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INTEGRATION MAPPING OF REFUGEE AND
MIGRANT CHILDREN

The reception and hosting of unaccompanied migrant minors in the EU: towards a unified and child-centred model

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Policy Brief #3

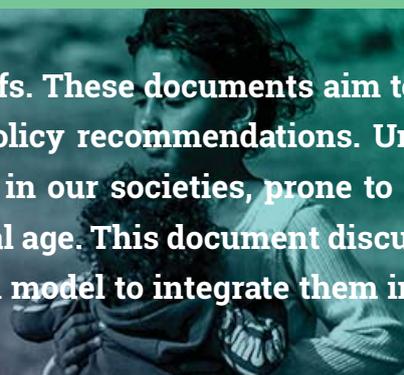


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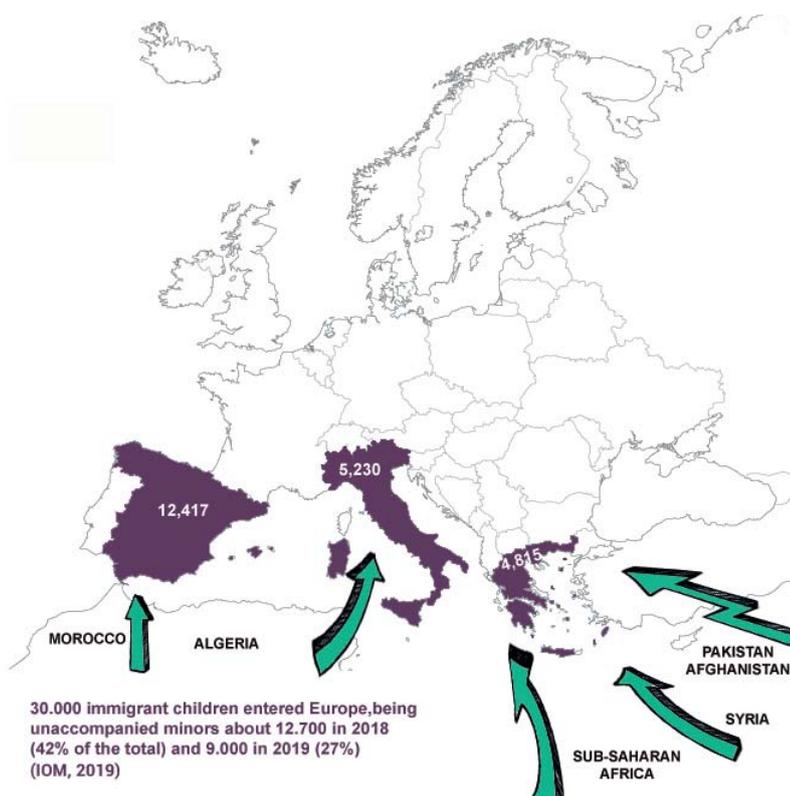
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This paper is the third of a series of Policy Briefs. These documents aim to link the progress and findings of the IMMERSE project to specific policy recommendations. Unaccompanied migrant minors are among the most vulnerable groups in our societies, prone to fall into irregularity or other precarious situations once they reach legal age. This document discusses the importance of designing a unified and child-centred reception model to integrate them into European societies.



1 Background

According to UNHCR, UNICEF and the IOM (2019), in 2018 and 2019 about 30.000 immigrant children entered Europe, being unaccompanied minors about 12.700 in 2018 (42% of the total) and 9.000 in 2019 (27%). While the pandemic has disrupted this landscape in 2020, it is provided that these figures will again be usual in 2021 and the next years.



The migration of unaccompanied minors has become a regular phenomenon in Europe and the challenges posed by its integration require a deep understanding of a complex social reality for which States and EU institutions are still unprepared.

The principal hosting countries of this population are those located in the Mediterranean, as their geographical position makes them a point of entry in the EU. In 2019, Spain accounted about 12,417 of these minors, followed by Italy with 5,230 and Greece that hosted 4,815. Their principal nationalities vary according to the context, but the majority come from Morocco, Algeria, Pakistan, Afghanistan, Syria and Sub-Saharan Africa.

While there is an important variety regarding their ages, most of these children were between 15-17 years old (80%) and there were significantly more boys than girls (about two-thirds of the total). If their sociodemographic characteristics are strongly heterogeneous, **the reception system of EU countries**, as shown by *Delbos (2010)*, **reveal a complete absence of a unified and holistic model oriented towards their effective integration in European societies**. Regardless of being considered as regulars or taken care of by institutions while they are underage, they may fall into irregularity when reaching legal age. The way the protection system works does not only vary between States but also between the centres themselves, even if they are located in the same region and must comply with the same legislation.

The result of this **unarticulated and atomized system derives from the lack of holistic and coordinated programs aimed at promoting the effective integration of these minors in EU societies**. In order to fill this gap, this Policy Brief will be devoted to proposing the design of a common European framework based on the protection of unaccompanied minors' rights and oriented towards promoting their full integration in EU's societies.

Our proposal is partially based on **the model developed by the organization Sant Joan de Deu in the province of Lleida (Catalonia-Spain)**, where a specific reception and hosting centre for unaccompanied minors was established in 2018. This successful experience is oriented towards helping these children to obtain their legal documents (1), promote language learning (2), acquire educational and labour skills (3) and integrate into the labour market (4) has proved to be an example of good practices whose replicability may be a key asset for improving the social integration of migrant children in Europe.

2. A clash of perspectives: immigration framework vs. Child-centred and rights-based approaches to the social inclusion of migrant and refugee children

During the last years, since the refugee crisis of 2016, many aspects of immigration management have dramatically changed. After the unprecedented peak of arrivals to the European region, the actions towards the protection of migrant and refugee children have evolved and developed (*Samk Lodovici et al., 2017*). While in the aftermath of the crisis the efforts were directed to provide basic emergency care on arrival, the concerns now revolve around the control of migration fluxes, and how to ensure that the children attaining a permit for stay successfully integrate into the host society. In this sense, coming to terms with what successful integration means in a specific context has imposed a hard challenge to European societies, but even a more complex issue has been to define adequate resources, policies and programs targeting actions towards effective integration (*Molinuevo et al., 2021*).

On this matter, the European Commission has adopted a comprehensive approach that interconnects the **legal framework, funding, technical, and operational support addressing the identification, reception and access to rights**, with the provision of durable integration solutions for migrant and refugee children. This way, an effective integration has meant to articulate policy-related responsibilities that safeguard the rights of children into specific actions on the field able to materialise their real social inclusion (Zuber, 2017).

This challenge has been critical for migrants in general; nonetheless, the group of unaccompanied migrant children has raised particular attention of media, policymakers, researchers, governments and the broad society. Amongst the reasons that justify this special interest are the important risks that they experience during their journey, their specific needs in terms of **protection, assistance and care, and the specific obstacles for integration** that they experience once in the host country (Council of Europe, 2011). All the mentioned aspects have shaped the design of adequate solutions for the integration of this population; however, these are ultimately influenced by how they and their particular circumstances are presented to the legislators and the administration.

Many actors and organisations involved in the safeguarding of unaccompanied migrant children have long remarked that children are first and foremost children, thus **seeking to expose the consequences of the inequities** that they suffer due to their background and legal status in the host countries (PICUM, 2013). Also, despite some good legislative examples at national level e.g., the Zampa law in Italy, the European Union does not have a specific legislation about unaccompanied minors, it does have a legal framework that encompasses and prioritise the **"best interest of the child"** principle to the application of further protection and safeguarding of rights at the national and international level (Parusel, 2017). In this regard, the EU level guidelines and communications emphasise also the need of appropriate care and safety for the well-being of minors, including:

- a) Specific rules towards the provision of access to housing, food, clothing, health care, education for minors and access to employment (within a maximum period of 9 months)
- b) Individualised assessment of particularly vulnerable persons in need of special support, and
- c) Rules towards the full respect of the fundamental rights and alternatives of detention.

For example, in this sense can be cited the Laying down *Standards for the Reception of Applicants for International Protection (2013)*, *The action plan on Integration and Inclusion 2021-2027 (2020)* or the *EU Strategy on the Rights of the Child 2021-24 (2021)*.

However, and despite the efforts made to address unaccompanied children adequately at the policy level, still the application of these policies in the field poses some issues to these children. For instance, a briefing report from the European Parliamentary Research Service has pointed to critical protection gaps in the treatment of children regarding specific **risks such as trafficking, child labour, detention, exploitation** etc. but also, the way in which the handling protocols and guidelines are applied in the first phase after arrival (*Radjenovic, 2016*). Human Rights Watch has also remarked the unsafe living conditions of children in the Greek refugee camps and the detention centres for migrants, claiming for the provision of person-centred solutions (*Human Rights Watch, 2016, 2021*). Finally, the authors point to two cross-cutting problems that have intersected the actions targeting the integration of unaccompanied minors: the othering and the stereotyping processes that have led to addressing this population from an immigration perspective rather than from a child protection approach (*OECD, 2018*).



Note. Image of nikitabuida in Freepik

Maintaining a rights-based approach is essential for the integration of unaccompanied children, specifically in terms of their access to the protection services of the host country. Hence, providing specific care, adjusted to an adequate assessment of their needs, is a pre-requisite that sets the stage for further actions targeting their effective inclusion (*European Union Agency for Fundamental Rights, 2015*). In this sense, the political approach in European countries has derived in actions supporting the creation of separated care structures for unaccompanied children and adolescents. Accordingly, these facilities are their first regular accommodation and the place from which they usually become engaged in the protection system and social services of the country.

However, these institutions usually present different norms in terms of management of services, logistics, support and care than other mainstream social services (*Derluyn, 2018*).

Many studies and reports have focused on how the conflict between migration management and rights protection dramatically affects the situation of unaccompanied migrant children and adolescents in Europe, even before the refugee crisis of 2015. In this regard, a report of 2007 already highlighted that European policies addressing unaccompanied migrant children still were far from achieving full recognition of the rights that minors have internationally recognized. This report studied the situation and treatment of unaccompanied minors in Europe by a comparative analysis between the reception and care systems of six countries: Germany, Belgium, Spain, Italy, the United Kingdom and France (*Senovilla Hernández, 2007*). This horizon has not changed after the refugee crisis, as other recent reports have also found similar results. For instance, a later report about the national laws and practices regarding unaccompanied children and their adequacy with regards to international law showed that the immigration laws of the countries compromised the best interest of these children and the implementation of protective care measures (*Tawfik, 2011*). Another study highlighted **the institutional vulnerability and the social exclusion derived from it that unaccompanied children suffered in four European countries** (Spain, Italy, France and Belgium). In this study, the author remarked that the legal characterisation as “unaccompanied minor” triggered institutional practices restricting the protection actions towards children in vulnerability and promoting the application of restrictive regulations associated with this category. As a result, children's effective access to health, education or accommodation was severely affected by their legal status (*Hernández, 2014*).

The studies conducted after the crisis of 2016 that take into account the new context and legislations, show the areas in which the child protection systems have still important deficiencies. For example, a report undertaken by the Basque Ombudsman for the international Ombudsman Institute (IOI) (2021) pointed that the countries putting protectionist migration interests first move further away from the social policies that grant protection for migrant children, thus conditioning their access to social care and protection. In this regard, they propose cross-cutting measures such as **a call to respect children rights to be heard, request further training for professionals, remark the need for further collaboration and coordination among multi-disciplinary and inter-agency decision-making**, and claim the need to cover the information gaps about the deficiencies of the protection systems **“actively advocating for improvement”**. Another study from *Derluyn (2018)* draws attention towards the lower quality of the separated care facilities for unaccompanied children, pointing to deficits in terms of the number of minors in a certain shelter, the educational level of the staff members, the number of children living together in one group or the overall infrastructure of the reception centre. Some authors also claim the need to extend the care measures beyond the age majority in order to provide the needed support for the minors. A recent project researching good practices in Europe that highlight the positive impact of foster care for unaccompanied

migrant children pointed a shortlist of topics covering key issues for these minors (*Dorling et al., 2019*):



Matching and recruitment



Fostering for integration and respect of own culture



Needs of training for foster careers



Monitoring



Support the child ageing out

These conclusions have also been supported by studies giving voice to children and adolescents that remark the need for an effective protection system that provides the opportunities to achieve a secure placement to build an effective integration. In this regard, a study from *Dorling et al. (2019)* showed how youths emphasised the importance of social support for maintaining hope, the key influence of social bonds as an opportunity to form new relationships that resemble family bonds and their fear of rejection and discrimination. This study remarked the need to strengthen care and support programmes fostering the social integration of these children and the implications of inadequate child-care placements. Lastly, another study from *Börjesson & Söderqvist Forkby (2020)* showed the opposed views of children and staff of a residential care unit about the home-likeness of the centre. This study remarked the need to listen to the youths and their useful first-hand knowledge to improve care practices.

3. Integration and care of unaccompanied migrant children: hints and recommendations based on experience

Based on the premise that unaccompanied migrant minors are, above all, children, it is paramount to safeguard their rights, so that they can exercise and enjoy them freely, just like any child should, regardless of having a migration background. In order to accomplish this, the interventions and action protocols carried out by the institutions in charge of looking after these children should be guided by and based on the UN Convention on the Rights of the Child (United Nations, 1989). The Convention describes **the minimum requirements that the States should meet in the management of the situation of these children in their territories**. As well, this document includes a special section

for unaccompanied minors providing key points that aim to present the different challenges that States and other actors face when trying to guarantee that these children can enjoy their rights. It also serves as a clear guide for protection, care and treatment of this population based on the legal framework provided by the Convention, which is focused on pursuing the best interest of the child.

Hence, considering **the best interest of the child a priority is crucial for public and private social welfare institutions, courts of law, administrative authorities and legislative bodies** in all actions related to these children at all stages of their migratory journey. In this sense, the European Union Agency for Fundamental Rights (FRA) (2020) has made a thorough compilation of good practices that should be applied in the future relocation of unaccompanied children to ensure their proper care and respect of their rights. In their proposal, they advocate for the following:

Coordination of the different actors and institutions involved in the relocation process, including the development of protocols and standard operating procedures.

Regarding the identification and selection of children, eligibility criteria for relocation should be agreed upon and equally applied by all EU Member States to avoid discrimination and implementation obstacles

Age assessment should only be carried out in cases of doubt and be a respectful process, avoiding medical methods when possible.

Providing legal support and a competent guardian to the child who will ensure that his or her rights are fulfilled and respected.

According to article 12 of the Convention on the Rights of the Child (UNCRC) (United Nations, 1989), the child's views and wishes should be taken into consideration, and they should be provided with all the relevant information in a language they understand as a cross-cutting measure in the whole relocation process so that they can express their well-founded opinion.

Any procedure related to an unaccompanied minor should be carried out prevailing the best interest of the child, therefore, determining it requires a thorough assessment of each individual's situation.

Security assessment should be carried out preventing repeated questioning, ensuring that the child is accompanied during the interviews by a person of trust and adapting the language in order to make it more child-friendly.

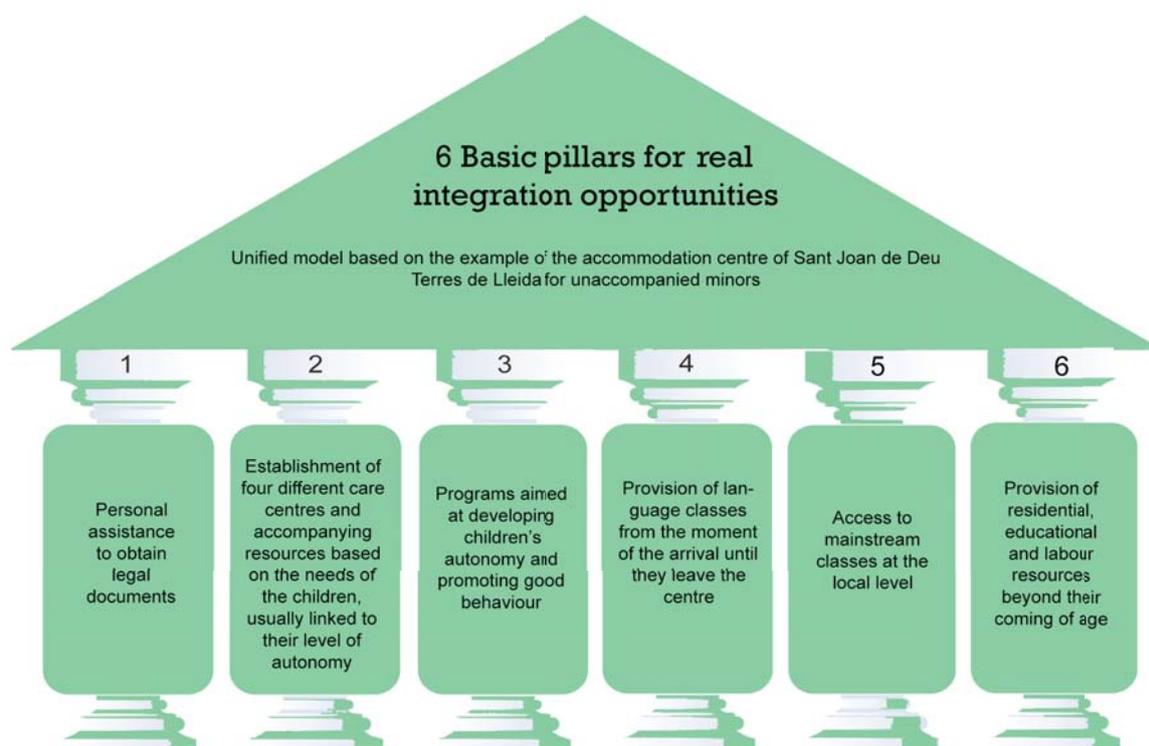
Before the relocation, children go through a whole pre-departure process that should prepare them for the transfer. This process, which includes health assessments, provision of key information, cultural orientation sessions and travel arrangements among others, should be designed following a child-friendly approach.

Regarding the services after the transfer, the conditions of the reception centre must ensure the protection of these children, responding to their particular needs resulting from their vulnerability status

In light of these recommendations, the only way to guarantee that these children's rights are respected, and the best practices implemented, the different States should adopt a protection of the child approach. This approach contrasts with a protectionist migration approach, which is characteristic of the migration management processes and hinders access to their rights. When child protection is prioritised, the measures implemented in the relocation process and in the accommodation facility where children end up residing, allow them to **enjoy the same rights as any other child**, such as social policies that grant their protection and facilitate their integration into the host society.

Above these general measures, it is required to develop a specific model aimed at homogenising the reception and hosting system of unaccompanied minors in the whole EU. For this purpose, we propose to adopt a unified model based on the example of the accommodation centre of Sant Joan de Deu Terres de Lleida (SJDTLL)¹ for unaccompanied minors as a reference. This experience, located in Catalonia, Spain, has been chosen as an example among many others as it goes beyond its obligations as a reception centre. SJDTLL assumes tutelage functions, like other centres, but they have oriented them towards **implementing an ad-hoc socio-educational integration plan** aiming to provide real integration opportunities for the children they host.

This plan relies on 6 basic pillars:



¹ For a further description of the accommodation centre of Sant Joan de Deu Terres de Lleida (SJDTLL) and its intervention model you can consult the best practice describing this facility in the Online Digital Database (ODD) of IMMERSE project located in the IMMERSE Hub. You can find it in the following link:

https://hub.immerse-h2020.eu/web/immerse/home?p_p_state=maximized&p_p_mode=view&refererPlid=38&saveLastPath=false&_com_liferay_login_web_portlet_LoginPortlet_mvcRenderCommandName=%2Flogin%2Flogin&p_p_id=-com_liferay_login_web_portlet_LoginPortlet&p_p_lifecycle=0&_com_liferay_login_web_portlet_LoginPortlet_redirect=%2F

The combination of these pillars provides children with real integration opportunities allowing them to reach a very similar starting point as other children in the same country without a migration background or who migrated with their relatives. Reaching this point is of utmost importance, since these minors will be the future citizens of the country, and their successful transition to adulthood directly depends on the provision of ad-hoc resources.

Reception centres should not exclusively focus on hosting unaccompanied minors but have to be considered as a vital experience where these young migrants are granted legal permits, educational and labour skills allowing them to integrate into European societies with as many opportunities as possible.

4. Recommended Actions

The arrival of unaccompanied minors has proved to become not only a stable phenomenon in the EU, but it may increase its dimension in the forthcoming years. For this reason, a common, harmonized and coordinated model for their hosting and integration should be developed in order to offer dignified life conditions to a group that may contribute to building better societies. Unaccompanied migrant minors are among the most vulnerable social groups in Europe, and they need as much assistance as possible in order to prevent them from falling into marginality.

According to the problems exposed above and basing our proposal on the model developed by SJ-DTLL, we request the European Commission to follow the next recommendations:

1. As confirmed by the UN Committee on the Rights of the Child in the General Comment n.6, unaccompanied **foreign children can never be expelled or rejected at the border based on international human rights and humanitarian law**. States have the responsibility to take care of them, adopting an approach which is sensitive to minors (e.g., screening procedure) and following binding standards to guarantee protection, recognition of their legal status, and access to rights (e.g., appointment of a legal guardian). All European legal instruments shall refer to the principle of the child's best interest as the primary consideration and shall be combined with specific protection measures and a multi-agency approach.

2. In line with the "Opinion of the European Economic and Social Committee on 'The protection of unaccompanied minors in Europe'" (2020/C 429/04) expressed by the Rapporteur Ozlem Yildirimon in February 2020, we call on the EU Commission to harmonise the **definition of "unaccompanied minors"** in all EU countries and develop a uniform approach, based on the principle of "the best interests of the child", guiding Member States' reception systems for the protection of unaccompanied minors at the external and internal borders of Europe and for their full integration into the host society.

3. Although the Council Resolution of 26 June 1997 defines some minimum standards on the admission, hosting and access to the right to asylum for unaccompanied minors (that is also granted by the Directive 2011/95/EU), **there is no specific Directive defining the procedures, objectives and requirements for hosting and promoting the integration of unaccompanied minors** in the Member States following a unified model. We, therefore, request the EU Commission to start negotiations aiming to develop such a Directive that should integrate a child-centred approach.

4. Unaccompanied minors, although being migrants, **are primarily children**, and any EU Directive and Guideline should prioritize this legal condition among any other, building on the principles of the UN Convention on the Rights of the Child. An easy access to legal documents, education and labour formation should be guaranteed and enforced in the EU legislation, imposing its transposition in all national legislations.

5. Although Eurostat offers data on first permits issued to unaccompanied minors, on the numbers of unaccompanied minors **being granted asylum status** and, since 2021, on the volume of orders to leave emitted to this collective, there is still no data on key dimensions like the total annual number of entries, the stock of unaccompanied minors per country, and the educational path of these children. We urge the EU Commission **to create the necessary protocols to gather a fundamental and unified data** that currently are only collected by International Organizations and States following their own and differentiated methodologies. A lack of data means a lack of knowledge, which leads to the impossibility to design effective policies.

6. A specific EU fund targeting the European **reception and hosting system for unaccompanied minors** is required. Along with the requested Directive and the application of a uniform approach, Member States should dispose the adequate resources to improve cooperation and coordination among them and develop strong systems capable of offering legal, educational and labour training assistance to each hosted child. The integration of these minors should be the structural objective of the whole system.

7. The European Union and its member states shall strengthen the link and **collaboration between critical private and public services** (health, child protection, school, labour market, justice system etc.) to overcome obstacles to and guarantee a comprehensive and multi-agency integration process of unaccompanied minors, aimed at the fulfilment of the whole spectrum of their political, civil, social, economic, and cultural rights.

8. **Standards and procedures** for the reception and integration of unaccompanied children shall provide for the involvement and employment of professionals adequately trained to guarantee the full respect of minors' rights.

5. Conclusions

While the arrival of unaccompanied minors in the last lustrum was treated as an emergency that surprised both National Governments and EU institutions, the arrival and presence of these migrant children has become structural, requiring to define new policies and instruments aiming to promote their integration and avoiding them from falling into marginality and irregularity. As highlighted in this document, along with the heterogeneity of systems and models that exist in the EU, a common problem is that these minors are predominantly treated as migrants while their primary condition is to be children. Facilitating the procurement of legal documents and promoting an easy access to education and labour training should be the object of a unified European policy on unaccompanied minors. Treating this population as what they are, namely children, should orientate the design of a common framework that has to focus on turning unaccompanied minors into integrated citizens that may contribute to improving the future of EU's societies. Our recommendations go in line with this objective and are proven to be effective thanks to the experience carried in the protection centre of Sant Joan de Deu Terres de Lleida, in Spain. We thus urge the EU Commission to take into consideration our proposal and start defining a common and homogeneous system for the reception and hosting of unaccompanied minors oriented towards their full integration in European societies.

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