



## NEWSLETTER No. 36 Autumn 2011

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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.



With financial support from EC Daphne III

### SCEP Programme Update

#### SCEP NGO network meetings

The first bi-annual NGO Network meeting was held in Dublin 8 - 10 June 2011, addressing thematic issues, EU political and legislative developments and Network business issues. The meeting also included a capacity building workshop and a reality check of the thematic groups. Two representatives from the SCEP Youth Network participated in the meeting.

The second 2011 bi-annual NGO Network meeting will take place in Berlin on 16 – 18 November.

#### SCEP Steering Committee

The Steering Committee held a half-day meeting in June back-to-back to the Network meeting and a two day meeting in October.

#### Age Assessment report and expert meeting

The SCEP Thematic Group on Age Assessment has published the report 'Review of current laws, policies and practices relating to age assessment in sixteen European Countries'. The main purpose of the report is to give an overview of the various age assessment policies and methods implemented in selected European countries. It is also meant as a tool to stimulate further dialogue and research to improve current policies and practice and identify good practices.

The report is available at [www.separated-children-europe-programme.org/separated\\_children/publications/reports/index.html](http://www.separated-children-europe-programme.org/separated_children/publications/reports/index.html)

On 17 October the Age Assessment group held a meeting in Brussels with the participation of experts and representatives from Save the Children, UNHCR and UNICEF to discuss the findings of the report and how to promote better practice.

#### SCEP annual report 2010

SCEP's annual report for 2010 was published and disseminated early summer 2011. It can be downloaded from [www.separated-children-europe-programme.org](http://www.separated-children-europe-programme.org) and hard copies can be ordered by e-mail to [LBR@redbarnet.dk](mailto:LBR@redbarnet.dk)

### **Joint letter to Frontex**

In June, Save the Children, Human Rights Watch and SCEP jointly submitted a letter to Frontex welcoming Frontex's focus and engagement on this issue as regards children at the external borders of the EU and providing some reflections on Frontex's study on unaccompanied minors in migration process.

The aim of the letter was to ensure that Frontex responds to the situation of these children at the borders in a manner - as required under the Commission's Action Plan - that puts child rights and the best interests of the child at the heart of all actions relating to unaccompanied migrant children. To this end, we brought to the attention of Frontex a range of concerns with regard to the Frontex study on unaccompanied minors in the migration process. These relate to the scope of the study, the manner in which the research was carried out, and the key conclusions drawn from the research.

### **EC study on best practices in the field of return of minors**

In relation to the 'Study on best practices in the field of return of minors' that ECRE in partnership with Save the Children is undertaking for the EC, the SCEP coordinator is on the advisory panel and a number of SCEP NGOs are involved as experts and national contact points in the study that held its closing conference in Brussels on 7 November.

### **UNHCR project to develop BID guidelines**

The SCEP coordinator participates in the reference group for the UNHCR project to develop guidelines on determination of the best interests of the child in industrialised countries.

### **SCEP Youth Network**

SCEP supported the participation of two representatives from the SCEP Youth Network to participate in seminar 'Raise up your voice!' for the participation of young refugees in Austria that took place in Vienna 26 – 28 August.

### **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](http://www.separated-children-europe-programme.org/separated_children/about_us/contacts/index.html)

## **The European Union & the Council of Europe**

### **New proposals for a recast of the EU Asylum Procedures Directive and the EU Asylum Reception Directive**

In June 2011, the Commission published its new proposals for a recast of the EU Asylum Procedures Directive and the EU Asylum Reception Directive. Save the Children EU Office has participated in the consultations relating to the recast process prepared comments on the recast seeking some strengthening of the provisions specifically relating to the situation of the children. Save the Children also presented key issues relating to the situation and rights of children under the EU asylum instruments currently being negotiated at an all day event to MEPs in the European Parliament on 20 October.

### **The EU Expert Group on Unaccompanied Minors discusses guardianship**

In June, the Commission convened the first meeting of an EU Expert Group on Unaccompanied Minors to address key issues identified within the EU Action Plan on Unaccompanied Minors. The meeting addressed the issue of guardianship and brought together representatives from member states around the EU as well as several experts from IGOs and NGOs. It was also attended by representatives from the Commission asylum, migration and trafficking units and representatives from FRONTEX and the Fundamental Rights Agency.

### **Joint letter to the European Council on North Africa**

Save the Children EU joined in a letter to the European Council of June 2011 as a response to the crises in North Africa which affects migrants. In relation to children, it specifically noted that "The EU should also fully implement its EU Action Plan on Unaccompanied Minors to ensure that unaccompanied children in migratory flows receive all the special protection and assistance they are entitled to as children." It followed on a letter from the CEOs of Save the Children European Members to the EU Justice and Home Affairs Council on the issue in April.

### **European Commission consults on upcoming EU Anti-Trafficking Strategy**

In September, the European Commission held consultations with key stakeholders on the EU Anti-Trafficking Strategy which is due to be adopted next year. The Strategy will highlight child trafficking as a priority area for action. Save the Children participated in the general consultation

and will provide the Commission with more detailed written follow up.

### **Seminar in the European Parliament on EU Citizen Children in Migration**

On 26 May 2011, a seminar entitled “European Migrant Children: What Protection?” was organized by ECPAT, the Nobody’s Children Foundation, Save the Children and Terre des Hommes in the framework of the Mario project, hosted by MEP Mariya Nedelcheva.

The seminar aimed at shedding the light on the lack of protection of migrant children holding the citizenship of one EU Member States and involved in street based activities in another Member State, with their families or unaccompanied. A research report on the vulnerability of Bulgarian children in Greece to threats such as trafficking and exploitation was presented. Drawing on its findings as well as evidence of similar activities being carried out by children in other EU Member States, an open discussion took place with Member States of the European Parliament, European Commission officials and government representatives and NGOs. The Project Mario partners’ recommendations on EU action were published subsequent to the event.

### **Round table between NGOs and MEPs and a final DRIVE project conference on “Responding to boat arrivals and mixed migration flows in the Mediterranean: What role for the EU?”**

These events are part of the Drive project, co financed by the European Refugee Fund and conducted by ICMC Europe in partnership with 7 NGOs: ACCEM, CEAR, CIR, ECR, JRS Malta, PRAKSIS and Save the Children Italy. It aims to initiate and strengthen networking and capacity-building among non-governmental organizations, local service providers, international institutions and Member States by promoting, on a regional level, the capacity of engaged stakeholders to identify and refer refugees and those in need of protection, including specifically children, women and victims of trafficking and trauma within mixed maritime flows to protection-sensitive processes. Save the Children EU Office participated as a reference group member to the project and is involved in developing recommendations for EU action on this issue.

## **Committee on the Rights of the Child**

### **New Chair of the UN Committee on the Rights of the Child**

Jean Zermatten, former Juvenile Judge and founder and director of The International Institute for the

Rights of the Child – IDE in Sion, Switzerland, has on 30 May 2011 been elected Chair of the UN Committee on the Rights of the Child. Jean Zermatten has been serving in the Committee since 2005.<sup>1</sup>

### **Czech Republic**

During its 57th session, held in Geneva from 30 May to 17 June 2011, the Committee on the Rights of the Child examined the Czech Republic’s compliance with its obligations under the Convention on the Rights of the Child when discussing the Czech Republic’s 3rd and 4th periodic reports.

The Concluding observations on the Czech Republic adopted by the Committee contain observations and recommendations of direct relevance to UNHCR, including the following ones:

#### *Name and nationality*

37. The Committee notes the measures undertaken by the State party to guarantee the right of the child to acquire nationality at birth, however, the Committee remains concerned about the situation of stateless minor applicants in the Czech Republic whose applications for nationality have been pending for a prolonged period of time. Furthermore, while noting that articles 740 and 786 of the State party’s new draft Civil Code establish the right of the child to deny the paternity of his or her registered father and access his or her adoption file upon obtaining the age of maturity, the Committee is concerned that insufficient measures have been undertaken to ensure that all children have the right to know and be cared for by their parents.

38. The Committee urges the State party to undertake all necessary measures to ensure the expeditious granting of nationality to all children born in its territory. In doing so, the Committee recalls the provisions of the 1961 Convention on the Reduction of Statelessness which state that the outcome of an application for citizenship, legal residence or similar status by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State party where the child would otherwise be stateless. The Committee also urges the State party to undertake all measures necessary for ensuring that all children have the right, from birth and to the greatest extent possible, to know and be cared for by their parents.

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<sup>1</sup> His speech after having been elected can be found on: [http://www.childsrights.org/html/site\\_en/index.php?subaction=showfull&id=1306857064](http://www.childsrights.org/html/site_en/index.php?subaction=showfull&id=1306857064)

### *Asylum-seeking and refugee children*

63. The Committee welcomes the latest amendment to the Act on the Residence of Foreign Nationals (Act No. 326/1999 Coll.), and the improvements it makes to the situation regarding the possible detention of asylum-seeking children. The Committee also welcomes the establishment of a specialized foster facility for providing care to separated children seeking international protection, run by the Ministry of Education. However, the Committee remains seriously concerned about the continuing practice of detaining asylum-seekers, including children. While noting the State party's ongoing efforts to improve the situation, the Committee is concerned at the situation of detained asylum-seeking families and guardians with minors at the specialized detention centre in Bela-Jezova which does not meet the required standard for asylum-seeking children's well-being and their best interests.

64. The Committee reiterates its previous recommendation (CRC/C/15/Add.201) to the State party to avoid any form of detention of asylum-seekers below the age of 18. The Committee further recommends that the State party consider all possible alternatives, including unconditional release, prior to detention and emphasizes that this should not be limited to unaccompanied or separated minors, but extended to all cases involving children. In doing so, the Committee draws attention to UNHCR's Revised Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers (26 February 1999).

65. The Committee is deeply concerned that refugees face serious challenges in exercising their right to education in the Czech Republic. While noting that the State Integration Program, as defined by the Asylum Act (No. 325/1999 Coll.) guarantees access to language training to all beneficiaries of international protection, the Committee is concerned that children below the age of 16 are excluded from the language training and that such training for those residing outside state-run refugee facilities has been discontinued. The Committee is further concerned that non-Czech-speaking children are often placed in classes not correspondent with their age, intellectual development or needs. Reiterating the above-mentioned concern on the segregated system of special education, the Committee is also concerned that refugee children are often similarly subject to such segregation. In instances where such placement into special education has occurred, the Committee is concerned that refugee students and their parents were not fully informed of this and its implications.

66. The Committee recommends that the State party allocate the necessary financial, technical and

human resources to provide special language programs for refugee or asylum-seeking children to prepare them for full-time entry into the general educational system of the country. In doing so, the Committee further highlights the importance of taking into account the age, educational development and needs of the children concerned. The Committee also recalls the State party's Schools Act No. 561/2004, pursuant to which, schools are required to provide supplementary assistance to refugee children according to the Individual Education Plans, and in order to prevent early drop out and meet specific educational needs.

### **Finland**

The Committee on the Rights of the Child gave its concluding observations on the 4<sup>th</sup> periodic report of Finland in June 2011.<sup>2</sup> On the whole, NGOs as well as the Ombudsman for Children were pleased to the conclusions. There are plenty of recommendations and some of them especially for separated children. The Committee is repeating the principle concerning age assessment that is written in the General Comment no 6: the child should be given the benefit of the doubt if there is a possibility that the (s)he is a child. Furthermore, it asks the government to introduce the possibility to appeal of the outcome of the age determination.

The Committee also pays attention to detention, and asks the government to ensure that detention is carried out only as a last resort.

NGOs raised concerns on the position of the 16-17 year old separated children. There are signs that also Finland tends to treat these young people differently than younger ones: accommodation standards are lower, age disputes are common and family reunification is getting harder. The Committee's respond to this is somewhat unclear – see more under 'Reception'.

What was very welcomed were the Committee's recommendations on mental health services, therapy and psychiatric care for separated children. This has always been a shortcoming in Finland and also repeatedly mentioned in the previous recommendations of the CRC.

The Committee did not give any recommendations on family reunification, unfortunately. NGOs did raise the question and gave information about new restrictions to family reunification.

### **Italy**

In view of the 58<sup>th</sup> Session of the Committee on the Rights of the Child held in September 2011, on 13

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<sup>2</sup><http://www2.ohchr.org/english/bodies/crc/crcs57.htm>  
or <http://www.formin.fi/public/default.aspx?contentid=223505&nodeid=15146&contentlan=2&culture=en-US>

July 2011 a List of Issues was sent to the Italian government to which a response was required by 2 August. Apart from a request for statistics on separated children in detention, the relevant issues raised were:

14. Please provide information on measures taken to adopt common legislation and procedures for asylum-seeking children across the State party, in particular as regards unaccompanied children. Please also inform the Committee about the current protection, reception and identification system in place to ensure that children have effective access to asylum procedures. Please provide information on legal, physical and psychosocial assistance and protection provided to all children arriving in the island of Lampedusa since January 2011. What steps have been taken to establish a permanent national authority with responsibility for the protection and well-being of unaccompanied and/or separated children? Additionally, please provide information on the Legislative Decree adopted in June 2011 allowing for the detention for up to 18 months of third-country nationals illegally staying in the State party.

15. With reference to paragraph 648 of the State party's report, please indicate the legal basis under which children can be "expelled from the country for reasons of public order or the security of the State" and its compatibility with the prohibition of expulsion or return of children as provided by article 19.2 (a) and (d) of the Consolidated Text on Immigration (Law 286/98), as amended. In this regard, please inform the Committee how the State party intends to prevent any future expulsions of children under its jurisdiction, whether on the high seas or on its territory.

The Italian government's response was provided prior to the relevant Committee session which ended on 20 September 2011, where it was discussed. The next step is for the Committee to sum up the issues which have not been resolved in their Final Observations paper.<sup>3</sup>

### **Netherlands**

In 2012 the Dutch Government and NGOs will report to the Committee on the Rights of the Child. NGOs have had consultation meetings and discussed the main topics and draft of the NGO report.

## **Changes and Developments in Law, Policies and Practice**

### **Belgium**

The high influx of new asylum seekers to Belgium and the relative long duration of the asylum procedure caused that the reception crisis has been ongoing since 2008 (see below for the case of reception). The reception capacity does not correspond to the needs and therefore many unaccompanied children are refused to be accepted in the centres. This violates a number of rights stipulated by the European Social Charter.

DEI (Defence for Children International), Le service droit des jeunes (Children's Rights Services), A.T.F. MENA (Association for Guardians of the Unaccompanied Children), la Ligue des droits de l'Homme (The Human Rights League) denounced the non-respect towards Belgium regarding the unaccompanied children and filed a collective complaint to the European Committee of Social Rights on 14 June 2011.

The complaint was registered on 21 June 2011. The complainant organisations allege that foreign children living accompanied or not, either as illegal residents or asylum seekers in Belgium, are currently excluded from social assistance in breach of Articles 7§10 (Special protection against physical and moral dangers), 11 (right to health), 13 (right to social and medical assistance), 16 (right to appropriate social, legal and economic protection for the family), 17 (right of children and young people to appropriate social, legal and economic protection) and 30 (right to protection against poverty and social exclusion) alone or read in conjunction with Article E (non-discrimination) of the European Social Charter (revised).

### **Czech Republic**

In August, UNHCR NO Prague completed its comments on the general outline of the new Aliens Act. Among other comments, UNHCR disagreed that age of majority should remain 15 years of age (not last for purposes of detention), pointing out the Convention on the Rights of the Child, which is binding for the Czech Republic. At the same time, UNHCR strongly recommended that asylum seekers below the age of 18 and families with children below the age of 18 are placed in a reception centre instead of detention.

In September and as part of its comments on the draft Citizenship Act, UNHCR also commented on several provisions, which may have an impact over the separated children, such as a proposal of a differential treatment of stateless children staying with a family vs. stateless children staying in foster

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<sup>3</sup> For further updates and supporting documents, see: <http://gruppopocr.net/Diritti-dell-infanzia-terminato-1>

care institutions. UNHCR has also strongly objected some of the conditions imposed on such minor applicants for Czech nationality, including assessment of opinion on the application submitted by the Police, state authorities in charge of the social and legal protection of children etc.

As of 1 January 2011, some competencies have been transferred from the Foreign Police to the Department of Asylum and Migration Policy of the Ministry of Interior, which is newly in charge of decisions on all types of residency permits. However, this major change of administration of procedures and decision was not very well prepared. Consequently, there are substantial delays caused by the Department of Asylum and Migration Policy. Separated children have to wait longer for a decision or to prolong their residency permits than required deadlines enacted in the law.

### **Denmark**

After the September 2011 election we now have a new government who have claimed that they want to improve the rights of children in Denmark. Regarding separated children, the new government states in the 'manifest': "Displaced children are particularly vulnerable and particularly entitled to protection. The government will investigate whether the Aliens Act in the best possible way is in accordance with UN Convention on the Rights of the Child, and what initiatives and changes that might be needed for the principles of the Convention better to be adhered to in Denmark." Save the Children intends to keep the government to their promises and advocates for a change in the new law regarding separated children mentioned in the previous newsletter: The new law provides for return of separated children to reception facilities (e.g. Afghanistan and in North Iraq), that children who do not receive asylum and who are not returned to reception centres in countries of origin will be returned when turning 18 and there is no best interests determination procedure, BID, in the handling of cases with separated children.

### **Finland**

The process of splitting the Integration Act into two pieces was finished in the beginning of September, when two separate legal acts came into force. Act on Reception specifies standards for accommodation and appointment of a guardian, among other things. Act on Integration clarifies the roles and responsibilities between different authorities in the field of integration of immigrants. It pays more attention to children and families than before. For separated children there is a welcome revision in the Act on Integration. It is now possible to have so called "after care" until the age of 21.

The government is paying the costs to the municipalities who are organizing the care.

### **Germany**

A new Section in the German Residence Act entered into force which rules that minors and young adults can be issued a residence permit if they fulfil several requirements as e.g. a stay of more than six years in Germany and the attendance of school or vocational training when applying for this status. The intention of the provision is to legalize the status of young foreigners who are integrated in Germany quite well. However, due to the fact that a lot of minors and adolescents do not fulfil all requirements this new provision will not solve the precarious status of many youngsters who have been staying in Germany for a long period of time.

### **Ireland**

On 1 September 2010, the European Commission brought infringement proceedings against Ireland before the Court of Justice of the European Union (CJEU) alleging Ireland's failure to transpose fully the Asylum Procedures Directive. One of the alleged gaps in transposition related to certain guarantees for unaccompanied minors. In a judgment of 7 April 2011 (case 431/10 *Commission v Ireland*) the CJEU found that Ireland had not adopted all the measures necessary to transpose the Procedures Directive within the necessary timeframe. The present position is that Ireland has enacted secondary legislation (Statutory Instruments nos. 51 and 52 of 2011) aimed at plugging the gaps identified by the Commission and it would seem that Ireland is now in compliance with the Directive.

### **Italy**

With regards to the critical issue of the conversion of permits of stay for separated children upon turning 18, the new Law 129/2011, which came into force on 2 August 2011, has introduced some positive change to the situation previously described (see Newsletter 35/2011). The relevant article of the Consolidated Text on Immigration (Law 286/1998) Art. 32 was amended to allow a permit of stay for a child to be converted even where a child has not been in Italy for at least three years and involved in a social integration project for at least two years – at least where the Committee of Foreign Minors gives a positive opinion.

Law no.112 of 12 July 2011, instituting Italy's first National Child Ombudsperson, came into force on 3 August 2011.

### **Netherlands**

The Minister for Immigration and Asylum has announced a revision of the policy for separated

children for 2012. The government has been working on this revision for many years. NGOs have expressed their concerns at a public hearing with Members of Parliament about the proposed abolition of the possibility to receive a regular residence permit as a separated child. This abolition will cause for the separated children to become undocumented when they are not eligible for an asylum permit. The fear is that this will lead to more risks of exploitation of the children and make them more vulnerable.

### **Portugal**

Concerning practice, this year, the Portuguese Immigration Service/Asylum and Refugees Department (governmental body under the Ministry of Interior that is in charge of deciding on asylum requests) started the registration as individual asylum seekers of refugee children born in Portugal or family members (wife/children) reunited in the country with their husband/parents (either recognised refugees or under the humanitarian protection regime) to whom the extension of the protection is required. These cases do not follow the asylum procedure *per se* (admissibility/eligibility phases) but since the request for the extension of the status concludes with a proposal by the National Director of the Portuguese Immigration Service to the Ministry of Interior authorities apply the general registration of asylum seekers.

### **Romania**

During the reporting period Save the Children Romania consulted over 220 specialists with responsibilities in the field of child protection in Bucharest and 14 other localities in Romania. The aim was to analyze the amendments for improvement of the Law 272/2004 on protection and promotion of children's rights, proposed by Save the Children.

At the end of July 2011 the new Aliens Law was adopted by the Parliament. The new Law includes an amendment to Article 131 on return of unaccompanied minors to the country of origin, by introducing a preliminary assessment. The assessment is regarded as the best interests of the child and conducted by the competent authorities.

### **Spain**

After the adoption of the New Aliens Law on December 2009, the Spanish Government published the draft of the Implementing Regulation in February 2011. UNHCR and Save the Children have reiterated the comments and recommendations issued when the Law was being drafted in relation especially to age assessment, trafficking, safeguards related to the protection

needs of unaccompanied children and best interests determination of the child.

On the other hand, the Spanish Government is also working on the drafting of the modifications to the Implementing Regulation to the former Asylum Law in order to adapt it to the New Asylum Law. UNHCR has made recommendations in the field of unaccompanied children to be taken into account in this process.

At the end of 2009 a new Asylum law was adopted and the Aliens Law was modified. Many organisations made recommendations to the corresponding drafts (UNHCR, UNICEF and Save the Children among others). Since then both state authorities and civil society have been working on the implementing regulations to these laws.

On April 2011, the Implementing Regulation to the Alien's Law was published, which entered into force 2 months later. Some of the concerns pointed out by UNHCR and Save the Children during the drafting process were addressed to some extent and, although the final text could have gone further, it is a remarkable achievement that general guidelines in age assessment were established, and that the new regulation included the right to access legal advice.

This implementing regulation also provides for the adoption of two protocols aimed at establishing a coordination framework between public authorities and organizations dealing with unaccompanied and separated children and with victims of trafficking. These protocols are now being drafted counting with the participation of the civil society organizations. The implementing regulation to the Asylum Law is still pending.

### **Switzerland**

The Swiss Center for Expertise in Human Rights has started to be operational in May 2011. This new think tank led by Walter Kälin of the University of Berne has in its program also a cluster on "children and youth politics". The cluster is led by the Institut Universitaire Kurt Bösch (IUKB) and the International Institute for the Rights of the Child (IDE) in Sion.

## **Detention**

### **Czech Republic**

See under 'The Committee for the Rights of the Child' for its concluding observations re. 63.

### **Denmark**

Separated children can be criminalised for having false papers when entering Denmark if they receive subsidiary protection in Denmark.

## **Finland**

The CRC-Committee asks the government to ensure that detention is carried out only as a last resort.

The Government Programme from June 2011<sup>4</sup> goes even further: “The detention of unaccompanied minor asylum seekers will be prohibited.” According to the programme, alternatives for detention will be developed. NGOs are following the preparation of changes in the law and also what those alternatives will mean in practice.

## **Greece**

A new project, funded by the European Refugee Fund through the Greek Ministry of Health, has been set up since August 2011 in the area of Evros, run by the Greek NGO ‘ARSIS’ in collaboration with NGO PRAKSIS. The aim of this project is the early identification of unaccompanied and separated minors upon first entry, and their release from detention facilities and transfer to reception centres as quickly as possible.

The NGO operates a ‘mobile unit’ comprised of scientific personnel within the detention facility of Fylakio (Orestiada) for that purpose. Despite the efforts for early release of minors, the situation in Evros continues to be severely substandard. Additionally, services in reception facilities where children are sent thereafter have not improved to such extent as to become sufficiently attractive for them to remain. Many children continue to depart from reception centres and their whereabouts remain afterwards unknown.

## **Hungary**

See under ‘Dublin II practice’.

## **Netherlands**

The Minister for Immigration and Asylum has revised the policy in relation to the detention of separated children. In general separated children will no longer be detained.

Separated children could be detained in the Netherlands at a special department of a Juvenile Justice Centre (220 children in 2010). For many years a coalition of NGO’s has advocated for change of this policy.

A separated child will now only be detained when the child is suspected or convicted of a felony, the departure of the child can be realized within fourteen days (the same measure exists for children within families), the child has previously left with unknown destination or did not comply with the imposed obligation to report or did not comply with a measure restricting his/her freedom, the

<sup>4</sup>[http://www.vn.fi/hallitus/hallitusohjelma/pdf332889/e\\_n334743.pdf](http://www.vn.fi/hallitus/hallitusohjelma/pdf332889/e_n334743.pdf)

entry of the child in the country was refused at the border (deprivation of liberty until the minority of the child has been determined).

The NGOs represented in the coalition ‘children do not belong in refugee detention’ are excited about the revision of the policy but still have concerns about the exemptions to the revised policy.

## **Portugal**

Asylum Law makes a distinction between applications submitted at the border and those made at national territory. The legal regime is identical, but the deadlines are much shorter in the case of requests presented at borders points, since the asylum seeker has to stay confined in the “Temporary Installation Centre” located at the airports of Lisbon and Porto during the admissibility phase. This circumstance also represents the only detention-like situation in the national asylum procedure. This being said, asylum seekers are not detained in Portugal for the sole purpose of procedure.

## **United Kingdom**

Between January and June 2011 there were 51 referrals of suspected children in detention to the Children’s Section. 22 of these cases were taken up by the Children’s Section. Out of these cases 11 were released as children with 4 released as there was proved to be an element of doubt concerning their age. Only 1 was determined to be an adult and 6 remain outstanding.

## **Age Assessment**

### **Belgium**

During the past few months the age of the separated children who arrived in Belgium has been increasingly disputed. The majority of children had to be tested in order to prove their age of minority. The age assessment is still based on the triple test (left hand wrist, collarbone and dental examination). Unfortunately the whole procedure takes sometimes up to several weeks or months that represent a long period of time during which many children disappear.

Passport is the only document that is taken into consideration in the process of identification and age assessment. Children often carry only their birth certificate, identity card or in the worst case no document. These are the issues that are yet to be dealt with.<sup>5</sup>

<sup>5</sup><http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/assessing-age?view=Binary>

## **Estonia**

In order to ensure increased protection against deportation for minors and provide them the necessary social guarantees, the law expands the regulation for establishing the age of minors also for those aliens without the legal basis for stay in the country in respect to the age of whom the Police and Border Guard Board has reasonable doubt.

So far the regulation for establishing the age of unaccompanied minors was set forth only in the Granting Aliens International Protection Act, due to which the administrative authority had no capacity to use medical examinations to establish the age of an alien, unless the alien was applying for asylum. Due to the fact that the medical examinations do not allow accurate identification of the age of a minor, the law provides that the Police and Border Guard has the authority to decide if an alien is considered as a minor or an adult. In practice there has been only one case when an unaccompanied minor was sent back (in 2010), during which the unaccompanied minor was taken back to their country of origin to the parents.

## **Germany**

There are two fresh and interesting court decisions on age assessment in Germany: The Higher Regional Court of Munich (file no. 12 UF 951/11) decided on 30 May 2011 that the local Family Court had not made full use of all opportunities to assess the age. The court had rejected to appoint a legal guardian for a person who had claimed to be minor. The Higher Regional Court criticized on the one hand that the local court based its decision on the information of the administrative authorities which do not have the medical expertise to assess the age and on the other hand that the court did not summon the claimant to get a personal impression. The court referred the case back to the lower instance for further examination of the age – also by using medical methods.

The Higher Administrative Court of Hamburg decided on 14 February 2011 (file no. 4 Bs 282/10) in the case of an Afghan national who claimed to be minor that he is entitled to be accommodated in a youth welfare home until his age is finally clarified. In this case the youth authority assessed the age of the person by doing an interview on biographical data, the physical appearance etc. The court pointed out the necessity to ask and also document biographical information on the person affected, the age of the parents or siblings, data on enrollment and termination of school as well as periods of work as this information needs to be taken into account to make the age assessment comprehensible. However, physical characteristics like a well-developed wrinkle on the forehead, a deep voice, growth of beard and a physique

considered as post-pubescent can according to the court not be used as an evidence for majority.

Both decisions show an increased awareness of the necessity of quality age assessment but also the lack of clear standards with regard to age assessment in Germany.

## **Italy**

On Lampedusa, in light of growing numbers of adults claiming to be children to take advantage of the lack of any kind of age assessment on the island, wrist x-rays or otherwise, a formal procedure was agreed upon to ensure separated children were protected from adults placed in those facilities only for children. Law enforcement agents will ask for copies of identity documents within 48 hours if there is doubt about whether a migrant claiming to be a child but appears as an adult. Meanwhile, the migrants can be placed in a part of a reception centre for adults. However, where there is doubt, law enforcement could also exercise the benefit of the doubt, and, after an in-depth interview with a cultural mediator, place the potential migrant child in the part of the centre for children.

## **Netherlands**

In April 2011 the Court decided in favour of the Minister for Immigration and Asylum that the Minister could continue with the current age assessment methodology in the Netherlands. The Institution for Medical Advice (SMAK) complained that the use of X-rays for the age assessment of separated children is not scientifically reliable. The Court disagreed (contrary to a contra-expertise) because no study found a minor with closed clavicles.

(The lack of reliability of) the age assessment of separated children in the Netherlands was front page news (see Trouw from 31 August 2011 and 1 September 2011). The newspaper articles were a follow up of the comment of the Commissioner for Human Rights of the Council of Europe, Mr. Hammarberg. The Commissioner criticised the age assessment of separated children and specifically criticised the X-Ray tests in the Netherlands, Sweden and Germany. In the newspaper article Defence for Children and the Institution for Medical Advice (SMAK) urged the Minister for Immigration and Asylum to take the criticism seriously and investigate the possibilities to perform the age assessment with an independent multidisciplinary team. Defence for Children posted an article on their website and advocated for the age assessment to be carried out in accordance with the Statement of Good Practice of SCEP.<sup>6</sup> The Minister

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<sup>6</sup> only available in Dutch:

<http://www.defenceforchildren.nl/p/53/2162/mo89->

does not agree with the criticism expressed by Mr. Hammarberg and NGO's. A Member of Parliament of the Dutch Socialist Party (SP) has asked formal questions to the Minister about the criticised age assessment method. The Institution for Medical Advice is currently investigating the possible alternatives to the current age assessment methods. More information on the age assessment methods can be found in the Netherlands review report which is available on the SCEP's website.

### **Portugal**

In Portugal, there are no specific legal provisions concerning age assessment applicable to the immigration context. In practice, age assessment is normally initiated because authorities suspect that an asylum seeker who declares to be a child is above 18. Age assessment is usually initiated when there are grounds for serious doubt concerning the child's age and not as a routine practice, but even when the individual has identity documents that are believed to be fake and/or are not valid for entry and stay in the country.

Age assessment can be initiated by the Portuguese Immigration Service or the Portuguese Refugee Council, as an independent part in the asylum procedure. When age assessment is initiated by the Portuguese Immigration Service, the Portuguese Refugee Council is not formally involved since the contacts are directly established with the minor to carry out the tests.

Informed consent is generally gained from the child. S/he is informed about the reasons why age assessment is initiated, about the fact that his/her age will be determined through medical and other exams, about the procedures that will be used (although without technical details) and the likely consequences of the age assessment results. This information is provided to the child in a language that s/he can understand, in a culturally appropriate fashion and in an age-sensitive way.

Exams used do not comply with a multidisciplinary approach. These include dental x-ray, which is the prevailing method used, dental observation and carpal x-ray, and do not encompass cognitive and/or behavioural appraisal, nor psychological interviews or tests. Professionals performing the exams are from the National Institute of Forensic Medicine. They are in an independent position to perform the tests (their role is not in conflict with the individual's interest to be identified as a child); however they are seldom aware of the child's cultural and environmental background, while they are trained to conduct testing effectively and

informed about the reasons for age assessment. There is no paediatrician involved in the process, nor are social workers or cultural mediators involved either.

There is no usual timing for age assessment; tests are carried out whenever there is a doubt about the age declared by the asylum seeker. A margin of error is envisaged for each examination applied. If the range includes the minor age, the individual is identified and treated as a child. Outcomes of age assessment are clearly presented in a certificate, and explained to the child in a language and manner that s/he can understand. Pending age assessment, the individual is presumed to be a child and partially treated as such. In particular, an independent guardian (the Portuguese Refugee Council) is appointed, who can represent the child throughout the procedure, whereas s/he is placed with adults in the only Refugee Reception Centre existing in the country. Starting from 2012, children should be placed in a new reception facility for all separated children.

Age assessment results are not made through a specific decision, while the decision concerning the asylum claim relies on the results of the tests as it concerns the individual's age. The child is generally informed about the possibility to appeal against the results and provided with adequate assistance to do so. A refusal to undergo age assessment usually negatively affects/influences the decision about the asylum claim by the applicant. The child is informed about the possibility to refuse age assessment examinations and about the consequences of such refusal in a language that s/he can understand and in an age-appropriate manner. There are no data or statistics available concerning age assessment cases in the country.

### **Romania**

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".

According to the NGO lawyers who are assisting separated children, the benefit of the doubt was applied with regard to the age declared by 30 separated children who applied for asylum in 2011. No age assessment was conducted in the reporting period.

### **Spain**

Since the previous Ombudsman expressed his concern in 2009 on the practices and procedures for age assessment of unaccompanied and separated

children, there have been several initiatives led by different organizations and institutions in Spain addressing the main concerns of organizations and institutions.

The Spanish Ombudswoman Office has organized several experts meetings and workshops during the last year in order to get a better knowledge on the age assessment procedures in Spain. The conclusions and recommendations of this work have been published in an extensive report containing different conclusions and recommendations in the field of age assessment. The main recommendations to the national authorities who works with this issue are related to the establishment of coordinating protocols, the creation of specialised medical units to carry out the age assessment, the compliance with the information requirements, the provision of adequate legal assistance and reception conditions while a decision on the age is still pending.

### **United Kingdom**

149 were age disputed from the referral outset (29%). The Children's Section attended 87 age assessments over this period. Government guidance to its staff on age assessment was revised during this period. The new version is provided by the UK Border Agency.

A new website summarises much of the important case law in this area, which remains a key method through which practice is improved.<sup>7</sup> A report of the situation in Wales was published in August.<sup>8</sup>

## **Guardianship**

### **Belgium**

Guardianship is essential for the concrete application of the best interests of the child. It is to be regretted that regardless of many efforts there is still a gap in the process of setting up the guardian for the minor, especially for those whose age is disputed. It often takes too long and a child ends up totally alone and lost in the administrative and law procedures. Moreover, there is a lack of guardians and therefore the current number of guardians cannot approach all the unaccompanied children.

### **Czech Republic**

The latest amendment to the Aliens Act (Art. 119 and Art. 124) stipulates the obligation of the Police to appoint a guardian with no delay to any separated

child for the procedure on the administrative expulsion. The procedure provides higher protection standards to separated children. Nevertheless, no such cases have been reported to UNHCR under the period under review.

### **Estonia**

The definition of an unaccompanied minor alien was introduced and defined in the OLPEA, relying the definition set forth in the Granting Aliens International Protection Act. According to this an unaccompanied minor alien is an alien of less than 18 years of age who arrives or has arrived to Estonia without a parent or guardian or who loses a parent or guardian while staying in Estonia. Execution of the precept to leave of unaccompanied minor aliens is organised by the guardianship authority.

Due to the fact that appointing guardianship is generally a very timeconsuming process, the Ministry of the Interior and the Police and Border Guard were given the authority to conclude a contract for assisting in the obligation to leave of an alien with legal entities of private law. This may also include ensuring compulsory school attendance of an unaccompanied minor alien, providing him/her age-appropriate activities or entertainment, psychological counselling etc.

### **Finland**

A research project on the guardianship system in Finland by the Central Union for Child Welfare is going on. The project examines how the guardianship system in Finland implements the best interests of the child and if there is a need to develop the system. Information is mainly gathered by interviewing guardians and other relevant actors working with separated children. The study will also offer a short review on the guardianship systems in some other countries in the EU. It is due for completion in the spring of 2012.

### **Germany**

An amendment to the guardianship law entered into force on 5 July 2011. The amendment encompasses two positive aspects: From July 2012 on, the number of wards a guardian cares for should be limited to not more than 50 per guardian and he/she should in general have personal contact with his/her ward at least once a month in familiar surroundings. This revision will have a strong impact on the work of guardians because new guardians have to be employed and the others have to redefine their work as the personal contact to the ward will be much more important than in the past.

<sup>7</sup> <http://www.independentageassessment.co.uk/>

<sup>8</sup> <http://www.welshrefugeecouncil.org/wp-content/uploads/2011/08/WRC-Young-Lives-in-Limbo-WEB2.pdf>

## **Ireland**

There have not been any advancements or concerns in relation to guardianship with the exception of three points.

First, separated children who were in the care of the HSE and have turned 18 remain in the care of the HSE if they are in full-time education until they reach the age of 23. A scholarship fund was established for separated children who were going into third-level education (this was provided by the One Foundation and facilitated through Barnardos and the One Foundation). Separated children who 'age-out' and are not in full-time education are moved into adult accommodation, but still have the option of linking in with an aftercare worker who will occasionally visit the adult accommodation centres where aged-out minors reside.

Second, here is still some confusion as to who is the legal guardian in relation to children under Section 4 (voluntary care) and Section 5 (out-of-home care) of the Child Care Act 1991 (as amended) as compared to children with a full care order (utilising Section 18 or 19 of the Act).

Third, The Irish Refugee Council, in coordination with the Children's Rights Alliance through their work with the ECPAT and The Body Shop campaign against child trafficking, has received funding to develop and run an independent advocate pilot to begin in 2012.

## **Italy**

Further Registers of Volunteer Guardians have been created in 2 provinces of the Lazio Region, on the impetus of the Regional Child Ombudsperson.

## **Netherlands**

The eight national reports for the project 'Closing a protection gap for separated children in Europe' were published.<sup>9</sup>

Separated children and guardians voice their opinion and talk about the qualifications and responsibilities of the guardian in relation to reception, return, legal procedures and a durable solution for the child. Separated children state what they would do if they were guardians, likewise guardians come with their opinions on what they would wish if they were in the same situation as the separated children. The input from the national reports were measured against the Convention on the Rights of the Child and other relevant documents (amongst which the Statement of Good Practice of SCEP) and have been developed into Core Standards for Guardians. Guardians can use these standards as a tool for their daily work and can use them when needed to advocate for change

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<sup>9</sup> <http://www.defenceforchildren.nl/p/43/522/mo89-mc97/english>

at authorities and organizations. The Core Standards for Guardians of Separated Children will be launched in November in Brussels after which they will be available at [www.defenceforchildren.nl](http://www.defenceforchildren.nl).

The Inspectorate for Youth Care has monitored the Dutch Guardianship institution Nidos. In their report the Inspectorate emphasizes the complex working environment of guardians of separated children. The guardians do what is in their power but the Inspectorate has recommendations for improvement. There are risks for the development of separated children in the large scale reception facilities. The risks in the development of the children are not systematically mapped, this needs improvement. Furthermore there should be more contact moments between the guardian and the separated child during the first period in the Netherlands in order to build a relationship of trust. The guardians define their tasks and responsibilities differently. The statutory duties of the guardians need to be performed in the same way by all guardians.

## **Norway**

The Norwegian Government is working on a new guardianship law which will outline representation of separated children.

## **Poland**

There is an ongoing discussion on the problem of lack of appointment of legal guardians with a high level of entitlements and competences to foreign unaccompanied minors.

## **Portugal**

No specific refugee status determination procedure has been set up in respect to minor asylum seekers. After the submission of the asylum claim, the Portuguese Immigration Office usually informs the Public Defender's Office (*Ministério Público*) of the presence of unaccompanied or separated children in national territory, for the purposes of appointing a legal guardian and to implement the necessary emergency and long term protective measures, pursuant to Act 147/99, 1 September.

In accordance to Law 147/99, 1 September, Family and Minors Courts (*Tribunal de Família e Menores*) have the legal competence to determine the necessary protective measures applicable to unaccompanied and separated children that are considered to be minors at risk. Usually the institution that is providing support to the minor (the Portuguese Refugee Council) is involved in an agreement that determines the terms of the protective measures to be applied in the individual case. Emergency protective measures pending this final agreement have, up to now, usually consisted

of the Court's ratification of the accommodation of the minor in the Reception Centre for Refugees of CPR following the presentation of his asylum claim.

### **Romania**

In 2011 the local Directorates for Child Protection appointed legal guardians for 30 separated children.

## **Reception**

### **Belgium**

The reception crisis has been continuing since 2008. The principal issues of the crisis reside in the long term procedure of analysing the individual cases, the lack of places available during the reception process, and the government incompetence to prevent further arrivals of unaccompanied children. The crisis has become structural and requires specific attention.

The law 12/01/2007 refers to all the unaccompanied children, whether claiming asylum or not, offering the right to be protected and received in three main phases. Despite the law, Fedasil has decided to refuse the reception of the minors who do not claim asylum and who are not considered to be vulnerable.

Many children are therefore forced to live in the streets, squats or hotels, which obviously do not correspond to minors' needs. Neither education nor health care is provided, which can also lead to child being (re)involved in illegal trafficking, prostitution abuse or crime.

According to Fedasil a further expansion of the reception network would not be the solution of the current crisis. It is important to evaluate the measures taken by the Federal government to reduce the influx of asylum seekers to the reception network and to enhance the outflow by different means like the increase of voluntary return.

### **Czech Republic**

Several interesting projects have been supported in 2011 in favour of the separated children. These include "My future in the Czech Republic? Piece of cake!" The project is intended to help the separated children in the Czech Republic who have been placed into a Facility for children of foreign nationals. The project is funded by the fundraising campaign *Pomozte dětem!* (Help the children) organized by the Civil Society Development Foundation (NROS) and the Czech Television. The goal of the project is to make the children's transition from a facility for institutional upbringing into regular life easier and to help integrate them into the Czech society. The OPU activities within this project concentrate on finding a permanent solution regarding their residential status prior to

leaving the Facility for children of foreign nationals and on preparing them for self-reliant life. As a part of the project free legal and social counseling is provided. Activities within the project will be carried out during the whole 2011.

In January 2011 OPU started implementing the project 'Easy Ride III' with the financial support of the European Refugee Fund and the Czech Ministry of Interior, which builds on the Easy Ride I and Easy Ride II projects, implemented last years. The project aim is to prepare separated children when transiting from institutional care to privacy and to secure their successful integration. In the frame of the project the separated children will be methodically prepared for leaving the Residential Centre for Children – Foreigners. They will be granted legal and social counselling, assistance when looking for a suitable accommodation, work, educational courses, (re)qualification courses, etc. And thereafter when leaving the Residential Centre they will be accompanied when negotiating with authorities, they will get financial support for educational courses, (re)qualification courses and for furnishing apartments, etc. The project activities will last till December 2011.

### **Finland**

The new Act on Reception includes specific regulation on accommodation which is very good on the whole. The standards are comparable with the Child Welfare Act, but unfortunately only for children aged 15 or younger. The standards in accommodating separated children aged 16-17 are lower; the units can be bigger with less personnel. The practice has not changed much but it is now also legal to have lower standards for separated children in this age group than for younger ones.

In its fresh Concluding Observations the CRC Committee recommends Finland to avoid accommodating asylum seekers aged 16 and above in adult units. This might be a shortening simplification due to editing the text or maybe even a misunderstanding: separated children have not been placed in adult units. However, NGOs can take this as a reminder from the Committee about non-discrimination (article 1 and 2 of the CRC together): ALL children are children until 18. Accommodation of all separated children should be comparable to nationals that are in out-of-home care.

When preparing the Act on Reception there was some discussion about the right to go to school. The attempts to strengthen the right for asylum seeking children failed. Although all children have the right to basic education the municipalities do not have the obligation to organize teaching to

minors who are not residents, e.g. asylum seeking children. There are minors who don't go to school for several months after their arrival to Finland. The current Government Programme has a reference to the item: "Each child covered by reception activities has a right to go to school." NGOs are lobbying this basic right to be guaranteed better in the law.

### **Germany**

UNHCR and Bundesfachverband UMF evaluated the reception conditions for separated children in two Federal States, Baden-Württemberg and Bremen. In both Federal States interviews were made with aliens and youth welfare offices, accommodation centres, guardians, the branches of the Federal Office for Migration and Refugees and other stakeholders who deal with separated children. The reports (in German) are available on the homepage of the Bundesfachverband UMF.

### **Greece**

The capacity of the reception centres for separated children will be increased. The pertinent Ministry (Health and Social Solidarity) responsible for the reception of asylum seekers has approved the operation and/or expansion of (new) facilities which will be co-financed through the European Refugee Fund. Specifically the NGO Apostoli will start a new centre for 20 separated children, while the Greek Red Cross, Arsis, and the Welfare Association of Youth will extend their capacity by 18, 30, and 5 places respectively. The National institute of Youth will finally set aside places for young female unaccompanied/separated children. The number has not been specified.

A new trans-national project, run by UNHCR in cooperation with national partners, with ERF Community Funds, has been set up since August 2011. The project, titled "Unaccompanied and Separated Children 'On the Move' in need of international protection: Addressing protection needs through reception, counselling and referral, and enhancing cooperation between concerned European Union Member-States", foresees direct operational assistance and information/counselling to separated children found in Greece, Italy and France, with the setting-up of "Drop-In Centres" where children can seek help and support in Patras, Rome and Calais respectively. The project will run until June 2012 and it is hoped that it will greatly enhance information and orientation to children 'on the move', as well as cooperation between partners and the development of best practices.

### **Hungary**

In contempt of the beforehand contemplation, the Hungarian Interchurch Aid is not operating the new

Unaccompanied Children's Home in Fót. The task was given to Károlyi István Children's Center. The institution has a history of 50 years of dealing with national children and has always occupied a special place in the Hungarian child protection but has no experience with asylum seeking and separated children. No proper training was provided for the staff.

Within the UNHCR Regional Representation for Central Europe's annual Age, Gender and Diversity Mainstreaming (AGDM) process a monitoring group was visiting the Center at the end of September 2011. The main findings of the AGDM process will be published before the end of 2011.

### **Ireland**

Feedback on the Equity of Care plan has been largely positive from young people, fostering agencies and the HSE.

### **Italy**

Prior to the closure of the main reception facility (Centro di Primo Soccorso e Assistenza) on Lampedusa<sup>10</sup>, unaccompanied children were housed in a smaller centre on the island (the Loran Base), following their transfer from the children's only quarters in the main facility. In both cases, the children were unable to leave these centers, representing a limitation of their personal freedom. Despite several requests, Save the Children never received an adequate response from police authorities on authorizations necessary for children to leave.

Strong recommendations were made and actions taken to ensure all unaccompanied children and families with children were urgently transferred to the mainland, due to inadequate living conditions in the centers. Where they were not transferred immediately to permanent residential care facilities for children, the waiting time on Lampedusa became quite long. As an emergency solution, temporary reception facilities were opened where some children were eventually transferred, while the authorities sought places in permanent facilities all over Italy. These were regulated by Order No. 3948/2011 issued by the Presidency of the Council of Ministers, which gave the Ministry of Labour and Social Policies responsibility for "the identification and the organization of temporary and non temporary structures for the reception of unaccompanied minors." (Article 4) – The former

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<sup>10</sup> A fire and ensuing rioting lead to violence between locals and the migrants which destroyed most of the centre on 20 September 2011 - fortunately no children were harmed. At the time of writing, no migrant arrivals, children or otherwise, are accommodated on the island of Lampedusa.

being referred to as “bridge structures” (strutture ponte). According to the new procedures,<sup>11</sup> these facilities were to be found all over Italy, for use in the “first phase of placement” while longer-term accommodation was sought for children to stay up until 18 years of age by the CMS (Comitato Minori Stranieri) through the National Programme for the Protection of Foreign Unaccompanied Minors.

### **Netherlands**

The Minister of Immigration and Asylum has stopped financing the ‘Perspective’ experiment before it was monitored by the Scientific Research and Documentation Centre (WODC). The experiment ‘Perspective’ (Perspectief project) started in October 2009 in nineteen municipalities in the Netherlands to help former separated children who turned eighteen. By preventing illegality among the group of former separated children the project aimed to protect the former separated children against a life at the sightline of society. In an active way the experiment wanted to create perspectives for a worthy, decent future. An assessment on the juridical chances for a residence permit was done, and when not applicable anymore, the project aimed to improve the chances for a future in the country of origin. One of the most important methods used in the experiment was the easy accessible living room setting with internet. The young people were free to drop-in because of the informal setting and use several provisions such as internet.

The Minister wants to emphasize that the purpose of the experiment was not to provide an unlimited facilitation to the participants. The minister urges municipalities not to continue with the experiment on their own. When a former separated child wants to return to his/her country of origin, he/she can be placed in a reception facility with restrictions of his/her freedom (if they do not want to return they end up on the streets). UNICEF-the Netherlands, Defence for Children-the Netherlands and Members of Parliament urged the Minister to continue the project. Without the support from the project the children have higher risks at being exploited and they become more vulnerable.

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<sup>11</sup> See the Italian Government’s response to issues raised by the Committee on the Rights of the Child [http://gruppoirc.net/IMG/pdf/CRC\\_C\\_ITA\\_Q\\_3\\_4\\_Add\\_1.pdf](http://gruppoirc.net/IMG/pdf/CRC_C_ITA_Q_3_4_Add_1.pdf), in particular: “on the basis of several decrees and Civil Defence orders, adopted by the President of the Council of Ministries and by the Ministry of the Interior in recent months (starting from February 12, 2011), a new procedure has been defined by Circular No. 2436 of May 18, 2011 followed on the same day by the Decree of the Delegate Commissioner for the North-Africa Emergency, appointing the general Director of the Ministry of Labour and Social Policies as the person in charge for providing assistance to unaccompanied foreign children (“Executing Body”).”

The Perspective experiment was monitored and evaluated by the Scientific Research and Documentation Centre. The results were published in September 2011. One third of the participants of the experiment completed (or discontinued attending) the counselling project before the end of the experiment, two thirds were still in counselling when the experiment closed. For 60% of the participants the actual trajectory is aimed at receiving a residency permit (including 1% no blame cases). 29% of participants follow a trajectory aimed at repatriation, and 4% follow a two-track trajectory. A total of 85 (18%) of the former separated children who are still in counselling are waiting for a decision on a residency permit application.

107 former separated children (15%) have received a residency permit during the experiment period. 21 former separated children (3%) have returned to their country of origin. 87 former separated children (12%) have departed with unknown destination. 10 former separated children (1%) have migrated onwards to other countries. In addition, 35 (5%) have left the program for reasons beyond the scope of these categories. An English summary of the Perspective Project is available.<sup>12</sup>

In the media the Minister for Immigration and Asylum has focused on the low return numbers (3%). NGOs and some Members of Parliament urge the Minister to not only focus on return numbers but also focus on possible prevention of exploitation of this vulnerable group of former separated children by the Perspective experiment.

### **Norway**

Separated children seeking asylum in Norway are placed in separate reception centres or sections. The Norwegian Directorate of Immigration (UDI) is responsible for separated children between 15 and 18 years old. Separated children under 15 years old live in special care centres, which are administered under the Child Welfare Services.

### **Portugal**

Reception conditions in Portugal have been strengthened. In 2006 a reception centre specifically designed for asylum seekers and refugees, was opened, financed by the EQUAL Initiative and based on a new concept of integration within the community.

The Reception Centre, located in Bobadela, is an open temporary residence for mixed population: in-country asylum seekers (single men/women and families during the first phase of asylum procedure: the admissibility phase); resettled refugees for a six

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<sup>12</sup><http://wodc.nl/onderzoeksdatabase/evaluatie-perspectiefprojecten.aspx?cp=44&cs=6796>.

month period and unaccompanied minors until their age of majority.

The Reception Centre responds to the basic needs of asylum seekers during the admissibility phase of asylum procedure (food, clothing, toiletries, pocket money and Portuguese tuition classes). Activities directed to asylum seekers and refugees at the Centre have been implemented (visits to monuments, sports training, and information sessions on various issues relevant for integration).

It is composed by three main buildings:

1) Reception Centre: asylum seekers area with rooms, kitchen, dining room, living room with a total lodging capability of 42 residents), classrooms, auditorium, library, several offices for counselling and support)

2) Kindergarten

3) Sports complex

The kindergarten, the sports complex, the auditorium and the Employment and Training Service are open to local community. At the kindergarten national children and refugee children play together.

The concept behind the construction of this infrastructure was the creation of an intercultural dynamic space based on the relations between asylum seekers and refugees and the local community, re-enforcing the community ties, values and the sense of belonging to a cohesive community.

As mentioned above, starting from 2012, children should be placed in a new reception facility for all separated children. This new Centre will improve the reception conditions of unaccompanied minors and implement, throughout National Resettlement Programmes, the reception of family/children with special medical needs. With a living and meals 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 up to 14 children, providing a safe environment, resembling as much as possible a family structure, and assuring their development and the integration into the Portuguese society.

### **Romania**

In 2011 30 separated children seeking asylum were accommodated in the open Reception Centres managed by the Romanian Immigration Office.

The Government, in cooperation with Save the Children Romania, is striving to ensure that the reception facilities are generally adequate to the children's needs.

### **Switzerland**

A parliamentary motion submitted in March 2010 concerning the placement of unaccompanied

children was refused in September 2011 by the National Council.

## **Missing children**

### **Belgium**

Child Focus (Foundation for missing and sexually exploited children) published an annual report<sup>13</sup> on 3 May 2011, indicating the number of disappearance of separated children in Belgium in 2010. Approximately 300 cases were discussed in 2010 (compared to 279 in 2009). As the children are often not registered in the database, it is difficult to retrace them; therefore 90% of the cases remained unsettled. The age of disappeared children varied: out of 299 children 28% were less than 13, 40% were 13-15 years old, and 32% were 16-17 years old. In terms of sex, approximately 60% were boys, to 40% girls. As another statistics show, 25% were originally from East Europe, 19% from Middle-East or Asia, 18% from Africa, and a small minority from Latin America. The remaining 36% of children could not be identified in terms of nationality.

Due to the reception crisis the children not claiming the asylum were not registered nor received and therefore it is impossible to state a precise number.

### **Ireland**

The number of missing children thus far in 2011 has increased from 2010, despite the measures taken by the HSE and the Garda National Immigration Bureau, as reported in the previous newsletter, to safeguard separated children against going missing, and specifically against going missing for the purposes of trafficking. In 2010, 11 separated children went missing, 8 of whom were recovered. In the first six months of 2011, 7 children went missing, only 2 of whom have been accounted for.

### **Poland**

The Ministry of Interior opened a call for proposal for preparing implementation of the Child Alert system in Poland.

## **Dublin II practice**

### **Belgium**

Belgium stopped deportations to Greece temporarily since 10 October 2010. This decision follows a letter from the European Court of Human Rights warning that the Court would systematically suspend any attempt to transfer to Greece.

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<sup>13</sup><http://www.childfocus.be/newsmanager/419/267/Rapport-Annuel-2010/?cntnt01options=1>

Transfers have been suspended since the judgment of the Court in the MSS case.

### **Hungary**

Dublin II transfers between March 2011 - August 2011 to Hungary took place from the following countries: Denmark (1), Germany (1), Switzerland (1), and Sweden (1). One separated child was transferred to the Czech Republic.

In accordance with Dublin II transfers more and more stakeholders from other EU member states are contacting the Hungarian Helsinki Committee or Menedék Association and asking for country information. The reason is that in a big number of cases children report about abuse by other detainees while they are waiting for the Dublin II decision. The fear of return to Hungary causes children serious mental health problems, and in worst case they attempt to commit suicide.

### **Netherlands**

On 4 July 2011 the Court decided in favor of a separated child who was going to be transferred from the Netherlands to Italy. The Minister for Immigration and Asylum took the position that Italy was responsible for the asylum request of a boy and applied the presumption that Italy will comply with international obligations. The boy argued that it must be doubted whether Italy fulfils its international obligation in relation to shelter, medical care and legal support to minor asylum seeking children. The presumption that Italy will fulfill its international obligations must give way. The boy supported his argument with a reference to the case *M.S.S. versus Belgium and Greece* at the European Court of Human Rights and a variety of reports on the situation of minor asylum seekers in Italy. The boy also referred to his individual (medical) situation and circumstances. The Court considers in conformity with the *M.S.S. case versus Belgium and Greece* that also an appeal to general information about the reception and detention conditions and the quality of the asylum procedure can be sufficient to doubt if the receiving member state will fulfill its international obligations. The Court quotes from reports by Save the Children on the care and guardianship in Italy. From the information in these reports the Court considers that the quality of the guardianship institutions is not sufficient and that furthermore in most cases Italy fails to provide a guardian to separated children after they arrive in the country. This is in conformity with the statements made by the boy on his treatment in Italy. The Court also attaches great importance to the statement of the Dutch guardianship institution Nidos that they will not allow for the boy to be transferred to Italy when it is unclear if a guardian will be appointed or when

the care and guidance is inadequate. The Court judges that based on the general information and statements by Nidos in the Netherlands, there are serious reasons to doubt if the boy will receive the necessary support and guidance in Italy. Furthermore the Court judges that the medical situation of the boy has not been taken into account sufficiently. The Court decides that the decision has not been taken with necessary care and lacks a sound motivation.

### **Romania**

In September 2011 UNHCR Romania intervened to stop the return to Iraq. The case was an Iraqi separated child for whom the Directorate for Asylum issued a return decision although the mother of the separated child had legal stay in Germany. Her lawyer sent a letter to UNHCR asking to help the child to apply for asylum in Romania. UNHCR Romania instructed the refugee assisting NGO to appoint a lawyer for the case of the separated child. The lawyer assisted the child to apply for asylum in Romania. Following registration of the asylum application, the Dublin procedure was initiated, more specifically the Dublin Unit in Romania sent a request to the German authorities to take the responsibility for processing the asylum application of the Iraqi child according to Article 6 of the Dublin Regulation. The German authorities accepted the request.

### **Spain**

Dublin II continues not to be applied to unaccompanied asylum seeking children.

### **Switzerland**

The suspension of deportations to Greece since 26 January 2011 has been confirmed by the Swiss Federal Administrative Court (FAC - Decision D-2076/2010).

Transfers to Italy are still not systematically and explicitly suspended, because the general circumstances in the country are seen as safe and transfers are classified as reasonable. In cases of transfers of unaccompanied children to Italy it was stated that due to the availability of a child care system in Italy, the transfer was possible (but a leading decision on this is still pending). In another case (E-8648/2010, decision of 21 September 2011) regarding the transfer of two unaccompanied children to Italy the FAC cancelled the transfer because the children were not represented at the first interview in the initial reception centre which was seen as a violation of Article 3 of the CRC and especially the corresponding right to be heard which is also secured under the Swiss Constitution.

## Procedures and Recognition

### Czech Republic

One separated child applicant from Uzbekistan has been granted international protection in form of subsidiary protection.

No other separated child has been granted international protection. This involves not only the applications submitted in 2011 but also those pending from 2010.

### Finland

In total, 150 positive decisions were adopted regarding separated children before 30 September 2011. Out of these one got asylum and 108 were considered as 'de facto refugees.' For comparison, 60 negative decisions were adopted, of which 24 were made according to Dublin II.

### Germany

The recognition rate throughout 2010 and 2011 did not considerably change: in 2010 35.6% received a protection status (refugee and subsidiary protection), whereas in 2011 35.9% received a protection status.

### Hungary

In the period between March 2011 and August 2011 seven cases of procedures were ceased. (Source: Office of Immigration and Nationality). In August 5 cases were pending.

Overall:

- Granted refugee status: none
- Exile/Tolerated stay: none

Nationality	Age	Gender	Granted subsidiary status
Afghanistan	0-13	Male	1
	14-17	Male	2
Summary			3

### Ireland

The Immigration, Residence and Protection Bill 2010, is scheduled to return to parliament to be debated in this term. The Minister for Justice and Equality has confirmed that the 'best interests of the child' will be reinstated in the 2010 Bill as it had been removed from the 2008 Bill in the redraft.

### Netherlands

On 16 May 2011 the Court decided in favour of a separated child that his request for an asylum permit at Schiphol airport was not treated with the required care. The separated child had not been heard by a hearing officer trained to hear minor foreigners who demonstrated that he had given due weight to the vulnerable position of the minor. The age,

background and the degree of development of the minor had not been taken into account in the assessment of the statements by the minor. Because of these reasons the decision was taken in violation of article 17 sub 4 of the Procedures directive.

### Poland

There is an ongoing discussion on improvement of practice of family courts making decisions (regarding the type of placement, designation of guardian or representative, family reunification) in cases of foreign unaccompanied minors in Poland.

On 13th September 2011 there has been issued a Law concerning legalisation on some of the foreigners in Poland, so called abolition law. Certain groups of foreigners who have been staying illegally in Poland are entitled to apply for residence permit for 2 years.

### Portugal

There has not been set up any specific refugee status determination procedure in respect to minor asylum seekers.

In brief asylum procedure in Portugal can be characterised as:

- A single procedure: the individual case is analysed under the same process either as an asylum or as a humanitarian protection situation;
- It starts with an admissibility phase (called Accelerated Procedure), followed by an examination of the merits of claim (named Eligibility phase);
- The Admissibility phase consists of a summary analysis to verify if the claim is manifestly inadmissible, fraudulent or abusive, within criteria established in article 19 of Asylum law by the Director of SEF to reach a substantiated decision of rejection or admission of the claim;
- CPR may present an advisory opinion after the first interview for determination of refugee status and provide documentation, as well as information on the situation prevailing in the country of origin;
- After admission asylum seekers are entitled to a Provisional Residence Permit;
- During the eligibility phase of the procedure, SEF conducts the necessary inquiries and analysis of all useful facts to reach a decision. After completing the examination, SEF prepares a report and forwards it, together with the supporting documents of the case, which might also be provided by CPR and UNHCR, to the Ministry of Interior (MAI) that decides on the granting of protection;
- There is always the possibility to a judicial appeal, with suspense effect. Exemption is the above mentioned case of the review on a decision on

non-admissibility of a subsequent asylum application;

Special attention is paid to particular vulnerable groups defined as “pregnant women, disabled people, persons who have been subjected to torture, rape or other severe forms of physical, psychological or sexual violence, minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict” (Paragraph 3 of article 73 of Asylum Act).

The Asylum Act refers to minors as follows:

Article 78 - Minors

1 – The best interests of the minor shall be a primary consideration when implementing the provisions of the present Law.

2 – For the purposes of the previous paragraph, it shall be considered that the best interests of the minor consist of, namely:

- a) the reunification with his or her parents, idoneous; or, in their absence,
- b) his or her reunification with adult relatives, idoneous; or, in their absence,
- c) his or her placement in a foster family, in reception centres with special provisions for minors or in other housing suitable for minors;
- d) the non-separation of siblings;
- e) life stability, with changes of residence limited to a minimum.

3 – The competent authorities of Public Administration shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.

Article 79 - Unaccompanied minors

1 - Without prejudice to the applicable guardianship measures in pursuance of minor guardianship legislation, minors who are asylum or subsidiary protection applicants or beneficiaries may be represented by an organisation or a non-governmental organisation, or by any other legally prescribed form of representation.

2 - Minors' needs shall be taken into consideration through the respective guardian or designated representative and shall be periodically assessed by the competent authorities, taking into account the minor's opinion in accordance with his or her age and maturity level.

3 - For the purposes of the previous paragraphs, the rules mentioned in the previous article shall apply to unaccompanied minors from the moment they are admitted to the Portuguese

territory to the moment they are obliged to leave it.

4 - An unaccompanied minor aged 16 years or over may be placed in accommodation centres for adult asylum seekers.

5 - The Portuguese Immigration Service, in articulation with other authorities involved in the procedure and the Portuguese Ministry of Foreign Affairs, and with the purpose of protecting the unaccompanied minor's best interests, shall endeavour all efforts to trace the members of his or her family as soon as possible.

6 - In cases where there may be a threat to the life or integrity of the minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information concerning those persons is undertaken on a confidential basis, so as to avoid jeopardising their safety.

7 - The staff members working with unaccompanied minors shall have had or receive appropriate training concerning minors' needs, and shall be bound by the confidentiality principle in pursuance of Portuguese law concerning any information they may obtain in the course of their work.

#### **Romania**

In the reporting period 6 Afghan separated children were recognised as refugees. The Romanian Immigration Office asked the Directorate for Child Protection in Bucharest to take the responsibility for these children and accommodate them in one of their shelters.

#### **Switzerland**

A parliamentary motion submitted in March 2010 concerning the legal representation of unaccompanied children was refused by the National Council in September 2011. Both chambers of the Swiss Parliament have approved (in June and September 2011) a parliamentary motion that the integration of children shall have a special weight when assessing the (discretionary) granting of a residence permit for reasons of hardship in Switzerland. This motion which is especially aimed at the assessment in case of accompanied children will also have an influence on the respective assessment when it comes to the question under which preconditions unaccompanied and separated children may be granted a residence permit outside of the asylum procedure.

#### **United Kingdom**

The government has developed internal guidance and training for its caseworkers to ensure that decisions follow recent case-law on the best

interests of the child. It has not yet been made public.

## **Family Tracing and Reunification**

### **Belgium**

The International Organisation for Migration in Belgium did not register any family reunification concerning unaccompanied children in 2011.

### **Denmark**

Save the Children welcomes a ruling of the Danish Ombudsman in October which stated that Denmark must help unaccompanied refugee children to find family members and that the search must be initiated at the child's arrival in Denmark. Therefore, the current rules should also be amended to ensure that the search does not only apply if the children themselves ask for it, but it should be a principle of the interests of the child to decide whether to start a search or not.

### **Finland**

Family reunification is in spotlight because there are 10,000 applications waiting to be processed by the Finnish Immigration Service, which has blocked the system. Most of the applications are from Somalis. The Government Programme from June 2011<sup>14</sup> says: "The family reunification practices applied by Finland should be in line with those applied by other Nordic countries. The impact of the changes made in the family reunification regulation will be reviewed."

However, before the review has even started, the minister of Interior, Ms Räsänen (Christian Democrats), has said the policy in Finland is far less strict than in other countries and tougher rules for family reunifications can be expected in the future. Those who have been granted asylum in Finland can for instance be asked to prove that they have sufficient income to support their families.

There are several amendments already made in the law and practical rules that have made family reunification more difficult. To name one, issuing a residence permit to a family member of a minor applicant (or other way round to a minor who is still abroad) requires that the applicant is minor on the date when the authorities make the decision, not the date when the application was initiated. The decisions made this year to applications of family reunification have also been mostly negative. This is a major change in the Finnish policy of family reunification.

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<sup>14</sup><http://www.vn.fi/hallitus/hallitusohjelma/pdf332889/en334743.pdf>

New restrictions by Alien's Act will come into force from the beginning of 2012. It will no longer be possible to submit an application for family reunification in Finland. This means in practice, that family members in the country of origin have to arrange several times their – often expensive and even dangerous travel – to the Finnish Embassy, often in another country. Firstly, travelling is needed just to submit the application, then later for interviews and possible DNA-tests. If people are able to go through these travels and succeed to be there on time for interviews, and if they finally get a residence permit, their travel costs are no longer paid by the Government (according to the new Act on Integration that came into force in the beginning of September).

### **Germany**

UNHCR Germany became aware of a number of cases with parents staying in Germany whereas their children were due to various reasons left behind or separated in Greece. With the support of the Greek Refugee Council the minors were able to apply for asylum in Greece to be reunited with their parents under Art 6 of the Dublin Regulation.

Unfortunately the procedure is very time consuming and if no documents can prove the family links the German authorities ask for DNA testing.

### **Ireland**

The Irish Red Cross has produced an information brochure on the Asylum Process and Restoring Family Links to provide information to adults and young people. The Irish Red Cross can be contacted for soft or hard copies:

<http://www.redcross.ie>.

### **Portugal**

The Portuguese Refugee Council refers to the International Committee of Red Cross representation in Lisbon all requests of family tracing, with the purpose of protecting the best interests of the unaccompanied minor and the principle of the unity of the family. So far there are no families traced.

### **Romania**

Romanian Aliens Law stipulates the conditions for family reunification/reunion of any alien, including beneficiary of refugee status or subsidiary protection. In 2011, there were no cases of family reunification of refugee separated children.

### **Switzerland**

A parliamentary motion submitted in March 2010, concerning the reunification of unaccompanied children with their families was recently refused by the National Council. Nevertheless, an

interpellation in the national parliament on the right to family reunion concluded that the legal framework in Switzerland is restrictive and discriminatory. The Parliament therefore decided to review the respective provisions in the legal framework (Sommaruga, 11.3505). The outcome of this is pending.

### **United Kingdom**

The Children's Section worked in partnership with the Red Cross to arrange 27 Red Cross Family Tracing Appointments for Children's Section clients. The government has developed internal guidance and training for its caseworkers to ensure that it meets its obligations to trace family members of separated children, in line with EC directives and recent case law. It has not yet been made public.

## **Return and reintegration**

### **Belgium**

The International Organisation for Migration has organised 5 voluntary returns of the unaccompanied children since January 2011. The children were transferred to Brazil, Kosovo and Macedonia. There are three more returns to be dealt with in the upcoming period. Those are to Brazil, Gambia and Mongolia.

### **Czech Republic**

The Ministry of Labour and Social Affairs continues to prepare guidelines on returns for the social workers involved in the process of repatriation of separated children. The two priority countries for the purposes of the guidelines are Slovakia and Bulgaria.

### **Estonia**

In relation to the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, deportation of an unaccompanied minor from the country was regulated more clearly. The respective changes were entered into the Obligation to Leave and Prohibition on Entry Act (OLPEA) and the amendments entered into force on 24 December 2010.

### **Ireland**

IOM Dublin has not provided return assistance to any separated children in the reporting period.

### **Netherlands**

The Beyond Borders project needs to cease most of its activities because of a lack of financial means.

Beyond Borders was a project supporting (former) separated children to decide about their future, whether that be return or a stay in the host country as an undocumented migrant. The project supported networks of young people in the country of origin and networks in the Netherlands. These youth networks could communicate with each other. The aim of Beyond Borders was to develop a plan together with the separated child by giving information about the country of origin and return projects, coaching and providing a network for the child. It was entirely the decision of the minor if he or she wanted to return. The children could make an informed decision and plan their future.

NGOs have expressed their concern about the discontinuation of a lot of good projects in relation to separated children (amongst which Beyond Borders and Perspective).

### **Norway**

Immigration authorities are putting resources into voluntary and forced return schemes with an aim to increase the number of asylum seekers that return to their home country.

### **Switzerland**

A parliamentary motion submitted in March 2010, concerning the expulsion of unaccompanied children was refused by the National Council in September 2011.

### **United Kingdom**

The contract tender for reception and reintegration services for 16 and 17 year old boys in Kabul have been withdrawn. The UK government is working with other EU member states to make different arrangements.

## **Trafficking**

### **Estonia**

The co-operation network of bodies involved in combating and prevention of trafficking in human beings, which has been functioning at the Ministry of Justice since 2006, has continued its activities.

During the recent years, an important activity has been notifying officials dealing with victims of trafficking in human beings and the possible victims (young people, school children, and people going to work abroad). In 2010, 184 persons were trained with the support of the Ministry of Social Affairs. The consular officials participated in the training of the Baltic Sea Council Task Force against Trafficking in Human Beings and in addition to that the consuls received information regarding trafficking in human beings through regular trainings.

Each year the number of people who receive advice through MTÜ Living for Tomorrow advice telephone has increased. The advice line provides assistance to the victims of trafficking, advises persons who wish to study, work or marry safely in another country. While in 2007, the phone line assisted 371 persons, then in 2009 and 2010, calls from more than 600 persons were taken. Additionally, the public is informed of the trafficking in humans as a phenomenon, possibilities for its prevention, issues to pay attention to through the “Traveller’s Reminder” leaflet and the issue is discussed each year at the Tourism Fair.

### **Germany**

In June 2011 IOM Germany, together with UNHCR and the Federal Office for Migration and Refugees and co-financed by the European Refugee Fund started a counter-trafficking project with the overall objective to sensitize the asylum decision makers who interview possible victims of trafficking and who decide upon their asylum applications. In the first phase, the project aims to systematically assess and elaborate the relationship between the asylum procedure in Germany and trafficking in human beings, also with regard to minors. Based on this assessment, the project partners will develop specific training measures for the asylum decision makers. The incorporation of relevant specialized counselling centres for trafficked persons in the training measures will enhance the creation of local networks. This will thus enable the decision makers to take appropriate action in case they are confronted with cases of trafficking in human beings and to refer these persons into the mechanisms of support and protection outside and inside the asylum procedure.<sup>15</sup>

### **Italy**

Recent research conducted by On the Road and Save the Children shows that the phenomenon of child trafficking is not diminishing in Italy, and consists mainly in sexual exploitation, but also exploitation in illegal activities or child begging and labour exploitation.<sup>16</sup> Those children involved in exploitation are for the most part foreigners: girls from Romania, Nigeria, Albania and North Africa, but also boys from Romania, North Africa, Egypt,

<sup>15</sup> See more information about the project: [http://www.iom.int/germany/en/projects\\_ct\\_BBGm.htm](http://www.iom.int/germany/en/projects_ct_BBGm.htm).

<sup>16</sup> See Save the Children’s *Trafficking Dossier*, released in August 2011 at [http://images.savethechildren.it/IT/f/img\\_publicazion/i/img153\\_b.pdf](http://images.savethechildren.it/IT/f/img_publicazion/i/img153_b.pdf)

Afghanistan and those of Roma origin from Romania and the former Republic of Yugoslavia. The majority of these children come from poor and marginalized contexts; a situation which criminal organizations very easily take advantage of, both for their need to support themselves, or improve their life conditions, and sometimes in their need for affection.

Save the Children detected a suspected case of trafficking for sexual exploitation of a girl in the Apulia Region who was amongst the migrants arriving on boats from Libya. Most victims, however, are identified only when they are already further into the trafficking and exploitation cycle, including through contact by outreach workers on streets where prostitution takes place. Here, they may find both adolescent girls and boys being sexually exploited. Furthermore, NGOs and institutions are deeply concerned about exploitation behind closed doors given that outreach workers, who could potentially help them escape from exploitation, cannot make contact with these children.

### **Norway**

The Ministry of Justice released a new plan of action against trafficking in December 2010. The action plan sets out to strengthen and update measures to combat trafficking for the period from 2011-2014. The main measures mentioned in the report are:

- Strengthen international cooperation and frameworks
- Intensify interdisciplinary cooperation and competencies
- Prevention of trafficking
- Increase efforts to identify victims and provide adequate support

Combating trafficking is mentioned as a separate chapter with the following measures:

- Ensure better follow-up of separated children that are affiliated with criminal and drug dominated environments
- Continue efforts to prevent and solve cases where children disappear from child care facilities or reception centre.
- Continue to develop care services for children exposed to trafficking
- Participate in regional and international efforts to protect children against trafficking
- Obtain research-based knowledge on minors who are victims of trafficking

### **Poland**

The Ministry of Interior is running a pilot programme with an aim of providing quality

protection to child victims of trafficking and increase identification.

### **Portugal**

No data is available regarding trafficking of minors. In 2007, the Resolution no 81/2007 of the Council of Ministers established the first National Action Plan against the Trafficking of Human Beings, which contain specific policy areas for children, taking into account their vulnerability.

Also, a National Observatory to identify victims of trafficking has been created by the Portuguese government.

### **Romania**

In September 2011, UNHCR Romania was invited to participate to the pre-briefing of JO Hammer, planned by Frontex in several airports in Europe, including Henri Coanda Airport in Bucharest. The briefing which took place on 4 October 2011 focused on dissemination of operational guidelines for border guards on dealing with children as potential victims of trafficking.

### **Switzerland**

The Swiss Federal Council (SFC) initiated the process of ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. In this context the SFC decided on 18 August to initiate the procedure to amend the Criminal Code in order to criminalise the recourse to child prostitution (as foreseen by Article 19 c of the Convention).

### **United Kingdom**

The UK has chosen to opt-in to the EU Trafficking Directive and submitted its request for permission to apply the Directive to the European Commission on 15 July 2011. On 19 July 2011, the government launched its new strategy on human trafficking, 'Human trafficking: the government's strategy' including a chapter on 'Child victims of human trafficking'.

## **Child and Youth Participation**

### **Germany**

In 2011, the Bundesfachverband UMF started a new project on youth participation. The aim is to develop guidelines on participation in youth welfare homes. During a period of three years approx. 40 separated children will be trained and qualified. A "concept team" of separated children will then discuss their ideas of active participation in youth welfare homes with experts. As a next step respective guidelines will be developed and the guidelines will be implemented in selected youth

welfare homes. An "evaluation team" will then, together with the Bundesfachverband examine the implementation of the concept. The results of the project will be made public in a conference and a written publication which then will be available at the homepage of the Bundesfachverband UMF, [www.b-umf.de](http://www.b-umf.de)

Against the background of the 60<sup>th</sup> anniversary of the 1951 Refugee Convention, UNHCR entered into a dialogue with young refugees in Germany to present and discuss their views, experiences and ideas to and with UNHCR, officials, experts, politicians and above all the public by making a video. A preliminary version mainly made by 8 (former) separated children was shown at a commemoration event of the Federal Office for Migration and Refugees on 05.10.2011. At a side event, the refugee youth also discussed their experiences and learnings with UNHCR and partners. At the end of the year the video will be available on DVD inserted at the back of a publication and will be shared through a series of follow-up activities including through the social media networks.

### **Italy**

During children's lengthy stays on Lampedusa, they were consulted on their immediate needs and future prospects by trained Participation Officers, in order to provide some empowerment in a situation that was, at times, beyond anyone's control. The result was a detailed report presenting the real needs of the children hosted on the island, which Save the Children in collaboration with UNHCR and the other organizations that work in the reception centres of the island, sought to address over the following weeks before their transfer to the mainland.

### **Netherlands**

Separated children voiced their opinion and views on the proposed revision of the policy for separated children during a (private) hearing on 15<sup>th</sup> March 2011 with Members of Parliament. The guardianship organization Nidos and Defence for Children prepared the children for the hearing by organizing a training. It was encouraging to see that the MPs' took the right to participation as enshrined in the CRC so seriously and heard the young people about the proposed policy that will affect them. During the hearing two Afghan youngsters expressed their concerns about the plans of the Dutch government to open an orphanage to return separated children to Kabul, Afghanistan. "How can you guarantee my safety there?" asked Elmar (17 years old) to the Members of Parliament present during the hearing. Munir (18) gave a clear list of

reasons why such an orphanage is a bad idea: "It is very unsafe in Afghanistan, the orphanage will be easily attacked and the children will be an ideal target for kidnapping." Elmar added to this that the tensions between different ethnic groups in Afghanistan are so high that it is not possible that the management of the orphanage will gain the trust of all the children.

Mauro (18), from Angola stressed the need for a rapid but careful asylum procedure. "Children should have plenty of time to know who they can trust and what is important to tell in the asylum procedure. In the beginning you do not know the difference between the Refugee Council, Nidos, lawyer and Immigration authorities."

On 22 May 2011 more than a hundred children (children with families and separated children) gathered in the Child Rights Home in Leiden for a kick off meeting of the action group 'We are staying' (Wij Blijven). All children are integrated in the Netherlands, have lived in the country for over five years but still do not have a residence permit. The children brainstormed and gathered ideas for a campaign to advocate for their rights and to raise awareness for their situation. The very young children made pictures and banners whilst the older children got acquainted and gathered ideas.

With the participation of children Defence for Children launched the campaign 'innocently convicted' (to a one way ticket to Afghanistan etc). The focus of the campaign is to emphasize that the children did not have a choice to come to the Netherlands and that they have integrated in the Netherlands and belong to stay. The children emphasized that they are strong and that they have the right to stay. The Netherlands should focus on their potential and strengths. Together with the children Defence for Children advocates for new legislation. Integrated children should be able to receive a residence permit after they have lived in the Netherlands for over five years and have integrated in the country (research shows that after five years the risks for the development of the child is extremely high when the child is expelled from the Netherlands).

### **Norway**

In August 2011 Save the Children Norway published a child friendly version of the comments from the CRC committee. Children participated actively in the making of the report. The child friendly version has received a lot of publicity and has been distributed to politicians, decision-makers, staff that work with asylum seeking children etc.

### **Portugal**

Regarding assessment of minors' needs, their views are taken into consideration through the respective guardian and periodically assessed by the competent authorities, taking into account the minor's opinion in accordance with his or her age and maturity level.

### **Romania**

Since July 2011 Save the Children Romania is implementing as a partner of the Jesuit Refugee Service Romania and the Romanian National Council for Refugees two ERF funded projects. The projects take place in four reception centres of the Romanian Immigration Office. Activities in the projects focus on refugee children who benefit from educational and recreational activities, counselling and material support.

Since September 2011 Save the Children Romania has been partner of IOM (IOM Mission with Regional Functions for Central and South Eastern Europe, Budapest), and is implementing the project „Improving the quality of separated children's guardianship and care in Central European countries". The target group of the project are guardians and caregivers appointed to unaccompanied minors seeking asylum in six Central European countries (Hungary, Slovakia, Slovenia, Czech Republic, Romania and Bulgaria).

In July 2011, a Multi-Functional Team comprising the staff of UNHCR Romania and its NGO partners made a tour at the reception centres in the country to interview asylum seekers and refugees. The tour is part of the Age, Gender and Diversity mainstreaming process, which is conducted every year by UNHCR and its partners in Romania. The team organised focus groups with refugee children in Somcuta Mare and Bucharest Reception Centres. The team also interviewed refugee children living in Galati and Radauti Reception Centres. The children had the opportunity to share their opinion on services provided to them and make suggestions on how these services can be improved to better address their needs.

### **Switzerland**

The Federal Council adopted the revised Law on the development assistance for children and adolescents (Kinder- und Jugendförderungsgesetz) which shifts more responsibility in this area to the Federal level.

## Miscellaneous

### Belgium

The Platform Minors in Exile currently prepares a study (project) related to the education of unaccompanied children. The project aims to create a solid framework stating the main principles regarding the fundamental right to education. It also focuses on regulating the system of so-called reorientation classes that are supposed to help the newly arrived immigrants to bridge the educational or language differences and enable them to join the mainstream education. The research on the current situation in the Flemish and Walloon Communities has started.

### Czech Republic

The Czech translation of the Statement of Good Practice (4th edition) as well as the UNHCR Guidelines on Determining the Best Interests of the Child in Czech have been disseminated on various occasions, incl. the Ministry of Labour and Social Affairs seminars on Protection of the Child organised in April 2011 in Prague and Brno respectively.

### Germany

In June 2011 a new campaign called “Jetzt erst Recht(e)” was started which is run by more than 40 organisations (e.g. Bundesfachverband UMF, Terre Des Hommes, Amnesty International, UNICEF, all key welfare organisations and many more). The aim is to enforce the same rights for asylum seeking children and children who have no residence permit in Germany as for other children in Germany.

### Netherlands

On 28 June 2011 Members of Parliament (of a majority of the political parties) played soccer on the square in front of the House of Parliament to support Mauro. Mauro is an eighteen year old boy who arrived in the Netherlands as a separated child from Angola when he was only ten years old. He has integrated in the Netherlands and has a strong family life with his foster family. His soccer team and friends decided to organize a demonstration with the support of Defence for Children to advocate for the right of Mauro to stay. Up until now Mauro's requests for a residence permit have been rejected. There has been a lot of media attention for his case and he has the support of a majority of the political parties. The Minister for Immigration and Asylum has the possibility to grant a residence permit to Mauro. He is analyzing the possibilities for Mauro but has not provided a residence permit yet (current date: 13 October 2011).

### Ireland

BeLonG To LGBT Youth Services has begun a pilot project on young LGBT asylum seekers and refugees in Ireland. The objective of the project is to improve the safety and quality of life of LGBT asylum seekers and refugees, many of whom face isolation and vulnerability on the basis of sexual orientation and gender identity. The project will develop best practice models for main-streaming LGBT asylum seekers and refugees in the statutory and voluntary services working with them, and in LGBT organisations. The project is focused on youth and young adults (14-30 years) and is co-financed by the European Commission under the European Refugee Fund and supported by the Office for the Promotion of Migrant Integration in the Department of Justice and Equality, and by Pobal.

### Romania

On 6 September 2011 a new reception centre was opened in Giurgiu, near the border to Bulgaria. The opening of a new centre would require targeted training of relevant authorities in Giurgiu, including on protection and assistance of refugee children.

### Switzerland

In June 2011 the Federal Council issued a proposal for an amendment of the penal code in order to abolish the limitation of time for the prosecution of child abuse if the abused child is less than 12 years old. This initiative is especially aimed at a better protection of young children who are victims of abuse.

## Events

### Belgium

15 September 2011, Brussels, Belgium.

Seminar: Assisted Voluntary Return and Reintegration of unaccompanied minors (UAMs), organized by The International Organization for Migration (IOM) in close cooperation with the Belgian Guardianship Service. The aim was to inform social workers and legal guardians on the topic of voluntary return of separated children.

26 October 2011, Brussels, Belgium.

One day training: Mental health of Unaccompanied Asylum Seeking Children, organised by Platform Minors in Exile.

1-2 December 2011, Louvain-la-Neuve, Belgium.

Two days training: The Education of Unaccompanied Children: situation report, resources, and perspectives. The presentation of ERF projects focused on professionalization of

education and its legal assessment for unaccompanied children – CPAS Assesse, CPAS Gembloux – Federation of CPAS (Centre for Social Welfare) and research action on parenthood in Red Cross and ILA. Main issues dealt with: Roma children, alternatives to education, parenthood, social integration in school, reorientation classes, trauma and its impact on learning process, guardian and its role in education.

### **Denmark**

27-28 September 2010, Copenhagen, Denmark. Two days seminar for professionals working with integration of separated children in receiving countries. Organized by the Save the Children Denmark under the Daphne project Better Integration of Separated Children

### **Estonia**

October 2011

IOM Estonia is organising field training under the “Ensuring Immigration Management, Receipt and Protection of Asylum Seekers – 5” (MINAS-5) project.

All parties (IOM, Estonian Police and Border Guard Board (Citizenship and Migration Department; Border Guard Department), the Ministry of Social Affairs, etc) are participating at the field training where the issue of unaccompanied minors coming to Estonia and their case procedures are played through. The field training is organised by IOM Tallinn .

### **Finland**

25-26 November, Helsinki, Finland

The first Helsinki Refugee Film Festival. Organised by the Refugee Advice Centre .

Features not only film screenings but ample opportunity for discussions and networking. Its first issue marks the 60th anniversary of the UN Refugee Agency UNHCR. Admission to all events is free of charge.<sup>17</sup>

12 December, Helsinki, Finland

“Responsibility Sharing in the European Union’s Asylum Policy”, organised by the Refugee Advice Centre.

The seminar will cover topics such as alternatives to improve the functionality of the common asylum system and the responsibility-sharing systems to protect refugees in the EU as well as the balance between safeguarding access to asylum and guarding the borders. Speakers include, among others: Executive Director of Frontex Mr. Ilkka Laitinen,

<sup>17</sup><http://www.pakolaisneuvonta.fi/index.html?lid=151&lang=suo>

Anneliese Baldaccini from Amnesty International and Adalbert Jahnz from the Asylum Unit, DG HOME, European Commission.<sup>18</sup>

### **Germany**

17-19 October 2011, Karlsruhe, Germany

Area of Conflict and Perspectives in Professional Work with Separated Children, organized by Bundesfachverband UMF.

1 December 2011, Munich, Germany

Vocational Training on Education, organized by Bundesfachverband UMF.

### **Hungary**

12-14 September 2011, Budapest, Hungary

Advanced Refugee Law training, with 1 working group session on the rights of the child in asylum cases, special protection measures for unaccompanied minors, organized by the Helsinki Committee.

### **Ireland**

29 August 2011

Network event on Trafficking of Children and Separated Children, by Samantha Arnold of the Irish Refugee Council and Detective Superintendent Noel Clarke from the Garda Anti-Human Trafficking Unit. Organised by the Socio-Legal Research Centre, Dublin City University

28 September 2011

Seminar on Separated Children in Foster Care: Ensuring Equity of Care. Organised by Barnardos.

### **Italy**

9 June 2011, Rome, Italy

Viaggiatori Invisibili Il caso dei minori afghani non accompagnati [Invisible travellers - the case of unaccompanied Afghan minors]. Organised by Albergo della Vita and Commissione Straordinaria per i Diritti Umani del Senato

21 June 2011

Roundtable closing conference and presentation of preliminary results of the research project “The Right to protection”.

“Il Diritto alla Protezione- Studio sullo stato del sistema di asilo in Italia e proposte per una sua evoluzione”. Funded by ERF the research explored asylum in Italy and was coordinated by ASGI (Associazione Studi Giuridici Immigrazione), CeSPI (Centro Studi Politica Internazionale), Caritas Italiana, Consorzio Communitas and AICCRE

<sup>18</sup><http://www.pakolaisneuvonta.fi/index.html?cid=370&lang=suo>.

(Associazione Italiana per il Consiglio dei Comuni e delle Regioni d'Europa) were partners of the project.

23 June 2011, Rome, Italy

Lampedusa, Tripoli, Shusha: minori e la crisi del Nord Africa. Quale protezione? [Lampedusa, Tripoli, Shusha: children and the North Africa crisis. What protection?] Organised by Save the Children.

8 September 2011, Rome, Italy

Final Transnational Conference – JUST Juvenile Justice project, Organised by Save the Children.

### **Netherlands**

30 November 2011, Brussels, Belgium

Launch of the Core Standards for Guardians of Separated Children in Europe organized by the project partners of the DAPHNE project 'Closing a protection gap'. For more information contact Martine Goeman, Defence for Children at: [m.goeman@defenceforchildren.nl](mailto:m.goeman@defenceforchildren.nl).

### **Norway**

10 October 2011, Oslo, Norway

Conference: Pathways out of Irregularity, organized by the Norwegian Ministry of Justice, the Directorate of Immigration (UDI) and the Institute for Social Research (ISF).

26 October 2011, Oslo, Norway

Conference: Making the Connection: Children's Rights and Good Governance, organized by Save the Children.

### **Poland**

14-15 September 2011, Warsaw, Poland

National seminar for child care institution professionals in the frame of Better integration of separated children project.

### **Portugal**

24 May 2011, Lisbon, Portugal.

Seminar: Legal and Medical Exams and Instruction of Asylum Requests based on Torture and other Degrading Treatments, organized by UNHCR and the National Institute of Forensic Medicine.

### **Romania**

July 2011

Save the Children Romania launched the results of the study "Governance fit for Children" which presents to what extent have the general measures of implementation of the UNCRC been realized in Romania. The partnership concluded by Save the Children with the Presidency of Chamber of Deputies for organizing the seminar, has led to a

legislative initiative for the establishment of Children's Ombudsman in Romania. The declaration made during the national seminar is also supported by the Presidency of the Senate. The legislative initiative is currently debated by the Parliament, and so far it has obtained the approval of two commissions of the Chamber of Deputies.

### **Spain**

Responsibility sharing project: UNHCR and Save the Children are actively participating with the Comillas University and a network of child protection agents in an ERF funded project called "Responsibility sharing" aimed at involving all the competent authorities in child welfare to carry out their responsibilities with a protection sensitive focus. A teaching method on specific international protection needs of children has been developed and a preparatory session of the training method was launched in March 2011. Since April two workshops have been carried out, one in Seville (June 2011) and one in Madrid (September 2011), with the participation of the said competent authorities in child welfare and other stakeholders in the different Autonomous Communities (specialized NGO's, personnel from reception centres, Ombudsman...)

Until the end of the year it is expected to carry out at least four further workshops: 2 in Madrid, 1 in the Canary Islands and one in Valencia.

26-27 October 2009, Granada, Spain

Two days forum-discussion on child trafficking organized by Save the Children

### **Switzerland**

5-6 September 2011, Berne, Switzerland

7th Migrationsrechtstage organized by the University of Berne.

### **United Kingdom**

4 April 2011

Children and Families Across Borders (CFAB) held their second *Annual Child Protection Lecture*.

Guest speakers included The Rt Hon the Baroness Butler-Sloss, GBE and Jim Gamble. The main theme was "International and UK responses to Child Trafficking". In attendance were Directors and Assistant Directors of Children's Services, Senior Home Office staff, Department for Education staff, Ministry of Justice staff, Foreign and Commonwealth staff, Senior Judges and Senior Charity figures.

27 May 2011

Interdisciplinary Approach: A one-day conference called Child Soldiers: Protection and Rehabilitation, at the world-renowned Tavistock Clinic.

The conference was attended by legal and therapeutic professionals who work with traumatised children involved in asylum proceedings as well as judges, barristers, solicitors, therapists, social workers and medical experts, as well as those working in complementary roles in voluntary organisations. It offered the opportunity to explore the different roles and remit of lawyers and therapists in this process and the particular challenges facing practitioners.

See: <http://www.tavistockandportman.nhs.uk/sites/default/files/Child%20Soldiers%20%20Protection%20and%20Rehabilitation%20Conference%20programme.pdf>

## Publications

### Belgium

CGRA. *Femmes, jeunes filles et asile en Belgique. Informations pour les femmes et jeunes filles demandeuses d'asile.*

Office of the Commissioner General for Refugees and Stateless Persons has released a new booklet for women and young unaccompanied girls who seek asylum in Belgium. It provides useful information concerning the asylum seeking procedures. Moreover it is focused also on specific issues such as health, gender equality, violence in family, female genital mutilation, and human treatment in general.

The booklet has been available since 19<sup>th</sup> September 2011 and will be distributed to every individual who is older than 16 (included), accompanied or not, as soon as the inscription at the Immigration Office will be proceeded.

The brochure is translated into nine languages: Albanian, English, Arabic, French, Dutch, Pashto, Fula, Russian and Serbian.

### Germany

*Flüchtling – Bürger – Mensch, Perspektiven im Umgang mit jungen Flüchtlingen*, [Refugee – Human – Citizen, Perspectives in contact with young refugees]. Bundesfachverband UMF, March 2010.

*Bienvenue en Allemagne – Un guide d'accompagnement pour réfugiés mineurs non accompagnés*, Bundesfachverband UMF, September 2011.

*Documentation Spring Conference Hofgeismar* 2010, Bundesfachverband UMF, October 2011 (forthcoming).

*Documentation Regional Conference North-Rhine Westphalia*, Bundesfachverband UMF, October 2011 (forthcoming).

### Italy

*The Living Conditions of Refugees in Italy*, PRO Asyl, Maria Bethke Dominik Bender (2011) Available at: <http://www.proasyl.de/en/>

*Asylum procedure and reception conditions in Italy*, The Law Students' Legal Aid Office, Juss-Buss, Norway; Swiss Refugee Council, SFH/OSAR, Switzerland, Berna and Oslo (2011) Available at <http://www.meltingpot.org/articolo16794.html>

JUST – Juvenile Justice – *Manuals* for preventing recidivism and promoting reintegration of children in conflict with the law and the *Final Report* from an EU project led by Save the Children Italy (2011): Development of child rights based methods of intervention to prevent juvenile crime and promote reintegration of young offenders. Italy, Greece, Romania. JLS/2008/ISEC/AG/097

*Manual 1: Manual of presentation of methods of intervention*

*Manual 2: Manual for users*

*Manual 3: Manual for trainers*

All publications available at:

<http://www.savethechildren.it/IT/Page/t01/view.html?idp=540>

*Trafficking Dossier*, Save the Children Italy, (2011), accessible at:

[http://images.savethechildren.it/IT/f/img\\_publicazioni/img153\\_b.pdf](http://images.savethechildren.it/IT/f/img_publicazioni/img153_b.pdf)

### Norway

Hvordan står det til med barns rettigheter i Norge? (Child friendly version of the Concluding observations from the CRC committee). Save the Children Norway 2011.

<http://www.reddbarna.no/vaart-arbeid/barn-i-norge/barns-medvirkning>

Illegal - Papirløs i Norge (Illegal - to live in Norway without papers).

Janne Kjellberg & Carolne Ruggedal, Spartacus: 2011.

### Spain

*Minors or Adults? Age determination procedures*. Spanish Ombudsman, September 2011. (Available in Spanish at:

<http://www.defensordelpueblo.es/es/Documentacion/Publicaciones/monografico/Documentacion/Memores-O-Adultos- Procedimientos para la determinacion de la edad -vOPT.pdf>)

### Switzerland

The Swiss Public Services Trade Union and the Association for the Rights of Children without legal status have published a new brochure entitled “*Undocumented Children in School: Recommendations for*

teachers and school authorities". The brochure in French and German language can be downloaded on:

[http://www.sans-papiers.ch/site/fileadmin/files/Downloads/Brochure\\_fr.pdf](http://www.sans-papiers.ch/site/fileadmin/files/Downloads/Brochure_fr.pdf)

[http://www.sans-papiers.ch/site/fileadmin/files/Downloads/Broschure\\_de.pdf](http://www.sans-papiers.ch/site/fileadmin/files/Downloads/Broschure_de.pdf)

### **United Kingdom**

*Young Lives in Limbo, The Protection of Age Disputed Young People in Wales.* Sarah Clarke, Welsh Refugee Council August 2011

<http://www.welshrefugeecouncil.org/wp-content/uploads/2011/08/WRC-Young-Lives-in-Limbo-WEB2.pdf>

*Working with Refugee Children; current issues in best practice.* Syd Bolton, Kalvir Kaur, Shu Shin Luh, Jackie Pierce and Colin Yeo, ILPA May 2011  
<http://www.ilpa.org.uk/pages/publications.html>

The Children's Rights Director for England; *'A Report of Children's Views: Children on Independent Reviewing Officers'*.

Children in care (the great majority of separated children seeking asylum in the UK are in care) have an Independent Reviewing Officer (IRO) as well as a social worker. The government surveyed children to find out their views on this role.

This report presents the findings of that survey.

<http://www.ofsted.gov.uk/resources/childrens-views-independent-reviewing-officers>

### **Reporting organizations**

British Refugee Council  
Bundesfachverband UMF, Germany  
Central Union for Child Welfare Finland  
Defence for Children-the Netherlands  
Estonian Union for Child Welfare  
Greek Council for Refugees  
Federal Association for Unaccompanied Minor Refugees (Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V.), Germany  
Finnish Immigration Service  
Irish Refugee Council  
Menedék – Hungarian Association for Migrants  
Plate-forme Mineurs en exil, Belgium  
Nobody's Children Foundation, Poland  
Portuguese Refugee Council (CPR)  
Save the Children Denmark  
Save the Children Italy  
Save the Children Norway  
Save the Children Romania  
Save the Children Spain  
Swiss Foundation of the International Social Service  
Terre des Hommes, Germany  
UNHCR Brussels  
UNHCR & SIMI, Czech Republic  
UNHCR Greece  
UNHCR Hungary  
UNHCR Italy  
UNHCR Liaison Office for Switzerland/Liechtenstein  
UNHCR Romania  
UNHCR Spain  
UNHCR Sub-Office Nuremberg, Germany  
UNHCR UK

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## Statistics on arrivals of separated children seeking asylum in Europe

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

Receiving country	Total number 2011	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Belgium	1,234 <sup>19</sup>	1,026 (83, 14%)	208 (16, 86%)		Afghanistan 50,6%, Guinea 14,5%, Iraq 3,3%, Democratic Republic of the Congo 2,8%, Pakistan 2,7%.	Office of the Commissioner General for refugees and Stateless Persons, CGRA: www.cgra.be
Czech Republic	5 <sup>20</sup>	2	3	5	Uzbekistan Ethiopia Syria Kyrgyzstan	Ministry of Interior
Denmark	209	N/A	N/A		Afghanistan Algeria	The Danish Immigration Services
Estonia	0 <sup>21</sup>					
Finland	120	78	27		Somalia 41 Afghanistan 21 Iraq 20	Finnish Immigration Service
Germany	1,303			< 16: 443 > 16: 860	Afghanistan (668), Iraq (146), Somalia (83), Syria (41), Guinea (30)	FedOff
Greece	17 <sup>22</sup>				Pakistan (9) P.R of Congo (2) Afghanistan (2) Iran (2)	Greek Ministry of Citizens Protection
Hungary	30	28 (A)	2 (A)	30 (A) <sup>23</sup>	Afghanistan, Guinea, Democratic Republic of Congo, Morocco, Moldova, West Coast and Gaza, Pakistan, Somalia, Ukraine.	Office of Immigration and Nationality

<sup>19</sup> Number of applications from unaccompanied foreign minors that are liable to change according to the results of the bone age tests carried out to ascertain whether an alleged minor is younger than 18. The UN Refugee Agency and the Belgian government are increasingly alarmed at the rising number of unaccompanied children seeking asylum. It is not only the fact that more underage children are arriving in Belgium, but they are also getting younger, comparing to the previous years.

<sup>20</sup> March 2011: 1 applicant from Uzbekistan, July 2011: 1 applicant from Ethiopia and 1 applicant from Syria. August 2011: 1 applicant and 1 stateless applicant from Kyrgyzstan.

<sup>21</sup> According to the Policy and Border Guard Board Citizenship and Migration Bureau (former Citizenship and Migration Board) there haven't been unaccompanied minor asylum seekers in Estonia.

<sup>22</sup> We only have the numbers of sep. children who applied for asylum.

<sup>23</sup> Data provided for age 14-17.

Receiving country	Total number 2011	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Ireland	14	8	6	10 <sup>24</sup>	Democratic Republic of Congo, Afghanistan and Zimbabwe	The Office of the Refugee Applications Commissioner
Italy	306	280	26	259	Afghanistan	Ministry of Interior
Norway	561 (A)	481 (A)	80 (A)	397 (A)	Afghanistan (284) Somalia (109) Eritrea (34) Algeria (17) Iraq (15) Ethiopia (13)	Norwegian Directorate of Immigration
Netherlands	563 <sup>25</sup>				Afghanistan (50%), Somalia (11%), Guinea (7%)	<a href="http://www.coa.nl">www.coa.nl</a> (Central Agency for the Reception of Asylum Seekers)
Poland	168	86	82	48	Romania, Ukraine, Russian Federation, Bulgaria	Ministry of Labour and Social Policy
Portugal	16	12	4	15	Guiné Conacri (5) Guiné Bissau (1) Serra Leoa (2) Afeganistão (1) Angola (1) Camarões(1) Ivory Coast (2) Congo Brazzaville (1) Congo Kinshasa (1) Somália (1)	Portuguese Refugee Council
Romania	30	30		30	Afghanistan (14), Pakistan (8), Occupied Territories (2), Algeria (1) China (1) Liberia (1) Somalia(1) Tunisia (1)	Government statistics

<sup>24</sup> Data provided for age 14-17.

<sup>25</sup> Until 1st September

Receiving country	Total number 2011	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Spain	10	9	1	10	Bangladesh: 1; Cote d'Ivoire: 1; Western Sahara: 6; Syria:1; Sri Lanka:1.	UNHCR, BO Madrid <sup>26</sup>
Switzerland	137	N/A	N/A	N/A		Federal Office for Migration FOM
UK	683	574	104	483	(Afghanistan (211) Iran (93) Eritrea (52) Vietnam (51) Albania (31))	UKBA Statistics
<b>Total arrivals in 18 countries in 2011</b>	<b>5,244</b>					

## Arrivals of non-asylum seeking separated children

### Italy

According to the *Comitato per Minori Stranieri* (CMS), the official body responsible for monitoring foreign unaccompanied children in Italy, there are 6,340 such children as of 8 August 2011, the largest number of whom are Afghan nationals (988). Other main nationalities are Tunisian (895), Egyptian (746) and Moroccan (539). 5939 of those children are male, and 401 are female. Approximately 50% are 17 years of age (3182) and approximately 90% (5647) are from 15 to 17 years of age.

According to statistics provided by the Ministry of Interior, from 1 January 2011 to 6 September 2011, 58,836 migrants arrived by sea in Italy, including 3,828 children of which 3,576 were unaccompanied. Of those arrivals, during the North African crisis, the Ministry counted, from 1 January 2011 to 8 September 2011, 50,268 migrants who had landed on the islands of Lampedusa, Linosa and Lampione. 25,497 were sub-Saharan Africans, and 24,771 were Tunisian nationals. Of the 2,692 children, 2,536 were unaccompanied. Most of the unaccompanied children are between 12 and 17 years old.

Statistics provided by the CMS, however, concerning the time frame from 1 January 2011 to 8 August 2011 counted 2,436 boys and 33 girls detected upon arrival by boat, and a further 767 boys and 48 girls who were not detected at maritime borders. The 15-17 years age group constituted the large majority of arrivals being respectively 94% and 86% of the total arrivals. For those arriving by sea, the largest number of separated children were of Tunisian nationality (approximately one third), followed by Egyptian (15%) and Malian children (11%). The remaining third of separated child arrivals were from a vast mix of backgrounds, mainly from Sub Saharan Africa, but also the Horn of Africa, Bangladesh and Afghanistan. For those who were not detected on arrival by sea or who entered Italy not by boat, the main nationality is Afghan (19%) followed by Bangladesh (16%) and Albania (14%).

<sup>26</sup> Please note that these figures, due to the lack of official numbers are just estimated. BO Madrid is able to provide information only on the asylum applications communicated by the authorities in the framework of UNHCR's participation in the Spanish Asylum Procedure.