



NEWSLETTER No. 33

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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.



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SCEP Programme Update

Statement of Good Practice – new 4th revised edition now out

The revision was finalised by the end of 2009 and the new Statement of Good Practice is now available in English in hard copy as well as in PDF on the SCEP web site at http://www.separated-children-europe-programme.org/separated_children/good_practice/index.html

This 4th edition of the Statement of Good Practice has received endorsement from UNICEF and UNHCR. The revised edition benefits from a new format, packaging, structure and layout as well as the inclusion of new sections of text and references, and an extensive revision of the existing text.

This new edition of the Statement of Good Practice is more inclusive of all categories of separated children, not just those seeking asylum under the provisions of the 1951 Refugee Convention, and promotes the assessment of the child's best interests as the key factor in responding to their needs. It outlines good practice on a range of specific issues from the child's arrival and reception, through interim care and support to the making of durable solutions.

The aim of the Statement of Good Practice is still to provide a clear and simple overview of the principles, policies and practices required to implement measures that will ensure the promotion and protection of the rights of separated children in Europe.

It reflects the experience and practice of the SCEP's specialist Network of Non-Governmental Partners and it should be seen as both a tool for practitioners in the field as well as a standard bearer from which to lobby and advocate for change. The Statement of Good Practice is informed by SCEP's vision and at the heart of the document is SCEP's desire to see the rights of separated children in Europe fully realised.

Hard copies can be ordered by e-mail to Lise Bruun at LBR@redbarnet.dk or Anne Sofie Swane Lund at ASL@redbarnet.dk

Child & youth friendly leaflet ‘Good Practice for Separated Children’

A brief version of the Statement of Good Practice targeted towards separated children and youth themselves has been elaborated together with three youth representatives. The leaflet ‘Good Practice for Separated Children’ has been translated from English into 21 other languages.

As the leaflet is addressing the rights of the separated children and youth, and not necessarily the reality they meet and experience, guidelines for its use are being elaborated. Dissemination of the leaflet will take place as soon as the guidelines are finalised. All 22 language versions as well as the guidelines will be available in hard copies as well as in PDF on the SCEP web site.

SCEP NGO network meetings

11-13 November 2009, the SCEP NGO Network held its second biannual meeting in Rome. The participants had a one-day of training on Child Rights Programming and used 1½ day on addressing Network issues, ongoing SCEP activities and had the opportunity also to meet in the four thematic groups established on age assessment, guardianship, return & reintegration and trafficking. Three youth representatives participated in the meeting.

5-7 May 2010, the SCEP NGO Network will have its first biannual meeting in Bucharest. The whole meeting will be dedicated to develop the work of the four thematic groups.

SCEP Youth Network received Child Rights Award

On November 20th – the UN Children’s Rights Day – Save the Children Denmark gives the annual Child Rights Award to a person or group of persons who have made a special effort to realise the UN Convention on the Rights of the Child.

The 2009 award was given to the SCEP Youth Network for their committed and creative ways to inform other children, youth and decision makers about the rights of separated children.

The Danish members of the Youth Network, Jimmy and Mansour who both arrived to Denmark as separated children, received the award on behalf of the separated youth.

Mimi Jakobsen, Secretary General of Save the Children Denmark, said in her speech: “Separated children is a group of especially vulnerable children as they arrive to a foreign country on their own, without their parents. These children are escaping wars, conflicts, human rights violations or serious deprivation in their own country. When they arrive to Europe they are often met by mistrust and degrading treatment. This makes it even more impressive and admirable that a group of separated

children and youth, across Europe, get together to fight for their rights as well as the rights of all separated children”.

New logo

A new SCEP logo has been introduced and taken into use from the start of 2010. The logo exists in a short and a long version:



New NGO partners

In 2010, two new organisations have joined the SCEP: Shelter ‘Safe House’ (Drosa Maja) in Latvia and Terre des Hommes Germany

SCEP contact information

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

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

European Union

Commission consults on the EU Action Plan on Unaccompanied Minors

The Commission held a consultation in November with NGOs, and international organisations, among them the SCEP, to discuss the EU Action Plan on unaccompanied minors. This follows the decision in the EU Justice and Home Affairs Council of September 21 welcoming the European Commission’s initiative to work on an EU Action Plan for unaccompanied minors. The consultation covered a wide range of issues, from age assessment, family tracing, guardians, disappearances, trafficking and durable solutions, including return and reintegration.

In relation to unaccompanied and separated children of third-country origin, Save the Children and SCEP have long been advocating for a more coherent and integrated EU approach. The Stockholm Programme contains an explicit recognition that “special attention and dedicated responses” are needed to respond to the situation of unaccompanied children arriving into the EU from third countries. The Programme notes that “a comprehensive response at EU level should combine prevention, protection and assisted return

measures while taking into account the best interests of the child”. It indicates that the Council will adopt an action plan on unaccompanied minors developed by the Commission. Save the Children will continue to work to ensure that EU policy treats these children as children first, rather than primarily concerning itself with their migration status. The responses of Save the Children can be found at the website:

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

European Commission Proposals for the Revision of the EU Asylum Qualification Directive and the Asylum Procedures Directive

On October 21 2009, the European Commission published proposals to amend the EU Qualification Directive and the EU Procedures Directive. The proposals aim to harmonise and improve the efficiency of the European asylum process. Save the Children has participated in consultations with the Commission on these revisions and will publish its comments on the revisions in 2010.

The EU Justice and Home Affairs Council held a first exchange of views on the Commission proposals at the end of November. Whilst some Member States welcomed the improvements in the proposals, several Member States expressed concern that they would involve excessive costs and an increase in the administrative burden for states. Some also voiced concerns about provisions that limit accelerated procedures and seek to improve family reunification possibilities. Discussions between Member States are at an early stage and the European Parliament, as co-legislator, will begin its work in earnest in 2010.

European Commission hosts a workshop for Member States on the implementation of the EU Return Directive provisions relating to assistance to unaccompanied minors

Save the Children and UNHCR both provided introductions to a workshop organised by the European Commission to offer an opportunity for an exchange of views on the transposition of Article 10 (1) of the EU Return Directive, between the Commission, Member States and those NGOs with concrete practical experiences in providing assistance to unaccompanied minors in return procedures. In February a workshop on the implementation of Article 10(2) of the Return Directive 2008/115/EC (addressing the return of unaccompanied children) took place. Conclusions from the workshop included the following:

Article 10(2) must always be interpreted in the context of other relevant provisions of the Returns Directive; return is only one option for a durable solution;

-The assessment before returning an unaccompanied child should always be carried out on an individual basis taking into consideration the best interests of the child and his or her particular needs, the situation in the family and the reception conditions; the assessment should be carried out by a multi-experienced team and involve the nominated guardian;

-Return to family members should be the preferred option, but return to adequate reception facilities may be an acceptable alternative under certain conditions. However the latter should not be seen as a durable solution and should preferably be accompanied by reintegration and education measures;

-The term ‘adequate reception facilities’ needs further concretisation;

-A check list for the return of children is foreseen as one outcome of a study on the treatment of children funded under the Return Fund 2009 Community Actions.

The new European Commission

The President of the European Commission, Mr Barroso announced his new team in light of the ratification of the Lisbon Treaty.

Viviane Reding will be in charge of Justice, Fundamental Rights and Citizenship with responsibility for children’s rights and the forthcoming EU Strategy on the Rights of the Child. Cecilia Malmström, Commissioner for Home Affairs, will cover areas of relevance to the work on separated and unaccompanied minors of third-country origin, on trafficking and on child sexual abuse, exploitation and child abuse images.

Viviane Reding confirmed her commitment to children’s rights and enhanced measures in this area. She expressed an interest in focusing on vulnerable children who are “invisible” in our societies such as children in detention centres and children in the street. Ms Reding will work with Cecilia Malmström to propose new legislation to combat trafficking as well as child sexual abuse, exploitation and child pornography.

Cecilia Malmström emphasised that her first priority coming into office would be to work on drafting the Stockholm Programme Action Plan in close collaboration with Commissioner Reding. Another priority is to draft an Internal Security Strategy with focus on fighting organised crime, including terrorism, human trafficking, child sexual abuse, child pornography, corruption, cybercrimes and drugs. She underlined the importance of migrants for European countries’ economies and the need for harmonised EU legislation based on responsibility, predictability, solidarity and respect for human rights. Malmström spoke about Europe’s duty to assist and protect asylum seekers and

refugees and expressed her will to strengthen cooperation with transit countries (Libya in particular), to encourage more solidarity between Member States and improve resettlement programs.

European Parliament Resolution on Preventing Trafficking in Human Beings

On February 10, 2010 the European Parliament adopted a Resolution on preventing trafficking in human beings. The Resolution calls on the Council and the Commission to develop action against trafficking in human beings on the basis of a holistic approach, centred on human rights and focusing on the prevention and protection of victims. It urges a victim-focused approach, aimed at identifying “all potential categories of victim” and protecting them.

EU Justice and Home Affairs Ministers Meet

The EU Justice and Home Affairs Ministers met in Brussels on 25 and 26 February 2010. During the meeting, the Council adopted the regulation on the creation of the European Asylum Support Office (EASO), which will be located in Malta. The Council also approved an Internal Security Strategy and adopted an institutional decision on setting up the Standing Committee on operational cooperation on internal security (COSI). The Strategy identifies the main threats and challenges the EU is facing and, alongside issues such as terrorism, economic crime and corruption, it includes trafficking in human beings, sexual exploitation of children and child pornography and youth violence.

Appointment of EP Rapporteurs for the Procedures and Qualification Directive

The European Parliament has nominated its Rapporteurs for the proposed amendments of two of the EU asylum instruments: Jean Lambert has been nominated as Rapporteur for the report on the Commission Proposal to recast the Qualification Directive. Sylvie Guillaume has been nominated as Rapporteur for the report on the Commission Proposal to recast the Procedures Directive.

UNHCR

UNHCR welcomes the adoption of the Stockholm programme defining the priorities of the European Union (EU) on asylum and other Justice and Home Affairs issues from 2010 to 2014. At the same time, UNHCR calls on the EU to ensure that migration management objectives do not overshadow refugee protection principles. UNHCR welcomes the reaffirmation of the EU that the Common European Asylum System should be based on the full and inclusive application of the 1951 Geneva Refugee Convention and other relevant treaties. In a further sign of its commitment to reinforce

refugees’ rights in EU law, the Stockholm Programme also expresses the EU’s intention to accede to the 1951 Refugee Geneva Convention, following a study in 2010 by the European Commission. For more information see unhcr-eu.se/un-refugee-agency-encourages-eu-to-reinforce-refugees%E2%80%99-rights/

Guidelines on International Protection No. 8:

Child Asylum Claims under Articles 1(A) 2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees

The Guidelines are intended to provide legal interpretative guidance for governments, legal practitioners, decision makers and the judiciary, as well as UNHCR staff carrying out refugee status determination in the field. The purpose of the Guidelines is to improve the quality of the asylum process for children and to ensure a consistent interpretation of the refugee definition. The Guidelines cover all child asylum-seekers, including accompanied, unaccompanied and separated children who may have individual claims to refugee status. They provide guidance on how to carry out refugee status determination in a child-sensitive manner in regard to both procedural and substantive aspects. They examine child-specific forms and manifestations of persecution, provide a brief overview of the relevant human rights and refugee law framework, and build on jurisprudential developments.

Download the guidelines at:

www.unhcr.org/refworld/docid/4b2f4f6d2.html

Committee on the Rights of the Child

Austria

For the first time ever the youngsters will develop their own report focusing on the implementation of children’s rights in Austria. Moreover, the separated children also have the possibility to express their concerns directly to the Committee on the Rights of the Child. The former separated child, Jean Gatsinzi, is organizing, together with the Don Bosco Flüchtlingswerk, a two-day workshop in Vienna and 50 separated children are expected to attend. Within the framework of the workshop “Make your voice heard!” a contribution to the Austrian Report to the Committee on the Rights of the Child will be developed.

Belgium

The 3rd and 4th report have been published and presented to the public in February 2010. The report states that a particular attention is needed to provide adequate, specific and enough accommodation and counselling for separated

children. The accommodation is often not adapted to specific needs according to the age and vulnerability of the minors.

Denmark

Due to rescheduled timetable of the Committee, the examination of Denmark's State party report has been moved back and Denmark is now scheduled to be examined in 2011.

France

The Committee directed their observations and recommendations to France on 22 June 2009. Regarding asylum-seeking, refugee and unaccompanied children, see § 84 to 88 of the document:

www2.ohchr.org/english/bodies/crc/docs/co/CR-C-C-FRA-CO-4.pdf

84. While welcoming the establishment of the working group on unaccompanied children, the Committee is deeply concerned at the situation of unaccompanied children placed in the waiting zones of French airports. Furthermore, it is concerned that the decision of placement cannot be challenged, that the legal requirement of the appointment of an ad hoc administrator is not systematically applied and that there is no psychological assistance available for these children particularly vulnerable to exploitation. The Committee also expresses concern that children are often returned to countries where they face risk of exploitation without a proper assessment of their condition.

85. The Committee also expresses concern at the lack of a systematic inclusion of unaccompanied minors into systems of social services, education and language schools, as well as the absence of a clear legal status for unaccompanied children admitted on the State party's territory.

86. Taking into account the Committee's General Comment No. 6 (CRC/GC/2005/6) on the treatment of unaccompanied and separated children outside their country of origin, the Committee urges the State party to:

- (a) Take all necessary measures to enable the decision of placement in waiting zones to be challenged;
- (b) Systematically appoint an ad hoc administrator as required by its domestic law;
- (c) Ensure the access and availability of adequate psychological assistance to unaccompanied children and to children within the waiting zones from exploitation, in particular through strict surveillance of access to these zones;
- (d) Ensure, with due consideration of the best interests of the child, that children in need of international protection and at risk of being re-

trafficked, are not returned to the country where this danger exists.

87. The Committee is further concerned that despite the negative assessment the National Consultative Committee on Ethics for Health and Life Sciences on the use of bone test to determine the age of the person, the State party continues to use this method.

88. The Committee reiterates its previous recommendation and urges the State party to introduce recent methods of age determination which have been proven to be more accurate than the determination by bone test currently in use."

The French NGO group of the SCEP co-signed an open letter to the French President asking him about the follow-up planned in response to the observations of the Committee:

www.dei-france.org/DEI-communiqués-commentaires/2009/lettre_ouverte_psd_t_rep_public.pdf

Germany

The 3rd and 4th periodic report of the German federal government is expected to be published by the end of March 2010. After the release all German SCEP-network partners will take part in preparing a shadow report in cooperation with Forum Menschenrechte and National Coalition.

Norway

Norway received the concluding observation from the CRC Committee in January. There are several comments and recommendations regarding asylum-seeking children.

The Committee expresses its concern:

- (a) at the cursory identification of children affected by armed conflict;
- (b) at the length of time until decisions are taken;
- (c) at the fact that guardians are often overburdened and thus cannot adequately exercise their role;
- (d) at the often indecent, culturally insensitive and generally unreliable methods used for age determination;
- (e) at the fact that an increasing number of unaccompanied children have disappeared from reception centres;
- (f) that unaccompanied asylum seeker children are not being adequately followed up by Child Welfare Services; The Committee is also concerned that that the State party has limited the responsibility of the Child Welfare Services to children under the age of 16 leaving older children with reduced assistance and that despite the State party's statement that emphasis will be placed on children's affiliation to Norway in decisions on residence permits on humanitarian grounds, there are reports that children who have spent many years in Norway may

be deported despite sound documentation of affiliation to Norway. The Committee is further concerned about the State party's plan to establish care and education centres for unaccompanied asylum-seeking children in their countries of origin, since these children mostly come from war and conflict ridden countries where their protection cannot be guaranteed.

The Committee recommends that the State party:

- (a) Carefully identify children affected by armed conflicts among asylum-seeking children and ensure rehabilitation and social reintegration of these children;
- (b) Expedite the assignment of a guardian to assist asylum-seeking children in understanding the procedures and clarify the role of guardian through the initiated guardianship legislation;
- (c) Take measures to shorten the waiting period for determining the status of asylum seekers;
- (d) Ensure that age determination procedures are conducted in a scientific, safe, child and gender-sensitive and fair manner, avoiding any risk of violation of the physical integrity of the child;
- (e) Expand, as planned, the responsibility of the Child Welfare Services to children aged 16 and 17;
- (f) Carefully follow up on these children during their stay in Norway;
- (g) Make sure that children do not disappear and fall into the clutches of trafficker and exploiters;
- (h) Investigate cases of disappearances and find ways to make access available to hidden children;
- (i) Avoid sending children back to unsafe places from which they have fled and use their stay in Norway to equip them with the competencies and skills they will need when they return under more peaceful conditions;
- (j) Ensure a primary consideration of the best interests of the child and his or her affiliation to Norway whenever decisions about the child's future are under consideration; and
- (k) Take into account the Committee's General Comment no. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

Romania

A Task Force for vulnerable groups (which is an inter-institutional and multi-functional working group) was established in 2003 by UNHCR. Since 2004 this Task Force has been coordinated by Romanian asylum authorities. All Romanian authorities with asylum competences, UNHCR, IOM and the asylum specialized NGO's are represented in this Task Force. This Task Force was established for the purpose of assuring the cooperation between all the actors involved in asylum matters in order to take all the necessary

measures for the asylum seekers or beneficiaries of a form of protection who have special needs (their right to be respected, to receive the adequate assistance etc.). The Romanian asylum authorities have elaborated two guides: "Guide for Unaccompanied Minors and Other Vulnerable Groups" and "Manual of Instructions on the Procedures Concerning the Victims of Sexual and Gender Violence, Victims of Torture and Trafficked Persons", which are used in cases of vulnerable groups. These guides are updated by the members of the Task Force for vulnerable groups.

Spain

The Spanish Platform of NGOs for the Childhood (Plataforma de la Infancia) has finalised its alternative report to the Committee on the Right of the Child to be published in April 2010. In the report there is a special part dedicated to separated children.

United Kingdom

A Bill was introduced to Parliament which, if it becomes an Act, would enshrine the UNCRC into UK law.

Changes and Developments in Law, Policies and Practice

Austria

In January 2010, some fundamental changes in the Austrian Alien Law became effective. In the assessment procedure process the working group "Human Rights for Child Refugees" pointed out two central negative developments concerning minors:

1. The plan to administer radiological examinations for age assessments
 2. The increased possibility of detention of minors.
- The planned changes have been repudiated from other actors as well. For example, the Ministry of Health is opposed to practice of x-ray examinations in order to establish age, the UNHCR criticized the broadening of the grounds for detention, and the Austrian Federal Youth Representative Council has demanded that the Ministry of the Interior raise the age limit from 16 to 18 years concerning the competence to act in procedures involving the immigration police.

Belgium

Several law proposals and resolutions are being discussed with regards to the protection of separated children and the legal statute for non asylum seeking minors. Also there is a proposal to extend the guardianship system to EU citizens being unaccompanied minors.

Croatia

The provisions of the Law on Asylum continue to apply to asylum seeking separated children. In November, the Ministry of Interior informed UNHCR that they will amend the Law on Asylum in early 2010 and invited UNHCR to submit its comments/recommendations.

The Ministry of Interior and the Ministry of Health and Social Welfare signed a Protocol regarding the treatment of unaccompanied and separated children (USC) outside the asylum process. Positive is the reference to the best interest of the child. If a child applies for asylum, the provisions of the Law on Asylum should apply. UNHCR sees this Protocol which entered into force in November as a positive development which will strengthen protection of USC outside asylum procedure and provide a base for coordination between the ministries.

In terms of practice, unaccompanied/separated children in Croatia are provided with guardians, appointed by the nearest Centre for Social Welfare. In practice, guardians are social welfare officers or adult members of the group with whom the unaccompanied/separated child travelled. Social welfare officers are mostly social work professionals, who are already overburdened with different tasks and duties and are entitled to act as guardians in many different cases. UNHCR continues to provide advice and support to the guardians wherever necessary, either through the implementing partner or directly. A number of asylum seeking minors below the age of 16 were also accommodated in the State Reception Centre, upon agreement with the Centre for Social Welfare. According to legislation, only asylum seekers above the age of 16 can be accommodated in the Reception Centre.

A lack of appropriate accommodation for unaccompanied/separated children foreign nationals (outside asylum-seekers category) has been noted, as they are placed in the Institution for Children with Behavioural Problems (in Zagreb). The space for accommodation of unaccompanied/separated children is limited, there are not enough professional care givers, no medical pre-screening exists, no programmes for dealing with specific needs of unaccompanied/separated children, there are no translation services secured, freedom of movement is partly restricted and no tracing mechanism for those who disappear has been established.

Cyprus

Section 2 of Refugee Law 2000 – Definitions:

By virtue of the amendments of 2009 to the Refugee Law 2000, ‘minors’ was added to the

definition of ‘applicant’. In addition, a major breakthrough was the fact that a provision was included that named the Commissioner of the Rights of the Child as the legal representative in the asylum process for all unaccompanied minors; the legal guardian, however, is still the Social Welfare Services Office.

Section 10 of Refugee Law 2000 – Unaccompanied Minors:

The amendments of 2009 also brought about a number of changes to section 10 of the Law which refers specifically to unaccompanied minors. In particular, the amendments relate to the interview and application process and the age determination procedures of unaccompanied minors.

Applications and Interviews:

The amendments introduce the obligations for the Commissioner for the Protection of the Rights of the Child and her office to act as soon as possible in their capacity as legal representatives and providers of assistance when considering applications of unaccompanied minors.

Additionally, new provisions have been introduced for the Asylum Service to ensure that the representative has the opportunity to inform the unaccompanied minor about the meaning and the possible consequences of the interview, and potentially assist in the preparation for the interview. A new provision has also been included which allows the representative to be present, to ask questions, or to make comments during the interview. Even if a representative is present, the Asylum Service may still require the presence of the unaccompanied minor in the interview, which, the Law now requires to be conducted by a competent officer with the necessary knowledge of the specific needs of unaccompanied minors. Amendments also require that such officers prepare the decision of the application.

Denmark

The Danish government, with the support of the Danish People’s Party (DF), has approved changes to immigration legislation. Among the suggested changes the government will investigate the option to set up special facilities in Afghanistan and Northern Iraq in order to return separated children to their country of origin. Save the Children has been airing our deep concerns in the media (we have been consulting with the Save the Children Brussels office) and will continue to advocate for the rights of the children in the coming months.

Finland

The Government Programme contains a proposal on an assessment on the best interests of the child in decisions on minor asylum seekers and refugees, paying special attention to the status and treatment of separated children. The assessment was done by the Office of the Ombudsman for Minorities and the report has now been published. The report describes the main problems of the situation of separated children and presents recommendations. It clearly states that children should be treated as children first and foremost, and whenever necessary, they should also have access to support measures under the Child Welfare Act.

After the report there has been some discussion between different authorities and NGOs on how to secure separated children's rights in the current situation. Economic regression and hardening attitudes are causing a pressure to create new restrictive legislative initiatives. In fact, there are already some proposals at the parliament for changes in the Aliens Act in order to eliminate so called pull factors, to reduce possible unfounded asylum applications in Finland. One of them is a proposal that restricts family reunification. According to the proposal a minor should be a minor at the moment when the decision of family reunification is made; conclusive would not be the moment when the application is lodged. This has caused discussion at the Parliament also, because it means that applicant's legal rights would be depending on the lengthiness of the handling times of the authorities. That would in practice leave most of the separated children without the right to family reunification – they are already 16-17 years old when they come to the country and they most probably would be adults before they have gone through both their asylum and the family reunification processes.

Act on Integration of Immigrants and Reception of Asylum Seekers will be split in two different acts – reception and integration will be two different laws. The government has set an extremely tight schedule for this – there will be Parliamentary elections early 2011 and the two proposals should be given to the Parliament already in the spring or summer time if they are to be handled in time before the government changes. The timing is really bad also because of the tightened political atmosphere.

France

A working group about separated children is set up by the Minister of Immigration. The working group presented a report and the Minister of Immigration concluded the efforts with proposals in October 2009

The proposals to implement immediately are:

- A method to count the number of foreign separated minors in the country
- Separation of minors and adults in the waiting zone (the proposed solution only partially addresses this)
- Increase the number and training of the ad hoc administrators appointed to help and represent the minors
- The setting-up of a permanent service of temporary ad hoc administrators at first during a trial period at Roissy airport (while at the same time questioning the need for such service)
- Request the Ministry of Health to establish a medical age-determination procedure that is more reliable than bone tests

In February 2010 the minister's proposals have not yet been put into action. See the proposals on: www.immigration.gouv.fr/IMG/pdf/PGWMinEtrIsol181109.pdf

The proposals do not really meet the expectations of the NGOs who took part in the working group, who feel that they have not been really heard despite having made specific proposals. For more information follow the link:

www.gisti.org/spip.php?article1768

REMI network on separated minors (Réseau Euroméditerranéen sur les Mineurs Isolés)

This network assembles a few local districts (in France local districts, “departments”, are responsible for child protection including the protection of foreign separated minors according to the domestic law on child protection) as well as French and foreign NGOs with a goal of sharing best practices and the training of territorial civil servants.

InfoMIE, NGO, on-line resource centre and network on separated children

InfoMIE, which is made up of several other French NGOs was registered as an NGO on August 3th, 2009. InfoMIE applied for the NGO legal status in order to strengthen its missions and extend the scope of its activities. In this regard, infoMIE is conducting a study (fieldwork) on the daily practice of social workers dealing with separated children in France. The study focuses on the interplay between the rights of the child, the French law on foreigners and on child protection, local district regulations, guidelines in the practices of social workers. Overall, the study seeks to collect data on the wide range of professional practices as well as understand the underlying reasons of this diversity and whether it is detrimental to the best interest of the child. The results will be used to design an on-line handbook and trainings for child care workers and managers.

Germany

The guardianship-law is under revision (see Guardianship). Revision of the regulation is about the conferral of a residence permit for long-term tolerated persons. The old regulation ended on 31.12.2009.

Greece

In December 2009 the government of Greece called for the creation of an Experts' Committee (with the participation of involved ministries, UNHCR, the Greek Ombudsman's Office, the National Committee for Human Rights, selected Greek NGOs), to deliberate on the drawing up of a proposal for the transformation of the existing detention centres at border areas into 'screening and identification centres', with a view to establishing appropriate protection-sensitive entry mechanisms. The proposal suggests that these centres accommodate newly arriving persons for a limited period of time, where civilian staff will identify international protection needs and refer relevant categories of people (including, primarily, separated children) to appropriate structures. The said Committee finalised its deliberations and submitted its proposal to the Deputy Minister of Citizen's Protection in March 2010. The Ministry will consider possible legislative adoption of this proposal.

A similar Experts' Committee on the overall reform of the Greek asylum procedure was also called earlier on, in November 2009. The committee completed its proposal and submitted it to the attention of the Minister of Citizen's Protection in December 2009. The proposal suggests the setting up of an Asylum Service manned exclusively by civilian staff trained on asylum issues; it also asks for the reinstating of the administrative second instance appeals procedure, while it also suggests measures for the tackling of the backlog of pending cases. A committee to discuss the said proposal's legislative adoption has already been set up.

Ireland

The Immigration, Residence and Protection Bill 2008 has not yet been enacted. It is expected to be enacted in 2010.

Publication of the Joint Committee on the Constitutional Amendment on Children Report on 16 February 2010.

The recommendations for constitutional change bring the work of the committee and Irish NGOs one step closer to improving protection for, and promotion of, the rights of children residing in Ireland. See www.oireachtas.ie/parliament/media/housesoftheo

[ireachtas/contentassets/documents/JC-Constitutional-Amendment-on-Children-Final-Report.pdf](http://oireachtas/contentassets/documents/JC-Constitutional-Amendment-on-Children-Final-Report.pdf) and www.oireachtas.ie/parliament/mediazone/proposalforanamentmenttotheconstitution/#d.en.1552.

Italy

In August 2009, a law on "security" was approved of by the Italian Parliament (Law 94/2009). A wide range of provisions included in this act are about immigration, some of them likely to have a considerable negative impact on separated children (as well as on migrant children within families). For more detailed information, see SCEP Newsletter No. 32.

In February 2010, six months after the entry into force of the above-provisions, Save the Children Italy completed a survey in order to assess their impact on children, focusing in particular on:

- a) the introduction of more restrictive criteria to convert the permit of stay at 18
- b) the introduction of the crime of illegal entry and stay
- c) the increase of sanctions up to 2/3 for crimes committed by irregularly staying migrants.

The survey was conducted in 6 cities where the presence of separated children is reported to be relevant. These cities are located in the North, Centre and South of Italy: Milano, Torino, Ancona, Roma, Napoli and Palermo. Key- stakeholders, including local authorities, managers and staff of reception centres for children, judges and professionals of the juvenile justice system and separated children were interviewed.

Although – given also the limited time-period surveyed – there were few comprehensive and official data concerning the impact of the above law provisions available, some relevant trends and findings have been already highlighted by the survey. First of all, the new provisions are generating different practices across the country when it comes to their interpretation and application. This is a criticism in itself, as reception conditions and opportunities for separated children to regularize their status vary according to the local system they get in contact with. For instance, despite the fact that according to the Italian law on migration children cannot be expelled – save the right to follow their parents – some police offices are charging separated children with the crime of irregular entry or stay, while other offices are not. The same applies to the aggravating sanctions related to the irregularity of the status (above). The new provisions are not providing clear guidance as to how to interpret and apply them to children.

As for the possibility to convert the permit of stay when a separate child turns 18, most of the interviewed stakeholders stated that they have

already observed an increasing disillusion among separated children that do not match the requirements (virtually all those who entered the country older than 15), about the possibility to achieve successful and sustainable integration in Italy, and consequently, their reluctance to undertake an assisted social inclusion project. This result exposes a higher number of separated children at increased risk of abuse and exploitation, and further limits access to the fundamental rights they are entitled to. Moreover, stakeholders observe a trend of younger children arriving at Italy, namely children below 15, who would be able to match the requirements for converting their permit of stay after 18.

Netherlands

The fourth Balkenende government was unable to agree on whether the Dutch military involvement in Afghanistan after December 2010 should continue. The Queen has accepted the resignation of the Labour (PvdA) ministers and state secretaries and has asked the caretaker government to work towards the early dissolution of the House of Representatives of the States General so that a general election can be held on 9 June 2010. She has requested the ministers and state secretaries to continue doing all they consider necessary to serve the interests of the Kingdom.

The Senate and the House of Representatives play a decisive role in which matters may be dealt with by the caretaker government.

In December 2009 the (Labour) State Secretary of Justice announced a new policy for separated children in the Netherlands. This policy will be discussed in this SCEP newsletter. However it is decided by the Senate and the House of Representatives that this new policy for separated children is a too controversial subject to be dealt with by the caretaker government. All meetings concerning this new policy are postponed until after the elections. That is why at this moment it is still uncertain if the proposed plans will turn into policy after the elections.

Norway

The new Immigration Act and Immigration Regulations were enforced 1 January 2010. An important change in the new Act is that all asylum applicants that have been entitled to protection will be given refugee status. Children's rights are strengthened in general and their needs are given more attention in the new Act. The Regulations include a new main provision stating that children over the age of seven and younger children who are capable of forming their own opinion must be heard before decisions are made in cases that concern them. In asylum and family immigration

cases, special rules are introduced in relation to carrying out interviews with children.

Portugal

One of the major developments regarding asylum in Portugal was the entry into force of the new asylum legislation in 2008. The new Asylum Law (law 27/2008) which establishes the conditions and procedures for granting asylum and subsidiary protection and the status of asylum applicant, refugee and of subsidiary protection, transposing into internal juridical order Council Directives ns 2004/83/CE, of 29th April and 2005/85/CE, of 1st December, was published on the 30th of June, after a period of debate and consultations that included UNHCR as well as the Portuguese Refugee Council (CPR). Both organisations were invited by the Minister of Interior to review and submit comments on the various drafts of law proposals throughout 2007.

CPR is pleased to note that many of the comments have been incorporated.

The new law ensured new competences to UNHCR and CPR, namely concerning resettlement and the rendering of declarations, as follows:

Article 35, no 3 (request for resettlement): "The Portuguese Refugee Council shall be informed on the lodged applications and may pronounce an opinion upon said applications within five days".

Article 49, no 7 (rights of the applicants) allows for asylum applicants to "be accompanied and represented by a lawyer or other legal representative during the rendering of statements, as well by a representative of UNHCR or CPR, although the absence of a representative does not hinder the compliance of the procedural act.

Also the legal status of resettled persons in Portugal upon arrival was clarified: "The acceptance of the resettlement request shall grant the applicants with a status similar to the mentioned in Chapter VII" (refugee and subsidiary protection status).

Another major development regarding this new legislation is the suspense effect which is recognized to all jurisdictional appeals of a non-admissibility decision, either the asylum application is presented at border points or at national territory.

Another significant introduction relates to the subsidiary protection status, previously with a maximum timeframe of 5 years. The new asylum law altered the referred time limit providing a more stable level of protection. Number 2 of article 67 states "Beneficiaries of subsidiary protection status shall be granted a residence permit for humanitarian reasons, which shall be valid for an initial period of two years, renewable after an assessment of the evolution of the situation in the country of origin, unless compelling reasons of national security or public order otherwise require (...)".

In relation to the situation of separated children seeking asylum, one can find important considerations, particularly in articles 78 and 79 which are dedicated to minors and unaccompanied minors seeking asylum. Among other important issues, the article 78 points out that the best interests of the minor shall be a primary consideration, namely:

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

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.

Slovakia

Since 15 January 2010 some amendments of the Act on Stay of Foreigners have come into force, but it contained no changes in law or practice relevant to separated children.

Spain

The final text of the Spanish Foreign law was adopted on the 11th December 2009. In relation to the situation of unaccompanied children, the law says that the government will promote the establishment of collaboration agreement with countries of origin for the prevention of irregular immigration, the protection and the return of unaccompanied children. Another modification in the law is the possibility to call a hearing session with the minor during the repatriation process. Children over 16 can intervene alone in the hearing or with the representative they choose. The law also gives the possibility to offer the guardianship of unaccompanied children to private entities (NGOs, Foundations and organizations dedicated to the protection of children). That means the renunciation of the public guardianship, established in the Organic Law 1/1996 of the Legal Protection of Minors, and it's discriminatory because it refers to unaccompanied children only.

The Ombudsman denounced that administrations fail to carry out the law that oblige to document unaccompanied children. In many cases, they turn 18 without documentation and find themselves in an irregular situation. The Ombudsman denounced

delays, denegation without motivations, and lack of coordination. This institution received complaints from almost all regional governments and reminded, in many occasions, the "legal duty" of the administrations, sending 15 recommendations, 23 suggestions and 28 reminders in 2009.

In the context of the EU Presidency, the Spanish authorities have expressed their priorities in relation to unaccompanied minors during the informal meeting of Ministers of Immigration of the European Union, celebrated on January 21st in Toledo. The Spanish Labor and Immigration Minister, Celestino Corbacho, accomplished a compromise among the 27 EU members who have promised to supply funds for the protection, and/or deportation of unaccompanied minors. To this end Spain wants to implement an Action Plan on unaccompanied minors during its Presidency.

United Kingdom

The duty on the UK immigration authorities to have regard to the need to safeguard and promote the welfare of children is now in place. Some instructions now include statements and explanations of what this means for immigration staff, but it is too early to assess the impact of this new law.

A change in practice means that asylum applicants wanting to make further submissions on their claim for protection are now required to attend a personal appointment rather than send a written submission.

Detention

Austria

The applicable changes to the Aliens Law, which went into effect 1 January 2010, have led to a broadening of the grounds for detention concerning asylum seekers. It is now intended when necessary under certain circumstances, for example, in the first instance, due to the Dublin II Regulation, when an asylum application is rejected. Consequently, it is expected that the number of separated children in detention will increase considerably. There is, however, not yet any data which can support this expected development. It is possible that the increase of separated children placed in detention will not be visible statistically due to more frequent adult assessments.

Belgium

Currently, separated minors can not be detained in closed centres except, in some cases, for a maximum of 6 working days during which an age assessment is done. However there is no formal prohibition in the law to detain minors so there is always a risk that the current practice might not be

continued. The problem of minors who are not identified as such and are detained in closed centres is still actual.

On the 19th of January 2010 Belgium was condemned by the European Court of Human Rights for the abusive detention of a Chechen family with 4 minor children. This does not concern separated children but the decision of the court is based on an extensive interpretation of the “Tabitha case” (12 October 2006) that led to the creation of the guardianship system in Belgium. The facts date from 2007. The Court’s decision stated that several reports showed that the effects of detention on the children, especially one, amounted to inhumane and degrading treatment in violation of article 3 of the ECHR. Belgium was also condemned for the violation of article 5§1 as regards to children’s rights of liberty. There was however no formal prohibition of detention of children in the court’s decision.

Some initiatives are being launched to obtain a formal prohibition of detention of children also in the preparation of return.

Croatia

Two asylum seeking minors spent time in detention where they submitted applications for asylum, they were immediately transferred to State Reception Centre for Asylum Seekers.

Cyprus

The Law prohibits the administrative detention of asylum seeking minors. However, detention can be prevented only when there is adequate evidence that the individual is a minor. Unaccompanied minors in practice may risk detention. Due to the large margin of appreciation in age determination, they may be declared to be, or considered as adults, whereas, in cases of doubt they should be considered as minors.

Denmark

Save the Children Denmark has successfully advocated for a change in the malpractice of the Copenhagen Police and Copenhagen prosecutors office, whereby separated children including those who may be victims of trafficking were being detained in youth delinquency facilities or for a shorter period even in actual prisons.

This particular group of minors were being detained and sentenced (usually for 40 days) for carrying false identification although Danish law allows judges to place the minors in open facilities notably The Red Cross asylum centres.

The significant change in practice now means that minors travelling on false identification papers will no longer be detained, but transferred directly to one of the open Red Cross asylum centres.

Germany

The Bundesfachverband UMF and Terre des Hommes will publish a case study on detention of Separated Children soon.

Greece

Following a series of unrests and upheavals of minors detained for long periods of time under substandard conditions in the detention centre of Mytilene/Lesvos (Pagani), on account of their irregular entry in Greece, and following several actions and demarches made by UNHCR Greece and other actors, the said centre was shut down in October 2009 through a political decision of the new government (which came into power after the parliamentary elections of 4th October).

Separated children however continue to remain for considerably long periods of time in detention in lack of identification of available places in reception centres for their appropriate referral. Several children are subsequently released from detention without referral to specialised structures.

Hungary

Pending a Dublin II transfer to Greece, a 17 years old Somali girl has been detained since October 2009 in the Békéscsaba Reception Center, despite of the legal prohibition of detention of minors.

Malta

Although efforts are being made to ensure early assessment of UASC’s claims, UNHCR still remains concerned about the lengthy process of age verification. As a result of delays in the process unaccompanied children, children and babies are at times held in detention for some time after arrival. Age-assessment tools are also not always reliable, while at the same time claimants are not always given the benefit of the doubt in relation to the assessment. UNHCR works closely with NGOs to speed up the process by referring specific cases and advocating for a timely release.

Netherlands

After years of consultation with the members of parliament and the State Secretary of Justice, on December 11th 2009 the State Secretary of Justice announced that she wants to create alternatives for the detention of separated children, as was done before for families with children (a maximum of two weeks detention when it is clear that return will take place: for example, a ticket has been bought etc.). A number of separated children who are now being placed in detention may then be placed in alternative accommodation.

Defence for Children- the Netherlands and the coalition ‘children do not belong in refugee detention’ are excited about the plans of the (former)

State Secretary of Justice and are hopeful that the caretaker government will make sure that the detention of separated children will cease. See also: www.geenkindindeccl.nl (only in Dutch).

Portugal

The Portuguese Asylum Law makes no reference to permission or prohibition of detention. There are no records of detained minors in Portugal, except for those who are “retained” at international areas, namely, the airport. However, it is important to mention that the Portuguese authorities avoid this retention in cases of separated children.

Reference should be made to the positive fact that in 2008 all requests presented by unaccompanied minors or single women with children were admitted to procedures which is considered to be a practice responsive to issues of age and gender.

Slovakia

In general, according to law, unaccompanied minor cannot be detained in Slovakia. Any other minor can be detained only for the shortest time possible and only in exceptional circumstances.

Slovenia

Since October 2009 to beginning of March 2010 there were 15 separated children who were deprived of liberty because they illegally entered Slovenia. They were held in detention from a period of a few days and up till two months.

United Kingdom

The Refugee Council launched an emergency appeal in 2009 to secure funding which would enable us to work with age-disputed young people. On January 1st 2010 a Children’s Adviser (Age-disputes) was appointed. In the first six weeks in post the Adviser was able to secure the release of six children from detention and a further four were outstanding at end February.

After years of lobbying the government now provides stakeholders with statistics relating to age disputed young people in detention.

Age Assessment

Austria

The new legal requirements, which became effective 1 January 2010, concerning age assessments of separated children have resulted in virtually all newly arrived separated children being sent for age assessments. However, unaccompanied minors who have been in Austria for years are being summoned on a more frequent basis to appear for an age assessment. In particular the application of ionic x-rays has been allowed in determining age.

The examinations are composed of different parts and are carried out in Traiskirchen and Graz:

1. X-rays of the hands und panorama x-rays (teeth) in Graz
2. Dental examination
3. Physical examination und ascertainment of living conditions (Boltzmann Institute for Nuclear Medicine - Graz)
4. Summary assessment – (Boltzmann Institute for Nuclear Medicine – Graz)

According to the BMI (conversation between H. Fronck of Asylkoordination Österreich and Mr. Resinger of the BMI on 8.2.2010) in 90% of the examinations the separated child is assessed as an adult.

Belgium

The age assessment is still based on a triple test (left hand wrist, collarbone and dental examination). According to the law the lowest age should be taken into consideration, but this is not always the reality. Some case-laws show that the court sometimes acknowledges the unreliability of the medical tests; however this is not a general interpretation. It remains unclear what the timeframe is to proceed to such test and the time-limit is, within which the results should be made available.

Croatia

No age assessment is practised

Cyprus

Medical Examinations for Age Determination

The new provisions regarding the medical examinations for the purpose of age determination allow for the use of such measures, (with the consent of the minor and/or his representative) during the examination of the application of an unaccompanied minor; and oblige that the Asylum Service inform the minor prior to the examination of his claim, in a language which he understands, the possibility of such action being taken. The Law also specifies that the unaccompanied minor should be given information on the screening test, the potential impact of the examination on the asylum claim, and the potential impact of the minor’s refusal to undergo such an examination.

It is also stated that a minor’s refusal to undergo a medical examination for age determination purposes does not prevent a decision being made on their application, but that this should not be the sole grounds of refusing an applicant). However, the Law fails to foresee the potential types of medical examination that could be undertaken, and makes no provisions with regards the screening process or the correct procedure by which the screening process should be performed.

Finland

Age assessment practices will be regulated by the law; the Parliament is currently working with a legislative amendment. There are some problems in practices, however, which are not covered in the law proposal. Practices vary on how the date of birth will be recorded. Even if the results of a medical age assessment say that a minor can be a minor, the child's age can be recorded so that it is several months or almost as much as a year later than it actually is. Sometimes a child really does not even know himself the exact date of birth, but the bureaucracy needs a certain date. That date can be conclusive for the life of an applicant. How to deal this quite arbitrary process according to child's best interests is a difficult task.

Another problem is that the child is not entitled to appeal when his/her date of birth is changed by authorities. He/she is also not entitled to demand for an age assessment. However, there seems to be children who have been advised to tell they are adults in another member state because it has been easier to go on their trip as adults. If their age is wrongly recorded once, they do not have any possibility to correct it later, and they are treated as adults in Finland.

Germany

Age assessment is still one of the concerns as there is no standardized procedure at place. In most cases age assessment is done by visual inspection by staff of the local aliens authority or the youth authority. There is no possibility to take legal action against the result of the assessment. In many cases no professionals with appropriate expertise are consulted, the minor is not informed of the procedure, no translator is at place and no guardian is engaged in the age assessment procedure as guardians are only appointed if the person is assessed as a minor. X ray is regularly applied in Lower-Saxony only. There were also some singular cases where minors were x-rayed in the context of a court procedure due to illegal entry of the country.

In 2009, 56% of all separated children arriving in Hamburg were assessed older than they declared. (www.bumf.de/images/stories/dokumente/kl-anfrage-hamburg-2010.pdf)

In Lower-Saxony more than 80% of all persons who stated to be separated children were assessed to be adult.

Hungary

The General Ombudsman's recent report on the situation of separated children at Bicske Unaccompanied Minors' Home (KNKO) heavily criticized the current method of age assessment, which is based upon general impressions, inspection

of the teeth and physical examination of the secondary sexual characteristics (inspection) by a medical adviser and a paediatrician. The Ombudsman's report found that neither the Asylum Act nor the Implementation Decree thereof prescribes the method of forming the expert's opinion about the applicant concerned. The medical experts' opinions studied during the inspection do not mention the mental condition of the persons examined or any „ethnic or cultural factor” affecting them (at that point the report made reference on the SCEP SGP). According to the report, “disregarding the examination of the mental, ethnic and cultural characteristics of the unaccompanied minor jeopardises the [...] children's right to receive special protection and care granted in Section 67(1) of the Constitution”. The importance of the examination of mental, ethnic and cultural factors in determining the age is demonstrated by the case of five Somali young people, declared of full age by the medical experts in the case in 2009, about whom it was discovered during the months spent in the Accommodation Centre in Debrecen that they probably were minors so, upon the final judgement of their application, they returned to the Unaccompanied Minors' Home.

As reported by the persons heard during the inspection, an X-ray examination of wrist-joints occurred only in exceptional cases i.e. only three times during the two years that had expired prior to the effective date of the Asylum Act. The Ombudsman proposes that the General Director of the Office of Immigration and Nationality orders ensuring that determination of the unaccompanied minors' age should, in addition to their physiological characteristics, also include the consideration of the child's mental condition as well as the ethnic and cultural factors affecting him/her, and the Minister of Justice and Law Enforcement orders the amendment of Section 44 of Act on Asylum in line with it.

Malta

Recently, the UNHCR office is being approached by a number of human rights activists (especially from Sweden) about unaccompanied children being returned to Malta under the Dublin regulation. Some of these individuals are, however, not considered minors by the Maltese age assessment team and thus are treated as adults in Malta. As a result they often remain in a difficult situation, living with little individual support in sub-standard conditions. Moreover, recent statistics reveal that a low percentage of minority claims are eventually decided positively by the Age Assessment Team (in 2008 for instance, only 14% of minority claims received a positive decision.)

Portugal

There is no legislation or specific measures towards the corroboration of asylum seekers' age when under the age of 18. When necessary, tests are carried out by an external and independent entity, the National Institute of Forensic Medicine. Among other occupations, this entity is responsible for the estimation of minor asylum seekers' age through X-rays to the dental plaque, namely the Haavikoos Method (evaluates male's teeth formation phase 18, 28, 38 e 48), the Kullman Method (assesses male's teeth roots formation phase 38 e 48), Harris & Nortjèn (with no gender discrimination, it evaluates teeth roots formation phase 38 e 48), Demirjian Method (the most powerful technique in teeth evaluation 41-47, only for the male gender).

Romania

Romanian asylum legislation provides the benefit of doubt where the unaccompanied minor has no documents to prove the age. In such cases, the declared age of the asylum seeker is accepted. According to Law no. 122/2006 on the asylum in Romania only where there are serious doubts regarding the asylum seeker's minority a forensic medicine expertise for age assessment is requested.

The asylum seeker and his/her legal guardian are informed about the possibility to be carried out a forensic medicine expertise for age assessment, the methods of the forensic medicine expertise, possible consequences of its result and effects of an eventual refuse to be subject to it. Also, the legal guardian has the obligation to discuss with the asylum seeker and to explain him/her the elements regarding forensic medicine expertise for age assessment.

In order to carry out the expertise it is necessary the previous written consent of the asylum seeker and his/her legal guardian.

When the asylum seeker refuse to carry out the forensic medicine expertise, a psychologist within Asylum and Integration Directorate within Romanian Immigration Office will make an evaluation in order to asses if the refusal is based on serious reasons. If the refusal is not based on serious reasons the asylum seeker is considered an adult.

The medical expertise for age assessment is requested by the Asylum and Integration Directorate within Romanian Immigration Office only when there are serious doubts regarding the asylum seeker's minority. Forensic medicine anthropological expertise for age assessment consists in measurements (height, weight, length of the arms etc.), radiological and odontological examination.

The asylum seeker will be considered a minor if the age assessed after forensic medicine expertise is between 17 and 18 years old.

Slovakia

In practice, every case is assessed individually, minors are interviewed and some of them have their own IDs. Medical assessment is not used in practice, mainly because of lack of finances and lack of knowledge on how to apply relevant legal provisions in practice.

Spain

Spain does not apply the same criteria to unaccompanied children. Each Public Prosecutor and each regional government interprets the law in different ways to decide if the person is an adult or a minor: sometimes the date of birth of the passport is accepted and in others the age assessment test is carried out in any case. Sometimes the Public Health System carries out this test, in other occasions the authorities, like the regional government of Madrid, chose private centres. Sometimes the results (always estimated) give a range of age; in others they say directly "around 18", not taking into account the margin of error (2 years). During 2009 the protection services of some regional governments in Spain, have decided to suspend the legal guardianship of several documented unaccompanied minors from different African countries. In all these cases the authorities prioritized the age assessment above the passports of the unaccompanied minors despite the fact that its authenticity has not been properly questioned. In most of the cases the authorities base its arguments just on the age assessment test, carried out in private clinics, without taking into account the margin of errors. In March, an ONG (Fundación Rais) presented to tribunals in Madrid 18 cases of unaccompanied minors from Sub-Saharan Africa that the regional government denied to receive declaring they are "around 18". Between these 18 cases, there are 4 cases very delicate of asylum seekers and other minors who have the requirements to ask for asylum. In general, the people affected are 16 or 17 year old minors who find themselves without an accommodation and living in the street.

There are dozens of identical situations in different regional governments. Lawyers in the regional government of Catalonia and Euskadi have 40 similar cases documented. In Barcelona, the president of a private foundation FICAT, Albert Parés, registered 35 minors with the same problems just in the last 8 months. Like in Madrid, many of them live in the street, after having been expelled by the social services of protection centres.

United Kingdom

In November 2009 the new Supreme Court made a ruling on age assessment which marks a significant departure from all previous rulings. Prior to this, the process undertaken by local authorities in assessing age may have been criticised by the courts and if this was the case then the local authority would have been asked to undertake the assessment again; it was for them and not for the courts to decide age. This new ruling states that if there is ongoing complaint against the local authority age assessment, the courts will see all evidence and will themselves decide on the age of the applicant. The first cases affected by this ruling are coming to court in March 2010; it is too early to say what the real impact of the judgement will be.

http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2009_0106_Judgment.pdf

Guardianship

Austria

There continue to be – contrary to legal regulations – separated children for which no legal guardian is appointed. This usually happens when separated children are housed in adult refugee pensions (Styria, Carinthia). However, it has also taken place in a Caritas facility in Wels, where 17-year-old minors are housed and the question of guardianship has not been legally clarified.

Belgium

Currently there is a lack of guardians and a call for applications has been launched. This is needed because Belgium has seen an increased arrival of separated children. An internal evaluation of the guardianship system is ongoing. Plate-forme Mineurs en exil is now launching an external evaluation of guardianship of separated children in Belgium that is ought to be finished in December 2010.

Croatia

All minor asylum seekers were appointed with guardians. UNHCR is still awaiting official statistical data from the Ministry of Health and Social Welfare. UNHCR was informed that 17 minor asylum seekers were appointed with guardians from the Centres for Social Welfare in Kutina, the competent centre for the State Reception Centre for Asylum Seekers.

Cyprus

The Social Welfare Director has been maintained as the legal guardian of the unaccompanied children but the Commissioner for the Protection of the Rights of the Child will, from now on, be the legal representative of the children. This is to be

considered a breakthrough in light of the fact that previously, welfare officers, who lacked training in intervention and providing legal advice, acted as legal representatives for unaccompanied minors.

France

The early appointment of ad hoc administrators (responsible for assisting and representing the minor) at waiting zones has been improved; the Red Cross has received support from the *Famille Assistance* NGO and the ministry has announced a guardian appointment rate of 100%. Under French law, the ad hoc administrator is not only to provide assistance to the minor but is also to act as a legal representative in all proceedings related to his detention in waiting zones, to the asylum application and to the entry into French territory.

Germany

A new guardianship law is under revision at the moment. According to the draft law, a few improvements could be expected, e.g. the reduction of the number of wards per guardian and the duty to have a regular personal contact (at least once a month) with the ward. Press release under: www.bmj.de/enid/447a6f1dd4b38d7e9bc277465b4257a4,940d116d6f6465092d09093a09636f6e5f6964092d0936343434/Pressestelle/Pressemitteilungen_58.html

Hungary

According to the findings of the General Ombudsman's report on separated children: "The representation of an unaccompanied minor in an aliens procedure or in an asylum procedure (ügygondnok) is a duty requiring qualification in law while such a qualification is not necessary for performing the duty of a guardian (gyám). However it would be reasonable to appoint a guardian because the unaccompanied minor can also get into a situation for any reason beyond the asylum procedure, for example, in the event of an urgent medical intervention where one has to make a legal statement for or on behalf of someone. It is by no means satisfactory that, during the 5 or 6 months from submitting the asylum application until the specification of the place of residence of the unaccompanied minor taken into long-term care, three different persons are competent to perform the legal representation of the child. Moreover, the office of the official guardian is not located in Bicske but in Székesfehérvár. Under the current circumstances it cannot be expected that a long-term personal relationship is developed between the child and the adults qualified for the protection of his interests." The General Ombudsman is "worried about the fact that the unaccompanied minors excluded from the system of county institutions for

the protection of children are compelled to live in the area of the (Bicske) Accommodation Centre, in the Unaccompanied Minors' Home (KNKO), almost throughout the entire period of their integration to Hungary, which is not the ideal way of understanding the Hungarian way of life and of adapting to it." Therefore he proposed the amendment of the relevant bills in order to guarantee that asylum-seeking unaccompanied minors are immediately placed under guardianship(gyámáság); however, they should remain entitled to professional legal advice and representation thereafter(ügygondnok), too, until the final completion of the procedure.

Ireland

Although Ireland does not appoint professional independent guardians, the new operational plan as proposed by the Health Service Executive ensures equitable care for separated children. This means all separated children will be appointed a social worker (and all unaccompanied minors seeking asylum should be appointed a guardian ad litem under the National Children's Strategy 2000, although this has not been seen in practice).

Under the National Children's Strategy that comes to a close this year, the government will continue to work towards policy dealing with management and funding for the present guardian ad litem service by May 2010.

The HSE have sought legal advice on the issue of guardianship for separated children as part of their Equity of Care plan.

Research to be presented 15 April 2010 at Issues in Safeguarding Refugee and Asylum-Seeking Children at the University of Central Lancashire: What role for guardians? Work with separated children in Ireland paper presented by Alistair Christie and Shirley Martin (University College Cork).

Netherlands

The project 'Closing a protection gap: core standards for guardians of separated children in Europe' has started.

The goal of this project is to close a protection gap for separated children in Europe by developing core standards with a focus on qualifications of guardians based on the views of separated children (by interviews) in relation to their rights according to the Convention on the Rights of the Child and EU directives.

From December 2009 until November 2011 organizations from eight European countries will work on this project which is financed with the support of the EU's DAPHNE III programme.

The type of protection and care you will receive as a separated child from your guardian depends upon the country which you have (often randomly)

entered. This project will provide an instrument to improve the qualifications of guardians in Europe to take the special needs and rights of separated children into account. When all guardians have sufficient qualifications to work in the best interest of the child the level of protection children receive in the different European countries will harmonize. Sub goals of this project are:

- To assist guardians in finding the right solution for the child.
- Boost a European Community policy and harmonisation of guardianship in practice.
- Strengthen the attention to the special needs and rights of separated children.

Portugal

Article 79 of the Law 27/2008 of 30 June (Establishes the conditions and procedures for granting asylum and subsidiary protection and the status of asylum applicant, refugee and of subsidiary protection, transposing into internal juridical order Council Directives ns 2004/83/CE, of 29th April and 2005/85/CE, of 1st December) is dedicated to unaccompanied minors, and it states that (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 nongovernmental organisation, or by any other legally prescribed form of representation.

In fact, when an unaccompanied minor arrives to Portugal and apply for asylum, authorities immediately inform the Portuguese Refugee Council in order to receive this minor in our Reception Centre, also informing the Family and Minors Court about this. This court attributes the guardianship of this child to CPR.

Romania

After registering the unaccompanied minor alien as asylum applicant, Romanian Immigration Office shall immediately notice the competent authority for child protection whose territorial jurisdiction includes the accommodation centre, where the asylum application shall be lodged, in order to start the procedure of appointing a legal representative.

The asylum procedure is suspended until the appointment of a legal guardian, but the unaccompanied minor has the right of asylum applicants during this time. According to the Law on Child Protection appointed guardians are staff members of the local Directorate for Child Protection (graduates of Law Faculty or of the Faculty for Social Assistance). The local Directorates for Child Protection are affiliated with the National Authority on Child Protection, which

is under the authority of the Ministry of Labour, Family and Equality of Chances.

The legal guardian assists the child throughout the asylum procedure and during the age assessment process.

Slovakia

Based on legally enshrined judicial care of children, courts decide on placement of an unaccompanied minor into institutional care and appoints him/her guardian. In practice, local Offices of labour, social affairs and family (further only as “office”) act as guardians (as a legal person).

Majority of separated children found on the territory of Slovakia are placed in a specialized foster home for separated children in Horne Orechove, and their guardian is appointed the office in Trenčín. The guardian should act in the best interest of the child, but this role of the guardian is often questioned by NGOs. The guardianship role is delegated to only one employee of the office and represents only partial function of his job description. Ability to examine every case properly and act as soon as possible are undermined. Personal contact between minor and this/her guardian is insufficient. Guardians lack more detailed information about asylum procedure and when a child is moved from foster home to asylum centre guardian loses contact with a child completely.

In practice guardians are reluctant to appoint a lawyer to represent a minor in the asylum procedure. Guardians do not appeal against negative decisions in asylum procedure.

In addition, even courts are slow in appointing guardians and their decision requires weeks or even months from identification of an unaccompanied minor on the territory of the Slovak Republic. This practice has serious legal consequences for a child, as during this period he/she cannot legally act on his own behalf, neither request issuance of tolerated residence or seek asylum in the Slovak Republic.

United Kingdom

The Scottish Refugee Council has secured funding allowing it to plan for its guardianship pilot project to begin on 1st July 2010.

Reception

Austria

In winter 2009, an all time high was reached at the first reception centre EAST with 230 separated children. At the end of January 2010, only 182 children remained at the EAST centre. The reduction in the number of the separated children was mainly due to an increase in children being

assessed as adults after medical examinations. Moreover, there has been a considerable decline in the number of applicants since the beginning of 2010.

Belgium

The reception crisis is still ongoing. Separated children who are not asylum seekers do not receive accommodation in the federal reception centres run by Fedasil (federal asylum agency) since October 2009 because the reception network is overloaded. Normally all separated children should receive accommodation by Fedasil, now a distinction is unlawfully made between asylum seekers and other minors. This has led to the fact that the observation and orientation centres, that normally only welcome minors upon arrival for 15 days, do not send the minors to other reception facilities as they are unavailable and continue to host the minors in facilities that were not created to be a structural accommodation for minors. For the other minors who are not asylum seekers there were several cases where the minors lived on the streets. One of the temporary solutions was to create separated aisles for minors in centres for adults, though the accommodation is mainly given to asylum seeking minors. The access to accommodation often depends on whether the guardian appeals against the refusal to accommodate.

Croatia

Asylum seeking minors are accommodated in the State Reception Centre for Asylum Seekers, which is generally in good condition with legal assistance provided through UNHCR's implementing partner. Community services are also provided by another UNHCR's implementing partner, while medical assistance is provided by the state.

Cyprus

The Reception Conditions Regulations contain a large number of provisions to protect the best interests of unaccompanied minors.

Best Interests of the Child

Unaccompanied minors shall be considered as vulnerable individuals in need of special care. The Social Welfare Services, along side other competencies, shall be responsible for unaccompanied minors and their ultimate best interests shall be the main concern of such competencies, who are obliged to take into account the special situation of such vulnerable children. As such, authorities should always make an individual assessment on any decision taken regarding an unaccompanied minor, and such decisions should

always be taken on a personal, objective and impartial basis, and be duly justified.

Welfare and Accommodation

The referral of an unaccompanied minor to a reception centre is prohibited with the exception of those above sixteen years who may be referred exclusively by the Head of the Welfare Office and only in the case where the conditions of the reception centre have been examined and approved as providing satisfactory arrangements for the minor's accommodation, which include provisions that they should be separated from adult asylum seekers and that any special requirements can be provided for.

The Regulations also oblige that the Head of the Welfare Office ensures that unaccompanied minors be placed with adult relatives, foster families, accommodation centres with special provisions for minors, or other such suitable accommodation and that where possible, siblings are not separated, accommodation changes are kept to a minimum, and the best interest of the child is always taken into consideration. In addition, the District Welfare Office is required to take into account the special needs of such vulnerable children when granting public allowance.

Access to Medical Care

The Regulations oblige the Social Welfare Services to ensure that minors who are victims of any kind of abuse, negligence, exploitation, torture or harsh, inhuman or degrading treatment or who have suffered by armed conflicts have access to rehabilitation services, and that the appropriate psychological care and specialized treatment, where required, is provided to them, alongside any other special medical or other assistance required.

Concerns were raised over incidents of asylum seekers (including a number of unaccompanied minors) being unable to access welfare support and assistance by the UN Economic and Social Council in their 42nd session Report of May 2009 which questioned the administrative obstacles in place which prevent such persons accessing their economic, social and cultural rights. The report raised deep concerns over the 'number of cases of asylum seekers with specific needs who are denied access to necessary specialized medical care available to nationals and EU citizens' despite the legal provisions in place to ensure such access. Included in these cases were two cases of unaccompanied minors who were unable to access specialized medical care without the intervention of UNHCR.

Training of Authorities

The Regulations require that any persons working with unaccompanied minors must have or receive adequate training in relation to the needs of minors and commit themselves to the principle of confidentiality.

France

A new reception centre for unaccompanied foreign minors opened in October 2009 in the administrative district of Seine Saint-Denis, near Paris, called the 'PEM' ("Plateforme Enfants du Monde"). It is managed by the NGO EMDH (Enfants du Monde Droits de l'Homme) and financed by the local district.

This is an emergency reception centre, as well as an assessment and orientation centre, with a capacity of 40 places for male and female separated minors from 15 to 18 years of age, who are placed in hotels or shared accommodation. Placement is for 1 month, which is renewable for one more month thereafter. The centre caters for minors who have newly arrived in Seine Saint-Denis, who are not yet known by its child protection authorities, and who benefit from a temporary placement order issued by juvenile court judges.

The care team carries out an initial assessment of the young person's situation and works in consultation with social workers from the district's child protection services to find the most suitable long-term placement, while taking into account the limited capacity of the child care facilities.

In Paris, the capacity of the capital's scheme for the integration of separated minors was slightly increased (from 95 to 100 places) and the quality of its services has improved tangibly, since 20 hotel places have now been replaced by 25 places in a very well-equipped reception centre AMIE ("Accueil des Mineurs Isolés Etrangers") run by the NGO France terre d'asile) providing much better follow-up and monitoring than the previous accommodation and care arrangement in hotels. Nonetheless half of the minors are still placed in hotels.

A new drop-in centre aimed at these young people (which will replace the current France Terre d'Asile drop-in centre) is also due to be opened in a few weeks' time to complete the Paris programme.

The period between the temporary accommodation arrangement and the taking into care in a stable and educational care facility by child protection authorities can last from two months to a year.

Clearance of the Calais “jungle” camp

On 16 September 2009, the police cleared the Calais “jungle” camp, where 700 to 800 mostly Afghan migrants were living. The clearance of this makeshift migrant camp was covered a lot in the media. 278 migrants were arrested, including 125 minors who were brought to four adult shelters (Senlis, Vitry sur Orne and Pas de Calais). In the Pas de Calais district, the local child protection authorities ("Aide Sociale à l'Enfance") assumed long-term responsibility for 26 minors out of the 55 minors to be taken into care (placement decision handed down by the juvenile court judge). This figure represents a disappearance rate much lower than usual (almost 50% instead of the usual 99.7% in this district).

Germany

The reception conditions are still widely varying between the local communities. Due to the rising number of separated children the accommodation situation worsened in some regions. In Munich and Dortmund (two of the biggest destinations of separated children in Germany) the local authorities plan to improve the accommodation situation for separated children and to establish specialised reception centres with higher standards than at present.

Greece

According to government data of August 2009, the number of available places in reception for separated children (whether seeking asylum or not) lies at approximately 400 places country-wide. This number remains insufficient in comparison to actual needs, and therefore the vast majority of separated children remain in conditions of homelessness and destitution.

Ireland

The Health Service Executive is continuing with their work to close hostels for separated children by the end of 2010. Four hostels remain open with 24 hour care staff. All four are on the list for inspection with the HSE which began in early February- not registered. Four registered children’s homes subject to inspection by the registration and inspection service provided by the HSE. Owners have to apply for registration to allow for inspection. Number of children in foster care and supported lodging placements- like foster homes for children around 17 years old. Where they do not apply, the hostels are still subject to visits from the Reception and Integration Agency of the Department of Justice, Equality and Law Reform.

The Health Service Executive has circulated their operational plan for equitable treatment of

separated children, on par with that accorded to indigenous Irish children in care.

Barnardos, Children’s Rights Alliance, the Irish Society for the Prevention of Cruelty to Children, the Irish Refugee Council, Cross Care (commissioned to provide care staff in the residential units for separated children), and Foróige are involved in dialogues with the HSE on improving the care for separated children through the implementation period. The group is chaired by the One Foundation. Working groups have been established to address concerns with care and the asylum procedures. The Irish Refugee Council is involved in the working group for training of service providers with the Action for Separated Children in Ireland umbrella group. The purpose will be to map services on a national basis and to look into training needs.

Italy

In the framework of the “Praesidium” project, implemented in partnership with UNHCR, IOM and the Italian Red Cross, under the coordination of the Italian Ministry of Interior, Save the Children Italy – among its different tasks - is mandated to monitor the compliance of reception centres for children with existing international and national standards.

A first comprehensive monitoring report published by the Organization in April 2009, reviewed 39 reception centres for children in Sicily during the period: May 2008-February 2009. In short, the main gaps identified in the above-period/report were:

- a) Overcrowding;
- b) Insufficient distribution of basic goods (food, clothes, shoes, hygienic items etc.), pocket money and phone cards;
- c) Insufficient - or lack of - cultural mediation and legal services, resulting in language barriers, lack of participation, consultation and information;
- d) Lack of recreational activities;
- e) Delays in appointment of a guardian and regularization process;
- f) Limited access to education, training and job opportunities;

Services provided at the reception centers often did not meet separated children’s rights and expectations. This could largely explain the very high drop out rate recorded, on average, between May 2008 and February 2009, i.e. about 60%.

The second comprehensive monitoring has been conducted over the period: March 2009 – February 2010. One big external factor that has to be taken into consideration in reading the monitoring results concerns the changes in the management of mixed

migratory flows arriving through the Mediterranean undertaken since early 2009 by the Italian Government – first by changing the nature and functions of the Center for Preliminary Reception and Assistance based in Lampedusa, later with the push-backs of hundreds of migrants, including children, to Libya, along with the joint patrolling of the Libyan coasts. While causing several violations of migrants and children’s fundamental rights, these changes lead to a drastic decrease in arrivals at the Southern coasts throughout the monitoring period. As a result, between March 2009 and February 2010 a total of 278 separated children landed in Italy (compared to almost 2000 in the previous year).

Consequently, by far less children were placed at the reception centers located in Sicily, some of which were closed – their overall number going down to currently 22. The main findings of the monitoring exercise undertaken by Save the Children Italy are summarized below:

- In general, the decrease in numbers of children accommodated at the reception centers resulted in an improvement of material conditions (e.g. room available, material goods), as well as an increase of time and individualized attention devoted by service providers to children. As a result, the drop out rate had decreased compared to the previous period (see above), remaining however still considerably high, i.e. about 50%;
- Problems and gaps still remain in relation to services provided within the reception centers, including: a) poor cultural mediation (and consequent barriers and constraints to children’s participation); b) lack of organized recreational activities; c) limited access to education, training and job opportunities; d) delays in the regularization process, although some improvements were recorded, due to an increased possibility to support a smaller number of children; conversely, additional problems were caused by the narrowed possibilities to convert a permit of stay when a child turns 18.
- generally, a functional and effective referral system to ensure assistance and protection to separated children is not available at national/central level in Italy; this gap results in significant differences in standards applied across the country, and seriously constraints national capacity to plan and manage reception and assistance to separated children properly and efficiently;
- Insufficient attention is paid to prevention of exploitation and identification of (potential) victims of trafficking among separated children arriving at Sicily.

The monitoring carried out devoted great attention and space to consulting with children and collecting their feedback about the reception standards and more broadly about their needs and expectations for the future.

Netherlands

Undocumented children evicted from Dutch reception centres following failed residence proceedings are put in a situation of outright helplessness and living on the street, according to the European Committee of Social Rights in response to a collective complaint submitted by Defence for Children International - The Netherlands Section. The current eviction policy of the Netherlands denies to these children their basic right to protection. In its decision, the Committee points out that the right to shelter is directly linked to the rights to life, social protection, and respect for the child’s human dignity and best interests. “This decision is a milestone for the protection of children who are unlawfully present in the Netherlands”, said Carla van Os, migration & children’s rights advocate at Defence for Children International.

On 14 January 2008, Defence for Children International - The Netherlands Section submitted the collective complaint to the European Committee of Social Rights together with Fischer lawyers, UNICEF the Netherlands and LOS (support centre for undocumented persons), and with the support of the Dutch Section of the International Commission of Jurists. According to the complaint, the current policy of the Netherlands of the eviction of children and their families from reception centres following failed residence proceedings is in violation of the European Social Charter. The Committee monitors the implementation of the European Social Charter by States Parties. The European Social Charter is a significant treaty at the European level for the protection of human rights. It complements the European Convention on Human Rights, and reflects the rights of children recognized in the United Nations Convention on the Rights of the Child (CRC). Importantly, as shown in its decision, the Committee considers the general principle of the best interest of the child, as recognized in article 3 of the CRC, as a binding principle under the European Social Charter.

In its decision, the Committee finds that the rights of children to social protection and shelter also flow from the State obligation to respect the general principle of the best interests of the child. It further points out that, in their policies on migration and the treatment of persons who are lawfully and unlawfully present in their countries, States Parties must take into account their obligation to ensure

the right of every person to respect for his or her human dignity. The Committee considers that, “the right to shelter is closely connected to the right to life and is crucial for the respect of every person’s human dignity.” The Committee further observes that all children are vulnerable and growing up in the streets leaves a child in a situation of outright helplessness, and concludes that, “children would adversely be affected by denial of the right to shelter” (para. 47).

Defence for Children International considers this definitive ruling on the child’s right to shelter as a unique opportunity for all stakeholders, including local and governmental authorities and lawyers and SCEP members to work together for a humane reception of undocumented children and their parents in the Netherlands, as well as other European countries. SCEP members can use this ruling of the European Committee of Social Rights to advocate for the right to shelter for (separated) children in their country.

Read more about the experiences of undocumented children without shelter in the brochure ‘A home for every child’:

www.defenceforchildren.nl/images/20/998.pdf

For more information, see the website of the European Committee of Social Rights you will find the other documents of the complaint under number 47:

www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp

Furthermore, on December 10th 2009 there was an expert meeting of the EVASP project (Enhancing Vulnerable Asylum Seekers Protection) in the Netherlands (see: www.evasp.eu). A researcher present during the expert meeting spoke about a research she did (not yet available). A conclusion of this research is that separated children staying in foster families are most happy, separated children living in large scale reception facilities are least happy.

Portugal

In relation to reception, the article 26 of the law 27/2008 (Effects of application and decision), no 2, states that the temporary accommodation of unaccompanied or separated minors shall follow special conditions in accordance with international recommendations by the UNHCR, UNICEF and the International Committee of Red Cross.

Also, article 79, no 4, dedicated to unaccompanied minors, asseverates that an unaccompanied minor aged 16 years or over may be placed in accommodation centres for adult asylum seekers.

In fact, all the children that arrive unaccompanied in Portugal are lodged in CPR’s Reception Centre.

Romania

The national law stipulates that separated children under 16 years old should be housed in Child Protection Directorate centres.

Slovakia

After their identification as children lacking parental care or care of their another legal representative, all separated children are placed in foster homes, primarily in the foster home for separated children (in other foster homes only in case there is no capacity in this specialized foster home). Foster home hosts separated children awaiting for appointment of guardian and for decision over their legal situation as well as those granted tolerated residence in the Slovak Republic.

On the other hand, asylum seeking separated children are transferred to one of the existing asylum centres run by the Ministry of Interior. Separated children are accommodated there in rooms together with adult asylum seekers which may have negative influence on children (e.g. alcohol, fighting, etc.). In comparison to the past, when Migration Office operated also specialised centre for vulnerable groups, there is no staff in the asylum centres especially trained for working with children. Children placed in these asylum centres attend regular school education rather rarely. Health care and treatment available for children within asylum facility is not sufficient and in comparison with children placed in foster homes is of lower standard. In second half of 2009 it has been agreed that certain number of Afghan minors granted subsidiary protection in asylum procedure were also placed in the care within the foster home in Horne Orechove. However, this has not been agreed upon as a systemic solution for all future cases of separated children who would be granted subsidiary protection or asylum.

NGOs as well as UNHCR do not consider asylum facilities ready for provision of proper treatment for separated children, do not support unnecessary transfers of children and are strongly against solutions enabling differentiated treatment of children in foster home and of those in asylum facilities.

United Kingdom

Government plans to contract with a limited number of local authorities who would provide care for all unaccompanied children were officially abandoned in the autumn.

Missing children

Austria

In the light of the Dublin II process, separated children being housed at the EAST reception facility consistently go missing. However, after receiving approval to submit an asylum application and receiving a placement in a housing facility, this applies to only a few cases. Of the 15,827 people that applied for asylum in Austria in 2009, 1,300 individuals went missing, according to the Ministry of the Interior. Specific statistics for separated children are not available.

Cyprus

Although there are no official statistics for missing children, there have been concerns relating to several incidents of unaccompanied minors leaving their accommodation arrangements without notification or any method of future contact.

Denmark

The numbers of disappearances of separated children has been dropping significantly over the last year. Compared to former years where the percentage of separated children who went missing from the reception centres has been as high as 71 % it went down to 31 % in 2009 and the % continues to drop.

An explanation is most likely that the police have intensified the resources allocated to register the fingerprints of the children (it now happens almost right after the children arrives). This means that the children according will be less inclined to continue their journey to other countries (since they will be returned to Denmark again according to Dublin II-practises in other countries). Another (or additional) explanation could be that Denmark has stopped returning children to Greece which could mean that the children are less reluctant to get registered in Denmark and therefore do not disappear before their fingerprints has been taken.

France

See the report by the Terre des Hommes child relief foundation in Lausanne, entitled "Disappearing, departing, running away: A surfeit of children in Europe? Study carried out in Belgium, Spain, France and Switzerland on the disappearances of unaccompanied foreign minors placed in institutions."

www.tdh.ch/website/tdhch.nsf/pages/20100128_tdh_study_unwanted_children_in_europeE

Germany

There are no official data on missing refugee children in Germany.

Ireland

From January 2009 to December 2009 a total of 46 separated children have gone missing from State care, of which 9 were found. The Health Service Executive identified the following contributing factors:

- The child's appeal for asylum has been refused and he/she is nearing eighteen and is reacting to the pending threat of deportation.
- The person has been smuggled into the country to join the workforce on a consensual basis and is availing of the child protection service as a fast track route into the state.
- The child has been trafficked into the state by traffickers using the child protection service as an easy route.

One child was reported missing in the months October-December. The child was subsequently found. This is as a result of strengthened ties between the Garda Síochána and the HSE, improved hostel management and the appointment of 24 hour care staff to work in the residential units. Interview with Ombudsman for Children, Emily Logan and Norah Gibbons of Barnardos: <http://www.tv3.ie/shows.php?request=tonightwithvincentbrowne>.

Statement from Director of Health Service Executive:

www.irishtimes.com/newspaper/frontpage/2010/0208/1224263954887.html

Netherlands

To prevent vulnerable separated children from disappearing from the scene as illegal aliens, running the risk of being exploited, the protected care pilot was started in January 2008. The children are staying in a protective environment and there is intensive supervision. The results of this pilot are now being assessed. The pilot will be continued in its current form until the Lower House is informed about this, in all probability before the summer recess of 2010. In response to a motion tabled by MP Hans Spekman an experiment has started on 1st October 2009 called 'perspective' (in Dutch: Perspectief). The aim of this experiment is to promote return and to prevent illegality of approximately 800 to 900 former separated children. Within this project there are representatives from municipalities, IOM, Nidos (the Dutch guardianship institution), the Dutch Refugee Council and the immigration authorities. Nineteen municipalities are selected for this experiment. The project will last 1,5 year. The municipalities create a more comfortable setting for the separated children (for example living rooms) and the purpose of the experiment is to test whether a different, more individually focused and personal approach can prevent illegality of former separated children. This may be achieved by

carrying out return or because the separated child is eligible for a residence permit.

Slovakia

There is only scarce official information on problems related to child trafficking, their disappearance or kidnappings of children of foreign origin in the Slovak Republic. Staff of foster home or asylum centres who work directly with separated children report that children flee voluntarily. UNHCR and NGOs question these statements and warn that many of the children can be victims of smuggling, trafficking or other forms of forced/involuntary disappearance from foster homes or centres. The rate of “disappearance” of separated children from foster homes and asylum centres is very high. More attention therefore should be paid to persons separated children are in contact with, including adult asylum seekers in asylum centres.

The responsible authorities should consider adoption of guidelines on identification of risk factors and prevention as well as activities directed to raising awareness of separated children and their empowerment.

Slovenia

The trend of children going missing a few days after their arrival to the Asylum Home still remains. Since October 2009 to beginning of March 2010, twelve separated children disappeared from the Asylum Home.

United Kingdom

Although there have been no policy or practice changes, this issue has attracted a number of questions in parliament and an increasing amount of media attention.

Dublin II practice

Austria

The Dublin II Regulations also applied to separated children in Austria. Especially with minors, complex questions of jurisdiction consistently arise which prolong the process. Doubt harboured by the authorities regarding the age given by separated children leads to delays. As many children submit applications in Greece or Italy, the duration of the process takes even longer as these countries become responsible after the deadline for the application has expired.

The majority of cases in which minors go missing happen primarily during the Dublin II process, before they can be transferred to the country which is responsible for their asylum procedure. In 2009, a

total of 1380 asylum seekers from Austria were transferred to “Dublin States”. There is no separate breakdown concerning age or country of origin.

Belgium

Separated children are sometimes returned under the Dublin II. There is no formal instruction to stop returning to Greece or Italy. However, in practice we see that demands of suspension or annulment of the decision of a Dublin return to Greece or Italy are taken into consideration by the French-speaking chambers of the appeal court for foreigners. This does not seem to be the case for the Flemish chamber. There have been several demands for suspension of Dublin returns to the European Court of Human Rights.

Cyprus

There are no records of any unaccompanied minor returned under Dublin II.

Finland

There were 139 decisions out of total 165 negative decisions to return separated children by Dublin II (while there were 247 positive decisions to separated children). See official statistics on separated children by the Finnish Immigration Service:

www.migri.fi/netcomm/content.asp?article=3127&language=EN

France

Unaccompanied foreign minors in France are not affected by Dublin II.

Germany

Since autumn 2009, the FedOff is not conducting interviews with asylum seekers who have applied for asylum in another Dublin member state within the last three months. A Dublin procedure is initiated and all reasons which might argue against a transfer to the respective member state have to be brought forward by the applicant in writing. The new regulation also affects minors. The reason for the new approach is to save time to cope with a growing backlog of pending decisions due to increasing asylum applications.

Greece

Greek NGOs have noted recently considerable delays in the implementation of family reunification processes under Dublin II (outcoming requests from Greece), resulting in the failure of many such cases (of children with legitimate claims to family reunification, for which receiving Member States have acknowledged responsibility) due to administrative hurdles.

The Human Rights Commissioner submitted an intervention to the European Court of Human Rights in a group of cases concerning return of asylum seekers to Greece under the 'Dublin Regulation'. The Commissioner concluded that current asylum law and practice are not in compliance with international and European human rights standards. For more information:

www.coe.int/t/commissioner/News/2010/100316ThirdParty_en.asp

Hungary

Dublin II transfers to Hungary took place from the following countries: Austria (7), Germany (2), Switzerland (2) and Sweden (1). A separated child was transferred from Hungary to the UK and another one to Greece.

Ireland

The total number of minors transferred under Dublin II in 2009 was 5:

Number	Country of Origin	Gender F/M	Transferred to
3	Malawi	1 F, 2 M	UK
1	Zimbabwe	F	UK
1	DRC	F	UK

Spain

Dublin regulation is not being applied in cases of unaccompanied minors.

Slovakia

Many separated children are returned from other EU countries to the Slovak Republic based on the Dublin II regulation. Cases differed from those whose asylum procedure was pending to those who already received international protection.

Some separated children were found on the territory of the Slovak Republic, but their family members lived legally in another EU country. In these cases, family reunification is often facilitated through initiation of Dublin procedure. Guardian lodges asylum application on behalf of a separated child in the Slovak republic and Member State where family members live is asked to accept responsibility for the case. In 2009 one case was rejected family reunification to United Kingdom as British authorities claimed there was no enough evidence on the existence of family relationship.

Slovenia

In February 2010, two Afghan minors (14 and 15 years old) were returned from Germany under the Dublin regulation. They were accommodated in the Asylum Home since one minor again applied for asylum and another minor's asylum procedure was not finished.

Switzerland

Mid November 2009, a separated child from Somalia was picked up early morning from the specialised centre for separated children in the canton of Vaud and returned to Italy under the Dublin II regulations. The concerned minor had been staying in this centre since January 2009 and was a very motivated student. He was also receiving medical treatment. Nobody would have thought that this could happen without prior notice. A huge wave of solidarity within the public followed this incident and made people aware that no adequate safeguards for vulnerable groups have been installed within the Dublin II regulations. It seems that this unacceptable situation needed to happen to raise awareness of the weaknesses of the Dublin II regulations.

United Kingdom

There has been growing concern expressed in the UK about conditions for asylum seekers who are returned to Italy under the Dublin II regulations. In a recent case, 'EW', the courts found that the return of asylum seekers to Italy would not generally contravene any national or international law and that reception arrangements in Italy were adequate. However, in February 2010 the High Court heard cases regarding a girl who had been removed to Italy under the Dublin II regulations, and another who was due to be removed. The judge was highly critical of the practices of the UK Third Country Unit and ordered that the girl who had been removed to Italy be brought back; she is now back in the care of children's services here. The judge ruled that all children must in future be given 72 hours notice of their removal. We are hopeful that the judge's findings can be used to prevent some further removals and will positively influence future UKBA practice in removing children.

Procedures and Recognition

Austria

A relatively high number of separated children were granted subsidiary protection in the last year. This has much to do with the fact that many children come from Afghanistan and their acceptance rate is high. The length of the process differs considerably. While the Federal Asylum Office in Traiskirchen often makes a quick decision concerning Afghans, unaccompanied minors residing in Vienna must often wait a year or longer for a decision.

Belgium

Out of 86 applications considered by the Immigration Office, refugee status was granted in 17 cases and subsidiary protection status in 24 cases.

Humanitarian residence permit was granted to 6 children.

Croatia

One minor was granted Refugee status during the reporting period. The recent recognition of the Armenian minor as a refugee raises the important issue of successful integration of minors, which will need to be addressed by the government.

Cyprus

Recognition

The Refugee Law specifies that acts of a child-specific nature are among the non-exhaustive lists of acts which qualify as constituting acts of persecution.

Procedures

Legal amendments to the Refugee Law specify unaccompanied minors as vulnerable people, of which the authorities must take note of their specific situations (only after an individual assessment has been made) and proceed with their claims accordingly, in line with provisions outlined for vulnerable persons.

Finland

See official statistics on separated children by the Finnish Immigration Service:

www.migri.fi/netcomm/content.asp?article=3127&language=EN

France

Certain associations (EMDH in particular) are helping authorities in the home countries of unaccompanied minors with issues of civil status/public records.

Germany

In 2009, the protection rate with regard to separated children increased to 51%. 30% were granted refugee status and 21 % were granted subsidiary protection. The main countries of origin were: Iraq: refugee status (67%), subsidiary protection (1%); Afghanistan: refugee protection (9%), subsidiary protection (68%); Vietnam: refugee protection (0%), subsidiary protection (0%).

Ireland

Despite first instance training at ORAC and the development of best practice guidelines and training provided by the HSE, concerns remain about the asylum process and the ways in which it does not cater to the best interest of the child. The Irish Refugee Council and UNICEF are continuing work on child-friendly asylum procedure materials to include the present legal framework as well as that

proposed by the Immigration, Residence and Protection Bill 2008.

Netherlands

In the proposed revision of the policy for separated children the State Secretary of Justice Ms Albayrak states that she wants to abolish the permit for rejected separated children. Up until now separated children who were not granted an asylum permit received a regular residence permit up until they turned eighteen. After they turned eighteen the children often became undocumented. The aim of the abolishment of the regular permit for separated children (who are not granted an asylum permit) is to prevent illegal stay in the Netherlands. To get more clarity for the child in an early stage the asylum applications of separated children will be decided on within one year.

For separated children a special rest and preparation period of at least three weeks is included in the proposed policy at the start of the asylum procedure. This rest and preparation period will give the Immigration and Naturalisation Service more time to make inquiries into the identity and age of the separated child or to perform a medical screening. In this period this period the separated child will be visited by, inter alia, a supervision worker and a mentor of the COA (Agency for the Reception of Asylum Seekers).

In the proposed revision of the policy the State Secretary of Justice aims to finalize requests for the admission of separated children within one year, including the appeal period. If separated children are not granted asylum, they no longer qualify for a permit as a separated child under the new policy. Instead, the aim is to have them returned to their country of origin as soon as possible. Separated under the age of 15 are given a 'not at fault' permit, as soon as it is clear that they cannot return.

Minors who are not eligible for a residence permit must return to their country of origin. The abolition of the permit for separated children aims to put an end to the current practice of granting temporary permits which are generally withdrawn on reaching the age of 18. Pending his return the minor will remain entitled to shelter, medical care and education.

As mentioned before in this newsletter the proposed revision of the policy for separated children is going to be discussed further after the elections on 9th June 2010. NGO's in the Netherlands are satisfied about a lot of proposed changes (alternatives for detention, possibility to get a 'not at fault' permit earlier on etc.) but the NGO's do worry about the consequences of the abolition of the permit for separated children who are not granted asylum. The goal of this abolition is to prevent illegal stay in the Netherlands. But doesn't

the abolition of the permit make these children illegal?

Portugal

The alien or stateless person who enters into Portuguese territory with the purpose of obtaining asylum shall lodge an application with the Portuguese Immigration Service or any police authority within 15 days, either orally (subsequently confirmed through a written official document) or in writing (Article 13, 27/ 2008 Law). Afterwards it is remitted to the Immigration Service within 48 hours, who are obliged to inform the UNHCR representative and the Portuguese Refugee Council as soon as the request is lodged.

The applicant may request an extension of the asylum application to include the family members who accompany him or her, whether minors or adults, and the application shall, in this case, be preceded of a previous explicit consent of those persons, otherwise it shall be considered inadmissible. In the case of minors, they may lodge an application on his or her behalf.

In relation to the statements present in the Portuguese asylum procedure, if the application is lodged by a minor, it shall be incumbent on the Portuguese Immigration Service to report the situation to the Portuguese Refugee Council for representative purposes.

The decision shall be notified to the applicant along with information on his or her rights of judicial review, and shall also be reported to the representative of the UNHCR and to the Portuguese Refugee Council.

Romania

National legislation regarding unaccompanied minors

The Romanian Asylum Law applies to citizens who do not have Romanian citizenship and also to stateless persons who are asylum seekers or beneficiaries of a form of protection. Romanian Asylum Law has special provisions regarding the unaccompanied minors asylum seekers.

According to the Romanian Asylum Law – Law no. 122/2006 – an „unaccompanied minor” is a „minor, alien citizen or stateless person, who reached Romania unaccompanied by parents or legal representatives or who is not taken care of by other person, according to the legislation, as well as the minor who remain unaccompanied after entering Romanian territory”.

In the field of child protection the main Romanian Law is Law no. 272/2004 on the protection and promotion of the rights of the child, which provides the conditions for the protection of the rights of the child, irrespective of the child's nationality. Even when the Romanian Asylum Law is not applicable,

the Romanian authorities in the field of child protection will take all the measures for the protection of the unaccompanied minors who are not Romanian citizens. In the case of an unaccompanied minor who is not an asylum seeker or a beneficiary of a form of protection, the Romanian Aliens Law and Child Protection Law are applicable.

Standards regarding the asylum procedure

In Romania, the unaccompanied minors or minors with families who are asylum seekers can not be held in detention solely on the ground of being asylum-seekers.

According to Romanian Asylum Law, unaccompanied minors asylum seekers shall benefit from the same protection that is offered to Romanian minors in difficulty as provided by the law.

Unaccompanied minors asylum seekers have the right to take part in cultural adaptation activities, to receive identity documents, social assistance etc. Also, they have access to education. At the same time the asylum application is lodged, Romanian Immigration Office and the other competent authorities for receiving asylum applications shall fingerprint all the asylum applicants who, according to their statements, have reached the age of 14, subsequently submitting and storing this data, on paper support, at the Romanian Immigration Office card index and, on electronic support, in the AFIS (Automated Fingerprint Identification Systems) national database.

The asylum applications lodged by unaccompanied minors shall not follow the procedure at the border. The unaccompanied minor's asylum applicants shall be granted the access to the territory and to the ordinary procedure. The asylum applications of the unaccompanied minors cannot be resolved by accelerated procedure.

According to the Romanian Asylum Law, the forms of protection which can be granted to an asylum seeker are refugee status (the criteria are the same as those provided in the 1951 Geneva Convention) and subsidiary protection (the criteria are the same as those provided in the Directive 2004/83/EC – „Qualification Directive”).

Applications lodged by minors

The interests of a minor alien shall be represented by her or his own legal representative. The minor alien shall lodge her or his asylum application by her or his own legal representative, and in the case the age of the minor is 14 the asylum application may be lodged personally. In case of an unaccompanied minor alien who manifested, orally or in writing her or his will to be granted asylum, in front of the competent authorities, shall be registered as asylum

applicant and her or his application shall be lodged when appointing her or him a legal representative.

Interviewing the asylum applicants minors

The asylum applicant minor shall be interviewed in the presence of her or his own legal representative. The legal representative informs the asylum applicant minor on the purpose and possible consequences of the personal interview and shall undertake the necessary measures in order to prepare the minor for the interview. The asylum applicant minors and the unaccompanied asylum applicant minors shall be interviewed in all the cases, if possible, according to their physical development. When conducting an interview with the asylum applicant minor, her or his intellectual development and maturity shall be taken into consideration.

Resolving the asylum application

When resolving the applications of the asylum applicant's minors, their intellectual development and maturity shall be taken into consideration.

Slovakia

Specific provisions in the Slovak Act on Asylum provide for specialised protection of minor asylum seekers. For example asylum claim of unaccompanied child cannot be rejected as manifestly unfounded; minor asylum seekers should be placed separately from adults (although not necessarily inclusively followed in practice) and a decision-maker responsible for the decision should be trained on specific needs of asylum seeking children.

The personal contact between decision-maker deciding case and minor asylum seeker is very crucial. However, quite frequently asylum interview is performed by the decision-maker different from the one who is charge of the decision. According to UNHCR recommendations, Migration Office should train its decision makers in specific interviewing techniques with children as well as pay more attention to evaluation of claims of children, to child-specific persecution in particular. UNHCR also recommends training of guardians who attend asylum interviews with separated children with aim to improve their ability to represent the best interest of a child during the interview and the asylum procedure in general.

Recognition rate of minor asylum seekers when compared to recognition of adults does not show more favourable consideration of asylum claims of children. NGOs and UNHCR call upon Migration Office with request to always consider granting asylum on humanitarian grounds when asylum seeker is a separated child.

Recently, separated children from Afghanistan and Iraq were frequently granted subsidiary protection

in the Slovak Republic. Before provisions of law and policies do not ensure longer duration of subsidiary protection (1 year at the present) and provision of guaranteed assistance with their integration of persons granted subsidiary protection, NGOs and UNHCR do not consider subsidiary protection to be most suitable solution in best interest of a child.

Spain

Despite the references to the Best Interest Principle in article 2 of the Organic Law 1/1996 on the Legal Protection of Minors, the problem remains that Spain does not have a formal and unique established procedure to determine the Best Interest of the Minor, and each regional government (which have the competence over foreign minors) has its own criteria and procedure in this regard, and none a formal Best Interest Determination (BID) procedure. Linked to this, asylum matters are very seldom considered by the regional governments as relevant and applicable to the unaccompanied minors due to limited knowledge on asylum by the concerned authorities, both, at central and local level. This is coupled with their belief that the general system for protection of minors is excellent and would offer higher protection than the recognition of an unaccompanied minor as refugee or as beneficiary of subsidiary protection.

Despite that, by law, children may have access to a pro-bono lawyer, they seldom benefit from legal assistant because the welfare authorities in the regional governments don't notify the local bar associations, arguing that they are the ones who, by law, should protect the rights of the children. Considering that the Child Protection Services officers do not have expertise in asylum, the intervention of an independent experienced lawyer would be very beneficial to detect asylum cases.

United Kingdom

The UK government has issued a formal response with accompanying action plan to the UNHCR Quality report that looked at separated children's asylum claims. Whilst accepting a need for improvements to guidance, training, and quality assurance mechanisms as they relate to children it has not fully accepted the recommendations on child specific training for interpreters, guardianship and best interests of the child.

The UK government announced that it will not be opting in to the recast Qualification and Procedures Directives.

Family Tracing and Reunification

Austria

The residential facilities for separated children have reported on several pending applications for family reunification which have remained in the hands of the authorities for as long 1½ years. Sometimes a DNA test is requested. (The children are put under enormous pressure because they don't have the financial means to pay for the tests. When it directly concerns the person's family, the authorities are required to refund the costs; however, that does not solve the problem of pre-financing and risk).

DNA tests are not always required, but gathering the necessary documentation is often difficult. In addition, the costs for reunification consistently present problems. In the past, family reunifications were considerably easier to organize. For example, in the case of a minor from Somalia who was granted asylum two years ago, the reunification of a family of 9 was still possible without any difficulties.

Croatia

According to Article 26, para. 3, the Ministry of Interior (MoI) shall take necessary steps in order to find parents of a minor. However, Croatia is still a novice in the field and UNHCR supports the creation of an efficient family tracing and reunification system. When possible, UNHCR through its partners, Croatian Red Cross, assist in the process of family tracing.

Cyprus

The Regulations require that the Asylum Service find the members of the unaccompanied minor's family as soon as possible, and ensure that the collection, processing and transmission of the information regarding such a minor is done in confidentiality, so as not to jeopardise their safety, particularly if the family reside in the country of origin.

Finland

There is a proposal to restrict family reunification for minors. An amendment to the Aliens' Act is currently at the Parliament. According to the proposal a minor should be a minor at the moment when the decision of family reunification is made; not when the application is lodged. This has caused discussion in the Parliament also, because it means that an applicant's legal rights would depend on the authorities' time for handling the application. That would in practice leave most of the separated children without the right to family reunification – they are often 16-17 years old when they arrive and they most probably would turn 18 before they have

gone through both their asylum and family reunification processes.

Ireland

UNICEF and the Irish Red Cross are presently working together to ensure practice for family tracing and reunification is efficient and engages with the child. Current practice involves written correspondence between the Irish Red Cross and the child's assigned HSE social worker. This has been criticised as inefficient and ineffective. All three parties are presently working to include the child in the process to ensure efficiency. Reunification with HSE engagement typically goes through the International Organisation for Migration.

Lithuania

When receiving information about an unaccompanied alien minor, the Migration Department has immediately to organize search for the family members in cooperation with relevant organizations and the temporary guardian of the unaccompanied alien minor. The issue of the legal status of the unaccompanied minor in Lithuania is addressed while conducting the search for family members. The goal of the search is to ensure the respect of the family unity. The search for the parents and the family must be started immediately after the arrival of the child. The guardian of the child must participate in the process of the search. The search must be conducted not menacing to the other family members. The offices on the UN and the International Committee of the Red Cross are the most important organizations conducting searches, so the governmental and other organizations, taking care about search, have to collaborate with these offices. It is necessary to inform the children about the search and to discuss it with them, seeking to ensure that there are created the possibilities to affect and to understand the making of the decisions and the actions concerning them.

Portugal

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 best interests of the unaccompanied minor, makes an effort to trace family members as soon as possible.

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 is 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.

Romania

The procedure of family reunification (regarding a family member of a person who was granted refugee status or subsidiary protection) is provided by Law no. 122/2006 on asylum in Romania, with subsequent modifications and amendments, and Government Decision no. 1251/2006 regarding the approval of Methodological norms for the applying of Law no. 122/2006.

(1) The person who has been granted a form of protection under the conditions of the art. 23 and 26 of the present law may lodge an asylum application for her or his family members stipulated under art.2 letter j, in case these persons are outside the territory of Romania.

(2) These applications shall be lodged at the National Refugee Office or its territorial branches.

(3) In the case the civil servant foreseen under art. 48 paragraph (2) estimates that the family relation has been proven by the beneficiary of the form of protection or, as the case may be, of concluding marriage before entering the territory of Romania, shall request to the Ministry of Foreign Affairs to issue the visa and the travel documents for the family members provided under paragraph (1).

(4) After the family members enter the territory of Romania, in the case of their agreement concerning the asylum application, the application shall be resolved complying with the provisions of the present law.

If the conditions for family reunification, provided by the Romanian Asylum Law, are complied, the family member (spouse or minor children) of the beneficiary of refugee status or subsidiary protection will be granted the same form of protection as the main beneficiary. If a family member is granted refugee status or subsidiary protection, he/she will have all the rights of beneficiaries of a protection form, including the right to stay on Romanian territory.

Also, Romanian Aliens Law provides the conditions for family reunification/reunion of any alien, including beneficiary of refugee status or subsidiary protection. If family reunification is made under the conditions of the above mentioned law, the applicant will be granted only the right to stay on the Romanian territory. Also, the above mentioned law provides that the family members of a beneficiary of refugee status or subsidiary protection, due to their special situation, are excepted from some of the conditions provided for family reunification.

When the family member of a beneficiary of a form of protection in Romania is in the country of origin, the Romanian Immigration Office will forward to

the General Directorate for Consular Affairs a note confirming the accomplishment of the conditions for family reunification for the family member. The General Directorate for Consular Affairs will forward the notification, as soon as possible, to the diplomatic mission or the consular office from the country where the family member is, and give order to these institutions to grant, according to the law, the interested person, at request, a 30 days visa for Romania, after establishing his/hers identity and only if a valid travel document is presented.

Slovakia

Family tracing and initiation of family reunification procedures is undertaken by a guardian. It is often lengthy and guardians (local offices) lack guidelines or instructions issued by a competent authority on methods of tracing family members, institutions and organisations which should be contacted, steps to be taken and how protection of a child shall be ensured during the reunification process. Lack of such guidelines leads to unsystematic, lengthy and unsuccessful reunification procedures.

United Kingdom

The decision not to opt into the Qualification Directive is partly based on the change it would necessitate in the UK's policy on family reunion for separated children.

Return and reintegration

Croatia

According to Article 75 LoF: "The safe return of an alien who has the victim status shall be conducted by the Ministry taking into account his rights, safety and dignity. If possible, the return should be voluntary.

Minors who are the victims of trafficking shall not be returned to any state if, after an evaluation of the risks and safety, there are indications that the return would not be in the best interests of the minor".

France

Deportation at the border :

In the first half of 2009, 101 minors in the waiting zone of Roissy Charles de Gaulle airport (representing 28.3% of all cases) were deported once it was verified that minors would receive 'guaranteed protection on arrival in the country'. (See the Ministry of Immigration's working group report.)

NGOs are sceptical, however, about the nature of this protection. Border police maintained recently that, since September 2009, minors have been assigned an escort to accompany them on their arrival at an airport until they are handed back to

the authorities, which was not previously the case. Nevertheless, although this measure offers some security from potential child trafficking, a police escort does not seem an adequate care-taker for a minor.

Removal of minors staying on French territory:

21 foreign separated children were returned by the French office for immigration and integration during the first 8 months of 2009. Among them, 8 were returned to Romania. The bilateral treaty signed in 2002 between France and Romania is coming to an end. The new treaty signed in 2007 has not yet been ratified by the French parliament. The treaty ratification bill was examined in 2009 but did not pass on various grounds (the lack of protection and efficiency; the need to raise the matter at the EU level). The examination of the bill was postponed and further investigations were requested by the parliament. Indeed, the new 2007 treaty curtails several momentous procedural safeguards such as: the seizure of the juvenile court judge as the only authority to have jurisdiction over the return of foreign separated children; the obligation to conduct a prior assessment of the situation awaiting the minor in the country of origin; the obligation to carry out social and educational monitoring after the minor's return; the enforcement of the repatriation of the minor by the French office for immigration. However, the Parliament is now again considering to pass the same ratification bill although no further investigations have been carried out.

Return: a rising concern:

Return is a recurrent topic in the networks dealing with foreign separated minors. We must keep in mind that laying such strong emphasis on return runs the risk of giving precedence to return over the need for protection.

See infoMIE's opinion on return:

www.infomie.net/IMG/pdf/Retour_MIE_infoMIE_mars_2010.pdf.

Lithuania

Return of the unaccompanied alien minor to the country of origin can be considered if it has been concluded that the child is not entitled to refugee status nor in need of other forms of protection or if the situation in the country of origin has changed essentially and sustainably.

Netherlands

To encourage the return of separated children to their country of origin, efforts will be made to trace parents or relatives in the country of origin. This is now being discussed by Dutch authorities with

international organizations such as the Red Cross, UNHCR and IOM.

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

The Dutch cabinet wants to intensify the cooperation with other European countries that have problems with the return of separated children. In collaboration with Norway and the United Kingdom, for instance, the possibilities of extending the number of reception centres in countries of origin are now being investigated. According to the Ministry of Justice they have not started specific projects yet.

In relation to return and transfer agreements with countries of origin, the Dutch government wants to intensify cooperation on a European level.

Slovakia

Separated children are returned from the Slovak Republic to countries of origin only on voluntary basis. According to the law, unaccompanied minors cannot be expelled from the territory of the Slovak Republic, only in case this would be in the best interests of the child. This provision is not applied in practice and separated children are not expelled. Voluntary returns are also very rare.

Slovenia

From October 2009 to the beginning of March 2010, four separated children were returned to their countries of origin. In Slovenia there are still no suitable return and reintegration programmes for the minors who are returned to their countries of origin.

Spain

Since 2007, several judicial decisions demonstrated the lack of guarantees observed in the return proceedings of children undertaken. As a consequence, the number of return has decreased considerably in the last years, being at this moment

almost non-existing. In 2006, 111 children were returned, while in 2007 only 27 returns took place and in 2008 only 10. Data for 2009 are not yet available. Most of these returns were to the countries of the Maghreb.

By the 15th on November, only 16 Moroccan unaccompanied children had decided to be voluntarily repatriated from Catalonia to Tangier, under the project "Catalonia-Maghreb" of the regional government of Catalonia that started in 2007 and ended in 2009.

Spain is opening centres for unaccompanied children in Morocco. To complete the information presented in the last Newsletter no. 32 (Autumn 2009) we can add the following: The regional government of Andalucía will open 12 centres, 6 of them located in Tangier-Tetuán and other 6 in the area of Nador. Each centre will have the capacity to host 100 children. The inversion will be of 2.5 million Euro.

For the moment, even though a lot of efforts have been invested at national level in order to conclude and effectuate bilateral agreements with different countries of origin (as it is the case of Morocco and Senegal) for return of unaccompanied minors, these agreements are not being implemented. Most of the children stay either under the legal guardianship of the regional governments for several years or until they reach the age of majority.

United Kingdom

Despite no written confirmation, we have been informed that plans to return children whose asylum claims have failed to Bangladesh, Pakistan and Afghanistan are being developed. We understand that ministers have discussed potential joint initiatives with the governments of the Netherlands and Norway.

Trafficking

Albania

Save the Children Albania is a partner in the Mario project, supported by the Oak Foundation. The Mario project forms a joint advocacy platform to enforce better protection of children in Europe and put pressure on European and national decision-makers to better protect children from exploitation, abuse and trafficking.

At national level in Albania the project supports the strengthening of the national advocacy coalition BKTF (All together against child trafficking) which focus has broadened from anti-trafficking to the protection of children from abuse and exploitation.

In Albania the advocacy strategy of the BKTF coalition will be towards the establishment of a functional child protection system in Albania.

Austria

Reliable figures on child victims of trafficking from, through and within Austria are difficult to obtain. Existing estimates provided by government authorities and others working to combat trafficking in persons do not disaggregate the number of children trafficked from adults, according to the different forms of trafficking, countries of origin or age and gender.

Awareness on child trafficking, for instance among Youth Welfare Authorities as well as NGOs dealing with refugees and unaccompanied minors, is still rather limited, which leads to low numbers of identified child victims in relation to likely actual cases. Vienna state authorities report numbers ranging from 100 to 700 children per year between 2003 and 2007 – both boys and girls – accommodated in the local Viennese shelter, an estimated two thirds of whom may have been trafficked.

ECPAT Austria in cooperation with ICMPD and the Austrian Task Force on Combating Trafficking in Human Beings will conduct 2-3 multi-stakeholder training seminars throughout 2010 in order to raise awareness and improve knowledge on child trafficking among the professionals dealing with unaccompanied foreign minors and/or refugees in Austria.

Croatia

No minor was identified as a victim of trafficking in the reporting period.

In November, the project entitled "Targeting niches in the anti-trafficking efforts: Customized support for Croatia" funded by the Dutch Ministry of Foreign Affairs and implemented by the International Centre for Migration Policy Development (ICMPD) and the Croatian Governmental Office for Human Rights was launched. The first component of the 12 month project will assess the current situation of trafficking in Croatia and will provide the basis for the following 3 components which will focus on the training of stakeholders. UNHCR will be closely informed and monitor the findings of the project in an effort to prevent and reduce human trafficking which is a threat to separated children.

Cyprus

On February 28th, the newspaper Cyprus Mail uncovered the story of two girls from Cameroon, aged 16 and 17, held for ransom in Nicosia since November by a Cameroonian man. The girls were

promised to be accompanied from Cameroon to France, where they would be reunited with their legally residing Cameroonian mother and French step-father. However, the girls arrived unaccompanied to north Cyprus on November 14th 2009 (via Addis Ababa, Beirut and Istanbul). Thus far, the government of Cyprus has refused to issue the girls temporary visas on humanitarian grounds. Welfare services have placed them to stay with a host family until their case is resolved.

For more information on this case, please consult the Cyprus Mail articles:

www.cyprus-mail.com/cyprus/used-pawns-ransom-scam/20100228

www.cyprus-mail.com/cyprus/how-mail-journalist-charles-charalambous-helped-rescue-smuggled-girls/20100228

France

The French National Consultative Commission on Human Rights (Commission Nationale Consultative des Droits de l'Homme) has released a new opinion on the trafficking and exploitation of human beings which sets out several recommendations on foreign separated minors:

89. The CNCDH recalls the presumption of minority and recommends that border police systematically petition the judge for children when they have reasonable grounds for believing they are dealing with an unaccompanied minor, including when the individual is transiting through France.

90. Presumed to be minors, young unaccompanied foreigners must be immediately taken charge of and sheltered by child protection (ASE), before beginning the required social, police and preventive procedures."

The opinion in French:

www.cncdh.fr/IMG/pdf/Avis_traite_et_l_exploitation_des_etres_humains_en_France.pdf

The opinion in English:

www.cncdh.fr/IMG/pdf/Opinion_on_combating_the_trafficking_and_exploitation_of_human_beings_in_France.pdf

Ireland

The National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012 has been published. The National Roundtable of statutory agencies and NGOs and High level working group continue to meet. The National Action Plan is currently being reviewed internally. The Child Trafficking Working Group, established to feed into the National Action Plan, has been extended to continue into 2010. Among their priorities are: age assessment, best interest consideration, equity of care and family reunification.

Part of the National Action Plan includes a train the trainers initiative for the recognition of trafficking victims to roll out nationally.

Italy

On February 25th 2010, the International Centre for Migration Policy Development (ICMPD) and the Italian Department of Equal Opportunities hosted the closing conference of the programme "Development of a Transnational Referral Mechanism for Victims of Trafficking between countries of origin and destination, TRM-EU". The Guidelines to establish such transnational referral mechanisms were presented; they also include sets of specific measures to protect and assist (presumed) trafficked children. Save the Children Italy – who has contributed to the Programme development at different stages - was invited to bring examples of concrete challenges that may likely arise during the implementation phase in ensuring child victims of trafficking the protection they are entitled to.

Netherlands

The proposal of the Dutch government to set up Fast Action Teams (in Dutch 'SAT') by two or more member states is now included in the 'Action-Oriented Paper on strengthening the EU external dimension on action against Trafficking of Human Beings'. The aim of these action teams is to support local authorities in the early identification of potential victims at the airport before they would come to Europe.

Poland

On 23 March, results of the survey carried out by TNS OBOP concerning social awareness of human trafficking threats and threats regarding taking up a job abroad were announced. The results showed that Polish people most often associate human trafficking with widely understood prostitution (26%) and slavery (24%). In the opinion of the persons being interviewed, groups being at the highest risk of becoming a victim are teenagers and children. If a person up to 18 years old becomes a victim of trafficking, according to the interviewed, he/she is most often forced to perform sex services, to take part in porn movies and pictures, to work or subject to illegal adoption. A majority draws information on human trafficking problem from television (83%). For persons aged 15 to 19 the Internet plays a very essential role in this issue (51%).

Survey results imply that young people in a small degree perceive human trafficking as a threat. 15% of students and pupils are not interested in this problem at all. A majority of the persons being questioned (79%) declared that if they knew about a person being forced to work, beg or prostitution, they would contact the police or a non-governmental organization. However, 13% would prefer not to interfere with another person's matters in such situation.

The survey was carried out by TNS OBOP on 18-21 February 2010 within the framework of a project of British Embassy in Poland. Partners of the project were the Ministry of the Interior and Administration, International Organization for Migration (IOM), Nobody's Children Foundation and La Strada Foundation. 1,005 Polish persons aged 15 and above participated in the survey.

Portugal

There are no data available regarding trafficking of minors. It is important to mention that the Resolution no 81/2007 of the Council of Ministers establishes the first National Action Plan Against the Trafficking of Human Beings, contains 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.

Slovenia

The lack of suitable accommodation for the minors who are victims of trafficking still remains.

United Kingdom

The Scottish Equality and Human Rights Commission has launched an inquiry seeking to identify the nature, extent and causes of human trafficking in Scotland; it will assess to what extent Scotland is meeting international and domestic human rights obligations to prevent and prohibit trafficking, prosecute traffickers, and protect its victims. It will report in 2011.

A recent case has dealt a blow to hopes for the ongoing security of many victims of trafficking we are working with. This ruling implies that many of these children will be expected to return to Nigeria despite all parties recognising the horrific experiences they have suffered.

“There is in general no real risk of a trafficking victim being re-trafficked on return to Nigeria unless it is established that those responsible for the victim’s initial trafficking formed part of a gang whose members were to share in the victim’s earnings or a proportion of the victim’s target earnings in circumstances where the victim fails to earn those target earnings. It is essential that the circumstances surrounding the victim’s initial trafficking are carefully examined.”

www.bailii.org/uk/cases/UKIAT/2009/00046.html

Children and Youth Participation

Austria

The former separated child, Jean Gatsinzi, has, together with Don Bosco Flüchtlingswerk, organized a two-day workshop in Vienna. Some 50 unaccompanied minors are expected to attend. After an initial getting acquainted session, it is planned to bring the youth into a dialog, to incorporate creative methods of exchange and to give them the possibility to voice their own opinions and ideas. An expert from the UNHCR will be available for information and discussion.

On the second day of the workshop, the results will be presented and the steps which should be taken after the meeting defined.

Within the framework of the workshop “Make your voice heard!” a contribution to the Austrian Report for the Committee on the Rights of the Child will be developed.

“Make your voice heard!” is planned take place 10 - 11 July 2010.

France

Young foreign separated minors participated in the nationwide campaign “Parole aux jeunes” launched by the French ombudsman for children (“Défenseur des enfants”) and aimed at getting children’s opinions on various subjects such as education, health, discrimination, violence and justice. To read the report:

www.defenseurdesenfants.fr/pdf/RAPP_PAJ.pdf

Germany

The Bundesfachverband UMF is, with participation of young refugees, preparing an information brochure in a child-friendly language on issues which are important for newly arrived separated children. It will be published also as mp3-audio-files.

In several cities in Germany young refugees have formed action groups (Jugendliche ohne Grenzen = youngsters without borders) who do lobby and advocacy work.

Ireland

It is of the opinion of the Ombudsman for Children’s Office, UNICEF and the Irish Refugee Council that separated children must be involved in the work that affects them. The OCO worked with a group of young people to inform their report ‘Separated Children Living in Ireland’ and guide to Dublin compiled by separated children. The findings were launched in November 2009. See : www.oco.ie/policyResearch/separated-children-project.aspx.

The Irish Refugee Council and UNICEF are continuing work on child-friendly asylum procedure materials with expected consultation with young people.

The Irish Refugee Council will also work with separated children as a partner in the trans-national research project 'Closing a Protection Gap: Core standards for guardians of separated children' (managed by DCI-NL and funded by the Daphne Programme).

Italy

In the framework of the "Praesidium" project, implemented in partnership with UNHCR, IOM and the Italian Red Cross, under the coordination of the Italian Ministry of Interior, Save the Children Italy has recently completed its second comprehensive monitoring of the reception centres for children located in Sicily. In the framework of the monitoring activities, separated children placed in the reviewed reception centres were consulted about the way they feel at the centres, their needs, expectations and problems, as well as their hopes for the future.

The main themes and issues that emerged from the consultation are summarized below:

- Things in their lives while at the reception centres in Sicily that the children listed as making them "happy" or "very happy" included: receiving the residence permit and identification documents; getting good marks at school; being in a comfortable environment;
- Their main worries and concerns, and things that make them suffer, in the children's accounts related to: lack of identity documents and residence permit; anxiety about their future, especially in relation to job opportunities; separation from their families, and frustration because they are not yet able to support them (especially when some family members have serious problems e.g. illnesses); uncomfortable living environment and conditions at the reception centres; not attending school; missing friends and country-mates; feeling of boredom and idleness at the reception centres.

The children were also asked what they would do if they were in charge of managing the reception centre where they are placed. Suggestions that they provided include:

- Children should be provided with what they need, without considerable delays (40,42% out of the total answers);
- Children should be helped to obtain their documents, mainly residence permits (21,27%);
- Children should be provided with the opportunity to attend school (17,02%); vocational training, job orientation and placement are also deemed important by several children;

- A few children suggested improving clothes and food distribution (4,25%).

Norway

Children in Norway have submitted their own report to the UN Committee on the Rights of the Child. In addition to the official Norwegian report, the Norwegian Ombudsman for children (Barneombudet) and the Forum for the CRC – a network of organizations, institutions and volunteers working with children's rights - have also submitted their own reports to the UN CRC.

To ensure that Norwegian children and youth were heard directly by the Committee on the Rights of the Child, a children's hearing was organized by the Norwegian Ombudsman for children, Save the Children Norway and the Norwegian children and youth council (LNU). 59 children between the age of 11 and 18 participated in the children's hearing in October 2009. Lothar Krappmann from the CRC had been invited to Oslo to hear what Norwegian children and youth had to say, and during the hearing he learned what it is like to be young in Norway today.

You can read the report at:

www.barneombudet.no/sfiles/94/84/1/file/rapport-barn-sa-ifra_eng_final.pdf

Portugal

Regarding participation, minors' needs are 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 – inscribed also in the asylum law.

Romania

Save the Children Romania implemented a project funded by the European Refugee Fund, "The Integration of the Asylum-Seekers in Romanian Society", which consisted in developing and implementing social services, counselling, educational and recreational activities in Bucharest, Timisoara, Galati, Şomcuta Mare and Radauti areas. From October 2009 to December 2009, Save the Children Romania had provided assistance to 20 separated children. Two of the separated children became volunteers in the programs implemented by Save the Children.

Separated children and young asylum seekers and refugee were involved in various recreational and educational activities like: Debate sessions on the right to education, Romanian and English language classes, cultural orientation, computer lessons and other activities such as visits to museums, camps, sports competitions, etc.

United Kingdom

In late 2009 the Refugee Council SMILE project worked with some separated children to enable them produce their own short films with the support of a professional film maker. The young people were encouraged to choose their own topic and the films that were produced represented the views of the young people about issues such as life in their home country, the journey to the UK, and their life in the UK.

Miscellaneous

Austria

UNHCR evaluation of the standard of care for separated children in Austria

UNHCR will carry out an evaluation in 2010 of the standard of care for separated children in Austria. In order to obtain a comprehensive picture of the situation, the corresponding federal and provincial care facilities will be inspected and the respective standards of care, within specific parameters, systematically elevated.

UNHCR is pursuing three goals in particular with this project:

1. Overview of the status quo in the care of unaccompanied minors,
2. Identification of good and best practices in this field
3. Identification of possible gaps and deficits in the care, with the goal to find appropriate solutions together with those responsible.

IOM conducts a European project on separated children

The project will be implemented primarily in the six EU States of Austria, Belgium, Bulgaria, Poland, the Czech Republic and Romania, which were involved in the IOM/ARGO project. The timeframe of the project extends from March 2009 till September 2010.

The project's specific aim is to raise awareness among unaccompanied minors concerning their rights as children, as well as provide clarification concerning the risks of abandoning the structures of the country of destination. The needs of separated children, the administrative hurdles and possible solutions were gathered through a survey administered to separated children and social workers. Regarding children's rights, an information campaign with an educational video, short films and flyers will be promoted. A closing presentation should heighten the awareness in the EU member states concerning this topic.

A fictional film will examine six stories about the rights of the unaccompanied minors as children.

The film will present the risks that can arise when separated children abandon the structures, like, for example, the claim to the basic right to education and health, or the danger of human trafficking. The film should be completed in the fall of 2010.

Croatia

UNHCR has intensified monitoring of asylum seeking separated children in State Reception centre for asylum seekers. UNHCR plans to implement a research study of unaccompanied minors in 2010.

In 2009, the number of minors represented 20% of all asylum seekers accommodated in the Centre. This large number has also shown the gaps in the system in Croatia where there is currently no specialized facility for unaccompanied minors both inside and outside the asylum system. According to legislation, only asylum seekers above the age of 16 can be accommodated in the Reception Centre. UNHCR, together with national and international partners, will continue to pressurize the government to provide adequate facilities for their accommodation.

France

France terre d'asile launched a "Call for a European protection of unaccompanied children":

www.france-terre-asile.org/appeal-mie/appeal-english-annotate.pdf

Greece

The Greek daily newspaper Makedonia has suggested that human smugglers have started to avoid Greece and instead are using a new corridor through Macedonia and Bulgaria to enter Central Europe.

The Greek paper used the fact that Bulgarian customs officers discovered 42 illegal 'Asian' migrants in a truck carrying peppers at the Oryahovo border crossing in Northern Bulgaria in July, as an example of the new route.

www.novinite.com/view_news.php?id=111210

Hungary

The General Ombudsman's report on separated children commented on the Hungarian language teaching. According to the findings: "During this period the costs of the Hungarian language teaching of unaccompanied minors were covered by the Office and the European Refugee Fund in the ratio of 25 to 75 per cent through tender. Contrary to the fact that Hungarian language teaching should be granted to all unaccompanied minors over the age 5 and subject to substantive procedure as a compulsory benefit, [...] in 2010 the Office wishes to cover only the costs of Hungarian language teaching of foreigners recognised as refugees or

persons enjoying subsidiary protection. In addition to the fact that ensuring Hungarian language teaching for all unaccompanied minors over the age prescribed [...] and subject to substantive procedure, and facilitating their participation in primary education, is a compulsory duty of the State, the discontinuation of such service does not provide primary consideration to the child's best interests". As the recognition rate of separated children was decreasing, a number of asylum-seeking children (as well as those without a protection status) remained without Hungarian language teaching, therefore the report proposed a more universal approach.

Italy

The Italian press agency "Ansamediterraneo" reports that 41% of the 2,281 Egyptians who entered Italy illegally in 2008 were between 15 and 18 years of age and most often the minors were unaccompanied. The Italian government started a campaign in Egypt addressing families and children, informing them about the risks of illegal migration, the threats facing them along the way. At the same time there will be a training program providing skills to young people and helping them finding legal work in Italy. More information can be found at: www.ansamed.info/en/top/ME13.XAM19433.htm

Malta

Education: Lack of school attendance by separated children has for some time been a serious problem in Malta. To address this issue, the Ministry of Education has recently employed a 'peripatetic teacher' to facilitate the children's entry into the regular education system. A mentor also provides support during the academic year, working with the peripatetic teacher and the minor to follow on progress with the education. An advisory group with members representing AWAS and the Ministry of Education and the Education Division has been set up this year to promote engagement of these minors into compulsory schooling.

Netherlands

The Dutch organisation SAMAH does no longer exist because of financial problems. SAMAH was an organization supporting the best interests and rights of (former) separated children between 15 and 25 years.

Portugal

The Portuguese government and Lisbon Municipality, in partnership with Swatch and CPR, are endeavouring the creation of the first centre for separated children in Portugal. Lisbon Municipality, among other initiatives, is going to provide the land for the construction, the Ministry of Internal will

contribute financially, but the major donor will be the Portuguese Swatch. CPR will be the institution managing this centre.

Slovakia

Major deficits with regards to separated children in the Slovak Republic are:

- Lack of legal representation during the asylum procedure
- Lack of durable solutions
- Lack of guardianship. There are two different types of guardianship in Slovakia – a guardian who is appointed for separated children in the Slovak Republic according to the present practice is responsible only for execution of necessary legal acts on behalf of a child (e.g. ask for asylum or tolerated stay); however, the law predicts appointment of the type of guardian who should be also responsible for monitoring of education and well-being of a child, this is not in practice at all
- Placement of separated children seeking asylum in asylum centres together with adults and without proper treatment for children
- Lack of monitoring of the child's well-being by (local) authorities responsible for social and legal protection of children in the Slovak Republic

Events

October 2009, Sevilla, Spain

Cinema series on trafficking of human beings

Films showed:

Lilja 4-ever - Lukas Moodysson, Sweden, 2002.

Holly - Guy Jacobson, EEUU, 2007.

Anjos do sol - Rudi Lagemann, Brasil, 2006.

Niñas de hojalata - Miguel Bardem, Spain, 2003, documentary.

The World of Modern Child Slavery - Rageh Omaar, Great Britain, BBC-World, 2007, documentary.

Organized by Save the Children Spain

26 - 27 October 2009, Granada, Spain

Two days forum-discussion on child trafficking

Organized by Save the Children

9 November, Copenhagen, Denmark

How does EU handle the refugee and immigration in Europe?

Seminar about the currently situation and the future scenario with immigrants in Europe

Organized by The European Commission

19 November 2009, Dublin, Ireland

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

Organised by the Office of the Ombudsman for Children

24 November 2009, Dublin, Ireland
Youth Work Ireland's National Conference 2009
Organised by Children's Rights Alliance

26 November 2009, Madrid, Spain
Unaccompanied minor asylum seekers in Spain: challenges on identification and intervention
Professional Seminar organised by la Merced Migraciones and Comillas University

26-27 November 2009, Amsterdam, Netherlands
Guardianship in Europe: Representation of unaccompanied minors
Organized by NIDOS

2 December 2009, Brussels, Belgium
Tackling Child Trafficking and Exploitation in the EU
International Symposium, hosted by Public Policy Exchange and Centre for Parliamentary Studies

5 December 2009, Ljubljana, Slovenia
Training for future volunteers working in the field of migration, asylum and separated children
Organised and implemented by Slovene Philanthropy

11-12 December 2009, Santa Cruz de Tenerife, Spain
Legal and social protection of unaccompanied children
Training organized by UNHCR and Save the Children.

13 December 2009, Bucharest, Romania
The Christmas Bazaar (exposition)

14 December 2009, Bratislava, Slovakia
Legal status and integration of unaccompanied minors in Slovakia
Conference organized by The Human Rights League.

17 December 2009, Lille, France
Unaccompanied Minors: Children Seeking for Protection

22-24 January 2010, Toledo, Spain
Menores Migrantes sin referents familiares, intervención socioeducativa e intercultural
Course organized by Grupo Ideo

5 February 2010, London, UK
Policy Update conference

Speakers included the Independent Chief Inspector of the UK Border Agency.
Children's work focused on age assessment and Dublin policy and practice
Organised by UK Refugee Council

5 March 2010, Madrid, Spain
3rd National Networking Meeting organized in the framework of the project "Towards Global EU-Action Against Trafficking in Human Beings"
The project is implemented by the Swedish Ministry of Justice in cooperation with the International Organization for Migration in Vienna, and with financial support from the European Commission (Directorate-General Justice, Freedom and Security), 2008 Programme "Prevention of and Fight Against Crime".

In the context of its EU Presidency, the Spanish Government is contributing and hosting the event. The overall objective of the 3rd National Networking Meeting is to contribute to the implementation of the Action Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings, which was adopted by the European Council in 2009, and of the 2009 October Declaration on trafficking in human beings.

5 - 7 March 2010, Valencia, Spain
Menores migrantes sin referentes familiares. Intervención socioeducativa e intercultural
Organized by Grupo IDEO

9 March 2010, Bratislava, Slovakia
Proposals for the improvement of the protection of separated children in Slovakia
Round-table
Organized by The Human Rights League and UNHCR

9 March 2010, Brussels, Belgium
Conference on Undocumented Migrants and the Stockholm Programme: Assuring Access to Rights?
The conference falls within the scope of a Project carried out by CEPS with the support of Zennström Philanthropies (UK) which focuses on the gap between current EU policies and the findings of research projects and studies funded by the European Institutions and carried out by networks of experts and civil society actors on undocumented migration and human rights.
Organized by the Justice and Home Affairs Section at the Centre for European Policy Studies (CEPS) together with the European Trade Union Confederation (ETUC), the Platform for International Cooperation on Undocumented Migrants (PICUM) and EUROCITIES.

9 March 2010, Copenhagen, Denmark
The challenges of meeting the needs of unaccompanied and separated children
Nordic and Baltic Consultative Committee meeting convened by UNHCR Regional Office for the Baltic and Nordic Countries

12-14 April 2010, Hofgeismar/Kassel, Germany
Annual spring conference: Support of Unaccompanied minors/Separated Children in Germany
Organised by Bundesfachverband UMF

14 April, 2010, Copenhagen, Denmark
Human Trafficking - a Complex Reality
Seminar hosted by The Danish Centre against Trafficking In Human Beings (CMM).
More information at
www.centermodmenneskehandel.dk/wm146576

20 April, 23 June and 18 November 2009. Sevilla, Spain
Three workshops addressed to relevant institutions involved in the identification and attention of supposed victims of trafficking
Workshop organized by Save the Children.

29 April 2010, Brussels, Belgium
The Common European Asylum Policy: Towards a Balanced, Flexible and Comprehensive System
Centre for Parliamentary Studies
publicpolicyexchange.co.uk/events/AD29-PPE2.php

10 Juni 2010, Chemnitz, Germany
Support of unaccompanied minors/Separated Children in Saxony
Organised by Bundesfachverband UMF

Publications

All I have to say: separated children in their own words. The Irish Ombudsman for Children's Office, 2009

Al di là del muro. Viaggio nei centri per migranti in Italia. Medici Senza Frontiere, 2010

Alternative report on the implementation of the optional protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. ECPAT Austria
www.ecpat.at/index.php?id=schattenberichtsprs

The appointment of temporary guardians and education of unaccompanied alien minors. Information for foreigners granted asylum in Lithuania, 2008

Asylum procedure in the Republic of Lithuania. By The Migration Department under the ministry of the interior of the Republic of Lithuania, Annual Report, 2008

The Best Interests of the Child in Asylum and Refugee Procedures in Finland. By Annika Parsons, Ombudsman for Minorities, 2010
[www.ofm.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20raportti_englanti/\\$file/VV%20lapsen%20etu%20raportti_englanti.pdf](http://www.ofm.fi/intermin/vvt/home.nsf/files/VV%20lapsen%20etu%20raportti_englanti/$file/VV%20lapsen%20etu%20raportti_englanti.pdf)

The Challenges of Ensuring Protection to Unaccompanied and Separated Children in Composite Flows in Europe. By Liv Feijen, UNHCR
rsq.oxfordjournals.org/cgi/content/abstract/27/4/63

Chance or Choice; Understanding why asylum seekers come to the UK. Refugee Council, January 2010
www.refugeecouncil.org.uk/policy/position

Civico Zero, Rapporto Attività 2008-2009. Save the Children Italia, , 2009
images.savethechildren.it/IT/f/img_pubblicazioni/img58_b.pdf

Criminalisation of Migration in Europe: Human Rights Implications. Commissioner for Human Rights, February 2010
www.december18.net/article/criminalisation-migration-europe-human-rights-implications

Disappearing, departing, running away, A surfeit of children in Europe? Terre des homes, 2010
The Child relief Foundation carried out, in 2008 and 2009, an investigation in France, Switzerland, Belgium, Spain on the disappearance of several unaccompanied foreign minors from the institutions in which the judicial or administrative authorities had placed them.
tdh-childprotection.org/documents/disappearing-departing-running-away-a-surfeit-of-children-in-europe

Disparitions, départs volontaires, fugues, des enfants de trop en Europe? Etude menée en Belgique, Espagne, France et Suisse sur la disparition des mineurs étrangers non accompagnés placés en institution. Fondation Terre des Hommes-Lausanne, 2009
www.tdh.ch/website/tdhch.nsf/pages/20100129_d es_milliers_d_enfants_etrangers_disparaissent_cha que_annee_des_centres_d_hebergementF

Dublin- your city/our city: A guide compiled by separated children. The Irish Ombudsman for Children's Office, 2009.

Enfance en exil. Alter Echo, December 2009
www.mineursenexil.be/images/Documents/presse /alter_echo_285_286_mena.pdf?6fce1750e23a018a 547d0480111c8ae9=31add6566df07d65baf2931ee3f 211b3

The EU Anti-Trafficking Day – A Comprehensive Multidisciplinary Approach towards Trafficking in Human Beings: Active cooperation among countries of origin, transit and destination. Vienna Migration Group Report from the panel discussion 16 October, Vienna
Further information: www.iomvienna.at

Evaluation of the situation of unaccompanied minors/ Separated Children in Berlin, Rhineland-Palatinate, North Rhine-Westfalia, Saxony and Munich. Bundesfachverband UMF and UNHCR, 2009/2010

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

Flüchtlingskinder in Deutschland, Politischer und gesellschaftlicher Handlungsbedarf in dieser Legislaturperiode [Young refugees in Germany – Political needs for action for the following election period]
Terre des Hommes, Bundesfachverband UMF, Pro Asyl, et. al., Frankfurt, 2009.

Guidelines for guardians; guidelines for interpreters.

The Finnish Refugee Advice Centre has released two publications together with Finnish Immigration

Service within their common ERF-project. Both are in Finnish

For guardians:

www.pakolaisneuvonta.fi/files/PAN_edustajaopas_2010_verkko.pdf for guardians and

For interpreters:

www.pakolaisneuvonta.fi/files/Tulkkaus%20turvap aikkamenettelyssa%20Opas%20tulkeille.pdf.

Guidelines on International Protection.

UNHCR, December 2009

www.unhcr.org/refworld/docid/4b2f4f6d2.html

Hidden children - separated children at risk.

The Children Society, 2009

[tdh-childprotection.org/documents/hidden- children---separated-children-at-risk](http://tdh-childprotection.org/documents/hidden-children---separated-children-at-risk)

Improving Asylum Procedures: UNHCR's research project on the application of key provisions of the Asylum Procedures Directive in selected European Union Member States. UNHCR, 2010

The project examines the application of key provisions in the EU's Asylum Procedures Directive (APD) in Belgium, Bulgaria, Czech Republic, Finland, France, Germany, Greece, Italy, Netherlands, Slovenia, Spain and the United Kingdom. UNHCR examined over 1000 individual case files and asylum decisions, observed personal interviews of asylum applicants, and interviewed asylum officials, judges, lawyers and other asylum system stakeholders in all participating states.
www.unhcr.org/refworld/docid/4bab55752.html

I minori stranieri in Italia. Save the Children Italia, 2009

http://images.savethechildren.it/IT/f/img_public azioni/img59_b.pdf

In pursuit of good practice in responses to child trafficking. Experiences from Latin America, Southeast Europe and Southeast Asia. by Mike Dottridge. Terre Des Hommes International Federation,
tdh-childprotection.org/documents/in-pursuit-of- good-practice-in-responses-to-child-trafficking

L'impatto della Legge 94/2009 nei confronti dei minori stranieri non accompagnati: una prima rilevazione in sei città italiane. Save the Children Italia, 2010

http://images.savethechildren.it/IT/f/img_public azioni/img79_b.pdf

Little Alien (film) [Nora Friedel]. By Nina Kusturica's
A documentary film about unaccompanied minors who come to Europe.
Premiere 8 October 2009 at 20:30 in Vienna.
More information (also in English) can be found at:
www.littlealien.at

Lost in Transit: Insufficient Protection for Unaccompanied Migrant Children at Roissy Charles de Gaulle Airport. Human Rights Watch, November 2009
www.hrw.org/en/reports/2009/10/29/lost-transit

Migration chronicle. By the Migration Department under the ministry of the interior of the Republic of Lithuania, 2008

Observations on Greece as a country of asylum. UNHCR, December 2009
www.unhcr.org/refworld/docid/4b4b3fc82.html

On the Road: Unaccompanied minors in Lithuania. European Migration Network, International Organization for Migration, Institute for Social Research, 2009
www.iom.lt/documents/Unaccompanied%20minors_EN.pdf

Policies on Unaccompanied Minors in Ireland. By Corona Joyce and Emma Quinn, European Migration Network. The Economic and Social Research Institute, Dublin, September 2009.
www.esri.ie/UserFiles/publications/20090902092430/BKMNEXT145.pdf

Practices in Hungary Concerning the Granting of Non-EU-Harmonised Protection Statuses. By Dr. Gábor Gyulai, *Európai Migrációs Hálózat Magyarországon (European Migration Network, Hungary)*, Budapest, August 2009
emn.sarenet.es/Downloads/download.do;jsessionid...?fileID=835

Prävention von Kinderhandel und Schutz der Opfer von Kinderhandel [Report of the working group child trafficking within the Task Force on combating human trafficking] Bericht der Arbeitsgruppe Kinderhandel (AG- KH) im Rahmen der Task Force Menschenhandel (TF-MH).) p.9- only the counties of Vienna, Tirol, Salzburg, Lower Austria had reported or suspected cases of child trafficking

Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v Slovenskej republike [Legal status and possibilities

of integration of unaccompanied minors in Slovakia]. By JUDr. Katarína Fajnorová, JUDr. Zuzana Številová, The Human Rights League, 2009

Protéger du danger et éduquer à la citoyenneté: la situation des mineurs isolés étrangers du point de vue d'un travailleur du social. By Guy Le Calonnec, conference for association Primo Levi, June 2009
In *Journal du droit des jeunes* N°290 (dec 2009)

Report by the Parliamentary Commissioner for civil rights in case number AJB 7120/2009. (on separated children). By dr. Katalin Haraszti, General Ombudsman's Office, Budapest, January 2010
(unofficial English translation is available)

Safe at last? Children on the front line of UK Border Control. Refugee and Migrant Justice
The report reveals the experiences of children in their own words. They arrive exhausted, traumatised, hungry and often sick or injured. When they arrive, the children believe they are safe at last. Their treatment by the UK Border Agency undermines that belief. Refugee and Migrant Justice (RMJ) believes that the treatment of children is not just inhumane, but unlawful
tdh-childprotection.org/documents/safe-at-last

Seeking Support; A guide to the Rights and Entitlements of Separated Refugee and Asylum Seeking Children. Children's Legal Centre, November 2009
www.childrenslegalcentre.com/Resources/CLC/Documents/PDF%20A-M/Seeking%20Support%20Complete.pdf

Separated Children Living in Ireland. A report by the Ombudsman for Children's Office 2009.

Street Children Stories: Nobody's Children are everyone's children. Voices from the street and for the street. European Federation for Street Children (EFSC), 2010
tdh-childprotection.org/documents/street-children-stories

Terzo Rapporto ANCI sui Minori stranieri non accompagnati . ANCI, 2010

Towards a European Network of Guardianship Institutions. NIDOS, 2010
www.epim.info/docs/documents/ENGI%20midtermreport.pdf

Undocumented Immigrants and Rights in the EU: Addressing the Gap between Social Sciences Research and Policy-making. By Sergio Carrera and Massimo Merlino, Justice and Home Affairs CEPS Liberty and Security in Europe, December 2009

Final report and set of policy recommendations conducted by the Justice and Home Affairs Section of CEPS on the status of undocumented migrants in Europe and their access to rights.
www.ceps.eu/book/undocumented-immigrants-and-rights-eu-addressing-gap-between-social-sciences-research-and-police).

Unaccompanied Minors in Malta: Their Numbers and the Policies and Arrangements for their Reception, Return and Integration. By Charles Pace, James Carabott, Andrea Dibben & Elaine Micallef, Malta, May 2009
A study conducted at the request of the European Migration Network.

Young Lives on Hold. The College Dreams of Undocumented Students. By Roberto G. Gonzales. New York University, April 2009
The study argues that the current legal situation of undocumented immigrant youth represents one of the most important policy imperatives of our time from the points of view of education, civil rights, the economy and public policy.
professionals.collegeboard.com/profdownload/young-lives-on-hold-college-board.pdf

Zwischen Angst und Hoffnung – Kindersoldaten als Flüchtlinge in Deutschland [Between fear and hope – child soldiers as refugees in Germany]. Bundesfachverband UMF and terre des hommes, October 2009.
This publication will soon be available in English

New useful websites

Croatia

www.unhcr.hr in English and Croatian
www.azil.com.hr in Croatian. Information on the Protection of Asylum seekers in Croatia and in the region. Managed by UNHCR's partners for provision of free legal service to asylum seekers, Croatian Law Centre.

France

www.infomie.net - This website provides access to the two sets of law governing separated children (on child care and on foreigners), as well as to the news, official reports, scholarly work, conferences, trainings and various events related to separated

children. InfoMIE is a NGO founded by membership fees as well as by the government.

Germany

Relaunch of www.asyl.net

Hungary

migransintegracio.hu/?lang=en - in English and Hungarian, an interactive website for migrants and organizations dealing with them, about issues related to the integration of migrants

Netherlands

www.evasp.eu - Website project Enhancing Vulnerable Asylum Seekers Protection.

Poland

www.dzieciofiaryhandlu.pl - Scenario of preventive workshop called "Why?" has been developed in Poland in the frame of the preventive action carried out by the Ministry of Education and Ministry of Internal Affairs and Administration, in cooperation with the Nobody's Children Foundation. The campaign includes trainings for pedagogues and psychologists who will later on run the workshops with teenagers based on the scenario. The text of the scenario is available on the website.

Portugal

www.cnpcjr.pt - National Commission for the Protection and Rights of the Children and Youngsters at Risk

Slovakia

www.hrl.sk – a section on separated children will be added soon

Spain

www.redcontralatrata.org - Red Española contra la Trata (Spanish network against trafficking)

Reporting organizations

Association Nationale d'assistance aux frontières pour les étrangers (ANAFE)
Asylkoordination Österreich
Bundesfachverband UMF,
Central Union for Child Welfare Finland
Defense des Enfants International-France (DEI-France)
Defence for Children-the Netherlands
ECPAT Austria
France Terre d'Asile (FTDA)
Groupe Plate-forme Mineurs en exil- Platform
Kinderen op de vlucht
Human Rights League
HFC "Hope for Children" Office for Children's Rights
Irish Refugee Council
Lithuanian Red Cross Society
Menedék
Portuguese Refugee Council (CPR)
Refugee Council UK
Romanian Immigration Office,
Save the children Denmark
Save the Children Italy
Save the Children Norway
Save the Children Romania
Save the Children Spain
Slovak Humanitarian Council,

Slovene Philanthropy
Swiss Foundation of the International Social Service
Terre des hommes
UNHCR Athens
UNHCR Cyprus
UNHCR Croatia
UNHCR Malta
UNHCR Österreich
UNHCR Romania
UNHCR Slovakia,
UNHCR Spain
UNHCR (Sub-Office Nuremberg)

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

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

Receiving country	Total number 2009	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Austria	1,182 ¹	No data available	No data available		Afghanistan 456 Nigeria 119 Russ Fed. 63 Moldova 61	Federal Ministry of Interior
Belgium	A 754	A 568	A 166	N/A	Afghanistan-31,7% Guinea -18,6% Iraq-6,6% DR Congo-6,0% Kosovo-2,9%	Office of the Commissioner General for Refugees and Stateless Persons
Croatia	18	18	0	15	Afghanistan Armenia, Pakistan, Congo	Ministry of Interior
Cyprus ²	22 (January-September 2009)			22	Nigeria - 6 Cameroon - 6	Cyprus Asylum Service
Denmark	Per 30.11.2009: 469* (A) Total 602** (A)	N/A	N/A	N/A	Afghanistan 72 % Iraq 7% Iran 4 % Somalia 4%	*The Danish Immigration Service **The Danish Red Cross
Finland	557 ³	441 ⁴ (79 %)	114 (21 %)	321*	Somalia (201, 37%) Iraq (151, 27%) Afghanistan (85, 15%)	Finnish Immigration Service
France	Asylum applications at the border; 78 ⁵ (A), 19 admitted	N/A	N/A	N/A	N/A	Report of the working group of the Ministry of Immigration
Germany ⁶	1,306 (P)	1,039 (P)	267 (P)	1,113 (P)	Afghanistan (453) Iraq (223) Vietnam (61)	Federal Office for Migration and Refugees
Greece	38			32	Afghanistan (11) Georgia (6) Pakistan (4) Iraq (3)	Greek Ministry of Citizen's Protection

¹ 1 In 87 cases the authority responsible for the asylum procedure did not believe the age claimed by the asylum seekers and declared them as adults. Therefore, the official number for SC is 1095. In addition to this number 44 SC were younger than 14 years at the time of application.

² 71 unaccompanied minors applied for asylum in 2008

³ 321 out of 557 were recorded being aged 15-17 but there were also 52 whose age was recorded "unknown".

⁴ On 2 cases the gender was not recorded at the moment when the applicants left the application.

⁵ Official counts for the full year are not yet available. Total number for year 2008 is mentioned for comparison).

⁶ There might be some underreporting in 2008 as well as 2009, possibly based on inconsistencies during the registration process of minor asylum applicants. These findings are based on data collected from other sources (youth authorities, Laender ministries, accommodation centres etc.)

Receiving country	Total number 2009	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Hungary	270 (A)	260 (A)	10 (A)	270 (E)	Afghanistan (195), Somalia (16), Kosovo (13), Moldova (8), Serbia (8), Turkey (6), Albania (5)	Statistical database of Office of Immigration and Nationality
Ireland	15 (subsidiary protection) 56 (refugee status)	12 28	3 28	N/A	Nigeria, DR Congo Nigeria, Afghanistan, Somalia	Health Service Executive and the Office of the Refugee Applications Commissioner
Lithuania	2009: 3 2010: 4	2009: 3 2010: 4	2009: 0 2010: 0	2009: 3 2010: 3	2010: Afghanistan, Vietnam	Statistic of Refugee Reception Centre
Malta	201				Somalia	AWAS (Agency for the Welfare of Asylum Seekers)
Netherlands	1,031				Afghanistan, Somalia, Iraq, Guinea, Eritrea	www.coa.nl
Norway	2,413 (A)	2,242 (A)	171 (A)	2,118 (A)	Afghanistan (1672) Somalia (239) Eritrea (135) Iraq (81) Ethiopia (50)	The Norwegian Directorate of Immigration
Portugal	6	5	1	6	Senegal, Afghanistan, Guinea Konacry Congo - Kinshasha	Portuguese Refugee Council
Romania	38	38	0	37	Afghanistan	Government
Slovakia	28	26	2	28	Moldova (15) Afghanistan (5) Bangladesh, Monte Negro, Georgia, India, Iran, Pakistan, Serbia, Sri Lanka (1)	Migration Office – Ministry of Interior Affairs

Receiving country	Total number 2009	Males of total	Females of total	Age 15-17	Main countries of origin	Source
Slovenia	26 E ⁷	26	0	22	Afghanistan, Iraq, Turkey, Pakistan, Albania	Slovene Philanthropy
Spain	20 (E)	17	4	16	Colombia (6), Guinea Conakry (3), Costa de Marfil (3), Somalia (1), India (1), Zimbabwe (1), Uganda (1), Togo (1), Sahara (1), Pakistán (1), Camerún (1).	UNHCR, BO Madrid ⁸
Switzerland	427	400	27	388	Nigeria Afghanistan Somalia Sri Lanka Guinea Conakry	Federal Office for Migration FOM
United Kingdom	2,167	1819	276 (Gender not indicated at point of referral for some children.)	15 = 423 16 = 595 17 = 345 Total = 1,363	1. Afghanistan 2. Eritrea 3. Iran 4. Iraq 5. Vietnam	Refugee Council Children's Panel.
Total in 22 European countries 2009	11,258					

⁷ The statistics conducted by the Slovene Philanthropy are different from the official statistics provided by the Ministry of the Interior, since the Ministry treats as asylum seekers just the ones who formally filed the asylum application (for the year 2009, the number is 25). Statistics of the Slovene Philanthropy, which is providing guardians for separated children in asylum procedures, includes also separated children who left the Asylum Home before filing the asylum application (formal procedure).

⁸ 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 government.

Arrivals of non-asylum seeking separated children in 2009

Austria

According to the statistics of the Viennese Youth Welfare institution “Drehscheibe” which is responsible and takes care of all cases of child victims of trafficking that are referred to it, whereas its scope of work is extended to all unaccompanied foreign children, 88 children have been housed in 2008, while until mid- October 2009 already 98 children (about 1/3 being trafficking cases) have been taken care of.⁹

Croatia

132 – the majority from Bosnia and Herzegovina

France

Arriving at the borders (essentially Roissy) :

In 2008, 1116 foreign separated minors [French MIE] arrived at the borders, among them 1,068 at Roissy (of which there were 249 asylum applications and asylum granted to 70).

In the first half of 2009, 357 minors (317 > 13 years and 40 < 13 years) were held in the waiting zone (or hotel for those < 13 years) at Roissy.

Of these 357, 78 lodged an official asylum application (with 19 deemed acceptable).

This does not necessarily mean that the others were not asylum seekers.

Of the 357, 101 were turned back and 256 were finally admitted into the country. Among these, some could have filed an asylum application once in the country.

Thus it is extremely difficult to tally asylum-seekers and those who are not.

In-country:

There is no available data on the number of separated minors found in the country per year. We only know the number per year of foreign separated minors taken into care by the child protection authorities within the domestic legal framework on child protection. We cannot distinguish those who lodged asylum applications from the minors taken into care.

Main local districts (“Départments”)	ADMISSIONS	
	2008	2009 (to June 30)
Paris	346	228*
Nord	320	96
Pas-de-Calais**	2,439	1,014
Seine-Saint-Denis	521	239

* 373 admissions as of 31 October 2009 of which 24 % (Afghanistan), 39 % (Africa non-Maghreb), 25 % (Middle East), 5% (Maghreb); 11 % (girls) and 89% (boys)

** Note that there is a very high disappearance rate from the child care facilities, nearly 90 % in this district (these foreign separated minors are planning to go to Great Britain).

Total number of foreign separated minors taken into care by the child protection authorities

Main districts	Cases managed	
	As of 31 December 2008	As of 30 June 2009
Paris	761	775*
North	N/A	N/A
Pas-de-Calais	4	8
Seine-Saint-Denis	348	370

* As of 15 September 2009 the number of cases was 873; 16 % (Afghanistan), 50 % (Africa non-Maghreb), 18 % (Middle East), 3.5 % (Maghreb); 23 % (girls) and 77% (boys)

⁹ See Drehscheibe. Statistics Drehscheibe 2009, Drehscheibe, Vienna 2009

According to Norbert Ceipek, head of the „Drehscheibe“, interview on the 14th December, 2009

Germany

We estimate that approx. 500 to 700 separated children arrived in Germany, who did not apply for asylum but for humanitarian status with the local aliens authority. (this is often the case with minors below age 16 who can not provide reasons which would be relevant for granting refugee status, e.g. minors from Vietnam or Morocco). These persons are not counted separately in any statistics.

Greece

No official figures are available; however, the estimation is that the number of non-asylum seeking separated children is high, considering that only in Lesbos a total number of 824 separated children arrived in 2009.

Ireland

201 total separated children referred to the Health Service Executive in 2009. 144 went into HSE care. 71 submitted applications for protection with the Office of the Refugee Applications Commissioner in 2009.

Italy

As of 30 September 2009, 6,587 separated children were registered in the database of the Italian Committee for Foreign Unaccompanied Minors. The figure is not all-encompassing as it does not include: EU national separated children; children not notified to the above-Committee; children who never came into contact with institutions. Some of the children included in the database may also be seeking international protection.

As for the 6,587 children mentioned above (i.e. the ones present in Italy according to the Committee's database as of 30/09/2009), these were from 77 different countries, the main ones being: Morocco (15% of the total), Egypt (14%), Albania (11%), Afghanistan (11%), Palestine (7%), Somalia (4%), Eritrea (4%), Nigeria (4%) and Serbian Republic (4%).

90% of the total are boys.

53% of all the 6,587 children are aged 17. Around 24% are aged 16, while children aged 15 are 12% of the total.

Overall, children aged 15-17 are 5,847.

Most of these children are placed at a reception centre for children.

Slovenia

The number of separated children who were detained in Centre for Foreigners (detention centre) and not claiming asylum, for whom the Slovene Philanthropy provided guardianship in the year 2009, is 11.