

A photograph showing the long shadows of several people walking on a paved path next to a grassy area. The shadows are cast from the left, indicating a low sun position. The overall scene is bright and sunny.

# RECEPTION AND LIVING IN FAMILIES

# RILEF

Overview of family-based reception  
for unaccompanied minors in  
the EU Member States

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February 2015





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# EXECUTIVE SUMMARY

There are a variety of reasons behind the arrival of unaccompanied minors in the EU, ranging from them seeking asylum or protection to being victims of trafficking, looking for a better life or seeking their family members. Regardless of their nationality or immigration status, they are children and should be treated first and foremost as such. Their common rights to special protection and assistance respected under UN instruments, EU Law and EU policy should be respected.

According to the preamble of the CRC, for the full and harmonious development of his or her personality, a child should grow up in a family environment, in an atmosphere of happiness, love and understanding. Children who are temporarily or permanently deprived of their family environment are entitled to special protection and assistance provided by the state. Otherwise, alternative care should be ensured through foster care, kafala under Islamic law, adoption or placement in suitable institutions that care for children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

There is a general consensus amongst stakeholders in the EU that foster care is better for most children. The fact that it is generally less costly than institutional reception presents an extra opportunity to reach commitment. At this moment, however, only a small proportion of unaccompanied and separated children in the EU live in family care. The majority are placed in institutional reception provisions.

Nonetheless, practices exist to make use of reception provisions within families. Until now, the knowledge of these practices and approaches in different countries has been incidental and fragmented. The RLF project is aimed at promoting reception and living in families (RLF) by increasing knowledge of it, connecting stakeholders in Europe, promoting good practices and offering strategies for expansion. This report contains examples of the good RLF practices found and what is needed to implement them further, according to experts the project team met along the way.

Stakeholders interviews were conducted in nine EU Member States and Norway, and desk research was done for the other EU countries and Switzerland. In two international expert workshops, in the UK and in Sweden respectively, practices were discussed, exchanged and evaluated. The first workshop shared good practices and talked about ways of spreading them. The second workshop went deeper into how to recruit families and how to provide training to them on taking care of unaccompanied minors. Last but not least, during an international conference on RLF in Amsterdam on 22 and 23 January 2015, findings and possible steps forward were shared with 115 stakeholders from 23 European countries (21 Member States plus Norway and Switzerland). All findings are described in this report.

## FINDINGS

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We found that there are 16 European countries (14 Member States plus Norway and Switzerland) that offer RLF to unaccompanied minors. Most of these have fragmented practices, by which we mean that public, private or voluntary bodies are involved in the placement of a minor within a family. In practice, this process differs nationally, regionally or locally between communities.

Fragmented practices were found in **Austria, France, Germany and Italy**, where practices differ considerably from one region/federated state to another, as they all have their own legislation on youth care and basic welfare for asylum seekers. In all of these countries we found very good examples of RLF on a local level, such as in the city of Graz in Austria, in the *département* of Pas-de-Calais in France and in the federated state of Lower Saxony and the city of Bremen in Germany, for instance. In Italy, the Municipality of Venice provides foster care to as many as 50% of the unaccompanied minors under its responsibility, mostly in the form of kinship care. We also found fragmented RLF practices in **Belgium, Luxembourg, Denmark, Finland, Portugal, Spain and Switzerland**.

Some of the countries do have a more structured system in place. These are characterized by the involvement of a mandated or state-certified public, private or voluntary body (at a national, regional or local level) in the placement of a minor within a family. In theory, it is a regulated and/or consistently applied framework within a specified geographic or administrative area where the family is at least responsible for the day-to-day care of an unaccompanied minor in their home and is paid a salary and/or remunerated for expenses, thus rendering them accountable.

Structured systems were found in **Ireland, Norway, Sweden and the UK**, although not all children in need of RLF actually benefit from it in these countries. This is different in **the Netherlands**, which also has a structured system. A special system of delivering RLF to unaccompanied minors is available within Nidos, the national guardianship institution for unaccompanied minors. This system is accessible to all of the children Nidos is responsible for, as needed. Since Nidos recruits its own (ethnic) foster families and is therefore not dependent on the general Dutch foster care system, the Netherlands is the only country that does not face a lack of suitable families who are willing to take care of unaccompanied minors.

In countries that offer RLF, it can be divided into traditional foster care provided by families who are not known to the child and kinship care provided by family members or the extended network.

Denmark and Finland, for instance, do not provide traditional foster care but do use the alternative of kinship care, whereby the children live with family members. Other countries use both approaches. One of the challenges in most countries that use kinship care is the fact that the children go to live with the family directly and therefore do not enter the child care system. In principle, kinship placements are positive if monitored and supported, but informal kinship placements have a larger risk factor and should therefore be formalized.

It is also possible to make a distinction between the use of indigenous families and the use of ethnic families from different cultural backgrounds. Except for in the Netherlands, using foster carers from different cultural backgrounds is not the norm, although some of the countries do use both indigenous and ethnic families. Indigenous families taking care of unaccompanied minors often experience cultural differences

and language problems which sometimes cause the placement to break down. Those countries with experience of using ethnic families report this to be a promising practice.

All countries that provide RLF reported a need to develop training for indigenous and ethnic foster families alike. Working with these children is not only about having different backgrounds and speaking different languages, but also concerns issues like the effects of living ‘between’ two cultures and coping with loss or other traumas. Preparing foster families to deal with such issues can ameliorate the care provided and decrease placement breakdowns. We also found that social workers, reception professionals or – sometimes – guardians who have the responsibility for counselling reception/foster families for unaccompanied minors are in need of tools and specialized training on how to work with this group of children.

RLF does not exist in most of the Member States that were investigated by desk research, and in some of them there is very little current discussion of accommodation or placements for unaccompanied minors. This is the case in **Bulgaria, Hungary, Malta and Romania**, for instance.

In **Cyprus, Croatia, Czech Republic, Greece, Latvia, Lithuania, Slovakia and Slovenia**, all children including unaccompanied minors should have a right to move to a foster family according the law, but in practice this does not happen with foreign children since there is no foster care system available for them in these countries. In some of these countries NGOs are trying to change this. However, the fact that these countries have had low numbers of minors entering in the last few years, causing a surplus of spaces in facilities for foreign children, is said to be increasing pressure on the system to not provide foster care for them.

Foster care is also the preferred option for foreign children in **Poland**. In contrast to the countries mentioned above, the custodian court (being responsible for placement) places most non-asylum-seeking unaccompanied minors in family-like surroundings based on a list of possible families it is provided with by the municipality. Some families are of the same origin as the minor, but most are Polish. However, current practice is that foster care is not an option for unaccompanied minors who ask for asylum and these children live in institutions.

Another country worth mentioning is **Estonia**, where amendments to the Social Welfare Act that entered into force in April 2013 provide the same types of reception to unaccompanied minors as to other children, with a preference for foster families and substitute homes. A good practice is the fact that SOS Children’s Villages has been providing alternative care for unaccompanied minors since the end of 2013 and has a contract for several years, one of the conditions being that either a foster family or a family-like substitute home will be provided.

The fact that most unaccompanied minors live in institutional care in the countries mentioned above is mostly due to practical reasons where there is a mismatch between youth care and asylum/migration systems: insufficient knowledge on how to increase the quality and quantity of family care for this target group, good practices not reaching beyond the local level where they are developed, or financial and organizational structures that do not support development of alternative family care explicitly. There seem to be very few ideological or budgetary objections to reception in families.

## STEPS FORWARD

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We found that there is an interest in and a need for cooperation, knowledge exchange and training about RLF. Providers of reception and care from different European countries have much to learn from each other. Providing RLF to unaccompanied minors has many similarities as the content of the work in practice differs only slightly between Member States. The common set of principles laid out in the UN Convention on the Rights of the Child (CRC) aligned with Member State child welfare, protection and fostering systems indicate that a communality of services is possible and coordinated development of capacities would be beneficial.

As the group of unaccompanied minors differs enormously from state to state, in terms of both numbers and characteristics, a one-size-fits-all foster care system applicable in all Member States will not work. Child protection systems also differ between EU Member States. Therefore, setting up a system that fits the specific Member State is key.

RLF is a way of accommodating unaccompanied minors that links to both the system of asylum reception and the youth care system. Taking into account the existing situation in a Member State in both fields and the characteristics of the group of unaccompanied minors present, solutions for setting up a suitable system could be either to move the youth care system towards RLF or to enlarge the existing asylum reception system with RLF. In order to develop a system, it is advisable to look at all levels of responsibility and in particular at national government level. It is recommended to copy successful existing practices or to promote preferred models and develop a practice document. It could also help to create a budget for a national approach, since the costs are often scattered amongst the various actors.

As there is a general lack of foster families (except for in the Netherlands), recruitment is another issue that should be addressed. A special focus on recruiting families from other communities and from different ethnic backgrounds will be of help, as will making kinship care part of the child care system where this is not yet common practice. The day-to-day situation would also be helped by the development of tools and training to support foster families who are parenting refugee separated children in view of their specific needs, in order to help them bring up the child 'between' cultures.

To monitor the effectiveness of campaigns and changes to any guidelines or policies, it would be helpful to establish benchmarks by collecting data on the number of unaccompanied children in receipt of various forms of foster care (or other placement types). It is also recommended to build upon the existing knowledge base that highlights the positive impact of foster placements and the ways in which cultural and network families have important roles to play, and to use these to best effect in order to initiate change. Stimulating system improvements, for instance by organizing participation of foster families and minors alike, can be of help, as can stimulating research on the effects of RLF on children's well-being.

# 1. BACKGROUND AND REASONING

## 1.1 BACKGROUND

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There can be a variety of reasons behind the arrival of unaccompanied minors in the EU, ranging from them seeking asylum or protection to being victims of trafficking, looking for a better life or seeking their family members. Regardless of their nationality or immigration status, they are children and should be treated first and foremost as such. Their common rights to special protection and assistance, such as under the UN Convention on the Rights of the Child (CRC), should be respected.

According to the CRC, for the full and harmonious development of his or her personality, a child should grow up in a family environment, in an atmosphere of happiness, love and understanding.<sup>1</sup> Children who are temporarily or permanently deprived of their family environment are entitled to special protection and assistance provided by the state. Otherwise, alternative care should be ensured through foster care, kafala under Islamic law, adoption or placement in suitable institutions that care for children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.<sup>2</sup>

It is generally desirable that children under 16 years of age be cared for in a foster family reflecting their own culture.<sup>3</sup> In Europe, the majority of unaccompanied minors are placed in institutional reception provisions. However, practices also exist to make use of reception provisions within families. Until now, the knowledge of these practices and approaches in different countries has been incidental and fragmented. However, providing reception arrangements within families is a promising approach, and its wider use should be researched further.

## 1.2 REASONING BEHIND THE PROJECT

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Within the RLF project, Nidos (the Netherlands) in cooperation with the Counter Human Trafficking Bureau (CHTB, UK) and the Swedish Association of Local Authorities and Regions (SALAR, Sweden) has been striving to develop and share knowledge on the reception provisions within families for unaccompanied minors. Running from 1 September 2013 until 1 March 2015, the project has been co-funded by the European Commission through the European Refugee Fund.

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<sup>1</sup> Convention on the Rights of the Child, preamble.

<sup>2</sup> *idem*, art. 20.

<sup>3</sup> Statement of Good Practice, 4th Revised Edition, Separated Children in Europe Programme (2009), p.38.

Nidos, the Dutch guardianship institution for unaccompanied minors, has many years of knowledge and positive experiences of reception provisions within families in the Netherlands. The children for whom Nidos is responsible and the professionals working within Nidos have all experienced first-hand that this kind of reception works best.

Being a founder member of the European Network of Guardianship Institutions (ENGI), Nidos also subscribes to one of the recommendations of the international working group in the ENGI project, *Guardianship in Practice*. The final report of that project, which was published in October 2011, stated in recommendation 3 that a foster parents plan should be in place in each Member State:

“Not all countries yet have a foster parents programme in place. It would, however, be a preferred situation if UMAs and their guardians are in the position to make a choice between large-scale residential facilities and a number of foster parents. Those countries that have a foster parents programme sometimes face capacity problems, especially to host adolescents. It is recommended that information sessions are organized to attract (more) foster parents or community care workers. When children stay in a family context with relatives, their situation should be regularly monitored by an independent and specialized organization or guardian”.<sup>4</sup>

The Counter Human Trafficking Bureau is unwavering in its opinion that all children, irrespective of their ethnicity, nationality or immigration status, have a right to fair and equal treatment and the right to be a child. It firmly maintains that children should be afforded the opportunity to live and be cared for in a family setting “no matter where they may be”. In situations where this type of arrangement cannot always be met, it is crucial that the views of the child are heard and reflected, and that the accommodation provision has at its heart the principles central to any child care arrangement: of being in the best interests of the child and delivered through a foster family philosophy.

As an organization, the Counter Human Trafficking Bureau strives not only to contribute to protecting children from harm but also to support the harmonization of the EU Member States’ immigration and asylum arrangements, with the overriding principles of the child rights conventions, child protection, child care and welfare legislation and the obligations that these impose on everyone. The European Commission-funded RLF project afforded an opportunity for child care professionals in the EU to share, both with the RLF project team and with others, their experiences of challenges and good practices. The visionary solutions that improve the lives of the children they serve, both locally and nationally, could also improve the lives of all children throughout Europe. The Counter Human Trafficking Bureau’s international experience during the RLF country visits broadly showed that a system of specialist foster families, if initiated through national legislation, recognizes the needs of the children and establishes the authority, support and expertise of foster families who can navigate the complex systems and processes in the best interests of the children. Furthermore, it enables the continuity of care and high-quality support that is needed for foster families to build a relationship of trust with a child, thus allowing the children to achieve what all children have a right to: a stable family environment in which to grow up and achieve their dreams.

The Swedish Association of Local Authorities and Regions, SALAR, is both an employers’ organization and an organization that represents local government in Sweden. All of Sweden’s municipalities, county councils and regions are members of SALAR. SALAR represents and acts on their behalf, advocates their interests and offers them support and service. It is SALAR’s mission to provide municipalities, county councils and regions with better conditions for local and regional self-government. The vision is to further develop the Swedish welfare system and its services.

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<sup>4</sup> Care for Unaccompanied Minors, Minimum standards, risk factors and recommendations for practitioners, ENGI - Guardianship in practice, Final report, October 2011.

As Sweden has a very large group of unaccompanied minors, SALAR recognizes the need to work continuously on improving their reception within the municipalities and regions. Providing foster families for these children is an opportunity to create safe relationships with adults and peers, which is seen as a key part of the integration process. Research has shown that placement in foster families (including kinship care) provides more stable reception conditions to unaccompanied minors than other forms of placement.

By joining the RLF project, SALAR can provide Swedish municipalities with examples of good practices from other European countries that Sweden can learn from, such as details of Nidos' work with recruiting foster families from different ethnic backgrounds as well as providing support and training. SALAR also hopes that Sweden can inspire other countries to develop their reception systems by sharing Swedish experiences of reception of unaccompanied minors.

## 1.3 GOAL OF THE PROJECT

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The goal of the project is to map the current practices, to promote the reception of unaccompanied minors in families in places where this is not yet common practice, and to further stimulate the development of knowledge in places where good practices are already in place or are emerging. Not all EU countries currently have reception provisions within families in place, and those countries which do have them sometimes face capacity problems, especially in terms of hosting adolescents.

With this in mind, the project promotes the reception of unaccompanied minors within families by:

- increasing the knowledge available throughout the EU
- connecting relevant stakeholders
- promoting good and promising practices
- offering country-by-country strategies on increasing family reception for unaccompanied minors.

The objective of the project is to facilitate the possibilities for change at both the policymaking and practical levels.

## 1.4 METHODOLOGY

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By means of study visits and desk research, an overview was compiled of family reception for unaccompanied minors in each Member State. Knowledge on common practices between different Member States that provide foster care for unaccompanied minors available has been exchanged in two workshops, one of which was held in the UK and the other in Sweden. Findings and recommendations have been shared with stakeholders of the Member States at a final conference in the Netherlands.



# 2. GENERAL OVERVIEW OF ACCOMMODATING UNACCOMPANIED MINORS

## 2.1 THE TARGET GROUP

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The term ‘**unaccompanied minor**’ is defined under the EU-asylum instruments as “a minor who arrives on the territory of the Member States unaccompanied by an adult responsible for him or her whether by law or by the practice of the Member State concerned, and for as long as he or she is not effectively taken into the care of such a person; it includes a minor who is left unaccompanied after he or she has entered the territory of the Member States.”

General Comment No. 6 of the UN Committee on the Rights of the Child states the following:

“**Unaccompanied children** (also called unaccompanied minors) are children, as defined in article 1 of the Convention, 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.”

The UN Convention on the Rights of the Child uses the following definition for a ‘**child**’:

“For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”

The Guidelines for the Alternative Care of Children states in article 29a that children without parental care who are outside their country of habitual residence or victims of emergency situations may be designated as:

- (i) ‘**unaccompanied**’ if they are not cared for by another relative or an adult who by law or custom is responsible for doing so; or
- (ii) ‘**separated**’ if they are separated from a previous legal or customary primary caregiver, but who may nevertheless be accompanied by another relative.

This report uses the term ‘unaccompanied minor’ as it is the most widespread term in European and national policy documents.

## 2.2 (LEGAL) FRAMEWORK

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This paragraph identifies the international legal framework on reception of unaccompanied minors. As such it highlights the rights, responsibilities and minimum standards which must be respected according to UN instruments, EU Law and EU policy.

### 2.2.1 UN INSTRUMENTS

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#### **United Nations Convention on the Rights of the Child (20 November 1989)**

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The preamble of the Convention on the Rights of the Child (CRC) takes the following stance: “Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding”.

According to article 20 of the CRC, children who are temporarily or permanently deprived of their family environment are entitled to special protection and assistance provided by the state. Otherwise, alternative care should be ensured through foster care, kafala under Islamic law, adoption or placement in suitable institutions that care for children. The CRC also requires States Parties to pay due regard to continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background.

Article 22 of the CRC specifies that children seeking refugee status and child refugees should receive appropriate protection and humanitarian assistance in accessing their due rights. In cases when parents or family members cannot be traced, the child should be accorded the same protection as children who are permanently or temporarily deprived of their family environment for any reason.

The implementation of the CRC is monitored by the UN Committee on the Rights of the Child. Independent experts issue general comments on provisions of the CRC. The most relevant on accommodating unaccompanied minors are as follows:

#### **United Nations Committee on the Rights of the Child, general comment No.6 on the treatment of Unaccompanied and Separated children outside their country of origin**

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This comment draws attention to the vulnerable situation of unaccompanied and separated children and provides guidance on the protection, care and treatment of unaccompanied children.

It stresses in paragraphs 39-49 that articles 20 and 22 of the CRC are explicitly applicable to unaccompanied minors. It further states in paragraph 40 that when selecting accommodation options, “the particular vulnerabilities of such a child, not only having lost connection with his or her family environment, but further finding him or herself outside of his or her country of origin, as well as the child’s age and gender, should be taken into account”.

Paragraph 40 also sets out parameters for appropriate accommodation and care arrangements as follows:

- children should not, as a general rule be deprived of liberty.
- changes in residence for unaccompanied and separated children should be limited to instances where such change is in the best interest of the child.
- siblings should be kept together.
- a child who has adult relatives arriving with him or her or already living in the country of asylum should be allowed to stay with them unless such action would be contrary to the best interest of the child. Given the particular vulnerabilities of the child, regular assessments should be conducted by social welfare personnel.
- regardless of the care arrangements made for unaccompanied or separated children, regular supervision and assessment ought to be maintained by qualified persons to ensure the child's physical and psychosocial health.
- States and other organizations must take measures to ensure the effective protection of the rights of separated or unaccompanied children living in child-headed households.
- children must be kept informed of the care arrangements being made for them, and their opinions must be taken into consideration. This parameter is stressed again in para. 25 of the General Comment.

### **United Nations Committee on the Rights of the Child, general comment No.14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)**

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The main objective of this general comment is to strengthen the understanding and application of the right of children to have their best interests assessed and taken as a primary consideration or, in some cases, the paramount consideration.

Its overall objective is to promote a real change in attitudes leading to the full respect of children as rights holders (paragraph 12). The Committee expects that this general comment will guide decisions by all those concerned with children, including parents and caregivers (paragraph 10).

According to this comment, one of the elements to be taken into account when assessing the child's best interests is the child's identity.

Paragraph 55 states that children are not a homogeneous group and therefore diversity must be taken into account when assessing their best interests. The identity of the child includes characteristics such as gender, sexual orientation, national origin, religion and beliefs, cultural identity and personality. Although children and young people share basic universal needs, the expression of those needs depends on a wide range of personal, physical, social and cultural aspects, including their evolving capacities. The right of the child to preserve his or her identity is guaranteed by the Convention (art. 8) and must be respected and taken into consideration in the assessment of the child's best interests.

Paragraph 56 states that, regarding religious and cultural identity, for example, when considering a foster home or placement for a child, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background (art. 20, para. 3), and the decision-maker must take into consideration this specific context when assessing and determining the child's best interests. The same applies in cases of adoption, separation from or divorce of parents. Due consideration of the child's best interests implies that children have access to the culture (and language, if possible) of their country and family of origin, and the opportunity to access information about their biological family, in accordance with the legal and professional regulations of the given country (see art. 9, para. 4).

Another important element is preservation of the family environment and maintaining relations. Paragraph 59 states that the family is the fundamental unit of society and the natural environment for the growth and well-being of its members, particularly children (preamble of the Convention). The right of the child to family life is protected under the Convention (art. 16). The term ‘family’ must be interpreted in a broad sense to include biological, adoptive or foster parents or, where applicable, the members of the extended family or community as provided for by local custom (art. 5).

## **Guidelines for the Alternative Care of Children**

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The Guidelines for the Alternative Care of Children<sup>5</sup> were adopted by the General Assembly of the United Nations in 2010.

Their purpose follows from the annex that states the following:

1. The present Guidelines are intended to enhance the implementation of the Convention on the Rights of the Child and of relevant provisions of other international instruments regarding the protection and well-being of children who are deprived of parental care or who are at risk of being so.
2. Against the background of these international instruments and taking account of the developing body of knowledge and experience in this sphere, the Guidelines set out desirable orientations for policy and practice. They are designed for wide dissemination among all sectors directly or indirectly concerned with issues relating to alternative care, and seek in particular:
  - (a) To support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and kafala under Islamic law;
  - (b) To ensure that, while such permanent solutions are being sought or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child’s full and harmonious development;
  - (c) To assist and encourage Governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and
  - (d) To guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and the private sectors, including civil society.

Under their general principles and perspectives on alternative care, they stress in paragraph 21 that the use of residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned and in his/her best interests. Paragraph 22 states that, in accordance with the predominant opinion of experts, alternative care for young children, especially those under the age of 3 years, should be provided in family-based settings. Exceptions to this principle may be warranted in order to prevent the separation of siblings and in cases where the placement is of an emergency nature or is for a predetermined and very limited duration, with planned family reintegration or another appropriate long-term care solution as its outcome.

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<sup>5</sup> General Assembly A/RES/64/142.

Finally, according to paragraph 23 – while recognizing that residential care facilities and family-based care complement each other in meeting the needs of children – where large residential care facilities (institutions) remain, alternatives should be developed in the context of an overall deinstitutionalization strategy including precise goals and objectives which will allow for their progressive elimination. To this end, States should establish care standards to ensure the quality and conditions that are conducive to the child's development, such as individualized and small-group care, and should evaluate existing facilities against these standards. Decisions regarding the establishment of, or permission to establish, new residential care facilities, whether public or private, should take full account of this deinstitutionalization objective and strategy.

Regarding family-based care, paragraph 18 is worth mentioning: it highlights that, in recognition of the fact that, in most countries, the majority of children without parental care are looked after informally by relatives or others, States should seek to devise appropriate means, consistent with the present Guidelines, to ensure their welfare and protection while in such informal care arrangements, with due respect for cultural, economic, gender and religious differences and practices that do not conflict with the rights and best interests of the child.

According to article 29(b) of the Guidelines, alternative care may take the form of:

- (i) Informal care: any private arrangement provided in a family environment, whereby the child is looked after on an ongoing or indefinite basis by relatives or friends (informal kinship care) or by others in their individual capacity, at the initiative of the child, his/her parents or other person, without this arrangement having been ordered by an administrative or judicial authority or a duly accredited body;
- (ii) Formal care: all care provided in a family environment which has been ordered by a competent administrative body or judicial authority, and all care provided in a residential environment, including in private facilities, whether or not as a result of administrative or judicial measures.

According to article 29(c), with respect to the environment where it is provided, alternative care may be:

- (i) Kinship care: family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature;
- (ii) Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family that has been selected, qualified, approved and supervised for providing such care;
- (iii) Other forms of family-based or family-like care placements;
- (iv) Residential care: care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short- and long-term residential care facilities, including group homes;
- (v) Supervised independent living arrangements for children.

The Guidelines apply to all public and private entities and all persons involved in arrangements for a child needing care while in a country other than his/her country of habitual residence, for whatever reason (article 141). Unaccompanied or separated children already abroad should, in principle, enjoy the same level of protection and care as national children in the country concerned (article 142). In determining appropriate care provision, the diversity and disparity of unaccompanied or separated children (such as ethnic and migratory background or cultural and religious diversity) should be taken into consideration on a case-by-case basis (article 142).

## 2.2.2 EU LAW

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Both the recast Reception Conditions Directive<sup>6</sup> and the recast Qualification Directive<sup>7</sup> provide rules for accommodating unaccompanied minors. The Directives are both part of EU asylum legislation that has been adopted and has been, or shortly will be, transposed by all Member States, except for the United Kingdom (UK), Ireland and Denmark.

### Recast Reception Conditions Directive

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The recast Reception Conditions Directive lays down minimum standards for the reception of applicants for international protection. Deadline of transposition is 20 July 2015. It does not apply to the UK, Ireland and Denmark. The Reception Conditions Directive<sup>8</sup> will continue to apply in the UK (but not in Ireland or Denmark).

The Directive aims to provide better and more harmonized standards of living to applicants for international protection throughout the EU, irrespective of in which Member State the application has been made. It replaces the Reception Conditions Directive of 2003 that lays down minimum standards for the reception of asylum seekers and will be repealed on 21 July 2015, the latest date of transposition. There are new rules concerning detention and better standards for vulnerable persons including (unaccompanied) minors. Member States that wish to do so can implement more favorable rules. The new EU rules aim to take better account of the different national legal systems, avoid unnecessary administrative and financial burdens and enable Member States to tackle abuse of their asylum systems more effectively.

The personal scope of the Directive comprises not only asylum seekers but also every person who has lodged an application for international protection, including asylum and subsidiary protection. It has an extensive set of rules governing detention of applicants for international protection; for instance, that unaccompanied minors can be detained only in exceptional circumstances and never in prison accommodation. The Directive also consists of a more specific regime concerning the assessment of special reception needs of vulnerable persons such as minors and victims of torture.

The preamble states that, in applying this Directive, Member States should seek to ensure full compliance with the principles of the best interests of the child and of family unity, in accordance with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child, and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively (9). It also states that that the reception of persons with special reception needs should be a primary concern for national authorities in order to ensure that such reception is specifically designed to meet their special reception needs (14).

Article 23 states that, regarding minors:

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.
2. In assessing the best interests of the child, Member States shall in particular take due account of the following factors:
  - (a) family reunification possibilities;

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<sup>6</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013.

<sup>7</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011.

<sup>8</sup> Directive 2003/9/EC of 27 January 2003.

- (b) the minor's well-being and social development, taking into particular consideration the minor's background.
- (c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;
- (d) the views of the minor in accordance with his or her age and maturity.

Article 24(2) states that:

Unaccompanied minors who make an application for international protection shall, from the moment they are admitted to the territory until the moment when they are obliged to leave the Member State in which the application for international protection was made or is being examined, be placed:

- (a) with adult relatives;
- (b) with a foster family;
- (c) in accommodation centres with special provisions for minors;
- (d) in other accommodation suitable for minors.

Member States may place unaccompanied minors aged 16 or over in accommodation centres for adult applicants if it is in their best interests, as prescribed in article 23(2).

As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be kept to a minimum.

## Recast Qualification Directive

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The recast Qualification Directive sets out standards as to who qualifies as a beneficiary of international protection and the content of protection granted. Just like the recast Reception Conditions Directive mentioned above, it is a central legislative instrument in the establishment of a Common European Asylum System. It was adopted in 2011 and applies to all EU Member States with the exception of Denmark, Ireland and the United Kingdom. Ireland and the United Kingdom will continue to be bound by the Qualification Directive.<sup>9</sup> The Member States bound by it were required to bring into force domestic legislation necessary to comply with the Directive by 21 December 2013.

The preamble states in (18) that 'the best interests of the child' should be a primary consideration of Member States when implementing this Directive, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.

Article 31(3) states that:

Member States shall ensure that unaccompanied minors are placed either:

- (a) with adult relatives; or
- (b) with a foster family; or
- (c) in centres specialized in accommodation for minors; or
- (d) in other accommodation suitable for minors.

In this context, the views of the child shall be taken into account in accordance with his or her age and degree of maturity.

<sup>9</sup> Directive 2004/83/EC.

Article 31(4): as far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.

### 2.2.3 EU POLICY

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The EU Action plan on unaccompanied minors (2010) sets out a common approach based on the respect of the rights of the child, in particular ‘the best interests of the child’ which must be the primary consideration in all action related to children taken by public authorities. One of the three main issues concerning unaccompanied minors that need action according to the plan is reception. One of the priorities mentioned is evaluating whether it is necessary to introduce a specific instrument setting down common standards on reception.

The European Commission is currently developing guidance on the EU’s role in supporting child protection systems. The annual EU Forum on the Rights of the Child in both 2012 and 2013 played a part in the growing recognition of the EU’s role in contributing to national child protection that responds to children in vulnerable situations, including workshops on children on the move.<sup>10</sup>

## 2.3 RECOMMENDATIONS IN REPORTS

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### Reports that mention access to appropriate accommodation, especially reception in families

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Access to appropriate accommodation has been mentioned in many reports on unaccompanied minors in the EU, and they mention reception in families as one of the preferable options if appropriate.

In 2008-2009 the **European Migration Network (EMN)** undertook the comparative study titled ‘Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors’, which provided a comprehensive overview of the Member States’ policies regarding reception of unaccompanied minors.<sup>11</sup> A new study produced by EMN is expected to be issued in 2015.

In 2009, the statement of good practice of the **Separated Children in Europe Programme (SCEP)** stressed that “every separated child should have the opportunity to be placed within a family if it is in their best interests to do so...”. It also stated that “whether they are placed in foster care or in residential settings, separated children must be cared for by suitably trained professionals and foster carers who understand their cultural, linguistic and religious needs and who have an understanding of those issues that affect separated asylum-seeking, trafficked and migrant children”.<sup>12</sup>

In 2010, one of the concluding remarks in the comparative report of the **European Union Agency for Fundamental Rights (FRA)** on separated, asylum-seeking children in European Union Member States was that these children should be placed in suitable accommodation – in principle, in a family type of environment or allowing for semi-autonomous living hosting a small number of children – based on a thorough assessment of their needs, which must be regularly renewed.<sup>13</sup>

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<sup>10</sup> EU Reference Document on Unaccompanied Children, CONNECT-project, p. 7, [http://www.connectproject.eu/PDF/CONNECT-EU\\_Reference.pdf](http://www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf)

<sup>11</sup> Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – an EU comparative study’, European Migration Network, May 2010, p. 62-70.

<sup>12</sup> Statement of Good Practice, 4th Revised Edition, Separated Children in Europe Programme, 2009, p. 28.

<sup>13</sup> ‘Separated, asylum-seeking children in European Union Member States’, FRA, 2010, p. 81.

The final paper of the **European Network of Guardianship Institutions** (ENGI) project titled ‘Care for unaccompanied minors’ (October 2011) stated in the recommendations on housing that “not all countries yet have a foster parents program in place. It would, however, be a preferred situation if UAMs and their guardians were in the position to make a choice between large-scale residential facilities and a number of foster parents. Those countries that have a foster parents program, sometimes face capacity problems, especially to host adolescents. It is recommended that information sessions are organized to attract (more) foster parents or community care workers. When children stay in a family context with relatives their situation should be regularly monitored by an independent and specialized organization or guardian”.<sup>14</sup>

Also in 2011, the report titled ‘Unaccompanied Minor Asylum-seekers: Overview of Protection, Assistance and Promising Practices’,<sup>15</sup> written by **IOM Hungary**, mentioned that concerning experiences with accommodation, both experts and children that were interviewed preferred living with a foster family the most. However, although living with foster families was in theory possible for UAMs in most of the 10 researched Member States,<sup>16</sup> according to the research this practice was followed only by a few of them: among the children interviewed only the ones in France, the Netherlands and the UK had experienced living with one.

The report by the **Committee on Civil Liberties, Justice and Home Affairs of the European Parliament** on the situation of unaccompanied minors in the EU (August 2013) calls in recommendation 18 on the Member States to provide unaccompanied minors with access to appropriate accommodation. According to the Committee, accommodation with host families and in ‘living units’ and the sharing of accommodation with related or close minors should be encouraged when it is appropriate and accords with the minor’s wishes.<sup>17</sup>

Finally, according to the joint **UNHCR UNICEF** publication on ensuring respect for the best interests of unaccompanied and separated children in Europe, published in October 2014, one of the elements to take into account when assessing and determining a child’s best interests is preservation of the family environment, maintaining or restoring relationships, amongst other things by preference for care within a family environment in order to ensure the full and harmonious development of a child’s personality.<sup>18</sup>

## Scientific research on foster care for unaccompanied minors

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The recommendation to make living within a family one of the options for unaccompanied minors, as highlighted in the reports mentioned above, is supported by various scientific publications that will be discussed below.

In 2012, the results of a study on fostering unaccompanied asylum-seeking young people were published in **the UK**.<sup>19</sup> The research consisted of surveys in four local authorities and of 133 foster carers who were providing a placement to an unaccompanied child in 2009. The researchers also conducted semi-structured interviews with 23 foster carers and 21 young people as well as a policy and practice study. The research aimed to evaluate the evidence gathered about their perspectives on the placement. The overall findings were positive, concluding that “there is no doubt that good foster care can make a positive difference to the lives of many unaccompanied young people. At its best, it provides for warm family-like

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<sup>14</sup> ‘Care for Unaccompanied Minors’, European Network of Guardianship Institutions (ENGI), October 2011, p. 23.

<sup>15</sup> ‘Unaccompanied Minor Asylum-seekers: Overview of Protection, Assistance and Promising Practice’, IOM Hungary, December 2011, p. 47.

<sup>16</sup> Austria, Belgium, Czech Republic, France, Hungary, Italy, the Netherlands, Slovakia, Slovenia, the United Kingdom.

<sup>17</sup> Report on the situation of unaccompanied minors in the EU (2012/2263(INI)), Committee on Civil Liberties, Justice and Home Affairs, Rapporteur Nathalie Griesbeck, p. 11.

<sup>18</sup> Safe and Sound, what states can do to ensure respect for the best interests of unaccompanied and separated children in Europe’, UNHCR UNICEF, October 2014, p. 42, <http://www.refworld.org/pdfid/5423da264.pdf>.

<sup>19</sup> ‘Fostering Unaccompanied Asylum-Seeking Young People, A research project’, Jim Wade, Ala Sirriyeh, Ravi Kohli and John Simmonds, Social Policy Research Unit, The University of York, University of Bedfordshire and BAAF, 2012.

relationships that can be transformative for young people and foster families alike”. It was also concluded that “by being adaptive, flexible and willing to share, many foster carers and young people had managed to create a network of family-like relationships that helped young people to settle, thrive and explore life within and beyond the placement”. Also worth mentioning is the following: “The foster carers were broadly satisfied with their experience of fostering and felt it had enriched their lives. Most were satisfied with the support and training they had received to help them with their role. This was more likely where they had personal experience of migration or of contact and involvement with refugee communities. Other foster carers had felt less well prepared and frequently lacked confidence in their ability to meet young people’s cultural and immigration needs, and these areas of training and support need to be strengthened. There is a risk that the needs of experienced foster carers coming new to fostering unaccompanied young people may be overlooked and their skill set too often taken for granted”.<sup>20</sup>

Another study from 2012 concerning the mental health of unaccompanied asylum-seeking children from Afghanistan<sup>21</sup> presents an estimate of probable post-traumatic stress disorder (PTSD) within this group and describes its associations with the cumulative effect of traumatic pre-migration events, immigration/asylum status, and social care/living arrangements. Children living in semi-independent care arrangements were more likely to report increased PTSD symptoms when compared to their peers in foster care. It was stated that “Living arrangements are a central feature in their lives and it seems that foster care may be a preferable option. UK foster placements may provide increased support, feelings of safety and security though individual care, stability and decreased isolation, and help to facilitate the building of new attachments for these children”.

The study also mentions two previous studies from 2005 in which the positive effects of foster care are described: a study of Sudanese refugee youths in foster care<sup>22</sup> and a study published by the British Association for Adoption and Fostering (BAAF). The latter was done for a sample of 212 children and young people referred to three local authorities in the UK over a period of 18 months. It traces how these young people fared during the time they had been supported by social services and devotes attention to key areas of young people’s lives and social work practice, including placements. One of the messages arising from the work was that foster care was the preferred option for younger looked-after children requiring placement. Where the placements worked well, they provided a feeling of safety, security and an opportunity to build new attachments. It was stated that further expansion of foster placements, especially within refugee communities, was needed. Another message was that kinship placements often provided young people with stable and familiar attachments, opportunities for cultural integration and support for education.<sup>23</sup>

Also receiving a mention is the chapter on using foster placement for care and resettlement of unaccompanied asylum-seeking children by R. Hek in ‘Working with unaccompanied asylum-seeking children: issues for policy and practice’.<sup>24</sup>

**In the Republic of Ireland**, Dr. Muireann Ni Raghallaigh, of the School of Applied Social Science of University College Dublin, conducted a study in 2013 on foster care and supported lodgings for separated asylum-seeking young people in Ireland.<sup>25</sup> The qualitative part of the study involved interviews with separated young people, foster carers and relevant key stakeholders. For the quantitative element, members of the team providing care completed a profile sheet providing basic anonymous information about

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<sup>20</sup> <http://www.york.ac.uk/inst/spru/research/pdf/FosterUAS.pdf>

<sup>21</sup> ‘PTSD in Asylum-seeking male adolescents from Afghanistan’, Bronstein, Montgomery, Dobrowolski, *Journal of Traumatic Stress*, October 2012, 25, p. 551-557.

<sup>22</sup> ‘Sudanese refugee youth in foster care: The ‘lost boys’ in America’, Bates, L., Braird, D., Johnson, D.J., Lee, R.E., Luster, T. & Rehagen, C., (2005), *Child Welfare*, 84, p. 631-648.

<sup>23</sup> ‘Unaccompanied asylum-seeking children. The response of social work services’, Wade, J., Mitchell, F. & Baylis, G., London, UK: BAAF, 2005, p. 2.

<sup>24</sup> Working with unaccompanied asylum-seeking children: issues for policy and practice’ (Basingstoke, UK: Palgrave Macmillan, R.K.S. Kohli & F. Mitchell (Eds.), 2007, chapter 8: Using foster placement for care and resettlement of unaccompanied asylum-seeking children, R. Hek.

<sup>25</sup> ‘Foster Care and Supported Lodgings for Separated Asylum Seeking Young People in Ireland: the views of young people, carers and stakeholders’, Dr. Muireann Ni Raghallaigh, School of Applied Social Science, University College Dublin, 2013, <http://goo.gl/2KRdJ9>.

the clients to whom they were providing services. Concluded was that “the move from hostel care to foster care and supported lodgings marked a very significant and positive development in service provision for separated young people living in Ireland”.<sup>26</sup> Furthermore “it was evident that further improvements in the delivery of care to separated young people can certainly be made. In particular, there is a need for more foster carers and supported lodgings carers to be recruited so that there is a ‘pool’ of carers available, hence resulting in more placement choices, better matching and a greater ability to meet the diverse range of needs that separated young people have, including their cultural needs”, and that “indeed, all carers need to attend intensive and ongoing training”.<sup>27</sup>

In **the Netherlands**, the University of Groningen (RUG) has been conducting an annual academic study of unaccompanied minors since 2009. In each study, around 30 children, all under guardianship of Nidos and recruited from across the Netherlands, are asked about their well-being and their experiences covering different aspects of life. The children have different ages, different genders, come from different countries and live in different forms of reception all over the Netherlands. Specific about this research is the way in which the researchers conduct their conversations with the children: the child-centred conversations are designed in such a way that the children can speak in confidence about their life in the Netherlands. It gives them a platform from which to express their own perspectives on different issues that are of importance to them and that determine the quality of their experience of living in Dutch society.

To supplement the interviews, the RUG uses the *Strength and Difficulties Questionnaire* (SDQ), a questionnaire designed to gain insight into the social-emotional functioning and possible behavioural problems of the child, the *Stressful Life Events Checklist* (SLE), and *Reactions of Adolescents on Traumatic Stress Questionnaire* (RATS). All three questionnaires are completed by the child and used to determine whether they have gone through a traumatic experience and, if so, how they have reacted to it. Finally, the RUG researcher fills out a *Best Interest of the Child Questionnaire* (BIC-Q, Kalverboer and Zijlstra, 2006) that analyses the quality of a child’s upbringing environment. The research is aimed at gaining a picture of the development of unaccompanied children towards self-dependency – the way they think about their own functioning, the way they think about the environment they are growing up in, and the way they think about the support they are receiving during their process of gaining independence and self-reliance. A limitation of the research is that the annual test sample is too small to be able to draw conclusions for the whole population of unaccompanied children in the Netherlands. Therefore, findings concerning the relationship between the form of reception and social-emotional problems should be considered with caution. However, the research does show that children being accommodated within families experience the fewest problems and the highest quality of life.<sup>28</sup>

In **Sweden**, a qualitative study was conducted in 2014.<sup>29</sup> The number of unaccompanied minors arriving in Sweden continues to rise, with the majority being placed in residential care units. This qualitative study aims to increase the professionals’ understanding of the concept of ‘home’ within the framework of residential care for unaccompanied young people. Data is based on participatory observations at two residential care units, followed up by individual interviews with staff. The findings confirm that the concept of home has a complex meaning involving both objective aspects, such as physical buildings, and more subjective components that can be seen as a state of mind. The staff’s desire to offer an ‘ordinary home’ fails because of the surveillance, their dominant positions and especially due to the legal restrictions that were not initially intended for this target group. Unaccompanied young people have to be considered based on their own specific needs in order to make it possible for society to offer the most suitable care.

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<sup>26</sup> idem, p. 87.

<sup>27</sup> idem, p. 88.

<sup>28</sup> See for more information on the research: ‘The right to be heard and participation of unaccompanied children, a tool to support the collection of children’s views on protection and reception services’, Liedewij de Ruijter de Wildt, Nidos, 2014, <http://www.connectproject.eu/nld.html>.

<sup>29</sup> ‘Home sweet Home? – Professionals’ understanding of ‘home’ within residential care for unaccompanied youths in Sweden’, Åsa Söderqvist, Jönköping University, September 2014.

In **Austria**, research was conducted in 2014 into intercultural fosterage, i.e. fosterage in the context of ethnic heterogeneity. This is currently rare in Austria, a fact that is also reflected in educational science: the topic of foster children with a migration background has not yet been thoroughly investigated.

In order to shed light on this topic the paper deals with intercultural fosterage and analyses the stress-resource balance of foster care parents who have adopted a child with origins in a foreign culture. The basis for the data was obtained by qualitative interviews with 12 foster care mothers of foster care families in Styria. Apart from one family which could not be included, a complete survey was carried out. Based on the empirical data, various kinds of influences on the stress-resource balance of foster care parents could be shown. In this context there were factors with a connection to the cultural background as well as independent influencing factors. Analysis of the data enabled different types of stress-resource balance to be identified which show the complex interactive system between the two factors.

There are two essential results of the thesis which must be mentioned as highly relevant: the cultural background of foster children is not taken into account, neither by pedagogic experts nor by foster care parents as defined by the United Nations Convention on the Rights of the Child. Furthermore, foster care parents have to cope with strains which are mainly caused by the organization of fosterage and the structural framework requirements. Therefore the results of this paper indicate that there is evidence for the necessity of reforming the organization of fosterage.<sup>30</sup>

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<sup>30</sup> 'Belastungs-Ressourcen-Balancen von steirischen Dauerpflegeeltern mit Pflegekindern aus anderen Kulture', Christine Leitner, *Sozialpädagogik in Forschung und Praxis*, Vol. 34, Hamburg 2014.

# 3. SITUATION IN THE VARIOUS MEMBER STATES

## 3.1 INTRODUCTION

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This chapter will provide a full overview of the situation concerning the provision of foster care for unaccompanied minors in all 28 EU Member States plus Norway and Switzerland (as they both have promising practices).

Paragraph 3.2 consists of elaborate descriptions of practices in the 10 countries that have been visited for the project (Austria, Belgium, France, Germany, Hungary, Ireland, Italy, Norway, Poland and Slovenia), and the Netherlands, Sweden and the UK as project partners. Paragraph 3.3 contains brief overviews of the other Member States and Switzerland.

## 3.2 SITUATION IN THE VISITED MEMBER STATES: ELABORATE DESCRIPTIONS

### 3.2.1 AUSTRIA

|  |  |
|--|--|
| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 935  |
| Reception in families (yes/no/scattered, etc.)                                 | Scattered (only provided in the city of Graz in the federated state of Styria)   |
| Centralized/decentralized reception system for unaccompanied minors            | Centralized policy with a decentralized 'federated state' delivery approach  |
| Implemented by regular youth care  | Yes, in some federated states  |
| Opportunities for development  | Spread the good practice in Graz in Styria to other federated states. Salzburg, where Kinder- und Jugendanwaltschaft (Kija) is trying to start a project on accommodating unaccompanied minors in foster families. The federated state of Tyrol is also interested in developing this. |
| Potential actions to initiate development                                      | National Forum of central government, federal service providers and NGOs to agree a strategic approach and partnership model of delivery of services.  |
| Challenges   | Highly politicized agenda. Friction between central and local (federal) government regarding expectations in delivering services. Limited central funding for federal support agencies.  |
| Recommendations  | Continue to develop 'foster care' model of care. Provide opportunities for unaccompanied children (15-plus years of age) to access education.  |

#### General context

For a long time, there was no specific policy in Austria providing accommodation and care for unaccompanied minors. In 1998, the Asylkoordination and UNHCR organizations published a study of the situation of unaccompanied minors in Austria and criticized the status quo. Nowadays the issues and specific needs of unaccompanied minors are receiving ever more attention in politics, with a number of NGOs campaigning on behalf of, and working directly with, unaccompanied children.<sup>31</sup> In 2013 around 1,000 unaccompanied minors arrived in Austria. Most of them were around 15-17 years old and came from Afghanistan, Somalia and Syria, plus a large number of children from Chechnya localized in the Graz region.

Professionals working in the field explained that, in general, the state shows little concern for this group of children, which results in a lack of funding and provisions. Personal engagement of the actors who work with these children is seen very important in filling that gap in care provision. The federal government wants the youth office (Jugendamt) in the federated states (Bundesländer) to take care of them in collaboration with organizations like SOS Children's Villages, Red Cross, Diakonie and Verein menschen.leben. However, the federal government does not offer extra help. Instead, these organizations receive funding from the 'basic care service asylum seekers' (€39-77 per child per day). This is stated to be insufficient; it was noted the regional council often does not provide additional financial support. However, lack of funding may be solved regionally, as is done in Lower Austria by paying additional expenses on top of the money from the basic care service for asylum seekers (which should be done from a legal point of view).<sup>32</sup>

<sup>31</sup> For more information, see also [www.asyl.at](http://www.asyl.at).

<sup>32</sup> Example mentioned by the organization Asylkoordination Österreich.

The friction between the state (being responsible for asylum and immigration), the federated states (being responsible for social welfare and youth care) and the youth office as legal custodian of unaccompanied minors concerning issues such as the provision of funding, accommodation, education and insurance for the children further complicates the situation. For example, some federated states have decided to take care of unaccompanied minors in institutional care within the general youth welfare system, which enables the youth office to decide where the child will live. In contrast, other federated states (e.g. Salzburg) have decided to take care of them in separate institutional care arrangements which are only available to unaccompanied minors. This does not give the youth office any say in the placement types, much to the dissatisfaction of some actors.

Austria's nine federated states are allowed to pass their own laws on certain issues, including youth care and social care. Hence, regulations and practices may differ between them. The migration system, on the other hand, is governed by the state. After the admission procedure, the unaccompanied minor's case/file is transferred to the asylum office of the federated state that is responsible for the child. This office makes a decision on the asylum application, which can be appealed. What seems to complicate the situation is, as several actors in the field of unaccompanied minors explained, the fact that the authorities in the different federated states (Bezirksverwaltungsbehörde) do not tend to work together on the issue of unaccompanied children. Furthermore, the federal government's focus on migration, border and asylum creates a difficulty when applying the national child protection framework of support to unaccompanied children. This also seems to further complicate the enhancement of practices that could come from the CRC. While this framework seems to restrict actors in the field, it also opens up possibilities to develop what is necessary to address the needs of unaccompanied children.

## Reception of unaccompanied minors

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Austria has three initial reception centres, namely in Traiskirchen (Erstaufnahmestelle Ost), Thalham (Erstaufnahmestelle West) and at the airport in Vienna-Schwechat (Erstaufnahmestelle Flughafen).

Each person that applies for asylum stays in the initial reception centre until the admission procedure has been completed. For an unaccompanied minor asylum seeker, the time he or she stays in the initial reception centre depends on whether the asylum office believes the claimed age of the minor. If the person claims to be a minor and the office does not challenge their age, the minor is transferred to a care facility for unaccompanied minor asylum seekers in one of the nine federal states. If the office is unsure about the asylum seeker's age, an age assessment can be ordered and the child has to stay within the initial reception centre until the age assessment has been completed.

Each unaccompanied minor in Austria is placed within an institution, a guardian is appointed and a legal representative takes care of the legal affairs within the asylum procedure. Some NGOs, like Caritas, Volkshilfe, Verein menschen.leben, Don Bosco, Diakonie, SOS-Children's Villages and the Red Cross, offer special residential establishments or shared flats for unaccompanied minors. Within the whole country, 36 of these institutions run by NGOs exist, offering space for 750 children and juveniles. There are another approximately 150 places which are run not by NGOs but by private individuals. An institution accommodates between six and 44 children who are being taken care of by social workers. Children under 14 years of age are usually placed within institutions that care for younger minors, while other institutions only take care of children aged 14 years and older. The former Landesjugendheim in Carinthia and Emmaus Gemeinde Integrationszentrum Viehofen in Lower Austria are specialized in UAMs under 14 years of age. Usually the institutions take care of either boys or girls; only a few have the possibility to care for siblings of different genders.

Children can stay within the care facility until the age of 18. Upon reaching that age they usually have to move out, except for a situation in which extended care is needed, such as for psychological reasons for example. It is possible to move to facilities for young adults.

The whole system is financed by the state. Each care facility receives an amount of between €39 and €77 per day (Tagsatz) for each unaccompanied minor (daily rate from the basic care service for asylum seekers, depending on the various level of personal care). In comparison, facilities offering housing and basic services to adult asylum seekers only get €19 per person per day. However, there is a substantial difference between minor asylum seekers and minor Austrians in the care of the youth welfare office, since €120 or more is provided for every Austrian child per day.

Every minor asylum seeker receives €40 in pocket money and €10 for leisure-time activities every month, €45.50 for food every week and €150 for clothes once a year (as of April 2014). In addition, unaccompanied minors are provided with health insurance and should have the possibility to attend German courses (200 hours) and receive psychotherapy (paid for by the state).

The extent to which an institution can take care of the unaccompanied minors placed in their care may depend on the funding available (contract with the basic care service in Austria), youth law in the federated state and the willingness of the federated state/youth office to take care of and support them.

This report will focus on the reception of unaccompanied minors in both Graz and Salzburg because of the experience with, and interest in, foster care for unaccompanied minors in those cities.

## **Graz**

In the city of Graz in Styria, around 45 unaccompanied boys live at one of two locations (homes for unaccompanied minors, not run by NGOs) where they are visited by their social worker from the regional council (Bezirkshauptmannschaft Graz-Umgebung) on a regular basis (once or twice a month). Another 25-30 boys live in a smaller village outside of Graz; some live with private persons and six of them live with foster families.

## **Salzburg**

The clearing-house Salzburg, run by SOS Children's Villages (SOS), opened in the city of Salzburg in 2001 and takes care of 30 unaccompanied boys (24/7 care) from Afghanistan (around 50%), Syria (around 30%), Pakistan, Somalia, Nigeria, Albania and Moldavia (as of April 2014). SOS offers reception and care to another 13 unaccompanied boys in a total of three homes in the city (ambulant care). Approximately 55 others are accommodated in three houses in Salzburg and Hallein, run by Verein menschen.leben. Most of them come from Afghanistan (about 90%) with others from Syria, Armenia and Somalia.

Verein menschen.leben started to take care of unaccompanied minor refugees in 2001 with a clearing place in Traiskirchen. In 2011 the NGO started in the city of Salzburg, with funding from the Austrian Ministry of Internal Affairs and the federated state of Salzburg. This resulted in its first accommodation facility in Salzburg in October 2012, accommodating 15 unaccompanied children. Nowadays they have three supervised flat-sharing communities with 24-hour care being provided by 8 social workers, where more than 55 children are being looked after. Since there is no general approach for how to facilitate reception for unaccompanied minors in Austria, Verein Menschen.leben uses its own methodology for the 3 houses in Salzburg (and the 2 others for which it is responsible in Austria, amounting to a total of 5 care facilities).

Good practices can be found in 18-plus care facilities; 11 young adults who turned 18 during their stay in Salzburg have been able to remain in care in a flat in Salzburg, thus enabling them to finish school and stay in their own neighbourhood. They receive social support from Caritas and can continue to reside in the accommodation as long as they are in the asylum system. Their presence is seen as an advantage, as it has proved to have a very positive effect on the younger boys who see them as peers. SOS also takes care of 7 young adults this way in 2 other homes in the city. Sometimes it is possible to continue offering services for young adults until they turn 21.

SOS and Verein menschen.leben are mandated by the youth office to represent unaccompanied minors in their asylum procedures. An all-in rate is paid by the youth office; the youth office itself has legal custody of unaccompanied children.<sup>33</sup>

Children younger than 14 are not usually accommodated in Salzburg. There is a special reception arrangement for them in an institution in Kärnten which also provides accommodation to unaccompanied minors who are in need of special care. This location consists of two groups and will soon to be extended with a third one; each group comprises a maximum of 10 children. Unaccompanied girls who arrive in Austria are housed in special accommodation in Vienna, Lower Austria and Upper Austria.

## Foster care in general

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Each federated state in Austria has foster care organizations in place. One example of the history of foster care in Austria is Pflegefamilie Austria in Graz, Styria – a foster care organization founded in 1980 in response to the need to organize structured care for the 4,000 children who were living in foster families in Styria at the time. This high number was the result of the long tradition of foster care in Austria. Many families used to take care of their own children and those of relatives or acquaintances. In the early seventies a discussion on where children should grow up also led to the closure of institutions in Vienna, with many children being sent to Styria and entering foster families. At that time, some villages hosted more Austrian foster children from outside the area than local children. Nowadays, the organization supports around 800 children living with approximately 500 foster families in Styria. It provides short- and long term placements, crisis placements and mother-and-child support.

A social worker who works with IKEMBA, a non-governmental organization in Graz founded by migrants and offering support to migrants on issues such as education, health and integration, recently wrote a dissertation on the fact that children with a migration background form a growing group in foster care. One of the conclusions of that research was the fact that many foster families who take care of these children face problems with racism from people within their own environment.<sup>34</sup>

## Foster care for unaccompanied minors

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Reception and living in families is not common for unaccompanied minors in Austria. At the moment, the city of Graz in the federated state Styria (Steiermark) is the only place in Austria that accommodates unaccompanied minors in foster families. This is seen by those delivering the family care environment as a good practice which delivers positive outcomes in the children's lives.

The foster care organization Pflegefamilie Austria was more or less coincidentally asked by the city of Graz to accommodate some unaccompanied minors in 2012. Therefore, they have 6 unaccompanied children aged 13-15 living with foster families (children over 16 are accommodated by Caritas in Graz and not in foster families). A distinction is made between children that are allowed to stay in Austria and those that have to return, as the organization strongly believes that a child should be able settle and integrate. Although Pflegefamilie Austria is quite satisfied with the results and even managed to provide foster families with the same cultural backgrounds, it is not aiming to expand this approach, nor is it being requested to.

Another good practice is taking place in Salzburg, where Kinder- und Jugendanwaltschaft (Kija) is preparing a project on accommodating unaccompanied minors in foster families. Kija is the ombudsman for children that exists in every federated state in Austria. It looks at the functioning of the youth care sys-

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<sup>33</sup> Kinder- und Jugendanwaltschaft Salzburg explained that, to them, custody is more than guardianship, which is why they prefer to use the term 'custody'.

<sup>34</sup> Belastungs-Ressourcen-Balancen von steirischen Dauerpflegeeltern mit Pflegekindern aus anderen Kulturen, Christine Leitner, Sozialpädagogik in Forschung und Praxis, Vol. 34, Hamburg 2014.

tem and advises on changes to the system where necessary. Although Kija does not yet have the financial means for the project and is currently looking for ways to fund it, the first placement (of a 16-year-old Afghan boy) in a foster family in Salzburg was a promising development in August 2014. The social department of the federated state of Salzburg states that this was an exception, as unaccompanied minors do not fall under the regular youth care system but rather under basic care arrangements. However, together with Kija, Asylkoordination Österreich believes foster care is useful and legally possible for unaccompanied minors. They maintain that federated states should realize that a minor is a minor, regardless of where they come from, and that all children should therefore be treated equally.

The member of the federated state council in Salzburg who is responsible for integration agrees, and embraces the idea of foster care for unaccompanied minors. She has proposed to facilitate it everywhere in Austria within a nationwide working group of people responsible for the reception of unaccompanied minors. She has also urged the federated state of Salzburg to investigate whether such foster care can be organized within the state. The general idea in the federated state of Salzburg is that such a placement will cost €670 euro a month, which is the amount of money received by youth care foster families who care for an 11-year-old.

The various stakeholders do not regard the general situation in Austria concerning foster care for unaccompanied children as an overnight change, given that integration and awareness of the main issues are still difficult topics concerning refugees in Austria. However, they are beginning to think of ways to realize a more individual approach towards the reception of unaccompanied minors, with foster care being one of the options considered. This is also the case for the youth care department of Tirol, for instance. When contacted about this project, the coordinator for unaccompanied minors in that federated state explained that foster care for unaccompanied minors is not yet available in Tirol but that it is believed to be a good alternative to institutional care and worthy of consideration for the future. Another expert stated that everybody in the field would welcome foster care for unaccompanied minors, especially for the younger ones.

## **Weaknesses and promising practices**

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Practices with accommodating unaccompanied minors differ from one federated state to another as each has its own legislation on youth care and basic welfare for asylum seekers. Authorities in different federated states do not tend to work together on the issue of unaccompanied minors. Actors in the field seem to be restricted by this framework, although it presents opportunities and possibilities for developing what is necessary to address the needs of unaccompanied children.

However, the friction between the state (being responsible for asylum and immigration), the federated states (being responsible for social welfare and youth care) and the youth office as legal custodian of unaccompanied minors (concerning issues such as the provision of funding, accommodation, education and insurance for the children) makes it difficult to find a breakthrough.

Another reason for this is the fact that the government wants the youth office in the federated states to take care of unaccompanied minors in collaboration with organizations like SOS Children's Villages, Red Cross, Diakonie and Verein menschen.leben, but does not offer extra help. The funding from the 'basic care service asylum seekers' that these organizations receive is stated to be insufficient, but the regional council often fails to provide additional financial support and the lack of funding is solved only regionally.

Good examples that can help other federated states to create foster care for unaccompanied children can be found in Graz (Styria) and Salzburg. Pflegefamilie Austria in Graz has experience with a small group of 6 unaccompanied minors aged 13-15 living with foster families. To date, one of them has even been placed with a family with the same cultural background, although the organization does not intend to expand this approach. In Salzburg, Kinder- und Jugendanwaltschaft (Kija) is preparing a project on accommodating unaccompanied minors in foster families.

### 3.2.2. BELGIUM

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| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 470   |
| Reception in families (yes/no/scattered, etc.)                                 | Scattered   |
| Centralized/decentralized reception system for unaccompanied minors            | Centralized reception system, financed by the federal government.   |
| Implemented by regular youth care  | Yes, foster care (also for unaccompanied minors) is arranged through the 'entrance gate' ( <i>intersectorale toegangspoort</i> ) to special youth care.   |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• The youth care system and foster care changed drastically during 2014, creating new possibilities for providing foster care for unaccompanied minors.</li> <li>• There is now only one entrance (<i>intersectorale toegangspoort</i>) to the youth care system which makes it easier to create a system of foster care for unaccompanied minors.</li> <li>• The specialized registration counter, created by Minor-Ndako, Fonto Nova and Joba-Vluchtelingenwerking, is a promising practice and could play a role.</li> <li>• As a substantial number of the minors already live with relatives, another opportunity is to make these families part of the pool by screening and supporting them.</li> </ul> |
| Potential actions to initiate development                                      | Develop a team that is responsible for a pool of foster carers for unaccompanied minors, for instance within the agency for youth welfare (Agentschap Jongerenwelzijn).   |
| Challenges   | Recruitment, screening and support of the foster carers.  |
| Recommendations  | <ul style="list-style-type: none"> <li>• Federal government, Agentschap Jongerenwelzijn, Dienst Voogdij and Minor-Ndako could consider working out a system of foster care for unaccompanied minors on a national level.</li> <li>• Training of foster carers in order to prevent breakdowns in placement due to lack of experience with unaccompanied minors.</li> </ul>   |

#### General context

Belgium receives between 1,800 and 2,000 unaccompanied minors on a yearly basis. Most of them are older than 14, mainly 16- and 17-year-old boys. The Belgian state structure, including a Walloon, German, Flemish and Brussels community, is reflected in the system dealing with unaccompanied minors, making it seem complicated to an outsider. In Autumn 2013, these communities came together to develop a cooperation protocol for dealing with unaccompanied minors.

All non-European unaccompanied minors coming to Belgium are appointed a guardian from Dienst Voogdij, the service within the Ministry of Justice that is responsible for the recognition of guardians (guardianship is therefore a federal responsibility, making arrangements the same throughout Belgium). A vulnerable unaccompanied minor from within the EU can also be appointed a guardian. Minors who speak French are mostly cared for under the responsibility of the Walloon authorities, while the others flow through to Flanders. Belgium works with a system of mixed voluntary and professional guardianship. Voluntary guardians (about 300) are members of various organizations such as Gardanto. Professional guardians – representing the minority of cases (about 16) – work for Caritas, the Red Cross and Solidarité Sociale Exile.

## Reception of unaccompanied minors

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Most unaccompanied minors in Belgium are over 16 years of age and are accommodated in reception facilities run by Fedasil (the agency responsible for the reception of asylum seekers). This is financed by the federal government and organized in two phases. In the first phase, which lasts approximately one month, the guardianship services are notified, upon which minors are brought to an Orientation and Observation centre (either in Steenokkerzeel or Neder-over-Heembeek). From there, both the guardian and a specialist in the reception centre decide on the best type of reception in the second phase, although in practice the available choices are often limited. The guardian has the responsibility to find suitable and safe accommodation that meets the minor's needs. Upon leaving the Orientation and Observation centre, minors aged over 16 are mostly placed in a reception centre or in smaller living units for special youth care. Both are run by Fedasil and financed by the federal government. A decision on the reception status should be made within a period of 4 months. After the second phase, the minors can move to local reception initiatives (LOIs), if possible in the same region, that are offered by municipalities and financed by Fedasil (for instance Minor-Ndako in Flanders and Centre El Paso in Wallonia). However, the lack of capacity in the local reception institutes often presents a problem.

There used to be a guideline which stated that special youth assistance (*Bijzondere Jeugdzorg*) should specifically address the needs of unaccompanied minors who did not ask for asylum. This implicated that, for unaccompanied minors under 16 in Flanders, their guardian often applied for special youth assistance (*Bijzondere Jeugdbijstand*). If this application was accepted, they were accommodated in categorical facilities or foster families by the committee for special youth care (Comité Bijzondere Jeugdzorg, CBJ) that was part of the agency for youth welfare (Agentschap Jongerenwelzijn) within the Flemish Ministry for Welfare, Public Health and Family and occupied a special position in the Flemish youth protection system by offering (voluntary) help to parents and children with problematic upbringings as well as general prevention programmes. Due to new legislation in Flanders (*Decreet Jeugdzorg*) that came into force on 1 March 2014, the committees for special youth care have disappeared and there now is one 'entrance gate' to the youth care system. Guardians themselves can no longer make a referral into the system.

The new integral youth care system is aimed at offering care to the most vulnerable unaccompanied minors, i.e. the younger children, trafficked children and children with psychological and behavioural problems. In order to recognize this group, an overview on the total population is needed. Therefore, the organizations Minor-Ndako, Joba-Vluchtelingenwerking (Kiosk, Antwerpen) and Fonto Nova Nova (De Oever, Genk) created a registration counter specialized in unaccompanied minors with a joint telephone number and email address. The counter can be contacted by the guardian or a care provider in the care network and helps unaccompanied minors by creating a file and filing a request for special youth care. This experimental project is supporting the development of expertise and know-how regarding the various needs of minors in order to enable the youth care organizations to offer them suitable care.

The two Orientation and Observation centres (in Steenokkerzeel and Neder-over-Heembeek) which take care of unaccompanied minors can also file a request for youth care. However, in the case of complex situations, they are more likely to seek the help of the specialized registration counter of Minor-Ndako.<sup>35</sup>

The way the reception offered by the agency for youth welfare is financed depends on whether the unaccompanied minor receives a permit to stay. If no permit is obtained, financing comes from a fund for special youth assistance of the Flemish community and lasts until the minor returns to their country of origin. Unaccompanied minors who receive a residence permit will be accommodated in special youth care until they turn 21. This reception is financed by the Openbaar Centrum voor Maatschappelijk Welzijn (OCMW), a community public authority.

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<sup>35</sup> Information provided by Minor-Ndako, <http://www.minor-ndako.be/nl/page/208> and <http://www.minor-ndako.be/nl/page/206>.

## Foster care in general

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Everyone can make an application to be accommodated in foster care in Belgium. The 5 Flemish provinces (Antwerpen, Limburg, Oost-Vlaanderen, Vlaams Brabant and West-Vlaanderen) and Brussels used to have 25 services for foster care, but after the Flemish authorities accepted new rules for foster care in 2013 (the *Decreet Jeugdzorg*) there are now 5 regional services remaining. The Federation for Foster Care (Pleegzorg Vlaanderen), a non-governmental umbrella organization of which all the existing services formed a part, ceased its activities in January 2014. In Flanders, foster agencies exercise a lot of autonomy over the process of foster care. Each service has its own quality policy. In addition, they dispose of some general standards such as the number of children placed in each foster household, the supervision and ending of placements and the provision of care. The foster care system is also used for unaccompanied minors, although mainly for the younger ones.

The French-speaking community still has an umbrella organization. It is called La Fédération des Services de Placement Familial ('Federation for Foster Care') and has 15 members: 11 services for foster care that organize medium- and long-term foster care placements, 3 services offering short-term foster care and 2 services that offer emergency foster care. In practice they are not used for unaccompanied minors.

## Foster care for unaccompanied minors

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In Flanders, some unaccompanied minors are referred to facilities for foster care. For those who are seeking asylum, this can only be the case in the second phase of their application if being financed by the federal government. In cases of continued reception (i.e. after their application for asylum has been approved) placement in foster care is always possible and financed by the OCMW, a community public authority.

There are several facilities for foster care that offer foster care to unaccompanied minors, although the capacity is limited. There are no reliable figures on the number of unaccompanied minors in foster care as there is no compulsory registration. It is known, however, that many unaccompanied minors under 12 are being accommodated within their network, i.e. their own communities. As these placements are not part of the youth welfare system, the agency for youth welfare has no view of these minors. In the statistics of the Guardianship Service in 2012, 285 minors were registered as living at a private address, which could include formal and informal foster care. From 2009 to 2012, between 30 and 40 placements of unaccompanied minors in foster families were registered each year by the agency for youth welfare.

Minors over 16 are hardly ever accommodated in foster care unless they have relatives or other acquaintances who are willing to care for them. However, this can also be a problem: authorities sometimes refuse a placement of this kind, suspecting that the family is only prepared to accommodate the child in order to receive the financial compensation. In this case the unaccompanied minor can be allowed to live with the family, but the family does not receive any compensation or support.

For children under 10, the guardian almost always asks for foster families, although in practice guardians have experienced that this is hard to arrange; waiting times are long, authorities do not always agree and there is a shortage of foster families. Guardians also report that these placements do not always succeed due to foster families' lack of experience with unaccompanied minors.

In the French-speaking community, unaccompanied minors are never accommodated in the official foster care system. The percentage of those who live with extended families is estimated at 15-20%, although this figure could be more since not all of them are known to the authorities. For those who are in view of the authorities and have been appointed a guardian, the guardian will try to have the family recognized as an official foster carer by the agency for youth welfare (Aide a la Jeunesse), which qualifies them to receive expenses and support. Sometimes, a guardian will discover that the foster family does not have the means, capacity or wish to look after the child. In this case the agency for youth welfare is also brought in by the

guardian in order to investigate the situation and take appropriate measures (for instance, placement in an institution on weekdays).

## Weaknesses and promising practices

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Despite the initiatives mentioned above, foster care for unaccompanied minors is not very common in Belgium. One of the problems is that organizations for foster care recruit their foster families within the native Belgian society and face difficulties finding families that are willing to accommodate this group. One of the reasons is public opinion on youth care in general. As the functioning of the youth care system is receiving a lot of criticism, the emphasis lies on improving the care for Belgian children rather than for unaccompanied minors. Guardians perceive this as unjustified and see it as a failure of the system; their experience is that many unaccompanied minors need the support of a family.

There is very little experience in recruiting families from a non-Belgian background. Many unaccompanied minors live within their own communities and are not in the sights of the youth care system and the authorities. There is no quality control system in place for such placements. Minor-Ndako, an organization that offers reception to approximately 90 unaccompanied minors, stated it has been confronted with many failed foster care placements because of this.

A particular element in the French-speaking community are minors from Sub-Saharan Africa who are registered in the French-speaking procedures. Some of those minors have family members in Belgium or they arrive with several siblings, some quite young. Those profiles lead to other questions with regards to foster care: young children who should not be in wide-scale reception centres, foster families that do not have the capacity to house all the siblings, and families that function as informal foster families without supervision.

Minor-Ndako has been successful in accommodating unaccompanied minors under 12 years of age in foster families that were found through school and church communities on a small scale. This is seen as a preferable alternative over the in-house reception, which is integral for all target groups under 12, both for Belgian and foreign children. The fact that this organization recently created a registration counter which can be contacted by guardians and care providers in order to file a request for special youth care can be seen as a promising practice for the development of foster care arrangements for unaccompanied minors, since the counter will have an overview of the total population and the associated needs, also regarding foster care.

Those guardians with experience of unaccompanied minors being accommodated in foster families report that, in general, this works quite well. From experience, they can conclude that the younger the child, the better the integration that develops from living within a family. One guardian reported having a child in a foster family of the same nationality, which is working very well, although the guardian does not feel that the family's background is decisive for success.

Authorities fear a lack of integration in Belgian society when unaccompanied minors are accommodated with families with a non-Belgian background. However, they are interested in this form of reception as it has proven to be less expensive than other forms of reception. The federal government could organize foster care for unaccompanied minors on a national level under the condition that there are enough arguments in favour of it. Nevertheless, guardians report that they do not see this happening within the foreseeable future.

Despite several youth care requests, very little research is being conducted into this topic by universities.

### 3.2.3 FRANCE

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| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 365  |
| Reception in families (yes/no/scattered, etc.)                                 | Scattered depending on the local authority area in which the unaccompanied minor lives.  |
| Centralized/decentralized reception system for unaccompanied minors            | Centralized immigration reception system, with youth care decentralized to Youth Protection departments within local authorities; assisted in part by the Ministry of Justice and other centralized departments.   |
| Implemented by regular youth care  | Reception of unaccompanied minors is covered in most respects by the same laws and rules that apply to children and young people in need of protection or assistance under the regular youth care services. Additionally, there is some shared responsibility with national departments (such as the Ministry of Justice) to assist with certain aspects of support but this is far from effective.  |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• Making better use of the court-appointed 'trustworthy third party' system which could potentially allow unaccompanied children to live with their relatives.</li> <li>• Improving foster families' skill sets, and increasing the supply of foster families that are needed to provide homes to unaccompanied children.</li> </ul>  |
| Potential actions to initiate development                                      | <ul style="list-style-type: none"> <li>• Extending the kinship care arrangements currently used for indigenous children with the necessary safeguards to cater for unaccompanied children, without prejudice to their asylum claims or support entitlements as children.</li> <li>• Reviewing the remuneration and support packages given to families in order to make such placements effective and viable.</li> <li>• National information campaign and local community initiatives to encourage families to participate and feel supported in providing homes to children with a similar cultural background.</li> </ul>              |
| Challenges   | <ul style="list-style-type: none"> <li>• Policymakers may interpret the drive to increase the supply of cultural families as having a negative impact on the development of these children as part of a wider integration strategy into French society.</li> <li>• Recruitment of and training for foster families.</li> </ul>   |
| Recommendations  | <ul style="list-style-type: none"> <li>• To follow the example of the department du Pas-de-Calais.</li> <li>• To establish benchmarks for data on the number of unaccompanied children in receipt of various forms of foster care (or other placement types) in order to monitor the effectiveness of campaigns and changes to any guidelines or policies.</li> <li>• To build upon the existing knowledge base available that highlights the positive impact of foster placements, the ways in which cultural and network families have important roles to play and to use these to best effect in order to initiate change.</li> </ul> |

#### General context

France is divided into 22 regions and there are 101 local departments, including in overseas territories such as Mayotte and Reunion which both receive a large number of unaccompanied minors and face a lot of challenges in dealing with them.

With the increase in the number of unaccompanied minors arriving in France, an *administrateur ad hoc* was created in a new law on parental responsibility in 2002 to provide the minors with assistance and representation during the asylum process. This provision, conceived in the child protection system in 1999

for assisting children who were victims of abuse and neglect with their administrative procedures, can now be used for those arriving at the airport and asking for asylum.

Since 1986, the responsibility for child protection lies with the local authorities (*départements*). The judge for children (for protection) and the family judge (for legal guardianship) make decisions but local authorities pay and act. According to experts, the decision to support unaccompanied children within the general youth care system was well received by institutions who saw them as easier to care for in comparison to indigenous children. Local authorities, in contrast, have been less than sympathetic. This debate has destabilized the system and caused disagreements between care organizations and the state. However, as things currently stand, local authorities have to take unaccompanied minors into care since the general opinion is that taking care of these children should be seen as youth protection, for which the local authorities are responsible. These developments made the care of unaccompanied minors part of France's normal child protection system – a system that has been strongly centralized for a long time.

As the number of unaccompanied minors entering France continued to increase in recent years, the *départements* experienced significant pressure. The state then shouldered its responsibility, according to experts, by founding a new national cell within the Ministry of Justice in 2011, responsible for spreading the responsibility for unaccompanied minors evenly between the different *départements* and for financing age assessments to evaluate minority claims. Local authorities were asked to share the burden of care for unaccompanied minors. This made unaccompanied minors both a state responsibility and a responsibility of the *départements* as the state is responsible for immigration issues and the *départements* for child care. Since the founding of the cell on 1 June 2013, 1,617 unaccompanied minors have entered the child protection system, of whom 45% have been older than 16 upon registration.

Unaccompanied minors are permitted to stay in France until they become 18, after which they can apply for another permit to stay, such as on the grounds of private life, study or work. There are no national statistics on the number of such permits granted to unaccompanied minors. All actors consulted in the field of unaccompanied minors agree on the fact that France lacks a single, central organization for these children. The only one is the national cell in the Ministry of Justice. However, it suffers from the fact that it has to deal with three different Ministries and it has so far proved to be ineffective in dealing with all the work coming from the local authorities.

## **Reception of unaccompanied minors**

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The number of unaccompanied minors entering France has steadily increased over the years. Whereas local authorities did not have difficulties accommodating them in the past, this changed as their number increased and tension built up between state and local authorities. They were mostly accommodated in overcrowded residential homes. In 2011, the *département* North of Paris was the first to refuse to take unaccompanied minors into care because the care system had become overcrowded. As a result, the older ones were placed in hotels. Since then, the reception of unaccompanied minors has become a permanent challenge. Of the 4,000 children entering France who claim to be unaccompanied minors, 1,000 are (after an evaluation of their age) determined to be adults. Experts explained that it is in the *départements'* best interests for the state to be more restrictive in the age evaluation process since they have budgetary responsibility for all the minors.

## **Foster care in general**

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France has a double child care system consisting of an administrative system in which the child's parents give their agreement to child protection and a judicial system in which a judge has to agree to award child protection. 75% of the measures are currently taken within the judicial system.

There are 300,000 children in the child protection system in France. 150,000 of them are not living at home, 53% of whom are in foster care and 35% in residential care. The others live in independent living groups. Foster care costs approximately €100 per child per day and residential care €200 per child per day. Both of these costs are paid for by local authorities. Around 7,000 of the children not living at home are unaccompanied minors, and this rises to 9,000 when those aged 18-21 are included. This accounts for 6.5% of all the children taken into care. Since the 2007 child protection act came into force, all *départements* must have a local observatory for child protection. There is a national network and a national observatory (ONED) in Paris which is responsible for collecting data on a national level, analysing it and returning information back to the local level. It is also responsible for research.

## Foster care for unaccompanied minors

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Local authorities are said to try very hard to provide foster care for unaccompanied minors but it was also stated that there are as of yet no foster families that are specialized in coping with unaccompanied minors. One of the crucial points is said to be the lack of training for the foster families. Experts explained that there is no acceptance for specialization based on nationality; the only exception to this way of thinking is a foyer for Romanian minors. Despite the efforts of local authorities to develop the care system for unaccompanied minors, specialists in the field stated that the basic problem for migrant children still remains. The *départements* are one of the factors causing this situation as they are free to choose the institutions they work with and therefore do not have to choose the ones specialized in unaccompanied minors.

Three organizations that have experience with accommodating unaccompanied minors in foster families are Fondation Grancher, the Service d'accueil familial du département de Paris in Paris and the Service d'accueil des Mineurs Isolés Etrangers du département du Pas-de-Calais. Their experience will be explained below.

### Fondation Grancher

Fondation Grancher is a foster care service that works with foster families in the Loire et Cher region. The organization is responsible for a total of 157 children. It started the care for unaccompanied minors two years ago, taking on responsibility for 8 unaccompanied minors. This number has not increased since then, which the foundation subscribes to the new national cell not working as it should and to the fact that most children are over 16 (45%) and are therefore not being placed in foster families. According to the foundation, since inclusion is not yet commonplace in France and since using foreign foster families is thought to be discriminating, it works only with French families. These families can take care of 1-3 children. Another reason mentioned for not having more unaccompanied minors in foster care is the fact that it has proved to be difficult to recruit foster families for this group of children.

The foundation consists of social workers, family workers and a psychologist. Just like other organizations, the foundation can decide whether it wants to continue paying for the children it takes care of after they turn 18, as this is not obligatory. Asked what developments would ameliorate the situation for unaccompanied minors, the foundation stressed that the results of the care being given to them should be evaluated. The foster mother present at the meeting organized for the purpose of this project explained about the difficulties both she and the girl she takes care of face, mainly because of their different backgrounds. She claimed that living with families with the same cultural background would be better for unaccompanied minors. She found the lack of information about the girl's cultural background challenging and found it difficult to face the future as the judge had not yet decided whether the girl would be allowed to stay and complete her education in France.

## Service d'accueil familial du Département de Paris

The foster care service Service d'accueil familial du *Département* de Paris works with 110 foster families all over Paris. 90% of them come from North Africa, mainly from Morocco, Tunisia and Algeria, and have been in France for a long time. According to the service, families that work with them have to be neutral and non-religious because of the fact that they work for a public service. Families receive €1,300 per child per month, which is financed by the *département*. It is difficult to recruit families; the last search conducted for new families was 3 years ago. The service now provides care to 7 unaccompanied minors, some of whom are thought to have family members in France. Even if this were to be the case, it was thought that the children would probably not disclose that fact because it might be a reason for them to be removed from the care system. According to the service, a system whereby the minor's family takes care of them in exchange for financial support – as is the case in the Netherlands for instance – is not a workable solution in France as private placements with network families are not recognized as a formal foster care placement. These families do not usually receive remuneration or subsistence for the child, and Children's Services only intervene if there is a concern regarding the child's safety or well-being.

## Service d'accueil des Mineurs Isolés Etrangers du Département du Pas-de-Calais

In 2013, 403 unaccompanied minors entered the protection system of the *Département* du Pas-de-Calais: 379 boys and 24 girls. The majority of them were between 15 and 18 years old when they arrived in France; 48% came from Central Africa and Sub-Saharan Africa and 26% from Afghanistan. Only 65 of these children decided to stay in France, whereas 338 of them left the institutions and attempted to travel to the UK (around 50% of them claimed to have family members there with a residency permit). However, very few children actually succeed in reaching the UK, according to the experts working with unaccompanied minors in Calais.

From January until September 2014, 452 unaccompanied minors entered the protection system. Of those minors, 59 decided to stay in France and 393 left the institutions. The number of migrants in the refugee camps increased from March/April 2014 onwards. On 31 August there were 163 unaccompanied minors in the *département* and 70 young adults (from 18 to 21 years old). 138 of the unaccompanied minors were living in institutions and 25 of them were placed in foster families.

In September 2012, the *département* took new measures to receive unaccompanied minors. Together with the association France Terre d'Asile, the 'House of young refugees' was established, funded by the *département*. It is a two-step approach with its activities ranging from identifying minors wandering along the shores of Calais to supporting and empowering those who wish to settle on French territory:

1. A shelter system that can host a total of 30 boys and girls. After five days, those who decide they want to receive protection are evaluated and (upon confirmation by the judicial authorities) can be accommodated in the stabilization apartments (step 2).
2. Stabilization apartments (38 places) that offer full socio-educational support. The association proposes educational activities (French courses, educational workshops, discovery of the host country) and provides social and legal assistance.

The *département* wants to further develop reception of unaccompanied minors within foster families since experience has shown that many unaccompanied minors would benefit from a family environment. Another important reason is that unaccompanied minors who live in institutions often do not understand the attitudes of French children, who all too often do not appear to respect adults, do not wish to go to school and do not see any benefit in staying where they are living. Finally, the institutions are fast reaching their capacity, resulting in the *département* having to devise alternative placement solutions.

The *département* employs 1,900 foster families that can receive a total of 5,950 children. These families are French families who mostly take care of French children but can also foster foreign children. Apart from the fact that the recruitment of families with the same cultural background is supposed to be near-impossible given the limited availability of resources, it is also regarded as discriminatory against the minors since the goal for these children is integration in France. A positive side effect of reception of unaccompanied minors in French foster families is said to be that the French children learn to respect adults and the importance of school from the foreign foster children. The foster families that are being used are all professional foster carers, employed by the *département*. They have signed an 'agreement' confirming that they are capable of being a foster parent. The 'service familial' of the *département* supports the families: one person, called the 'referent', helps the child with all administrative procedures, and the parent who works for the *département* is allowed to participate in a monthly group meeting. The *département* is also exploring the possibilities to work with voluntary families in the future.

The *Département* du Pas-de-Calais offers participation groups and support for its foster families, but not specifically relating to unaccompanied minors. Recent research on foster families' training needs showed that training about how to take care of unaccompanied minors is required. Therefore, a 2-day training course on this topic will start in June 2015 to address issues that are challenging for foster families, like differences in language, food and religion between them and the minors. As only 77 of the foster families have experience with unaccompanied minors, the *département* will also use the training course to try to recruit more families to take care of this group of children. Therefore all 1,900 foster families in the *département* will be invited to for the training.

The training will be offered to foster parents, referents and educators who work in institutions. The first day of the training course will consist of presentations by specialists who work on various issues, while the second day will be more interactive. It will include a movie made by the unaccompanied minors that shows how they experience life in the *département*. Some children will also be involved in the training themselves, as experts.

Compared to many other regions in France, the Pas-de-Calais *département* has a better-developed system of foster care, for which it is well known. This is the result of a long tradition of foster care. The large population of unaccompanied minors, help from an expert like France Terre d'asile and a political climate that enables the *département* to develop good support arrangements for minors mean that the *département* is able to take responsibility for this group of children and offer the diversity of placement solutions as mentioned above.

## Weaknesses and promising practices

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One promising practice is the use of a *tiers digne de confiance* (a 'trustworthy third party'). Under this construction, which is decided on by a judge, children can live with relatives who can receive payment for housing a child. However, this is not very well known, which is why ODAS is working to inform others about the possibility of its use. So far, it has not been used to accommodate unaccompanied minors or to reunite them with their families.

Another promising practice is the 2-day training course that will start in June 2015 in the *Département* du Pas-de-Calais.

### 3.2.4 GERMANY

|  |   |
|--|---|
| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 2,485   |
| Reception in families (yes/no/scattered, etc.)                                 | Scattered depending on the local authority area in which the unaccompanied minor arrives.   |
| Centralized/decentralized reception system for unaccompanied minors            | Centralized immigration reception system, with youth care decentralized to local authorities within Germany.  |
| Implemented by regular youth care  | Reception of unaccompanied minors is covered in most respects by the same laws and rules that apply to children and young people in need of protection or assistance under the regular youth care services.   |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• Building greater consistency in local reception arrangements and developing national guidelines on access to youth services and foster care placements as an option that could be used locally.</li> <li>• Improving the skill set, and increasing the supply of foster families that are required to provide a home to unaccompanied children.</li> </ul>   |
| Potential actions to initiate development                                      | <ul style="list-style-type: none"> <li>• Extending the current foster care arrangements currently used for indigenous children with the necessary safeguards to cater for unaccompanied children.</li> <li>• Reviewing the remuneration and support packages given to families in order to make such placements effective and viable.</li> <li>• National information campaign and local community initiatives to encourage families to participate and feel supported in providing homes to children of a similar cultural background.</li> </ul>  |
| Challenges   | Policymakers may view the existing institutional system as sufficient, based upon the outcomes it achieves by way of increased independence for young people and the positive impact it has in relation to integration into German society.   |
| Recommendations  | <ul style="list-style-type: none"> <li>• To take the practice of PIB in Bremen, Jugendhilfe Süd-Niedersachsen and Pforzheim in Bavaria as an example for other federated states. The Bundesfachverband UMF can play a role in this.</li> <li>• To better enable the sharing of information and best practice between local areas, and for statistics to be collated at a federal level in order for a level of service parity to be achieved.</li> <li>• To build upon the existing knowledge base available that highlights the positive impact of foster placements, the ways in which cultural and network families have important roles to play and to use these to best effect in order to initiate change.</li> </ul> |

## General context

It is estimated that there are around 8,000-10,000 unaccompanied minors living in Germany, of whom 5,548 (2013) have been taken into care under the responsibility of the youth offices:<sup>36</sup>

| Federated state     | 2009 | 2010 | 2011 | 2012 | 2013 |
|---------------------|------|------|------|------|------|
| Baden-Württemberg   | 125  | 176  | 179  | 271  | 408  |
| Bayern              | 387  | 778  | 541  | 679  | 742  |
| Berlin              | 383  | 377  | 275  | 419  | 491  |
| Brandenburg         | 160  | 130  | 70   | 80   | 75   |
| Bremen              | 33   | 35   | 47   | 102  | 210  |
| Hamburg             | 192  | 353  | 414  | 404  | 485  |
| Hessen              | 435  | 571  | 631  | 596  | 889  |
| Mecklenburg-Vorp.   | 5    | 7    | 13   | 14   | 0    |
| Niedersachsen       | 111  | 250  | 98   | 279  | 377  |
| Nordrhein-Westfalen | 579  | 875  | 543  | 840  | 1083 |
| Rheinland-Pfalz     | 77   | 106  | 168  | 151  | 93   |
| Saarland            | 22   | 77   | 216  | 213  | 210  |
| Sachsen             | 68   | 100  | 94   | 38   | 67   |
| Sachsen-Anhalt      | 10   | 30   | 24   | 18   | 37   |
| Schleswig-Holstein  | 387  | 321  | 453  | 267  | 380  |
| Thüringen           | 14   | 30   | 16   | 6    | 1    |
| Total               | 2988 | 4216 | 3782 | 4377 | 5548 |

In part due to the increasing number of unaccompanied minors, the total number of all children taken into care is also increasing (more than 42,000 up until July 2014, which is equal to the total number for the whole of 2013).

The situation of unaccompanied minors differs considerably from one federated state to another, both in numbers and approach. German social legislation (§ 42 SGB VIII) requires that the public youth office assigns a guardian to a minor who has entered Germany unaccompanied and who does not have a relative living in Germany. The guardian will then decide on adequate levels of protection and care.

In some federated states the number of guardianships of unaccompanied minors has increased over the last few years (for instance in Bremen and Niedersachsen). In others, on the contrary, the number has declined, perhaps because of changing flight routes or a more restrictive age assessment procedure (e.g. Sachsen-Anhalt). Reliable numbers on the amount of unaccompanied minors in Germany, whether they have been assigned a guardian and details of their living situation are not available according to the Bundesfachverband UMF.<sup>37</sup>

<sup>36</sup> [http://www.b-umf.de/images/Bundesfachverband\\_UMF\\_Zahlen2013\\_24072014.pdf](http://www.b-umf.de/images/Bundesfachverband_UMF_Zahlen2013_24072014.pdf)

<sup>37</sup> Federal Association for unaccompanied minors, member of the SCEP-network.

The Bundesfachverband UMF also states that it is not known how many of the unaccompanied minors that finally enter the youth care system receive the same care as German children, and whether or not the care meets their needs. One thing is for certain though: the majority of unaccompanied minors remain in Germany and integrate into German society. If they do not receive refugee status, their presence is tolerated and there is little by way of a forced removal process.

## **Reception of unaccompanied minors**

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Most unaccompanied minors enter a federated state through a first reception centre. Social workers from the youth office are informed of their arrival and visit them. For age assessment purposes, the unaccompanied minors undergo a procedure that is referred to as 'clearing'. This is carried out by the Clearingstelle, a governmental institution of the youth office which is responsible for the whole clearing process. As the age assessment process differs between the various federated states, the outcomes and hence the offered subsequently reception differ as well. For instance, in Niedersachsen, the age assessment results in 95% of those who claim to be a minor actually being deemed to be aged over 18, whereas this number is only around 20% in Hessen. In order to give some insight into the approaches of the various federated states, the procedures in three of them are described below.

### **Bremen**

Bremen receives around 200 unaccompanied minors a year. After their arrival at the first reception centre, unaccompanied minors are accommodated in a Clearingstelle, where 40 children live together in groups of 8 to 10. After an age assessment (consisting of an interview with the manager of the first reception centre) and within approximately 3 weeks of their arrival, children who are deemed to be under 18 are assigned a guardian. This can be a guardian of the youth office or a voluntary guardian. One of the differences between the two is that voluntary guardians are responsible for only 2 to 3 youngsters, whereas professionals often have a 50-strong caseload.

In all cases, social workers from the youth office, called 'case managers', are the first point of contact for the minors. They meet them at least once a month and work on building up a relationship of trust with them. It is the case manager who decides on the suitability of placement (in either a youth care home or foster family) for the minors. Most unaccompanied minors are around 16 years of age and live in small-scale reception units housing 8 to 10 children. Since 2010, the organization Pflegekinder in Bremen has been running a foster care for unaccompanied minors project with a minimum of 16 places occupied throughout the year.

### **Süd-Niedersachsen**

In the town of Northeim in Süd-Niedersachsen, Jugendhilfe Süd-Niedersachsen (JSN) started foster care for unaccompanied minors in 2011. The reason given for starting it was that Friedland, one of Niedersachsen's first reception centres, started receiving unaccompanied minors in 2011, which made new forms of reception for unaccompanied minors necessary. In order to avoid large accommodation facilities which could lead to conflicts and a lesser degree of integration, it was decided to accommodate unaccompanied minors in small living units or host families.

The social worker from Friedland calls JSN as soon as a person enters the centre claiming to be an unaccompanied minor. A social worker from JSN then conducts an interview with the young person. Those that are likely to be minors are taken into care and accommodated in small living units or host families. Meanwhile, the first steps are undertaken at the university clinic in Göttingen with a health check and an age assessment, consisting of an x-ray of the jaw, collar bone and wrist, and a full body observation. This whole clearing process takes between 5 weeks and 5 months. The youngsters do not go to school until

their age is known, but they do attend language classes. They are assigned a guardian, either from JSN (paid for by the court) or from other youth offices (paid for by the youth offices themselves). As the age assessment process results in 95% of those undergoing it being deemed over age, only a small number of the claimants accommodated within host families actually remain there after the clearing period.

## Hessen

The federated state of Hessen receives 500 new unaccompanied minors a year, most of them being around 16-17 years old with the youngest ones being around 12. Most of them arrive in Giessen and Frankfurt. The age assessment (as part of the clearing process) is carried out in the form of an interview with two people from the youth department. The outcome of this is that some 80% are deemed to be minors, thereby being assigned a guardian in Giessen or Frankfurt. They are subsequently sent to accommodation facilities spread throughout Hessen where various youth departments take on the responsibility for care, and a new guardian from that particular youth department is then appointed. Many of the unaccompanied minors can stay in care until 21 years of age (depending on the individual case) and fall under the responsibility of a guardian even after they turn 18; the law of the country of origin on guardianship is leading in this matter.

In Hessen, unaccompanied minors live in institutions. Authorities and people working with them are of the opinion that the current system with institutions works well as this enables a professional to deal effectively with the unique and often severe difficulties faced by unaccompanied minors as a result of their history and, in some cases, traumatic experiences. In the authorities' experiences, youngsters aged 15-17 also develop self-responsibility and independence better if they live together with other young people.

Unaccompanied minors are not accommodated within host families, except those who – after a successful background check – are allowed to live with relatives (who then can also be their guardian). However, the youth office reported some bad experiences with this; some of the children were traumatized and did not get the help they needed since the relatives were unable to cope with such problems. Therefore, the youth office does not often place unaccompanied minors with their relatives. The department for foster care in the youth office of Hofheim was very interested to hear about the projects in Bremen and Süd-Niedersachsen, since living in a family could be an appropriate alternative to institutional care, especially for younger children.

## Foster care in general

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In 2011, approximately 65,000 children lived in residential group homes and approximately 61,000 in foster families, with approximately 13,000 of them living in kinship care.<sup>38</sup> Additionally, it was estimated in 2011<sup>39</sup> that there are another 40,000 children living in informal kinship care arrangements. Altogether there are 112 young people under the age of 21 per 10,000 of the population living in alternative care (residential and formal foster care). Over the last four decades, trends have emerged in residential care towards more small-scale forms of residential care, smaller residential group sizes, and increasing professionalization of staff. Over the last two decades, a comparable trend towards increasing professionalization can be seen in the context of foster care. In addition, the number of youths in out-of-home care increased has over the last decade, specifically in foster care.

While over the course of recent decades the residential care sector has steadily progressed in terms of reflecting on concepts and methods, the foster care sector is just at the beginning of this process. In Germany, being a foster carer has traditionally been voluntary, and foster families used to collaborate

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<sup>38</sup> Statistisches Bundesamt, 2012.

<sup>39</sup> Blandow and Küfner, 2011.

directly with the youth welfare office. Only recently has there been a differentiation between ‘traditional’ foster care families, kinship care and ‘professional’ foster families (*Erziehungsstellen*), as well as short and long-term placements. In a professional foster family, at least one of the foster parents is a qualified social worker, teacher or social pedagogue. Often, younger children with special needs are placed in these kinds of services. The youth welfare offices, and in some regions also not-for-profit voluntary organizations, have started to offer training, counselling and workshops for foster parents, and sometimes also for the children to help them cope with their situation.<sup>40</sup> Thus, rather than pushing kinship care, as many countries do,<sup>41</sup> Germany is attempting to follow the path of professionalization in the foster care sector.<sup>42</sup>

## Foster care for unaccompanied minors

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The majority of the 16 federated states (*Bundesländer*) do not have experience with providing foster care to unaccompanied minors. As an employee of a youth office explained, one of the main reasons for this is that reception in children’s homes is generally taken for granted; unaccompanied minors who live with their relatives in Germany are often the only exception to this.

However, the federated state of Niedersachsen and the city of Bremen both have promising practices of accommodating unaccompanied minors in host families since 2010/2011. The city of Pforzheim in Bavaria also has some practice.

### ‘Children in Exile’ project, Pflegekinder in Bremen (PiB)

The ‘Children in Exile’ project, which the organization Pflegekinder in Bremen (PiB) set up on accommodating unaccompanied minors in host families, started in 2010 and is paid for by the city of Bremen. Two PiB employees are responsible for the project. They work closely together with the social workers from the youth office in order to provide the most suitable family placement for unaccompanied minors. This resulted in 18 unaccompanied minors being successfully placed in a foster family in 2013 (compared to 550 German foster children in 440 families). At this stage, they do not yet have enough families for all minors to benefit. Most of these families are traditional German families who came into contact with the programme either through affiliation with a local guardianship programme or because they have fostered local children or youngsters before. Many of the families who sign up and qualify as a foster family remain connected to the refugee programme and take in other young people later on. Some of the families also have a multicultural background. PiB is aiming to build up a pool with families from various cultural backgrounds in order to be able to provide suitable accommodation for all unaccompanied minors demonstrating a need.

Meanwhile, PiB described the framework relating to some important subjects. Foster families should have legal status, their own income and sufficient knowledge of German to be able to help the youth/child in everyday life. Unaccompanied minors living with the families should have their own room. These criteria have been established in accordance with social legislature (Sozialgesetzbuch VIII). Support provided by PiB consists of information evenings, an admission and qualifying procedure, courses offered on a monthly basis and individual advice. Foster families receive a guide, the ‘Small A-Z for PiB foster parents’ that has been specially written about unaccompanied minors and informs the families on important subjects relating to this target group. Quality checks of the general foster care system are in place, such as working with qualified staff and checklists.<sup>43</sup>

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<sup>40</sup> Trede & Winkler, 2013.

<sup>41</sup> Dill, 2010.

<sup>42</sup> All information under ‘Foster care in general’ gained from ‘Different sizes, similar challenges: Out of home care for youth in Germany and the Netherlands’, by A. T. Harder et al. / *Psychosocial Intervention* 22 (2013) 203-213.

<sup>43</sup> Information from the Konzeption on ‘Kinder im Exil’ by PiB, available on the website [www.pib-bremen.de](http://www.pib-bremen.de).

## Project Jugendhilfe Süd-Niedersachsen

Jugendhilfe Süd-Niedersachsen (JSN), the association of youth offices in Süd-Niedersachsen, in North-eim started a project on accommodating unaccompanied minors in foster families in December 2011. The project began with 60 unaccompanied minors: 47 boys and 13 girls. Most of them were Afghan, the youngest were 11-13 years old and altogether there were a total of 12 nationalities. As mentioned above, after the age assessment, only 5% of those persons undergoing it were deemed to be minors and permitted to remain in care. Those children are allowed to stay in Germany as long as they are under 18 (*Duldung*) and most of them manage to stay in Germany permanently (irrespective of the decision on their immigration status).

In 2014, three social workers from JSN were working with 10 host families for unaccompanied minors. Girls and younger children always stay within families. The recruitment process for foster families for the general foster care system is much longer than that for host families accommodating unaccompanied minors. One of the reasons for this is the fact that children in general youth care remain with the host families for a longer period. For the youngsters who claim to be unaccompanied minors, this period is often only 5 months because most of them are deemed to be over 18 after the age assessment process.

The requirements both for host families and for the organization and its employees have been laid down in a performance description.<sup>44</sup> This contains the process unaccompanied minors undergo, basic requirements and the profile of host families (both German and multicultural families are being used), the way families are recruited, educated and assisted in their job, and what all this demands of JSN and the social workers responsible for the project.

## Pforzheim, Bavaria

The city of Pforzheim in Bavaria has some unaccompanied minors living within families. The city has a very large Iraqi community, which is the reason for numerous requests from Jugendamt Karlsruhe (the youth office where the intake of refugees in the federated state of Baden-Württemberg occurs) on behalf of unaccompanied minors from Iraq who were taken into care in Karlsruhe and have relatives in Pforzheim. The youth office in Pforzheim does a background check of families in these cases. If the outcome of the check is positive, the unaccompanied minor can live with their relatives. The families do not function as foster families, though, as guardianship will be given to one of the adults of the family if they are approved (which is not the case in regular foster care, where foster carers do not have guardianship). When necessary, guidance of a social pedagogic worker from one of the family centres working with migrant families can be arranged. Social workers will help the unaccompanied minor with education and associated issues whenever needed.

A professional in the field, and a member of the Bundesfachverband UMF, stated: “The impression of the Bundesfachverband, based on many conferences and discussions on youth care for unaccompanied minors in Germany, is that foster care for unaccompanied minors is rather the exception than the rule in Germany. It could be worthwhile to evaluate the situation exactly. Institutional accommodation is obviously the preferred current option. My opinion – and that of the Bundesfachverband – on this subject is that quality standards for checks, preparation, the qualifying process and intensive professional guidance for foster families (relatives or German families) are essential conditions for successful development. The general standards we have for German children should be the same for unaccompanied minors and there should not be any differences in quality standards since unaccompanied minors were accepted as a regular group in German youth care not too long ago. We should not make the mistake of differentiating between unaccompanied minors and German children, or between relatives and other families, and foster

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<sup>44</sup> 'Leistungsangebot für die Unterbringung und Betreuung von Inobhut genommenen unbegleiteten minderjährigen Flüchtlingen in Gastfamilien' by Fachdienst Familiensonderpflege, as of 15.10.2013.

care should not be preferred only because of financial considerations.<sup>45</sup> If all this is realized in a proper way through sufficient personal resources and facilities, foster care can be a very good chance for, and also support, refugee children”.

### **Weaknesses and promising practices**

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Foster care for unaccompanied minors is the exception rather than the rule in Germany as the majority of the 16 federated states do not have experience with providing foster care to unaccompanied minors. Reception in children’s homes is generally taken for granted; unaccompanied minors who live with their relatives in Germany are often the only exception to this.

A promising practice is that the Bundesfachverband UMF is aware of the situation and agrees that, if it is realized in a proper way through sufficient personal resources and facilities, foster care can be a very good chance for, and also support, refugee children.

The federated state of Niedersachsen and the city of Bremen both have promising experiences of accommodating unaccompanied minors in host families since 2010/2011. The city of Pforzheim in Bavaria also has some experience of this.

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<sup>45</sup> Living in an institution costs between 110 and 200 euro a day, whereas the youth office pays foster families in the general youth system 1,000 euro per month (of which 300 euro for general equipment and the rest for education).

### 3.2.5 HUNGARY

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| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 380  |
| Reception in families (yes/no/scattered, etc.)                                 | Not available.   |
| Centralized/decentralized reception system for unaccompanied minors            | Centralized system: reception in a reception centre for those who do not ask for asylum and in a special children's home for those who do.   |
| Implemented by regular youth care  | No.  |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• The Hungarian child protection system is further developed than that of other countries in the region.</li> <li>• Introduction of new youth care legislation in January 2013.</li> </ul>  |
| Potential actions to initiate development                                      | There are enough foreign families that arrived in Hungary around 2000 and have since become integrated into society which could be foster families. There is a group of young Afghans who stayed in Hungary after asking for asylum. These could become a peer group for the Afghans newly arriving in Hungary and be foster parents in the future.  |
| Challenges   | <ul style="list-style-type: none"> <li>• The group that asks for asylum is estimated at 20-25%. Of the minors that do not ask for asylum, over 50% disappear.</li> <li>• There is a current lack of capacity in the general foster care system; there is a big push to recruit families and thorough recruitment and training are under pressure. There are still many unmet needs, new referrals and breakdowns of placement.</li> <li>• General opinion is that unaccompanied minors are better off in a protected environment like a children's home. The only exception are foreign children who were born in Hungary and abandoned by their parents: they are brought up in foster care.</li> <li>• Besides the opinion that unaccompanied minors should receive special care, foster care is not generally considered to be a durable solution for them as most unaccompanied minors are 16-17 years old and, from experts' experience, most changes in foster care occur when children become teenagers.</li> <li>• Nevertheless, even if younger unaccompanied minors were to arrive in Hungary, reception in families would not currently be available for them. It is said that society is not ready for it, the cultural differences are too big, let alone the practical obstacle that many native Hungarians do not speak foreign languages.</li> </ul> |
| Recommendations  | <ul style="list-style-type: none"> <li>• Investigate how to develop the use of cultural foster families for unaccompanied minors.</li> <li>• Enhance communication and cooperation among key actors, including NGOs and international organizations active in this area.</li> </ul>  |

#### General context

All unaccompanied minors can be divided into two groups: those who ask for asylum in the EU country they enter and those who do not. This is especially relevant in Hungary as it is a transit country for most unaccompanied minors. The group that asks for asylum is estimated at 20-25%. Of the minors that do not ask for asylum, over 50% disappear. Most unaccompanied minors in Hungary are 16/17-year-old boys from Afghanistan, Pakistan, Kosovo, Syria and Bangladesh. Most of them do not have family in Hungary.

In 2012, 10,000<sup>46</sup> asylum applications were made in Hungary, which is a lot more than during preceding years. Formerly there were around 80-100<sup>47</sup> unaccompanied minors in Hungary, but this number rose significantly in 2012 to more than 1,000.<sup>48</sup> The number of unaccompanied minors seeking asylum in Hungary is still growing: in 2013, Hungary experienced a very sharp increase in the number of (general) irregular migrants (up to as many as 20,000) and the number of asylum seekers continued to rise throughout the year, even reaching 15,000,<sup>49</sup> 200-250 of who were unaccompanied minors.<sup>50</sup>

Those unaccompanied minors that do ask for asylum all receive some kind of protection: a refugee status (which allows them to apply for citizenship after 3 years), subsidiary protection for 5 years, or a renewable 6-month humanitarian permit. The decision on the asylum request takes into account the minor's future plans, e.g. their intention to integrate in Hungarian society.

After entering Hungary and moving away from the border to a municipality, an unaccompanied minor is appointed a guardian from the Guardianship Office of the 5th district of Budapest. The Guardianship Office is exclusively responsible for guardianship of all foreign children (from EU Member States and from third countries outside of the EU) and of children born in Hungary but abandoned who stay in the territory of Hungary. It was reported by NGOs that there are difficulties in practice, as the guardian and the minor often do not understand each other and often do not meet each other in person. In Hungary, no judge is involved in the appointment of a guardian. The Guardianship Office is inspected by the General Directorate of Social Affairs and Child Protection and writes a report for them every year.

For those children who arrive at the Hungarian border there seems to be some confusion regarding the appointment of a guardian in the case that the child does not claim asylum or move to an in-country municipality but instead remains in one of the two reception centres at Hungary's southern border. In these cases, the Guardianship Office of the 5th district of Budapest delegates the appointment of the guardian to the local level, where the guardian is normally a solicitor or lawyer. Evidence from a number of organizations in Hungary indicates a lack of clarity in regard to what happens to these children from then onwards – whether they are actually appointed a guardian and whether the children continue their journey through Hungary and cross the border into another country, remain in one of the two reception centres at the border or are returned to the country from which they entered Hungary.

For unaccompanied minors asking for asylum, a 'case guardian' will be appointed before the first hearing to assist the minor through the asylum procedure. This temporary guardian was previously someone working for the Karolyi Istvan Children's Center in Fot, 20 kilometres outside of Budapest, where asylum-seeking unaccompanied minors are accommodated after their arrival. This enabled the temporary guardian to have daily contact with minors. However this changed in 2014, when it was decided that the 'case guardian' would be someone from outside the children's home. This is cause for some concern since he or she does not have experience of working with this group of children and might not speak other languages.

## Reception of unaccompanied minors

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Since the Hungarian child protection act of 1997, the Guardianship Office of the 5<sup>th</sup> district of Budapest has been responsible for guardianship over foreign children. Asking for asylum means that an unaccompanied minor is taken into care. A study carried out by IOM Hungary in 2012 showed that the guardian is appointed within 24 hours to 15 days following the accommodation of the asylum-seeking unaccompanied minor.<sup>51</sup>

<sup>46</sup> Figure provided by SOS Children's Villages.

<sup>47</sup> idem.

<sup>48</sup> Figure provided by Guardianship Office of the 5th district of Budapest.

<sup>49</sup> Figure provided by IOM.

<sup>50</sup> Figure provided by Guardianship Office of the 5th district of Budapest.

<sup>51</sup> Information provided by Guardianship Office of the 5th district of Budapest.

The Karolyi Istvan Children's Center is the only child protection institution in Hungary that accommodates asylum-seeking unaccompanied minors. In 2012 there were 193 unaccompanied minors accommodated there, and that number reached 300 in 2013. The centre accommodates children in need of special care, which are divided into disabled children, youngsters in aftercare up to the age of 24 (80% of whom were Afghan when the centre was visited in November 2013) and unaccompanied minors. The latter are divided into three groups of 12, all supervised by a group leader from Afghanistan who speaks several foreign languages. The major problems reported by the staff concerning the unaccompanied minors are the lack of suitable education, the use of drugs, and sexual contact with disabled children on the premises.

Those unaccompanied minors that do not ask for asylum are accommodated in two new (2011) reception centres – Hodzmezovasarhely Center and Opusztaszer Center – situated at Hungary's southern border. As these children have no intention of staying in Hungary, over 50% of them (often vulnerable and potential victims of trafficking) leave the reception centre after just a couple of days. According to experts in the field, the situation in these centres is not as good as in Karolyi Istvan Children's Center since they also accommodate adults and have a much stricter regime. Because the centres are new, another bottleneck is the fact that staff are not trained in caring for children, unlike at Karolyi Istvan Children's Center.

### Foster care in general

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The Hungarian child protection act was implemented in 1997, integrating some of the elements of the system in the UK.<sup>52</sup> It introduced a decentralized system of regional child protection services that has two arms: foster care and expertise on child protection issues. The new act brought many new services that were very welcome, such as the so-called 'respite care' that created the possibility for children to stay with in a foster family for a short time without the necessity of state interference. As a result, the Hungarian child protection system is further developed than that of other countries in the region. However, despite of the fact that the new system provided a good framework, NGOs reported finding that it was difficult to operate in accordance with the system in practice.

Therefore, since the current government came to power in 2010, preparations have been made for nationalization and centralization of child protection. With new youth care legislation only having been introduced in January 2013, Hungary is currently still in a state of transition. The regional child protection services, such as guardianship offices, still exist in the 20 regions (with over 3,000 municipalities) but are now in charge of the operational part of the child protection system on a local level. To make the system less complex, they are now being managed and monitored by the new (April 2013) General Directorate of Social Affairs and Child Protection. One of its tasks is the enforcement of the legislation within the various child protection services. However, practitioners working within the system still find it difficult to work according to its strategy, since plans are not always clear and coherent to them and they can feel that they lack sufficient information.

Recruitment of foster families has been ongoing to a certain extent since the 1980s. Therefore, some regions had a long tradition with foster care whereas others mostly had institutions. As a result of the changes, Hungarian children under 12 who are placed in care must be placed in foster care. This has led to the fact that there were about 21,000 children in foster care in 2013, which equates to about 60% of the total number of children placed in care. To make this possible, around 600 foster parents were recruited by means of a large-scale national fostering promotion campaign at the beginning of 2013. Because of this big push to recruit families, thorough recruitment and training are under pressure and experts express fear of a fallback in the years ahead as there are still many unmet needs, new referrals and breakdowns of placement.

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<sup>52</sup> For more information, see: 'The challenge of reforming child protection in Eastern Europe: The cases of Hungary and Romania' by Roxana Anghela, Maria Herczogh and Gabriela Dimac. / *Psychosocial Intervention* 22 (2013) 239-249.

Experts in the field question whether the changes have been sufficiently prepared. They feel that the expertise can be improved within the organizations which provide the care, for instance in terms of monitoring the quality of the care given, as too can their structure. This also counts for the system itself as prevention and early intervention are not being properly assessed, according to the experts. Authorities report giving it their best, working on amelioration of their work and on putting the best interests of the child first, but say that they face a lot of conflicting interests in a situation in which numbers are increasing and not enough staff are available. As a result, the interests of the child cannot always be met.

Since the new government increased the funding of church-run organizations, many non-religious ones have moved under the umbrella of any church to become eligible for higher reimbursements. This development has made church-related NGOs one of the main providers of child support, being responsible for 40-50% of it. Experts see a risk in the fact that most of these providers of child protection operate in the east of Hungary, mostly in small settlements where the standard of living is lower and fewer provisions are available than in cities in the more-developed western part of the country. Hence, people living in the west are less likely to sign up to be foster parents as they already have jobs, and those people who do sign up are more likely to be reliant on the money they receive from foster care. The experts regard this as an unfavourable situation as it does not always meet the needs of the child.

According to practitioners, the current lack of capacity in foster care is one of the biggest challenges. Families are allowed to take care of 4 children including their own, but in practice they often have more. Criticism revolves around the lack of a need assessment and the fact that many multiple-sibling groups remain in care whilst non-siblings are incidentally placed together.

Despite the fact that research into and experience of training for foster families was available, the training system has also been changed as a result of the new legislation. The length and content of training courses are now different and a new accreditation system has been introduced. The new system gives the organizations offering foster care the opportunity to choose training from different providers.

Living in foster care is 90% financed by the state. Costs vary from county to county, although it is known to be cheaper than residential care which requires staff and 24/7 care. In November 2013 the government submitted a new plan to parliament to acknowledge offering fostering care as a pension-earning job, although the outcome was not clear as of July 2014. Some considered the scheme controversial due to the fact that there had been a professional foster care format in the past in which parents were employed (approx. 5% of all carers).

As already mentioned, child protection services are monitored and inspected by the new General Directorate of Child Protection and Social Affairs. Legislation requires inspection of the various child protection services once a year; hence, minors' placements in the child protection system are reviewed annually. Due to the renationalization of the children's homes, all of them except the church-run or NGO-run ones are now under the supervision of the General Directorate instead of regional supervision. Based on research in 2012, all guardians were required to submit biannual reports on their activities to the Guardianship Office.<sup>53</sup>

The Karolyi Istvan Child Center and the two reception centres at Hungary's southern border that accommodate unaccompanied minors are not inspected by the General Directorate itself. According to the General Directorate, this is instead done by outsiders on behalf of the government.

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<sup>53</sup> Information provided by IOM Hungary.

## Foster care for unaccompanied minors

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The new foster care arrangements are not being implemented for unaccompanied minors. Asylum-seeking minors are seen as a group that needs special care and they are therefore being accommodated in the Karolyi Istvan Child Center. There are 3 groups available for them with a total capacity of 36. The general opinion is that unaccompanied minors are better off in a protected environment like a children's home. The only exception are foreign children born in Hungary and abandoned by their parents: they are brought up in foster care. Various experts working for NGOs believe that this means that unaccompanied minors are being isolated and are not getting the provisions they need to meet their best interests.

Besides the opinion that unaccompanied minors should receive special care, foster care is generally not considered to be a durable solution for them as most unaccompanied minors are 16-17 years old and, from experts' experience, most changes in foster care occur when children become teenagers. Furthermore, one expert declared that foster care is only interesting for children who stay in Hungary, whereas the majority do not.

Apart from this, even if more younger unaccompanied minors were to arrive in Hungary, reception in families would not be available for them at the moment. It is said that society is not ready for it, the cultural differences are too big, plus there is the practical obstacle that many native Hungarians do not speak foreign languages. However, experts see better possibilities for unaccompanied minors to live with foreign families since there are enough families that arrived in Hungary around 2000 who have since integrated into society and could be foster families. Experts also reported a group of young Afghans who stayed in Hungary after asking for asylum and who could become a peer group for the Afghans newly arriving in Hungary and could be foster parents in the future. This is regarded as an interesting idea for further exploration in the years ahead.

## Weaknesses and promising practices

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Despite the fact that the General Directorate is responsible for the unaccompanied minors staying at the Karolyi Istvan Child Center and the two reception centres in the south of Hungary, it is not always precisely clear to all the stakeholders in the field how this responsibility is shouldered. The Directorate reported that it is doing its best to provide the unaccompanied minors staying in the Karolyi Istvan Child Center with services that comply with European rules. When asked about the provisions in the two reception centres, it stated that it has no details about the situation on the ground. Given the fact that the Helsinki Committee is lobbying for a change of protocol at the border as far as unaccompanied minors are concerned, this might be a reason for concern.

The new youth care legislation offers the government, NGOs and child protection experts new chances for both Hungarian and foreign children, for instance on the subject of foster care. However, it is questionable whether these opportunities will be taken for unaccompanied minors since in practice they are seen as a special group in need of special care.

Professionals state that cooperation and communication should be enhanced among the key actors involved, including the NGOs and international organizations that are active in this area.

### 3.2.6 IRELAND

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| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 20   |
| Reception in families (yes/no/scattered, etc.)                                 | Scattered  |
| Centralized/decentralized reception system for unaccompanied minors            | Mixed model: centralized governance with localized implementation. Foster families, reception centres/initial accommodation, short- and long-term residential accommodation and supported lodgings.  |
| Implemented by regular youth care  | Yes. Similar, but provision for all-aged out young people is limited.  |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• Training.</li> <li>• Additional TSCSA specialist advice to child support agencies.</li> <li>• Expanded NGO and TSCSA partnership.</li> <li>• Expansion of existing foster care provision utilizing knowledge and expertise in the private and state fostering services.</li> <li>• NGO and statutory child care actor partnerships established with potential to develop closer working.</li> </ul> |
| Potential actions to initiate development                                      | Development of a national coordination group.  |
| Challenges   | <ul style="list-style-type: none"> <li>• Funding.</li> <li>• Transition of unaccompanied children from care to aged out-support.</li> <li>• Out-of-Dublin placements.</li> <li>• Missing unaccompanied children.</li> <li>• Child trafficking identification and intervention.</li> </ul>  |
| Recommendations  | Develop professional practices for placement of children in care with family members, including screening, support and provisions.   |

#### General context

The first unaccompanied minors asking for asylum arrived in the Republic of Ireland (Eire) in 1996. In the year 2000, the number of unaccompanied minors began to increase and 520 were recorded as arriving in Ireland. In 2001 that figure reached 1,085, the highest number recorded in Eire to date. Over the following 10 years the number of new arrivals per year gradually declined. In 2013 the number of unaccompanied minors classed as ‘new arrivals’ in TUSLA’s Team for Separated Children Seeking Asylum (TSCSA) was 120.

Those who ask for asylum are either granted refugee status (around 11%), subsidiary protection (estimated 50%) or ‘leave to remain’ on humanitarian grounds. There have been no involuntary returns of unaccompanied minors to their homeland or elsewhere from Ireland in the past 8 years.

On 1 January 2014, TUSLA Child and Family Agency became an independent legal entity, comprising HSE Children & Family Services, Family Support Agency and the National Educational Welfare Board as well as incorporating some psychological services and a range of services responding to domestic, sexual and gender-based violence. TUSLA Child and Family Agency is now the dedicated state agency responsible for improving the wellbeing of and outcomes for children. It represents the most comprehensive reform of child protection, early intervention and family support services ever undertaken in Ireland. The Child and Family Agency’s services include a range of universal and targeted services: child protection and welfare services, educational welfare services, psychological services, alternative care, family and locally based community support, early-years services and domestic, sexual and gender-based violence services.<sup>54</sup>

<sup>54</sup> <http://www.tusla.ie>

As explained above, Dublin-based TUSLA has a special team with national oversight that is specialized in taking care of unaccompanied minors: the TSCSA. Members of the TSCSA Dublin team advised that they act as a central point of expertise to other social work teams across Ireland. They developed a 2-day training course specific to unaccompanied minors; this was implemented for a short period but was unable to be continued due to limited funding. An alternative guidance and support service has been set up whereby local social workers, teachers and psychologists working around the country are able to call and seek advice from the designated team of experts.

The lack of training for all child care professionals is pertinent as all care for unaccompanied minors was provided in Dublin up to 2010, after which the majority of unaccompanied minors were dispersed all over the country.

Advantages mentioned in relation to services being provided centrally in Dublin included safety and better integration of the children concerned. However, not all stakeholders think that taking care of the children outside of Dublin has been a success. One of the disadvantages mentioned was the lack of support for children who do not get a permit to stay and, upon turning 18, end up in a reception centre for adults such as Waterford.

Though the fact that a specialized team has proven to have a lot of advantages, some experts also reported some disadvantages. For example, there is the risk that social workers distrust the children because they think they have heard their stories all before, and that the children distrust the social workers because of their perceived links with the Department of Justice.

## **Reception of unaccompanied minors**

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Until very recently the unaccompanied minors were accommodated in hostels (alongside adults). These hostels were not registered as children's residential homes. There were no members of care staff on site, there were more inhabitants than would be the norm for residential care and many children went missing or were trafficked. As it was a very concerning situation, numerous NGOs, including the Children's Ombudsman, Children's Rights Alliance, the Irish Refugee Council and Barnardo's raised the matter with the Irish parliament. The situation changed in 2009 when it was decided that unaccompanied minors should receive the same level of care as Irish children under an 'equity of care' principle. Following on from this, the hostels were closed in 2010 and all children were transferred to appropriate children's residential care homes, foster care or supported lodgings, thus fundamentally changing the care arrangements for unaccompanied children across Ireland. The closure of the hostels and placement of the children with foster families around the country, as well as DNA testing plus the economic crisis in Ireland at that time, are the main reasons believed to have contributed to the decrease in unaccompanied minors arriving at the nation's borders.

It has always been the case, according to National Standards of Children in Care and the National Standards of Foster Care, that unaccompanied minors under 12 who enter Ireland are accommodated in foster families right away. However, this does not happen often in practice since very few children aged under 12 arrive in Ireland.

Initial accommodation of children over 12 takes place in three short-term intake units, each with 6 beds and located near the TSCSA in the Dublin area. These three units are seen as pre-placement or pre-reunification units. The units are specifically for 3-6 month periods to facilitate child protection risk and needs assessments and to facilitate the best possible match with a possible foster family.

After this period of first reception, the children live in residential care, foster care or supported lodging (15+). The team also have one unit for long-term care, also with the standardized 6 beds, for young people whose needs indicate residential care as being a better option than foster care. Theoretically the mainstream system can also be used (as it was during the hostel period) if the long-term unit is full. Like all

standardized, inspected, registered and monitored children's care homes in Ireland, all four TSCSA units have professionally qualified child care staff providing the care service 24 hours a day. Workers in the field also regard the option of residential care as very important as some 16- to 17-year-olds can be too independent to be in a family or even in supported lodging.

Supported lodging emerged 15 years ago for Irish children when there were not enough foster families for older children who were in the transitional periods to adulthood. It provides a very similar care as foster families but in a less supported environment. For unaccompanied minors with the TSCSA, there are around 10 supported lodgings available at the moment, provided by TUSLA. There are additional supported lodging placements available from a variety of private service providers for those unaccompanied minors over 15 who are already quite independent (one of them calls it 'private living'). They are being coached and supported towards living on their own. There is usually only one unaccompanied minor in a fostering or supported lodging placement, but if the carers have the room and the personal capacity, they may have two. Stakeholders think its existence is very good for the ones who need it, i.e. unaccompanied minors over 16 with refugee status (as it works when the immigration barrier is not there) who are rather independent. However, it should not be used as a short cut for children who should really be in a foster family, as is sometimes the case.

## **Aftercare**

All children in care, regardless of their legal status, should have a leaving and aftercare plan as part of their statutory child-in-care plan. The Child Care Act 1991 states that aftercare may (N.B. not 'must') be offered until the age of 21. Depending on an unaccompanied minor's legal status in the state, different options may be available to them when they turn 18. If they have been granted residency permission, they can access various social welfare benefits the same as any other child leaving state care, and aftercare options within the care system may also be available to them. For example, a young person leaving care in Ireland may be allowed to remain in their fostering or supported lodging placement if they are in full-time education or undertaking an apprenticeship. An unaccompanied minor turning 18 without legal status is deemed to still be in the asylum-seeking system and as such is no longer protected by the Child Care Act; they are technically no longer in care even if they remain in their care placement. They are effectively adult asylum seekers who fall under the Refugee Act legislation. TUSLA, however, in an effort to not disrupt the young person's educational school year, allows the unaccompanied minor to stay in their placement until the end of the school year following their 18th birthday. For many young people, this can provide an additional nine – or in some cases even ten – months of additional time in their care placement. Additionally, there are some cases where exceptional vulnerability is noted and additional time may be allotted for these young people to stay in their placement.

The immigration authorities are responsible for the accommodation of adult asylum seekers and this is provided in 'direct provision' centres. A room and full board, medical services, educational services for children through secondary school and a weekly allowance of € 19.10 is provided for an adult asylum seeker. Direct provision services for adults should not be confused with child protection services for adults.

According to some stakeholders, leaving the care system causes significant problems as the conditions in the reception centres do not meet the care needs of care leavers transitioning to adulthood who have no parents or family in Ireland providing support. There was broad agreement among those interviewed that this approach to care must be revised in order to address this issue. The child- and independent young adult-focused support provided should be maintained to help them live independently and to aid integration.

According to TUSLA the most important questions are: What is the cutoff point in aftercare?, and When is the adult service supposed to take over? The role of TUSLA has always been to provide services for children/unaccompanied minors, and TUSLA does not want to be 'dragged into' the system for adults.

However, changing the situation is not as simple as just changing activities, as there is no statutory obligation to provide aftercare to this group. There is tension between child care and migration, and the conflict is not between statutory services but rather between NGOs and statutory services. As there seems to be a lack of interest from the public regarding changing the system it is not likely that they will move away from that in the current climate. However, in the last year or so there has certainly been more public interest. The Aftercare Bill 2014 that is currently before the national Parliament might also provide a solution, although it is not clear whether unaccompanied minors will fall within the remit of aftercare legislation.

One example of good practice is the help of the One Foundation, a philanthropic organization set up by Declan Ryan. It provides a handful of unaccompanied minors who went into the adult accommodation system with some funding for third-level (higher) education that this group is otherwise unable to access. This programme allowed eight former unaccompanied minors to study at college or university level in 2014.

## **Foster care in general**

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Foster care and residential care are regulated in the Child Care (Placement of Children in Foster Care) Regulations 1995, the Child Care (Placement of Children with Relatives) Regulations 1995 and the Child Care (Placement of Children in Residential Care) Regulations 1995. In addition, the National Standards for Children's Residential Care (DOHC, 2001) and the National Standards for Foster Care (2003) set in place standards for the provision of these services.

The Health Information and Quality Authority (HIQA), the independent authority established in May 2007 to drive continuous improvement in Ireland's health and social care services, provides statutory and independent inspection on a national level both for residential care and foster families and supported lodgings from the private organizations. However, as some of the supported lodgings that TUSLA uses were already there before the launch in April 2012 of the 'Policy, Procedures and Best Practice Guidance for Foster Care Committees', these were approved only at a local level instead of by the Foster Care Committee.

## **Foster care for unaccompanied minors**

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TUSLA Child and Family Agency is the main organization currently providing foster families for unaccompanied minors. When visited in June 2014 the TSCSA worked with 25 families, both of Irish origin and with diverse cultural backgrounds. There are also 3 private organizations (Fostering First Ireland (FFI), Five Rivers Ireland and Orchard Children's Services) that can provide families, although as numbers have decreased over the years these agencies are receiving only a few new minors at the moment. Another reason for this could be the fact that private fostering placements are considered too expensive, although there has not yet been a comprehensive assessment of this premise. In practice, FFI is paid less for unaccompanied children than for Irish children. For comparison purposes: FFI has 110 children in 100 foster families (none with a non-Irish ethnic/cultural background as they did not succeed in recruiting any), of whom 7 are unaccompanied minors at the moment.

Whenever an unaccompanied minor arrives, the TSCSA conducts an assessment and finds a family within their own network of contacts or by reaching out to one of the private agencies which work with Irish families via churches. When visited, the TSCSA told that they were aware of a new private organization opening soon that hopes to focus on working with Muslim families.

Some stakeholders feel that sending the children out into the country, close to the provision centres to which they are supposed to go upon turning 18, is not always in their best interests since many of the things the children need are only available in Dublin (e.g. English learning facilities). TUSLA argues that children would never be sent away merely to be close to a direct provision centre as quality matching with

the best possible foster placement is the paramount factor when considering foster placements. Further to this, there are many reasons for children being placed outside of Dublin in line with their best interests, such as removing them from the dangerous streets of the capital where trouble, exploitation, racism and possibly re-trafficking could occur. As most NGOs are based in Dublin, TUSLA feel that this resistance may have more to do with the lack of business some of them now suffer due to unaccompanied minors no longer accessing their services as they did before the equity of care principle was implemented.

TUSLA has experience with the recruitment of families from various and diverse ethnic and cultural backgrounds. The team is multicultural and multi-ethnic. As many unaccompanied minors are Christians of African origin, recruitment is additionally being done through Christian churches in the African community and also in the Irish community. Another way of recruiting is handing out flyers at schools; the flyers are aimed at searching for foster families for Irish children but contain an addendum that there is also a need for foster families for unaccompanied minors.

The screening procedure in Ireland consists of 6-8 interviews with a new family, focused not only on screening the family but also on educating them on giving the care needed. To be able to make the actual placement, families have had to go through foster care committees throughout the country since 2012. The TSCSA reported that it was very satisfied with the assessment of the committee worked with. In terms of support, the child and the family are each provided with a different TUSLA social worker; a fostering social worker is referred to as a 'fostering link worker'.

Members of FFI mentioned that they found the BAAF (British Association for Adoption and Fostering) books very useful in terms of understanding cultural norms. It was helpful to develop a more sophisticated understanding of individual countries and even of tribes/sectors within countries. The TSCSA also delivered some training for social workers which was felt to be really helpful in understanding a young person's experience on a personal level, as well as a 2-day session of presentations delivered by FFI's parent company, Core Assets, to both foster carers and staff. One really surprising discovery for FFI was that young people quite often did not want to be matched with a culturally similar family. According to FFI, that might be due to the young person being scared to be in contact with people who might potentially know former abusers.

The Child Care Act 1991 (Sec. 36) includes provision for placement of children in care with family members, although as unaccompanied minors rarely have family available for this the TSCSA currently does not avail of this option. The system does not provide family placements as are common in the Netherlands, UK, Italy (Venice), Norway (Oslo) and Sweden, where children live with relatives who have been screened and who receive a provision for the care being given by them.

The Irish Refugee Council asked unaccompanied minors about their experiences with foster care during a summer camp held at Dublin University in June 2014. This showed that aged-out minors wished they could have been in a foster family when they were still minors, whereas the younger ones who are in foster care at the moment are not always happy with it, mainly because of their lack of freedom. Some children actually living in a foster family treat it as supported lodging and do not build up a relationship with the foster family. Conversely, some supported lodging carers establish quite nurturing relationships with the children placed with them.

## **Weaknesses and promising practices**

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Although the new system of reception has been welcomed in general, experience shows that older unaccompanied minors have lived quite independent lives which makes it hard for them to go back into a family setting. The framework in which services are being provided is thought by some stakeholders to be too inflexible; although it provides safety to the children and they are being looked after by professional people, there are still a lot of limitations in terms of what can be done for them.

Several stakeholders state that it would be better when independent inspection by the Foster Care Committee would be the standard for all forms of accommodation, i.e. also for the supported lodgings that were already there before the launch in April 2012 of the 'Policy, Procedures and Best Practice Guidance for Foster Care Committees' and that were approved at a local level only instead since assessment and training are currently less well arranged for this type of accommodation.

Although the Child Care Act 1991 includes a provision for placement of children in care with family members, the TSCSA does not currently avail of this option.

A promising practice is the fact that FFI, which is the first and largest national private foster care organization, took 24 unaccompanied children from hostels in 2010. Because of this, it has a lot of expertise on their needs. The staff have had extra training and have a lot of knowledge of this specific group of children, for instance of trauma and religion.

In Ireland, unaccompanied minors are seen as children first and asylum seekers/migrants second. Thus the laws that govern the protection of children are fully formed and implemented for the separated child in Ireland. However, stakeholders are afraid that the whole system could change again the moment more children arrive, most likely causing reception measures to revert back to hostel-style accommodation.

Last but not least, another good practice is the fact that Dr. Muireann Ni Raghallaigh of the School of Applied Social Science of the University of Dublin did a study in 2013 called 'Foster Care and Supported Lodgings for Separated Asylum Seeking Young People in Ireland' which gives a complete overview of the Irish system and concludes with recommendations that will be very helpful in taking things further.

### 3.2.7 ITALY

|  |   |
|--|---|
| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 805   |
| Reception in families (yes/no/scattered, etc.)                                 | Scattered.  |
| Centralized/decentralized reception system for unaccompanied minors            | Mixed, as reception is a responsibility of Ministry of Interior and municipalities are responsible for care and protection. Each Italian region is responsible for regional legislation on foster care, care and protection of minors.  |
| Implemented by regular youth care  | Yes, sometimes – for instance in Venice.  |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• Spread the good practice in Venice to other municipalities in Italy: in order to find durable, long-lasting solutions for the reception of unaccompanied minors, Venice decided to subcontract first reception services to a cooperative and then gave them the mission to promote foster care which meant investing in it.</li> <li>• As many unaccompanied minors go to Italy because they have relatives there, making it possible for them to join their families (siblings or relatives within the 4<sup>o</sup> degree of kinship) legally would improve their situation.</li> </ul>   |
| Potential actions to initiate development                                      | <ul style="list-style-type: none"> <li>• In 2009 ANCI, promoted by the Ministry of Labour and Social Policies, implemented a national programme for the protection of unaccompanied minors. It was the idea that the second stage of this programme would raise awareness regarding the use of family fostering as a valuable form of their reception and integration, linking the project to the cities with good practices in this field. Unfortunately funding stopped and the second stage never took place.</li> <li>• In order to ameliorate data collection and facilitate communication and interaction between involved institutions, an online information system is currently being developed in order to be able to trace the reception pathway of the children in the future.</li> <li>• A promising practice is the fact that the Children's Ombudsmen were (as of June 2014) working on a proposal on a national guardianship system for unaccompanied minors.</li> <li>• The General Directorate on immigration and integration policies has published guidelines on unaccompanied minors.</li> </ul> |
| Challenges   | <ul style="list-style-type: none"> <li>• Large influx: arrival of 600-700 unaccompanied minors per month.</li> <li>• Not enough guardians. The guardians are registered in a special register for volunteer legal guardians. In practice, these people are often struggling to cope with a lack of time as they have many issues to address.</li> <li>• One of the weaknesses in the Italian system is that the child protection law was not designed for unaccompanied minors and therefore does not fit this specific group. Furthermore, legislation on unaccompanied children is fragmented.</li> </ul>   |
| Opportunities  | <ul style="list-style-type: none"> <li>• Reception in foster care is nowadays preferred and encouraged by law.</li> <li>• The Municipality of Venice has a team that is trained specifically on finding, training and supporting foster families, and the social service specifically responsible for unaccompanied minors works in partnership with this team to find a family for the minor and to assess their suitability. This team consists of social workers, educators and psychologists.</li> </ul>  |
| Recommendations  | <ul style="list-style-type: none"> <li>• Start with follow-up and statistics on the effects of reception of unaccompanied minors within families.</li> <li>• Develop a national guardianship system for unaccompanied minors.</li> <li>• Disseminate good examples from Northern Italy throughout the rest of the country.</li> <li>• Develop national information campaigns on foster care for unaccompanied minors.</li> </ul>  |

## General context

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Italy has several different institutions and administrations that intervene in the different phases of the system, both at central and local level, with competences related to unaccompanied children who are under the Italian system of protection. The Ministry of Labour and Social Policies is responsible, amongst other things, for the collection of information on unaccompanied children not seeking asylum on the basis of reports it receives from the bodies that are in charge of identification and reception. On 30 May 2014 it was responsible for 7,182 unaccompanied minors of which 92.8% were male and 89.2% were over 15 years of age, while only 10.8% were aged 0-14 years. In 2013, 3,818 unaccompanied minors arrived by sea, most of them in Sicily, and in the first 6 months of 2014 2,599 arrived by sea, of which 2,354 in Sicily.

As art. 19 of the Consolidated Law of Immigration states, the principle of non-refoulement of foreign children (interpretation of the CRC, ratified and implemented in Italy through Law 176/1991) entitles unaccompanied minors to obtain a residence permit which valid until they turn 18 on the grounds of being under age. Moreover, a set of protection measures guarantees unaccompanied minors to the right to education, the right to healthcare, accommodation in a safe place and the right to guardianship.

Unaccompanied minors who enter Italy receive a legal guardian who is appointed by the juvenile court. However, as Italy has insufficient guardians, this will often be the mayor of the municipality where the unaccompanied minor entered Italy who is appointed by the Court as responsible for the child. The mayor then hands over the daily responsibility to act as legal guardian to the municipality's Social Services. Furthermore, certain courts appoint individual legal guardians in municipalities, such as lawyers or other people who are willing to act as guardian. These guardians are registered in a special register for volunteer legal guardians. In practice, these people are often struggling to cope with a lack of time as they have many issues to address.

One of the institutions that addresses the issue of guardianship is the Children's Ombudsman. The institute started in 2012 and there are 11 Ombudsmen in all Italian regions, Bolzano and Trento and a national one in Rome. The national Ombudsman works on 3 levels:

- as a member of the advisory boards of NGOs
- as a member of expert groups with ministries and administrative bodies
- in cooperation with other Ombudsmen.

## Reception of unaccompanied minors

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Unaccompanied minors are housed either in communities for minors or in foster care. Special reception measures have been developed for those who are in need of additional protection because of their vulnerabilities, such as asylum seekers, refugees and victims of trafficking.

As foreign minors, unaccompanied minors are the responsibility of the central government. On 10 July 2014 an important agreement between the state, regions and municipalities, defined at the Unified Conference, stated the responsibility of the state, and more specifically of the Ministry of Interior, with regard to the reception of unaccompanied minors. Municipalities are responsible for their care/protection. Each Italian region is responsible for drawing up guidelines (defined by regional legislation) on foster care, care and protection of minors. Venice, for example, prepared guidelines on foster care, care and protection of minors, although not specifically on unaccompanied minors.

Unaccompanied minors receive first reception in the municipality where they arrive. Since no guardian has yet been appointed at this stage, a social worker is responsible for the arrangements. A national fund has been established in order to support the reception of unaccompanied minors. Through the fund (40 million euro in 2014), the municipalities receive an economic contribution in order to help them sustain accommodation expenses. However, according to the actors in the field problems still occur as small mu-

municipalities, such as on Sicily, do not have the necessary means and hence cannot take proper responsibility for all the children who arrive there. Communities also face the problem that they do not have enough professional social workers.

Experts from NGOs state that the reception system works very well for asylum-seeking children, but not for the others. Unaccompanied minors receive first reception in a centre and should be spread throughout the country afterwards via the SPRAR system (SPRAR is a network of 500 out of the 8,100 municipalities in Italy that take care of asylum seekers and refugees). However, there are insufficient places for all of the children within this system. Therefore, many children stay in identification centres or centres for adults. Another reason for this is the fact that the identification process is completed too quickly. Although children should be given the benefit of the doubt when their age is disputed, experts say that this is not being applied in practice.

The 'National Operations Plan to Confront the Extraordinary Influx of Non-European Citizens', signed in July 2014 by three Ministries, the regions, ANCI (National Association of Italian Municipalities) and UPI (Union of Italian Provinces), is seen as step in the right direction; most importantly for the near future, according to CIR,<sup>55</sup> the 'political' agreement will be transformed into concrete actions as soon as possible. CIR's director stresses that "...in the text of the agreement we find many aspects that we have fought for for years, such as centralizing the SPRAR system and having a single reception system, even if it is carried out in three 'rings', from initial aid and classification to first short-term reception to second reception in small centres". He continues: "And then, the inclusion of foreign unaccompanied minors in the SPRAR system; the principle that the state, and no longer the municipalities, has the financial responsibility for the reception of unaccompanied minors. And last but not least, central governance over all aspects of reception. However, completely missing is any mention of the fundamental role that institutions and civil society associations and support organizations play, as well as a link to programming to facilitate integration, which moreover, is now required by law".<sup>56</sup>

Cities like Trento, Florence and Venice are already known to take good care of unaccompanied minors. Funding is a problem though, as 120-140 euro per child per day is considered a lot of money, especially in times of recession. In 2011-2012 the government paid a municipality 80 euro per minor; nowadays the same municipality receives 45 euro from the government and is supposed to fund the rest of the amount needed from the local budget.

## Foster care in general

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Italy does not have a long tradition with foster care. There has been a strong tradition of using residential care by means of large institutions, mostly run by catholic religious organizations, and the country has had to face the challenge of changing the tendency towards such institutional care into family-based care. On the other hand, the country has a Mediterranean culture within which the family is seen as the main provider of personal and social wellbeing, although in recent decades the welfare state has achieved a high level of development with increased health, education and social services coverage. The country's current financial crisis is jeopardizing these recently attained advances and the importance of family support is again becoming crucial.<sup>57</sup> Reception in foster care is nowadays preferred and encouraged by law.<sup>58</sup>

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<sup>55</sup> <http://goo.gl/kJKJIT>

<sup>56</sup> idem.

<sup>57</sup> Information gained from 'Child protection in Italy and Spain: Influence of the family supported society' by Jorge F. del Valle, Cinzia Canali, Amaia Bravo, and Tiziano Vecchiato, *Psychosocial Intervention* 22 (2013), p. 227.

<sup>58</sup> 'Disciplina dell'adozione e dell'affidamento dei minori', Legge 4 May 1983, no. 184.

By the end of 2010, 29,309 children were estimated to be separated from their family (2.9 per thousand of the total child population):

| Out-of-home care in Italy:                      | 1998-1999         | 2010          |
|---|-------------------|---------------|
| Residential care                                | 14,495 (30/06/98) | 14,781        |
| Foster care                                     | 10,200 (30/06/99) | 14,528        |
| Total out-of-home care                          | 24,695            | 29,309        |
| Rate of out-of-home care per 1,000 children     | 2.5 per 1,000     | 2.9 per 1,000 |
| Foster care (kinship and non-kinship care):     |                   |               |
| Kinship care (relatives up to the fourth grade) | 52.0%             | 44%           |
| Non-kinship care                                | 45.8%             | 56%           |
| Not known                                       | 2.2%              | -             |

Children in out-of-home care range from 1.6 per thousand in the region Abruzzo (Centre-South) to 4.7 per thousand in the region Liguria (North), with rather marked differences.<sup>59</sup> Most of the foster families are in the midst of their first foster care experience (78%). Approximately one in four families (23%) has more than one foster child, often siblings. Among foster families, 58% are parental couples with children, 14% are single-parent families, and 28% are parental couples without children.

It is interesting to highlight the percentage of children placed into families of the same culture: this is the case for almost one quarter (24%) of the foreign children who are placed in foster care, mostly within their extended families (64%). Overall, almost half of the foster care placements (44%) occur within extended families. An important role is played by the juvenile justice system, since around three quarters of foster care placements (76%) have got a judicial decree (44% in a non-kinship family). Foster care interventions are guaranteed by municipalities in cooperation with the National Health Service (so as to integrate social and health perspectives).<sup>60</sup>

There is no national law for foster care and competence is on a regional level. Recently, work has been done on implementation of guidelines on minimal standards for foster care. Both municipalities (ANCI) and regions were participating in the project with a bottom-up approach and the operational guidelines are said to be very well received. An external scientific body, the University of Padua, has been chosen to monitor whether the guidance will be followed by the municipalities.

Civil society is also moving forward, with an important role for the Association of Foster Families to spread the guidelines, although the framework in which the association operates is said to be difficult as there is some resistance by organizations that provide reception and by municipalities. One of the reasons for this is the fact that foster care means an increased responsibility for the public administration. Another challenge that has to be faced is related to the length of foster care: Italian law states that family foster care should not last more than 2 years, but the duration of placements is usually longer than that, sometimes until children turn 18 years old. Another issue is related to the difficulties in engaging foster families, and effective foster placements are not possible without them.<sup>61</sup> Actors in the field state it will take some time to change the system.

<sup>59</sup> Information gained from 'Child protection in Italy and Spain: Influence of the family supported society' by Jorge F. del Valle, Cinzia Canali, Amaia Bravo, and Tiziano Vecchiato, *Psychosocial Intervention* 22 (2013), p. 233.

<sup>60</sup> *idem*, p. 234.

<sup>61</sup> *idem*, p. 235.

## Foster care for unaccompanied minors

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As in other countries, those responsible for unaccompanied minors agree that being in a family is a good thing for many of the children. However, in practice this is not very common in Italy as most of them are placed in residential settings (85% vs. 48% of others) rather than in foster families.<sup>62</sup> As law and practice differ a lot in this respect, making it work currently depends on municipalities. If there is a network available, it can work for unaccompanied minors – but in many regions this does not even work with Italian children at the moment. Different actors state that there are a lot of risks, one of them being how to monitor whether social services are shouldering their responsibilities. There is a lack of trust in the current system in Italy.

In 2009 ANCI, promoted by the Ministry of Labour and Social Policies, implemented a national programme for the protection of unaccompanied minors. It was the idea that the second stage of this programme would raise awareness regarding the use of family fostering as a valuable form of reception and integration for minors, linking the project to the cities with good practices in this field. Unfortunately, funding was stopped and the second stage never took place.

With the Ministry of Labour and Social Policies thinking about a new framework for reception of minors, reception in families is also being considered once again. Recruitment of families is seen as a challenge by the Ministry as Italian families have not been very keen on taking care of this group in the past and foreign families often live in poor circumstances. Monitoring of the families is also considered a challenge. Nevertheless, accommodation in foster families has been formally recognized by the Ministry since foster care is considered the same as accommodation in institutional shelters for minors in terms of the allocation of economic contributions to municipalities.

The Province of Bolzano does not have specific experiences or projects relating to reception of unaccompanied minors in (foster) families, but is interested in creating a system for it. Some unaccompanied minors have been placed in foster families in the past but these were only exceptions. One of the difficulties lies in finding motivated families who are prepared to host adolescents. An expert stated that the whole system of foster care in Bolzano is currently in a state of crisis and that one of the goals for the near future is to strengthen this important aspect. However, an example of excellent practice within foster care for unaccompanied minors can be found Venice. It will be explained below.

### Municipality of Venice

The Municipality of Venice started taking care of 11 unaccompanied minors in 1997, a number that increased year on year until 2008, when the municipality received more than 260 new reports of unaccompanied minors in addition to those it was already taking care of. From then onwards the number of unaccompanied minors arriving decreased again: in 2013 the city received 189 new reports. The table below gives an overview of the children taken into care in Venice in 2011-2013.<sup>63</sup>

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<sup>62</sup> *idem*, p. 233.

<sup>63</sup> Figures provided by the Municipality of Venice.

|      | Total number of minors seen/taken into care | UAM or asylum seekers | New reports of UAM among total | M   | F  | Age |      |       |     | Main nationalities  |
|------|---|-----------------------|--------------------------------|-----|----|-----|------|-------|-----|---|
|      |   |                       |                                |     |    | 0-5 | 6-10 | 11-14 | >15 |   |
| 2011 | 292   | 291                   | 203                            | 276 | 16 | 0   | 1    | 36    | 255 | Afghanistan (115); Kosovo (49); Bangladesh (40); Albania (23); Iraq (9)     |
| 2012 | 350   | 350                   | 237                            | 334 | 16 | 1   | 0    | 19    | 330 | Bangladesh (141); Afghanistan (63); Kosovo (51); Albania (38); Tunisia (11) |
| 2013 | 354   | 352                   | 189                            | 345 | 0  | 2   | 2    | 15    | 333 | Bangladesh (152); Kosovo (58); Afghanistan (53); Albania (42); Eritrea (7)  |

The majority of unaccompanied minors in Venice are male and around 16-17 years old. Many of them come from Albania, Kosovo and Bangladesh. The city also receives many from Afghanistan, but they usually apply for asylum (Italian law makes a distinction between asylum-seeking children and unaccompanied minors) or escape from reception centres in an early phase because they do not want to stay in Venice but rather intend to make their way to Northern Europe.

Whereas in initial years the majority of unaccompanied minors were placed in reception centres, nowadays around 50% of them stay in reception centres and the other half live in families. There were several reasons why the municipality decided to invest in foster care. Firstly, because of the firm belief that growing up in a family is better than living in a reception centre for the majority of minors. Secondly, because of the acknowledgement that many of them (those from Albania and Kosovo in particular) have relatives or acquaintances who live in Italy. On top of that, Italian legislation favours reception in foster care for minors temporarily separated from their families. And finally the fact that, in 2007-2008, the Municipality of Venice was no longer able to sustain accommodation expenses as it could not cope with all the minors that arrived.

Most of the families that take care of unaccompanied minors are relatives: brothers/sisters, uncles or aunts. In this sense, it may sometimes not seem right to speak of 'unaccompanied' minors. The social service department specifically responsible for unaccompanied minors tracks down those people by asking minors at the moment that they enter the municipality whether they have any relatives or friends in Italy who could take care of them. If possible, they also telephone the parents to ask them whether any relatives in Italy could take care of their son/daughter. If there is no relative or acquaintance available or if the minor is not willing to tell, they are placed in an institution unless it is thought to be important for the child to live in a family (after a needs assessment). In that case the social worker finds the minor a non-kinship family. Some of the families have the same cultural background as the minors they take care of, although most of them are Italian.

When it comes to unaccompanied minors, living within families with the same cultural background has proved to be very useful. These families have been immigrants themselves and therefore have had similar experiences as the minor and they are able to help the minor to find solutions for any problems faced.

The Municipality of Venice has a team that is trained specifically on finding, training and supporting foster families. The social service department specifically responsible for unaccompanied minors works in partnership with this team to find a family for the minor and to assess their suitability. This staff consists of social workers, educators and psychologists.

Non-related families are sometimes found through word of mouth, but mostly through various initiatives which are regularly held in the city (parties and meetings in which foster families share their experiences) or even through awareness-raising initiatives (flyers, newspaper articles, etc.). It also happens that people

who volunteer in reception centres put themselves forward as foster parents for a minor they have met there. The families who are willing to take care of a minor receive general training on foster care, although not specifically on unaccompanied minors as they also take care of Italian minors. However, a family that takes care of an unaccompanied minor receives extra support on aspects related to immigration. Families who are willing to take care of a minor are first visited by a social worker in order to discuss their reasons (motivation) and expectations.

One of the central questions is whether foster care is the best solution for each particular minor. The minors themselves are also asked about their opinions on living in foster care. Once a family has been found for a minor, several meetings are organized before the placement starts to see whether there is a match. The court makes a decision on the placement and the guardian has to agree with the placement (Italian law states that every unaccompanied minor must have a legal guardian, so the moment a minor arrives in Venice, the municipality asks the court to appoint one). If the social worker is in contact with the minor's parents, they will also be asked for their permission.

Foster families receive financial assistance: relatives receive payment according to their income bracket (according to Italian law, people related to a minor within the fourth degree of kinship are responsible for the minor if the parents are absent, so if relatives are able to financially support the minor themselves they do not receive any money from the municipality). All foster families that are not related to a child operate on a voluntary basis and receive around 500 euro a month to cover their costs.

There is no special policy on the number of visits the social worker pays to the family once the minor is living with them. Both the social worker and the guardian (who is a volunteer) monitor the minor. The social worker is in touch at least once a month and focuses their attention on positive aspects of living together, but also on the difficult ones in order to find possible solutions/act as mediator between the family and the minor. Only when a compromise cannot be found will the social worker consider whether it is appropriate to interrupt foster care, but this rarely happens. If so, the social worker always tries to preserve the relationship between the minor and the family.

Professionals working in Venice reported that it is not quite clear to them why Venice is one of the few cities that approaches foster care for unaccompanied minors in this way. They suggest that one of the reasons might be the regional differences in working with this group of minors and the fact that legislation differs per region as well. They see foster care as a type of reception that is in the interests of the minor. Moreover, unlike unaccompanied minors who are placed in residential centres through arrangements with the Immigration Police Service of Venice, unaccompanied minors who live with their relatives within the second degree of kinship are entitled to obtain the same residence permit as is given to foreign minors who live with their parents. This residence permit is easier to convert when the minor turns 18 and, equally importantly, gives the minor the right to visit their country of origin with the foster family.

There are no statistics on the effects of reception of unaccompanied minors within families in Venice. However, experience shows the municipality that placement within families works much better than living in institutions when it comes to fulfilling the minors' needs. The minors say so when asked, and the social workers also see that minors benefit from it. On top of that, the municipality states that it is cheaper. Finally, minors who live in institutions have to leave when they turn 18, and experience this as very difficult. Those who live in families do not usually have that problem. They are able to stay within the family after they have turned 18 and some costs may even be paid for, for instance to complete a course of study taking up to one more year.

The experts working on foster care for unaccompanied minors in Venice would like to improve their ways for recruiting families by using new recruitment methods and looking for new groups of foster families (e.g. non-related families and ex-unaccompanied minors). To raise awareness, they also find it important to get in touch with foreign groups in Venice. The experts also feel a need to provide training to social workers and foster families alike. Continuing education on the cultural background of unaccompanied minors for families, social workers and educators is felt to be necessary. On top of this, compulsory for-

eign language education for Italian foster families and Italian language courses for foreign families should be provided. Participation of both foreign and Italian foster families in the same groups aimed at sharing experiences on education of youngsters and improving cultural exchanges would also be a good thing, as would be the development of written tools that inform people about important subjects relating to the target group. The Municipality of Venice would also like to start with follow-up and statistics on the effects of reception of unaccompanied minors within families.

## **Lampedusa**

Another example is Lampedusa on Sicily, where many families, both Italian and foreign, were willing to help after the boat tragedies. Most of these families already had a relationship with the child, though, e.g. teachers who took care of their pupils. One disadvantage reported by a local actor in Lampedusa was that these families were not receiving training for the task.

## **Rome and Florence**

In June 2014 it was also reported that there was a small project on foster families from different cultural backgrounds starting in Rome. In Florence, Donne Nostrostras, an organization for migrants in Florence, is trying to set up a similar project.<sup>64</sup> In October 2014, Donne Nostrostras organized a conference for social workers who work with families and minors in Tuscany, aimed at promoting foster care, encouraging the use of it within communities with different cultural backgrounds and increasing the number of migrant families available for fostering.

## **Weaknesses and promising practices**

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One of the weaknesses in the Italian system is that the child protection law was not designed for unaccompanied minors and therefore does not fit this specific group, and that legislation on unaccompanied children is fragmented. It relates on the one hand to migration law and on the other to the Italian civil code (1948) and the Italian law for adoption (1983). As of June 2014, a draft of law, initiated by Save the Children, was being discussed that will bring enormous changes to the Italian child protection system.

The General Directorate on immigration and integration policies published guidelines on unaccompanied minors with the Decree of 19 December 2013, thus defining all procedures related to their protection. It specifically defines procedures related to census, family tracing, assisted voluntary return and release of the General Directorate's opinion on their individual integration paths for the conversion of the residence permit when turning 18.

In order to ameliorate data collection and facilitate communication and interaction between involved institutions, an online information system is currently being developed in order to be able to trace the reception pathway of the children in the future. This system, that is welcomed by the different actors involved, will enable them to enter, read and update information on unaccompanied minors according to their competences. As of June 2014 it was being tested in 7 geographical areas, characterized by special systems of tracing, protection and care: Ancona, Bari, Bologna, Crotone, Syracuse, Turin and Venice.

To ensure successful inter-institutional cooperation, a board dedicated to unaccompanied minors has been jointly set up by the Ministry of Labour and Social Policies, the Ministry of Interior, the Ministry of Justice, the Ministry of Health, the Co-ordination of Regions, the Union of Provinces and the Association of Italian Municipalities (ANCI).

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<sup>64</sup> [www.nostrostras.it](http://www.nostrostras.it)

One promising practice is the fact that, as of June 2014, the Children’s Ombudsmen were working on a proposal on a national guardianship system for unaccompanied minors that they wanted to present it parliament at the end of 2014. Other issues addressed are age assessment and how to provide the unaccompanied minors with information on their rights in Italy.

Another promising practice is the fact that there is a proposal for the reform of the reception of unaccompanied minors (June 2014) that includes a planning and attribution of tasks. As the Ministry of Labour and Social Policies has been asked to work out a system that makes all Italian municipalities responsible for taking unaccompanied minors into care, the Swedish system is of special interest to them. The municipalities on the other hand are worried about the future as not all children receive the care they need because the municipalities are unable to provide it. According to the municipalities, the responsibility should not lie with them but rather with the government. At the moment, however, it is not clear whether the government or the local authorities will have to pay for reception.

### 3.2.8 THE NETHERLANDS

|   |   |
|---|---|
| <b>NUMBER OF UNACCOMPANIED MINORS</b><br>(2013, Eurostat, only asylum-seeking minors) | <b>310</b> (total number of newly assigned guardianships to Nidos in 2013: 687)   |
| Reception in families (yes/no/scattered, etc.)  | Yes. As Nidos is responsible for it and there are enough families available, every child in need of it can be provided with it.   |
| Centralized/decentralized reception system for unaccompanied minors                   | Centralized system.   |
| Implemented by regular youth care   | No  |
| Opportunities for development   | <ul style="list-style-type: none"> <li>• Initiate research on outcomes of ethnic placements.</li> <li>• Development of support programmes for foster families.</li> </ul>   |
| Potential actions to initiate development   | <ul style="list-style-type: none"> <li>• The RLF+ pilot project that will start in January 2015.</li> <li>• Research started recently to investigate needs of foster parents on support (outcomes expected in summer 2015).</li> <li>• Research by University Groningen (will start February 2015) on outcomes of ethnic placements compared to indigenous placements.</li> </ul> |
| Challenges  | <ul style="list-style-type: none"> <li>• Enlargement of the percentage of placements in families.</li> <li>• Further development on how to distinguish whether youth care-based foster care should be indicated or if RLF is sufficient.</li> </ul>   |
| Opportunities   | <ul style="list-style-type: none"> <li>• The new reception model that will come into force in 2016.</li> </ul>  |
| Recommendations   | <ul style="list-style-type: none"> <li>• Develop special training on working with (in the case of guardians) and caring for (in the case of foster families) unaccompanied minors.</li> <li>• Enlarge the use of RLF+ to create more possibilities for the 15-to 17-year-old minors.</li> </ul>   |

#### General context

On 31 December 2014 there were 2,670 unaccompanied minors in the Netherlands. Those minors have around 90 different nationalities, the most frequently encountered ones in 2014 being Somalian (24%), Eritrean (22%) and Syrian (12%). In 2014, 55% of the minors were 16-18 years of age, 29% were between 12-16 years of age and 16% were under 12 years of age.

Particular to the Dutch legal context is that all unaccompanied minors have a guardian from Nidos Foundation, the Dutch guardianship institution for unaccompanied minor refugees, asylum seekers and undocumented migrants, which has been given this responsibility exclusively by law. Dutch law stipulates that each minor must have a parent or, in the absence of a parent, a guardian who has legal responsibility for the child.

Nidos has the lawful assignment of exercising the authority of supervising these young people on their path to adulthood and promoting their interests. The guardian is the legal representative of the child, monitors the legal procedure, provides long-term continued care and has the responsibility for the mental and physical wellbeing of the child and the development of his or her personality. In 2014, 1,418 new guardianships were granted to Nidos.

Up until 2013, foreign nationals who were minor and unaccompanied were eligible for a special unaccompanied minor residence permit in the Netherlands. The permit was issued if adequate accommodation was lacking, under local terms, in the country of origin or another country to which (s)he could reasonably be expected to go to. It also applied to unaccompanied minors aged 16 and 17 years old who could not look after themselves independently in the country of origin or another country to which they could reasonably be expected to go to. In June 2013, a new law and comprehensive policy were implemented. The Dutch government felt the need to develop this new policy following a national debate about the position of Mauro, a well-integrated Angolan unaccompanied minor asylum seeker who had for years resided in the Netherlands on the basis of the abovementioned temporary residence permit. When he turned 18 and was threatened with deportation, it sparked serious discussion in parliament about the nature of the existing policy in relation to unaccompanied minors. One of the major goals of the new policy is to give unaccompanied minors faster clarity on whether their stay in the Netherlands will be temporary. Although the special residence permit for unaccompanied minors no longer exists, in practice unaccompanied children who have not been granted refugee protection are still allowed to stay in the Netherlands until they are 18 years of age providing that there is no adequate reception available in their country of origin.

## **Reception of unaccompanied minors**

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Since the summer of 2010, unaccompanied minors of 13 years and older who enter the Netherlands spend the first 3 months in a *Proces Opvang Locatie* ('process reception location', POL) in the charge of the *Centraal Orgaan opvang Asielzoekers* (COA) which is the agency responsible for reception of asylum seekers. During this period they go through their asylum procedure; the Dutch admission policy for unaccompanied minors prescribes that first and foremost a decision is taken whether they are eligible for asylum status.

After completing this first period, the minors go to foster families, small-scale reception or a campus, depending on what is considered most suitable by their guardian from Nidos in consultation with the mentors from COA. The leading criteria for this decision are not the age or the existence of a residence permit, but rather the needs for optimal development and maturity of the minor. Small-scale reception is a responsibility of COA and can mean accommodation in a living group or a small living unit. The former offers 24-hour supervision to groups of 12-15 children and the latter offers 28.5 hours per week of counselling to four minors aged 15-18 living together in a small residential unit. Only older minors who are considered sufficiently self-dependent are housed on a campus in a large-scale reception centre (also run by COA).

Vulnerable minors, including all minors under the age of 13, are directly accommodated in foster families (or if necessary, for instance in case of suspicion of trafficking, in protected shelters run by COA). As a result, around 47% of all unaccompanied minors in the Netherlands are accommodated with foster families.

In all forms of reception, including reception in foster families, the minors are supported in line with the outcome of their asylum procedure: return to the home country, further migration or integration. As a guardian, Nidos is responsible for accommodating a child in the right form of reception. Following on

from the reception system described above, the responsibility for the daily care lies either with COA or with Nidos (concerning living within foster families).

In January 2016 this system will change. Nidos will then be responsible for living within foster families for minors under 15 and for reception of all minors aged 15-18 who have a residence permit (in foster care or in small-scale reception), while COA will be responsible for reception of minors aged 15-18 who do not have a residence permit. Reception on a campus will disappear completely and will be replaced by small-scale reception. The protected shelters will remain the responsibility of COA.

## Foster care in general

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Although the general Dutch foster care system available for Dutch children is not being used for unaccompanied minors, a brief explanation will be given below.

There are 28 (regional) youth care organizations in the Netherlands that offer foster care to Dutch children. They work together in the field of counselling and recruitment. In 2013, 21,606 children were in foster care for a certain period of time in 16,065 foster families. This was an increase of 3% compared to 2012. On 31 December 2013 17,781 Dutch children lived in foster care. The increase in 2013 was made possible by the recruitment of new foster families: in 2013, 3,325 new foster families were accepted (8% more than in 2012). Recruitment continued in 2014 since supply and demand can still rise. There is a shortage in foster families (both indigenous and ethnic) particularly for children over 10 as well as for children with special needs.

The Dutch youth care system, and therefore foster care as well, is currently in a state of transition as it has become the responsibility of the municipalities at the beginning of 2015 (instead of the responsibility of the regions).

In the Netherlands, there are two different types of foster care: kinship foster care, which includes network foster care, and (family) foster care.<sup>65</sup> Well over one third (35%) of foster care arrangements concern kinship foster care.<sup>66</sup> The percentage of kinship foster care is growing because the policy of foster care providers is focused on searching firstly for foster parents in the direct environment of the candidate foster child. The most common foster care modules are crisis intervention, reunification support, holiday foster care, weekend foster care, day foster care, observation/assessment foster care and long-term foster care.<sup>67</sup>

Foster carers are considered volunteers who receive a reimbursement. They are recruited by regional care providers through advertisements or websites. The selection and preparation of foster families is often conducted with the *Samenwerking Teamgeest Aspirant Pleegouders* or 'STAP' programme ('cooperation and team spirit of prospective foster parents'). Potential foster carers undergo intensive preparation in seven three-hour group meetings in which they can reflect on their fostering skills. Kinship carers have no obligation to attend this training programme.<sup>68</sup>

Most Dutch foster care providers are part of multifunctional youth care organizations (MFOs), which are non-profit organizations that also provide other types of care. There are 32 foster care providers in the Netherlands, including 28 regionally operated foster care providers and four nationally operated providers. Two national foster care providers are Christian-based, one is specialized in the guidance of mentally disabled children and the fourth provides therapeutic foster care.<sup>69</sup>

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<sup>65</sup> Strijker, 2010.

<sup>66</sup> Strijker & Knorth, 2007.

<sup>67</sup> idem.

<sup>68</sup> De Meyer, 2003.

<sup>69</sup> Pleegzorg Nederland, 2013.

The current Youth Care Act demands that specific requirements are met when determining the suitability of aspirant or current foster parents, obliges foster care providers to offer support to foster parents, and stipulates whether the foster parents should accept the support of these foster care providers.<sup>70</sup> The Youth Care Act also includes regulations with regard to contracts between foster parents and foster care providers and the financial compensation for foster parents. In July 2013, a new act came into force aimed at improving the legal position of foster parents.<sup>71</sup>

Although the Dutch youth care policy concerning out-of-home placements shows a preference for foster families over residential placements, the number of children in residential care has generally been larger than the number of children in foster care. However, numbers from 2010 show that there are currently more children in foster care than in residential care. An increase of 11.5% in the total out-of-home care placements occurred between 2000 and 2010. The rise in out-of-home placements might partly be explained by the fact that, since 2004, youth care has become a public issue, with services being accused of responding too slowly and in a limited fashion to children in risky environments. This criticism emerged after the death of a child in 2004 who was already known to the relevant youth welfare office.<sup>72</sup> The proportion of residential care in relation to foster care decreased in this period, with a decline of 23.6% for residential care placements and an increase of 72.2% for children and youths placed in foster care. This indicates that foster care placements have continued to be popular over the past decade, which might be due to the fact that it is appraised as a less expensive form of out-of-home care than residential youth care.<sup>73</sup>

## Foster care for unaccompanied minors

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As already mentioned above, around 47% (approximately 1,200 children) of the unaccompanied minors in the Netherlands live in foster care. One of the tasks of the guardian is to ensure a secure lodging and living situation for its charges. In Nidos' view, the most suitable form of living for unaccompanied minors is provided by a family. As has already been stressed in Chapter 2, this vision is supported by the international legal framework as well as research by Groningen University. Client satisfaction research carried out among unaccompanied minors by Nidos also supports this: the minors living in families have reported being more satisfied with their lives than those living in other forms of reception.<sup>74</sup>

In the field of foster care, unaccompanied minors form a specific group that requires a specific vision and interpretation of foster care. Because of the different backgrounds of these youngsters, Nidos favours reception in families connected with or close to their own ethnic background. These family connections provide the minors with a secure basis from which they can return to their country of origin or integrate in Dutch society, while preserving their own cultural identity. In many cases, the minors are familiar with the idea of living with next of kin because, in most of the countries of origin, it is customary for family members to receive and educate children whose parents are absent.

There is an essential difference between the general Dutch foster care system, which emphasizes care for a youngster who has a personal (development) problem, and the fact that unaccompanied minors simply need safe and suitable reception. For this reason Nidos has developed its own pool of foster care families of many different nationalities, called the 'reception pool', in which Nidos can place its charges. However, this means that unaccompanied minors with severe problems cannot be accommodated in this form of foster care and will be referred to the general youth care system.

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<sup>70</sup> Van Oijen, 2010.

<sup>71</sup> Pleegzorg Nederland, 2013.

<sup>72</sup> Dekker et al, 2012.

<sup>73</sup> All information under 'Foster care in general' gained from 'Different sizes, similar challenges: Out-of-home care for youth in Germany and the Netherlands', by A. T. Harder et al. / *Psychosocial Intervention* 22 (2013), p. 203-213.

<sup>74</sup> 'The right to be heard and participation of unaccompanied children, a tool to support the collection of children's views on protection and reception services', Liedewij de Ruijter de Wildt, Nidos, 2014, p. 9, <http://www.connectproject.eu/nld.html>.

A nationwide team dedicated to Reception and Living in Families (RLF team) within Nidos is responsible for recruiting, screening, matching and supporting the foster families in the reception pool, which consists of 417 families, as well as an additional 778 kinship/network families that foster children related to them who are also under Nidos' guardianship. The major task in support for the families is assigned to the guardians who visit the children and the families monthly. A reception family (both pool families and kinship/network families) receives a daily allowance linked to the age of the unaccompanied minor. For a 16-17 year old this is around 600 euro a month.

## **Recruitment of families**

As the nationalities of the unaccompanied minors are liable to change, the RLF team is constantly searching for families with the specific backgrounds needed at that time. For this reason there was an extra focus on the recruitment of Afghan families in 2012 and Syrian families in 2014. Differentiation in reception is also regarded as an important issue in order to be able to provide (more complex) family systems such as siblings or teenage mums with appropriate (cultural) reception within families.

The RLF team strives to make people responsible for their compatriot children and asks them to help in the search for new foster families. The team tries to get families it is already working with further involved and take on responsibility for other children. The team also gets in touch with foundations from within the various communities; it visits them, explains the challenges and asks them to help. Raising public awareness on community TV in the languages of the target groups has also been beneficial.

In the team's experience, it is possible to find enough families through persistence. It is essential not to give up, to penetrate deep into the different ethnic societies and to really understand the background of potential families. To gain their confidence and demonstrate that the team is from a reliable organization has proved to be of great importance. It is also important to show people that they can benefit from becoming a foster family as it can give them meaning and significance, both in their own community and in Dutch society.

## **Screening**

A family that is willing to become a foster family is screened and prepared, also in the case of kinship foster care. During three two-and-a-half-hour interviews, the focus is on screenings items such as nurturing skills, parenting and teaching skills, items of safety and integrity, religious background, views on sexuality, gender roles, sensitivity, balance of cultural identity and integration, and sustainability. The information gained from the interviews is used to determine matching factors. Finally, the Raad voor de Kinderbescherming ('Child Protection Board') screens all family members who are older than 12 on antecedents in the judicial register and provide a *verklaring van geen bezwaar* ('statements of no objection', VGB).

Nidos keeps electronic files on all foster families. Hence the results of the screening process, for instance, are recorded in the electronic family file.

## **Guidance**

When in contact with families, it is very important to be respectful and take an interest in their background. Nidos asks foster families that already work for the organization to tell others about it.

It has also proved to be very important to ensure that foster families feel 'heard'. In order to gain the opinions of foster parents and minors living with them on the care provided by Nidos and the RLF team,

Nidos started organizing World Cafés<sup>75</sup> as a form of client participation in 2012. There, people can get to know each other socially and share experiences, leading to insight into what clients regard as important in terms of the way care is offered and how it can be improved. The World Cafés have highlighted points of interest such as supporting the contact with absent family members, preparing for the moment the minor turns 18, how to deal with pocket money, the importance of a confidant for each minor and the importance of being a member of a sports club. The results are being used as feedback for the RLF team on the support of the minors and the reception families alike, and for ameliorating the methodology that Nidos is using for the RLF team.

The methodology that is used by the RLF team was officially detailed in summer 2010 in a handbook and has been further developed since then, for example in the field of safety. The RLF team has been trained in working with this methodology.

## **Weaknesses and promising practices**

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One weakness in the system is that unaccompanied children who turn 18 and receive a negative immigration decision officially have to leave the foster family. This change can have a negative effect on the young person, who may have been in the foster family for some time. This highlights the conflict between immigration legislation and children's legislation (as Dutch children in foster care are able to remain in the foster family until they turn 21).

During the last few years a promising development in the Netherlands has been the fact that more and more children are being accommodated in foster families and small-scale reception.

In the near future, Nidos wants to further develop the support offered to the foster families it works with. Nidos also wishes to conduct research to lend support to its experience that living with families from the same cultural background works best for unaccompanied minors (compared to living with Dutch families).

Organizing World Cafés as a form of client participation has also proved to be a good practice, giving Nidos insight into what clients think is important in terms of the way the care is offered and how it can be improved.

One promising initiative is the new reception facility OWG+ ('RLF+') which is currently being executed in a pilot format. It was developed to see whether reception in families can also be a useful option for older minors who are already rather self-dependent but not yet entirely ready to be on their own. In this facility, foster parents take care of a maximum of 4-5 children (varying in age from 15-17 and mainly from similar ethnic backgrounds) in a setting that closely resembles a family situation but with the opportunity for the youngsters to experiment with self-dependency training. This way, continuity in support is much more guaranteed than in a professional setting, especially because of the fact that foster parents recognize the culture and language of the youngsters. This form of reception has similarities with the concept of the extended family as is commonplace in many of the minors' countries of origin, whereby adults other than the parents also keep an eye on them.

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<sup>75</sup> [www.theworldcafe.com](http://www.theworldcafe.com)

### 3.2.9 NORWAY (NO MEMBER STATE, BUT INTERESTING PRACTICE)

|  |   |
|--|---|
| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 1,070   |
| Reception in families (yes/no/scattered, etc.)                                 | <ul style="list-style-type: none"> <li>• In Norway, unaccompanied minors do not usually live in foster care while their asylum application is being processed, apart from occasionally in the case of the youngest ones.</li> <li>• Foster care is available for those who receive a residence permit and are in need of it after assessment of their needs. However, there is a lack of families within the general youth care system.</li> <li>• Some children also live with relatives or someone in their network who becomes the carer. Regulations and recommendations for regular foster homes are being followed in these cases.</li> </ul> |
| Centralized/decentralized reception system for unaccompanied minors            | Centralized immigration reception system, with youth care decentralized to local authorities.   |
| Implemented by regular youth care  | Yes, use of families within the youth care system; regular youth care services, national or local, have the responsibility/mandate.   |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• Group foster homes for unaccompanied minors.</li> <li>• More targeted recruitment of foster families (both cultural and indigenous) who are willing and well suited to take minority children.</li> </ul>  |
| Potential actions to initiate development                                      | <ul style="list-style-type: none"> <li>• Continue to develop the group foster homes like in Oslo.</li> <li>• Follow up on effects of group foster homes.</li> </ul>   |
| Challenges   | Political issue as Bufetat decreased the refund of costs for a child to the municipalities.   |
| Opportunities  | Norway has a good working system for foster care in general.  |
| Recommendations  | <ul style="list-style-type: none"> <li>• Continue to develop the group foster homes like in Oslo in other municipalities.</li> <li>• Increase research on the effects of the group foster homes, but also on ordinary foster care, kinship care and unaccompanied minors in general.</li> <li>• Further develop recruitment, screening and follow-up of foster families.</li> <li>• Organize follow-up for effects of group foster homes, ordinary foster care and kinship care for all age groups.</li> </ul>  |

#### General context

In recent years, 900-1,100 unaccompanied minors have entered Norway on a yearly basis, whereas this figure was 2,500 in 2009. The number was 980 in 2012 and 1,070 in 2013. In 2013, most (30%) unaccompanied minors came from Somalia, whilst 40% came from Afghanistan or Eritrea. The latter was the biggest group in 2014. 80% of the unaccompanied minors that enter the country end up staying.

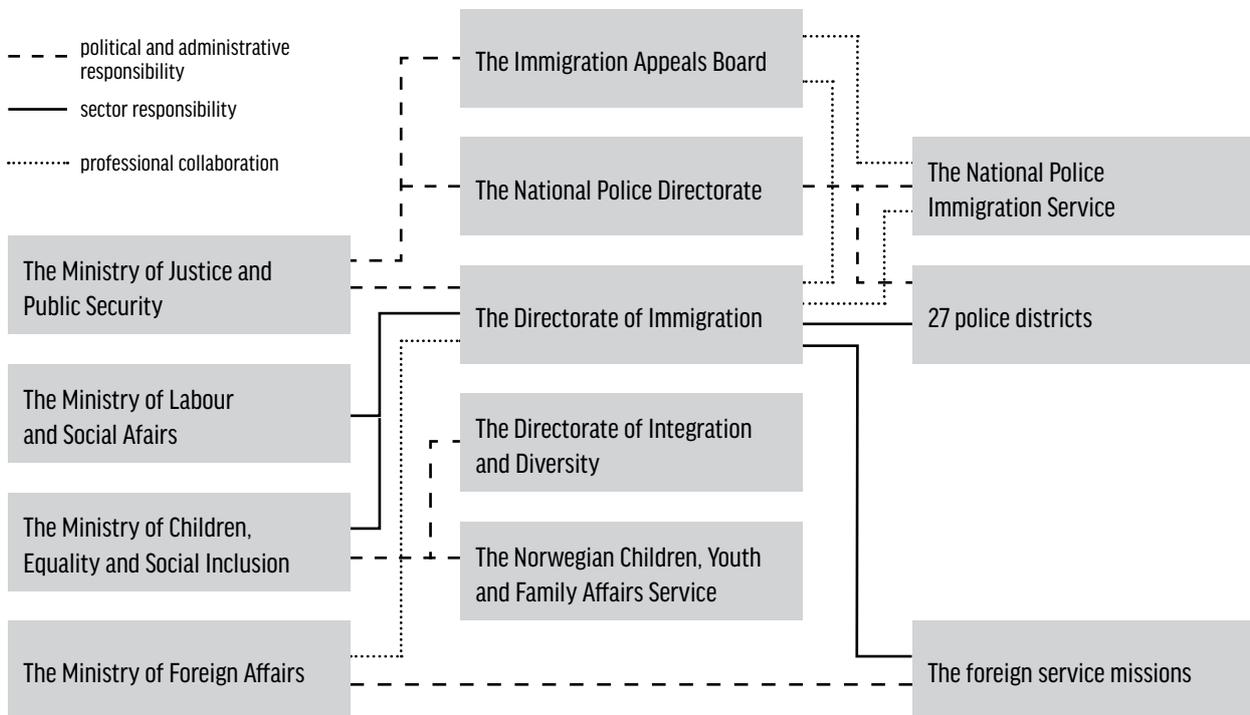
#### Reception of unaccompanied minors

Most unaccompanied minors who enter Norway apply for asylum. All of them are taken into care. Children who do not ask for asylum are also taken into care if they are known to the authorities.

All minors apply for asylum via the immigration police in Oslo. They receive a voluntary representative (guardian) who has responsibility for them, with the exception of day-to-day care. Many guardians are students or retired people. Guardians are responsible for 4 minors in the first phase. They attend a 12-

hour training course when they start and a 7-hour follow-up course by the County Governor of Oslo and Akershus, the organization responsible for providing minors with a guardian. The minors are accommodated in one of the two transit centres for unaccompanied minors, which are close to Oslo.

**Figure: The parties involved in immigration administration.<sup>76</sup>**



After the first interviews and whilst their asylum application is being processed, unaccompanied minors who are aged 15-18 on arrival stay in a reception centre for unaccompanied minors run by the Norwegian Directorate for Immigration (UDI). Minors younger than 15 receive service from Bufetat, a division within the Norwegian Children, Youth and Family Affairs Service (BUFdir) and stay in care centres run by Bufetat.

The moment an unaccompanied minor receives a residence permit (which is permanent in Norway), the minor enters a new phase in the reception system and is resettled in a municipality. The Integrerings- og mangfolds direktoratet or IMDI ('Directorate of Integration and Diversity') approaches the municipalities for this concerning minors over 15 years of age. IMDI pays municipalities who resettle refugees 80,000 euro per person for 5 years. Apart from this, Bufetat also refunds the extra amount when the costs for the child exceed 18,000 per month, if the child is settled in a municipality under the responsibility of the child welfare. This refund used to be 100% but in 2014 it was decreased to 80%. Moreover, Bufetat also pays a contribution for children older than 15.

Until a few years ago resettlement was done regionally, but for the past year the region North (Norvik and 3 counties) has been responsible for resettlement of all refugees older than 15 in the whole of Norway. In 2010, over 600 unaccompanied minors older than 15 were resettled. In 2013 that figure was 421, in 2014 it was 500 and the forecast for 2015 is 720.

The municipalities can decide whether they are willing to accept refugees in general at the moment of resettlement. They can also decide whether they are willing to accept an individual person who is presented to them. It is a governmental requirement that unaccompanied minors should be resettled within 3 months. A more detailed description of how the system works in practice will be given below.

<sup>76</sup> Figure provided by UDI on <http://goo.gl/sk6vXC>

## Over 15 years of age

After the first interviews in Oslo and while they wait for a decision, unaccompanied minors over 15 years of age stay in a reception centre for unaccompanied minors, run by UDI. In 2009 there were 58 such reception centres; nowadays there are 9 spread throughout Norway, each accommodating between 30 and 110 unaccompanied minors. Staff are present 24/7, at least one of whom must be experienced in working with children. There is 0,5% staff per place. The centres have a 'plain but adequate standard', which means that basic needs such as food, shelter, clothing and care are provided for. Some minors keep the guardian they received in Oslo, while others receive a new one based closer to the reception centre.

Once a minor receives a residence permit, IMDI gets in touch with a municipality to arrange resettlement. If the minor is accepted in the municipality, they are accommodated as soon as the municipality can offer suitable housing. An individual needs assessment is performed, which sometimes reveals a need for foster care. Some of the minors also have relatives or people in their network who become the carers.

## Under 15 years of age

Whilst waiting for a decision on the asylum claim, minors under 15 of age are the responsibility of BUFdir. The directorate has had this role since 2007, when it was decided that the child protection services, rather than the immigration authorities, should be responsible for unaccompanied minors under the age of 15. The care centres that provide for this group of children are therefore run by Bufetat, a division of BUFdir, and not by UDI.

Bufetat has 4 care centres for unaccompanied minors, all located within 2 hours from Oslo. There are approximately 90 places altogether and the centres are responsible for daily care. If Bufetat is in need of more accommodation, it buys in extra places from private child welfare institutions that have been approved for reception of unaccompanied minors. Around 15 places had been purchased in this manner in autumn 2014. Most of the care centres look like normal houses and the two biggest can each host 30 children: 6-8 children per apartment. There are always approximately 2 staff members present, of whom 1 has to be a social worker. There is 2% staff per place. Every minor has their own room, just like Norwegian children do who are in care. There is one apartment available for children under 12, which has 6-8 places.

Once a minor receives a permit to stay, they are resettled in a municipality. The Buf agency responsible for the child will get in touch with a municipality to facilitate this. The Buf agency East region, for example, has 88 municipalities in the region, of which around 40 resettle unaccompanied minors. The agency has resettled children in 30 of these and cooperates with 15 of them on a regular basis. The minor retains their guardian from before resettlement until a new guardian is appointed in the resettlement municipality.

In 2013, 86 unaccompanied minors under 15 years of age moved out of the care centres. 21 of them went into foster care, of whom 11 into kinship care and 10 into non-relative foster care (which also includes some network foster care). 63 went on to live in what can best be described as 'group homes', where 3-5 unaccompanied minors live in a house/apartment, with live-in staff 24 hours a day. The goal of this type of accommodation is to provide a home and family feeling for the minors, with staff stability and follow-up that is very similar to parental support. Other options available are bedsits (the minor rents a room), institutions and, in some parts of Norway, host families. Apart from this, Oslo has 4 group foster homes in which 2-3 unaccompanied minors live together with foster parents from a similar cultural background. In 2014, the numbers were as follows: 8 went into kinship care, 2 to non-relative foster care and 84 into group homes.

## Foster care in general

Buudir is the central governmental office under the Ministry of Children, Equality and Social Inclusion that is responsible for the welfare and protection of children and families. Its division Bufetat is organized in five regions under central leadership directly linked to the Ministry. Bufetat has taken over the activities that were previously handled by the county councils in Norway.

The Foster Care Service of Bufetat is responsible for recruiting and coordinating families who assume responsibility for fostering a child or young person, and for ensuring that the families receive the necessary training and guidance. The service assists the local authorities with placement, monitoring and termination of foster care. Bufetat can also assist local authorities with the recruitment, training and guidance of supervisors.

The table below shows the number of out-of-home placements by the end of the year, in 2000 and 2010 respectively. The results show the shift from residential care to foster care. While the number of children in residential care increased by 25.9% from 2000 to 2011, the number of children in foster care increased by 46.2%.<sup>77</sup>

| Out-of-home care in Norway:                    | 2000  | 2010   |
|--|-------|--------|
| Residential care                               | 1,140 | 1,436  |
| Foster care                                    | 6,007 | 8,787  |
| Total out-of-home care                         | 7,147 | 10,223 |
| Number in out-of-home care per 10,000 children | 44.9  | 60.9   |
| Foster care (kinship and non-kinship care):    |       |        |
| Kinship care                                   | 647   | 1,988  |
| Non-kinship care                               | 5,360 | 6,799  |
| Total foster care                              | 6,007 | 8,787  |

Although foster care has been the preferred option since the World War II, the drive has been towards increased use of foster care during the last 10-15 years. There has been an increase in the use of kinship placement, but the main increase has taken place in the professionalization of foster care, i.e. the use of foster homes that are paid wages and given extra supervision to take care of children and young people with special needs.

Children and young people with immigrant backgrounds are overrepresented in the child welfare system, both in preventive services and out-of-home care. However, very little is known about how to design good services for these groups or about possible differential effects of the services.<sup>78</sup>

During the past decade, policymakers have argued for further reduction of the use of residential care in Norway, for various reasons. One reason is something that has also been identified in research, namely that young people with deviant behaviour continue to show this type of behaviour after they move out of care.<sup>79</sup> Residential care is purported to bring them into contact with other young people with problems, rather than help them to overcome their problems (the so-called 'contamination effect'). Another reason is that national authorities strongly argue for a family-based practice, on more value-based grounds. Thirdly, the rising costs of residential care are important. These factors have resulted in a change in the state guidelines, underlining the focus on preventative work if possible. Furthermore, the use of foster

<sup>77</sup> Out of home care in Norway and Sweden – similar and different, Elisabeth Backe-Hansen, Ingrid Højer, Yvonne Sjöblom, and Jan Storø, *Psychosocial Intervention* 22 (2013), p. 195.

<sup>78</sup> *idem*, p. 197.

<sup>79</sup> Andreassen, 2003.

care has increased even for young people, which has resulted in the further closure of several residential units. Residential care has been seen as a last resort.<sup>80</sup>

Backe-Hansen et al. recommend that further research on foster care should include the social background of children in foster care, particularly their education. They also claim that it is necessary to focus on foster children from minority backgrounds, on effects of foster care, on kinship care, on foster children's physical and mental health, on contact with birth parents, on stability, on transition to adulthood, on recruiting foster parents and matching and supervision, and to find out more about foster children's views on the placements. Additionally, it is necessary to find out more about selection of foster care and how variations affect how children and young people experience different aspects of foster care.<sup>81</sup>

Although children and young people with immigrant backgrounds are over-represented within foster care and residential care, very little specific research has been done on their situation. More is known about unaccompanied young asylum seekers, although not from a child welfare and well-being perspective. Nor is much known about their needs for mental health measures. Rather, the focus so far has tended to be on legal and administrative issues connected with this group. When they are under 15 years of age, unaccompanied minors are cared for in special receiving centres under the auspices of the child welfare authorities. Those between 16 and 18 years of age are placed in ordinary reception centres. For many years, several researchers have expressed concern about the living conditions of unaccompanied asylum seekers, and now a research project has been commissioned with the aim of developing tools which can be used to monitor this regularly. In addition, a study has been commissioned to find out what kind of mental health services this group is offered and how to develop timely and efficient services.<sup>82</sup>

## Foster care for unaccompanied minors

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Unaccompanied minors do not usually live in foster care while their asylum application is being processed, apart from occasionally in the case of the youngest ones. Once they receive a residence permit, they can live in a foster family. However, this does not happen very often as there is a lack of foster families. Because of this, it is estimated that around 5% of all unaccompanied minors in Norway live in foster care.

Bufetat recruits families via advertisements and other media. It is difficult to recruit new families, which has caused a waiting list. Some unaccompanied minors also live with family members or families within their network. Regulations and recommendations for regular foster homes are followed in such cases. Bufetat was able to place 21 unaccompanied minors in foster families in 2013: 11 in kinship care and 10 in non-relative foster care (which also includes some network foster care). In 2014, 8 unaccompanied minors went into kinship care and 2 into non-relative foster care.

## Group foster homes in Oslo

A good and unique example are the group foster homes provided by BYMIF, the centre for unaccompanied minors in the district Gamle Oslo within the municipality of Oslo. The centre was founded in 1982 and has since then offered individual help to over 700 children and youths. The 14 other districts within Oslo, as well as other municipalities, can buy in services that BYMIF offers, which include places in the group foster homes, counselling and *kveldstilbudet* (social activities for the minors such as homework support, lessons in Norwegian and holiday activities).

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<sup>80</sup> Out of home care in Norway and Sweden – similar and different, Elisabeth Backe-Hansen, Ingrid Højer, Yvonne Sjöblom, and Jan Storø, *Psychosocial Intervention* 22 (2013), p. 197.

<sup>81</sup> idem.

<sup>82</sup> idem.

BYMIF leases the 4 group foster homes from the municipality. The foster carers who live there come from mixed cultural backgrounds and pay rent to BYMIF. On average, foster carers take care of a group foster home for 2 years. If they quit their job in the home, they move out and a new foster carer moves in to take care of the minors living in the home. Both the foster carers and the minors living in the homes help new minors to find their way in daily life. A social worker from BYMIF has meetings within the home once a month, has meetings with the foster parents individually and also makes sure that each foster carer receives appropriate training to be able to do the job. BYMIF also has a fifth home that functions as a weekend/holiday home for the foster parents of the group foster homes. They all have a 'stand-in' carer who comes to the house every other weekend. This enables the foster carer to take a weekend off, when they can go and stay in the fifth home or elsewhere.

### **Municipality of Stavanger**

Another example is Stavanger, which has around 250 children aged under 18 in care and 150 in aftercare. 80 of them are unaccompanied, and around 35 are still minors. The child protection services of Stavanger became responsible for this group in 2010, when the government decided that unaccompanied minors under 15 should be in the child welfare system. 10 of the 45 unaccompanied minors in Stavanger are in foster care. Most families are recruited by the municipality itself; only 2 families were recruited by Bufetat. The head of the child protection services has experienced that many unaccompanied minors want to be in Norwegian families, although they think it is also important to maintain an attachment with their own culture and language.

### **Weaknesses and promising practices**

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One very promising practice in Norway is BYMIF, offering placements in group foster homes. This can be considered as a useful way of reception for unaccompanied minors. BYMIF has not yet done any follow-up on the effects of this type of reception although it does have figures on how many of the minors started/finished junior college etc. during the period they were in care with BYMIF.

A weakness is the lack of foster families in general in the Norwegian youth care system, with the result that only a small number of unaccompanied minors who need foster care actually receive it. Further development of recruitment, but also of screening and follow-up of foster families, is recommended.

### 3.2.10 POLAND

|  |   |
|--|---|
| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 255   |
| Reception in families (yes/no/scattered, etc.)                                 | No, only one child has been placed in a foster home in the past.  |
| Centralized/decentralized reception system for unaccompanied minors            | Decentralized since 2012.   |
| Implemented by regular youth care  | Yes, since 2012.  |
| Opportunities for development  | Develop formation of several special centres with trained staff able to provide the care the minors need.   |
| Potential actions to initiate development                                      | <ul style="list-style-type: none"> <li>• A proposal on changing the law on guardianship was being prepared (July 2014).</li> <li>• The Ministry of Interior and the Nobody's Children Foundation are active in the discussion on legal guardianship in Poland and working on a national programme of guardianship training.</li> </ul>  |
| Challenges   | <ul style="list-style-type: none"> <li>• An application for asylum can only be made by the unaccompanied minor and not by a guardian. The recent changes in the care system do not always provide foreign children with the care they need.</li> <li>• Foster care is not yet a possible option for unaccompanied minors who ask for asylum.</li> <li>• Recruiting foster families is difficult.</li> </ul> |
| Opportunities  | The offer of the Office of Foreigners to finance accommodation beyond 3 months in order to enable specialized accommodation in Warsaw which is able to respond to the children's needs.   |
| Recommendations  | <ul style="list-style-type: none"> <li>• Develop several special centres with trained staff able to provide the care the unaccompanied minors need.</li> <li>• Change the law on guardianship: give one person overall responsibility for an unaccompanied minor and develop a national programme for guardianship training.</li> </ul>   |

#### General context

Most of the people who ask for asylum in Poland come from Chechnya (around 90%) and Georgia. Most refugees are families, and unaccompanied minor asylum seekers are rare according to stakeholders. It was stated that around 200 unaccompanied minors enter Poland on a yearly basis. Around 40 of them ask for asylum, most of whom are over 14.

When an unaccompanied minor is stopped by the police in Poland, the police transfer the minor to the border guard authority which has jurisdiction over the place where the minor was apprehended. The border guard then applies to the court to place the minor in a care and educational centre or in a guarded centre. A care and educational centre is institutional care, accommodating up to 30 children who are at least 10 years old (in 2019 the age limit will be reduced to 7 years old). The children are taken care of by tutors who arrive every morning and leave in the afternoon. A few tutors are on duty during the night, holidays and weekends. An unaccompanied minor may be placed in a guarded centre if he or she is at

least 15 years old. When considering the application to place the unaccompanied minor in a guarded centre, the court takes into account the following:

- psychological and physical development of the minor
- personal characteristics of the minor
- circumstances under which the minor was apprehended
- personal conditions justifying eventual placement in a guarded centre.

Since 2013, only three of the guarded centres in Poland which have appropriate organizational and infra-structural conditions may be used for placement of minors. One of them (Kętrzyn) is used for both families with children and unaccompanied minors. The other two centres host families with children (Biała Podlaska) and families with children under school age (Przemysł).

Poland has different laws that apply to unaccompanied minors who ask for asylum: the Act of 12 December 2013 on foreigners, the Act on family court and the Act of 13 June 2003 on granting protection to foreigners within the territory of Poland. Articles 61 to 67 of the latter provide legislation on the application for asylum by unaccompanied minors. The application for asylum has to be processed by the border guard authority (at the moment the minor arrives at the border or elsewhere within the territory of Poland) at the custody court which has jurisdiction over the place in which the minor stays. It has to include an application to establish custody (guardianship) to represent the minor in the proceedings for granting refugee status and to place the minor in a care and educational centre (art. 61.1). Actions aimed at finding any relatives of the unaccompanied minor are undertaken (art. 61.3). The border guard authority brings the minor to a professional foster family (not related to the minor) functioning as emergency shelter in crisis situations or to a care and educational centre functioning as an intervention centre, where he or she stays until the decision by the custody court (art. 62.2). If it is established during the procedure that an applicant is a minor, the head of the Office for Foreigners applies to a custody court to establish custody (guardianship) and places the minor in a care centre.

At the time of visiting (July 2014), the Ministry of Interior and the Nobody's Children Foundation (the biggest NGO in Poland working in the field of child protection) were active in the discussion on legal guardianship in Poland and were working on a national programme for guardianship training.

Many unaccompanied minors obtain some kind of status, i.e. refugee status, subsidiary protection or a permit for humanitarian stay, although most do not want to stay in Poland. In practice, about half of the minors who ask for asylum disappear after a few months. In 2013, 40 of the foreign children taken into care were in a foster family for just one month. These situations are thought to be caused by the fact that Poland is merely a transit country instead of a country of destination.

## **Reception of unaccompanied minors**

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The reception system for unaccompanied minors changed in 2012. Now, during the first 3 months they are accommodated in a facility of intervention in the region where they enter the care system. Whereas unaccompanied minors were previously accommodated in Children's Home (Orphanage) No. 9 in Warsaw after these first 3 months, the Ministry of Labour and Social Policy decided that they should be taken care of in the same way as Polish children and therefore be placed in regional facilities. Since 2012, after receiving an application for accommodation by a border guard, the custody court decides to which accommodation the minor will go.

Although the new system has improved some aspects – for instance, facilities formerly hosting around 60 children now host around 15 – stakeholders feel that the change has also brought many challenges, especially for the unaccompanied minors who ask for asylum. Whereas the institution in Warsaw where they were previously accommodated had trained staff who spoke several languages and knew about cultural

differences between the children, a child is now often the only foreign child within a municipality as the court can place the children anywhere in the country and considers only the availability of accommodation. Many care givers in the local accommodation facilities do not speak foreign languages, do not know the rules relating to asylum and do not know much about the problems unaccompanied minor asylum seekers face or how to address them. The result is lack of communication with the child and ultimately lack of integration.

## Foster care in general

Poland has 79,000 children in care in total, of which 58,870 are in foster care and 19,949 live in an institution.<sup>83</sup> All services are accessible for the children in care. Concerning family-based foster care, the Polish system has foster homes and 3 types of foster families: professional care (that is paid for and granted with compensation of expenses) that can be divided into family emergency houses and specialists (either for underage mothers, disabled children or juveniles), non-professional care that is not paid for (only compensation of expenses), and family placements with relatives that are not paid for (only compensation of expenses). A foster family can generally take care of up to 3 children (but there are some exceptions) and a foster home takes care of up to 8 children. A person running a foster home is paid at a similar level to a professional foster family and also receives compensation of expenses.

The Act of 9 June 2011 on family support and the foster care system brought new ideas about out-of-home care aimed at leaving a child with their family as much as possible. If the child should be placed outside the family, foster care by relatives should be the first option, followed by professional foster care. With the new law, foster care was taken out of the competence of the state (voivodeship) and brought under the responsibility of the counties (*poviats*):<sup>84</sup>

| GMINA  | POVIAT   | SELF-GOVERNMENT OF THE VOIVODESHIP   |
|--|--|--|
| <ul style="list-style-type: none"> <li>• Prevention</li> <li>• Work with a family</li> </ul> | <ul style="list-style-type: none"> <li>• Foster families and foster homes</li> <li>• Care and education centres</li> <li>• Gaining independence</li> </ul> | <ul style="list-style-type: none"> <li>• Adoption centres</li> <li>• Regional care and therapy centres</li> <li>• Pre-adoptive intervention centres</li> </ul> |

Besides the social worker, a ‘family assistant’ has been introduced who goes into the family when there are problems, in order to assist the family with solving those problems. Siblings should now stay together when placed outside their family, foster homes can host a maximum of 8 children, foster families (both professional and non-professional) a maximum of 3, and all children under 7 should be placed in family-based foster care (the latter will be changed to children under 10 in 2019).

When asked in July 2014 about the outcomes of the new law so far, stakeholders stated that the new law has meant that more children have been able to stay in their families when there are problems. The effects of the law on foreign children are not yet clear, although the stakeholders were of the opinion it does not provide enough care to all of them. Reference was made again to the centre in Warsaw where foreign children lived together before the change of the system in 2012. Specialized staff with special knowledge of these children was mentioned as being of the utmost importance to providing the care needed.

<sup>83</sup> Figures provided by the Ministry of Labour and Social Policy.

<sup>84</sup> Schedule provided by the Ministry of Labour and Social Policy.

## Foster care for unaccompanied minors

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In 2013, a total of 199 third-country children were taken care of: 82 children lived in foster families of all types and 12 children lived in foster homes, whereas 105 children lived in institutional care. They had 31 different nationalities in total, and 108 of them were boys. Although the biggest group (28) was of 17 year olds, around 80 were under 15 and 13 of them were only 1 year old. 42 children came from Ukraine, 37 from Romania, 34 from Bulgaria, 14 from Syria, 11 from Russia and 8 from Afghanistan.<sup>85</sup>

The Ministry of Labour and Social Policy is responsible for foreign children in general in Poland. Since the change to the reception system in 2012, foster care is the preferred option for all foreign children. As a result, the custodian court (being responsible for placement) places most non-asylum-seeking unaccompanied minors in family-like surroundings using a list of possible families it receives from the municipality. Some families are from the same country as the minor, but most are Polish.

Despite the current changes to the system offering new opportunities for accommodating foreign children in foster care, there are also several challenges to address. One challenge is the current opinion that foster care is not yet a viable option for unaccompanied minors who ask for asylum. In the experience of the Office for Foreigners, which is responsible for their reception, there are not even enough foster families for Polish children meaning that most asylum-seeking unaccompanied minors live in institutions. One example mentioned, though, was a well-integrated Polish-speaking Ukrainian girl who lives with a Polish family who are the parents of a school friend.

## Weaknesses and promising practices

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According to stakeholders, as the recent changes in the care system do not always provide foreign children with the care they need, adjustments should be considered.

Although new legislation states that all foreign children who cannot live at home with their parents should preferably be in foster care (i.e. in a foster family or foster home as explained above), the Office for Foreigners does not think that Poland is ready for this with regard to asylum-seeking unaccompanied minors. This is because their number is so small, because there is often no match with Polish families (because of different religious backgrounds, lack of knowledge of cultural differences and especially language barriers) and because the majority of families with a non-Polish background are originally from Chechnya. Therefore, rather than the custodial courts deciding at random where asylum-seeking unaccompanied minors will live, a solution could be the formation of several special centres with trained staff able to provide the care the minors need. Stakeholders do not see this happening in the near future, though, as the numbers are so low.

As it currently stands, the facilities of intervention where unaccompanied minors stay during the first 3 months are financed by the Ministry of Interior, whereas subsequent reception is financed by the local authorities. To solve the current problems of children being isolated and deprived of the care they need, the Office of Foreigners has offered to finance accommodation beyond 3 months in order to enable specialized accommodation with the ability to respond to their needs in Warsaw. However, so far this offer has not been accepted.

A good start for ameliorating care for unaccompanied minors according to stakeholders would be to give one person, preferably a trained guardian, the responsibility for unaccompanied minors to ensure that the needs of the child are addressed. A proposal for changing the law on guardianship was being prepared (July 2014). Whereas several persons currently have partial responsibility for an unaccompanied minor (daily care, legal procedures, asylum application), one person should have overall responsibility in the future.

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<sup>85</sup> Information provided by the Ministry of Labour and Social Policy.

On top of this, some mention should be made of several adjustments to the current law. One of the gaps which must be closed is the fact that an application for asylum can only be made by the unaccompanied minor themselves. Even a guardian cannot make the application on the minor's behalf since it has to be done in person.

It was also mentioned that it seems that the effects the changes in the system would have on asylum-seeking unaccompanied minors have not been taken into account. However, there are several options to repair this. The first option is the Law for Children that was under revision (as of July 2014). If that should fail to mend the gaps, a second option is the Law on Protection of Foreigners.

### 3.2.11 SLOVENIA

|   |   |
|---|---|
| <b>NUMBER OF UNACCOMPANIED MINORS</b><br>(2013, Eurostat, only asylum-seeking minors) | <b>30</b>   |
| Reception in families (yes/no/scattered, etc.)  | No.   |
| Centralized/decentralized reception system for unaccompanied minors                   | Centralized asylum home in Ljubljana.   |
| Implemented by regular youth care   | Yes.  |
| Opportunities for development   | <ul style="list-style-type: none"> <li>Stakeholders feel that it would be good to have some families available and trained in case numbers increase, younger children start to arrive or Slovenia becomes a destination country.</li> <li>The centre for social work in Ljubljana which is responsible for the unaccompanied minors who live in the integration house would like to set up professional guardianship together with the Ministry of Interior.</li> </ul> |
| Potential actions to initiate development   | The NGO called Slovenian Philanthropy is working on launching a project to develop small-scale accommodation (20 children) for unaccompanied minors, Roma children and children who have been victims of trafficking. The ombudsman advocated better accommodation for minors.  |
| Challenges  | <ul style="list-style-type: none"> <li>The majority of the unaccompanied minors who enter Slovenia do not ask for asylum and the protection of their rights is not guaranteed.</li> <li>Practitioners in the field are of the opinion that the integration house, which is under supervision of the Ministry of Interior and has 3 apartments for unaccompanied minors, is not a safe place for the minors as there is no guidance available.</li> </ul>                |
| Opportunities   | <ul style="list-style-type: none"> <li>Slovenia has a long tradition of foster care.</li> <li>Some NGOs, one of them being Slovenian Philanthropy, are working together on launching a project on developing small-scale accommodation (20 children) for unaccompanied minors, Roma children and children who have been victims of trafficking.</li> </ul>  |
| Recommendations   | <ul style="list-style-type: none"> <li>Set up professional guardianship.</li> <li>Recruit some foster families, train them on taking care of unaccompanied minors and ensure they are available.</li> </ul>   |

## General context

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In 2013, 28 unaccompanied minors asked for asylum in Slovenia, of whom 7 were from Afghanistan, 7 from Syria, 5 from Algeria, 5 from Morocco and 5 from Bangladesh. They were all boys, and most of them were 16 or 17 years old.<sup>86</sup>

When an unaccompanied minor arrives at the border, the social services are informed and a representative should go to the police station to participate in the procedure. However, in many cases this does not happen in practice (instead, the police inform the social services but no representative is sent to the police station). Once the child asks for asylum, he/she is appointed a guardian (who is compensated by the Ministry of Interior). If the minor does not want to ask for asylum, the child is accommodated in the closed reception centre in Postojna (which is the only one in the country) and is appointed a guardian from the centre for social work there. If the minor does ask for asylum, he or she is taken to the asylum home in Ljubljana, which is likewise the only one in the country.

In practice, 60% of the unaccompanied minors who make an asylum application in Slovenia subsequently leave the country. One of the reasons mentioned is the disfunctioning of the care system, as there is no one who takes responsibility for this group and they receive no special support. The centre for social work in Ljubljana which is responsible for the unaccompanied minors who live in the integration house (see below) would like to set up professional guardianship together with the Ministry of Interior as a solution to this problem, but so far they have not succeeded. In 2014, one reason for the high percentage of unaccompanied minors leaving the country might have been the unavailability of Pashto interpreters in Slovenia. Up until November 2014, 8 unaccompanied minors who spoke only Pashto had applied for asylum. Their applications could not be handled properly and all eight of them absconded soon after their applications were submitted.

## Reception of unaccompanied minors

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In September 2014, there were 7 unaccompanied minors living in the asylum house, coming from Ghana, Bangladesh, Morocco, Nigeria and Afghanistan. A programme called Fridolin, founded by the European Refugee Fund and run by a couple with the help of volunteers, offers leisure-time activities, excursions and study help within the asylum home. The minors benefit greatly from this and were reported to get very attached to the couple running it. There is also a psychologist on the premises who is available for the minors on a daily basis. Taking into account the duration of the asylum procedure, the minors live in the asylum home for 1 year at the most.

Once an unaccompanied minor obtains asylum or subsidiary protection, the minor is accommodated either in the integration house for families and minors in Ljubljana, in a student house together with Slovenian minors, or in private accommodation. In September 2014 there were 2 unaccompanied minors in the country with a residence permit. They both lived in a student house. Practitioners in the field are of the opinion that the integration house, which is under the supervision of the Ministry of Interior and has 3 apartments for unaccompanied minors, is not a safe place for the minors as there is no guidance available. For this reason, accommodation in a student home is the preferred option. This type of accommodation is very common in Slovenia. It is an institution under the supervision of the Ministry of Education which is available for pupils at secondary school (14-18 years old).

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<sup>86</sup> Figures provided by the Ministry of Interior.

## Foster care in general

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Slovenia has a long tradition of foster care. The 62 Centres for Social Work have a good network with around 730 foster families which foster around 1,000 children. In practice, there are always around 150 places available. It is thought that foster care should not be specialized but rather should function just like a natural family.

There are 2 systems in place: ordinary foster families and professional ones. A professional foster carer should foster 3 children at once and cannot be employed elsewhere or carry out any other activities as he or she is included in the mandatory pension and disability insurance on the basis of taking care of these children. Foster carers are entitled to a monthly foster care payment per child, which includes a care allowance and a payment for work. For professional foster carers, social security contributions are also paid. The foster care payments and social security contributions are provided for in the budget of the Republic of Slovenia.

Centres for Social Work operate a national programme for recruitment and education of foster families. Each year, the Ministry of Labour, Family, Social Affairs and Equal Opportunities which is responsible for foster care organizes a public tender in which the Ministry calls for more families. As a result, 30 new families submitted applications in 2014. The Slovenian Foster Care Implementation Act was renewed in 2013.

## Foster care for unaccompanied minors

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According to the Slovenian International Protection Act,<sup>87</sup> unaccompanied minors who receive international protection should be provided with foster care or suitable accommodation. Although foster care is mentioned before other forms of accommodation in article 96, and stakeholders within both NGOs and the government are of the opinion that it would be good to have foster families available for unaccompanied minors (both asylum-seeking and non-asylum-seeking ones), this is not the case in reality.

There has only been one case in Slovenia in which a Centre for Social Work found a family for a 17-year-old boy from Somalia. But as the family lived in the suburbs and the boy wanted to be in the centre of Ljubljana close to other students, he did not stay in the family in the end.

Apart from the fact that most foster families live outside of town, language is also seen as a barrier to fostering unaccompanied minors as many families do not speak English and are therefore afraid of being unable to communicate with the children. Training of existing families was mentioned as a possible solution. Another challenge lies in the fact that unaccompanied minors receive an amount of €265 a month from the Centre for Social Work, but this payment is stopped when they live in a family. For this reason they are often not keen to live in a family.

Given the fact that the number of minors who want to stay in Slovenia is so low, and the fact that most of them are already 16 or 17 years old, it is not very likely that a system of foster care for this group of children will be developed in the near future. On the other hand, stakeholders feel that it would be good to have some families available and trained in case numbers should increase, younger children start to arrive or Slovenia should become a destination country.

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<sup>87</sup> Slovenia/International Protection Act 111/07 (29.11.2007), article 96.

## Weakness and promising practices

The majority of the unaccompanied minors who enter Slovenia do not ask for asylum and the protection of their rights is not guaranteed. These children are detained in the closed centre pending their return to the EU country of arrival (usually Croatia) or country of origin. If return is not possible, they can be detained there for up to six months according to Slovenian law (the Aliens Act provides that detention can be extended for a further six months in exceptional cases; however, this does not commonly occur in practice). They do not receive accommodation afterwards. A couple of years ago, the ombudsman advocated better accommodation for minors who now end up in the closed detention centre. The Aliens Act also provides that minors may only be accommodated in the detention centre if more suitable facilities are unavailable; however, in practice such other facilities are not used (and all minors are placed in the detention centre).

A promising practice is the fact that some NGOs, one of them being Slovenian Philanthropy, are working together on launching a project to develop small-scale accommodation (20 children) for unaccompanied minors, Roma children and children who have been victims of trafficking.

### 3.2.12 SWEDEN

|   |   |
|---|---|
| <b>NUMBER OF UNACCOMPANIED MINORS</b><br>(2013, Eurostat, only asylum-seeking minors) | <b>3,850</b>  |
| Reception in families (yes/no/scattered, etc.)  | Yes, for under 12s. Scattered thereafter, depending on a local authority assessment of needs and large influx.  |
| Centralized/decentralized reception system for unaccompanied minors                   | Decentralized to 290 municipalities and provided by the social care system.   |
| Implemented by regular youth care   | Reception of unaccompanied minors is covered in most respects by the same laws and rules that apply to children and young people in need of protection or assistance under the Social Security Act.   |
| Opportunities for development   | Recruitment and support of foster families.   |
| Potential actions to initiate development   | <ul style="list-style-type: none"> <li>• Development is ongoing in many municipalities. National competence development conferences are being organized.</li> <li>• SALAR is working on interaction and dialogue with relevant ministries and other stakeholders in reception.</li> </ul>   |
| Challenges  | <ul style="list-style-type: none"> <li>• Large influx.</li> <li>• Recruitment of families.</li> <li>• Assessment and support of network families.</li> </ul>  |
| Recommendations   | <ul style="list-style-type: none"> <li>• A national information campaign on foster care may help to satisfy the great need for more families.</li> <li>• Spread good practices in Malmö and Stockholm to other municipalities in the country.</li> <li>• Investigate the use of the group foster homes that have been developed in Oslo, Norway.</li> </ul> |

## General context

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In 2013, 3,852 unaccompanied minors asked for asylum in Sweden, of which 17% were girls. The number continues to increase. The Migration Board expects between 6,800 and 9,200 unaccompanied minors to arrive in Sweden asking for asylum annually in the years 2014-2017. Since 2008, Sweden has been one of the major countries of destination for this target group in Europe, receiving the highest number of them. 82% receive a permanent residence permit.

## Reception of unaccompanied minors

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Since July 2006, accommodation and assistance for unaccompanied minors has been provided by the social care system of the municipalities, due to their expertise and experience in supporting children in vulnerable situations. A new law giving the Migration Board expanded opportunities to compel municipalities to receive asylum-seeking unaccompanied minors entered into force in January 2014. This is now compulsory for municipalities with an agreement to receive unaccompanied minors and also for municipalities without such an agreement. There are three Ministries involved in, and responsible for, reception of unaccompanied minors: the Ministry of Justice during the asylum procedure, the Ministry of Employment for minors with a residence permit, and the Ministry of Health and Social Affairs for children in care.

Unaccompanied minors are given priority in the asylum process by the Migration Board, which is responsible for this process and for assigning every child to a municipality. The minors have the right to adequate housing in social services and the right to be appointed a guardian and a lawyer. They also have the right to education, healthcare and dental care on the same terms as other children.

In accordance with the Social Welfare Act, unaccompanied minors arriving in Sweden and seeking asylum are offered temporary housing in the municipality in which they are known to the Swedish authorities. This means that all municipalities can become an arrival city. Most unaccompanied children seeking asylum in Sweden are, however, known in the municipalities which have an office where unaccompanied minors can apply for asylum. A municipality is assigned immediately after the minor applies. It takes responsibility for the child during the asylum procedure and, for those who are granted a residence permit, until they leave care (they can be in care up to the age of 21). If the minor has a relative or next of kin in Sweden (40% of the cases), the minor is assigned the municipality where they reside.

There are several different authorities and other actors involved in the process with unaccompanied minors, each with their own specific area of responsibility, thus meeting the children's needs in the best possible way. Each child receives a guardian in the municipality where they reside, whose role is to protect him or her and make decisions on accommodation and schooling. Once the child is granted a permanent residence permit, he or she receives an especially appointed guardian.

For unaccompanied children, several types of residential care have been developed:

- Transit accommodation for newly arrived young people
- Various forms of accommodation for those seeking asylum
- Various forms of accommodation for those who have received a permanent residence permit.

For young people aged 18 or over and holding a residence permit, there are several options for leaving care. Most of these rely on them moving out of their former accommodation and going to live in an apartment with access to adult support by staff from their former accommodation or from their own local authorities. SALAR is asking for more flexible living arrangements to allow social welfare to make more individual assessments of unaccompanied children's special needs.

## Foster care in general

When a child or young person is taken into care, it means going into a foster home or residential care. For centuries, foster care has been the preferred alternative and approximately 75 percent of children in out-of-home care are placed in foster families. Relatively more teenagers are placed in residential care or in special residential homes for young people who have committed crimes or have serious psychosocial problems.<sup>88</sup>

The table below shows the numbers of children and young people in care in Sweden on 1 November of the relevant year. Before 1999, kinship placements were relatively uncommon in Sweden. Although maybe not in all municipalities, there was a general notion that kinship placements were problematic and should be avoided. In 1999 there was an amendment in the law, whereby the legislators stated that social workers always had to investigate the child's own network –which included relatives (grandparents, aunts, uncles, etc.) as well as any others who may be close to the child (e.g. teachers, neighbours, childminders). From the statistics collected by the National Board of Health and Welfare it is not possible to see whether the child was placed with a relative or with other members of their network since all such placements are denominated 'network placements'. After the amendment in the law, there was a gradual increase in 'network placements', as can be seen in the table below:<sup>89</sup>

| Out-of-home care in Sweden:                    | 2000                      | 2010                      |
|--|---------------------------|---------------------------|
| Residential care                               | 3,300                     | 4,700                     |
| Foster care                                    | 10,000                    | 11,900                    |
| Other types of placement                       | 450                       | 600                       |
| Total out-of-home care                         | 13,750                    | 17,200                    |
| Number in out-of-home care per 10,000 children | 59                        | 74                        |
| Foster care (kinship and non-kinship care):    |                           |                           |
| Kinship care (no statistics available)         | Approx. 9% of placements  | Approx. 21% of placements |
| Non-kinship care                               | Approx. 91% of placements | Approx. 79% of placements |
| Total foster care                              | 10,000                    | 11,900                    |

In November 2013, about 22,700 children and young people were provided with 24-hour care in Sweden. The social services department in the municipality has to ensure that they are accommodated in a foster family or in residential care. Children can live with a relative or another person in their close network but they can also be accommodated with foster families which have been recruited by the social services and are not related to the child. To be able to take a child in, the family must obtain permission from the local municipality's social service committee.

The following options are available, whereby foster care is always the first option:

- foster families for children under 12 years of age (including kinship care)
- on-call foster families for all ages
- residential care for children over 12 years of age.

It is currently rather difficult to recruit foster families for children in Sweden. A foster family is the most common form of accommodation; in November 2011, 67% of the children provided with 24-hour care were placed in foster families. However, residential care is by far the most common form of accommodation for unaccompanied minors.

<sup>88</sup> Out-of-home care in Norway and Sweden – similar and different, Elisabeth Backe-Hansen, Ingrid Højer, Yvonne Sjöblom, and Jan Storø, *Psychosocial Intervention* 22 (2013), p. 198.

<sup>89</sup> *idem*, p. 199.

## Foster care for unaccompanied minors

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Reception of unaccompanied minors is covered in most respects by the same laws and rules that apply to children and young people in need of protection or assistance under the Social Security Act. The social service department at local government level is responsible for the reception of the children, both during the asylum process and afterwards (for those children who receive residence permits and also for children whose application for asylum is refused until the decision on the refusal becomes final or care is completed). In practice, this means that an investigation is started as soon as social services receive notification that an unaccompanied minor is residing in the municipality. If the child does not have a place to stay, social services also immediately provide suitable accommodation. The child's guardian always has to approve to the planning and the placement.

The number of unaccompanied minors in foster care in Sweden has decreased in the past few years. One reason for this is the fact that the number of unaccompanied minors arriving in Sweden has risen steeply and recruiting enough foster families to cope with this rise has proved difficult. Another reason is that most minors arriving are boys aged 14 to 17, who are placed in residential care. The fact that it is not clear in advance to which of the 290 municipalities the Migration Board will send the children also makes it difficult to know where to recruit families. Because of this, it has been easier to accommodate them in residential care. On the other hand, kinship placements have increased for unaccompanied minors, resulting in 40% of them living in kinship care today. Stockholm and Malmö are the cities that have the most experience with providing foster care to unaccompanied minors.

### Municipality of Malmö

The Municipality of Malmö has a total of 400 children in foster care. There are 120 new placements a year. This number is increasing and, in 2013, 50% of these newly placed children had a non-Swedish background. 30% of the newly placed children who come from other countries are unaccompanied. They are mostly placed in families that are known to them or are related to them, although these are not always suitable foster families. Some have 6 or 7 children and are not well integrated themselves. The relatives often have a lack of contact with Swedish society. In Sweden they are used to placing (Swedish) children with relatives, but with this foreign group this causes special problems.

Sweden received 7,000 unaccompanied minors in 2014; 35% of them came through Malmö, which makes it a transit municipality. Since 2006, the municipality has had a unit that deals with unaccompanied minors. When a group of younger children started coming to Sweden in 2011/2012, a new unit started offering foster care for these children. Staff were employed and educated. There were 30 children in need of foster care at the time. There were 10 placements right away, but 8 of them broke down. The placements were stopped and routines and procedures were checked.

As of November 2014, there are 23 children aged 3-17 (most of them 12-14) living in families not known to them. The unit recruits indigenous families as well as non-related cultural families. About half of the current foster families have different cultural backgrounds, e.g. Afghan, Somali, Ethiopian, Iranian and German. The other families are indigenous. The foster families with different cultural backgrounds are well integrated into Swedish society in terms of language, work, higher education, etc. These families have had similar experiences as the children with regard to having to start all over again in a new country, and they can support and understand the children in another way than indigenous families can. This makes them good role models and it is the unit's experience that the results are really good in these families. The unit explained that it all comes back to the assessment of the children's needs and how to make a good match between the foster family and the child. For some children, an indigenous family works best.

There are 30 more unaccompanied minors waiting for placement within a foster family; therefore, recruitment of foster families is an important issue. The children all have their problems: loss of parent(s), having been exposed to trauma, going through puberty, coming from different cultural backgrounds than their foster families (e.g. from Afghanistan, Eritrea and Ethiopia, where they are used to being regarded as an adult at 12) and having travelled to Europe by themselves.

Most families want to be there for younger children up to 12. Some families have experienced being a refugee themselves. Media attention is important. Radio and TV interviews are broadcast which lead to more families contacting the municipality. A Facebook page also has been started after someone else mentioned the unit on Facebook, causing 20 families to seek contact with the unit. The webpage of the city of Malmö is also being used to look for families who speak the children's languages. The prospective foster families are investigated thoroughly, they are given some training when they start and they subsequently receive a lot of support, such as through meetings with other foster families.

There is training available for social workers who work with the children and for social workers who work with the families. As they have to know the same things as the foster families on some issues, some training is given to all of them at the same time (e.g. on trauma, education, health, sexuality and risks of the internet).

The municipality uses the 'circle of security' method (which originates from Norway) for small children, which focuses on attachment. Another method used for children with a lot of traumatic experiences is one that resembles 'Marte Meo' (a method of educational counselling which originates from the Netherlands). Courses in Somali and Arabic are also being offered (although the last one was 2 years ago; there are so many children arriving that there has not been time to organize such courses since then). Finally, every foster family in the region is invited to a big meeting once a year.

### **Municipality of Stockholm, Rinkeby-Kista city council Stockholm<sup>90</sup>**

Recruiting families in Stockholm is difficult. One of the reasons is that many people feel they do not have the time to take care of a child. Another reason is the fact that many families live in small apartments and do not have room for another child. As a result, children end up in the countryside which is not always in their best interests and also means that social workers sometimes have to travel a long way with a child. The municipality is glad when it finds one family that is good enough for a child. When it comes to unaccompanied minors, there is often a family in the area which is prepared to take care of the child.

General training is provided to those who want to be a foster family, and special training is given to kinship/network families. As Rinkeby-Kista city council has a large Somali population, this is the biggest group. The challenge however is to get people to attend the training courses. The sessions are held in the centre of town, whereas the families live in the north west. As the families are very polite, they often say they will come but do not turn up in the end. Because of this, it might be better to organize local lectures in the direct vicinity of the families, as used to be done in the past. Courses about what a legal guardian should do and meetings with Swedish foster families to learn about how they work with the children proved to be very helpful, and so too were sessions for girls and women on how the body works and on sexuality. As a matter of fact, a lot of experience has disappeared since then.

A new method has been introduced lately for all foster families in Rinkeby-Kista. It consists of filming the foster family together with the child and aims to strengthen the attachment between them. It can be compared with 'Marte Meo' (as mentioned above).

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<sup>90</sup> One of the 14 city councils.

## Weaknesses and promising practices

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International research<sup>91</sup> as well as a study<sup>92</sup> in Sweden confirmed that placement of children in kinship care is more stable than placement in a recruited foster family or placement in residential care. On average, children and young people who were placed with relatives or other kin moved fewer times than children in the comparison group. According to the social services and guardians, there are many benefits to family placements with relatives or other close persons, such as the children knowing the family they live with, speaking the same language and the relatives being able to facilitate contact with the biological family, if possible.

A promising practice for recruitment of families is the use of media attention, i.e. radio and TV interviews, Facebook and company websites. In this context, a national web training course for guardians as well as web training for other stakeholders in the reception of unaccompanied minors is being provided via the SALAR website.

There are various concerns relating to accommodating unaccompanied minors in network families (currently about 40% of the cases). The primary disadvantages include the overall fundamental conditions, such as scarcity of economic resources, overcrowding and unemployment as well as the fact that the relatives themselves might also be in the asylum process with all the uncertainties that might bring. As these families are often already known to social workers before the child comes to live with them, social workers emphasize the importance of supporting them through tutoring and financial compensation. However, such support has proved to be very resource- and time-consuming, so it is often neglected. Finally, recent interviews with unaccompanied minors reveal that these children do not always feel able to speak freely about any problems they have within the family because of their gratitude towards the family for letting them stay.

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<sup>91</sup> Igelhart 1994; Scannapieco 1997; Holtan 2005; Chamberlaine 2006; Testa 2002 and Farmer 2009.

<sup>92</sup> Settling into a new home as a teenager: About establishing social bonds in different types of foster families in Sweden; Lena Hedin (School of Law, Psychology, and Social Work, Örebro University), Ingrid Höjer (Dept. of Social Work, University of Gothenburg) and Elinor Brunnberg (School of Health, Care and Social Welfare, Mälardalen University, Eskilstuna), July 2011.

### 3.2.13 THE UNITED KINGDOM

|  |  |
|--|--|
| NUMBER OF UNACCOMPANIED MINORS<br>(2013, Eurostat, only asylum-seeking minors) | 1,175  |
| Reception in families (yes/no/scattered, etc.)                                 | Yes, up until the age of 15; scattered thereafter depending on local authority assessment of needs after 16.   |
| Centralized/decentralized reception system for unaccompanied minors            | Centralized immigration reception system, with youth care decentralized to 433 principle local authorities within the UK and provided by Children's Services departments therein, or at an overarching (semi-centralized) devolved administration level.   |
| Implemented by regular youth care  | Reception of unaccompanied minors is covered in most respects by the same laws and rules that apply to children and young people in need of protection or assistance under the Children's Act and the Children (Leaving Care) Act. Some Children's Services have specialist teams for asylum-seeking children, although this is in decline.  |
| Opportunities for development  | <ul style="list-style-type: none"> <li>• Broadening the professionally recognized foster care service to support and campaign for relatives or cultural families wishing to formally foster an unaccompanied child from a similar background.</li> <li>• Improving the skill set and increasing the supply of foster families that are required to provide homes to unaccompanied children.</li> </ul>   |
| Potential actions to initiate development                                      | <ul style="list-style-type: none"> <li>• Extending the kinship care arrangements currently used for indigenous children with the necessary safeguards to cater for unaccompanied children, without prejudice to their asylum claims or support entitlements as children.</li> <li>• Reviewing the remuneration and support packages given to families in order to make such placements effective and viable.</li> <li>• National information campaign and local community initiatives to encourage families to participate and feel supported in providing homes to children with similar cultural backgrounds.</li> </ul>   |
| Challenges   | <ul style="list-style-type: none"> <li>• Policymakers may interpret the drive to increase supply to mean increased costs at either a national or a local government level.</li> <li>• The uncertainty of immigration rules which grant unaccompanied children temporary leave to remain until 18 years of age is inconsistent with the forward planning required under children's legislation, thus inhibiting the effective implementation of needs-led services locally.</li> <li>• In theory, the parity of service given to unaccompanied minors within the regular foster care and youth care system should be no different to that provided to indigenous and other children.</li> </ul> |
| Recommendations  | <ul style="list-style-type: none"> <li>• To establish benchmarks through the collation of data on the number of unaccompanied children in receipt of various forms of foster care (or other placement types) in order to monitor the effectiveness of campaigns and changes to any guidelines or policy.</li> <li>• To build upon the existing knowledge base that highlights the positive impact of foster placements, the ways in which cultural and network families have important roles to play, and to use these to best effect in order to initiate change.</li> </ul>  |

## General context

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In the United Kingdom (UK), care and support arrangements for unaccompanied minors (from 0 to the age of 18) are arranged by local authority Children's Services who are responsible for ensuring that the immediate needs of the child are met (which include accommodation, education, healthcare, developmental, faith and cultural needs, and financial support). These children are deemed to be 'looked after children' in law if they receive support for more than 13 weeks. If a child is a 'looked after child', they are entitled to additional support after 18 years of age as a young person leaving care.

In England, Wales and Northern Ireland these arrangements are governed by the Children Act 1989<sup>93</sup> and 2004<sup>94</sup> and the Children (Leaving Care) Act 2000, and in Scotland by the Children (Scotland) Act 1995 Regulations and Guidance Volume 1 Support and Protection for Children and Their Families the Children (Leaving Care) Act 2000. The Department for Education 2013 Working Together to Safeguard Children<sup>95</sup> guidance sets out how organizations and individuals should work together to safeguard and promote the welfare of children and how practitioners should conduct the assessment of children. Unaccompanied minors are also subject to immigration control under the immigration legislation and amendments.<sup>96</sup>

There were 1,860 looked after unaccompanied asylum-seeking children (UASC) as of 31 March 2013. The number of these children has fallen each year since 2009; in 2013 the number fell by 15% from 2012 and by 52% compared with 2009.

The majority (87%) of all UASC are boys. The proportion of boys has decreased slightly since 2010 when this figure was 89%. Most UASC are aged over 16. In 2013, 75% of all UASC were in this age group, compared to 65% in 2009.

In 2012, around 1,168 such children sought asylum in the UK, and around 2,150 unaccompanied migrant children were being cared for by local authorities (see table below).

|                           | 2008  | 2009  | 2010  | 2011  | 2012  |
|---------------------------|-------|-------|-------|-------|-------|
| Applications              | 4,285 | 3,174 | 1,717 | 1,398 | 1,168 |
| % change to previous year | 18%   | -26%  | -46%  | -19%  | -16%  |

The UK supports unaccompanied minors from 98 countries, with the most children from (in order of most frequent asylum applications made): Afghanistan, Albania, Iran, Vietnam and Eritrea.

## Reception of unaccompanied minors

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The principle that all unaccompanied minors be accommodated under the looked after child arrangements has been in place since the Hillingdon Judgment,<sup>97</sup> whereby Section 20 of the Children Act 1989 places a duty on a local authority in England and Wales to 'look after' a child in need, if the child appears to require such a level of service.

<sup>93</sup> Children Act 1989, <http://www.legislation.gov.uk/ukpga/1989/41>.

<sup>94</sup> Children Act 2004, [http://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga\\_20040031\\_en.pdf](http://www.legislation.gov.uk/ukpga/2004/31/pdfs/ukpga_20040031_en.pdf).

<sup>95</sup> Working Together to Safeguard Children A guide to inter-agency working to safeguard and promote the welfare of Children, March 2013, <http://goo.gl/N32Sz>.

<sup>96</sup> Immigration Act 1971, (and the Immigration Rules published under this and updated and amended) Immigration and Asylum Appeals Act 1993, Asylum and Immigration Act 1996, Immigration and Asylum Act 1999, the Nationality Asylum and Immigration Act 2002 and Asylum and Immigration (treatment of Claimants etc) Act 2004.

<sup>97</sup> London Borough of Hillingdon Judicial Review, August 2003. Full text can be obtained through: <http://www.asylumsupport.info/courtcases.htm>.

In the past, most unaccompanied asylum-seeking children received support under Section 17 of the Children Act which provided far fewer protective services. In June 2003, the Department of Health issued a Local Authority Circular, LAC (2003) 13,<sup>98</sup> following an amendment to the Children Act. Part of the purpose of this circular was to clarify the Government's policy on the responsibilities of social services departments towards this group of young people.

All unaccompanied minors (whether they are claiming asylum or not) who come into 'first contact' with any agency are referred to a local authority Children's Services for an assessment of need. This can be directly to a local authority or, if in London, can be referred via the Pan London Rota arrangement whereby a newly arrived child is temporarily accommodated by the London Asylum Seekers Consortium (LASC) who then (normally within 24 hours and at a maximum of 7 days) refers the child to a London local authority Children's Services.

Following on from the process highlighted above, responsibility for the unaccompanied minor transfers to the local authority where the minor first appeared and has either already been assessed or has been referred for assessment and support. The arrangement for the placement of the minor and the assessment of their ongoing needs is, and remains with, the local authority Children's Services. A Children's Services social worker is allocated who works with schools, the health department, UK immigration services, foster carers, the child's legal representative and other agencies who may be involved in the child's life.

## **Foster care in general**

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The general UK foster care system is available for all looked after children. As of 31 March 2013, 50,900 children were cared for in a foster placement. The total number of children placed in foster arrangements had increased by 16% since 2009. This is reflected in the percentage of children looked after who are placed in foster care: the percentage of looked after children cared for in foster placements was 72% in 2009 and by 2013 it had increased to 75%.

## **Foster care for unaccompanied minors**

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The general UK foster care system is also used for unaccompanied minors. Foster care is seen by the majority of both statutory and non-statutory child care, child support and child advocacy agencies as the best care arrangement for unaccompanied minors.

At this point unaccompanied minors are placed with a foster care family. However, it should be noted that some local authorities can and do accommodate looked after children in a local authority-commissioned children's home. The placement of an unaccompanied minor in a children's home is more likely to happen if the child is between the ages of 16 and 17, However, this is not seen as accepted good practice due to the additional needs unaccompanied minors may have. These needs could include loss, bereavement, trauma and risk of isolation. As such, placement of unaccompanied minors in a foster care family is recognized as the best environment for a child to develop and be supported in a family setting. A foster carer caring for unaccompanied asylum-seeking children and young people is seen to provide a stable and loving family home for children and young people who have been separated from their own families or countries. As part of the local authority Children's Services responsibility to ensure that the needs of all 'looked after' unaccompanied minors are met, social workers are required to register minors for schooling (state schools in the local community) and with health practices (doctors and dentists). Foster carers assist the minors with support to attend school and health appointments when required. Foster carers also provide a range of day-to-day support, developing this based on the changing needs of each child. Close collabo-

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<sup>98</sup> Department of Health, Local Authority Circular (LAC) 13, 2 June 2003, see: [www.doh.gov.uk/publications](http://www.doh.gov.uk/publications)

ration between the foster carers and social workers is required to achieve this. Foster carers also act on behalf of the children through a range of meetings with social workers and can work closely with Children's Services to ensure the range of needs any child may have are identified and responded to.

Using foster carers with different cultural backgrounds is not the norm in the UK. The system is rigorous in recruitment. It asks for an embedded community, such as Pakistani and Indian families who have been in the UK for a long time, for instance. The need for foster carers with a similar cultural background to that of the unaccompanied minor is undermined by the shortage of family placements, and the argument is therefore that a family placement is better than a placement which is not considered part of a family environment. Private placements within network families are not recognized as formal foster care placement in the UK. Whilst the local Children's Services should be informed of such arrangements, the host families do not usually receive remuneration or subsistence for the child. There is only a Children's Services intervention if there are concerns regarding the child's safety or well-being. Whereas private placements with other family members (in the form of kinship care) may be considered appropriate by Children's Services trying to accommodate an indigenous child away from their parents, most unaccompanied children arriving into the UK do not claim to have families that are already resident.

### **Foster care and transition to 'leaving care support' for unaccompanied minors**

From the age of 18, young people are no longer legally 'in care' or 'looked after', and fostering arrangements and legislation relating to children placed with foster carers therefore no longer apply. As such, once a child reaches the age of 18 (and is legally an adult), the local authority can no longer make a placement, but can under the Leaving Care Act facilitate a 'Staying Put' arrangement for the young person (as per the 'Saying Put'<sup>99</sup> Guidance published in May 2013). This means that when a child reaches 18 and has a positive immigration determination which allows them to remain in the UK, foster care can continue on to the age of 21 or 24 providing that particular criteria are met.

All children who claim asylum are given temporary leave to remain in the UK up to the age of 18. However, the process of determining the outcome of an asylum claim begins as soon as an application is made and the determination of the asylum claim is finalized when the child reaches 18. This change can be a particularly difficult time for unaccompanied children who turn 18 and receive a negative immigration determination whereby they are seen as both a former looked after child with entitlements to Leaving Care support and also as a failed asylum seeker (under immigration legislation). In this case, services provided by a local authority are withdrawn and the former unaccompanied minor is transferred to support provided by the UK immigration service.

### **Weaknesses and promising practices**

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In the last few years, a promising development in the UK has been the fact that more and more children are being accommodated in foster families, year on year. However, since accommodating children and young people within foster families is non-statutory, costly and in short supply (in some areas of the UK), many unaccompanied minors (particularly those aged 16-18) are not necessarily (in practice) given equal access. This is also partly due to the limited funding that is made available through the UK Home Office grant structure. Although, legally and procedurally, the type and nature of accommodation and support is provided according to the level of need, some local Children's Services continue to refer into children's homes, supported lodgings (shared housing) and hotels – often referred to as 'temporary' accommodation – despite many children remaining in situ until 18 years of age, by which time any move into a foster care placement is prohibited.

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<sup>99</sup> "STAYING PUT" Arrangements for Care Leavers aged 18 and above to stay on with their former foster carers, DfE, DWP and HMRC Guidance May 2013. <http://goo.gl/YHzePB>

Another weakness is the fact that the number of foster carers generally available for all children is below what is required to meet demand. Recruitment drives have been undertaken to try and address the shortfall, but with limited success. It has been reported by foster carers and those endeavouring to become foster carers that the process of registration and the delay in acceptance as a foster carer can have a negative effect, particularly on prospective foster carers who do not see the process as open, transparent or designed to encourage and support prospective foster carers in the process. There is also no national process or programme that specifically looks at recruiting foster carers from relevant cultural backgrounds, such as families who may have been former asylum seekers but who now have leave to remain in the UK, or families who may have other knowledge or skills that could support an unaccompanied minor. After all, unaccompanied minors may have additional issues associated with the particular experience of having travelled great distances to foreign lands without their family.

For those unaccompanied children who turn 18 and receive a negative immigration determination, there is a high likelihood that they will be removed from a foster care placement and transitioned to independent accommodation with little or sometimes no support. This change can have a detrimental effect on a young person who may have been in a foster family environment for some time. The conflict between immigration legislation and children's legislation, in particular the 'Saying Put'<sup>100</sup> Guidance (published in May 2013) can become acute at this point, with a clear disparity of services provided to all children under the Leaving Care Act based on a former looked after child's immigration status.

Foster carers have little or no say in whether an unaccompanied child/care leaver can remain in the foster home after 18 if the child has a positive or negative immigration determination. That decision is made by the responsible Children's Services, although in principle the child/care leaver should have a voice in determining his or her future (which includes accommodation).

One of the challenges in the UK is that children who go into kinship care directly move in with the family and therefore do not enter the child care system. Another challenge is the fact that in practice it has proved difficult to know who is family and who is only pretending.

An example of good practice in the UK is that unaccompanied minors are encouraged to share their views on the services provided to them and across the UK have set up groups which look at the issues impacting their lives. One such group is the Brighter Futures Group,<sup>101</sup> a self-advocacy group of active young asylum seekers and refugees with roots in a variety of countries and continents. In 2012, the group had the idea of the Brighter Futures Award to raise awareness and improve the level of support towards young refugees. More so, they wanted to recognize social workers making a difference to the young lives in various ways. This led the group to conduct research and produce a report, called 'Flowers that grow from concrete: How support services determine a young refugee's life opportunities',<sup>102</sup> published and presented in September 2013 at London City Hall. 32 young people aged 14-25 years took part in the research, and 21 young people participated in 3 focus groups. All of them expressed their views about their experiences with a social worker or key worker. The report highlighted that young people understood the financial and work pressures placed upon social workers and key workers. However, it also highlighted small measures which would make big differences to young people. The report revealed both good practices and bad practices with the aim of promoting examples of existing best practices.

In 2012 and 2013, a number of parliamentary committees including the Parliamentary Education Committee, the All Party Parliamentary Group (APPG) on Looked After Children and Care Leavers and the Joint Committee on Human Rights (JCHR)<sup>103</sup> carried out enquiries and reviews of support arrangements for unaccompanied minors. These groups produced a number of reports which, through recommenda-

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<sup>100</sup> "STAYING PUT" Arrangements for Care Leavers aged 18 and above to stay on with their former foster carers, DfE, DWP and HMRC Guidance, May 2013. <http://goo.gl/YHzePB>

<sup>101</sup> <http://www.brighterfutureslondon.co.uk>

<sup>102</sup> 'Flowers that grow from Concrete' How support services determine a young refugee's life opportunities, <http://goo.gl/eR05qW>

<sup>103</sup> Joint Committee on Human Rights <http://goo.gl/5jmFD7>

tions, attempted to align services for unaccompanied minors with those for all (indigenous) children in need of care and support in the UK. The fact that the disparity in the services provided to unaccompanied minors is being addressed at national level with strong input from unaccompanied minors themselves as well as NGOs is seen as a positive measure which may improve practices at the level of both local government and Children Services.

The UK's leading children's charity, Barnardo's, recently ran a pilot project<sup>104</sup> within which children at risk of sexual exploitation and trafficking were placed in specialist foster care placements. The project was evaluated by the University of Bedfordshire which found that the specialist placements met the needs of this group of children and offered effective protection. This pilot has now been extended and Barnardo's is recruiting suitably qualified foster carers.<sup>105</sup>

The Children's Society remains highly active in producing practice guidance for social workers and work in partnership with organizations such as the British Association for Adoption & Fostering (BAAF). The Children's Society also runs a number of groups for, and with, unaccompanied minors to aid direct support for them and includes their views in practice documents and strategic engagement strategies.

### **3.3 SITUATION IN THE OTHER MEMBER STATES: BRIEF DESCRIPTIONS (DESK RESEARCH)**

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#### **3.3.1 BULGARIA**

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##### **General context**

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Since 2013, there has been a significant increase in the number of migrants entering Bulgaria, including a large number of unaccompanied minors. As of the beginning of 2014 there are 99 unaccompanied minors in Bulgaria. Most of them are from Afghanistan (49), Syria ( 19), Mali (10) or Côte d'Ivoire (9), are between 15-18 years old and have no relatives in Bulgaria.<sup>106</sup>

It is not yet clear what measures will be taken by the government and civil society to tackle the challenges this influx of unaccompanied minors is causing. A working group responsible for the development of a coordination mechanism has been established. IOM is one of the participants in the working group and is has valuable experience since it played a leading role when a similar mechanism was elaborated for Bulgarian unaccompanied minors in the past.<sup>107</sup>

The relevant actors in Bulgaria are:

- State Agency for Child Protection
- National Commission for Combating Trafficking in Human Beings
- Ministry of Work and Social Policy: Agency for Social Assistance

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<sup>104</sup> <http://goo.gl/1Ve95h>

<sup>105</sup> <http://goo.gl/zAfLnn>

<sup>106</sup> Information provided by IOM Bulgaria.

<sup>107</sup> idem.

## Reception of unaccompanied minors

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Unaccompanied minors who are third-country nationals are accommodated in the reception centres of the State Agency for Refugees which is the Bulgarian competent authority for accommodating asylum seekers from third countries. IOM provides reception assistance. Unaccompanied minors who receive assistance from IOM are placed in institutions.

## Foster care in general

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For the last 5 years, the care system has been transitioning from institutional care to foster care. Efforts are made to accommodate as many children in foster care as possible.

The main national competent body in the field of child protection is the State Agency for Child Protection.<sup>108</sup> According to the data on the Agency's website (March 2014) there are 6,380 children being housed and brought up in kinship care as well as 1,109 children being housed and brought up in foster families they are not related to.

## Foster care for unaccompanied minors

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Foster care for unaccompanied minors is not available in Bulgaria. The State Agency for Child Protection should be the responsible agency for activities related to the reception of unaccompanied minors in families. However, the Child Protection Act that regulates the national system for child protection does not contain specific provisions for unaccompanied minors who are third-country nationals.

## 3.3.2 CROATIA

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### General context

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According to the information from the Ministry of Interior, Croatia received 21 unaccompanied minor asylum seekers in 2009, 38 in 2010, 197 in 2011, 70 in 2012, 55 in 2013 and 2 in the first 6 months of 2014.<sup>109</sup> Most of them were boys aged 16 and 17. However, the various statistics available are not consistent. Statistics in a publication by UNHCR on unaccompanied migrant children in Croatia (2011)<sup>110</sup> vary from the statistics from Ministry of the Interior mentioned above since they report 20 unaccompanied minor asylum seekers in 2009 and 43 in 2010. The Center for Peace Studies, an NGO that conducts activities with refugees and asylum seekers, has submitted a freedom of information request to the authorities in order to clarify the statistics but is still waiting for a response (September 2014).

A protocol for Handling Unaccompanied Alien Minors was adopted by the government in July 2013. Unaccompanied minors who ask for asylum are appointed a legal guardian by the Centar za Socialnu Skrb ('Center for Social Care', CZSS) who supports them in the official procedures.

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<sup>108</sup> <http://sacp.government.bg>

<sup>109</sup> Ministry of the Interior's website: [http://www.mup.hr/UserDocsImages/statistika/2014/azil/azil\\_07\\_2014.pdf](http://www.mup.hr/UserDocsImages/statistika/2014/azil/azil_07_2014.pdf).

<sup>110</sup> "Unaccompanied migrant children in Croatia", by Radojka Kraljević, Lovorka Marinović and Branka Živković Žigante, UNHCR, 2011, p. 47.

## Reception of unaccompanied minors

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Article 74 of the Social Welfare Act lays down that a child found in vagrancy without parents or other adults and who is not capable of taking care of himself/herself or who faces certain problems “shall have temporary care outside his/her family, in a children’s institution or in some other way, until return to his/her own or foster care family is ensured”. Paragraph 2 provides that temporary accommodation shall be ensured, under the conditions specified above, to a foreigner or a stateless person without residence in Croatia. It is understood that unaccompanied children belong to this group. Pursuant to article 75 of the Social Welfare Act, children, including unaccompanied children, are entitled to immediate care outside their families in urgent cases, while Centers for Social Welfare are obliged to pass a related decision on accommodation within 8 days from the day when the temporary accommodation was organized.<sup>111</sup>

According to legislation, unaccompanied children may be placed in the following accommodation facilities:

- a) Ministry of the Interior Reception Centers for Foreigners, if a decision on return to the country of origin has been pronounced and if a person from the group has been appointed as a guardian for the unaccompanied minor concerned
- b) Homes for children and youths, or any other territorially competent social welfare institutions. (A child below 14 years of age is placed in a children’s home, whereas a child over 14 is placed in a home for children and youths)
- c) Reception Centers for Asylum Seekers, as prescribed by the Asylum Act
- d) Safe houses for victims of trafficking, if competent bodies have determined that the child belongs to that category.

Children’s homes in which unaccompanied children are placed exist in Zagreb, Split, Rijeka, Osijek and Varaždin. During an unaccompanied child’s stay in such an institution, the child is provided with basic living conditions and accommodation. The child should have the same medical care as children who are Croatian nationals; however, the measures in the Aliens Act apply to this group of children. Education should be made available to unaccompanied children just as it is to children who are Croatian nationals, but experience has shown in practice that special programmes have not been ensured for this group of children. Conditions in the existing accommodation facilities do not meet the specific needs of unaccompanied children and there is a lack of professionals who are specifically trained to deal with unaccompanied children in a way that ensures that their particular cultural needs are satisfied.<sup>112</sup>

In practice, unaccompanied minors who ask for asylum are accommodated in accommodation for asylum seekers. The Dugave-Zagreb Home for Children and Youth has had the most experience with those who do not ask for asylum since the home’s Department for Diagnostics, Acceptance and Provision of Treatment provides emergency social care for children without legal guardians. Temporary short-term accommodation is provided for children with behavioural problems who are Croatian nationals or unaccompanied foreign children staying in the country illegally, aged between 7 and 18 years. However, according to the Center for Peace Studies, an NGO that conducts activities with refugees and asylum seekers, the home is inadequate for migrants.

A special facility for the detention of unaccompanied minors who do not ask for asylum is being constructed in the vicinity of the detention centre in Jezevo. It is scheduled to open in 2015.

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<sup>111</sup> *idem*, p. 37.

<sup>112</sup> *idem*, p. 59.

## Foster care in general

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Around 2,200 children live in foster care in Croatia, which is a slightly more than those who live in institutions. As a result of the strategic goal to prevent institutionalization, a new law on foster care was accepted in 2014. The focus is on the professionalization of foster care and the development of specialized care for handicapped children, children with behavioural problems and children under 3. A campaign to increase the number of foster families (which was 1,531) was launched in spring 2014. Education of social workers is also an important issue.<sup>113</sup>

The children's ombudsman stated in its 2013 report that, despite efforts to promote fostering, not enough foster places are being found for children, the foster care system is developing too slowly and there are no special foster homes available.<sup>114</sup>

## Foster care for unaccompanied minors

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There is no foster care system available for unaccompanied minors in Croatia.

### 3.3.3 CYPRUS

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#### General context

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In 2010, Cyprus received 33 unaccompanied minors, in 2011 13 and in 2012 that figure was 27. There is no official data available for 2014, but it was reported<sup>115</sup> that the number is significantly higher. The minors are usually between 15 and 17 years old, there is no gender imbalance, and countries of origin are predominantly Syria, Somalia, Mali, Ivory Coast, Cameroon, Nigeria and Congo.

#### Reception of unaccompanied minors

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Authorities are notified the moment an unaccompanied minor is traced within the territory, including the institution exercising legal guardianship: the Social Welfare Services (SWS). Minors are usually traced by the police. If they are found by civilians, they are instructed to present themselves at the nearest police station.

In general, the place of first entry acts as the reception location for minors until they turn 18. Unaccompanied minors are accommodated in state institutions for out-of-home care which take care of both Cypriot and non-Cypriot children. As most unaccompanied minors are teenagers, most of them are placed in state institutions for teenagers (the state children's homes are meant for younger children).

Since July 2014, the SWS has also been able to accommodate unaccompanied minors in the specialized reception centre 'Home For Hope', run by Hope For Children UNCRC Policy Center, which is mandated to provide accommodation to boys from 5-18 years old. The centre has a current maximum capacity of 24 and only hosts teenagers at the moment (August 2014).

Besides age, gender is also a relevant factor for placement in a certain type of reception, since the centres are divided according to gender. Status does not affect where a minor will be placed.

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<sup>113</sup> <http://www.udomiteljizadjecu.hr>

<sup>114</sup> <http://goo.gl/XxIRPq>, p. 29.

<sup>115</sup> Information provided by "Hope For Children" UNCRC Policy Center.

The needs assessment is done after the placement in a reception facility. However, according to Hope For Children UNCRC Policy Center, it is unclear how the best interests of the child are taken into account in the needs assessment and the placement. Despite this, it has occasionally been the case that children close to reaching adulthood who did not wish to reside in the state institutions have been allowed to live independently upon their request to do so.

The government finances the operational expenses incurred in the state institutions and 'Home For Hope', as well as a monthly stipend for minors. The activities undertaken within 'Home For Hope' are also co-funded by the European Refugee Fund and through private sponsorships. Hope For Children UNCRC Policy Center is not yet able to give an approximation of the annual living costs per minor, as the reception centre 'Home For Hope' only opened in July 2014.

## **Foster care in general**

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SWS has set criteria for foster families. There is the possibility of foster care, but SWS is facing problems with the general availability of families that are willing to foster children, whether Cypriot children or unaccompanied minors.

## **Foster care for unaccompanied minors**

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There have been placements of unaccompanied minors in foster care in the past. In the first half of 2014, there was a case of an unaccompanied minor who stayed in foster care for a limited period of time until his transfer to a children's shelter was arranged. It appears that fostering could be possible, but not as a long-term solution.

## **3.3.4 CZECH REPUBLIC**

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### **General context**

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There are no central statistics on unaccompanied minors in the Czech Republic, but most of them go through the Facility for Children Foreigners. The Facility's own statistics<sup>116</sup> show that there were 58 new arrivals in the facility in 2009, 53 in 2010, 65 in 2011, 94 in 2012 and 27 in 2013. The biggest groups came from Afghanistan (30) and Slovakia (22) in 2012. In 2013, these numbers changed; there was only 1 child from Afghanistan and 6 came from Slovakia. They came from 14 different countries altogether.

The overview below shows the numbers of unaccompanied minors who have asked for asylum in the Czech Republic over the years.<sup>117</sup>

There is a strong move towards de-institutionalization and transformation of services for children in general. With regards to unaccompanied minors, a national strategy was approved by the government in September 2012 to better implement their best interests pursuant to art. 3 of the Convention on the Rights of the Child.

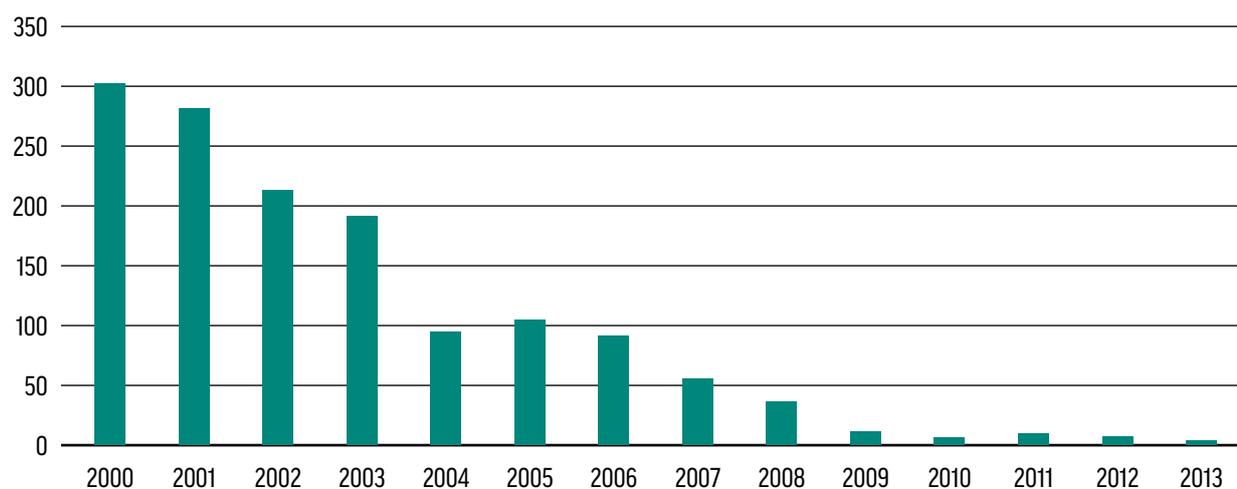
The framework of the social-legal protection is given by law no. 359 / 1999 Coll. on social and legal protection. The current trend, resulting from the National Strategic Plan for the Care of Vulnerable children and the related action plan implementing it, is to reduce the number of children in institutional facilities and to support and encourage professional foster care.

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<sup>116</sup> Information provided by the Ministry of Education, Youth and Sports.

<sup>117</sup> Figures provided by Organization for Aid to Refugees (Organizace pro pomoc uprchlíkům, o.s.), <http://www.opu.cz>

## UAMAS numbers in ČR



## Reception of unaccompanied minors

Unaccompanied minors are taken care of in the residential facilities established by the Ministry of Education, Youth and Sports which provide institutional care. These are children's homes, children's homes with schools, children's diagnostic institutes and institutional treatment institutes (the latter three are intended for children with behavioural problems). Children are placed in these facilities on the basis of court orders. There are 219 of these facilities in total with a capacity of 7,966 beds. Altogether 6,549 children (2,673 girls), aged 3 to 18 and even up to 26 years old, had been placed in these facilities in November 2013.<sup>118</sup>

All unaccompanied minor asylum seekers are initially placed in a diagnostic facility for children. These are generally facilities for foreigners, but if there is no language barrier the minors can also be placed in common facilities. They subsequently move to a children's facility. The Facility for Children – Foreigners is a specialized facility where unaccompanied foreign children aged 3 to 18 years old are placed. It was established in 2003 after a massive increase in numbers which left the existing facilities unable to provide appropriate care.<sup>119</sup>

## Foster care in general

Foster care itself is assured by financial foster care benefits (which are also governed by law no. 359/1999 Coll.) and by state foster care contributions, the goal of which is to ensure services for foster parents and foster children. The recipients of these contributions could be a municipality, a county or designee persons that provide services for foster families.<sup>120</sup>

## Foster care for unaccompanied minors

According to the law, all children placed in the children's facility mentioned above should have an opportunity to move to a foster family, but in practice this does not happen with foreign children. The Organ-

<sup>118</sup> Information provided by the Ministry of Education, Youth and Sports.

<sup>119</sup> Idem.

<sup>120</sup> Information provided by the Ministry of Labour and Social Affairs.

izace pro pomoc uprchlíkům, o.s. ('Organization for Aid to Refugees', OPU<sup>121</sup>) is trying to change this and has asked the Ministry of Social Affairs (responsible for facilities providing social services, including foster care) for a grant to deal with this issue. However, the fact that the country has had low numbers of minors entering in the last few years, resulting in unused capacity in facilities for foreign children, has increased pressure on the system to not place them in foster care. There is no statistical data available related to the placement of unaccompanied minors in foster care.<sup>122</sup>

### 3.3.5 DENMARK

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#### General context

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In 2012 and 2013, 355 and 354 unaccompanied minors asked for asylum in Denmark respectively. From the beginning of 2014 until September 2014, that number was 426, with the biggest groups coming from Eritrea (109), Syria (92), Morocco and Somalia (both 46), Afghanistan (35) and Algeria (24).<sup>123</sup>

Any foreign unaccompanied minor who enters Denmark is appointed a legal guardian, irrespective of whether they apply for asylum. A special fast-track appointment system is in place for detained minors.

#### Reception of unaccompanied minors

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Unaccompanied minors who enter Denmark and ask for asylum are accommodated in an asylum centre for unaccompanied minor asylum seekers. They live there until their application for asylum has been decided upon. If the minor is granted asylum or a residence permit under section 9c(3)(ii) of the Danish Aliens Act (permission to live in Denmark if the minor does not have parents, relatives or a social network in the country of origin), the minor is moved to a municipality. The same applies if the minor is granted residency on any other basis, e.g. humanitarian residence for health reasons, maturity reasons or other special circumstances.

An unaccompanied minor whose asylum claim has been rejected remains at the asylum residence centre until he or she turns 18, upon which the rejected asylum seeker is transferred to an asylum centre for adults until expulsion can take place.

An unaccompanied minor foreign national who enters Denmark without valid permission and does not apply for asylum upon entering is placed in detention. They are detained in special detention centres for minors.

#### Foster care in general

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A couple of years ago, the Danish Minister of the Interior and Social Affairs stated that more children should be placed in foster families instead of residential homes. This policy to use foster care wherever possible for children in care has been developed based on influential evidence from Sweden that shows how it benefits children with special difficulties. The Union of Social Educators has also backed this proposal and suggested that foster families should become full employees of the local municipality.

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<sup>121</sup> <http://www.opu.cz>

<sup>122</sup> Information provided by the Ministry of Labour and Social Affairs.

<sup>123</sup> Information provided by the Danish Red Cross.

The approval process of professional foster families is conducted by the National Social Service Center, whereas the approval process for single placement in foster families and kinship families is conducted by the local municipality. The common procedure is for potential carers to be thoroughly assessed in many aspects of their lives and aspirations. This is done through interviews, informal conversations, observations and analysis of background information during visits to the family home. Examinations of criminal records and finances are also part of the procedure.

All decisions concerning the child, apart from the most common ones in everyday life, have to be made in agreement with the social worker and the child's birth family. A social worker is responsible for all decisions concerning the child and for matching the child with a foster family. Once the child has been placed in foster care, the foster family is visited, first after 3 months and then at least once every 6 months, as part of the process of securing the foster child's legal rights.<sup>124</sup>

In 2007, new legislation governing the placement of children was introduced. One of the major changes was a set of requirements for qualifying as foster parents. The aim was to reduce the risk of placement disruption. Therefore, foster families now have to attend a seminar offered by the local municipality as part of the approval process. This covers the care and upbringing of children, possible disruptions to children's development and an understanding of the relationship between the foster family, foster child and the family's own children. It also explores collaboration with the child's parents, including how the child-parent relationship can be supported, and the foster family's role in working with professionals on behalf of the child. Once applicants are approved, they acquire the status of 'professional' parents or kinship families.

Carers are paid to cover the extra costs they incur and a salary. The salary is similar to that of an ordinary full-time job, and research in 2008 showed that around 72% of foster carers were able to derive a normal income from this work.<sup>125</sup> Kinship families are only paid to cover expenses for housing, food and activities and sometimes to cover other extra costs they incur.

### **Foster care for unaccompanied minors**

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Kinship care is called 'private accommodation' and is used for minors with family members or a network in Denmark. An investigation by a social worker is done prior to placement to determine whether the family is suitable to take care of the child.

When an unaccompanied minor has been placed in kinship care pending the outcome of the asylum case, that constellation can be maintained even if the asylum claim is rejected. The kinship families have to take part in educational programmes, just like foster families.

Unaccompanied minors under the age of 12 are placed in foster care by the municipalities even when their asylum claims have not yet been processed.

### **Weaknesses and promising practices**

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Placing unaccompanied minors is a huge challenge for most of the minors, foster families and social workers. The older the child, the more often placements collapse, even if the municipality uses talented, very dedicated and experienced foster care families. The main reasons are the lack of culture sensitivity in the foster families' daily work, and language barriers.

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<sup>124</sup> Social service legislation Ministry of the Interior and Social Affairs, 2009, para 148.

<sup>125</sup> Information on foster care gained from an article written by Christian Christrup Kjeldsen and Marianne Bruhn Kjeldsen for the British Association for Adoption & Fostering, 2010, <http://goo.gl/8aUshR>.

The Red Cross has had extensive experience with kinship care regarding asylum-seeking children. The overall picture is mainly positive. If an unaccompanied minor has stable family relations in Denmark – regardless of whether or not that relationship existed in the country of origin – there are tangible benefits of kinship care with adequate supervision and support as opposed to accommodation in an asylum centre.

### 3.3.6 ESTONIA

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#### General context

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Estonia has had minimal experience regarding unaccompanied minors over the years. From 1997 to 2013, only 6 unaccompanied minors submitted an asylum application in Estonia. Both in 2001 and in 2009, 1 unaccompanied minor applied for asylum. In 2011, there were 2: one of them was a citizen of Somalia, who was granted international protection in 2012, and the other a citizen of Afghanistan, who left the RCAS before the asylum decision was made. In 2012, 2 unaccompanied minors from Vietnam applied for asylum but they also left the RCAS before the asylum decision was made.<sup>126</sup> In the end of 2013, 2 unaccompanied minors arrived. They were taken care of by SOS Children's Villages. The 9-year-old girl from Syria was reunited with her extended family in Sweden in 2014. The 17-year-old boy from Nigeria was first placed in the shelter and later moved to SOS Children's Villages in 2014.

Working with unaccompanied minors is a very new phenomenon in Estonia, and legal provisions regulating minors' rights and the responsibilities of the state only came into force in April 2013, introduced in several laws.

According to Estonian family law, any child who does not have parental care or a legal guardian should receive a legal guardian. The decision on appointing a guardian is made by the court. Unaccompanied minors are entitled the same rights in this regard. If no physical or legal person wishes to become the legal guardian of a child (including unaccompanied minors), the local municipality or city where the child is permanently residing is appointed as the legal guardian.

The legal guardian is responsible for guaranteeing the best interests of the child: ensuring that the main needs are met, that the education obligation is fulfilled and that good-quality healthcare is available. According to the Social Welfare Law and related acts, the local authorities develop a case plan for each child without parental care which contains an overview of the case as well as developmental aims. The needs are agreed upon with the child, his/her legal guardian and service providers. In the case of an unaccompanied minor, a similar plan is developed by the reception focal point, whose role is assigned to the Social Insurance Department (who is also responsible for arranging all the procedures needed for the child or safeguarding that they will be arranged by the service provider or legal guardian). The case plan must be reviewed at least once a year and the representative of the local authority should visit the child at least twice a year.<sup>127</sup>

#### Reception of unaccompanied minors

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Before the legislative changes that became effective in 2008, minors older than 13 years were accommodated in the same reception centres as adults. In 2008, changes were implemented in the Act of Granting Protection to Aliens, which also concerned unaccompanied minors.

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<sup>126</sup> Estonian National Report, EMN Focused Study 2013 "The Organisation of Reception Facilities for Asylum Seekers in the different Member States", p. 12.

<sup>127</sup> Information provided by SOS Children's Villages.

Provisions related to alternative care are included in the Social Welfare Act.<sup>128</sup> According to this Act, a child without parental care can be placed into the following forms of accommodation:

- a guardianship family. This can be extended family or volunteers who have no links to the child's family of origin.
- a foster family. These are voluntary families. So far, Estonia does not have professional foster families specialized in concrete target groups they work with.
- a substitute home. According to the law and practice, there are two different types of substitute homes. The first is an institution that consists of a number of small groups (max. 8 children) that are taken care of by care workers working in shifts. The other option comprises substitute homes where children live in small families of max. 6 and are cared for by substitute mothers or couples who live together with the children on a permanent basis: the 'family-like substitute home'.

According to the amendments to the Social Welfare Act that entered into force in April 2013, unaccompanied minors can be sent to either foster families or substitute homes. SOS Children's Villages has been providing alternative care for unaccompanied minors since the end of 2013. It has a contract for several years, one of the conditions being that either a foster family or a family-like substitute home will be provided.

Each child who needs substitute home services receives 'per capita money'. The amount is regulated by a special decree: children under 3 and children with special needs receive a higher amount than all other children, including unaccompanied minors. The only difference between Estonian children and unaccompanied minors is that a substitute home is paid for taking care of an Estonian child by the local authorities, and for taking care of an unaccompanied minor by the Social Security Department. The amount allocated to a foster family for taking care of a child is much lower than in the case of a substitute home, yet it is the same for all children irrespective of their status.

## Foster care in general

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As of September 2014, the Ministry of Social Affairs was developing an alternative care concept that aims to look critically at the existing system of alternative care and develop it further. The main focus is on developing foster care, as the current situation is not regarded as very positive. The number of foster families and the number of children in foster families are decreasing, and the number of children being sent back from foster families to substitute homes is growing each year.

In the future there will be two types of foster families: voluntary ones and professional ones. At the moment the few existing substitute homes like SOS Children's Villages are considered to be similar to professional foster families, but they are legally registered as substitute homes (mainly because of funding). Substitute homes will not disappear in the new system, but they will focus on providing services to those children for whom foster care is not the right provision, i.e. children with severe disabilities or children for whom a small group is not suitable.

## Foster care for unaccompanied minors

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As stated above, the amendments to the Social Welfare Act that entered into force in April 2013 provide the same types of reception to unaccompanied minors as to other children, with a preference for foster families and substitute homes.

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<sup>128</sup> Sotsiaaltoolekande seadus RT I 1995, 21, 323.

With regard to the distinction between voluntary and professional foster families, it is expected that unaccompanied minors will be accommodated in professional foster families after the new alternative care concept has been implemented.

## Weaknesses and promising practices

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According to SOS Children's Villages, a weakness in the system is that foster families need a support system and more training in order to improve their work. A promising practice is that this is clear at national level, and SOS Children's Villages hopes it will be described and planned in the alternative care concept.

### 3.3.7 FINLAND

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#### General context

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The number of unaccompanied minor applying for asylum has decreased in Finland in the last few years: in 2009 there were 557 such applicants, in 2010 there were 329, and in 2011 and 2012 there were only 150 and 167 unaccompanied minor asylum applicants, respectively. They came from 27 (2011) and 28 (2012) different countries, with Afghans (25 and 38), Iraqis (27 and 31) and Somalis (45 and 30) being the biggest groups. In 2013 there were 156, coming from 33 different countries. The biggest groups in that year were Somalis (36), Iraqis (24), Afghans (17) and Moroccans (17). In 2014 (as of 3 August), 100 minors arrived who asked for asylum and they came from 24 different countries, with Afghans (20), Somalis (20) and Iraqis (10) being the biggest groups.<sup>129</sup>

At the moment, absolute numbers of children in regular youth care as well as unaccompanied minors are rising again. Almost every unaccompanied minor entering Finland asks for asylum and most of them (close to 90%) are allowed to stay.

#### Reception of unaccompanied minors

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Since 2010, the Finnish Immigration Service has been responsible for reception and guardianship of unaccompanied minors (previously this used to be the Ministry of Interior). However, there are various kinds of reception centres. Some are governmental, directly ruled by the Finnish Immigration Service. Some are run by a municipality and others by the Red Cross. The latter are supervised on the basis of agreements between the organizations maintaining them and the Finnish Immigration Service.

District courts assign unaccompanied minors a representative, whose duty it is to act as their custodian in the asylum procedure. The minors are interviewed at the Finnish Immigration Service offices in the presence of their representative.

According to the Act on the Reception of Persons applying for International Protection<sup>130</sup> unaccompanied minors are accommodated in group homes. The term 'home' describes the meaning of the special arrangements for these children: living conditions should resemble a home as far as possible. The provisions of section 59 of the Child Welfare Act on the maximum number of children and young people cared for in one housing unit, the maximum number of children placed in one building and the minimum number of personnel responsible for the care and upbringing of the children also apply to group homes (subsection 1). Unaccompanied minors who have reached the age of 16 may be accommodated in supported housing

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<sup>129</sup> Figures provided by the Reception Unit of the Finnish Immigration Service.

<sup>130</sup> Act on the Reception of Persons applying for International Protection, section 17, Accommodating unaccompanied minors.

units if this is justified on the grounds of their development and well-being. A maximum of 40 children may be placed in one building and there should be at least three employees with care and upbringing duties for every ten children. In urgent cases, temporary exceptions may be made concerning the numbers laid down in this subsection, if this is necessary in order for reception services for the children to be arranged (subsection 2). Unaccompanied minors may also be accommodated in other places of accommodation intended for children. In that case, the provisions of subsections 1 and 2 apply to the number of residents and employees (subsection 3).

The Act also states in section 18 that persons applying for international protection or beneficiaries of temporary protection may make their own accommodation arrangements. In order to receive other reception services, it is compulsory for the person to give the address details and present the lease agreement or other statement relating to the private accommodation (subsection 1). The director of the reception centre makes a decision on the transfer of an unaccompanied minor to private accommodation after having heard the child, the child's representative and the social worker from the reception centre. The reception centre gives the address of the unaccompanied minor staying in private accommodation and the details of the persons with whom the minor is staying to the body responsible for social services in the municipality where the minor is residing. The statements by the social worker from the reception centre and the child's representative on the suitability of the private accommodation in question and the ability of the person or persons accepting the child to care for the child must be appended to the information submitted by the reception centre (subsection 2).

In practice, the coordination, planning and supervision of the reception of unaccompanied minors is the responsibility of the Finnish Immigration Service (under the Ministry of Interior). During the asylum process, unaccompanied minors under 16 years of age are accommodated in a group home. There are (as of August 2014) six group homes: one administrated by the state, four by a municipality and one by the Finnish Red Cross. Minors between 16 and 17 years of age are accommodated in supported housing units.

The reception during the asylum process is financed by the Finnish Immigration Services. If a minor is in need of foster care (or other child welfare services) during the asylum process, that service is provided by the municipality where the group home is situated, but the costs are covered by the group home (Finnish Immigration Services).

The family group homes for underaged children with a residence permit are administrated by one of Finland's 15 Centres for Economic Development, Transport and the Environment. The Centres operate under the Ministry of the Employment and the Economy and are responsible for the regional implementation and development tasks of the central government. A municipality may establish a family group home or other residential unit intended for children and young people. In the case of establishment of a family group home, the municipality agrees it with a Centre for Economic Development, Transport and the Environment.

The costs of reception of asylum seekers are financed by the government. The municipalities can receive compensation of the costs from the state even if an asylum seeker has obtained a residence permit (this is regulated in the Integration Act). The state covers the costs caused by the placement and special support services until a young person reaches the age of 21. However, the maximum period of compensation is 10 years.

## **Foster care in general**

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In Finland, foster care relates to out-of-home placements with relatives or other kin or a foster family. The foster care and child welfare services operate under the Ministry of Social Affairs and Health. The child welfare services (including foster care) are provided and financed by the municipalities, except in the cases of asylum seekers.

Municipalities are responsible for organizing child welfare services including foster care services for their inhabitants. A foster family is a private family with whom the municipality has made a commission agreement. The Child Welfare Act (2007), the Social Welfare Act (1982) and the Family Carer Act (1992) regulate the foster care system for children. Foster care is the preferred form of alternative/substitute care for children who need to be placed outside their families.

Foster care can be a short-term or long-term arrangement. In the Finnish system, a child can be placed outside the familial home by three different orders: as a support measure in the community care system, as an emergency care order or as a taking into care order. According to the Child Welfare Act, none of these orders are meant to be permanent/never-ending. This means that parents do not lose their parental rights, and the aim is to reunify the family. The child's situation and grounds for the placement need to be assessed regularly. The municipal social worker is responsible for the child's affairs and is also responsible for the placement.

In 2012, a total of 17,830 children and young people were placed outside the home, which represents a 1.6% increase on the previous year. There were more boys placed outside the home than girls. At the end of 2012, about half of the children placed in alternative/substitute care by a taking into care order were in foster care (about 4,500 children; 11% of whom were with relatives or other kinship care).<sup>131</sup>

Relevant actors concerning foster care in Finland include the Ministry of Social Affairs and Health, municipalities and NGOs like Save the Children (service provider), Pesäpuu ry (provides PRIDE training for foster carers, for example) and Perhehoitoliitto (union for foster carers).

### **Foster care for unaccompanied minors**

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The only form of living within a family that is currently offered is kinship care, whereby minors live with their own family. This is the case for approximately 30% of the unaccompanied minors. The social workers working in the reception centres decide on this (if it is thought to be the best option for the child) and offer support to minors living with their own family. There has to be a thorough assessment if a child is placed with a family: the family's ability and resources to take care of a child are assessed and the conditions of the private accommodation are monitored and supervised. This is done in cooperation with a social worker from the reception centre, a social worker in the community and the child's guardian. The child remains officially registered at the group home. The family does not receive compensation for housing the child, and in practice the approach depends on the municipality's and the child welfare authorities' interpretation of the unaccompanied minor's situation.

Unaccompanied minors with a residence permit are accommodated in a family group home, a supported family placement or in an otherwise appropriate manner, which is financed by one of the Centres for Economic Development, Transport and the Environment. A family placement means more or less the same as the private accommodation mentioned above. Child welfare services are, however, financed by the municipality in which the family group home is situated.

### **Weaknesses and promising practices**

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Finland is undergoing many significant reforms at the moment. Firstly, the Social Welfare Act, Family Carer Act and Child Welfare Act are being revised. Secondly, reconstructions of the social and health service systems and the structure of municipalities are taking place at national level. However, foster care is still emphasized instead of residential care within the child welfare system and services. Since 2012, foster

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<sup>131</sup> <http://goo.gl/MDKEdK>

care has been defined in Finland's child welfare legislation as the primary form of alternative/substitute care for the first time. Authorities are currently trying to strengthen the foster care system and services.

However, there is hardly any discussion on accommodation or placements for separated children and unaccompanied minors. Family reunification has become very difficult in Finland in recent years. This means that almost all minors live in residential care until they reach the age of 18 (and in many cases until they are 21). The Ministry of Employment and the Economy reported that it is time to start discussing their right to live in a family as well. The Ministry suggested that municipalities should make an agreement with those families, in the same way as they do with families who take care of Finnish children who are under their custody. This way, families taking care of unaccompanied minors will receive training, support and financial compensation for their work. A child's ethnic, religious, cultural and linguistic background should also be taken into account, which means that families with different cultural backgrounds will be needed.

This plan is still being worked on.<sup>132</sup> A working group from the Ministry of Employment and the Economy recently released a report containing some recommendations on the reception of separated children and unaccompanied minors. Unaccompanied minors have mainly been accommodated in residential care because of the original idea that accommodating these children was a temporary solution, until their parents would also arrive in Finland. Now that children seem to be growing up in Finland without their families, foster care could be a good solution for these children too. This should be taken into consideration in the training of foster parents: they need more competence with respect to migration issues.<sup>133</sup>

### 3.3.8 GREECE

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#### General context

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The number of unaccompanied minors entering Greece has increased in the last 5 years. In 2009 there were 6,009 and in 2013 there were 3,122 of them. In the first half of 2014 there were 970.<sup>134</sup> Further gender and age distribution is not supported by the existing system of data collection of the ministry responsible. However, the agency for the coordination of accommodation requests of asylum seekers and unaccompanied minors, a division of the National Centre for Social Solidarity, has recorded the following data:<sup>135</sup> in 2012 (12 March-31 December) there were 822 accommodation requests (94.65% were boys). In 2013 there were 1,150 (95.65% boys) and in the first half of 2014 these were 1,015 (97% boys). In 2012, 4.14% of the minors were younger than 12 years old. In 2013 that percentage was only 2.96%.

In 2012, 73 unaccompanied minors asked for international protection in total, of whom 6 were female. 55 of the 67 male unaccompanied minors who asked for international protection were 15-17 years old (5 were aged 0-13 and 7 were 14-15). The highest numbers came from Afghanistan (28 children), Pakistan (18 children), DRC, Guinea, Georgia and Iraq (each 4 children).<sup>136</sup>

The annual policy report by the European Migration Network in Greece stated the following in 2012: "The highly strained Greek asylum system, which in recent years had surpassed its abilities, affects the most vulnerable groups of asylum seekers and especially unaccompanied minors and women. In the frame of restructuring the Greek asylum system for its harmonization to the Common European Asylum System,

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<sup>132</sup> Information provided by the Ministry of Employment and the Economy.

<sup>133</sup> Ilman huoltajaa tulleiden alaikäisten turvapaikanhakijoiden vastaanotto ja järjestelmän kehittämistarpeet. Työ- ja elinkeinoministeriön julkaisu 29/2014. (Reception of unaccompanied minors and development needs of the reception system, Ministry of Employment and the Economy, 2014, pages 22 and 43).

<sup>134</sup> Data provided by the Ministry of Public Order and Citizen Protection.

<sup>135</sup> Idem.

<sup>136</sup> Numbers provided by the Greek Refugee Council.

the Law 3907/2011 (which established the Asylum Service and the First Reception Service as autonomous services reporting directly to the Minister of Public Order and Citizen Protection) provides for special treatment”.

Very few children are taken into care by protection services but, among those who are taken into care, runaways are very frequent since the objective of the youths present in Greece is generally to travel to another European country. The lack of prospects in Greece, with limited access to rights and resulting integration difficulties, also prompts young people to leave.<sup>137</sup>

## Reception of unaccompanied minors

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Reception services provided by the Greek state to unaccompanied minors referred by the competent authorities in the Ministry of Labour, Social Insurance and Welfare include addressing their basic needs (food, shelter, clothing, etc.), linking them to the national health and education system, the provision of psycho-social support, interpretation services and legal assistance in case they seek international protection. These services are provided after awarding the relevant programmes to specialized institutions acting in the field, mostly non-governmental organizations. These actions are mostly funded by the state budget and the European Refugee Fund. In the last few years, actions have also been funded by the European Economic Area.

There are 9 reception centres that accommodate unaccompanied minors in Greece.<sup>138</sup> Their capacity varies from 10-15 places (mostly run by NGOs) to 80 places (run by the Ministry of Health and Social Solidarity).

It was reported that there was some uncertainty whether the accommodations would be able to continue according to the European and national standards, since most of the shelters were being financed by the European Refugee Fund. Financing was secure from April 2013 until October 2013, but as of January 2013 there had been no news about further funding for the period October 2013- June 2014. Especially for ARSIS, which runs three shelters for minors that can accommodate up to 80 minors altogether, this was a pressing issue since there is no other means of support for the shelters.<sup>139</sup>

## Foster care in general

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Information in English on the Greek framework of foster care has not been provided.<sup>140</sup>

## Foster care for unaccompanied minors

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Greek legislation provides for the adoption of unaccompanied minors or their placement in foster families, regardless of national origin, race and religious or other beliefs. Foster care is financed from the state budget. Nevertheless, there is currently no data available on adoption and foster care of unaccompanied minors.

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<sup>137</sup> Comparative study: 'The reception and care of unaccompanied minors in eight countries of the European Union', final report December 2010, European Migration Network, p. 115.

<sup>138</sup> Information provided by the Greek Refugee Council.

<sup>139</sup> SCEP NEWSLETTER No. 41 – Spring 2014, p. 21.

<sup>140</sup> [http://www.dsnet.gr/Epikairothta/Nomothesia/pd86\\_09.htm](http://www.dsnet.gr/Epikairothta/Nomothesia/pd86_09.htm)

### 3.3.9 LATVIA

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#### General context

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In the last 5 years, 5 unaccompanied minors have arrived in Latvia, all of whom came from Afghanistan and all of whom were male. Relevant actors are the State Department of Citizenship and Migration,<sup>141</sup> the Orphan's Court, NGOs (in particular the Latvian Centre for Human Rights<sup>142</sup>), schools and state social service agencies.<sup>143</sup>

#### Reception of unaccompanied minors

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There are no special reception centres for minors in Latvia. Minors can stay in orphanages together with Latvian minors. The Orphan's Court should represent the unaccompanied minor or a guardian appointed to them, or the head of a child care institution. In practice, however, it is very difficult to find a legal guardian for unaccompanied children seeking asylum. The state finances their reception.

#### Foster care in general

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In Latvia, out-of-family care can be implemented by two legal means: by guardians and by foster families. Guardians are the oldest and most popular means of care.

At the beginning of 2013, 5,100 children (63 %) were under guardianship, 1,200 children (14 %) lived in foster families, and 1,900 children (23 %) lived in orphanages.

Guardians and foster families receive different types of financial support and have different legal rights when defending the rights of a child in care. According to the law, orphans and children left without parental care have one and the same status. However, depending on the means of care, the former receive sufficient financing, while the latter receive financing at a level that is insignificant. Remuneration for fulfilment of a guardian's duties is 54.07 euro per month, irrespective of the number of children under guardianship (paid by the state). A guardian's allowance for maintenance of a child is 45.53 euro per month (paid by the state). Remuneration for fulfilment of a foster family's duties is 113.83 euro per month, irrespective of the number of children raised by the foster family (paid by the state). The municipality pays the foster family an allowance for the maintenance of a child, and that amount can be different in each municipality. In the city of Riga, for instance, the foster family allowance for maintenance of each child is 75% of the minimum monthly salary set in Latvia, which is currently 240 euro. At the same time the state pays over 700 euro per month for maintenance of one child in an orphanage.

The second significant difference lies in terminology. The term 'guardianship' refers to a long-term form of care (until a child reaches the age of 18), while the term 'foster family' refers to providing short-term care (until a child is returned to his or her family or put up for adoption). In reality, children stay in foster families for several years, yet it is still considered short-term care and the possibility of adoption can be brought up at any time. Therefore, it is difficult for foster families in Latvia to create a stable and safe environment for children when their future is so unclear.

The third difference is that the guardians themselves represent the interests of a child under their guardianship. Despite the fact that the people spending time with the children on a daily basis are the ones

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<sup>141</sup> <http://www.pmlp.gov.lv/en/pakalpojumi/patverums.html>

<sup>142</sup> <http://cilvektiesibas.org.lv/en>

<sup>143</sup> Information provided by Association Shelter Safe House, Riga

who are most aware of those children's interests and needs, the personal and property interests of a child living with a foster family are defended by the court. The orphan's courts, which in fact do not know the children living with a foster family, are entitled to decide on issues related to the children's education and healthcare.

The differences listed above show that guardianship is the most suitable form of care for children, since it ensures a long-term relationship and a safe and clear future. At the same time the financial and moral support provided to guardians is comparatively insignificant. In order to reduce this inequality, activities carried out by the Latvian Foster Family Society are mainly focused on providing different types of support to guardian families.<sup>144</sup>

### **Foster care for unaccompanied minors**

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There is no mechanism for placing unaccompanied minors in foster care. So far, the issues regarding foster care and unaccompanied minors are not a topic of discussion among national stakeholders.

### **3.3.10 LITHUANIA**

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#### **General context**

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Lithuania does not receive high numbers of unaccompanied minors. In 2009 there were only 3, in 2010 there were 9, in 2011 the number was 10 and in 2012 it was 4.<sup>145</sup> Most of them were Afghan boys.

The Migration Department is responsible for the examination of asylum applications and making decisions on asylum. Relevant actors in field are the Lithuanian Department of Migration, the Ministry of Social Security and Labour and the Refugee Reception Centre.

#### **Reception of unaccompanied minors**

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When unaccompanied minors are detained at the border, they are sent to the refugee reception centre of the Ministry of Social Protection and Work. When they are placed in the reception centre they receive a document entitling them to subsidiary protection for a year. A legal guardian represents their interests. Their living costs are covered from the state budget. They have a right to attend comprehensive or vocational school and receive medical care, legal aid and social services. They can also contact Lithuanian non-governmental or international organizations.

#### **Foster care in general**

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National children are placed in foster care, which is financed by the state.

#### **Foster care for unaccompanied minors**

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Unaccompanied minors are not accommodated in foster care.

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<sup>144</sup> Source: Latvian Foster Family Association, <http://www.labiedriba.lv/en/home>

<sup>145</sup> Information provided by the contact person for the SCEP-network.

### 3.3.11 LUXEMBOURG

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#### General context

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The number of unaccompanied minors who asked for international protection has increased in the last few years. In 2009 there were 13 and in 2013 the number was 45.<sup>146</sup> Most of them were boys.

#### Reception of unaccompanied minors

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The Office for Reception and Integration is responsible for reception of unaccompanied minors. Upon arrival in Luxembourg, unaccompanied minors are accommodated in the central children's home called Don Bosco (especially for newly arrived minors). After that, those aged over 16.5 go to the St Antoine children's home which is run by Caritas. Minors aged 15-16.5 go to a children's home in Eich if they are self-reliant enough to do so. If not, they stay in Don Bosco. For children under 15, attempts are made to find a place for them in a home run by the organizations MEE, CRL or ONE. If this is unsuccessful, the child stays in Eich (the youngest one currently in this situation is almost 15).

#### Foster care in general

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There are four organizations that offer foster care in Luxembourg: Arcus, Annerduerf, Sefia and the Red Cross. The foster families receive payments from the Erziehungsministerium ('Ministry for Upbringing'). The Red Cross takes care of 179 children in 98 foster families (as of September 2014).<sup>147</sup>

#### Foster care for unaccompanied minors

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Some unaccompanied minors stay with a family member such as an uncle. There is no system of foster care for unaccompanied minors in place.

### 3.3.12 MALTA

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#### General context

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According to a recent report, while Malta ranks just 16<sup>th</sup> among EU Member States in terms of the number of total asylum applicants in 2013, the country had the highest ratio of asylum applicants to inhabitants of any Member State in 2013 (20.2 asylum seekers per 1,000 inhabitants). Unaccompanied minors constitute a significant and growing percentage of new arrivals. The majority of asylum seekers arrive to Malta by boat, primarily from Libya. Most asylum seekers, including unaccompanied minors, view Malta as a transit country. Some may have intended to reach Italy or other European Mediterranean countries and wind up in Malta unintentionally. Almost all unaccompanied minors aspire to reach another EU Member State or to be resettled to the USA. Most arrive in Europe with high expectations, and may face pressure from family back home to send remittances. The situation is further compounded by the fact that asylum seekers face difficulties integrating in Maltese life, and government integration measures remain largely inadequate.<sup>148</sup>

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<sup>146</sup> Information provided by the Ombuds Committee for Children's Rights (ORC).

<sup>147</sup> Figures provided by the Red Cross.

<sup>148</sup> Unaccompanied Minor Asylum-Seekers in Malta: A Technical Report on Age Assessment and Legal Guardianship Procedures, aditus foundation, p.8-9, [http://aditus.org.mt/Publications/uamsreport\\_102014.pdf](http://aditus.org.mt/Publications/uamsreport_102014.pdf)

## Reception of unaccompanied minors

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Due to the unprecedented influx of minors in 2013, changes were made in the accommodation structure for housing unaccompanied minors. Minors claiming to be under the age of 16 started to be accommodated in Dar il-Liedna. Minors between the age of 16 and 17 were accommodated in Dar is-Sliem, whilst 17-year-old minors were accommodated in a centre in Hal Far. This latter centre was previously housing families; however, since the original two residences for minors were already strained and could not accommodate all the minors, the centre in Hal Far had to be used. Due to the fact that the minors in the Hal Far centre are close to adulthood, the structure of this centre is set up to offer semi-independent living.

A semi-independent living approach seeks to provide a healthy and secure environment for unaccompanied minors to live in. It provides minimal supervision so as to help unaccompanied minors learn to take control over their lives, make their own decisions and plan their own activities. This approach will facilitate the unaccompanied minors' pathway into independent living, so that they progressively learn how to overtake full control of their lives.<sup>149</sup>

## Foster care in general

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No information has been provided on this issue.

## Foster care for unaccompanied minors

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No unaccompanied minors are in foster care in Malta.

## 3.3.13 PORTUGAL

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### General context

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In 2008, research by the European Migration Network revealed that relatively few unaccompanied minors arrived in Portugal, and the situations of unaccompanied minors who entered Portugal mainly concerned cases of asylum seekers. Of the applications lodged from 2005-2008, the majority were boys aged between 16 and 18 coming from African nations, especially from countries of the Economic Community of West African States. During this period, requests for asylum by unaccompanied minors in Portugal never exceeded 7 applications per year.<sup>150</sup>

The statistics on unaccompanied minors who asked for asylum from 2012-2014<sup>151</sup> show an increase in requests: 31 in 2012, 69 in 2013 and 12 in the first half of 2014. In 2012, 10 refugee unaccompanied children were resettled in Portugal (they did not have to apply for asylum but were automatically granted refugee status).

In general terms, situations of unaccompanied minors in Portugal are processed in the same way as minor nationals in identical circumstances, without prejudice to the possibility of regularizing their situation under the terms of the Foreigners' Law. In formal terms, an unaccompanied minor's asylum application process is similar to a regular asylum application. The major difference with regard to this specific seg-

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<sup>149</sup> SCEP NEWSLETTER No. 41 – Spring 2014, p. 22.

<sup>150</sup> Reception, Return and Integration of Unaccompanied Minors in Portugal, European Migration Network 2008, p. 3.

<sup>151</sup> Provided by Conselho Portugues para os Refugiados (CPR), an NGO with signed protocols with the Portuguese government (Ministry of Internal Affairs - MAI and Ministry of Solidarity, Employment and Social Security - MSESS). The organization develops projects in the areas of hosting asylum seekers and integration of refugees.

ment concerns the measures for hosting and integrating these asylum seekers. In contrast, the limited number of cases in Portugal allows these minors to be accompanied very closely, thus facilitating efficient management and upholding the rights stipulated by the law.

The legislation that regulates the situation of unaccompanied minors who reside or are in Portuguese national territory is the law to protect children and youths in danger.<sup>152</sup> The law considers ‘children or youths in danger’ to be minors who have been abandoned or who have been left to their own devices, justifying institutional intervention to promote their rights and protection (art. 3). This means that when a minor is admitted into Portugal, the Family and Minors Court will be informed about the situation and will apply a measure to ensure rights and protection for the minor in question.

The protection of unaccompanied and separated minors in Portugal involves several and different actors, as follows:

- The *Ministério Público* (‘Public Defenders Office’) promotes and defends the rights of children at risk, supervises the local *Comissão de Proteção de Crianças e Jovens* (‘Commissions for the Protection of Children and Juveniles’, CPCJ) and represents the child.<sup>153</sup> By recommendation of the Public Defender the process is referred to the Family and Juvenile Court to provide protection measures when necessary. A child can also contact this entity directly to express their needs or/and wishes.
- The *Tribunal de Família e de Menores* (‘Family and Juvenile Courts’) judicially promote and ensure rights protecting at-risk children and juveniles. CPCJs promote and ensure these rights at a municipal level. They are non-judicial entities with functional autonomy, monitored by the Public Defenders Office. A National Commission for the Protection of Children and Juveniles supervises and provides training to all the local CPCJs.
- The Social Security Institute under the Ministry of Solidarity and Social Security can advise the Family and Juvenile Court through local representatives (social workers/psychologists) or even provide social support to unaccompanied minors by decision of the Family and Juvenile Court. The institute also has a team to centrally manage all the vacancies at reception centres in Portugal. For cases not involving asylum-seeking and separated refugee children, this team establishes contact with the care facilities on behalf of the CPCJ or the Family and Juvenile Courts to accommodate a child at risk. The adoption list is also nationally centralized by the team.
- Two other relevant actors related to unaccompanied minors who are seeking asylum are the Ministry of the Interior (through the Portuguese Immigration Service, SEF), and the *Conselho Português para os Refugiados* (‘Portuguese Refugee Council, CPR). The latter accomplishes legal guardianship, assists the minors throughout their asylum procedure, defends their interests, ensures they are housed in the Reception Centre for Refugee Children located in Lisbon, ensures the rights guaranteed by law and monitors the application of relevant legal provisions.<sup>154</sup>

## Reception of unaccompanied minors

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Asylum applicants are accommodated in the Reception Centre for Refugee Children located in Lisbon. It opened in October 2012 and is run by CPR and financed by the Lisbon Municipality (RAAML project) and SEF. In 2013, CPR accommodated 84 unaccompanied children.

For unaccompanied minors who do not ask for asylum, the Family and Juvenile Court informs the Commissions for the Protection of Children and Juveniles for the area in which the minor is found. These commissions decide upon measures to protect and safeguard the minor, including the provision of situa-

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<sup>152</sup> Approved by Law No. 147/99.

<sup>153</sup> Act 147/99, 1st September, article 72.

<sup>154</sup> Information gained from ‘Country information and desk research Portugal’, Closing a protection gap 2.0, November 2014, p. 8-10, <http://www.corestandardsforguardians.com/images/23/434.pdf>

ble accommodation. These measures are normally restricted to support for an autonomous life or hosting in an institution, with 'hosting' meaning integration into residential centres for youths at risk, along with Portuguese minors.<sup>155</sup>

In November 2014 it was reported<sup>156</sup> that there were 219 undocumented children placed in the national homes for children and youth under the child protection law, according to the national database of institutionalized children. However, it was not clear whether they were all unaccompanied minors. For this reason, steps are currently being taken by the national authorities to clarify each child's situation.

## Foster care in general

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The Portuguese foster care system relies on the Child Protection Law, under which a child cannot be placed into care unless there is a proper judicial decision or, for national children, a decision from the local child protection commission closer to the child's residence. A placement measure is always considered as a last resort, and is only considered if there is no family support or family members available to take the child in. It is envisaged as a promotion and protection measure for the child to be removed from the endangering situation. These measures are regulated by law and can be divided into 2 groups:

- measures in the living environment
- placement measures: placement in an institution or a foster family.

Deinstitutionalization of children is the national trend, especially for children aged from 0 to 3. Consequently, foster care is the preferred alternative for this age group.

## Foster care for unaccompanied minors

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The Portuguese Asylum Act<sup>157</sup> states in article 78, paragraph 2, that "the best interests of the minors are namely considered to be: a) Their placement together with their suitable parents or, in their absence, successively, together with adult family members, in foster care, at centres specialized in accommodation for minors or at places that have conditions for that purpose...."

Nevertheless, it was reported that foster care for unaccompanied minors is only available in some cases. Detailed information on this practice has not been found during the research.

In practice, reception in an institution is the measure most frequently applied to unaccompanied minors who ask for asylum in Portugal due to a lack of effective alternatives, such as foster care or family care.<sup>158</sup>

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<sup>155</sup> 'Reception, Return and Integration of Unaccompanied Minors in Portugal', European Migration Network 2008, p. 20.

<sup>156</sup> Information provided by the Social Security Institute of the Ministry of Solidarity, Employment and Social Security.

<sup>157</sup> The national asylum law was updated in May 2014, Law No. 26/2014 of 5 May, providing the first amendment to Law No. 27/2008 of 30 June.

<sup>158</sup> 'Country information and desk research Portugal', Closing a protection gap 2.0, November 2014, p. 13, <http://www.corestandardsforguardians.com/images/23/434.pdf>

### 3.3.13 ROMANIA

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#### General context

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The general number of asylum applications submitted in Romania increased significantly between 2009-2012: in 2009 there were 840 and in 2012 the number was 2,510. In 2013 this number dropped to 1,500.<sup>159</sup> In 2011, 55 of the applications were submitted by unaccompanied children. In 2012 this number was 43.

The Romanian Office for Immigration (ORI) is responsible for applying the Romanian policies and laws in the domain of asylum. In case of an unaccompanied minor, it will see to the appointment of a legal representative who will assist the minor during the entire asylum procedure. The legal representative is appointed by the General Social Assistance and Child Protection Direction (DGASPC) in the area where the asylum application is filed.<sup>160</sup>

#### Reception of unaccompanied minors

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Unaccompanied minor asylum applicants under 16 years of age are accommodated in the DGASPC centres in the area where the application for refugee status is registered, but their opinion is taken into account in line with their age and level of maturity. Those over 16 may be accommodated in the reception and accommodation centres subordinated to ORI until, if they are not granted a form of protection, the 15-day period following the end of the asylum procedure expires. Refugee children benefit from the same treatment granted to Romanian citizens and have the same rights as Romanian children.

Unaccompanied children who are granted a form of protection at the end of the asylum procedure are taken into the child protection services system and they benefit from all the rights provided by the law for children in difficulty. Unaccompanied children aged between 16 and 18 years old may choose to remain in the reception and accommodation centres administrated by ORI.

If the asylum application of the unaccompanied minor is rejected, the minor is taken on by DGASPC, which takes the steps provided for by the law in order to establish protection for them. DGASPC informs ORI of the situation. This protection lasts until the minor returns to their parents' country of residence or to the country where other family members willing to take care of the child have been identified.<sup>161</sup>

#### Foster care in general

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The reform process that has been underway in Romania since 1997 is aimed at solving the problems that were inherited from the former regime and developing a modern child welfare service that is based on the rights of the child.<sup>162</sup>

One of the first big steps took place in 1997 when new legislation started the long and difficult process of reform. A turning point was in 2001 when child welfare became a government priority. A number of radical reforms were introduced and Romania started coming up to international standards. The main emphasis was on changing the priority from 'institutional' to 'family' care: hundreds of large institutions were closed down and scores of alternative services were set up. EU Phare funds were instrumental in this process. The placement of children in extended or foster families became the priority when deciding on

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<sup>159</sup> Information provided by Save the Children Romania.

<sup>160</sup> Brochure 'Aspects of the rights of children applying for asylum', Save the Children Romania, December 2008, p. 19.

<sup>161</sup> Idem, p. 21.

<sup>162</sup> Brochure 'Child welfare in Romania, the story of a reform process', published by National Authority for the Protection of Child's Rights (NAPCR), September 2006, p. 3.

what measures to take for children who had been separated from their natural families. Public attitudes towards abandonment and institutionalization started to be challenged.<sup>163</sup>

By the end of 2005, over 170 large child protection institutions had been closed down and, in parallel, a series of new services were set up. These services now help institutionalized children to find new homes or to return to their natural families. They also help prevent the separation of children from their families and are aimed at preventing the institutionalization of children. These services are funded by county and city councils.<sup>164</sup>

In 2010 there were 3.9 million children in Romania, of whom 1.6% were separated from their families. By 2013, up to 40,000 (63%) lived in family-type care (foster care, family placement, adoption) and almost 23,000 lived in public and private residential care, a reversed prevalence through deinstitutionalization and the development of alternative services.<sup>165</sup>

There was a sharp increase in the number of institutionalized children in the year 2000. This came about because those institutions which had been operating under the health, education and disabled persons services were transferred to the County Directorates for Social Assistance and Child Protection. For the first time, the statistics on children in care were centralized (prior to 2000, each ministry counted 'its' children separately). The age profile of those in institutional care is also an interesting factor; the overwhelming majority of them are teenagers (aged between 10 and 18). As regards the children placed in substitute families, it is worth mentioning that 24,191 (49%) are cared for within their extended families (relatives up to the fourth degree, public and private professional care, other families) with support and monitoring from the authorities.<sup>166</sup>

The table below shows the number of children in care and the distribution of services as of 31 March 2013.<sup>167</sup>

| Type of service  | Number of children | Percentage |
|--|--------------------|------------|
| Family-type services   | 38,741             | 62.8%      |
| Professional foster care (employed by public and private agencies) | 19,185             | 31.1%      |
| Extended family (kinship care)                                     | 15,650             | 25.4%      |
| Other families/persons   | 3,906              | 6.3%       |
| Residential services   | 22,899             | 37.2%      |
| Public   | 18,825             | 30.6%      |
| Private  | 4,074              | 6.6%       |

Recent literature<sup>168</sup> shows that the main challenges of the system of social care and child protection are: developing prevention methodologies and services; professionalizing the workforce; and developing adequate practice for deinstitutionalizing disabled children.<sup>169</sup>

<sup>163</sup> Idem, p. 9.

<sup>164</sup> Idem, p. 11.

<sup>165</sup> 'The challenge of reforming child protection in Eastern Europe: The cases of Hungary and Romania', Roxana Anghel, Maria Herczog, and Gabriela Dima, *Psychosocial Intervention* 22 (2013), p. 245.

<sup>166</sup> Brochure 'Child welfare in Romania, the story of a reform process', published by National Authority for the Protection of Child's Rights (NAPCR), September 2006, p. 13.

<sup>167</sup> Ministry for Labour, Family, Social Protection and the Elderly, [http://www.copii.ro/alte\\_categorii.html](http://www.copii.ro/alte_categorii.html)

<sup>168</sup> Stanculescu & Marin, 2012.

<sup>169</sup> 'The challenge of reforming child protection in Eastern Europe: The cases of Hungary and Romania', Roxana Anghel, Maria Herczog, and Gabriela Dima, *Psychosocial Intervention* 22 (2013), p. 247.

Overall, according to some experts,<sup>170</sup> the active presence of external actors conditioning political and economic access to support on large-scale changes has made it difficult for Romania to develop a vision of the change and capacity for initiative and action. The result is that the approach to child protection appears incoherent and without commitment to the interests of the child. Countries in transition need to learn the lessons of their transition.<sup>171</sup> In the case of the reform of the child protection system in transition countries, those lessons could refer to the importance of: political commitment, inter-sectoral coordination, long-term planning, sustainability, particularly through understanding the needs of the staff and investing in their professional capacity, and continuous evaluation of outcomes, barriers and enablers of the process.

## **Foster care for unaccompanied minors**

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Foster care is not available for unaccompanied minors.

### **3.3.14 SLOVAKIA**

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#### **General context**

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In 2010, 264 unaccompanied minors were taken into care of whom 53 were asylum seekers. In 2011 the number was 169 (72 asylum seekers) and in 2012 it was 151 (27 asylum seekers).

Relevant actors in Slovakia are the Headquarters of Labour, Social Affairs and Family concerning children's homes and the Office of Labour, Social Affairs and Family concerning measures of social protection and social guardianship.

According to the Law on Family Substitute Care, measures can be taken to replace parental custody of a minor in cases where the parents do not or cannot provide for the child. According to Law No. 305/2005 Coll. (social protection of children and social guardianship) and to amendments to certain other laws, measures of social protection of children and social guardianship are carried out for a child who is in the territory of the Slovak Republic. A (temporary) residence permit or tolerated stay can be provided to an unaccompanied minor.

#### **Reception of unaccompanied minors**

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Unaccompanied minors are accommodated in a children's home. Since 1 October 2013 the care for unaccompanied minors has been moved from the children's home in Horne Orechove (near Trencin) to the children's home in Medzilaborce, near the Slovak-Ukrainian border. All unaccompanied minors arriving in Slovakia should now be placed there. After they have been granted international protection they can stay there or be placed in any other children's home in Slovakia. The children's home in Medzilaborce is not exclusively for unaccompanied minors as Slovakian children are placed there as well (this is the key difference in comparison with the children's home in Horne Orechove, which was exclusively for separated children).<sup>172</sup>

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<sup>170</sup> The challenge of reforming child protection in Eastern Europe: The cases of Hungary and Romania', Roxana Anghel, Maria Herczog, and Gabriela Dima, *Psychosocial Intervention* 22 (2013), p. 247.

<sup>171</sup> Fulford, 2009.

<sup>172</sup> Scep Newsletter No. 40 – Fall 2013, p. 25.

## Foster care in general

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Kinship care or foster care is preferred to institutional care in Slovakia (§ 54 of the Family Code) and in principle unaccompanied minors and other children in Slovakia have the same conditions for alternative care.

## Foster care for unaccompanied minors

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Unaccompanied minors have the right to be placed in alternative care once their situation has become clear (where do they come from, do they have parents or family somewhere, why are they in Slovakia, do they want to return to their country of origin or ask for asylum in Slovakia?). However, in practice most of them disappear.

As of September 2014, there was one 2.5-year-old boy living in a professional foster family.

## 3.3.15 SPAIN

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### General context

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The majority of unaccompanied minors who enter Spain through illegal channels come from the African continent, specifically from the regions of the Maghreb and the Sahel. Their number grew throughout the first decade of this century but, perhaps due to the economic crisis or agreements between countries on border control, in the last five years (2008-2013) there has been a significant decrease in the number of these young people arriving.<sup>173</sup>

### Reception of unaccompanied minors

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There is a network of residences for receiving unaccompanied foreign minors and attending to their basic needs. These fall under the remit of the Autonomous Communities and Cities. By virtue of the Spanish Constitution and the different Statutes of the Autonomies, the Autonomous Community or City where the minor resides, through the Child Protection Services, is the competent authority to declare abandonment, assume guardianship and exercise any measures necessary for the child's protection.<sup>174</sup>

Several types of reception centres are available, depending on the number of minors accommodated within each autonomous community. If the number of minors is low, they are looked after in a single medium-sized reception centre. If the number of unaccompanied foreign minors is high, the residential reception is generally provided by several centres that differ in terms of the objectives of the intervention carried out with the minors: initial reception centres, medium-term residential centres and long-term residential centres. If the number of unaccompanied foreign minors grows, the model of a single centre is transformed into a model with multiple centres, each with different intervention phases. These centres exclusively accommodate unaccompanied minors. They are managed by NGOs within the framework of agreements signed with the authorities, with a multi-disciplinary and multi-cultural educational team.<sup>175</sup>

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<sup>173</sup> Child protection in Italy and Spain: Influence of the family-supported society, Jorge F. del Valle, Cinzia Canali, Amaia Bravo, and Tiziano Vecchiato, *Psychosocial Intervention* 22 (2013), p. 231.

<sup>174</sup> European Migration Network, National report on Policies on Reception, Return and Integration Arrangements for Unaccompanied Foreign Minors, June 2009, p. 37.

<sup>175</sup> *Idem*.

Unaccompanied foreign minors have had a significant – if not the most significant – impact on residential care in Spain. Young people who have arrived in Spain illegally, largely from North Africa, account for 50% or more of the minors in residential care in some Spanish autonomous communities.<sup>176</sup>

Though concrete data is unavailable, estimates of the costs of the assistance offered to these minors by the Autonomous Communities and Cities can be calculated by multiplying the average annual cost of a placement in a reception centre by the estimated number of places for the minors. According to these calculations, it was estimated in 2009 that the cost of the assistance received by these minors in Spain amounts to 175 million euros annually (€80 x 365 days x 6,000 places). The Special Programme for the transfer and care of unaccompanied foreign minors from the Canary Islands Region was used as a reference, which sets the costs resulting from the care per minor per day at €80).<sup>177</sup>

## Foster care in general

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There has been a strong tradition of using residential care in the form of large institutions, mostly run by Catholic organizations, and Spain has had to face the challenge of changing the tendency of this institutional care into family-based care.

The transition to a new management model and child protection legislation (in which responsibilities were transferred from the state to the autonomous communities) occurred in Spain in the 1980s, after the Spanish civil war and the dictatorship which was in place before 1978. The exceptional political and social situation makes it understandable that it would take until 1987, which was the first large-scale legislative reform of child protection, for family foster care measures to be regulated in Spain. The Foster Care and Adoption Law (1987) facilitated foster care and adoption and also established new responsibilities and a new model of child care.

Foster care was introduced as the most desirable method of out-of-home placement, consistent with child protection practices in other developed countries. Therefore, it was almost as late as the 1990s before it was put into practice. This lag in child protection practice still has consequences, since it remains difficult to establish family foster care as a widespread cultural practice. There are still very few Spanish families who take part in these kinds of programmes and there are vast differences between the Spanish autonomous communities.

Strong family ties have also caused, among other things, some aversion and slowness in consolidating foster family care as an alternative to out-of-home-care, leading to the prevalence of high rates of the use of residential care or the adoption of alternatives within the extended family (kinship care).

Spain has 17 autonomous communities, which drafted their own social services legislation between 1982 and 1991 with support from central government, regarding both financial and technical aspects, to create some degree of harmony across the different communities. Given that there are two levels of administrative organization (municipalities and autonomous communities) in Spain, there are two separate levels of social services – the municipal and regional levels (autonomous communities) – that have complementary roles in terms of social services. In the field of child protection, the main responsibilities of municipalities lie in the areas of prevention, early detection and family intervention. On the other hand, regional social services are responsible for child protection files, legal decisions and specific programmes such as residential child care, family foster care and adoption.

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<sup>176</sup> Child protection in Italy and Spain: Influence of the family-supported society, Jorge F. del Valle, Cinzia Canali, Amaia Bravo, and Tiziano Vecchiato, *Psychosocial Intervention* 22 (2013), p. 231.

<sup>177</sup> European Migration Network, National report on Policies on Reception, Return and Integration Arrangements for Unaccompanied Foreign Minors, June 2009, p. 54.

The constitutional Child Protection Law from 1996 provides the main legislative framework for child protection, enhancing all aspects of children’s rights and treating children as citizens. It also

established different types of foster care and introduced an important concept into child care practice: the consideration of the interests of the child as paramount in all decisions made with regard to his/her welfare. In addition to the above, each autonomous community has developed its own social services laws and its own child protection laws.

As of 2013, the Spanish parliament was drafting a reform of this law to update it and to adapt it to current needs. The reform will address dealing with unaccompanied asylum seekers, therapeutic residential care, professional foster care and streamlining adoption measures and protection in general.

Looking at the data from 2011 (the most recent published data) in Spain, 35,505 children were in out-of-home care; that represents a ratio of 45.7 per 10,000 minors in the population. Of those, 60.4% were in foster care and the remaining 39.6% in residential care. Comparing this data with ten years earlier, a slight decrease in residential care can be seen (in 2000 it was 44%), although the data is generally quite similar:

| Out-of-home care in Spain:                     | 2000   | 2011   |
|--|--------|--------|
| Residential care                               | 15,207 | 14,059 |
| Foster care                                    | 19,426 | 21,446 |
| Total out-of-home care                         | 34,633 | 35,505 |
| Number in out-of-home care per 10,000 children | 49.9   | 45.7   |
| Foster care (kinship and non-kinship care):    |        |        |
| Kinship care                                   | 80%    | 75%    |
| Non-kinship care                               | 20%    | 25%    |

The data seems to indicate a slight predominance of family over residential programmes. Nonetheless, it is important to bear in mind that foster care includes both kinship care and non-kinship care. The national statistics do not give complete data about the proportion of those types of care (as not all of the autonomous communities make it possible) and, for that reason, that data is not presented in the table. This alarming lack of precision in the data continues to be a significant problem in national statistics. A study carried out some years ago showed for the first time that the large majority of cases (80%) are kinship care<sup>178</sup> and, taking the national statistics from 2011 from those communities which do provide this differentiation, the percentage is still 75% today.

The fact that many cases of kinship care are situations in which informal kinship care was already present rather than cases of mistreatment or negligence – which feature heavily in the rest of the residential care or non-kinship foster care measures – introduces a significant bias in the out-of-home care statistics in Spain. If one were to consider the ratio of residential care and non-kinship care only, the proportion would be approximately 73% residential care.

Consequently, despite what the data in the table above seems to indicate, one of the major challenges for child protection in Spain is to increase foster care (with people from outside the family) compared to residential care, the use of which remains very common.<sup>179</sup>

<sup>178</sup> Del Valle & Bravo, 2003.

<sup>179</sup> All information on foster care gained from ‘Child protection in Italy and Spain: Influence of the family-supported society’, Jorge F. del Valle, Cinzia Canali, Amaia Bravo, and Tiziano Vecchiato, *Psychosocial Intervention* 22 (2013), p. 227-229.

## Foster care for unaccompanied minors

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It has been mentioned that unaccompanied minors sometimes live in foster families, such as in the south of Spain, for instance, where Moroccan unaccompanied minors live with Moroccan foster families. However, detailed information on this practice has not been found within the scope of this research.

### 3.3.16 SWITZERLAND (NO MEMBER STATE BUT INTERESTING PRACTICE)

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#### General context

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In 2009, 427 unaccompanied minors entered Switzerland. In 2010 there were 235, in 2011 there were 327 and in 2012 there were 485. In 2013, 87.4% of the 346 unaccompanied minors entering Switzerland were 15-18 years old. Most of them were male and came from Eritrea, Syria, Afghanistan, Guinea-Conakry and Somalia.<sup>180</sup>

#### Reception of unaccompanied minors

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Upon arrival in Switzerland, unaccompanied minors are accommodated in one of the country's 5 registration and procedure centres, where they file their asylum request and receive their first hearing on asylum grounds. After the asylum application has been filed, they are transferred to one of the 26 cantons in Switzerland.

The reception facilities in the cantons depend on the infrastructures in place for asylum seekers in each canton. Reception facilities also depend on the minor's age and degree of vulnerability. Minors may receive institutional care in asylum-seekers centres (together with adults), in specific housing for unaccompanied minors aged over 12 or 14 (which 5 cantons provide) or in apartments (also for young people turning 18). Those with special medical, psychological or social needs (educational support) are mostly accommodated in institutions for adolescents. Kinship care is available for some unaccompanied minors who have relatives in Switzerland (evaluation and follow-up of the families is done) and foster care is available for some unaccompanied minors under 12 or 14, depending on the canton.

The Federal Office for Migration (FOM) finances the reception of asylum seekers in Switzerland. Organizations which receive subsidies from FOM for the support of asylum seekers are the Swiss Refugee Council and the Red Cross. Some cantons also allocate additional funding for the care of minors.

The Swiss Foundation of the International Social Service (ISS) is working on harmonizing practices between the cantons by promoting exchange of experiences and developing tools for the reception, care and follow-up of unaccompanied minors living in Switzerland.

#### Foster care in general

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Around 15,000 children live in foster care in Switzerland. These placements are regulated by an *Ordonnance sur le placement d'enfants* ('Federal Ordinance', OPE).

There is one service in charge of recruitment and follow-up of foster families in each canton. Placements for more than 3 months are subject to authorization by this department. Foster care is generally financed by the cantons and the municipalities. Some cantons have associations of foster families.

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<sup>180</sup> Source: Federal Office for Migration.

The steps that have to be taken are:

1. Information sessions to clarify the role and requirements of foster families
2. Inscription of the family
3. Evaluation of reception conditions of the family by a social assistant
4. Delivery of authorization
5. Follow-up: supervision, advice and support by the service
6. Guardianship for the child.

### **Foster care for unaccompanied minors**

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As stated above, kinship care and foster care may be available for some unaccompanied minors, depending on the canton and on whether they have relatives living in Switzerland. Regarding kinship care, all the actors in the field agree that the families have to be professionally evaluated, prepared and monitored in order to guarantee the minor's safety, welfare and development and to avoid the risks of abuse or exploitation.

Two good examples of foster care for unaccompanied minors are the village of Vallorbe and the Association Tipiti. In Vallorbe, the village where one of the 5 Swiss registration and procedure centres is situated, a network of foster families hosting the younger children (under 14) has been set up. Association Tipiti, situated in the German-speaking part of Switzerland, receives mandates to place young unaccompanied minors into foster families and has experience with intercultural placement. The organization works with a system of preparation, support and monitoring of 40 children in 28 families.

Although these are examples of good practices in fostering unaccompanied minors in Switzerland, developing those practices throughout the Swiss cantons is still a challenge. Recruitment, preparation and support of foster families and follow-up of both unaccompanied minors and families can also be improved. Finally, Switzerland does not have accurate statistics on foster children, foster families and organizations for family placement at the national level.

# 4. ANALYSIS AND CONCLUSIONS

## 4.1 ANALYSIS

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### Findings from visits

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In the Netherlands, Sweden, the UK (the countries of the three project partners) and the 10 countries visited, foster care is recognized as a good option for care provided to unaccompanied minors.

**Hungary, Poland and Slovenia**, however, do not have foster care in place for unaccompanied minors. In **Austria, Belgium, France, Germany and Italy**, practice differs a lot from one region/federated state to another, as they all have their own legislation on youth care and basic welfare for asylum-seekers. **Ireland, Norway, Sweden** and the **UK** do have a system in place, although not all children in need of foster care benefit from it. Norway also has good practices in Oslo, although they have not yet spread to other regions. Finally, **the Netherlands** has a special system for delivering foster care to unaccompanied minors that is accessible to all of them as there is no waiting list.

Apart from in the Netherlands, using foster carers from different cultural backgrounds is not the norm, although some of the countries do use both cultural and indigenous families. The same holds true for the use of kinship care within the care system: one of the challenges in most countries is that children who go into kinship care go to live with the family directly and therefore do not enter the child care system. In principle, kinship placements are positive if monitored and supported, but informal kinship placements have risks and should therefore be formalized.

All countries that have foster care in place for unaccompanied minors reported a need to develop special tools and training for working with and caring for this group of children.

### Findings from desk research

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It was reported that foster care is available in some parts of **Portugal** and **Spain**. Information on the exact whereabouts of that care and who is providing it, however, has not been obtained. In the south of Spain, some unaccompanied minors from Morocco live with Moroccan foster families.

Some regions in **Switzerland** also provide foster care to unaccompanied minors. Good examples of foster care for unaccompanied minors are in the village of Vallorbe and Association Tipiti. In Vallorbe, the village where one of the 5 Swiss registration and procedure centres is situated, a network has been set up of foster families hosting younger children (under 14 years of age). Association Tipiti, situated in the German-speaking part of Switzerland, receives mandates to place younger unaccompanied minors into foster families and has experience with intercultural placement. The organization works with a system of preparation, support and monitoring of 40 children in 28 families. Kinship care is also possible for unaccompa-

nied minors with family members in Switzerland; all the actors in the field agree that those families have to be professionally evaluated, prepared and monitored in order to guarantee the minor's safety, welfare and development and to avoid the risks of abuse or exploitation.

Nordic countries like **Denmark** and **Finland** do not provide foster families but use the alternative of living in kinship care with family members, including screening and monitoring. A good practice in Finland is the fact that the Ministry of Employment and the Economy reported that it is time to start discussing the right of unaccompanied minors to live in a foster family. The Ministry suggests that municipalities should make an agreement with those families in the same way as they do with foster families who take care of Finnish children in their custody. In this way, families taking care of unaccompanied minors will receive education, support and financial compensation because of their work. A child's ethnic, religious, cultural and linguistic background should also be taken into account, which means that families from different backgrounds will be needed. This plan is still being worked on.

Occasionally, unaccompanied minors in **Luxembourg** will live with family members.

However, foster care for unaccompanied minors does not exist in most Member States that were investigated by desk research and in some of them there is very little current discussion of accommodation or placements for unaccompanied minors. This is the case in **Bulgaria**, **Malta** and **Romania**, for instance.

In **Cyprus**, **Croatia**, **Czech Republic**, **Greece**, **Latvia**, **Lithuania** and **Slovakia**, all children – including unaccompanied minors – should have the right to move to a foster family according to the law, but in practice this does not happen with foreign children. There is no foster care system available for them in these countries. In some of these countries various NGOs are trying to change this, such as the Organization for Aid to Refugees (OPU) in the Czech Republic. The fact that the country has had low numbers of minors entering in the last few years, causing a surplus of spaces in facilities for foreign children, is said to be increasing pressure on the system to not place them in foster care (although one could also consider such low numbers to be the ideal situation for development of a foster care system).

In **Estonia**, amendments to the Social Welfare Act that entered into force in April 2013 provide the same types of reception for unaccompanied minors as for other children, with a preference for foster families and substitute homes. A good practice is the fact that SOS Children's Villages has been providing alternative care for unaccompanied minors since the end of 2013 and has a contract for several years, one of the conditions being that either a foster family or a family-like substitute home will be provided.

## 4.2 GENERAL CONCLUSIONS

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### 1. Foster care for unaccompanied minors is not common practice

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Although it is broadly recognized that the best outcome for most unaccompanied and separated children is to be in a family-like environment, living in a foster family is not yet common practice for unaccompanied minors in the Member States.

Youth care and migration legislation are not aligned, with the result that only four Member States and Norway have a structured system characterized by the involvement of a mandated or state-certified public, private or voluntary body (at a national, regional or local level) in the placement of a minor within a family. In theory, such a system is a regulated and/or consistently applied framework within a specified geographic or administrative area where the family is at least responsible for the day-to-day care of an unaccompanied minor in their home and is paid a salary and/or remunerated for expenses, rendering them accountable. In practice, the Netherlands is the only Member State that has a framework like this which is accessible to all unaccompanied minors (nationally applied and laid down in

policy by the Ministry of Security and Justice). Sweden, Norway, Ireland and the UK have frameworks that function inside the general youth care system but do not always allow for kinship/network family placements particularly well and are more ‘fragmented’ in practice from one municipality to the other.

Most Member States that offer foster care to unaccompanied minors, however, have fragmented practices whereby public, private or voluntary bodies (as well as concerned citizens) are involved in the placement of a minor within a family. In practice, this differs nationally, regionally or locally between communities. It is usually led by the people of a district, especially in the context of social values and responsibilities, as opposed to the application of a shared, state-led framework where it is arguably more likely that innovative practice is allowed to flourish (albeit difficult to measure).

## **2. Practical reasons are mostly to blame**

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There are hardly any ideological or budgetary objections to reception in families. Although respondents generally considered reception in families to be less costly than institutional reception, it is difficult to arrive at a comparable cost per placement as a result of the diversity of systems (local/national, services offered, types of organizations responsible, mixed budgets with regular youth care). It is therefore not possible to present a sound estimate for providing reception in families per country.

The Dutch situation, where Nidos is responsible for reception in families on a national level, is the only one that provides a clear overview of the costs involved. These figures prove that reception in families is cheaper than other forms of reception available in the Netherlands, which are 3.5 to 6.5 times more expensive.<sup>181</sup>

The Municipality of Venice in Italy also has the experience that reception in families is cheaper than other forms of reception. It decided to invest in foster care when it was no longer able to sustain accommodation expenses in 2007-2008 due to rising numbers of minors arriving.

The main reason that only a limited number of unaccompanied minors live in families is that there is insufficient knowledge of how to increase the provision of foster care for this group of children, e.g. how to recruit suitable and willing families. In addition, good practices often remain limited to the local level – although one municipality or region may have developed good practices, these are not shared with and replicated in others. Finally, financial and organizational structures often do not explicitly support development.

## **3. If it is available, foster care is organized either within the general youth care system or outside of it, and using different approaches**

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This is influenced by political reasons or by whether the country is a transit or a destination country. It can also be the result of the way countries offer services to meet the needs of children:

- in some countries, care arrangements used for unaccompanied children are embedded in the care system for indigenous children and the same standards apply, whereas other countries apply a different system with separate standards for unaccompanied children.
- some countries address the cultural needs of the children and therefore use families from different cultural backgrounds, whilst others only use indigenous families.
- in some countries, kinship care for unaccompanied minors is part of the care system, whereas in others it is not.

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<sup>181</sup> Based upon annual accounts 2013 from Nidos and COA (the Dutch organization responsible for reception of asylum seekers). The range of 3.5 to 6.5 depends on the type of reception used for the calculation.

#### **4. No tailor-made model can be applied**

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As the group of unaccompanied minors differs enormously from state to state, in terms of both number and characteristics, a one-size-fits-all foster care system applicable in all Member States will not work. Countries in northwestern Europe are mostly destination countries (numbers are high and most minors ask for asylum). In Scandinavia about 80% receive a permanent residence permit and around 40% have family members in Sweden. Central and eastern European countries are mostly transit countries (numbers are low and most minors do not use the asylum system) and southern European countries such as Italy and Spain are used both as destination countries (as a minor can find work there relatively easily) and transit countries (numbers are high and the majority of the minors do not use the asylum system). Child protection systems in EU Member States also differ. Whereas the countries in northwestern Europe generally have a well-developed foster care system in place, both central and eastern European countries and southern European countries (Spain and Italy for instance) are facing the challenge of changing the tendency towards institutional care to a family-based care approach.

However, the common set of principles laid down in the UN Convention on the Rights of the Child (CRC) aligned with Member State child welfare, protection and fostering systems indicate that a communality of services is possible.

#### **5. Work at case level is similar, creating an interest in and potential added value for more cooperation, knowledge exchange and training**

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European providers of reception and care from different countries have much to learn from each other. Providing reception in families for unaccompanied minors has many similarities – the content of the work in practice differs only slightly between Member States, whereas the work differs significantly from delivering the same services to other target groups. Coordinated development of tools and training for how to recruit and screen suitable and willing families, how to make the right matches and how to support both the families and the children during the placements would be beneficial. This also holds true for training the families on how to take care of this specific group of children living ‘between’ cultures and helping them to cope with loss and other traumas in order to ameliorate the care provided and to reduce placement breakdowns.

# 5. GOING FORWARD: NEXT STEPS FOR CHANGE

Following the analysis and conclusions from chapter 4, the key is to set up a system that fits with the specific Member State.

Reception and living in families (RLF) is a way of accommodating unaccompanied minors that links to both the system of asylum reception and the youth care system. Taking into account the existing situation in a Member State in both areas and the characteristics of the group of unaccompanied minors present, a solution for setting up a suitable system can either be to move the youth care system towards a specialization in RLF or to enlarge the existing asylum reception system with RLF.

In order to develop such a system it is advisable to look at all levels of responsibility, in particular at national government level. It is recommended to copy successful existing practices or to promote preferred models and develop a practice document. As the costs are scattered amongst the various actors in most Member States, it is also advisable to create a budget for a national approach.

## 5.1 NEXT STEPS FOR COUNTRIES THAT ALREADY HAVE FOSTER CARE IN PLACE

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This report gives an overview of current practices. During the research period, experts working in organizations who are experienced in providing foster care to unaccompanied minors were identified and were able to come together and discuss shared values for improvement. This resulted in an overview of improvements that would be helpful in further developing daily practices in the individual countries. These are listed below.

### **Austria**

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Foster care for unaccompanied minors is recognized as a good option for care by stakeholders in Austria. However, it is only provided in one federated state in Austria. Development of a nationwide common approach would be a step forward. The experience with foster care for unaccompanied minors in the city of Graz in the federated state of Styria could be shared throughout the country. Kija (the ombudsman for children) in Salzburg is searching for opportunities to start a pilot on accommodating unaccompanied minors in foster families. Given the scale of reception for this group of children in Austria, pilots in one or two key regions could be a first step towards a national approach.

### **Belgium**

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The initiative for giving foster care an integral place in the national approach for unaccompanied minors lies with the federal government as the responsible actor. The registration counter established in 2014 provided by Minor Ndako (a reception organization for unaccompanied minors) could support the development of foster care arrangements as it will have an overview of the total population of unaccompanied minors and their needs, also regarding foster care.

Recruitment of foster families is an issue that can be addressed as capacity is currently limited. It is difficult to find indigenous families who are willing to take care of unaccompanied minors in Belgium (one of the reasons being the public opinion on youth care in general). Perhaps a focus could be on building up a pool of families from different cultural backgrounds. One barrier could be the fact that authorities fear a lack of integration in Belgian society when unaccompanied minors are accommodated with families from a non-Belgian background. However, one possible incentive is the fact that authorities are interested in this form of reception as it has proven to be less expensive than other forms. The youth welfare system is capable of incorporating kinship and network care placements and recognizing them as official foster carers. The agency for youth welfare is well-placed to be involved in order to investigate the situation and take appropriate measures (which is not the case at the moment). The lack of foster families' experience with unaccompanied minors could be improved through training.

## France

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Children who have family members in France probably do not disclose that fact because it might result in them being removed from the care system. To prevent this, the kinship care arrangements currently used for indigenous children should be extended with the necessary safeguards to cater for unaccompanied children, without prejudice to their asylum claims. As it has proven to be difficult to recruit foster families for this group of children, this could need extra attention. As most providers of foster care only work with indigenous families, possibilities to use families from different cultural background could also be considered. As there are as yet no foster families who are specialized in coping with unaccompanied minors, training for foster families seems to be a crucial point. The 2-day training that will be organized in the *département* of Pas-de-Calais in June 2015 can be a first step forward in terms of an example for other regions, since it will address challenges for foster families, such as differences in language, food and religion between them and the minors they care for.

## Germany

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As foster care for unaccompanied minors is the exception rather than the rule within the majority of the 16 federated states, the first steps forward could be national guidelines for the use of foster care for unaccompanied minors or a nationwide common approach. As the Bundesfachverband UMF is aware of the situation and agrees on the fact that, if it is realized properly through sufficient resources and facilities, foster care can be a very good opportunity and a means of support for unaccompanied children, this organization is in a strong position to develop or support initiatives in practice. Practices in the city of Bremen and the federated states of Lower Saxony and Bavaria can be used as examples. The framework developed in Bremen relating to some important subjects (regulation of the requirements for accommodation and foster families and of the support provided to them) could be extended throughout the country. The same holds true for the 'small A-Z for foster parents' that has been developed about unaccompanied minors and provides families with important and relevant information. As there is a lack of available suitable families, recruitment is an issue that would need to be addressed if such practices are to be applied on a larger scale. As most of the existing families have an indigenous background and the objective is to build up a pool of families from different cultural backgrounds, a special focus could be to recruit families from other communities. It could be worthwhile to consider giving unaccompanied minors living in kinship care a permanent place within the child care system. In this way, the minors will be better supervised and protected, and incidents are more likely to be prevented.

## Ireland

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As children are not currently placed in care with family members, development of this practice could be considered. Making these placements part of the child care system, including screening, support and provisions, is recommended in order to be able to offer supervision and protection and to prevent incidents. Expansion of existing foster care provisions utilizing the extensive knowledge and expertise from within the private and state fostering services – for instance on trauma and religion – could also be considered. It would also be useful to provide further training to child care professionals working with unaccompanied minors nationwide, since up until 2010 all care for unaccompanied minors was provided in Dublin. A 2-day training course specifically about unaccompanied minors developed by TSCA in Dublin was implemented for a short period only due to limited funding.

## Italy

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One step forward would be to recognize the need for the development and implementation of a national programme for the protection of unaccompanied minors, as ANCI promoted by the Ministry of Labour and Social Policies in the past. It was intended that the second stage of this programme would raise awareness regarding the use of family fostering as a valuable form of reception and integration for unaccompanied minors, linking the project to the cities with good practices in this field such as Venice. However, the second stage was never implemented due to a lack of funding. The budgetary challenges would first have to be met in order to put the second stage in place. Just like in France, Italy also has the experience that children who have family members in the country tend to deny it out of fear of being removed from the care system. Extending the kinship care arrangements currently used for indigenous children with the necessary safeguards to cater for unaccompanied children, without prejudice to their asylum claims – as is being done in Venice – would also be a solution for children in other regions. In order to ameliorate data collection and facilitate communication and interaction between involved institutions, an online information system could be developed in order to be able to trace the reception pathway of the children in the future. A national guardianship system for unaccompanied minors would also be of help. Finally, it would be useful to develop national information campaigns promoting foster care specifically for unaccompanied minors. Although the use of foster care is common practice for unaccompanied minors in Venice, recruitment of families remains an important and largely underdeveloped issue. As most minors stay in kinship care or with families within their network, recruitment can be increased of non-related families and, for instance, ex-unaccompanied minors who are willing to become foster carers.

## The Netherlands

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There is a long tradition of providing foster care to unaccompanied minors in the Netherlands. In contrast with the situation in all other Member States that provide reception and living in families, there is no lack of foster families for unaccompanied minors in the Netherlands. Nidos does not use families from the general youth care system but instead recruits families itself and has created its own pool of foster families. This consists of mainly ethnic families as Nidos has the experience that living with families from the same cultural background works best for the children (compared to living with Dutch families). Supporting this experience with research would be very helpful. Daily practices would also be helped by the development of methods and tools to support foster families parenting unaccompanied minors, helping them to understand their specific needs and to raise the children ‘between’ cultures.

## Norway

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The group foster homes with carers with a cultural background that are available for unaccompanied minors in Oslo can be considered as a good practice that is worth copying in other regions in Norway, as well as in other countries. Follow-up not only of the effects of the group foster homes, but also of ordinary foster care and kinship care can be helpful, as can increased research into unaccompanied minors in general. As there is a lack of foster families overall, and therefore also for unaccompanied minors, targeted recruitment within the regular youth care system of foster families (both cultural and indigenous) who are willing and well suited to take in special target groups can be improved. Further development of screening and follow-up of the families is also recommended.

## Switzerland

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Although Switzerland demonstrates some good practices in fostering unaccompanied minors, such as in the village of Vallorbe and Association Tipiti, for example, extending those practices to the Swiss cantons remains a challenge. Recruitment, preparation and support of foster families and follow-up of both unaccompanied minors and families can also be improved. Finally, Switzerland does not have accurate statistics on foster children, foster families and organizations for family placement at the national level. The development of accurate statistics would enable analysis that could lead to more uniformity.

## Sweden

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Providing the right accommodation to unaccompanied minors is not enough; there is also a need to develop different living arrangements based on the unaccompanied minor’s needs. A good example of this is the group family homes in Oslo in Norway. As there is a lack of foster families, a national information

campaign for foster care may help to satisfy the considerable demand, especially for ethnic families from similar cultural backgrounds. Learning from the Netherlands on how to recruit and support these families can help. It might also be worthwhile to try other ways of recruitment, for example through NGOs, media or Facebook, and to share experiences between municipalities.

## UK

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As there is a shortage of family placements in the UK, recruitment of foster families is an important issue, especially regarding foster carers from different cultural backgrounds since this is not the norm. In terms of unaccompanied minors arriving in the UK, the focus should be on investigating whether they have family members who are already resident. Children who go into kinship care could enter the child care system before they go to live with the family and remain under supervision for some time after the placement. Such private placements with kinship and network families could be recognized as formal foster care placements, just as is the case with indigenous children, thus enabling the host families to receive remuneration or subsistence for the child. Foster carers could receive ongoing training, especially relating to culture and immigration. In order to monitor the effectiveness of campaigns and changes to any guidelines or policies, it would be helpful to establish benchmarks through the collation of data on the number of unaccompanied children in various forms of foster care (or other placement types). It is also recommended to build upon the existing knowledge base that highlights the positive impact of foster placements and the important roles of cultural and network families, and to use this to best effect in order to initiate change.

## 5.2 NEXT STEPS FOR THE OTHER COUNTRIES

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Those countries who do not yet provide foster care to unaccompanied minors are advised to consider the following general recommendations:

- create a system of foster care for unaccompanied minors
- support the system
- monitor the system
- organize participation of foster families and minors alike
- stimulate research on the effects of the system
- stimulate improvement of the system
- develop tools and training for foster carers and the professionals working with them (the development of tools and training at European level is a logical development as the work is largely the same in each country and economies of scale can be applicable)

Taking into account the outcomes of the visits to Hungary, Poland and Slovenia, the recommendations below might be helpful in developing foster care for unaccompanied minors in the reception systems in those countries:

### Hungary

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The Guardianship Office of the 5th district of Budapest could take the initiative to create a system of foster care for unaccompanied minors. To do so, it could try to involve the refugee communities and recruit families from them who are willing to take care of their former compatriot children. It may also help to focus on families who are capable of fostering specific ages matching the inflow, for example youngsters aged 16/17. It is recommended to support and monitor the system created, organize participation of foster families and minors alike, and stimulate research and improvement.

## Poland

In order to be able to provide the care the unaccompanied minors need, it might be of help to develop several special centres with trained staff (for instance family homes like in Oslo, Norway) and to also make foster care accessible. Recruiting foster families for unaccompanied minors on a small scale and doing follow up on these families to see the effects in terms of care and stability might be a good starting point.

## Slovenia

As Slovenia does not have many unaccompanied minors arriving, and most of the ones arriving are teenagers, developing small-scale accommodation (20 children) for unaccompanied minors would be a good start to providing the care needed. Furthermore, since Slovenia has a long tradition of foster care, recruitment and training of some foster families who are willing to take care of (younger) unaccompanied minors might be relatively easy and will prepare the country in case numbers increase in the future, younger children start to arrive or Slovenia becomes a destination country. A monitor and support system for reception of unaccompanied minors will also be of help, as will establishment of professional guardianship.

## 5.3 OVERVIEW OF AVAILABILITY OF FOSTER CARE FOR UNACCOMPANIED MINORS IN EUROPEAN COUNTRIES

|  | Netherlands                          | Sweden | UK  | Ireland | Norway | Germany | France | Italy | Belgium | Austria | Switzerland | Finland | Denmark | Luxembourg | Spain | Portugal |
|--|--------------------------------------|--------|-----|---------|--------|---------|--------|-------|---------|---------|-------------|---------|---------|------------|-------|----------|
| Structural system  | Yes                                  | Yes    | Yes | Yes     | Yes    | No      | No     | No    | No      | No      | No          | No      | No      | No         | No    | No       |
| Fragmented practices   | No                                   | No     | No  | No      | No     | Yes     | Yes    | Yes   | Yes     | Yes     | Yes         | Yes     | Yes     | Yes        | Yes   | Yes      |
| Use of regular foster care system                            | No                                   | Yes    | Yes | Yes     | Yes    | Yes     | Yes    | Yes   | Yes     | Yes     | Yes         | No      | No      | No         | ?     | ?        |
| Separate system for unaccompanied minors                     | Yes, special system/<br>pool for UAM | No     | No  | No      | No     | No      | No     | No    | No      | No      | No          | No      | No      | No         | No    | No       |
| Use of indigenous foster families                            | Yes, a few                           | Yes    | Yes | Yes     | Yes    | Yes     | Yes    | Yes   | Yes     | Yes     | Yes         | No      | No      | No         | ?     | ?        |
| Use of families from the same cultural background            | Yes, mainly                          | Yes    | Yes | Yes     | Yes    | Yes     | No     | Yes   | Yes     | No      | Yes         | Yes     | Yes     | Yes        | Yes   | ?        |
| Use of traditional foster care (families not known to child) | Yes                                  | Yes    | Yes | Yes     | Yes    | Yes     | Yes    | Yes   | Yes     | Yes     | Yes         | No      | No      | No         | ?     | ?        |
| Use of kinship care (family members and network)             | Yes                                  | Yes    | Yes | No      | Yes    | Yes     | Yes    | Yes   | Yes     | Yes     | Yes         | Yes     | Yes     | Yes        | ?     | ?        |



**NIDCS**  
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of Local Authorities  
and Regions

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