

NEWSLETTER No 17

Separated Children in Europe Programme

June 2004

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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.

Programme update

New management structure

The SCEP Steering Committee has decided to have a new management structure consisting of a Programme Manager and an Administrative Co-ordinator. Jyothi Kanics will start full-time as the new Programme Manager in August 2004. Lise Bruun will continue as the Administrative Co-ordinator and Terry Smith will continue as Adviser to the programme. Also the Steering Committee, consisting of the funding Save the Children partners, has invited the NGO Network to be represented. Thomas Gittrich, Bundesfachverband UMF, Germany, and Simone Bommeljé, Defence for Children International, the Netherlands, will represent the NGO Network.

Revised Statement of Good Practice

The Statement of Good Practice that was revised during 2003 has now been endorsed by UNHCR and will soon be printed and distributed.

NGO Network meetings

The SCEP NGOs had a network meeting in Lisbon March 5-6. Before the meeting a group of the participants had a chance to

visit a reception centre for children, organised by the Portuguese Refugee Council.

The meeting included a half-day workshop on children's participation, facilitated by Jason Hart, which provided good inspiration, guidelines and issues to consider further. The issue of return was debated and a working group was established to feed into the upcoming process of the EU Directive on return and also to draft a position paper. Furthermore, part of the meeting was spent on the programme's future activities and priorities as well as national activities to take place in 2004.

A second SCEP NGO Network meeting took place May 28-29 in Lisbon. The first day a workshop was held on the revised Statement of Good Practice, facilitated by Bruce Britton. The second day of the meeting addressed the issue of return policy, the programme's position on this and preparation of a response to the upcoming EU directive proposal.

Impact evaluation

An impact evaluation of the SCEP is planned to be carried out in 2004. Currently the terms of reference are being drafted and the process is underway to identify a suitable external consultant.

National assessment updates

In 2003 the National Assessments were updated for the EU member states. The updates are now accessible on the programme's web site www.separated-children-europe-programme.org.

New French NGO

In France **Terre d'Asile**, represented by Dominique Bordin, director of the CAOMIDA reception centre for separated children, has become the new French NGO participant in the SCEP, replacing the Service Social d'aide aux Emigrants, which is now playing a governmental role.

Country News

Austria

Connecting people – New groups of the sponsorship project have started in Vienna and Graz. Approximately 100 separated children (SC) have been supported by this project so far. Still, it can be considered a very successful project. There has been a lot of public awareness including radio programmes and newspaper reports.

The **summer camp for SC** will be held again in August in Weissenbach am Attersee. It is intended that about 100 SC will have the possibility to attend the camp. There will be a broad range of activities and workshops, such as: computer, internet, outdoor activities, swimming classes, artwork, music, newspaper and radio.

Altogether 165 young asylum seekers should take part in **the EQUAL Project EPIMA**, which runs until the early summer of 2005. Thus far more than 100 young asylum seekers participated in the programme. Due to the current legal situation, immediate integration into the labour market can not be the primary aim of the work done within the different training modules. As it is not

possible to start a job immediately, the focus is placed on gaining skills and information about potential jobs as well as offering asylum seekers various work experience placements in different fields of work. All these methods should guarantee a quick start after having obtained permanent residency. The skills and experiences gained should also assist in securing a job in the case of return to country of origin or in the case of moving on to another country. The modules will be offered in five regions of Austria. The differences one might experience from region to region have been taken into account. Currently, all modules start with practical work.

The Netherlands

The Return and Progress (RAP) Foundation is a Dutch NGO aimed at providing support to young refugees that voluntarily want to return to their country of origin. The RAP's mission is to protect the rights of minor refugees in the Netherlands and offer them better future prospects, by assisting them in finding employment, appropriate education and housing in their countries of origin.

Since the introduction of the new Dutch laws on asylum seekers, only 20% of the minor refugees receive a positive answer to their request for asylum. 80% has to return to his/her country of origin. Due to various reasons, the majority of those who have been rejected do not return to their home country.

The **Nidos Foundation**, legislative guardian for minor refugees in Holland and working as advocate for their rights, aims at creating better future prospects for these young refugees. It argues that denying children asylum should be accompanied by programmes assisting young refugees in their return process. In 2003, the Nidos Foundation requested Plan Nederland to cooperate in developing a guidance and employment programme for those adolescents that voluntarily want to return to their countries of origin.

Plan Nederland/RAP Foundation
Prinsengracht 468

Romania

Under the Twinning Project with Germany and Greece, the National Refugee Office, in co-operation with UNHCR and its implementing partners ARCA, CNRR and Save the Children, succeeded to elaborate a comprehensive training kit for Border Police on access to the territory and refugee status determination procedure (RSDP). The issue of separated children is a part of the training kit. A mobile training team will deliver training to all Romanian border points during the year 2004. The first training was held in Iasi and Botosani 9 – 12 March (Eastern border). The team consisted of representatives of the Twinning Programme, National Refugee Office, UNHCR and CNRR (Romanian Refugee Council for Refugees) and Save the Children Romania. The vulnerable groups theme (where separated children were included) was presented by Save the Children Romania.

United Kingdom

According to a new report, the number of young, unaccompanied asylum seekers in Glasgow has increased to 85, and social services are increasingly concerned about trafficking, child prostitution, these children being used as drug couriers or for illegal working and benefit fraud. The study also showed that more asylum seekers, both children and adults, are now coming from sub-Saharan Africa rather than Eastern Europe. Almost £ 750,000 was spent on supporting young asylum seekers in the city in 2002/2003. Glasgow social services department is already facing a shortage of social workers and of suitable accommodation for the children. Council officers have identified potential alternative accommodation for those separated children aged 16 and over, pinpointed priorities for staff training in the areas of age determination and awareness of legislation, and begun liaising with English authorities to benchmark services.

Legal and Policy Developments

Austria

In Austria a revision of the Asylum Act came into force on 1st of May 2004.

There is a new agreement between the federal state and the states concerning the primary care of asylum seekers and other foreigners in need. The “decree on primary care” came into force on 1st of May 2004. Article 7 of this agreement mentions special regulations concerning separated children (SC). It states that all SC should be accommodated and cared for in a special manner. There are three different levels of support. This agreement should cause a considerable improvement of the situation of SC in Austria.

Belgium

1. The new law on guardianship for separated children (24 December 2002) – see the Belgian assessment 2003 – finally entered into force the 1st of May 2004.

The Guardian's Office in charge of the selection and approval of guardians has been created. The training of the members of this Office will be done by an NGO specialised in the reception of separated children. The role of this Office will first of all be to identify the minors, assess their age and family situation and to appoint a guardian immediately. This Office will be available 24 hours a day, 7 days a week.

The guardian has many duties: to protect the child, to represent the child in all procedures and to make sure that the child receive everything they need such as accommodation, psychological and medical care, access to education, etc.

This will be a real improvement in the situation of separated children arriving in Belgium. The law provides that a guardian has to be appointed to all separated children under 18. The guardian will be present at all interviews and will be in charge of the entire procedure (including the appeals).

2. There is a new regulation for the asylum determination procedure: all minors seeking asylum have the right to be accompanied by an adult (guardian or parent) during the interviews with all the official bodies in charge of this procedure.

3. The Government began to work on the implementation of the European directive on reception of asylum seekers. Several working groups will be created including one which will focus on the situation of separated children. NGOs will be consulted and may participate in this working group.

The idea is to create a reception process in two steps. The first reception centre will have to work on the identification of the child and look for the best accommodation, depending of his/her situation (age, victim of trafficking, etc). In a second stage, the child will be placed in a centre that will take care of him/her (accommodation, education, all medical and psychological care, etc.).

The problem remains that there is still no decision on the situation of the children who arrive at the border without papers. These undocumented children will be left in the closed centres even though these centres are not adapted at all for the situation of children.

Bulgaria

There is a proposal for changes in the Law on Asylum and Refugees. The main changes are as follows:

1. The definition of family members: only husband/wife and minor, non- married children are recognised as family members. In the current law the elderly parents of refugees are also included in the definition of "family".
2. When a foreigner marries a holder of refugee status in Bulgaria, s/he can acquire refugee status as well only if s/he has his/her own reasons to claim this status. The current law gives the right to foreigners married with a holder of a

refugee status to receive the same status as their husband or wife.

3. When there are reasonable doubts that an asylum seeker is not a minor as claimed at the registration, the procedure starts after an age assessment.
4. Unaccompanied minors seeking asylum are represented by the Social Assistance Directorate /Law on the Protection of the Child/ during the refugee status determination pro-cedure RSDP, if there is no guardian appointed for them.

Croatia

The Task Force for the Protection of Separated Children organised by CSPI and composed of GO and NGO representatives has proposed new accommodation and care arrangements for separated children to be organised with the Croatian Red Cross.

Due to the changes in Government and reorganisation of the ministries and changes of responsibilities it was not possible to get any up-to-date data on separated children in Croatia. After the election in November 2003 the Ministry of Labour and Social Welfare was transformed. The social welfare sector is at present situated with health therefore the Ministry of Health and Social Welfare is most likely to be in charge of monitoring and protecting the rights of separated children in Croatia, and in this regard will provide data on separated children in the future.

Denmark

Changes of the Aliens Act were passed in June, in general to make access to the country more restrictive. A crucial point is a change of the right to family reunification for children that before included children up to the age of 18 but is now is limited to 15 years of age. It now says that as a rule applications for family reunification for children aged 15 and above should be rejected unless for very special reasons! The changes will mainly affect immigrants while ex-ceptions are made for asylum seekers and persons with a refugee status.

Save the Children Denmark, the Danish Refugee Council and many others have strongly opposed this proposal as it challenges the CRC's definition of a child as well as the Danish age of majority.

Save the Children Denmark (SCD) is advocating for a National Action Plan on combating child trafficking. Alongside raising the issue in the media and via a report on child trafficking SCD has delivered recommendations to politicians on what should be considered in a child rights based action plan.

Germany

The negotiations of the reconciliation committee are still going on to find a compromise on the drafted immigration act. NGOs fear very low protection standards and exclusion from integration for the majority of separated asylum-seeking children.

Greece

There are new guidelines for the treatment of separated children in Greece (drafted by UNHCR).

Finland

The Aliens' Act will be renewed. The purpose is to have a coherent law after numerous changes to the existing law. The law is to come into force on 1st of May. The responsible Committee – the Administrative Committee – of the Parliament gave its report on 2nd of April and did not agree totally with the government proposal. The report is an important tool in implementing the law, e.g. the courts will read not only the Government Bill but the responsible Committee's report also. The main points concerning separated children in the Administrative Committee's report are:

The Committee puts emphasis on the best interest principle, which has to be investigated individually in every case. It should pass the whole law as an overall principle. The Committee added also a

suggestion that always when making decisions concerning children an expert in child protection has to be consulted. For example, in the asylum interview a social worker has to be present, in addition to the guardian/advisor who represents the child (actually, the practice is already as described). The report also comments that in order to be able to find out what is in the best interest of the child immigrant authorities have to receive enough relevant training.

NGO's wanted a change in the definition of family member. In the existing law as well as in the Government Proposal underage sisters are not defined as family members of a child. The Committee did not want to broaden the definition itself but wanted to strengthen the possibility to bring underage sisters of a separated child to Finland and guarantee it in certain cases (when a sister is alone in some other country or is the only living or found family member of a separated child).

Detention of minors is possible according to the existing law and the Government Proposal. The proposal suggests restrictions on detention of minors in police cells. In Finland there is a special centre for detention with better conditions than normal police cells. The Committee wants to clarify this clause, but has not succeeded very well. It seems it might be interpreted so that separated children should not be detained in police cells at all.

On family reunification of separated children who do not receive refugee status the Committee did not make the changes proposed by NGOs. According to the Government proposal family re-unification should mainly take place in the country where parents are found, if the return can be seen as safe for a child. It does not define what is safe enough. Family reunification can happen also in Finland if it is in the best interest of the child. For separated children it is therefore important that the Parliamentary Committee's report puts weight on the best interest principle and to the individual nature of the principle as well as the need of overall and careful examination on what is best for the child.

Ireland

The Immigration Act 2003 made significant changes to immigration and asylum law in Ireland. Provision was made to designate certain countries 'safe countries of origin'. From 15 September 2003, the following countries have been designated as 'safe countries of origin': Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia.

The provision was also made for the prioritisation of certain categories of applications. The Minister directed in December 2003 that Nigerian applications should be prioritised.

Italy

The Supreme Court passed a sentence providing that restrictive interpretations of the law on the issue of separated children's right to get a residence permit after the age of 18, are against the Italian Constitution. Therefore separated children that satisfy some conditions, which are quite broad, should be allowed to stay legally in Italy after the age of majority.

As the Ministry of Interior didn't change its provisions on this issue according to the Supreme Court's sentence, Save the Children Italy along with 30 other organizations (Caritas, Comunità di Sant'Egidio, etc.) sent a letter to the Ministry and to the Parliament, calling for a change of the administrative provisions to respect the right of separated children to receive a residence permit after the age of 18. A question in Parliament to the Ministry of Interior has been made by some MPs from both the majority and the opposition.

The Netherlands

The Dutch government has decided to send back 26.000 people to their home countries within 3 years. At the moment the Dutch government is very busy developing return centres.

Negative decision based on the age assessment by x-ray in the Netherlands as it is seen by the Court (Afdeling Bestuursrecht Raad van State) as a reliable method.

Romania

A government ordinance (GO) regarding integration of persons who are granted a form of protection will come into force in May 2004. Refugee and separated children will have access to education on the same conditions as national children. This is a major improvement, due to the fact that up to the present refugee and separated children had access to primary and gymnasium education in the same conditions as national children and to upper secondary education as foreigners (meaning a fee of 310 USD/month). At the same time, the role of the National Authority for Child Protection (NACP) will have to be more active in terms of separated children. The GO mentions that NACPA will have to adapt their services to the needs of separated children.

The task force meetings on separated children issues continue to be organised by UNHCR and Save the Children. The participants are: UNHCR, the National Refugee Office, National Authority for Child Protection and Adoption, Guardianship Authority sector 2, IOM, Aliens Authority, General Inspectorate of Border Police, 2 judges, Save the Children, ARCA and CNRR (the last three being UNHCR implementing partners). Priorities in 2004: focus on preventing specific forms of child persecution, gender based violence, psychological assessments and child trafficking.

Slovak Republic

On 1st of July 2003 a renewed project of procedural guardianship for separated children who entered asylum procedures in Slovakia has started. The project is the result of co-operation among the UNHCR Slovak branch office, the Migration Office of the Slovak Ministry of Interior and the Slovak Humanitarian Council. According to

the project separated children after crossing the Slovakian border are caught /identified by Border Police who, after clarifying the age of the separated child, contacts the relevant Municipalities and the Department Providing Care for Children and Youth. A competent social worker applies to the local court for appointing a guardian for the separated child. The guardian is also responsible for the placement. The Court makes a decision within 24 hours and until that time the relevant Municipality has to provide accommodation for that particular minor. After receiving the court decision, the guardian looks for a durable solution for the separated child. This is the process of care according to the law.

Slovenia

Changes in asylum procedures: introduction of accelerated procedures ('manifestly unfounded applications') and admissibility ('safe third country').

Proposal about rights and duties of refugees in Slovenia, prepared by Office for immigration and refugees.

Spain

Convention about Separated Children to carry out the measures contained in the code that develops the Spanish Foreigners Law 4/2000 (Ley Orgánica 4/2000, de 11 de Enero, sobre derechos y libertades de los extranjeros en España y su integración social, reformada por Ley Orgánica 8/2000, de 22 de Diciembre), such as a Separated Children Registry. Actions will be executed by competent institutions and organisations. This Convention has been promoted by the Spanish Childhood Observatory.

There has been a modification in the Spanish Foreigners Law (L.O. 14/2003, 20th November, 2003) concerning improved administrative procedures to regularise foreigners' situation in Spain, combat trafficking in persons, avoid family-linked regroupings, create a Spanish Observatory

on Racism and Xenophobia as well as measures to finance voluntary returns.

Big impact caused by the Instruction 3/2003 which was severely criticised by different organisations. Instruction no. 3/2003 (23 October) from the Director of Public Prosecutions relates to the procedure for returning separated children older than sixteen years old who attempt to enter Spain illegally or who stay in Spain in an irregular situation.

Understanding between the Kingdom of Spain and Kingdom of Morocco (23rd December 2003) to return Moroccan separated children who stay in an irregular situation in Spain, to the Moroccan authorities. This Memorandum affects also Spanish separated children who stay in Morocco in an irregular situation.

Sweden

Pending issues:

New legislation regarding guardians.

Responsibility for separated children is under investigation.

Improvement of children's own claims of asylum in investigations.

Possibilities to use DNA in investigations.

United Kingdom

The Home Secretary announced an 'amnesty' on 24 October 2003 to allow up to 15.000 families who had been in the UK for 3 or more years to be granted Indefinite Leave to Remain.

Immigration and Asylum (Treatment of Claimants) Bill is being pushed through Parliament with the intention of it becoming law by summer. The Bill has a number of serious implications for separated children and child and refugee organisations have been vigorously campaigning against it. Proposals which pose risks to separated children include the criminalisation of those entering the country without documents or with illegal documents, the inclusion of families with children as those from whom support will be withdrawn if they do not

comply with removal arrangements, the removal of judicial overview of asylum appeals (this has now been renegotiated but there will still be some limiting of judicial over-view).

Proposals to return separated children are still being discussed by the Home Office with social services, along with return proposals for dealing with increasing numbers of asylum applications from Somalia that link development aid for Tanzania with their acceptance of returned Somalis.

The UK is the first country to reach agreement with the Coalition Provisional Authority in Iraq to begin returning failed asylum seekers from April, including both voluntary and enforced returns (press release from HO website).

Practice

Austria

Although the legal situation concerning the care and housing of separated children (SC) has improved significantly, the practice remains inadequate. Out of an estimated 1.500 SC staying in Austria approximately 350 are accommodated according to the standards outlined in the new regulation.

It is still unclear if the system of clearinghouses can carry on their work under the new agreement (first accommodation for SC where an assessment is made of the needs of SC).

The "Kompetenzzentrum for SC" a special unit of the youth welfare authority in Vienna, which is responsible for legal representation, housing and partially for guardianship, was discontinued as of 1st of May 2004. This system was a best practice model; in future it will not be possible to maintain the quality level of their work.

Belgium

1. On November 17, 2003, a judge decided that a separated child can not be sent back to his/her country without an assessment of the situation in the country of origin and several guarantees being in place. The judge decided that:

Regarding expulsion from the national territory, some minors risk returning alone to the country from which they have fled and where they may no longer have any family. Evidently, this situation puts the minors in danger. Expulsion of these minors without ensuring proper accommodation and care in another country seems to constitute inhuman and degrading treatment as defined by article 3 of the European Convention on Human Rights.

Before taking the extreme measure of expulsion it is important to ensure that the child will be taken care of. It is not sufficient that a child on its way out of Belgium is accompanied by a representative of the Department of Foreigners.

The Belgian State is hereby prohibited from deporting a minor if the minor's reception (accommodation) is not warranted and if there is no guarantee that the minor is taken care of in a decent way. This prohibition will remain in force until the law dated 24 December 2002 regarding the guardianship of foreign non-accompanied minors is no longer in force.

2. There are still many separated children who are put in a closed centre at the border (more than 100 last year). They stay there for many weeks. But during the last few months, all these children have received the help of a specialised lawyer, specially trained in separated children cases. The lawyer follows all the procedures concerning the child and asks for his/her liberation. In most of the cases, the child is liberated by court within two weeks (there are a lot of decisions from the courts which declare that keeping a child in a closed centre is against the Convention on Rights of the Child and the European Convention on Human Rights). More and more lawyers are following the training about separated children matters (laws, regulations and practices) and are involved in their defence.

Denmark

Age assessment has been discussed in the media. In 2003 31 separated children seeking asylum were assessed and 24 of these were assessed to be 19 to 24 years old – while 3 were assessed to be younger than they claimed. The Danish Migration Service says that benefit of the doubt is practised, but Save the Children Denmark intends to look further into the actual practice.

Estonia

According to the Year Book 2003 the Citizenship and Migration Board (CMB) in co-operation with Ministry of Social Affairs is planning to construct and open an initial reception centre for asylum seekers. Furthermore, in order to improve the quality of asylum procedures CMB is planning to provide special equipment to the premises for inter-viewing.

Germany

Increasing trend to take minors who have been protected by the system for a long time out of the child protection system. Official reasons are as follows: no need for protection, financial problems or age assessment. There has been a dramatic drop in numbers of younger children entering the territory: Clearinghouses had to be closed in the beginning of March 2004. Cut of standards, almost no access to the labour market or to school education for separated children.

Finland

It will be interesting to see how the new Alien's Act will be interpreted. NGO's and other experts presented many suggestions and changes to the Government Proposal. For example, the Constitutional Committee was quite critical with some points and wanted to strengthen the rights of those who are in the accelerated asylum procedure and to allow for easy family reunification of separated children.

However, the responsible Administrative Committee did not make those changes to the Government Proposal. But in the end the Committee's report is better than the Government Proposal concerning separated children.

Despite the fact that there were only 110 separated children who came to Finland last year, these children have been on the agenda recently. This is because of the renewing process of the law. Also some plans in the Ministry of Interior have caused discussion. The media has covered the issue of "anchor children" every now and then. Although the media is often positive towards these children it is difficult to say whether the impact has been positive or negative on attitudes towards these children. There is a danger of simplifying, generalising and strengthening stereotypes of "anchor children". The Minister of Interior himself has given statements that have caused concern.

The Central Union for Child Welfare and the Refugee Advice Centre have expressed critical comments towards the suggestion to move the responsibility of the reception of asylum seekers from the Ministry of Labour to the Ministry of Interior, where aliens affairs are handled in a security and control oriented department. NGOs among many other actors are concerned that the "police ministry" is not the right one to take care of reception which is giving basic social and health services to asylum seekers. This would also put the Directorate of Immigration into a double role since it would take care of people and at the same do the investigation of their applications. This would risk the principle of confidentiality in these services.

Ireland

The IOM stated that assistance to separated children wishing to return would be delivered in consultation with parents, guardians, social workers, Department of Justice, UNHCR and other relevant agencies both in Ireland and in the home country, and will focus on the individual needs of each child, primarily in education and health.

In November 2003, a total of 32 young people who arrived as minors but have since turned 18 were transferred from a hostel for minors to a direct provision adult hostel where they will be in receipt of €19.10 per week. Concerns were raised for those who were continuing in second level education (bus fares, lunches, space to study). Many have been attending school for the past number of years and are hoping to sit the Leaving Certificate in June 2004.

The Nwole judgment was delivered in the High Court in October 2003. This case concerned deportation orders issued to a mother and her five children. The primary claim made on behalf of the children was that no application for asylum had been made by them or in respect of them and hence had not been refused by the Minister. It was held that Section 8(1) of the Refugee Act expressly gives the right to apply for asylum to a "person who arrives at the frontiers of the State seeking asylum in ... or ... the protection of the State against persecution". A 'person' is not defined and is deemed to include minors. Every person – including a child – is entitled to have his/her claim investigated individually. As a result, the Court granted the children leave to issue judicial review proceedings on the grounds that the deportation orders were invalid, as the children were, on that date, not persons whose applications for asylum had been refused by the Minister within s.3 (2) (f) of the Immigration Act, 1999.

Young people, claiming to be minors, but having been assessed as over 18, are now in a position where they are not able to access legal aid during their asylum claims. The provisions of the legal aid regulations in Ireland state that a guardian must make an application for legal aid on behalf of the minor. Where someone has been assessed as being over 18, they have no guardian, but a lawyer cannot take instruction from a minor. The Legal Aid Board has been requested to use a discretionary power to waive the requirements of the regulations in these particular cases. To date, they have not done so, and thus a number of young

asylum seekers have been denied access to legal aid during their asylum claim.

Luxembourg

Separated children are obliged to submit to medical examinations for age assessment. A lot of African boys (and now girls) are coming to Luxembourg. Most of these asylum seekers are alone. Supported by a Caritas project, asylum seekers are allowed to receive vocational training.

A lot of asylum seekers are not coming directly to Luxembourg. Many asylum seekers are under the Dublin Convention so the Ministry of Justice is making decisions very quickly.

The Netherlands

The evaluation of the AMA-campus in Vught (return model for separated children aged 15-18 who have no chance to stay in the Netherlands) has taken place and the Government has decided to prolong the experiment to 2005.

Romania

Until now, separated children have been accommodated in the NRO Centres. Starting from May separated children who are granted a form of protection can be accommodated in childcare institutions under the NACPA. Then NACPA will have to specialise staff and to elaborate assistance programmes for the separated children who are granted a form of protection.

Slovak Republic

There are progressive plans to build a home for separated children from all around the Slovak Republic for the period from arrival until a durable solution is found. The Ministry of Social Affairs and the specialised fulltime guardians (state employees) should provide the centre. The placement and building has already been chosen, but the home is still not running.

A solution for a SC is to enter the asylum procedure. The SC would then be transferred to a refugee facility and will under the responsibility of the specialised guardian be connected to an independent legal procedure.

Up until now – when there is no municipal capacity for accommodating a separated child, the police transfer any separated child (after clarifying their age) directly to the asylum procedure and places them in the specialised reception centre for one month of quarantine. After the first month the child is transferred to the specialised accommodation centre for asylum seekers.

The Slovak Humanitarian Council employs specialised social workers as guardians for all separated children. The guardians visit on weekly basis, establishes contacts between reception and accommodation centre for asylum seekers and the minors, provides counselling and addresses psycho-logical, material or any other social needs as well as organises leisure time activities together with state camp social workers. The guardian also ac-companies the minor during interviews, arranges legal support or representation for the separated child if it is needed.

On 1st of February 2004 the Slovak Humanitarian Council employed and trained specialised social workers for separated children to work in the reception centre on a daily basis. In this way the social assistance provided to separated children in the asylum procedure has improved.

Since there is a lack of a system for accurate age assessment, it is im-possible to estimate the percentage of children who state their age incorrectly. 90% of these children disappear in the first month of the asylum procedure – Slovakia is not their target country. Those 10% who stay are usually 17 or older and at the end of their asylum procedure they are adults. The Slovak Humanitarian Council has registered only 1 Iraqi and 1 Afghan boy who remained until the end of the asylum procedure. The Iraqi boy received refugee status, the claim of the Afghan boy was turned down, but there was restriction to deport him included in the

decision. He asked for temporary stay and survives with support of the Afghan community because no functional system or programme of support for this kind of person is currently available in Slovakia.

Together with UNHCR, the Migration Office of the Ministry of Interior, the Ministry of Social Affairs and the Slovak Humanitarian Council proposed a future system for care of separated children in Slovakia. Unfortunately, it works only in certain fields until now - but it has started and there are competent bodies that are able to finish this systematic idea - in the best interests of the child.

By the end of 2003 information materials on separated children issues were distributed to all competent bodies. It was a result of a joint co-operation between the Slovak State, UNHCR and NGOs working in this field. It was aimed to inform all bodies engaged in developing strategies and competencies on issues related to separated children in order to put the issue on the national agenda – as a new condition for social affairs in a former communist central European country.

Sweden

More separated children get a negative decision from the Board of Migration or Foreign Appeals Board (50%).

Switzerland

The SSI has negotiated a contract to evaluate case by case (on an individual basis) the situation of each child in order to try to give the children the possibility of living in a stable situation in the country of origin or in Switzerland. The contract is in a pilot period. The two partners involved in the project are the Federal Office for Refugees of the Swiss Confederation and the SSI.

United Kingdom

After public disquiet and protest about the detention of children in removal centres, the Home Office has agreed that any child whose stay exceeds 28 days will have their

situation reviewed by a Home Office Minister. Children's organisations are concerned that the assessments of the child's welfare should be undertaken by independent child welfare professionals.

In 2003 a group of young separated asylum seekers took the local authority of Hillingdon to court for not providing them with leaving care support after they turned 18. The judgement found that the young people were correct and should have been provided with this support. As a result there is greater impetus towards reviewing the support of young people who are currently looked after by other local authorities and are approaching their 18th birthday.

Conferences, Seminars, Events

Austria

The EQUAL Project EPIMA (Development Partnership Regarding Planning and Performance of Integration Measures for Unaccompanied Minors and Young Asylum Seekers) held a national meeting on 10th and 11th of December. The main task of the meeting was to inform the relevant bodies about the actions taken within the project, to present the results of the evaluation and to raise awareness about the problems asylum seekers face concerning employment and education.

On 16th of March 2004 a seminar in Mödling, organised by the clearing-houses, was held to discuss the upcoming challenges that will follow the adoption of the new regulation on primary care concerning separated children. Participants from the authorities and NGOs discussed the impact of this regulation.

Belgium

The NGO network on separated children organised a seminar on the reception of separated children in Belgium on the 5th of December 2003. After this seminar, the network adopted a recommendation on this topic and sent it to the Government,

Members of the Parliament, Home Office and others.

Members of the network organised many meetings to present the new law on Guardianship for separated children and training for social services, lawyers, civil services and others.

On the 11th of March 2004, the "Federal agency for the reception of asylum seekers" organised a study day on the reception of asylum seekers to begin working on the implementation of the European Directive on reception in Belgium.

The network also organised a seminar on the right to education for separated children and the specific system of schooling for them. This special system includes special classes to learn French or Dutch and classes with a specific programme to help them to catch up to the "normal" programme. The purpose of this seminar was to make an assessment of the actual situation of the schooling of separated children and to adopt recommendations to improve the system.

Bulgaria

Workshop to review one year of implementation of the 2002 Law on Asylum and Refugees was held in January 2004.

Seminar on the Acquis in the area of Asylum and Temporary Protection took place in March 2004.

Media training on Migration/Asylum and Trafficking in Human Beings in the Context of Bulgaria's EU Candidacy took place in March 2004.

Croatia

Zagreb, December 2003 - Round table "Separated Children Foreign Nationals in the Republic of Croatia", organized by UNHCR Office for Croatia and CSPI.

The participants were representatives of GOs and NGOs dealing with children, children's rights, illegal migration and trafficking (Ministry of Labour and Social

Welfare; Ministry of Health; Ministry of Education and Sports; Ministry of Interior; Department for Foreigners and Asylum; Border Authority; Centre for Migrants; Office for Human Rights; State Institute for the Protection of Family, Maternity and Youth; Children's Ombudsperson's Office; local social services; Institution for Children with Behavioural Problems; Croatian Red Cross (Centre for Asylum Seekers); Caritas; UNICEF; IOM; UNHCR Office for Croatia; CSPI).

The SCEP's history and developments along with the Croatian National Report on Separated Children were presented. The round table ended with discussions on accommodation and guardianship for separated children. The conclusions of the round table were sent to the participants from the above mentioned institutions.

Seminar related to the protection of separated children in Croatia, in June 2004, organised by CSPI and the UNHCR Office for Croatia.

Denmark

February-March 2004

Within the ENACT framework – the European Network Against Child Trafficking – national workshops have taken place in 6 European capitals (Madrid, London, Copenhagen, Rome, Bucharest, Sofia) (see for further information under 'Italy').

In Copenhagen the ENACT workshop took place at the end of February. As trafficking in children is a relatively newly discovered problem in Denmark we gathered a relatively small group of 20 professionals, who may come into contact with separated and trafficked children in the course of their work. Using the ENACT multidisciplinary framework we managed to analyse and discuss the key issues and problems relating to the visitation system in Denmark and discussed different approaches to deal with the problems. As a result of the workshop a new national network of professionals was established the main primary goals of which are to document cases and to advocate for a national plan ensuring the rights of trafficked

children in Denmark and in the return process.

Germany

The Spring conference of the national network was held in Hofgeismar April 21-23. Information: www.bundesfachverband-umf.de

June 30 - July 1: Meeting of appr. 45 NGOs working with separated children in the biggest federal state North – Rhine – Westfalia aiming at setting up a network of professionals.

5 days seminar at the end of July /beginning of August. The seminar is an empowerment meeting for separated children.

September 19: Congress on International Children's day in Nürnberg with 250 participants expected to come.

October 7 – 8: EU AGIS Programme: "Training on Structures for assisting children victims of trafficking for NGOs, service providers including legal practitioners" organised by IOM in co-operation with the Stability Pact for South Eastern Europe and with Bundesfachverband UMF.

Greece

February 10, 2004: UNHCR and ISS-Hellenic Branch organised a training seminar on separated children for practitioners. The seminar took place at the Offices of the Greek Ombudsman. Ms Efthalia Pappa, trained by SCEP, was the trainer.

March 11-12, 2004: ISS-Hellenic Branch participated in the trainers meeting: "Personal Development Plan and Portfolio" organised by the department Traject of Zoommvilet College at Bergen op Zoom-Netherlands. The meeting was organised within the European EQUAL-project concerning improvement of the position of minor unaccompanied asylum seekers in the host country, somewhere else in Europe, or their country of origin.

March 16, 2004: ISS-Hellenic Branch participated in a pilot project on Gender and Age Mainstreaming organised by UNHCR. In this first meeting re-presentatives from the Greek Council for Refugees and Social Work Foundation, Mr Francesco Ardisson, Senior Desk Officer / Bureau for Europe and Ms Jacinta Goveas, Senior Regional Adviser on Refugee Children also participated.

The Mandate of UNHCR consists of ensuring protection and finding solutions for refugees and persons of concern. At the heart of the mandate are the policy priorities on the protection of refugee women and children. How can these priorities be made more effective at the field level?

Italy

February-March 2004, Madrid, London, Copenhagen, Rome, Bucharest, Sofia: ENACT National Multidisciplinary Workshops on Child Trafficking

29th-30th of March, Rome: International ENACT Seminar "European Network sharing Information and Best Practices towards combating Child Trafficking"

Latvia

In May Latvian Red Cross organised seminar "Sexual and gender based violence against asylum seekers and refugees". The target group of the seminar was representatives from Office of Citizenship and Migration Affairs, State border guards, asylum seekers, reception centres and NGOs. Part of the seminar was devoted specifically for the protection of children, particularly separated children as it is one of the most vulnerable groups to be subject of violence, trafficking etc.

Romania

In April a one-day seminar was organised by Save the Children in partnership with UNHCR for Guardian-ship Authorities and Departments for Child Protection. Main issues: appointment of legal representatives, psychological assess-ments

and accommodation and durable solutions for separated children who were granted a form of protection.

In May three days training for legal representatives (Social Assistance, Psychology and Law) was organised by Save the Children in co-operation with UNHCR

Slovenia

Training for separated children's guardians, 19. – 21. April 2004, orga-nised by Slovenska fialntropija.

Main subjects of the training:

- general review of asylum and refugee issues,
- introduction to the basics of refugee law in Slovenia and introduction to international protection,
- Separated Children in Europe Programme,
- Presentation of the Statement of Good Practice prepared by SCEP
- Experiences and problems in Slovenia,
- Trafficking of children,
- Guardianship: different types, role and tasks of guardians of separated children,
- Workshops: role play, task of guardians, understanding of guardianship.

Lecturers: Representative of NGO Slovene Philanthropy, UNHCR Repre-sentation in Slovenia, Office for Immi-gration and Refugees, Social services, Asylum sector and Centre for Foreigners.

Used materials: UNHCR guidelines, Statement of Good Practice prepared by Separated Children in Europe Pro-gramme, summary of relevant conven-tions, EU directives and Slovene legislation.

Spain

Seminar in Madrid, 4th and 5th February 2004, about the rights of trafficked children - a multidisciplinary approach. within the ENACT Programme.

Meeting between Spanish Childhood Observatory, Childhood Organisations Platform about intervention with Separated Children in Spain and their social integration, 18th February 2004.

Seminar in Barcelona, 5th March 2004 about separated children in the Spanish migratory context.

Meeting with the Civic Platform of Barcelona to make a legal guide in order to train the educators in the centres for SC on legal issues connected to the work with separated children, 6th March 2004.

Presentation of the Spanish Campaign against sex tourism – commercial sexual exploitation on 25th March 2004 promoted by the Work and Social Matters Ministry.

May 2004 in Barcelona. Pere Tarrés Foundation : European Seminar to train educators. The seminar was organized for professionals working with minors. Another objective was the setting up of a European Observatory to study the phenomenon of unaccompanied immi-grant minors.

Sweden

28 of April 2004

Children's rights in the EU, presentation of Separated Children in EU, organised by Save the Children Sweden in cooperation with children's group in the parliament.

United Kingdom

Voices out of conflict: young people affected by forced migration and political crisis' Cumberland lodge, 26th – 28th March.

National Refugee Integration Forum – 29th September, 'Identifying, utilising and adapting mainstream services to meet the 'integration/social inclusion' needs of migrant children'.

Publications

Greece

A Guide for services and agencies for separated children in Greece (drafted by ISS-Hellenic Branch and Greek Council for Refugees).

Italy

Report on Child Trafficking in Bulgaria, Denmark, Italy, Romania, Spain and the United Kingdom, Save the Children Italia, March 2004

The Netherlands

The joint east-west research on trafficking of unaccompanied minor children for sexual purposes. This report has been launched and presented to Dr. Helga Konrad (Chair of the Stability Pact Task Force on Trafficking in Human Beings) at the 6th Stability Pact Task Force meeting on Trafficking in Human Beings in Belgrade.

Spain

Buscarse la vida: Análisis transnacional de los procesos migratorios de los menores marroquíes en Andalucía by Mercedes Jiménez., Fundación Santa Maria, 2003

United Kingdom

Save the Children and Connexions, *Working Together: Connexions Supporting Young Asylum Seekers and Refugees*, DfES, 2003. Provides information and advice about delivering high quality advice and support to young asylum seekers and refugees. Connexions is a national service for young people aged 13-19 in England.

Web Sites

Belgium

http://www.sdj.be/fr/240_mineur_non_accompagne.html

The site of the "Service droit des jeunes" an NGO in charge of the defence of the rights of all children including separated children (only in French)

<http://www.ociv.org/>

A Dutch NGO in charge of the integration of migrants and refugees.

<http://www.cire.be/>

A French-speaking NGO in charge of the integration of migrants and refugees.

<http://www.antiracisme.be/>

The Centre for Equal Opportunities and Opposition to Racism. There are some statistics on this web site and interesting information although the pages in English are not well developed.

www.fedasil.be

Federal agency for the reception of asylum seekers. The English version is a bit less complete than the French and Dutch versions.

<http://www.dofi.fgov.be/>

Federal public service Home affairs and immigration service. The English pages are still under construction.

Estonia

www.mig.ee/eng

Estonian Citizenship and Migration Board

www.sm.ee/eng

Estonian Ministry of Social Affairs.

Italy

www.enact.it

ENACT (The European Network Against Child Trafficking), Save the Children Italy's project on child trafficking:

Spain

<http://www.extranjeria.info/inicio/>

Report on Deficiencias en las condiciones de acogida de inmigrantes y solicitantes de asilo. Médicos Sin Fronteras. Septiembre 2003

http://www.unhchr.ch/pdf/chr60/G17_S.pdf

In response to the report made by the Special Rapporteur on the Human Rights of Migrants, Gabriela Rodríguez, after her visit to Spain (from the 15th to 26th September 2003), the Spanish Permanent Mission at UN Office in Ginebra has exposed a verbal note

expressing his disagreement with her analysis.

Statistics

Please see next pages

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Statistics on arrivals of separated children seeking asylum in Europe by end of March 2004

If nothing else indicated, the numbers are A= Actual; Est.= Estimated; N.A.= Not Available

Rec. country	Year	Total	Age 15-18	Males	Females	Main countries of origin	Sources
Austria	2003	2049					Ministry of Interior
Belgium	2003	589 ¹	N.A.	N.A.	N.A.	Congo, Angola, Guinea, Afghanistan, Rwanda, Russia, Kosovo	Home Office
	2004	52 ²	N.A.	N.A.	N.A.		
Bulgaria	2003		99	96	3	Afghanistan, Iran, Nigeria	BHC
	2004	45 ³	45	43	2		
Croatia	2003	71 A ⁴	66 E ⁵	61 A ⁶	10 A	Romania, Bosnia & Herzegovina, Albania, Serbia and Montenegro	Ministry of Labour and Social Welfare
	2004	25 E ⁷					
Denmark	2003	151				Afghanistan Somalia Serbia-Montenegro, Iraq	Danish Migration Service
	2004	8					
Germany	2003	5000	4000 E			Irak Vietnam Angola	Fed. Asylum Office
Greece	2003	314	305			Afganistan, Iraq, Pakistan, Nigeria, Somalia	Ministry of Public Order
Finland	2003	110 A ⁸	19 (age 12- 15) 68 (age 16- 18) E ⁹	74 E	34 E	Somalia, Sierra Leone Angola, Kongo D.R. China, Iraq	Directorate of Immigration
	2004	20 ¹⁰ A	N.A.	N.A.	N.A.		

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¹ This figure only concerns the children who have been assessed as minor by the Home Office (but this assessment is not liable and we fear that many children are seen as majors and are not protected by the system applied to the minors).

² Only January. This figure only concerns the children who have been assessed as minor by the Home Office (but this assessment is not liable and we fear that many children are seen as majors and are not protected by the system applied to the minors).

³ Until 23.03.04.

⁴ Until 31st August.

⁵ until 31st August.

⁶ Until 31st August.

⁷ Until March 2004.

⁸ The situation in accommodation is following: Of the 123 separated children living in group homes and family group homes 62 are waiting for the decision to their application, 40 have got a de facto refugee status and 18 a residence permit because of other reasons (not a refugee status meaning no right to family reunification of refugees), 3 have got a negative decision.

⁹ Information of the age and sex was given earlier, and is not confirmed. (In 4 cases not available at the moment).

¹⁰ Until 18th March.

Rec. country	Year	Total	Age 15-18	Males	Females	Main countries of origin	Sources
Ireland	2003	724 ¹¹	Total N.A. ¹²	Total N.A. ¹³	Total N.A. ¹⁴	Nigeria, Romania, Congo, South Africa, Angola	East Coast Area Health Board
	2004	Total N.A. ¹⁵	Total N.A. ¹⁶	Total N.A. ¹⁷	Total N.A. ¹⁸		
Lithuania	2003	21	21	10	11	Afganistan, Belarus, Ukraine, Russia, Stateless	
Luxembourg	2003	108	103	99	9	Nigeria, Liberia	Caritas
	2004	100	96	85	15		
Netherlands	2003	1216				Angola, China, Irak, Guinea	Asylum Trends; monthly figures of INDIAC
Norway ¹⁹	2003	916				Angola, Afghanistan, Belorussia	Directorate of Immigration
	2004	68 ²⁰					
Romania	2003	23	23	19	4	Somalia, Afghanistan, Iraq, India	National Refugee Office
	2004	13	13	8	5		
Slovakia	2003	705	3% of all E	657	48	India, Bangladesh, Moldavia China, Afghanistan	Official: Migration Office Ministry of Interior SR Estimated: SHC
	2004	16 ²¹		16	0		
Slovenia	2003	42	39	40	2	Moldova, Bangladesh, Palestina, Turkey, Serbia and Montenegro, Albania, Algeria	Slovenska filantropija, asylum sector
	2004	13	13	12	1		
Sweden	2003	561 A	2/3 A	2/3	1/3	Iraq, Somalia, Afghanistan	Migrationboard
Switzerland	2003	1442	1401	1246	196	Guinea, Liberia, Irak, Algeria	Federal Office for Refugees
United Kingdom	2003	2795 E				Somalia, Afghanistan, Eritrea, Ethiopia, Iran, Iraq, Zimbabwe, sub-Saharan Africa	Home Office

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¹¹ Total Referrals to Health Board: 251 placed in care, 401 reunited with family in Ireland.

¹² Placed in Care: 231; Reunited with family members in Ireland: 67.

¹³ Placed in Care: 118, Reunited with family members in Ireland: 202.

¹⁴ Placed in care: 131, Reunited with family members: 176.

¹⁵ 22 placed in care, 41 reunited with family members in Ireland.

¹⁶ Placed in Care: 19, Reunited with family members in Ireland: 5.

¹⁷ Placed in care: 9, Reunited with family members in Ireland: 21.

¹⁸ Placed in care: 13, Reunited with family members in Ireland: 20.

¹⁹ Comment from Directorate of Immigration: The numbers show who stated to be under the age of 18 on arrival. After age assessment, the numbers look different and this is not reflected in this statistics.

²⁰ Jan-febr.

²¹ Jan-febr.