



# ACT-PROJECT

IMPROVING ACCESS TO  
ALTERNATIVE CARE FOR  
UNACCOMPANIED CHILDREN  
AGED 15-18

**CEA(R)**

Comissió Catalana  
d'Ajuda al Refugiat



**NIDOS**  
guardianship for refugees

**SITUATION REPORT CATALONIA & SPAIN**



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## CEA(R)

Comissió Catalana  
d'**Ajuda al Refugiat**

© Comissió Catalana d'**Ajuda al Refugiat**, November 2020  
Published by: C/Junta del Comerç 26, baixos, 08001 Barcelona, Spain  
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This report has been published as part of the ACT project (January 2020-December 2021).

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Co-funded by the  
Asylum, Migration and  
Integration Fund of  
the European Union



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## INTRODUCTION

This report is the result of the ACT project. ACT is a cooperation of the Catalan Commission for Refugees (Comissio Catalana d' Ajuda al Refugiat, CCAR) in Spain and project partners from Italy and Bulgaria, coordinated by Nidos in the Netherlands. The ACT project aims to improve the access to and increase the quality of alternative care arrangements for unaccompanied children aged 15-18, through providing actors (interested in) developing alternative care arrangements (different from residential care) in countries of project partners and other member states (MS) with training of their staff (guardians and other practitioners that work in alternative care arrangements). It also aims at improving sustainability of offering alternative care in MS.

A situational analysis has been carried out in every partner country collecting information about the accessibility and quality of alternative care arrangements for unaccompanied children aged 15-18. The results of the analysis in Catalonia and Spain are summarised in this report ranging from information on general context, including the available forms of care, to current good practices, challenges and needs and recommendations. The opinion and advice from the children are crucial and are therefore included in this report.

## 1 DESCRIPTION OF RELEVANT LEGISLATION AT NATIONAL LEVEL

### 1.1 General context

In accordance with the Spanish Constitution and the statutes of autonomy, child protection management, which includes the reception of unaccompanied children (hereinafter, UC), is the exclusive responsibility of the Autonomous Communities (such as Catalonia). Thus, the UC reception system diverges between the different Spanish regions even if the Organic Law on the legal protection of the child establishes common guidelines concerning their assistance and reception throughout the State. In Catalonia, the body responsible for this matter is the General Directorate for Child and Adolescent Care (hereinafter DGAIA).

The DGAIA is the institution responsible for the policies of children and adolescents in Catalonia. It promotes and coordinates the policies for the participation of children and adolescents, protection and care of children and adolescents in a situation of risk or neglect, and the socio-labour integration of young people under guardianship and ex-guardians in the process of emancipation, in order to ensure maximum achievement of their development and well-being.

### 1.2 The legal basis for the reception system

The applicable national legislation includes the Organic Law Nº 1/1996, on the legal protection of the child<sup>1</sup>; the Organic Law Nº 4/2000, on the rights and freedoms of foreigners in Spain and their social integration and its regulation (approved by the Royal Decree Nº 557/2011)<sup>2</sup>; and the Resolution of the Ministry of the Presidency from October 13, 2014, which approves the 'Framework protocol on certain actions in relation to unaccompanied foreign children'<sup>3</sup>.

Furthermore, the reception of UC seeking for asylum is also included in the Spanish Asylum Law<sup>4</sup>. In its article 48, the aforementioned Law mentions that UC in need of international protection will be referred to the services responsible for child protection and the fact will be brought to the attention

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1 In Spanish Ley Orgánica 1/1996, de 15 de enero, de Protección Jurídica del Menor, de modificación parcial del Código Civil y de la Ley de Enjuiciamiento Civil, available at: <https://www.boe.es/buscar/doc.php?id=BOE-A-1996-1069>

2 Available at: <https://www.refworld.org/pdfid/402237554.pdf>

3 In Spanish Protocolo marco sobre determinadas actuaciones en relación con los menores extranjeros no acompañados, available at: <https://www.boe.es/boe/dias/2014/10/16/pdfs/BOE-A-2014-10515.pdf>

4 Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria. available at: <https://www.boe.es/buscar/act.php?id=BOE-A-2009-17242>

of the Prosecutor. Determined their age, if they are children, the Prosecutor will address them to the competent services for child protection.

At the autonomous level of Catalonia, it is also applicable the Law of the Parliament of Catalonia Nº 14/2010, on the rights and opportunities in childhood and adolescence<sup>5</sup>. According to the aforementioned legislation, the detection of UC is the responsibility of the State Security Forces and Bodies. In Catalonia, this task is carried out by the autonomic police, the Mossos d'Esquadra.

### 1.3 Legislation on guardianship for unaccompanied children

Once Mossos d'Esquadra identify an unaccompanied child, they put him/her under the protection of the DGAIA and inform the competent Child Prosecutor.

When the Mossos d'Esquadra have doubts regarding the minority of the child, due to either his/her documents or his/her physical appearance, they will let know to Child Prosecutor as well, which will determine his/her age through medical tests in the shortest possible time. Legally speaking, at this moment the child receives a provisional form of foster care called 'immediate attention' and a guardianship file is opened. In cases where there are doubts regarding the minority of the child the guardianship file is suspended until the Child Prosecutor determines his/her age. In practice, this procedure usually takes several months and is applied even to people who have a valid document, such as a passport, which proves that they are children indeed, especially to those who come from Sub-Saharan Africa.

Regarding their administrative situation, UC under public guardianship have the right to receive a residence permit, which initially does not authorise to work (although, according to last news, this may change soon). However, according to the last statistics available (from November 2019), only 21% of the UC under public guardianship in Spain actually had a residence permit.

Once they turn adults, they may renew their residence permits and remain regular if they fulfil some general requirements of the immigration legislation like the possession of enough economical means or the absence of criminal records. Also, the UC that reached their majority without obtaining a residence permit may apply for one in the 90 days after their 18th birthday, although they need to prove the possession of economical means and a good conduct during their under-age stage as well.

### 1.4 Guardianship in practice

For practical purposes, guardianship supposes being under the DGAIA's protection in different reception facilities or supervised apartments. In these, there's a technical team formed by a social worker, a psychologist and in some cases, a pedagogue, once or twice a week the team visits the children and follows up the case. The team produces a report and prepares all the documentation to bring it in front of the sub-delegation of the government. This is the team who relates with the territorial section of the DGAIA and provides information about the follow up of the children case.

On the other hand, there's an educational team formed by educators whose presence is needed 24 hours a day and are responsible of making working personalized plans and also of the food, the wardrobe and their schooling.

In some large scale facilities, there's also a nurse who, along with the educators, is responsible of the medical procedures related to the children health.

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<sup>5</sup> In Catalan Llei dels drets i oportunitats en la infància i adolescència, available at: <https://www.parlament.cat/document/nom/TL115.pdf>

## 2 PROFILE OF THE CHILDREN, RECEPTION & KEY STAKEHOLDERS

In June 2019 there were a total of 12.300 unaccompanied foreign children under guardianship in Spain, according to the information provided by de Ministry of Labour, Migration and Social Security. This figure constitutes a slight decrease compared to 2018, when the number of unaccompanied foreign children under public guardianship reached its historical maximum, arriving to 13.796 of them. The evolution of UC arrivals in Spain from 2012 to 2019 can be consulted in the table below<sup>6</sup>:

UC under public guardianship in Spain (2012-2019)							
2012	2013	2014	2015	2016	2017	2018	2019
3.261	3.632	3.660	3.341	3.997	6.414	3.796	12.300

UC seeking for asylum in Spain (2012-2019)							
2012	2013	2014	2015	2016	2017	2018	2019
15	10	15	25	30	20	75	No data available

There are no public detailed statistics regarding most of their features, including age or nationality. Although the Ministry of Interior has a record where every unaccompanied child must be signed up when detected, it is not publicly accessible and it has been criticized for its lack of accuracy as well. As for the asylum seekers among UC under guardianship in Spain, 75 asylum applications were lodged in 2018, which constitutes the historical maximum until then. Statistics from 2019 have not been published yet.

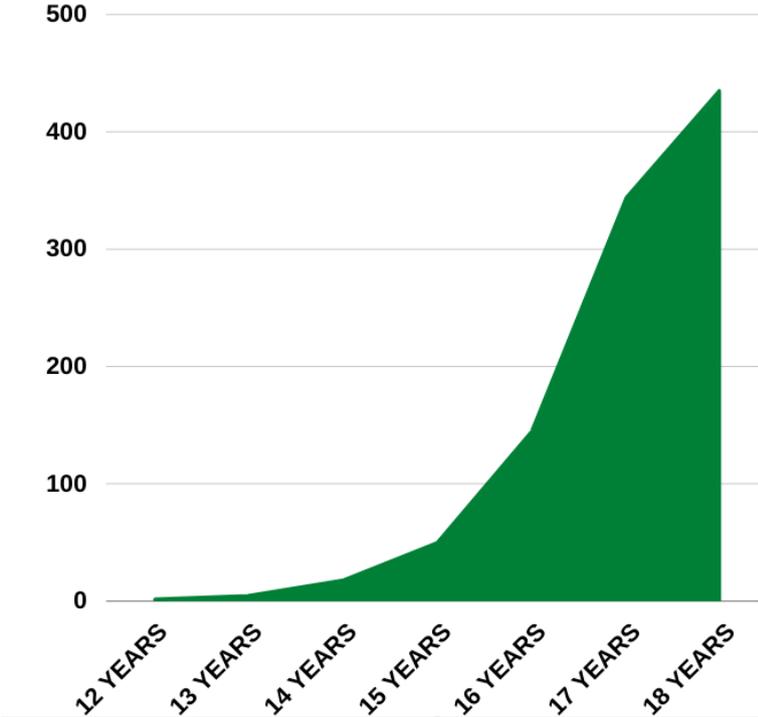
In Catalonia, the DGAIA does publish information on this matter. Concerning the main features of the UC currently under guardianship in Catalonia, according to the last official statistics available (August 2020), there were a total of 3633 of them, of which the 96,3% were male and the 3,7% were female. The majority of them (92,4%) were aged 16-18 years all, while the 7,6% were fifteen or less.

The main country of origin was by far Morocco (76,3 %), followed by Sub Saharan African countries (16,55%). Although there are not official statistics regarding the number of asylum seekers among the UC under guardianship available in Catalonia, the CCAR can confirm that asylum is still a minority option for this collective. This is caused both by the lack of information available for the professionals who work directly with them and by the fact that Moroccan migration is mostly perceived as economical in Catalonia and in Spain in general. Among the children under guardianship assisted by CCAR (43 since January 2019 until today), most of them come from Sub Saharan African countries, but others come from different countries in Asia (Afghanistan, Pakistan, Iraq and Iran) and other African countries such as Ethiopia and Eritrea.

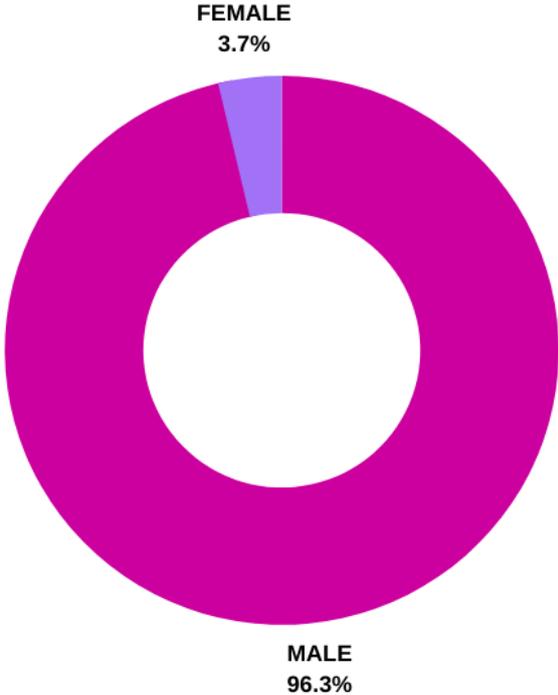
<sup>6</sup> Source: Report from Save the Children Spain 'Los más solos' (May 2018): [https://www.savethechildren.es/sites/default/files/imce/los\\_mas\\_solos\\_vok.pdf](https://www.savethechildren.es/sites/default/files/imce/los_mas_solos_vok.pdf) and Eurostat ([https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr\\_asyunaa&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en))

2.1 Profile of the children

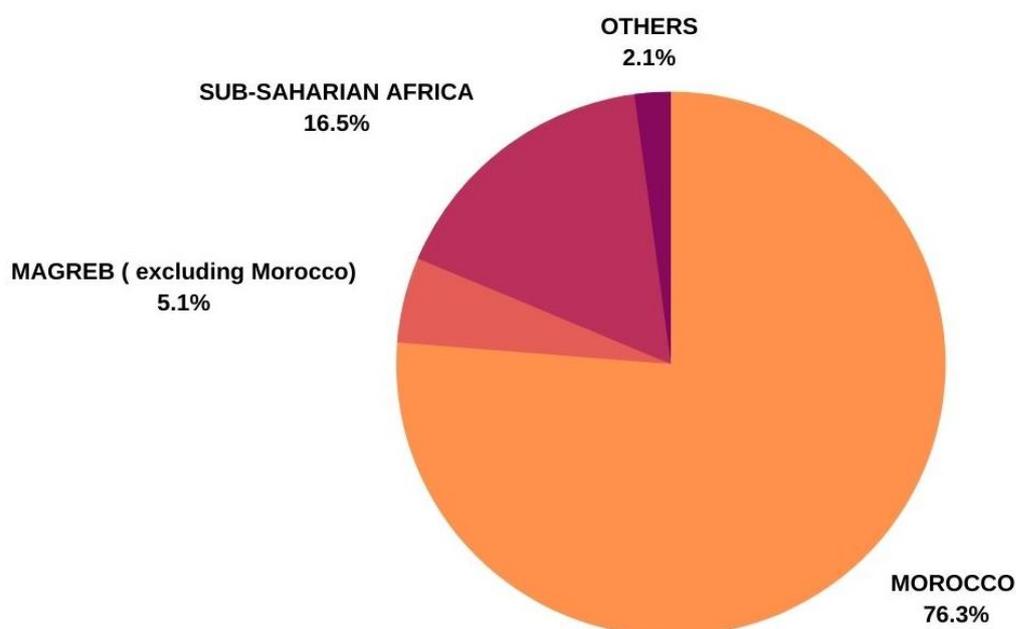
CURRENT AGE- AUGUST 2020



GENDER BREAKDOWN



## ORIGIN BREAKDOWN



Since 2012, the CCAR has a collaboration agreement with the General Directorate for Child and Adolescent Care; our organization provides legal attention to UC seeking asylum, and assistance in all the procedures linked to the asylum application. In 2018, the CCAR provided legal assistance to 18 UC in need of international protection (13 of whom in Barcelona and 5 in Tarragona) within this collaboration agreement. During 2019 the number of UC assisted by our legal team increased up to 36 (34 of which in Barcelona, 1 in Girona and 1 in Tarragona), their main profile being males, over 17 years old and from Sub-Saharan Africa.

## 2.2 Key stakeholders

STAKEHOLDER	ROLE
<b>Spanish authorities</b>	
Ministry of Interior	Competent body for immigration procedures
Ministry of Labour, Migration and Social Security	Designing and financing of the reception program for asylum seekers and refugees (accessible for the UC who apply for asylum when they turn 18)
Child Prosecutor	Competent body for the age-determination procedure.
<b>Catalan regional authorities</b>	
General Directorate for Child and Adolescent Care (DGAIA)	Competent body for the general reception of UC
Catalan Institute of Reception and Adoption (Institut Català de l'Acolliment i l'Adopció)	Competent body for the reception of UC when it involves family care measures

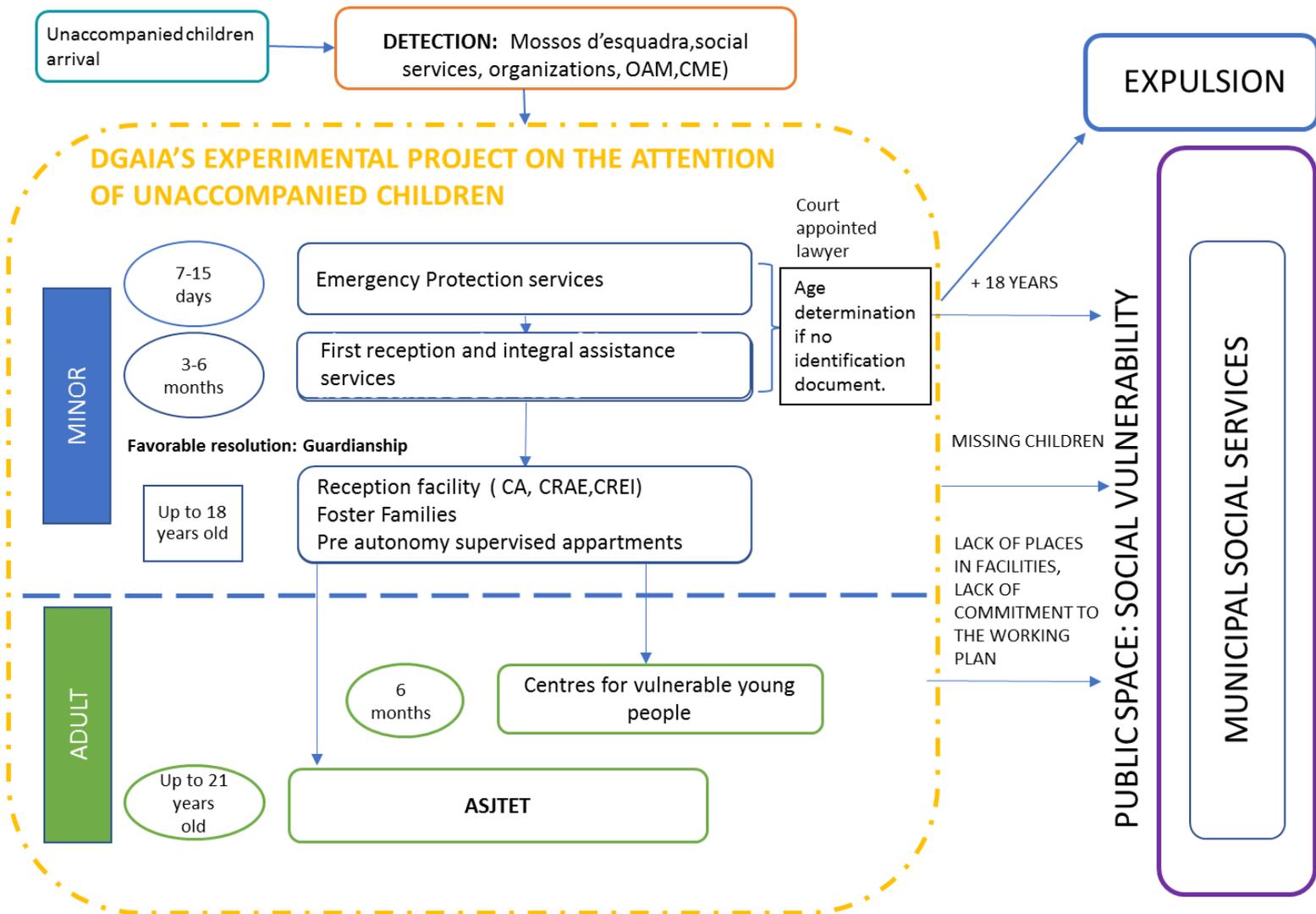
Area of assistance for the young who has been under public guardianship (ASJTET)	Providing young people between the ages of 16 and 21 who are or have been attended by the DGAIA with technical and educational support in the areas of housing, labour insertion, psychological assistance and legal matters, with the aim of achieving a full social integration and work in a situation of autonomy and emancipation.
Mossos d'Esquadra	Competent body for citizen security and UC detection in Catalonia.
Catalan Ombudsman for childhood and adolescence (Síndic de Greuges)	Monitoring the Catalan Administration activity and guarantying everybody's right to receive a good government administration.
<b>NGOs</b>	
Organisations dedicated to the reception of UC in Catalonia (Fundación Diagrama, Fundación Idea, Eduvic...)	Management of reception facilities for UC in Catalonia.
Organizations dedicated to the reception of asylum seekers and refugees (CCAR, CEAR, Spanish Red Cross, ACCEM, CEPAIM...)	Management of reception facilities for asylum seekers and refugees in Spain.

### 3 AVAILABLE FORMS OF RECEPTION

#### 3.1 Description of the reception system

The UC reception system is mostly managed by private agents, normally non-profit organizations. However, the guardianship of children still corresponds to the DGAIA. Regarding UC, the reception circuit is composed of three different stages.

## AN OVERVIEW OF THE RECEPTION POSSIBILITIES AND ROUTING



After being detected by Mossos d'Esquadra, social services etc. a child who enters Catalonia will be put under DGAIA protection and the Child prosecutor will be informed.

Firstly, the child will be referred to the 'Emergency Protection Services' (in Catalan, Servei de Protecció d'Emergència, SPE), a kind of facility that is designed to face emergency situations and has a high capacity (up to 100-120 places). These centers have a provisional nature and should not host any child for more than 15 days. During this period, if the child doesn't have any valid document proving their age or in case of doubt, an age assessment will be conducted (medical test) in the shortest possible time.

In practice, as we said before, this procedure may take several months and is applied even to people who have a valid document, such as a passport, which proves that they are children indeed, especially to those who come from Sub-Saharan Africa.

After completing this first period the child goes to the 'First reception and integral assistance services' (in Catalan, Servei de Primera Acollida i Atenció Integral), which are still provisional facilities providing reception from 3 to 6 months, but less crowded than SPEs.

In these facilities a first diagnosis of the UC needs is elaborated. Depending on the result of this diagnosis, they will be referred to the most appropriate resource for them. It is important to mention that to move on to this last type of resources, which form the third stage, it is necessary that the guardianship file has finished and the children have obtained identity documents.

Within the third stage there are a number of possibilities, which go from reception in centres to alternatives as pre-autonomy measures, such as 'pre-autonomy/supervised apartments' (available for young people between the ages of sixteen and eighteen who need a gradual process of detachment that will allow them to reach adulthood with the maximum capacity for social integration) and family care. Among them, the reception in centres is by far the most common alternative. There are two types of them:

**Residential Centres of Educational Action (in Catalan, Centres Residencials d'Acció Educativa, CRAE).** Institutions for the care and education of children and adolescents (from 0 to 18 years old) to whom the simple foster care measure in institutions is applied, in accordance with the measure in the previous report of the competent technical teams. Its purpose is to respond to educational and care situations and needs that require technical specialization in their care and alternative education to their family of origin.

**Intensive Education Residential Centres (in Catalan, Centres Residencials d'Educació Intensiva, CREI).** Residential accommodation service, of limited stay, that has structural measures for the protection and education of its users, supervised by the Administration of the Generalitat of Catalonia, and which has the aim to respond to the specific educational and healthcare needs of adolescents and young people (12-18 years old) with behavioural disorders that require alternative technical specialization in their care and attention. This service can be complemented by specific units for adolescents and young people who have a manifest and noticeable rejection of residential protection measures.

SPECIFIC PROTECTION SERVICES FOR UC IN CATALONIA - CENTRES, PLACES AND SPECIALISED RESOURCES (2020)								
		Barcelona	Barcelona Metropolitan Area (Àrea Metropolitana de Barcelona)	Girona	Lleida	Tarragona	Other Catalan municipalities	CATALONIA
Emergency reception services (SPE)	Centres	2	2	2	1	1	4	12
	Places	95	145	64	32	55	139	530
First reception and integral attention services	Centres	2	9	4	10	10	43	78
	Places	32	95	101	316	191	935	1670
Supervised apartments for UC aged 16 to 18 years old	Centres	1	3	6	4	7	15	36
	Places	6	20	51	29	54	102	262
Temporary reception services and existing reception centres' expansion	Centres	2	0	1	0	0	5	8
	Places	15	0	22	0	0	47	84
<b>TOTAL</b>		<b>155</b>	<b>274</b>	<b>251</b>	<b>392</b>	<b>318</b>	<b>1.290</b>	<b>2.680</b>

Source: General Directorate for Child and Adolescent Care (DGAIA).

Once the children under guardianship become adults, they may have an extension of their stay in the DGAIA facilities for up to six months. Afterward, they may move on to any of the facilities of the Area of assistance for the young who has been under public guardianship (Àrea de Suport al Jove Tutelat y Ex Tutelat, ASJTET), which include both centres and autonomy apartments.

People benefited by these types of measures can enjoy them until they turn twenty-one. Furthermore, everyone who has been under the guardianship of the DGAIA (as long as his/her guardianship file has finished), even if they are not chosen to benefit from ASJTET resources, has the right to collect a six months benefit whenever they want until 21 years of age.

## 4 RECENT DEVELOPMENTS AND OPPORTUNITIES

Apart from the reception centers for UC existing in Catalonia and explained above, there are also initiatives implemented aiming to promote their reception in foster families, which are being managed by the Catalan Institute of Reception and Adoption (in Catalan, Institut Català de l'Acolliment i l'Adopció). This Institute provides reception for national and UC in families of two fundamentally different types:

**Foster care families.** In these cases, the UC are hosted in foster families that become their legal guardians. As they assume the guardianship, the families need to pass a more thorough examination. In addition, the Catalan Institute of Reception and Adoption reports every 6 months on the foster care process in order to monitor its evolution. However, this form of reception is not yet very widespread.

**Collaborating families.** In these cases, the UC are hosted within the 'Residential Centres of Educational Action' under the guardianship of the Director of the centre. The families undergo an exam, they are asked for personal information, and psychosocial report is made for each family, in order to assess their suitability as a collaborating family. This type of reception is temporary and occasional, being complemented by the UC reception within ordinary centres. According to the Catalan Institute of Reception and Adoption, in many cases this collaboration occurs between families and UC who have prior knowledge on each other, as they have previously met in work context or because the families are neighbours of the reception centres.

**Family foster care for weekends and holiday.** In these cases, the UC are hosted in foster families that become their legal guardians only in weekends and holiday. And as the collaborating families, they undergo an exam in other.

In a complementary manner, the Secretary of Childhood, Adolescence and Youth (in Catalan, Secretaria d'Infància, Adolescència i Joventut)<sup>7</sup>, launched a **mentoring programme** in 2019 in order to promote the social inclusion of UC throughout the Catalan territory through their accompaniment by citizens, acting as mentors. This Programme was originally launched by the Catalan Government in 2017 in order to promote mentoring between the citizenship and the adult refugee population and for now its implementation has been satisfactory. For this reason, during 2019 it has been adopted by the Secretary of Childhood, Adolescence and Youth and adapted to UC inclusion needs. As of September 2019, more than 117 pairs of UC and mentors were created throughout the Catalan territory.

The Programme is based on individual and tailored mentoring (in pairs) between UC and citizens, and the Catalan Institute of Reception and Adoption is in charge of its supervision and implementation. Within this Programme, the citizens involved receive specific training on child protection, migration and asylum. Mentoring programme is seen as a great opportunity for the stakeholders on also the children involved in the meeting.

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<sup>7</sup> This Secretary was created in 2018 by the Catalan Government and is placed within the Catalan Department of Labour, Social Affairs and Families. This Secretary is composed by the DGAIA and the Catalan Institute of Reception and Adoption, both of which were previously part of the Catalan Department of Labour, Social Affairs and Families. This specific secretary was created, among other issues, in order to respond to the alarming increase in the arrivals of UC to Catalonia, and has the specific purpose of improving the management and coordination of these areas in order to promote the protection of children and adolescents, their social well-being, community development, as well as their social inclusion and participation.

## 5 GOOD PRACTICES, CHALLENGES AND NEEDS ON PROVIDING ALTERNATIVE CARE TO UC AGED 15-18

### 5.1 From the perspective of the children

During the organization of the stakeholder meeting we were able to contact young former unaccompanied children under guardianship so that they could participate and make the debate richer by talking from their perspective. In this aspect, we counted on two girls coming from Guinea Conakry and Nigeria and an Afghan boy who participated in the second session. They came to common conclusions on the challenges and needs of the system as well as its good practices.

In their opinion, one of the challenges the system has to face is how to get more foster families. According to them, foster families allow unaccompanied children to have an emotional and psychosocial support, more personal and closer to them, and as a result, this kind of support improves their inclusion into the society. Another challenge they detected in order to improve the system was the need of a common knowledge between migrants and the local population. Until that happens, the access to services, especially when it comes to find a job or rent a house, will be almost impossible. Therefore, having a plenty life gets harder.

They considered the need of more trained educators and guardians in matters such as legal procedures particularly important as well as having a higher knowledge of legal processes.

They also pointed out the need of sharing more information with the children in order to develop a closer relationship their guardians.

They valued the mentorship program positively as well as pointing out that the role of the coach/educator of those who still are under the DGAIA-ASJTET umbrella, in apartments, could be extrapolated when they are at the reception facilities. The model of an apartment shared between four and six people where they all have a private space, that is, their own bedroom, was considered a big improving with respect to big scale facilities and it should be copied in the reception centres.

### 5.2 From the perspective of stakeholders

The stakeholders considered the mentoring program impulsed by the DGAIA and run by the ICAA as the best practice.

This program is seen as a social intervention tool whose objective is to establish relations between unaccompanied minors and local people (mentors) to connect them to the foster society. On the other side, it also helps getting and improving their linguistic skills. The tandems have a minimum duration of six months renewable to a year and there has to be at least one weekly meeting between the guardian and the child. There's a control followed by a professional and guardians must go through an interview and be informed about the foster system in Catalonia. There are 135 active tandems in 2020 in Catalonia.

The mentoring program is important since Catalan society gets involved in it and it also helps to recruit future foster families. This way, we are able to break up with one of the biggest challenges we face which is the big mutual ignorance between unaccompanied children and the Catalan society which, even with the effort of the administration through many campaigns, has not been able to revert the situation.

Another outstanding practice was the opening in July 2019 of an Immediate Care Centre<sup>8</sup> located in Collserola (near Barcelona), with holding capacity for 50 children. A pioneering and pilot initiative that is currently managed by the Red Cross in order to reduce the long stays of UC in police stations, while waiting for their identification and referral process to the child protection system.

In addition, in June 2019 the DGAIA opened a specific reception centre to provide assistance to girls who have suffered from gender-based violence, such as victims of forced marriages and trafficking in human beings, among other. Currently the centre hosts a dozen girls, but can accommodate up to 15. The centre is currently managed by the Idea Foundation<sup>9</sup>.

Regarding the challenges faced by the reception system in Catalonia, different key aspects were pointed out. One of the most supported point made by the stakeholders was the need for changes in legislation that hinder the processes of obtaining the residence as well as other documentation.

There was a big emphasis made on the need to creating communication strategies to end all the rumours and stigmas faced by the UAC. This aspect is crucial since on one hand, it hinders their inclusion in the society and, on the other hand, it makes it difficult to move towards alternative reception models, such as families. According to the data provided by DGAIA in 2019, there were only 6 families that fostered an unaccompanied children, 3 of whom did it as a foster care family for weekends and holidays.

Another challenge that was diagnosed was the need for coordination between the different territorial agents in order to be able to provide comprehensive care to the migrant child.

Regarding capacity building needs, the meeting participants who work directly in the reception system pointed out the need of receiving specific training on different aspects such as the detection of human trafficking or mental health disorders so that they can detect mental illnesses and send the children to specific hospitals or also to the social services.

### 5.3 SWOT Analysis

This report mentions good practises, possible challenges and needs that CCAR noted in (the entrance to) alternative care within the Spanish and Catalan reception system for unaccompanied children aged 15-18. To provide a clear overview, they are displayed in the SWOT analysis below.

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>• Clear identification from the stakeholders of the shortcomings.</li> <li>• The system (DGAIA I ICAA) has a strong capacity of response, articulation and adaptation.</li> <li>• Willingness to reverse the situation (society, NGOs and public administration)</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of coordination between all the administrations involved.</li> <li>• Lack of specific formations in some areas such as human trafficking, mental health or the country-origin background.</li> <li>• Lack of resources: housing, structural budget and the ratio of workers-children.</li> </ul>
Opportunities	Threats

<sup>8</sup> <https://govern.cat/salaprensa/notes-premsa/352402/treball-afers-socials-families-obrira-centre-pioner-atencio-immediata-als-joves-que-emigren>

<sup>9</sup> Fundació Idea: <https://www.fundacioidea.net/es/>

- 
- The increase of the number of foster apartments.
  - Emerging projects for foster families: collaborative families and weekends and holiday families
  - Mentorship program
  - Train multicultural educators/coaches.
  - Unfavourable public opinion regarding unaccompanied children.
  - Lack of will regarding legislative changes
  - National legislation
  - Stigmatisation
- 

## 6 RECOMMENDATIONS

- Keep increasing the number of foster care in apartments and dismantling large scale facilities.
- Keep encouraging the project for foster families both collaborative and in weekends and holidays.
- Create new strategies through publicity campaigns in order to recruit foster families for UAC.
- Develop specific trainings for those who take part in the foster system in issues such as: legislative process and documentation, detecting human trafficking, country origin and in detecting mental health problems and drug addiction.
- Develop strategies to recruit foster families and workers from different cultural backgrounds that match with the children so that they can have cultural references that have already taken part into the foster's society.
- Increasing the effort of the institutions responsible of the welcoming in working hand in hand with different city councils in order to create response coordinated actions.
- Supporting strategies that help fighting the stigmas and dehumanization that UAC suffer in Catalonia.
- Increasing the number of social workers and educators per minor.