

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

Common Template for EMN Focussed Study 2017

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Subject: Common Template for the EMN Focussed Study 2017 on "*(Member) States' Approaches to Unaccompanied Minors Following Status Determination*"

Action: EMN NCPs are invited to submit their National Contributions to the Study to the EMN Service Provider by 31st January 2018. If needed, further clarifications can be provided by contacting the EMN Service Provider (ICF) at emn@icf.com.

1 BACKGROUND AND RATIONALE FOR THE STUDY

The number of applications for international protection has significantly increased in the European Union over recent years, mostly related to the ongoing crisis in Syria. According to Eurostat, more than 1.3 million asylum applications were lodged in the EU Member States in 2015, and just under 1.3 million again in 2016, almost five times as many as in 2010. Within the larger group of international protection applicants, the number of unaccompanied minors has increased strongly as well, from about 10,600 in 2010 to over 96,000 in 2015, before decreasing to 63,000 in 2016. According to earlier EMN outputs, while most unaccompanied minors are considered to apply for asylum, a certain number of unaccompanied minors remain outside the asylum procedure.

The overall dramatic increase in people seeking international protection and the arrival of unaccompanied minors in particular resulted in substantial challenges for Member States, including as regards **integration** and **return** policies. Applicants granted international protection and/ or another status need to be integrated into their new host societies, and those who are rejected need to return, preferably on a voluntary basis. Finding the right ways to deal with unaccompanied minors in this regard can appear particularly challenging, not least because unaccompanied minors have child-specific rights and enjoy special safeguards under international, EU and national laws.

A number of studies have been carried out in recent years on integration and return policies and practices, not least by the EMN (see "Relevant sources and literature" below). The EMN has also examined policies towards unaccompanied minors in particular. For example, the (voluntary) return of unaccompanied minors was touched upon in a 2014 EMN study on *Policies, practices and data on unaccompanied minors*. In 2008-2009, a comprehensive EMN study on *Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors* dealt explicitly with the integration of unaccompanied minors, among other aspects. Some of the information included in these studies is somewhat outdated today, however. In addition, the 2016 EMN Annual Report on Migration and Asylum indicated that few Member States actively engaged in the return of unaccompanied minors. Overall, this suggests that an updated inventory of the experiences made in the Member States, and of the challenges at hand and any best practices, would be of importance for future policy-making – both with regard to integration and return measures for unaccompanied minors.

2 STUDY AIMS AND OBJECTIVES

The overall aim of the Study is to inform the EMN's target audiences (e.g. practitioners, policy officers and decision-makers at both EU and national level including academic researchers and the general public) on **Member States' approaches to unaccompanied minors following a final decision on their asylum/ other status application**. Thus, the Study will not examine the specific status determination procedure for unaccompanied minors but rather what happens with unaccompanied minors **after its completion**, which, in principle, either consists of the protection status and hence a right to **residence** being granted, followed by integration into the new host society, or the (asylum) application being rejected, followed by the unaccompanied minors being obligated to **return**. In relation to the latter, the Study will also cover instances when an unaccompanied minor is ordered to leave the territory but the **return decision is not or cannot be enforced**. Statuses such as temporary and tolerated stay, those available to child victims of trafficking, as well as the situation of unaccompanied minors who disappear following a decision on status shall be included as well.

More specifically, the Study aims to:

★ With regard to **return**:

- > Examine Member States' approaches to **unaccompanied minors whose applications for asylum have been rejected and who are or cannot be (immediately) returned** or have disappeared following a decision on their application;
- > Describe the **legal and organisational set-up** in Member States with regard to the **(voluntary) return** of an unaccompanied minor, including information on the stakeholders involved, what their roles are, and what measures the Member States take when unaccompanied minors are issued an enforceable return decision, to encourage voluntary return;
- > Provide an overview of **challenges to return** and the measures taken to deal with such challenges, identifying good practices, including information and results of any AVR(R) programmes carried out for unaccompanied minors;

★ With regard to **integration**:

- > Examine integration approaches in the (Member) States regarding unaccompanied minors after positive decisions on admission or asylum/ other relevant procedures in key areas such as **housing, education and support in labour market entry**, including rights and entitlements awarded to unaccompanied minors (for example family reunification) and whether these are specifically geared towards unaccompanied minors. The Study shall also clarify in what way integration arrangements for unaccompanied minors are different than those for adults;
- > Describe the **organisational set-up** in Member States with regard to the **integration** of unaccompanied minors, including information on which stakeholders are involved and what their roles are;
- > Provide an overview of the **challenges to integration** and the actions taken to deal with such challenges, identifying good practices.

As many unaccompanied minors arriving in the EU are close to **passing the age threshold to adulthood**, the Study shall also examine whether there are any particular arrangements for unaccompanied minors who turn 18 around the point in time when they receive a final decision on status and what impact this may have on their integration trajectories or their return.

While most unaccompanied minors apply for asylum and hence this Study will focus on their situation after completion of the asylum procedure, it is important to keep in mind that not all unaccompanied minors who arrive in the (Member) States actually apply for asylum. If (Member) States receive unaccompanied minors outside their respective asylum procedures and have any other procedures in

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place to determine whether they are entitled to stay in the (Member) State or not, such procedures shall also be explored.

3 SCOPE OF THE STUDY

The overall focus of this Study are unaccompanied minors from third countries who, following status determination, are entitled to a residence permit, or are issued a return decision, and the approaches put in place by (Member) States to ensure their integration or (voluntary) return respectively. The scope of the Study may also include, at least in some Member States, any statuses given to unaccompanied minors who for some reason cannot be returned immediately (e.g. tolerated stay). Finally, the Study also aims to examine (Member) States' approaches to unaccompanied minors who have disappeared following a final decision on their application for asylum.

Thus, the Study does not cover the actual asylum or other relevant procedures in which the right of an unaccompanied minor to stay in a (Member) State is examined and decided upon.

4 EU LEGAL AND POLICY CONTEXT

The European Union, together with its Member States, has been active regarding unaccompanied minors for many years. The existing EU policies and legislation already provide a general framework for the protection of the rights of the child in migration, covering aspects such as reception conditions, the treatment of their applications, and integration. The [EU Agenda on the Rights of the Child](#) (2006) and the EU Action Plan on Unaccompanied Minors (2010-2014) ([COM\(2010\) 213 final](#)) have been instrumental in raising awareness about the protection needs of unaccompanied minors, and in promoting protective actions, such as training for guardians, public authorities and other actors who are in close contact with unaccompanied minors. More recently, the European Commission (the Commission) called for a comprehensive approach to all children in migration, including unaccompanied minors, in its Communication on the protection of children in migration ([COM\(2017\) 211 final](#)), the European Agenda on Migration ([COM \(2015\) 240](#)), the Communication on the state of play of its implementation ([COM\(2016\) 85 final](#)), as well as the EU Action Plan on Integration of Third-Country Nationals ([COM\(2016\) 377 final](#)).

Legally, there are certain ongoing changes in relation to key provisions on asylum that address the situation of unaccompanied minors, notably the:

- ★ Recast **Asylum Procedures Directive** (2013/32/EU) which aims at fairer, quicker and better-quality asylum decisions, including greater protection of unaccompanied minors during the asylum procedure (which however is out of scope of this Study). In 2016, the Commission issued a proposal for a new Regulation establishing a single common asylum procedure in the EU and repealing Directive 2013/32/EU ([COM\(2016\) 467 final](#)), which aims at upholding and further enhancing a high level of special procedural guarantees for unaccompanied minors, such as early identification of their needs, provision of support and guidance, appointment of a guardian, and consideration of the best interests of the child in relation to minors in general.
- ★ Recast **Qualification Directive** (2011/95/EU), which aims to clarify the grounds for granting international protection, make asylum decisions more robust and improve the access to rights and integration measures for beneficiaries of international protection. It emphasises the obligation to take account of the best interests of the child (when relevant) and of gender-related aspects in the assessment of asylum applications, as well as in the implementation of the rules on the content of international protection. In 2016, a proposal for a new Qualification Regulation (COM(2016) 466 final) replacing the Qualification Directive, includes renewed provisions for unaccompanied minors in Article 36, such as appointment of a legal guardian, accommodation appropriate for minors, family tracing, as well as training for professionals working with minors.

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- ★ A proposal for a recast **Reception Conditions Directive** aims to further harmonise reception conditions in the EU ([COM\(2016\)467 final](#)), reinforce the assessment of the best interests of the child and ensure that reception conditions are adapted to the specific situation of children, whether unaccompanied or within families, with due regard to their security, physical and emotional care and provided in a manner that encourages their general development. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account.
- ★ The proposal for a new **Dublin Regulation** ([COM\(2016\) 270 final](#)) envisages new rules for determining the Member State responsible for examining an application lodged by an unaccompanied minor, clarifying that, in the absence of a family member or relative in another Member State, the Member State where the minor first lodged his or her application for international protection will be responsible, unless it is demonstrated that this is not in the best interests of the minor.
- ★ The revised **Eurodac Regulation** ([COM\(2016\) 272 final](#)) proposes to lower the age for taking fingerprints and facial images from asylum-seekers and third-country nationals from 14 years to six years. This will help identify children in cases where they are separated from their families. It shall also strengthen the protection of unaccompanied minors, who do not always formally seek international protection and who can risk harm when absconding from care institutions or child social services.
- ★ The proposal for Regulation transforming the existing European Asylum Support Office (EASO) into a fully-fledged **European Union Agency for Asylum** ([COM\(2016\) 271 final](#)) would expand Agency mandate regarding operational and technical assistance, including providing assistance to Member States in ensuring that all the necessary child rights and child protection safeguards are in place within the framework of their asylum and reception systems. The new Agency shall also assist Member States in developing training activities concerning the handling of applications for international protection made by unaccompanied minors, including as regards the assessment of the best interests of the child, specific procedural safeguards such as respect of the child's right to be heard and child protection aspects such as age-assessment techniques.
- ★ The main legal instrument regulating the EU return policy is the 2008 **Return Directive** ([2008/115/EC](#)), which lays down common EU standards on forced return and voluntary departure, emphasising that voluntary return is preferred, while acknowledging the inevitable need for efficient means to enforce returns where necessary. After the **Informal meeting of EU heads of state or government** held in Malta in February 2017 highlighted the need for a review of the EU's return policy,¹ the Commission published a **new EU Action Plan on Return**, along with an Annex listing the actions to be implemented by Member States to complete, along with a **Recommendation** on making returns more effective when implementing the Return Directive ([C\(2017\) 1600 final](#)),² specifying among others that decisions on the legal status and on the return of unaccompanied minors should always be based on individual, multi-disciplinary and robust assessments of their best interests. The Action Plan foresees the adoption of immediate measures by the Member States to enhance the effectiveness of returns when implementing EU legislation, in line with fundamental rights obligations. Based on the results achieved in the implementation of the Recommendation and depending on whether it is estimated that further action should be taken to substantially increase return rates, the Commission may present a proposal to revise the Return Directive.

In line with the **EU Charter of Fundamental Rights** ([2012/C 326/02](#)), applying the EU acquis containing child-sensitive provisions, the principle of best interests of the child must be a primary consideration.

¹ Malta Declaration by the members of the European Council on the external aspects of migration: *Addressing the Central Mediterranean route*, 3 February 2017.

² Communication on a *More Effective Return Policy in the European Union – a Renewed Action Plan*, *op. cit.*

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Finally, the EU has committed to a number of international conventions which have placed an obligation to take appropriate protection and prevention measures in relation to migrants and/ or children, including the [UN Refugee Convention](#) and UN Convention on the Rights of the Child ([CRC](#)), the Hague Convention on the Protection of Children ([HCCH](#)), and the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms ([ECHR](#)).

5 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The Study will aim to address the following:

- ★ Provide an overview of the legal framework of international law and the EU *acquis* in relation to unaccompanied minors, provisions in place to address the human rights of unaccompanied minors and their fundamental freedoms when it comes to return/ integration and potential gaps;
- ★ Provide information on the legal framework and approaches of (Member) States to (voluntary) return of unaccompanied minors; describe the process (which actors and their roles) in relation to (voluntary) return; provide details of approaches that have been used specifically for the return of unaccompanied minors (e.g. AVR(R)-programmes specifically geared towards unaccompanied minors); describe reintegration measures in third countries; describe challenges and best practices concerning the (voluntary) return of unaccompanied minors, e.g. those who cannot be immediately returned;
- ★ Provide information on the approaches of (Member) States to the care/ integration of unaccompanied minors following status determination; describe the process (which actors and their roles) in relation to integration; provide details on approaches that have been aimed specifically at the integration of unaccompanied minors (e.g. education (including progression to third level), housing, guardianship, labour market entry); describe measures available to support unaccompanied minors in advance/ during/ as a follow-up to their transition to adulthood; describe outcomes, challenges and best practices concerning the integration of unaccompanied minors;
- ★ Describe the status(es) given (if any) to unaccompanied minors who are not granted protection (residence permit, visa) but who cannot be removed from a (Member) State;
- ★ Examine possible reasons for the disappearance of unaccompanied minors from guardianship/ care and whether this has any consequences on their permit to stay, plus measures in place to prevent and respond to disappearances and how effective they have been in practice.

6 RELEVANT SOURCES AND LITERATURE

EMN Studies

- ★ EMN (2017): Family reunification of Third-Country Nationals in the EU plus Norway: National Practices. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/00_family_reunification_sr_final.pdf
- ★ EMN (2016): The Return of Rejected Asylum Seekers: Challenges and Good Practices. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_synthesis_report_rejected_asylum_seekers_2016.pdf.
- ★ EMN (2015): Policies, practices and data on unaccompanied minors in the EU Member States and Norway. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_policies_practices_and_data_on_unaccompanied_minors_in_the_eu_member_states_and_norway_synthesis_report_final_eu_2015.pdf.

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- ★ EMN (2015): Integration of beneficiaries of international/ humanitarian protection into the labour market: policies and good practices. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_integration_of_beneficiaries_of_international_protection_eu_2015_en_final.pdf.
- ★ EMN (2014): Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy and use of readmission agreements between Member States and third countries. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_study_reentry_bans_and_readmission_agreements_final_december_2014.pdf.
- ★ EMN (2010): Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors – an EU Comparative Study. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/0_emn_synthesis_report_unaccompanied_minors_publication_sept10_en.pdf.

EMN AHQs

- ★ 2017.1209 – **On pull factors for unaccompanied minor asylum applicants** – requested 29 June 2017
- ★ 2017.1199 – **Unaccompanied asylum-seeking children followed by family members under Dublin Regulation** – requested 8 June 2017
- ★ 2017.1145 – **Return of unaccompanied minors** – requested on 3 March 2017
- ★ 2016.1071 – **Rules on family reunification of unaccompanied minors granted refugee status or subsidiary protection** – requested 27 May 2016
- ★ 2016.1067 – **Joint ad-hoc query COM & LU EMN NCP on statelessness: minors born in exile and unaccompanied minors (part 2)** – requested 4 May 2016
- ★ 2015.XXXX – **Detention and removal of minors** – requested XXX
- ★ 2014.523 – **Admission/ Residence and guardianship related provisions for unaccompanied foreign and/ or EU minors in vulnerable situations** – requested 18 November 2013
- ★ 2014.523 – **Safe centres for unaccompanied minors victims of trafficking in human beings** – requested 11 December 2013
- ★ 2012.439 – **Return of unaccompanied minors** – requested 13 November 2012

Other studies and reports

- ★ **European Commission** (2017). Compilation of data, situation and media reports on children in migration. http://ec.europa.eu/justice/fundamental-rights/files/rights_child/data_children_in_migration.pdf
- ★ **European Commission** (2016). Child-specific Provisions in the Common European Asylum Package. http://ec.europa.eu/justice/fundamental-rights/files/rights_child/ceas_provision_on_children_table_updated.pdf
- ★ **European Commission**, Directorate-General for Education and Culture (2016): Language assessment and integration of unaccompanied minors, Report for Peer Learning Activity in Dresden, May 31 – June 2 2016. https://ec.europa.eu/education/sites/education/files/peer-learning-dresden_en.pdf.

- ★ **House of Lords**, European Union Committee, 2nd Report of Session 2016–17 (2016): Children in crisis: unaccompanied migrant children in the EU. <https://www.publications.parliament.uk/pa/ld201617/ldselect/lducom/34/34.pdf>.
- ★ **IOM's Global Migration Data Analysis Centre** (2016). Children and unsafe migration in Europe: data and policy, understanding the evidence base. <http://gmdac.iom.int/gmdac-data-briefing-5>.
- ★ **Save the Children** (2016): Children on the Move in Europe. Save the Children's response to the deepening child refugee and migrant crisis in Europe. <https://savethechildreninternational.exposure.co/children-on-the-move-in-europe>.
- ★ **10th European Forum on the rights of the child (2016)**: The protection of children in migration, 29-30 November 2016. http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=34456.
- ★ **Wadensjö, E. and Çelikaksoy, A.** (2016): Mapping Experiences and Research about Unaccompanied Refugee Minors in Sweden and Other Countries, Discussion Paper No. 10143, Forschungsinstitut zur Zukunft der Arbeit Institute for the Study of Labour. <http://ftp.iza.org/dp10143.pdf>.
- ★ **Fundamental Rights Agency** (2015). Guardianship systems for children deprived of parental care in the European Union. <http://fra.europa.eu/en/publication/2015/guardianship-children-deprived-parental-care>
- ★ **Lemberg-Pedersen, M.** (2015): The rise and fall of the ERPUM pilot. Tracing the European policy drive to deport unaccompanied minors Refugee Studies Centre, Working Paper Series 108. Oxford Department of International Development, University of Oxford. <https://www.rsc.ox.ac.uk/files/files-1/wp-108-erpum-pilot.pdf>.
- ★ **Missing Children Europe** (2015). [Figures and Trends 2015 from Hotlines for Missing Children and Cross-border Family Mediators](http://missingchildreneurope.eu/Portals/0/Docs/Annual%20and%20Data%20reports/Missing%20Children%20Europe%20figures%20and%20trends%202015.pdf). <http://missingchildreneurope.eu/Portals/0/Docs/Annual%20and%20Data%20reports/Missing%20Children%20Europe%20figures%20and%20trends%202015.pdf>
- ★ **NIDOS** (2015). Reception and living in families: overview of family-based reception for unaccompanied minors in the EU Member States. <https://engi.eu/wp-content/plugins/download-attachments/includes/download.php?id=595>.
- ★ **UNICEF** (2015): Children's rights in return policy and practice in Europe. A discussion paper on the return of unaccompanied and separated children to institutional reception or family. https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/childrens_rights_in_return_policy_and_practice_in_europe.pdf
- ★ **Wadensjö, E. and Çelikaksoy, A.** (2015): Unaccompanied Minors and Separated Refugee Children in Sweden: An Outlook on Demography, Education and Employment, Discussion Paper No. 8963, Forschungsinstitut zur Zukunft der Arbeit Institute for the Study of Labour. <http://ftp.iza.org/dp8963.pdf>.
- ★ **CONNECT Project** (2014): Identification, reception, protection of unaccompanied children, Identifying good practices in, and improving, the connections between actors involved in reception, protection and integration of unaccompanied children in Europe. http://www.connectproject.eu/PDF/CONNECT-Project_Report.pdf.
- ★ **CONNECT Project** (2014): Reference document on unaccompanied children: a compilation of relevant EU laws and policy, http://www.connectproject.eu/PDF/CONNECT-EU_Reference.pdf.
- ★ **MinAs Project**. The project "In whose best interest? Exploring Unaccompanied Minors Rights Through the Lens of Migration and Asylum Procedures (MinAs)" is a research project carried out

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in four European countries (Slovenia, Austria, France and United Kingdom) in the period from June 2014 to December 2015. European Commission finances the project and its main aim is to identify and recommend better procedures and protection measures for unaccompanied minors: <http://www.minasproject.eu/>.

- ★ **Robinson, K. & Williams, L.** (2014): Positive Futures – A pilot project to develop and test a model to assist Appeal Rights Exhausted Care Leavers to consider Assisted Voluntary Return. Evaluation Report: <http://www.secouncils.gov.uk/wp-content/uploads/2012/04/Positive-Futures-Evaluation-Report-Final-18-Aug.pdf>.
- ★ **UNHCR & UNICEF** (2014). Safe & Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe. <http://www.refworld.org/docid/5423da264.html>.
- ★ **ECRE & Save the Children** (2011). Comparative Study on Practices in the Field of Return of Minors, Final report. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/pdf/general/return_of_children-final.pdf.
- ★ **Goeman et al.** (2011). Core standards for guardians of separated children in Europe. <http://www.corestandardsforguardians.com/images/22/335.pdf>.
- ★ **Council of Europe** (2010). Life projects for unaccompanied migrant minors. A handbook for front-line professionals. <http://www.refworld.org/pdfid/545ca9e74.pdf>.

7 AVAILABLE STATISTICS

EU level

Statistics are available through Eurostat on the number of asylum applicants considered to be unaccompanied minors,³ which may be indicative of the scale and, to a lesser degree, nature of the phenomenon of unaccompanied minors in the EU plus Norway.

National level

Subject to availability, the following statistical data sources would be very useful for this Study, and should be included insofar as possible:

- ★ Decisions on asylum applications by unaccompanied minors and/ or number of residence permits on grounds such as international protection, temporary/ permanent residence permits, etc. issued to unaccompanied minors, if possible disaggregated by status, gender, age group of the minors;
- ★ Number of asylum applications by unaccompanied minors who have been rejected;
- ★ (Estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc.;
- ★ Number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc.
- ★ If available, data/ Indicators pertaining to the integration of unaccompanied minors, for example, number of unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; number of unaccompanied minors who have completed successfully any (civic) integration courses; number of unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); number of cases of successful family reunification involving unaccompanied minors;

³ Eurostat, <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00194&plugin=1>

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- ★ Number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (voluntary and forced), including data on AVR(R)-programmes targeting unaccompanied minors;
- ★ Number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision;
- ★ Number of temporary/ permanent residence permits for unaccompanied minors on reaching 18 years of age may be available from immigration authorities and other competent authorities responsible for the protection of unaccompanied minors, such as child protection authorities, NGOs, etc.

NB: The EMN Statistics Working Group is kindly invited to comment on the inclusion of statistics in the Common Template and to trial the collection of statistics in their (Member) State.

8 DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken mostly from the EMN Glossary v4.0.⁴

'Absconding' is defined as an "action by which a person seeks to avoid legal proceedings by not remaining available to the relevant authorities or to the court".

'Applicant for international protection' is defined as "a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken".

'Application for international protection' is defined as "a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary

protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately".

'Assisted voluntary return' is defined as "voluntary return or voluntary departure supported by logistical, financial and/ or other material assistance".

'Asylum seeker' is defined in the global context as a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments; and in the EU context as a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken.

'Compulsory return' in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return – to:

- ★ one's country of origin; or
- ★ a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- ★ another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

'Final decision' is defined as "a decision on whether the third-country national or stateless person be granted refugee status or subsidiary protection status by virtue of Directive 2011/95/EU (Recast

⁴ Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf

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Qualification Directive) and which is no longer subject to a remedy within the framework of Chapter V of this Directive, irrespective of whether such remedy has the effect of allowing applicants to remain in the Member States concerned pending its outcome". Within the context of this Study, other statuses (than refugee status and subsidiary protection) are taken into account as well.

'Forced return' in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return – to:

- ★ one's country of origin; or
- ★ a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- ★ another third country, to which the concerned voluntarily decides to return and in which they will be accepted.

'Integration' in the EU context is defined as "a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States."

'Irregular stay' is defined as "the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State".

'Reintegration assistance' is defined as "support - either cash, in kind or combined, provided by a host country to a returnee, with the aim of helping the returnee to lead an independent life after return."

'Regularisation' is defined as "in the EU context, state procedure by which illegally staying third-country nationals are awarded a legal status".

'Residence permit' is defined as "any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation)."

'Rejected applicant for international protection' is defined as "a person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period".

'Return decision' is defined as "an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return".

'Return' is defined as "the movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous".

'Subsequent application for international protection' is defined as "a further application for international protection made after a final decision has been taken on a previous application, including cases where the applicant has explicitly withdrawn their application and cases where the determining authority has rejected an application following its implicit withdrawal in accordance with Art. 28 (1) of Directive 2013/32/EU."

'Third-country national' is defined as "any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code".

'Tolerated stay' also refers to the (temporary) suspension of removal of a third-country national who has received a return decision but whose removal is not possible either for humanitarian reasons (as their removal would violate the principle of *non-refoulement* or due to the third-country national's physical state or mental capacity) or for technical reasons (such as lack of transport capacity or failure of the removal due to lack of identification or the country of origin's refusal to accept the person) and for as long as a suspensory effect is granted in accordance with Art. 13(2) of Directive 2008/115/EC.

(Member) States' Approaches to Unaccompanied Minors Following Status Determination

'Unaccompanied minor' is defined as "a third-country national or stateless person below the age of 18 years, who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States." Furthermore, within the context of this Study, unaccompanied minors approaching 18 years of age are generally understood to be in the final couple of years before reaching the age of majority, i.e. 16 to 18 years.

'Voluntary departure' is defined as compliance with the obligation to return within the time-limit fixed for that purpose in the return decision.

'Voluntary return' is defined as "the assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee"

'Vulnerable person' is defined as "minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of trafficking in human beings, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation".

9 ADVISORY GROUP

An "Advisory Group" (AG) has been established within the context of this Study for the purpose of providing support to EMN NCPs during the development of the specifications for the Study, as well as the drafting of the Synthesis Report. In addition to COM and the EMN Service Provider (ICF-Odysseus), the members of the AG for the Study include EMN NCPs from BE, DE, FI, FR, IE, LU, PL, SE and the UK. EMN NCPs are thus invited to send any requests for clarification or further information on the Study to the following representatives of the AG:

- ★ COM: Magnus.OVILIUS@ec.europa.eu; Maria.Zuber@ec.europa.eu
- ★ EMN Service Provider: emn@icf.com; nataliya.nikolova@icfi.com; vittorio.furci@icfi.com
- ★ BE EMN NCP: martine.hendrickx@ibz.fgov.be; Tim.Lagrange@fedasil.be
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(Member) States' Approaches to Unaccompanied Minors Following Status Determination

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10 TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	Action
3 rd August 2017	Advisory Group meeting to discuss the Concept Note for the Study
31 st August 2017	Circulation of <u>Version 1 of the Common Template</u> for the Study to COM and AG members
25 th September 2017	Circulation of the <u>revised Common Template</u> for the Study to COM, AG members and EMN NCPs
Mid-October 2017	Finalisation of the Common Template and official <u>launch</u> of the Study
31 st January 2018	<u>Submission of National Reports</u> to EMN Service Provider by EMN NCPs
28 th February 2018	Circulation of <u>Version 1 of the Synthesis Report</u> for the Study to COM and AG Members
15 th March 2018	Circulation of the <u>revised Synthesis Report</u> for the Study to COM, AG members and EMN NCPs
Mid-April 2018	<u>Finalisation</u> of the Synthesis Report for the Study and of the National Reports for publication on the EMN website

11 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template provided below outlines the information that should be included in the National Contributions of EMN NCPs to this Focussed Study. The indicative number of pages to be covered by each section is provided in the guidance note. For National Contributions, the total number of pages should **not exceed 40 pages**, including the questions and excluding the Statistical Annex. A limit of **40 pages** will also apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

EMN FOCUSED STUDY 2017 (Member) States' Approaches to Unaccompanied Minors Following Status Determination

Top-line factsheet [max. 2 pages, *please respect the page limits provided here*]

The top-line factsheet will serve as an overview of the **National Contribution** introducing the Study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Please provide a concise summary of the main findings of Sections 1-6 below, for example, focussing on:

- Latest figures on the number and socio-demographic characteristics of unaccompanied minors in your (Member) State, as well as evolution over time (2014-2016 and, where available, the first half of 2017);
- Top five main issues with regard to the care/ integration/ return of unaccompanied minors at present;
- Most important recent or planned changes to law, policy and practice regarding the care/ integration/ return of unaccompanied minors since 2014,⁵ for example, as a result of the increase in the number of unaccompanied minors (and TCNs in general) seeking asylum in the EU between 2014 and 2016, the European Agenda on Migration,⁶ etc.;
- Identified challenges and good practices, for example, as a result of the (Member) State coping with the large increase in applications from unaccompanied minors between 2014 and 2016, e.g. how were unaccompanied minors housed, educated, etc.
- Any suggestions for EU level action on unaccompanied minors that might be useful for your (Member) State.

Executive Summary [max. 5 pages]

The Executive Summary of the **Synthesis Report** will provide an overview of the Study, as well as form the basis of an EMN Inform, which will have EU and national policy-makers as its main target audience. The Executive Summary will be prepared by the EMN Service Provider (ICF).

⁵ As the previous EMN study on Unaccompanied minors was completed in 2014, the proposed reference period for the Study is 2014 onwards with some flexibility if (Member) States believe there to be a significant change to law/ policy/ practice outside this period.

⁶ Communication from the Commission on a European Agenda on Migration, available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/index_en.htm

Field Code Changed

*(Member) States' Approaches to Unaccompanied Minors Following Status Determination***Section 1: Overview of the international and EU legislative framework on unaccompanied minors [max. 5 pages]**

*This section of the **Synthesis Report** will briefly outline the EU legal framework guiding national legislation on unaccompanied minors. It will provide a mapping of the substantive and procedural provisions in the EU acquis that regulate the protection of unaccompanied minors. The section will also highlight how the EU acquis relates to the broader international legal framework on unaccompanied minors. This section will be developed by the EMN Service Provider, hence no input from the EMN NCPs is required here.*

Section 2: Overview of the situation of unaccompanied minors in the (Member) State [max. 3 pages]

This section of the Synthesis Report will provide an up-to-date overview of the national situation with regard to unaccompanied minors in the (Member) States, including figures on the scale and nature of the phenomenon, e.g. number of residence permits issued to unaccompanied minors, number of unaccompanied minors reunited with family in (Member) States, etc. The section further sets out the context for the Study by providing information on the overall approaches of (Member) States to the care, integration and return of unaccompanied minors as deducted from the latest changes to law/ policy and/ or practice concerning this group of migrant children. The section will be drafted on the basis of data available from Eurostat or other relevant sources and complemented by national data provided by EMN NCPs (in Annex 1).

Q1. Please provide an overview of the current **public debate** with regard to unaccompanied minors who have received a final decision on their application for asylum/ another status in your (Member) State.

In the Italian legal system, UAMs (unaccompanied foreign minors UAMs) have always been considered on a par with Italian minors, as subjects without an adult figure providing them with assistance and representation. Moreover, in Italy unaccompanied foreign minors who have not submitted an application for protection (or whose application has been rejected) are still subject to the same regulations and norms as those established for the UAMs who have some form of international protection. In fact, all of these subjects are protected first of all as minors without an adult figure who can provide them assistance and representation, and only later, if they have applied for protection, as beneficiaries of international protection. The political debate ended with the adoption of the 47/2017 law, specifically dedicated to unaccompanied foreign minors.

Q2. Are unaccompanied minors that fall in this category a **national policy priority**, including those turning 18 years of age? Has this changed over the last few years, i.e. since 2014 onwards? Has there been a shift in focus within policy issues concerning unaccompanied minors?

UAMs currently still constitute a priority for national policies. With the recent approval of law 47/2017, specifically dedicated to unaccompanied foreign minors, published in the Official Gazette on 21st April 2017, a series of amendments to the current legislation were introduced aimed at defining a unitary organic discipline on the UAMs, which at the same time strengthens the protective instruments guaranteed by the law and seeks to ensure greater uniformity in the application of the provisions throughout the territory of Italy. The law came into force on 6th May 2017. With the new law - which is to be inserted in a regulatory context in which law 142 in 2015 had already provided the reception model for UAMs based on structures dedicated to them both before and after reception (Article 19) - a series of organic interventions were planned in favour of these minors present on the Italian territory, recognising them as vulnerable subjects with rights. In particular, the equality between unaccompanied foreign minors and Italian minors is strengthened; new methods and procedures for ascertaining age and identification are identified, providing for the presence of cultural mediators throughout the procedure; the regulations regarding residence permits are simplified, expressly providing that the minor can directly apply for a residence permit at their local police station, even without the appointment of a guardian. The figure includes the volunteer guardians available to take on the protection of unaccompanied foreign minors to ensure each child has an adequately

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trained adult figure. Finally, the "right to listen" is also sanctioned for unaccompanied foreign minors in the administrative and judicial proceedings concerning them, and the right to legal assistance charged to the State.

Q3. a. Please provide an overview of **recent changes to law, policy and practice** in relation to what happens with unaccompanied minors after they have received a final decision on their application for asylum/ another status in your (Member) State since 2014 onwards. Please provide an account of such changes also in relation to those unaccompanied minors turning 18 years of age, as well as unaccompanied minors disappearing from guardianship/ care and/ or following a return decision.

Law 47/2017 contains substantial innovations concerning the practices for the reception of minors and, more generally, the strengthening of rights and protections for them. The principle according to which, irrespective of the intention to apply for international protection, Ufm have rights in terms of protection with that are equal to those of minors or Italian of European Union citizenship, is affirmed.

Among the principles, the new text explicitly introduces an absolute ban on Ufm being rejected at the border and, in terms of reception, introduces some changes that establish, inter alia, the 30-day limit as the maximum term for detention of minors in preliminary reception facilities, the maximum term of 10 days for identification operations. The principle of specificity of reception facilities reserved for these minors is also consolidated. Furthermore, to complete the current legislation, the new text reshapes the identification procedure for minors in a uniform manner throughout the territory of Italy, which is the fundamental step for the assessment of minorities, on which in turn the possibility of applying the protection measures depends. This procedure includes: an interview of the minor with qualified personnel, under the direction of the services of the local authority; the request for a personal data document in case of doubt about the age and, possibly, of socio-health examinations, with the minor's consent and in the least invasive way possible; the presumption of minority in cases where there are doubts about age even after the assessment.

The new legislation also establishes the National Information System of Ufm (Sistema Informativo nazionale dei UAMS, or SIM) at the Ministry of Labour and Social Policies, and the social folder of the Ufm, compiled by qualified personnel, who conduct the interview with the minor in the initial reception phase.

In relation to the reception system, the law that recently entered into force provides that all Ufm, regardless of the request for international protection, can access the Protection System for asylum seekers and refugees - Sprar, developing an approach already foreseen in 2015, by Legislative Decree 142.

Another important new feature is the assignment to local bodies of the task of raising awareness and training of those carers who are able to accommodate these minors, and to foster and promote projects that envisage family assignment in the residential locality in a community. The new law provides for the establishment, at each Juvenile Court, of lists of voluntary guardians, who are available to take on the protection of an unaccompanied foreign minor. With regard to long-term assistance measures, the rule reiterates the possibility of requesting the minor to be assigned to social services up to twenty-one years of age for those minors who have embarked on a path of integration, but who require prolonged assistance and support when they reach the majority age.

In the new legislation, the full guarantee of health care to UAMS is also extended, providing for their registration to the Servizio Sanitario Nazionale (National Health Service), immediately after discovery following the report: the adoption of specific measures by educational institutions and by training institutions accredited by the Regions is encouraged, suitable to favour the fulfillment of the compulsory education and training by minors, also by means of agreements aimed at promoting specific apprenticeship programs, as well as the preparation of specific projects involving cultural mediators. Finally, some provisions introduce special protection measures for specific categories of UAMS, in consideration of the particular state of vulnerability in which they are found, such as the victims of trafficking

b. Please indicate **any planned changes** to law/ policy/ practice regarding the care/ integration/ return of unaccompanied minors going forward.

The expected changes are those indicated in law 47/2017, art. 8.

Q4. What **statuses** does your (Member) State typically grant to unaccompanied minors and in what circumstances (e.g. asylum, humanitarian protection, temporary/ tolerated status, etc.)? *Please do not provide details here on the different status determination procedures (as this is not the focus of the Study), but rather on what status(es) they result in for unaccompanied minors.*

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UAMs can benefit from the protection status provided for generally by international and European law. Otherwise - that is, if they do not require or in any case do not obtain the status - they obtain a residence permit for minor age, humanitarian protection or, in case of family foster care, a permit for family reasons (article 10 law 47/2017).

Q5. a. Please provide any further qualitative information available in your (Member) State on the **characteristics of unaccompanied minors**, as follows:

- Are unaccompanied minors **mostly close to the age of majority** when a final decision on their application for asylum/ another status is issued, or (much) younger?

Among the unaccompanied minors present in the reception system in the national territory, 83.4% are aged between 16 and 17, so for the most part close to the age at which they receive the final decision regarding their status.

- Are they **boys or girls** predominantly?

They are predominantly male (93%).

- (Are they **resettled and/ or relocated** unaccompanied minors whose right to reside in your (Member) State has been clarified?)

Almost all of the UAMs present on Italian territory are not "resettled and/or relocated".

- Please provide any other qualitative information available *not covered above, for example*, unaccompanied minors not presenting themselves to the authorities, etc.:

The UAMs welcomed and untraceable, as of 30th November, 2017, number 5,828.

b. Please complete the Excel document in Annex 1 (including data as well as metadata) if you have **national statistics** on:

- The total number of accepted/ rejected applications for asylum by unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total number of residence permits issued to unaccompanied minors on grounds such as asylum, humanitarian protection, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors not seeking asylum and their respective statuses, e.g. those who entered irregularly and victims of trafficking, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total number of unaccompanied minors issued temporary/ alternative statuses, tolerated stay, etc. in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by sex/ country of origin of the minor;
- If available, data pertaining to specific integration outcomes for unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor (e.g. unaccompanied minors enrolled in primary/ secondary education, traineeships/ internships, training, labour market programmes or any other targeted measures; unaccompanied minors who have completed successfully any (civic) integration courses; unaccompanied minors registered with leisure associations (e.g. football/ cricket federation, scouting, etc.); cases of successful family reunification involving unaccompanied minors). *If such data are not available, please provide below any existing qualitative information in relation to outcomes for unaccompanied minors;*

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- The total number of unaccompanied minors with enforceable return decisions and/ or number of unaccompanied minors returned (through voluntary and forced returns), including data on AVR(R)-programmes targeting unaccompanied minors in 2014-2016 and, where available, the first half of 2017, if possible disaggregated by age/ sex/ country of origin of the minor;
- The total (estimated) number of unaccompanied minors disappearing from care/ guardianship and/ or following a return decision, if possible disaggregated by age/ sex/ country of origin of the minor.

Please do not here include the Eurostat data mentioned above, as this information is available publicly and can therefore be analysed centrally for the Synthesis Report.

N/A

Q6. a. Please provide a general overview of what happens with unaccompanied minors in your (Member) State when they turn 18 years of age, including a brief description of the approach (e.g. transitional measures/ plans) of your (Member) State:

- when an unaccompanied minor has received a **final negative decision** on his/ her application for asylum/ another status as a minor (please elaborate below):

A residence permit is however received by the minor.

- when an unaccompanied minor is **granted a status as a minor** (please elaborate below):

At the age of majority, the minor can obtain a residence permit for reasons of study or work or waiting for employment (or possibly for reasons of medical treatment) (Article 32 of Decree 286/1998). See the related "Guidelines" adopted on 24 February 2017 by the General Directorate for Immigration and Immigration Policies.

b. Please describe how unaccompanied minors who are approaching 18 years of age are **identified** in your (Member) State so that transitional measures/ plans can be introduced as part of their care/ integration/ return. How often is this review being done, e.g. every month, etc.?

Pending the outcome of the identification procedures, it is always guaranteed that the child will be welcomed by the appropriate reception facilities for minors, provided for by law (possibly, in the case of child victims of trafficking, based on Article 4 of the Legislative Decree of 4 March 2014, No. 24).

The child's identity is ascertained by the public security authorities, assisted by cultural mediators, in the presence of the guardian or temporary guardian if already appointed, only after immediate humanitarian assistance has been guaranteed to the same minor.

With regard to age assessment, it should be ascertained, principally, through a personal data document (also with the assistance of the diplomatic-consular authorities, except in cases where the alleged minor expressed the desire to ask for international protection, or when a possible need to do so has emerged in an interview, or when the danger of persecution may arise, as well as in cases where the minor declares that he/she does not want to avail him/herself of intervention from the diplomatic-consular authority). In order to assess the minor's age, Public Security Authorities consult the national UAMs database of the Ministry of Labour, as well as other public authorities' databases which may contain relevant information, in accordance with the modalities provided for by law (art. 19bis, para 3bis, Legislative Decree N. 142 of 18 August 2015, as modified by Legislative Decree N. 220 of 22 December 2017). In the event that doubts remain based on the age declared by the (alleged) minor, social and health examinations aimed at ascertaining age may be ordered.

To this end, the child (as well as the guardian, even if temporary) must be informed, with the help of a cultural mediator, in a language they can understand and taking into account their degree of maturity and literacy, the fact their age can be determined through the use of social and health tests, the type of examinations to which they must be subjected, the possible expected results and the possible consequences of these results, as well as those deriving from his possible refusal to undergo such examinations.

The social and health assessment of age must be carried out with some guarantees: the environment must be suitable; there must be a multidisciplinary approach with suitably trained professionals and, where necessary, in the presence of a cultural mediator; the least invasive methods possible and methods which are respectful of the presumed age, sex and physical and psychological integrity of the person must be used.

The provision of age attribution is issued by the Juvenile Court (art. 19bis, para 9, Legislative Decree N. 142 of

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18 August 2015, as modified by Legislative Decree N. 220 of 22 December 2017).
 In the same way as the pre-examination information, the outcome of the assessment must then be communicated, giving an account of the margin of error in the final report.
 In the event that, even after the social-health assessment, doubts still remain about minority, this is presumed for all legal effects.
 The provision of age attribution must be notified to the minor and to his guardian.
 As foreseen by the art. 13, paragraph 2, of law 47/2017, when an unaccompanied foreign minor, at the age of majority, despite having undertaken a path of social integration, needs prolonged support, aimed at the success of this path with the goal of autonomy, the Juvenile Court can arrange, even at the request of the social services, with a motivated decree, the assignment to social services, in any case no later than the twenty-first year of age.

c. When are **transitional measures/ plans** for those unaccompanied minors turning 18 years of age likely to commence in your (Member) State, e.g. how many months / years before? And for how long can such measures continue after the unaccompanied minor reaches adulthood, e.g. is there any age threshold?

The request for assignment to social services, even after the age of majority, must be compulsory before the age of 18 and cannot be extended beyond the age of 21.

Section 3: Care arrangements for unaccompanied minors, including after-care for unaccompanied minors turning 18 years of age [max. 10 pages]

This section of the Synthesis Report will provide a factual, comparative overview of the care arrangements in place for unaccompanied minors in the (Member) States – including any transitional/ after-care available for unaccompanied minors turning 18. Whilst the aim of this section is to report on care measures available specifically to unaccompanied minors following status determination, some care provisions are accessible for unaccompanied minors without a determination on their applications/ 'legal' status. Where the provisions differ from those for unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.

Overview of care provisions and organisational set-up in the (Member) State

Q7. a. What **priority** is given to the care for unaccompanied minors in your (Member) State (over their return, for example)? When does the care for unaccompanied minors commence, i.e. before or after status determination?

In Italy, the protection of the child as a vulnerable subject begins before the possible recognition of international protection. The recent Law No. 47/2017 provides that the commissioner issues the residence permit for minority age. By way of law, minors cannot be expelled or refused entry at the border (Legislative Decree no. 286/98 as amended by Law No. 47/2017 as regards entry denial). In the case of an unaccompanied foreign minor, traced in the territory of Italy and reported to the competent authorities, the residence permit for minor age is issued, either directly or through the parental figure, even before a guardian is appointed, and is valid until the age of majority. At this level of general protection, recognised for unaccompanied minors, further levels of protection are added involving reception and protection systems for minors who are victims of trafficking and asylum seekers. Significantly, the second reception of all unaccompanied foreign minors, regardless of whether or not they have applied for international protection, takes place, according to a line already proposed in 2015, with Legislative Decree 142, within the system for protecting asylum seekers and refugees.

b. Please provide a summary overview of the provisions in place in your (Member) State for the **care** of unaccompanied minors following their status determination, including accommodation, guardianship, etc., indicating in particular how the legal status of the unaccompanied minor defines his/ her specific care arrangements (e.g. refugees, unaccompanied minors not seeking asylum, etc.).

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In Italy, unaccompanied foreign minors who have been granted some form of international protection are still subject to the same discipline and the same rules as those for unaccompanied foreign minors who have not applied for protection (or whose application has been rejected). In fact, all these subjects are protected first of all as minors without an adult figure who can provide them assistance and representation, and only later, if they have applied for protection, as beneficiaries of international protection. The new Law No. 47/2017 provides for communities dedicated exclusively to minors and incorporated into the SPRAR system. With regard to protection, for every unaccompanied minor a guardian must be appointed as soon as possible. For the minors who are seeking asylum, Legislative Decree No. 25/2008 provides for a precise schedule: "when the [international protection] claim is lodged by an unaccompanied minor, the authority which receives it interrupts the process [and] immediately communicate the start of the guardianship to the Juvenile Court ... the Juvenile Court, in the 48 hours following the communication ... shall appoint the guardian" (art. 26, para 5, as amended by Legislative Decree N. 220 of 22 December 2017). Law No. 47/2017 actively legitimises the person in charge of the initial reception office to present the request for both residence permits and international protection, until the guardian is actually appointed. As for the rights enjoyed by unaccompanied foreign minors receiving international protection, they are the same as those guaranteed to unaccompanied foreign minors with a residence permit for minor age. In particular the right to assistance and legal representation; to health and education.

c. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the care for unaccompanied minors following a positive decision on status. Is this set out in legislation or any other internal administrative regulations?

After the recognition of a form of international protection or the issue of any other permit (for minor age, family reasons or other), there is a specific procedure to determine the best interests of the minor, but any decision that is made regarding the minor will take this best interest into account. Observance of this process is entrusted primarily to the appointed guardian and, failing this, to the managers of the reception centre where the minor is accepted.

Q8. Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the care of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of accommodation, guardianship, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

UAMs enjoy a protection similar to that enjoyed by beneficiaries of international protection, so that as long as these subjects are under age whether or not they have received some form of international protection does not affect their situation. All the MSNAs are first welcomed in the first reception facilities dedicated to them, as provided for since 2015. The law (Decreto legislativo N. 142 of 18 August 2015) provides for minors to be accommodated in first reception government structures for the motives of rescue and immediate protection (art. 19, para 1). They must then be accommodated (as provided for by Law N. 47, 2017, art. 12) in SPRAR structures dedicated to minors (second reception; Legislative Decree N. 142, art. 19, para 2). These are structures set up by municipalities and managed by private organisations. There is then the SPRAR Central Service entrusted to ANCI (National Association of Italian Municipalities) in charge of monitoring the system and providing technical assistance to municipalities. In case places within SPRAR structures are temporarily unavailable, assistance and reception must be guaranteed by the municipality that administrates the territory in which the minor is (according to a general principle recalled in art. 19, para 3, Legislative Decree 142, 2015).

che si basa sugli enti locali che ad esso aderiscono i quali si avvalgono per la gestione di organismi del privato sociale. Esiste poi un Servizio centrale dello SPRAR affidato in convenzione all'ANCI (Associazione Nazionale Comuni d'Italia) con compiti di monitoraggio del sistema e di assistenza tecnica in favore dei comuni.

Name of national competent	Brief description (e.g. remit/ role, etc.)	Main activities/ responsibilities
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authority/ organization		
Interior Ministry Department for Civil Liberties and Immigration	It performs the functions and duties of the Ministry in the protection of civil rights	System governance function as a whole
Ministry of the Interior – Prefectures	They are peripheral organs of the Ministry	Ensure the availability of adequate reception facilities
Ministry of Justice	Jurisdiction in the organisation of justice	Oversees the functioning of the competent jurisdictional bodies in matters of protection
Ministry of Health	Competent in the field of health protection	
Ministry of Labour and Social Policies	Monitoring minors (as in Law 47) with the SIM IT system	
ANCI	Represents and protects the interests of the Municipalities in relation to other state bodies	Management of the central SPRAR service
Cittalia – Fondazione Anci Ricerche	ANCI structure dedicated to studies and research on issues of major interest to Italian municipalities	Operational support to ANCI
Local authorities		If they belong to the SPRAR, they manage the relative reception structures with the help of private social organisations. In general, they perform activities to protect the interests of asylum seekers and refugees: social and health care, school enrollment of minors with compulsory school age, legal information on the procedure for recognising international protection and rights and duties in relation to their status. Training courses and services aimed at the socio-economic, work and residential insertion of people.

Accommodation arrangements

Q9. a. Please provide information on the **accommodation** options available for unaccompanied minors in your (Member) State following status determination, as follows:

- Accommodation specifically for minors? Y/ N

Yes

- General accommodation with special provisions for minors? Y/ N

No

- Specialised accommodation for unaccompanied minors with specific identified needs? Y/ N

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Yes

- Specialised accommodation for (unaccompanied) minors victims of trafficking? Y/ N

Yes

- Accommodation with a foster family? Y/ N

Yes

- Other types of accommodation for unaccompanied minors, e.g. accommodation with adults if the unaccompanied minor is over 16 years of age, etc.? Y/ N

No

b. Please provide an estimate of the **costs** associated with the accommodation of unaccompanied minors, as well as how these are measured/ defined in your (Member) State, e.g. per day/ child, etc.

AMIF First reception centres are paid on the Asylum, Migration and Integration Fund and the cost foreseen is that mentioned in the call for applications (45 + 9 euros).

In addition, the Italian State provides a contribution from the National Fund for the reception of unaccompanied foreign minors of €45 per day per child.

c. Please provide information on the **staff** responsible for the care of unaccompanied minors, for example, main tasks, any child-specific training received, etc.

Law 47/2017 provides that - to take care of the UAMs - a specialised staff is required, but neither the specific figures, nor the main tasks, nor a specific training path for these figures, are indicated. They will probably be indicated in the Decree of the President of the Council of Ministers which will be issued shortly. As regards the initial reception centres, the Ministerial Decree of 1st September 2016 establishes that the director and the operators should be equipped with professional skills in relation to the functions to be performed and experience in welcoming minors.

d. What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their accommodation arrangements up to that stage?

- Do these unaccompanied minors turning 18 years of age change accommodation, or do they stay in the same accommodation, for example, until they reach a certain age? If so, what is the age threshold?

At the age of majority, asylum seekers are placed in SPRAR projects or in the Extraordinary Reception Centres set up by the Prefect. If the child is not an asylum seeker, the situation is assessed on a case-by-case basis. Even for those who do not claim asylum, minors may take part in SPRAR projects for six months.

- Does your (Member) State have any measures in place to support the unaccompanied minor before the transition, e.g. information provision, etc.? Y/ N

No

- Does your (Member) State have any measures in place to support the unaccompanied minor during the transition, e.g. pathway plan, personal adviser, etc.? Y/ N

Yes

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- Does your (Member) State have any measures in place to support the unaccompanied minor after the transition, e.g. formal follow-up or after-care service, open-door policy at accommodation facility, etc.? Y/ N

Yes

e. Is there any research available in your (Member) State on:

- The **standards of accommodation** provided to unaccompanied minors? **No**
- The **effects** of accommodation arrangements on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? **No**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Guardianship arrangements

Q10. a. Please describe the arrangements for **guardianship** of unaccompanied minors in your (Member) State following status determination, specifying in particular who can become a guardian to an unaccompanied minor, the guardian's role, e.g. legal representation, etc., which unaccompanied minors (e.g. asylum/ non-asylum seeking) are entitled to a guardian and until what age, etc.

All the UAMs are subject to protection (Article 343 of the Civil Code). The guardian takes care of the minor's person and is the legal representative (article 357, cc); however, for some acts, the judge's intervention is required. If there are relatives in the territory, the protection should preferably be entrusted to one of them (art. 348, cc); otherwise the protection can be entrusted to the Municipality or to the reception facility where the minor is housed (Article 354 of the Civil Code, Article 6 and Article 18, Law 47/2017), unless a "voluntary guardian" is available, registered in a special list at the court (article 11, law 47/2017). Until a guardian is appointed, the duties relating to the request for a residence permit or for international protection may be taken care of by the person responsible of the first reception centre (art. 6, para 3).

b. What are the implications of unaccompanied minors' **transition** from the age of minority to 18 years of age for their guardianship arrangements up to that stage, e.g. are these unaccompanied minors still entitled to a guardian and until what age, or are they expected to become fully autonomous, also in terms of finances, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. information provision, informal follow-up with guardians, etc.?

Protection ceases at the age of majority. Before reaching the age of majority or in proximity, it is possible to request from the Juvenile Court to prolong social services' custody until the twenty-first year of age, or to request that the Public Prosecutor's Office convert the residence permit for minor into leave for work reasons. Accompanying the transition to the age of majority is the responsibility of both the guardian of the child and the reception centers where the child resides.

c. Is there any research available in your (Member) State on:

- The **standard of guardianship** provided to unaccompanied minors? **N**
- The **effects** of guardianship on the integration of the unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? **N**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

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Consequences of a temporary residence permit on the care arrangements for unaccompanied minors

Q11. What impact does the expiration of a **temporary residence permit** have on the above-mentioned care arrangements for unaccompanied minors in your (Member) State, e.g. unaccompanied minors disappearing from care, etc.?

The case of the expiration without renewal of the permit cannot occur for the UAMS, except for the cases provided for by the law to protect public order and national security.

Challenges and good practices

Q12. Please indicate the main **challenges** associated with the care of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18 years of age, and/ or the competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

Il Ministero invierà il testo da inserire (a cura del Vice-Prefetto dott.ssa Leoni)

Q13. Please describe any examples of **good practice** in your (Member) State concerning the care of unaccompanied minors, including those turning 18. *Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).*

In Italy, the practices in favor of the reception and integration of unaccompanied foreign minors are numerous because the same legislation and policies set up for this specific target support its implementation and dissemination. Recently, the legislation no. 47 has valued the rationale on the basis of good practices so that the same law can be defined as a good practice.

Among the numerous good practices activated by the territory we report:

- ✓ The Ciclofficina project, promoted at the Sprar for UAMS in Udine (Ente titolare Comune di Udine, Ente attuatore Associazione Nuovi Cittadini Onlus) which, starting from 2015, has allowed UAMS to acquire not only technological skills but also skills related to universal topics such as eco-sustainability and road safety, etc. The project also allowed positive contact between guests from the Sprar and the local community, encouraging the process of social cohesion;
- ✓ An agreement protocol between administrative function and social expression specifically aimed at protecting vulnerable categories, in particular unaccompanied foreign minors (Protocols of Palermo, Naples, Bari and Cagliari);
- ✓ The Memorandum of Understanding with the Italian National Olympic Committee (CONI) lasting three years for "The dissemination, practice and implementation of sporting activities for foreign minors hosted in the national reception system".

For more information, see the Report on "Good reception and integration of migrants in Italy" http://www.interno.gov.it/sites/default/files/rapporto_annuale_buone_pratiche_di_accoglienza_2017_eng_web_rev1.pdf

Section 4: Integration of unaccompanied minors, including transitional arrangements for

This section of the Synthesis Report will provide a factual, comparative overview of the integration measures in place for unaccompanied minors in the (Member) States, such as access to education and employment – including any transitional arrangements in place for unaccompanied minors turning 18. The aim of this section is to report on

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integration measures available specifically to unaccompanied minors following status determination (and not to duplicate information covered in other EMN studies on general integration measures). Where the provisions differ from those unaccompanied minors without a determination on their applications, this should be indicated. If applicable, please also distinguish between provisions that apply to all unaccompanied minors, as well as those that apply to certain groups of unaccompanied minors, e.g. non-asylum seeking unaccompanied minors, trafficked children, etc.

Overview of integration provisions and organisational set-up in the (Member) State

Q14. a. What **priority** is given to the integration of unaccompanied minors in your (Member) State (over their return, for example)?

Legislative Decree No. 286/1998 establishes that the best interest of the child represents an element of primary consideration in all decision-making, administrative and jurisdictional processes concerning the child. However, there are cases where the child's best interests must be balanced with state interests, as in the - rare - case of expulsions for reasons of public order and national security. Also in this case, however, the methods of implementing the deportation order must be determined in compliance with the minor's best interests. An important aspect for the evaluation of long-term solutions for the child is integration: solutions promoting the best possible inclusion of the child in the social fabric are to be preferred, such as, for example, family placement, rather than inclusion in the community. Through the Asylum, Migration and Integration Fund, during 2017, the Ministry of the Interior financed projects aimed at offering psychological support and better information on possible paths to be pursued and, on the other hand, to increase qualitatively and quantitatively, the primary and secondary reception of minors intercepted on Italian territory without an adult's presence. At the end of December 2017, the Ministry of the Interior also allocated 10 million euros to prepare inclusion circuits for unaccompanied foreign minors present in secondary reception facilities.

b. Please provide a summary overview of the provisions in place in your (Member) State for the **integration** of unaccompanied minors following their status determination, indicating in particular how the legal status of the unaccompanied minor defines his/ her specific integration trajectory (e.g. refugee, beneficiary of subsidiary protection, other statuses granted, etc.).

Integration into the target society is considered to be in the minor's best interests. The following also target this goal: inclusion in Italian public schools, registration in the National Health Service and sports, cultural and work projects developed and managed by voluntary associations, cooperatives and the third sector in general. The child's best interests are also a priority consideration for their housing situation: if the family surveys are successful, if the child so wishes and if this solution is considered to be in its best interests, the Italian authorities can arrange for assisted voluntary repatriation, aimed at protecting the right to respect for family life. A further solution, preferable to inclusion in the community, is family assignment which entails even greater possibilities for integration in addition to a better psycho-physical well-being for the child.

c. Do the above provisions **differ** from those for accompanied minors, as well as for adults and if so, how?

There is no standard procedure or protocol for determining the child's best interests. It is an element that must be balanced with other types of interests (for example with interests in the community or parents) and with all the concrete elements of the situation in an assessment that varies from case to case. For example, family reunification in the country of origin following the tracing of sought family members, which is generally considered the best solution from the point of view of the child's best interests because it is aimed at restoring interrupted family life, can sometimes, in the presence of others elements such as abuses in the family or the situation in the child's area of origin - be considered the least appropriate solution.

d. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** with regard to the integration of unaccompanied minors. Is this set out in legislation or any other internal administrative regulations?

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Q15. Which **national/ regional/ local authorities and organisations** (including NGOs where relevant) are responsible for the integration of unaccompanied minors following status determination? Please describe in particular the competent authorities responsible for the provision of education, employment support, etc., what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account, etc.

Name of national competent authority/organisation	Brief description (e.g., remit/role, etc.)	Main activities/responsibilities
Guarantor for childhood and adolescence	Ensures full implementation and protection of minors' rights and interests in accordance with the provisions of the 1989 <u>Convention</u> on children's rights.	Monitoring of and dialogue with the different actors working with unaccompanied foreign minors
Ministry of the Interior - Department for Civil Liberties and Immigration - Department of Public Security - Prefects	It operates within the functions and duties of the Ministry in the protection of civil rights It operates within the functions and duties of the Ministry in the protection of public security	Definition of residence status (residence permit issuance and status/subsidiary or humanitarian protection renewal)
Ministry of Labour and Social Policies - Directorate General for Immigration and Integration Policies - Division II: Policies for the social and labour integration of migrants and protection of foreign minors	Coordinates activities regarding policies for the protection of foreign minors, supervises the modalities of residence of unaccompanied foreign minors present in the territory of the Italian State and foreign minors temporarily accepted	Census of the data on unaccompanied foreign minors present in Italy; cooperation and connection with the other administrations involved; impulse and conduct of family surveys; issue of the positive opinion pursuant to Article 32 of Legislative Decree 286/1998.
Ministry of Education, University, and Research	General governmental function of public education	Interventions to support the integration of immigrants; collection of data on immigrant students, study and analysis of the data of the immigrant student population registry

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CONI (Comitato Olimpico Nazionale Italiano/Italian National Olympic Committee)	Regulates, manages and promotes sports activities at the national level	Activation of projects for the integration of foreign minors through sport
Other NGOs and international organisations to support the activities promoted by the Ministry of the Interior		

Access to healthcare

Q16. a. When providing access to **healthcare** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to healthcare **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to healthcare as nationals of the (Member) State? **Yes**

Yes, there is full equivalence.

- Please describe what this access to healthcare **includes**, for example, emergency treatment, basic medical care, essential or specialised medical care, counselling, etc.?

All unaccompanied minors have the right to access preventive medicine (eg vaccinations) and are enrolled in the National Health Service. Therefore, on equal terms with Italian citizens, they have full right of access to all health services: prophylaxis, diagnosis and treatment of infectious diseases; outpatient and specialist care; urgent and ongoing care for both illness and accidents. Cures, hospitalisation, outpatient and specialist visits are free for all UAMs without economic resources.

- Does the (Member) State undertake any form of **individual assessment** to ensure that the medical care provided to unaccompanied minors corresponds to the minor's specific physical, as well as mental health needs? Y/ N

Current procedures provide for the fact that from the first moments of being on Italian territory, the minor is subjected to a general medical examination and to some health checks to determine their suitability for community life. After these initial health visits, minors are accommodated in suitable reception centres which can ensure adequate services and conditions.

- Please provide any **other important information** in relation to the healthcare available for unaccompanied minors *not covered above*.

All foreign minors (in the age group between 0 and 17 years of age) present in the territory are entitled to register in the SSN-SSR. (State Regions Agreement No. 255 CSR, 12 December 2012, page 6).

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to healthcare, including counselling up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, etc.?

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c. Is there any research available in your (Member) State on:

- The **quality of healthcare, including counselling**, provided to unaccompanied minors? **Yes**
- The **effects** of the access to healthcare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? **Y/ N**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

In general, from the research - still scarce and fragmented - on health and access to care for UAMs in Italy, health conditions are good and access to treatment is that which is sufficiently guaranteed by law (Law 47/17), by the work of the voluntary guardian (still too few), the availability of the reception centre operators and by the availability of health services. As regards the psychological discomfort and mental health of the UAMs, there is an increase in cases of very young people requiring psychiatric care and/or psychological support. Very often, the psychic (and psychiatric) discomfort would appear to be connected to abuse, violence and recruitment into sex trafficking and petty crime. There are secondary reception centres financed by the FAMI for UAMs who are especially vulnerable.

Access to education

Q17. a. When providing access to **education** to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to education **automatic** for unaccompanied minors who have obtained a status which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? Does this group of unaccompanied minors have the same right to education as nationals of the (Member) State? **Yes**

Once a guardian has been identified, the State guarantees the right to education; the host community or the foster family will be involved in the search for and registration at a school. In principle, the Italian school system is inclusive. According to the Italian Constitution (article 34), "schooling is open to all" and there are no separate programmes or educational institutions for children with special needs. The documents the school is required to request, when a migrant child submits an application for registration, must be the same as those requested by an Italian child, and the lack of identification documents, health records and/or school certificates should not preclude the child's registration. If he/she is not able to present any identity document, they should be registered on a reserve list, which will not however preclude any participation in lessons and obtaining the final certificate.

- Does the (Member) State undertake any form of **individual assessment** to ensure that the education provided to unaccompanied minors is adapted to the age, level of education in the country of origin, degree of language barrier of the unaccompanied minor, etc.? **Y/ N**

As already specified, there are no specific indications for unaccompanied minors. Article. 38 of Legislative Decree 286/1998 (Consolidation Act on Immigration) establishes that "Foreign minors present in the territory are subject to compulsory education; all the provisions in force regarding the right to education, access to educational services and participation in the life of the school community shall apply to them ". There are also the "Guidelines for the reception and integration of foreign students" (MIUR 2014), but the use of the same is at the discretion of the individual educational institution.

The educational obligation lasts 10 years and ranges from 6 to 16 years of age. It also covers the first two years of the upper secondary education cycle. During this period, foreign minors must be admitted to the class matching their age, unless the board of professors decides otherwise (Article 45 of the Consolidated Act of Implementation - DPR 394/1999). The aforementioned guidelines establish that, in these cases, the minor can be enrolled in the class immediately preceding or following, in order to limit as far as possible the age difference between the pupils of the same class. From 16 to 18 years old, all children have the right-duty to education and training, which is

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acquitted by obtaining a secondary school or professional qualification or through apprenticeship. Minors over 16 who have not completed the third-year examination can register with the Provincial Centres for Adult Education (CPIA) and prepare for this diploma. According to the law (DM MIUR 139/2007, article 3, paragraph 3), minors can be enrolled in CPIAs starting from 16 years of age, but some protocols and agreements at local level allow enrollment even for 15-year-olds, provided certain conditions are met. The recent law 47/2017, containing precautionary measures for unaccompanied foreign minors, reinforces some aspects of the legislation concerning education rights. In particular, it stipulates that "the final qualifications of the study courses at educational institutions of all levels are issued to the same minors [unaccompanied foreigners] with the identification data acquired at the time of enrollment, even when they have reached the majority age at the time of completion of the course of study".

- Are any **special measures** to support access to education specifically for unaccompanied minors available in the (Member) State, in particular language training*, guidance regarding the national education system, etc.? **Yes**

* Are there specialised institutions for the language training of unaccompanied minors? Does language training take place in public schools, in specialised language courses for unaccompanied minors or minors in general, or within adult language learning programmes for foreign citizens?

Yes, but still with the specification that the topic of education for asylum seekers and unaccompanied minors has not been specifically addressed in education policies. It was included in the framework of wider integration initiatives aimed at migrant children, thus including second-generation immigrants. For example, there is no specific monitoring process at national or local level regarding access to education for these minors, and there is no detailed information about the type of institution in which they are enrolled, the breakdown according to gender, age, etc. However, in the most recent period, national education authorities have begun to develop and promote ad hoc initiatives aimed at foreign asylum seekers, refugees and unaccompanied minors. In 2015 the MIUR published two announcements of €500,000 each (DD 829 and 830 of 24th July 2015), inviting schools to present projects aimed at: a) "teaching and strengthening Italian as a second language, with particular attention to students of recent immigration in secondary schools of first and second degree "; b) "actions of reception and linguistic and psychological support of unaccompanied minors with non-Italian citizenship". In November 2016, the Ministry made 1 million euros available for projects aimed at integrating unaccompanied minors and foreign immigrant students (DD 1144 of 9th November 2016). Four other projects, funded through the FAMI (Asylum, Migration and Integration Fund, managed by the Ministry of the Interior), are being implemented/programmed by MIUR to support the training of teachers and ATA staff, educational initiatives on inclusion (€13 million), activities to raise awareness of migration and human rights ("Europe begins in Lampedusa" project), and linguistic-cultural mediation (with the aim of training 1,500 mediators).

- Do unaccompanied minors receive **education in accommodation centres**, or as part of the **mainstream schooling system**? Or are there **other education arrangements** for unaccompanied minors in your (Member) State? **Y/ N**

In an integration dynamic, the education of unaccompanied minors is carried out by the national education and training system. However, there are difficulties in enforcing the effective schooling of minors when they are in the age group ranging from 14 to 15 years of age: they are in fact too old to return to the secondary schools of first instance, but still too young for the CPIA. According to Italian law, all children aged 14 can access upper secondary education as soon as they have acquired the required skills. In the absence of a recognised certificate of first-level secondary school, the class council can assess the child's skills and admit them after they pass an oral test and/or written tests. In some cases, however, especially in situations of "extraordinary reception" in which individualized paths are not guaranteed, these children are at risk of being in limbo, excluded from the education system.

- Please provide any other important information in relation to access to education for unaccompanied minors *not covered above*.

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Some critical issues linked to the inclusion of unaccompanied foreign minors in the education and training system are directly connected to the broader migration policies and the functioning of the Italian reception system. Below are the main open questions. - The transformation of reception facilities for unaccompanied foreign minors

Under Italian law, foreign minors have a specific protection regime, according to which they can not be held in the Repatriation Centers (CPR) and can not be accepted in the same adult reception facilities. Despite this, cases of foreign minors held in the CIE were reported because they were mistakenly identified as adults, and a considerable number of unaccompanied foreign minors detained in the "hotspots" requested by the European Commission as of May 2015. Their stay in these facilities can also last longer than that of adults (for weeks or months), due to the lack of places in structures for unaccompanied foreign minors, which does not allow their timely transfer. This long period of "transit" often prevents them from enjoying their fundamental rights, including access to education and training. In 2014, the Italian authorities introduced a new reception system for unaccompanied foreign minors, divided into two phases. With this system, all unaccompanied foreign minors, received in first reception facilities, whether or not they have applied for international protection, must be transferred within 60 days (30, according to the law approved in 2017) in the second reception community of the Protection System for Asylum Seekers and Refugees (SPRAR). Despite this, the lack of places in long-term facilities has forced many unaccompanied foreign minors to stay beyond the deadline, in inadequate government facilities for such extended stays, causing a negative impact on their integration process. In August 2016 the discipline was amended adding the art. 19 paragraph 3 bis that amended the 142/2015 allowing prefects to activate "temporary accommodation facilities" in the event of substantial and close arrivals of unaccompanied foreign minors.

- Administrative delays

Given the large number of unaccompanied foreign minors in some areas of Italy, the administrative procedures for issuing identity documents can be seriously delayed. These delays prevent unaccompanied foreign minors from being able to enjoy the right to education, in the absence of a legal guardian. The new rules adopted in 2017 should allow a significant step forward, as they provide for the possibility of making a request for residence permits or international protection even before the appointment of a legal guardian.

- Migrants "in transit" or "untraceable"

Many unaccompanied foreign minors arrived in Italy by sea, they decide to continue their journey to another European country.

According to the Dublin III Regulation, or, in some cases, through the European relocation scheme, unaccompanied minors seeking asylum can apply for family reunification or transfer to another EU country.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to education up to that stage, e.g. do unaccompanied minors have the possibility to continue compulsory education post-18, to progress to third-level education, vocation studies and training, etc.? What measures (if any) are in place to support the unaccompanied minor before, during and after such a transition, e.g. information provision, education pathway/ plan, personal adviser, etc.?

Most unaccompanied foreign minors are between 16 and 18 years of age. Some surveys conducted in the field seem to indicate that the majority of unaccompanied minors frequenting the CPIA and, in some cases, who just obtained the eighth grade examination, enrolled in short-term training courses of the Regional System of Vocational Education and Training. . In some contexts conventions are being established between CPIA and professional training, for the creation of parallel and contemporary paths (literacy, media license and professional training).

A problem arises for children who arrive in Italy only a few months before their eighteenth birthday: in a few months it is difficult to succeed in undertaking a path for obtaining the middle or professional license. With 15-year-olds and 16-year-olds it is possible to set up an educational and professional path with greater chances of success.

Among those who are eligible to enroll in a secondary school, the greatest obstacle is the termination of the "protection system" for unaccompanied foreign minors, at the age of majority, with a few exceptions. The fact that they must leave the reception facilities at the age of 18 is not compatible with the completion of a three- or five-year course. But this becomes impossible if the minor asks for an administrative extension of his/her status at the Juvenile Court in order to complete his/her education.

c. Is there any research available in your (Member) State on:

- The **quality of education** provided to unaccompanied minors? **Yes**

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- On the educational performance of unaccompanied minors? **No**
- The **effects** of the access to education on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? **No**

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

The few researches carried out on the topic (Grigt, 2017, Augelli, Lombi, 2016) that focus on the insertion of UAMs in literacy courses or for the achievement of the third CPIA average, or in professional training courses (Atlas Sprar, 2016; Giovannetti, 2016; Ongini, 2016) show that, although the Italian regulatory framework guarantees a high level of protection for this group and their inclusion in the training system, the right to education/training is not always guaranteed on the Italian territory. The main issues concern the effective implementation and use of the right to education for minors, the absence of systematic monitoring and control of the process of access to education, the lack of a coordinated approach at national level, the lack of attention to preparation of human and professional resources. Moreover, the educational projects aimed at UAMs clash with the projects of rapid socio-professional insertion of youngsters (Cnr-Irpps, 2017) and with the multiple and contradictory needs they express (assistance, protection, increase of knowledge and skills, autonomy, realisation of one's life project), which necessarily require integrated interventions (Triani, 2016), which are still difficult to put into practice.

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Triani P. (2016), Il senso e il processo dell'integrazione: la lezione dei UAMS, in "Studi e Documenti", settembre, n. 14, Ufficio Scolastico Regionale per l'Emilia Romagna.

Access to (support to) employment

Q18. a. When providing **access to employment**⁷ to unaccompanied minors in your (Member) State following status determination, how are the following aspects dealt with?

- Is access to employment **automatic** for unaccompanied minors upon obtaining a permit to stay which is **not** covered by the Qualification Directive (as it is for refugees and beneficiaries of international protection)? What does the access include, e.g. internships, traineeships, vocational preparation, etc.? Is this subject to rules generally applicable to the profession and to the public service? Is this conditional upon obtaining a work permit, etc.?

Yes

- Is the access to employment for unaccompanied minors **limited** in any way, for example, open only to unaccompanied minors of a certain minimum age after status determination, or restricted for a certain period and/ or limited to a maximum number of days per year? Are these limitations for unaccompanied minors same as those applied to minors who are nationals of the (Member) State?

⁷ Please note that this need not apply to unaccompanied minors who are still in full-time education.

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Yes. Access to work for unaccompanied minors is limited by applicable laws, with reference to the minimum age required for access to employment. The limitation is the same in force for all Italian minors.

- Are any **special measures** to support access to employment specifically for unaccompanied minors available in the (Member) State, in particular vocational guidance, jobseeker allowance for unaccompanied minors not able to find employment, etc.? Y/ N

- Please provide any other important information in relation to access to employment for unaccompanied minors *not covered* above.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to employment up to that stage? What measures (if any) are in place to support the unaccompanied minor before, during and after the transition, e.g. ongoing employment support as part of integration pathway/ plan, personal adviser, etc.?

c. Is there any research available in your (Member) State on:

- The **quality of employment access support** provided to unaccompanied minors? Y/ N
- The **effects** of the access to employment on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)? Y/ N

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Family reunification of unaccompanied minors

Q19. a. Please provide here any updated information on the **possibility for family reunification** for unaccompanied minors since the 2016 EMN Focussed Study on "Family Reunification of Third-Country Nationals in the EU plus Norway: National Practices," including any information on the effects of family reunification on the integration of unaccompanied minors in your (Member) State (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

At the moment, "evidence-based" information is not available.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to family reunification up to that stage, for example:

- Is there any cut-off of family reunification rights when unaccompanied minors reach 18 years of age?

Yes

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)?

No

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- Please provide any other important information in relation to family reunification for unaccompanied minors *not covered above*.

c. Is there any research available on the **effects** of family reunification on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)?

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities):

No

Social welfare supporting unaccompanied minors

Q20. a. Does your (Member) State provide any **social welfare/ assistance** to support unaccompanied minors? Y/ N

If yes, please provide information on this below, citing any evidence on the **effects** of social welfare/ assistance on the integration of the unaccompanied minors where available (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities).

Depending on the requirements, all social welfare/assistance measures envisaged for citizens can be adopted.

b. What are the implications (if any) of unaccompanied minors' **transition** from the age of minority to 18 years of age for their access to social welfare/ assistance up to that stage, for example:

- Is there any benefits cut-off when unaccompanied minors reach 18 years of age?

No

- Does your (Member) State have any measures in place to support the unaccompanied minor before, during and after such a transition (please specify these measures)?

Yes. At the request of the minor, a period of 36 months is envisaged, in which the minor continues to be supported and followed by the Social Services, to which he/she was entrusted before the age of 18.

- Please provide any other important information in relation to social welfare for unaccompanied minors *not covered above*.

c. Is there any research available on the **effects** of social welfare on the integration of unaccompanied minors, including those turning 18 years of age (as conducted by relevant authorities, academics, NGOs, etc.)?

If yes, please briefly describe the main findings and conclusions of such research and provide a full reference to the source (e.g. based on existing studies/ evaluations/ other sources or information received from competent authorities):

No

Further monitoring of unaccompanied minors' transition to adulthood

Q21. Further to any information on after-care already provided above, please describe any (other) **monitoring mechanisms/ reviews/ evaluations** ensuring the effective transition of unaccompanied minors to adulthood,

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including the types of measure(s) undertaken and the duration of the monitoring period after unaccompanied minors reach 18 years of age.

The persons responsible for monitoring the respect of the rights and interests of unaccompanied foreign minors, as well as monitoring their integration and autonomy path, are the guardians (appointed by the tutelary judge). Until the guardian is appointed, the tutelary powers are exercised by the manager of the reception facility. To overcome the critical situation due to a disproportion between the number of unaccompanied minors and that of guardians, Law No. 47/2017 provided for the establishment in each Juvenile Court of a list of voluntary guardians to which private citizens can be enrolled. The Regional Guarantors for Children and Adolescents select and form the members, who will be assigned functions such as: legal representation of the minor; the promotion of his/her psycho-physical wellbeing and the guarantee of respect for the rights of the child's person without discrimination; the verification of the progress of the education and integration of the child, as well as of the conditions of reception, safety and protection.

Consequences of a temporary residence permit on the integration of unaccompanied minors

Q22. What impact does the expiration of a **temporary residence permit** have on the above-mentioned integration measures for unaccompanied minors in your (Member) State, e.g. possibility for education-related extension of a temporary residence permit originally granted on grounds of international/ humanitarian protection, etc.?

The UAMs receive, regardless of the recognition of some form of international protection, a residence permit (or for minor age or for family reasons). Until the age of eighteen then their status as foreign residents and the rights/duties recognised to them remain unaffected, except for exceptional cases of expulsion for reasons of public order or national security (D.Lgs.No. 286/1998).

Challenges and good practices

Q23. Please indicate the main **challenges** associated with the integration of unaccompanied minors in your (Member) State experienced by both unaccompanied minors (including those turning 18 years of age), and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and how these challenges could be overcome. Please provide references.

Given the recent appearance of the phenomenon, scientifically reliable studies or evaluations on the integration of UAMs are not yet available.

Q24. Please describe any examples of **good practice** in your (Member) State concerning the integration of unaccompanied minors – including those turning 18 – identifying as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

Law No. 47/2017 explicitly provides for the applicability of the institute of the subsequent administrative procedure, a practice that was already widespread and used. It is an instrument that, extending the period of assignment to social services, in any case not beyond the completion of the twenty-one years, allows completing the integration process initiated by the minor subject even after the age of eighteen. Furthermore, the list of voluntary guardians has been set up in all the Juvenile Courts, a provision that allows for rebalancing the proportion between the number of tutors (adequately trained) and that of unaccompanied minors, so as to guarantee each child a greater attention and presence in the path of reception and integration.

Section 5: Return of unaccompanied minors [max. 10 pages]

This section of the **Synthesis Report** will report on the return arrangements for unaccompanied minors as stipulated in Directive 2008/115/EC (i.e. Art. 10, Art. 17) without duplicating information covered in the forthcoming EMN study on 'The effectiveness of return in EU Member States: challenges and good practices linked to EU rules and standards.'

Overview of the return procedure and its legal and organisational set-up in the (Member) State

Q25. a. Does your (Member) State foresee the **return** of unaccompanied minors? **Yes**

If so, please provide a brief overview of the provisions in place in your (Member) State with regard to the **return** of unaccompanied minors to the country of origin when the minor receives a negative decision on his/ her application for asylum/ another status:

- Possibility for an unaccompanied minor to return to the country of origin through a **voluntary return**?

If yes, please describe the procedures/ processes under which an unaccompanied minor may be returned voluntarily to the country of origin according to national legislation/ policy and practice, including any challenges.

No

- Possibility for an unaccompanied minor to return to the country of origin through an **assisted voluntary return**? **YES**

If yes, please describe the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State and the procedures/ processes under which an assisted voluntary return of an unaccompanied minor may be carried out, including any challenges.

Ministry of Labour 2016.

The assisted and voluntary repatriation measure for an unaccompanied minor is adopted by the competent Juvenile Court where reunification with his/her family in the country of origin or third country is regarded as being in the minor's best interest, after having heard the minor and his/her guardian, considered the results an investigation regarding his/her family in the country of origin or third country, and social services' report on the situation of the minor in Italy.

- Possibility for an unaccompanied minor to return to the country of origin through a **forced return**?

If yes, please describe the procedures/ processes under which an unaccompanied minor may be subject to a forced return to the country of origin according to national legislation/ policy and practice, including any challenges.

No

b. Please describe the procedure (if any) in place in your (Member) State to determine the **best interests of the child** once a negative decision has been reached. Is this set out in legislation or any other internal administrative regulations? *Please cross-reference/ summarise here any aspects of the BID procedure for unaccompanied minors subject to a return decision already covered under the EMN study on return (see above) and provide any additional information).*

The IOM offices present in the countries where minors are repatriated are responsible for monitoring both the reintegration of the minor into the family or community of origin and the correct execution of the supplementary path elaborated in Italy before the minor's departure.

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Q26. Which **national authorities and organisations** (including NGOs where relevant) are responsible for the return of unaccompanied minors? Please describe briefly the competent authorities involved in return, family tracing, etc., as well as any other stakeholders concerned, what their specific remits and roles are, any authorities specifically ensuring the principle of the 'best interests of the child' is taken into account in the return of the minor, etc.

Starting from the entry into force of law 47/2017, the Ministry of the Interior, having heard the Ministry of Justice and the Ministry of Foreign Affairs and International Cooperation, in order to guarantee the right to family unity, promptly launches any initiative for the identification of family members of the unaccompanied minor applying for international protection. The Ministry of the Interior stipulates agreements, based on the available resources of the National Fund for Asylum Policies and Services, with international organizations, intergovernmental organizations and humanitarian associations, for the implementation of programmes aimed at tracing the family members of unaccompanied minors. Research and programmes aimed at tracing family members are carried out in the best interests of minors and with the obligation of absolute confidentiality, in order to protect the safety of the applicant and family members. The current memorandum of understanding is being drafted.

Over the last years, there have been three different years of financing and a collaboration mechanism has been developed and consolidated, based on the recognition and assignment of specific tasks and roles, in particular between the IOM and the Support Service to the General Directorate of the Ministry of the Interior. Specifically, the tried-and-tested procedure provided for a series of methods for transferring information, through regular contacts - by e-mail and in person - which not only allow the tasks of each person to be carried out more quickly, but also to promptly identify the main operational difficulties and to jointly define the priorities and common interests to be pursued. The intervention limits of each organisation are clearly defined in the financing agreements concluded with the Directorate General for Immigration and Integration Policies. More specifically, as regards the implementation of family surveys, a statutory deadline of 28 natural days was expressly envisaged. This period begun with the official transmission of the family survey request. Moreover, these agreements also defined the type of actions that could be carried out and related costs both in Italy and in the countries of origin or residence of the families of minors. In particular, the costs could only cover expenses related to personnel directly involved in carrying out the activities, travels and communications related to carrying out the necessary activities to complete family surveys or carry out projects for social reintegration and reintegration of minors; when this was requested by the minor and judged by the competent authorities as the most appropriate lasting solution. Furthermore, the financing agreements clearly defined all the rules concerning the protection of shared information, which were in addition to the general principles defined by the IOM. This aspect is all the more relevant given the nature of the data collected and analyzed. The entire process developed by the IOM in response to the specific needs of these activities is reported in detail in the table below. As reported in the figure above, after receiving the request from the Directorate General for Immigration and Integration Policies, the IOM initiated the "family tracing" procedure through the verification of the correctness and completeness of the basic information provided. In the positive case, a subjective "card" was created for each minor, based on the data present in the reports prepared by the social services or by the other competent authorities and bodies. The "card" was prepared in one of the three working languages - French, English, Spanish - used by the IOM depending on the country in which the activities would take place. The information was encrypted to be transferred as securely as possible. If the family survey activities were not feasible for the IOM, but possible for another agency or organisation, the IOM would stipulate precise agreements for the activities to be conducted by other entities, following the same principles and tools of the IOM.

Name of national competent authority/organisation	Brief description (eg remit/role, etc.)	Main activities/responsibilities
The Directorate General for Immigration and Integration Policies at the Ministry of Labor and Social Policies	Main Actor	<ol style="list-style-type: none"> to monitor the entry and stay of unaccompanied foreign minors not seeking asylum in Italy; to cooperate actively with all other institutions active in the sector;

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		<p>3. manage the database containing information on the categories of minors indicated in point 1</p> <p>4. verify the status of unaccompanied minors not seeking asylum;</p> <p>5. promote the tracing and identification of parents and relatives of minors who are without parental or guardianship figures, including through agreements with international organisations;</p> <p>6. supporting family reunification through the measure of assisted return (voluntary);</p> <p>7. carrying out the census of unaccompanied foreign minors not seeking asylum, through the database, also through constant connection with the municipalities, which are in charge of receiving and protecting minors themselves.</p>
OIM	Winner of the public announcement	<ul style="list-style-type: none"> • performing family surveys • organising and managing activities related to the assisted voluntary return of the child • designing and supporting the reintegration of non-asylum seekers into the country of origin
Juvenile Court	Jurisdictional role	Decision on repatriation

Enforcement of return decisions and key arrangements pre/ during/ post departure

Q27. What is the estimated timeframe within which your (Member) State **implements** a return decision following a rejection of an unaccompanied minor's application for asylum/ another status? If there are delays (deviating from this timeframe), what are the usual reasons for such delays?

Not applicable to the Italian context. Children under 18 years of age are entitled to legally reside on the Italian territory and to receive a permit of stay for minor age, even if they do not apply for international protection.

Reference: Law 47/17 Art 3 and 10

Q28. Please describe the measures (if any) taken by your (Member) State to:

- encourage **voluntary return** when an enforceable return decision is issued to an unaccompanied minor:

Not applicable to the Italian context.

Only assisted voluntary return decisions are issued in favour of unaccompanied minors (see above and below sections), exception made as per art 31, 4 Law 286/98, modified as per Law 47/17, art 3 b).

Since inception of Law 47/17 the designated authority for assisted voluntary return decisions is the competent Juvenile Court (depending on where the child is residing along the Italian territory). Pre - conditions for the issuing of such decisions are respect of the right of the child to be heard, legal guardian's opinion on the decision, social

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services report on the child and family tracing's findings. The decision is issued only in case family reunification in country of origin or in a third country is believed to correspond to child's best interests.

Reference: law 47/17 Art 8

- **enforce** return decisions against unaccompanied minors; please clarify in particular how your (Member) State perceives the forced return of unaccompanied minors, as well as what is considered effective in this context:

Not applicable to the Italian context.

Law 47/17 art 3 reiterates that no child under 18 y.o can be refouled while entering the Italian territory; along the same line, a child cannot be returned forcibly (reference is made to Law 286/98 Art 19, 1 bis, with exception of cases described as per art 31,4 law 286/98, modified as per law 47/17 art 3 b)

- mitigate any negative impact (please specify) of a return decision on the **well-being of unaccompanied minors**:

Not Applicable (see above).

Q29. a. Please provide an overview of key arrangements for the **return of unaccompanied minors** to the country of origin, in particular information, support, services and preparation before departure, safeguards for unaccompanied minors during the operation, transfer of custodial care, etc.

Until before the entering into force of Law 47/17 (May 2017), assisted voluntary return of unaccompanied migrant children was carried out by IOM, following an Agreement signed with the Ministry of Labour and Social Policies.

The assisted voluntary return procedure, as implemented until above date, includes, as first step, the carrying out of family tracing and assessment. In case of positive feedback (both on family willingness to take care of the child and on the sustainability of child's reintegration in the context of origin), a face- to face counselling with the child is performed. IOM personnel, together with competent social worker, child's legal guardian and an intercultural mediator meet the child in order to confirm his/her willingness to return and plan the way ahead. As a follow up to the counselling with the child - and if deemed opportune also with child's family of origin - IOM drafts a tailored plan for child's reinsertion path in the context of origin, to be submitted for approval to the Ministry of Labour and Social policies. IOM Mission in the Country of Origin of the Child implements and monitors the individual reintegration plan.

Any arrangement regarding the escorting of the child until final destination is planned well ahead and "tracked" through a hand over notification document signed by all relevant stakeholders involved, starting from the moment the child leaves the reception structure in Italy until the child is given back to the cares of his parents/legal guardians in the country of origin.

A major change has been brought by Law 47/17, who has designated the Juvenile Court as the responsible authority for the issuing of assisted voluntary return decisions in favour of unaccompanied minors residing in Italy, in lieu of the DG for Immigration and Integration Policies of the Ministry of Labour and Social Policies.

Regulative Decrees are actually being discussed in order to list down the new voluntary assisted return procedure, as envisaged by Law 47/17.

b. Please describe the policy/ practice of your (Member) State with regard to **family tracing** in the country of origin, including when such measures are taken, which authority/ organisation is responsible, as well as the contribution and responsibility of the guardian.

Law 47/17, Art 6 reiterates the need for performing family tracing activities (formerly established by decree DPCM 535/99) stressing that such actions should be initiated within 5 days from the interception of the child on the Italian territory, following a first counselling with the child carried out by professional social workers and/or child

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experts. Reference is made to the need of carrying out family tracing only in case it is considered to be in child's best interests and if no risk is believed to be there for child and his/her family's safety.

It is the legal guardian (in case not appointed, the temporary legal guardian is also authorized) who is responsible to initiate the request for family tracing and to coordinate with the organization responsible for the carrying out of the activities. Law 142/2015 Art 19, 7 makes direct reference to the organizations who are entitled to carry out such activities, namely international organizations, intergovernmental and humanitarian organizations.

As for now, following the agreement with DG Immigration and Integration Policies, it is IOM carrying out family tracing activities in favour of Unaccompanied migrant children under the cares of Italian authorities. OIM

c. How does your (Member) State interpret the term **'adequate' reception facilities** in the country of origin, as one of the requirements for removing an unaccompanied minor from EU territory according to the Return Directive?⁸ Does your (Member) State return unaccompanied minors to care centres or parents, relatives, etc.?

Not applicable to the Italian context

d. Please indicate any **special/ transitional arrangements** for the return of unaccompanied minors approaching 18 years of age. Please do not cover here any aspects of the return of former unaccompanied minors, i.e. adults, as this is subject of a separate EMN study on return (see above).

No transitional arrangements.

e. Please provide information on the **follow up** of unaccompanied minors once they have returned, such as duration of such follow up, competent service, etc.

IOM Missions in the country of origin implements the reintegration plan, supporting the child and his/her family through the delivering of goods and services and carries out a 6 months monitoring of the individual reintegration plan (as a minimum standard period) starting from when the reintegration project is implemented. Regular monitoring reports (at least mid-term and final) are shared with the donor (Ministry of Labour and Social Policies at this stage, Ministry of Interior in the coming future as envisaged by Law 47/17) and through them to competent social services.

f. Please elaborate on any **existing cooperation arrangements** between your (Member) State and countries of origin when it comes to the return of unaccompanied minors, such as bilateral readmission agreements concerning unaccompanied minors.

No bilateral readmission agreements.

A special cooperation arrangement was put into place with Egyptian authorities for the carrying out of family tracing in Egypt, to be performed by local authorities, namely the National Council on Childhood and Motherhood (NCCM). Family tracing carried out by NCCM was seen as a pre-condition to any assisted voluntary return of an Egyptian child ex Italy.

Q30. a. Does your Member State provide any **reintegration assistance** to unaccompanied minors returning to their countries of origin (*please cross-reference/ summarise here to any aspects of the reintegration support for unaccompanied minors already covered under the EMN study on return (see above) and provide any additional information*):

⁸ Art. 10(2) of Directive 2008/115/EC stipulates that before removing an unaccompanied minor from the territory of a Member State, the authorities of that Member State shall be satisfied that s/he will be returned to a member of his or her family, a nominated guardian or adequate reception facilities in the State of return.

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- through **voluntary return**?

If yes, please describe the kind of supports available before, during and after the voluntary return of an unaccompanied minor.

No, so far only assisted voluntary return has been considered for reintegration assistance

- through **assisted voluntary return**? Y/ N

If yes, please describe the kind of supports available under the Assisted Voluntary Return and Reintegration (AVRR) programme available in your (Member) State before, during and after the assisted voluntary return of the unaccompanied minor.

Yes. Goods and services mechanism in place (see previous sections). Depending on willingness of the child and his/her family and building on child's skills, the type of individual reintegration plan varies from vocational training to the setting up of a micro- credit activity. In case of health needs, an additional support is granted, always basing on a delivery of goods and services mechanism.

- through **forced return**? Y/ N

If yes, please describe the kind of supports available before, during and after the forced return of an unaccompanied minor.

Not applicable.

b. Please describe the **monitoring mechanisms** (if any) in place in your (Member) State to ensure the effective reintegration of unaccompanied minors, including the types of measure undertaken and the duration of the monitoring period.

See previous sections

Alternatives to return

Q31. Does your (Member) State provide for any **alternative solutions to stay** for unaccompanied minors, such as regularisations, etc.? How do you **inform** unaccompanied minors of such possibilities to stay following a negative decision on their application for asylum/ another status?

Yes. Unaccompanied minors are granted a residence permit for minor age. The residence permit is issued to the minor and the communication of the release is sent to the guardian.

Dealing with unaccompanied minors who cannot be immediately returned

Q32. a. Please describe the procedure of dealing with **unaccompanied minors who are not/ cannot be returned immediately** in your (Member) State, specifying the circumstances whereby the enforcement of a return decision has been deferred/ postponed, for how long such a deferral/ postponement is possible, where unaccompanied minors are housed during the deferral/ postponement period, whether unaccompanied minors have the possibility to be granted a status/ right to stay in the (Member) State (e.g. tolerated status), etc.

National legislation does not provide for return to the country of origin, unless it is the child's independent decision. Their stay in Italy is therefore regulated by the provisions of law n. 47/2017.

b. What is the impact of a deferred return decision on the **well-being** of unaccompanied minors (as cited in existing evaluations/ studies/ other sources or information received from competent authorities, please provide references)? Does your (Member) State provide any state-guaranteed healthcare, including counselling, guardianship, etc. to the unaccompanied minor during this state of limbo?

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Regardless of why the unaccompanied minor is present on national territory, they all enjoy all rights of an Italian minor for the entire period of the stay.

c. Please provide any other information available in your (Member) State on the **well-being** of unaccompanied minors during the above-mentioned state of limbo, such as instances of unaccompanied minors transferred to another reception facility because of disciplinary reasons, unaccompanied minors involved in incidents, number of consultations with psychologists, school absenteeism or school drop-out rates, etc.

Challenges and good practices

Q33. Please indicate the main **challenges** associated with the implementation of the return of unaccompanied minors in your (Member) State experienced by both unaccompanied minors, including those turning 18, and/ or competent authorities (e.g. based on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc.) and the measures (that could be) taken to overcome these challenges. For example, do boys face different challenges than girls (and vice versa) when it comes to return and if so, how does your (Member) State deal with such challenges?

There are currently no scientifically reliable studies or evaluations on this aspect.

Q34. Please describe any examples of **good practice** in your (Member) State concerning the return of unaccompanied minors. *Please note that, in order to comply with children's rights and EU policy positions,⁹ good practices in return of unaccompanied minors should only include voluntary return following a robust, individual BID procedure with all procedural safeguards, as well as holistic support, preparation and reintegration assistance.*

Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

An indispensable condition for the child's assisted repatriation is the verification that their choice is voluntary and conscious. Furthermore, the family and socio-economic conditions in the country of origin are verified to ensure the minor's repatriation is consistent with their best interests and will not cause him/her any harm. For this reason, social workers and staff of the OIM office in Rome are responsible for analysing the information obtained through family surveys and COI research (Country of Origin Information) to assess the feasibility of repatriation.

Section 6: Disappearances of unaccompanied minors from guardianship/ care facilities and/ or following a return decision [max. 5 pages]

Q35. Is the **disappearance of unaccompanied minors** an issue in your (Member) State? If so, can this be linked to i) the decision on their application for asylum/ another status in terms of the point in time, i.e. before/ after a decision on status is issued, and ii) in terms of the outcome of the procedure, i.e. positive/ negative decision?

⁹ For example, the Commission Recommendation on making returns more effective when implementing the Directive 2008/115/EC, C(2017) 1600 final, see above.

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Yes, the disappearance of unaccompanied foreign minors is a critical and priority issue. This is a phenomenon connected to factors specifically related to the migratory project of the single unaccompanied minor.

Q36. If your (Member) State has recorded cases of **unaccompanied minors disappearing from accommodation facilities and/ or guardianship care** following a decision on status, what are the possible **reasons** for such disappearances (e.g. running away from guardianship/ care facilities, expiration of a temporary residence permit, etc. as cited in existing evaluations/ studies/ other sources or information received from competent authorities, *please provide references*)?

Also, what are the **consequences** of their disappearance on their permit to stay? For example, can their status and/ or residence permit be withdrawn?

The removal from institutional reception pathways is mainly due to the concept of Italy merely as a transit country. Unaccompanied minors leaving the community or family to whom they have been entrusted do so to reach their relatives in other EU Member States, without having to wait for the long deadlines imposed by the procedures set out in EU Regulation No. 604/2013; preferring - in this way - to undertake irregular routes. A second reason is the realisation of an immediate economic gain, often to send money to the family of origin. In this case, the minor often arrives in Italy with precise information on fellow countrymen or natives who can offer him/her a paid activity. Furthermore, some unaccompanied minors disappear because they are recruited by criminal organisations who initiate them into criminal activities or make them victims of exploitation (work or sexual). The manager of the community is obliged to report the minor's disappearance to Public Security authorities. Once the report is filed, it is communicated to all competent bodies: Public Prosecutor's office, Ministry of Labour and Social Policies, etc. The disappearance has no consequences on the residence permit.

Q37. Does your (Member) State have any procedures/ measures in place to:

- **Prevent and react** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. support services, national hotlines for missing children, missing persons alerts in the Schengen Information System, Missing Children Europe and its member organisations, fingerprinting/ photographing unaccompanied minors as an aid for tracing, etc.? Y/ N

Yes. The person in charge of the structure is obliged to report the disappearance of minors. The 116 000 national hotline is active, which is part of the international network to which the various national hotlines refer, called Missing Children Europe-MCE.

- **Report and respond** to disappearances of unaccompanied minors from guardianship/ care facilities, e.g. protocols among authorities, standardised procedure for dealing with disappearances, etc.? Y/ N

Yes. The persons and/or institutions entrusted with minors, in case of disappearance, are obliged to notify the police authorities in charge of the search.

Q38. If your (Member) State has cases of **unaccompanied minors disappearing following a return decision**, please describe the actions (if different from the above) taken by your (Member) State to decrease the **risk of such disappearances**, as well as any **follow-up measures** in case of disappearances.

Q39. Please indicate the main **challenges** associated with the disappearance of unaccompanied minors in your (Member) State for the competent authorities, as well as the minors themselves and the measures (that could be) taken to overcome these challenges. For example, do you have evidence of instances of disappearances of

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unaccompanied minors linked to any negative consequences for the minors (e.g. exploitation, radicalisation, etc.)? Please base this information on existing studies/ evaluations, information received from competent authorities, NGOs/ IGOs, case law, etc. and provide references.

To date, scientifically reliable studies or evaluations are not available

Q40. Please describe any examples of **good practice** in your (Member) State concerning the issue of disappearances of unaccompanied minors. Please identify as far as possible who considers the practice in question as successful, since when the practice has been in place, its relevance and whether its effectiveness has been proven, e.g. through an (independent) evaluation. Please reference any sources of information supporting the identification of the practice in question as a 'good practice' (e.g. evaluation reports, academic studies, information received from competent authorities, NGOs/ IGOs, etc.).

The Prefecture of Rome with the Ministry of the Interior and the Office of the Extraordinary Commissioner of the Government for Missing Persons has created a protocol with Roma Capitale, the Public Prosecutor's Office at the Court for Minors of Rome, the Ordinary Court of Rome, the University of Rome "Sapienza" and the ANCI aimed at the establishment of an operational control room at the Prefecture of Rome with representatives of the various components for: the creation of monitoring systems, in-depth study of the phenomenon aimed at the exchange of information and shared actions to strengthen the protection of minors; the impulse to the NGOs present in the territory to favour the commitment of the taking charge of and the continuous support for minors in conditions of particular vulnerability; the promotion, at the local level, of an institutional sensitivity and at the national level of public information on the phenomenon.

Section 7: Conclusions [max. 7 pages]

*This last section of the **Synthesis Report** will outline the main findings of the Study and present conclusions relevant for policy-makers at EU and national level. (Member) States should include any overall conclusions from their National Contribution in the top-line factsheet above rather than duplicate information in this section.*

Italy has a discipline that protects unaccompanied foreign minors, first of all by recognising the same rights enjoyed by Italian minors. This recognition is independent of whether or not the foreign minor has requested international protection and the outcome of any such request: in any case, they are entitled to a residence permit and generally enjoy full equality with Italian minors. Repatriation is provided only where, through family surveys, it is found reuniting the child with their family is in their best interest; these are however very rare hypotheses.

Also as regards reception measures, Italian law does not distinguish according to whether or not the minor is an asylum seeker or a beneficiary of international protection: the same rules apply to the protection as well as to hospitality in reception facilities.

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Equalisation of rights between Italian and foreign minors with regards to protection and reception measures is considered the most correct way to fulfill protection obligations provided by international conventions and, together, promoting the integration of unaccompanied foreign minors

Annex 1 National statistics (in Excel)

Q41. With reference to **Q5.b.** above, please complete the following table with national statistics on the (estimated) number of unaccompanied minors in your (Member) State, if available.

Please provide here a brief explanation of the metadata, describing for example the population covered, the method used to reach the estimates, any caveats as to their likely accuracy, etc. It should be noted, given the differences in methods used to make the estimates, that it will not be possible to synthesise this information to produce a 'total EU estimate' for the Study.

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Please provide your answer by completing the Excel document provided below. NB that statistics provided in another format (e.g. Word) would not be processed centrally.

Please do not here include the Eurostat data mentioned above, as this information is available publically and can therefore be analysed centrally for the Synthesis Report.



To the extent possible, the statistics provided here will be presented under the main sections of the Synthesis Report (rather than as an annex as they are requested in this Common Template).