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Unaccompanied minors are also children without parental care

As part of a joint UNICEF-ISS project, the Monthly Review will include a series of articles on the protection of the best interests and the rights of unaccompanied children.

In June 2006, ISS's General Secretariat initiated a joint project with UNICEF's Geneva-based Regional Office for Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS). A major part of this project related to an assessment of the current status and efforts to reform the childcare systems in Armenia, Albania, Azerbaijan, Bulgaria and Moldova, with the subsequent development of a set of policies and recommendations for the governments to accelerate the reforms in these countries. In addition, it has become apparent to both organisations that child displacement across borders in the region as well as across continents raises a number of child-rights issues, which require additional assessment and promotion. Thus, this series of articles is intended to promote the rights and the effective protection of unaccompanied children in countries of origin and in countries of reception through focused policy, legal, social and practical articles.

Children without parental care include unaccompanied children

The situation of unaccompanied children in relation to their family environment and development is directly linked to their particular vulnerability, the potential trauma of their displacement, and their personal

background. Whilst some aspects of their care and protection will raise similar issues to that of other children without parental care, others will be very specific to their individual situation and background. Thus, this project intends to emphasise the particularities and characteristics of the situation, rights, care, support, and protection of unaccompanied children.

Main issues of the protection of unaccompanied children

The above-mentioned articles, which will be published in every Monthly Review until December 2007, will address the following aspects : (a) a general overview of the situation of unaccompanied children, presented in this Review (page 6) ; (b) an introduction to the legal and policy documents – regional and international – designed to protect the rights and best interests of unaccompanied children ; (c) the protection of unaccompanied children upon arrival in the receiving country (assessment of the situation, rights, care...) ; (d) the evaluation of the child's best interests (current situation in the family and the country of origin vs. current situation of the child in the country of reception) ; (e) the assessment of measures, which are required in the country of origin, in cases of return to and reintegration into the family and country of origin (support, preparation of the child and parents,

cooperation with community services...); and (f) the responsibility of the receiving State, should it be decided to fully integrate the child into the receiving country (care, protection, support, services...).

Advocacy through policy, legal and practical inputs

Each article will be designed to include a general approach to each aspect of the protection of unaccompanied minors, whilst also incorporating additional practical information and specific examples, which will be based on the expertise, casework, programmes and collaboration of the ISS network worldwide, and on those of other organisations and initiatives in this area. This should enable ISS and UNICEF to promote a

child-rights perspective in matters of child migration, to offer positive practical approaches to ensuring the best interests of the unaccompanied child, and to support existing advocacy initiatives in this area. It is hoped that an important number of partners will share their experiences and expertise and will contribute to the development of this advocacy tool, in particular in informing the network and the readers of the profile of unaccompanied children, the successes and failures of the systems concerned, the problematic aspects of the protection of these children, and of any good practices in this context.

Overview of the situation of the world's unaccompanied minors

The first article in this series devoted to unaccompanied minors is intended to present a general overview of this specific issue of children deprived of a family. Although the situations of the children concerned are very diverse, there remains no doubt that their protection asserts itself as an important theme for our contemporary societies.

The simple definition of unaccompanied minors (UMs) is a difficult exercise, since the positions diverge according to regulations, guidelines or practices on this matter at the national, regional or international level. Thus, the Committee on the Rights of the Child's General Comment N° 6 offers a definition, which distinguishes UMs from separated children. It defines the former as children who have been separated from both parents and other relatives, and are not being cared for by an adult who, by law or custom, is responsible for doing so. In accordance with this document, separated children are those who have also been separated from their parents or from their primary caregiver, but who may be accompanied by other adult family members¹. At the European level, the Statement of Good Practice of the Separated Children in Europe Programme (SCEP) offers, for its part, just one definition for these two categories of children².

As raised by the lawyer Akila Amellou in an article published in the Service social d'aide aux émigrants's review *Accueillir* (SSAE, Social Assistance Service to Emigrants - France), these definitions, however, are not systematically used at State level³. Some use a broad interpretation of the concept of UMs

– similar to the approach taken by the Statement of Good Practice of the SCEP – while others apply a more restrictive definition, excluding children who travel with an adult. Yet, others exclude children over the age of 16.

Partial statistics

These different approaches greatly complicate the statistical evaluation of the migratory flows of UMs across the world. Indeed, the figures are always partial, depending whether one adopts one perspective or another. Thus, in 2003, about 12,800 unaccompanied children submitted a request for asylum to the national authorities of 28 European countries, i.e. approximately 4% of all asylum seekers in Europe⁴. For the above mentioned reasons, it is nonetheless difficult to know which children were included in these statistics. Moreover, these figures only include one part of all UMs. They do not take into account isolated children with no documents, children living without a legal status in the receiving country, living on the streets or victims of trafficking. However, in the opinion of all experts, these children could be extremely numerous. Thus, in 2004, the SCEP estimated that in total, approximately

100,000 separated children were living in Europe. According to the estimates, 8,000 UMs arrive in Italy every year, between 3,000 and 4,000 in Spain and between 5,000 and 6,000 in France, Holland, and Belgium⁵.

UMs originate as much from Africa and Eastern and Central Europe, as from Asian and Latin-American countries. Europe is not their only destination. Contrary to common ideas, the majority of migrations take place between

developing or transitional countries. As the minors often do not have the means or the network of contacts necessary to undertake the journey in an organised manner, they generally stop in a country⁶ close to their country of origin, often even within the same region. Thus, several Central and Eastern European countries face an important number of asylum requests submitted by UMs (in 2003: 704 for Slovakia, 217 for Poland, 129 for the Czech Republic, 152 for Bulgaria, 34 for Slovenia, 21 for Romania, 10 for Macedonia, and 6 for Croatia...⁷). For their part, the United States and Canada receive an important number of children from Latin America. Africa is also faced with the regional migration of isolated children. Indeed, there are tens of thousands who migrate each year within the Western African region only⁸.

Conflicts and socio-economic factors often at the root of the migratory phenomenon

What are the reasons, which press these children to leave their country without their family? Most often, they are fleeing a conflict or a chaotic situation prevailing in their country of origin. In such contexts, many are sent abroad by their parents for their protection, others are separated from their parents or become orphans and seek refuge in a more stable country.

Socio-economic factors obviously play an important role. Originating from economically fragile countries, with limited professional perspectives and access to good quality studies, minors often emigrate in the hope – and that of their parents – of finding work and a better future. These children dream of a hypothetical ‘welfare state’ – a belief often reinforced by the media and by the very subjectively interpreted stories of compatriots⁹. Most commonly, these children also carry with them the expectations of their entire family, which has put together the funds to enable them to go to an industrialised country.

THE STORY OF DORIN, AN UNACCOMPANIED MINOR

Dorin* was found by the police sleeping in a bus station; he was a young adolescent and had no identity papers on him. He was therefore placed in a specialist centre caring for young people who had recently arrived in the country. He told the carers that he was 14 years of age and had been living in the host country for over a year.

Dorin was one of eight children and his family had serious economic difficulties. When he was about 10 years old, Dorin was persuaded by another family to stay with them for a while. He was then held captive and induced to steal for this family. The boy was eventually caught by the police and placed in a rehabilitation centre. After his release, he was again threatened by the robbers who wanted him to return to their group. Dorin therefore decided to leave his country in the company of a friend.

The two boys arrived in the host country and travelled around carrying out casual work but Dorin says that, as they had no papers, the employers took advantage of them by paying very little and telling them to leave after just a short time. Dorin was frequently picked up by the police and stayed in different residential facilities. He used a number of pseudonyms and always escaped from these centres.

At the current centre, Dorin told the workers he could not read or write, and would like to stay in the host country to go to school and later help his family. ISS was asked to locate the boy’s family and provide a social report on their situation and their hopes and plans for Dorin’s future care.

When the social worker met with the family, the mother was away working abroad and she only returned home every few months. An adult sister confirmed that Dorin had been taken by a group and taught to steal, she said during this time, the boy was beaten and forced to carry out these crimes. The sister said the family would welcome Dorin back and that he regularly telephoned them, but the boy had told them he did not want to return home due the precarious living situation of the family. The sister confirmed the family was under notice to be evicted from their home due to outstanding debts.

Dorin remains in care in the host country and continues to receive professional support due to his ongoing problems as a result of his past experiences.

* Fictive name

Thereafter, they are indebted to their relatives and friends, which creates an additional psychological pressure, which is difficult to bear¹⁰, in addition to the trauma relating to the separation from their family. Some minors

also try to study or receive training, always with a view to building a better future.

Furthermore, a number of these minors are victims of various forms of trafficking. According to a study carried out by ChildONEurope¹¹, a great number of trafficked children find themselves involved in networks of sexual exploitation, others work as 'domestic slaves', or in illegal workshops, others still are used as drug traffickers or for committing other crimes. This situation may have serious consequences for the treatment they should be provided with, given that their status changes from that of migrant/victim to that of delinquent, and that they risk being treated as such, although they would require a specific treatment.

All vulnerable children in need of protection

UMs therefore constitute a very heterogeneous group of children from diverse social, cultural and educational backgrounds, who have migrated for equally heterogeneous reasons. However, one common point unites them: they are all children in an extremely vulnerable state, and who require special protection. Their care, however, must be sufficiently flexible to respond to the needs of each individual in an adapted way. The main elements of this provision of care will be addressed throughout the forthcoming articles of this special series on UMs.

¹ Committee on the Rights of the Child *General Comment N°6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*.

² Separated Children in Europe Programme, *Statement of Good Practice* (2004), available at the following webpage: www.separated-children-europe-programme.org.

³ AMELLOU Akila 'Les mineurs étrangers en Europe sans représentants légaux' (Foreign minors in Europe without legal representatives) in *Accueillir*, N° 240, SSAE, Paris (<http://www.ssaie.net>).

⁴ UNHCR, *Trend in Unaccompanied and Separated Children seeking Asylum in industrialised countries, 2001 - 2003*, available at the following webpage: www.unhcr.org/statistics/STATISTICS/40f646444.pdf

⁵ Opinion of the Committee of the Regions of the European Union: The situation of unaccompanied minors in the migration process – The role and suggestions of regional and local authorities, 12 October 2006.

⁶ DEL MAR BERMUDEZ Maria 'La complexité de l'immigration infantile' (The complexity of child immigration', *in op. cit.*, fn. 3.

⁷ CANTWELL Nigel *The protection of children moving across borders*, Background paper for the Intergovernmental Conference 'Making Europe and Central Asia fit for children', Sarajevo, 13-15 May 2004.

⁸ DEL MAR BERMUDEZ Maria, *in op. cit.*, fn. 5.

⁹ For further information, see the project of the Swiss Branch of ISS on the social and professional reintegration of isolated migrant minors in West Africa: www.ssiss.ch/pages_f/Projets/C4.html.

¹⁰ VITE Sylvain *Unaccompanied minors in Switzerland*, presented at the Regional Conference 'Migration of unaccompanied minors: act in the best interest of the child', Torremolinos, Malaga, 27- 28 October 2005.

¹¹ SMITH Terry *Overview on European Union law and policy and comparison of national laws and policies of European Union countries*, at the seminar on 'Unaccompanied foreign children: Best practices on national policies and programmes on welcome, integration and family reunification', organised by childONEurope, 4 December 2003.

Unaccompanied minors: Gaps in their protection despite a wide range of domestic and international legal instruments

Even though several international, regional and national instruments, in principle, enable to guarantee the rights of unaccompanied children, in practice their implementation does not always fully respond to the needs for protection of these children.

The legislation applicable to unaccompanied minors should ensure a coherent approach to their protection as children, as children separated from their parents or their legal guardians, and as isolated children in a foreign territory (triple protection). By virtue of their status, these children find themselves at the crossroad of several international,

regional and national legislations in matters of human rights, children's rights, refugee rights, and sometimes the rights of foreigners. The predominance of one legislation over another, the bad combination of a set of applicable legislation or even their restrictive interpretation, often leads to the inadequate protection of unaccompanied minors and their fundamental rights. The gaps linked to their

protection, in particular those mentioned by the United Nations Committee on the Rights of the Child in its General Comment N°6, of 2005, call for the establishment of legislative responses and practices adapted to their specific needs.

Children separated from their family

In addition to the rights enshrined in international and regional conventions on humanitarian and human rights law, unaccompanied children benefit from the protection resulting from the Convention on the Rights of the Child (CRC). Indeed, the countries, which have ratified this Convention, have committed themselves to guaranteeing the protection of all children present on their territory, and to recognising the principle of the best interests of the child

as a fundamental state principle. Thus, a child, whether a national or a foreigner, must benefit without discrimination from all the rights enshrined in the CRC and in domestic child protection laws, which are in force in the territory where they are (article 2 of the CRC). Furthermore, considering the particular situation of unaccompanied minors, specific protection should be granted to them in accordance with articles 20 and 22 of the CRC, which stipulate that children temporarily or definitively separated from their parents are entitled to special protection, similarly to refugee children or those seeking refugee status. Being isolated in a foreign territory, these children are also particularly vulnerable to various forms of abuse, and therefore, should benefit from the specific protection foreseen by the Optional Protocols to the CRC on the sale of children and children in armed conflict.

How to protect unaccompanied children?
<p>The Swiss Foundation of the International Social Service has developed a project in Western Africa, in a region where several tens of thousands of children are victims of cross-border human trafficking. The action taken consists of setting up a programme of social and professional integration of unaccompanied children in the trans-national context of Western Africa. In other words, it is a matter of preventing children from leaving or of supporting the voluntary return of those who have already left their country. In the latter case, a work of reintegration is carried out with the children concerned, as well as an individualised psycho-social follow-up. This two-year project is part of a South-South approach, designed to create a synergy amongst several countries of the region, with a view to finding sustainable solutions to the problems linked to child protection. It is based on a participatory approach (children, families, local child protection actors) and aims at developing existing structures and the skills of local partners. Thus, these objectives are achieved thanks to the creation or the strengthening of reception and guidance structures, comprising teams of trained local professionals, and intended to sustain the project once it has been implemented. This project thereby responds to a sustainable development logic based on the resort to local abilities and the beneficiary countries' non-dependence upon external support.</p>

Children who are also refugees or immigrants?

When an asylum or refugee status determination procedure has been initiated, other international and regional instruments designed to guarantee the protection of

unaccompanied children are applicable, in particular the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. However, in practice, the restrictive interpretation of the concept of persecution prevents unaccompanied minors from being granted refugee status. Thus, there is a kind of legal vacuum, which is or is not exploited depending upon the migration policies of governments.

In many countries, in particular European countries, unaccompanied minors are therefore being applied immigration legislation, which, according to Terry Smith¹, makes them dependent upon a general framework rather than upon a specific status. Although some immigration laws include specific provisions for unaccompanied minors, these guarantees are however not as significant as those conferred by national and international child protection laws. The superimposition of these different laws is most often not favourable to children.

From the current deficient protection of children ...

In order to remedy these shortcomings, specific instruments have been drafted by various international organisations. Thus, in 1997, the Separated Children in Europe Programme (SCEP) was born under the auspices of the United Nations High Commissioner for Refugees (UNHCR) and

the International Save the Children Alliance, followed in 2004 by a Statement of Good Practice. The International Bureau for Children's Rights adapted the SCEP to the Canadian situation and, in 2003, published a Best Practice Statement for separated children in Canada. Guidelines on Policies and Procedures dealing with Unaccompanied Children Seeking Asylum were also issued by UNHCR in February 1997, followed in January 2004 by the Inter-Agency Guiding Principles on Unaccompanied and Separated Children and the UNHCR Guidelines on the Formal Determination of the Best Interests of the Child in May 2006. At the

European level, several recommendations have been issued by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe, such as Recommendation 1703 (2005) on Protection and Assistance for Separated Children Seeking Asylum.

These documents denounce, on the one hand, the shortages of the provisions established by States with a view to adequately protect unaccompanied children, and highlight the areas in which major gaps remain. In particular, the following issues are addressed: the systems of identification and registration of unaccompanied children, their documentation, their age assessment, the appointment of a guardian and legal representative, the access to legal advice, the existence of an effective mechanism for tracing their family, and the facilitation of their family reunification in the receiving country, the country of origin or a third country. Moreover, when these children arrive, they often find themselves refused entry into the territory and are placed in detention, which violates article 37 of the CRC. It also occurs that some States illegally return unaccompanied children, thereby violating the principle of *non-refoulement*, enshrined in international human rights law, international

humanitarian law and international refugee law.

... to a more favourable future?

Several independent programmes or those financed by States develop good practices in this area. The French NGO Enfants du Monde-Droits de l'Homme has set up a service of reception and guidance for unaccompanied minors², which not only covers their basic needs, but also has the fundamental objective of developing with them a long-term life project. In Latin America, the Inter-American Children's Institute is a technical organ of the Organization of American States,

specialised in the promotion and protection of the rights of children and adolescents. It has been made responsible for including the implementation of the Inter-American Programme for the promotion and protection of migrants in its activities. This includes migrant workers and their families, and the situation of unaccompanied migrant children³. Yet other projects, such as the one presented in the box above, aim to prevent the migration of children and to protect them from various forms of exploitation to which they may be exposed, particularly in their country of origin.

Nonetheless, the provision of an effective and sustainable response to this ever increasing phenomenon requires States to fully assume their responsibilities for these children, and to undertake real international cooperation. One of the international protection instruments, which could enable such cooperation is the 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children. The promotion of this text – ratified to date by only 14 countries – should be seriously considered by those countries, which wish to improve the situation of isolated migrant children.

¹ Report on the EU-project "Promoting inclusion for unaccompanied young asylum seekers and immigrants – A duty of justice and care", prepared by Terry Smith, Independent Researcher, United Kingdom.

² Reception and orientation centre for foreign isolated children, Enfants du Monde-Droits de l'Homme, www.emdh.org/emdh/html/page_type.html

³ Report of the Inter-American Children's Institute - IIN/OEA on the implementation of the Inter-American Programme for the promotion and the protection of the human rights of migrants, including migrant workers and their families,

www.oas.org/DIL/esp/migrantes_sesion_especial_2006_informe_IIN.doc

Europe Program, Reports and materials, http://www.separated-children-europe-programme.org/separated_children/publications/reports/index.html; Best Practice Statement on Separated Children in Canada, International Bureau for Children's Rights, 2003, http://www.ibcr.org/Publications/Trafficking_SC/2003_SC_Best_Practice_En.pdf; Guidelines on Policies and Procedures dealing with Unaccompanied Children Seeking Asylum, UNHCR, February 1997, <http://www.unhcr.org/publ/PUBL/3d4f91cf4.pdf>; UNHCR Guidelines on the Formal Determination of the Best Interests of the Child, May 2006, <http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=447d5bf24>; Inter-Agency Guiding Principles on Unaccompanied and Separated Children 2004, January 2004, [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p1101/\\$File/ICRC_002_1011.PDF!Open](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/p1101/$File/ICRC_002_1011.PDF!Open); Recommendation 1703 (2005) of the European Parliamentary Assembly on Protection and Assistance for Separated Children Seeking Asylum, <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta05/EREC1703.htm>

Unaccompanied minors: Their protection, care and rights upon arrival

In order to ensure that unaccompanied minors are adequately protected and cared for in their country of arrival, a series of essential initial steps must be taken by the relevant authorities and professionals, including a comprehensive assessment of their situation, background and needs, and ensuring their access to representation, care and services.

Unaccompanied minors arrive in a country due to a wide range of grounds and causes, often with a difficult past and with additional distress suffered since their departure from their home and country. They are therefore often a traumatised and very vulnerable group of children, who are at increased risk of negative experiences. Thus, this cumulative effect is central when addressing their protection and care upon arrival, and it is the duty of the receiving State to provide them with individualised and specific protection and assistance as soon as they are known to the country's authorities.

Assessment of the child's situation, background and needs upon arrival

In order to identify the unaccompanied minor's best interests – which shall guide care and protection, it is necessary to carry out a clear and comprehensive assessment of the child's identity and situation. Such an assessment should be designed to identify a child as an unaccompanied minor as soon as he/she enters the country at ports of arrival, or when he/she is referred, or his/her presence is notified, to the authorities. In parallel, the authorities should register the child and provide him/her with own personal identity documentation, which will enable him/her, amongst others, to subsequently access all required services.

An assessment of the child's identity should seek to identify his/her name, age, nationality, most recent known address, upbringing, family and social situation and relations,

ethnic, cultural and linguistic background, the circumstances of departure from the home and country of origin and of entry into the receiving country, the grounds for family separation, and any other experiences and wishes relating to his/her displacement. It is important to keep in mind that replies to such questions may be strongly affected by the emotional distress and other communication issues experienced by these children (fear, isolation, loss, family pressure, linguistic issues, etc). Such an assessment should also identify any particular vulnerabilities or protection needs, which shall be addressed at the earliest stage, as well as internationally-agreed causes for special protection – such as persecution or armed conflict. In relation to the often controversial issue of the child's age, the latter should be used to determine the child's best interests and his/her most adequate care. Where it is contested, the benefit of the doubt should be given to the child and his/her age presumed in order not to negatively affect his/her entitlement to specific protection and status.

The assessment should be carried out in a child-friendly approach, a safe environment, and by qualified and trained staff, with specialist knowledge of issues relating to children in such situations (age-specific approach, identification of traumatic experiences, understanding of situations in countries of origin, etc). Thus, it is essential that immigration officials receive such training, in order to best respond to the needs of these children. In addition, the assessment will need to be reviewed periodically, in order

to identify any additional information or emerging needs.

Representation of the unaccompanied minor throughout the process

In order to provide the unaccompanied minor with key safeguards throughout the initial identification and assessment process, the appointment of a competent guardian is fundamental. Given that this should take place at the earliest stage, and before any particular proceedings are initiated, the legal framework should provide for the appropriate

representation of the child. A comparative research carried out by ISS-USA highlights that the role of this guardian may vary from one country to another, but generally, he/she is appointed to ensure that all the decisions are in the child's best interests, and that the latter is fully represented throughout the process. For example, the guardian may be present at interviews, or supervise, control and intervene in the process. In order to advocate for the child, the guardian must therefore be duly informed and consulted on any

issue affecting the child's situation, wellbeing and needs. This should enable the appropriate protection of every unaccompanied minor, taking account of his/her unique background and secure a better access to basic services (education, health, social services).

Some NGOs recommend that a 'person of reference' or trust for the child be identified, although this should be secondary to the appointment of a guardian. Such a person will allow for a closer relationship to be built with the child and to enhance knowledge and

understanding of the child's individual situation and background. In addition, where asylum and/or other legal proceedings are initiated, the child also has a right to specific legal representation in the process (see below).

Alternative care of unaccompanied minors upon arrival

Unaccompanied minors, like any other child under the State's jurisdiction, are the beneficiaries of the State's obligations to protect children. This includes the right to be

offered alternative care, where the child is temporarily or permanently deprived of parental care (art. 20 United Nations Convention on the Rights of the Child). Similarly to other children in these situations, the best interests and needs of the individual child shall be at the heart of the decision-making process regarding his/her care. However, given the traumatic past and the diversity in their experiences and cultural, linguistic and religious backgrounds, it is essential to take account of their vulnerabilities as an unaccompanied child, of their

difficulties due to being outside their country of origin, of their age and gender, and of their need for continuity. In this respect, ISS-Ireland values the placement of these children with individuals of their same nationality, the participation of the child in the process – in particular in relation to issues such as language, values, spirituality, food, etc – and the identification of families through local networking and community links.

In this context, it is essential here to reiterate that the child shall not be detained based on his/her status as an

The importance of the initial assessment and care in subsequent approaches and proceedings

Given that ISS-Italy is often requested to carry out an assessment – via its local branch, affiliated bureau, or correspondent – of the situation of the family of unaccompanied minors in the country of origin, the information collected during the child's initial assessment and care upon arrival Italy is essential. This information may be central in reestablishing contact with the family and in understanding the wishes of the child and his/her family.

For example, Aleksander* left his country after both his parents died. He came illegally to Italy, convinced that his uncles would offer their support. However, the uncle – whose circumstances were different to what Aleksander believed – placed Aleksander in a reception centre for unaccompanied minors. During the initial placement, it became evident that the child had psychological problems linked to his family background and difficulties to communicate. He felt particularly isolated. Given the identification of these issues, he was offered talks with a psychologist, during which he explicitly expressed the wish not to remain at the centre and to return to his country of origin. Based on the information provided during these assessments, ISS-Italy proceeded to assess the family's situation, which raised important issues explaining the child's psychological state and feeling of rejection, and subsequently explored other solutions strongly based on Aleksander's wishes, including continuity in the child's psychological treatment, placement in a reception centre, registration at a school, and vocational training.

* Fictive name.

unaccompanied child or on immigration grounds. This has recently been strongly stated and reiterated by the European Court of Human Rights in the case of *Mubilanzila Mayeka and Kaniki Mitunga v Belgium*. The latter was declared in violation of articles 3, 5.4 and 8 of the European Convention on Human Rights, as a result of the detention and *refoulement* of a child; these were considered degrading and inhuman treatments. Other temporary care options, such as reception centres and residential units, may be more child-friendly and adapted to the wellbeing and interests of unaccompanied minors. One example is the Reception and Counselling Service for isolated foreign minors, established by Enfants du Monde – Droits de l'Homme (see Monthly Review N° 6-7/2007). This service, through the work of its multidisciplinary team, meets their primary needs and evaluates the global situation of the child, and provides him/her with administrative and legal support and assistance (communication with other entities resulting in the reduction of cultural differences, also known elsewhere as the role of 'cultural mediators'). This service offers some solutions to problematic issues also raised by ISS-Ireland, in particular the limited access to clinical psychology due to linguistic and cultural difficulties, and the social workers' limited understanding of stress situations and the asylum process. It also allows for a better understanding of the differences between issues of protection and care of the child, and issues of status determination.

Subsequent but prompt provision of other services

Upon arrival, unaccompanied minors are also entitled to access to basic services as well as, depending on their situation, to asylum procedures. In particular, and in addition to their care, unaccompanied minors must be provided with access to education,

health care and social services. These will play a fundamental role in their wellbeing and protection in the receiving country, and should therefore be offered as early as possible after their arrival and assessment. With adequate support, early enrolment in school may play a positive role in enhancing the child's socialization in the community; appropriate health care may identify additional needs that may have to be addressed promptly, and social services will have a fundamental role to play in responding to the child's situation and background, including issues of family and sibling tracing.

Finally, every unaccompanied minor has a right to access the asylum system, irrespective of his/her age. The latter should provide unaccompanied minors with child-appropriate procedures, in which they are offered legal representation and minimum procedural guarantees. In this context, it is also essential for the involved professionals to have received specialist and appropriate training on specific issues relating to the status determination of unaccompanied minors, including child-friendly and culturally-sensitive approaches, and children's rights.

Once these initial measures have been completed and the child's temporary care and protection have been addressed, the relevant authorities must proceed to identifying and determining the child's long-term best interests and care. This process should not be delayed unreasonably and all efforts shall be made to explore both, the opportunities to reintegrate the child into his/her family and country of origin, and to permanently integrate him/her in the receiving country. A comprehensive assessment of the child's current and future situation in the country of origin and in the receiving country, as well as an assessment of his/her family's situation and wishes in the country of origin must be undertaken and must identify the child's best interests and needs.

The ISS/IRC would like to thank ISS Branches and correspondent in Ireland, Italy, Switzerland and the United States for their interesting, practical and useful contributions to the drafting of this article.

Sources : *General Comment N°6 : Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, United Nations Committee on the Rights of the Child ([http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/CRC.GC.2005.6.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/CRC.GC.2005.6.En?OpenDocument)); Enfants du Monde – Droits de l'Homme, Service d'accueil et d'orientation des mineurs isolés étrangers (<http://www.emdh.org/website/emdhwebsite/mineurs/index.html>); Terre des Hommes Foundation (<http://www.tdh.ch>); International Social Service – United Kingdom (<http://www.issuk.org.uk/>); *Mubilanzila Mayeka and Kaniki Mitunga v Belgium*, European Court of Human Rights, 12 October 2006 (http://www.coe.int/t/transversalprojects/children/Source/caselawCourt/MubilanzilaMayeka_en.doc); BAAF

UNACCOMPANIED MINORS: On which basis should the most suitable permanent protection measure be decided?

This decision must take account of the fundamental child protection principles and be adapted to the more specific needs of unaccompanied minors. It involves, among other issues, gathering information relating to the child and to the family and social conditions in his country of origin.

A determination of what is in the best interests of the child requires a clear and comprehensive assessment of the child's identity, including her or his nationality, upbringing, ethnic, cultural and linguistic background, particular vulnerabilities and protection needs.' These suggestions of the Committee on the Rights of the Child, in its

General Comment on the treatment of unaccompanied children, reflect the respect for the unaccompanied minor's best interests in the determination of a permanent life project. This stage comes when the first protection measures have already been undertaken (see Monthly Review N° 8/2007). Similarly to any other child, it must take into account the fundamental and general child protection principles, and be adapted to the more specific needs of unaccompanied minors. Furthermore, it involves gathering information relating to the child and to the family and social conditions in his country of origin, enabling the choice of the most suitable solution amongst the range of available opportunities.

Determination of the unaccompanied minor's life project: Principles to respect

It is important that the total procedure be carried out as promptly as possible in order to privilege the continuity of the child's development and to spare him additional stress. Although practical difficulties – obtaining documents, locating the family – regularly slow down the process, adequate

provisions should be considered and implemented, in order not to leave the child in a state of indecisiveness for too long.

Thus, it is fundamental that inter-State and inter-agency cooperation and coordination mechanisms be established to locate the child's family, to identify the competent authorities, to facilitate an exchange of

information, etc. The 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children could inspire the creation of such mechanisms. Its ratification by involved States would favour the establishment of a global framework for the coordination of legislative, judicial and administrative systems for the various international protection cases of children who

THE INVOLVEMENT OF ISS-ITALY IN THE CASE OF ROSIE*

Rosie arrived in Italy at the age of 12, within the framework of a sporting event organised by her country, Bangladesh. During her stay, she received a call from her mother, who recommended that she contact a fellow citizen, who could look after her in Italy. The latter, a little scared by this mission, took Rosie to the police, who then informed the judicial authorities. The latter placed the girl in a reception centre for minors. However, soon after, Rosie repeatedly expressed the wish to return to her country, despite her family's difficult situation – the death of her father and a difficult relationship with her mother's prospective husband.

By then, the Comitato per i minori stranieri [Italian Committee for Foreign Minors] had requested ISS-Italy to carry out a family inquiry in Bangladesh, on the basis of which they would decide upon a life project for the child. The report was based on various contacts and talks with the extended family and Rosie's school. It reflected that the family conditions met the requirements for a possible return of the child to her family and her socio-cultural environment, as well as a certain degree of disappointment and shame felt by the family and the school for having let Rosie escape from their protection.

In the event of the girl's return, ISS-Italy insisted on the implementation of an adequate follow-up. In the event of Rosie's integration in the receiving country, the Bengali Correspondent should remain informed of developments in this case.

*Fictive name

cross national borders. Nonetheless, for such a cooperation to be effective, it is important for Western countries to acknowledge that not all migrant children will return to their country of origin. This principle has, once again, been reiterated by the President of the European Committee on Migration of the Council of Europe, Michel Villan, at the regional conference on unaccompanied minors, held in Malaga.

Another basic principle in determining the life project of the unaccompanied minor is his participation and involvement in all decisions concerning him. The child must, therefore, be able to freely express his wishes in relation to his permanent life project, and to trust that these will be taken into consideration by the professionals who surround him. With this aim in view, the latter must benefit from training, which allows them to approach the child in an adequate manner, and to establish a relationship of trust with him, which respects his cultural and linguistic origins.

Determination of the unaccompanied minor's life project: Information to be gathered

The above-mentioned issues will also enable professionals to gather information about the child and his family situation; these are essential for the determination of his life project. Thus, as a matter of priority, it is important to obtain from the child information, which enables the tracing of his family, in order to carry out a social study and to re-establish contact. It is often at this stage that the International Social Service's (ISS) network's involvement is requested (see box above). As reported by ISS-USA, the drafted report must allow, in particular, for the assessment of the following issues: the situation of the family, as well as the latter's opinion about the child and his life project; the reasons for the separation; the child's level of safety in his country of origin (socio-economic conditions, risks of exploitation, conflicts,

natural disasters); the opportunities for alternative care in the country of origin, etc.

At the same time, a similar inquiry must have been undertaken, by the child protection social services in the receiving country, in relation to the child. In this context, it is unfortunate that, in some countries, this task is allocated to the immigration services, or, exclusively, to the judicial authorities. The child's study should, in particular, take account of the length of the child's stay in the receiving country, the extent of his integration, his legal, medical and psychological situation and his wishes.

It is worth highlighting that the more detailed and professional these reports, the greater the chances for the decided solution to respect the best interests of the child.

Determination of the unaccompanied minor's life project: Available options

The available options are varied: the child's return to the biological, extended or a substitute family in his country of origin; the child's integration in the receiving country with a member of his extended family, with his family of origin via family reunion measures, in a foster family or in a collective home. Besides these two social studies, criteria of continuity in the unaccompanied minor's education and ethnic, religious, cultural and linguistic environment must guide the selection of his protection measure. It is also advisable to take into account the degree of kinship between the child and the involved family members.

Only a solution taking account of the totality of the above-mentioned issues and principles enables to guarantee respect for the child's best interests. The implementation of this solution in the receiving country, or the country of origin, calls for other provisions, which will be detailed in our two forthcoming articles.

Sources : Committee on the Rights of the Child *General Comment N° 6 (2005): Treatment of unaccompanied and separated children outside their country of origin*, CRC/GC/2005/6, 1 September 2005 ([http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/\\$FILE/G0543805.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/$FILE/G0543805.pdf)); Council of Europe *Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied migrant minors*, adopted by the Committee of Ministers on 12 July 2007 at the 1002nd meeting of the Ministers' Deputies (<https://wcd.coe.int/ViewDoc.jsp?id=1164769&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>); Howard Davidson and Julie Gilbert Rosicky *Overcoming governments' Obstacles to the Proper Care and Custody of Unaccompanied and Separated Alien Minors*, ISS-USA (<http://www.iss-usa.org>), ISS-Italy (<http://www.serviziosocialeinternazionale.org>); Michel Villan, President of the European Committee on Migration of the Council of Europe, *La nécessaire collaboration entre pays de destination et pays d'origine pour une meilleure gestion des migrations* [The necessary collaboration

between receiving countries and countries of origin for the better management of migration] (www.coe.int/t/f/coh%20E9sion_sociale/migrations/Source/MG-RCONF_2005_18_Intervention_Villan_fr.pdf), MG-RCONF (2005) 18, 28 November 2005, presented at the Regional Conference on «Migration of unaccompanied minors: Acting in the best interests of the child», Torremolinos, Málaga, Spain, 27-28 October 2005 (http://www.coe.int/t/dg3/migration/Regional_Conferences/Malaga_Conf_en.asp); *Internal ISS Manual*, ISS General Secretariat, Casework Division, Geneva, 2000, 76 pp.

UNACCOMPANIED MINORS: Conditions for the appropriate return, reintegration and care of children in their country of origin

Where the assessment of the unaccompanied minor's situation has concluded that it is in the child's best interests to reintegrate him into his family and country of origin, a number of measures need to be taken to ensure that this return continues to respond to the needs and rights of the child.

The child's return to his country of origin shall only take place when it is in his best interests, a matter, which should be determined based on a comprehensive assessment of his and his family's situation and wishes, as well as on the availability of safe and secure conditions (including socio-economic conditions) and of care arrangements for the particular child. As recommended by the Committee on the Rights of the Child, advance secure and concrete arrangements of care and custodial responsibilities for the child upon his return should therefore be secured prior to the child's return, whether within his biological or extended family, or in their absence. These should provide an environment more likely to secure the

success of the unaccompanied minor's life project in his country of origin.

Preparation of, and support to, the unaccompanied minor

ABDOULAYE'S RETURN TO SENEGAL
<p>The Swiss Foundation of the International Social Service's Programme in Western Africa (PAO) [see Monthly Review N° 6-7/2007] focuses on the conditions required for the care of a child in a difficult situation, and his return to his country of origin, to be undertaken in his best interests, as well as for his reintegration to be sustainable. This transnational programme has already enabled over 200 children and young people to be reintegrated into their homes.</p> <p>This is the case of Abdoulaye, a young Senegalese migrant, who, after an extremely difficult migratory experience, has been identified in the streets of Bamako (Mali), and has been reintegrated into his community in Senegal. Immediately following his identification, he was taken into the care of the PAO's local partner, and accommodated in a reception centre. An evaluation of his situation was subsequently undertaken. The collected information was then sent to the coordinator of the PAO in Senegal, in order for him to undertake the search for the family. Once located, a social study was carried out, and a report was sent to the PAO coordinator in Mali. On the basis of this report, the conditions of Abdoulaye's return were established.</p> <p>Abdoulaye was then taken back to Senegal, where he was entrusted to the PAO's local coordinator. Amongst the measures taken for his social and professional reintegration, Abdoulaye has been supported in the development of a small business. His situation is now followed up individually, via regular visits (the periodicity of these depends on the needs of the child and his family), in order to ensure that the measures implemented respond to his personal and family situation and that they ensure the sustainability of his return.</p> <p>Furthermore, the PAO puts all efforts into raising the awareness of the affected communities to the risks linked to illegal migration, and into extending the benefits of the child's reintegration to the whole community.</p> <p>*Fictive name</p>

Based on the unaccompanied child's needs and wishes as identified in the assessment of his situation and the situation of his family in the country of origin – and not merely on migratory policies – a number of measures need to be taken to prepare the child for his return to his biological or extended family as well as his social community. This preparation extends far beyond mere logistical issues, such as the administrative paperwork for the child's

departure, securing the presence of an adult during travel, or ensuring an adequate welcome and reception upon his arrival in country of origin. Indeed, it is essential to act

upon the child's wishes for his return, and to prepare him for his long-term reintegration, in accordance with, and taking into account, the period of absence and the particular circumstances of initial departure. In particular, it is necessary to ensure that psychosocial support will be provided to the child prior to his return, as well as after the child's arrival in the country of origin. Thus, it is essential to cooperate with the social and health services of the child's community, in order to ensure some degree of continuity in the psychosocial support offered to the unaccompanied minors. In this context, both States share responsibility for guaranteeing this to the child, and ISS's involvement may include efforts to initiate and encourage this cooperation. In particular in cases in which the unaccompanied minor's life project has been initiated in the receiving country, and is expected to be followed up in the country of origin, practical measures must be taken in both countries, and in cooperation between them, to ensure its continuity and satisfactory implementation.

The child's return also requires the preparation and planning of additional measures of reintegration. Indeed, the child will not only reintegrate his family, but also his social and cultural community and his educational and/or professional environment. Thus, it is important to secure the agreement and involvement of the local social, educational and health services – as well as that of other relevant partners in the society – in the process of reintegration of the child, in the subsequent monitoring of his situation in his new environment and of that of his family, and in the periodic reevaluation of the reintegration project. This would include, for example, involving the school, existing local social structures, potential employers in the community, and other relevant partners, in the planning of the child's programme of education and work, in response to the child's wishes, needs and best interests. As mentioned above, the involvement of these actors is also fundamental in the implementation of the life project, including its monitoring, and the social, medical and educational follow-up of the child, and in ensuring the additional involvement of other local structures, offering services of support in this process. In brief, the extensive involvement of the country of origin's authorities and services undoubtedly remains central to the success of the individual child's

life project, whereas the host country remains responsible for ensuring that the child's is only returned if the conditions for this success are met in the country of origin.

Preparation of, and support to, the unaccompanied minor's family or carers

In order to ensure the appropriate and successful implementation of the child's life project in the country of origin, it is important to work closely with the child's family, prior and after the child's return, and to fully involve the family in the elaboration of the life project. This also aims at ensuring the sustainable reintegration of the child in his community and country of origin, and at preventing further intents to emigrate. Similarly to the measures taken to prepare the child for his return, it is also important to coordinate with the relevant authorities and services in the country of origin, competent for preparing the family to the child's return, his care and his family reintegration. This may include psychosocial support in dealing with the child's wishes to return, with the unexpected prompt return of the child, with the child's experiences since his departure and in the host country, with the child's non-compliance with the objectives of his departure, with the family's expectations, etc. The reactions of the child's family and community may be difficult to face by a returning child, and it is therefore as important for the child as for the family, to be prepared and informed of the implications of such a return.

Furthermore, an appropriate consultation of the family or carers of the child should raise the circumstances, which may jeopardise the successful implementation of the child's life project, and ensure that these are considered in the provision of care and support. Given that in many cases, the child's departure is linked to the socio-economic conditions of his family, it is also important to assess the family's resources and needs and to ensure that these are addressed in the process of return of the child. Thus, the collaboration with the authorities of the country of origin should also address the provision of financial and other support to the child's family or carers. It may be necessary to explore potential opportunities for further income-generating activities, community support, access to health services, and for benefiting from local development projects, etc.

Where the child's return to, and reintegration into, the country of origin has been considered as the most appropriate response to the child's best interests, but the biological or extended family is unable to care adequately for the child, it is essential that conditions are met for governmental or non-governmental instances to provide the child with the necessary protection, care and support, with the aim of subsequently reintegrating him into his family or providing him with alternative permanent and family care.

Shared responsibility in the sustainable reintegration of unaccompanied minors and the prevention of child migration

The provision of appropriate psychosocial and other support to the child and his family or carers also sets a positive environment for the strengthening of social and other structures of support to unaccompanied minors and their families; for the sustainable reintegration of children and the parallel prevention, and awareness-raising as to the circumstances and experiences, of child migration; and for the development of reliable and common methodologies and strategies designed to reintegrate children across borders, based on a child-sensitive approach.

Thus, the concerned States' role in the protection and care of its child migrants extends to the provision of specialised training to relevant professionals and the

capacity-building of local actors in this process on issues of prevention, identification and responses to child migration, as well as to the request for involvement of NGOs and international organisations competent in these fields at the interdisciplinary level. Given that host countries are responsible for ensuring that the child's return only takes place where the necessary conditions are met, it is also its responsibility to support the country of origin in developing relevant structures for the children's return. Thus, it is hoped that such an approach would encourage concerned countries to work together, with a view to finding solutions and establishing cooperation mechanisms, designed to respond to these problems.

Finally, the sustainable reintegration of unaccompanied minors in their families, communities and countries of origin strongly relies on a double approach to their protection and care: the provision of individual preparation and support to the child and his family or carers, and the involvement of the comprehensive network of local authorities and community services, in implementing the unaccompanied minor's life project. In cases in which an assessment of the child's best interests rather calls for his integration in the host country, a similar approach is required, strongly incumbent on the relevant actors of that country. This aspect will be addressed in the next Monthly Review.

Sources: Committee on the Rights of the Child General Comment N° 6: Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005 ([http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/\\$FILE/G0543805.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/$FILE/G0543805.pdf)); Council of Europe Recommendation CM/Rec(2007)9 of the Committee of Ministers to member states on life projects for unaccompanied minors, adopted by the Committee of Ministers on 12 July 2007 (<https://wcd.coe.int/ViewDoc.jsp?id=1164769&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>); Internal ISS Manual, ISS General Secretariat, Casework Division; Swiss Foundation of the International Social Service, Project in West Africa, 2002-2009 (<http://www.ssiss.ch>).

UNACCOMPANIED MINORS: Conditions for a sustainable integration in the receiving country

The last issue of this Special Series addresses the issue of integration of unaccompanied minors in their receiving country. In order to be successful, the range of involved actors must ensure a response to the child's material needs, as well as his personal and social wellbeing.

The return of unaccompanied minors to their families and countries of origin does not always respond to their best interests. As we have seen in previous articles, it is sometimes preferable for the child's well-being to remain in his receiving country. If, following an in-depth assessment of his personal and family situation, this option is preferred, it is then the responsibility of the competent authorities of the receiving State to prepare, with him, an

adapted permanent life plan. As emphasised by the Committee of Ministers of the Council of Europe in its Recommendation CM/Rec(2007)9, this plan pursues objectives relating to the social integration of minors, their personal and cultural development, housing, health, education and vocational training, and employment.

In concrete terms, it is a matter for the competent authorities to conclude with the unaccompanied minor a kind of fixed-term contract, which sets out the prospects for the minor's future, the long-term responses to his needs, as well as the route that both parties are committed to follow in order to achieve these. These life plans are therefore individualised and must provide a lasting solution for both the child and the receiving State. Only such cooperation enables a responsible provision of care for minors, and an adequate response to their migration.

Actors of a successful local integration

The system of care provision for unaccompanied minors is the responsibility of

the State. The latter must therefore ensure the availability of necessary human and material resources. However, if need be, it may call upon specialised associations to provide a comprehensive response to the particular situation of unaccompanied minors.* Given that the actors involved in the provision of care are generally numerous and varied, it is essential that a coordination mechanism be established in order to ensure

the coherence of the system. With this same aim in view, such coordination must also be established at the regional level, as well as with States of origin. It is especially important that a legal representative and/or guardian be appointed for each unaccompanied minor, so as to point him towards the right actors at the right

The Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE): An example of support of unaccompanied minors in their local integration
The Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE, Welcome and Orientation Service for Separated Foreign Minors) of the French NGO Enfants du Monde – Droits de l'Homme provides separated foreign minors with support, and administrative and legal assistance, designed to help them in confronting the difficulties linked to their situation. Activities of mediation with the competent institutions and authorities are also implemented. SAOMIE's multidisciplinary team helps the unaccompanied minors to go beyond their personal context, and accompanies them in their development. The centre therefore gives them access to educational, recreational and socio-cultural activities. Each minor also benefits from a personalised socio-educational follow-up. SAOMIE's managers and educators put special emphasis on the children's skills of integration into society. Since language is often the first obstacle to integration, French courses are provided by specialised teachers, and are supplemented by reading and writing workshops. The minors also benefit from a medical follow-up and from help in self-confidence, comfort and support.

time, in order to ensure the smooth progress of his integration and the protection of his rights. Indeed, the unaccompanied minor must benefit from the same rights as children who are nationals of the receiving country.

Features of a successful local integration

In order to guarantee the protection of the unaccompanied minor, he must promptly be granted a permanent residence permit, so as to ensure his legal security, and prevent him from being left undocumented and likely to be deported once he reaches his majority, despite the numerous steps, which will already have been taken to promote his integration.

Furthermore, specific provisions must sometimes be implemented in order to remedy his particular vulnerability. Thus, when it is decided to integrate the child in his receiving community, it is essential to provide him with support courses, which allow him to achieve a command of the language. Indeed, this stage is essential for the minor to understand the information he receives about his situation, to participate in decisions that affect him, and to communicate with his new living environment.

In addition, the child's integration must enable to respond, as much to his material needs as to his personal and social development and wellbeing. From this perspective, he must be guaranteed access to health care, and provided with decent accommodation. It is therefore appropriate to rapidly find an alternative to the placement of unaccompanied minors in shelters, either a family alternative or in protected apartments**. Given that the shelters provide emergency accommodation, they are generally not suitable to meet the children's individual needs, and in addition, are often overloaded.

In parallel, the unaccompanied minors' continuous education must be ensured. From this perspective, it is sometimes necessary to offer special support to the child in order to help him overcome possible schooling difficulties. When the child has reached, or is aged above school-leaving age, it is a matter of guaranteeing him fair access to professional training and to employment, in accordance with his abilities and wishes.

Furthermore, it is also important to enable the child to integrate himself culturally and socially. In particular, he must be informed about local cultural and social traditions, by means, for example, of formal information sessions or meetings with other unaccompanied minors and members of his new environment.

Risks

As the SSAE (Service Social d'Aide aux Emigrants, France) emphasised in its review *Accueillir* (Issue N° 240), an adequate provision of care for unaccompanied minors is highly beneficial: once taken into care, most of them committed themselves to their training, have learnt French, have integrated their home of foster family, have shown a high degree of motivation in finding employment, and have abandoned their illegal activities. Thus, in December 2006, a study undertaken by the French association Hors la Rue revealed that 70% of separated Romanian minors in care were fluent in French, 85% were willing to succeed in their training, 84% respected the rules of their living environment, 83% maintained good relations with the adults who supervised them, 76% were in contact with family in Romania, but 89% wished to live and establish themselves in France.

These results are very encouraging. Unfortunately, nowadays, most children are not cared for in this way, and end up on the streets, or involved in exploitation networks. It is therefore urgent that additional coordinated efforts be made, both by receiving countries and those of origin, to offer a genuine response to the needs of all young separated migrants. Those responsible, at national and international levels, for policies and practices in matters of immigration, therefore have a key role to play in the future of these young people: their decisions may favour the wellbeing and integration of unaccompanied minors in their receiving country or country of origin, or, on the contrary, increase their vulnerability and their marginalisation.

* See enclosed example: *The Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE): An example of support of unaccompanied minors in their local integration.*

** A protected apartment accommodates several minors under the distant supervision of an educator appointed by the child protection authority.

Sources : Recommendation CM/Rec(2007)9 of the Committee of Ministers of the Council of Europe to member states on life projects for unaccompanied migrant minors ([https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec\(2007\)9&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2007)9&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75)); Committee on the Rights of the Child General Comment N° 6 (2005): Treatment of unaccompanied and separated children outside their country of origin, CRC/GC/2005/6, 1 September 2005 ([http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/\\$FILE/G0543805.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/532769d21fcd8302c1257020002b65d9/$FILE/G0543805.pdf)); Service d'accueil et d'orientation des mineurs isolés étrangers (SAOMIE), Enfants du Monde – Droits de l'Homme (www.emdh.org/website/emdhwebsite/mineurs/index.html); Hors La Rue (<http://www.horslarue.org>); 'Les mineurs étrangers isolés en Europe, *Accueillir* N° 240, SSAE, France, Dec. 2006.