



***Promising practices for working
with separated children and youth
to secure comprehensive solutions***

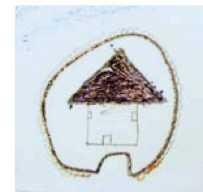
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EMN Ireland Conference: Looking to the future for
unaccompanied minors in Ireland and Europe
Dublin, 4th December 2018

*"All the precious things
in life seem to be
too far to reach,
although there is still
great hope."*

'All I have to say'

Separated children
in their own words



Overview

Following a decision on status or a return decision...

- We still need to implement a **comprehensive solution**
- With a **child rights based approach**
- There will be **challenges**, but also tools and **promising practices...**
- Even for cases of eventual **return...**

Comprehensive Solutions

A comprehensive, secure and sustainable solution is one that to the greatest extent possible, caters to the long-term best interests and welfare of the child and is sustainable and secure from that perspective.

The outcome should aim to ensure that the child is able to develop into adulthood, in an environment that will *meet his or her needs and fulfil his or her rights* as defined by the Convention on the Rights of the Child (CRC).

Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration


Criteria for promising practices

Child Rights Based Approach in line with the CRC and its principles:

- Art 2: non-discrimination
- Art 3: best interests of the child
- Art 6: right to life, survival and development
- Art 12: right to be heard and to have due weight given to one's views in line with one's age and maturity

Seeking Solutions

- Identify and address main **challenges**
- Fulfil **international obligations and standards**
- Benefit from **European developments and tools**
- Adapt **promising practices**



Seeking solutions: selected issues to be addressed

- Registration, residency, legal identity and nationality
- Guardianship, care and aftercare
- Education, vocational training and work
- Return when in the child's best interests

Seeking solutions: registration, residency, legal identity and nationality

Challenges identified

- GRYC: Difficulties with legal recognition and obtaining personal documents
- Lack of status and documentation undermines stability as well as access to rights
- Insecure, temporary status → a secure, long-term/settled residence status
- Preventing and responding to children going missing

International obligations and commitments

- ✓ CRC Art 20 + 22: right to **special protection and assistance**
- ✓ CRC Art 7: Every child has the right to acquire a **nationality**
- ✓ 1951 Refugee Convention Art 34 / 1954 Convention relating to the Status of Stateless persons Art 32: States should facilitate the assimilation and **naturalisation** of refugees / of stateless persons
- ✓ SDG 16.9: provide **legal identity** for all by 2030 including free birth registration

Seeking solutions: registration, residency, legal identity and nationality

European developments

- EC Communication: child protection professional present at an early stage of the identification; necessary procedures and protocols in place to systematically report and respond to children going missing
- CoE HELP course on refugee and migrant children
- CoE Action Plan: European Committee on Legal Co-operation (CDCJ) analysing measures for prevention of statelessness in relation to child migrants and identifying appropriate solutions in the form of practical guidance

Promising practices

- SUMMIT Handbook for Frontline Professionals, Toolkit, Training materials
- Entitlement for refugees to naturalisation in some EU MS (GlobalCit Database+EPRS)
- Statelessness Determination Procedures being formalised in several countries
- PICUM Manual on regularisations for children, young people and families
- Switzerland: possibility for undocumented to apply for residence permit for an apprenticeship

Seeking solutions: guardianship, care and aftercare

Challenges identified

- GRYC: specific protection and practical challenges for unaccompanied children
- Lack of professional guardian or lack of resources
- Increased protection risks: disappearances, trafficking, exploitation

International obligations and standards

- ✓ CRC Art 20 + 22 + 34 + 35 + 36
- ✓ *UN Guidelines for the Alternative Care of Children*
- ✓ EU Reception Conditions Directive Art 24.1, Asylum Procedure Art 25, Qualification Directive Art 31

Seeking solutions: guardianship, care and aftercare

European developments

- EC Communication: Role of guardian should be strengthened
- CoE Committee of Ministers *Recommendation on guiding principles and guidelines for an effective guardianship for unaccompanied and separated children in migration*
- CoE Committee of Ministers *Recommendation on supporting young refugees in transition to adulthood*
- CoE *Handbook on child-friendly information*
- CoE *Handbook on standards and good practices to restore family links*

Promising practices

- European Guardianship Network / ProGuard Project co-funded by EU and led by NIDOS
- CoE Review of implementation of CoE Life Projects since 2007
- ISS Handbooks on Care and Support of Unaccompanied Children in Switzerland + Global Manual
- UNHCR EU-funded project: *Strengthening policies and practices for unaccompanied and separated children in Western Europe*

Seeking solutions: education, vocational training and work

Challenges identified

- GRYC: Difficulties in accessing quality learning, education and skill-building opportunities
- GRYC: Few youth employment and livelihood opportunities
- In Europe most are arriving between 15-18 years old // beyond the age of compulsory schooling

International obligations

- ✓ CRC Art 28
- ✓ Refugee Convention Art 22
- ✓ ECHR Protocol 1, Art 2
- ✓ EU Reception Directive and Qualification Directive

Seeking solutions: education, vocational training and work

European developments and tools

- CoE LIAM - Toolkit for those providing language support for adult refugees
- EU Skills Profile Tool for Third Country Nationals
- CoE European Qualifications Passport for Refugees
- CoE 4th survey on provision of education to migrants and refugees and on integrating them into mainstream education systems – now covering adolescents

Promising practices

- OECD *Making Integration Work* Lesson 7: Develop support programmes specific to unaccompanied minors who arrive past the age of compulsory schooling
- European Platform for Investing in Children 2018 policy memo on approaches to education for unaccompanied migrant children in Europe
- Apprenticeship model in Austria, Germany and Switzerland

Seeking solutions: return when in the child's best interests

Challenges identified

- Decision postponed until or reopened after the child ages out
- Lack of safeguards for children in decision making
- Lack of consideration of the best interests of the child
- Lack of child-specific Country of Origin Information (COI)

International obligations

- ✓ CRC
- ✓ EU Return Directive: Art 5 + Art 7(2) + Art 10

Seeking solutions: return when in the child's best interests

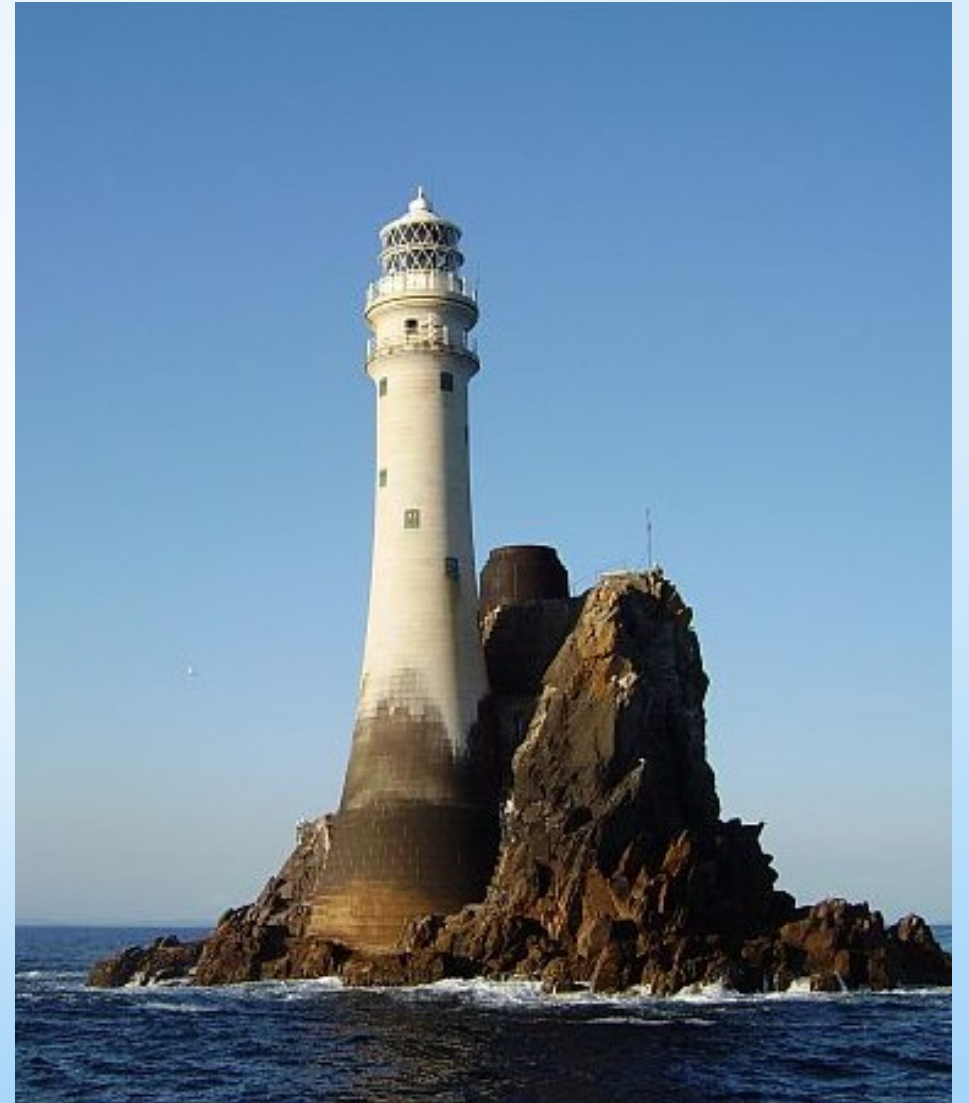
European developments

- EU Return Directive Handbook Sept 2017

Tools for advocacy and monitoring – to inform the development of promising practices

- ECRE & Save the Children *Checklist to Achieve Good Practices When Considering the Return of Children to Third Countries*
- UNICEF methodology for child-specific COI – *Child Notices*
- HIT Foundation *Monitoring of Returned Minors Model*
- Terre des Hommes *Post Return Support and Monitoring Framework*
- Initiative on Children in Migration: *Guidance to respect children's rights in return policies and practices*
- UNHCR guidance on best interests of the child

*"Since the government of this country
has given me a safe place
I would like to contribute, to work,
to give something back
to this country in the future."*



Thank you for your attention!

Selected references:

- *Global Refugee Youth Consultation Reports*
- *CoE Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019)*
- *EC Communictaion on the Protection of Children in Migration*
- *EC EPIC Policy Memo: Education for unaccompanied migrant children in Europe*
- *ECRE and Save the Children Checklist to Achieve Good Practices When Considering the Return of Children to Third Countries:*
- *EU Skills Profile Tool for Third Country Nationals*
- *ISS Children on the Move Manual: From Protection towards a quality sustainable solution*
- *OECD Making Integration Work: Refugees and others in need of protection*
- *PICUM Manual on regularisations for children, young people and families*
- *SUMMIT Project materials*
- *UN Guidelines for the Alternative Care of Children*
- *UNICEF Methodology Guidance on Child Notice*

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