

UNHCR NEWSLETTER

Separated Children in Europe Programme

August - September 2002

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News on Separated Children

- Austria: SECOND PERSON GRANTED REFUGEE STATUS ON WELL FOUNDED FEAR OF FEMALE GENITAL MUTILATION

An Ethiopian baby, aged only 14 months, was recognised as a refugee when her appeal was upheld by the Refugee Appeals Board (UBAS) on 5 June 2002. She was represented by her mother who, through the positive decision handed down on her daughter's case, has also received refugee status.

The UBAS decided to grant the baby refugee status because of well-founded fear of persecution on account of her membership of a particular social group, namely Ethiopian women who are exposed to the risk of having to undergo female excision. The practice of FGM continues in many parts of the country and no legal sanctions have so far been imposed on its authors.

The UBAS also took into account that the baby is a member of the Oromo ethnic minority in Ethiopia. The Oromo Liberation

Front (OLF) is considered a terrorist organisation by the Ethiopian Government

and the police arbitrarily arrest and torture ethnic Oromos simply because of their origin, on the assumption that they could have some kind of link with the OLF.

Already exposed to possible persecution as a member of the Oromo minority, the baby's situation is aggravated by the fact that she was born to a mother raped by a policeman. The possibility of being able to start and lead a new life in another region of Ethiopia, without family or tribal links is deemed unlikely, all the more given the applicant's age and the present socio-economic situation of her mother

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-Austria: PROGRESS REPORT ON CLEARING HOUSES

A six-month assessment report on the Clearing Centre in Vienna describes the structure, organisation, achievements and problems of the centre. One of the main problems reported is the lack of funding for next year and the future, jeopardising everything that has been built up. Another problem, which affects both staff and children, is the lack of durable solutions,

which creates great emotional instability on children.

The centre has achieved a lot in the short time of its existence. It provides a secure, friendly and active environment with concerned, competent staff who have designed a reception/ care system very much according with UNHCR guidelines.

The report is available upon request.

- Belgium: EXPULSION OF FOREIGN CHILDREN WHO HAVE COMMITTED CRIMES

In collaboration with the Office des Etrangers and the federal police, the Ministries of Interior, External Affairs and Justice has now established the procedure for expelling children of foreign origin who committed crimes.

At the end of June, the Prime Minister announced that criminal alien youngsters would be sent back to their home country. Following this announcement, a group of East-European youngsters, active in a Romanian criminal network in the city of Antwerp were expelled.

Le Soir, 24 September

-Bulgaria: FAMILY REUNIFICATION OF SEPARATED CHILDREN

Two separated Iraqi boys, who have been staying in an orphanage for Bulgarian children in Sofia for two years, have just been granted family reunification with their parents living in Lubeck, Germany. This is a highly exceptional case as the parents have a temporary status, 'Tolerance' (*Duldung*) which normally does not give the right to family reunification. However, it was granted after a long campaign by three NGOs in Lubeck, most notably the Lubecker Fluchtling Forum, Diakoniverein Migration and the Hamburg-based Nord-Elbische Evangelisch Luterische Kirche, and the involvement of UNHCR. The two boys, aged 3 and 5 at the time, were separated from their mother at the border when they arrived in a big group of smuggled asylum-seekers two years ago (the children were taken to the government Agency for Refugees in February 2001). The mother continued with her two other small children (born 1992 and 1993) to Lubeck in Germany where her husband had been living already for over 3.5 years seeking

asylum. They immediately applied for family reunification when they had traced the two boys, but were denied repeated attempts. Finally, after two years, they succeeded with a lot of help. In the meantime, the boys do not remember the parents any longer, speak Bulgarian and are used to the life there.

UNHCR Sofia, Bulgaria

- France: EIGHT CHINESE CHILDREN REQUEST ASYLUM

On 26 August, eight Chinese children, aged between 15 and 16, arrived at the police station in Fleury-Mérogis (Essonne) and requested asylum. They claimed that they had fled China via Russia and Yugoslavia after their parents had been arrested because of their membership of the Falungong movement. They also told the police that there were five other persons inside the lorry that transported them to the Paris Metropolitan region.

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- Germany: IMPROVED POLICY ON DETENTION

The Federal State of Nordrhein-Westfalen has issued a circular that intends to improve the rights of women, separated children and youth. Among other things, this includes an improvement regarding the requesting and ordering of the detention of 16-17 year-old (separated) children pending deportation (*Aschibehaft*). It states that the principle of the "best interests of the child" should be taken into consideration in these cases. This does not mean that detention of 16-17 year-olds will be discontinued completely, but that it should be considered in each case whether a better alternative could not be found for these children. In addition, it specifies that detention of separated children should not last longer than 6 weeks.

Infomappe Pro-Asyl no.68, August 2002

- Hungary: ESTABLISHMENT OF FIRST CENTRE FOR SEPARATED CHILDREN

A centre for separated children seeking asylum is planned to be established in Bekescsaba, near the Romanian border and next to one of the main reception centres in the country. It will be the first such

specialised centre in Central Europe in a country which has had a sharp increase of separated children arriving in the past 2-3 years (620 in 1999, 1170 in 2000, and 2018 in 2001).

It will likely be run by an NGO and plans are being made in order to meet the criteria for ensuring appropriate accommodation and care for the children. The centre will have a capacity of 20-30 children and is modelled on the Clearing Centres in Vienna and Nuremberg.

- The Netherlands: END OF CASH PAYMENTS FOR REJECTED ASYLUM-SEEKING CHILDREN

Cash payments to rejected asylum-seeking children ended on 15 September. The measure is expected to affect some 500 rejected asylum-seekers who were under the age of 18 when they submitted their claim for asylum.

Rejected children up to the age of 18 used to receive financial assistance to enable them to pay for education, health insurance and accommodation (since most of the older separated children do not live in reception centres).

In ending financial assistance to this group of children, the Ministry of Justice is hoping that they will decide to return to their home country. NGOs fear that they would, instead, go into hiding, become homeless, end up as street children, or turn to crime.

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- The Netherlands: DECREASE IN NUMBERS OF SEPARATED CHILDREN

The number of separated children applying for asylum decreased from 499 in July 2001 to 182 last July.

A spokesman of the Ministry of Justice has attributed the decrease in the numbers to the new government's restrictive asylum policy in general, and to the policy of returning rejected children, in particular. Moreover, an increasing number of asylum-seekers are being denied access to the asylum procedure at the border.

On 22 August, the Minister for Immigration and Integration, Hilbrand Nawijn, said that steps had to be taken to reduce even further the proportion of asylum applications declared as admissible. He would like 80% of all asylum-seekers to be denied access to

the asylum procedure and thus barred from reception facilities.

In a related development, the Cabinet has decided to drastically cut expenses for reception facilities and assessing asylum claims, reducing the budget for these posts by 90%.

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- Sweden: ENCOURAGING MOTHER TONGUE LANGUAGE CLASSES

According to a report from the Swedish School Board, only 13 percent of immigrant children in Sweden receive education in their mother tongue. Ten years ago it was 65 percent. "Mother tongue is not considered important in pre-schools anymore", says Mai Beijer from the Swedish School Board. However, the mother tongue is important for the development of the child's identity. Furthermore, lack of teaching of the mother tongue complicates learning in other subjects as well. It is stated in the curriculum that immigrant children should be able to practice both Swedish and their mother tongue in pre-school but only some 50 municipalities provide this opportunity. The Swedish school board wants to change this. However, that is not enough; also attitudes have to change.

Sesam, 21 August

- Sweden: BOSNIAN GIRL FIGHTING FOR ASYLUM

On 29 August, a six-year old Bosnian girl, suffering from a very rare eye disease, and her family returned to Sweden and made a new application for asylum in the hope that medical certificates and consideration of the best interests of the child will lead to a positive outcome.

The child's disease can lead to blindness. She and her family applied for asylum in Sweden in 2001 and their case gained much publicity during 2002 when the authorities continuously turned down her claim despite the fact that evidence was presented that adequate care could not be provided in Bosnia. Five applications were turned down and the family reluctantly left Sweden.

Leading representatives of the major political parties have expressed sympathy with the child's situation but it is up to the

independent immigration authorities to decide on her claim.

During the waiting period, the child will have access to specialist care.

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- East Timor: UNHCR HELPS IN FAMILY REUNIFICATION OF LOST EAST TIMORESE CHILDREN

UNHCR is seeking the Indonesian military's (TNI) help to contact the guardians of East Timorese children in East Nusa Tenggara who have been separated from their parents, as part of a family reunification process.

After receiving a power of attorney from the children's parents, who now live in Dili, UNHCR wrote a letter, complete with the names of 11 East Timorese children who had been separated from their parents after 1999 and asked for TNI help to trace the children living with their guardians in East Nusa Tenggara.

According to the source, local authorities have "agreed not to carry out reunification if the life of a child with the guardian is considered far better than if they return to East Timor".

Asia Intelligence Wire via NewsEdge Corporation, 15 August

- Sri Lanka: UNICEF ASSISTS DISPLACED CHILDREN

The UN Children's Fund (UNICEF) was encouraged recently by the release of 85 child soldiers by the Liberation Tigers of Tamil Eelem.

A list of the children was given to the UNICEF representative in Sri Lanka by the head of the Tigers' political wing on September 6, and UNICEF staff has interviewed more than 20 children who had been returned to their families. UNICEF is developing an action plan for the rehabilitation and reintegration of the former child soldiers, which will include assistance in returning them to schools and providing vocational training.

UNHCR, 11 September

- USA: PROPOSED LEGISLATION TO PROTECT SEPARATED CHILDREN ASYLUM-SEEKERS AT STANDSTILL

The US Congress is currently considering legislation that would greatly improve the protection afforded to separated children seeking asylum in the US.

UNHCR has long been concerned about the treatment of child asylum-seekers in the US. The Immigration and Naturalization Service (INS) detains some 5,000 separated children every year, many in juvenile centres intended for detaining national juvenile delinquents. In addition, children seeking asylum in the US are not appointed guardians or legal representatives, contrary to UNHCR guidelines. In early 2001, Senator Diane Feinstein introduced the Unaccompanied Alien Child Protection Act of 2001, which sought to address some of these problems. In particular, the proposed bill would transfer responsibility of the care and custody of separated children to an agency specialised in refugee children's matters; minimise the use of detention; and ensure the appointment of both guardians and legal representatives.

Consideration of the Feinstein Bill was postponed as a result of the events of September 11, but the issue was taken up again this year as part of the discussions regarding INS re-organisation and its possible inclusion in a newly created Department of Homeland Security.

UNHCR update in the Americas, no 2, Oct 2002

- USA: 'LOST BOYS' OF SUDAN FIND EACH OTHER AGAIN

There are all the hallmarks of a typical family reunion, from the barbecue to the sing along to the retelling of childhood tales. But the songs are Sudanese and the stories are about seeing friends killed by hungry lions. This reunion features 250 of the Sudanese refugees known as the "Lost Boys." The "boys," who became widely known for their trek to Ethiopia and then to Kenya to escape war in their homeland, began living together in refugee camps in the late 1980s. Two years ago, the US started accepting the first of about 3,600 it had agreed to resettle. Now some of them are holding their first reunion in the US. "Although many speak different languages, I consider them the closest brothers to me. I stayed with some of these guys for 14 years," said Augustino Kuol, who now lives in Salt Lake City, far from the family he lost

contact with when he was 7 and joined the stream of fleeing boys. The refugees, now in their late teens and early twenties, are spending the week at a YMCA camp in Edgewater. They have toured Washington, attended workshops in subjects such as money management and enjoyed traditional camp activities, including swimming and soccer. Perhaps more important to them are the spontaneous activities: singing the songs that kept them going through the hungry, frightening years as refugees; performing their traditional dances; comparing notes on what it's like to live in Des Moines or Fargo or Boston or Washington, D.C. The most important thing is bringing them together and supporting one another," said Tsehaye Teferra, executive director of the Ethiopian Community Development Council, a non-profit organisation which is helping to sponsor the reunion.

The gathering was not just a chance to immerse themselves in their culture. They discussed how to get ahead in America and what they could do to help other "Lost Boys" back in Africa.

Still, they described the difficulties in getting used to harsh new climates, making friends and adjusting to a cuisine that seemed to feature sugar in every dish. "Most of us are homesick," said Augustino Kuol. "But in the U.S., there's a little hope. We're not fearing having insecurity. In most African countries, you can't plan for tomorrow. Here you can plan for a week, and even more."

Mary Beth Sheridan, Washington Post, 29 August

European Asylum Harmonisation

- JUSTICE AND HOME AFFAIRS INFORMAL COUNCIL

On 13-14 September in Copenhagen EU Ministers discussed, among other issues, the **proposal for a refugee definition and subsidiary forms of protection and the EU's policy on returns.**

Member States have agreed on a definition of refugee status that includes persecution by non-State agents if the State is not able to ensure the protection of the victims. Although all agree to add the notion of alternative protection, the Member States hold different positions on the rights accorded by this status, and do not all wish to harmonise them.

Ministers discussed with the UN High Commissioner for Refugees, Ruud Lubbers, a European repatriation policy and the establishment of a list of countries that are more or less safe and from which nationals are unlikely to seek protection in Europe. The Commission is expected to present an action plan on the EU policy on return in November.

Agence Europe, 13-14 September 2002

- RE- OPENING OF NEGOTIATIONS ON THE RECEPTION CONDITIONS DIRECTIVE

The draft directive on reception conditions for asylum applicants, which has reached political agreement at the Ministerial Council of 25 April, has been re-opened for discussion. The UK requested to re-open the discussion on the personal scope of the Directive, as in the national context the Government wants to limit the provision of reception facilities to those asylum-seekers who prove that they have claimed asylum the earliest possible after entering to the territory. This follows the request from Germany to discuss again the right to access to the labour market. The Netherlands and Austria may be also interested in discussing the provisions related to the Dublin Convention and the exclusion of certain nationalities of asylum seekers from reception facilities, respectively.

It was also decided that the questions concerning medical screening for age assessment of minors will now be considered in the process of preparing the Directive on asylum procedures for granting or withdrawing refugee status.

This will be treated at the JHA Council on 14-15 October.

- DUBLIN II PROPOSAL

The draft regulation on determining the Member State responsible for examining an asylum application will be submitted for

approval at the JHA Council on 14-15 October 2002.

Meetings/Events

- Spain: Save the Children Spain and the Platform for the Defence of Minor Immigrants in Spain will hold a National Meeting on the Defence of Separated Children, Adolescents and Youngsters in Barcelona on 18-19 October. The debate will focus on guardianship, documentation, family reunion and good practices. It aims to discuss the experiences and projects of the organisations participating in the event, and to reach agreement on further action to be undertaken.

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- Croatia: On 11-12 September UNHCR Croatia and the Centre for Social Policy Initiatives organised and facilitated a Workshop in the framework of the Separated Children in Europe Program at which the representatives of the Ministries of Labour and Social Welfare, Interior, Education, the Governmental Office for Legislation, the Governmental Office for Human Rights, Caritas, the Centre for Disaster Management, the Centre for Social Policy Initiatives and UNHCR actively participated. The purpose of the workshop was to develop the skills, knowledge and attitudes of those officials and professionals who are responsible for establishing policy and procedures for separated children at all stages, as well as to encourage them to share the information and knowledge with the colleagues in their field of work. During the Workshop all participants have taken active involvement in discussion on the present situation with regard to separated children, foreign nationals in Croatia. The Workshop was evaluated by all participants as very useful and recommendations were made for future activities.

- Bulgaria: UNHCR BO Sofia organised on 18-20 September a National Workshop on Separated Asylum-Seeking Children aiming to promote and develop a national Action Plan for separated children. This was one of the results of a tripartite agreement on a Plan of Action for separated children signed by UNHCR, the State Agency for Child Protection and the Agency for Refugees. 39 participants attended the sessions representing 12 different Ministries and governmental agencies as well as NGO's and academics.

- **Global Conference on Trafficking in Human Beings**

IOM in collaboration with the European Commission organised on 18-20 September in Brussels the conference "Trafficking in Human Beings. Unacceptable." It gathered more than 1000 participants from all over the world. It was observed that out of 2 million trafficked persons 50% are children. It led to the observation that there was no consensus in Europe on the conditions for granting residence permits to victims of the trafficking, nor on the status of prostitution. However, all participants agreed on the creation of a group of experts to assess best practices and improve co-operation. All asked for greater efforts in helping the victims - social, financial, legal and health assistance - with some calling for the adoption of common minimum standards in Europe. The final declaration will only be ready in a few weeks, the time it takes the European Commission to incorporate the different draft amendments raised during the debates. Particular emphasis was put on the importance of training (and especially police on the ground) on various related issues, including combating money laundering, collaboration between countries and with Europol and Eurojust, and collaboration with the countries of origin and transit.

Conference papers can be found at:

www.belgium.iom.int/STOPConference

Agence Europe, 20 September 2002

Publications and Web-sites

- A bibliography on separated children has been produced and will soon be available on the SCEP website
- The SCEP Training Guide has been translated into French, German and Spanish. The documents will be available on the program website.
- Spain: UNHCR, Save the Children and CEAR published a leaflet on "Separated Children in Need of Protection in Spain". Available from UNHCR Spain.

Statistics

- Provisional data show that 17.044 separated children sought asylum in 2001 in 23 European countries, Canada, New Zealand and Japan. These figures are based on governmental sources and were compiled by UNHCR. Please find the table attached, also available on the website([sc-uam.01.xls](#))
- A table on the gender and age of asylum-seekers, refugees and others of concern to UNHCR in member countries of the Council of Europe was published based in the UNHCR 2001 Annual Statistical Reports. Please find it attached ([coe-dem.xls](#)).

- Belgium: 272 separated children arrived during the first 6 months of 2002, compared to 747 last year. The children are mainly from Congo (22 %), Albania (11 %) and Angola (9 %).

In providing these figures, the Ministry of Interior stressed that some of these asylum-seekers were, in fact, over the age of 18.

- Canada: In 2001, 553 separated children applied for asylum, 232 girls and 321 boys. 315 had a positive decision. The main countries of origin were the Democratic Republic of Congo, Somalia, Angola, Guinea, Sri Lanka, China, Angola, India and Afghanistan.

Source: Canadian Immigration and Refugee Board

- Croatia: The total number of asylum applications in 2001 was 49, out of which 4,08 % represent separated children.

- Germany: Until June 2002, 390 separated children lodged an asylum application. Main countries of origin are Afghanistan, Iraq, Angola, Turkey, Vietnam, and India.

Source: Federal Office

- Lithuania: In 2001 24 separated children applied for asylum, 19 male and 5 female, most of them aged over 14 but four were very young, aged 3, 5, 6 and 9 years old. The main countries of origin are Afghanistan, the Russian Federation and Sri Lanka.

Until June 2002, 5 separated children lodged a claim, 4 female and 1 male, all aged over 14, coming from Afghanistan (2) and the Russian Federation (3).

Programme Update

- On 18-20 September the Senior Regional Policy Advisor went on mission to Bulgaria for meetings and to participate in a National Workshop on Separated Asylum-Seeking Children. A presentation was given on "The protection of separated children".
- On 18-20 September the Programme Assistant attended an International Conference on the Prevention of and Fighting Against Trafficking in Human Beings, held in the European Parliament in Brussels.

Calendar

- A Programme Seminar will take place in Copenhagen on 3 and 4 October.
- A Steering Committee meeting will be held in London on 21 October.

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