovo has not yet been ratified. However, the agreement is already executed by the Federal State governments of Hesse, Lower Saxony and North Rhine-Westphalia. So far, one unaccompanied minor was returned. More information at: www.nds-fluerat.org/aktuelles/neues-zur-abschiebung-von-serdana-b/
<http://www.nds-fluerat.org/aktuelles/16-jaehrige-roma-in-das-kosovo-abgeschoben/>.

Hungary

Two Kosovan youngsters initiated a voluntary return procedure. One return was realised under an IOM assisted voluntary return programme.

Ireland

While no legislative prohibition to deportation of unaccompanied minors under 18 years is in effect,

in practice no such deportations have taken place to date.

Lithuania

Return of an unaccompanied minor to the country of origin can be considered, if it is defined that the child will not obtain refugee status and is not in need of protection or the situation in the country of origin has changed essentially and for a long time.

Malta

No minors are returned while they are still under eighteen and therefore under a care order and the protection of the state.

The Netherlands

On June 25 2009, a new policy came into force for returning separated children from Sierra Leone. Adequate care for unaccompanied minors in the form of shelters is available. They no longer qualify for a residence permit based on the policy for separated children. It is further stated that the facilities are 'generally reasonable' and that children can attend school.

The Dutch government also sponsors an orphanage in DRC (Don Bosco) and in Angola (Mulemba) and there are plans for Afghanistan. For this reason every request for a residence permit of a separated child is refused (when he or she does not need protection under the Refugee Convention) because there is supposed to be a safe and adequate place to return to for the minor. It is, however, most often not possible to send the separated child to this orphanage because of bureaucracy, identity problems etc, or just because nobody takes action for deportation. According to Defence for Children this policy does not conform to the CRC principles because the best interests of the child are not assessed on a real individual base (article 3). Furthermore, often the right to a continuous development (article 6) is violated when the youngster is expelled after a long stay in the Netherlands.

An example of a case where the authorities have not looked at the best interest of a separated child was a case of May 7th 2009. A girl from Burundi requested a residence permit in the Netherlands. Her permit was revoked after adequate care became available for the child in November 2006 in Burundi. The State Secretary of Justice stated that adequate care was available because the mother of the child was staying in Burundi. The girl stated that her mother was not able to take care of her and that she didn't have a permanent address. According to the State Secretary of Justice she could return the child because it was not her responsibility to actually organize the reunification with the mother. During the procedure the girl shows a death certificate of

her mother who recently passed away. According to the State Secretary of Justice the girl should have shown this death certificate in an earlier stage of the procedure. Because it was a copy, the authenticity could not be determined. The girl calls on the Convention on the Rights of the Child and states that the authorities are disregarding her best interest. However, the Council of State Administrative Jurisdiction Division judges that the decision of the State Secretary of Justice does not show that not enough account was given to the interests of the girl. See: www.rechtspraak.nl; LjN: BI4038.

Norway

The Ministry of Labour and Social Inclusion changes the practice for return of unaccompanied minor asylum seekers. The change makes it possible to return unaccompanied minors to relatives or other care measures in the home country.

The changes mean Norwegian authorities will assess relatives, such as grandparents, aunts, uncles, or legal age siblings, as care persons or a care institution, even if they did not have caring responsibilities for the minor when he or she left the home country.

Some unaccompanied minor asylum seekers have no other basis for a residence permit except for the fact that Norwegian authorities have not succeeded in finding their parents in the home country. From now on the Norwegian authorities will provide a further assessment of what can be a satisfactory and adequate care situation in the home country.

Slovenia

From April to mid October 2009, four separated children were returned to their country of origin.

Spain

Spain will open centres for unaccompanied minors in Morocco. Before the end of the year, Morocco and Spain will open two reception centres for Moroccan children repatriated from Spain, whose families have not been located or want nothing to do with the children. The centres will be located at Beni Mellal and Nador, main towns of origin of the Moroccan youngsters who embark in pateras towards Spain. The centre will also serve as a place to provide education and vocational training to youngsters in these localities, helping to contribute to the financial development of the area. This was announced on 5 October by Secretary of State for Immigration and Emigration, Consuelo Rumí, at the end of the meeting of the Hispano-Moroccan Permanent Working Group. Spain is investing 3.35 million Euros in this project and the Moroccan authorities 0.54 million.

These centres will be added to those already established by a few Spanish autonomous governments. The regional government of Madrid

opened one in Fahs Anjra - 40kms from Tanger - and is building another one in Marrakech. Madrid's city Hall together with AECID (Spanish Agency for International Cooperation, Ministry of Foreign Affairs and cooperation) opened a centre in Tanger where the Generalitat of Catalunya manages several reception flats for minors. The regional government of the Canary Islands is considering the construction of a centre in Agadir.

As for the centres in Nador and Beni Melal, they are still not operational for the reinsertion of Moroccan minors returned from Spain and elsewhere. In as far as these centres undertake some activities they provide services to prevent Moroccan minors to depart in an irregular manner (preventive action).

As for the Generalitat de Catalunya, so far 15 Moroccan minors have been returned in a voluntary manner from Catalunya to Tanger. Some of them have reintegrated with their families, others are housed in the apartments in Tanger and supported in their efforts to reintegrate in Moroccan society by providing vocational training and job placement. This latter group does not want, or cannot, go back to their family.

Trafficking

Belgium

An instruction has been issued on October 26th 2008 concerning the implementation of multidisciplinary cooperation regarding the victims of human trafficking and/or some specific kinds of human trafficking.

The objective of this instruction is to determine the way the potential victims of human trafficking are to be assisted. The idea is to organize collaboration with the different actors (police, inspections authorities, foreign office, reception - centres, magistrates) to implement protection status for the victims of human trafficking and /or some specific kinds of human trafficking.

The instruction also provides that if the potential victim is an unaccompanied minor, the conditions for getting protection as a victim of human trafficking and obtain a right to stay in Belgium must be analyzed by taking into consideration the best interests of the child, including the child's specific vulnerability.

Czech Republic

The Ministry of Interior in cooperation with the Ministry of Social Affairs, the Ministry of Education and Police are elaborating a joint methodology on how to cooperate on child trafficking cases. It should be finalized by the end of 2009.

Denmark

Although the National Danish Action Plan (NAP) to combat Trafficking in human Beings (ThB) 2007-

2010 is comprehensive in scope covering all forms of exploitation, the plan has had some serious gaps in terms of lack of identification possibilities and access to protection for (presumed) minor victims of trafficking from EU countries, mainly Romania and Bulgaria. This was due to the fact that until recently EU citizens were not offered the services provided by the NAP, due to procedural problems and uncertainty regarding the division of responsibilities among authorities. This gap in protection has recently been remedied, when the National Centre against ThB took on identification obligations and referral for minors from EU countries.

There is however a significant lack of training of law enforcement in anti-trafficking measures, leading to a potential lack of identification of victims of trafficking and consequently victims are denied their right to services offered in the NAP.

Germany

The optional protocol to the CRC on trafficking, prostitution and child-pornography became effective on 15 August 2009 ending a long waiting period after the German parliament decided in summer 2008 to ratify it. The protocol had already been signed by Germany in the year 2000.

Hungary

In 2008-2009, Hungarian Interchurch Aid is implementing a project towards separated children accommodated in the KNKO, to prevent them from trafficking in the course of their ongoing migration in Europe.

Terre des Hommes has set up a regional project (Mario) to improve the local child-protection systems and create a common lobby program against child trafficking. Local Save the Children organisations and Ecpat are partners of this project which aims to safeguard migrant children in a more effective way.

Ireland

In June 2009 a National Action Plan to Prevent and Combat Human Trafficking 2009-2012 was published. The National Action Plan introduces measures designed to 'create a hostile environment' for those involved in human trafficking, awareness campaigns, the development of a national referrals mechanism and improved collection of data on the nature and extent of trafficking. It explicitly refers to child victims of trafficking and recognises that the protection needs of trafficked children are specific to those of adults. Minors identified as suspected victims of trafficking are to be referred immediately to the HSE Social Work Team for Separated Children. This team will develop services for children who are suspected victims of trafficking

including initial counselling and debriefing, a multidisciplinary needs assessment, and a Care Plan and an allocated social worker to oversee and implement his/her care plan. The HSE will place suspected underage victims of trafficking with local families and not in hostels so as to minimise the risk of exploitation and re-trafficking.

Italy

Particular concerns about identification of victims of trafficking and exploitation, including children, are raised by the impact of new law provisions approved in August 2009.

In particular, the introduction of the crime of illegal entry and stay, whose application is not excluded for children, will oblige public officials and those exercising public functions to refer to law enforcement authorities any person for whom they learn that s/he is staying in the country without regular documentation. This is very likely to create further barriers to the identification of victims of trafficking, which is already very complex and weak in general.

Moreover, the extension of the administrative detention period for irregularly staying (now illegally staying) migrants from 2 to 6 months (see above, "Detention") further prevents the possibility to identify and appropriately refer and assist victims of trafficking not identified promptly and detained in those centres.

The Law proposal presented by the Department of Equal Opportunities (Government) - mentioned in the previous SCEP Newsletter - whose approval would change the approach to prostitution that is applicable in Italy since late 1950s by criminalizing on equal basis sex workers and clients, is still being examined by the Parliament. A large coalition of NGOs, CSOs and local institutions is advocating against the adoption on the law, as it approaches a very complex issue solely through introducing more repressive measures, which very likely would have a negative impact on the already challenging process of identification of persons at risk or victims of trafficking and exploitation in the sex trade, including children.

Malta

Staff are aware of trafficking issues and any suspicions are immediately reported to the Vice Squad and AWAS Management. Staff also inform and warn the residents about the dangers of trafficking and of the support available.

The Netherlands

Until August 2009, 41 minors were reported by Comensha to be trafficked (see: www.comensha.nl). The main countries of origin are Romania, Nigeria, Guinea and China.

On 31 August, the Dutch State Secretary for Justice Mrs Albayrak launched a three-year ECPAT Netherlands and The Body Shop 'STOP Sexual Exploitation of Children and Young People' campaign. The event took place in The Hague at the press centre of the Dutch parliament, with representatives from the Government, civil society organisations and the travel industry.

The State Secretary for Justice Mrs Albayrak said that the campaign had her full support, "Sexual exploitation of children and young people is unacceptable and requires a broad approach and commitment from all of us. The Dutch government will further intensify its efforts to combat this problem. For this we also depend on cooperation with civil society, the private sector and Dutch citizens. That is why I am enthusiastic about this initiative." After the meeting Mrs Albayrak went to The Body Shop store near the Dutch Parliament to buy the first Soft Hands Kind Heart Hand Cream. Mrs Berendsen of The Body Shop said that of the proceeds of the sales, 6.32 Euro (out of the 10 Euro purchase price) from each hand cream will go to ECPAT.

For more information see

www.ecpat.net/TBS/en/Campaign_updates.html.

Norway

The Ministry of Justice and the Police is working on a new plan of action against trafficking in human beings. The plan will contain stronger and updated measures that will be implemented from January 2010.

United Kingdom

ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children) have produced a dvd made by a group of trafficked girls and young women, aimed at improving the understanding of foster carers and how they look after trafficked children. www.ecpat.org.uk

From 1 April 2009 the National Referral Mechanism has provided a framework within which public bodies such as the criminal justice agencies, UKBA, local authorities and third sector partners can work together to identify individuals who may be victims of trafficking and provide appropriate protection and support. Front-line professionals will refer individuals who they think may be evidencing signs of being a victim of human trafficking to designated 'Competent Authorities' who will work with partners to make an assessment and offer support as appropriate. There are concerns that the process is not helpful for separated children, and may in fact be harmful for them. Monitoring of the process is ongoing.

www.crimereduction.homeoffice.gov.uk/humantrafficking005overview.pdf

Children and Youth Participation

Belgium

UNICEF has created a reflection group on the project "What do you think?". With this project UNICEF aims to give teenagers and children an opportunity to express their opinion, and to show them that their right to participate is respected. Furthermore the project aims to take the children's opinion into consideration on different levels, including the possibility to be heard in the report to the Child Rights Committee and to be heard by the Belgian politicians. The new work group, created in July, aims to update the 2002 recommendations and send them to the Committee on the Rights of the Child.

Denmark

Save the Children Denmark is currently implementing the project "Empowerment of young people in risk of being victims of trafficking in Saint Petersburg, Russia". The project is funded by The Nordic Council of Ministers.

The project has two immediate objectives:

Objective I is to let young people (in the risk group of trafficking) design and develop their own anti-trafficking awareness raising campaigns with the support of local and international resource persons.

Objective II is to develop methodology as to strengthening the involvement and participation of children in a Russian context.

The awareness raising campaign is a "peer-to-peer" prevention campaign, in which the key messages are designed and developed by a group of local young people aged 14-16 from an orphanage, in a language that speaks to other children/young people. The participating young people will be trained in producing campaigns for different types of media such as newspapers, radio/television and the Internet.

Furthermore the project will contribute to the development of methodology in the area of having children/young people involved and participate in anti-trafficking projects in a cultural context where children's voice and opinions are not normally in focus. A manual in the Russian language for social workers on child/youth participation in anti-trafficking projects will be developed.

Germany

The B-UMF continued its participation project. Two youngsters are working in the office in Munich since summer 2009. They are responsible for organizing the participation of separated children at conferences and other events. A group of youngsters will take part in the autumn-conference of the B-UMF, the topic will be the relationship between young refugees and the society.

Ireland

The Office of the Ombudsman for Children recently completed a project involving an independent consultation with separated children on the circumstances in which they are living in the care of the State. This project aimed to involve separated children directly in identifying key issues of concern and any gaps in supports for separated children and to develop recommendations aimed at addressing these gaps. The findings are due to be launched on the 19th of November 2009.

Lithuania

In the centre there are programs for education and assistance for the unaccompanied minors within ethics, social skills, work activities, integration into the Lithuanian society, professional orientation and psychological assistance.

For the unaccompanied minors there are organized sightseeing tours to famous places, museums, the meetings with schoolchildren of different secondary schools in Lithuania, festival and the trips during which the children communicate with each other. It helps the children to adapt faster and improves the conditions for their social integration.

Malta

The structure of the program allows daily contact with the management of the centre. A new system is being piloted where the residents have three representatives through whom they can formally voice their concerns.

Romania

Save the Children Romania implements a project funded by the European Refugee Fund -“The Integration of the Asylum-Seekers in Romanian Society” which consists in developing and implementing social services, counselling, educational and recreational activities in Bucharest, Timisoara, Galati, Somcuta Mare and Radauti areas. Since May 2009, Save the Children Romania has been providing assistance to 13 separated children. Two of the separated children became volunteers in the programs implemented by Save the Children. Since the project started, separated children and young asylum seekers and refugees were involved in various recreational and educational activities like:

- the celebration of Refugee Day in all 5 cities where the regional centres for accommodation and procedures for asylum seekers exist; the activities included: exhibition of objects, kites, drawings, modelling, photographs and crafts, singing and an instrumental music concert - June 19-20

- a round table on the theme of education (including on the education systems in their countries of origin)
- Galati , September 12

- debate sessions on the right to education for all children and various sports competitions - Bucharest, September 12

- the young beneficiaries gathered to watch thematic movies and participated in debates on education issues- Somcuta Mare, September 14

- other activities: visits to museums, camps, sports competition, etc.

Switzerland

Terre des Hommes offers the possibility to unaccompanied minors to take an active part in a project enabling them to acquire new knowledge, to develop certain competencies and to make their voice heard on subjects which relate to them directly. Between June and December 2009 five workshops with young migrants are organized by Tdh and are animated by two educational project managers. While taking part in play activities and creative workshops, the youngsters carry out a reflection on their situation as young migrants in Switzerland. They formulate ideas to improve their reception and stay in the various Swiss cantons and create "products" presenting their recommendations which can be communicated to a target public.

United Kingdom

A project led by a children's charity has produced a guide for journalists and accompanying dvd where children talk about their experiences and advise journalists how to report on issues affecting young refugees. For more information see www.childrensociety.org.uk/whats_happening/media_office/latest_news/17443_news.html

Miscellaneous

Austria

Durable solutions: The proposed amendment to the Settlement and Residence Act foresees a specific residence permit for unaccompanied minors under the care of foster parents under the youth welfare authority in order to protect the best interest of the child.

Belgium

Widening of Plate-forme Mineurs en Exil's: the Platform will now also address issues concerning illegally staying families with children. The Platform will continue its work concerning unaccompanied children. The objective behind this decision is to work on the protection of foreign children's rights in situation of precarious stay in Belgium, in order to harmonize the promotion of respect for these rights.

Cyprus

Integration: Some officials claimed that there are no substantial measures for integration and others

mentioned intensive language lessons that take place in schools as the only integration measure. This statement is in agreement with the opinion of an NGO worker who stated that if children look, dress and behave like Cypriots then they are a lot more easily accepted and integrated in the society than the ones who keep their traditional ways of dressing and behaving.

The belief that separated children themselves do not want to mix too much with Cypriots seems to be common among the officials. The head of the district immigration office agreed that “the children themselves want to be only with their own people”. On the other hand, an NGO social advisor expressed the opinion that “when separated children have a good contact with Cypriots they feel accepted in their new environment and feel like they have the ability to do something better”. Many of the interviewees thought contact is restricted but that it is useful for the integration of separated children.

Contact of separated children with Cypriots occurs mostly in school, but can also take place in employment and everyday life. Opinions concerning the treatment of the children by Cypriots varied, with some officials claiming that there is no discrimination and others claiming that Cypriot citizens are prejudiced against migrants, whether minors or adults and that students in schools treat separated children with racism and prejudice.

Hungary

In 2008-2009 the Hungarian Special Service for Child Protection (TEGYESZ) has taken care of 101 separated minors who have never been asylum-seekers. Most of them, 55, are EU citizens, 31 are third country nationals and there were 25 cases of unknown nationality (most probably they are Romanian nationals).

On 31 August 2009, 58 of them remained under the protection of TEGYESZ, 29 boys and 29 girls, out of whom 44 children lived with foster families. 16 children were in the age group of 15-18 years.

Ireland

The High Court in Ireland has quashed a deportation order against a 19-year-old Nigerian girl who was “dumped” in Ireland by her father four years ago, along with two younger brothers. She was then aged 15 and her brothers were aged 13 and seven. Their father told them to apply for asylum. The two boys were put into the care of a foster mother, while the girl was placed in a hostel. In January 2006 the girl applied unsuccessfully for asylum. She then applied for humanitarian leave to remain in Ireland, which was also refused, and eventually a deportation order was made against her. Ms Justice Maureen Harding Clark gave an order quashing the Minister’s decision to deport the girl.

Her counsel argued that the Minister had not taken the family rights of the two boys, who depended emotionally on their sister, into account in making his decision to deport her, and that he was required to consider their family rights under the European Convention on Human Rights. She also referred to UN Convention on the Rights of the Child that also stress the importance of continuity in a child’s upbringing, and that siblings should be kept together as far as possible.

Malta

This year there has been a large increase of minors below the age of sixteen, which means that they have to attend to school. In October 2009, we have 11 youths, 4 of which are females, who are of school age.

This is a new pattern since the majority of unaccompanied minors in the past years were between the ages of sixteen to eighteen.

The Netherlands

Defence for Children-the Netherlands is participating in the EVASP project: Enhancing Vulnerable Asylum Seekers’ Protection. Implemented in 4 European countries (Italy, the United Kingdom, the Netherlands and Greece) EVASP officially started in January 2009 and will run until the end of June 2010. EVASP aims at enhancing the conditions under which asylum seekers, who may have been victims of traumatic events, can effectively be identified and supported in presenting and pursuing their claims and receive an adequate response to their psychosocial and mental health needs during the whole asylum seeking process. The project will run until the end of June. Separated children are interviewed about their strengths and weaknesses (vulnerability).

Eventually a training of trainers programme will be developed for wide categories of professionals working or having contacts with vulnerable asylum seekers in all stages of the asylum procedure. It will allow for the future setting up of a transnational network of experts able to better assess and address asylum seekers’ mental and psychosocial trauma-related needs.

See for more information at www.evasp.eu/

Events

2 April 2009, Dublin, Ireland
Children’s Rights Alliance Conference, organised by the Children’s Rights Alliance

2-5 June 2009, Sinaia, Romania
Seminar with newly recruited legal counsellors and Romanian Immigration Office – Directorate

Asylum and Integration counsellors, organised by CNRR

7 June 2009, Rome

Presentation of Terre des Hommes Italia and Parsec research "Wandering young people. Assistance and protection". The research looks into the assistance framework set up in Italy, by tackling the most controversial legal issues as well as addressing sociological aspects making up such a complex phenomenon. In addition, the study analyses responses given by five of the cities which are most affected by foreign unaccompanied minors flows. For more information, visit the website www.terredeshommes.it/

8 June 2009, Vienna, Austria

Panel Discussion organised by the Vienna Migration Group in cooperation with the European Migration Network on "Unaccompanied Minors in the European Union Member States".

13 June 2009, Marseilles, France

Conference: "Separated children and child trafficking". Conference and launch of the publication "Wandering young people: the conditions for return", a feasibility study on the reintegration of separated child victims of trafficking in Spain, France, Italy, Albania, Austria and Romania. The conference was organized by Terre des Hommes France and Federation Jeunes Errants.

Specialised lawyers and medical doctors were presenting their critical views on bone age test and on the procedures to receive foreign children in the Euro-Mediterranean harbours. Nick Mai, researcher at the Institute for the study of European transformation of London explained the vulnerability and resilience factors of the young migrants, and described how anti trafficking policies better serve to controlling illegal migration than supporting the victims of trafficking.

17 June 2009, Dublin, Ireland

Conference 'In the Best Interests of the Child: Meeting the Needs of Separated Children Seeking Asylum in Ireland'

Organised by UNHCR and the Centre for Post-Conflict Justice at Trinity College Dublin, supported by the European Commission Representation in Ireland

2-5 July 2009, Sinaia, Romania

Seminar for newly recruited lawyers, organised by CNRR

22-24 July 2009, Sibiu Romania

Seminar for newly recruited interpreters, organised by CNRR

15 September 2009, Brussels, Belgium

Conference: "Addressing the protection gap for unaccompanied and separated children in the EU: Role of the Stockholm Programme", Save the Children.

23 September 2009, Ljubljana, Slovenia

Conference on the situation of young migrants in school and good practices, organised and implemented by the Slovene Philanthropy.

24-25 September 2009, Budapest, Hungary

"Migration of unaccompanied children: The increasing challenge to a Social EU. The origin countries in Central and Eastern Europe after the first years of EU membership" The European Federation for Street Children (EFSC) held its Annual Forum on Street Children, with special focus on unaccompanied children and migration from New Member States towards Old Member states.

29 September 2009, Cork, Ireland

Symposium on 'Migrant Children: Perspectives from Children-Centred Research'
Organised by University College Cork

6 - 7 October 2009, Ljubljana, Slovenia

International conference on children's rights and protection against violence, organised by the National Assembly, the Human Rights Ombudsman and the Ministry of Foreign Affairs.

More information available at www.varuh-rs.si/index.php?id=1418&L=6

8 October 2009, Austria

The film Little Alien was presented. The documentary, directed by Nina Kusturica, shows the lives of some separated children in Austria and Europe. For more information about the film, please see www.littlealien.at.

14-16 October 2009, Trier, Germany

Autumn conference of the Bundesfachverband UMF: Refugee – Human – Citizen. Perspectives in contact with young refugees.

19-20 October 2009, Brussels, Belgium

Conference on child trafficking. The conference brought together Ministers of Justice, Interior and Migration from the 27 EU Member States and from third countries, with a total of 66 States represented at the conference. The H.M. Queen Silvia of Sweden and H.M. Queen Paola of Belgium also participated and addressed the Conference.

The specific panel on child trafficking recalled that adequate responses to child trafficking are still missing. Protection of unaccompanied minors was

considered as a priority within the EU Member States.

3 November 2009, Budapest

Public debate on preventing children on the move from child trafficking and other forms of exploitation. Organised by Terre des Hommes Regional Child Protection Office for Central and South-Eastern Europe

3-4 November 2009, Stockholm, Sweden

UNHCR and Swedish Red Cross organized the conference with focus on the vision of a “Europe of asylum” – where do we stand today and what are the prospects for the future, the challenges and opportunities of the Common European Asylum System. www.unhcr-eu.se

12-13 November 2009, Geneva, Switzerland

“The CRC: From Moral Imperatives to Legal Obligations”. International conference to mark the 20th anniversary of the CRC

19 November 2009, Dublin, Ireland

Launch of The Ombudsman for Children’s findings of a consultation project with separated children in State care.

Organised by the Office of the Ombudsman for Children

20 November 2009, Berlin, Germany

National Conference of the National Coalition on the Implementation of the UN-CRC

20-21 November 2009, Martigny, Switzerland

For the 20th anniversary of the CRC, a two days event, addressed to Children and their families, to professionals and to the open public, organised by six different partners active in the field of Child’s rights, www.childsrights.ch

24 November 2009, Dublin, Ireland

Youth Work Ireland's National Conference 2009

Organised by the Children's Rights Alliance

25-26 November 2009, Monaghan, Ireland

Developing Intercultural Policies and Implementation Plans

Organised by the National Youth Council of Ireland

26-27 November 2009, Amsterdam, Netherlands

"Guardianship in Europe". European Conference on guardianship for unaccompanied minors, within the framework of the ENGI- project (European Network of Guardianship Institutions). Organised by Nidos.

10 December 2009, Vienna, Austria

The asylkoordination österreich is organising a seminar for legal representatives of separated children

10-11 December 2009, Tenerife, Canary Island

Separated Children Protection: a social and legal approach”. Organised by UNCHR and Save the Children Spain.

February 2010, UK

The UK Refugee Council is to hold a conference examining policy and practise. It will include a focus on policy affecting separated children seeking asylum. For more information see www.refugeecouncil.org.uk/eventsandtraining/conferences/conference2010/

Publications

A Handbook of Children's Participation. Perspectives from theory to practice: by Barry Percy-Smith and Nigel Thomas, 2009.

Brings together key thinkers and practitioners from diverse contexts across the globe to provide an authoritative overview of contemporary theory and practice around children's participation.

Child Trafficking in the European Union - Challenges, perspectives and good practices: Fundamental Rights Agency, July 2009

Concludes that criminal law addressing child trafficking in EU Member States is largely ineffective and the protection of victims of child trafficking needs to be prioritised in line with the fundamental rights principle of best interests of the child.

Global trends: UNHCR, June 2009

The 21-page report reflects many of the major humanitarian developments between January and December 2008. It analyses the statistical trends and changes in the global populations of concern to UNHCR, i.e. refugees, returnees, stateless persons and certain groups of internally displaced persons (IDPs). The number of people forcibly uprooted by conflict and persecution worldwide stood at 42 million at the end of last year amid a sharp slowdown in repatriation and more prolonged conflicts resulting in protracted displacement. The total includes 16 million refugees and asylum seekers and 26 million internally displaced people uprooted within their own countries.

www.unhcr.org/statistics

Guidance note on refugee claims relating to Female Genital Mutilation: UNHCR, May 2009

The Note examines the forms and consequences of Female Genital Mutilation, provides a brief overview of the relevant human rights and refugee legal framework and builds on legislative as well as jurisprudential developments. It analyses the applicable criteria set out in the 1951 Convention and identifies Female Genital Mutilation as an objective form of gender-based and child-specific persecution, as well as, in certain circumstances, a form of continuing harm. The Guidance Note seeks to provide guidance on both substantive and procedural elements to be considered in deciding on refugee claims made by girls and women who have been compelled to undergo, or are likely to be subjected to female genital mutilation.
www.unhcr.org/refworld/docid/4a0c28492.html

Intersectional discrimination against children - discrimination against romani children and anti-discrimination measures to address child trafficking: UNICEF, June 2009

www.unicef-irc.org/workshops/article.php?id_article=126

Lost in Transit: Human Rights Watch, October 2009

Insufficient Protection for Unaccompanied Migrant Children at Roissy Charles de Gaulle Airport.

Overcoming barriers - Human mobility and development: UN Human Development, 2009

The report concerns migration in relation to economic and democratic development..
hdr.undp.org/en/media/HDR_2009_EN_Complete.pdf

Pushed Back, Pushed Around: Human Rights Watch, September 2009.

Italy's Forced Return of Boat Migrants and Asylum Seekers, Libya's Mistreatment of Migrants and Asylum Seekers.
www.unhcr.org/refworld/category,COI,,,LBY,4ab87f022,0.html

The protection of the rights and special needs of irregular immigrant minors and asylum seeking children: Fundamental Rights Agency and Eurasyllum, July 2009

Thematic discussion paper.

Training manual to fight trafficking in children for labour, sexual and other forms of exploitation: ILO, UNICEF and the Global Initiative to Fight Human Trafficking, September 2009

Belgium

Dvd on being a unaccompanied minor in Belgium. Plate-forme Mineurs en exil has created a dvd in 3 languages (French, Dutch and English) which aims to explain to the minors newly arrived in Belgium about living in Belgium, the role of the guardian and the lawyer, where he/she can be placed, the administrative procedure, the right to go to school and the right to medical care. The dvd can be downloaded on the new website of the platform: www.mineursenexil.be

Exils et appartenance: Walloon Institute for mental health, December 2008

www.mineursenexil.be/

Investigation sur le fonctionnement des centres fermés gérés par l'Office des Etrangers: Federal Mediator, Bruxelles, June 2009

Recommendations on closed centres; the main conclusion is the condemnation of the imprisonment of children in closed centres

Investigation sur le fonctionnement des centres ouverts gérés et agréés par Fedasil: Federal Mediator, Bruxelles, April 2009

Recommendations on open centres: the investigation was linked to the quality of the material assistance and the respect of fundamental rights.

La protection des mineurs étrangers non accompagnés victimes de la traite des êtres humains, avec le soutien de l'Unicef: Van ZEEBROECK, April, 2009

Report of the Plate-forme Mineurs en exil, concerning the protection of child victims of human trafficking

Speaktime to Exile: Caritas, December 2008 - March 2009

Describes the protection of the minors through the legal context and concrete experiences.

Finland

EMN country report

The Finnish version contains also articles written by experts from NGOs. See the EMN web site under home/reports/studies/2009/Reception, Return and Integration Policies for unaccompanied minors including numbers)
emn.sarenet.es/Downloads/prepareShowFiles.do;jsessionid=7F23344B9EF53C54BF6455DE20D2C13A?directoryID=115

Germany

Antwort der Bundesregierung auf die Große Anfrage der Abgeordneten Josef Philip Winkler

u.a. und der Fraktion Bündnis 90/ Die Grünen
– Drucksache 16/10638

Auf Augenhöhe – Multiplikatoren im Dialog mit Fachkräften, Organisationspartizipation junger Flüchtlinge beim B-UMF, Munich: Bundesfachverband UMF, 2009

Aufnahme unbegleitet einreisender Minderjähriger, 27.05.2009,
download from:
dipbt.bundestag.de/dip21/btd/16/131/1613166.pdf

Betreuung von unbegleiteten minderjährigen Flüchtlingen in Deutschland: Dokumentation der Fachtagung, Munich. Bundesfachverband UMF, 2009

Bundesamt für Migration und Flüchtlinge: EMN Working Paper No. 26, 2009

Unaccompanied Minors in Germany, Reception, return and integration arrangements, download from:

www.bamf.de/cln_092/SharedDocs/Anlagen/EN/Migration/Publikationen/Forschung/WorkingPapers/wp26-unbegleitete-minderj_C3_A4hrige,templateId=raw,property=publicationFile.pdf/wp26-unbegleitete-minderj%C3%A4hrige.pdf

Kinderflüchtlinge – Theoretische Grundlagen und berufliches Handeln: Petra Dieckhoff

Zwischen Angst und Hoffnung – Zur Situation von Kindersoldaten in Deutschland: Zito, Dima, edited by Bundesfachverband UMF / terre des hommes, Osnabrück, 2009

Ireland

Giving a Voice to Children's Wishes, Feelings and Interests: Guidance on the Role, Criteria for Appointment, Qualifications and Training of Guardian ad Litem Appointed for Children in Proceedings under the Child Care Act, 1991. Children Acts Advisory Board, Dublin, May 2009.

srsb.ie/News-Centre/GAL.aspx

Mapping Integration: UNHCR's Age, Gender and Diversity Mainstreaming Project on Refugee Integration in Ireland – 2008/2009. UNHCR, April 2009.

www.unhcr.ie/pdf/mappingintegration.pdf

Migration Network. The Economic and Social Research Institute, Dublin, September 2009.

www.esri.ie/UserFiles/publications/20090902092430/BKMNEXT145.pdf

Policies on Unaccompanied Minors in Ireland: Corina Joyce and Emma Quinn, European

Summary of Conference 'In the Best Interests of the Child: Meeting the Needs of Separated Children Seeking Asylum in Ireland.' Prepared by UNHCR Ireland, July 2009.

www.unhcr.ie/pdf/childconferencesummary.pdf

Tell me about yourself: migrant children's experiences of moving to and living in Ireland: University College Cork, September 2009.

migration.ucc.ie/children/

Lithuania

Asylum Procedure in the Republic of Lithuania: The Migration Department under the ministry of the interior of the Republic of Lithuania, Annual Report, 2008

Migration chronicle: The Migration Department under the ministry of the interior of the Republic of Lithuania, 2008

The appointment of the temporary guardianship and the education of the unaccompanied alien minors: 2008

Information for the foreigners granted asylum

Norway

Supplementary Report 2009 – to Norway's fourth Report to The UN Committee on the Rights of the Child. The Norwegian Forum for the Convention on the Rights of the Child.

www.reddbarna.no/default.asp?V_ITEM_ID=9527

Supplementary Report to the UN Committee on the Rights of the Child 2009: The Ombudsman for children in Norway.

www.barneombudet.no/english/supplement

Romania

Alternative Report - to the third and fourth Periodic report submitted by Romania to the UN Committee on the Rights of the Child for the period 2003-2007: Save the Children Romania, 2008

Spain

Menores migrantes sin referentes familiares. Una perspectiva integral del fenómeno: Grupo IDEO, 2009

Book about the situation for separated children

Ni ilegales, ni invisibles. Realidad jurídica y social de los menores extranjeros en España: General UNICEF and Consejo de la Abogacía Española (Spanish council of Lawyers), 2009

[Neither illegal nor invisible. The social and legal reality of separated children in Spain]

Switzerland

Rights of the Child – application of the Swiss laws on migrants: The Swiss observing platform for the Asylum and Foreign Act, September 2009

The report concludes that the fundamental principles of the CRC are regularly ignored within the application of the Swiss Asylum and Foreign law. The report in French and German can be downloaded from the website:

www.beobachtungsstelle.ch

United Kingdom

Coming to the UK: Eileen Fursland, 2009

A new guide for children and young people coming to the UK has been published by a children's charity. It is available in a range of languages.

www.baaf.org.uk/res/pubs/cat/pubscat09.pdf

Useful websites

www.ecoi.net the European Country of Origin Information Network collects information on the situation in countries of origin of asylum seekers with a focus on the needs of asylum lawyers, refugee counsels and persons deciding on claims for asylum and other forms of international protection.

Belgium

www.mineursenexil.be - new website of the platform:

www.kinderenopdevlucht.be

Germany

The website of the B-UMF is completely updated but unfortunately only available in German.

Lithuania

www.rppc.lt

www.migracija.lt

www.redcross.lt

United Kingdom

www.smileproject.org.uk - The Refugee Council's SMILE project has useful background papers on the support and education of refugee children as well as the latest news on the project itself.

Reporting organisations

Agency for the Welfare of Asylum Seekers (AWAS), (formerly OIWAS)

Association for integration and migration (Czech Republic)

Asylkoordination österreich

British Refugee Council

Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. (Federal Association for Unaccompanied Minor Refugees)

Central Union for Child Welfare (Finland)

Defence for Children International-the Netherlands

HFC 'Hope for Children' (Cyprus)

Hungarian Interchurch Aid (HIA)

Ireland Office for the Ombudsman for Children

Irish Refugee Council

Lithuanian Red Cross Society

Menedék, (Hungary)

Plate-forme Mineurs en Exil (Belgium)

Portuguese Refugee Council

Romanian National Council for Refugees

Save the Children Denmark

Save the Children Italy

Save the Children Norway

Save the Children Romania

Save the Children Spain

Save the Children Sweden

Slovak Humanitarian Council

Slovene Philanthropy

Swiss Foundation of the International Social Service

Terre des hommes Germany

UNHCR-Büro in Österreich

UNHCR Ireland

UNHCR Madrid

UNHCR Sub-Office Nuremberg

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Statistics on arrivals of separated children seeking asylum in Europe by September 2009

A = Actual; E = Estimated; P = Provisional; N/A = Not available

Receiving country	Number		Age 15-17		Males	Females	Main countries of origin	Source
	2008	2009	2008	2009				
Austria	775	848 ¹		757 ²	N/A	N/A	Afghanistan: 232 Nigeria: 86 Russ. Fed: 37 Somalia: 34	Federal Ministry of Interior
Belgium	N/A	532 ³			71,43 %	28,57 %	Afghanistan: 32,9% Guinea: 18% DR Congo: 7% Iraq: 6,4% Russia and Angola: both 2,8% Other countries: 30,1%	The High Commission for refugees and stateless persons
Czech Republic	34 A	10 A	23 A	5 A	2008: 27 A 2009: 7 A	2008: 7 A 2009: 3 A	2009 Mongolia, Syria, Congo DR Congo, Nigeria, Ukraine	Statistics released by the Czech Ministry of the Interior
Denmark	302	272 ⁴	79%	N/A	N/A	N/A	Afghanistan, Iraq	The Danish Immigration Service
Finland	706 ⁵	446 ⁶	636	340 ⁷	Age 0-17 ⁸ : 2008: 575 2009: 360	Age 0-17 ⁹ : 2008: 130 2009: 86	2009 Somalia (173) Iraq (134) Afghanistan (66)	Finnish Immigration Service
Germany ¹⁰	763	700 ¹¹	N/A	N/A	N/A	N/A	Iraq, Afghanistan, Vietman	FedOff

¹ January until September 2009, In 57 cases the authority responsible for the asylum procedure did not believe the age claimed by the asylum seekers and declared them as adults. Therefore, the official number for SC is 791.

² Additional to this number, 34 SC were younger than 14 years at the time of application.

³ □ January until September 2009, 58,70% are recognized as refugees and/or benefit of the subsidiary protection

⁴ January until 1. August 2009

⁵ the official total is 706, but it does not have the info on the gender. Unofficial figure which shows also gender is 705.

⁶ January until 30. September 2009

⁷ January until 30. September 2009

⁸ The number of the age group 15-17 males 2009: 289

⁹ The number of the age group 15-17 females 2009: 51

¹⁰ In 2008, for the first time the Federal Office for Migration and Refugees (FedOff) provided figures on asylum applications of uac/sc. However, there seemed to have been inconsistencies in the registration, according to statistics received by local/regional sources (e.g. the Bavarian Social Ministry and local youth authorities). In some regions, the number of asylum seeking children was assumedly much higher. The FedOff figures should therefore only be used under reserve.

It is also worth noting that the figure provided by the FedOff does not include uac/sc who do not apply for asylum but for subsidiary protection only. According to our estimates based on figures received by local authorities, this might concern some hundred minors a year.

¹¹ January until August 2009

Receiving country	Number		Age 15-17		Males	Females	Main countries of origin	Source
	2008	2009	2008	2009				
Hungary	176 (A)	212 (E) ¹²	175 ¹³ (A)	212 (E)	2008: 157 (E) 2009: 204 (E)	2008: 19 (E) 2009: 8 (A)	2009 Afghanistan, Somalia, Iran, Pakistan, Kosovo	Statistical database of OIN and HIA
Ireland		146 (A)		106 (A)	75 (A)	71 (A)	Nigeria, China, Somalia	Health Service Executive
Lithuania	2	3	2	3	2008: 0 2009: 3	2008: 2 2009: 0	2009 Afganistan, Chechnya	Statistic of Refugee Reception Centre
Malta	34 A	32 A	25	32	2008: 22 2009: 26	2008: 3 2009: 6	2009: Somalia (27) Mali (2) Bangladesh (2)	AWAS Information Officer
Netherlands	739	685 ¹⁴					Somalia (34%) Afghanistan(23 %) Iraq (10 %)	www.coa.nl
Norway	1374 (A)	1813 (A)		1593 (A)	1495 (A)	98 (A)	Afghanistan Somalia Eritrea Iraq Ethiopia Sri Lanka	Norwegian Directorate of Immigration (UDI)
Romania		50		28	26	2	2009 Afganistan Pakistan Iraq India	Statistics ORI
Slovakia	71	19 ¹⁵	40	16	2008:70 2009:17	2008:1 2009:2	2009: Moldova	Migration office of the Ministry of Interior
Slovenia ¹⁶	26 (E)	16 (E)	24	15	2008:26 2009:16	2008: / 2009: /	2009: Afghanistan, Iraq, Turkey, Albania	Slovene Philanthropy
Sweden	1510 (A)	2000 (E) 1515 (A) ¹⁷	907 (age 16-17)	839 (age 16-17)	2008: 1 201 2009: 1 191	2008: 309 2009: 324	2009 Somalia and Afghanistan	Migration Board

¹² According to the statistics of HIA, based on their direct contact to mi. The official data of OIN are usually smaller figures.

¹³ The statistical database of OIN for refugee affairs includes the figures for age group of children between 14-17 years.

¹⁴ January until September 2009

¹⁵ January until 16 October 2009

¹⁶ The statistics conducted by the Slovene Philanthropy are different from the official statistics provided by the Ministry of the Interior, since the Ministry treats as asylum seekers just the ones who formally filed the asylum application (for the year 2008, the number is 18; for the year 2009, the number is 15). Statistics of the Slovene Philanthropy, which is providing guardians for separated children in asylum procedures, includes also separated children who left the Asylum Home before filing the asylum application.

¹⁷ January until 30. September 2009

Receiving country	Number		Age 15-17		Males	Females	Main countries of origin	Source
	2008	2009	2008	2009				
Switzerland ¹⁸	631 A	322 A	602	303 A	2008: 520 2009: 282	2008: 111 2009: 40	2009: Nigeria Somalia Guinea Conakry Sri Lanka Guinea Bissau	Federal Office for Migration
United Kingdom	4285 ¹⁹	2550 ²⁰ provisi onal	2826		2008: 3856	2008: 429	2009 Afghanistan Iraq Iran Eritera	Refugee Council Children's Panel, except for government statistics

Total arrivals 2008 - in 15 countries: 11,428

Total arrivals 2009 (January-September) - in 18 countries: 10,171

¹⁸ The statistics 2009 are from the period 1. January until 30. June.

¹⁹ Government statistics

²⁰ January until 30. September 2009